



# Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021

2021 dsc 1

# Local Government and Elections (Wales) Act 2021

2021 asc 1



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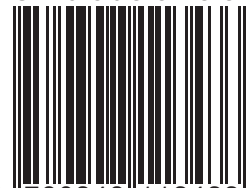
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Explanatory Notes have been produced to assist in the understanding of this Act and  
are available separately.

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# Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021

Deddf Senedd Cymru i wneud darpariaeth ynglŷn â llywodraeth leol; cyllid llywodraeth leol; etholiadau llywodraeth leol; cofrestru etholiadol a gweinyddu etholiadol; ac at ddibenion cysylltiedig. [20 Ionawr 2021]

**Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## RHAN 1

### ETHOLIADAU

#### *Trosolwg o'r Rhan*

#### **1 Trosolwg**

Mae'r Rhan hon –

- (a) yn darparu ar gyfer estyn yr hawl i bleidleisio mewn etholiadau llywodraeth leol i gategoriâu newydd o bersonau (adrannau 2 i 4);
- (b) yn darparu ar gyfer dwy system ar gyfer ethol cynghorwyr i brif gynghorau (y system mwyafrif syml a'r system pleidlais sengl drosglwyddadwy) ac yn gwneud darpariaeth ynglŷn â pha system sy'n gymwys i unrhyw gyngor penodol (gan gynnwys pŵer i unrhyw gynghorau benderfynu pa un sy'n gymwys) a'r pwerau i wneud rheolau ar gyfer yr etholiadau hynny (adrannau 5 i 13);
- (c) yn darparu ar gyfer newid y cylch etholiadol ar gyfer etholiadau llywodraeth leol o bedair blynedd i bum mlynedd (adrannau 14 i 16) ac estyn y pŵer i newid diwrnod arferol etholiadau lleol yng Nghymru (adran 17);
- (d) yn darparu ar gyfer cofrestru etholwyr llywodraeth leol heb gais (adran 18);



# Local Government and Elections (Wales) Act 2021

An Act of Senedd Cymru to make provision about local government; local government finance; local government elections; electoral registration and electoral administration; and for connected purposes. [20 January 2021]

**Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:**

## PART 1

### ELECTIONS

#### *Overview of Part*

#### **1 Overview**

This Part—

- (a) provides for the extension of the right to vote in local government elections to new categories of person (sections 2 to 4);
- (b) provides for two systems for the election of councillors for principal councils (the simple majority system and the single transferable vote system) and makes provision about which system applies to any particular council (including a power for any councils to decide which applies) and the powers to make rules for such elections (sections 5 to 13);
- (c) provides for change to the electoral cycle for local government elections from four years to five years (sections 14 to 16) and extension of the power to change the ordinary day of local elections in Wales (section 17);
- (d) provides for registration of local government electors without application (section 18);

- (e) yn gwneud darpariaeth ynglŷn â chymhwysiad person i gael ei ethol a dal swydd fel aelod o awdurdod lleol (adran 19);
- (f) yn gwneud darpariaeth ynglŷn ag anghymhwysiad person rhag cael ei ethol neu ddal swydd fel aelod o awdurdod lleol (adrannau 20 a 21);
- (g) yn gwneud darpariaeth ynglŷn ag arddangos dogfennau mewn etholiadau lleol (adran 22);
- (h) yn gwneud darpariaeth ynglŷn â thalu am wariant swyddogion canlyniadau (paragraff 2(5) o Atodlen 2).

*Yr hawl i bleidleisio mewn etholiadau llywodraeth leol*

## 2 Estyn yr hawl i bleidleisio mewn etholiadau llywodraeth leol

- (1) Yn adran 2 o Ddeddf 1983 (etholwyr llywodraeth leol) –
  - (a) yn is-adran (1) –
    - (i) ym mharagraff (c), yn lle “or a relevant citizen of the Union” rhodder “, a relevant citizen of the Union or (in Wales) a qualifying foreign citizen”;
    - (ii) ym mharagraff (d), ar ôl “over” mewnosoder “except in Wales (see subsection (1A))”;
  - (b) ar ôl is-adran (1) mewnosoder –
 

“(1A) In Wales, voting age is 16 years or over.”
- (2) Yn adran 12 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (hawlogaeth i bleidleisio) –
  - (a) yn is-adran (1)(a), hepgorer “or fall within the extended franchise for Senedd elections as described in this section”;
  - (b) hepgorer is-adran (1A);
  - (c) hepgorer is-adran (1B).
- (3) Yn adran 4 o Ddeddf 1983 (hawlogaeth i fod yn gofrestredig fel etholwr llywodraeth leol) –
  - (a) yn is-adran (3) –
    - (i) ym mharagraff (c), yn lle “or a relevant citizen of the Union” rhodder “, a relevant citizen of the Union or (in relation to a local government election in Wales) a qualifying foreign citizen”;
    - (ii) ym mharagraff (d), hepgorer “ or, if resident in an area in Wales, is 16 years of age or over”;
  - (b) hepgorer is-adran (3A);
  - (c) hepgorer is-adran (5B).

## 3 Darpariaeth drosiannol

- (1) Er gwaethaf y ffaith bod y diwygiadau a wneir gan y darpariaethau a grybwyllir yn is-adran (2) yn dod i rym yn rhinwedd adran 175(3), nid ydynt ond yn cael effaith mewn perthynas ag etholiad llywodraeth leol neu refferendwm lleol at ddibenion –
  - (a) etholiad llywodraeth leol pan gynhelir y bleidlais ar 5 Mai 2022 neu ar ôl hynny;

- (e) makes provision about qualification for election and holding office as a member of a local authority (section 19);
- (f) makes provision about disqualification for election or from holding office as a member of a local authority (sections 20 and 21);
- (g) makes provision about the display of documents at local elections (section 22);
- (h) makes provision about meeting returning officers' expenditure (paragraph 2(5) of Schedule 2).

*Right to vote in local government elections*

**2 Extension of right to vote in local government elections**

- (1) In section 2 of the 1983 Act (local government electors) –
  - (a) in subsection (1) –
    - (i) in paragraph (c), for “or a relevant citizen of the Union” substitute “, a relevant citizen of the Union or (in Wales) a qualifying foreign citizen”;
    - (ii) in paragraph (d), after “over” insert “except in Wales (see subsection (1A))”;
  - (b) after subsection (1) insert –

“(1A) In Wales, voting age is 16 years or over.”
- (2) In section 12 of the Government of Wales Act 2006 (c. 32) (entitlement to vote) –
  - (a) in subsection (1)(a), omit “or fall within the extended franchise for Senedd elections as described in this section”;
  - (b) omit subsection (1A);
  - (c) omit subsection (1B).
- (3) In section 4 of the 1983 Act (entitlement to be registered as a local government elector) –
  - (a) in subsection (3) –
    - (i) in paragraph (c), for “or a relevant citizen of the Union” substitute “, a relevant citizen of the Union or (in relation to a local government election in Wales) a qualifying foreign citizen”;
    - (ii) in paragraph (d), omit “ or, if resident in an area in Wales, is 16 years of age or over”;
  - (b) omit subsection (3A);
  - (c) omit subsection (5B).

**3 Transitional provision**

- (1) Despite the coming into force of the amendments made by the provisions mentioned in subsection (2) by virtue of section 175(3), they only have effect in relation to a local government election or a local referendum for the purposes of –
  - (a) a local government election at which the poll is held on or after 5 May 2022;

- (b) refferendwm lleol a gynhelir ar 5 Mai 2022 neu ar ôl hynny.
- (2) Y darpariaethau yw –
  - (a) adran 2(1) a (3);
  - (b) adran 22;
  - (c) paragraffau 2(12), 8(3)(b), 15 ac 19 o Atodlen 2.
- (3) Yn is-adran (1), ystyr “refferendwm lleol” yw refferendwm a gynhelir o dan –
  - (a) adran 27 o Ddeddf 2000 neu yn rhinwedd rheoliadau neu orchymyn a wneir o dan Ran 2 o’r Ddeddf honno;
  - (b) adran 40 o Fesur 2011.

#### **4 Dyletswydd i hybu ymwybyddiaeth a darparu cymorth**

- (1) Rhaid i brif gyngor –
  - (a) hybu ymwybyddiaeth ymysg pobl ifanc berthnasol o’r trefniadau ar gyfer cofrestru fel etholwyr llywodraeth leol sy’n gymwys iddynt;
  - (b) cymryd y camau y mae’r cyngor yn ystyried eu bod yn angenrheidiol er mwyn helpu pobl ifanc berthnasol i gofrestru fel etholwyr llywodraeth leol.
- (2) Yn yr adran hon ystyr “pobl ifanc berthnasol” yw –
  - (a) personau sy’n preswyllo yn ardal y prif gyngor sydd wedi cyrraedd 14 oed, ond sydd o dan 18 oed;
  - (b) personau o’r un oed –
    - (i) nad ydynt yn preswyllo yn ardal y prif gyngor, a
    - (ii) sy’n derbyn gofal gan y cyngor;
  - (c) personau o’r un oed –
    - (i) nad ydynt yn preswyllo yn ardal y prif gyngor, a
    - (ii) sy’n bersonau y mae gan y cyngor ddyletswydd i ddiogelu a hyrwyddo eu llesiant o dan adran 109 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).
- (3) Yn yr adran hon, mae person yn derbyn gofal os yw’r person yn blentyn sy’n derbyn gofal at ddibenion Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

*Systemau pleidleisio ar gyfer etholiadau i brif gynghorau*

#### **5 Dwy system bleidleisio**

- (1) Mae dwy system ar gyfer ethol cynghorwyr i brif gyngor pan gynhelir pleidleisiau mewn etholiadau a ymleddir –
  - (a) system mwyafrif syml, a
  - (b) system pleidlais sengl drosglwyddadwy.
- (2) Gweler y rheolau etholiadau lleol am ddarpariaeth ynglŷn â sut y mae’r naill system a’r llall yn gweithio.



(b) a local referendum held on or after 5 May 2022.

(2) The provisions are –

(a) section 2(1) and (3);

(b) section 22;

(c) paragraphs 2(12), 8(3)(b), 15 and 19 of Schedule 2.

(3) In subsection (1), “local referendum” means a referendum held under –

(a) section 27 of the 2000 Act or by virtue of regulations or an order made under Part 2 of that Act;

(b) section 40 of the 2011 Measure.

#### **4 Duty to promote awareness and provide assistance**

(1) A principal council must –

(a) promote awareness among relevant young people of the arrangements for registration as local government electors that apply to them;

(b) take the steps the council considers necessary to help relevant young people register as local government electors.

(2) In this section “relevant young people” means –

(a) persons resident in the principal council’s area who have attained the age of 14, but are under the age of 18;

(b) persons of the same age who –

(i) are not resident in the area of the principal council, and

(ii) are looked after by the council;

(c) persons of the same age who –

(i) are not resident in the area of the principal council, and

(ii) are persons to whom the council has a duty to safeguard and promote their well-being under section 109 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(3) In this section, a person is looked after if the person is a looked after child for the purposes of the Social Services and Well-being (Wales) Act 2014.

#### *Voting systems for elections to principal councils*

#### **5 Two voting systems**

(1) There are two systems for electing councillors of a principal council in polls at contested elections –

(a) a simple majority system, and

(b) a single transferable vote system.

(2) See local elections rules for provision about how each system works.

- (3) Gweler adrannau 7 i 9 am ddarpariaeth ynglŷn â pha system sy'n gymwys i gyngor a sut y caiff y system sy'n gymwys i gyngor ei newid.
- (4) Yn y Rhan hon, ystyr "rheolau etholiadau lleol" yw –
  - (a) rheolau a wneir o dan adran 36A o Ddeddf 1983 (a fewnosodir gan adran 13(3));
  - (b) rheolau a wneir o dan adran 36 o Ddeddf 1983 sy'n cael effaith yn rhinwedd adran 13(4).

## 6 Diffiniadau allweddol

- (1) Ystyr "system mwyafrif syml" yw system etholiadol pan fo –
  - (a) pob pleidleisiwr yn cael bwrw pa faint bynnag o bleidleisiau ag sydd o swyddi i'w llenwi;
  - (b) yn achos etholiad ar gyfer un swydd, yr ymgeisydd sy'n cael y nifer uchaf o bleidleisiau yn cael ei ethol;
  - (c) yn achos etholiad i lenwi mwy nag un swydd, yr ymgeiswyr sy'n gyfartal â nifer y swyddi sydd i'w llenwi sy'n cael y nifer uchaf o bleidleisiau yn cael eu hethol.
- (2) Ystyr "system pleidlais sengl drosglwyddadwy" yw system etholiadol pan fo –
  - (a) yn achos etholiad i lenwi mwy nag un swydd –
    - (i) pleidleiswyr yn mynegi dewis cyntaf o ran un ymgeisydd a chaniateir iddynt fynegi ail ddewis a dewisiadau pellach o ran ymgeiswyr eraill;
    - (ii) cwota ar gyfer ethol yn cael ei gyfrifo ar sail nifer y pleidleisiau a'r swyddi sydd i'w llenwi;
    - (iii) y dewisiadau cyntaf yn cael eu cyfrif ac unrhyw ymgeisydd y mae'r pleidleisiau dewisiadau cyntaf ar ei gyfer yn cyfateb i'r cwota neu uwchlaw'r cwota yn cael ei ethol;
    - (iv) os yw nifer yr ymgeiswyr a etholir o dan is-baragraff (iii) yn annigonol, y gyfran o bleidleisiau ymgeisydd a etholwyd sydd uwchlaw'r cwota yn cael ei hailddosbarthu yn ôl dewisiadau pellach y pleidleiswyr;
    - (v) yr ymgeiswyr sy'n cyrraedd y cwota bryd hynny yn cael eu hethol a'r ymgeisydd sydd â'r nifer lleiaf o bleidleisiau yn cael ei eithrio;
    - (vi) pleidleisiau'r ymgeisydd a gafodd ei eithrio yn cael eu hailddosbarthu yn ôl dewisiadau pellach y pleidleiswyr;
    - (vii) os yw nifer yr ymgeiswyr a etholir o dan is-baragraffau (iv) i (vi) yn annigonol, y camau a ddisgrifir yn yr is-baragraffau hynny yn cael eu haildrodd hyd nes y bo'r holl swyddi wedi eu llenwi;
  - (b) yn achos etholiad i un swydd –
    - (i) pleidleiswyr yn mynegi dewis cyntaf o ran un ymgeisydd a chaniateir iddynt fynegi ail ddewis a dewisiadau pellach o ran ymgeiswyr eraill;
    - (ii) mwyafrif absoliwt o bleidleisiau er mwyn ethol ymgeisydd yn cael ei gyfrifo ar sail nifer y pleidleisiau;

- (3) See sections 7 to 9 for provision about which system applies to a council and how the system that applies to a council is changed.
- (4) In this Part, “local elections rules” means –
  - (a) rules made under section 36A of the 1983 Act (inserted by section 13(3));
  - (b) rules made under section 36 of the 1983 Act that have effect by virtue of section 13(4).

## **6 Key definitions**

- (1) A “simple majority system” means an electoral system where –
  - (a) each voter may cast as many votes as there are offices to be filled;
  - (b) in the case of an election for a single office, the candidate who receives the highest number of votes is elected;
  - (c) in the case of an election to fill more than one office, the candidates equal to the number of offices to be filled who receive the highest number of votes are elected.
- (2) A “single transferable vote system” means an electoral system where –
  - (a) in the case of an election to fill more than one office –
    - (i) voters express a first preference for one candidate and may express second and further preferences for other candidates;
    - (ii) a quota for election is calculated from the number of votes and offices to be filled;
    - (iii) the first preferences are counted and any candidate whose first preference votes equal or exceed the quota is elected;
    - (iv) if insufficient candidates are elected under sub-paragraph (iii), the proportion of an elected candidate’s votes above the quota is redistributed according to voters’ further preferences;
    - (v) candidates who then reach the quota are elected and the candidate with the fewest votes is excluded;
    - (vi) the excluded candidate’s votes are redistributed according to voters’ further preferences;
    - (vii) if insufficient candidates are elected under sub-paragraphs (iv) to (vi), the steps described in those sub-paragraphs are repeated until all offices are filled;
  - (b) in the case of an election for a single office –
    - (i) voters express a first preference for one candidate and may express second and further preferences for other candidates;
    - (ii) an absolute majority of votes for election is calculated from the number of votes;

- (iii) y dewisiadau cyntaf yn cael eu cyfrif ac, os yw'r pleidleisiau dewisiadau cyntaf ar gyfer ymgeisydd yn cyfateb i'r mwyafrif absoliwt o'r pleidleisiau neu uwchlaw'r mwyafrif absoliwt hwnnw, yr ymgeisydd hwnnw yn cael ei ethol;
  - (iv) os na chaiff unrhyw ymgeisydd ei ethol o dan is-baragraff (iii), yr ymgeisydd sydd â'r nifer lleiaf o bleidleisiau yn cael ei ethrio, pleidleisiau'r ymgeisydd a gafodd ei ethrio yn cael eu hailddosbarthu yn ôl dewisiadau pellach y pleidleiswyr ac ymgeisydd sy'n cyrraedd y mwyafrif absoliwt bryd hynny yn cael ei ethol;
  - (v) os na chaiff unrhyw ymgeisydd ei ethol o dan is-baragraff (iv), y camau a ddisgrifir yn is-baragraff (iv) yn cael eu hailadrodd hyd nes y bo ymgeisydd yn cael ei ethol.
- (3) Caiff y systemau a ddisgrifir yn is-adrannau (1) a (2) gynnwys darpariaeth arall ar gyfer sefyllfaoedd –
- (a) pan na fo dilyn y camau a ddisgrifir yn arwain at ethol ymgeisydd, neu
  - (b) pan na fyddai'n briodol dilyn y camau a ddisgrifir.
- (4) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

## 7 Y system bleidleisio sy'n gymwys

- (1) Mae'r adran hon yn darparu ar gyfer y system bleidleisio sy'n gymwys wrth ethol cynghorwyr i brif gyngor pan gynhelir pleidlais mewn etholiad a ymleddir.
- (2) Mae'r system mwyafrif syml y darperir ar ei chyfer gan reolau etholiadau lleol yn gymwys, oni bai a hyd nes y bo'r cyngor yn newid y system bleidleisio am y tro cyntaf.
- (3) Ond yn achos prif gyngor a gyfansoddir gan reoliadau o dan Ran 7 (uno ac ailstrwythuro), mae'r system bleidleisio y darperir ar ei chyfer yn y rheoliadau yn gymwys, oni bai a hyd nes y bo'r cyngor yn newid y system bleidleisio am y tro cyntaf ar ôl yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r cyngor.
- (4) Ar ôl i brif gyngor newid y system bleidleisio am y tro cyntaf (gan gynnwys y tro cyntaf ar ôl i brif gyngor gael ei sefydlu), mae'r system y mae'r cyngor wedi penderfynu newid iddi yn fwyaf diweddar yn gymwys (yn ddarostyngedig i is-adran (6)).
- (5) Os yw prif gyngor yn newid ei system bleidleisio, mae'r newid yn cael effaith yn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr sy'n digwydd ar ôl i'r cyngor basio'r penderfyniad sy'n ofynnol gan adran 9 ac yn parhau i gael effaith oni bai a hyd nes y bo'r system yn cael ei newid eto.
- (6) Ond mewn pleidlais mewn etholiad i lenwi swydd cynghorydd sy'n digwydd dod yn wag a gynhelir cyn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr ar ôl i'r prif gyngor basio'r penderfyniad sy'n ofynnol gan adran 9, mae'r system bleidleisio a oedd yn gymwys yn yr etholiad cyffredin diwethaf yn gymwys.

## 8 Pŵer i newid y system bleidleisio

- (1) Caiff prif gyngor newid y system bleidleisio sy'n gymwys i ethol cynghorwyr i'r cyngor, yn ddarostyngedig i ofynion yr adran hon ac adran 9.

- (iii) the first preferences are counted and, if a candidate's first preference votes equal or exceed the absolute majority of votes, that candidate is elected;
  - (iv) if no candidate is elected under sub-paragraph (iii), the candidate with the fewest votes is excluded, the excluded candidate's votes are redistributed according to voters' further preferences and a candidate who then reaches the absolute majority is elected;
  - (v) if no candidate is elected under sub-paragraph (iv), the steps described in sub-paragraph (iv) are repeated until a candidate is elected.
- (3) The systems described in subsections (1) and (2) may include other provision for situations where—
- (a) following the steps described does not lead to a candidate being elected, or
  - (b) it would not be appropriate to follow the steps described.
- (4) This section applies for the purposes of this Part.

## **7 The voting system that applies**

- (1) This section provides for the voting system that applies to electing councillors of a principal council in a poll at a contested election.
- (2) The simple majority system provided for by local elections rules applies, unless and until the council changes the voting system for the first time.
- (3) But in the case of a principal council constituted by regulations under Part 7 (mergers and restructuring), the voting system provided for in the regulations applies, unless and until the council changes the voting system for the first time after the first ordinary election of councillors to the council.
- (4) After a principal council has changed the voting system for the first time (including the first time after a principal council is established), the system to which the council has most recently decided to change applies (subject to subsection (6)).
- (5) If a principal council changes its voting system, the change takes effect at the first ordinary election of councillors that takes place after the council passes the resolution required by section 9 and continues in effect unless and until the system is changed again.
- (6) But in a poll for an election to fill a casual vacancy in the office of councillor that takes place before the first ordinary election of councillors after the principal council passes the resolution required by section 9, the voting system that applied at the last ordinary election applies.

## **8 Power to change the voting system**

- (1) A principal council may change the voting system that applies to the election of councillors of the council, subject to the requirements of this section and section 9.

- (2) Os y system mwyafrif syml y darperir ar ei chyfer gan reolau etholiadau lleol yw'r system bleidleisio sy'n gymwys i gyngor am y tro, caiff y cyngor ei newid i'r system pleidlais sengl drosglwyddadwy y darperir ar ei chyfer gan y rheolau hynny.
- (3) Os y system pleidlais sengl drosglwyddadwy y darperir ar ei chyfer gan reolau etholiadau lleol yw'r system bleidleisio sy'n gymwys i gyngor am y tro, caiff y cyngor ei newid i'r system mwyafrif syml y darperir ar ei chyfer gan y rheolau hynny.
- (4) Nid yw'r pŵer i newid y system bleidleisio o dan yr adran hon—
  - (a) i fod yn gyfrifoldeb i weithrediaeth y cyngor o dan drefniadau gweithrediaeth (o fewn ystyr adran 10 o Ddeddf 2000);
  - (b) yn swyddogaeth y mae adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys iddi.
- (5) Cyn i brif gyngor arfer ei bŵer i newid ei system bleidleisio rhaid iddo ymgynghori ag—
  - (a) y personau sydd â hawl i bleidleisio fel etholwyr mewn etholiad llywodraeth leol yn ei ardal;
  - (b) pob cyngor cymuned yn ei ardal;
  - (c) unrhyw bersonau eraill y mae'n ystyried ei bod yn briodol ymgynghori â hwy.

## 9 Penderfyniadau i arfer y pŵer i newid y system bleidleisio

- (1) Rhaid i bŵer prif gyngor o dan adran 8(1) gael ei arfer drwy benderfyniad y cyngor yn unol â'r adran hon.
- (2) Nid yw penderfyniad i arfer y pŵer wedi ei basio oni fo nifer y cynghorwyr sy'n pleidleisio o'i blaid mewn cyfarfod o'r cyngor yn ddau draean o leiaf o gyfanswm y seddau cynghorwyr ar y cyngor.
- (3) Nid yw penderfyniad i arfer y pŵer yn cael unrhyw effaith oni fo—
  - (a) y penderfyniad yn cael ei ystyried mewn cyfarfod a gynullwyd yn arbennig at y diben hwnnw,
  - (b) hysbysiad ysgrifenedig am y cyfarfod yn cael ei roi i'r holl gynghorwyr, ac
  - (c) y cyfarfod yn digwydd ar ôl diwedd cyfnod o 21 o ddiwrnodau sy'n dechrau â'r diwrnod y rhoddir hysbysiad.
- (4) Nid yw penderfyniad i arfer y pŵer yn cael unrhyw effaith oni fo'n cael ei basio cyn 15 Tachwedd yn y flwyddyn sydd dair blynedd cyn y flwyddyn y bwriedir i'r etholiad cyffredin nesaf ar gyfer y cyngor gael ei gynnal.
- (5) Ar ôl i brif gyngor arfer y pŵer, nid yw penderfyniad pellach i arfer y pŵer yn cael unrhyw effaith oni fo dau etholiad cyffredin ar gyfer y cyngor wedi eu cynnal o dan y system bleidleisio y'i newidiwyd iddi.
- (6) Nid yw penderfyniad i arfer y pŵer sy'n cael ei basio yn ystod y cyfnod rhwng dau etholiad cyffredin olynol i'r cyngor yn cael unrhyw effaith os yw'r cyngor wedi pleidleisio yn flaenorol ar benderfyniad i arfer y pŵer yn ystod y cyfnod hwnnw mewn cyfarfod a gynhaliwyd yn unol ag is-adran (3).

- (2) If the voting system that applies to a council for the time being is the simple majority system provided for by local elections rules, the council may change it to the single transferable vote system provided for by those rules.
- (3) If the voting system that applies to a council for the time being is the single transferable vote system provided for by local elections rules, the council may change it to the simple majority system provided for by those rules.
- (4) The power to change the voting system under this section –
  - (a) is not to be the responsibility of an executive of the council under executive arrangements (within the meaning of section 10 of the 2000 Act);
  - (b) is not a function to which section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) applies.
- (5) Before a principal council exercises its power to change its voting system it must consult –
  - (a) the persons entitled to vote as electors at a local government election in its area;
  - (b) each community council in its area;
  - (c) such other persons as it considers appropriate.

## **9 Resolutions to exercise the power to change the voting system**

- (1) A principal council's power under section 8(1) must be exercised by resolution of the council in accordance with this section.
- (2) A resolution to exercise the power is not passed unless the number of councillors voting in favour of it at a meeting of the council is at least two-thirds of the total number of councillor seats on the council.
- (3) A resolution to exercise the power is of no effect unless –
  - (a) the resolution is considered at a meeting specially convened for the purpose,
  - (b) written notice of the meeting is given to all councillors, and
  - (c) the meeting takes place after the end of a period of 21 days beginning with the day on which notice is given.
- (4) A resolution to exercise the power has no effect unless it is passed before 15 November of the year that is three years before the year in which the next ordinary election of the council is due to be held.
- (5) After a principal council has exercised the power, a further resolution to exercise the power has no effect unless two ordinary elections of the council have been held under the voting system to which it was changed.
- (6) A resolution to exercise the power passed during the period between two consecutive ordinary elections of the council has no effect if the council has previously voted on a resolution to exercise the power during that period at a meeting held in accordance with subsection (3).

**10 Dyletswydd i hysbysu pan fydd penderfyniad yn cael ei basio**

- (1) Os yw prif gyngor yn arfer ei bŵer i newid y system bleidleisio o dan adran 8, rhaid i'r cyngor hysbysu Gweinidogion Cymru a'r Comisiwn Ffiniau a Democratiaeth Leol am y newid.
- (2) Rhaid i'r hysbysiad—
  - (a) cael ei wneud o fewn cyfnod o 14 o ddiwrnodau sy'n dechrau ar y diwrnod y cafodd y penderfyniad o dan adran 9 ei basio,
  - (b) cadarnhau bod y cyngor wedi pasio penderfyniad yn unol ag adran 9,
  - (c) pennu'r system bleidleisio sydd i fod yn gymwys, a
  - (d) pennu ar ba ddyddiad y cafodd y penderfyniad ei basio.

**11 Adolygiad cychwynnol gan y Comisiwn Ffiniau a Democratiaeth Leol**

- (1) Ar ôl cael hysbysiad gan brif gyngor o dan adran 10, caiff Gweinidogion Cymru gyfarwyddo Comisiwn Ffiniau a Democratiaeth Leol Cymru ("y Comisiwn") i gynnal adolygiad cychwynnol o ardal y cyngor.
- (2) Cyn rhoi cyfarwyddyd o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag—
  - (a) y Comisiwn, a
  - (b) unrhyw bersonau sy'n cynrychioli prif gynghorau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (3) Caiff cyfarwyddyd o dan is-adran (1) i gynnal adolygiad cychwynnol bennu nad yw un neu ragor o'r materion o fath a ddisgrifir ym mharagraff (a) neu (b) yn faterion i'w hystyried yn yr adolygiad cychwynnol; a'r materion hynny yw—
  - (a) y materion a nodir ym mharagraff (b) o'r diffiniad o "trefniadau etholiadol" ym mharagraff 3(1) o Atodlen 1 (trefniadau etholiadol cynghorau cymuned);
  - (b) y materion a nodir yn y diffiniad o "newidiadau canlyniadol perthnasol" ym mharagraff 3(1) o Atodlen 1.
- (4) Rhaid i gyfarwyddyd o dan is-adran (1) bennu'r system bleidleisio y mae'r trefniadau etholiadol i'w hadolygu mewn perthynas â hi.
- (5) Mae Atodlen 1 yn gwneud darpariaeth mewn perthynas ag adolygiadau cychwynnol a gynhelir yn rhinwedd yr adran hon.

**12 Cyfyngiad ar nifer y cynghorwyr os yw'r system pleidlais sengl drosglwyddadwy yn gymwys**

Pan fo'r system pleidlais sengl drosglwyddadwy yn gymwys i etholiad ar gyfer cynghorwyr i brif gyngor, ni chaiff nifer y cynghorwyr ar gyfer pob ward etholiadol fod yn llai na thri, nac yn fwy na chwech.

**13 Rheolau ynglŷn â chynnal etholiadau lleol yng Nghymru**

- (1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 36(1) (etholiadau lleol yng Nghymru a Lloegr) hepgorer "and Wales".



**10 Duty to notify when resolution passed**

- (1) If a principal council exercises its power to change the voting system under section 8, the council must notify the Welsh Ministers and the Local Democracy and Boundary Commission of the change.
- (2) The notification must—
  - (a) be made within a period of 14 days beginning on the day on which the resolution under section 9 was passed,
  - (b) confirm that the council has passed a resolution in accordance with section 9,
  - (c) specify the voting system that is to apply, and
  - (d) specify the date on which the resolution was passed.

**11 Initial review by the Local Democracy and Boundary Commission**

- (1) After receiving a notification from a principal council under section 10, the Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales (“the Commission”) to conduct an initial review of the area of the council.
- (2) Before giving a direction under subsection (1) the Welsh Ministers must consult—
  - (a) the Commission, and
  - (b) such persons representing principal councils as the Welsh Ministers consider appropriate.
- (3) A direction under subsection (1) to conduct an initial review may specify that one or more matters of a kind described in paragraph (a) or (b) are not to be considered in the initial review; and those matters are—
  - (a) matters set out in paragraph (b) of the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1 (community councils’ electoral arrangements);
  - (b) matters set out in the definition of “relevant consequential changes” in paragraph 3(1) of Schedule 1.
- (4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.
- (5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.

**12 Restriction on number of councillors if single transferable vote system applies**

Where the single transferable vote system applies to the election of councillors for a principal council, the number of councillors for each electoral ward is to be no less than three, but no more than six.

**13 Rules about the conduct of local elections in Wales**

- (1) The 1983 Act is amended as follows.
- (2) In section 36(1) (local elections in England and Wales), omit “and Wales”.

(3) Ar ôl adran 36 mewnosoder –

**“36A Rules for local elections in Wales**

- (1) Elections of councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers.
- (2) In relation to the election of councillors to a county council or a county borough council, rules under subsection (1) must –
  - (a) require polls to be conducted if elections are contested,
  - (b) establish the requirements for becoming a candidate for election,
  - (c) require votes at polls to be given by ballot, and
  - (d) provide for polls to be conducted under the voting systems authorised by sections 5 to 9 of the Local Government and Elections (Wales) Act 2021, which are a simple majority system and a single transferable vote system.
- (3) In relation to the election of community councillors for a community council, rules under subsection (1) must –
  - (a) require polls to be conducted if elections are contested,
  - (b) establish the requirements for becoming a candidate for election,
  - (c) require votes at polls to be given by ballot, and
  - (d) provide for polls to be conducted under a simple majority system.
- (4) Rules under subsection (1) may make any other provision for the conduct of elections of councillors for local government areas in Wales.
- (5) Rules made by the Welsh Ministers may, for the purposes of, in consequence of, or for giving full effect to rules made under subsection (1), make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (6) Rules under subsection (5) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).
- (7) Before making rules under this section, the Welsh Ministers must consult such persons as they consider appropriate.
- (8) The requirement to consult imposed by subsection (7) may be satisfied by consultation undertaken before the coming into force of this section.
- (9) The power to make rules under this section –
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes.

(3) After section 36 insert—

**“36A Rules for local elections in Wales**

- (1) Elections of councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers.
- (2) In relation to the election of councillors to a county council or a county borough council, rules under subsection (1) must—
  - (a) require polls to be conducted if elections are contested,
  - (b) establish the requirements for becoming a candidate for election,
  - (c) require votes at polls to be given by ballot, and
  - (d) provide for polls to be conducted under the voting systems authorised by sections 5 to 9 of the Local Government and Elections (Wales) Act 2021, which are a simple majority system and a single transferable vote system.
- (3) In relation to the election of community councillors for a community council, rules under subsection (1) must—
  - (a) require polls to be conducted if elections are contested,
  - (b) establish the requirements for becoming a candidate for election,
  - (c) require votes at polls to be given by ballot, and
  - (d) provide for polls to be conducted under a simple majority system.
- (4) Rules under subsection (1) may make any other provision for the conduct of elections of councillors for local government areas in Wales.
- (5) Rules made by the Welsh Ministers may, for the purposes of, in consequence of, or for giving full effect to rules made under subsection (1), make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (6) Rules under subsection (5) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).
- (7) Before making rules under this section, the Welsh Ministers must consult such persons as they consider appropriate.
- (8) The requirement to consult imposed by subsection (7) may be satisfied by consultation undertaken before the coming into force of this section.
- (9) The power to make rules under this section—
  - (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes.

- (10) A statutory instrument containing rules under this section must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”
- (4) Mae rheolau a wneir o dan adran 36 o Ddeddf 1983 sydd mewn grym yn union cyn i is-adran (3) o’r adran hon ddod i rym yn parhau i gael effaith, i’r graddau y maent yn gymwys i ethol cynghorwyr ar gyfer ardaloedd llywodraeth leol yng Nghymru, fel pe bai’r rheolau wedi eu gwneud o dan adran 36A(1) o’r Ddeddf honno (a fewnosodir gan is-adran (3)); ac mae cyfeiriadau mewn unrhyw ddeddfiad at reolau a wneir o dan adran 36A o Ddeddf 1983 i’w darllen yn unol â hynny.
- (5) Hyd nes y bydd adrannau 5 i 9 o’r Ddeddf hon yn dod i rym, mae adran 36A(2)(d) o Ddeddf 1983 yn cael effaith fel pe bai’n gwneud y ddarpariaeth a ganlyn—
- “(d) provide for polls to be conducted under a simple majority system.”

*Cylchoedd etholiadol***14 Newid y cylch etholiadol ar gyfer prif gynghorau o bedair blynedd i bum mlynedd**

- (1) Mae adran 26 o Ddeddf 1972 (ethol cynghorwyr) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn lle “fourth” rhodder “fifth”.
- (3) Yn is-adran (2), yn lle “four” rhodder “five”.

**15 Newid y cylch etholiadol ar gyfer cynghorau cymuned o bedair blynedd i bum mlynedd**

- (1) Mae adran 35 o Ddeddf 1972 (blynyddoedd etholiadau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), yn lle “fourth” rhodder “fifth”.
- (3) Yn is-adran (2A), yn lle “four” rhodder “five”.

**16 Newid y cylch etholiadol ar gyfer meiri etholedig o bedair blynedd i bum mlynedd**

Yn adran 39 o Ddeddf 2000 (meiri etholedig etc.), yn is-adran (7), yn lle “four” rhodder “five”.

**17 Estyn y pŵer i newid diwrnod arferol etholiadau lleol yng Nghymru**

- (1) Mae adran 37ZA o Ddeddf 1983 (diwrnod arferol etholiadau lleol yng Nghymru) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)—
- (a) ar ôl “applies” mewnosoder “or an order under subsection (1A) provides otherwise”;
- (b) ym mharagraff (b), hepgorer y geiriau o “made not later” hyd at y diwedd.
- (3) Ar ôl is-adran (1) mewnosoder—
- “(1A) The Welsh Ministers may by order fix a different day to the one specified in or fixed under subsection (1) as the ordinary day of election of—

- (10) A statutory instrument containing rules under this section must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”
- (4) Rules made under section 36 of the 1983 Act that are in force immediately before the coming into force of subsection (3) of this section continue in effect, so far as they apply to elections of councillors for local government areas in Wales, as if the rules were made under section 36A(1) of that Act (inserted by subsection (3)); and references in any enactment to rules made under section 36A of the 1983 Act are to be read accordingly.
- (5) Until sections 5 to 9 of this Act come into force, section 36A(2)(d) of the 1983 Act has effect as if it made the following provision—
- “(d) provide for polls to be conducted under a simple majority system.”

*Electoral cycles*

**14 Change of electoral cycle for principal councils from four years to five years**

- (1) Section 26 of the 1972 Act (election of councillors) is amended as follows.
- (2) In subsection (1), for “fourth” substitute “fifth”.
- (3) In subsection (2), for “four” substitute “five”.

**15 Change of electoral cycle for community councils from four years to five years**

- (1) Section 35 of the 1972 Act (election years) is amended as follows.
- (2) In subsection (2), for “fourth” substitute “fifth”.
- (3) In subsection (2A), for “four” substitute “five”.

**16 Change of electoral cycle for elected mayors from four years to five years**

In section 39 of the 2000 Act (elected mayors etc.), in subsection (7) for “four” substitute “five”.

**17 Extension of power to change ordinary day of local elections in Wales**

- (1) Section 37ZA of the 1983 Act (ordinary day of local elections in Wales) is amended as follows.
- (2) In subsection (1)—
- (a) after “applies” insert “or an order under subsection (1A) provides otherwise”;
- (b) in paragraph (b) omit the words from “made not later” to the end.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers may by order fix a different day to the one specified in or fixed under subsection (1) as the ordinary day of election of—

- (a) councillors for one or more counties or county boroughs in Wales, or
  - (b) community councillors for one or more communities in Wales.
- (1B) An order under subsection (1) or (1A) may fix a day for one or more years.”
- (4) Yn is-adran (2), ar ôl “subsection (1)” mewnosoder “or fixed under subsection (1A)”.
- (5) Yn is-adran (3), ar ôl “subsection (1)” mewnosoder “or fixed under subsection (1A)”.
- (6) Yn is-adran (5), yn lle “subsection (3)” rhodder “this section”.
- (7) Ar ôl is-adran (5), mewnosoder –
- “(6) Before making an order under this section, the Welsh Ministers must consult –
- (a) each council affected by the order,
  - (b) any bodies appearing to the Welsh Ministers to represent the interests of the councils affected by the order, and
  - (c) such other persons as the Welsh Ministers consider appropriate.”

*Cofrestru etholwyr llywodraeth leol*

**18 Cofrestru etholwyr llywodraeth leol heb gais**

- (1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 9 (cofrestrau etholwyr), ar ôl is-adran (2) mewnosoder –
- “(2A) In relation to each register of local government electors for an area in Wales, the names of persons the registration officer has decided to register in accordance with section 9ZA must also be contained in the register, along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”
- (3) Ar ôl adran 9, mewnosoder –

**“9ZA Registration of local government electors in Wales without application**

- (1) This section applies to the registration of local government electors in Wales.
- (2) If the registration officer is satisfied that a person not in the register of local government electors is entitled to be registered, the officer may decide to register the person without an application, subject to the provisions of this section.
- (3) Before deciding to register a person, the registration officer must notify the person in writing of –

- (a) councillors for one or more counties or county boroughs in Wales, or
  - (b) community councillors for one or more communities in Wales.
- (1B) An order under subsection (1) or (1A) may fix a day for one or more years.”
- (4) In subsection (2), after “subsection (1)” insert “or fixed under subsection (1A)”.
- (5) In subsection (3), after “subsection (1)” insert “or fixed under subsection (1A)”.
- (6) In subsection (5), for “subsection (3)” substitute “this section”.
- (7) After subsection (5) insert –
- “(6) Before making an order under this section, the Welsh Ministers must consult –
  - (a) each council affected by the order,
  - (b) any bodies appearing to the Welsh Ministers to represent the interests of the councils affected by the order, and
  - (c) such other persons as the Welsh Ministers consider appropriate.”

*Registration of local government electors*

**18 Registration of local government electors without application**

- (1) The 1983 Act is amended as follows.
- (2) In section 9 (registers of electors), after subsection (2) insert –
- “(2A) In relation to each register of local government electors for an area in Wales, the names of persons the registration officer has decided to register in accordance with section 9ZA must also be contained in the register, along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”
- (3) After section 9 insert –

**“9ZA Registration of local government electors in Wales without application**

- (1) This section applies to the registration of local government electors in Wales.
- (2) If the registration officer is satisfied that a person not in the register of local government electors is entitled to be registered, the officer may decide to register the person without an application, subject to the provisions of this section.
- (3) Before deciding to register a person, the registration officer must notify the person in writing of –

- (a) the officer's intention to register the person without an application after the end of the notice period required by subsection (5),
  - (b) the person's right to request exclusion from the edited register,
  - (c) the person's right to apply for anonymous registration,
  - (d) the type of elections in which the person will be entitled to vote following registration under this section, and
  - (e) the type of elections in which the person will not be entitled to vote following registration under this section, unless an application for registration is made.
- (4) The notice under subsection (3) must be in a form specified in regulations made by the Welsh Ministers; and the regulations may make further provision about giving notice for the purposes of this section.
- (5) The registration officer must not register the person under this section—
- (a) before the end of a period of 28 days beginning with the day on which the notice is issued;
  - (b) at any time when there is an undetermined application by the person for an anonymous entry in the local government register under section 9B.
- (6) The registration officer must keep a separate list of the persons registered under this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru."
- (4) Yn adran 9E (cadw cofrestrau: gwahoddiadau i gofrestru ym Mhrydain Fawr), ar ôl is-adran (1) mewnosoder—
- “(1A) The duty in subsection (1) does not apply if the registration officer intends to register the person without an application under section 9ZA and gives notice to the person in accordance with that section.”
- (5) Yn adran 10ZE (tynnu etholwyr ym Mhrydain Fawr o gofrestr)—
- (a) ar ôl is-adran (2) mewnosoder—
- “(2A) Where a person is entered in a register of local government electors in Wales by virtue of section 9ZA, the registration officer must also remove the person's entry from the register if the officer determines that the person is not entitled to be registered in the register of local government electors for reasons other than those mentioned in subsection (1).”;



- (a) the officer's intention to register the person without an application after the end of the notice period required by subsection (5),
  - (b) the person's right to request exclusion from the edited register,
  - (c) the person's right to apply for anonymous registration,
  - (d) the type of elections in which the person will be entitled to vote following registration under this section, and
  - (e) the type of elections in which the person will not be entitled to vote following registration under this section, unless an application for registration is made.
- (4) The notice under subsection (3) must be in a form specified in regulations made by the Welsh Ministers; and the regulations may make further provision about giving notice for the purposes of this section.
- (5) The registration officer must not register the person under this section—
- (a) before the end of a period of 28 days beginning with the day on which the notice is issued;
  - (b) at any time when there is an undetermined application by the person for an anonymous entry in the local government register under section 9B.
- (6) The registration officer must keep a separate list of the persons registered under this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru."
- (4) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert—
- “(1A) The duty in subsection (1) does not apply if the registration officer intends to register the person without an application under section 9ZA and gives notice to the person in accordance with that section.”
- (5) In section 10ZE (removal of electors in Great Britain from register)—
- (a) after subsection (2) insert—
- “(2A) Where a person is entered in a register of local government electors in Wales by virtue of section 9ZA, the registration officer must also remove the person's entry from the register if the officer determines that the person is not entitled to be registered in the register of local government electors for reasons other than those mentioned in subsection (1).”;

- (b) yn is-adran (3), ar ôl “(1)” , mewnosoder “or (2A)”;
- (c) ar ôl is-adran (4), mewnosoder –
- “(4A) The Welsh Ministers may by regulations make provision about the procedure for making determinations under subsection (2A), which may include provision requiring an officer to take prescribed steps before making a determination.”;
- (d) ar ôl is-adran (5), mewnosoder –
- “(5A) In relation to a person registered under section 9ZA, a registration officer for a local government area in Wales must consider whether to make a determination under subsection (2A) if the officer –
- (a) receives an objection to the person’s registration in the register, or
- (b) otherwise becomes aware of information that causes the officer to suspect that the person is not entitled to be registered in the register of local government electors.
- (5B) The Welsh Ministers’ power to make regulations under subsection (4A) is exercisable by statutory instrument.
- (5C) A statutory instrument containing regulations under subsection (4A) is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”
- (6) Yn adran 13A(1) (gwneud newidiadau i gofrestrau), ar ôl paragraff (zb) mewnosoder –
- “(zc) in the case of a registration officer for a local government area in Wales, decides to register a person under section 9ZA;”.
- (7) Yn adran 13AB(1) (gwneud newidiadau i gofrestrau: dyddiadau cyhoeddi interim), ym mharagraff (a), ar ôl “(zb),” mewnosoder “(zc),”.
- (8) Yn adran 13B(2) (gwneud newidiadau i gofrestrau: etholiadau sydd yn yr arfaeth), ym mharagraff (a), ar ôl “(zb),” mewnosoder “(zc),”.
- (9) Yn adran 56(1) (apelau cofrestru: Cymru a Lloegr), ar ôl paragraff (aa) mewnosoder –
- “(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA;”.

*Cymhwysiad person i fod yn aelod o awdurdod lleol*

**19 Cymhwysiad person i gael ei ethol a dal swydd fel aelod o awdurdod lleol yng Nghymru**

- (1) Mae adran 79 o Ddeddf 1972 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “Union” mewnosoder “or, in the case of a local authority in Wales, a qualifying foreign citizen”.
- (3) Ar ôl is-adran (2C) mewnosoder –

- (b) in subsection (3), after “(1)” insert “or (2A)”;
- (c) after subsection (4) insert –
  - “(4A) The Welsh Ministers may by regulations make provision about the procedure for making determinations under subsection (2A), which may include provision requiring an officer to take prescribed steps before making a determination.”
- (d) after subsection (5) insert –
  - “(5A) In relation to a person registered under section 9ZA, a registration officer for a local government area in Wales must consider whether to make a determination under subsection (2A) if the officer –
    - (a) receives an objection to the person’s registration in the register, or
    - (b) otherwise becomes aware of information that causes the officer to suspect that the person is not entitled to be registered in the register of local government electors.
  - (5B) The Welsh Ministers’ power to make regulations under subsection (4A) is exercisable by statutory instrument.
  - (5C) A statutory instrument containing regulations under subsection (4A) is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”
- (6) In section 13A(1) (alteration of registers), after paragraph (zb) insert –
  - “(zc) in the case of a registration officer for a local government area in Wales, decides to register a person under section 9ZA;”.
- (7) In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “(zc),”.
- (8) In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “(zc),”.
- (9) In section 56(1) (registration appeals: England and Wales), after paragraph (aa) insert –
  - “(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA;”.

*Qualification for membership of a local authority*

**19 Qualification for election and holding office as a member of a local authority in Wales**

- (1) Section 79 of the 1972 Act is amended as follows.
- (2) In subsection (1), after “Union” insert “or, in the case of a local authority in Wales, a qualifying foreign citizen”.
- (3) After subsection (2C) insert –

“(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—

(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and

(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D)(b)(i) if the person does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

*Anghymhwysiad aelodau o awdurdodau lleol*

## 20 **Anghymhwysiad person rhag cael ei ethol a bod yn aelod o awdurdod lleol**

Ar ôl adran 80 o Ddeddf 1972 mewnosoder—

### **“80A Disqualification for election or being a member of a local authority in Wales**

(1) A person is disqualified for being elected or being a member of a local authority in Wales if—

(a) the person is the subject of—

(i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;

(ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;

(b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);

(c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;

(d) the person has a relevant criminal conviction.

- “(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—
- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
  - (b) either—
    - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
    - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D)(b)(i) if the person does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

*Disqualification of members of local authorities*

**20 Disqualification for election and being a member of a local authority**

After section 80 of the 1972 Act insert—

**“80A Disqualification for election or being a member of a local authority in Wales**

- (1) A person is disqualified for being elected or being a member of a local authority in Wales if—
- (a) the person is the subject of—
    - (i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;
    - (ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;
  - (b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);
  - (c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;
  - (d) the person has a relevant criminal conviction.

- (2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.
- (3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making –
  - (a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;
  - (b) an appeal in respect of the order.
- (4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.
- (5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.
- (6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.

**80B Disqualification for being a member of a local authority in Wales and holding local office or employment**

- (1) A person who holds a relevant paid office or employment (see section 80C) is disqualified for being a member of a local authority in Wales, (but not for being elected as such a member).
- (2) A person is not disqualified under subsection (1) at any time before the person makes a declaration of acceptance of office in accordance with section 83.
- (3) Subsections (4), (5) and (6) apply where a person is elected as a member of a local authority in Wales and resigns from the relevant paid office or employment for the purpose of taking office as a member.
- (4) The resignation terminates the holding of the paid office or employment with immediate effect.
- (5) Any notice requirement in the terms and conditions under which the paid office or employment is held has no effect.
- (6) Section 86(2) of the Employment Rights Act 1996 (requirement on employee to give minimum of one week's notice) does not apply.

- (2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.
- (3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making –
  - (a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;
  - (b) an appeal in respect of the order.
- (4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.
- (5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.
- (6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.

**80B Disqualification for being a member of a local authority in Wales and holding local office or employment**

- (1) A person who holds a relevant paid office or employment (see section 80C) is disqualified for being a member of a local authority in Wales, (but not for being elected as such a member).
- (2) A person is not disqualified under subsection (1) at any time before the person makes a declaration of acceptance of office in accordance with section 83.
- (3) Subsections (4), (5) and (6) apply where a person is elected as a member of a local authority in Wales and resigns from the relevant paid office or employment for the purpose of taking office as a member.
- (4) The resignation terminates the holding of the paid office or employment with immediate effect.
- (5) Any notice requirement in the terms and conditions under which the paid office or employment is held has no effect.
- (6) Section 86(2) of the Employment Rights Act 1996 (requirement on employee to give minimum of one week's notice) does not apply.

- (7) This section does not apply to a person who is disqualified for being elected or being a member of a local authority under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).

**80C Paid office or employment to which disqualification applies**

- (1) For the purposes of section 80B “a relevant paid office or employment” is a paid office or employment appointment or election to which is or may be made or confirmed by –
- (a) the local authority to which the person was elected a member;
  - (b) a committee or sub-committee of the local authority;
  - (c) a joint committee or National Park authority on which the local authority is represented; or
  - (d) a holder of a paid office or employment of the kind described in paragraphs (a), (b) or (c).
- (2) But a relevant paid office or employment in subsection (1) does not include the office of –
- (a) chairman, vice-chairman, presiding member or deputy presiding member, or
  - (b) in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.
- (3) Subsection (1) has effect in relation to a teacher in a school maintained by a local authority whether or not the appointment to the post was made in accordance with that subsection.
- (4) Where the holder of a relevant paid office in a local authority in Wales (“local authority A”) is employed under the direction of –
- (a) a committee or sub-committee of local authority A any member of which is appointed on the nomination of another local authority in Wales (“local authority B”), or
  - (b) a joint board, a National Park authority, or joint committee on which local authority A is represented and any member of which is appointed on the nomination of local authority B,
- section 80B applies in respect of the person’s membership of local authority B.
- (5) For the purposes of this section a local authority is represented on a National Park authority if it is entitled to appoint a member of the local authority as a member of the National Park authority.”



- (7) This section does not apply to a person who is disqualified for being elected or being a member of a local authority under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).

**80C Paid office or employment to which disqualification applies**

- (1) For the purposes of section 80B “a relevant paid office or employment” is a paid office or employment appointment or election to which is or may be made or confirmed by –
- (a) the local authority to which the person was elected a member;
  - (b) a committee or sub-committee of the local authority;
  - (c) a joint committee or National Park authority on which the local authority is represented; or
  - (d) a holder of a paid office or employment of the kind described in paragraphs (a), (b) or (c).
- (2) But a relevant paid office or employment in subsection (1) does not include the office of –
- (a) chairman, vice-chairman, presiding member or deputy presiding member, or
  - (b) in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.
- (3) Subsection (1) has effect in relation to a teacher in a school maintained by a local authority whether or not the appointment to the post was made in accordance with that subsection.
- (4) Where the holder of a relevant paid office in a local authority in Wales (“local authority A”) is employed under the direction of –
- (a) a committee or sub-committee of local authority A any member of which is appointed on the nomination of another local authority in Wales (“local authority B”), or
  - (b) a joint board, a National Park authority, or joint committee on which local authority A is represented and any member of which is appointed on the nomination of local authority B,
- section 80B applies in respect of the person’s membership of local authority B.
- (5) For the purposes of this section, a local authority is represented on a National Park authority if it is entitled to appoint a member of the local authority as a member of the National Park authority.”

**21 Anghymhwysiad aelod o awdurdod lleol yng Nghymru rhag cael ei benodi i swydd daledig**

Ar ôl adran 116 o Ddeddf 1972 mewnosoder –

**“116A Members of local authorities in Wales not to be appointed as officers**

A member of a local authority in Wales is disqualified for being appointed or elected by that authority to any paid office other than the office of chairman, vice-chairman, or in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.”

*Dogfennau mewn etholiadau llywodraeth leol*

**22 Cyfieithiadau etc. o ddogfennau mewn etholiadau llywodraeth leol yng Nghymru**

(1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.

(2) Yn adran 199B (cyfieithu etc. ddogfennau penodol), ar ôl is-adran (10) mewnosoder –

“(11) This section does not apply to a local government election in Wales.”

(3) Ar ôl adran 199B, mewnosoder –

**“199C Local government elections in Wales: translations etc. of certain documents**

(1) Subsections (2) and (3) apply to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a local government election in Wales.

(2) The person (“P”) who is required or authorised to give or display the document must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate –

(a) the document in Braille;

(b) the document in languages other than English and Welsh;

(c) graphical representations of the information contained in the document;

(d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) P must, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.

(4) Subsections (2) and (3) do not apply to –

(a) the nomination paper; or

**21 Disqualification of member of a local authority in Wales for appointment to paid office**

After section 116 of the 1972 Act insert –

**“116A Members of local authorities in Wales not to be appointed as officers**

A member of a local authority in Wales is disqualified for being appointed or elected by that authority to any paid office other than the office of chairman, vice-chairman, or in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.”

*Documents at local government elections*

**22 Translations etc. of documents at local government elections in Wales**

- (1) The 1983 Act is amended as follows.
- (2) In section 199B (translation etc. of certain documents), after subsection (10) insert –

“(11) This section does not apply to a local government election in Wales.”

- (3) After section 199B, insert –

**“199C Local government elections in Wales: translations etc. of certain documents**

- (1) Subsections (2) and (3) apply to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a local government election in Wales.
- (2) The person (“P”) who is required or authorised to give or display the document must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate –
  - (a) the document in Braille;
  - (b) the document in languages other than English and Welsh;
  - (c) graphical representations of the information contained in the document;
  - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) P must, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.
- (4) Subsections (2) and (3) do not apply to –
  - (a) the nomination paper; or

(b) the ballot paper.”

*Cyffredinol*

**23 Mân ddiwygiadau a diwygiadau canlyniadol**

Mae Atodlen 2 yn gwneud mân ddiwygiadau a diwygiadau canlyniadol.

(b) the ballot paper.”

*General*

**23 Minor and consequential amendments**

Schedule 2 makes minor and consequential amendments.

**RHAN 2****PŴER CYMHWYSEDD CYFFREDINOL****PENNOD 1****Y PŴER CYFFREDINOL****24 Pŵer cymhwysedd cyffredinol awdurdod lleol**

- (1) Mae gan awdurdod lleol cymhwysol bŵer i wneud unrhyw beth y caiff unigolion yn gyffredinol ei wneud, hyd yn oed os yw'r peth hwnnw, o ran ei natur neu ei raddfa neu fel arall—
  - (a) yn wahanol i unrhyw beth y caiff awdurdod lleol cymhwysol ei wneud ar wahân i'r adran hon;
  - (b) yn wahanol i unrhyw beth y caiff cyrff cyhoeddus eraill ei wneud.
- (2) Pan fo is-adran (1) yn rhoi pŵer i awdurdod wneud rhywbeth, mae'n rhoi pŵer iddo ei wneud mewn unrhyw fodd o gwbl, gan gynnwys—
  - (a) pŵer i'w wneud yn unrhyw le yng Nghymru neu yn rhywle arall;
  - (b) pŵer i'w wneud at ddiben masnachol neu fel arall am ffi, neu heb fod am ffi;
  - (c) pŵer i'w wneud er budd yr awdurdod, ei ardal neu bersonau sy'n preswyllo neu'n bresennol yn ei ardal, neu fel arall.
- (3) Nid yw cyffredinolrwydd y pŵer a roddir i awdurdod lleol cymhwysol gan is-adran (1) wedi ei gyfyngu gan fodolaeth unrhyw bŵer arall sydd gan yr awdurdod; ac nid yw unrhyw bŵer arall sydd gan yr awdurdod wedi ei gyfyngu gan fodolaeth y pŵer cyffredinol.
- (4) At ddibenion y Bennod hon, mae pob un o'r canlynol yn awdurdod lleol cymhwysol—
  - (a) prif gyngor;
  - (b) cyngor cymuned cymwys (gweler Pennod 2 ynglŷn â hynny).
- (5) Yn yr adran hon, ystyr "unigolyn" yw unigolyn sy'n meddu ar alluedd llawn.
- (6) Mae cyfeiriadau yn y Rhan hon at y pŵer cyffredinol yn gyfeiriadau at y pŵer a roddir gan is-adran (1).
- (7) Mae'r adran hon yn ddarostyngedig i adrannau 25 i 27 ac i unrhyw ddarpariaeth a wneir o dan adran 28(3) neu (4).

**25 Terfynau'r pŵer cyffredinol**

- (1) Nid yw'r pŵer cyffredinol yn galluogi awdurdod lleol cymhwysol i wneud unrhyw beth nad yw'r awdurdod yn gallu ei wneud yn rhinwedd cyfyngiad cyn cychwyn.
- (2) Nid yw'r pŵer cyffredinol ychwaith yn galluogi awdurdod lleol cymhwysol i wneud unrhyw beth nad yw'r awdurdod yn gallu ei wneud yn rhinwedd cyfyngiad ar ôl cychwyn y mynegir ei fod yn gymwys—
  - (a) i'r pŵer cyffredinol,

## PART 2

### GENERAL POWER OF COMPETENCE

#### CHAPTER 1

##### THE GENERAL POWER

#### **24 Local authority's general power of competence**

- (1) A qualifying local authority has power to do anything that individuals generally may do, even if that thing is, in nature or extent or otherwise –
  - (a) unlike anything a qualifying local authority may do apart from this section;
  - (b) unlike anything that other public bodies may do.
- (2) Where subsection (1) confers power on an authority to do something, it confers power to do it in any way whatsoever, including –
  - (a) power to do it anywhere in Wales or elsewhere;
  - (b) power to do it for a commercial purpose or otherwise for a charge, or without charge;
  - (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
- (3) The generality of the power conferred by subsection (1) on a qualifying local authority is not limited by the existence of any other power of the authority; and any other power of the authority is not limited by the existence of the general power.
- (4) For the purposes of this Chapter, each of the following is a qualifying local authority –
  - (a) a principal council;
  - (b) an eligible community council (as to which see Chapter 2).
- (5) In this section, “individual” means an individual with full capacity.
- (6) References in this Part to the general power are to the power conferred by subsection (1).
- (7) This section is subject to sections 25 to 27 and to any provision made under section 28(3) or (4).

#### **25 Boundaries of the general power**

- (1) The general power does not enable a qualifying local authority to do anything that the authority is unable to do by virtue of a pre-commencement limitation.
- (2) Nor does the general power enable a qualifying local authority to do anything that the authority is unable to do by virtue of a post-commencement limitation that is expressed to apply –
  - (a) to the general power,

- (b) i holl bwerau'r awdurdod, neu
  - (c) i holl bwerau'r awdurdod ond gydag eithriadau nad ydynt yn cynnwys y pŵer cyffredinol.
- (3) Nid yw'r pŵer cyffredinol yn rhoi pŵer i wneud nac i wneud newidiadau i—
- (a) trefniadau o fath a wneir, neu y caniateir eu gwneud, gan neu o dan Ran 6 o Ddeddf 1972 (cyflawni swyddogaethau gan awdurdodau lleol);
  - (b) trefniadau o fath a wneir, neu y caniateir eu gwneud, gan neu o dan Ran 2 o Ddeddf 2000 (trefniadau mewn cysylltiad â gweithrediaethau etc.);
  - (c) trefniadau contractio allan, neu unrhyw drefniadau eraill nad ydynt yn drefniadau o fewn paragraff (a) neu (b), sy'n awdurdodi person i arfer swyddogaeth awdurdod lleol cymhwysol.
- (4) Yn yr adran hon—
- ystyr “cyfyngiad ar ôl cychwyn” (*“post-commencement limitation”*) yw gwaharddiad, terfyn neu gyfyngiad arall a osodir yn benodol gan ddarpariaeth—
- (a) mewn Ddeddf gan Senedd Cymru neu Ddeddf gan Senedd y Deyrnas Unedig sy'n cael ei phasio ar ôl y diwrnod y pasiwyd y Ddeddf hon;
  - (b) mewn offeryn—
    - (i) a wneir o dan ddeddfwriaeth sylfaenol (gan gynnwys y Ddeddf hon), a
    - (ii) sy'n dod i rym ar y diwrnod y mae adran 24 yn dod i rym mewn perthynas â phrif gynghorau, neu wedi hynny;
- ystyr “cyfyngiad cyn cychwyn” (*“pre-commencement limitation”*) yw gwaharddiad, terfyn neu gyfyngiad arall a osodir yn benodol gan ddarpariaeth—
- (a) yn y Ddeddf hon;
  - (b) mewn unrhyw ddeddfwriaeth sylfaenol arall sy'n cael ei phasio cyn y diwrnod y pasiwyd y Ddeddf hon, neu ar yr un diwrnod;
  - (c) mewn offeryn—
    - (i) a wneir o dan ddeddfwriaeth sylfaenol (gan gynnwys y Ddeddf hon), a
    - (ii) sy'n dod i rym cyn y diwrnod y mae adran 24 yn dod i rym mewn perthynas â phrif gynghorau.
- (5) At ddibenion is-adran (1), mae adran 111(3) o Ddeddf 1972 (nid yw pwerau atodol awdurdodau lleol yn cynnwys pŵer i godi arian) i'w diystyru.

## 26 Cyfyngiadau ar godi ffi wrth arfer y pŵer cyffredinol

- (1) Nid yw'r pŵer cyffredinol yn rhoi pŵer i awdurdod lleol cymhwysol godi ffi am ddarparu gwasanaeth i berson oni fo'r amodau a ganlyn wedi eu bodloni.
- (2) Yr amod cyntaf yw nad yw'r gwasanaeth yn un y mae unrhyw ddeddfiad yn ei gwneud yn ofynnol i'r awdurdod ei ddarparu i'r person.
- (3) Yr ail amod yw bod y person wedi cytuno i'r gwasanaeth gael ei ddarparu.



- (b) to all of the authority's powers, or
  - (c) to all of the authority's powers but with exceptions that do not include the general power.
- (3) The general power does not confer power to make or alter –
- (a) arrangements of a kind that are made, or may be made, by or under Part 6 of the 1972 Act (discharge of functions by local authorities);
  - (b) arrangements of a kind that are made, or may be made, by or under Part 2 of the 2000 Act (arrangements with respect to executives etc.);
  - (c) contracting out arrangements, or any other arrangements that are not arrangements within paragraph (a) or (b), that authorise a person to exercise a function of a qualifying local authority.
- (4) In this section –
- “post-commencement limitation” (“*cyfyngiad ar ôl cychwyn*”) means a prohibition, restriction or other limitation expressly imposed by a provision of –
- (a) an Act of Senedd Cymru or an Act of Parliament passed after the day on which this Act was passed;
  - (b) an instrument –
    - (i) made under primary legislation (including this Act), and
    - (ii) which comes into force on or after the day on which section 24 comes into force in relation to principal councils;
- “pre-commencement limitation” (“*cyfyngiad cyn cychwyn*”) means a prohibition, restriction or other limitation expressly imposed by a provision of –
- (a) this Act;
  - (b) any other primary legislation passed before, or on the same day as, the day on which this Act was passed;
  - (c) an instrument –
    - (i) made under primary legislation (including this Act), and
    - (ii) which comes into force before the day on which section 24 comes into force in relation to principal councils.
- (5) For the purposes of subsection (1), section 111(3) of the 1972 Act (subsidiary powers of local authorities not to include power to raise money) is to be disregarded.

## **26 Limits on charging in exercise of general power**

- (1) The general power confers power on a qualifying local authority to charge for providing a service to a person only if the following conditions are met.
- (2) The first condition is that the service is not one that any enactment requires the authority to provide to the person.
- (3) The second condition is that the person has agreed to the service being provided.

- (4) Ac eithrio mewn perthynas â gwasanaeth a ddarperir at ddiben masnachol, i'r graddau y bo'r pŵer cyffredinol yn rhoi pŵer i awdurdod lleol cymhwysol godi ffi am ddarparu gwasanaeth, mae'r pŵer yn ddarostyngedig i ddyletswydd i sicrhau nad yw'r incwm o ffioedd a osodir oddi tano, o gymryd un flwyddyn ariannol gyda'r llall, yn fwy na chost darparu'r gwasanaeth.
- (5) Mae'r ddyletswydd o dan is-adran (4) yn gymwys ar wahân mewn perthynas â phob math o wasanaeth.
- (6) Yn ddarostyngedig i'r ddyletswydd o dan is-adran (4), wrth arfer y pŵer a roddir gan y pŵer cyffredinol i godi ffi am ddarparu gwasanaeth, caiff awdurdod lleol cymhwysol bennu ei ffioedd fel y mae'n ystyried bod hynny'n briodol, ac ymysg pethau eraill caiff –
  - (a) codi ffi ar rai personau yn unig am ddarparu gwasanaeth;
  - (b) codi symiau gwahanol o ffi ar bersonau gwahanol, neu bersonau o ddisgrifiadau gwahanol, am ddarparu gwasanaeth.

## 27 Cyfyngiadau ar wneud pethau at ddiben masnachol wrth arfer y pŵer cyffredinol

- (1) Nid yw'r pŵer cyffredinol yn rhoi pŵer i awdurdod lleol cymhwysol wneud pethau at ddiben masnachol onid ydynt yn bethau y caiff yr awdurdod, wrth arfer y pŵer cyffredinol, eu gwneud heblaw at ddiben masnachol.
- (2) Pan fo awdurdod lleol cymhwysol, wrth arfer y pŵer cyffredinol, yn gwneud pethau at ddiben masnachol, rhaid i'r awdurdod eu gwneud drwy gyfrwng cwmni.
- (3) Ni chaiff awdurdod lleol cymhwysol, wrth arfer y pŵer cyffredinol, wneud pethau at ddiben masnachol mewn perthynas â pherson os yw unrhyw ddeddfiad yn ei gwneud yn ofynnol i'r awdurdod wneud y pethau hynny mewn perthynas â'r person.
- (4) Yn yr adran hon, ystyr "cwmni" yw –
  - (a) cwmni o fewn ystyr adran 1(1) o Ddeddf Cwmnïau 2006 (p. 46), neu
  - (b) cymdeithas gofrestredig o fewn ystyr Deddf Cymdeithasau Cydweithredol a Budd Cymunedol 2014 (p. 14) neu Ddeddf Cymdeithasau Cydweithredol a Budd Cymunedol (Gogledd Iwerddon) 1969 (p. 24 (GI)).
- (5) Rhaid i awdurdod lleol cymhwysol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn â gwneud pethau, wrth arfer y pŵer cyffredinol, at ddiben masnachol.

## 28 Pwerau i wneud darpariaeth atodol

- (1) Os yw Gweinidogion Cymru yn ystyried bod deddfiad yn atal awdurdodau lleol cymhwysol rhag arfer y pŵer cyffredinol, neu'n eu rhwystro wrth iddynt arfer y pŵer cyffredinol, caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio, addasu, ddiddymu, ddirymu neu ddatgymhwysu'r deddfiad hwnnw.
- (2) Os yw Gweinidogion Cymru yn ystyried bod unrhyw bŵer arall yn gorgyffwrdd (i unrhyw raddau) â'r pŵer cyffredinol yna, at ddiben lleihau neu ddileu'r gorgyffwrdd hwnnw, caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio, addasu, ddiddymu, ddirymu neu ddatgymhwysu unrhyw ddeddfiad.

- (4) Except in relation to a service provided for a commercial purpose, to the extent that the general power confers a power on a qualifying local authority to charge for the provision of a service, the power is subject to a duty to secure that, taking one financial year with another, the income from charges imposed under it does not exceed the costs of provision.
- (5) The duty under subsection (4) applies separately in relation to each kind of service.
- (6) Subject to the duty under subsection (4), in exercising the power conferred by the general power to charge for providing a service, a qualifying local authority may set its charges as it considers appropriate, and may among other things –
  - (a) charge only some persons for providing a service;
  - (b) charge different persons, or different descriptions of persons, different amounts for the provision of a service.

**27 Limits on doing things for commercial purpose in exercise of general power**

- (1) The general power confers power on a qualifying local authority to do things for a commercial purpose only if they are things that the authority may, in exercise of the general power, do otherwise than for a commercial purpose.
- (2) Where, in exercise of the general power, a qualifying local authority does things for a commercial purpose, the authority must do them through a company.
- (3) A qualifying local authority may not, in exercise of the general power, do things for a commercial purpose in relation to a person if any enactment requires the authority to do those things in relation to the person.
- (4) In this section, “company” means –
  - (a) a company within the meaning of section 1(1) of the Companies Act 2006 (c. 46), or
  - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 (c. 14) or the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969 (c. 24 (NI)).
- (5) A qualifying local authority must have regard to any guidance issued by the Welsh Ministers about doing things, in the exercise of the general power, for a commercial purpose.

**28 Powers to make supplementary provision**

- (1) If the Welsh Ministers consider that an enactment prevents qualifying local authorities from exercising the general power, or obstructs them in exercising the general power, the Welsh Ministers may by regulations amend, modify, repeal, revoke or disapply that enactment.
- (2) If the Welsh Ministers consider that any other power overlaps (to any extent) the general power, then, for the purpose of reducing or removing that overlap, the Welsh Ministers may by regulations amend, modify, repeal, revoke or disapply any enactment.

- (3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth sy'n atal awdurdodau lleol cymhwysol, wrth iddynt arfer y pŵer cyffredinol, rhag gwneud unrhyw beth sydd wedi ei bennu, neu sydd o ddisgrifiad sydd wedi ei bennu, yn y rheoliadau.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu bod arfer y pŵer cyffredinol yn ddarostyngedig i amodau, naill ai'n gyffredinol neu mewn perthynas ag unrhyw beth sydd wedi ei bennu, neu sydd o ddisgrifiad sydd wedi ei bennu, yn y rheoliadau.
- (5) Caiff rheoliadau a wneir o dan is-adran (4) ddarparu, ymhlith pethau eraill, bod arfer y pŵer cyffredinol gan awdurdod lleol cymhwysol—
  - (a) i godi ffi am ddarparu gwasanaeth i berson i fod yn ddarostyngedig i amodau yn ychwanegol at yr amodau a nodir yn adran 26;
  - (b) i wneud pethau at ddiben masnachol i fod yn ddarostyngedig i amodau yn ychwanegol at yr amodau a nodir yn adran 27.
- (6) Caniateir arfer y pŵer o dan is-adran (1), (2), (3) neu (4) mewn perthynas ag—
  - (a) pob awdurdod lleol cymhwysol;
  - (b) awdurdod penodol sy'n awdurdod lleol cymhwysol;
  - (c) awdurdod lleol o ddisgrifiad penodol sy'n awdurdod lleol cymhwysol.
- (7) Ac eithrio fel a ddarperir yn is-adran (8), cyn gwneud rheoliadau o dan is-adran (1), (2), (3) neu (4) rhaid i Weinidogion Cymru ymgynghori ag—
  - (a) unrhyw brif gynghorau a chynghorau cymuned y maent yn ystyried ei bod yn briodol ymgynghori â hwy,
  - (b) unrhyw bersonau sy'n cynrychioli prif gynghorau a chynghorau cymuned y maent yn ystyried ei bod yn briodol ymgynghori â hwy, ac
  - (c) unrhyw bersonau eraill y maent yn ystyried ei bod yn briodol ymgynghori â hwy.
- (8) Nid yw'r ddyletswydd a osodir gan is-adran (7) yn gymwys yn achos rheoliadau a wneir gan Weinidogion Cymru sydd â'r unig ddiben o ddiwygio rheoliadau cynharach—
  - (a) er mwyn estyn y rheoliadau cynharach, neu unrhyw ddarpariaeth yn y rheoliadau cynharach, i awdurdod penodol neu i awdurdodau o ddisgrifiad penodol, neu
  - (b) fel bod y rheoliadau cynharach, neu unrhyw ddarpariaeth yn y rheoliadau cynharach, yn peidio â bod yn gymwys i awdurdod penodol neu i awdurdodau o ddisgrifiad penodol.
- (9) Nid yw'r adran hon yn rhoi pŵer i wneud darpariaeth—
  - (a) sy'n diwygio, yn diddymu neu'n datgymhwyso darpariaeth sydd yn y Ddeddf hon;
  - (b) ar gyfer dirprwyo neu drosglwyddo unrhyw swyddogaethau deddfu drwy orchymyn, rheolau, rheoliadau neu is-offeryn arall.

## 29 Diwygiadau mewn perthynas â'r Bennod hon

Mae Rhan 1 o Atodlen 3 yn gwneud diwygiadau mewn perthynas â'r Bennod hon.

- (3) The Welsh Ministers may by regulations make provision preventing qualifying local authorities from doing, in exercise of the general power, anything that is specified, or is of a description specified, in the regulations.
- (4) The Welsh Ministers may by regulations provide for the exercise of the general power to be subject to conditions, either generally or in relation to doing anything that is specified, or is of a description specified, in the regulations.
- (5) Regulations made under subsection (4) may, among other things, provide that the exercise of the general power by a qualifying local authority –
  - (a) to charge for providing a service to a person is to be subject to conditions in addition to the conditions set out in section 26;
  - (b) to do things for a commercial purpose is to be subject to conditions in addition to the conditions set out in section 27.
- (6) The power under subsection (1), (2), (3) or (4) may be exercised in relation to –
  - (a) all qualifying local authorities;
  - (b) a particular authority that is a qualifying local authority;
  - (c) a particular description of local authority that is a qualifying local authority.
- (7) Except as provided for in subsection (8), before making regulations under subsection (1), (2), (3) or (4) the Welsh Ministers must consult –
  - (a) such principal councils and community councils as they consider appropriate,
  - (b) such persons representing principal councils and community councils as they consider appropriate, and
  - (c) such other persons as they consider appropriate.
- (8) The duty imposed by subsection (7) does not apply in the case of regulations made by the Welsh Ministers only for the purpose of amending earlier regulations –
  - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular authority or authorities of a particular description, or
  - (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular authority or to authorities of a particular description.
- (9) This section does not confer power to make provision –
  - (a) that amends, repeals or disapplies a provision of this Act;
  - (b) for the delegation or transfer of any function of legislating by order, rules, regulations, or other subordinate instrument.

## **29 Amendments relating to this Chapter**

Part 1 of Schedule 3 makes amendments relating to this Chapter.

**PENNOD 2****CYNGHORAU CYMUNED CYMWYS****30 Dod yn gyngor cymuned cymwys**

- (1) Caiff cyngor cymuned sy'n bodloni pob un o'r amodau a nodir yn is-adrannau (2) i (4) ("yr amodau cymhwys") ddod yn gyngor cymuned cymwys at ddibenion Pennod 1 drwy basio penderfyniad, mewn unrhyw gyfarfod o'r cyngor, ei fod yn gyngor cymuned cymwys.
- (2) Yr amod cyntaf yw y datganwyd bod o leiaf ddau draean o gyfanswm cyngorwyr y cyngor cymuned wedi eu hethol (boed mewn etholiad cyffredin neu mewn is-etholiad).
- (3) Yr ail amod yw bod clerch y cyngor yn dal cymhwyster neu ddisgrifiad o gymhwyster o fath a bennir gan Weinidogion Cymru drwy reoliadau.
- (4) Y trydydd amod yw –
  - (a) bod barn ddiweddaraf Archwilydd Cyffredinol Cymru ar gyfrifon y cyngor –
    - (i) yn farn ddiamod gan Archwilydd Cyffredinol Cymru, a
    - (ii) yn farn y mae'r cyngor wedi ei chael yn ystod y cyfnod o 12 mis sy'n dod i ben ar y diwrnod y bydd y cyngor (os yw'n pasio penderfyniad yn unol ag is-adran (1)) yn dod yn gyngor cymuned cymwys, a
  - (b) bod barn Archwilydd Cyffredinol Cymru ar gyfrifon y cyngor a oedd yn union ragflaenu'r farn a grybwyllir ym mharagraff (a) hefyd yn farn ddiamod gan Archwilydd Cyffredinol Cymru.
- (5) At ddibenion is-adran (4) ac adran 34 –
  - (a) ystyr barn Archwilydd Cyffredinol Cymru yw barn a ddarperir gan Archwilydd Cyffredinol Cymru o dan adran 23 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23), ar ôl cynnal archwiliad o gyfrifon cyngor cymuned ar gyfer blwyddyn ariannol, a
  - (b) mae barn Archwilydd Cyffredinol Cymru yn farn ddiamod os nad yw Archwilydd Cyffredinol Cymru, yn y farn, wedi datgan mewn unrhyw fodd nad yw'n fodlon o ran y materion a nodir yn adran 17 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004.
- (6) Mae cyngor cymuned sy'n pasio penderfyniad yn unol ag is-adran (1) yn dod yn gyngor cymuned cymwys pan fo'n pasio'r penderfyniad.

**31 Parhau i fod yn gyngor cymuned cymwys**

- (1) Os yw cyngor cymuned cymwys yn dymuno parhau i fod yn gyngor cymuned cymwys rhaid iddo –
  - (a) ar adeg pob cyfarfod blynyddol sy'n dilyn pasio'r penderfyniad yn unol ag adran 30, fodloni'r amodau cymhwys, a
  - (b) ym mhob cyfarfod blynyddol o'r fath, basio penderfyniad ei fod yn parhau i fod yn gyngor cymuned cymwys.

## CHAPTER 2

### ELIGIBLE COMMUNITY COUNCILS

#### **30 Becoming an eligible community council**

- (1) A community council that meets each of the conditions set out in subsections (2) to (4) (“the eligibility conditions”) may become an eligible community council for the purposes of Chapter 1 by passing, at any meeting of the council, a resolution that it is an eligible community council.
- (2) The first condition is that at least two-thirds of the total number of councillors of the community council have been declared elected (whether at an ordinary election or at a by-election).
- (3) The second condition is that the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations.
- (4) The third condition is that—
  - (a) the most recent AGW opinion on the council’s accounts—
    - (i) is an unqualified AGW opinion, and
    - (ii) was received by the council during the period of 12 months ending on the day the council will (if it passes a resolution in accordance with subsection (1)) become an eligible community council, and
  - (b) the AGW opinion on the council’s accounts which immediately preceded the opinion mentioned in paragraph (a) is also an unqualified AGW opinion.
- (5) For the purposes of subsection (4) and section 34—
  - (a) an AGW opinion is an opinion provided by the Auditor General for Wales under section 23 of the Public Audit (Wales) Act 2004 (c. 23), having concluded an audit of a community council’s accounts for a financial year, and
  - (b) an AGW opinion is unqualified if the Auditor General for Wales has not, in the opinion, expressed in any way that the Auditor General for Wales is not satisfied as to the matters set out in section 17 of the Public Audit (Wales) Act 2004.
- (6) A community council that passes a resolution in accordance with subsection (1) becomes an eligible community council on passing the resolution.

#### **31 Continuing to be an eligible community council**

- (1) If an eligible community council wishes to continue to be an eligible community council it must—
  - (a) at the time of each annual meeting following the passing of the resolution in accordance with section 30, meet the eligibility conditions, and
  - (b) at each such annual meeting, pass a resolution that it continues to be an eligible community council.

- (2) Mae cyngor cymuned cymwys nad yw'n pasio penderfyniad yn unol ag is-adran (1) yn peidio â bod yn gyngor cymuned cymwys ar ddiwedd y diwrnod sy'n dilyn y cyfarfod blynyddol o dan sylw.
- (3) Yn yr adran hon ac yn adran 32, ystyr "cyfarfod blynyddol", mewn perthynas â chyngor cymuned cymwys, yw cyfarfod o'r cyngor a gynhelir o dan baragraff 23 o Atodlen 12 i Ddeddf 1972.

### **32 Peidio â bod yn gyngor cymuned cymwys**

- (1) Caiff cyngor cymuned cymwys basio penderfyniad mewn unrhyw gyfarfod o'r cyngor (gan gynnwys cyfarfod blynyddol) ei fod yn peidio â bod yn gyngor cymuned cymwys.
- (2) Mae cyngor cymuned sy'n pasio penderfyniad o dan is-adran (1) yn peidio â bod yn gyngor cymuned cymwys ar ddiwedd y diwrnod sy'n dilyn y cyfarfod y cafodd y penderfyniad ei basio ynddo.

### **33 Cyngorau cymuned sy'n peidio â bod yn gymwys: arfer y pŵer cymhwysedd cyffredinol**

Caiff cyngor cymuned sy'n peidio â bod yn gyngor cymuned cymwys barhau i arfer y pŵer cymhwysedd cyffredinol mewn perthynas ag unrhyw beth a wnaed pan oedd yn gyngor cymuned cymwys.

### **34 Cyngorau cymuned cyffredin a sefydlir ar ôl i'r Ddeddf hon gael ei phasio**

- (1) Mae'r adran hon yn gymwys—
  - (a) pan fo, ar ôl i'r Ddeddf hon gael ei phasio, gymunedau yn cael eu grwpio gyda'i gilydd o dan gyngor cymuned cyffredin o dan orchymyn o dan adran 27F o Ddeddf 1972, a
  - (b) pan oedd gan o leiaf hanner y cymunedau sy'n cael eu grwpio gyda'i gilydd gynghorau cymuned ar wahân a oedd, yn union cyn i'r gorchymyn o dan adran 27F o Ddeddf 1972 gael ei wneud, yn bodloni'r trydydd amod cymhwystra (a nodir yn adran 30(4)).
- (2) Nid yw'r trydydd amod cymhwystra yn gymwys i'r cyngor cymuned cyffredin hyd nes y bo wedi cael dwy farn gan Archwilydd Cyffredinol Cymru mewn cysylltiad â dwy flynedd ariannol; ac mae adrannau 30(1) a 31(1) i'w darllen yn unol â hynny.
- (3) Os nad yw'r farn gyntaf y mae'r cyngor cymuned cyffredin yn ei chael gan Archwilydd Cyffredinol Cymru yn farn ddiamod, mae'r cyngor i'w drin fel pe na bai'n bodloni'r amodau cymhwystra mwyach.

### **35 Pŵer i ddiwygio neu addasu'r Bennod hon**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r Bennod hon at ddibenion—
  - (a) ychwanegu amod cymhwystra,
  - (b) tynnu ymaith amod cymhwystra,
  - (c) newid unrhyw un neu ragor o'r amodau cymhwystra, neu
  - (d) gwneud darpariaeth i gyngor cymuned beidio â bod yn gyngor cymuned cymwys (o dan amgylchiadau ac eithrio'r rheini a bennir yn y Bennod hon).



- (2) An eligible community council that does not pass a resolution in accordance with subsection (1) ceases to be an eligible community council at the end of the day following the annual meeting in question.
- (3) In this section and section 32 “annual meeting”, in relation to an eligible community council, means a meeting of the council held under paragraph 23 of Schedule 12 to the 1972 Act.

### **32 Ceasing to be an eligible community council**

- (1) An eligible community council may pass a resolution at any meeting of the council (including an annual meeting) that it cease to be an eligible community council.
- (2) A community council that passes a resolution under subsection (1) ceases to be an eligible community council at the end of the day following the meeting at which the resolution was passed.

### **33 Community councils that cease to be eligible: exercise of general power of competence**

A community council that ceases to be an eligible community council may continue to exercise the general power of competence in relation to any thing done while it was an eligible community council.

### **34 Common community councils established after this Act is passed**

- (1) This section applies where –
  - (a) after this Act is passed, communities are grouped together under a common community council under an order under section 27F of the 1972 Act, and
  - (b) at least half of the communities grouped together had separate community councils which, immediately before the order under section 27F of the 1972 Act was made, met the third eligibility condition (set out in section 30(4)).
- (2) The third eligibility condition does not apply to the common community council until it has received two AGW opinions in respect of two financial years; and sections 30(1) and 31(1) are to be read accordingly.
- (3) If the first AGW opinion received by the common community council is not an unqualified opinion, the council is to be treated as no longer meeting the eligibility conditions.

### **35 Power to amend or modify this Chapter**

- (1) The Welsh Ministers may by regulations amend this Chapter for the purposes of –
  - (a) adding an eligibility condition,
  - (b) removing an eligibility condition,
  - (c) changing any of the eligibility conditions, or
  - (d) making provision for a community council to cease to be an eligible community council (in circumstances other than those specified in this Chapter).

- (2) Cyn gwneud rheoliadau o dan baragraffau (a) i (c) o is-adran (1), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n cynrychioli cynghorau cymuned y maent yn ystyried ei bod yn briodol ymgynghori â hwy.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio neu addasu'r Bennod hon at ddibenion darparu, yn ystod y cyfnod o ddwy flynedd sy'n dechrau â'r diwrnod y mae'r Bennod hon yn dod i rym—
- (a) nad yw amod cymhwysra yn gymwys;
  - (b) bod amod cymhwysra yn gymwys gydag addasiadau.

**36 Canllawiau ynglŷn ag arfer swyddogaethau o dan y Bennod hon**

Rhaid i gyngor cymuned roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer swyddogaethau o dan y Bennod hon.

**37 Diwygiadau mewn perthynas â'r Bennod hon**

Mae Rhan 2 o Atodlen 3 yn gwneud diwygiadau mewn perthynas â'r Bennod hon.

**RHAN 3**

**HYBU MYNEDIAD AT LYWODRAETH LEOL**

**PENNOD 1**

**TROSOLWG O'R RHAN**

**38 Trosolwg**

Yn y Rhan hon—

- (a) mae Pennod 2 yn ei gwneud yn ofynnol i brif gyngor—
  - (i) annog pobl leol i gyfranogi pan fo'r cyngor yn gwneud penderfyniadau;
  - (ii) llunio a chyhoeddi strategaeth sy'n nodi sut y bydd yn cydymffurfio â'i ddyletswydd i annog cyfranogiad pan wneir penderfyniadau;
  - (iii) gwneud cynllun deisebau;
  - (iv) cyhoeddi cyfeiriad electronig a chyfeiriad post ar gyfer pob un o'i aelodau;
- (b) mae Pennod 3 yn ei gwneud yn ofynnol i brif gyngor gyhoeddi arweiniad i gydfynd â'i gyfansoddiad a sicrhau bod copïau o'r arweiniad ar gael ar gais;
- (c) mae Pennod 4 yn gwneud darpariaeth—
  - (i) ar gyfer darlledu trafodion cyfarfodydd prif gynghorau ac awdurdodau lleol eraill sy'n agored i'r cyhoedd;
  - (ii) sy'n ei gwneud yn ofynnol i awdurdodau lleol wneud trefniadau sy'n galluogi mynychu cyfarfodydd o bell;
  - (iii) sy'n rhoi'r cyfle i aelodau o'r cyhoedd siarad yng nghyfarfodydd cynghorau cymuned sy'n agored i'r cyhoedd;

- (2) Before making regulations under paragraphs (a) to (c) of subsection (1), the Welsh Ministers must consult such persons representing community councils as they consider appropriate.
- (3) The Welsh Ministers may by regulations amend or modify this Chapter for the purposes of providing that, during the period of two years beginning with the day on which this Chapter comes into force—
  - (a) an eligibility condition does not apply;
  - (b) an eligibility condition applies with modifications.

**36 Guidance on exercise of functions under this Chapter**

A community council must have regard to any guidance issued by the Welsh Ministers about the exercise of functions under this Chapter.

**37 Amendments relating to this Chapter**

Part 2 of Schedule 3 makes amendments relating to this Chapter.

**PART 3**

**PROMOTING ACCESS TO LOCAL GOVERNMENT**

**CHAPTER 1**

**OVERVIEW OF PART**

**38 Overview**

In this Part—

- (a) Chapter 2 requires a principal council—
  - (i) to encourage local people to participate in decision-making by the council;
  - (ii) to prepare and publish a strategy setting out how it is to comply with its duty to encourage participation in decision-making;
  - (iii) to make a petition scheme;
  - (iv) to publish an electronic and postal address for each of its members;
- (b) Chapter 3 requires a principal council to publish a guide to accompany its constitution and make copies of the guide available on request;
- (c) Chapter 4 makes provision—
  - (i) for broadcasting proceedings at meetings of principal councils and other local authorities which are open to the public;
  - (ii) requiring local authorities to make arrangements enabling remote attendance at meetings;
  - (iii) giving members of the public the opportunity to speak at meetings of community councils open to the public;

- (iv) ynglŷn â rhoi hysbysiadau, a mynediad at ddogfennau, sy'n ymwneud â chyfarfodydd awdurdodau lleol;
  - (v) ar gyfer gwneud rheoliadau ynglŷn â chyfarfodydd awdurdodau lleol, cyhoeddi gwybodaeth a chyfarfodydd cymunedol;
- (d) mae Pennod 5 yn ei gwneud yn ofynnol i gynghorau cymuned gyhoeddi adroddiad blynyddol ynglŷn â'u blaenoriaethau, eu gweithgareddau a'u cyflawniadau.

## PENNOD 2

### CYFRANOGIAD Y CYHOEDD PAN FO PRIF GYNGHORAU YN GWNEUD PENDERFYNIADAU

*Dyletswydd ar brif gynghorau i annog cyfranogiad o fewn llywodraeth leol*

- 39 Dyletswydd i annog pobl leol i gyfranogi pan fo prif gynghorau yn gwneud penderfyniadau**
- (1) Rhaid i brif gyngor annog pobl leol i gyfranogi pan fo'r cyngor yn gwneud penderfyniadau (gan gynnwys penderfyniadau a wneir mewn partneriaeth neu ar y cyd ag unrhyw berson arall).
  - (2) Yn is-adran (1), mae cyfeiriad at wneud penderfyniadau yn cynnwys cyfeiriad at wneud penderfyniadau gan berson mewn perthynas ag arfer swyddogaeth a ddirprwywyd i'r person hwnnw gan brif gyngor.
- 40 Strategaeth ar annog cyfranogiad**
- (1) Rhaid i brif gyngor lunio a chyhoeddi strategaeth ("strategaeth cyfranogiad y cyhoedd") sy'n pennu sut y mae'n bwriadu cydymffurfio â'r ddyletswydd yn adran 39.
  - (2) Rhaid i strategaeth cyfranogiad y cyhoedd ymdrin â'r canlynol, yn benodol –
    - (a) dulliau o hybu ymwybyddiaeth ymhlith pobl leol o swyddogaethau'r prif gyngor;
    - (b) dulliau o hybu ymwybyddiaeth ymhlith pobl leol o'r modd y deuir yn aelod o'r prif gyngor, a'r hyn y mae aelodaeth yn ei olygu;
    - (c) dulliau o'i gwneud yn fwy hwylus i bobl leol gael gwybodaeth am benderfyniadau a wnaed, neu sydd i'w gwneud, gan y prif gyngor;
    - (d) dulliau o hybu a hwyluso prosesau lle gall pobl leol gyflwyno sylwadau i'r prif gyngor am benderfyniad cyn, ac ar ôl, iddo gael ei wneud;
    - (e) y trefniadau a wnaed, neu sydd i'w gwneud, at ddiben y ddyletswydd ar y cyngor yn adran 62 o Fesur 2011 (dwyn safbwyntiau'r cyhoedd i sylw pwyllgorau trosolwg a chraffu);
    - (f) dulliau o hybu ymwybyddiaeth ymhlith aelodau o'r prif gyngor o fanteision defnyddio'r cyfryngau cymdeithasol i gyfathrebu â phobl leol.
  - (3) Caiff strategaeth cyfranogiad y cyhoedd ymdrin â'r modd y mae prif gyngor yn bwriadu cydymffurfio â dyletswydd a osodir gan unrhyw ddeddfiad.

- (iv) about the giving of notices, and access to documents, relating to local authority meetings;
  - (v) for regulations to be made about local authority meetings, publication of information and community meetings;
- (d) Chapter 5 requires community councils to publish an annual report about their priorities, activities and achievements.

## CHAPTER 2

### PUBLIC PARTICIPATION IN DECISION-MAKING BY PRINCIPAL COUNCILS

#### *Principal councils' duty to encourage participation in local government*

#### **39 Duty to encourage local people to participate in decision-making by principal councils**

- (1) A principal council must encourage local people to participate in the making of decisions by the council (including the making of decisions in partnership or in conjunction with any other person).
- (2) In subsection (1), a reference to the making of decisions includes a reference to the making of decisions by a person in relation to the exercise of a function delegated to that person by a principal council.

#### **40 Strategy on encouraging participation**

- (1) A principal council must prepare and publish a strategy ("a public participation strategy") specifying how it proposes to comply with the duty in section 39.
- (2) A public participation strategy must, in particular, address –
  - (a) ways of promoting awareness among local people of the principal council's functions;
  - (b) ways of promoting awareness among local people of how to become a member of the principal council, and what membership entails;
  - (c) ways of facilitating access for local people to information about decisions made, or to be made, by the principal council;
  - (d) ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made;
  - (e) arrangements made, or to be made, for the purpose of the council's duty in section 62 of the 2011 Measure (bringing views of the public to attention of overview and scrutiny committees);
  - (f) ways of promoting awareness among members of the principal council of the benefits of using social media to communicate with local people.
- (3) A public participation strategy may address how a principal council proposes to comply with a duty imposed by any enactment.

**41 Strategaeth cyfranogiad y cyhoedd: ymgynghori ac adolygu**

- (1) Rhaid i strategaeth cyfranogiad y cyhoedd gyntaf prif gyngor gael ei chyhoeddi cyn gynted ag y bo'n rhesymol ymarferol ar ôl i adran 40 ddod i rym.
- (2) Wrth lunio'r strategaeth honno rhaid i'r cyngor ymgynghori ag—
  - (a) pobl leol, a
  - (b) unrhyw bersonau eraill y mae'n ystyried ei bod yn briodol ymgynghori â hwy.
- (3) Mewn perthynas â phrif gyngor—
  - (a) rhaid iddo adolygu ei strategaeth cyfranogiad y cyhoedd cyn gynted ag y bo'n rhesymol ymarferol yn dilyn pob etholiad cyffredin ar gyfer cynghorwyr i'r cyngor, a
  - (b) caiff adolygu ei strategaeth ar unrhyw adeg arall.
- (4) Wrth gynnal adolygiad o strategaeth cyfranogiad y cyhoedd o dan is-adran (3)(a) rhaid i brif gyngor ymgynghori ag—
  - (a) pobl leol, a
  - (b) unrhyw bersonau eraill y mae'n ystyried ei bod yn briodol ymgynghori â hwy.
- (5) Yn dilyn adolygiad o dan is-adran (3) caiff prif gyngor ddiwygio ei strategaeth cyfranogiad y cyhoedd, neu roi strategaeth newydd yn ei lle.
- (6) Ond cyn diwygio ei strategaeth cyfranogiad y cyhoedd neu roi un newydd yn ei lle yn dilyn adolygiad o dan is-adran (3)(b) rhaid i brif gyngor ymgynghori ag—
  - (a) pobl leol, a
  - (b) unrhyw bersonau eraill y mae'n ystyried ei bod yn briodol ymgynghori â hwy.
- (7) Os yw prif gyngor yn diwygio strategaeth cyfranogiad y cyhoedd neu'n rhoi un newydd yn ei lle, rhaid iddo gyhoeddi'r strategaeth ddiwygiedig neu'r strategaeth newydd cyn gynted ag y bo'n rhesymol ymarferol.

*Cynllun deisebau prif gyngor***42 Dyletswydd i wneud cynllun deisebau**

- (1) Rhaid i brif gyngor wneud a chyhoeddi cynllun ("cynllun deisebau") sy'n nodi sut y mae'r cyngor yn bwriadu ymdrin â deisebau (gan gynnwys deisebau electronig) ac ymateb iddynt.
- (2) Rhaid i gynllun deisebau nodi, yn benodol—
  - (a) sut i gyflwyno deiseb i'r cyngor;
  - (b) sut ac erbyn pryd y bydd y cyngor yn cydnabod ei fod wedi cael deiseb;
  - (c) y camau y gall y cyngor eu cymryd mewn ymateb i ddeiseb y mae'n ei chael;
  - (d) yr amgylchiadau (os oes rhai) pan allai'r cyngor beidio â chymryd unrhyw gamau pellach mewn ymateb i ddeiseb;
  - (e) sut ac erbyn pryd y bydd y cyngor yn sicrhau bod ei ymateb i ddeiseb ar gael i'r person a gyflwynodd y ddeiseb ac i'r cyhoedd.

**41 Public participation strategy: consultation and review**

- (1) A principal council's first public participation strategy must be published as soon as reasonably practicable after section 40 comes into force.
- (2) In preparing that strategy the council must consult –
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (3) A principal council –
  - (a) must review its public participation strategy as soon as reasonably practicable following each ordinary election of councillors to the council, and
  - (b) may review its strategy at any other time.
- (4) In conducting a review of a public participation strategy under subsection (3)(a) a principal council must consult –
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (5) Following a review under subsection (3) a principal council may revise its public participation strategy, or replace it with a new strategy.
- (6) But before revising or replacing its public participation strategy following a review under subsection (3)(b) a principal council must consult –
  - (a) local people, and
  - (b) such other persons as it considers appropriate.
- (7) If a principal council revises or replaces a public participation strategy, it must publish the revised or new strategy as soon as reasonably practicable.

*Principal council's petition scheme*

**42 Duty to make petition scheme**

- (1) A principal council must make and publish a scheme (a "petition scheme") setting out how the council intends to handle and respond to petitions (including electronic petitions).
- (2) A petition scheme must, in particular, set out –
  - (a) how a petition may be submitted to the council;
  - (b) how and by when the council will acknowledge receipt of a petition;
  - (c) the steps the council may take in response to a petition received by it;
  - (d) the circumstances (if any) in which the council may take no further action in response to a petition;
  - (e) how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.

- (3) Rhaid i brif gyngor adolygu ei gynllun deisebau o dro i dro, a diwygio'r cynllun os yw'r cyngor yn ystyried bod hynny'n briodol.
- (4) Os yw prif gyngor yn diwygio cynllun deisebau neu'n rhoi un newydd yn ei le, rhaid iddo gyhoeddi'r cynllun diwygiedig neu'r cynllun newydd.

*Cyfeiriadau aelodau o brif gynghorau*

**43 Dyletswydd ar brif gynghorau i gyhoeddi cyfeiriadau swyddogol**

Rhaid i brif gyngor gyhoeddi cyfeiriad electronig a chyfeiriad post ar gyfer pob aelod o'r cyngor, y gellir anfon gohebiaeth ar gyfer yr aelod iddynt.

*Canllawiau*

**44 Canllawiau ar arfer swyddogaethau o dan y Bennod hon**

Rhaid i brif gyngor roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer swyddogaethau o dan y Bennod hon.

**PENNOD 3**

ARWEINIADAU I'R CYFANSODDIAD

**45 Dyletswydd ar brif gynghorau i gyhoeddi cyfansoddiad ac arweiniad i'r cyfansoddiad**

- (1) Mae adran 37 o Ddeddf 2000 (cyfansoddiad awdurdod lleol) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (1) mewnosoder –
  - “(1A) A local authority must prepare and keep up to date a document (referred to in this section as their constitution guide) which explains, in ordinary language, the content of their constitution.”
- (3) Yn is-adran (2) –
  - (a) ar ôl “must” mewnosoder “ –
    - (a) publish their constitution and their constitution guide electronically and in such other manner as they consider appropriate, and
    - (b) ”;
  - (b) ar ôl “copies of their constitution” mewnosoder “and their constitution guide”.
- (4) Yn is-adran (3) –
  - (a) ar ôl “constitution” mewnosoder “or, as the case may be, their constitution guide”;
  - (b) yn lle'r geiriau o “who requests” hyd at ddiwedd yr is-adran, rhodder “on request, either free of charge or at a charge representing no more than the cost of providing the copy”.



- (3) A principal council must review its petition scheme from time to time and, if the council considers it appropriate, revise the scheme.
- (4) If a principal council revises or replaces a petition scheme, it must publish the revised or new scheme.

*Addresses of members of principal councils*

**43 Duty on principal councils to publish official addresses**

A principal council must publish an electronic and postal address for each member of the council, to which correspondence for the member may be sent.

*Guidance*

**44 Guidance on exercise of functions under this Chapter**

A principal council must have regard to any guidance issued by the Welsh Ministers about the exercise of functions under this Chapter.

**CHAPTER 3**

**CONSTITUTION GUIDES**

**45 Principal councils' duty to publish constitution and constitution guide**

- (1) Section 37 of the 2000 Act (local authority constitution) is amended as follows.
- (2) After subsection (1) insert –
  - “(1A) A local authority must prepare and keep up to date a document (referred to in this section as their constitution guide) which explains, in ordinary language, the content of their constitution.”
- (3) In subsection (2) –
  - (a) after “must” insert “ –
    - (a) publish their constitution and their constitution guide electronically and in such other manner as they consider appropriate, and
    - (b) ”;
  - (b) after “copies of their constitution” insert “and their constitution guide”.
- (4) In subsection (3) –
  - (a) after “constitution” insert “or, as the case may be, their constitution guide”;
  - (b) for the words from “who requests” to the end of the subsection, substitute “on request, either free of charge or at a charge representing no more than the cost of providing the copy”.

**PENNOD 4****CYFARFODYDD LLYWODRAETH LEOL****46 Darllediadau electronig o gyfarfodydd awdurdodau lleol penodol**

- (1) Rhaid i brif gyngor wneud a chyhoeddi trefniadau at ddiben sicrhau bod –
  - (a) darllediad o drafodion cyfarfod y mae is-adran (2) yn gymwys iddo ar gael ar ffurf electronig fel bod aelodau o’r cyhoedd nad ydynt yn mynychu’r cyfarfod yn gallu gweld a chlywed y trafodion;
  - (b) y trafodion yn cael eu darlledu wrth iddynt gael eu cynnal, yn ddarostyngedig i unrhyw eithriadau penodedig;
  - (c) y darllediad ar gael ar ffurf electronig am gyfnod penodedig ar ôl y cyfarfod.
- (2) Mae’r is-adran hon yn gymwys i drafodion cyfarfod, neu unrhyw ran o gyfarfod, o’r canlynol sy’n agored i’r cyhoedd –
  - (a) prif gyngor;
  - (b) unrhyw un neu ragor o’r cyrff penodedig a ganlyn –
    - (i) gweithrediaeth prif gyngor;
    - (ii) pwyllgor neu is-bwyllgor i weithrediaeth prif gyngor;
    - (iii) pwyllgor neu is-bwyllgor i brif gyngor;
    - (iv) cyd-bwyllgor, neu is-bwyllgor i gyd-bwyllgor, o ddau brif gyngor neu ragor.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach mewn cysylltiad â darlledu trafodion mewn cyfarfod y mae is-adran (2) yn gymwys iddo.
- (4) Yn is-adrannau (1) a (2), ystyr “penodedig” yw wedi ei bennu mewn rheoliadau a wnaed gan Weinidogion Cymru.
- (5) Os yw prif gyngor yn diwygio trefniadau a wnaed o dan is-adran (1) neu’n rhoi rhai newydd yn eu lle, rhaid iddo gyhoeddi’r trefniadau diwygiedig neu’r trefniadau newydd.
- (6) Rhaid i brif gyngor sy’n gwneud trefniadau sy’n ofynnol gan is-adran (1) roi sylw i unrhyw ganllawiau ynglŷn ag arfer y swyddogaeth honno a ddyroddir gan Weinidogion Cymru.
- (7) Nid yw’r ffaith bod darllediad ar gael neu nad yw ar gael (boed hynny wrth i’r trafodion gael eu cynnal neu wedi hynny) yn effeithio ar ddilysrwydd unrhyw drafodion y mae is-adran (2) yn gymwys iddynt.
- (8) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau er mwyn sicrhau bod trafodion cyfarfod awdurdod a restrir yn is-adran (9), neu gyfarfod pwyllgor neu is-bwyllgor i awdurdod o’r fath, yn cael eu darlledu ar ffurf electronig, ac mewn cysylltiad â hynny.
- (9) Yr awdurdodau yw –
  - (a) awdurdod tân ac achub ar gyfer ardal yng Nghymru;
  - (b) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;

## CHAPTER 4

### LOCAL GOVERNMENT MEETINGS

#### 46 Electronic broadcasts of meetings of certain local authorities

- (1) A principal council must make and publish arrangements for the purpose of ensuring that—
  - (a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;
  - (b) the proceedings are broadcast as they take place, subject to any specified exceptions;
  - (c) the broadcast is available electronically for a specified period after the meeting.
- (2) This subsection applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—
  - (a) a principal council;
  - (b) any of the following specified bodies—
    - (i) the executive of a principal council;
    - (ii) a committee or sub-committee of an executive of a principal council;
    - (iii) a committee or sub-committee of a principal council;
    - (iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.
- (3) The Welsh Ministers may by regulations make further provision in connection with the broadcast of proceedings at a meeting to which subsection (2) applies.
- (4) In subsections (1) and (2), “specified” means specified in regulations made by the Welsh Ministers.
- (5) If a principal council revises or replaces arrangements made under subsection (1), it must publish the revised or new arrangements.
- (6) A principal council making arrangements required by subsection (1) must have regard to any guidance about the exercise of that function issued by the Welsh Ministers.
- (7) The validity of any proceedings to which subsection (2) applies is not affected by the availability or otherwise of a broadcast (whether as the proceedings take place or afterwards).
- (8) The Welsh Ministers may by regulations make provision for and in connection with ensuring that proceedings at a meeting of an authority listed in subsection (9), or at a meeting of a committee or sub-committee of such an authority, are broadcast electronically.
- (9) The authorities are—
  - (a) a fire and rescue authority for an area in Wales;
  - (b) a National Park authority for a National Park in Wales;

- (c) cyd-bwyllgor o un prif gyngor neu ragor ac un neu ragor o'r awdurdodau a ddisgrifir ym mharagraff (a) neu (b);
  - (d) cyd-fwrdd –
    - (i) a gyfansoddir yn gorff corfforedig o dan unrhyw ddeddfiad, a
    - (ii) sy'n cyflawni swyddogaethau dau brif gyngor neu ragor.
- (10) Caiff rheoliadau o dan is-adran (3) neu (8) gynnwys darpariaeth sy'n diwygio, yn addasu, yn diddymu neu'n dirymu unrhyw ddeddfiad.

#### 47 Mynychu cyfarfodydd awdurdod lleol

- (1) Rhaid i awdurdod lleol wneud a chyhoeddi trefniadau at ddiben sicrhau y gellir cynnal cyfarfodydd awdurdod lleol drwy gyfrwng unrhyw gyfarpar neu gyfleuster arall –
  - (a) sy'n galluogi personau nad ydynt yn yr un lle i fynychu'r cyfarfodydd, a
  - (b) sy'n bodloni'r amodau yn is-adran (2).
- (2) Yr amodau yw bod y cyfarpar neu'r cyfleuster arall yn galluogi personau –
  - (a) yn achos cyfarfodydd awdurdod lleol nad ydynt yn dod o fewn paragraff (b), i siarad â'i gilydd ac i gael eu clywed gan ei gilydd (pa un a yw'r cyfarpar neu'r cyfleuster yn galluogi'r personau hynny i weld ei gilydd ac i gael eu gweld gan ei gilydd ai peidio), a
  - (b) yn achos cyfarfodydd prif gyngor y mae'n ofynnol eu darlledu o dan adran 46 (darllediadau electronig), neu unrhyw gyfarfodydd awdurdod lleol eraill y mae'n ofynnol iddynt gael eu darlledu gan reoliadau a wneir o dan yr adran honno, i siarad â'i gilydd ac i gael eu clywed gan ei gilydd ac i weld ei gilydd ac i gael eu gweld gan ei gilydd.
- (3) Yn achos cyfarfodydd cyd-bwyllgor o ddau awdurdod lleol neu ragor, rhaid i'r awdurdodau wneud a chyhoeddi trefniadau o dan is-adran (1) ar y cyd.
- (4) Os yw awdurdod lleol yn diwygio trefniadau a wnaed o dan is-adran (1) neu'n rhoi rhai newydd yn eu lle, rhaid iddo gyhoeddi'r trefniadau diwygiedig neu'r trefniadau newydd.
- (5) Rhaid i awdurdod lleol sy'n gwneud trefniadau sy'n ofynnol gan is-adran (1) roi sylw i unrhyw ganllawiau ynglŷn ag arfer y swyddogaeth honno a ddyroddir gan Weinidogion Cymru.
- (6) Yn yr adran hon –
 

ystyr "awdurdod lleol" ("*local authority*") yw –

  - (a) prif gyngor;
  - (b) cyngor cymuned;
  - (c) awdurdod tân ac achub ar gyfer ardal yng Nghymru;
  - (d) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
  - (e) awdurdod iechyd porthladd ar gyfer ardal iechyd porthladd yng Nghymru a gyfansoddwyd o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22);

- (c) a joint committee of one or more principal councils and one or more authorities described in paragraph (a) or (b);
  - (d) a joint board which –
    - (i) is constituted under any enactment as a body corporate, and
    - (ii) discharges functions of two or more principal councils.
- (10) Regulations under subsection (3) or (8) may include provision amending, modifying, repealing or revoking any enactment.

#### **47 Attendance at local authority meetings**

- (1) A local authority must make and publish arrangements for the purpose of ensuring that local authority meetings are able to be held by means of any equipment or other facility which –
  - (a) enables persons who are not in the same place to attend the meetings, and
  - (b) satisfies the conditions in subsection (2).
- (2) The conditions are that the equipment or other facility enables persons –
  - (a) in the case of local authority meetings that do not fall within paragraph (b), to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other), and
  - (b) in the case of meetings of a principal council required to be broadcast under section 46 (electronic broadcasts), or any other local authority meetings required to be broadcast by regulations made under that section, to speak to and be heard by each other and to see and be seen by each other.
- (3) In the case of meetings of a joint committee of two or more local authorities, the authorities must make and publish arrangements under subsection (1) jointly.
- (4) If a local authority revises or replaces arrangements made under subsection (1), it must publish the revised or new arrangements.
- (5) A local authority making arrangements required by subsection (1) must have regard to any guidance about the exercise of that function issued by the Welsh Ministers.
- (6) In this section –
  - “local authority” (*“awdurdod lleol”*) means –
    - (a) a principal council;
    - (b) a community council;
    - (c) a fire and rescue authority for an area in Wales;
    - (d) a National Park authority for a National Park in Wales;
    - (e) a port health authority for a port health district in Wales constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22);

ystyr “cyfarfod awdurdod lleol” (“*local authority meeting*”) yw cyfarfod –

- (a) awdurdod lleol;
- (b) pan fo’r awdurdod lleol yn brif gyngor, ei weithrediaeth;
- (c) cyd-bwyllgor o ddau awdurdod lleol neu ragor;
- (d) pwyllgor neu is-bwyllgor i unrhyw beth sydd o fewn paragraffau (a) i (c),

ac, er mwyn osgoi amheuaeth, mae’n cynnwys gwrandawriad a gynhelir gan bwyllgor trwyddedu prif gyngor a sefydlwyd o dan adran 6 o Ddeddf Trwyddedu 2003 (p. 17) neu is-bwyllgor a sefydlwyd gan bwyllgor trwyddedu.

(7) Mewn perthynas â chyfeiriad mewn unrhyw ddeddfiad at –

- (a) y ffaith bod person yn mynychu cyfarfod awdurdod lleol, yn bresennol ynddo neu’n ymddangos ger ei fron, mae’r cyfeiriad hwnnw yn cynnwys, mewn perthynas â chyfarfod a gynhelir drwy’r cyfrwng a ddisgrifir yn is-adran (1), mynychu, bod yn bresennol neu ymddangos drwy ddefnyddio’r cyfrwng hwnnw;
- (b) y lle y mae cyfarfod awdurdod lleol i’w gynnal, nid yw’r cyfeiriad hwnnw i’w ddarllen fel pe bai wedi ei gyfyngu i un lleoliad ffisegol.

(8) Caiff Gweinidogion Cymru ddiwygio’r adran hon drwy reoliadau er mwyn –

- (a) ychwanegu at yr amodau yn is-adran (2), eu diwygio neu eu hepgor;
- (b) ychwanegu at y diffiniad o “awdurdod lleol” yn is-adran (6) cyd-fwrdd –
  - (i) a gyfansoddir yn gorff corfforedig o dan unrhyw ddeddfiad, a
  - (ii) sy’n cyflawni swyddogaethau dau brif gyngor neu ragor.

(9) Mae Rhan 2 o Atodlen 4 yn gwneud diwygiadau canlyniadol.

#### 48 Cyfranogi yng nghyfarfodydd cynghorau cymuned

Yn Rhan 4 o Atodlen 12 i Ddeddf 1972 (cyfarfodydd a thrafodion cynghorau cymuned), ar ôl paragraff 27 mewnosoder –

- “27A(1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.
- (2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.
- (3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers about the function in that sub-paragraph.”

#### 49 Hysbysiadau etc. ynglŷn â chyfarfodydd awdurdodau lleol

Mae Rhan 1 o Atodlen 4 yn gwneud diwygiadau i Ddeddf 1972 a Deddfau eraill, ynglŷn â hysbysiadau a dogfennau eraill sy’n ymwneud â chyfarfodydd awdurdodau lleol.

“local authority meeting” (“*cyfarfod awdurdod lleol*”) means a meeting of—

- (a) a local authority;
- (b) where the local authority is a principal council, its executive;
- (c) a joint committee of two or more local authorities;
- (d) a committee or sub-committee of anything within paragraphs (a) to (c),

and, for the avoidance of doubt, includes a hearing held by a principal council’s licensing committee established under section 6 of the Licensing Act 2003 (c. 17) or a sub-committee established by a licensing committee.

- (7) A reference in any enactment to—
  - (a) the attendance, presence or appearance of a person at a local authority meeting includes, in relation to a meeting held by the means described in subsection (1), attendance, presence or appearance by use of those means;
  - (b) the place at which a local authority meeting is held is not to be read as limited to a single physical location.
- (8) The Welsh Ministers may by regulations amend this section so as to—
  - (a) add to, amend or omit the conditions in subsection (2);
  - (b) add to the definition of “local authority” in subsection (6) a joint board which—
    - (i) is constituted under any enactment as a body corporate, and
    - (ii) discharges functions of two or more principal councils.
- (9) Part 2 of Schedule 4 makes consequential amendments.

#### **48 Participation at meetings of community councils**

In Part 4 of Schedule 12 to the 1972 Act (meetings and proceedings of community councils), after paragraph 27 insert—

- “27A(1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.
- (2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.
- (3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers about the function in that sub-paragraph.”

#### **49 Notices etc. of local authority meetings**

Part 1 of Schedule 4 makes amendments to the 1972 Act and other Acts, concerning notices and other documents relating to meetings of local authorities.

**50 Rheoliadau ynglŷn â chynnal cyfarfodydd awdurdodau lleol, dogfennau sy'n ymwneud â chyfarfodydd a chyhoeddi gwybodaeth**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer ac mewn cysylltiad â gofynion sy'n ymwneud â hysbysiadau a dogfennau eraill mewn perthynas â chyfarfodydd awdurdodau lleol ac sy'n ymwneud â chynnal y cyfarfodydd hynny.
- (2) Caiff rheoliadau o dan is-adran (1) gynnwys, yn benodol, ddarpariaeth ynglŷn ag—
  - (a) llunio hysbysiadau a dogfennau eraill sy'n ymwneud â chyfarfodydd awdurdodau lleol;
  - (b) cyhoeddi a dosbarthu'r hysbysiadau a'r dogfennau hynny;
  - (c) cynnwys yr hysbysiadau a'r dogfennau hynny;
  - (d) hawliau i gael mynediad at yr hysbysiadau a'r dogfennau hynny;
  - (e) cadw dogfennau sy'n ymwneud â chynnal cyfarfodydd awdurdodau lleol;
  - (f) trefniadau sy'n ymwneud â chynnal cyfarfodydd awdurdodau lleol;
  - (g) cofnodi penderfyniadau a wneir yn y cyfarfodydd hynny.
- (3) Caiff Gweinidogion Cymru hefyd, drwy reoliadau, wneud darpariaeth ar gyfer cyhoeddi gan awdurdodau lleol, ac mewn cysylltiad â chyhoeddi gan awdurdodau lleol, wybodaeth sy'n nodi manylion ynglŷn ag—
  - (a) aelodau o'r awdurdod a'i bwyllgorau a'i is-bwyllgorau;
  - (b) hawliau i fynychu cyfarfodydd awdurdod lleol a chael mynediad at ddogfennau;
  - (c) arfer pwerau awdurdod lleol gan ei swyddogion,
 a gwneud darpariaeth ar gyfer hawliau i gael mynediad at yr wybodaeth honno, ac mewn cysylltiad â hynny.
- (4) Caiff rheoliadau o dan yr adran hon ddiwygio, addasu, ddiddymu neu ddirymu unrhyw ddeddfiad.
- (5) Yn yr adran hon—
 

ystyr "awdurdod lleol" ("*local authority*") yw—

  - (a) prif gyngor;
  - (b) cyngor cymuned;
  - (c) awdurdod tân ac achub ar gyfer ardal yng Nghymru;
  - (d) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
  - (e) cyd-fwrdd—
    - (i) a gyfansoddir yn gorff corfforedig o dan unrhyw ddeddfiad, a
    - (ii) sy'n cyflawni swyddogaethau dau brif gyngor neu ragor;
  - (f) awdurdod iechyd porthladd ar gyfer ardal iechyd porthladd yng Nghymru a gyfansoddwyd o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22);



**50 Regulations about conduct of local authority meetings, documents relating to meetings and publication of information**

- (1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to local authority meetings and concerning the conduct of such meetings.
- (2) Regulations under subsection (1) may, in particular, include provision about—
  - (a) the production of notices and other documents relating to local authority meetings;
  - (b) the publication and dissemination of such notices and documents;
  - (c) the content of such notices and documents;
  - (d) rights of access to such notices and documents;
  - (e) the keeping of documents relating to local authority meetings;
  - (f) arrangements relating to the holding of local authority meetings;
  - (g) the recording of decisions made at such meetings.
- (3) The Welsh Ministers may also by regulations make provision for and in connection with the publication by local authorities of, and rights of access to, information setting out details about—
  - (a) members of the authority and its committees and sub-committees;
  - (b) rights to attend local authority meetings and to access documents;
  - (c) the exercise of powers of a local authority by its officers.
- (4) Regulations under this section may amend, modify, repeal or revoke any enactment.
- (5) In this section—

“local authority” (*“awdurdod lleol”*) means—

  - (a) a principal council;
  - (b) a community council;
  - (c) a fire and rescue authority for an area in Wales;
  - (d) a National Park authority for a National Park in Wales;
  - (e) a joint board which—
    - (i) is constituted under any enactment as a body corporate, and
    - (ii) discharges functions of two or more principal councils;
  - (f) a port health authority for a port health district in Wales constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22);

ystyr “cyfarfod awdurdod lleol” (“*local authority meeting*”) yw cyfarfod –

- (a) awdurdod lleol;
- (b) pan fo’r awdurdod lleol yn brif gyngor, ei weithrediaeth;
- (c) cyd-bwyllgor o ddau awdurdod lleol neu ragor;
- (d) pwyllgor neu is-bwyllgor i unrhyw beth sydd o fewn paragraffau (a) i (c).

## 51 Rheoliadau ynglŷn â chyfarfodydd cymunedol

Yn Rhan 5 o Atodlen 12 i Ddeddf 1972 (cyfarfodydd cymunedol), ar ôl paragraff 36 mewnosoder –

“36A(1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to community meetings and concerning the holding of such meetings and their conduct.

(2) Regulations under sub-paragraph (1) may, in particular, include provision about –

- (a) arrangements relating to the holding of community meetings attended by persons who are not in the same place;
- (b) the convening of community meetings;
- (c) the production, publication, dissemination and content of notices of community meetings;
- (d) the recording of decisions made at community meetings;
- (e) the functions of principal councils and community councils in relation to community meetings;
- (f) eligibility to attend and to vote at community meetings.

(3) Regulations under sub-paragraph (1) may include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act)).

(4) A statutory instrument containing regulations under sub-paragraph (1) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.

36B A principal council and a community council exercising functions in relation to community meetings must have regard to any guidance about the exercise of those functions issued by the Welsh Ministers.”

“local authority meeting” (“*cyfarfod awdurdod lleol*”) means a meeting of—

- (a) a local authority;
- (b) where the local authority is a principal council, its executive;
- (c) a joint committee of two or more local authorities;
- (d) a committee or sub-committee of anything within paragraphs (a) to (c).

## 51 Regulations about community meetings

In Part 5 of Schedule 12 to the 1972 Act (community meetings), after paragraph 36 insert—

“36A(1) The Welsh Ministers may by regulations make provision for and in connection with requirements concerning notices and other documents relating to community meetings and concerning the holding of such meetings and their conduct.

(2) Regulations under sub-paragraph (1) may, in particular, include provision about—

- (a) arrangements relating to the holding of community meetings attended by persons who are not in the same place;
- (b) the convening of community meetings;
- (c) the production, publication, dissemination and content of notices of community meetings;
- (d) the recording of decisions made at community meetings;
- (e) the functions of principal councils and community councils in relation to community meetings;
- (f) eligibility to attend and to vote at community meetings.

(3) Regulations under sub-paragraph (1) may include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act)).

(4) A statutory instrument containing regulations under sub-paragraph (1) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.

36B A principal council and a community council exercising functions in relation to community meetings must have regard to any guidance about the exercise of those functions issued by the Welsh Ministers.”

**PENNOD 5****ADRODDIADAU BLYNYDDOL GAN GYNGHORAU CYMUNED****52 Adroddiadau blynyddol gan gynghorau cymuned**

- (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i gyngor cymuned lunio a chyhoeddi adroddiad ("adroddiad blynyddol") ynglŷn â blaenoriaethau, gweithgareddau a chyflawniadau'r cyngor yn ystod y flwyddyn honno.
- (2) Rhaid i gyngor cymuned roi sylw i unrhyw ganllawiau ynglŷn ag adroddiadau blynyddol a ddyroddir gan Weinidogion Cymru.
- (3) Nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i swyddogaeth cyngor cymuned o benderfynu ar gymwys adroddiad blynyddol.

**RHAN 4****GWEITHREDIAETHAU, AELODAU, SWYDDOGION A PHWYLLGORAU  
AWDURDODAU LLEOL***Trosolwg o'r Rhan***53 Trosolwg**

Mae'r Rhan hon yn gwneud darpariaeth—

- (a) sy'n ei gwneud yn ofynnol i brif gyngor benodi prif weithredwr (yn hytrach na dynodi pennaeth gwasanaeth taledig), y bydd ei swyddogaethau yn cynnwys dyletswyddau a osodir o dan y Rhan hon;
- (b) ynglŷn â chydabyddiaeth ariannol i brif weithredwyr;
- (c) ar gyfer penodi cynorthwywyr gweithrediaethau prif gynghorau;
- (d) ynglŷn â rhannu swydd mewn swyddi penodol o fewn prif gynghorau;
- (e) ar gyfer dyroddi canllawiau, gan gynnwys i feiri etholedig ac arweinyddion gweithrediaeth, ar gydraddoldeb ac amrywiaeth;
- (f) ynglŷn â hawlogaeth aelodau o awdurdodau lleol i gael gwahanol fathau o absenoldeb teuluol;
- (g) sy'n ei gwneud yn ofynnol i arweinyddion grwpiau gwleidyddol gymryd camau i hybu a chynnal safonau ymddygiad uchel gan aelodau o'u grwpiau, a chydweithredu â phwyllgorau safonau;
- (h) sy'n ei gwneud yn ofynnol i bwyllgorau safonau lunio adroddiadau blynyddol ar y modd y maent yn arfer eu swyddogaethau;
- (i) sy'n diwygio Deddf 2000 a Deddfau eraill er mwyn gwneud darpariaeth ynglŷn ag ymchwiliadau gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru i ymddygiad aelodau llywodraeth leol;
- (j) ynglŷn â darparu gwybodaeth benodol i bwyllgorau trosolwg a chraffu;

## CHAPTER 5

### ANNUAL REPORTS BY COMMUNITY COUNCILS

#### 52 Annual reports by community councils

- (1) As soon as reasonably practicable after the end of each financial year, a community council must prepare and publish a report (an “annual report”) about the council’s priorities, activities and achievements during that year.
- (2) A community council must have regard to any guidance about annual reports issued by the Welsh Ministers.
- (3) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to a community council’s function of determining the content of an annual report.

## PART 4

### LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERS AND COMMITTEES

#### *Overview of Part*

#### 53 Overview

This Part makes provision –

- (a) requiring a principal council to appoint a chief executive (rather than designate a head of paid service), whose functions will include duties imposed under this Part;
- (b) about the remuneration of chief executives;
- (c) for the appointment of assistants to executives of principal councils;
- (d) about job-sharing of certain offices in principal councils;
- (e) for issuing guidance, including to elected mayors and executive leaders, on equality and diversity;
- (f) about the entitlement of members of local authorities to various kinds of family absence;
- (g) requiring leaders of political groups to take steps to promote and maintain high standards of conduct by members of their groups, and to co-operate with standards committees;
- (h) requiring standards committees to produce annual reports on the exercise of their functions;
- (i) amending the 2000 Act and other Acts to make provision about investigations by the Public Services Ombudsman for Wales into the conduct of members of local government;
- (j) about the provision of certain information to overview and scrutiny committees;

- (k) sy'n galluogi Gweinidogion Cymru i'w gwneud yn ofynnol i awdurdodau lleol benodi cyd-bwyllgorau trosolwg a chraffu;
- (l) sy'n ei gwneud yn ofynnol i gynghorau cymuned wneud cynlluniau hyfforddi.

*Prif weithredwyr*

**54 Prif weithredwyr**

- (1) Rhaid i brif gyngor benodi prif weithredwr.
- (2) Rhaid i brif weithredwr prif gyngor –
  - (a) adolygu'n barhaus bob un o'r materion a bennir yn is-adran (3), a
  - (b) pan fo'r prif weithredwr yn ystyried ei bod yn briodol gwneud hynny, gwneud adroddiad i'r cyngor yn nodi cynigion y prif weithredwr mewn perthynas ag unrhyw un neu ragor o'r materion hynny.
- (3) Y materion yw –
  - (a) y modd y cydgysylltir sut y mae'r cyngor yn arfer ei wahanol swyddogaethau;
  - (b) trefniadau'r cyngor mewn perthynas ag –
    - (i) cynllunio ariannol,
    - (ii) rheoli asedau, a
    - (iii) rheoli risg;
  - (c) nifer a graddau'r staff sy'n ofynnol gan y cyngor er mwyn arfer ei swyddogaethau;
  - (d) trefniadaeth staff y cyngor;
  - (e) penodi staff y cyngor;
  - (f) y trefniadau ar gyfer rheoli staff y cyngor (gan gynnwys trefniadau ar gyfer hyfforddi a datblygu).
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl llunio adroddiad at ddibenion is-adran (2)(b), rhaid i brif weithredwr prif gyngor drefnu bod yr adroddiad yn cael ei anfon at holl aelodau'r cyngor.
- (5) Rhaid i brif gyngor ystyried adroddiad a wnaed o dan is-adran (2)(b) mewn cyfarfod a gynhelir yn ddim hwyrach na thri mis ar ôl i gopïau o'r adroddiad gael eu hanfon at aelodau'r cyngor am y tro cyntaf; ac nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i'r ddyletswydd a osodir gan yr is-adran hon.
- (6) Rhaid i brif gyngor ddarparu i'w brif weithredwr y staff, yr adeiladau neu'r ystafelloedd a'r adnoddau eraill hynny sydd, ym marn y prif weithredwr, yn ddigonol i alluogi cyflawni dyletswyddau'r prif weithredwr o dan yr adran hon.
- (7) Mae Atodlen 5 yn gwneud diwygiadau canlyniadol.

**55 Disodli cyfeiriadau at "cyflog" yn adran 143A o Fesur 2011**

- (1) Mae adran 143A o Fesur 2011 wedi ei diwygio fel a ganlyn.

- (k) enabling the Welsh Ministers to require local authorities to appoint joint overview and scrutiny committees;
- (l) requiring community councils to make training plans.

*Chief executives*

**54 Chief executives**

- (1) A principal council must appoint a chief executive.
- (2) The chief executive of a principal council must—
  - (a) keep each of the matters specified in subsection (3) under review, and
  - (b) where the chief executive considers it appropriate to do so, make a report to the council setting out the chief executive’s proposals in respect of any of those matters.
- (3) The matters are—
  - (a) the manner in which the exercise by the council of its different functions is co-ordinated;
  - (b) the council’s arrangements in relation to—
    - (i) financial planning,
    - (ii) asset management, and
    - (iii) risk management;
  - (c) the number and grades of staff required by the council for the exercise of its functions;
  - (d) the organisation of the council’s staff;
  - (e) the appointment of the council’s staff;
  - (f) the arrangements for the management of the council’s staff (including arrangements for training and development).
- (4) As soon as reasonably practicable after preparing a report for the purposes of subsection (2)(b), the chief executive of a principal council must arrange for the report to be sent to each member of the council.
- (5) A principal council must consider a report made under subsection (2)(b) at a meeting held not more than three months after copies of the report are first sent to members of the council; and section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to the duty imposed by this subsection.
- (6) A principal council must provide its chief executive with such staff, accommodation and other resources as are, in the chief executive’s opinion, sufficient to allow the chief executive’s duties under this section to be carried out.
- (7) Schedule 5 makes consequential amendments.

**55 Replacement of references to “salary” in section 143A of the 2011 Measure**

- (1) Section 143A of the 2011 Measure is amended as follows.

- (2) Yn is-adrannau (1), (3), (3A), (3B), (5A) a (5B), yn lle “cyflog”, “chyflog” neu “gyflog”, yn ôl y digwydd, ym mhob lle y maent yn digwydd, rhodder “cydnabyddiaeth ariannol”, “chydnabyddiaeth ariannol” neu “gydnabyddiaeth ariannol”, yn ôl y digwydd.
- (3) Yn is-adran (3), yn lle “gyflogau” rhodder “gydnabyddiaeth ariannol”.
- (4) Yn is-adran (3A), yn lle “daladwy” rhodder “cael ei darparu”.
- (5) Yn is-adran (5B), yn lle “tal” yn y ddau le y mae’n digwydd rhodder “darparu”;
- (6) Yn is-adran (7) –
  - (a) hepgorer y diffiniad o “cyflog”, a
  - (b) yn y lle priodol mewnosoder –
 

“mae i “cydnabyddiaeth ariannol” yr ystyr a roddir i  
“remuneration” yn adran 43 o Ddeddf Lleoliaeth 2011;”.
- (7) Yn y pennawd, yn lle “chyflogau” rhodder “chydnabyddiaeth ariannol”.
- (8) Yn Neddf 1972, yn adran 112(2A) (penodi staff) yn lle “salaries” rhodder “remuneration”.

## 56 Ailystyried cydnabyddiaeth ariannol yn dilyn cyfarwyddyd gan Weinidogion Cymru

Yn adran 143A o Fesur 2011 (swyddogaethau Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol mewn cysylltiad â chydnabyddiaeth ariannol i brif weithredwyr), ar ôl is-adran (5B) mewnosoder –

- “(5C) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (5B) i awdurdod perthnasol cymwys –
- (a) nid yw’r swyddogaeth o ailystyried y gydnabyddiaeth ariannol i fod yn gyfrifoldeb i weithrediaeth yr awdurdod o dan drefniadau gweithrediaeth (o fewn ystyr adran 10 o Ddeddf Llywodraeth Leol 2000);
  - (b) mae maer etholedig (o fewn ystyr adran 39(1) o’r Ddeddf honno) i’w drin fel pe bai’n aelod o’r awdurdod at ddibenion y swyddogaeth honno, ac
  - (c) nid yw adran 101 o Ddeddf Llywodraeth Leol 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i’r swyddogaeth honno.”

*Gweithrediaethau prif gynghorau*

## 57 Penodi cynorthwywyr gweithrediaeth

- (1) Mae Atodlen 1 i Ddeddf 2000 (trefniadau gweithrediaeth yng Nghymru: darpariaeth bellach) wedi ei diwygio fel a ganlyn.
- (2) O flaen paragraff 4 mewnosoder –

*“Assistants to the executive*

- 3A (1) Executive arrangements by a local authority may make provision for councillors of the authority to be appointed to assist the executive in discharging functions which are the responsibility of the executive.



- (2) In subsections (1), (3), (3A), (3B), (5A) and (5B), for “salary” and “a salary” in each place they occur substitute “remuneration”.
- (3) In subsection (3), for “salaries” substitute “remuneration”.
- (4) In subsection (3A), for “payable” substitute “provided”.
- (5) In subsection (5B), for “pay” substitute “provide” and for “paying” substitute “providing”.
- (6) In subsection (7) –
  - (a) omit the definition of “salary”, and
  - (b) at the appropriate place insert –
 

““remuneration” (“*cydnabyddiaeth ariannol*”) has the meaning given in section 43 of the Localism Act 2011;”.
- (7) In the heading, for “salaries” substitute “remuneration”.
- (8) In the 1972 Act, in section 112(2A) (appointment of staff) for “salaries” substitute “remuneration”.

#### 56 **Reconsideration of remuneration following direction by the Welsh Ministers**

In section 143A of the 2011 Measure (functions of Independent Remuneration Panel for Wales in respect of remuneration of chief executives), after subsection (5B) insert –

- “(5C) If the Welsh Ministers give a direction under subsection (5B) to a qualifying relevant authority –
- (a) the function of reconsidering the remuneration is not to be the responsibility of an executive of the authority under executive arrangements (within the meaning of section 10 of the Local Government Act 2000);
  - (b) an elected mayor (within the meaning of section 39(1) of that Act) is to be treated as a member of the authority for the purposes of that function, and
  - (c) section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to that function.”

*Executives of principal councils*

#### 57 **Appointment of assistants to executive**

- (1) Schedule 1 to the 2000 Act (executive arrangements in Wales: further provision) is amended as follows.
- (2) Before paragraph 4 insert –

*“Assistants to the executive*

- 3A (1) Executive arrangements by a local authority may make provision for councillors of the authority to be appointed to assist the executive in discharging functions which are the responsibility of the executive.

- (2) Such a councillor is referred to in this Schedule as an assistant to the executive of the authority.
  - (3) Assistants to the executive of an authority are to be appointed –
    - (a) in the case of an authority operating a mayor and cabinet executive, by the elected mayor;
    - (b) in the case of an authority operating a leader and cabinet executive (Wales), by the executive leader or the authority.
  - (4) Executive arrangements which make provision for the appointment of assistants to an executive may include provision about –
    - (a) the number of assistants that may be appointed,
    - (b) their term of office, and
    - (c) their responsibilities.
  - (5) The assistants to the executive of a local authority may not include –
    - (a) the chairman and vice-chairman of the authority;
    - (b) the presiding member and deputy presiding member of the authority (if the authority has a presiding member).
  - (6) An assistant to the executive of an authority is not a member of the executive of the authority.
  - (7) Section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to a local authority's function of making appointments under sub-paragraph (3) (b)."
- (3) Ym mharagraff 5 –
- (a) ar y dechrau mewnosoder –
    - (1) An assistant to the executive of a local authority is entitled to attend, and speak at, any meeting of the executive or of a committee of the executive.
    - (2) ”;
  - (b) yn lle “not a member of the authority's executive” rhodder “neither a member of the authority's executive nor an assistant to the executive”.
- (4) Mae Atodlen 6 i'r Ddeddf hon yn gwneud diwygiadau canlyniadol.

## 58 Rhannu swydd: arweinyddion gweithrediaeth ac aelodau gweithrediaeth

Mae Atodlen 7 yn darparu ar gyfer diwygiadau i Ddeddf 2000 er mwyn gwneud darpariaeth –

- (a) sy'n ei gwneud yn ofynnol i awdurdodau lleol gynnwys yn eu trefniadau gweithrediaeth ddarpariaeth sy'n galluogi dau gynghorydd neu ragor i rannu swydd ar weithrediaeth, gan gynnwys swydd arweinydd gweithrediaeth,
- (b) sy'n newid uchafswm yr aelodau o weithrediaeth pan fydd aelodau o'r weithrediaeth yn rhannu swydd, ac

- (2) Such a councillor is referred to in this Schedule as an assistant to the executive of the authority.
  - (3) Assistants to the executive of an authority are to be appointed –
    - (a) in the case of an authority operating a mayor and cabinet executive, by the elected mayor;
    - (b) in the case of an authority operating a leader and cabinet executive (Wales), by the executive leader or the authority.
  - (4) Executive arrangements which make provision for the appointment of assistants to an executive may include provision about –
    - (a) the number of assistants that may be appointed,
    - (b) their term of office, and
    - (c) their responsibilities.
  - (5) The assistants to the executive of a local authority may not include –
    - (a) the chairman and vice-chairman of the authority;
    - (b) the presiding member and deputy presiding member of the authority (if the authority has a presiding member).
  - (6) An assistant to the executive of an authority is not a member of the executive of the authority.
  - (7) Section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to a local authority’s function of making appointments under sub-paragraph (3)(b).”
- (3) In paragraph 5 –
- (a) at the beginning insert –
    - “(1) An assistant to the executive of a local authority is entitled to attend, and speak at, any meeting of the executive or of a committee of the executive.
    - (2) ”;
  - (b) for “not a member of the authority’s executive” substitute “neither a member of the authority’s executive nor an assistant to the executive”.
- (4) Schedule 6 to this Act makes consequential amendments.

## 58 **Job-sharing: executive leaders and executive members**

Schedule 7 provides for amendments to the 2000 Act to make provision –

- (a) requiring local authorities to include in their executive arrangements provision enabling two or more councillors to share office on an executive, including the office of executive leader,
- (b) changing the maximum number of members of an executive when members of the executive share office, and

- (c) ynglŷn â phleidleisio a chworwm pan fo aelodau o weithrediaeth yn rhannu swydd.

**59 Cynnwys canllawiau o dan adran 38 o Ddeddf 2000, a dyletswydd i roi sylw iddynt**

- (1) Mae adran 38 o Ddeddf 2000 (canllawiau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “local authority” mewnosoder “, an elected mayor or an executive leader”.
- (3) Ar ôl is-adran (1) mewnosoder –
  - “(1A) The guidance may, among other things, include provision designed to encourage good practice in relation to equality and diversity (within the meaning of section 8(2) of the Equality Act 2006).”

*Hawlogaeth aelodau i rannu swydd ac i absenoldeb teuluol*

**60 Rhannu swydd: swyddi nad ydynt yn swyddi gweithrediaeth o fewn prif gynghorau**

- (1) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau at ddiben hwyluso neu alluogi rhannu swydd o fewn prif gyngor.
- (2) At ddibenion yr adran hon, ystyr “swydd o fewn prif gyngor” yw –
  - (a) cadeirydd prif gyngor (gweler adran 22 o Ddeddf 1972);
  - (b) is-gadeirydd prif gyngor (gweler adran 24 o'r Ddeddf honno);
  - (c) aelod llywyddol o brif gyngor (gweler adran 24A o'r Ddeddf honno);
  - (d) dirprwy aelod llywyddol o brif gyngor (gweler adran 24B o'r Ddeddf honno);
  - (e) cadeirydd pwyllgor neu is-bwyllgor o brif gyngor;
  - (f) is-gadeirydd neu ddirprwy gadeirydd pwyllgor neu is-bwyllgor o brif gyngor;
  - (g) dirprwy faer o fewn gweithrediaeth maer a chabinet (gweler Atodlen 1 i Ddeddf 2000 (trefniadau gweithrediaeth)).
- (3) Caiff rheoliadau o dan is-adran (1), yn benodol –
  - (a) ei gwneud yn ofynnol i brif gynghorau hwyluso neu alluogi rhannu swydd o fewn prif gyngor (gan gynnwys drwy ddiwygio rheolau sefydlog ac offerynnau eraill);
  - (b) gwneud darpariaeth ynglŷn â phenodi, ethol neu enwebu person i rannu swydd o fewn prif gyngor;
  - (c) gwneud darpariaeth ynglŷn ag arfer swyddogaethau swydd o fewn prif gyngor a rennir;
  - (d) gwneud darpariaeth ynglŷn â phleidleisio a chworwm pan rennir swydd o fewn prif gyngor.
- (4) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, gymhwyso (gydag addasiadau neu hebddynt), ddatgymhwyso, ddi-ddymu neu ddirymu unrhyw ddeddfiad.
- (5) Rhaid i brif gyngor roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion rheoliadau a wneir o dan is-adran (1).

(c) about voting and quorum where members of an executive share office.

**59 Content of, and duty to have regard to, guidance under section 38 of the 2000 Act**

- (1) Section 38 of the 2000 Act (guidance) is amended as follows.
- (2) In subsection (1), after “local authority” insert “, an elected mayor or an executive leader”.
- (3) After subsection (1) insert—
  - “(1A) The guidance may, among other things, include provision designed to encourage good practice in relation to equality and diversity (within the meaning of section 8(2) of the Equality Act 2006).”

*Entitlement of members to job-share and to family absence*

**60 Job-sharing: non-executive offices in principal councils**

- (1) The Welsh Ministers may by regulations make provision for the purpose of facilitating or enabling the sharing of a principal council office.
- (2) For the purposes of this section, “principal council office” means—
  - (a) chair of a principal council (see section 22 of the 1972 Act);
  - (b) vice-chair of a principal council (see section 24 of that Act);
  - (c) presiding member of a principal council (see section 24A of that Act);
  - (d) deputy presiding member of a principal council (see section 24B of that Act);
  - (e) chair of a committee or sub-committee of a principal council;
  - (f) vice-chair or deputy chair of a committee or sub-committee of a principal council;
  - (g) deputy mayor in a mayor and cabinet executive (see Schedule 1 to the 2000 Act (executive arrangements)).
- (3) Regulations under subsection (1) may, in particular—
  - (a) require principal councils to facilitate or enable the sharing of a principal council office (including by way of amending standing orders and other instruments);
  - (b) make provision about the appointment, election or nomination of a person to share a principal council office;
  - (c) make provision about the exercise of the functions of a principal council office which is shared;
  - (d) make provision about voting and quorum where a principal council office is shared.
- (4) Regulations under subsection (1) may amend, modify, apply (with or without modifications), disapply, repeal or revoke any enactment.
- (5) A principal council must have regard to any guidance issued by the Welsh Ministers for the purposes of regulations made under subsection (1).

- (6) Yn is-adran (2), mae cyfeiriad at bwyllgor neu is-bwyllgor yn cynnwys cyfeiriad at gyd-bwyllgor, neu is-bwyllgor i gyd-bwyllgor.

**61 Absenoldeb teuluol ar gyfer aelodau o awdurdodau lleol**

- (1) Mae Mesur 2011 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 24 (absenoldeb mamolaeth) –
- (a) yn lle is-adran (2) rhodder –
- “(2) Rhaid i reoliadau gynnwys darpariaeth ar gyfer penderfynu –
- (a) i ba raddau y mae gan aelod hawl i absenoldeb mamolaeth mewn cysylltiad â phlentyn;
- (b) pryd y caniateir cymryd absenoldeb mamolaeth.”;
- (b) hepgorer is-adrannau (3) a (4).
- (3) Yn adran 25 (absenoldeb newydd-anedig), hepgorer –
- (a) is-adran (4);
- (b) is-adran (6);
- (c) is-adran (9);
- (d) yn is-adran (10), y diffiniad o “wythnos”.
- (4) Yn adran 26 (absenoldeb mabwysiad ydd), hepgorer is-adran (3).
- (5) Yn adran 27 (absenoldeb mabwysiadu newydd), hepgorer –
- (a) is-adran (4);
- (b) is-adran (6);
- (c) is-adrannau (9) a (10).
- (6) Yn adran 28 (absenoldeb rhiant), hepgorer is-adran (4).

*Ymddygiad aelodau*

**62 Dyletswyddau ar arweinyddion grwpiau gwleidyddol mewn perthynas â safonau ymddygiad**

- (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 52 mewnosoder –

**“52A County and county borough councils: duties of leaders of political groups in relation to standards of conduct**

- (1) A leader of a political group consisting of members of a county council or county borough council in Wales –
- (a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
- (b) must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

- (6) In subsection (2), a reference to a committee or sub-committee includes a reference to a joint committee, or a sub-committee of a joint committee.

**61 Family absence for members of local authorities**

- (1) The 2011 Measure is amended as follows.
- (2) In section 24 (maternity absence) –
- (a) for subsection (2) substitute –
- “(2) Regulations must include provision for determining –
- (a) the extent of a member’s entitlement to maternity absence in respect of a child;
- (b) when maternity absence may be taken.”;
- (b) omit subsections (3) and (4).
- (3) In section 25 (newborn absence), omit –
- (a) subsection (4);
- (b) subsection (6);
- (c) subsection (9);
- (d) in subsection (10), the definition of “week”.
- (4) In section 26 (adopter’s absence), omit subsection (3).
- (5) In section 27 (new adoption absence) omit –
- (a) subsection (4);
- (b) subsection (6);
- (c) subsections (9) and (10).
- (6) In section 28 (parental absence), omit subsection (4).

*Conduct of members*

**62 Duties of leaders of political groups in relation to standards of conduct**

- (1) The 2000 Act is amended as follows.
- (2) After section 52 insert –
- “52A County and county borough councils: duties of leaders of political groups in relation to standards of conduct**
- (1) A leader of a political group consisting of members of a county council or county borough council in Wales –
- (a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
- (b) must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

- (2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.
  - (3) The Welsh Ministers may by regulations make provision for the purposes of this section about the circumstances in which—
    - (a) members of a county council or county borough council in Wales are to be treated as constituting a political group;
    - (b) a member of a political group is to be treated as a leader of the group.
  - (4) Before making regulations under subsection (3), the Welsh Ministers must consult such persons as they think appropriate.”
- (3) Yn adran 54 (swyddogaethau pwyllgorau safonau), ar ôl is-adran (2) mewnosoder—
- “(2A) A standards committee of a county council or county borough council in Wales also has the specific functions of—
- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
  - (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”
- (4) Yn adran 106 (Cymru: gorchmynion a rheoliadau)—
- (a) hepgorer is-adran (5);
  - (b) yn is-adran (7) ar ôl “section 21G” mewnosoder “or regulations under section 52A(3)”.
- (5) Yn Neddf 2013, hepgorer adran 68(4)(a).
- (6) Yn y Ddeddf hon, hepgorer adran 63(2).

### **63 Dyletswydd ar bwyllgor safonau i wneud adroddiad blynyddol**

- (1) Yn Rhan 3 o Ddeddf 2000, ar ddiwedd Pennod 1 mewnosoder—

#### **“56B Annual reports by standards committees**

- (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.
- (2) The annual report must describe how the committee’s functions have been discharged during the financial year.
- (3) In particular, the report must include a summary of—
  - (a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;
  - (b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;
  - (c) action taken by the committee following its consideration of such reports and recommendations;



- (2) In complying with subsection (1), a leader of a political group must have regard to any guidance about the functions under that subsection issued by the Welsh Ministers.
- (3) The Welsh Ministers may by regulations make provision for the purposes of this section about the circumstances in which –
  - (a) members of a county council or county borough council in Wales are to be treated as constituting a political group;
  - (b) a member of a political group is to be treated as a leader of the group.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult such persons as they think appropriate.”
- (3) In section 54 (functions of standards committees), after subsection (2) insert –
  - “(2A) A standards committee of a county council or county borough council in Wales also has the specific functions of –
    - (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
    - (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”
- (4) In section 106 (Wales: orders and regulations) –
  - (a) omit subsection (5);
  - (b) in subsection (7) after “section 21G” insert “or regulations under section 52A(3)”.
- (5) In the 2013 Act, omit section 68(4)(a).
- (6) In this Act, omit section 63(2).

### **63 Duty of standards committee to make annual report**

- (1) In Part 3 of the 2000 Act, at the end of Chapter 1 insert –

#### **“56B Annual reports by standards committees**

- (1) As soon as reasonably practicable after the end of each financial year, a standards committee of a relevant authority must make an annual report to the authority in respect of that year.
- (2) The annual report must describe how the committee’s functions have been discharged during the financial year.
- (3) In particular, the report must include a summary of –
  - (a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56;
  - (b) reports and recommendations made or referred to the committee under Chapter 3 of this Part;
  - (c) action taken by the committee following its consideration of such reports and recommendations;

- (d) notices given to the committee under Chapter 4 of this Part.
- (4) An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year.
  - (5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.
  - (6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.
  - (7) The function of considering the report may be discharged only by the relevant authority (and accordingly is not a function to which section 101 of the Local Government Act 1972 applies).
  - (8) In this section "financial year" means a period of 12 months ending with 31 March."
- (2) Hyd nes y bo adran 62 yn dod i rym, mae adran 56B o Ddeddf 2000 i'w darllen fel pe bai is-adran (4) wedi ei hepgor.

#### **64 Ymchwiliadau penodol gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru**

Mae Atodlen 8 yn gwneud diwygiadau i Ddeddf 2000 ac i Ddeddfau eraill, yn glŷn ag ymchwiliadau gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru sy'n ymwneud â methiannau i gydymffurfio â chod ymddygiad.

*Pwyllgorau trosolwg a chraffu*

#### **65 Sicrhau bod gwybodaeth ar gael i bwyllgorau trosolwg a chraffu**

Yn adran 22(10) o Ddeddf 2000 (pŵer i'w gwneud yn ofynnol bod gwybodaeth am benderfyniadau ar gael), yn lle "or members of the authority" rhodder " , members of the authority, an overview and scrutiny committee of the authority or a sub-committee of such a committee".

#### **66 Pŵer i'w gwneud yn ofynnol i awdurdodau benodi cyd-bwyllgorau trosolwg a chraffu**

- (1) Mae adran 58 o Fesur 2011 (cyd-bwyllgorau trosolwg a chraffu) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl "i ganiatáu" mewnosoder "neu i'w gwneud yn ofynnol".
- (3) Yn is-adran (3), yn lle paragraff (a) rhodder –
  - (a) darpariaeth ynghylch yr amgylchiadau pan ganiateir gwneud trefniadau;
  - (aa) darpariaeth sy'n rhagnodi amgylchiadau pan fo rhaid gwneud trefniadau;

- (d) notices given to the committee under Chapter 4 of this Part.
- (4) An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1) during the financial year.
  - (5) An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.
  - (6) A relevant authority must consider each annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.
  - (7) The function of considering the report may be discharged only by the relevant authority (and accordingly is not a function to which section 101 of the Local Government Act 1972 applies).
  - (8) In this section "financial year" means a period of 12 months ending with 31 March."
- (2) Until section 62 comes into force, section 56B of the 2000 Act is to be read as if subsection (4) were omitted.

#### **64 Certain investigations by the Public Services Ombudsman for Wales**

Schedule 8 makes amendments to the 2000 Act and other Acts, about investigations by the Public Services Ombudsman for Wales concerning failures to comply with a code of conduct.

#### *Overview and scrutiny committees*

#### **65 Making information available to overview and scrutiny committees**

In section 22(10) of the 2000 Act (power to require information to be made available about decisions), for "or members of the authority" substitute ", members of the authority, an overview and scrutiny committee of the authority or a sub-committee of such a committee".

#### **66 Power to require authorities to appoint joint overview and scrutiny committees**

- (1) Section 58 of the 2011 Measure (joint overview and scrutiny committees) is amended as follows.
- (2) In subsection (1), after "authorities may" insert "or must".
- (3) In subsection (3), for paragraph (a) substitute –
  - “(a) provision about the circumstances in which arrangements may be made;
  - (aa) provision prescribing circumstances in which arrangements must be made;

(ab) darpariaeth i drefniadau gael eu gwneud yn ddarostyngedig i amodau neu gyfyngiadau rhagnodedig;”.

(4) Yn is-adran (4) –

- (a) hepgorer “, wrth arfer unrhyw swyddogaeth a roddir iddynt gan yr adran hon neu oddi tani, neu wrth benderfynu ai i’w harfer,”;
- (b) ar ôl “Weinidogion Cymru” mewnosoder “mewn perthynas ag arfer unrhyw swyddogaeth sydd ganddo o dan neu yn rhinwedd yr adran hon”.

*Hyfforddi aelodau a staff cyngorau cymuned*

## 67 Cynlluniau hyfforddi cyngorau cymuned

- (1) Rhaid i gyngor cymuned wneud a chyhoeddi cynllun (“cynllun hyfforddi”) sy’n nodi ei gynigion mewn perthynas â darparu hyfforddiant ar gyfer –
  - (a) cyngorwyr y cyngor cymuned, a
  - (b) staff y cyngor cymuned.
- (2) Rhaid i gyngor cymuned wneud ei gynllun hyfforddi cyntaf yn ddim hwyrach na chwe mis ar ôl y dyddiad y mae is-adran (1) yn dod i rym.
- (3) Rhaid i gyngor cymuned wneud cynllun hyfforddi newydd yn ddim hwyrach na thri mis ar ôl pob etholiad cyffredin ar gyfer cyngorwyr cymuned i’r cyngor.
- (4) Rhaid i gyngor cymuned adolygu ei gynllun hyfforddi o bryd i’w gilydd.
- (5) Os yw cyngor cymuned yn diwygio ei gynllun hyfforddi, neu’n rhoi un newydd yn ei le, rhaid iddo gyhoeddi’r cynllun diwygiedig neu’r cynllun newydd.
- (6) Nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i swyddogaethau cyngor cymuned o ran –
  - (a) penderfynu ar gynnwys cynllun hyfforddi neu unrhyw gynllun diwygiedig, a
  - (b) adolygu’r cynllun hyfforddi.
- (7) Rhaid i gyngor cymuned roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer swyddogaethau o dan yr adran hon.

## RHAN 5

### CYDWEITHIO GAN BRIF GYNGHORAU

#### PENNOD 1

##### TERMAU A DDEFNYDDIR YN Y RHAN

## 68 Termau a ddefnyddir yn y Rhan

Yn y Rhan hon –

- (ab) provision for arrangements to be made subject to prescribed conditions or limitations;”.
- (4) In subsection (4) –
  - (a) omit “, in exercising or deciding whether to exercise any function conferred on it by or under this section,”;
  - (b) after “Welsh Ministers” insert “in relation to the exercise of any function it has under or by virtue of this section”.

*Training of members and staff of community councils*

**67 Community council training plans**

- (1) A community council must make and publish a plan (a “training plan”) setting out its proposals in relation to the provision of training for –
  - (a) the councillors of the community council, and
  - (b) the community council’s staff.
- (2) A community council must make its first training plan no later than six months after the date on which subsection (1) comes into force.
- (3) A community council must make a new training plan no later than three months after each ordinary election of community councillors to the council.
- (4) A community council must review its training plan from time to time.
- (5) If a community council revises or replaces its training plan, it must publish the revised or new plan.
- (6) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to a community council’s functions of –
  - (a) determining the content of a training plan or any revised plan, and
  - (b) reviewing the training plan.
- (7) A community council must have regard to any guidance issued by the Welsh Ministers about the exercise of functions under this section.

**PART 5**

**COLLABORATIVE WORKING BY PRINCIPAL COUNCILS**

**CHAPTER 1**

**TERMS USED IN PART**

**68 Terms used in Part**

In this Part –

ystyr “awdurdod Parc Cenedlaethol” (“*National Park authority*”) yw awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;

mae i “cais cyd-bwyllgor” (“*joint committee application*”) yr ystyr a roddir yn adran 70(1);

mae i “cyd-bwyllgor corfforedig” (“*corporate joint committee*”) yr ystyr a roddir yn adran 72(1) ac adran 74(1) (ac mae’n golygu corff corfforedig a sefydlir gan reoliadau cyd-bwyllgor at ddiben arfer, mewn perthynas â dwy brif ardal neu ragor, swyddogaeth a bennir yn y rheoliadau);

mae i “cynllun datblygu strategol” (“*strategic development plan*”) yr ystyr a roddir i “strategic development plan” yn adran 60M o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5);

mae “dogfennau” (“*documents*”) yn cynnwys gwybodaeth a gofnodir ar unrhyw ffurf;

ystyr “prif ardal” (“*principal area*”) yw –

- (a) sir yng Nghymru;
- (b) bwrdeistref sirol (yng Nghymru);

ystyr “rheoliadau cyd-bwyllgor” (“*joint committee regulations*”) yw –

- (a) rheoliadau o dan adran 72 (rheoliadau cyd-bwyllgor y gwnaed cais amdanynt);
- (b) rheoliadau o dan adran 74 (rheoliadau cyd-bwyllgor pan na fo cais wedi ei wneud);

mae “swyddogaeth llesiant economaidd” (“*economic well-being function*”) i’w ddehongli yn unol ag adran 76.

## PENNOD 2

### CANLLAWIAU YNGLŶN Â CHYDWEITHIO

#### 69 Canllawiau ynglŷn â chydweithio

- (1) Rhaid i brif gyngor roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer ei swyddogaethau drwy gydweithio â phrif gyngor arall.
- (2) At ddibenion yr adran hon mae prif gyngor yn arfer swyddogaeth drwy gydweithio â phrif gyngor arall os yw –
  - (a) yn arfer swyddogaeth prif gyngor arall o dan drefniant a wneir o dan –
    - (i) adran 101(1)(b) o Ddeddf 1972 (cyflawni swyddogaethau gan awdurdod lleol arall);
    - (ii) rheoliadau a wneir o dan adran 19(1) o Ddeddf 2000 (cyflawni swyddogaethau gweithrediaeth gan awdurdod lleol arall);
    - (iii) rheoliadau a wneir o dan adran 19(2) o Ddeddf 2000 (cyflawni swyddogaethau nad ydynt yn swyddogaethau gweithrediaeth gan weithrediaeth awdurdod lleol arall);

“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) has the meaning given in section 72(1) and section 74(1) (and means a body corporate established by joint committee regulations for the purpose of exercising, in relation to two or more principal areas, a function specified in the regulations);

“documents” (“*dogfennau*”) includes information recorded in any form;

“economic well-being function” (“*swyddogaeth llesiant economaidd*”) is to be interpreted in accordance with section 76;

“joint committee application” (“*cais cyd-bwyllgor*”) has the meaning given in section 70(1);

“joint committee regulations” (“*rheoliadau cyd-bwyllgor*”) means –

- (a) regulations under section 72 (requested joint committee regulations);
- (b) regulations under section 74 (joint committee regulations where no request has been made);

“National Park authority” (“*awdurdod Parc Cenedlaethol*”) means a National Park authority for a National Park in Wales;

“principal area” (“*prif ardal*”) means –

- (a) a county in Wales;
- (b) a county borough (in Wales);

“strategic development plan” (“*cynllun datblygu strategol*”) has the meaning given in section 60M of the Planning and Compulsory Purchase Act 2004 (c. 5).

## CHAPTER 2

### GUIDANCE ABOUT COLLABORATIVE WORKING

#### 69 Guidance about collaborative working

- (1) A principal council must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions in collaboration with another principal council.
- (2) For the purposes of this section a principal council exercises a function in collaboration with another principal council if –
  - (a) it exercises a function of another principal council under an arrangement made under –
    - (i) section 101(1)(b) of the 1972 Act (discharge of functions by another local authority);
    - (ii) regulations made under section 19(1) of the 2000 Act (discharge of executive functions by another local authority);
    - (iii) regulations made under section 19(2) of the 2000 Act (discharge of non-executive functions by the executive of another local authority);

- (b) yn arfer y swyddogaeth ar y cyd â phrif gyngor arall o dan drefniant a wneir o dan adran 101(5) o Ddeddf 1972 (gan gynnwys yn rhinwedd rheoliadau a wneir o dan adran 20(1) o Ddeddf 2000 (arfer swyddogaethau ar y cyd));
- (c) yn awdurdodi prif gyngor arall i arfer y swyddogaeth o dan orchymyn a wneir o dan adran 70 o Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 70);
- (d) y swyddogaeth yn cael ei harfer mewn perthynas â'i brif ardal a phrif ardal prif gyngor arall gan gyd-bwyllgor corfforedig;
- (e) yn arfer y swyddogaeth drwy gydweithio â phrif gyngor arall o dan unrhyw ddeddfiad arall.

### PENNOD 3

#### SEFYDLU CYD-BWYLLGORAU CORFFOREDIG PAN FO CAIS WEDI EI WNEUD

##### *Ceisiadau i sefydlu cyd-bwyllgor corfforedig*

#### 70 Cais gan brif gynghorau i sefydlu cyd-bwyllgor corfforedig

- (1) Caiff unrhyw ddau brif gyngor neu ragor wneud cais ar y cyd ("cais cyd-bwyllgor") i Weinidogion Cymru, yn gofyn iddynt ystyried gwneud rheoliadau o dan adran 72 i sefydlu cyd-bwyllgor corfforedig er mwyn arfer –
  - (a) swyddogaeth i'r cynghorau hynny;
  - (b) y swyddogaeth llesiant economaidd,
 mewn perthynas â phrif ardaloedd y cynghorau hynny.
- (2) Os yw Gweinidogion Cymru, ar ôl cael cais cyd-bwyllgor, yn penderfynu peidio â gwneud rheoliadau o dan adran 72, rhaid iddynt hysbysu'r prif gynghorau a wnaeth y cais.

#### 71 Ymgynghori cyn gwneud cais cyd-bwyllgor

Cyn gwneud cais cyd-bwyllgor rhaid i'r prif gynghorau ymgynghori ag –

- (a) pobl leol yn ardaloedd y prif gynghorau,
- (b) pob un o'r cynghorau ar gyfer cymunedau yn ardaloedd y prif gynghorau,
- (c) yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono yn ardal unrhyw un neu ragor o'r prif gynghorau,
- (d) y bwrdd neu'r byrddau gwasanaethau cyhoeddus ar gyfer ardaloedd y prif gynghorau,
- (e) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i "recognised" yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan un neu ragor o'r prif gynghorau, ac
- (f) unrhyw bersonau eraill y mae'r prif gynghorau yn ystyried ei bod yn briodol ymgynghori â hwy.



- (b) it exercises the function jointly with another principal council under an arrangement made under section 101(5) of the 1972 Act (including by virtue of regulations made under section 20(1) of the 2000 Act (joint exercise of functions));
- (c) it authorises another principal council to exercise the function under an order made under section 70 of the Deregulation and Contracting Out Act 1994 (c. 70);
- (d) the function is exercised in relation to its principal area and the principal area of another principal council by a corporate joint committee;
- (e) it exercises the function in collaboration with another principal council under any other enactment.

### CHAPTER 3

#### ESTABLISHING CORPORATE JOINT COMMITTEES WHERE REQUEST HAS BEEN MADE

##### *Applications to establish a corporate joint committee*

#### **70 Application by principal councils to establish a corporate joint committee**

- (1) Any two or more principal councils may jointly make an application (a “joint committee application”) to the Welsh Ministers, asking them to consider making regulations under section 72 establishing a corporate joint committee to exercise –
  - (a) a function of those councils;
  - (b) the economic well-being function,in relation to the principal areas of those councils.
- (2) If, following receipt of a joint committee application, the Welsh Ministers decide not to make regulations under section 72, they must notify the principal councils that made the application.

#### **71 Consultation before making joint committee application**

Before making a joint committee application the principal councils must consult –

- (a) local people in the principal councils’ areas,
- (b) each of the councils for communities in the principal councils’ areas,
- (c) the National Park authority for a National Park, any part of which is in the area of any of the principal councils,
- (d) the public services board or boards for the principal councils’ areas,
- (e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by one or more of the principal councils, and
- (f) such other persons as the principal councils consider appropriate.

*Rheoliadau cyd-bwyllgor y gwnaed cais amdanynt***72 Rheoliadau cyd-bwyllgor y gwnaed cais amdanynt**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, sefydlu corff corfforedig (a elwir yn gyd-bwyllgor corfforedig) i arfer, mewn perthynas â phrif ardaloedd y prif gynghorau a wnaeth y cais cyd-bwyllgor (“y cynghorau perthnasol”), swyddogaeth a bennir yn y rheoliadau.
- (2) Ond ni chaiff Gweinidogion Cymru wneud rheoliadau o dan yr adran hon onid yw’r amodau a nodir yn adran 73 wedi eu bodloni.
- (3) Ni chaiff rheoliadau o dan yr adran hon ond pennu—
  - (a) swyddogaeth i’r prif gynghorau a wnaeth y cais;
  - (b) y swyddogaeth llesiant economaidd.
- (4) Rhaid i reoliadau o dan yr adran hon sy’n pennu swyddogaeth prif gyngor wneud darpariaeth fel bod y swyddogaeth naill ai—
  - (a) yn arferadwy gan y cyd-bwyllgor corfforedig yn hytrach na chan y cynghorau perthnasol, neu
  - (b) yn arferadwy yn gydedol gan y cyd-bwyllgor corfforedig a’r cynghorau perthnasol.
- (5) Caniateir i swyddogaeth prif gyngor gael ei phennu mewn rheoliadau o dan yr adran hon drwy gyfeirio at weithgaredd neu weithgareddau penodol.

**73 Yr amodau sydd i’w bodloni cyn gwneud rheoliadau cyd-bwyllgor y gwnaed cais amdanynt**

- (1) Mae’r amodau a grybwyllir yn adran 72(2) fel a ganlyn.
- (2) Yr amod cyntaf yw bod Gweinidogion Cymru wedi cael cais cyd-bwyllgor.
- (3) Yr ail amod yw bod Gweinidogion Cymru wedi ymgynghori â’r canlynol ar ddrafft o’r rheoliadau arfaethedig—
  - (a) y prif gynghorau a wnaeth y cais cyd-bwyllgor,
  - (b) pobl leol yn ardaloedd y prif gynghorau,
  - (c) pob un o’r cynghorau ar gyfer cymunedau yn ardaloedd y prif gynghorau,
  - (d) yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono yn ardal unrhyw un neu ragor o’r prif gynghorau,
  - (e) y bwrdd neu’r byrddau gwasanaethau cyhoeddus ar gyfer ardaloedd y prif gynghorau,
  - (f) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i “recognised” yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan un neu ragor o’r prif gynghorau, ac
  - (g) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.

*Requested joint committee regulations*

**72 Requested joint committee regulations**

- (1) The Welsh Ministers may by regulations establish a body corporate (to be known as a corporate joint committee) to exercise, in relation to the principal areas of the principal councils that made the joint committee application (“the relevant councils”), a function specified in the regulations.
- (2) But the Welsh Ministers may make regulations under this section only if the conditions set out in section 73 are satisfied.
- (3) Regulations under this section may specify only –
  - (a) a function of the principal councils that made the application;
  - (b) the economic well-being function.
- (4) Regulations under this section which specify a function of a principal council must make provision so that the function is either –
  - (a) exercisable by the corporate joint committee instead of by the relevant councils, or
  - (b) exercisable concurrently by the corporate joint committee and the relevant councils.
- (5) A function of a principal council may be specified in regulations under this section by reference to a particular activity or activities.

**73 Conditions to be met before making requested joint committee regulations**

- (1) The conditions mentioned in section 72(2) are as follows.
- (2) The first condition is that the Welsh Ministers have received a joint committee application.
- (3) The second condition is that the Welsh Ministers have consulted the following on a draft of the proposed regulations –
  - (a) the principal councils that made the joint committee application,
  - (b) local people in the principal councils’ areas,
  - (c) each of the councils for communities in the principal councils’ areas,
  - (d) the National Park authority for a National Park, any part of which is in the area of any of the principal councils,
  - (e) the public services board or boards for the principal councils’ areas,
  - (f) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by one or more of the principal councils, and
  - (g) such other persons as the Welsh Ministers consider appropriate.

- (4) Y trydydd amod yw bod pob un o'r prif gynghorau a wnaeth y cais cyd-bwyllgor wedi rhoi cydsyniad ysgrifenedig i'r rheoliadau gael eu gwneud.

#### PENNOD 4

#### SEFYDLU CYD-BWYLLGORAU CORFFOREDIG PAN NA FO CAIS WEDI EI WNEUD

#### 74 Rheoliadau cyd-bwyllgor pan na fo cais wedi ei wneud

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, sefydlu corff corfforedig (a elwir yn gyd-bwyllgor corfforedig) i arfer, mewn perthynas â'r prif ardaloedd a bennir yn y rheoliadau ("yr ardaloedd perthnasol"), swyddogaeth a bennir yn y rheoliadau.
- (2) Ond ni chaiff Gweinidogion Cymru wneud rheoliadau o dan yr adran hon onid yw'r amodau a nodir yn adran 75 wedi eu bodloni.
- (3) Ni chaiff rheoliadau o dan yr adran hon ond pennu –
  - (a) swyddogaeth y prif gynghorau ar gyfer yr ardaloedd perthnasol sy'n ymwneud ag –
    - (i) gwella addysg;
    - (ii) trafnidiaeth;
  - (b) y swyddogaeth o lunio cynllun datblygu strategol (gweler is-adran (4) ynglŷn â hynny);
  - (c) y swyddogaeth llesiant economaidd.
- (4) Pan bennir y swyddogaeth o lunio cynllun datblygu strategol mewn rheoliadau cyd-bwyllgor, mae Rhan 6 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) yn gymwys i'r cyd-bwyllgor corfforedig.
- (5) Rhaid i reoliadau o dan yr adran hon sy'n pennu swyddogaeth prif gyngor wneud darpariaeth fel bod y swyddogaeth naill ai –
  - (a) yn arferadwy gan y cyd-bwyllgor corfforedig yn hytrach na chan y prif gynghorau ar gyfer yr ardaloedd perthnasol, neu
  - (b) yn arferadwy yn gyddredol gan y cyd-bwyllgor corfforedig a'r prif gynghorau hynny.
- (6) Caniateir i swyddogaeth prif gyngor gael ei phennu mewn rheoliadau o dan yr adran hon drwy gyfeirio at weithgaredd neu weithgareddau penodol.

#### 75 Yr amodau sydd i'w bodloni cyn gwneud rheoliadau o dan adran 74

- (1) Mae'r amodau a grybwyllir yn adran 74(2) fel a ganlyn.
- (2) Yr amod cyntaf yw bod Gweinidogion Cymru wedi ymgynghori â'r canlynol ar ddrafft o'r rheoliadau –
  - (a) y prif gynghorau ar gyfer y prif ardaloedd sydd i'w pennu yn y rheoliadau,
  - (b) pobl leol yn ardaloedd y prif gynghorau,
  - (c) pob un o'r cynghorau ar gyfer cymunedau yn ardaloedd y prif gynghorau,
  - (d) yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono yn ardal unrhyw un neu ragor o'r prif gynghorau,

- (4) The third condition is that the principal councils that made the joint committee application have each given consent in writing to the regulations being made.

#### CHAPTER 4

#### ESTABLISHING CORPORATE JOINT COMMITTEES WHERE NO REQUEST HAS BEEN MADE

#### 74 Joint committee regulations where no request has been made

- (1) The Welsh Ministers may by regulations establish a body corporate (to be known as a corporate joint committee) to exercise, in relation to the principal areas specified in the regulations (“the relevant areas”), a function specified in the regulations.
- (2) But the Welsh Ministers may make regulations under this section only if the conditions set out in section 75 are satisfied.
- (3) Regulations under this section may specify only –
  - (a) a function of the principal councils for the relevant areas that relates to –
    - (i) improving education;
    - (ii) transport;
  - (b) the function of preparing a strategic development plan (as to which, see subsection (4));
  - (c) the economic well-being function.
- (4) Where the function of preparing a strategic development plan is specified in joint committee regulations, Part 6 of the Planning and Compulsory Purchase Act 2004 (c. 5) applies to the corporate joint committee.
- (5) Regulations under this section which specify a function of a principal council must make provision so that the function is either –
  - (a) exercisable by the corporate joint committee instead of by the principal councils for the relevant areas, or
  - (b) exercisable concurrently by the corporate joint committee and those principal councils.
- (6) A function of a principal council may be specified in regulations under this section by reference to a particular activity or activities.

#### 75 Conditions to be met before making regulations under section 74

- (1) The conditions mentioned in section 74(2) are as follows.
- (2) The first condition is that the Welsh Ministers have consulted the following on a draft of the regulations –
  - (a) the principal councils for the principal areas to be specified in the regulations,
  - (b) local people in the principal councils’ areas,
  - (c) each of the councils for communities in the principal councils’ areas,
  - (d) the National Park authority for a National Park, any part of which is in the area of any of the principal councils,

- (e) y bwrdd neu'r byrddau gwasanaethau cyhoeddus ar gyfer ardaloedd y prif gynghorau,
  - (f) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i "recognised" yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan un neu ragor o'r prif gynghorau, ac
  - (g) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (3) Yr ail amod yw, os yw'r amod yn is-adran (2) wedi ei fodloni a bod Gweinidogion Cymru yn bwriadu gwneud rheoliadau o dan adran 74, eu bod wedi rhoi hysbysiad o'u bwriad—
- (a) i'r prif gynghorau ar gyfer y prif ardaloedd sydd i'w pennu yn y rheoliadau, a
  - (b) os yw'r rheoliadau yn pennu'r swyddogaeth o lunio cynllun datblygu strategol, i'r awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono yn unrhyw un neu ragor o'r prif ardaloedd sydd i'w pennu yn y rheoliadau.
- (4) Gellir bodloni'r amod cyntaf drwy ymgynghoriad a gynhelir cyn i'r adran hon ddod i rym.

## PENNOD 5

### DARPARIAETH BELLACH MEWN PERTHYNAS Â CHYD-BWYLLGORAU CORFFOREDIG A RHEOLIADAU CYD-BWYLLGOR

#### *Hybu a gwella llesiant economaidd*

#### 76 Y swyddogaeth llesiant economaidd

- (1) Caiff cyd-bwyllgor corfforedig y rhoddwyd y swyddogaeth llesiant economaidd iddo wneud unrhyw beth y mae'n ystyried ei fod yn debygol o hybu neu wella llesiant economaidd ei ardal.
- (2) Caniateir i'r swyddogaeth llesiant economaidd gael ei harfer mewn perthynas â'r canlynol neu er budd y canlynol—
  - (a) ardal gyfan y cyd-bwyllgor corfforedig neu unrhyw ran ohoni;
  - (b) yr holl bersonau neu unrhyw bersonau sy'n preswyllo neu'n bresennol yn ei ardal.
- (3) Mae'r swyddogaeth llesiant economaidd yn cynnwys pŵer i wneud unrhyw beth mewn perthynas ag unrhyw berson neu ardal, neu er budd unrhyw berson neu ardal, a leolir y tu allan i ardal y cyd-bwyllgor corfforedig, gan gynnwys ardaloedd y tu allan i Gymru, os yw'r cyd-bwyllgor corfforedig yn ystyried ei fod yn debygol o hybu neu wella llesiant economaidd ei ardal.
- (4) Mae is-adrannau (1) i (3) yn ddarostyngedig i unrhyw waharddiad, cyfyngiad neu derfyn arall ar arfer y swyddogaeth llesiant economaidd y darperir ar ei gyfer mewn rheoliadau cyd-bwyllgor neu reoliadau o dan adran 83.

- (e) the public services board or boards for the principal councils' areas,
  - (f) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by one or more of the principal councils, and
  - (g) such other persons as the Welsh Ministers consider appropriate.
- (3) The second condition is that, if the condition in subsection (2) is satisfied and the Welsh Ministers intend to make regulations under section 74, they have given notice of their intention to –
- (a) the principal councils for the principal areas to be specified in the regulations, and
  - (b) if the regulations specify the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in any of the principal areas to be specified in the regulations.
- (4) The first condition may be satisfied by consultation undertaken before the coming into force of this section.

## CHAPTER 5

### FURTHER PROVISION RELATING TO CORPORATE JOINT COMMITTEES AND JOINT COMMITTEE REGULATIONS

#### *Promotion and improvement of economic well-being*

#### **76 Economic well-being function**

- (1) A corporate joint committee which has been granted the economic well-being function may do anything which it considers is likely to promote or improve the economic well-being of its area.
- (2) The economic well-being function may be exercised in relation to or for the benefit of –
  - (a) the whole or any part of the corporate joint committee's area;
  - (b) all or any persons resident or present in its area.
- (3) The economic well-being function includes power to do anything in relation to, or for the benefit of, any person or area situated outside the corporate joint committee's area, including areas outside Wales, if the corporate joint committee considers that it is likely to promote or improve the economic well-being of its area.
- (4) Subsections (1) to (3) are subject to any prohibition, restriction or other limitation on the exercise of the economic well-being function as may be provided for in joint committee regulations or regulations under section 83.

*Darpariaeth mewn rheoliadau cyd-bwyllgor***77 Darpariaeth y caniateir ei chynnwys neu y mae rhaid ei chynnwys mewn rheoliadau cyd-bwyllgor**

- (1) Rhaid i reoliadau cyd-bwyllgor ddarparu bod prif aelodau gweithrediaeth y prif gynghorau ar gyfer y prif ardaloedd yn ardal y cyd-bwyllgor corfforedig yn aelodau o'r pwyllgor.
- (2) Pan fo'r swyddogaeth o lunio cynllun datblygu strategol wedi ei phennu mewn rheoliadau cyd-bwyllgor a bod unrhyw ran o Barc Cenedlaethol yn ardal y cyd-bwyllgor corfforedig, rhaid i'r rheoliadau wneud darpariaeth ynghylch aelodaeth yr awdurdod Parc Cenedlaethol ar gyfer y Parc Cenedlaethol hwnnw o'r pwyllgor.
- (3) Caiff rheoliadau cyd-bwyllgor wneud darpariaeth, yn benodol, ynglŷn ag –
  - (a) yn ddarostyngedig i is-adrannau (1) a (2), cyfansoddiad cyd-bwyllgor corfforedig (gan gynnwys ynglŷn â chyfethol aelodau i'r pwyllgor neu i unrhyw is-bwyllgor);
  - (b) enw cyd-bwyllgor corfforedig;
  - (c) sefydlu is-bwyllgorau i gyd-bwyllgor corfforedig;
  - (d) trafodion cyd-bwyllgor corfforedig ac unrhyw is-bwyllgor (gan gynnwys darpariaeth ynglŷn â hawliau pleidleisio);
  - (e) pwerau cyd-bwyllgor corfforedig i drefnu i berson arall arfer ei swyddogaethau;
  - (f) pwerau cyd-bwyllgor corfforedig i arfer, ar ran unrhyw berson, unrhyw swyddogaethau sydd gan y person hwnnw;
  - (g) pwerau cyd-bwyllgor corfforedig i arfer ei swyddogaethau, ac eithrio swyddogaethau o dan Ran 6 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), ar y cyd, neu drwy gydweithio fel arall, â pherson arall;
  - (h) pwerau cyd-bwyllgor corfforedig i ddarparu staff, nwyddau, gwasanaethau neu lety i unrhyw berson;
  - (i) cydnabyddiaeth ariannol, lwfansau, treuliau, pensiynau neu ddigollediad am golli swydd i aelodau o gyd-bwyllgor corfforedig neu o unrhyw is-bwyllgor;
  - (j) ariannu cyd-bwyllgor corfforedig;
  - (k) cyllid cyd-bwyllgor corfforedig, gan gynnwys darpariaeth ynglŷn ag –
    - (i) cyd-bwyllgor corfforedig yn benthyca arian neu'n ei roi ar fenthyg;
    - (ii) cyd-bwyllgor corfforedig yn rhoi neu'n cael cymorth ariannol;
    - (iii) cyd-bwyllgor corfforedig yn codi ffioedd;
  - (l) pwerau cyd-bwyllgor corfforedig i wneud, at ddiben masnachol, unrhyw beth y caiff ei wneud wrth arfer ei swyddogaethau;
  - (m) perfformiad cyd-bwyllgor corfforedig (gan gynnwys gwneud pwyllgor yn destun craffu gan berson arall);



*Provision in joint committee regulations*

**77 Provision that may or must be included in joint committee regulations**

- (1) Joint committee regulations must provide that the senior executive members of the principal councils for the principal areas in the area of the corporate joint committee are members of the committee.
- (2) Where the function of preparing a strategic development plan is specified in joint committee regulations and any part of a National Park is in the area of the corporate joint committee, the regulations must make provision about the membership of the committee by the National Park authority for that National Park.
- (3) Joint committee regulations may, in particular, make provision about –
  - (a) subject to subsections (1) and (2), the composition of a corporate joint committee (including about the co-opting of members to the committee or any sub-committee);
  - (b) the name of a corporate joint committee;
  - (c) the establishment of sub-committees of a corporate joint committee;
  - (d) the proceedings of a corporate joint committee and of any sub-committee (including provision about voting rights);
  - (e) powers of a corporate joint committee to arrange for the exercise of its functions by another person;
  - (f) powers of a corporate joint committee to exercise, on behalf of any person, any functions of that person;
  - (g) powers of a corporate joint committee to exercise its functions, other than functions under Part 6 of the Planning and Compulsory Purchase Act 2004 (c. 5), jointly, or otherwise in collaboration, with another person;
  - (h) powers of a corporate joint committee to provide staff, goods, services or accommodation to any person;
  - (i) remuneration, allowances, expenses, pensions or compensation for loss of office for members of a corporate joint committee or of any sub-committee;
  - (j) the funding of a corporate joint committee;
  - (k) the finances of a corporate joint committee, including provision about –
    - (i) the borrowing or lending of money by a corporate joint committee;
    - (ii) the giving or receipt by a corporate joint committee of financial assistance;
    - (iii) the charging of fees by a corporate joint committee;
  - (l) powers of a corporate joint committee to do for a commercial purpose anything it may do in the exercise of its functions;
  - (m) the performance of a corporate joint committee (including making a committee subject to scrutiny by another person);

- (n) cyd-bwyllgor corfforedig yn caffael, yn perchnogi neu'n gwaredu eiddo (tirol neu bersonol) neu hawliau (gan gynnwys darpariaeth ar gyfer caffael tir yn orfodol);
  - (o) cyd-bwyllgor corfforedig yn cychwyn achos cyfreithiol neu'n cymryd rhan mewn achos cyfreithiol (gan gynnwys cymryd rhan mewn ymchwiliad cyhoeddus);
  - (p) pwerau Gweinidogion Cymru i roi cyfarwyddydau i—
    - (i) cyd-bwyllgor corfforedig;
    - (ii) prif gyngor ar gyfer prif ardal yn ardal cyd-bwyllgor corfforedig;
    - (iii) os yw'r rheoliadau cyd-bwyllgor yn pennu'r swyddogaeth o lunio cynllun datblygu strategol, yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono yn ardal cyd-bwyllgor corfforedig, ac ynglŷn â gorfodi'r cyfarwyddydau hynny;
  - (q) pŵer cyd-bwyllgor corfforedig i wneud pethau er mwyn hwyluso arfer ei swyddogaethau, neu sy'n ffafriol i hynny neu'n gysylltiedig â hynny.
- (4) At ddibenion is-adran (1), ystyr "prif aelod gweithrediaeth" yw—
- (a) yn achos prif gyngor sy'n gweithredu gweithrediaeth arweinydd a chabinet, yr arweinydd gweithrediaeth;
  - (b) yn achos prif gyngor sy'n gweithredu gweithrediaeth maer a chabinet, y maer etholedig.

*Diwygio a dirymu rheoliadau cyd-bwyllgor*

**78 Cais gan brif gynghorau i ddiwygio neu ddirymu rheoliadau cyd-bwyllgor**

- (1) Caiff y prif gynghorau ar gyfer y prif ardaloedd yn ardal cyd-bwyllgor corfforedig wneud cais ar y cyd i Weinidogion Cymru, yn gofyn iddynt ystyried gwneud rheoliadau o dan adran 80 i ddiwygio neu ddirymu'r rheoliadau cyd-bwyllgor a sefydlodd y cyd-bwyllgor corfforedig.
- (2) Ond ni chaiff cais o dan yr adran hon ofyn i Weinidogion Cymru ystyried—
  - (a) diwygio rheoliadau cyd-bwyllgor er mwyn pennu swyddogaeth—
    - (i) onid yw honno yn swyddogaeth i'r cynghorau sy'n gwneud y cais;
    - (ii) onid honno yw'r swyddogaeth llesiant economaidd;
  - (b) diwygio rheoliadau a wnaed o dan adran 74 (rheoliadau cyd-bwyllgor pan na fo cais wedi ei wneud) er mwyn—
    - (i) hepgor neu addasu swyddogaeth sy'n ymwneud â gwella addysg neu drafnidiaeth;
    - (ii) hepgor y swyddogaeth o lunio cynllun datblygu strategol;
    - (iii) hepgor y swyddogaeth llesiant economaidd neu osod, addasu neu hepgor gwaharddiad, cyfyngiad neu derfyn arall ar arfer y swyddogaeth honno;
  - (c) dirymu rheoliadau a wnaed o dan adran 74.

- (n) the acquisition, appropriation or disposal of property (real or personal) or rights by a corporate joint committee (including provision for the acquisition of land compulsorily);
  - (o) the commencement of or participation in legal proceedings by a corporate joint committee (including participation in a public inquiry);
  - (p) powers of the Welsh Ministers to give directions to –
    - (i) a corporate joint committee;
    - (ii) a principal council for a principal area in the area of a corporate joint committee;
    - (iii) if the joint committee regulations specify the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in the area of a corporate joint committee,
 and about the enforcement of such directions;
  - (q) a corporate joint committee’s power to do things which are to facilitate, or are conducive or incidental to, the exercise of its functions.
- (4) For the purposes of subsection (1), “senior executive member” means –
- (a) in the case of a principal council operating a leader and cabinet executive, the executive leader;
  - (b) in the case of a principal council operating a mayor and cabinet executive, the elected mayor.

*Amendment and revocation of joint committee regulations*

**78 Application by principal councils to amend or revoke joint committee regulations**

- (1) The principal councils for the principal areas in a corporate joint committee’s area may jointly make an application to the Welsh Ministers, asking them to consider making regulations under section 80 to amend or revoke the joint committee regulations which established the corporate joint committee.
- (2) But an application under this section may not ask the Welsh Ministers to consider –
  - (a) amending joint committee regulations to specify a function unless it is –
    - (i) a function of the councils making the application;
    - (ii) the economic well-being function;
  - (b) amending regulations made under section 74 (joint committee regulations where no request has been made) so as to –
    - (i) omit or modify a function which relates to improving education or transport;
    - (ii) omit the function of preparing a strategic development plan;
    - (iii) omit the economic well-being function or impose, modify or omit a prohibition, restriction or other limitation on the exercise of that function;
  - (c) revoking regulations made under section 74.

- (3) Ni chaniateir gwneud cais o dan yr adran hon yn gofyn i Weinidogion Cymru ystyried diwygio rheoliadau cyd-bwyllgor er mwyn pennu prif ardal (fel y bydd y cyd-bwyllgor corfforedig yn arfer swyddogaeth mewn perthynas â'r ardal honno) oni fo'r prif gyngor ar gyfer yr ardal honno yn un o'r ceiswyr.

#### **79 Darpariaeth bellach mewn perthynas â cheisiadau**

- (1) Cyn gwneud cais o dan adran 78 rhaid i'r prif gynghorau ymgynghori ag unrhyw bersonau y maent yn ystyried ei bod yn briodol ymgynghori â hwy.
- (2) Os yw Gweinidogion Cymru yn penderfynu, ar ôl cael cais o dan adran 78, peidio â gwneud rheoliadau o dan adran 80, rhaid i Weinidogion Cymru hysbysu'r prif gynghorau a wnaeth y cais.

#### **80 Diwygio a dirymu rheoliadau cyd-bwyllgor**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio neu ddirymu rheoliadau cyd-bwyllgor.
- (2) Ond ni chaiff Gweinidogion Cymru wneud rheoliadau o dan is-adran (1) onid yw –
- (a) yn achos rheoliadau sy'n diwygio rheoliadau a wnaed o dan adran 72 (rheoliadau cyd-bwyllgor y gwnaed cais amdanynt), yr amodau a nodir yn adran 81 wedi eu bodloni;
  - (b) yn achos rheoliadau sy'n diwygio rheoliadau a wnaed o dan adran 74 er mwyn pennu, addasu neu hepgor swyddogaeth, ac eithrio er mwyn –
    - (i) pennu, addasu neu hepgor swyddogaeth sy'n ymwneud â gwella addysg neu drafnidiaeth;
    - (ii) pennu neu hepgor y swyddogaeth o lunio cynllun datblygu strategol;
    - (iii) pennu neu hepgor y swyddogaeth llesiant economaidd,
 yr amodau a nodir yn adran 81 wedi eu bodloni;
  - (c) mewn unrhyw achos arall (gan gynnwys yn achos rheoliadau sy'n diwygio rheoliadau o dan adran 74 er mwyn gosod, addasu neu hepgor gwaharddiad, cyfyngiad neu derfyn arall ar arfer y swyddogaeth llesiant economaidd), yr amodau a nodir yn adran 82 wedi eu bodloni.
- (3) Ni chaiff rheoliadau o dan is-adran (1) ddiwygio rheoliadau cyd-bwyllgor er mwyn pennu swyddogaeth –
- (a) onid yw honno yn swyddogaeth i'r prif gynghorau yn ardal y cyd-bwyllgor corfforedig;
  - (b) onid honno yw'r swyddogaeth llesiant economaidd;
  - (c) yn achos rheoliadau sy'n diwygio rheoliadau a wnaed o dan adran 74, onid honno yw'r swyddogaeth o lunio cynllun datblygu strategol.
- (4) Rhaid i reoliadau o dan is-adran (1) sy'n diwygio rheoliadau cyd-bwyllgor er mwyn pennu swyddogaeth prif gyngor wneud darpariaeth fel bod y swyddogaeth naill ai –
- (a) yn arferadwy gan y cyd-bwyllgor corfforedig yn hytrach na chan y prif gynghorau yn ardal y cyd-bwyllgor corfforedig, neu

- (3) An application under this section asking the Welsh Ministers to consider amending joint committee regulations so as to specify a principal area (so that the corporate joint committee will exercise a function in relation to that area) may not be made unless the principal council for that area is one of the applicants.

**79 Further provision in relation to applications**

- (1) Before making an application under section 78 the principal councils must consult such persons as they consider appropriate.
- (2) If, following the receipt of an application under section 78, the Welsh Ministers decide not to make regulations under section 80, the Welsh Ministers must notify the principal councils that made the application.

**80 Amendment and revocation of joint committee regulations**

- (1) The Welsh Ministers may by regulations amend or revoke joint committee regulations.
- (2) But the Welsh Ministers may make regulations under subsection (1) only if –
  - (a) in the case of regulations that amend regulations made under section 72 (requested joint committee regulations), the conditions set out in section 81 are satisfied;
  - (b) in the case of regulations that amend regulations made under section 74 so as to specify, modify or omit a function, other than so as to –
    - (i) specify, modify or omit a function which relates to improving education or transport;
    - (ii) specify or omit the function of preparing a strategic development plan;
    - (iii) specify or omit the economic well-being function,the conditions set out in section 81 are satisfied;
  - (c) in any other case (including the case of regulations that amend regulations under section 74 to impose, modify or omit a prohibition, restriction or other limitation on the exercise of the economic well-being function), the conditions set out in section 82 are satisfied.
- (3) Regulations under subsection (1) may not amend joint committee regulations so as to specify a function unless it is –
  - (a) a function of the principal councils in the corporate joint committee’s area;
  - (b) the economic well-being function;
  - (c) in the case of regulations that amend regulations made under section 74, the function of preparing a strategic development plan.
- (4) Regulations under subsection (1) which amend joint committee regulations so as to specify a function of a principal council must make provision so that the function is either –
  - (a) exercisable by the corporate joint committee instead of by the principal councils in the corporate joint committee’s area, or

- (b) yn arferadwy yn gyfredol gan y cyd-bwyllgor corfforedig a'r prif gynghorau hynny.
- (5) Caiff rheoliadau o dan is-adran (1) ddiwygio rheoliadau cyd-bwyllgor er mwyn pennu swyddogaeth prif gyngor drwy gyfeirio at weithgaredd neu weithgareddau penodol.
- (6) Caiff rheoliadau o dan is-adran (1) sydd –
  - (a) yn diwygio rheoliadau cyd-bwyllgor er mwyn hepgor swyddogaeth a bennir yn y rheoliadau cyd-bwyllgor hynny, neu
  - (b) yn dirymu rheoliadau cyd-bwyllgor (er mwyn diddymu'r cyd-bwyllgor corfforedig a sefydlwyd gan y rheoliadau hynny),
 ddarparu y bydd swyddogaeth a fydd yn peidio â bod yn arferadwy gan y cyd-bwyllgor corfforedig, ac eithrio'r swyddogaeth llesiant economaidd neu'r swyddogaeth o lunio cynllun datblygu strategol, yn arferadwy gan berson arall.
- (7) Caiff Gweinidogion Cymru, drwy reoliadau, ddirymu rheoliadau a wnaed o dan yr adran hon.

**81 Yr amodau sydd i'w bodloni cyn diwygio rheoliadau cyd-bwyllgor: cais gan brif gynghorau yn ofynnol**

- (1) Mae'r amodau a grybwyllir yn adran 80(2)(a) a (b) fel a ganlyn.
- (2) Yr amod cyntaf yw bod Gweinidogion Cymru wedi cael cais o dan adran 78 i ddiwygio'r rheoliadau cyd-bwyllgor.
- (3) Yr ail amod yw bod Gweinidogion Cymru wedi ymgynghori ag unrhyw bersonau y maent yn ystyried ei bod yn briodol ymgynghori â hwy ar ddrafft o'r rheoliadau.
- (4) Y trydydd amod yw bod pob un o'r prif gynghorau a wnaeth y cais wedi rhoi cydsyniad ysgrifenedig i'r rheoliadau gael eu gwneud.
- (5) Y pedwerydd amod yw, os yw'r amodau yn is-adrannau (2) i (4) wedi eu bodloni a bod Gweinidogion Cymru yn bwriadu gwneud y rheoliadau, eu bod wedi rhoi hysbysiad o'u bwriad i'r cyd-bwyllgor corfforedig.

**82 Yr amodau sydd i'w bodloni cyn diwygio neu ddirymu rheoliadau cyd-bwyllgor: nid yw cais gan brif gynghorau yn ofynnol**

- (1) Mae'r amodau a grybwyllir yn adran 80(2)(c) fel a ganlyn.
- (2) Yr amod cyntaf yw bod Gweinidogion Cymru wedi ymgynghori ag unrhyw bersonau y maent yn ystyried ei bod yn briodol ymgynghori â hwy ar ddrafft o'r rheoliadau.
- (3) Yr ail amod yw, os yw'r amod yn is-adran (2) wedi ei fodloni a bod Gweinidogion Cymru yn bwriadu gwneud y rheoliadau, eu bod wedi rhoi hysbysiad o'u bwriad i –
  - (a) y prif gynghorau yn ardal y cyd-bwyllgor corfforedig,
  - (b) os bydd y rheoliadau'n diwygio rheoliadau cyd-bwyllgor er mwyn pennu prif ardal –
    - (i) y prif gyngor ar gyfer yr ardal honno, a

(b) exercisable concurrently by the corporate joint committee and those principal councils.

- (5) Regulations under subsection (1) may amend joint committee regulations so as to specify a function of a principal council by reference to a particular activity or activities.
- (6) Regulations under subsection (1) which—
- (a) amend joint committee regulations so as to omit a function specified in those joint committee regulations, or
  - (b) revoke joint committee regulations (so as to abolish the corporate joint committee established by those regulations),

may provide that a function which will cease to be exercisable by the corporate joint committee, other than the economic well-being function or the function of preparing a strategic development plan, is to be exercisable by another person.

- (7) The Welsh Ministers may by regulations revoke regulations made under this section.

**81 Conditions to be met before amending joint committee regulations: application required from principal councils**

- (1) The conditions mentioned in section 80(2)(a) and (b) are as follows.
- (2) The first condition is that the Welsh Ministers have received an application under section 78 to amend the joint committee regulations.
- (3) The second condition is that the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations.
- (4) The third condition is that the principal councils which made the application have each given consent in writing to the regulations being made.
- (5) The fourth condition is that, if the conditions in subsections (2) to (4) are satisfied and the Welsh Ministers intend to make the regulations, they have given notice of their intention to the corporate joint committee.

**82 Conditions to be met before amending or revoking joint committee regulations: no application required from principal councils**

- (1) The conditions mentioned in section 80(2)(c) are as follows.
- (2) The first condition is that the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations.
- (3) The second condition is that, if the condition in subsection (2) is satisfied and the Welsh Ministers intend to make the regulations, they have given notice of their intention to—
  - (a) the principal councils in the corporate joint committee's area,
  - (b) if the regulations will amend joint committee regulations to specify a principal area—
    - (i) the principal council for that area, and

- (ii) os oes gan y cyd-bwyllgor corfforedig y swyddogaeth o lunio cynllun datblygu strategol, neu os bydd ganddo'r swyddogaeth honno o dan y rheoliadau, yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono o fewn yr ardal honno,
- (c) os bydd y rheoliadau'n diwygio rheoliadau a wnaed o dan adran 74 er mwyn pennu neu hepgor y swyddogaeth o lunio cynllun datblygu strategol, yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono o fewn ardal y cyd-bwyllgor corfforedig, a
- (d) y cyd-bwyllgor corfforedig.

*Darpariaeth atodol etc. mewn rheoliadau cyd-bwyllgor ac mewn cysylltiad â hwy*

### 83 **Darpariaeth atodol etc. mewn rheoliadau penodol o dan y Rhan hon**

- (1) Caiff rheoliadau cyd-bwyllgor a rheoliadau o dan adran 80 gynnwys darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed sy'n gymwys mewn perthynas ag—
  - (a) pob cyd-bwyllgor corfforedig;
  - (b) cyd-bwyllgor corfforedig penodol;
  - (c) cyd-bwyllgor corfforedig o ddisgrifiad penodol.
- (3) Caiff rheoliadau o dan is-adran (2) wneud darpariaeth hefyd sy'n gosod gwaharddiad, cyfyngiad neu derfyn arall ar arfer y swyddogaeth llesiant economaidd gan gyd-bwyllgor corfforedig y rhoddwyd y swyddogaeth honno iddo.
- (4) Mae rheoliadau o dan is-adran (2) yn cael effaith yn ddarostyngedig i unrhyw ddarpariaeth a gynhwysir mewn rheoliadau cyd-bwyllgor.
- (5) Yn yr adran hon mae cyfeiriadau at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed yn cynnwys darpariaeth—
  - (a) ar gyfer trosglwyddo eiddo (tirol neu bersonol), hawliau neu atebolrwyddau (gan gynnwys atebolrwyddau troseddol, a hawliau ac atebolrwyddau mewn perthynas â chontract cyflogaeth)—
    - (i) o brif gyngor i gyd-bwyllgor corfforedig;
    - (ii) o awdurdod Parc Cenedlaethol i gyd-bwyllgor corfforedig;
    - (iii) o gyd-bwyllgor corfforedig i un cyd-bwyllgor corfforedig arall neu ragor;
    - (iv) o gyd-bwyllgor corfforedig i un prif gyngor neu ragor, i un person neu ragor y mae swyddogaeth yn arferadwy ganddo neu ganddynt yn rhinwedd adran 80(6) neu i un awdurdod Parc Cenedlaethol neu ragor;
    - (v) o berson y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6) i un prif gyngor neu ragor neu i un cyd-bwyllgor corfforedig neu ragor;
  - (b) ar gyfer rheoli neu gadw eiddo a drosglwyddir i gyd-bwyllgor corfforedig neu a gaffaelir ganddo fel arall;



- (ii) if the corporate joint committee has, or under the regulations will have, the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in that area,
- (c) if the regulations will amend regulations made under section 74 to specify or omit the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in the corporate joint committee's area, and
- (d) the corporate joint committee.

*Supplementary etc. provision in and in relation to joint committee regulations*

### **83 Supplementary etc. provision in certain regulations under this Part**

- (1) Joint committee regulations and regulations under section 80 may include supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) The Welsh Ministers may by regulations make supplementary, incidental, consequential, transitional, transitory or saving provision applying in relation to—
  - (a) all corporate joint committees;
  - (b) a particular corporate joint committee;
  - (c) a particular description of corporate joint committee.
- (3) Regulations under subsection (2) may also make provision imposing a prohibition, restriction or other limitation on the exercise of the economic well-being function by a corporate joint committee granted that function.
- (4) Regulations under subsection (2) have effect subject to any provision included in joint committee regulations.
- (5) In this section references to supplementary, incidental, consequential, transitional, transitory or saving provision include provision—
  - (a) for the transfer of property (real or personal), rights or liabilities (including criminal liabilities, and rights and liabilities in relation to a contract of employment)—
    - (i) from a principal council to a corporate joint committee;
    - (ii) from a National Park authority to a corporate joint committee;
    - (iii) from a corporate joint committee to one or more other corporate joint committees;
    - (iv) from a corporate joint committee to one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
    - (v) from a person by whom a function is exercisable by virtue of section 80(6) to one or more principal councils or corporate joint committees;
  - (b) for the management or custody of property transferred to or otherwise acquired by a corporate joint committee;

- (c) i achos sifil neu droseddol –
- (i) a gychwynnwyd gan neu yn erbyn prif gyngor gael ei barhau gan neu yn erbyn cyd-bwyllgor corfforedig;
  - (ii) a gychwynnwyd gan neu yn erbyn cyd-bwyllgor corfforedig gael ei barhau gan neu yn erbyn un cyd-bwyllgor corfforedig arall neu ragor;
  - (iii) a gychwynnwyd gan neu yn erbyn cyd-bwyllgor corfforedig gael ei barhau gan neu yn erbyn un prif gyngor neu ragor, un person neu ragor y mae swyddogaeth yn arferadwy ganddo neu ganddynt yn rhinwedd adran 80(6) neu un awdurdod Parc Cenedlaethol neu ragor;
  - (iv) a gychwynnwyd gan neu yn erbyn person y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6) gael ei barhau gan neu yn erbyn un prif gyngor neu ragor neu un cyd-bwyllgor corfforedig neu ragor;
- (d) yn ddarostyngedig i is-adran (6), ar gyfer trosglwyddo staff –
- (i) o brif gyngor i gyd-bwyllgor corfforedig;
  - (ii) o awdurdod Parc Cenedlaethol i gyd-bwyllgor corfforedig;
  - (iii) o gyd-bwyllgor corfforedig i un cyd-bwyllgor corfforedig arall neu ragor;
  - (iv) o gyd-bwyllgor corfforedig i un prif gyngor neu ragor, i un person neu ragor y mae swyddogaeth yn arferadwy ganddo neu ganddynt yn rhinwedd adran 80(6) neu i un awdurdod Parc Cenedlaethol neu ragor;
  - (v) o berson y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6) i un prif gyngor neu ragor neu i un cyd-bwyllgor corfforedig neu ragor;
- (e) ynglŷn â materion staffio eraill (gan gynnwys cydnabyddiaeth ariannol, lwfansau, treuliau, pensiynau neu ddigollediad am golli swydd);
- (f) ar gyfer trin at rai dibenion neu at bob diben –
- (i) cyd-bwyllgor corfforedig fel yr un person mewn cyfraith â phrif gyngor;
  - (ii) cyd-bwyllgor corfforedig fel yr un person mewn cyfraith ag awdurdod Parc Cenedlaethol;
  - (iii) cyd-bwyllgor corfforedig fel yr un person mewn cyfraith â chyd-bwyllgor corfforedig arall;
  - (iv) cyd-bwyllgor corfforedig fel yr un person mewn cyfraith â pherson y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6);
  - (v) prif gyngor, person y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6) neu awdurdod Parc Cenedlaethol fel yr un person mewn cyfraith â chyd-bwyllgor corfforedig;
  - (vi) prif gyngor fel yr un person mewn cyfraith â pherson y mae swyddogaeth yn arferadwy ganddo yn rhinwedd adran 80(6);
- (g) ynglŷn â phethau y caiff cyd-bwyllgor corfforedig eu gwneud neu y mae rhaid iddo eu gwneud sy'n atodol i swyddogaethau'r pwyllgor a bennir mewn rheoliadau cyd-bwyllgor yn rhinwedd adran 72(1), 74(1) neu 80(1), neu sy'n gysylltiedig â hwy;

- (c) for civil or criminal proceedings –
  - (i) commenced by or against a principal council to be continued by or against a corporate joint committee;
  - (ii) commenced by or against a corporate joint committee to be continued by or against one or more other corporate joint committees;
  - (iii) commenced by or against a corporate joint committee to be continued by or against one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
  - (iv) commenced by or against a person by whom a function is exercisable by virtue of section 80(6) to be continued by or against one or more principal councils or corporate joint committees;
- (d) subject to subsection (6), for the transfer of staff –
  - (i) from a principal council to a corporate joint committee;
  - (ii) from a National Park authority to a corporate joint committee;
  - (iii) from a corporate joint committee to one or more other corporate joint committees;
  - (iv) from a corporate joint committee to one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
  - (v) from a person by whom a function is exercisable by virtue of section 80(6) to one or more principal councils or corporate joint committees;
- (e) about other staffing matters (including remuneration, allowances, expenses, pensions or compensation for loss of office);
- (f) for treating for some or all purposes –
  - (i) a corporate joint committee as the same person in law as a principal council;
  - (ii) a corporate joint committee as the same person in law as a National Park authority;
  - (iii) a corporate joint committee as the same person in law as another corporate joint committee;
  - (iv) a corporate joint committee as the same person in law as a person by whom a function is exercisable by virtue of section 80(6);
  - (v) a principal council, a person by whom a function is exercisable by virtue of section 80(6) or a National Park authority as the same person in law as a corporate joint committee;
  - (vi) a principal council as the same person in law as a person by whom a function is exercisable by virtue of section 80(6);
- (g) about things which a corporate joint committee may or must do that are supplementary or incidental to the functions of the committee specified in joint committee regulations by virtue of section 72(1), 74(1) or 80(1);

- (h) ynglŷn â darparu gwybodaeth neu ddogfennau gan brif gyngor, awdurdod Parc Cenedlaethol neu gyd-bwyllgor corfforedig i berson a bennir yn y rheoliadau;
  - (i) ynglŷn â chydweithredu gan brif gyngor, awdurdod Parc Cenedlaethol neu gyd-bwyllgor corfforedig â pherson a bennir yn y rheoliadau;
  - (j) ar gyfer talu digollediad mewn cysylltiad â cholled a ddioddefir gan unrhyw berson o ganlyniad i swyddogaeth sy'n dod, neu'n peidio â bod, yn arferadwy gan gyd-bwyllgor corfforedig.
- (6) Rhaid i reoliadau cyd-bwyllgor, rheoliadau o dan adran 80 neu reoliadau o dan yr adran hon sy'n cynnwys darpariaeth ar gyfer trosglwyddo staff gymhwyso darpariaethau Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246), ar wahân i reoliadau 4(6) a 10, i'r trosglwyddiadau hynny (pa un a yw'r trosglwyddiad yn drosglwyddiad perthnasol at ddibenion Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 ai peidio).
- (7) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio neu ddirymu rheoliadau a wneir o dan is-adran (2) neu reoliadau a wneir o dan yr is-adran hon; a chaiff rheoliadau a wneir o dan yr is-adran hon wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed.

#### 84 Pŵer Gweinidogion Cymru i ddiwygio, i ddiddymu etc. ddeddfiadau

- (1) Caiff rheoliadau cyd-bwyllgor a rheoliadau o dan adran 80 neu 83 –
- (a) diwygio, addasu, cymhwyso (gydag addasiadau neu hebddynt) neu ddatgymhwyso unrhyw ddeddfiad;
  - (b) diddymu neu ddirymu unrhyw ddeddfiad.
- (2) Caiff Gweinidogion Cymru, at ddibenion y Rhan hon neu fel arall mewn cysylltiad â hi, drwy reoliadau –
- (a) diwygio, addasu, cymhwyso (gydag addasiadau neu hebddynt) neu ddatgymhwyso unrhyw ddeddfiad;
  - (b) diddymu neu ddirymu unrhyw ddeddfiad.

*Swyddogaethau cyd-bwyllgorau corfforedig a phrif gynghorau a swyddogaethau sy'n ymwneud â hwy*

#### 85 Gofyniad i ddarparu gwybodaeth etc.

Caiff Gweinidogion Cymru gyfarwyddo prif gyngor, awdurdod Parc Cenedlaethol neu gyd-bwyllgor corfforedig i ddarparu i Weinidogion Cymru unrhyw wybodaeth y mae Gweinidogion Cymru yn ystyried ei bod yn briodol neu unrhyw ddogfennau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol –

- (a) at ddibenion ystyried a ddylid gwneud rheoliadau o dan y Rhan hon;
- (b) at ddibenion rhoi effaith i'r rheoliadau hynny;
- (c) fel arall mewn cysylltiad â'r rheoliadau hynny.

#### 86 Canllawiau

- (1) Rhaid i brif gynghorau a chyd-bwyllgorau corfforedig roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion Penodau 3 a 4 a'r Bennod hon.

- (h) about the provision of information or documents by a principal council, a National Park authority or a corporate joint committee to a person specified in the regulations;
  - (i) about co-operation by a principal council, a National Park authority or a corporate joint committee with a person specified in the regulations;
  - (j) for the payment of compensation in respect of loss suffered by any person in consequence of a function becoming, or ceasing to be, exercisable by a corporate joint committee.
- (6) Joint committee regulations, regulations under section 80 or regulations under this section containing provision for the transfer of staff must apply the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), apart from regulations 4(6) and 10, to those transfers (whether or not the transfer is a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006).
- (7) The Welsh Ministers may by regulations amend or revoke regulations made under subsection (2) or regulations made under this subsection; and regulations under this subsection may make supplementary, incidental, consequential, transitional, transitory or saving provision.

#### **84 Power of the Welsh Ministers to amend, repeal etc. enactments**

- (1) Joint committee regulations and regulations under section 80 or 83 may –
- (a) amend, modify, apply (with or without modifications) or disapply any enactment;
  - (b) repeal or revoke any enactment.
- (2) The Welsh Ministers may, for the purposes of or otherwise in connection with this Part, by regulations –
- (a) amend, modify, apply (with or without modifications) or disapply any enactment;
  - (b) repeal or revoke any enactment.

*Functions of and relating to corporate joint committees and principal councils*

#### **85 Requirement to provide information etc.**

The Welsh Ministers may direct a principal council, a National Park authority or a corporate joint committee to provide the Welsh Ministers with any information or documents the Welsh Ministers consider appropriate –

- (a) for the purposes of considering whether to make regulations under this Part;
- (b) for the purposes of giving effect to such regulations;
- (c) otherwise in connection with such regulations.

#### **86 Guidance**

- (1) Principal councils and corporate joint committees must have regard to any guidance issued by the Welsh Ministers for the purposes of Chapters 3 and 4 and this Chapter.

- (2) Rhaid i awdurdod Parc Cenedlaethol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion Pennod 4 a'r Bennod hon.

**87 Arfer swyddogaethau gan brif gynghorau o dan y Rhan hon**

- (1) Nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i'r swyddogaethau a nodir yn is-adran (4).
- (2) Nid yw'r swyddogaethau a nodir yn is-adran (4) i fod yn gyfrifoldeb i weithrediaeth prif gyngor o dan drefniadau gweithrediaeth.
- (3) Mae maer etholedig i'w drin fel pe bai'n un o gynghorwyr prif gyngor at ddibenion y swyddogaethau a nodir yn is-adran (4).
- (4) Y swyddogaethau yw –
- gwneud cais cyd-bwyllgor;
  - rhoi cydsyniad o dan adran 73(4) i reoliadau cyd-bwyllgor gael eu gwneud;
  - gwneud cais o dan adran 78 i ddiwygio neu ddirymu rheoliadau cyd-bwyllgor;
  - rhoi cydsyniad o dan adran 81(4) i reoliadau cyd-bwyllgor gael eu diwygio.

*Diwygiadau i ddeddfiadau eraill*

**88 Diwygiadau sy'n ymwneud â chynllunio strategol a chyd-awdurdodau trafndiaeth**

- (1) Mae Rhan 1 o Atodlen 9 yn gwneud darpariaeth sy'n diwygio Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a deddfiadau eraill er mwyn –
- diddymu pwerau Gweinidogion Cymru i sefydlu paneli cynllunio strategol ac ardaloedd cynllunio strategol, a
  - darparu ar gyfer rhoi swyddogaethau sy'n ymwneud â llunio cynlluniau datblygu strategol i gyd-bwyllgorau corfforedig penodol.
- (2) Mae Rhan 2 o Atodlen 9 yn gwneud darpariaeth sy'n diwygio deddfiadau eraill er mwyn diddymu pŵer Gweinidogion Cymru i sefydlu cyd-awdurdodau trafndiaeth.

**RHAN 6**

**PERFFORMIAD PRIF GYNGHORAU A'U LLYWODRAETHU**

**PENNOD 1**

**PERFFORMIAD, ASESIAU PERFFORMIAD AC YMYRRAETH**

*Perfformiad*

**89 Dyletswydd ar brif gyngor i adolygu ei berfformiad yn barhaus**

- (1) Rhaid i brif gyngor adolygu'n barhaus i ba raddau –
- y mae'n arfer ei swyddogaethau yn effeithiol,
  - y mae'n defnyddio ei adnoddau mewn modd darbodus, effeithlon ac effeithiol, ac

- (2) A National Park authority must have regard to any guidance issued by the Welsh Ministers for the purposes of Chapter 4 and this Chapter.

**87 Exercise by principal councils of functions under this Part**

- (1) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to the functions set out in subsection (4).
- (2) The functions set out in subsection (4) are not to be the responsibility of an executive of a principal council under executive arrangements.
- (3) An elected mayor is to be treated as a councillor of a principal council for the purposes of the functions set out in subsection (4).
- (4) The functions are –
  - (a) making a joint committee application;
  - (b) giving consent under section 73(4) to joint committee regulations being made;
  - (c) making an application under section 78 to amend or revoke joint committee regulations;
  - (d) giving consent under section 81(4) to joint committee regulations being amended.

*Amendments of other enactments*

**88 Amendments relating to strategic planning and joint transport authorities**

- (1) Part 1 of Schedule 9 makes provision amending the Planning and Compulsory Purchase Act 2004 (c. 5) and other enactments to –
  - (a) repeal the powers of the Welsh Ministers to establish strategic planning panels and strategic planning areas, and
  - (b) provide for the grant of functions relating to the preparation of strategic development plans to certain corporate joint committees.
- (2) Part 2 of Schedule 9 makes provision amending other enactments to repeal the power of the Welsh Ministers to establish joint transport authorities.

**PART 6**

**PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS**

**CHAPTER 1**

**PERFORMANCE, PERFORMANCE ASSESSMENTS AND INTERVENTION**

*Performance*

**89 Duty of principal council to keep its performance under review**

- (1) A principal council must keep under review the extent to which –
  - (a) it is exercising its functions effectively,
  - (b) it is using its resources economically, efficiently and effectively, and

- (c) y mae ei drefniadau llywodraethu yn effeithiol o ran cyflawni'r materion a nodir ym mharagraffau (a) a (b).
- (2) Yn y Bennod hon, cyfeirir at y materion a nodir ym mharagraffau (a) i (c) o is-adran (1) fel "y gofynion perfformiad".
- (3) Rhaid i brif gyngor roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag –
- (a) y gofynion perfformiad;
  - (b) y modd y mae'n arfer ei swyddogaethau o dan y Bennod hon.

#### **90 Dyletswydd i ymgynghori â phobl leol etc. ar berfformiad**

Rhaid i brif gyngor ymgynghori â'r canlynol o bryd i'w gilydd, ac o leiaf unwaith ym mhob blwyddyn ariannol, ynglŷn ag i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad –

- (a) pobl leol,
- (b) personau eraill sy'n cynnal busnes yn ardal y cyngor,
- (c) staff y cyngor, a
- (d) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i "recognised" yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan y cyngor.

#### *Hunanasesiadau o berfformiad*

#### **91 Dyletswydd ar brif gyngor i adrodd ar ei berfformiad**

- (1) Rhaid i brif gyngor, mewn cysylltiad â phob blwyddyn ariannol, lunio adroddiad sy'n nodi ei gasgliadau ynglŷn ag i ba raddau y gwnaeth fodloni'r gofynion perfformiad yn ystod y flwyddyn ariannol honno.
- (2) Yn yr adran hon, cyfeirir at adroddiad o dan is-adran (1) fel "adroddiad hunanasesu".
- (3) Rhaid i adroddiad hunanasesu prif gyngor nodi unrhyw gamau y mae'r cyngor yn bwriadu eu cymryd, ac unrhyw gamau y mae eisoes wedi eu cymryd, gyda'r nod o gynyddu'r graddau y bydd yn bodloni'r gofynion perfformiad yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.
- (4) Rhaid i adroddiad hunanasesu (ac eithrio adroddiad hunanasesu cyntaf prif gyngor) gynnwys casgliadau'r cyngor ynglŷn ag i ba raddau y gwnaeth unrhyw gamau a gynhwyswyd yn rhinwedd is-adran (3) yn adroddiad blaenorol y cyngor gynyddu'r graddau y bodlonodd y cyngor y gofynion perfformiad yn y flwyddyn ariannol y mae'r adroddiad hunanasesu yn ymwneud â hi.
- (5) Wrth ddod i'r casgliadau yn ei adroddiad hunanasesu rhaid i gyngor ystyried safbwyntiau'r personau a grybwyllir ym mharagraffau (a) i (d) o adran 90 (pa un a gafwyd y safbwyntiau hynny o dan adran 90 neu fel arall) ynglŷn ag i ba raddau y bodlonodd y cyngor y gofynion perfformiad yn ystod y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.
- (6) Rhaid i'r cyngor sicrhau bod fersiwn ddrafft o'i adroddiad hunanasesu ar gael i'w bwyllgor llywodraethu ac archwilio.



- (c) its governance is effective for securing the matters set out in paragraphs (a) and (b).
- (2) In this Chapter, the matters set out in paragraphs (a) to (c) of subsection (1) are referred to as “the performance requirements”.
- (3) A principal council must have regard to any guidance issued by the Welsh Ministers about—
  - (a) the performance requirements;
  - (b) the exercise of its functions under this Chapter.

## **90 Duty to consult local people etc. on performance**

A principal council must from time to time, and at least once in each financial year, consult the following about the extent to which the council is meeting the performance requirements—

- (a) local people,
- (b) other persons carrying on a business in the council’s area,
- (c) the staff of the council, and
- (d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by the council.

### *Self-assessments of performance*

## **91 Duty of principal council to report on its performance**

- (1) A principal council must, in respect of each financial year, make a report setting out its conclusions as to the extent to which it met the performance requirements during that financial year.
- (2) In this section, a report under subsection (1) is referred to as a “self-assessment report”.
- (3) A principal council’s self-assessment report must set out any actions the council intends to take, and any actions it has already taken, with a view to increasing the extent to which it will meet the performance requirements in the financial year following the financial year to which the report relates.
- (4) A self-assessment report (other than a principal council’s first self-assessment report) must include the council’s conclusions as to the extent to which any actions included by virtue of subsection (3) in the council’s preceding report increased the extent to which the council met the performance requirements in the financial year to which the self-assessment report relates.
- (5) In reaching the conclusions in its self-assessment report a council must take into account the views of the persons mentioned in paragraphs (a) to (d) of section 90 (whether those views were obtained under section 90 or otherwise) about the extent to which the council met the performance requirements during the financial year to which the report relates.
- (6) The council must make a draft of its self-assessment report available to its governance and audit committee.

- (7) Rhaid i'r pwyllgor llywodraethu ac archwilio adolygu'r adroddiad drafft a chaiff argymhell newidiadau i'r casgliadau, neu i unrhyw beth a gynhwysir yn rhinwedd is-adran (3), yn y fersiwn ddrafft.
- (8) Os nad yw'r cyngor yn gwneud newid a argymhellir gan y pwyllgor llywodraethu ac archwilio o dan is-adran (7), rhaid i'r cyngor nodi, yn yr adroddiad, yr argymhelliad a'r rhesymau pam na wnaeth y newid.
- (9) Rhaid i'r cyngor wneud adroddiad hunanasesu mewn cysylltiad â blwyddyn ariannol cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y flwyddyn ariannol honno.
- (10) Cyn diwedd y cyfnod o bedair wythnos sy'n dechrau â'r diwrnod y mae'r cyngor yn llunio'r adroddiad rhaid i'r cyngor –
  - (a) cyhoeddi'r adroddiad,
  - (b) sicrhau bod yr adroddiad ar gael i bwyllgor llywodraethu ac archwilio'r cyngor, ac
  - (c) anfon yr adroddiad at –
    - (i) Archwilydd Cyffredinol Cymru,
    - (ii) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a
    - (iii) Gweinidogion Cymru.
- (11) Caiff cyngor gyhoeddi ei adroddiad hunanasesu mewn cysylltiad â blwyddyn ariannol a'i adroddiad o dan baragraff 1 o Atodlen 1 i Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2) (cynnydd tuag at gyflawni amcanion llesiant) mewn cysylltiad â'r un flwyddyn ariannol yn yr un ddogfen.

*Asesiadau panel o berfformiad*

**92 Dyletswydd ar brif gyngor i drefnu asesiad perfformiad gan banel**

- (1) Rhaid i brif gyngor wneud trefniadau fel bod panel a benodir gan y cyngor, o leiaf unwaith yn ystod y cyfnod rhwng dau etholiad cyffredin olynol ar gyfer cyngorwyr i'r cyngor, yn asesu i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad.
- (2) Yn yr adran hon, cyfeirir at asesiad o dan is-adran (1) fel "asesiad perfformiad gan banel".
- (3) Wrth gynnal asesiad perfformiad gan banel mewn cysylltiad â chyngor, rhaid i banel ymgynghori â'r canlynol ynglŷn ag i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad –
  - (a) pobl leol,
  - (b) personau eraill sy'n cynnal busnes yn ardal y cyngor,
  - (c) staff y cyngor, a
  - (d) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i "recognised" yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan y cyngor.
- (4) Yn dilyn asesiad perfformiad gan banel rhaid i banel lunio adroddiad sy'n nodi –
  - (a) ei gasgliadau ynglŷn ag i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad;

- (7) The governance and audit committee must review the draft report and may make recommendations for changes to the conclusions, or to anything included by virtue of subsection (3), in the draft.
- (8) If the council does not make a change recommended by the governance and audit committee under subsection (7), the council must set out in the report the recommendation and the reasons why it did not make the change.
- (9) The council must make a self-assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.
- (10) Before the end of the period of four weeks beginning with the day on which the council makes the report the council must—
  - (a) publish the report,
  - (b) make the report available to the council’s governance and audit committee, and
  - (c) send the report to—
    - (i) the Auditor General for Wales,
    - (ii) Her Majesty’s Chief Inspector of Education and Training in Wales, and
    - (iii) the Welsh Ministers.
- (11) A council may publish its self-assessment report in respect of a financial year and its report under paragraph 1 of Schedule 1 to the Well-being of Future Generations (Wales) Act 2015 (anaw 2) (progress in meeting well-being objectives) in respect of the same financial year in the same document.

*Panel assessments of performance*

**92 Duty of principal council to arrange panel performance assessment**

- (1) A principal council must make arrangements so that, at least once during the period between two consecutive ordinary elections of councillors to the council, a panel appointed by the council assesses the extent to which the council is meeting the performance requirements.
- (2) In this section, an assessment under subsection (1) is referred to as a “panel performance assessment”.
- (3) In carrying out a panel performance assessment in respect of a council, a panel must consult the following about the extent to which the council is meeting the performance requirements—
  - (a) local people,
  - (b) other persons carrying on a business in the council’s area,
  - (c) the staff of the council, and
  - (d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by the council.
- (4) Following a panel performance assessment a panel must make a report setting out—
  - (a) its conclusions as to the extent to which the council is meeting the performance requirements;

- (b) unrhyw gamau y mae'r panel yn argymhell bod y cyngor yn eu cymryd er mwyn cynyddu'r graddau y mae'n bodloni'r gofynion perfformiad.
- (5) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl gwneud yr adroddiad rhaid i'r panel ei anfon—
  - (a) i'r cyngor,
  - (b) at Archwilydd Cyffredinol Cymru,
  - (c) at Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a
  - (d) at Weinidogion Cymru.
- (6) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr adroddiad gan y panel, rhaid i'r cyngor—
  - (a) sicrhau bod yr adroddiad ar gael i bwyllgor llywodraethu ac archwilio'r cyngor, a
  - (b) cyhoeddi'r adroddiad.
- (7) Rhaid i drefniadau o dan is-adran (1) alluogi'r prif gyngor i gyhoeddi o leiaf un adroddiad cyn y diwrnod sydd chwe mis cyn y diwrnod y mae'r etholiad cyffredin nesaf ar gyfer cynghorwyr i'r cyngor i fod i'w gynnal.
- (8) Yn yr adran hon, mae cyfeiriad at banel yn gyfeiriad at aelodau'r panel hwnnw yn gweithredu ar y cyd; yn unol â hynny, mae swyddogaeth y mynegir ei bod yn swyddogaeth i banel yn swyddogaeth sy'n perthyn i bob aelod o'r panel na chaniateir ei harfer oni fo'n cael ei harfer ar y cyd â'r aelodau eraill.

### 93 **Dyletswydd ar brif gyngor i ymateb i adroddiad ar asesiad perfformiad gan banel**

- (1) Rhaid i brif gyngor lunio ymateb i bob adroddiad a wneir o dan adran 92(4) mewn cysylltiad â'r cyngor.
- (2) Rhaid i'r ymateb ddatgan—
  - (a) i ba raddau y mae'r cyngor yn derbyn y casgliadau yn yr adroddiad ynglŷn ag i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad,
  - (b) i ba raddau y mae'r cyngor yn bwriadu dilyn unrhyw argymhellion sydd yn yr adroddiad, ac
  - (c) unrhyw gamau y mae'r cyngor yn bwriadu eu cymryd i gynyddu'r graddau y mae'n bodloni'r gofynion perfformiad.
- (3) Rhaid i'r cyngor sicrhau bod fersiwn ddrafft o'r ymateb ar gael i'w bwyllgor llywodraethu ac archwilio.
- (4) Rhaid i'r pwyllgor llywodraethu ac archwilio adolygu'r ymateb drafft a chaiff wneud argymhellion ar gyfer newidiadau i'r datganiadau a wneir yn y fersiwn ddrafft o dan is-adran (2).
- (5) Os nad yw'r cyngor yn gwneud newid a argymhellir gan y pwyllgor llywodraethu ac archwilio o dan is-adran (4), rhaid i'r cyngor nodi, yn yr ymateb, yr argymhelliad a'r rhesymau pam na wnaeth y newid.
- (6) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl llunio'r ymateb terfynol rhaid i'r cyngor—
  - (a) cyhoeddi'r ymateb, a

- (b) any actions the panel recommends that the council take in order to increase the extent to which it meets the performance requirements.
- (5) As soon as reasonably practicable after making the report the panel must send it to –
  - (a) the council,
  - (b) the Auditor General for Wales,
  - (c) Her Majesty’s Chief Inspector of Education and Training in Wales, and
  - (d) the Welsh Ministers.
- (6) As soon as reasonably practicable after receiving the report from the panel, the council must –
  - (a) make the report available to the council’s governance and audit committee, and
  - (b) publish the report.
- (7) Arrangements under subsection (1) must enable the principal council to publish at least one report before the day which is six months before the day on which the next ordinary election of councillors to the council is due to take place.
- (8) In this section, a reference to a panel is a reference to the members of that panel acting jointly; accordingly, a function expressed as a function of a panel is a function of each member of the panel that may only be exercised jointly with the other members.

**93 Duty of principal council to respond to report of panel performance assessment**

- (1) A principal council must prepare a response to each report made under section 92(4) in respect of the council.
- (2) The response must state –
  - (a) the extent to which the council accepts the conclusions in the report as to the extent to which the council is meeting the performance requirements,
  - (b) the extent to which the council intends to follow any recommendations in the report, and
  - (c) any actions the council intends to take to increase the extent to which it meets the performance requirements.
- (3) The council must make a draft of the response available to its governance and audit committee.
- (4) The governance and audit committee must review the draft response and may make recommendations for changes to the statements made in the draft under subsection (2).
- (5) If the council does not make a change recommended by the governance and audit committee under subsection (4), the council must set out, in the response, the recommendation and the reasons why it did not make the change.
- (6) As soon as reasonably practicable after finalising the response the council must –
  - (a) publish the response, and

- (b) anfon yr ymateb at –
  - (i) aelodau'r panel,
  - (ii) Archwilydd Cyffredinol Cymru,
  - (iii) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a
  - (iv) Gweinidogion Cymru.
- (7) Rhaid i drefniadau o dan adran 92(1) alluogi'r prif gyngor i gyhoeddi o leiaf un ymateb i adroddiad cyn y diwrnod sydd bedwar mis cyn y diwrnod y mae'r etholiad cyffredin nesaf ar gyfer cynghorwyr i'r cyngor i fod i'w gynnal.

#### 94 **Asesiadau perfformiad gan baneli: rheoliadau atodol**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer penodi paneli gan brif gynghorau o dan adran 92(1), ac mewn cysylltiad â hynny.
- (2) Caiff y rheoliadau, yn benodol, gynnwys darpariaeth ynglŷn ag –
  - (a) penodi aelodau o banel (gan gynnwys nifer, ac unrhyw gyfyngiad ar nifer, yr aelodau y caniateir neu y mae rhaid eu penodi, ac unrhyw amodau ar gyfer penodi);
  - (b) talu ffioedd i aelodau o banel neu mewn perthynas â hwy.

*Arolygiadau arbennig gan Archwilydd Cyffredinol Cymru*

#### 95 **Pŵer yr Archwilydd Cyffredinol i gynnal arolygiad arbennig**

- (1) Os yw Archwilydd Cyffredinol Cymru ("yr Archwilydd Cyffredinol") yn ystyried bod prif gyngor yn methu, neu y gallai fod yn methu, â bodloni'r gofynion perfformiad, caiff yr Archwilydd Cyffredinol gynnal arolygiad er mwyn asesu i ba raddau y mae'r cyngor yn bodloni'r gofynion hynny.
- (2) Yn y Bennod hon, cyfeirir at arolygiad o dan is-adran (1) fel "arolygiad arbennig".
- (3) Caiff Gweinidogion Cymru ofyn i'r Archwilydd Cyffredinol ystyried –
  - (a) a yw prif gyngor penodol yn methu, neu a allai fod yn methu, â bodloni'r gofynion perfformiad, a
  - (b) cynnal arolygiad arbennig.
- (4) Cyn penderfynu a ddylid cynnal arolygiad arbennig o brif gyngor, rhaid i'r Archwilydd Cyffredinol ymgynghori â Gweinidogion Cymru, oni bai bod Gweinidogion Cymru yn gwneud cais o dan is-adran (3) mewn perthynas â'r cyngor.
- (5) Cyn cynnal arolygiad arbennig o brif gyngor rhaid i'r Archwilydd Cyffredinol roi hysbysiad mewn ysgrifen i'r cyngor sy'n pennu –
  - (a) rhesymau'r Archwilydd Cyffredinol dros ystyried bod y cyngor yn methu, neu y gallai fod yn methu, â bodloni'r gofynion perfformiad, a
  - (b) y materion y mae'r Archwilydd Cyffredinol yn bwriadu eu harolygu (ond nid yw'r Archwilydd Cyffredinol wedi ei gyfyngu i arolygu'r materion a bennir yn yr hysbysiad yn unig).
- (6) Yn dilyn arolygiad arbennig o gyngor rhaid i'r Archwilydd Cyffredinol lunio adroddiad sy'n nodi –

- (b) send the response to—
  - (i) the members of the panel,
  - (ii) the Auditor General for Wales,
  - (iii) Her Majesty’s Chief Inspector of Education and Training in Wales, and
  - (iv) the Welsh Ministers.
- (7) Arrangements under section 92(1) must enable the principal council to publish at least one response to a report before the day which is four months before the day on which the next ordinary election of councillors to the council is due to take place.

#### **94 Panel performance assessments: supplementary regulations**

- (1) The Welsh Ministers may by regulations make provision for and in connection with the appointment by principal councils of panels under section 92(1).
- (2) The regulations may, in particular, include provision about—
  - (a) the appointment of members of a panel (including the number, and any limit on the number, of members who may or must be appointed, and any conditions for appointment);
  - (b) the payment of fees to or in relation to members of a panel.

#### *Special inspections by Auditor General for Wales*

#### **95 Power of Auditor General to carry out a special inspection**

- (1) If the Auditor General for Wales (“the Auditor General”) considers that a principal council is not, or may not be, meeting the performance requirements, the Auditor General may carry out an inspection in order to assess the extent to which the council is meeting those requirements.
- (2) In this Chapter, an inspection under subsection (1) is referred to as a “special inspection”.
- (3) The Welsh Ministers may request the Auditor General to consider whether—
  - (a) a particular principal council is not, or may not be, meeting the performance requirements, and
  - (b) to carry out a special inspection.
- (4) Before determining whether to carry out a special inspection of a principal council, the Auditor General must consult the Welsh Ministers, unless the Welsh Ministers made a request under subsection (3) in relation to the council.
- (5) Before carrying out a special inspection of a principal council the Auditor General must give notice in writing to the council specifying—
  - (a) the Auditor General’s reasons for considering that the council is not or may not be meeting the performance requirements, and
  - (b) the matters that the Auditor General intends to inspect (but the Auditor General is not restricted to inspecting only the matters specified in the notice).
- (6) Following a special inspection of a council the Auditor General must make a report setting out—

- (a) casgliadau'r Archwilydd Cyffredinol ynglŷn ag i ba raddau y mae'r cyngor yn bodloni'r gofynion perfformiad, a
  - (b) unrhyw gamau y mae'r Archwilydd Cyffredinol yn argymhell bod y cyngor neu Weinidogion Cymru yn eu cymryd at ddibenion –
    - (i) cynyddu'r graddau y mae'r cyngor yn bodloni'r gofynion perfformiad;
    - (ii) gwella effeithiolrwydd llywodraeth leol ar gyfer ardal y cyngor.
- (7) Cyn gynted ag y bo'n rhesymol ymarferol rhaid i'r Archwilydd Cyffredinol –
- (a) cyhoeddi'r adroddiad, a
  - (b) anfon yr adroddiad –
    - (i) i'r cyngor,
    - (ii) at Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a
    - (iii) at Weinidogion Cymru.
- (8) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr adroddiad gan yr Archwilydd Cyffredinol rhaid i'r cyngor sicrhau ei fod ar gael i'w bwyllgor llywodraethu ac archwilio.
- (9) Os yw adroddiad yn ymdrin â'r modd y mae'r cyngor yn gweinyddu budd-dal tai, caiff yr Archwilydd Cyffredinol anfon yr adroddiad at yr Ysgrifennydd Gwladol.

## 96 **Dyletswydd ar brif gyngor i ymateb i argymhellion yr Archwilydd Cyffredinol**

- (1) Os yw adroddiad a lunnir gan yr Archwilydd Cyffredinol o dan adran 95(6) yn cynnwys argymhellion o dan adran 95(6)(b) i brif gyngor gymryd camau, rhaid i'r cyngor lunio ymateb i'r argymhellion.
- (2) Rhaid i'r ymateb ddatgan pa gamau, os oes rhai, y mae'r cyngor yn bwriadu eu cymryd mewn ymateb i'r argymhellion.
- (3) Rhaid i'r cyngor sicrhau bod fersiwn ddrafft o'r ymateb ar gael i'w bwyllgor llywodraethu ac archwilio.
- (4) Rhaid i'r pwyllgor llywodraethu ac archwilio adolygu'r ymateb drafft a chaiff wneud argymhellion ar gyfer newidiadau i'r datganiad a wneir yn y fersiwn ddrafft o dan is-adran (2).
- (5) Os nad yw'r cyngor yn gwneud newid a argymhellir gan y pwyllgor llywodraethu ac archwilio o dan is-adran (4), rhaid i'r cyngor nodi, yn yr ymateb, yr argymhelliad a'r rhesymau pam na wnaeth y newid.
- (6) Rhaid i'r cyngor anfon yr ymateb at yr Archwilydd Cyffredinol cyn diwedd –
  - (a) y cyfnod o 30 o ddiwrnodau sy'n dechrau â'r diwrnod y mae'r cyngor yn cael adroddiad yr Archwilydd Cyffredinol, neu
  - (b) unrhyw gyfnod hirach y mae'r Archwilydd Cyffredinol yn ei bennu mewn ysgrifen.
- (7) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl anfon yr ymateb at yr Archwilydd Cyffredinol rhaid i'r cyngor –
  - (a) cyhoeddi'r ymateb, a



- (a) the Auditor General's conclusions as to the extent to which the council is meeting the performance requirements, and
  - (b) any actions which the Auditor General recommends that the council or the Welsh Ministers take for the purposes of—
    - (i) increasing the extent to which the council meets the performance requirements;
    - (ii) improving the effectiveness of local government for the area of the council.
- (7) As soon as reasonably practicable the Auditor General must—
- (a) publish the report, and
  - (b) send the report to—
    - (i) the council,
    - (ii) Her Majesty's Chief Inspector of Education and Training in Wales, and
    - (iii) the Welsh Ministers.
- (8) As soon as reasonably practicable after receiving the report from the Auditor General, the council must make it available to its governance and audit committee.
- (9) If a report deals with the administration of housing benefit by the council, the Auditor General may send the report to the Secretary of State.

**96 Duty of principal council to respond to Auditor General's recommendations**

- (1) If a report made by the Auditor General under section 95(6) contains recommendations under section 95(6)(b) for action to be taken by a principal council, the council must prepare a response to the recommendations.
- (2) The response must state what action, if any, the council intends to take in response to the recommendations.
- (3) The council must make a draft of the response available to its governance and audit committee.
- (4) The governance and audit committee must review the draft response and may make recommendations for changes to the statement made in the draft under subsection (2).
- (5) If the council does not make a change recommended by the governance and audit committee under subsection (4), the council must set out, in the response, the recommendation and the reasons why it did not make the change.
- (6) The council must send the response to the Auditor General before the end of—
  - (a) the period of 30 days beginning with the day on which the council receives the Auditor General's report, or
  - (b) any longer period which the Auditor General specifies in writing.
- (7) As soon as reasonably practicable after sending the response to the Auditor General the council must—
  - (a) publish the response, and

(b) anfon yr ymateb at –

- (i) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, a
- (ii) Gweinidogion Cymru.

**97 Dyletswydd ar Weinidogion Cymru i ymateb i argymhellion yr Archwilydd Cyffredinol**

- (1) Os yw adroddiad a lunnir gan yr Archwilydd Cyffredinol o dan adran 95(6) yn cynnwys argymhellion o dan adran 95(6)(b) i Weinidogion Cymru gymryd camau, rhaid i Weinidogion Cymru lunio ymateb i'r argymhellion.
- (2) Cyn gynted ag y bo'n rhesymol ymarferol rhaid i Weinidogion Cymru –
  - (a) cyhoeddi'r ymateb, a
  - (b) anfon yr ymateb –
    - (i) at yr Archwilydd Cyffredinol,
    - (ii) i'r prif gyngor y mae adroddiad yr Archwilydd Cyffredinol yn ymwneud ag ef, a
    - (iii) at Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

**98 Pwerau mynediad ac arolygu etc. Yr Archwilydd Cyffredinol**

- (1) Caiff arolygydd, ar unrhyw adeg resymol, fynd i unrhyw fangre prif gyngor a gwneud unrhyw beth y mae'r arolygydd yn ystyried ei fod yn angenrheidiol at ddibenion arolygiad arbennig o'r cyngor hwnnw, gan gynnwys arolygu dogfen y mae'r cyngor yn ei dal.
- (2) Caiff arolygydd ei gwneud yn ofynnol i brif gyngor ddarparu i'r arolygydd unrhyw un neu ragor o'r canlynol y mae'r arolygydd yn ystyried eu bod yn angenrheidiol at ddibenion arolygiad arbennig o'r cyngor hwnnw –
  - (a) dogfen y mae'r cyngor yn ei dal;
  - (b) cyfleusterau a chymorth.
- (3) Os yw arolygydd yn ystyried y gallai person ddarparu gwybodaeth, eglurhad neu ddogfen y mae'r arolygydd yn ystyried ei bod neu ei fod yn angenrheidiol at ddibenion arolygiad arbennig, caiff yr arolygydd ei gwneud yn ofynnol i'r person hwnnw ddod gerbron yr arolygydd ar unrhyw adeg resymol i ddarparu'r wybodaeth, yr eglurhad neu'r ddogfen.
- (4) Caiff arolygydd –
  - (a) gwneud copïau o ddogfen a arolygir o dan is-adran (1) neu a ddarparwyd o dan is-adran (2)(a) neu (3);
  - (b) ei gwneud yn ofynnol i brif gyngor ddarparu i'r arolygydd gopi darllenadwy, gan gynnwys copi electronig darllenadwy, o ddogfen a arolygir o dan is-adran (1) neu a ddarparwyd o dan is-adran (2)(a);
  - (c) cadw dogfen a arolygir o dan is-adran (1) neu a ddarparwyd o dan is-adran (2)(a) neu (3), ond dim ond am ba hyd bynnag y bo'n angenrheidiol at ddibenion yr arolygiad arbennig.

- (b) send the response to—
  - (i) Her Majesty’s Chief Inspector of Education and Training in Wales, and
  - (ii) the Welsh Ministers.

**97 Duty of the Welsh Ministers to respond to Auditor General’s recommendations**

- (1) If a report made by the Auditor General under section 95(6) contains recommendations under section 95(6)(b) for action to be taken by the Welsh Ministers, the Welsh Ministers must prepare a response to the recommendations.
- (2) As soon as reasonably practicable the Welsh Ministers must—
  - (a) publish the response, and
  - (b) send the response to—
    - (i) the Auditor General,
    - (ii) the principal council to which the Auditor General’s report relates, and
    - (iii) Her Majesty’s Chief Inspector of Education and Training in Wales.

**98 Auditor General’s powers of entry and inspection etc.**

- (1) An inspector may at any reasonable time enter any premises of a principal council and do anything that the inspector considers necessary for the purposes of a special inspection of that council, including inspecting a document held by the council.
- (2) An inspector may require a principal council to provide the inspector with any of the following that the inspector considers necessary for the purposes of a special inspection of that council—
  - (a) a document held by the council;
  - (b) facilities and assistance.
- (3) If an inspector considers a person may be able to provide information, an explanation or a document that the inspector considers necessary for the purposes of a special inspection, the inspector may require that person to attend before the inspector at any reasonable time to provide the information, explanation or document.
- (4) An inspector may—
  - (a) copy a document inspected under subsection (1) or provided under subsection (2)(a) or (3);
  - (b) require a principal council to provide the inspector with a legible copy, including a legible electronic copy, of a document inspected under subsection (1) or provided under subsection (2)(a);
  - (c) retain a document inspected under subsection (1) or provided under subsection (2)(a) or (3), but only for as long as is necessary for the purposes of the special inspection.

- (5) Yn yr adran hon ac yn adrannau 99 a 100, ystyr “arolygydd” yw Archwilydd Cyffredinol Cymru neu berson sy'n arfer swyddogaeth Archwilydd Cyffredinol Cymru o dan y Bennod hon yn rhinwedd dirprwyad a wneir o dan adran 18 o Ddeddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3).

**99 Pwerau mynediad ac arolygu etc. yr Archwilydd Cyffredinol: rhybudd a thystiolaeth adnabod**

- (1) Ni chaiff arolygydd fynd i fangre prif gyngor wrth arfer y pwerau o dan adran 98(1) (pwerau i fynd i fangre cyngor a gwneud pethau at ddibenion arolygiad arbennig) –
- (a) oni fo arolygydd wedi rhoi rhybudd ysgrifenedig i'r cyngor, a
  - (b) oni cheir o leiaf dri diwrnod gwaith rhwng y diwrnod y mae'r arolygydd yn rhoi'r rhybudd a'r diwrnod y mae'r arolygydd yn mynd i'r fangre.
- (2) Ni chaiff arolygydd arfer y pwerau o dan adran 98(2) (pwerau i'w gwneud yn ofynnol darparu dogfennau, cyfleusterau a chymorth) –
- (a) oni fo arolygydd wedi rhoi rhybudd ysgrifenedig i'r cyngor, a
  - (b) oni cheir o leiaf dri diwrnod gwaith rhwng y diwrnod y mae'r arolygydd yn rhoi'r rhybudd a'r diwrnod y mae'n ofynnol i'r cyngor ddarparu'r ddogfen, y cyfleusterau neu'r cymorth.
- (3) Nid yw'r gofynion yn is-adrannau (1) a (2) yn gymwys os yw arolygydd yn ystyried y byddai rhoi rhybudd i brif gyngor yn niweidio, neu'n debygol o niweidio, arolygiad arbennig o'r cyngor hwnnw.
- (4) Ni chaiff arolygydd arfer y pŵer o dan adran 98(3) (pŵer i'w gwneud yn ofynnol i bersonau ddod gerbron arolygydd) –
- (a) oni fo arolygydd wedi rhoi rhybudd ysgrifenedig i'r person, a
  - (b) oni cheir, rhwng y diwrnod y mae'r arolygydd yn rhoi'r rhybudd a'r diwrnod y mae'n ofynnol i'r person ddod gerbron yr arolygydd –
    - (i) o leiaf dri diwrnod gwaith os yw'r person yn aelod o brif gyngor neu'n aelod o staff prif gyngor, neu
    - (ii) o leiaf saith diwrnod gwaith mewn unrhyw achos arall.
- (5) Caniateir rhoi rhybudd o dan is-adran (1) neu (2) i brif gyngor drwy –
- (a) gadael y rhybudd ym mhrif swyddfa'r cyngor;
  - (b) anfon y rhybudd drwy'r post dosbarth cyntaf, neu drwy wasanaeth arall sy'n darparu ar gyfer ei ddanfon yn ddim hwyrach na'r diwrnod gwaith nesaf, i brif swyddfa'r cyngor;
  - (c) anfon y rhybudd i unrhyw gyfeiriad e-bost y mae'r cyngor wedi ei bennu ar gyfer Archwilydd Cyffredinol Cymru at ddibenion cael rhybuddion o dan yr adran hon.
- (6) Caniateir rhoi rhybudd o dan is-adran (4) i aelod o brif gyngor neu aelod o staff prif gyngor drwy –
- (a) gadael y rhybudd ym mhrif swyddfa'r cyngor;

- (5) In this section and sections 99 and 100, “inspector” means the Auditor General for Wales or a person exercising a function of the Auditor General for Wales under this Chapter by virtue of a delegation made under section 18 of the Public Audit (Wales) Act 2013 (anaw 3).

**99 Auditor General’s powers of entry and inspection etc.: notice and evidence of identity**

- (1) An inspector may enter the premises of a principal council in exercise of the powers under section 98(1) (powers to enter council premises and do things for the purposes of a special inspection) only if –
- (a) an inspector has given notice in writing to the council, and
  - (b) there are at least three working days between the day on which the inspector gives the notice and the day on which the inspector enters the premises.
- (2) An inspector may exercise the powers under section 98(2) (powers to require documents, facilities and assistance) only if –
- (a) an inspector has given notice in writing to the council, and
  - (b) there are at least three working days between the day on which the inspector gives the notice and the day on which the council is required to provide the document, facilities or assistance.
- (3) The requirements in subsections (1) and (2) do not apply if an inspector considers that giving notice to a principal council would, or would be likely to, prejudice a special inspection of that council.
- (4) An inspector may exercise the power under section 98(3) (power to require persons to attend before an inspector) only if –
- (a) an inspector has given notice in writing to the person, and
  - (b) between the day on which the inspector gives the notice and the day on which the person is required to attend before the inspector there are at least –
    - (i) three working days if the person is a member of a principal council or a member of the staff of a principal council, or
    - (ii) seven working days in any other case.
- (5) Notice under subsection (1) or (2) to a principal council may be given by –
- (a) leaving the notice at the principal office of the council;
  - (b) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of the council;
  - (c) sending the notice to any e-mail address which the council has specified to the Auditor General for Wales for the purposes of receiving notices under this section.
- (6) Notice under subsection (4) to a member of a principal council or a member of the staff of a principal council may be given by –
- (a) leaving the notice at the principal office of the council;

- (b) anfon y rhybudd drwy'r post dosbarth cyntaf, neu drwy wasanaeth arall sy'n darparu ar gyfer ei ddanfon yn ddim hwyrach na'r diwrnod gwaith nesaf, i brif swyddfa'r cyngor;
  - (c) rhoi'r rhybudd drwy law'r person;
  - (d) gadael y rhybudd ym mhreswylfa hysbys olaf y person;
  - (e) anfon y rhybudd drwy'r post dosbarth cyntaf, neu drwy wasanaeth arall sy'n darparu ar gyfer ei ddanfon yn ddim hwyrach na'r diwrnod gwaith nesaf, i breswylfa hysbys olaf y person.
- (7) Caniateir rhoi rhybudd o dan is-adran (4) i berson ac eithrio aelod o brif gyngor neu aelod o staff prif gyngor drwy –
- (a) rhoi'r rhybudd drwy law'r person;
  - (b) gadael y rhybudd ym mhreswylfa neu fan busnes hysbys olaf y person;
  - (c) anfon y rhybudd drwy'r post dosbarth cyntaf, neu drwy wasanaeth arall sy'n darparu ar gyfer ei ddanfon yn ddim hwyrach na'r diwrnod gwaith nesaf, i breswylfa neu fan busnes hysbys olaf y person.
- (8) Rhaid i'r arolygydd ddangos tystiolaeth ei fod yn arolygydd os yw person y mae'r arolygydd yn ceisio arfer pŵer yn ei gylch o dan adran 98 yn gofyn iddo wneud hynny (ac os nad yw'r arolygydd yn dangos y dystiolaeth honno nid yw'r pŵer yn arferadwy).

#### 100 Pwerau mynediad ac arolygu etc. yr Archwilydd Cyffredinol: troseddau

- (1) Mae person sy'n methu â chydymffurfio â gofyniad a osodir o dan adran 98(2), (3) neu (4) (b), heb esgus rhesymol, yn cyflawni trosedd.
- (2) Mae person sy'n rhwystro'n fwriadol arolygydd rhag arfer neu geisio arfer pŵer o dan adran 98(1) neu (4)(a) neu (c) yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan is-adran (1) neu (2) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Mae'r treuliau rhesymol yr aeth arolygydd iddynt mewn achos ar gyfer trosedd o dan is-adran (1) neu (2) yr honnir ei bod wedi ei chyflawni mewn perthynas ag arolygiad arbennig, i'r graddau nad ydynt yn adenilladwy o unrhyw ffynhonnell arall, yn adenilladwy gan y prif gyngor y mae'r arolygiad arbennig yn ymwneud ag ef.

#### 101 Ffioedd yr Archwilydd Cyffredinol

- (1) Rhaid i Swyddfa Archwilio Cymru ragnodi graddfa ffioedd mewn cysylltiad ag arolygiadau arbennig.
- (2) Rhaid i brif gyngor y cynhelir arolygiad arbennig mewn cysylltiad ag ef, yn ddarostyngedig i is-adran (3), dalu i Swyddfa Archwilio Cymru, yn unol â chynllun ar gyfer codi ffioedd a lunnir o dan adran 24 o Ddeddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3), y ffi sy'n daladwy o dan y raddfa a ragnodir o dan is-adran (1).
- (3) Os yw'n ymddangos i Swyddfa Archwilio Cymru bod y gwaith a oedd yn gysylltiedig ag arolygiad arbennig penodol yn sylweddol fwy neu'n sylweddol lai na'r hyn a ragwelwyd gan y raddfa a ragnodir o dan is-adran (1), caiff Swyddfa Archwilio Cymru godi ffi sy'n fwy neu'n llai na'r hyn a grybwyllir yn is-adran (2).

- (b) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of the council;
  - (c) handing the notice to the person;
  - (d) leaving the notice at the last known residence of the person;
  - (e) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the last known residence of the person.
- (7) Notice under subsection (4) to a person other than a member of a principal council or a member of the staff of a principal council may be given by –
- (a) handing the notice to the person;
  - (b) leaving the notice at the last known residence or place of business of the person;
  - (c) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the last known residence or place of business of the person.
- (8) An inspector must produce evidence that they are an inspector if requested to do so by a person in respect of whom the inspector attempts to exercise a power under section 98 (and if the inspector does not produce that evidence the power is not exercisable).

**100 Auditor General’s powers of entry and inspection etc.: offences**

- (1) A person who without reasonable excuse fails to comply with a requirement imposed under section 98(2), (3) or (4)(b) commits an offence.
- (2) A person who intentionally obstructs an inspector exercising or attempting to exercise a power under section 98(1) or (4)(a) or (c) commits an offence.
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) The reasonable expenses incurred by an inspector in proceedings for an offence under subsection (1) or (2) alleged to have been committed in relation to a special inspection are, so far as not recoverable from any other source, recoverable from the principal council to which the special inspection relates.

**101 Auditor General’s fees**

- (1) The Wales Audit Office must prescribe a scale of fees in respect of special inspections.
- (2) A principal council in respect of which a special inspection is carried out must, subject to subsection (3), pay to the Wales Audit Office, in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013 (anaw 3), the fee payable under the scale prescribed under subsection (1).
- (3) If it appears to the Wales Audit Office that the work involved in a particular special inspection was substantially more or less than that envisaged by the scale prescribed under subsection (1), the Wales Audit Office may charge a fee which is larger or smaller than that mentioned in subsection (2).

- (4) Ond ni chaiff ffi a godir o dan yr adran hon fod yn fwy na chost lawn cynnal y gweithgaredd y mae'n ymwneud ag ef.
- (5) Cyn rhagnodi graddfa ffioedd o dan yr adran hon rhaid i Swyddfa Archwilio Cymru ymgynghori ag—
  - (a) Gweinidogion Cymru, a
  - (b) unrhyw bersonau sy'n cynrychioli prif gynghorau y mae Swyddfa Archwilio Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.

*Cefnogaeth a chymorth i wella perfformiad*

## **102 Cefnogaeth a chymorth gan Weinidogion Cymru**

- (1) Caiff Gweinidogion Cymru ddarparu unrhyw gefnogaeth a chymorth i brif gyngor y mae Gweinidogion Cymru yn ystyried eu bod yn briodol er mwyn cynyddu'r graddau y mae'r cyngor yn bodloni'r gofynion perfformiad.
- (2) Caiff prif gyngor ofyn i Weinidogion Cymru ystyried darparu cefnogaeth a chymorth i'r cyngor o dan is-adran (1).
- (3) Cyn darparu cefnogaeth a chymorth i brif gyngor o dan is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r cyngor ynglŷn â'r gefnogaeth a'r cymorth y maent yn bwriadu eu darparu.
- (4) Mae'r swyddogaeth yn is-adran (1) yn cynnwys pŵer—
  - (a) i ymrwymo i gontract neu gytundeb neu drefniant arall ag unrhyw berson;
  - (b) i gydweithredu ag unrhyw berson, neu i hwyluso neu gydgyssylltu gweithgareddau unrhyw berson;
  - (c) i ddarparu staff, nwyddau, gwasanaethau ac adeiladau neu ystafelloedd i unrhyw berson.

## **103 Cyfarwyddyd i brif gyngor ddarparu cefnogaeth a chymorth**

- (1) Caiff Gweinidogion Cymru gyfarwyddo prif gyngor i ddarparu i brif gyngor arall ("y cyngor a gefnogir") unrhyw gefnogaeth a chymorth y mae Gweinidogion Cymru yn ystyried eu bod yn briodol er mwyn cynyddu'r graddau y mae'r cyngor a gefnogir yn bodloni'r gofynion perfformiad.
- (2) Rhaid i'r gefnogaeth a'r cymorth sydd i'w darparu gael eu pennu yn y cyfarwyddyd.
- (3) Ond cyn rhoi cyfarwyddyd o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori â'r ddau gyngor.
- (4) Mae'r gefnogaeth a'r cymorth y caiff Gweinidogion Cymru gyfarwyddo prif gyngor i'w darparu yn cynnwys—
  - (a) ymrwymo i gontract neu gytundeb neu drefniant arall â'r cyngor a gefnogir (a chaiff y cyfarwyddyd bennu ei delerau a'i amodau);
  - (b) cydweithredu â'r cyngor a gefnogir, neu hwyluso neu gydgyssylltu ei weithgareddau;
  - (c) darparu staff, nwyddau, gwasanaethau ac adeiladau neu ystafelloedd i'r cyngor a gefnogir.



- (4) But a fee charged under this section may not exceed the full cost of carrying out the activity to which it relates.
- (5) Before prescribing a scale of fees under this section the Wales Audit Office must consult—
  - (a) the Welsh Ministers, and
  - (b) such persons representing principal councils as the Wales Audit Office considers appropriate.

*Support and assistance with improving performance*

**102 Support and assistance by the Welsh Ministers**

- (1) The Welsh Ministers may provide a principal council with such support and assistance as the Welsh Ministers consider appropriate to increase the extent to which the council meets the performance requirements.
- (2) A principal council may ask the Welsh Ministers to consider providing the council with support and assistance under subsection (1).
- (3) Before providing support and assistance under subsection (1) to a principal council, the Welsh Ministers must consult the council about the support and assistance they intend to provide.
- (4) The function in subsection (1) includes power to—
  - (a) enter into a contract or other agreement or arrangement with any person;
  - (b) cooperate with, or facilitate or co-ordinate the activities of, any person;
  - (c) provide staff, goods, services and accommodation to any person.

**103 Direction to a principal council to provide support and assistance**

- (1) The Welsh Ministers may direct a principal council to provide another principal council (“the supported council”) with such support and assistance as the Welsh Ministers consider appropriate to increase the extent to which the supported council meets the performance requirements.
- (2) The support and assistance to be provided must be specified in the direction.
- (3) But before giving a direction under this section the Welsh Ministers must consult both councils.
- (4) The support and assistance which the Welsh Ministers may direct a principal council to provide include—
  - (a) entering into a contract or other agreement or arrangement with the supported council (and the direction may specify its terms and conditions);
  - (b) co-operating with, or facilitating or co-ordinating the activities of, the supported council;
  - (c) providing staff, goods, services and accommodation to the supported council.

*Ymyrraeth gan Weinidogion Cymru***104 Pwerau Gweinidogion Cymru i ymyrryd**

- (1) Caiff Gweinidogion Cymru roi cyfarwyddyd ymyrryd i brif gyngor neu mewn perthynas â phrif gyngor os ydynt yn ystyried –
  - (a) ei bod yn debygol nad yw'r cyngor yn bodloni'r gofynion perfformiad, neu
  - (b) nad yw'r cyngor yn bodloni'r gofynion perfformiad.
- (2) Ond cyn rhoi cyfarwyddyd ymyrryd rhaid i Weinidogion Cymru –
  - (a) darparu neu geisio darparu cefnogaeth a chymorth i'r cyngor (a all gynnwys cyfarwyddo cyngor arall o dan adran 103),
  - (b) ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy, ac
  - (c) hysbysu'r cyngor eu bod yn bwriadu rhoi'r cyfarwyddyd.
- (3) Nid yw gofyniad ym mharagraff (a), (b) neu (c) o is-adran (2) yn gymwys os yw Gweinidogion Cymru yn ystyried bod angen brys i roi'r cyfarwyddyd a bod cymaint o frys fel y byddai'n briodol gwneud hynny heb gymryd y cam a nodir yn y paragraff.
- (4) Yn yr adran hon ystyr "cyfarwyddyd ymyrryd" yw cyfarwyddyd o dan adran 105, 106 neu 107; ac mae'r adrannau hynny yn ddarostyngedig i is-adrannau (1) i (3) o'r adran hon.

**105 Cyfarwyddyd i gydweithredu â darparu cefnogaeth a chymorth**

- (1) Caiff Gweinidogion Cymru gyfarwyddo prif gyngor ("y cyngor a gefnogir") i gydweithredu ag –
  - (a) Gweinidogion Cymru;
  - (b) prif gyngor sy'n gweithredu o dan gyfarwyddyd o dan adran 103,
 at ddibenion galluogi darparu cefnogaeth a chymorth i'r cyngor a gefnogir.
- (2) Pan fydd cyfarwyddyd o dan yr adran hon yn cael effaith rhaid i'r cyngor a gefnogir ddarparu i berson y cyfeirir ato yn is-adran (1)(a) neu (b) y pethau a ganlyn, i'r graddau y bo'r person yn ystyried eu bod yn angenrheidiol at ddibenion darparu cefnogaeth a chymorth i'r cyngor –
  - (a) mynediad at ei fangreoedd;
  - (b) mynediad at y dogfennau a gedwir ganddo (a rhaid i'r cyngor a gefnogir ganiatáu i'r person gymryd copïau o'r dogfennau hynny);
  - (c) gwybodaeth arall;
  - (d) cyfleusterau a chymorth.
- (3) Ond nid yw is-adran (2) yn ei gwneud yn ofynnol i gyngor ddarparu, neu ddarparu mynediad at, unrhyw beth y mae'r cyngor wedi ei wahardd rhag ei ddarparu neu ddarparu mynediad ato gan unrhyw ddeddfiad neu reol gyfreithiol.
- (4) Caiff cyfarwyddyd o dan yr adran hon ei gwneud yn ofynnol i gyngor a gefnogir gydweithredu â pherson y cyfeirir ato yn is-adran (1)(a) neu (b) drwy gymryd camau a bennir yn y cyfarwyddyd, gan gynnwys –

*Intervention by the Welsh Ministers*

**104 Powers of the Welsh Ministers to intervene**

- (1) The Welsh Ministers may give an intervention direction to or in relation to a principal council if they consider that—
  - (a) it is likely that the council is not meeting the performance requirements, or
  - (b) the council is not meeting the performance requirements.
- (2) But before giving an intervention direction the Welsh Ministers must—
  - (a) provide or attempt to provide support and assistance to the council (which may include directing another council under section 103),
  - (b) consult such persons as the Welsh Ministers consider appropriate, and
  - (c) notify the council that they intend to give the direction.
- (3) A requirement in paragraph (a), (b) or (c) of subsection (2) does not apply if the Welsh Ministers consider that there is an urgent need to give the direction and the urgency is such that it would be appropriate to do so without taking the step set out in the paragraph.
- (4) In this section, “intervention direction” means a direction under section 105, 106 or 107; and those sections are subject to subsections (1) to (3) of this section.

**105 Direction to co-operate with provision of support and assistance**

- (1) The Welsh Ministers may direct a principal council (“the supported council”) to co-operate with—
  - (a) the Welsh Ministers;
  - (b) a principal council acting under a direction under section 103,for the purposes of enabling support and assistance to be provided to the supported council.
- (2) When a direction under this section has effect the supported council must provide a person referred to in subsection (1)(a) or (b) with the following things, to the extent the person considers necessary for the purposes of providing support and assistance to the council—
  - (a) access to its premises;
  - (b) access to documents held by it (and the supported council must allow the person to take copies of those documents);
  - (c) other information;
  - (d) facilities and assistance.
- (3) But subsection (2) does not require a council to provide, or provide access to, anything that the council is prohibited from providing or providing access to by any enactment or rule of law.
- (4) A direction under this section may require a supported council to co-operate with a person referred to in subsection (1)(a) or (b) by taking steps specified in the direction, including—

- (a) ymrwymo i gontract neu gytundeb neu drefniant arall (a chaiff y cyfarwyddyd bennu ei delerau a'i amodau) â'r person hwnnw;
  - (b) caniatáu i'r person hwnnw hwyluso neu gydgyssylltu unrhyw un neu ragor o weithgareddau'r cyngor.
- (5) Yn is-adran (1)(a) a (b), mae'r cyfeiriadau at Weinidogion Cymru a phrif gyngor sy'n gweithredu o dan gyfarwyddyd o dan adran 103 yn cynnwys person sy'n gweithredu ar eu rhan, yn eu cynorthwyo neu'n awdurdodedig ganddynt.

**106 Cyfarwyddyd i gymryd cam penodedig neu i gadw rhag ei gymryd etc.**

- (1) Caiff Gweinidogion Cymru gyfarwyddo prif gyngor –
- (a) i gymryd cam penodedig (a chaiff y cyfarwyddyd bennu terfyn amser y mae rhaid cymryd y cam o fewn iddo);
  - (b) i gadw rhag cymryd cam penodedig;
  - (c) i roi'r gorau i gymryd cam penodedig (a chaiff y cyfarwyddyd bennu terfyn amser y mae rhaid i'r cyngor roi'r gorau i gymryd y cam o fewn iddo).
- (2) Mae'r camau y caiff cyfarwyddyd ei gwneud yn ofynnol i gyngor eu cymryd yn cynnwys ymrwymo i gontract neu gytundeb neu drefniant arall –
- (a) gyda pherson penodedig;
  - (b) gyda pherson o ddisgrifiad penodedig;
  - (c) at ddibenion penodedig;
  - (d) ar delerau ac amodau penodedig.
- (3) Yn yr adran hon mae "penodedig" yn golygu penodedig yn y cyfarwyddyd.

**107 Cyfarwyddyd bod swyddogaeth i'w chyflawni gan Weinidogion Cymru neu eu henwebai**

- (1) Caiff Gweinidogion Cymru gyfarwyddo bod swyddogaeth benodedig prif gyngor i'w harfer gan Weinidogion Cymru neu gan berson a enwebir ganddynt.
- (2) Pan fydd cyfarwyddyd o dan yr adran hon yn cael effaith rhaid i'r prif gyngor –
- (a) cydymffurfio â chyfarwyddiadau Gweinidogion Cymru neu eu henwebai mewn perthynas ag arfer y swyddogaeth benodedig;
  - (b) darparu i Weinidogion Cymru neu eu henwebai y pethau a ganlyn, i'r graddau y bo Gweinidogion Cymru neu eu henwebai yn ystyried eu bod yn angenrheidiol at ddibenion arfer y swyddogaeth benodedig –
    - (i) mynediad at ei fangreoeedd;
    - (ii) mynediad at ddogfennau a gedwir ganddo (a rhaid i'r prif gyngor ganiatáu i Weinidogion Cymru neu eu henwebai gymryd copïau o'r dogfennau hynny);
    - (iii) gwybodaeth arall;
    - (iv) cyfleusterau a chymorth;
  - (c) cymryd unrhyw gamau penodedig.

- (a) entering into a contract or other agreement or arrangement (and the direction may specify its terms and conditions) with that person;
  - (b) allowing that person to facilitate or co-ordinate any of the council's activities.
- (5) In subsection (1)(a) and (b), the references to the Welsh Ministers and a principal council acting under a direction under section 103 include a person acting on behalf of, assisting or authorised by them.

**106 Direction to take or not to take etc. a specified step**

- (1) The Welsh Ministers may direct a principal council to—
- (a) take a specified step (and the direction may specify a deadline by which the step must be taken);
  - (b) not take a specified step;
  - (c) cease taking a specified step (and the direction may specify a deadline by which the council must cease taking the step).
- (2) The steps which a direction may require a council to take include entering into a contract or other agreement or arrangement—
- (a) with a specified person;
  - (b) with a person of a specified description;
  - (c) for specified purposes;
  - (d) on specified terms and conditions.
- (3) In this section “specified” means specified in the direction.

**107 Direction that a function be performed by the Welsh Ministers or their nominee**

- (1) The Welsh Ministers may direct that a specified function of a principal council be exercised by the Welsh Ministers or a person nominated by them.
- (2) When a direction under this section has effect the principal council must—
- (a) comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the specified function;
  - (b) provide the Welsh Ministers or their nominee with the following things, to the extent the Welsh Ministers consider, or their nominee considers, necessary for the purposes of exercising the specified function—
    - (i) access to its premises;
    - (ii) access to documents held by it (and the principal council must allow the Welsh Ministers or their nominee to take copies of those documents);
    - (iii) other information;
    - (iv) facilities and assistance;
  - (c) take such steps as may be specified.

- (3) Caiff Gweinidogion Cymru, drwy reoliadau, gymhwyso deddfiad gydag addasiadau, neu ddatgymhwyso deddfiad, mewn perthynas â swyddogaethau sy'n arferadwy gan Weinidogion Cymru neu eu henwebai yn rhinwedd cyfarwyddyd o fewn yr adran hon.
- (4) Yn is-adran (2) mae'r cyfeiriadau at Weinidogion Cymru a'u henwebai yn cynnwys person sy'n gweithredu ar ran Gweinidogion Cymru neu eu henwebai, yn eu cynorthwyo neu'n awdurdodedig ganddynt.
- (5) Yn yr adran hon mae "penodedig" yn golygu penodedig yn y cyfarwyddyd.

*Atodol***108 Arfer swyddogaethau o dan y Bennod hon**

- (1) Caniateir i swyddogaeth a roddir i brif gyngor o dan neu yn rhinwedd y Bennod hon (ac eithrio swyddogaethau a roddir yn benodol i bwyllgor llywodraethu ac archwilio) gael ei harfer gan y cyngor neu gan ei weithrediaeth, yn unol â phenderfyniad y cyngor.
- (2) Os yw prif gyngor yn penderfynu bod swyddogaeth a grybwyllir yn is-adran (4) i'w harfer gan y cyngor, nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i'r swyddogaeth honno.
- (3) Os yw prif gyngor yn penderfynu bod swyddogaeth a grybwyllir yn is-adran (4) i'w harfer gan y weithrediaeth, nid yw adran 14 nac (yn ôl y digwydd) adran 15 o Ddeddf 2000 (cyflawni swyddogaethau gan weithrediaethau) yn gymwys mewn perthynas â'r swyddogaeth honno.
- (4) Y swyddogaethau yw –
  - (a) adran 91(1) (adroddiad hunanasesu);
  - (b) adran 91(8) (ymateb i argymhellion ynglŷn ag adroddiad);
  - (c) adran 92(1) (penodi panel asesiad perfformiad);
  - (d) adran 93(1) (ymateb i adroddiad ar asesiad perfformiad gan banel);
  - (e) adran 93(5) (ymateb i argymhellion ynglŷn ag ymateb i adroddiad gan banel);
  - (f) adran 96(1) (ymateb i argymhellion gan Archwilydd Cyffredinol Cymru);
  - (g) adran 96(5) (ymateb i argymhellion ynglŷn ag ymateb i Archwilydd Cyffredinol Cymru);
  - (h) adran 102(2) (cais i Weinidogion Cymru am gefnogaeth a chymorth).

**109 Pŵer Gweinidogion Cymru i ychwanegu at y rhestr o bersonau y mae rhaid anfon adroddiadau etc. atynt**

Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r darpariaethau a ganlyn er mwyn ychwanegu person at y rhestrau yn y darpariaethau hynny –

- (a) adran 91(10)(c) (adroddiad hunanasesu);
- (b) adran 92(5) (adroddiad ar asesiad perfformiad gan banel);
- (c) adran 93(6)(b) (ymateb i adroddiad ar asesiad perfformiad gan banel);
- (d) adran 95(7)(b) (adroddiad ar arolygiad arbennig);

- (3) The Welsh Ministers may by regulations apply an enactment with modifications, or disapply an enactment, in relation to functions exercisable by the Welsh Ministers or their nominee by virtue of a direction within this section.
- (4) In subsection (2) the references to the Welsh Ministers and their nominee include a person acting on behalf of, assisting or authorised by the Welsh Ministers or their nominee.
- (5) In this section “specified” means specified in the direction.

*Supplementary*

**108 Exercise of functions under this Chapter**

- (1) A function conferred on a principal council under or by virtue of this Chapter (other than functions expressly conferred on a governance and audit committee) may be exercised by the council or by its executive, as the council may determine.
- (2) If a principal council determines that a function mentioned in subsection (4) is to be exercised by the council, section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to that function.
- (3) If a principal council determines that a function mentioned in subsection (4) is to be exercised by the executive, section 14 or (as the case may be) 15 of the 2000 Act (discharge of functions by executives) does not apply in relation to that function.
- (4) The functions are –
  - (a) section 91(1) (self-assessment report);
  - (b) section 91(8) (response to recommendations about report);
  - (c) section 92(1) (appointment of performance assessment panel);
  - (d) section 93(1) (response to report of panel performance assessment);
  - (e) section 93(5) (response to recommendations about response to report of panel);
  - (f) section 96(1) (response to recommendations from the Auditor General for Wales);
  - (g) section 96(5) (response to recommendations about response to the Auditor General for Wales);
  - (h) section 102(2) (request to the Welsh Ministers for support and assistance).

**109 Power of the Welsh Ministers to add to list of persons to whom reports etc. must be sent**

The Welsh Ministers may by regulations amend the following provisions to add a person to the lists in those provisions –

- (a) section 91(10)(c) (self-assessment report);
- (b) section 92(5) (report of panel performance assessment);
- (c) section 93(6)(b) (response to report of panel performance assessment);
- (d) section 95(7)(b) (report of special inspection);

- (e) adran 96(7)(b) (ymateb prif gyngor i argymhellion gan Archwilydd Cyffredinol Cymru);
- (f) adran 97(2)(b) (ymateb Gweinidogion Cymru i argymhellion gan Archwilydd Cyffredinol Cymru).

#### 110 Pŵer Gweinidogion Cymru i ddiwygio etc. ddeddfiadau a rhoi pwerau newydd

- (1) Os yw Gweinidogion Cymru yn ystyried bod deddfiad (ac eithrio darpariaeth yn y Bennod hon) yn atal neu'n rhwystro prif gyngor rhag cydymffurfio â'r Bennod hon, caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio, addasu, ddiddymu, ddirymu neu ddatgymhwyso'r deddfiad hwnnw mewn perthynas ag—
  - (a) pob prif gyngor,
  - (b) prif gynghorau penodol, neu
  - (c) prif gynghorau o ddisgrifiadau penodol.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth sy'n rhoi i—
  - (a) pob prif gyngor,
  - (b) prif gynghorau penodol, neu
  - (c) prif gynghorau o ddisgrifiadau penodol,

unrhyw bŵer y mae Gweinidogion Cymru yn ystyried ei fod yn angenrheidiol neu'n hwylus er mwyn caniatáu i brif gyngor gydymffurfio â'r Bennod hon, neu sy'n hwyluso hynny.
- (3) Caiff rheoliadau o dan is-adran (2) osod amodau ar arfer unrhyw bŵer a roddir gan y rheoliadau (gan gynnwys amodau ynglŷn ag ymgynghori neu gymeradwyo).

#### 111 Canllawiau

- (1) Rhaid i berson sydd â swyddogaethau o dan neu yn rhinwedd y Bennod hon roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer y swyddogaethau hynny.
- (2) Wrth arfer swyddogaeth o dan y Bennod hon sy'n ymwneud ag asesu i ba raddau y mae prif gyngor yn bodloni'r gofynion perfformiad, rhaid i berson roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn â'r gofynion perfformiad.
- (3) Nid yw gofynion yr adran hon yn gymwys i—
  - (a) Archwilydd Cyffredinol Cymru neu berson sy'n arfer swyddogaeth Archwilydd Cyffredinol Cymru o dan y Bennod hon (yn rhinwedd dirprwyad a wneir o dan adran 18 o Ddeddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3));
  - (b) prif gyngor (gweler adran 89(3) sy'n ymdrin â chanllawiau i brif gynghorau).

#### 112 Dehongli

Yn y Bennod hon—

mae i "arolygiad arbennig" ("*special inspection*") yr ystyr a roddir yn adran 95;  
mae "dogfen" ("*document*") yn cynnwys gwybodaeth a gofnodir ar unrhyw ffurf;



- (e) section 96(7)(b) (response by principal council to recommendations from the Auditor General for Wales);
- (f) section 97(2)(b) (response by Welsh Ministers to recommendations from the Auditor General for Wales).

#### **110 Power of the Welsh Ministers to amend etc. enactments and confer new powers**

- (1) If the Welsh Ministers consider that an enactment (other than a provision of this Chapter) prevents or obstructs a principal council from complying with this Chapter, the Welsh Ministers may by regulations amend, modify, repeal, revoke or disapply that enactment in relation to –
  - (a) all principal councils,
  - (b) particular principal councils, or
  - (c) particular descriptions of principal council.
- (2) The Welsh Ministers may by regulations make provision conferring on –
  - (a) all principal councils,
  - (b) particular principal councils, or
  - (c) particular descriptions of principal council,any power which the Welsh Ministers consider necessary or expedient to permit or facilitate compliance with this Chapter by a principal council.
- (3) Regulations under subsection (2) may impose conditions on the exercise of any power conferred by the regulations (including conditions about consultation or approval).

#### **111 Guidance**

- (1) A person who has functions under or by virtue of this Chapter must have regard to any guidance issued by the Welsh Ministers about the exercise of those functions.
- (2) In exercising a function under this Chapter which relates to an assessment of the extent to which a principal council is meeting the performance requirements, a person must have regard to any guidance issued by the Welsh Ministers about the performance requirements.
- (3) The requirements of this section do not apply to –
  - (a) the Auditor General for Wales or a person exercising a function of the Auditor General for Wales under this Chapter (by virtue of a delegation made under section 18 of the Public Audit (Wales) Act 2013 (anaw 3));
  - (b) a principal council (see section 89(3) which deals with guidance to principal councils).

#### **112 Interpretation**

In this Chapter –

“document” (“*dogfen*”) includes information recorded in any form;

“performance requirements” (“*gofynion perfformiad*”) has the meaning given in section 89(2);

mae i “gofynion perfformiad” (“*performance requirements*”) yr ystyr a roddir yn adran 89(2);

*Diwygio deddfiadau eraill*

**113 Datgymhwysio Mesur 2009 mewn perthynas â phrif gynghorau a diddymu darpariaethau ynglŷn â chydlynu archwiliad**

Ym Mesur 2009 hepgorer –

- (a) adran 1(a) (ystyr “awdurdod gwella Cymreig”);
- (b) adran 4(3)(a) (agweddau ar wella);
- (c) adran 11(1)(b) a (2) (ystyr “pwerau cydlafurio”);
- (d) adran 16(2)(a) a (b) (ystyr “rheoleiddwyr perthnasol” a “swyddogaethau perthnasol”);
- (e) adran 22(5) (adroddiadau am arolygiadau arbennig sy’n ymwneud â budd-dal tai);
- (f) adran 23 (cydlynu archwiliad);
- (g) adran 25(4)(d) (datganiad o arfer gan Archwilydd Cyffredinol Cymru);
- (h) adran 33 (rhannu gwybodaeth); ac o ganlyniad, yn adran 159 o’r Ddeddf hon hepgorer is-adran (10).

**114 Diwygio Deddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015**

Ym mharagraff 1 o Atodlen 1 i Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2), ar ôl is-baragraff (2) mewnosoder –

“(2A) Mewn cysylltiad ag unrhyw flwyddyn ariannol, caiff awdurdod lleol gyhoeddi ei adroddiad o dan y paragraff hwn a’i adroddiad o dan adran 91(1) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (hunanasesiad o berfformiad) yn yr un ddogfen.”

*Pwyllgorau llywodraethu ac archwilio prif gynghorau*

**115 Enw newydd ar bwyllgorau archwilio a’u swyddogaethau newydd**

- (1) Mae adran 81 o Fesur 2011 (awdurdodau lleol i benodi pwyllgorau archwilio) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn lle “(“pwyllgor archwilio”)” rhodder “(“pwyllgor llywodraethu ac archwilio”)”.
- (3) Ym mharagraff (c) o is-adran (1), ar ôl “rheolaeth fewnol” mewnosoder “, asesu perfformiad”.
- (4) Ar ôl paragraff (d) o is-adran (1) mewnosoder –
  - “(da) i adolygu ac asesu gallu’r awdurdod i ymdrin â chwynion mewn modd effeithiol,

“special inspection” (“*arolygiad arbennig*”) has the meaning given in section 95.

*Amendment of other enactments*

**113 Disapplication of the 2009 Measure in relation to principal councils and repeal of provisions about coordination of audit**

In the 2009 Measure omit—

- (a) section 1(a) (meaning of “Welsh improvement authority”);
- (b) section 4(3)(a) (aspects of improvement);
- (c) section 11(1)(b) and (2) (meaning of “powers of collaboration”);
- (d) section 16(2)(a) and (b) (meaning of “relevant regulators” and “relevant functions”);
- (e) section 22(5) (special inspection reports relating to housing benefit);
- (f) section 23 (coordination of audit);
- (g) section 25(4)(d) (statement of practice by the Auditor General for Wales);
- (h) section 33 (information sharing); and in consequence, in section 159 of this Act omit subsection (10).

**114 Amendment of the Well-being of Future Generations (Wales) Act 2015**

In paragraph 1 of Schedule 1 to the Well-being of Future Generations (Wales) Act 2015 (anaw 2), after sub-paragraph (2) insert—

“(2A) In respect of any financial year, a local authority may publish its report under this paragraph and its report under section 91(1) of the Local Government and Elections (Wales) Act 2021 (self-assessment of performance) in the same document.”

*Governance and audit committees of principal councils*

**115 New name and functions of audit committees**

- (1) Section 81 of the 2011 Measure (local authorities to appoint audit committees) is amended as follows.
- (2) In subsection (1), for “(an “audit committee”)” substitute “(a “governance and audit committee”)”.
- (3) In paragraph (c) of subsection (1), after “internal control” insert “, performance assessment”.
- (4) After paragraph (d) of subsection (1) insert—
  - “(da) review and assess the authority’s ability to handle complaints effectively,

(db) i lunio adroddiadau a gwneud argymhellion mewn perthynas â gallu'r awdurdod i ymdrin â chwynion mewn modd effeithiol,".

(5) Ar ôl is-adran (1) mewnosoder –

“(1A) Gweler Pennod 1 o Ran 6 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (perfformiad prif gynghorau a’u llywodraethu) am swyddogaethau pellach pwyllgorau llywodraethu ac archwilio.”

(6) Mae Atodlen 10 yn gwneud diwygiadau canlyniadol.

## PENNOD 2

### PWYLLGORAU LLYWODRAETHU AC ARCHWILIO: AELODAETH A THRAFODION

#### 116 Aelodaeth o bwyllgor llywodraethu ac archwilio

(1) Mae adran 82 o Fesur 2011 (aelodaeth) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (2) –

(a) ym mharagraff (a) hepgorer y geiriau “o leiaf”;

(b) yn lle paragraff (b) rhodder –

“(b) bod un rhan o dair o aelodau’r pwyllgor hwnnw yn lleygwyr;”.

(3) Ar ôl is-adran (5) mewnosoder –

“(5A) Mae pwyllgor llywodraethu ac archwilio i benodi –

(a) aelod o’r pwyllgor yn gadeirydd arno (“cadeirydd y pwyllgor”), a

(b) aelod o’r pwyllgor yn ddirprwy i gadeirydd y pwyllgor (“y dirprwy gadeirydd”).

(5B) Rhaid i’r aelod a benodir yn gadeirydd y pwyllgor fod yn lleygwr.

(5C) Ni chaiff yr aelod a benodir yn ddirprwy gadeirydd fod yn aelod o weithrediaeth yr awdurdod lleol nac yn gynorthwydd i’w weithrediaeth.”

(4) Hepgorer is-adran (6).

(5) Yn Atodlen 10 i’r Ddeddf hon (diwygiadau canlyniadol mewn perthynas â phwyllgorau llywodraethu ac archwilio), hepgorer paragraff 4(b)(ii) ac (f).

#### 117 Ystyr lleygwr

Yn adran 87 o Fesur 2011 (dehongli), yn is-adran (2) hepgorer y diffiniad o “aelod lleyg” a mewnosoder –

“ystyr “lleygwr” (“lay person”) yw person –

(a) nad yw’n aelod nac yn swyddog o unrhyw awdurdod lleol,

- (db) make reports and recommendations in relation to the authority's ability to handle complaints effectively,".
- (5) After subsection (1) insert –
  - “(1A) See Chapter 1 of Part 6 of the Local Government and Elections (Wales) Act 2021 (performance and governance of principal councils) for further functions of governance and audit committees.”
- (6) Schedule 10 makes consequential amendments.

## CHAPTER 2

### GOVERNANCE AND AUDIT COMMITTEES: MEMBERSHIP AND PROCEEDINGS

#### 116 Membership of governance and audit committee

- (1) Section 82 of the 2011 Measure (membership) is amended as follows.
- (2) In subsection (2) –
  - (a) in paragraph (a) omit the words “at least”;
  - (b) for paragraph (b) substitute –
    - “(b) one-third of the members of that committee are lay persons;”.
- (3) After subsection (5) insert –
  - “(5A) A governance and audit committee is to appoint –
    - (a) a member of the committee as its chair (“the committee chair”), and
    - (b) a member of the committee as the deputy to the committee chair (“the deputy chair”).
  - (5B) The member appointed as the committee chair must be a lay person.
  - (5C) The member appointed as the deputy chair must not be a member of the local authority's executive or an assistant to its executive.”
- (4) Omit subsection (6).
- (5) In Schedule 10 to this Act (consequential amendments relating to governance and audit committees), omit paragraph 4(b)(ii) and (f).

#### 117 Meaning of lay person

In section 87 of the 2011 Measure (interpretation), in subsection (2) omit the definition of “lay member” and insert –

““lay person” (“*lleygwr*”) means a person who –

- (a) is not a member or an officer of any local authority,

- (b) nad yw, ar unrhyw adeg yn ystod y cyfnod o ddeuddeg mis sy'n dod i ben â'r dyddiad y penodir y person hwnnw, wedi bod yn aelod nac yn swyddog o unrhyw awdurdod lleol, ac
- (c) nad yw'n briod nac yn bartner sifil i aelod na swyddog o unrhyw awdurdod lleol;"

### 118 Trafodion etc.

- (1) Mae adran 83 o Fesur 2011 (trafodion) wedi ei diwygio fel a ganlyn.
- (2) Yn lle is-adrannau (1) a (2) rhodder –
  - “(1) Mae cyfarfod o bwyllgor llywodraethu ac archwilio i'w gadeirio –
    - (a) gan gadeirydd y pwyllgor, neu
    - (b) os yw cadeirydd y pwyllgor yn absennol, gan y dirprwy gadeirydd.
  - (2) Os yw cadeirydd y pwyllgor a'r dirprwy gadeirydd ill dau yn absennol caiff y pwyllgor benodi aelod o'r pwyllgor nad yw'n aelod o weithrediaeth yr awdurdod lleol, nac yn gynorthwyydd i'w weithrediaeth, i gadeirio'r cyfarfod.”
- (3) Hepgorer is-adran (8).
- (4) Yn Atodlen 6 i'r Ddeddf hon (cynorthwywyr gweithrediaethau), hepgorer paragraff 6(5).
- (5) Yn Atodlen 10 i'r Ddeddf hon (diwygiadau canlyniadol mewn perthynas â phwyllgorau llywodraethu ac archwilio), hepgorer paragraffau 5(a) a (b).

## PENNOD 3

### CYDGYSYLLTU RHWNG RHEOLEIDDWYR

### 119 Cydgysylltu rhwng rheoleiddwyr

- (1) Rhaid i Archwilydd Cyffredinol Cymru a'r rheoleiddwyr perthnasol roi sylw i'r angen am gydgysylltu wrth arfer eu swyddogaethau perthnasol.
- (2) Mewn cysylltiad â phob blwyddyn ariannol rhaid i Archwilydd Cyffredinol Cymru lunio amserlen mewn perthynas â phob prif gyngor sy'n nodi barn yr Archwilydd Cyffredinol ynglŷn ag ar ba ddyddiadau neu yn ystod pa gyfnodau yn y flwyddyn honno –
  - (a) y dylai'r rheoleiddwyr perthnasol arfer eu swyddogaethau perthnasol mewn perthynas â'r cyngor, a
  - (b) y dylai'r Archwilydd Cyffredinol arfer swyddogaethau perthnasol yr Archwilydd Cyffredinol mewn perthynas â'r cyngor hwnnw.
- (3) Cyn llunio amserlen o dan is-adran (2) rhaid i Archwilydd Cyffredinol Cymru ymgynghori â'r rheoleiddwyr perthnasol.
- (4) Caniateir i'r ddyletswydd o dan is-adran (2) gael ei chyflawni drwy lunio amserlen sy'n ymwneud â mwy nag un flwyddyn ariannol.

- (b) has not at any time in the period of twelve months ending with the date of that person's appointment been a member or an officer of any local authority, and
- (c) is not the spouse or civil partner of a member or an officer of any local authority;"

**118 Proceedings etc.**

- (1) Section 83 of the 2011 Measure (proceedings) is amended as follows.
- (2) For subsections (1) and (2) substitute –
  - "(1) A meeting of a governance and audit committee is to be chaired –
    - (a) by the committee chair, or
    - (b) if the committee chair is absent, by the deputy chair.
  - (2) If both the committee chair and the deputy chair are absent the committee may appoint a member of the committee who is not a member of the local authority's executive, or an assistant to its executive, to chair the meeting."
- (3) Omit subsection (8).
- (4) In Schedule 6 to this Act (assistants to executives), omit paragraph 6(5).
- (5) In Schedule 10 to this Act (consequential amendments relating to governance and audit committees), omit paragraph 5(a) and (b).

**CHAPTER 3**

**COORDINATION BETWEEN REGULATORS**

**119 Coordination between regulators**

- (1) The Auditor General for Wales and the relevant regulators must have regard to the need for coordination in the exercise of their relevant functions.
- (2) In respect of each financial year the Auditor General for Wales must produce a timetable in relation to each principal council which sets out the Auditor General's opinion as to the dates or periods in that year on or during which –
  - (a) the relevant regulators should exercise their relevant functions in relation to the council, and
  - (b) the Auditor General should exercise the Auditor General's relevant functions in relation to that council.
- (3) Before producing a timetable under subsection (2) the Auditor General for Wales must consult the relevant regulators.
- (4) The duty under subsection (2) may be discharged by the production of a timetable which relates to more than one financial year.

- (5) Rhaid i Archwilydd Cyffredinol Cymru a'r rheoleiddwyr perthnasol, wrth arfer eu swyddogaethau perthnasol mewn perthynas â phrif gyngor, gymryd pob cam rhesymol i gadw at yr amserlen a lunnir mewn perthynas â'r cyngor hwnnw o dan is-adran (2).
- (6) Rhaid i Archwilydd Cyffredinol Cymru gynorthwyo'r rheoleiddwyr perthnasol i gydymffurfio â'u dyletswyddau o dan is-adrannau (1) a (5).
- (7) Yn yr adran hon, mae i "rheoleiddwyr perthnasol" a "swyddogaethau perthnasol" yr ystyron a roddir yn adran 120.

## 120 "Rheoleiddwyr perthnasol" a "swyddogaethau perthnasol"

- (1) At ddibenion adran 119 swyddogaethau perthnasol Archwilydd Cyffredinol Cymru yw –
  - (a) archwilio cyfrifon prif gyngor o dan Bennod 1 o Ran 2 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23);
  - (b) cynnal astudiaeth o dan Bennod 2 o Ran 2 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 mewn perthynas â phrif gyngor;
  - (c) cynnal ymchwiliad o brif gyngor o dan adran 15 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2).
- (2) At ddibenion adran 119, rheoleiddiwr perthnasol yw person a grybwyllir yng nghlofn gyntaf tabl 1 a'i swyddogaethau perthnasol yw'r swyddogaethau a bennir yn yr ail glofn.

**TABL 1**

<b>Rheoleiddwyr perthnasol</b>	<b>Swyddogaethau perthnasol</b>
Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	Swyddogaethau o dan adran 38 o Ddeddf Addysg 1997 (p. 44) (arolygu swyddogaethau addysg etc.)
Gweinidogion Cymru	Swyddogaethau o dan adran 149A ac adran 149B o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) (adolygiadau etc. o arfer swyddogaethau gwasanaethau cymdeithasol)

- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio tabl 1 er mwyn –
  - (a) ychwanegu cofnod;
  - (b) diwygio cofnod;
  - (c) hepgor cofnod.
- (4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori ag –
  - (a) unrhyw bersonau sy'n cynrychioli prif gynghorau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy;
  - (b) Archwilydd Cyffredinol Cymru;
  - (c) y person y bydd cofnod newydd neu ddiwygiedig yn ymwneud ag ef.



- (5) The Auditor General for Wales and the relevant regulators, in exercising their relevant functions in relation to a principal council, must take all reasonable steps to adhere to the timetable produced in relation to that council under subsection (2).
- (6) The Auditor General for Wales must assist the relevant regulators to comply with their duties under subsections (1) and (5).
- (7) In this section, “relevant regulators” and “relevant functions” have the meaning given in section 120.

## 120 “Relevant regulators” and “relevant functions”

- (1) For the purposes of section 119 the relevant functions of the Auditor General for Wales are—
  - (a) auditing the accounts of a principal council under Chapter 1 of Part 2 of the Public Audit (Wales) Act 2004 (c. 23);
  - (b) undertaking a study under Chapter 2 of Part 2 of the Public Audit (Wales) Act 2004 in relation to a principal council;
  - (c) carrying out an examination of a principal council under section 15 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).
- (2) For the purposes of section 119, a relevant regulator is a person mentioned in the first column of table 1 and their relevant functions are the functions specified in the second column.

**TABLE 1**

<b>Relevant regulators</b>	<b>Relevant functions</b>
Her Majesty’s Chief Inspector of Education and Training in Wales	Functions under section 38 of the Education Act 1997 (c. 44) (inspection of education functions etc.)
The Welsh Ministers	Functions under section 149A and section 149B of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (reviews etc. of the exercise of social services functions)

- (3) The Welsh Ministers may by regulations amend table 1 to—
  - (a) add an entry;
  - (b) amend an entry;
  - (c) omit an entry.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
  - (a) such persons representing principal councils as the Welsh Ministers consider appropriate;
  - (b) the Auditor General for Wales;
  - (c) the person to whom a new or amended entry will relate.

**RHAN 7****UNO AC AILSTRWYTHURO PRIF ARDALOEDD****PENNOD 1****UNO PRIF ARDALOEDD YN WIRFODDOL***Ceisiadau i uno***121 Ceisiadau i uno**

- (1) Caiff unrhyw ddau brif gyngor neu ragor wneud cais (“cais i uno”) ar y cyd i Weinidogion Cymru, yn gofyn iddynt ystyried gwneud rheoliadau uno o dan adran 124(1) sy’n uno eu prif ardaloedd i greu prif ardal newydd.
- (2) Nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i’r swyddogaeth o wneud cais i uno.
- (3) Ni chaiff y swyddogaeth o wneud cais i uno fod yn gyfrifoldeb i weithrediaeth y prif gyngor o dan drefniadau gweithrediaeth.
- (4) Mae maer etholedig i’w drin fel pe bai’n un o gynghorwyr y prif gyngor at ddibenion y swyddogaeth o wneud cais i uno.
- (5) Os yw Gweinidogion Cymru, ar ôl cael cais i uno, yn penderfynu peidio â gwneud rheoliadau uno o dan adran 124(1), rhaid iddynt hysbysu’r prif gynghorau a wnaeth y cais.

**122 Ymgynghori cyn gwneud cais i uno**

- (1) Cyn gwneud cais i uno rhaid i’r prif gynghorau ymgynghori â’r canlynol—
  - (a) pobl leol yn ardaloedd y prif gynghorau,
  - (b) pob un o’r cynghorau ar gyfer cymunedau yn ardaloedd y prif gynghorau,
  - (c) yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol y mae unrhyw ran ohono o fewn ardaloedd un neu ragor o’r prif gynghorau,
  - (d) yr awdurdod tân ac achub ar gyfer ardal y mae unrhyw ran ohoni o fewn ardaloedd un neu ragor o’r prif gynghorau,
  - (e) y bwrdd neu’r byrddau gwasanaethau cyhoeddus ar gyfer ardaloedd y prif gynghorau,
  - (f) y Bwrdd Iechyd Lleol ar gyfer ardal y mae unrhyw ran ohoni o fewn ardaloedd un neu ragor o’r prif gynghorau,
  - (g) pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i “recognised” yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52)) gan un neu ragor o’r prif gynghorau,
  - (h) pob prif gyngor arall ar gyfer prif ardal y mae’r cynnig i uno yn debygol o effeithio arni, ac
  - (i) unrhyw bersonau eraill y mae’r prif gynghorau yn ystyried ei bod yn briodol ymgynghori â hwy.

## **PART 7**

### **MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS**

#### **CHAPTER 1**

##### **VOLUNTARY MERGERS OF PRINCIPAL AREAS**

###### *Applications for mergers*

#### **121 Merger applications**

- (1) Any two or more principal councils may jointly make an application (“a merger application”) to the Welsh Ministers, asking them to consider making merger regulations under section 124(1) merging their principal areas into a new principal area.
- (2) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to the function of making a merger application.
- (3) The function of making a merger application is not to be the responsibility of an executive of the principal council under executive arrangements.
- (4) An elected mayor is to be treated as a councillor of the principal council for the purposes of the function of making a merger application.
- (5) If, following receipt of a merger application, the Welsh Ministers decide not to make merger regulations under section 124(1), they must notify the principal councils that made the application.

#### **122 Consultation before making merger application**

- (1) Before making a merger application the principal councils must consult –
  - (a) local people in the principal councils’ areas,
  - (b) each of the councils for communities in the principal councils’ areas,
  - (c) the National Park authority for a National Park any part of which is in one or more of the principal councils’ areas,
  - (d) the fire and rescue authority for an area any part of which is in one or more of the principal councils’ areas,
  - (e) the public services board or boards for the principal councils’ areas,
  - (f) the Local Health Board for an area any part of which is in one or more of the principal councils’ areas,
  - (g) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by one or more of the principal councils,
  - (h) every other principal council for a principal area which is likely to be affected by the proposal for merger, and
  - (i) such other persons as the principal councils consider appropriate.

- (2) Gellir bodloni'r gofyniad yn is-adran (1) drwy ymgynghoriad a gynhelir cyn i'r adran hon ddod i rym.

### 123 Canllawiau ynglŷn â cheisiadau i uno

- (1) Rhaid i brif gynghorau roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn â gwneud cais i uno.
- (2) Gellir bodloni'r gofyniad yn is-adran (1) drwy roi sylw i unrhyw ganllawiau a ddyroddwyd gan Weinidogion Cymru cyn i'r adran hon ddod i rym, ac a ddyroddwyd yn benodol at ddiben yr adran hon.

#### *Rheoliadau uno*

### 124 Rheoliadau uno

- (1) Os yw Gweinidogion Cymru yn cael cais i uno, cânt wneud rheoliadau sy'n darparu ar gyfer cyfansoddi prif ardal newydd ar ddyddiad a bennir yn y rheoliadau ("y dyddiad trosglwyddo") drwy –
- diddymu prif ardaloedd y cynghorau sy'n uno ar y dyddiad trosglwyddo, a
  - uno prif ardaloedd y cynghorau sy'n uno i greu prif ardal newydd.
- (2) Yn y Rhan hon, cyfeirir at reoliadau o dan is-adran (1) fel rheoliadau uno.
- (3) Rhaid i reoliadau uno ddarparu ar gyfer –
- ffin y brif ardal newydd,
  - enw'r brif ardal newydd,
  - pa un a yw'r brif ardal newydd i fod yn sir neu'n fwrdeistref sirol,
  - sefydlu cyngor ar gyfer y brif ardal newydd (yn unol ag adran 125),
  - trosglwyddo swyddogaethau'r cynghorau sy'n uno i'r prif gyngor newydd, ac
  - dirwyn y cynghorau sy'n uno i ben a'u diddymu.
- (4) Pan fo'r brif ardal newydd i fod yn sir, rhaid i'r rheoliadau uno ddarparu bod y prif gyngor newydd yn cael enw'r sir ynghyd â'r geiriau "Cyngor Sir" neu'r gair "Cyngor".
- (5) Pan fo'r brif ardal newydd i fod yn fwrdeistref sirol, rhaid i'r rheoliadau uno ddarparu bod y prif gyngor newydd yn cael enw'r fwrdeistref sirol ynghyd â'r geiriau "Cyngor Bwrdeistref Sirol" neu'r gair "Cyngor".

### 125 Cynghorau cysgodol a gweithrediaethau cysgodol

- (1) Rhaid i reoliadau uno ddarparu y bydd cyngor cysgodol ar gyfer y brif ardal newydd.
- (2) Rhaid i gyngor cysgodol fod yn gyngor cysgodol etholedig oni fo Gweinidogion Cymru yn ystyried ei bod yn briodol darparu y bydd cyngor cysgodol dynodedig.
- (3) Mae cyngor cysgodol etholedig –

- (2) The requirement in subsection (1) may be satisfied by consultation undertaken before the coming into force of this section.

### **123 Guidance about merger applications**

- (1) Principal councils must have regard to any guidance issued by the Welsh Ministers about the making of a merger application.
- (2) The requirement in subsection (1) may be satisfied by having regard to any guidance issued by the Welsh Ministers before the coming into force of this section, and which was issued expressly for the purpose of this section.

#### *Merger regulations*

### **124 Merger regulations**

- (1) If the Welsh Ministers receive a merger application they may make regulations which provide for the constitution of a new principal area on a date specified in the regulations (“the transfer date”) by –
  - (a) abolishing the principal areas of the merging councils on the transfer date, and
  - (b) merging, to create a new principal area, the principal areas of the merging councils.
- (2) In this Part, regulations under subsection (1) are referred to as merger regulations.
- (3) Merger regulations must provide for –
  - (a) the boundary of the new principal area,
  - (b) the name of the new principal area,
  - (c) whether the new principal area is to be a county or a county borough,
  - (d) the establishment of a council for the new principal area (in accordance with section 125),
  - (e) the transfer of functions of the merging councils to the new principal council, and
  - (f) the winding up and dissolution of the merging councils.
- (4) Where the new principal area is to be a county, merger regulations must provide for the new principal council to have the name of the county with the addition of the words “County Council” or the word “Council”.
- (5) Where the new principal area is to be a county borough, merger regulations must provide for the new principal council to have the name of the county borough with the addition of the words “County Borough Council” or the word “Council”.

### **125 Shadow councils and shadow executives**

- (1) Merger regulations must provide for there to be a shadow council for the new principal area.
- (2) A shadow council must be an elected shadow council unless the Welsh Ministers consider it appropriate to provide for there to be a designated shadow council.
- (3) An elected shadow council –

- (a) yn cynnwys y cyngorwyr a etholir yn yr etholiad cyffredin cyntaf ar gyfer cyngorwyr i'r prif gyngor newydd, a
  - (b) yn cael ei sefydlu ar y pedwerydd diwrnod ar ôl yr etholiad hwnnw, pan fydd y cyngorwyr hynny yn llenwi eu swyddi fel aelodau cysgodol.
- (4) Mae cyngor cysgodol dynodedig –
- (a) yn cynnwys holl aelodau'r cyngorau sy'n uno, a
  - (b) yn cael ei sefydlu ar y dyddiad a bennir yn y rheoliadau uno fel y dyddiad pan fydd yr aelodau hynny yn llenwi eu swyddi fel aelodau cysgodol.
- (5) Rhaid i'r rheoliadau uno wneud darpariaeth –
- (a) i'r cyngor cysgodol benodi gweithrediaeth gysgodol, ar ffurf gweithrediaeth arweinydd a chabinet,
  - (b) yn achos cyngor cysgodol dynodedig, sy'n pennu cyfansoddiad y weithrediaeth gysgodol,
  - (c) sy'n pennu swyddogaethau'r cyngor cysgodol a'r weithrediaeth gysgodol, ac ynglŷn ag arfer y swyddogaethau hynny, yn ystod y cyfnod cysgodol, a
  - (d) ynglŷn ag ariannu'r cyngor cysgodol.
- (6) Caiff darpariaeth a wneir yn unol ag is-adran (5)(d) roi swyddogaethau i gyngor sy'n uno, gan gynnwys mewn perthynas â gweinyddu cyllid y cyngor cysgodol.
- (7) Yn is-adran (5)(c), ystyr y "cyfnod cysgodol" yw'r cyfnod –
- (a) sy'n dechrau â'r dyddiad yr awdurdodir neu y gwneir hi'n ofynnol yn gyntaf i'r awdurdod cysgodol arfer unrhyw swyddogaethau yn unol â'r rheoliadau uno, a
  - (b) sy'n dod i ben yn union cyn y dyddiad trosglwyddo.
- (8) Rhaid i'r rheoliadau uno ddarparu mai cyngor cysgodol etholedig yw'r cyngor cysgodol ar gyfer y brif ardal newydd hyd at y dyddiad trosglwyddo (ac o'r dyddiad hwnnw mae'n brif gyngor, ac mae ganddo holl swyddogaethau'r prif gyngor, ar gyfer y brif ardal newydd; ac mae'r weithrediaeth gysgodol yn weithrediaeth, ac mae ganddi holl swyddogaethau'r weithrediaeth, ar gyfer y prif gyngor).
- (9) Yn achos cyngor cysgodol dynodedig, rhaid i'r rheoliadau uno ddarparu –
- (a) mai'r cyngor cysgodol dynodedig yw'r cyngor cysgodol ar gyfer y brif ardal newydd hyd at y cyfnod cyn etholiad, a
  - (b) yn ystod y cyfnod cyn etholiad, bod y cyngor cysgodol yn brif gyngor, a bod ganddo holl swyddogaethau'r prif gyngor, ar gyfer y brif ardal newydd; a bod y weithrediaeth gysgodol yn weithrediaeth, a bod ganddi holl swyddogaethau'r weithrediaeth, ar gyfer y prif gyngor.
- (10) Yn is-adran (9), ystyr "cyfnod cyn etholiad" yw'r cyfnod –
- (a) sy'n dechrau â'r dyddiad trosglwyddo, a
  - (b) sy'n dod i ben yn union cyn y pedwerydd diwrnod ar ôl cynnal yr etholiad cyffredin cyntaf ar gyfer cyngorwyr i'r prif gyngor newydd.

- (a) consists of the councillors elected in the first ordinary election of councillors to the new principal council, and
  - (b) is established on the fourth day after that election, when those councillors assume office as shadow members.
- (4) A designated shadow council –
  - (a) consists of all the members of the merging councils, and
  - (b) is established on the date specified in the merger regulations as the date on which those members assume office as shadow members.
- (5) The merger regulations must make provision –
  - (a) for the appointment of a shadow executive by the shadow council, in the form of a leader and cabinet executive,
  - (b) in the case of a designated shadow council, specifying the composition of the shadow executive,
  - (c) specifying the functions of the shadow council and the shadow executive, and about the exercise of those functions, during the shadow period, and
  - (d) about the funding of the shadow council.
- (6) Provision made in accordance with subsection (5)(d) may confer functions on a merging council, including in relation to the administration of the shadow council’s finances.
- (7) In subsection (5)(c), “shadow period” means the period –
  - (a) beginning with the date on which the shadow council is first authorised or required to exercise any functions in accordance with the merger regulations, and
  - (b) ending immediately before the transfer date.
- (8) The merger regulations must provide that an elected shadow council is the shadow council for the new principal area until the transfer date (from when it is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council).
- (9) In the case of a designated shadow council, the merger regulations must provide that –
  - (a) the designated shadow council is the shadow council for the new principal area until the pre-election period, and
  - (b) during the pre-election period the shadow council is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council.
- (10) In subsection (9), “pre-election period” means the period –
  - (a) beginning with the transfer date, and
  - (b) ending immediately before the fourth day after the holding of the first ordinary election of councillors to the new principal council.

**126 Y system bleidleisio**

- (1) Rhaid i'r rheoliadau uno bennu a yw'r system bleidleisio sy'n gymwys i'r etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer y brif ardal newydd i fod –
  - (a) y system mwyafrif syml y darperir ar ei chyfer gan reolau a wneir, neu sy'n cael effaith fel pe baent wedi cael eu gwneud, o dan adran 36A o Ddeddf 1983, neu
  - (b) y system pleidlais sengl drosglwyddadwy y darperir ar ei chyfer gan reolau a wneir o dan adran 36A o Ddeddf 1983.
- (2) Mewn perthynas â'r system bleidleisio a bennir yn y rheoliadau uno –
  - (a) rhaid iddi fod y system bleidleisio y cytunir arni gan y cynghorau sy'n uno, neu
  - (b) os na cheir cytundeb –
    - (i) rhaid iddi fod y system bleidleisio a ddefnyddir yn y ddau gyngor sy'n uno, neu pan fo tri chyngor neu ragor yn uno, yn yr holl gynghorau sy'n uno neu yn y mwyafrif ohonynt, yn union cyn dyddiad y cais, neu
    - (ii) os nad oedd y naill na'r llall o'r ddau gyngor sy'n uno, neu (pan fo tri chyngor neu ragor yn uno) os nad oedd y mwyafrif o'r cynghorau sy'n uno, yn defnyddio'r un system bleidleisio yn union cyn dyddiad y cais, rhaid iddi fod y system bleidleisio a bennir gan Weinidogion Cymru ar ôl ymgynghori â'r cynghorau sy'n uno.
- (3) Yn is-adran (2)(b), ystyr "dyddiad y cais" yw'r dyddiad y gwneir y cais i uno.
- (4) Os gwneir cais i uno cyn i adran 7 ddod i rym –
  - (a) nid yw is-adrannau (1) a (2) o'r adran hon yn gymwys mewn perthynas â'r rheoliadau uno sy'n ymwneud â'r cais, a
  - (b) rhaid i'r rheoliadau hynny ddarparu, os yw adran 7 mewn grym ar ddiwrnod yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer y brif ardal newydd, bod y system mwyafrif syml yn gymwys i'r etholiad hwnnw.

**127 Etholiadau**

- (1) Rhaid i reoliadau uno bennu –
  - (a) dyddiad yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer y brif ardal newydd, a
  - (b) cyfnodau swyddi cynghorwyr a etholir yn yr etholiad hwnnw.
- (2) Caiff rheoliadau uno gynnwys darpariaeth –
  - (a) sy'n dileu etholiad cyffredin ar gyfer cynghorwyr i un neu ragor o'r cynghorau sy'n uno ac yn estyn cyfnodau swyddi presennol cynghorwyr;
  - (b) sy'n dileu etholiad ar gyfer maer etholedig i un neu ragor o'r cynghorau sy'n uno ac yn estyn cyfnodau swyddi presennol meiri etholedig;



**126 Voting system**

- (1) Merger regulations must specify whether the voting system that applies to the first ordinary election of councillors to the principal council for the new principal area is to be –
  - (a) the simple majority system provided for by rules made, or having effect as if made, under section 36A of the 1983 Act, or
  - (b) the single transferable vote system provided for by rules made under section 36A of the 1983 Act.
- (2) The voting system specified in the merger regulations must be –
  - (a) the voting system agreed by the merging councils, or
  - (b) in the absence of agreement –
    - (i) the voting system used in both, or where there are three or more merging councils, all or the majority of, the merging councils immediately before the application date, or
    - (ii) if neither of the merging councils used, or (where there are three or more merging councils) the majority of the merging councils did not use, the same voting system immediately before the application date, the voting system determined by the Welsh Ministers after consulting the merging councils.
- (3) In subsection (2)(b), “application date” means the date on which the merger application is made.
- (4) If a merger application is made before section 7 comes into force –
  - (a) subsections (1) and (2) of this section do not apply in relation to the merger regulations relating to the application, and
  - (b) those regulations must provide that if section 7 is in force on the day of the first ordinary election of councillors to the principal council for the new principal area, the simple majority system applies to that election.

**127 Elections**

- (1) Merger regulations must set –
  - (a) the date of the first ordinary election of councillors to the principal council for the new principal area, and
  - (b) the terms of office of councillors returned at that election.
- (2) Merger regulations may include provision –
  - (a) cancelling an ordinary election of councillors to one or more of the merging councils and extending the existing terms of office of councillors;
  - (b) cancelling an election of an elected mayor to one or more of the merging councils and extending the existing terms of office of elected mayors;

- (c) mewn perthynas â gofynion i lenwi swyddi cynghorydd, is-gadeirydd neu gadeirydd sy'n digwydd dod yn wag, a chynnal etholiadau yn unrhyw un neu ragor o'r cynghorau sy'n uno neu'r cyngor cysgodol er mwyn llenwi swyddi sy'n digwydd dod yn wag;
  - (d) sy'n gohirio etholiad cyffredin ar gyfer cynghorwyr i gynghorau cymuned yn y brif ardal newydd ac yn estyn cyfnodau swyddi presennol cynghorwyr.
- (3) Caiff rheoliadau uno hefyd gynnwys darpariaeth ynglŷn ag—
- (a) penodi swyddog canlyniadau yn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer y brif ardal newydd;
  - (b) talu am wariant yr eir iddo wrth gynnal yr etholiad hwnnw, gan gynnwys darpariaeth ar gyfer gwneud dyfarniadau gan Weinidogion Cymru ynglŷn â sut y mae gwariant i'w dalu;
  - (c) datganiadau derbyn swydd cynghorydd i'r prif gyngor newydd;
  - (d) cynnal cyfarfod cyntaf y prif gyngor newydd.
- (4) Caiff darpariaeth a wneir o dan is-adran (3)(a) gynnwys darpariaeth i Weinidogion Cymru roi cyfarwyddydau i brif gyngor o ran penodi swyddog canlyniadau, ac ar gyfer gorfodi cyfarwyddydau o'r fath.

*Hwyluso uno*

**128 Dyletswyddau ar gynghorau sy'n uno i hwyluso trosglwyddo**

- (1) Rhaid i gyngor sy'n uno—
- (a) at ddibenion yr uno, gydweithredu â Gweinidogion Cymru, y cyngor arall neu'r cynghorau eraill sy'n uno ac unrhyw berson arall sy'n arfer swyddogaethau mewn perthynas â'r uno, a
  - (b) cymryd pob cam rhesymol—
    - (i) i hwyluso trosglwyddo ei swyddogaethau, ei staff, ei eiddo, ei hawliau a'i atebolrwyddau i'r prif gyngor newydd mewn modd darbodus, effeithiol ac effeithlon, a
    - (ii) i sicrhau bod y prif gyngor newydd a'i staff mewn sefyllfa i gyflawni swyddogaethau'r prif gyngor newydd yn effeithiol.
- (2) Caiff Gweinidogion Cymru gyfarwyddo cyngor sy'n uno i gymryd, neu i beidio â chymryd, unrhyw gamau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol at ddiben cyflawni dyletswydd y cyngor o dan yr adran hon.

- (c) relating to requirements to fill casual vacancies in the office of councillor, vice-chair or chair, and the holding of elections in any of the merging councils or the shadow council to fill casual vacancies;
  - (d) postponing an ordinary election of councillors to community councils in the new principal area and the extension of the existing terms of office of councillors.
- (3) Merger regulations may also include provision about –
- (a) the appointment of a returning officer at the first ordinary election of councillors to the principal council for the new principal area;
  - (b) meeting expenditure incurred in holding that election, including provision for the making of determinations by the Welsh Ministers about how expenditure is to be met;
  - (c) declarations of acceptance of the office of councillor of the new principal council;
  - (d) the holding of the first meeting of the new principal council.
- (4) Provision made under subsection (3)(a) may include provision for the Welsh Ministers to give directions to a principal council as to the appointment of a returning officer, and for the enforcement of such directions.

*Facilitating mergers*

**128 Duties of merging councils to facilitate transfer**

- (1) A merging council must –
- (a) for the purposes of the merger, co-operate with the Welsh Ministers, the other merging council or councils and any other person exercising functions in relation to the merger, and
  - (b) take all reasonable steps to –
    - (i) facilitate the economic, effective and efficient transfer of its functions, staff, property, rights and liabilities to the new principal council, and
    - (ii) ensure that the new principal council and its staff are in a position to perform the new principal council's functions effectively.
- (2) The Welsh Ministers may direct a merging council to take, or not to take, any action the Welsh Ministers consider appropriate for the purpose of discharging the council's duty under this section.

**PENNOD 2****AILSTRWYTHURO PRIF ARDALOEDD***Yr amodau sydd i'w bodloni***129 Yr amodau sydd i'w bodloni cyn gwneud rheoliadau ailstrwythuro**

- (1) Os yw'r amodau a nodir yn yr adran hon wedi eu bodloni, caiff Gweinidogion Cymru wneud rheoliadau ailstrwythuro (gweler adran 131 ynglŷn â hynny).
- (2) Yr amod cyntaf yw bod rhaid bod Gweinidogion Cymru wedi cael –
  - (a) adroddiad ar arolygiad arbennig o brif gyngor gan Archwilydd Cyffredinol Cymru o dan adran 95(7), neu
  - (b) cais i ddiddymu o dan adran 130 gan brif gyngor.
- (3) Yr ail amod yw bod Gweinidogion Cymru –
  - (a) wedi rhoi hysbysiad i'r cyngorau yr effeithir arnynt bod Gweinidogion Cymru wedi cael yr adroddiad neu'r cais i ddiddymu, a
  - (b) wedi cyhoeddi'r hysbysiad.
- (4) Y trydydd amod yw bod Gweinidogion Cymru wedi ymgynghori ag –
  - (a) y cyngor a oedd yn destun yr adroddiad a grybwyllir yn is-adran (2)(a) neu a wnaeth y cais i ddiddymu a grybwyllir yn is-adran (2)(b) (“y cyngor sydd o dan ystyriaeth”),
  - (b) pob prif gyngor arall y bydd unrhyw reoliadau ailstrwythuro a wneir mewn cysylltiad â'r cyngor sydd o dan ystyriaeth yn effeithio, neu'n debygol o effeithio, ar ei ardal, ac
  - (c) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy,

ynglŷn â'r camau y mae Gweinidogion Cymru yn ystyried eu cymryd o ganlyniad i gael yr adroddiad neu'r cais.
- (5) Y pedwerydd amod yw bod Gweinidogion Cymru wedi eu bodloni, ar ôl ymgynghori yn unol ag is-adran (4), nad yw llywodraeth leol effeithiol a hwylus yn debygol o gael ei chyflawni yn ardal y cyngor sydd o dan ystyriaeth oni fo rheoliadau ailstrwythuro yn cael eu gwneud.
- (6) Y pumed amod yw, os yw pob un o'r amodau yn is-adrannau (2) i (5) wedi eu bodloni a bod Gweinidogion Cymru yn cynnig gwneud rheoliadau ailstrwythuro, eu bod wedi hysbysu'r cyngor sydd o dan ystyriaeth am eu cynigion ac –
  - (a) os cynigir trosglwyddo rhan neu rannau o ardal y cyngor sydd o dan ystyriaeth, y prif gyngor ar gyfer y brif ardal (neu'r prif gynghorau ar gyfer y prif ardaloedd) a fydd yn cynnwys rhan o ardal y cyngor sydd o dan ystyriaeth;
  - (b) os cynigir creu prif ardal newydd, y prif gyngor ar gyfer prif ardal a fydd yn cael ei huno (neu'r prif gynghorau ar gyfer prif ardaloedd a fydd yn cael eu huno) ag ardal gyfan neu ran o ardal y cyngor sydd o dan ystyriaeth i greu prif ardal newydd;

## CHAPTER 2

### RESTRUCTURING OF PRINCIPAL AREAS

#### *Conditions to be met*

#### **129 Conditions to be met before making restructuring regulations**

- (1) If the conditions set out in this section are satisfied, the Welsh Ministers may make restructuring regulations (as to which, see section 131).
- (2) The first condition is that the Welsh Ministers have received –
  - (a) a report of a special inspection of a principal council by the Auditor General for Wales under section 95(7), or
  - (b) an abolition request under section 130 from a principal council.
- (3) The second condition is that the Welsh Ministers have –
  - (a) given notice to the affected councils that the Welsh Ministers have received the report or abolition request, and
  - (b) published the notice.
- (4) The third condition is that the Welsh Ministers have consulted –
  - (a) the council which was the subject of the report mentioned in subsection (2)(a) or which made the abolition request mentioned in subsection (2)(b) (“the council under consideration”),
  - (b) every other principal council whose area will be, or is likely to be, affected by any restructuring regulations made in respect of the council under consideration, and
  - (c) such other persons as the Welsh Ministers consider appropriate,about the steps that the Welsh Ministers are considering taking as a consequence of receipt of the report or request.
- (5) The fourth condition is that, following consultation in accordance with subsection (4), the Welsh Ministers are satisfied that, unless restructuring regulations are made, effective and convenient local government is not likely to be achieved in the area of the council under consideration.
- (6) The fifth condition is that, if each of the conditions in subsections (2) to (5) are satisfied and the Welsh Ministers propose to make restructuring regulations, they have given notice of their proposals to the council under consideration and –
  - (a) if the transfer of a part or parts of the area of the council under consideration is proposed, the principal council for the principal area which is (or the principal councils for the principal areas which are) to include a part of the area of the council under consideration;
  - (b) if the creation of a new principal area is proposed, the principal council for a principal area which is (or the principal councils for principal areas which are) to be merged with all or part of the area of the council under consideration into a new principal area;

- (c) pob prif gyngor arall yr ymgynghorwyd ag ef fel a ddisgrifir yn is-adran (4)(b).

*Ceisiadau i ddiddymu*

**130 Ceisiadau i ddiddymu**

- (1) Caiff prif gyngor, drwy hysbysiad mewn ysgrifen (“cais i ddiddymu”), ofyn i Weinidogion Cymru ystyried diddymu’r cyngor a’i brif ardal.
- (2) Rhaid i gais i ddiddymu nodi rhesymau’r prif gyngor dros ofyn am y diddymiad.
- (3) Rhaid i’r prif gyngor gyhoeddi’r cais i ddiddymu cyn gynted ag y bo’n rhesymol ymarferol ar ôl gwneud y cais.
- (4) Nid yw adran 101 o Ddeddf 1972 (trefniadau ar gyfer cyflawni swyddogaethau gan awdurdodau lleol) yn gymwys i’r swyddogaeth o wneud cais i ddiddymu.
- (5) Ni chaiff y swyddogaeth o wneud cais i ddiddymu fod yn gyfrifoldeb i weithrediaeth y prif gyngor o dan drefniadau gweithrediaeth.
- (6) Mae maer etholedig i’w drin fel pe bai’n un o gynghorwyr y prif gyngor at ddibenion y swyddogaeth o wneud cais i ddiddymu.

*Rheoliadau ailstrwythuro*

**131 Rheoliadau ailstrwythuro**

Rheoliadau ailstrwythuro yw rheoliadau sy’n darparu ar gyfer diddymu prif ardal cyngor sydd o dan ystyriaeth ar ddyddiad a bennir yn y rheoliadau (“y dyddiad trosglwyddo”) a’r naill neu’r llall, neu’r ddau, o’r canlynol –

- (a) bod rhan neu rannau o’r brif ardal sy’n cael ei diddymu i ddod yn rhan o brif ardal arall sy’n bodoli eisoes neu’n rhannau o brif ardaloedd eraill sy’n bodoli eisoes, ar y dyddiad trosglwyddo;
- (b) ar gyfer cyfansoddi prif ardal newydd ar y dyddiad trosglwyddo drwy –
  - (i) diddymu prif ardal un prif gyngor arall neu ragor (yn ogystal ag ardal y cyngor sydd o dan ystyriaeth), a
  - (ii) uno, er mwyn creu prif ardal newydd, y cyfan neu ran o ardal y cyngor sydd o dan ystyriaeth ag ardal y prif gyngor arall neu’r prif gynghorau eraill (pa un a yw’r cyngor arall neu’r cynghorau eraill hefyd yn gyngor neu’n gynghorau sydd o dan ystyriaeth ai peidio).

**132 Rheoliadau ailstrwythuro sy’n darparu bod rhan o brif ardal i ddod yn rhan o brif ardal arall sy’n bodoli eisoes**

- (1) Rhaid i reoliadau ailstrwythuro sy’n cynnwys darpariaeth o dan adran 131(a) –
  - (a) pennu, drwy gyfeirio at bob rhan o’r ardal sy’n cael ei diddymu ac sy’n cael ei throsglwyddo i brif ardal sy’n bodoli eisoes, ardal newydd y brif ardal honno,
  - (b) darparu ar gyfer trosglwyddo swyddogaethau o’r cyngor sydd o dan ystyriaeth i brif gyngor arall,
  - (c) darparu ar gyfer dirwyn y cyngor sydd o dan ystyriaeth i ben a’i ddiddymu, a

- (c) every other principal council consulted as described in subsection (4)(b).

*Abolition requests*

**130 Abolition requests**

- (1) A principal council may, by notice in writing (“an abolition request”), ask the Welsh Ministers to consider abolishing the council and its principal area.
- (2) An abolition request must set out the principal council’s reasons for seeking abolition.
- (3) The principal council must publish the abolition request as soon as reasonably practicable after making the request.
- (4) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to the function of making an abolition request.
- (5) The function of making an abolition request is not to be the responsibility of an executive of the principal council under executive arrangements.
- (6) An elected mayor is to be treated as a councillor of the principal council for the purposes of the function of making an abolition request.

*Restructuring regulations*

**131 Restructuring regulations**

Restructuring regulations are regulations which provide for the abolition of the principal area of a council under consideration on a date specified in the regulations (“the transfer date”), and either or both of the following—

- (a) for a part or parts of the principal area being abolished to become, on the transfer date, part of another existing principal area or parts of other existing principal areas;
- (b) for the constitution of a new principal area on the transfer date by—
  - (i) abolishing the principal area of one or more other principal councils (as well as the area of the council under consideration), and
  - (ii) merging, to create a new principal area, all or part of the area of the council under consideration with the area of the other principal council or councils (whether or not the other council or councils are also councils under consideration).

**132 Restructuring regulations which provide for part of a principal area to become part of another existing principal area**

- (1) Restructuring regulations which include provision under section 131(a) must—
  - (a) specify, by reference to each part of the area being abolished which is transferred to an existing principal area, the new area of that principal area,
  - (b) provide for the transfer of functions from the council under consideration to another principal council,
  - (c) provide for the winding up and dissolution of the council under consideration, and

- (d) darparu bod y system bleidleisio (gweler adran 134(4)) sy'n gymwys mewn perthynas â rhan o ardal y cyngor sydd o dan ystyriaeth a drosglwyddir i brif ardal arall ("prif ardal A") i fod, yn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr ar ôl y dyddiad trosglwyddo, y system bleidleisio sy'n gymwys yng ngweddill prif ardal A.
- (2) Caiff rheoliadau ailstrwythuro, at ddibenion darparu bod rhan o ardal y cyngor sydd o dan ystyriaeth i ddod yn rhan o brif ardal arall, wneud darpariaeth ynglŷn ag –
- (a) neilltuo cynghorwyr y cyngor sydd o dan ystyriaeth i brif gyngor arall;
  - (b) ethol cynghorwyr i gyngor sy'n cael ei ailstrwythuro a chyfnodau eu swyddi;
  - (c) y system bleidleisio sydd i fod yn gymwys, mewn perthynas â rhan o ardal y cyngor sydd o dan ystyriaeth a drosglwyddir i brif ardal arall, mewn etholiad i lenwi sedd sy'n digwydd dod yn wag a gynhelir ar ôl y dyddiad trosglwyddo a chyn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r cyngor ar ôl y dyddiad trosglwyddo;
  - (d) ethol cynghorwyr i gynghorau cymuned yn ardal cyngor sy'n cael ei ailstrwythuro a chyfnodau eu swyddi;
  - (e) y trefniadau gweithrediaeth mewn cyngor sy'n cael ei ailstrwythuro;
  - (f) ffurf y weithrediaeth a weithredir gan gyngor sy'n cael ei ailstrwythuro;
  - (g) ardal maer etholedig ar gyfer cyngor sy'n cael ei ailstrwythuro, cyfnod ei swydd a'i ethol;
  - (h) y trefniadau cydnabyddiaeth ariannol ar gyfer aelodau cyngor sy'n cael ei ailstrwythuro, gan gynnwys darpariaeth sy'n rhoi swyddogaethau i Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol;
  - (i) newid enw cyngor sy'n cael ei ailstrwythuro;
  - (j) pa un a yw prif ardal cyngor sy'n cael ei ailstrwythuro yn sir neu'n fwrdeistref sirol.

### 133 Rheoliadau ailstrwythuro sy'n cyfansoddi prif ardal newydd

- (1) Rhaid i reoliadau ailstrwythuro sy'n cynnwys darpariaeth fel a ddisgrifir yn adran 131(b) ddarparu ar gyfer –
- (a) ffin y brif ardal newydd,
  - (b) enw'r brif ardal newydd,
  - (c) pa un a yw'r brif ardal newydd i fod yn sir neu'n fwrdeistref sirol,
  - (d) sefydlu cyngor ar gyfer y brif ardal newydd (yn unol â pharagraff (e) neu is-adrannau (4) i (7)),
  - (e) (yn ddarostyngedig i is-adran (4)) bod cyngor cysgodol etholedig ar gyfer y brif ardal newydd hyd at y dyddiad trosglwyddo (a'i fod o'r dyddiad hwnnw yn brif gyngor, a bod ganddo holl swyddogaethau'r prif gyngor, ar gyfer y brif ardal newydd),
  - (f) swyddogaethau'r cyngor cysgodol,
  - (g) ariannu'r cyngor cysgodol,



- (d) provide for the voting system (see section 134(4)) which applies in relation to a part of the area of the council under consideration which is transferred to another principal area (“principal area A”) to be, at the first ordinary election of councillors after the transfer date, the voting system applying in the rest of principal area A.
- (2) Restructuring regulations may, for the purposes of providing for part of the area of the council under consideration to become part of another principal area, make provision about—
- (a) the assignment of councillors of the council under consideration to another principal council;
  - (b) the election and terms of office of councillors of a restructuring council;
  - (c) the voting system which is to apply, in relation to a part of the area of the council under consideration which is transferred to another principal area, at an election to fill a casual vacancy held after the transfer date and before the first ordinary election of councillors to the council after the transfer date;
  - (d) the election and terms of office of councillors to community councils in the area of a restructuring council;
  - (e) the executive arrangements of a restructuring council;
  - (f) the form of executive operated by a restructuring council;
  - (g) the area, term of office and election of an elected mayor of a restructuring council;
  - (h) the arrangements for the remuneration of members of a restructuring council, including provision conferring functions on the Independent Remuneration Panel for Wales;
  - (i) a change to the name of a restructuring council;
  - (j) whether the principal area of a restructuring council is a county or county borough.

### **133 Restructuring regulations which constitute a new principal area**

- (1) Restructuring regulations which include provision as described in section 131(b) must provide for—
- (a) the boundary of the new principal area,
  - (b) the name of the new principal area,
  - (c) whether the new principal area is to be a county or a county borough,
  - (d) the establishment of a council for the new principal area (in accordance with paragraph (e) or subsections (4) to (7)),
  - (e) (subject to subsection (4)) there to be an elected shadow council for the new principal area until the transfer date (from when it is, and has all the functions of, the principal council for the new principal area),
  - (f) the functions of the shadow council,
  - (g) the funding of the shadow council,

- (h) penodi gweithrediaeth gysgodol, ar ffurf gweithrediaeth arweinydd a chabinet, gan y cyngor cysgodol (sydd, o'r dyddiad trosglwyddo, yn weithrediaeth, ac sydd â holl swyddogaethau gweithrediaeth, i'r prif gyngor),
  - (i) swyddogaethau'r weithrediaeth gysgodol,
  - (j) trosglwyddo swyddogaethau i'r prif gyngor newydd o'r cynghorau sy'n cael eu hailstrwythuro y bydd eu hardaloedd yn cael eu huno i greu'r brif ardal newydd,
  - (k) dirwyn i ben a diddymu'r cynghorau sy'n cael eu hailstrwythuro y bydd eu hardaloedd yn cael eu huno i greu'r brif ardal newydd,
  - (l) pa un o'r systemau pleidleisio (gweler adran 134(4)) sydd i fod yn gymwys i'r etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor newydd,
  - (m) dyddiad yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor newydd, ac
  - (n) cyfnodau swyddi cynghorwyr a etholir yn yr etholiad hwnnw.
- (2) Pan fo prif ardal newydd a gyfansoddir gan reoliadau ailstrwythuro i fod yn sir, rhaid i'r rheoliadau ddarparu bod y prif gyngor newydd yn cael enw'r sir ynghyd â'r geiriau "Cyngor Sir" neu'r gair "Cyngor".
- (3) Pan fo prif ardal newydd a gyfansoddir gan reoliadau ailstrwythuro i fod yn fwrdeistref sirol, rhaid i'r rheoliadau ddarparu bod y prif gyngor newydd yn cael enw'r fwrdeistref sirol ynghyd â'r geiriau "Cyngor Bwrdeistref Sirol" neu'r gair "Cyngor".
- (4) Caiff Gweinidogion Cymru, os ydynt yn ystyried bod hynny'n briodol, wneud darpariaeth yn y rheoliadau ailstrwythuro i'r cyngor cysgodol fod yn gyngor cysgodol dynodedig hyd y cyfnod cyn etholiad.
- (5) Os yw Gweinidogion Cymru yn gwneud darpariaeth o'r fath, rhaid iddynt hefyd, yn y rheoliadau ailstrwythuro –
- (a) gwneud darpariaeth sy'n pennu cyfansoddiad y weithrediaeth gysgodol sydd i'w phenodi gan y cyngor cysgodol;
  - (b) darparu, yn ystod y cyfnod cyn etholiad, bod y cyngor cysgodol yn brif gyngor, a bod ganddo holl swyddogaethau'r prif gyngor, ar gyfer y brif ardal newydd; a bod y weithrediaeth gysgodol yn weithrediaeth, a bod ganddi holl swyddogaethau'r weithrediaeth, ar gyfer y prif gyngor.
- (6) Yn is-adrannau (4) a (5), ystyr "cyfnod cyn etholiad" yw'r cyfnod –
- (a) sy'n dechrau â'r dyddiad trosglwyddo, a
  - (b) sy'n dod i ben yn union cyn y pedwerydd diwrnod ar ôl cynnal yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor newydd.
- (7) At ddibenion yr adran hon –
- (a) mae cyngor cysgodol etholedig –
    - (i) yn cynnwys y cynghorwyr a etholir yn yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor newydd, a
    - (ii) yn cael ei sefydlu ar y pedwerydd diwrnod ar ôl yr etholiad hwnnw, pan fo'r cynghorwyr hynny yn llenwi eu swyddi fel aelodau cysgodol;

- (h) the appointment of a shadow executive by the shadow council, in the form of a leader and cabinet executive (which, from the transfer date, is and has all the functions of, the executive for the principal council),
  - (i) the functions of the shadow executive,
  - (j) the transfer of functions to the new principal council from the restructuring councils whose areas are to be merged to create the new principal area,
  - (k) the winding up and dissolution of the restructuring councils whose areas are to be merged to create the new principal area,
  - (l) which of the voting systems (see section 134(4)) is to apply to the first ordinary election of councillors to the new principal council,
  - (m) the date of the first ordinary election of councillors to the new principal council, and
  - (n) the terms of office of councillors returned at that election.
- (2) Where a new principal area constituted by restructuring regulations is to be a county, the regulations must provide for the new principal council to have the name of the county with the addition of the words “County Council” or the word “Council”.
- (3) Where a new principal area constituted by restructuring regulations is to be a county borough, the regulations must provide for the new principal council to have the name of the county borough with the addition of the words “County Borough Council” or the word “Council”.
- (4) The Welsh Ministers may, if they consider it appropriate, make provision in the restructuring regulations for the shadow council to be a designated shadow council until the pre-election period.
- (5) If the Welsh Ministers make such provision, they must also, in the restructuring regulations –
- (a) make provision specifying the composition of the shadow executive to be appointed by the shadow council;
  - (b) provide that during the pre-election period the shadow council is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council.
- (6) In subsections (4) and (5), “pre-election period” means the period –
- (a) beginning with the transfer date, and
  - (b) ending immediately before the fourth day after the holding of the first ordinary election of councillors to the new principal council.
- (7) For the purposes of this section –
- (a) an elected shadow council –
    - (i) consists of the councillors elected in the first ordinary election of councillors to the new principal council, and
    - (ii) is established on the fourth day after that election, when those councillors assume office as shadow members;

- (b) mae cyngor cysgodol dynodedig –
  - (i) yn cynnwys yr aelodau hynny o'r cyngorau sy'n cael eu hailstrwythuro a bennir yn y rheoliadau ailstrwythuro, a benodir yn unol â'r rheoliadau, a
  - (ii) yn cael ei sefydlu ar y dyddiad a bennir yn y rheoliadau ailstrwythuro fel y dyddiad y mae'r aelodau hynny yn llenwi eu swyddi fel aelodau cysgodol.

### 134 Rheoliadau ailstrwythuro: atodol

- (1) Caiff rheoliadau ailstrwythuro wneud darpariaeth sy'n cyfateb i ddarpariaeth a wneir gan neu o dan y canlynol, neu y caniateir neu y mae rhaid ei gwneud o dan y canlynol, neu sy'n cymhwyso'r ddarpariaeth (gydag addasiadau neu hebddynt) –
  - (a) Pennod 4 (trefniadau cydnabyddiaeth ariannol), pan fo'r rheoliadau yn gwneud darpariaeth yn unol ag adran 131(b);
  - (b) adran 127 (etholiadau);
  - (c) paragraffau 2 a 3 o Atodlen 11 (pwyllgorau pontio).
- (2) Caiff rheoliadau ailstrwythuro ddarparu –
  - (a) ar gyfer sefydlu pwyllgor neu gorff arall i gynnig cyngor ac argymhellion i bersonau a bennir yn y rheoliadau ynglŷn â throsglwyddo swyddogaethau, atebolrwyddau ac eiddo, ac ynglŷn â materion staffio;
  - (b) ar gyfer sefydlu corff corfforedig at ddiben meddiannu a gwaredu unrhyw eiddo, hawliau neu atebolrwyddau sydd gan brif gyngor sydd i'w ddiddymu o dan y rheoliadau, ac arfer unrhyw swyddogaethau cysylltiedig sydd gan y cyngor hwnnw; a chaiff rheoliadau ailstrwythuro –
    - (i) darparu y gall y corff hwnnw gaffael eiddo, gwneud ardollau, benthyca arian a'i roi ar fenthyg, a
    - (ii) gwneud darpariaeth ynglŷn â dirwyn y corff hwnnw i ben;
  - (c) ar gyfer darparu gwybodaeth neu ddogfennau gan gyngor sy'n cael ei ailstrwythuro i bersonau a bennir yn y rheoliadau;
  - (d) ar gyfer rhoi cyfarwyddydau gan Weinidogion Cymru i bersonau a bennir yn y rheoliadau at ddibenion sy'n gysylltiedig ag ailstrwythuro, ac ar gyfer eu gorfodi;
  - (e) bod Gweinidogion Cymru i ddyfarnu, o dan amgylchiadau a bennir yn y rheoliadau, ar faterion sy'n gysylltiedig â'r ailstrwythuro.
- (3) Os yw Gweinidogion Cymru yn penderfynu peidio â gwneud rheoliadau ailstrwythuro –
  - (a) ar ôl cael adroddiad ar arolygiad arbennig o brif gyngor gan Archwilydd Cyffredinol Cymru o dan adran 95(7) ac ar ôl ymgynghori fel a ddisgrifir yn adran 129(4), neu
  - (b) ar ôl cael cais i ddiddymu,

rheid iddynt hysbysu'r cyngor sydd o dan ystyriaeth ac unrhyw brif gyngor arall y maent wedi ei hysbysu neu wedi ymgynghori ag ef fel a ddisgrifir yn adran 129.
- (4) At ddibenion adrannau 132 a 133, y systemau pleidleisio yw –

- (b) a designated shadow council—
  - (i) consists of such members of the restructuring councils as are specified in the restructuring regulations, appointed in accordance with the regulations, and
  - (ii) is established on the date specified in the restructuring regulations as the date on which those members assume office as shadow members.

**134 Restructuring regulations: supplementary**

- (1) Restructuring regulations may make provision that corresponds to, or applies (with or without modifications) provision made by or under, or that may or must be made under—
  - (a) Chapter 4 (remuneration arrangements), where the regulations make provision in accordance with section 131(b);
  - (b) section 127 (elections);
  - (c) paragraphs 2 and 3 of Schedule 11 (transition committees).
- (2) Restructuring regulations may provide for—
  - (a) the establishment of a committee or other body to provide advice and recommendations to persons specified in the regulations about the transfer of functions, liabilities and property, and about staffing matters;
  - (b) the establishment of a body corporate for the purpose of taking over, and disposing of, any property, rights or liabilities of a principal council which is to be abolished under the regulations, and exercising any related functions of such a council; and restructuring regulations may—
    - (i) provide for such a body to acquire property, make levies, borrow and lend money, and
    - (ii) make provision about the winding up of such a body;
  - (c) the provision of information or documents by a restructuring council to persons specified in the regulations;
  - (d) the giving of directions by the Welsh Ministers to persons specified in the regulations for purposes connected to a restructuring, and for their enforcement;
  - (e) the Welsh Ministers to determine, in circumstances specified in the regulations, matters connected to the restructuring.
- (3) If the Welsh Ministers decide not to make restructuring regulations after—
  - (a) having received a report of a special inspection of a principal council by the Auditor General for Wales under section 95(7) and having consulted as described in section 129(4), or
  - (b) having received an abolition request,they must notify the council under consideration and any other principal council they have given notice or consulted as described in section 129.
- (4) For the purposes of sections 132 and 133, the voting systems are—

- (a) y system mwyafrif syml y darperir ar ei chyfer gan reolau a wneir, neu sy'n cael effaith fel pe baent wedi cael eu gwneud, o dan adran 36A o Ddeddf 1983;
  - (b) y system pleidlais sengl drosglwyddadwy y darperir ar ei chyfer gan reolau a wneir o dan adran 36A o Ddeddf 1983.
- (5) Os rhoddir hysbysiad fel a ddisgrifir yn adran 129(6) cyn i adran 7 ddod i rym, ac y bwriedir creu prif ardal newydd—
- (a) nid yw adran 133(1) yn gymwys mewn perthynas â'r rheoliadau ailstrwythuro sy'n ymwneud â'r hysbysiad, a
  - (b) rhaid i'r rheoliadau hynny ddarparu, os yw adran 7 mewn grym ar ddiwrnod yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer y brif ardal newydd, bod y system mwyafrif syml yn gymwys i'r etholiad hwnnw.

*Hwyluso ailstrwythuro*

**135 Dyletswyddau ar gynghorau sy'n cael eu hailstrwythuro i hwyluso trosglwyddo**

- (1) Rhaid i gyngor sy'n cael ei ailstrwythuro, at ddibenion yr ailstrwythuro, gydweithredu â Gweinidogion Cymru, y cyngor arall sy'n cael ei ailstrwythuro neu'r cynghorau eraill sy'n cael eu hailstrwythuro ac unrhyw berson arall sy'n arfer swyddogaethau mewn perthynas â'r ailstrwythuro.
- (2) Rhaid i gyngor sy'n cael ei ailstrwythuro y mae ei ardal i'w diddymu gymryd pob cam rhesymol—
  - (a) i hwyluso trosglwyddo ei swyddogaethau, ei staff, ei eiddo, ei hawliau a'i atebolrwyddau i'r cynghorau eraill sy'n cael eu hailstrwythuro ac unrhyw brif gynghorau newydd mewn modd darbodus, effeithiol ac effeithlon, a
  - (b) i sicrhau bod y cynghorau eraill sy'n cael eu hailstrwythuro ac unrhyw brif gynghorau newydd, a'u staff, mewn sefyllfa i gyflawni eu swyddogaethau yn effeithiol.
- (3) Rhaid i gyngor sy'n cael ei ailstrwythuro ac eithrio un y mae ei ardal i'w diddymu gymryd pob cam rhesymol—
  - (a) i hwyluso trosglwyddo iddo swyddogaethau, staff, eiddo, hawliau ac atebolrwyddau y cyngor sydd o dan ystyriaeth mewn modd darbodus, effeithiol ac effeithlon, a
  - (b) i sicrhau bod y cyngor a'i staff mewn sefyllfa i gyflawni eu swyddogaethau yn effeithiol.
- (4) Caiff Gweinidogion Cymru gyfarwyddo cyngor sy'n cael ei ailstrwythuro i gymryd, neu i beidio â chymryd, unrhyw gamau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol at ddiben cyflawni dyletswydd y cyngor o dan yr adran hon.

**PENNOD 3**

**SWYDDOGAETHAU SY'N GYSYLLTIEDIG AG UNO AC AILSTRWYTHURO**

**136 Pwyllgorau pontio**

Mae Atodlen 11 yn gwneud darpariaeth ynglŷn â sefydlu pwyllgorau pontio.

- (a) the simple majority system provided for by rules made, or having effect as if made, under section 36A of the 1983 Act;
  - (b) the single transferable vote system provided for by rules made under section 36A of the 1983 Act.
- (5) If, before section 7 comes into force, notice is given as described in section 129(6) and the creation of a new principal area is proposed –
- (a) section 133(1) does not apply in relation to the restructuring regulations relating to the notice, and
  - (b) those regulations must provide that if section 7 is in force on the day of the first ordinary election of councillors to the principal council for the new principal area, the simple majority system applies to that election.

*Facilitating restructuring*

**135 Duties of restructuring councils to facilitate transfer**

- (1) A restructuring council must, for the purposes of the restructuring, co-operate with the Welsh Ministers, the other restructuring council or councils and any other person exercising functions in relation to the restructuring.
- (2) A restructuring council whose area is to be abolished must take all reasonable steps to –
  - (a) facilitate the economic, effective and efficient transfer of its functions, staff, property, rights and liabilities to the other restructuring councils and any new principal councils, and
  - (b) ensure that the other restructuring councils and any new principal councils, and their staff, are in a position to perform their functions effectively.
- (3) A restructuring council other than one whose area is to be abolished must take all reasonable steps to –
  - (a) facilitate the economic, effective and efficient transfer to it of the functions, staff, property, rights and liabilities of the council under consideration, and
  - (b) ensure that it and its staff are in a position to perform their functions effectively.
- (4) The Welsh Ministers may direct a restructuring council to take, or not to take, any action the Welsh Ministers consider appropriate for the purpose of discharging the council's duty under this section.

**CHAPTER 3**

**FUNCTIONS RELATING TO MERGERS AND RESTRUCTURING**

**136 Transition committees**

Schedule 11 makes provision about the establishment of transition committees.

**137 Cyfyngiadau ar drafodiadau a recriwtio**

Mae Atodlen 12 yn gwneud darpariaeth ynglŷn â chyfyngiadau ar drafodiadau a recriwtio.

**138 Adolygiadau o drefniadau etholiadol**

- (1) Caiff Gweinidogion Cymru gyfarwyddo Comisiwn Ffiniau a Democratiaeth Leol Cymru i gynnal adolygiad cychwynnol o'r trefniadau etholiadol ar ôl i Weinidogion Cymru –
  - (a) cael cais i uno, neu
  - (b) rhoi hysbysiad fel a ddisgrifir yn adran 129(6).
- (2) Cyn rhoi cyfarwyddyd o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag –
  - (a) Comisiwn Ffiniau a Democratiaeth Leol Cymru, a
  - (b) unrhyw bersonau sy'n cynrychioli prif gynghorau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (3) Mewn perthynas â chyfarwyddyd o dan is-adran (1) i gynnal adolygiad cychwynnol mewn perthynas â chynnig i drosglwyddo rhan o brif ardal sydd i'w diddymu i brif ardal arall, neu mewn perthynas â rheoliadau ailstrwythuro sy'n darparu ar gyfer trosglwyddiad o'r fath –
  - (a) rhaid iddo bennu'r ardal (a gaiff fod yn brif ardal gyfan neu'n rhan ohoni) sydd i fod yn destun yr adolygiad cychwynnol, a
  - (b) caiff bennu nad yw un neu ragor o'r materion o fath a ddisgrifir yn is-baragraff (i) neu (ii) yn faterion i'w hystyried yn yr adolygiad cychwynnol; a'r materion hynny yw –
    - (i) y materion a nodir yn y diffiniad o "trefniadau etholiadol" ym mharagraff 3(1) o Atodlen 1;
    - (ii) y materion a nodir yn y diffiniad o "newidiadau canlyniadol perthnasol" yn y paragraff hwnnw.
- (4) Rhaid i gyfarwyddyd o dan is-adran (1) bennu'r system bleidleisio y mae'r trefniadau etholiadol i'w hadolygu mewn perthynas â hi.
- (5) Mae Atodlen 1 yn gwneud darpariaeth mewn perthynas ag adolygiadau cychwynnol a gynhelir yn rhinwedd yr adran hon.
- (6) Caiff Gweinidogion Cymru ddiwygio is-adran (3) o adran 29 o Ddeddf 2013 (adolygiadau cyfnodol o drefniadau etholiadol ar gyfer prif ardaloedd) drwy reoliadau.

**139 Gwahardd gwneud newidiadau i drefniadau gweithrediaeth**

- (1) Ar ôl cael cais i uno caiff Gweinidogion Cymru gyfarwyddo cyngor sy'n uno na chaiff gymryd unrhyw gamau (gan gynnwys cynnal refferendwm) i newid ffurf ei weithrediaeth –
  - (a) hyd nes y bo rheoliadau uno sy'n gymwys i'r cyngor yn dod i rym, neu



**137 Restraint of transactions and recruitment**

Schedule 12 makes provision about restraints on transactions and recruitment.

**138 Reviews of electoral arrangements**

- (1) The Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of electoral arrangements after the Welsh Ministers –
  - (a) receive a merger application, or
  - (b) give notice as described in section 129(6).
- (2) Before giving a direction under subsection (1) the Welsh Ministers must consult –
  - (a) the Local Democracy and Boundary Commission for Wales, and
  - (b) such persons representing principal councils as the Welsh Ministers consider appropriate.
- (3) A direction under subsection (1) to conduct an initial review in relation to a proposal to transfer part of a principal area to be abolished to another principal area, or in relation to restructuring regulations which provide for such a transfer –
  - (a) must specify the area (which may be all or part of a principal area) that is to be subject to the initial review, and
  - (b) may specify that one or more matters of a kind described in sub-paragraph (i) or (ii) are not to be considered in the initial review; and those matters are –
    - (i) matters set out in the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1;
    - (ii) matters set out in the definition of “relevant consequential changes” in that paragraph.
- (4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.
- (5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.
- (6) The Welsh Ministers may by regulations amend subsection (3) of section 29 of the 2013 Act (periodic reviews of electoral arrangements for principal areas).

**139 Prohibition of changes to executive arrangements**

- (1) After receiving a merger application the Welsh Ministers may direct a merging council that –
  - (a) until merger regulations applying to the council come into force, or

- (b) hyd nes y bo'n cael hysbysiad o dan adran 121(5).
- (2) Ar ôl rhoi hysbysiad fel a ddisgrifir yn adran 129(6), caiff Gweinidogion Cymru gyfarwyddo cyngor sy'n cael ei ailstrwythuro na chaiff gymryd unrhyw gamau (gan gynnwys cynnal refferendwm) i newid ffurf ei weithrediaeth—
  - (a) hyd nes y bo rheoliadau ailstrwythuro sy'n gymwys i'r cyngor yn dod i rym, neu
  - (b) hyd nes y bo'n cael hysbysiad o dan adran 134(3).
- (3) Tra bo cyfarwyddyd o dan is-adran (1) neu (2) yn cael effaith mewn perthynas â chyngor, nid yw'r cyngor yn ddarostyngedig i unrhyw ddyletswydd a osodir gan ddeddfiad, neu oddi tano, i gymryd camau i newid ffurf ei weithrediaeth.

#### 140 Gofyniad ar brif gynghorau i ddarparu gwybodaeth etc. i Weinidogion Cymru

- (1) Caiff Gweinidogion Cymru gyfarwyddo prif gyngor ("cyngor A") i ddarparu unrhyw wybodaeth y maent yn ystyried ei bod yn briodol neu unrhyw ddogfennau y maent yn ystyried eu bod yn briodol iddynt—
  - (a) at ddibenion ystyried a ddylid trosglwyddo swyddogaethau cyngor A i brif gyngor arall ("cyngor B") neu i brif gyngor newydd,
  - (b) at ddibenion rhoi effaith i drosglwyddiad o'r fath, neu
  - (c) fel arall mewn cysylltiad â throsglwyddiad o'r fath.
- (2) Caiff Gweinidogion Cymru hefyd gyfarwyddo cyngor B i ddarparu unrhyw wybodaeth y maent yn ystyried ei bod yn briodol neu unrhyw ddogfennau y maent yn ystyried eu bod yn briodol i Weinidogion Cymru fel a grybwyllir yn is-adran (1)(a), (b) neu (c).

#### 141 Gofyniad ar brif gynghorau i ddarparu gwybodaeth etc. i gyrff eraill

- (1) Caiff Gweinidogion Cymru gyfarwyddo prif gyngor ("cyngor A") i ddarparu unrhyw wybodaeth y mae Gweinidogion Cymru yn ystyried ei bod yn briodol neu unrhyw ddogfennau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol i gorff perthnasol—
  - (a) at ddibenion ystyried a ddylid trosglwyddo swyddogaethau cyngor A i brif gyngor arall ("cyngor B") neu i brif gyngor newydd,
  - (b) at ddibenion rhoi effaith i drosglwyddiad o'r fath, neu
  - (c) fel arall mewn cysylltiad â throsglwyddiad o'r fath.
- (2) Mae'r cyrff a ganlyn yn gyrff perthnasol—
  - (a) unrhyw brif gyngor arall (gan gynnwys cyngor B) y bydd unrhyw reoliadau uno neu reoliadau ailstrwythuro a wneir mewn cysylltiad â chyngor A yn effeithio, neu'n debygol o effeithio, ar ei ardal;
  - (b) unrhyw bwyllgor pontio a sefydlir gan gyngor A (gweler Atodlen 11);
  - (c) os yw prif ardal newydd sy'n cynnwys y cyfan neu ran o ardal cyngor A i'w chyfansoddi, y cyngor cysgodol ar gyfer y brif ardal newydd.

- (b) until it receives notice under section 121(5),  
it must not take any steps (including the holding of a referendum) to change its form of executive.
- (2) After giving notice as described in section 129(6), the Welsh Ministers may direct a restructuring council that—
  - (a) until restructuring regulations applying to the council come into force, or
  - (b) until it receives notice under section 134(3),it must not take any steps (including the holding of a referendum) to change its form of executive.
- (3) While a direction under subsection (1) or (2) has effect in relation to a council, the council is not subject to any duty imposed by or under an enactment to take steps to change its form of executive.

**140 Requirement on principal councils to provide information etc. to the Welsh Ministers**

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide them with any information or documents they consider appropriate—
  - (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
  - (b) for the purposes of giving effect to such a transfer, or
  - (c) otherwise in connection with such a transfer.
- (2) The Welsh Ministers may also direct council B to provide the Welsh Ministers with any information or documents which they consider appropriate as mentioned in subsection (1)(a), (b) or (c).

**141 Requirement on principal councils to provide information etc. to other bodies**

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide a relevant body with any information or documents which the Welsh Ministers consider appropriate—
  - (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
  - (b) for the purposes of giving effect to such a transfer, or
  - (c) otherwise in connection with such a transfer.
- (2) The following are relevant bodies—
  - (a) any other principal council (including council B) whose area will be, or is likely to be, affected by any merger regulations or restructuring regulations made in respect of council A;
  - (b) any transition committee established by council A (see Schedule 11);
  - (c) if a new principal area containing all or part of council A’s area is to be constituted, the shadow council for the new principal area.

- (3) Caiff Gweinidogion Cymru hefyd gyfarwyddo cyngor B i ddarparu i gorff perthnasol arall neu gyngor A unrhyw wybodaeth y mae Gweinidogion Cymru yn ystyried ei bod yn briodol neu unrhyw ddogfennau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol fel a grybwyllir yn is-adran (1)(a), (b) neu (c).

#### PENNOD 4

#### TREFNIADAU CYDNABYDDIAETH ARIANNOL AR GYFER PRIF GYNGHORAU NEWYDD

#### 142 Cyfarwyddydau i Banel Annibynnol Cymru ar Gydabyddiaeth Ariannol

- (1) Caiff Gweinidogion Cymru gyfarwyddo Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol ("y Panel") bod rhaid iddo gyflawni ei swyddogaethau taliadau a phensiynau mewn perthynas ag—
- y cyngor cysgodol ar gyfer prif ardal newydd a sefydlir o dan reoliadau uno neu reoliadau ailstrwythuro, a
  - y prif gyngor ar gyfer yr ardal honno, am y flwyddyn ariannol y mae'r dyddiad trosglwyddo yn digwydd ynddi.
- (2) At ddibenion is-adran (1), swyddogaethau taliadau a phensiynau y Panel yw'r swyddogaethau o dan yr adrannau a ganlyn yn Rhan 8 o Fesur 2011—
- adran 142 (taliadau i aelodau), a
  - adran 143 (pensiynau aelodau).
- (3) Yn unol â hynny, mae Rhan 8 o Fesur 2011 yn gymwys yn achos cyngor y mae cyfarwyddyd o dan is-adran (1) yn gymwys iddo; ond o ran ei gymhwysiad yn rhinwedd yr is-adran hon mae Rhan 8 yn ddarostyngedig i—
- is-adran (4), a
  - adran 143.
- (4) Pan fo Rhan 8 o Fesur 2011 yn gymwys yn rhinwedd is-adran (3)—
- mae'r cyngor cysgodol yn awdurdod perthnasol at ddibenion y Rhan honno,
  - caiff y Panel arfer ei swyddogaethau o dan Ran 8 o Fesur 2011 mewn perthynas â'r prif gyngor ar gyfer y brif ardal newydd cyn i'r cyngor gael ei sefydlu (gan gynnwys drwy osod gofyniad y bydd y cyngor yn ddarostyngedig iddo pan fydd wedi ei sefydlu); yn unol â hynny, at y dibenion hynny mae'r Rhan honno i'w darllen fel pe bai'r cyngor, cyn iddo gael ei sefydlu, yn awdurdod perthnasol,
  - pan na fo'r diwrnod trosglwyddo yn digwydd ar 1 Ebrill, mae'r cyfeiriadau yn adran 142 at flwyddyn ariannol yn cynnwys cyfeiriad at ran o'r flwyddyn ariannol y mae'r dyddiad trosglwyddo yn digwydd ynddi,
  - nid yw adran 143A (swyddogaethau Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol mewn cysylltiad â chydabyddiaeth ariannol prif weithredwyr) yn gymwys yn rhinwedd is-adran (3) (ond gweler adran 145(6) yn y Bennod hon, sy'n cymhwyso adran 143A pa un bynnag), ac
  - nid yw adran 146 (adroddiad blynyddol cyntaf y Panel) yn gymwys (ond gweler adran 143(9) yn y Bennod hon).

- (3) The Welsh Ministers may also direct council B to provide another relevant body or council A with any information or documents which the Welsh Ministers consider appropriate as mentioned in subsection (1)(a), (b) or (c).

#### CHAPTER 4

#### REMUNERATION ARRANGEMENTS FOR NEW PRINCIPAL COUNCILS

#### **142 Directions to Independent Remuneration Panel for Wales**

- (1) The Welsh Ministers may direct the Independent Remuneration Panel for Wales (“the Panel”) that it must perform its payment and pension functions in relation to—
- (a) the shadow council for a new principal area established under merger regulations or restructuring regulations, and
  - (b) the principal council for that area, for the financial year in which the transfer date falls.
- (2) For the purposes of subsection (1), the Panel’s payment and pension functions are the functions under the following sections in Part 8 of the 2011 Measure—
- (a) section 142 (payments to members), and
  - (b) section 143 (members’ pensions).
- (3) Accordingly Part 8 of the 2011 Measure applies in the case of a council to which a direction under subsection (1) relates; but in its application by virtue of this subsection Part 8 is subject to—
- (a) subsection (4), and
  - (b) section 143.
- (4) Where Part 8 of the 2011 Measure applies by virtue of subsection (3)—
- (a) the shadow council is a relevant authority for the purposes of that Part,
  - (b) the Panel may exercise its functions under Part 8 of the 2011 Measure in relation to the principal council for the new principal area before the council has been established (including by way of imposing a requirement to which the council will be subject once it is established); accordingly, for those purposes that Part is to be read as if the council is, before it is established, a relevant authority,
  - (c) where the transfer date does not fall on 1 April, the references in section 142 to a financial year include a reference to part of the financial year in which the transfer date falls,
  - (d) section 143A (functions of the Independent Remuneration Panel for Wales in respect of remuneration of chief executives) does not apply by virtue of subsection (3) (but see section 145(6) in this Chapter, which applies section 143A in any event), and
  - (e) section 146 (first annual report of Panel) does not apply (but see section 143(9) in this Chapter).

- (5) Wrth arfer swyddogaethau yn rhinwedd yr adran hon mewn perthynas â phrif gyngor ar gyfer ardal sydd neu a oedd â chyngor cysgodol dynodedig, caiff y Panel, mewn perthynas â'r adegau cyn y bydd y cyngor wedi ei gyfansoddi o gynghorwyr a etholir yn yr etholiad cyffredin cyntaf, ac ar ôl hynny –
- (a) gwneud penderfyniadau gwahanol o dan adran 142(1) o Fesur 2011;
  - (b) gosod symiau gwahanol o dan is-adran (3) o'r adran honno;
  - (c) gwneud penderfyniadau gwahanol o dan is-adran (4) o'r adran honno;
  - (d) gosod canrannau gwahanol neu gyfraddau neu fynegrifau eraill gwahanol o dan is-adran (6) o'r adran honno;
  - (e) gwneud penderfyniadau gwahanol o dan adran 143(2) a (3) o Fesur 2011.

**143 Adroddiadau gan y Panel mewn perthynas â chynghorau cysgodol a phrif gynghorau newydd**

- (1) Mae'r adran hon yn gymwys pan fo Rhan 8 o Fesur 2011 yn gymwys yn achos cyngor yn rhinwedd cyfarwyddyd o dan adran 142.
- (2) Mewn perthynas â'r adroddiad cyntaf o dan Ran 8 o Fesur 2011 sy'n ymwneud (yn llwyr neu'n rhannol) â'r cyngor cysgodol ar gyfer y brif ardal newydd ("yr adroddiad cyntaf") –
  - (a) rhaid iddo gael ei gyhoeddi yn ddim hwyrach na'r dyddiad a bennir yn y cyfarwyddyd o dan adran 142 at y diben hwnnw, a
  - (b) caiff fod yn adroddiad blynyddol neu'n adroddiad atodol, yn ddarostyngedig i'r gofyniad a osodir yn rhinwedd paragraff (a) a'r gofynion o dan adrannau 147(2) a 148(1) ac (1A)(a) o Fesur 2011.
- (3) Nid yw adran 148(1A)(b) o Fesur 2011 (terfyn amser ar gyfer cyhoeddi) yn gymwys mewn perthynas â'r adroddiad cyntaf os yw'n adroddiad atodol.
- (4) Pan fo unrhyw adroddiad blynyddol neu adroddiad atodol yn ymwneud (yn llwyr neu'n rhannol) ag –
  - (a) y cyngor cysgodol, neu
  - (b) y prif gyngor ar gyfer y brif ardal newydd ac na fydd y cyngor hwnnw wedi ei sefydlu ar adeg cyhoeddi'r adroddiad,
 rhaid i'r Panel gymryd y cam a nodir yn is-adran (5).
- (5) Cyn cyhoeddi'r adroddiad o dan adran 147 o Fesur 2011, rhaid i'r Panel anfon drafft o'r adroddiad at y canlynol (os nad yw eisoes yn ofynnol i'r Panel wneud hynny o dan adran 147(8)(a) o Fesur 2011) –
  - (a) y cynghorau sy'n uno neu'r cynghorau sy'n cael eu hailstrwythuro y bydd eu hardaloedd yn cael eu huno i greu'r brif ardal newydd;
  - (b) y cyngor cysgodol (os caiff ei sefydlu);
  - (c) y personau (os oes rhai) a bennir at y diben hwnnw yn y cyfarwyddyd o dan adran 142.

- (5) In exercising functions by virtue of this section in relation to a principal council for an area which has or had a designated shadow council, the Panel may, in relation to times before and after the council will consist of councillors elected at the first ordinary election—
- (a) make different decisions under section 142(1) of the 2011 Measure;
  - (b) set different amounts under subsection (3) of that section;
  - (c) make different determinations under subsection (4) of that section;
  - (d) set different percentages or other rates or indices under subsection (6) of that section;
  - (e) make different decisions under section 143(2) and (3) of the 2011 Measure.

**143 Reports of Panel relating to shadow councils and new principal councils**

- (1) This section applies where Part 8 of the 2011 Measure applies in the case of a council by virtue of a direction under section 142.
- (2) The first report under Part 8 of the 2011 Measure that relates (wholly or partly) to the shadow council for the new principal area (“the first report”)—
- (a) must be published no later than the date specified in the direction under section 142 for that purpose, and
  - (b) may be an annual report or a supplementary report, subject to the requirement imposed by virtue of paragraph (a) and the requirements under sections 147(2) and 148(1) and (1A)(a) of the 2011 Measure.
- (3) Section 148(1A)(b) of the 2011 Measure (time limit on publication) does not apply in relation to the first report if it is a supplementary report.
- (4) Where any annual report or supplementary report relates (wholly or partly) to—
- (a) the shadow council, or
  - (b) the principal council for the new principal area and that council will not be established at the time of publication of the report,
- the Panel must take the step set out in subsection (5).
- (5) The Panel must, before publishing the report under section 147 of the 2011 Measure, send a draft of the report to the following (if the Panel is not already required to do so under section 147(8)(a) of the 2011 Measure)—
- (a) the merging councils or restructuring councils whose areas are to be merged to create the new principal area;
  - (b) the shadow council (if established);
  - (c) the persons (if any) specified for that purpose in the direction under section 142.

- (6) Caiff adroddiad atodol osod y gofynion a ganlyn ar y cyngorau sy'n uno neu'r cyngorau sy'n cael eu hailstrwythuro y bydd eu hardaloedd yn cael eu huno i greu'r brif ardal newydd, neu ar y cyngor cysgodol –
  - (a) gofynion o fath a bennir yn adran 150(1) neu (3) o Fesur 2011;
  - (b) gofynion o fath a bennir yn adran 151(1) o'r Mesur hwnnw.
- (7) Pan fo adroddiad atodol yn ymwneud (yn llwyr neu'n rhannol) â'r cyngor cysgodol, mae adran 150(2) o Fesur 2011 yn gymwys mewn perthynas â'r adroddiad hwnnw (i'r graddau y bo'n ei gwneud yn ofynnol i daliad gael ei wneud i'r cyngor cysgodol neu ganddo) fel y mae'n gymwys mewn perthynas ag adroddiad blynyddol.
- (8) Mae'r cyfeiriadau yn adrannau 153, 154 a 157 o Fesur 2011 at ofynion a osodir gan adroddiad blynyddol yn cynnwys cyfeiriad at ofynion a osodir gan adroddiad atodol yn rhinwedd yr adran hon.
- (9) Rhaid i adroddiad blynyddol neu adroddiad atodol bennu mewn perthynas â'r cyngor ar gyfer y brif ardal newydd (pa un a yw'n gyngor cysgodol neu'n brif gyngor ar adeg cyhoeddi'r adroddiad) yr wybodaeth a grybwyllir yn adran 146(3) o Fesur 2011.
- (10) Rhaid i'r materion y mae'n ofynnol yn rhinwedd yr adran hon ac adran 142 eu cynnwys mewn adroddiad gan y Panel mewn perthynas â'r flwyddyn ariannol y mae'r dyddiad trosglwyddo yn digwydd ynddi gael eu cynnwys yn yr adroddiad blynyddol ar gyfer y flwyddyn ariannol honno.
- (11) Ond, os yw'r Panel yn ystyried ei bod yn briodol gwneud hynny, caiff, ar unrhyw adeg cyn y dyddiad trosglwyddo, gyhoeddi adroddiad atodol mewn perthynas â pha ran bynnag o'r flwyddyn ariannol gyntaf honno sy'n digwydd ar y dyddiad hwnnw neu ar ei ôl.

#### 144 Canllawiau i'r Panel

Rhaid i'r Panel roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn ag arfer ei swyddogaethau yn unol ag adrannau 142 a 143.

#### 145 Datganiadau ar bolisiau tâl

- (1) Rhaid i bwyllgor pontio gyhoeddi argymhellion ynglŷn â'r datganiad ar bolisiau tâl sydd i'w lunio gan y cyngor cysgodol ar gyfer y brif ardal newydd.
- (2) Rhaid i'r argymhellion gael eu cyhoeddi yn ddim hwyrach na chwe wythnos cyn –
  - (a) pan fo'r cyngor cysgodol yn gyngor cysgodol etholedig, y dyddiad y mae etholiadau i'r cyngor cysgodol i'w cynnal, neu
  - (b) pan fo'r cyngor cysgodol yn gyngor cysgodol dynodedig, y dyddiad y mae'r cyngor cysgodol i'w sefydlu.
- (3) Rhaid i gyngor cysgodol lunio a chymeradwyo (ac fe gaiff ddiwygio) datganiad ar bolisiau tâl yn unol ag adrannau 38(2) i (5) a 39(1), (4) a (5) o Ddeddf Lleoliaeth 2011 (p. 20) –
  - (a) ar gyfer y cyfnod sy'n dechrau â chymeradwyo'r datganiad ar bolisiau tâl ac yn dod i ben yn union cyn y dyddiad trosglwyddo, a
  - (b) ar gyfer y flwyddyn ariannol gyntaf pan fydd prif gyngor ar gyfer y brif ardal newydd.



- (6) A supplementary report may impose on the merging councils or restructuring councils whose areas are to be merged to create the new principal area, or on the shadow council—
  - (a) requirements of a kind specified in section 150(1) or (3) of the 2011 Measure;
  - (b) requirements of a kind specified in section 151(1) of that Measure.
- (7) Where a supplementary report relates (wholly or partly) to the shadow council, section 150(2) of the 2011 Measure applies in relation to that report (to the extent that it requires a payment to be made to or by the shadow council) as it applies in relation to an annual report.
- (8) The references in sections 153, 154 and 157 of the 2011 Measure to requirements imposed by an annual report include a reference to requirements imposed by a supplementary report by virtue of this section.
- (9) An annual or supplementary report must specify in relation to the council for the new principal area (whether it is a shadow council or a principal council at the time of publication) the information mentioned in section 146(3) of the 2011 Measure.
- (10) The matters required by virtue of this section and section 142 to be included in a report of the Panel in relation to the financial year in which the transfer date falls must be included in the annual report for that financial year.
- (11) But, if the Panel considers it appropriate to do so, it may at any time before the transfer date publish a supplementary report in relation to so much of that first financial year as falls on or after that date.

#### **144 Guidance to Panel**

The Panel must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions in accordance with sections 142 and 143.

#### **145 Pay policy statements**

- (1) A transition committee must publish recommendations as to the pay policy statement to be prepared by the shadow council for the new principal area.
- (2) The recommendations must be published no later than six weeks before—
  - (a) where the shadow council is an elected shadow council, the date on which elections to the shadow council are to take place, or
  - (b) where the shadow council is a designated shadow council, the date on which the shadow council is to be established.
- (3) A shadow council must prepare and approve (and may amend) a pay policy statement in accordance with sections 38(2) to (5) and 39(1), (4) and (5) of the Localism Act 2011 (c. 20)—
  - (a) for the period beginning with the approval of the pay policy statement and ending immediately before the transfer date, and
  - (b) for the first financial year in which there will be a principal council for the new principal area.

- (4) Yn unol â hynny, mae adrannau 38(2) i (5) a 39(1), (4) a (5), 41(1) a (2) a 42(1) a (2) o Ddeddf Lleoliaeth 2011 yn gymwys; a phan fo'r darpariaethau hynny yn gymwys yn rhinwedd yr is-adran hon –
- (a) mae'r cyngor cysgodol yn awdurdod perthnasol o fewn ystyr Pennod 8 o Ran 1 o'r Ddeddf honno at ddibenion y darpariaethau hynny,
  - (b) mae'r cyfnod a grybwyllir yn is-adran (3)(a) i'w drin fel blwyddyn ariannol at ddibenion y darpariaethau hynny, ac
  - (c) mae adran 39(5) o'r Ddeddf honno i'w darllen fel pe bai "on a website" wedi ei roi yn lle "on the authority's website".
- (5) Ni chaniateir i'r cyngor cysgodol benodi na dynodi unrhyw brif swyddog (o fewn yr ystyr a roddir i "chief officer" yn adran 43(2) o Ddeddf Lleoliaeth 2011) hyd nes y bydd y datganiad ar bolisiau tâl o dan is-adran (3) wedi ei lunio a'i gymeradwyo.
- (6) Mae adran 143A o Fesur 2011 (swyddogaethau Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol mewn cysylltiad â chydnabyddiaeth ariannol prif weithredwyr) yn gymwys mewn perthynas â chyngor cysgodol, yn ddarostyngedig i baragraff 1(7) o Atodlen 12; ac yn unol â hynny mae cyngor cysgodol yn awdurdod perthnasol cymwys at ddibenion yr adran honno.
- (7) Yn yr adran hon, ystyr "pwyllgor pontio" yw pwyllgor pontio a sefydlir o dan Atodlen 11 –
- (a) mewn perthynas â rheoliadau uno, neu
  - (b) mewn perthynas â rheoliadau ailstrwythuro sy'n darparu y bydd cyngor cysgodol.

## PENNOD 5

### ATODOL

#### 146 Canllawiau

Rhaid i'r canlynol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru at ddibenion y Rhan hon (a gweler adran 123 mewn perthynas â chanllawiau ynglŷn â cheisiadau i uno) –

- (a) prif gyngor (gan gynnwys cyngor cysgodol a gweithrediaeth gysgodol);
- (b) pwyllgor pontio (gweler Atodlen 11 ynglŷn â hynny);
- (c) pwyllgor neu gorff a sefydlir o dan adran 134(2)(a) neu (b);
- (d) corff cyhoeddus –
  - (i) a sefydlir gan ddarpariaeth a gynhwysir mewn rheoliadau o dan adran 147(6)(a) neu (b);
  - (ii) y mae darpariaeth a gynhwysir mewn rheoliadau o dan adran 147(6)(a) neu (b) yn ymwneud ag ef.

#### 147 Darpariaeth ganlyniadol etc. arall

- (1) Caiff rheoliadau uno a rheoliadau ailstrwythuro gynnwys darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed.

- (4) Accordingly, sections 38(2) to (5) and 39(1), (4) and (5), 41(1) and (2) and 42(1) and (2) of the Localism Act 2011 apply; and where those provisions apply by virtue of this subsection—
  - (a) the shadow council is, for the purposes of those provisions, a relevant authority within the meaning of Chapter 8 of Part 1 of that Act,
  - (b) the period mentioned in subsection (3)(a) is to be treated for the purposes of those provisions as a financial year, and
  - (c) section 39(5) of that Act is to be read as if for “on the authority’s website” there were substituted “on a website”.
- (5) No chief officer (within the meaning of section 43(2) of the Localism Act 2011) may be appointed or designated by the shadow council until the pay policy statement under subsection (3) has been prepared and approved.
- (6) Section 143A of the 2011 Measure (functions of the Independent Remuneration Panel for Wales in respect of remuneration of chief executives) applies in relation to a shadow council, subject to paragraph 1(7) of Schedule 12; and accordingly a shadow council is a qualifying relevant authority for the purposes of that section.
- (7) In this section, “transition committee” means a transition committee established under Schedule 11—
  - (a) in relation to merger regulations, or
  - (b) in relation to restructuring regulations which make provision for there to be a shadow council.

## CHAPTER 5

### SUPPLEMENTARY

#### 146 **Guidance**

The following must have regard to any guidance issued by the Welsh Ministers for the purposes of this Part (and see section 123 in relation to guidance on merger applications)—

- (a) a principal council (including a shadow council and a shadow executive);
- (b) a transition committee (as to which, see Schedule 11);
- (c) a committee or body established under section 134(2)(a) or (b);
- (d) a public body—
  - (i) established by provision included in regulations under section 147(6)(a) or (b);
  - (ii) to which provision included in regulations under section 147(6)(a) or (b) relates.

#### 147 **Other consequential etc. provision**

- (1) Merger regulations and restructuring regulations may include supplementary, incidental, consequential, transitional, transitory or saving provision.

- (2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed mewn perthynas â rheoliadau uno penodol neu reoliadau ailstrwythuro penodol –
- (a) at ddibenion y rheoliadau hynny neu o ganlyniad iddynt, neu
  - (b) er mwyn rhoi effaith lawn i'r rheoliadau hynny.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau sy'n gymwys yn gyffredinol, wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed –
- (a) at ddibenion rheoliadau uno neu reoliadau ailstrwythuro, neu o ganlyniad iddynt, neu
  - (b) er mwyn rhoi effaith lawn i reoliadau uno neu reoliadau ailstrwythuro.
- (4) Mae rheoliadau o dan is-adran (3) yn cael effaith yn ddarostyngedig i unrhyw ddarpariaeth a gynhwysir mewn rheoliadau uno neu reoliadau ailstrwythuro.
- (5) Yn yr adran hon mae cyfeiriadau at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed yn cynnwys darpariaeth –
- (a) ar gyfer trosglwyddo eiddo (tirol neu bersonol), hawliau neu atebolrwyddau (gan gynnwys atebolrwyddau troseddol, a hawliau ac atebolrwyddau mewn perthynas â chontract cyflogaeth) o un prif gyngor i brif gyngor arall;
  - (b) mewn cysylltiad â rheoli neu gadw eiddo a drosglwyddir i brif gyngor;
  - (c) i achos sifil neu droseddol a gychwynnwyd gan neu yn erbyn prif gyngor gael ei barhau gan neu yn erbyn prif gyngor arall;
  - (d) ar gyfer trosglwyddo staff (yn ddarostyngedig i is-adran (8)), ac ynglŷn â materion staffio eraill (gan gynnwys cydnabyddiaeth ariannol, lwfansau, treuliau, pensiynau neu ddigollediad am golli swydd);
  - (e) ar gyfer trin un prif gyngor at rai dibenion neu at bob diben fel yr un person mewn cyfraith â phrif gyngor arall;
  - (f) mewn cysylltiad ag ymddiriedolwyr siarter;
  - (g) mewn perthynas â siroedd wedi eu cadw (o fewn yr ystyr a roddir i “preserved counties” gan adran 270(1) o Ddeddf 1972).
- (6) Yn yr adran hon mae cyfeiriadau at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed hefyd yn cynnwys darpariaeth mewn cysylltiad ag –
- (a) sefydlu cyrff cyhoeddus neu aelodaeth cyrff o'r fath mewn unrhyw ardal yr effeithir arni gan reoliadau uno neu reoliadau ailstrwythuro, ac ethol neu benodi aelodau o'r cyrff cyhoeddus, neu
  - (b) diddymu neu sefydlu, neu gyfyngu neu estyn, awdurdodaeth unrhyw gorff cyhoeddus mewn neu dros unrhyw ran o unrhyw ardal yr effeithir arni gan reoliadau uno neu reoliadau ailstrwythuro.
- (7) Caiff darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed mewn rheoliadau uno, rheoliadau ailstrwythuro neu reoliadau o dan yr adran hon fod ar ffurf darpariaeth –

- (2) The Welsh Ministers may by regulations make supplementary, incidental, consequential, transitional, transitory or saving provision in relation to particular merger regulations or particular restructuring regulations –
  - (a) for the purposes of or in consequence of those regulations, or
  - (b) for giving full effect to those regulations.
- (3) The Welsh Ministers may by regulations of general application make supplementary, incidental, consequential, transitional, transitory or saving provision –
  - (a) for the purposes of or in consequence of merger regulations or restructuring regulations, or
  - (b) for giving full effect to merger regulations or restructuring regulations.
- (4) Regulations under subsection (3) have effect subject to any provision included in merger regulations or restructuring regulations.
- (5) In this section references to supplementary, incidental, consequential, transitional, transitory or saving provision include provision –
  - (a) for the transfer of property (real or personal), rights or liabilities (including criminal liabilities, and rights and liabilities in relation to a contract of employment) from one principal council to another principal council;
  - (b) with respect to the management or custody of property transferred to a principal council;
  - (c) for civil or criminal proceedings commenced by or against one principal council to be continued by or against another principal council;
  - (d) for the transfer of staff (subject to subsection (8)), and about other staffing matters (including remuneration, allowances, expenses, pensions or compensation for loss of office);
  - (e) for treating one principal council for some or all purposes as the same person in law as another principal council;
  - (f) with respect to charter trustees;
  - (g) in relation to preserved counties (within the meaning of section 270(1) of the 1972 Act).
- (6) In this section references to supplementary, incidental, consequential, transitional, transitory or saving provision also include provision with respect to –
  - (a) the establishment or membership of public bodies in any area affected by merger regulations or restructuring regulations and the election or appointment of members of the public bodies, or
  - (b) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of any area affected by merger regulations or restructuring regulations.
- (7) Supplementary, incidental, consequential, transitional, transitory or saving provision in merger regulations, restructuring regulations or regulations under this section may take the form of provision –

- (a) sy'n diwygio, yn addasu, yn cymhwyso (gydag addasiadau neu hebddynt) neu'n datgymhwyso unrhyw ddeddfiad, neu
  - (b) sy'n diddymu neu'n dirymu unrhyw ddeddfiad (gydag arbedion neu hebddynt).
- (8) Rhaid i reoliadau uno, rheoliadau ailstrwythuro neu reoliadau o dan yr adran hon sy'n cynnwys darpariaeth ar gyfer trosglwyddo staff gymhwyso darpariaethau Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246), ar wahân i reoliadau 4(6) a 10, i drosglwyddiadau a wneir o dan y rheoliadau o dan y Rhan hon (pa un a yw'r trosglwyddiad yn drosglwyddiad perthnasol at ddibenion Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 ai peidio).
- (9) Mae "deddfiad" yn is-adran (7) yn cynnwys unrhyw siarter, pa bryd bynnag y'i rhoddwyd.
- (10) Caiff Gweinidogion Cymru –
- (a) drwy reoliadau, ddiwygio neu ddirymu rheoliadau a wneir o dan is-adran (2) neu (3) neu reoliadau a wneir o dan y paragraff hwn;
  - (b) drwy reoliadau, ddiwygio rheoliadau uno, rheoliadau ailstrwythuro neu reoliadau a wneir o dan y paragraff hwn;
  - (c) drwy reoliadau uno neu reoliadau ailstrwythuro, ddiwygio neu ddirymu rheoliadau uno, rheoliadau ailstrwythuro neu reoliadau o dan yr adran hon,
- a chaiff rheoliadau a wneir o dan yr is-adran hon wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed.

#### 148 Y weithdrefn gychwynnol ar gyfer rheoliadau ailstrwythuro

- (1) Ni chaiff Gweinidogion Cymru osod drafft o offeryn statudol sy'n cynnwys rheoliadau ailstrwythuro gerbron Senedd Cymru yn unol ag adran 174(4) –
- (a) onid ydynt wedi gosod y dogfennau gofynnol gerbron Senedd Cymru, a
  - (b) oni fo 60 niwrnod o leiaf wedi mynd heibio ers y diwrnod y gosodwyd y dogfennau gofynnol.
- (2) Yn is-adran (1), ystyr "y dogfennau gofynnol" yw –
- (a) drafft arfaethedig o'r rheoliadau ailstrwythuro, a
  - (b) datganiad –
    - (i) sy'n rhoi manylion yr ymgynghoriad a ddisgrifir yn adran 129(4), a
    - (ii) sy'n egluro pam y mae Gweinidogion Cymru wedi eu bodloni o ran y mater yn adran 129(5).
- (3) Wrth gyfrifo a oes 60 niwrnod wedi mynd heibio at ddibenion is-adran (1)(b), rhaid peidio ag ystyried unrhyw adeg pan fo Senedd Cymru wedi ei diddymu neu'n cymryd toriad am fwy na phedwar diwrnod.
- (4) Os yw Gweinidogion Cymru, ar ôl cydymffurfio ag is-adran (1), yn gosod yr offeryn statudol drafft sy'n cynnwys y rheoliadau ailstrwythuro gerbron Senedd Cymru yn unol ag adran 174(4), rhaid i ddatganiad sy'n rhoi manylion y canlynol fynd gyda'r offeryn –

- (a) amending, modifying, applying (with or without modifications) or disapplying any enactment, or
  - (b) repealing or revoking any enactment (with or without savings).
- (8) Merger regulations, restructuring regulations or regulations under this section containing provision for the transfer of staff must apply the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), apart from regulations 4(6) and 10, to transfers made under the regulations under this Part (whether or not the transfer is a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006).
- (9) “Enactment” in subsection (7) includes any charter, whenever granted.
- (10) The Welsh Ministers may –
- (a) by regulations amend or revoke regulations made under subsection (2) or (3) or regulations made under this paragraph;
  - (b) by regulations amend merger regulations, restructuring regulations or regulations made under this paragraph;
  - (c) by merger regulations or restructuring regulations amend or revoke merger regulations, restructuring regulations or regulations under this section,
- and regulations made under this subsection may make supplementary, incidental, consequential, transitional, transitory or saving provision.

#### **148 Initial procedure for restructuring regulations**

- (1) The Welsh Ministers may not lay a draft of a statutory instrument containing restructuring regulations before Senedd Cymru in accordance with section 174(4) unless –
- (a) they have laid the required documents before Senedd Cymru, and
  - (b) at least 60 days have passed since the day on which the required documents were laid.
- (2) In subsection (1), “the required documents” means –
- (a) a proposed draft of the restructuring regulations, and
  - (b) a statement that –
    - (i) gives details of the consultation described in section 129(4), and
    - (ii) explains why the Welsh Ministers are satisfied as to the matter in section 129(5).
- (3) In calculating whether 60 days have passed for the purposes of subsection (1)(b), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.
- (4) If, having complied with subsection (1), the Welsh Ministers lay the draft statutory instrument containing the restructuring regulations before Senedd Cymru in accordance with section 174(4), the instrument must be accompanied by a statement giving details of –

- (a) unrhyw sylwadau a dderbyniwyd ganddynt ar ôl i'r drafft arfaethedig o'r rheoliadau gael ei osod gerbron Senedd Cymru, a
  - (b) unrhyw wahaniaethau rhwng y drafft arfaethedig o'r rheoliadau a'r rheoliadau yn yr offeryn statudol drafft.
- (5) Nid oes dim yn yr adran hon yn gymwys mewn perthynas â rheoliadau sy'n cael eu gwneud at ddiben diwygio rheoliadau ailstrwythuro yn unig.

#### 149 Termiau a ddefnyddir yn y Rhan hon

Yn y Rhan hon (gan gynnwys yn Atodlen 1)–

mae i "cais i ddiddymu" (*"abolition request"*) yr ystyr a roddir yn adran 130(1);

mae i "cais i uno" (*"merger application"*) yr ystyr a roddir yn adran 121(1);

ystyr "cyngor cysgodol" (*"shadow council"*) (gan gynnwys "cyngor cysgodol etholedig" a "cyngor cysgodol dynodedig") yw cyngor a sefydlwyd yn gyngor cysgodol yn unol â darpariaeth a gynhwysir mewn–

(a) rheoliadau uno o dan adran 125;

(b) rheoliadau ailstrwythuro o dan adran 133;

mae i "cyngor sydd o dan ystyriaeth" (*"council under consideration"*) yr ystyr a roddir gan adran 129(4)(a);

ystyr "cyngor sy'n cael ei ailstrwythuro" (*"restructuring council"*) yw prif gyngor sydd wedi cael hysbysiad fel a ddisgrifir yn adran 129(6) am gynigion Gweinidogion Cymru i wneud rheoliadau ailstrwythuro mewn perthynas ag ef;

ystyr "cyngor sy'n uno" (*"merging council"*) yw prif gyngor sydd wedi gwneud cais i uno ac y bydd ei ardal yn cael ei huno i greu prif ardal newydd;

mae "dogfennau" (*"documents"*) yn cynnwys gwybodaeth a gofnodir ar unrhyw ffurf (ac eithrio yn adran 148);

mae i "dyddiad trosglwyddo" (*"transfer date"*)–

(a) mewn perthynas â rheoliadau uno, yr ystyr a roddir yn adran 124(1);

(b) mewn perthynas â rheoliadau ailstrwythuro, yr ystyr a roddir yn adran 131;

mae "ffurf y weithrediaeth" (*"form of executive"*) i'w dehongli yn unol ag adran 11 o Ddeddf 2000;

ystyr "prif ardal" (*"principal area"*) yw –

(a) sir yng Nghymru;

(b) bwrdeistref sirol (yng Nghymru);

mae i "rheoliadau ailstrwythuro" (*"restructuring regulations"*) yr ystyr a roddir yn adran 131;

mae i "rheoliadau uno" (*"merger regulations"*) yr ystyr a roddir yn adran 124(2).

#### 150 Diddymu deddfiadau eraill

- (1) Ym Mesur 2011 –



- (a) any representations they received after the proposed draft of the regulations was laid before Senedd Cymru, and
  - (b) any differences between the proposed draft of the regulations and the regulations in the draft statutory instrument.
- (5) Nothing in this section applies in relation to regulations which are made only for the purpose of amending restructuring regulations.

#### 149 Terms used in this Part

In this Part (including Schedule 1) –

“abolition request” (*“cais i ddiddymu”*) has the meaning given in section 130(1);

“council under consideration” (*“cyngor sydd o dan ystyriaeth”*) has the meaning given by section 129(4)(a);

“documents” (*“dogfennau”*) includes information recorded in any form (other than in section 148);

“form of executive” (*“ffurf y weithrediaeth”*) is to be interpreted in accordance with section 11 of the 2000 Act;

“merger application” (*“cais i uno”*) has the meaning given in section 121(1);

“merger regulations” (*“rheoliadau uno”*) has the meaning given in section 124(2);

“merging council” (*“cyngor sy’n uno”*) means a principal council that has made a merger application and whose area is to be merged into a new principal area;

“principal area” (*“prifardal”*) means –

- (a) a county in Wales;
- (b) a county borough (in Wales);

“restructuring council” (*“cyngor sy’n cael ei ailstrwythuro”*) means a principal council that has been given notice as described in section 129(6) of the Welsh Ministers’ proposals to make restructuring regulations in relation to it;

“restructuring regulations” (*“rheoliadau ailstrwythuro”*) has the meaning given in section 131;

“shadow council” (*“cyngor cysgodol”*) (including “elected shadow council” and “designated shadow council”) means a council established as a shadow council in accordance with provision included in –

- (a) merger regulations under section 125;
- (b) restructuring regulations under section 133;

“transfer date” (*“dyddiad trosglwyddo”*) –

- (a) in relation to merger regulations, has the meaning given in section 124(1);
- (b) in relation to restructuring regulations, has the meaning given in section 131.

#### 150 Repeals of other enactments

- (1) In the 2011 Measure –

- (a) hepgorer Pennod 2 o Ran 9 (cyfuno);
- (b) yn adran 172 (gorchmynion a rheoliadau) –
  - (i) yn is-adran (2)(a) yn lle “, Rhan 2, adran 140, 165 neu 166(2)” rhodder “neu 140 neu 165 neu 166(2) neu Ran 2”;
  - (ii) yn is-adran (2)(a) hepgorer “neu 165 neu 166(2)”;
  - (iii) yn is-adran (2)(b) yn lle “, 158” rhodder “neu 158 neu”;
  - (iv) yn is-adran (2)(b) hepgorer “neu 162 neu 170”;
  - (v) hepgorer is-adran (2)(c);
  - (vi) hepgorer is-adran (3).
- (2) Yn Neddf 2013 –
  - (a) yn adran 23 (adolygu ffiniau prif ardaloedd), yn is-adran (4)(e) hepgorer is-baragraffau (ii) a (iii);
  - (b) yn adran 44(1) (cytundebau trosiannol o ran eiddo a chyllid), hepgorer “neu drwy orchymyn o dan adran 162 o Fesur 2011 (pŵer i wneud gorchymyn cyfuno)”;
  - (c) yn adran 48(2) (cyfarwyddydau a chanllawiau), hepgorer paragraff (c);
  - (d) yn adran 71 (gorchmynion a rheoliadau), yn is-adran (2)(b) hepgorer “neu sy’n diddymu prif ardal”.
- (3) Yn Neddf Llywodraeth Leol (Cymru) 2015 (dccc 6) hepgorer –
  - (a) adran 1(1) a (2)(a);
  - (b) adrannau 2 i 39;
  - (c) adrannau 44 a 45.

## RHAN 8

### CYLLID LLYWODRAETH LEOL

#### *Ardrethu annomestig*

- 151 Pwerau awdurdodau bilio i’w gwneud yn ofynnol darparu gwybodaeth sy’n ymwneud â hereditamentau**
- (1) Mae Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41) (gweinyddu mewn perthynas ag ardrethu annomestig) wedi ei diwygio fel a ganlyn.
  - (2) Ym mharagraff 5 –
    - (a) yn is-baragraff (1A), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
    - (b) ar ôl is-baragraff (1A) (yr wybodaeth sydd i’w chynnwys mewn hysbysiad a roddir gan swyddog prisio) mewnosoder –
      - “(1B) A billing authority in Wales may serve a notice on a person to whom sub-paragraph (1D) applies, requesting the person to supply to the authority information –

- (a) omit Chapter 2 of Part 9 (amalgamation);
- (b) in section 172 (orders and regulations) –
  - (i) in subsection (2)(a) for “, Part 2, section 140, 165 or 166(2)” substitute “or 140 or 165 or 166(2) or Part 2”;
  - (ii) in subsection (2)(a) omit “or 165 or 166(2)”;
  - (iii) in subsection (2)(b) for “, 158,” substitute “or 158 or”;
  - (iv) in subsection (2)(b) omit “or 162 or 170”;
  - (v) omit subsection (2)(c);
  - (vi) omit subsection (3).
- (2) In the 2013 Act –
  - (a) in section 23 (review of principal area boundaries), in subsection (4)(e) omit sub-paragraphs (ii) and (iii);
  - (b) in section 44(1) (transitional agreements as to property and finance), omit “or by an order under section 162 of the 2011 Measure (power to make amalgamation order)”;
  - (c) in section 48(2) (directions and guidance), omit paragraph (c);
  - (d) in section 71 (orders and regulations), in subsection (2)(b) omit “or which abolishes a principal area”.
- (3) In the Local Government (Wales) Act 2015 (anaw 6) omit –
  - (a) section 1(1) and (2)(a);
  - (b) sections 2 to 39;
  - (c) sections 44 and 45.

## PART 8

### LOCAL GOVERNMENT FINANCE

#### *Non-domestic rating*

- 151 Powers of billing authorities to require the supply of information relating to hereditaments**
- (1) Schedule 9 to the Local Government Finance Act 1988 (c. 41) (administration in relation to non-domestic rating) is amended as follows.
  - (2) In paragraph 5 –
    - (a) in sub-paragraph (1A), for “this paragraph” substitute “sub-paragraph (1)”;
    - (b) after sub-paragraph (1A) (information to be contained in notice given by valuation officer) insert –
      - “(1B) A billing authority in Wales may serve a notice on a person to whom sub-paragraph (1D) applies, requesting the person to supply to the authority information –

- (a) which is specified in the notice,
  - (b) which relates to a hereditament in the authority's area specified in the notice, and
  - (c) which the authority reasonably believes will assist it in carrying out functions conferred or imposed on it by or under this Part.
- (1C) A notice under sub-paragraph (1B) must state that the billing authority believes the information will assist it in carrying out functions conferred or imposed on it by or under this Part.
- (1D) This sub-paragraph applies to—
- (a) a person who is an owner of the hereditament specified in the notice under sub-paragraph (1B);
  - (b) a person who is an occupier of such a hereditament;
  - (c) a person who, in relation to the hereditament specified in the notice under sub-paragraph (1B), is carrying on a business of a description specified in regulations made by the Welsh Ministers.”;
- (c) yn is-baragraff (2), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
- (d) ar ôl is-baragraff (2) mewnosoder—
- “(2A) A person on whom a notice is served under sub-paragraph (1B) must supply the information requested in the form and manner specified in the notice.”;
- (e) yn is-baragraff (4), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
- (f) ar ôl is-baragraff (4) mewnosoder—
- “(5) If a notice has been served on a person under sub-paragraph (1B), and in supplying information in purported compliance with sub-paragraph (2A) the person makes a statement knowing it to be false in a material particular or recklessly makes a statement which is false in a material particular, the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) Ym mharagraff 5A (cosb am fethu â chydymffurfio â chais am wybodaeth o fewn y cyfnod gofynnol)—
- (a) yn is-baragraff (1) ar ôl “paragraph 5(2)” mewnosoder “or (2A)”;
  - (b) yn is-baragraff (2)—
    - (i) ar ôl “valuation officer” mewnosoder “or, as the case may be, billing authority concerned”;
    - (ii) ym mharagraff (a), ar ôl “pargraph 5(2)” mewnosoder “or (2A)”;
  - (c) yn is-baragraff (3), ar ôl “paragraph 5(2)” mewnosoder “or (2A)”.
- (4) Ym mharagraff 5B (pŵer i liniaru neu ddileu cosb), ar ôl “valuation officer” mewnosoder “or, as the case may be, billing authority”;

- (a) which is specified in the notice,
  - (b) which relates to a hereditament in the authority's area specified in the notice, and
  - (c) which the authority reasonably believes will assist it in carrying out functions conferred or imposed on it by or under this Part.
- (1C) A notice under sub-paragraph (1B) must state that the billing authority believes the information will assist it in carrying out functions conferred or imposed on it by or under this Part.
- (1D) This sub-paragraph applies to—
- (a) a person who is an owner of the hereditament specified in the notice under sub-paragraph (1B);
  - (b) a person who is an occupier of such a hereditament;
  - (c) a person who, in relation to the hereditament specified in the notice under sub-paragraph (1B), is carrying on a business of a description specified in regulations made by the Welsh Ministers.”;
- (c) in sub-paragraph (2), for “this paragraph” substitute “sub-paragraph (1)”;
- (d) after sub-paragraph (2) insert—
- “(2A) A person on whom a notice is served under sub-paragraph (1B) must supply the information requested in the form and manner specified in the notice.”;
- (e) in sub-paragraph (4), for “this paragraph” substitute “sub-paragraph (1)”;
- (f) after sub-paragraph (4) insert—
- “(5) If a notice has been served on a person under sub-paragraph (1B), and in supplying information in purported compliance with sub-paragraph (2A) the person makes a statement knowing it to be false in a material particular or recklessly makes a statement which is false in a material particular, the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) In paragraph 5A (penalty for failure to comply with request for information within the required period)—
- (a) in sub-paragraph (1) after “paragraph 5(2)” insert “or (2A)”;
  - (b) in sub-paragraph (2)—
    - (i) after “valuation officer” insert “or, as the case may be, billing authority concerned”;
    - (ii) in paragraph (a), after “paragraph 5(2)” insert “or (2A)”;
  - (c) in sub-paragraph (3), after “paragraph 5(2)” insert “or (2A)”.
- (4) In paragraph 5B (power to mitigate or remit penalty), after “valuation officer” insert “or, as the case may be, billing authority”.

- (5) Ym mharagraff 5C(6)(a), ar ôl “paragraph 5(2)” mewnosoder “or (2A)”.
- (6) Ym mharagraff 5D(1) (adennill cosb fel dyled sifil), yn lle’r geiriau o “be recovered” hyd at y diwedd rhodder “ –
- (a) in a case which relates to a request for information made by a valuation officer, be recovered by the valuation officer concerned as a civil debt due to the valuation officer;
  - (b) in a case which relates to a request for information made by a billing authority in Wales, be recovered by the authority concerned as a civil debt due to the authority.”
- (7) Ym mharagraff 5E (cyrchfan derbyniadau am gosbau) –
- (a) mae’r testun presennol yn dod yn is-baragraff (1);
  - (b) ar ôl yr is-baragraff hwnnw mewnosoder –
- “(2) Any sums received by a billing authority in Wales by way of penalty under paragraph 5A above must be paid into the Welsh Consolidated Fund.”
- (8) Ym mharagraff 5F (pŵer Gweinidogion Cymru i wneud rheoliadau mewn perthynas â Chymru mewn cysylltiad â hysbysiadau a ddyroddir gan swyddogion prisio), ar ôl is-baragraff (2)(a) mewnosoder –
- “(aa) provision enabling a billing authority in Wales to request or obtain information for the purpose of identifying a person to whom paragraph 5(1D) above applies;”.
- (9) Ym mharagraff 5H (pŵer swyddog prisio i wneud gwybodaeth yn ofynnol gan awdurdodau bilio), ar ôl “is to be served” mewnosoder “by the officer”.
- (10) Yn adran 143 (y gofynion gweithdrefnol ar gyfer gorchmynion a rheoliadau), ar ôl is-adran (9A) mewnosoder –
- “(9AZA) The power of the Welsh Ministers to make regulations under paragraph 5(1D)(c) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”

**152 Gofyniad i ddarparu i awdurdodau bilio wybodaeth sy’n berthnasol wrth benderfynu a yw person yn atebol i dalu ardrethi annomestig**

- (1) Mae Deddf Cyllid Llywodraeth Leol 1988 (p. 41) wedi ei diwygio fel a ganlyn.
  - (2) Yn Atodlen 9 (gweinyddu mewn perthynas ag ardrethu annomestig), ar ôl paragraff 6A mewnosoder –
- “6AA(1) The Welsh Ministers may by regulations require persons to provide to billing authorities in Wales information relevant to determining –
- (a) whether a person is, as regards a hereditament in Wales, subject to a non-domestic rate in respect of a chargeable financial year;

- (5) In paragraph 5C(6)(a), after “paragraph 5(2)” insert “or (2A)”.
- (6) In paragraph 5D(1) (recovery of penalty as civil debt), for the words from “be recovered” to the end substitute “ –
- (a) in a case which relates to a request for information made by a valuation officer, be recovered by the valuation officer concerned as a civil debt due to the valuation officer;
  - (b) in a case which relates to a request for information made by a billing authority in Wales, be recovered by the authority concerned as a civil debt due to the authority.”
- (7) In paragraph 5E (destination of penalty receipts) –
- (a) the existing text becomes sub-paragraph (1);
  - (b) after that sub-paragraph insert –
- “(2) Any sums received by a billing authority in Wales by way of penalty under paragraph 5A above must be paid into the Welsh Consolidated Fund.”
- (8) In paragraph 5F (power of the Welsh Ministers to make regulations in relation to Wales in connection with notices issued by valuation officers), after sub-paragraph (2)(a) insert –
- “(aa) provision enabling a billing authority in Wales to request or obtain information for the purpose of identifying a person to whom paragraph 5(1D) above applies;”.
- (9) In paragraph 5H (power of valuation officer to require information from billing authorities), after “is to be served” insert “by the officer”.
- (10) In section 143 (procedural requirements for orders and regulations), after subsection (9A) insert –
- “(9AZA) The power of the Welsh Ministers to make regulations under paragraph 5(1D)(c) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”

**152 Requirement to supply to billing authorities information relevant to determining liability to non-domestic rates**

- (1) The Local Government Finance Act 1988 (c. 41) is amended as follows.
- (2) In Schedule 9 (administration in relation to non-domestic rating), after paragraph 6A insert –
- “6AA(1) The Welsh Ministers may by regulations require persons to provide to billing authorities in Wales information relevant to determining –
- (a) whether a person is, as regards a hereditament in Wales, subject to a non-domestic rate in respect of a chargeable financial year;

- (b) where a person is, as regards a hereditament in Wales, subject to a non-domestic rate, the amount the person is liable to pay.
- (2) Regulations under sub-paragraph (1) must specify –
  - (a) the information to be provided,
  - (b) the persons who must provide the information,
  - (c) the circumstances in which the information is to be provided, and
  - (d) the period within which the information is to be provided.
- (3) The regulations may provide that a billing authority may impose a financial penalty on a person who fails to comply with a requirement in the regulations to provide information.
- (4) If provision is made under sub-paragraph (3) –
  - (a) the penalty specified in the regulations must be £500;
  - (b) the regulations must require any sum received by a billing authority by way of penalty to be paid into the Welsh Consolidated Fund;
  - (c) the regulations may include provision for any penalty to be recovered by the billing authority concerned as a civil debt due to the authority;
  - (d) the regulations must include provision enabling a person on whom a financial penalty is imposed to require a review of the imposition of the penalty or its amount by the billing authority that imposed the penalty;
  - (e) the regulations must include provision enabling a person on whom a financial penalty is imposed to appeal against the imposition of the penalty or its amount to a valuation tribunal established under paragraph 1 of Schedule 11.
- (5) The regulations may provide that a person who knowingly or recklessly provides information required under the regulations which is false in a material particular is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The Welsh Ministers may by regulations substitute a different amount for the amount for the time being specified in sub-paragraph (4)(a).”
- (3) Yn adran 143 (y gofynion gweithdrefnol ar gyfer gorchmynion a rheoliadau), ar ôl is-adran (9AA) mewnosoder –
  - “(9AB) The power of the Welsh Ministers to make regulations under paragraph 6AA(1) or (5) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”
- (4) Yn Rhan 2 o Atodlen 11 (tribiwnlysoedd prisio: Cymru), ar ôl paragraff 2(ca) mewnosoder –



- (b) where a person is, as regards a hereditament in Wales, subject to a non-domestic rate, the amount the person is liable to pay.
  - (2) Regulations under sub-paragraph (1) must specify –
    - (a) the information to be provided,
    - (b) the persons who must provide the information,
    - (c) the circumstances in which the information is to be provided, and
    - (d) the period within which the information is to be provided.
  - (3) The regulations may provide that a billing authority may impose a financial penalty on a person who fails to comply with a requirement in the regulations to provide information.
  - (4) If provision is made under sub-paragraph (3) –
    - (a) the penalty specified in the regulations must be £500;
    - (b) the regulations must require any sum received by a billing authority by way of penalty to be paid into the Welsh Consolidated Fund;
    - (c) the regulations may include provision for any penalty to be recovered by the billing authority concerned as a civil debt due to the authority;
    - (d) the regulations must include provision enabling a person on whom a financial penalty is imposed to require a review of the imposition of the penalty or its amount by the billing authority that imposed the penalty;
    - (e) the regulations must include provision enabling a person on whom a financial penalty is imposed to appeal against the imposition of the penalty or its amount to a valuation tribunal established under paragraph 1 of Schedule 11.
  - (5) The regulations may provide that a person who knowingly or recklessly provides information required under the regulations which is false in a material particular is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
  - (6) The Welsh Ministers may by regulations substitute a different amount for the amount for the time being specified in sub-paragraph (4)(a).”
- (3) In section 143 (procedural requirements for orders and regulations), after subsection (9AA) insert –
- “(9AB) The power of the Welsh Ministers to make regulations under paragraph 6AA(1) or (5) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”
- (4) In Part 2 of Schedule 11 (valuation tribunals: Wales), after paragraph 2(ca) insert –

“(cb) regulations under paragraph 6AA of Schedule 9 above;”.

### 153 Pwerau awdurdodau bilio i arolygu eiddo

- (1) Mae Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41) (gweinyddu mewn perthynas ag ardrethu annomestig) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraff 7 (pŵer swyddog prisio i fynd i eiddo yng Nghymru at ddibenion prisio), mewnosoder –

“7A (1) A billing authority in Wales may enter and survey a hereditament in its area if the authority has grounds for believing that the inspection is required for the purpose of carrying out functions conferred or imposed upon it by or under this Part.

(2) But the billing authority must obtain the approval of a valuation tribunal established under paragraph 1 of Schedule 11 before it exercises the power under sub-paragraph (1) above.

(3) After the tribunal has given its approval, the billing authority must give at least 24 hours’ notice in writing of the proposed exercise of the power.

(4) A person who proposes to exercise the power under sub-paragraph (1) above must if required produce written evidence of authority to carry out the inspection.

(5) A person who wilfully delays or obstructs a person in the exercise of a power under this paragraph is liable on summary conviction to a fine not exceeding level 1 on the standard scale.”

- (3) Yn y croesbennawd sy’n dod o flaen paragraff 6B (pŵer swyddog prisio i fynd i eiddo yn Lloegr at ddibenion prisio), yn lle “Power” rhodder “Powers”.
- (4) Yn lle’r croesbennawd sy’n dod o flaen paragraff 8 (dyletswydd ar swyddogion prisio i roi mynediad at wybodaeth sy’n ymwneud â rhestrau prisio), rhodder “Access to information”.
- (5) Yn Rhan 2 o Atodlen 11 (tribiwnlysoedd prisio: Cymru), o flaen paragraff 2(d) mewnosoder –

“(cc) paragraph 7A of Schedule 9 above;”.

### 154 Lluosyddion

- (1) Mae Deddf Cyllid Llywodraeth Leol 1988 (p. 41) wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 7 (ardrethu annomestig: lluosyddion) –
  - (a) ym mharagraff 5(3), ar y dechrau mewnosoder “In relation to England,”;
  - (b) ym mharagraff 5(4), ar y dechrau mewnosoder “In relation to England,”;
  - (c) ym mharagraff 5(5), ar ôl “C” mewnosoder “, in relation to England,”;
  - (d) ar ôl paragraff 5(5), mewnosoder –

“(5A) In relation to Wales –

“(cb) regulations under paragraph 6AA of Schedule 9 above;”.

**153 Powers of billing authorities to inspect properties**

- (1) Schedule 9 to the Local Government Finance Act 1988 (c. 41) (administration in relation to non-domestic rating) is amended as follows.
- (2) After paragraph 7 (power of valuation officer to enter properties in Wales for the purposes of valuation), insert –
  - “7A (1) A billing authority in Wales may enter and survey a hereditament in its area if the authority has grounds for believing that the inspection is required for the purpose of carrying out functions conferred or imposed upon it by or under this Part.
  - (2) But the billing authority must obtain the approval of a valuation tribunal established under paragraph 1 of Schedule 11 before it exercises the power under sub-paragraph (1) above.
  - (3) After the tribunal has given its approval, the billing authority must give at least 24 hours’ notice in writing of the proposed exercise of the power.
  - (4) A person who proposes to exercise the power under sub-paragraph (1) above must if required produce written evidence of authority to carry out the inspection.
  - (5) A person who wilfully delays or obstructs a person in the exercise of a power under this paragraph is liable on summary conviction to a fine not exceeding level 1 on the standard scale.”
- (3) In the cross-heading preceding paragraph 6B (power of valuation officer to enter properties in England for the purposes of valuation), for “Power” substitute “Powers”.
- (4) For the cross-heading preceding paragraph 8 (duty of valuation officers to give access to information relating to rating lists), substitute “Access to information”.
- (5) In Part 2 of Schedule 11 (valuation tribunals: Wales), before paragraph 2(d) insert –

“(cc) paragraph 7A of Schedule 9 above;”.

**154 Multipliers**

- (1) The Local Government Finance Act 1988 (c. 41) is amended as follows.
- (2) In Schedule 7 (non-domestic rating: multipliers) –
  - (a) in paragraph 5(3), at the beginning insert “In relation to England,”;
  - (b) in paragraph 5(4), at the beginning insert “In relation to England,”;
  - (c) in paragraph 5(5), after “C” insert “, in relation to England,”;
  - (d) after paragraph 5(5) insert –

“(5A) In relation to Wales –

- (a) B is the consumer prices index for September of the financial year preceding the year concerned, and
  - (b) C is the consumer prices index for September of the financial year which precedes that preceding the year concerned.
- (5B) But where the base month for the consumer prices index for September of the financial year which precedes that preceding the year concerned (the first year) differs from that for the index for September of the year which precedes the year concerned (the second year), C is the figure which the Welsh Ministers calculate would have been the consumer prices index for September of the first year if the base month for that index had been the same as the base month for the index for September of the second year.”;
- (e) ar ôl paragraff 5(9) mewnosoder –
- “(9A) References in sub-paragraphs (5A) and (5B) to the consumer prices index are to the general index of consumer prices (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board.
- (9B) For the purposes of sub-paragraph (5B) the base month for the retail prices index for September of a particular year is the month for which the consumer prices index is taken to be 100 and by reference to which the index for the September in question is calculated.”;
- (f) ar ôl paragraff 5(13) mewnosoder –
- “(13A) The Welsh Ministers may by regulations amend, repeal or disapply sub-paragraphs (5A), (5B), (9A) and (9B) so as to –
- (a) substitute for references to the consumer prices index references to another index, or
  - (b) provide that –
    - (i) B is a figure specified or described in (or calculated in a manner specified in) the regulations;
    - (ii) C is a figure so specified or described (or so calculated).
- (13B) The power to make regulations under sub-paragraph (13A) shall be exercisable by statutory instrument.
- (13C) Regulations under sub-paragraph (13A), in their application to a particular financial year (including regulations amending or revoking others) shall not be effective unless they are approved by resolution of Senedd Cymru before the approval by Senedd Cymru of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).”;
- (g) ym mharagraff 5, hepgorer is-baragraffau (14) a (15);
- (h) ar ôl paragraff 6(2) mewnosoder –

- (a) B is the consumer prices index for September of the financial year preceding the year concerned, and
  - (b) C is the consumer prices index for September of the financial year which precedes that preceding the year concerned.
- (5B) But where the base month for the consumer prices index for September of the financial year which precedes that preceding the year concerned (the first year) differs from that for the index for September of the year which precedes the year concerned (the second year), C is the figure which the Welsh Ministers calculate would have been the consumer prices index for September of the first year if the base month for that index had been the same as the base month for the index for September of the second year.”;
- (e) after paragraph 5(9) insert –
  - “(9A) References in sub-paragraphs (5A) and (5B) to the consumer prices index are to the general index of consumer prices (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board.
  - (9B) For the purposes of sub-paragraph (5B) the base month for the retail prices index for September of a particular year is the month for which the consumer prices index is taken to be 100 and by reference to which the index for the September in question is calculated.”;
- (f) after paragraph 5(13) insert –
  - “(13A) The Welsh Ministers may by regulations amend, repeal or disapply sub-paragraphs (5A), (5B), (9A) and (9B) so as to –
    - (a) substitute for references to the consumer prices index references to another index, or
    - (b) provide that –
      - (i) B is a figure specified or described in (or calculated in a manner specified in) the regulations;
      - (ii) C is a figure so specified or described (or so calculated).
  - (13B) The power to make regulations under sub-paragraph (13A) shall be exercisable by statutory instrument.
  - (13C) Regulations under sub-paragraph (13A), in their application to a particular financial year (including regulations amending or revoking others) shall not be effective unless they are approved by resolution of Senedd Cymru before the approval by Senedd Cymru of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).”;
- (g) in paragraph 5, omit sub-paragraphs (14) and (15);
- (h) after paragraph 6(2) insert –

“(2A) Where the financial year is one for which the Welsh Ministers have calculated a figure for C under paragraph 5(5B), the notice must contain the figure they have calculated.”;

(i) ar ôl paragraff 6(4B) mewnosoder –

“(4C) A calculation made by the Welsh Ministers under this paragraph is also invalid if made at a time when regulations made under paragraph 5(13A) which are effective in relation to the year have not come into force.”;

(j) ym mharagraff 6(5), ar ôl “calculation” mewnosoder “made by the Secretary of State”.

(3) Yn adran 143 (gorchmynion a rheoliadau) –

(a) yn is-adran (2), yn lle “or the Treasury” rhodder “, the Treasury or the Welsh Ministers”;

(b) yn is-adran (9), yn lle “The power to make an order” rhodder “The powers to make an order or regulations”.

#### **155 Diwygio Pennod 3 o Ran 5 o Ddeddf Cyllid Llywodraeth Leol 1988**

(1) Mae Pennod 3 o Ran 5 o Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41) (grant cynnal refeniw: Cymru) wedi ei diwygio fel a ganlyn.

(2) Yn adran 84J (cyfrifo’r grant sy’n daladwy i awdurdodau derbyn), yn is-adran (4) ar ôl “subsection (1) or” mewnosoder “by virtue of subsection”.

(3) Yn adran 84K (talw grant i awdurdodau derbyn) –

(a) yn is-adran (1), yn lle “section 84J(2)” rhodder “section 84J(1)”;

(b) yn is-adrannau (2) a (5), yn lle “under section 84J(4)” rhodder “by virtue of section 84J(2)”.

(4) Yn adran 84M (ailgyfrifo grant yn dilyn adroddiad diwygio), yn is-adran (6) ar ôl “subsection (2) or” mewnosoder “by virtue of subsection”.

(5) Yn adran 84N (talw grant yn dilyn adroddiad diwygio), yn is-adrannau (1) a (4) yn lle “(4)” rhodder “by virtue of section 84M(4)”.

(6) Yn adran 84P (terfynau amser ar gyfer gwybodaeth), yn is-adran (1) yn lle “under section 84J(2) or (4) or 84M(2) or (4)” rhodder “ –

(a) under section 84J(1) or by virtue of section 84J(2), or

(b) under section 84M(2) or by virtue of section 84M(4)”.

*Y dreth gyngor*

#### **156 Atebolrwydd ar y cyd ac yn unigol i dalu’r dreth gyngor**

Yn Atodlen 1 i Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14) (personau a ddiystyrir at ddibenion disgownt), ar ôl paragraff 11 (personau o ddisgrifiadau eraill) mewnosoder –

“(2A) Where the financial year is one for which the Welsh Ministers have calculated a figure for C under paragraph 5(5B), the notice must contain the figure they have calculated.”;

(i) after paragraph 6(4B) insert –

“(4C) A calculation made by the Welsh Ministers under this paragraph is also invalid if made at a time when regulations made under paragraph 5(13A) which are effective in relation to the year have not come into force.”;

(j) in paragraph 6(5), after “calculation” insert “made by the Secretary of State”.

(3) In section 143 (orders and regulations) –

(a) in subsection (2), for “or the Treasury” substitute “, the Treasury or the Welsh Ministers”;

(b) in subsection (9), for “The power to make an order” substitute “The powers to make an order or regulations”.

### 155 **Amendment of Chapter 3 of Part 5 of the Local Government Finance Act 1988**

(1) Chapter 3 of Part 5 of the Local Government Finance Act 1988 (c. 41) (revenue support grant: Wales) is amended as follows.

(2) In section 84J (calculation of grant payable to receiving authorities), in subsection (4) after “subsection (1) or” insert “by virtue of subsection”.

(3) In section 84K (payment of grant to receiving authorities) –

(a) in subsection (1), for “section 84J(2)” substitute “section 84J(1)”;

(b) in subsections (2) and (5), for “under section 84J(4)” substitute “by virtue of section 84J(2)”.

(4) In section 84M (recalculation of grant following amending report), in subsection (6) after “subsection (2) or” insert “by virtue of subsection”.

(5) In section 84N (payment of grant following amending report), in subsections (1) and (4) for “(4)” substitute “by virtue of section 84M(4)”.

(6) In section 84P (information deadlines), in subsection (1) for “under section 84J(2) or (4) or 84M(2) or (4)” substitute “ –

(a) under section 84J(1) or by virtue of section 84J(2), or

(b) under section 84M(2) or by virtue of section 84M(4)”.

#### *Council tax*

### 156 **Joint and several liability to pay council tax**

In Schedule 1 to the Local Government Finance Act 1992 (c. 14) (persons disregarded for the purposes of discount), after paragraph 11 (persons of other descriptions) insert –

- “12 (1) Regulations under paragraph 11 made by the Welsh Ministers may amend Chapter 1 of Part 1 (but not this Schedule) for the purpose of providing that a person who, under the regulations, is to be disregarded for the purposes of discount on a particular day is also not to be jointly or severally liable to pay council tax in respect of any chargeable dwelling and that day.
- (2) Regulations which make provision as described in sub-paragraph (1) may also make provision about how liability to pay the council tax in respect of a dwelling is to be determined.”

**157 Tynnu ymaith y pŵer i ddarparu ar gyfer carcharu dyledwyr y dreth gyngor**

- (1) Mae Atodlen 4 i Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14) (gorfodi) wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 8(1) (traddodi i garchar), ar ôl “provide” mewnosoder “, in relation to the recovery of any sum which has become payable to a billing authority in England,”.
- (3) Ym mharagraff 20 (dehongli), yn lle “paragraph 6” rhodder “paragraphs 5(1A)(b)(ii), 6 and 8”.

**158 Y weithdrefn ar gyfer rheoliadau a gorchmynion penodol a wneir o dan Ddeddf Cyllid Llywodraeth Leol 1992**

- (1) Mae Deddf Cyllid Llywodraeth Leol 1992 (p. 14) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 32 (cyfrifo anghenion cyllideb gan brif gynghorau yng Nghymru), ar ôl is-adran (9) mewnosoder –
- “(9A) A statutory instrument containing regulations under subsection (9) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (3) Yn adran 33 (cyfrifo swm sylfaenol y dreth gyngor gan brif gynghorau yng Nghymru), ar ôl is-adran (5) mewnosoder –
- “(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (4) Yn adran 41 (dyroddi praeseptau gan awdurdodau praeseptio lleol yng Nghymru), ar ôl is-adran (3) mewnosoder –
- “(3A) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (5) Yn adran 43 (cyfrifo anghenion cyllideb gan brif awdurdodau praeseptio yng Nghymru), ar ôl is-adran (7) mewnosoder –
- “(7A) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (6) Yn adran 44 (cyfrifo swm sylfaenol y dreth gyngor gan brif awdurdodau praeseptio yng Nghymru), ar ôl is-adran (5) mewnosoder –
- “(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”



“12 (1) Regulations under paragraph 11 made by the Welsh Ministers may amend Chapter 1 of Part 1 (but not this Schedule) for the purpose of providing that a person who, under the regulations, is to be disregarded for the purposes of discount on a particular day is also not to be jointly or severally liable to pay council tax in respect of any chargeable dwelling and that day.

(2) Regulations which make provision as described in sub-paragraph (1) may also make provision about how liability to pay the council tax in respect of a dwelling is to be determined.”

**157 Removal of power to provide for imprisonment of council tax debtors**

- (1) Schedule 4 to the Local Government Finance Act 1992 (c. 14) (enforcement) is amended as follows.
- (2) In paragraph 8(1) (commitment to prison), after “provide” insert “, in relation to the recovery of any sum which has become payable to a billing authority in England,”.
- (3) In paragraph 20 (interpretation), for “paragraph 6” substitute “paragraphs 5(1A)(b)(ii), 6 and 8”.

**158 Procedure for certain regulations and orders made under the Local Government Finance Act 1992**

- (1) The Local Government Finance Act 1992 (c. 14) is amended as follows.
- (2) In section 32 (calculation of budget requirement by principal councils in Wales), after subsection (9) insert –
 

“(9A) A statutory instrument containing regulations under subsection (9) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (3) In section 33 (calculation of basic amount of council tax by principal councils in Wales), after subsection (5) insert –
 

“(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (4) In section 41 (issue of precepts by local precepting authorities in Wales), after subsection (3) insert –
 

“(3A) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (5) In section 43 (calculation of budget requirement by major precepting authorities in Wales), after subsection (7) insert –
 

“(7A) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (6) In section 44 (calculation of basic amount of council tax by major precepting authorities in Wales), after subsection (5) insert –
 

“(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

- (7) Yn adran 113 (darpariaeth gyffredinol ynglŷn â gorchmynion a rheoliadau a wneir o dan y Ddeddf), ar ôl is-adran (4) mewnosoder –

“(5) Paragraphs 33 and 34 of Schedule 11 to the Government of Wales Act 2006 make provision about the Senedd Cymru procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”

## RHAN 9

### AMRYWIOL

#### *Rhannu gwybodaeth*

#### **159 Rhannu gwybodaeth rhwng rheoleiddwyr, Archwilydd Cyffredinol Cymru a Gweinidogion Cymru**

- (1) Caiff aelod o'r grŵp rhannu gwybodaeth, at ddibenion arfer swyddogaethau penodedig yr aelod hwnnw mewn perthynas â phrif gyngor, wneud cais bod aelod arall o'r grŵp rhannu gwybodaeth yn darparu gwybodaeth neu ddogfen.
- (2) Rhaid i aelod o'r grŵp rhannu gwybodaeth ddarparu gwybodaeth neu ddogfen y gwneir cais amdani o dan is-adran (1), i'r graddau –
  - (a) y cafwyd neu y crëwyd yr wybodaeth neu'r ddogfen gan yr aelod hwnnw wrth arfer swyddogaethau penodedig yr aelod, a
  - (b) ei bod yn rhesymol ymarferol i'r aelod hwnnw ddarparu'r wybodaeth neu'r ddogfen.
- (3) Os yw Archwilydd Cyffredinol Cymru neu Weinidogion Cymru, at ddiben arfer swyddogaeth a bennir yn is-adran (4), yn gwneud cais i aelod arall o'r grŵp rhannu gwybodaeth ddarparu gwybodaeth neu ddogfen ac –
  - (a) nad yw'n ofynnol i'r aelod hwnnw ddarparu'r wybodaeth neu'r ddogfen o dan is-adran (2) neu unrhyw ddeddfiad arall, a
  - (b) nad oes gan yr aelod hwnnw bŵer o dan unrhyw ddeddfiad (ac eithrio'r adran hon) i ddarparu'r wybodaeth neu'r ddogfen,
 caiff yr aelod ddarparu'r wybodaeth neu'r ddogfen honno.
- (4) Y swyddogaethau a grybwyllir yn is-adran (3) yw –
  - (a) swyddogaethau Gweinidogion Cymru o dan Ran 5 (cydweithio gan brif gynghorau);
  - (b) swyddogaethau Archwilydd Cyffredinol Cymru neu Weinidogion Cymru o dan Bennod 1 o Ran 6 (perfformiad prif gynghorau a'u llywodraethu);
  - (c) swyddogaethau Gweinidogion Cymru o dan Bennod 2 o Ran 7 (ailstrwythuro prif ardaloedd).
- (5) At ddibenion yr adran hon –

- (7) In section 113 (general provision about orders and regulations made under the Act), after subsection (4) insert –

“(5) Paragraphs 33 and 34 of Schedule 11 to the Government of Wales Act 2006 make provision about the Senedd Cymru procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”

## PART 9

### MISCELLANEOUS

#### *Information sharing*

#### **159 Information sharing between regulators, the Auditor General for Wales and the Welsh Ministers**

- (1) A member of the information sharing group may, for the purposes of exercising that member’s specified functions in relation to a principal council, request that another member of the information sharing group provide information or a document.
- (2) A member of the information sharing group must provide information or a document requested under subsection (1), to the extent that –
  - (a) the information or document was obtained or created by that member in exercising the member’s specified functions, and
  - (b) it is reasonably practicable for that member to provide the information or document.
- (3) If the Auditor General for Wales or the Welsh Ministers, for the purpose of exercising a function specified in subsection (4), requests that another member of the information sharing group provide information or a document, and that member –
  - (a) is not required under subsection (2) or any other enactment to provide the information or document, and
  - (b) does not have a power under any enactment (other than this section) to provide the information or document,
 the member may provide that information or document.
- (4) The functions mentioned in subsection (3) are –
  - (a) functions of the Welsh Ministers under Part 5 (collaborative working by principal councils);
  - (b) functions of the Auditor General for Wales or the Welsh Ministers under Chapter 1 of Part 6 (performance and governance of principal councils);
  - (c) functions of the Welsh Ministers under Chapter 2 of Part 7 (restructuring of principal areas).
- (5) For the purposes of this section –

- (a) mae person yn aelod o'r grŵp rhannu gwybodaeth os crybwyllir y person hwnnw yng ngholofn gyntaf tabl 2;
- (b) swyddogaethau penodedig yr aelodau o'r grŵp rhannu gwybodaeth yw'r swyddogaethau a grybwyllir yn yr ail golofn.

TABL 2

Aelodau o'r grŵp rhannu gwybodaeth	Swyddogaethau penodedig
Archwilydd Cyffredinol Cymru	Swyddogaethau o dan adrannau 13 a 41 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23) (archwilio cyfrifon ac astudiaethau ar gyfer gwella darbodaeth mewn gwasanaethau)
	Swyddogaethau o dan adran 15 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2) (asesiadau sy'n ymwneud â'r egwyddor datblygu cynaliadwy)
	Swyddogaethau o dan Bennod 1 o Ran 6 o'r Ddeddf hon (arolygiadau arbennig o berfformiad prif gynghorau)
Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	Swyddogaethau o dan adran 38 o Ddeddf Addysg 1997 (p. 44) (arolygu swyddogaethau addysg etc. prif gynghorau)
Gweinidogion Cymru	Swyddogaethau o dan adran 149A ac adran 149B o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) (adolygiadau etc. o arfer swyddogaethau gwasanaethau cymdeithasol prif gynghorau)
	Swyddogaethau o dan Ran 5 (cydweithio gan brif gynghorau), Pennod 1 o Ran 6 (perfformiad prif gynghorau) neu Bennod 2 o Ran 7 (ailstrwythuro prif ardaloedd) o'r Ddeddf hon

- (6) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio tabl 2 er mwyn—
  - (a) ychwanegu cofnod;
  - (b) diwygio cofnod;
  - (c) hepgor cofnod.
- (7) Caiff rheoliadau o dan is-adran (6) ddiwygio, addasu, ddiddymu neu ddirymu unrhyw ddeddfiad o ganlyniad i unrhyw ddiwygiad a wneir i dabl 2 gan reoliadau o dan is-adran (6), neu at ddibenion rhoi effaith lawn iddo.
- (8) Cyn gwneud rheoliadau o dan is-adran (6) sy'n diwygio tabl 2, rhaid i Weinidogion Cymru ymgynghori ag—
  - (a) unrhyw bersonau sy'n cynrychioli prif gynghorau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy;

- (a) a person is a member of the information sharing group if that person is mentioned in the first column of table 2;
- (b) the specified functions of the members of the information sharing group are the functions mentioned in the second column.

TABLE 2

Members of the information sharing group	Specified functions
Auditor General for Wales	Functions under sections 13 and 41 of the Public Audit (Wales) Act 2004 (c. 23) (audit of accounts and studies for improving economy in services)
	Functions under section 15 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) (assessments relating to the sustainable development principle)
	Functions under Chapter 1 of Part 6 of this Act (special inspections of performance of principal councils)
Her Majesty's Chief Inspector of Education and Training in Wales	Functions under section 38 of the Education Act 1997 (c. 44) (inspection of education functions etc. of principal councils)
The Welsh Ministers	Functions under section 149A and section 149B of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (reviews etc. of the exercise of social services functions of principal councils)
	Functions under Part 5 (collaborative working by principal councils), Chapter 1 of Part 6 (performance of principal councils) or Chapter 2 of Part 7 (restructuring of principal areas) of this Act

- (6) The Welsh Ministers may by regulations amend table 2 to –
- (a) add an entry;
  - (b) amend an entry;
  - (c) omit an entry.
- (7) Regulations under subsection (6) may amend, modify, repeal or revoke any enactment in consequence of, or for the purposes of giving full effect to, any amendment made to table 2 by regulations under subsection (6).
- (8) Before making regulations under subsection (6) which amend table 2, the Welsh Ministers must consult –
- (a) such persons representing principal councils as the Welsh Ministers consider appropriate;

- (b) Archwilydd Cyffredinol Cymru;
  - (c) y person y bydd cofnod newydd neu ddiwygiedig yn ymwneud ag ef;
  - (d) y person y mae cofnod sydd i'w hepgor yn ymwneud ag ef.
- (9) Yn yr adran hon, mae “dogfen” yn cynnwys gwybodaeth a gofnodir ar unrhyw ffurf.
- (10) Mae adran 33 o Fesur 2009 (rhannu gwybodaeth) yn peidio â chael effaith, ac eithrio at ddibenion rhannu gwybodaeth a dogfennau –
- (a) a gafodd Archwilydd Cyffredinol Cymru neu a ddangoswyd iddo wrth arfer swyddogaethau o dan adrannau 17 i 19 o Fesur 2009, neu
  - (b) at ddiben arfer y swyddogaethau hynny gan Archwilydd Cyffredinol Cymru.

**160 Diwygio Deddf Archwilio Cyhoeddus (Cymru) 2004 sy'n ganlyniadol ar adran 159**

Yn adran 54 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23) (cyfyngiadau ar ddatgelu gwybodaeth) –

- (a) yn is-adran (1), ar ôl paragraff (a) (ac o flaen yr “or” sy'n ei ddilyn) mewnosoder –
  - “(aa) pursuant to section 159 of the Local Government and Elections (Wales) Act 2021,”;
- (b) yn is-adran (2), ar ôl paragraff (b) mewnosoder –
  - “(ba) section 159 of the Local Government and Elections (Wales) Act 2021;
  - (bb) for the purposes of any functions of the Auditor General for Wales which are specified functions within the meaning of section 159 of the Local Government and Elections (Wales) Act 2021 (and are not mentioned elsewhere in this subsection);”.

*Pennaeth gwasanaethau democrataidd*

**161 Pennaeth gwasanaethau democrataidd**

- (1) Yn adran 8 o Fesur 2011, ar ôl is-adran (1) mewnosoder –
- “(1A) Rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynghylch swyddogaeth yr awdurdod lleol o dan is-adran (1)(b).”
- (2) Yn is-adran (4) o'r adran honno –
- (a) hepgorer paragraff (b);
  - (b) ym mharagraff (c), yn lle “yr adran honno” rhodder “adran 5 o Ddeddf Llywodraeth Leol a Thai 1989”.
- (3) Yn adran 43(2) o Ddeddf Lleoliaeth 2011 (p. 20) (ystyr “chief officer” at ddibenion datganiadau ar bolisiau tâl), ar ddiwedd paragraff (e) mewnosoder “;

- (b) the Auditor General for Wales;
  - (c) the person to whom a new or amended entry will relate;
  - (d) the person to whom an entry to be omitted relates.
- (9) In this section "document" includes information recorded in any form.
- (10) Section 33 of the 2009 Measure (information sharing) ceases to have effect, other than for the purposes of the sharing of information and documents –
- (a) obtained by or produced to the Auditor General for Wales in the course of the exercise of functions under sections 17 to 19 of the 2009 Measure, or
  - (b) for the purpose of the exercise by the Auditor General for Wales of those functions.

#### **160 Amendment of the Public Audit (Wales) Act 2004 consequential on section 159**

In section 54 of the Public Audit (Wales) Act 2004 (c. 23) (restriction on disclosure of information) –

- (a) in subsection (1), after paragraph (a) (and before the "or" which follows it) insert –

“(aa) pursuant to section 159 of the Local Government and Elections (Wales) Act 2021,”;

- (b) in subsection (2), after paragraph (b) insert –

“(ba) section 159 of the Local Government and Elections (Wales) Act 2021;

(bb) for the purposes of any functions of the Auditor General for Wales which are specified functions within the meaning of section 159 of the Local Government and Elections (Wales) Act 2021 (and are not mentioned elsewhere in this subsection);”.

*Head of democratic services*

#### **161 Head of democratic services**

- (1) In section 8 of the 2011 Measure, after subsection (1) insert –

“(1A) A local authority must have regard to any guidance issued by the Welsh Ministers about the local authority’s function under subsection (1)(b).”

- (2) In subsection (4) of that section –

- (a) omit paragraph (b);

- (b) in paragraph (c), for “that section” substitute “section 5 of the Local Government and Housing Act 1989”.

- (3) In section 43(2) of the Localism Act 2011 (c. 20) (meaning of “chief officer” for the purposes of pay policy statements), at the end of paragraph (e) insert “;

- (f) its head of democratic services designated under section 8(1) of the Local Government (Wales) Measure 2011 (designation by council of a county or county borough in Wales)."

*Cynnal pleidleisiau o ganlyniad i gyfarfodydd cymunedol*

**162 Diddymu'r pŵer i gynnal pleidleisiau o ganlyniad i gyfarfod cymunedol**

Mae Atodlen 13 yn gwneud darpariaeth sy'n diddymu'r pŵer i gynnal pleidleisiau o ganlyniad i gyfarfodydd cymunedol o dan Ddeddf 1972.

*Y Comisiwn Ffiniau a Democratiaeth Leol*

**163 Y Comisiwn Ffiniau a Democratiaeth Leol yn penodi ei brif weithredwr**

- (1) Mae adran 8 o Ddeddf 2013 (prif weithredwr) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2) –
  - (a) yn lle "Weinidogion Cymru" rhodder "y Comisiwn";
  - (b) yn lle "ganddynt" rhodder "ganddo".
- (3) Ar ôl is-adran (2) mewnosoder –
 

“(2A) Ond os yw swydd prif weithredwr wedi bod yn wag am dros chwe mis, caiff Gweinidogion Cymru benodi prif weithredwr o dan unrhyw delerau ac amodau a bennir ganddynt (gan gynnwys amodau o ran cydnabyddiaeth ariannol, pensiwn, lwfansau a threuliau).”
- (4) Yn is-adran (3) ar ôl "prif weithredwr" mewnosoder "o dan is-adran (2A),".
- (5) Ar ôl is-adran (3) mewnosoder –
 

“(4) Ni chaiff y prif weithredwr fod –

  - (a) yn aelod Seneddol;
  - (b) yn Aelod o'r Senedd;
  - (c) yn aelod o awdurdod lleol;
  - (d) yn swyddog awdurdod lleol;
  - (e) yn aelod o awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
  - (f) yn gomisiynydd heddlu a throsedd ar gyfer ardal heddlu yng Nghymru.

(5) Rhaid i'r Comisiwn, wrth arfer ei swyddogaethau o dan yr adran hon, roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.”
- (6) Yn adrannau 4(3)(c) a (d) (aelodaeth) ac 11(2)(c) a (d) (comisiynwyr cynorthwyol) o Ddeddf 2013, hepgorer "yng Nghymru".

**164 Cyfarwyddydau o dan adran 48 o Ddeddf 2013**

- (1) Mae adran 48 o Ddeddf 2013 (cyfarwyddydau a chanllawiau ynghylch adolygiadau o dan Ran 3 o'r Ddeddf honno) wedi ei diwygio fel a ganlyn.



- (f) its head of democratic services designated under section 8(1) of the Local Government (Wales) Measure 2011 (designation by council of a county or county borough in Wales)."

*Polls consequent on community meetings*

**162 Abolition of polls consequent on a community meeting**

Schedule 13 makes provision abolishing polls consequent on community meetings under the 1972 Act.

*Local Democracy and Boundary Commission*

**163 Appointment by Local Democracy and Boundary Commission of its chief executive**

- (1) Section 8 of the 2013 Act (chief executive) is amended as follows.
- (2) In subsection (2) –
  - (a) for “Welsh Ministers” substitute “Commission”;
  - (b) for “they” substitute “it”.
- (3) After subsection (2) insert –
 

“(2A) But if the office of chief executive has been vacant for more than six months, the Welsh Ministers may appoint a chief executive on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).”
- (4) In subsection (3) after “chief executive” insert “under subsection (2A),”.
- (5) After subsection (3) insert –
 

“(4) The chief executive may not be –

  - (a) a member of Parliament;
  - (b) a Member of the Senedd;
  - (c) a member of a local authority;
  - (d) an officer of a local authority;
  - (e) a member of a National Park authority for a National Park in Wales;
  - (f) a police and crime commissioner for a police area in Wales.

(5) The Commission must, in exercising its functions under this section, have regard to any guidance issued by the Welsh Ministers.”
- (6) In sections 4(3)(c) and (d) (membership) and 11(2)(c) and (d) (assistant commissioners) of the 2013 Act, omit “in Wales”.

**164 Directions under section 48 of the 2013 Act**

- (1) Section 48 of the 2013 Act (directions and guidance relating to reviews under Part 3 of that Act) is amended as follows.

## (2) Yn is-adran (2) –

- (a) ym mharagraff (a) yn lle “(gan gynnwys, pan fo’r Comisiwn wedi gwneud argymhellion neu gynigion iddynt, adolygiadau pellach)” rhodder “(ni waeth a fyddai gan y Comisiwn y pŵer, neu y byddai’n ddarostyngedig i ddyletswydd, o dan yr amgylchiadau, i gynnal yr adolygiad ai peidio)”;
- (b) ar ôl paragraff (a) mewnosoder –
  - “(aa) pan fo’r Comisiwn wedi gwneud argymhellion neu gynigion i Weinidogion Cymru, i gynnal adolygiad pellach o dan y Rhan hon,
  - (ab) i roi’r gorau i gynnal adolygiad o dan y Rhan hon,”;
- (c) ym mharagraff (b) yn lle “adran 28” rhodder “y Rhan hon”.

## (3) Yn is-adran (5) –

- (a) yn y testun Saesneg, hepgorer “to” yn y lle cyntaf y mae’n digwydd;
- (b) yn y testun Saesneg, ym mharagraff (a), ar y dechrau mewnosoder “to”;
- (c) ar ôl paragraff (a) mewnosoder –
  - “(aa) i roi’r gorau i gynnal adolygiad o dan adran 25 neu 31,
  - (ab) i beidio â chynnal adolygiad o dan adran 25 neu 31 yn ystod cyfnod a bennir yn y cyfarwyddyd,”;
- (d) yn y testun Saesneg, ym mharagraff (b), ar y dechrau mewnosoder “to”.

*Byrddau gwasanaethau cyhoeddus***165 Uno a daduno byrddau gwasanaethau cyhoeddus o dan Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015**

- (1) Yn Rhan 4 o Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2), mae adran 47 (uno byrddau gwasanaethau cyhoeddus) wedi ei diwygio fel a ganlyn.
- (2) Hepgorer is-adran (3) (gofyniad bod yr un Bwrdd Iechyd Lleol yn aelod o bob bwrdd gwasanaethau cyhoeddus sy’n uno).
- (3) Ar ôl is-adran (4) mewnosoder –
  - “(5) Rhaid i fwrdd unedig, cyn gynted ag y bo’n rhesymol ymarferol ar ôl iddo gael ei sefydlu, adolygu –
    - (a) y cynlluniau llesiant lleol a oedd yn weithredol ar gyfer ei ardal yn union cyn iddo gael ei sefydlu, a
    - (b) yr amcanion lleol a nodir yn y cynlluniau hynny.
  - (6) Cyn gynted ag y bo’n rhesymol ymarferol ar ôl adolygiad o dan is-adran (5), rhaid i’r bwrdd baratoi a chyhoeddi ar gyfer ei ardal gynllun llesiant lleol a gaiff fabwysiadu’r cynlluniau a’r amcanion a grybwyllir yn is-adran (5)(a) a (b) –
    - (a) i’r graddau y bo’r bwrdd yn ystyried bod hynny’n briodol, a

- (2) In subsection (2) –
- (a) in paragraph (a) for “(including, where the Commission has made recommendations or proposals to them, further reviews)” substitute “(regardless of whether in the circumstances the Commission would have the power, or would be subject to a duty, to conduct the review)”;
  - (b) after paragraph (a) insert –
    - “(aa) where the Commission has made recommendations or proposals to the Welsh Ministers, to conduct a further review under this Part,
    - (ab) to stop conducting a review under this Part,”;
  - (c) in paragraph (b) for “section 28” substitute “this Part”.
- (3) In subsection (5) –
- (a) omit “to” in the first place it occurs;
  - (b) in paragraph (a), at the beginning insert “to”;
  - (c) after paragraph (a) insert –
    - “(aa) to stop conducting a review under section 25 or 31,
    - (ab) not to conduct a review under section 25 or 31 during a period specified in the direction,”;
  - (d) in paragraph (b), at the beginning insert “to”.

*Public services boards*

**165 Merging and demerging public services boards under the Well-being of Future Generations (Wales) Act 2015**

- (1) In Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2), section 47 (merger of public services boards) is amended as follows.
- (2) Omit subsection (3) (requirement that the same Local Health Board is a member of each merging public services board).
- (3) After subsection (4) insert –
  - “(5) A merged board must, as soon as reasonably practicable after it is established, review –
    - (a) the local well-being plans in effect for its area immediately before it was established, and
    - (b) the local objectives set out in those plans.
  - (6) As soon as reasonably practicable after a review under subsection (5), the board must prepare and publish a local well-being plan for its area which may adopt the plans and objectives mentioned in subsection (5)(a) and (b) –
    - (a) to the extent the board considers appropriate, and

- (b) yn ddarostyngedig i'r diwygiadau a'r newidiadau hynny y mae'r bwrdd yn ystyried eu bod yn briodol.
- (7) Caiff bwrdd unedig, os yw'n ystyried y byddai hynny'n cynorthwyo i gyfrannu at gyrraedd y nodau llesiant –
- (a) daduno, neu
  - (b) daduno yn rhannol (os gwnaeth tri bwrdd neu ragor uno i greu'r bwrdd unedig).
- (8) Caiff Gweinidogion Cymru, os ydynt yn ystyried y byddai hynny'n cynorthwyo i gyfrannu at gyrraedd y nodau llesiant, gyfarwyddo bwrdd unedig –
- (a) i ddaduno, neu
  - (b) i ddaduno yn rhannol (os gwnaeth tri bwrdd neu ragor uno i greu'r bwrdd unedig).
- (9) At ddibenion is-adrannau (7) ac (8), mae bwrdd unedig –
- (a) yn daduno os yw'n peidio â bodoli a bod bwrdd gwasanaethau cyhoeddus ar wahân yn cael ei sefydlu ar gyfer ardal pob awdurdod lleol a oedd yn aelod o'r bwrdd unedig;
  - (b) yn daduno yn rhannol –
    - (i) os yw'n parhau i fodoli fel y bwrdd gwasanaethau cyhoeddus ar gyfer ardaloedd dau awdurdod lleol neu ragor, a
    - (ii) os sefydlir bwrdd gwasanaethau cyhoeddus ar wahân ar gyfer ardal pob awdurdod lleol sydd wedi peidio â bod yn aelod o'r bwrdd unedig.
- (10) Rhaid i fwrdd gwasanaethau cyhoeddus a sefydlir ar ôl daduno neu ddaduno yn rhannol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddo gael ei sefydlu, adolygu –
- (a) y cynllun llesiant lleol a oedd yn weithredol ar gyfer ei ardal yn union cyn iddo gael ei sefydlu, a
  - (b) yr amcanion lleol a nodir yn y cynllun hwnnw.
- (11) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl adolygiad o dan is-adran (10), rhaid i'r bwrdd baratoi a chyhoeddi ar gyfer ei ardal gynllun llesiant lleol a gaiff fabwysiadu'r cynllun a'r amcanion a grybwyllir yn is-adran (10)(a) a (b) –
- (a) i'r graddau y bo'r bwrdd yn ystyried bod hynny'n briodol, a
  - (b) yn ddarostyngedig i'r diwygiadau a'r newidiadau hynny y mae'r bwrdd yn ystyried eu bod yn briodol.
- (12) Cyn cyhoeddi cynllun o dan is-adran (6) neu (11), rhaid i fwrdd ymgynghori ag –
- (a) y Comisiynydd;
  - (b) Gweinidogion Cymru;

- (b) subject to such amendments and revisions as the board considers appropriate.
- (7) A merged board may, if it considers that it would assist in contributing to the achievement of the well-being goals –
  - (a) demerge, or
  - (b) partially demerge (if three or more separate boards merged in the creation of the merged board).
- (8) The Welsh Ministers may, if they consider that it would assist in contributing to the achievement of the well-being goals, direct a merged board to –
  - (a) demerge, or
  - (b) partially demerge (if three or more separate boards merged in the creation of the merged board).
- (9) For the purposes of subsections (7) and (8), a merged board –
  - (a) demerges if it ceases to exist and a separate public services board is established for the area of each local authority that was a member of the merged board;
  - (b) partially demerges if –
    - (i) it continues to exist as the public services board for the areas of two or more local authorities, and
    - (ii) a separate public services board is established for the area of each local authority that has ceased to be a member of the merged board.
- (10) A public services board established after a demerger or partial demerger must, as soon as reasonably practicable after it is established, review –
  - (a) the local well-being plan in effect for its area immediately before it was established, and
  - (b) the local objectives set out in that plan.
- (11) As soon as reasonably practicable after a review under subsection (10), the board must prepare and publish a local well-being plan for its area which may adopt the plan and objectives mentioned in subsection (10)(a) and (b) –
  - (a) to the extent the board considers appropriate, and
  - (b) subject to such amendments and revisions as the board considers appropriate.
- (12) Before publishing a plan under subsection (6) or (11), a board must consult –
  - (a) the Commissioner;
  - (b) the Welsh Ministers;

- (c) unrhyw bersonau eraill y mae'r bwrdd yn ystyried ei bod yn briodol ymgynghori â hwy.
- (13) Rhaid i fwrdd anfon copi o gynllun llesiant lleol a gyhoeddir o dan is-adran (6) neu (11) at y personau a grybwyllir yn adran 44(6)."
- (4) Mae Atodlen 14 yn gwneud diwygiadau i Ddeddfau a Mesurau o ganlyniad i is-adran (3).

*Awdurdodau tân ac achub*

**166 Awdurdodau tân ac achub cyfunol: ymchwiliadau**

- (1) Mae Deddf Gwasanaethau Tân ac Achub 2004 (p. 21) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 2 (pŵer i greu awdurdodau tân ac achub cyfunol) –
- (a) yn is-adran (8) –
- (i) hepgorer "must cause an inquiry to be held";
- (ii) ym mharagraff (a), ar y dechrau mewnosoder "must cause an inquiry to be held";
- (iii) ar ddiwedd paragraff (a), hepgorer "or";
- (iv) yn lle paragraff (b) rhodder –
- “(b) where a scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held before varying or revoking the scheme under this section, or”;
- (v) ar ôl y paragraff hwnnw mewnosoder –
- “(c) where a scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held before –
- (i) varying the scheme in a way which changes the combined area (and may cause an inquiry to be held if the scheme would be varied in any other way), or
- (ii) revoking the scheme.”;
- (b) yn is-adran (9) –
- (i) ym mharagraff (b), ar ôl "(8)(b)" mewnosoder "or (c)";
- (ii) ym mharagraff (c), yn lle "either" rhodder "any";
- (iii) yn y paragraff hwnnw, ar ôl "2007" mewnosoder "or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021";
- (iv) ym mharagraff (d), yn lle "either" rhodder "any";
- (c) yn is-adran (10), ar ôl "2007" mewnosoder "or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or regulations are made under Part 7 of the Local Government and Elections (Wales) Act 2021,".
- (3) Yn adran 4 (awdurdodau cyfunol o dan Ddeddf Gwasanaethau Tân 1947 (p. 41)) –
- (a) yn is-adran (6), yn lle "must cause an inquiry to be held" rhodder " –

(c) such other persons as the board considers appropriate.

(13) A board must send a copy of a local well-being plan published under subsection (6) or (11) to the persons mentioned in section 44(6)."

(4) Schedule 14 makes amendments to Acts and Measures in consequence of subsection (3).

*Fire and rescue authorities*

**166 Combined fire and rescue authorities: inquiries**

(1) The Fire and Rescue Services Act 2004 (c. 21) is amended as follows.

(2) In section 2 (power to create combined fire and rescue authorities) –

(a) in subsection (8) –

(i) omit “must cause an inquiry to be held”;

(ii) in paragraph (a), at the beginning insert “must cause an inquiry to be held”;

(iii) at the end of paragraph (a), omit “or”;

(iv) for paragraph (b) substitute –

“(b) where a scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held before varying or revoking the scheme under this section, or”;

(v) after that paragraph insert –

“(c) where a scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held before –

(i) varying the scheme in a way which changes the combined area (and may cause an inquiry to be held before varying the scheme in any other way), or

(ii) revoking the scheme.”;

(b) in subsection (9) –

(i) in paragraph (b), after “(8)(b)” insert “or (c)”;

(ii) in paragraph (c), for “either” substitute “any”;

(iii) in that paragraph, after “2007” insert “or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021”;

(iv) in paragraph (d), for “either” substitute “any”;

(c) in subsection (10), after “2007” insert “or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or regulations are made under Part 7 of the Local Government and Elections (Wales) Act 2021,”.

(3) In section 4 (combined authorities under the Fire Services Act 1947 (c. 41)) –

(a) in subsection (6), for “must cause an inquiry to be held” substitute “ –

- (a) where the scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held, and
- (b) where the scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held if under the order—
  - (i) the scheme would be varied in a way which changes the combined area (and may cause an inquiry to be held if the scheme would be varied in any other way), or
  - (ii) the scheme would be revoked.”;
- (b) ym mharagraff (b) o is-adran (7), ar ôl “2007” mewnosoder “or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021”.
- (4) Yn adran 34(3) o Ddeddf 2013 (y weithdrefn ragadolygu: ymgygoreion gorfodol), ar ôl paragraff (b) mewnosoder—
  - “(ba) unrhyw awdurdod tân ac achub (a gyfansoddwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo) ar gyfer ardal yng Nghymru y gallai’r adolygiad effeithio arni,”.

#### 167 Perfformiad awdurdodau tân ac achub a’u llywodraethu

- (1) Mae Deddf Gwasanaethau Tân ac Achub 2004 (p. 21) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 21 (fframwaith cenedlaethol tân ac achub) mewnosoder—

##### “21A Fire and rescue authorities in Wales: performance and governance

- (1) The Welsh Ministers may by regulations—
  - (a) require a fire and rescue authority for an area in Wales to make a plan in relation to the exercise of the authority’s functions;
  - (b) impose requirements relating to such a plan.
- (2) The requirements which may be imposed under subsection (1)(b) include requirements about—
  - (a) a plan’s content;
  - (b) its preparation and revision;
  - (c) when it is to be made;
  - (d) the period to which it is to relate;
  - (e) its publication.
- (3) Requirements about a plan’s content include requirements to—
  - (a) set out an authority’s priorities and objectives;
  - (b) describe and explain the extent to which the plan reflects the Framework prepared by the Welsh Ministers under section 21;



- (a) where the scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held, and
- (b) where the scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held if under the order—
  - (i) the scheme would be varied in a way which changes the combined area (and may cause an inquiry to be held if the scheme would be varied in any other way), or
  - (ii) the scheme would be revoked.”;
- (b) in paragraph (b) of subsection (7), after “2007” insert “or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021”.
- (4) In section 34(3) of the 2013 Act (pre-review procedure: mandatory consultees), after paragraph (b) insert—
  - “(ba) any fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies) for an area in Wales which may be affected by the review,”.

## 167 Performance and governance of fire and rescue authorities

- (1) The Fire and Rescue Services Act 2004 (c. 21) is amended as follows.
- (2) After section 21 (fire and rescue national framework) insert—

### “21A Fire and rescue authorities in Wales: performance and governance

- (1) The Welsh Ministers may by regulations—
  - (a) require a fire and rescue authority for an area in Wales to make a plan in relation to the exercise of the authority’s functions;
  - (b) impose requirements relating to such a plan.
- (2) The requirements which may be imposed under subsection (1)(b) include requirements about—
  - (a) a plan’s content;
  - (b) its preparation and revision;
  - (c) when it is to be made;
  - (d) the period to which it is to relate;
  - (e) its publication.
- (3) Requirements about a plan’s content include requirements to—
  - (a) set out an authority’s priorities and objectives;
  - (b) describe and explain the extent to which the plan reflects the Framework prepared by the Welsh Ministers under section 21;

- (c) set out actions the authority intends to take in relation to its priorities and objectives;
  - (d) set out how the authority intends to assess its performance.
- (4) The Welsh Ministers may by regulations make provision (including imposing requirements on an authority) for the purposes of assessing or reporting on the performance of an authority.
- (5) Before making regulations under subsection (1) or (4) the Welsh Ministers –
- (a) must consult fire and rescue authorities for areas in Wales or persons who the Welsh Ministers consider represent those authorities;
  - (b) must consult persons who the Welsh Ministers consider represent employees of fire and rescue authorities for areas in Wales;
  - (c) may consult any other persons the Welsh Ministers consider appropriate.”
- (3) Yn adran 60(6) (y weithdrefn ar gyfer gorchmynion a rheoliadau), ar ôl paragraff (c) ac o flaen yr “or” sy’n dod ar ei ôl mewnosoder –
- “(ca) regulations made by the Welsh Ministers under section 21A(1) or (4),”.

**168 Awdurdodau tân ac achub: datgymhwyso Mesur 2009**

- (1) Ym Mesur 2009 hepgorer –
- (a) adran 1(c) (ystyr “awdurdod gwella Cymreig”);
  - (b) adran 4(3)(c) a (4)(b) (agweddau ar wella);
  - (c) adran 10 (pwerau dirprwyo);
  - (d) adran 11(1)(d) (ystyr “pwerau cydlafurio”);
  - (e) adran 16(2)(c) (ystyr “rheoleiddwyr perthnasol” a “swyddogaethau perthnasol”);
  - (f) yn adran 35 (dehongli Rhan 1), y diffiniad o “awdurdod tân ac achub Cymreig”;
  - (g) yn Atodlen 1 (mân ddiwygiadau a diwygiadau canlyniadol: Rhan 1) –
    - (i) paragraff 27;
    - (ii) paragraffau 32 a 33, a’r pennawd sy’n eu rhagflaenu.
- (2) Yn adran 93 o Ddeddf Llywodraeth Leol 2003 (p. 26) (pŵer i godi ffi am wasanaethau disgresiynol), yn is-adran (9) –
- (a) yn lle paragraff (aa) rhodder –
 

“(aa) a county council or county borough council in Wales;”;
  - (b) ar ôl paragraff (ab) mewnosoder –
 

“(ac) a National Park authority for a National Park in Wales;”.

- (c) set out actions the authority intends to take in relation to its priorities and objectives;
  - (d) set out how the authority intends to assess its performance.
- (4) The Welsh Ministers may by regulations make provision (including imposing requirements on an authority) for the purposes of assessing or reporting on the performance of an authority.
- (5) Before making regulations under subsection (1) or (4) the Welsh Ministers –
- (a) must consult fire and rescue authorities for areas in Wales or persons who the Welsh Ministers consider represent those authorities;
  - (b) must consult persons who the Welsh Ministers consider represent employees of fire and rescue authorities for areas in Wales;
  - (c) may consult any other persons the Welsh Ministers consider appropriate.”
- (3) In section 60(6) (procedure for orders and regulations), after paragraph (c) and before the “or” which follows it insert –
- “(ca) regulations made by the Welsh Ministers under section 21A(1) or (4),”.

## 168 Fire and rescue authorities: disapplication of the 2009 Measure

- (1) In the 2009 Measure omit –
- (a) section 1(c) (meaning of “Welsh improvement authority”);
  - (b) section 4(3)(c) and (4)(b) (aspects of improvement);
  - (c) section 10 (powers of delegation);
  - (d) section 11(1)(d) (meaning of “powers of collaboration”);
  - (e) section 16(2)(c) (meaning of “relevant regulators” and “relevant functions”);
  - (f) in section 35 (interpretation of Part 1), the definition of “Welsh fire and rescue authority”;
  - (g) in Schedule 1 (minor and consequential amendments: Part 1) –
    - (i) paragraph 27;
    - (ii) paragraphs 32 and 33, and the heading which precedes them.
- (2) In section 93 of the Local Government Act 2003 (c. 26) (power to charge for discretionary services), in subsection (9) –
- (a) for paragraph (aa) substitute –
 

“(aa) a county council or county borough council in Wales;”;
  - (b) after paragraph (ab) insert –
 

“(ac) a National Park authority for a National Park in Wales;”.

- (3) Yn adran 24 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21) (gwerth gorau), yn lle is-adrannau (3) i (5) rhodder –

“(3) This section does not apply to a fire and rescue authority in Wales.”.

*Awdurdodau Parciau Cenedlaethol*

**169 Awdurdodau Parciau Cenedlaethol: datgymhwyso Mesur 2009**

Ym Mesur 2009 hepgorer –

- (a) adran 1(b) (ystyr “awdurdod gwella Cymreig”);
- (b) adran 4(3)(b) a (4)(c) (agweddau ar wella);
- (c) adran 11(1)(e) (ystyr “pwerau cydlafurio”).

*Mesur Llywodraeth Leol (Cymru) 2009*

**170 Diddymu Mesur 2009**

- (1) Mae Mesur 2009 wedi ei ddiddymu.
- (2) O ganlyniad i is-adran (1), hepgorer y darpariaethau a ganlyn –
  - (a) ym Mesur 2011, adran 161;
  - (b) yn Neddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3) –
    - (i) adran 11(2);
    - (ii) yn Atodlen 4, baragraffau 83 i 88 (a’r croesbennawd sy’n dod o’u blaenau);
  - (c) yn Neddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2), yn Atodlen 4, baragraffau 20 i 23 (a’r croesbennawd sy’n dod o’u blaenau);
  - (d) yn Neddf Lleoliaeth 2011 (p. 20), yn y tabl yn Rhan 1 o Atodlen 25, y cofnod ar gyfer Mesur 2009;
  - (e) yn Neddf Dadreoleiddio 2015 (p. 20), adran 100(2)(h);
  - (f) yn y Ddeddf hon –
    - (i) adrannau 113, 168(1) a 169;
    - (ii) yn Atodlen 3, baragraff 4.

- (3) In section 24 of the Fire and Rescue Services Act 2004 (c. 21) (best value), for subsections (3) to (5) substitute –

“(3) This section does not apply to a fire and rescue authority in Wales.”.

*National Park authorities*

**169 National Park authorities: disapplication of the 2009 Measure**

In the 2009 Measure omit –

- (a) section 1(b) (meaning of “Welsh improvement authority”);
- (b) section 4(3)(b) and (4)(c) (aspects of improvement);
- (c) section 11(1)(e) (meaning of “powers of collaboration”).

*Local Government (Wales) Measure 2009*

**170 Repeal of the 2009 Measure**

- (1) The 2009 Measure is repealed.
- (2) In consequence of subsection (1), omit the following provisions –
  - (a) in the 2011 Measure, section 161;
  - (b) in the Public Audit (Wales) Act 2013 (anaw 3) –
    - (i) section 11(2);
    - (ii) in Schedule 4, paragraphs 83 to 88 (and the cross-heading which precedes them);
  - (c) in the Well-being of Future Generations (Wales) Act 2015 (anaw 2), in Schedule 4, paragraphs 20 to 23 (and the cross-heading which precedes them);
  - (d) in the Localism Act 2011 (c. 20), in the table in Part 1 of Schedule 25, the entry for the 2009 Measure;
  - (e) in the Deregulation Act 2015 (c. 20), section 100(2)(h);
  - (f) in this Act –
    - (i) sections 113, 168(1) and 169;
    - (ii) in Schedule 3, paragraph 4.

**RHAN 10****CYFFREDINOL****171 Dehongli**

(1) Yn y Ddeddf hon –

mae “aelod” (“*member*”) –

- (a) mewn perthynas â phrif gyngor, yn golygu cynghorydd i’r cyngor (sy’n cynnwys cynghorydd a etholwyd yn gadeirydd neu’n aelod llywyddol, neu a benodwyd yn is-gadeirydd neu’n ddirprwy aelod llywyddol), a
- (b) mewn perthynas â phrif gyngor sy’n gweithredu gweithrediaeth maer a chabinet, yn cynnwys maer etholedig y cyngor;

mae i “arweinydd gweithrediaeth” yr un ystyr ag a roddir i “executive leader” yn adran 11(3)(a) o Ddeddf 2000;

ystyr “awdurdod tân ac achub” (“*fire and rescue authority*”) yw awdurdod tân ac achub a gyfansoddwyd gan gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo;

ystyr “Deddf 1972” (“*1972 Act*”) yw Deddf Llywodraeth Leol 1972 (p. 70);

ystyr “Deddf 1983” (“*1983 Act*”) yw Deddf Cynrychiolaeth y Bobl 1983 (p. 2);

ystyr “Deddf 2000” (“*2000 Act*”) yw Deddf Llywodraeth Leol 2000 (p. 22);

ystyr “Deddf 2013” (“*2013 Act*”) yw Deddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4);

ystyr “deddfiad” (“*enactment*”) yw deddfiad pa bryd bynnag y’i deddfir neu y’i gwneir (gan gynnwys y Ddeddf hon);

ystyr “deddfwriaeth sylfaenol” (“*primary legislation*”) yw –

- (a) Mesur a basiwyd o dan Ran 3 o Ddeddf Llywodraeth Cymru 2006 (p. 32);
- (b) Deddf a basiwyd o dan Ran 4 o’r Ddeddf honno;
- (c) Deddf gan Senedd y Deyrnas Unedig;

ystyr “etholiad llywodraeth leol” (“*local government election*”) yw etholiad ar gyfer cynghorwyr dros unrhyw ward etholiadol neu ward gymunedol yng Nghymru neu, yn achos cymuned yng Nghymru lle nad oes unrhyw wardiau, y gymuned, y cynhelir yr etholiad ar gyfer cynghorwyr ar ei chyfer o dan Ddeddf 1972;

mae “gweithrediaeth” (“*executive*”) i’w dehongli yn unol ag adran 11 o Ddeddf 2000;

ystyr “gweithrediaeth arweinydd a chabinet” yw gweithrediaeth arweinydd a chabinet (Cymru) o fewn yr ystyr a roddir i “leader and cabinet executive (Wales)” yn adran 11(3) o Ddeddf 2000;

mae i “gweithrediaeth maer a chabinet” yr un ystyr ag a roddir i “mayor and cabinet executive” yn adran 11(2) o Ddeddf 2000;

**PART 10****GENERAL****171 Interpretation**

## (1) In this Act—

“1972 Act” (*“Deddf 1972”*) means the Local Government Act 1972 (c. 70);

“1983 Act” (*“Deddf 1983”*) means the Representation of the People Act 1983 (c. 2);

“2000 Act” (*“Deddf 2000”*) means the Local Government Act 2000 (c. 22);

“2009 Measure” (*“Mesur 2009”*) means the Local Government (Wales) Measure 2009 (nawm 2);

“2011 Measure” (*“Mesur 2011”*) means the Local Government (Wales) Measure 2011 (nawm 4);

“2013 Act” (*“Deddf 2013”*) means the Local Government (Democracy) (Wales) Act 2013 (anaw 4);

“elected mayor” (*“maer etholedig”*) has the same meaning as in section 39(1) of the 2000 Act;

“enactment” (*“deddfiad”*) means an enactment whenever enacted or made (including this Act);

“executive” (*“gweithrediaeth”*) is to be interpreted in accordance with section 11 of the 2000 Act;

“executive arrangements” (*“trefniadau gweithrediaeth”*) has the same meaning as in section 10 of the 2000 Act;

“executive leader” (*“arweinydd gweithrediaeth”*) has the same meaning as in section 11(3)(a) of the 2000 Act;

“fire and rescue authority” (*“awdurdod tân ac achub”*) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;

“leader and cabinet executive” (*“gweithrediaeth arweinydd a chabinet”*) means a leader and cabinet executive (Wales) within the meaning of section 11(3) of the 2000 Act;

mae i “maer etholedig” yr un ystyr ag a roddir i “elected mayor” yn adran 39(1) o Ddeddf 2000;

ystyr “Mesur 2009” (“2009 Measure”) yw Mesur Llywodraeth Leol (Cymru) 2009 (mccc 2);

ystyr “Mesur 2011” (“2011 Measure”) yw Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4);

ystyr “pobl leol” (“local people”), mewn perthynas â phrif gyngor, yw pobl sy’n byw, yn gweithio neu’n astudio yn ardal y cyngor;

ystyr “prif gyngor” (“principal council”) yw –

(a) y cyngor ar gyfer sir yng Nghymru;

(b) y cyngor ar gyfer bwrdeistref sirol (yng Nghymru);

mae i “trefniadau gweithrediaeth” yr un ystyr ag a roddir i “executive arrangements” yn adran 10 o Ddeddf 2000.

(2) Pan fo’r Ddeddf hon yn gosod dyletswydd i gyhoeddi hysbysiad neu ddogfen arall, rhaid i’r hysbysiad neu’r ddogfen arall gael ei gyhoeddi neu ei chyhoeddi –

(a) ar ffurf electronig, a

(b) mewn unrhyw fodd arall y mae’r person sy’n ddarostyngedig i’r ddyletswydd yn ystyried ei fod yn briodol,

ac mae’r ddyletswydd i gyhoeddi’r hysbysiad neu’r ddogfen arall ar ffurf electronig yn ddyletswydd, pan fo gan y person hwnnw ei wefan ei hun, i’w gyhoeddi neu i’w chyhoeddi ar y wefan honno.

## 172 Cyfarwyddydau

Mewn perthynas â chyfarwyddyd a roddir o dan y Ddeddf hon –

(a) rhaid iddo fod ar ffurf ysgrifenedig;

(b) rhaid cydymffurfio ag ef.

## 173 Pŵer i wneud darpariaeth ganlyniadol a throsiannol etc.

(1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu’n hwylus at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, o ganlyniad iddi, neu er mwyn rhoi effaith lawn iddi, cânt wneud y canlynol drwy reoliadau –

(a) darpariaeth atodol, gysylltiedig neu ganlyniadol;

(b) darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed.



“local government election” (“*etholiad llywodraeth leol*”) means the election of councillors for any electoral ward or community ward in Wales or, in the case of a community in Wales in which there are no wards, the community, for which the election of councillors is held under the 1972 Act;

“local people” (“*pobl leol*”), in relation to a principal council, means people who live, work or study in the council’s area;

“mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) has the same meaning as in section 11(2) of the 2000 Act;

“member” (“*aelod*”)—

- (a) in relation to a principal council, means a councillor of the council (which includes a councillor elected as chair or presiding member, or appointed as vice-chair or deputy presiding member), and
- (b) in relation to a principal council which is operating a mayor and cabinet executive, includes the elected mayor of the council;

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) a Measure passed under Part 3 of the Government of Wales Act 2006 (c. 32);
- (b) an Act passed under Part 4 of that Act;
- (c) an Act of Parliament;

“principal council” (“*prif gyngor*”) means—

- (a) the council for a county in Wales;
- (b) the council for a county borough (in Wales).

- (2) Where this Act imposes a duty to publish a notice or other document, the notice or other document must be published—
- (a) electronically, and
  - (b) in such other manner as the person subject to the duty considers appropriate,
- and the duty to publish the notice or other document electronically is, where the person has its own website, a duty to publish on that website.

## 172 Directions

A direction given under this Act—

- (a) must be in writing;
- (b) must be complied with.

## 173 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
- (a) supplementary, incidental or consequential provision;
  - (b) transitional, transitory or saving provision.

- (2) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, ddi-ddymu neu ddirymu unrhyw ddeddfiad.

**174 Rheoliadau o dan y Ddeddf hon**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol.
- (3) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarfodol neu ddarpariaeth arbed; ond nid yw'r is-adran hon yn gymwys i'r pwerau o dan—
- (a) adran 72, 74, 80 na 83 (cyd-bwyllgorau corfforedig; gweler adran 83 ynglŷn â hynny);
  - (b) adran 124, 131 na 147 (uno ac ailstrwythuro; gweler adran 147 ynglŷn â hynny).
- (4) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni fo drafft o'r offeryn wedi ei osod gerbron Senedd Cymru, ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (5) Mae is-adran (4) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan unrhyw un neu ragor o'r darpariaethau a ganlyn—
- (a) adran 28(1) neu (2), pan o'r rheoliadau'n diwygio, yn addasu, yn diddymu neu'n datgymhwyso deddfwriaeth sylfaenol, oni fo'r rheoliadau'n cael eu gwneud at ddiben a ddisgrifir yn is-adran (8) o'r adran honno yn unig;
  - (b) adran 28(3) neu (4), oni fo'r rheoliadau'n cael eu gwneud at ddiben a ddisgrifir yn is-adran (8) o'r adran honno yn unig;
  - (c) adran 35(1) neu (3) (cyngorau cymuned cymwys: gofynion cymhwysra);
  - (d) adran 46 (darllediadau electronig o gyfarfodydd);
  - (e) adran 47(8) (mynychu cyfarfodydd awdurdodau lleol);
  - (f) adran 50 (rheoliadau ynglŷn â chynnal cyfarfodydd awdurdodau lleol, hysbysiadau sy'n ymwneud â'r cyfarfodydd hynny, etc.);
  - (g) adran 60(1) (rhannu swydd: swyddi nad ydynt yn swyddi gweithrediaeth o fewn prif gynghorau);
  - (h) adran 72 (sefydlu cyd-bwyllgorau corfforedig y gwnaed cais amdanynt);
  - (i) adran 74 (sefydlu cyd-bwyllgorau corfforedig ac eithrio pan wnaed cais amdanynt);
  - (j) adran 80 (diwygio etc. reoliadau cyd-bwyllgor);
  - (k) adran 83 (cyd-bwyllgorau corfforedig: atodol etc.);
  - (l) adran 84(2) (diwygio deddfiadau at ddibenion etc. Rhan 5);
  - (m) adran 94 (asesiadau perfformiad gan baneli: rheoliadau atodol);
  - (n) adran 107(3) (datgymhwyso etc. ddeddfiadau mewn perthynas â swyddogaethau prif gyngor sy'n arferadwy gan Weinidogion Cymru etc.);

- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment.

**174 Regulations under this Act**

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes or areas.
- (3) A power to make regulations under this Act includes a power to make supplementary, incidental, consequential, transitional, transitory or saving provision; but this subsection does not apply to the powers under—
- (a) section 72, 74, 80 or 83 (corporate joint committees; as to which see section 83);
  - (b) section 124, 131 or 147 (mergers and restructuring; as to which see section 147).
- (4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru
- (5) Subsection (4) applies to a statutory instrument containing regulations under any of the following provisions—
- (a) section 28(1) or (2), where the regulations amend, modify, repeal or disapply primary legislation, unless the regulations are made only for a purpose described in subsection (8) of that section;
  - (b) section 28(3) or (4), unless the regulations are made only for a purpose described in subsection (8) of that section;
  - (c) section 35(1) or (3) (eligible community councils: eligibility requirements);
  - (d) section 46 (electronic broadcast of meetings);
  - (e) section 47(8) (attendance at local authority meetings);
  - (f) section 50 (regulations about conduct of local authority meetings, notices relating to such meetings, etc.);
  - (g) section 60(1) (job-sharing: non-executive offices in principal councils);
  - (h) section 72 (establishing requested corporate joint committees);
  - (i) section 74 (establishing corporate joint committees other than on request);
  - (j) section 80 (amendment etc. of joint committee regulations);
  - (k) section 83 (corporate joint committees: supplementary etc.);
  - (l) section 84(2)(amendment of enactments for purposes etc. of Part 5);
  - (m) section 94 (panel performance assessments: supplementary regulations);
  - (n) section 107(3) (disapplication etc. of enactments in relation to principal council functions exercisable by the Welsh Ministers etc.);

- (o) adran 110(1) neu (2) (diwygio etc. ddeddfiadau a rhoi pwerau newydd mewn perthynas â pherfformiad prif gynghorau a'u llywodraethu);
  - (p) adran 124 (rheoliadau uno);
  - (q) adran 131 (rheoliadau ailstrwythuro; ond gweler adran 148 am ddarpariaeth bellach ynglŷn â'r weithdrefn sy'n ymwneud ag offeryn statudol sy'n cynnwys rheoliadau ailstrwythuro);
  - (r) adran 147 (darpariaeth bellach mewn perthynas â rheoliadau uno a rheoliadau ailstrwythuro);
  - (s) adran 159(6) (diwygio tabl 2 er mwyn newid aelodaeth grŵp rhannu gwybodaeth a'u swyddogaethau penodedig);
  - (t) adran 173 (darpariaeth ganlyniadol etc.), pan fo'r rheoliadau yn diwygio, yn addasu neu'n diddymu deddfwriaeth sylfaenol (gan gynnwys y Ddeddf hon).
- (6) Mae offeryn statudol sy'n cynnwys rheoliadau o dan y Ddeddf hon ac nad yw is-adran (4) yn gymwys iddo yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru; ond nid yw'r is-adran hon yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan baragraff 9, 10 neu 11 o Atodlen 1 (adolygiadau cychwynnol) yn unig.
- (7) Yn is-adran (5), mae "deddfwriaeth sylfaenol" yn cynnwys darpariaeth mewn deddfwriaeth sylfaenol.

## 175 **Dod i rym**

- (1) Daw'r darpariaethau a ganlyn i rym ar y diwrnod ar ôl y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
- (a) adran 50;
  - (b) adran 51;
  - (c) paragraff 17(4) o Atodlen 4 (ac adran 49 i'r graddau y mae'n ymwneud â'r paragraff hwnnw);
  - (d) adran 61;
  - (e) Rhan 5;
  - (f) Rhan 7 (gan gynnwys Atodlen 1), yn ddarostyngedig i is-adran (2);
  - (g) adran 159, ac eithrio –
    - (i) is-adran (4)(b) ac (c);
    - (ii) yn nhabl 2 yn is-adran (5), y cofnod sy'n ymwneud â swyddogaethau Archwilydd Cyffredinol Cymru o dan Bennod 1 o Ran 6;
    - (iii) yn y tabl hwnnw, yn y cofnod sy'n ymwneud â swyddogaethau Gweinidogion Cymru o dan y Ddeddf hon, y geiriau o "Pennod 1" hyd "ardaloedd";
  - (h) adran 160;
  - (i) adran 166(2)(b)(iii) ac (c) a (3)(b);
  - (j) y Rhan hon;
  - (k) paragraff 2(2) o Atodlen 2;

- (o) section 110(1) or (2) (amendment etc. of enactments and conferral of new powers in relation to performance and governance of principal councils);
  - (p) section 124 (merger regulations);
  - (q) section 131 (restructuring regulations; but see section 148 for further provision about the procedure relating to a statutory instrument containing restructuring regulations);
  - (r) section 147 (further provision relating to merger regulations and restructuring regulations);
  - (s) section 159(6) (amendment of table 2 to change membership of information sharing group and their specified functions);
  - (t) section 173 (consequential etc. provision), where the regulations amend, modify or repeal primary legislation (including this Act).
- (6) A statutory instrument containing regulations under this Act and to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru; but this subsection does not apply to a statutory instrument containing only regulations under paragraph 9, 10 or 11 of Schedule 1 (initial reviews).
- (7) In subsection (5), “primary legislation” includes a provision of primary legislation.

## 175 **Coming into force**

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—
- (a) section 50;
  - (b) section 51;
  - (c) paragraph 17(4) of Schedule 4 (and section 49 in so far as it relates to that paragraph);
  - (d) section 61;
  - (e) Part 5;
  - (f) Part 7 (including Schedule 1), subject to subsection (2);
  - (g) section 159, other than—
    - (i) subsection (4)(b) and (c);
    - (ii) in table 2 in subsection (5), the entry relating to the Auditor General for Wales’ functions under Chapter 1 of Part 6;
    - (iii) in that table, in the entry relating to the Welsh Ministers’ functions under this Act, the words from “, Chapter 1” to “areas”;
  - (h) section 160;
  - (i) section 166(2)(b)(iii) and (c) and (3)(b);
  - (j) this Part;
  - (k) paragraph 2(2) of Schedule 2;

- (l) paragraff 16(3) o Atodlen 2.
- (2) Nid yw is-adran (1)(f) yn gymwys i'r darpariaethau a ganlyn yn Rhan 7 (sy'n dod i rym yn unol ag is-adran (6) neu (7) o'r adran hon) –
  - (a) Pennod 2;
  - (b) pob achos yn y Rhan, ac eithrio yn adran 147(3), pan fo'r termau a ganlyn yn digwydd –
    - (i) “neu reoliadau ailstrwythuro”, “a rheoliadau ailstrwythuro”, “neu reoliadau ailstrwythuro penodol” a “, rheoliadau ailstrwythuro”;
    - (ii) “neu gynghorau sy'n cael eu hailstrwythuro”, “neu gyngor sy'n cael ei ailstrwythuro”, “neu'r cyngor sy'n cael ei ailstrwythuro”, “neu'r cynghorau sy'n cael eu hailstrwythuro”, “a chynghorau sy'n cael eu hailstrwythuro”, a “neu gynghorau gwahanol sy'n cael eu hailstrwythuro”;
  - (c) yn adran 138 –
    - (i) is-adran (1)(b);
    - (ii) is-adran (3);
  - (d) yn adran 139 –
    - (i) is-adran (2);
    - (ii) yn is-adran (3), y geiriau “neu (2)”;
  - (e) yn adran 140 –
    - (i) yn is-adran (1)(a), y geiriau “i brif gyngor arall (“cyngor B”) neu”;
    - (ii) is-adran (2);
  - (f) yn adran 141 –
    - (i) yn is-adran (1)(a), y geiriau “i brif gyngor arall (“cyngor B”) neu”;
    - (ii) yn is-adran (2)(a) y geiriau “(gan gynnwys cyngor B)”;
    - (iii) yn is-adran (2)(c), y geiriau “os yw prif ardal newydd sy'n cynnwys y cyfan neu ran o ardal cyngor A i'w chyfansoddi,”;
    - (iv) is-adran (3);
  - (g) adran 145(7)(b);
  - (h) adran 148;
  - (i) yn adran 149 –
    - (i) y diffiniadau o “cais i ddiddymu”, “cyngor sydd o dan ystyriaeth” a “cyngor sy'n cael ei ailstrwythuro”;
    - (ii) yn y naill a'r llall o'r diffiniadau o “cyngor cysgodol” a “dyddiad trosglwyddo”, paragraff (b);
  - (j) adran 150(1)(a) a (b)(ii), (iv) a (v) a (2)(b) ac (c);
  - (k) yn Atodlen 1 –
    - (i) pob cyfeiriad at “11 neu”;
    - (ii) ym mharagraff 1(3), y geiriau “11(3) neu”;

- (1) paragraph 16(3) of Schedule 2.
- (2) Subsection (1)(f) does not apply to the following provisions in Part 7 (which come into force in accordance with subsection (6) or (7) of this section)—
  - (a) Chapter 2;
  - (b) each occurrence in the Part, other than in section 147(3), of the following terms—
    - (i) “or restructuring regulations”, “and restructuring regulations”, “or particular restructuring regulations” and “, restructuring regulations”;
    - (ii) “or restructuring councils”, “or restructuring council”, “or the restructuring councils” and “and restructuring councils”;
  - (c) in section 138—
    - (i) subsection (1)(b);
    - (ii) subsection (3);
  - (d) in section 139—
    - (i) subsection (2);
    - (ii) in subsection (3), the words “or (2)”;
  - (e) in section 140—
    - (i) in subsection (1)(a), the words “to another principal council (“council B”) or”;
    - (ii) subsection (2);
  - (f) in section 141—
    - (i) in subsection (1)(a), the words “to another principal council (“council B”) or”;
    - (ii) in subsection (2)(a), the words “(including council B)”;
    - (iii) in subsection (2)(c), the words “if a new principal area containing all or part of council A’s area is to be constituted,”;
    - (iv) subsection (3);
  - (g) section 145(7)(b);
  - (h) section 148;
  - (i) in section 149—
    - (i) the definitions of “abolition request”, “council under consideration” and “restructuring council”;
    - (ii) in each of the definitions of “shadow council” and “transfer date”, paragraph (b);
  - (j) section 150(1)(a) and (b)(ii), (iv) and (v) and (2)(b) and (c);
  - (k) in Schedule 1—
    - (i) each reference to “11 or”;
    - (ii) in paragraph 1(3), the words “11(3) or”;

- (iii) paragraffau 2(2), 6(2)(a) a 12(1)(a), (2) a (4)(a);
    - (iv) paragraff 2(4) a (5);
  - (l) yn Atodlen 11 –
    - (i) Rhan 2;
    - (ii) ym mharagraff 7(3)(a), y geiriau “neu yn rhinwedd paragraff 4”;
    - (iii) paragraff 7(3)(c);
  - (m) yn Atodlen 12 –
    - (i) ym mharagraff 1(1), y geiriau “neu ar ôl rhoi hysbysiad fel a ddisgrifir yn adran 129(6)”;
    - (ii) ym mharagraff 7(6), yn y diffiniad o “y dyddiad perthnasol”, paragraff (b).
- (3) Daw’r darpariaethau a ganlyn i rym ar ddiwedd y cyfnod o ddau fis sy’n dechrau â’r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
- (a) adran 1;
  - (b) adran 2(1) a (3) (yn ddarostyngedig i adran 3);
  - (c) adrannau 3 a 4;
  - (d) adrannau 13 i 17;
  - (e) adran 22 (yn ddarostyngedig i adran 3);
  - (f) adran 23 ac Atodlen 2 –
    - (i) ac eithrio paragraffau 1(3) i (5), 1(7), 1(9), 2(2), 2(9) a (10), 2(18)(b), 5, 13, 16(2) ac 16(3), a
    - (ii) yn ddarostyngedig i adran 3 mewn cysylltiad â pharagraffau 2(12), 8(3)(b), 15 a 19;
  - (g) adran 38;
  - (h) adran 53;
  - (i) adran 55;
  - (j) adran 60;
  - (k) adran 94;
  - (l) adran 152;
  - (m) adran 154;
  - (n) adran 155;
  - (o) adran 156;
  - (p) adran 158;
  - (q) adran 165 ac Atodlen 14;
  - (r) adran 166, ac eithrio is-adrannau (2)(b)(iii) ac (c) a (3)(b) (gweler is-adran (1) o’r adran hon ynglŷn â’r rhain);
  - (s) adran 167;
  - (t) adran 168(1)(g)(i) a (2).



- (iii) paragraphs 2(2), 6(2)(a) and 12(1)(a), (2) and (4)(a);
    - (iv) paragraph 2(4) and (5);
  - (l) in Schedule 11 –
    - (i) Part 2;
    - (ii) in paragraph 7(3)(a), the words “or by virtue of paragraph 4”;
    - (iii) paragraph 7(3)(c);
  - (m) in Schedule 12 –
    - (i) in paragraph 1(1), the words “or after giving notice as described in section 129(6)”;
    - (ii) in paragraph 7(6), in the definition of “the relevant date”, paragraph (b).
- (3) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent –
  - (a) section 1;
  - (b) section 2(1) and (3) (subject to section 3);
  - (c) sections 3 and 4;
  - (d) sections 13 to 17;
  - (e) section 22 (subject to section 3);
  - (f) section 23 and Schedule 2 –
    - (i) other than paragraphs 1(3) to (5), 1(7), 1(9), 2(2), 2(9) and (10), 2(18)(b), 5, 13, 16(2) and 16(3), and
    - (ii) subject to section 3 in respect of paragraphs 2(12), 8(3)(b), 15 and 19;
  - (g) section 38;
  - (h) section 53;
  - (i) section 55;
  - (j) section 60;
  - (k) section 94;
  - (l) section 152;
  - (m) section 154;
  - (n) section 155;
  - (o) section 156;
  - (p) section 158;
  - (q) section 165 and Schedule 14;
  - (r) section 166, other than subsections (2)(b)(iii) and (c) and (3)(b) (as to which see subsection (1) of this section);
  - (s) section 167;
  - (t) section 168(1)(g)(i) and (2).

- (4) Daw'r darpariaethau a ganlyn i rym ar 1 Ebrill 2021 –
  - (a) adran 151;
  - (b) adran 153;
  - (c) adran 157.
- (5) Daw adran 2(2) i rym ar 5 Mai 2022.
- (6) Daw'r darpariaethau a ganlyn i rym ar 6 Mai 2022 –
  - (a) adrannau 5 i 12;
  - (b) y darpariaethau yn Atodlen 1 a grybwyllir yn is-adran (2)(k)(i) i (iii) o'r adran hon;
  - (c) yn Atodlen 2, paragraffau 2(9), (10) a (18)(b).
- (7) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (8) Caiff gorchymyn o dan is-adran (7) –
  - (a) gwneud darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed;
  - (b) pennu dyddiau gwahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol.

**176 Enw byr**

Enw byr y Ddeddf hon yw Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.

- (4) The following provisions come into force on 1 April 2021 –
  - (a) section 151;
  - (b) section 153;
  - (c) section 157.
- (5) Section 2(2) comes into force on 5 May 2022.
- (6) The following provisions come into force on 6 May 2022 –
  - (a) sections 5 to 12;
  - (b) the provisions in Schedule 1 mentioned in subsection (2)(k)(i) to (iii) of this section;
  - (c) in Schedule 2, paragraphs 2(9), (10) and (18)(b).
- (7) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (8) An order under subsection (7) –
  - (a) may make transitional, transitory or saving provision;
  - (b) may appoint different days for different purposes or areas.

**176 Short title**

The short title of this Act is the Local Government and Elections (Wales) Act 2021.

## ATODLEN 1

*(a gyflwynir gan adrannau 11 a 138)*

## ADOLYGIADAU CYCHWYNNOL O DREFNIADAU ETHOLIADOL ETC.

*Adolygiadau cychwynnol*

- 1 (1) At ddibenion y Ddeddf hon, “adolygiad cychwynnol” yw adolygiad a gynhelir gan Gomisiwn Ffiniau a Democratiaeth Leol Cymru (“y Comisiwn”) at ddiben argymell trefniadau etholiadol ar gyfer yr ardal sy’n cael ei hadolygu.
- (2) Mewn adolygiad cychwynnol caiff y Comisiwn hefyd argymell newidiadau canlyniadol perthnasol.
- (3) Mae’r paragraff hwn yn ddarostyngedig i unrhyw beth a bennir, o dan adran 11(3) neu 138(3), yn y cyfarwyddyd sy’n ei gwneud yn ofynnol i’r Comisiwn gynnal adolygiad cychwynnol.

*“Ardal sy’n cael ei hadolygu”*

- 2 (1) Yn yr Atodlen hon, mae “ardal sy’n cael ei hadolygu” i’w dehongli yn unol â’r paragraff hwn.
- (2) Pan fo’r Comisiwn yn cael ei gyfarwyddo o dan adran 11 i gynnal adolygiad cychwynnol, yr ardal sy’n cael ei hadolygu yw ardal y prif gyngor sydd wedi arfer ei bŵer o dan adran 8 i newid y system bleidleisio sy’n gymwys i ethol ei gynghorwyr.
- (3) Pan fo’r Comisiwn, ar ôl i Weinidogion Cymru gael cais i uno, yn cael ei gyfarwyddo o dan adran 138 i gynnal adolygiad cychwynnol, yr ardal sy’n cael ei hadolygu yw’r brif ardal newydd sydd i’w chyfansoddi, neu a gyfansoddir, gan reoliadau uno.
- (4) Pan fo—
  - (a) ar ôl i Weinidogion Cymru hysbysu am eu cynigion fel a ddisgrifir yn adran 129(6), y Comisiwn yn cael ei gyfarwyddo o dan adran 138 i gynnal adolygiad cychwynnol, a
  - (b) cynnig i drosglwyddo rhan o’r brif ardal sydd i’w diddymu i brif ardal arall, neu y darperir ar gyfer hynny mewn rheoliadau ailstrwythuro,
 yr ardal sy’n cael ei hadolygu yw’r ardal a bennir yn y cyfarwyddyd o dan adran 138.
- (5) Pan fo—
  - (a) ar ôl i Weinidogion Cymru hysbysu am eu cynigion fel a ddisgrifir yn adran 129(6), y Comisiwn yn cael ei gyfarwyddo o dan adran 138 i gynnal adolygiad cychwynnol, a
  - (b) bwriad i gyfansoddi prif ardal newydd, neu y darperir ar gyfer hynny mewn rheoliadau ailstrwythuro,
 yr ardal sy’n cael ei hadolygu yw’r brif ardal newydd sydd i’w chyfansoddi gan reoliadau ailstrwythuro.

*Termau eraill a ddefnyddir yn yr Atodlen hon*

- 3 (1) Yn yr Atodlen hon—

SCHEDULE 1  
(introduced by sections 11 and 138)

INITIAL REVIEWS OF ELECTORAL ARRANGEMENTS ETC.

*Initial reviews*

- 1 (1) For the purposes of this Act, an “initial review” is a review conducted by the Local Democracy and Boundary Commission for Wales (“the Commission”) for the purpose of recommending electoral arrangements for the area under review.
- (2) In an initial review the Commission may also recommend relevant consequential changes.
- (3) This paragraph is subject to anything specified, under section 11(3) or 138(3), in the direction requiring the Commission to conduct an initial review.

*“Area under review”*

- 2 (1) In this Schedule, “area under review” is to be interpreted in accordance with this paragraph.
- (2) Where the Commission is directed under section 11 to conduct an initial review, the area under review is the area of the principal council that has exercised its power under section 8 to change the voting system that applies to the election of its councillors.
- (3) Where, after the Welsh Ministers receive a merger application, the Commission is directed under section 138 to conduct an initial review, the area under review is the new principal area that is to be, or is, constituted by merger regulations.
- (4) Where –
- (a) after the Welsh Ministers have given notice of their proposals as described in section 129(6), the Commission is directed under section 138 to conduct an initial review, and
- (b) the transfer of part of the principal area to be abolished to another principal area is proposed, or provided for in restructuring regulations,
- the area under review is the area specified in the direction under section 138.
- (5) Where –
- (a) after the Welsh Ministers have given notice of their proposals as described in section 129(6), the Commission is directed under section 138 to conduct an initial review, and
- (b) the constitution of a new principal area is proposed, or provided for in restructuring regulations,
- the area under review is the new principal area that is to be constituted by restructuring regulations.

*Other terms used in this Schedule*

- 3 (1) In this Schedule –

ystyr “newidiadau canlyniadol perthnasol” (“*relevant consequential changes*”), mewn perthynas ag ardal sy’n cael ei hadolygu, yw –

- (a) newidiadau yn ffiniau cymunedau yn yr ardal;
- (b) newidiadau i enw cymuned, neu’r cyngor ar gyfer cymuned, yr argymhellir newid i’w ffiniau;
- (c) newidiadau i’r trefniadau etholiadol ar gyfer cymuned yn yr ardal;

ystyr “trefniadau etholiadol” (“*electoral arrangements*”) yw –

- (a) mewn perthynas ag ardal sy’n cael ei hadolygu –
    - (i) nifer y cynghorwyr ar gyfer y prif gyngor yn yr ardal;
    - (ii) nifer, math a ffiniau’r wardiau etholiadol y rhennir yr ardal iddynt at ddiben ethol cynghorwyr i’r prif gyngor;
    - (iii) nifer y cynghorwyr sydd i’w hethol ar gyfer pob ward etholiadol;
    - (iv) enw pob ward etholiadol;
  - (b) mewn perthynas â chymuned mewn ardal sy’n cael ei hadolygu –
    - (i) nifer y cynghorwyr ar gyfer cyngor y gymuned;
    - (ii) ei rhaniad yn wardiau cymunedol at ddiben ethol cynghorwyr i gyngor y gymuned;
    - (iii) nifer, math a ffiniau unrhyw wardiau cymunedol;
    - (iv) nifer y cynghorwyr sydd i’w hethol ar gyfer unrhyw ward gymunedol;
    - (v) enw unrhyw ward gymunedol.
- (2) Yn is-baragraff (1), yn y diffiniad o “trefniadau etholiadol”, mae’r cyfeiriadau at y math o ward yn gyfeiriadau at ba un a yw’r ward yn ward un aelod neu’n ward amlaelod; ac at y diben hwn –
- ystyr “ward amlaelod” (“*multiple member ward*”) yw ward y mae nifer penodedig (mwy nag un) o gynghorwyr i’w hethol ar gyfer y ward;
- ystyr “ward un aelod” (“*single member ward*”) yw ward y mae un cynghorydd yn unig i’w ethol ar ei chyfer.
- (3) Mae adran 149 yn gwneud darpariaeth ynglŷn ag ystyron termau a ddefnyddir yn yr Atodlen hon.

#### Cyfarwyddydau a chanllawiau i’r Comisiwn

- 4 (1) Rhaid i gyfarwyddyd o dan adran 11 neu 138 bennu erbyn pa ddyddiad y mae rhaid i’r Comisiwn gyflwyno ei adroddiad terfynol i Weinidogion Cymru o dan baragraff 8(3)(a).
- (2) Caiff cyfarwyddyd o dan adran 11 neu 138 ei gwneud yn ofynnol i’r Comisiwn roi sylw i faterion penodol a bennir yn y cyfarwyddyd wrth gynnal yr adolygiad cychwynnol.
- (3) Caiff Gweinidogion Cymru roi cyfarwyddydau cyffredinol ynglŷn â chynnal adolygiadau cychwynnol, gan gynnwys –

“electoral arrangements” (“*trefniadau etholiadol*”) means –

- (a) in relation to an area under review –
  - (i) the number of councillors of the principal council for the area;
  - (ii) the number, type and boundaries of the electoral wards into which the area is divided for the purpose of the election of councillors of the principal council;
  - (iii) the number of councillors to be elected for each electoral ward;
  - (iv) the name of each electoral ward;
- (b) in relation to a community in an area under review –
  - (i) the number of councillors of a council for the community;
  - (ii) its division into community wards for the purpose of the election of councillors of a council for the community;
  - (iii) the number, type and boundaries of any community wards;
  - (iv) the number of councillors to be elected for any community ward;
  - (v) the name of any community ward;

“relevant consequential changes” (“*newidiadau canlyniadol perthnasol*”), in relation to an area under review, means –

- (a) changes in the boundaries of communities in the area;
- (b) changes to the name of a community, or the council for a community, for which a boundary change is recommended;
- (c) changes to the electoral arrangements for a community in the area.

- (2) In sub-paragraph (1), in the definition of “electoral arrangements” the references to the type of ward are to whether the ward is a single member ward or a multiple member ward; and for this purpose –

“multiple member ward” (“*ward amlaelod*”) means a ward in respect of which a specified number (greater than one) of councillors are to be elected for the ward;

“single member ward” (“*ward un aelod*”) means a ward in respect of which only one councillor is to be elected.

- (3) Section 149 makes provision about the meanings of terms used in this Schedule.

#### *Directions and guidance to Commission*

- 4 (1) A direction under section 11 or 138 must specify the date by which the Commission must submit its final report to the Welsh Ministers under paragraph 8(3)(a).
- (2) A direction under section 11 or 138 may require the Commission to have regard to particular matters specified in the direction when conducting the initial review.
- (3) The Welsh Ministers may give general directions about the conduct of initial reviews, including –

- (a) cyfarwyddydau ynglŷn ag ym mha drefn y mae gwahanol adolygiadau cychwynnol sy'n ofynnol gan gyfarwyddydau o dan adran 11 neu 138 i'w cynnal ac ynglŷn ag a yw gwahanol adolygiadau i'w cynnal ar yr un pryd, a
  - (b) cyfarwyddydau sy'n pennu materion y mae rhaid i'r Comisiwn roi sylw iddynt wrth gynnal adolygiadau cychwynnol.
- (4) Cyn rhoi cyfarwyddyd o dan is-baragraff (3) rhaid i Weinidogion Cymru ymgynghori ag—
- (a) y Comisiwn, a
  - (b) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (5) Caiff Gweinidogion Cymru gyfarwyddo'r Comisiwn i roi'r gorau i gynnal adolygiad cychwynnol, ac i beidio â chymryd unrhyw gamau pellach mewn perthynas â'r adolygiad.
- (6) Caiff Gweinidogion Cymru, ar ôl i'r Comisiwn gyhoeddi adroddiad interim o dan baragraff 7(2) mewn perthynas ag ardal sy'n cael ei hadolygu, gyfarwyddo'r Comisiwn o dan adran 11 neu 138 i gynnal adolygiad cychwynnol arall mewn perthynas â'r un ardal.
- (7) Rhaid i'r Comisiwn roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynglŷn â chynnal adolygiadau cychwynnol.

*Cynnal adolygiad cychwynnol*

- 5 (1) Rhaid i'r Comisiwn, wrth ystyried y trefniadau etholiadol ar gyfer ardal sy'n cael ei hadolygu—
- (a) ceisio sicrhau bod y gymhareb o etholwyr llywodraeth leol i nifer cynghorwyr y prif gyngor sydd i'w hethol ar gyfer yr ardal sy'n cael ei hadolygu yr un fath ym mhob ward etholiadol o ardal y cyngor, mor agos ag y gall fod, a
  - (b) rhoi sylw i—
    - (i) dymunoldeb pennu ffiniau ar gyfer wardiau etholiadol sy'n hawdd eu hadnabod ac y byddant yn parhau felly, a
    - (ii) dymunoldeb peidio â thorri'r cwlwm lleol wrth bennu ffiniau ar gyfer wardiau etholiadol.
- (2) At ddibenion is-baragraff (1)(a) rhaid ystyried—
- (a) unrhyw anghysondeb rhwng nifer yr etholwyr llywodraeth leol a nifer y personau sy'n gymwys i fod yn etholwyr llywodraeth leol (fel a welir mewn ystadegau swyddogol perthnasol), a
  - (b) unrhyw newid yn nifer neu ddisbarthiad etholwyr llywodraeth leol yn yr ardal sy'n cael ei hadolygu sy'n debygol o ddigwydd yn y cyfnod o bum mlynedd sy'n dechrau yn union ar ôl i argymhellion gael eu gwneud.
- (3) Caiff Gweinidogion Cymru, at ddibenion adolygiad cychwynnol, gyfarwyddo prif gyngor ar gyfer ardal sy'n cael ei hadolygu neu gyngor ar gyfer cymuned mewn ardal sy'n cael ei hadolygu i ddarparu i'r Comisiwn unrhyw wybodaeth y mae Gweinidogion Cymru yn ystyried ei bod yn briodol neu unrhyw ddogfennau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.



- (a) directions as to the order in which different initial reviews required by directions under section 11 or 138 are to be conducted and as to whether different reviews are to be conducted at the same time, and
  - (b) directions specifying matters to which the Commission must have regard in conducting initial reviews.
- (4) Before giving a direction under sub-paragraph (3), the Welsh Ministers must consult—
- (a) the Commission, and
  - (b) such other persons as the Welsh Ministers consider appropriate.
- (5) The Welsh Ministers may direct the Commission to stop conducting an initial review, and to take no further steps in relation to the review.
- (6) The Welsh Ministers may, after the publication by the Commission of an interim report under paragraph 7(2) in relation to an area under review, direct the Commission under section 11 or 138 to conduct another initial review in relation to the same area.
- (7) The Commission must have regard to any guidance issued by the Welsh Ministers about the conduct of initial reviews.

*Conduct of initial review*

- 5 (1) The Commission, in considering the electoral arrangements for an area under review, must—
- (a) seek to ensure that the ratio of local government electors to the number of councillors of the principal council to be elected for the area under review is, as nearly as may be, the same in every electoral ward of the area of the council, and
  - (b) have regard to—
    - (i) the desirability of setting boundaries for electoral wards which are and will remain easily identifiable, and
    - (ii) the desirability of not breaking local ties when setting boundaries for electoral wards.
- (2) For the purposes of sub-paragraph (1)(a) account is to be taken of—
- (a) any discrepancy between the number of local government electors and the number of persons who are eligible to be local government electors (as indicated by relevant official statistics), and
  - (b) any change in the number or distribution of local government electors in the area under review which is likely to take place in the period of five years beginning immediately after recommendations are made.
- (3) The Welsh Ministers may, for the purposes of an initial review, direct a principal council for an area under review or a council for a community in an area under review to provide the Commission with any information or documents which the Welsh Ministers consider appropriate.

## (4) Yn y paragraff hwn ac ym mharagraff 6—

ystyr “etholwr llywodraeth leol” (“*local government elector*”) yw person sydd wedi ei gofrestru’n etholwr llywodraeth leol yn y gofrestr etholwyr yn unol â darpariaethau Deddfau Cynrychiolaeth y Bobl;

ystyr “ystadegau swyddogol perthnasol” (“*relevant official statistics*”) yw’r ystadegau swyddogol o fewn yr ystyr a roddir i “official statistics” yn adran 6 o Ddeddf y Gwasanaeth Ystadegau a Chofrestru 2007 (p. 18) y mae’r Comisiwn yn ystyried eu bod yn briodol.

*Y weithdrefn ragadolygu*

## 6 (1) Cyn cynnal adolygiad cychwynnol, rhaid i’r Comisiwn gymryd y camau y mae’n ystyried eu bod yn briodol—

- (a) er mwyn gwneud yr ymgynghoriadau gorfodol, ac unrhyw bersonau eraill y mae’n ystyried ei bod yn debygol bod ganddynt fuddiant yn yr adolygiad, yn ymwybodol o’r cyfarwyddyd i gynnal yr adolygiad ac unrhyw gyfarwyddydau eraill a roddir gan Weinidogion Cymru sy’n berthnasol i’r adolygiad, a
- (b) i ymgynghori â’r ymgynghoriadau gorfodol ar y weithdrefn a’r fethodoleg a fwriedir ganddo ar gyfer yr adolygiad cychwynnol ac, yn benodol, ar sut y mae’n bwriadu penderfynu ar nifer priodol y cynghorwyr ar gyfer y prif gyngor yn yr ardal sy’n cael ei hadolygu.

## (2) Yn yr Atodlen hon, ystyr “yr ymgynghoriadau gorfodol” yw—

- (a) yn achos adolygiad cychwynnol a gynhelir yn unol â chyfarwyddyd o dan adran 11, prif gyngor yr ardal sy’n cael ei hadolygu;
- (b) yn achos adolygiad cychwynnol a gynhelir yn unol â chyfarwyddyd o dan adran 138, y cynghorau sy’n uno neu’r cynghorau sy’n cael eu hailstrwythuro;
- (c) y cynghorau ar gyfer y cymunedau presennol (os oes rhai) yn yr ardal sy’n cael ei hadolygu;
- (d) unrhyw bersonau eraill a bennir gan Weinidogion Cymru mewn cyfarwyddyd i gynnal adolygiad cychwynnol.

*Ymchwilio ac adrodd interim*

## 7 (1) Wrth gynnal adolygiad cychwynnol, rhaid i’r Comisiwn gynnal yr ymchwiliadau y mae’n ystyried eu bod yn briodol.

## (2) Ar ôl cynnal yr ymchwiliadau o dan is-baragraff (1), rhaid i’r Comisiwn wneud adroddiad interim sy’n cynnwys—

- (a) ei gynigion o ran y trefniadau etholiadol ar gyfer yr ardal sy’n cael ei hadolygu ac unrhyw gynigion ar gyfer newidiadau canlyniadol perthnasol, a
- (b) manylion yr adolygiad a gynhaliwyd ganddo.

## (3) Rhaid i’r Comisiwn—

- (a) anfon yr adroddiad at Weinidogion Cymru a’r ymgynghoriadau gorfodol,
- (b) cyhoeddi’r adroddiad,

(4) In this paragraph and paragraph 6 –

“local government elector” (“*etholwr llywodraeth leol*”) means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

“relevant official statistics” (“*ystadegau swyddogol perthnasol*”) means the official statistics within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c. 18) which the Commission considers appropriate.

#### *Pre-review procedure*

6 (1) Before conducting an initial review, the Commission must take the steps it considers appropriate –

- (a) to make the mandatory consultees, and any other persons it considers likely to be interested in the review, aware of the direction to conduct the review and any other directions given by the Welsh Ministers which are relevant to the review, and
- (b) to consult the mandatory consultees on its intended procedure and methodology for the initial review and, in particular, on how it proposes to determine the appropriate number of councillors of the principal council for the area under review.

(2) In this Schedule, “the mandatory consultees” means –

- (a) in the case of an initial review conducted in accordance with a direction under section 11, the principal council of the area under review;
- (b) in the case of an initial review conducted in accordance with a direction under section 138, the merging councils or the restructuring councils;
- (c) the councils for the existing communities (if any) in the area under review;
- (d) such other persons as are specified by the Welsh Ministers in a direction to conduct an initial review.

#### *Investigation and interim report*

7 (1) In conducting an initial review, the Commission must carry out the investigations it considers appropriate.

(2) After carrying out the investigations under sub-paragraph (1), the Commission must make an interim report containing –

- (a) its proposals for the electoral arrangements for the area under review and any proposals for relevant consequential changes, and
- (b) details of the review it conducted.

(3) The Commission must –

- (a) send the report to the Welsh Ministers and the mandatory consultees,
- (b) publish the report,

- (c) rhoi gwybod i unrhyw berson y mae'n ystyried ei fod yn briodol sut i gael gafael ar yr adroddiad,
  - (d) gwahodd sylwadau ar yr adroddiad, ac
  - (e) hysbysu Gweinidogion Cymru, yr ymgynghorwyr gorfodol ac unrhyw berson arall y mae'n ystyried ei fod yn briodol am y cyfnod ar gyfer sylwadau.
- (4) Pan anfonir adroddiad at brif gyngor o dan is-baragraff (3)(a), rhaid iddo –
- (a) cyhoeddi'r adroddiad,
  - (b) sicrhau bod yr adroddiad ar gael i edrych arno (yn ddi-dâl) yn ei swyddfeydd yn ystod y cyfnod ar gyfer sylwadau, ac
  - (c) cymryd y camau y mae'n ystyried eu bod yn angenrheidiol er mwyn gwneud yr etholwyr llywodraeth leol yn ei ardal yn ymwybodol o –
    - (i) yr adroddiad,
    - (ii) sut i gael gafael ar yr adroddiad, a
    - (iii) y cyfnod ar gyfer sylwadau.
- (5) At ddibenion is-baragraffau (3) a (4), ystyr "y cyfnod ar gyfer sylwadau" yw cyfnod nad yw'n llai na chwe wythnos, nac yn hwy na 12 wythnos (fel a bennir gan y Comisiwn) sy'n dechrau'n ddim cynharach nag un wythnos ar ôl rhoi hysbysiad am y cyfnod o dan is-baragraff (3)(e).

#### *Adroddiad terfynol*

- 8 (1) Ar ôl i'r cyfnod ar gyfer sylwadau o dan baragraff 7(3) ddod i ben, rhaid i'r Comisiwn ystyried ei gynigion gan roi sylw i unrhyw sylwadau a gafwyd ganddo yn ystod y cyfnod.
- (2) Yna rhaid i'r Comisiwn wneud adroddiad terfynol sy'n cynnwys –
- (a) ei argymhellion o ran y trefniadau etholiadol ar gyfer yr ardal sy'n cael ei hadolygu ac unrhyw argymhellion ar gyfer newidiadau canlyniadol perthnasol,
  - (b) manylion yr adolygiad a gynhaliwyd ganddo, ac
  - (c) manylion unrhyw newidiadau i'r cynigion yn yr adroddiad interim a wnaed yng ngoleuni'r sylwadau a gafwyd, ac esboniad paham y gwnaed y newidiadau hynny.
- (3) Rhaid i'r Comisiwn –
- (a) cyflwyno'r adroddiad terfynol i Weinidogion Cymru,
  - (b) anfon copi o'r adroddiad at yr ymgynghorwyr gorfodol eraill ac at unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol,
  - (c) cyhoeddi'r adroddiad, a
  - (d) rhoi gwybod i unrhyw berson arall a gyflwynodd dystiolaeth neu a wnaeth sylwadau mewn perthynas â'r adroddiad interim a gyhoeddwyd o dan baragraff 7, ac unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol, sut i gael gafael ar yr adroddiad.
- (4) Pan anfonir adroddiad terfynol at brif gyngor o dan is-baragraff (3)(b), rhaid iddo –

- (c) inform any person it considers appropriate of how to access the report,
  - (d) invite representations on the report, and
  - (e) notify the Welsh Ministers, the mandatory consultees and any other person it considers appropriate of the period for representations.
- (4) Where a principal council is sent a report under sub-paragraph (3)(a), it must—
- (a) publish the report,
  - (b) make the report available for inspection (without charge) at its offices during the period for representations, and
  - (c) take the steps it considers necessary to make the local government electors in its area aware of—
    - (i) the report,
    - (ii) how to access the report, and
    - (iii) the period for representations.
- (5) For the purposes of sub-paragraphs (3) and (4), “the period for representations” is a period of not less than six, nor more than 12, weeks (as determined by the Commission) beginning no earlier than one week after notice of the period is given under sub-paragraph (3)(e).

*Final report*

- 8 (1) After the period for representations under paragraph 7(3) has ended, the Commission must consider its proposals having regard to any representations received by it during the period.
- (2) The Commission must then make a final report containing—
- (a) its recommendations for the electoral arrangements for the area under review and any recommendations for relevant consequential changes,
  - (b) details of the review it conducted, and
  - (c) details of any changes to the proposals in the interim report made in the light of the representations received, and an explanation of why those changes have been made.
- (3) The Commission must—
- (a) submit the final report to the Welsh Ministers,
  - (b) send a copy of the report to the other mandatory consultees and such other persons as it considers appropriate,
  - (c) publish the report, and
  - (d) inform any other person who submitted evidence or made representations in relation to the interim report published under paragraph 7, and such other persons as it considers appropriate, of how to access the report.
- (4) Where a principal council is sent a final report under sub-paragraph (3)(b), it must—

- (a) cyhoeddi'r adroddiad terfynol,
  - (b) sicrhau bod yr adroddiad ar gael i edrych arno (yn ddi-dâl) yn ei swyddfeydd am chwe wythnos o leiaf ar ôl y dyddiad y cafodd y cyngor yr adroddiad, ac
  - (c) cymryd y camau y mae'n ystyried eu bod yn angenrheidiol er mwyn gwneud yr etholwyr llywodraeth leol yn ei ardal yn ymwybodol o'r adroddiad, a sut i gael gafael arno.
- (5) Nid yw adran 29(8) o Ddeddf 2013 (dim argymhellion i gael eu gwneud na'u cyhoeddi yn y naw mis cyn etholiad cyffredin) yn gymwys yn achos argymhelliad a gynhwysir mewn adroddiad terfynol o dan is-baragraff (2).

*Pŵer i wneud rheoliadau pan wneir argymhellion*

- 9 (1) Ar ôl iddynt gael adroddiad terfynol o dan baragraff 8 sy'n cynnwys argymhellion gan y Comisiwn mewn perthynas ag adolygiad cychwynnol, caiff Gweinidogion Cymru, drwy reoliadau –
- (a) gweithredu unrhyw argymhelliad a gynhwysir yn yr adroddiad, gydag addasiadau neu hebddynt;
  - (b) gwneud darpariaeth arall y maent yn ystyried ei bod yn briodol o ran y trefniadau etholiadol a'r newidiadau canlyniadol perthnasol ar gyfer yr ardal sy'n cael ei hadolygu.
- (2) Rhaid i Weinidogion Cymru, wrth iddynt ystyried y trefniadau etholiadol ar gyfer ardal sy'n cael ei hadolygu at ddiben gwneud rheoliadau o dan is-baragraff (1), wneud y pethau a nodir ym mharagraff 5(1)(a) a (b) (ac mae paragraff 5(2) a (4) yn gymwys yn unol â hynny).
- (3) Ni chaniateir gwneud unrhyw reoliadau o dan is-baragraff (1) nes bod y cyfnod o chwe wythnos sy'n dechrau â'r dyddiad y cyhoedda'r Comisiwn yr adroddiad o dan baragraff 8 wedi dod i ben.
- (4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Comisiwn ddarparu unrhyw wybodaeth bellach y maent yn ystyried ei bod yn briodol neu unrhyw ddogfennau pellach y maent yn ystyried eu bod yn briodol iddynt mewn perthynas ag argymhellion y Comisiwn.

*Pŵer i wneud rheoliadau pan na wneir unrhyw argymhellion*

- 10 (1) Os nad yw'r Comisiwn wedi cyflwyno adroddiad terfynol i Weinidogion Cymru o dan baragraff 8(3) erbyn y dyddiad a bennir yn y cyfarwyddyd sy'n ei gwneud yn ofynnol cynnal yr adolygiad cychwynnol, caiff Gweinidogion Cymru wneud rheoliadau o dan is-baragraff (2).
- (2) Caiff rheoliadau o dan yr is-baragraff hwn wneud y ddarpariaeth y mae Gweinidogion Cymru yn ystyried ei bod yn briodol o ran y trefniadau etholiadol ar gyfer yr ardal sy'n cael ei hadolygu ac unrhyw ddarpariaeth y maent yn ystyried ei bod yn briodol ar gyfer newidiadau canlyniadol perthnasol.

- (a) publish the final report,
  - (b) make the report available for inspection (without charge) at its offices for at least six weeks after the date on which it received the report, and
  - (c) take the steps it considers necessary to make the local government electors in its area aware of the report, and how to access the report.
- (5) Section 29(8) of the 2013 Act (no recommendations to be made or published in nine months before ordinary election) does not apply in the case of a recommendation contained in a final report under sub-paragraph (2).

*Power to make regulations where recommendations are made*

- 9 (1) After receiving a final report under paragraph 8 containing recommendations from the Commission in relation to an initial review, the Welsh Ministers may by regulations –
- (a) implement any recommendation contained in the report, with or without modifications;
  - (b) make other provision they consider appropriate for the electoral arrangements and for relevant consequential changes for the area under review.
- (2) The Welsh Ministers, in considering the electoral arrangements for an area under review for the purpose of making regulations under sub-paragraph (1), must do the things set out in paragraph 5(1)(a) and (b) (and paragraph 5(2) and (4) apply accordingly).
- (3) No regulations may be made under sub-paragraph (1) until the end of the period of six weeks beginning with the date on which the report under paragraph 8 is published by the Commission.
- (4) The Welsh Ministers may require the Commission to provide them with any further information or documents they consider appropriate in relation to the Commission's recommendations.

*Power to make regulations where no recommendations are made*

- 10 (1) If the Commission has not submitted a final report to the Welsh Ministers under paragraph 8(3) by the date specified in the direction requiring the initial review to be conducted, the Welsh Ministers may make regulations under sub-paragraph (2).
- (2) Regulations under this sub-paragraph may make the provision the Welsh Ministers consider appropriate for the electoral arrangements for the area under review and any provision they consider appropriate for relevant consequential changes.

- (3) Rhaid i Weinidogion Cymru, wrth iddynt ystyried y trefniadau etholiadol ar gyfer ardal sy'n cael ei hadolygu at ddiben gwneud rheoliadau o dan is-baragraff (2), wneud y pethau a nodir ym mharagraff 5(1)(a) a (b) (ac mae paragraff 5(2) a (4) yn gymwys yn unol â hynny).
- (4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Comisiwn ddarparu unrhyw wybodaeth y maent yn ystyried ei bod yn briodol neu unrhyw ddogfennau y maent yn ystyried eu bod yn briodol iddynt mewn perthynas ag unrhyw faterion sydd wedi dod i sylw'r Comisiwn o ganlyniad i—
  - (a) unrhyw gamau a gymerwyd o dan baragraff 6,
  - (b) unrhyw ymchwiliad o dan baragraff 7,
  - (c) llunio adroddiad o dan baragraff 7 neu 8, neu
  - (d) unrhyw beth arall a wnaed wrth gynnal yr adolygiad cychwynnol.

*Rheoliadau o dan baragraff 9 neu 10: atodol*

- 11 (1) Caiff Gweinidogion Cymru, at ddibenion gwneud rheoliadau o dan baragraff 9 neu 10 neu is-baragraff (3), gyfarwyddo prif gyngor ar gyfer ardal sy'n cael ei hadolygu neu gyngor ar gyfer cymuned mewn ardal sy'n cael ei hadolygu i ddarparu unrhyw wybodaeth i Weinidogion Cymru y mae Gweinidogion Cymru yn ystyried ei bod yn briodol neu i ddarparu unrhyw ddogfennau i Weinidogion Cymru y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.
- (2) Rhaid i Weinidogion Cymru, cyn diwedd y cyfnod o 7 niwrnod sy'n dechrau â'r diwrnod ar ôl y diwrnod y gwneir rheoliadau o dan baragraff 9 neu 10 neu is-baragraff (3), anfon copi o'r rheoliadau i—
  - (a) y Comisiwn,
  - (b) y prif gyngor neu'r prif gynghorau ar gyfer yr ardal sy'n cael ei hadolygu, ac
  - (c) y cynghorau cymuned ar gyfer cymunedau y mae newidiadau canlyniadol perthnasol wedi eu gwneud iddynt o dan y rheoliadau (os oes rhai).
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio neu ddirymu rheoliadau a wneir o dan baragraff 9 neu 10 (neu'r is-baragraff hwn).

*Adolygiadau dilynol gan y Comisiwn pan wneir rheoliadau o dan baragraff 9(1)(b) neu 10(2)*

- 12 (1) Pan fo Gweinidogion Cymru yn gwneud rheoliadau o dan baragraff 9(1)(b) neu 10(2) rhaid i'r Comisiwn—
  - (a) os yw'r rheoliadau yn deillio o gyfarwyddyd o dan adran 11 i gynnal adolygiad cychwynnol o brif ardal, gydymffurfio ag is-baragraff (2);
  - (b) os yw'r rheoliadau yn deillio o gyfarwyddyd o dan adran 138 i gynnal adolygiad cychwynnol o'r brif ardal gyfan neu ran ohoni, gydymffurfio ag is-baragraff (3).
- (2) Rhaid i'r Comisiwn gynnal adolygiad o dan adran 29(1) o Ddeddf 2013 o'r trefniadau etholiadol ar gyfer y brif ardal—
  - (a) cyn gynted â phosibl ar ôl diwrnod yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer yr ardal honno y cymhwysir y system bleidleisio newydd ynddi, a



- (3) The Welsh Ministers, in considering the electoral arrangements for an area under review for the purpose of making regulations under sub-paragraph (2), must do the things set out in paragraph 5(1)(a) and (b) (and paragraph 5(2) and (4) apply accordingly).
- (4) The Welsh Ministers may require the Commission to provide them with any information or documents they consider appropriate in relation to any matters which have come to the Commission's attention in consequence of –
  - (a) any steps taken under paragraph 6,
  - (b) any investigation under paragraph 7,
  - (c) the preparation of a report under paragraph 7 or 8, or
  - (d) anything else done in the conduct of the initial review.

*Regulations under paragraph 9 or 10: supplementary*

- 11 (1) The Welsh Ministers may, for the purposes of making regulations under paragraph 9 or 10 or sub-paragraph (3), direct a principal council for an area under review or a council for a community in an area under review to provide the Welsh Ministers with any information or documents which the Welsh Ministers consider appropriate.
- (2) The Welsh Ministers must, before the end of the period of 7 days beginning with the day after the day on which regulations under paragraph 9 or 10 or sub-paragraph (3) are made, send a copy of the regulations to –
  - (a) the Commission,
  - (b) the principal council or councils for the area under review, and
  - (c) the community councils for communities to which relevant consequential changes have been made under the regulations (if any).
- (3) The Welsh Ministers may by regulations amend or revoke regulations made under paragraph 9 or 10 (or this sub-paragraph).

*Subsequent reviews by the Commission where regulations are made under paragraph 9(1)(b) or 10(2)*

- 12 (1) Where the Welsh Ministers make regulations under paragraph 9(1)(b) or 10(2) the Commission must –
  - (a) if the regulations follow from a direction under section 11 to conduct an initial review of a principal area, comply with sub-paragraph (2);
  - (b) if the regulations follow from a direction under section 138 to conduct an initial review of all or part of a principal area, comply with sub-paragraph (3).
- (2) The Commission must conduct a review under section 29(1) of the 2013 Act of the electoral arrangements for the principal area –
  - (a) as soon as possible after the day of the first ordinary election of councillors to the principal council for that area in which the new voting system is applied, and

- (b) pa un bynnag, cyn diwrnod yr etholiad cyffredin nesaf.
- (3) Rhaid i'r Comisiwn gynnal adolygiad o dan adran 29(1) o Ddeddf 2013 o'r trefniadau etholiadol ar gyfer y brif ardal berthnasol –
  - (a) cyn gynted â phosibl ar ôl diwrnod yr etholiad cyffredin cyntaf ar gyfer cynghorwyr i'r prif gyngor ar gyfer yr ardal honno wedi i'r rheoliadau ddod i rym, a
  - (b) pa un bynnag, cyn diwrnod yr etholiad cyffredin nesaf.
- (4) Yn y paragraff hwn –
  - (a) yn is-baragraff (2), ystyr "y system bleidleisio newydd" yw'r system bleidleisio sy'n gymwys i ethol cynghorwyr i'r cyngor o ganlyniad i arfer y pŵer i newid y system bleidleisio o dan adran 8;
  - (b) yn is-baragraff (3), ystyr "y brif ardal berthnasol" yw'r brif ardal yr oedd hi, neu unrhyw ran ohoni, yr ardal sy'n cael ei hadolygu.

*Dirprwyo swyddogaethau gan y Comisiwn o dan yr Atodlen hon*

13 Yn adran 13(1) o Ddeddf 2013 –

- (a) ar ôl "Ran 3" mewnosoder "o'r Ddeddf hon";
- (b) ar ôl "neu ymchwiliadau lleol" mewnosoder ", neu Atodlen 1 i Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (swyddogaethau sy'n ymwneud ag adolygiadau cychwynnol),".

*Gorchmynion o dan Ran 3 o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (dccc 4)*

14 Yn adran 43 o Ddeddf 2013 (amrywio a dirymu gorchmynion), ar ôl is-adran (12) mewnosoder –

- "(12A) Caiff Gweinidogion Cymru, drwy orchymyn, amrywio neu ddirymu gorchymyn o dan yr adran hon neu adran 37, 38 neu 39 (ni waeth pa un a wnaethant hwy y gorchymyn ai peidio) o ganlyniad i reoliadau o dan baragraff 9 neu 10 o Atodlen 1 i Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021."

- (b) in any event, before the day of the next ordinary election.
- (3) The Commission must conduct a review under section 29(1) of the 2013 Act of the electoral arrangements for the relevant principal area –
  - (a) as soon as possible after the day of the first ordinary election of councillors to the principal council for that area following the coming into force of the regulations, and
  - (b) in any event, before the day of the next ordinary election.
- (4) In this paragraph –
  - (a) in sub-paragraph (2), “the new voting system” means the voting system that applies to the election of councillors of the council as a consequence of the exercise of the power to change the voting system under section 8;
  - (b) in sub-paragraph (3), “the relevant principal area” means the principal area which was, or any part of which was, the area under review.

*Delegation by the Commission of functions under this Schedule*

- 13 In section 13(1) of the 2013 Act –
- (a) after “Part 3” insert “of this Act”;
  - (b) after “or local inquiries)” insert “, or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews),”.

*Orders under Part 3 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4)*

- 14 In section 43 of the 2013 Act (variation and revocation of orders), after subsection (12) insert –
- “(12A) The Welsh Ministers may by order vary or revoke an order under this section or section 37, 38 or 39 (regardless of whether they made the order) in consequence of regulations under paragraph 9 or 10 of Schedule 1 to the Local Government and Elections (Wales) Act 2021.”

ATODLEN 2  
(a gyflwynir gan adran 23)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL MEWN PERTHYNAS Â  
RHAN 1: ETHOLIADAU

RHAN 1

DEDDFWRIAETH SYLFAENOL

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 1 (1) Mae Deddf 1972 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 25 (cyfnodau swyddi cynghorwyr a'u hymddeoliad) –
  - (a) yn is-adran (1) –
    - (i) yn lle “and Part 1” rhodder “, Part 1”;
    - (ii) ar ôl “1983” mewnosoder “, and Part 1 of the Local Government and Elections (Wales) Act 2021”;
  - (b) yn is-adran (2) –
    - (i) yn lle “divisions” rhodder “wards”;
    - (ii) ar ôl “2013 (anaw 4)” mewnosoder “, or by regulations under paragraph 9 or 10 of Schedule 1 to the Local Government and Elections (Wales) Act 2021”;
  - (c) yn is-adran (3) yn lle “division” rhodder “ward”.
- (3) Yn adran 80 (anghymhwysiad person rhag cael ei ethol a dal swydd fel aelod o awdurdod lleol) –
  - (a) yn is-adran (1), ar ôl “local authority”, yn y lle cyntaf y mae’n digwydd, mewnosoder “in England”;
  - (b) yn is-adran (2), ar ôl “paid officer of a local authority” mewnosoder “in England”;
  - (c) hepgorer is-adran (3B);
  - (d) yn y pennawd, yn lle “local authority” rhodder “a local authority in England”.
- (4) Yn adran 86(1)(b) (datganiad bod lle aelod awdurdod lleol yn wag), ar ôl “otherwise than under” mewnosoder “section 80A(1)(c) of this Act”.
- (5) Yn adran 87(1)(y dyddiad y mae seddau yn digwydd dod yn wag), ar ôl paragraff (d) mewnosoder –
 

“(da) in the case of disqualification of a member of a local authority in Wales under paragraph (c) of section 80A(1), on the date on which the person becomes disqualified under that paragraph;”.
- (6) Yn adran 89 (llenwi seddau sy’n digwydd dod yn wag yn achos cynghorwyr), yn is-adran (6), ar y diwedd, mewnosoder “in the case of a parish council or, in the case of a community council, made under section 36A of the 1983 Act”.
- (7) Yn adran 116 (ni chaniateir penodi aelodau o awdurdodau lleol yn swyddogion) –

SCHEDULE 2  
*(introduced by section 23)*

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 1: ELECTIONS

PART 1

PRIMARY LEGISLATION

*Local Government Act 1972 (c. 70)*

- 1 (1) The 1972 Act is amended as follows.
- (2) In section 25 (term of office and retirement of councillors) –
  - (a) in subsection (1) –
    - (i) for “and Part 1” substitute “, Part 1”;
    - (ii) after “1983” insert “, and Part 1 of the Local Government and Elections (Wales) Act 2021”;
  - (b) in subsection (2) –
    - (i) for “divisions” substitute “wards”;
    - (ii) after “2013 (anaw 4)” insert “, or by regulations under paragraph 9 or 10 of Schedule 1 to the Local Government and Elections (Wales) Act 2021”;
  - (c) in subsection (3) for “division” substitute “ward”.
- (3) In section 80 (disqualifications for election and holding office as member of local authority) –
  - (a) in subsection (1), after “local authority”, where it first occurs, insert “in England”;
  - (b) in subsection (2), after “paid officer of a local authority” insert “in England”;
  - (c) omit subsection (3B);
  - (d) in the heading, for “local authority” substitute “a local authority in England”.
- (4) In section 86(1)(b) (declaration of vacancy of local authority member), after “otherwise than under” insert “section 80A(1)(c) of this Act”.
- (5) In section 87(1)(date of casual vacancies), after paragraph (d) insert –
  - “(da) in the case of disqualification of a member of a local authority in Wales under paragraph (c) of section 80A(1), on the date on which the person becomes disqualified under that paragraph;”.
- (6) In section 89 (filling of casual vacancies in case of councillors), in subsection (6), at the end, insert “in the case of a parish council or, in the case of a community council, made under section 36A of the 1983 Act”.
- (7) In section 116 (members of local authorities not to be appointed as officers) –

- (a) ar ôl “local authority”, yn y ddau le y mae’n digwydd, mewnosoder “in England”;
  - (b) yn y pennawd ar ôl “local authorities” mewnosoder “in England”.
- (8) Yn Atodlen 12, ym mharagraff 34(5) (cynnal pleidleisiau o ganlyniad i gyfarfodydd cymunedol)—
- (a) yn lle “Secretary of State” rhodder “Welsh Ministers”;
  - (b) yn lle “section 36” rhodder “section 36A”.
- (9) Yn y Ddeddf hon, hepgorer paragraff 2 o Atodlen 6 (addasu adrannau 80 a 116 o Ddeddf 1972 mewn perthynas â chynorthwywyr i’r weithrediaeth).

*Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2)*

- 2 (1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 7B (preswylfa dybiannol: datganiadau o gysylltiad lleol)—
- (a) yn is-adran (2A) hepgorer paragraff (a);
  - (b) yn lle is-adran (2B) rhodder —
    - “(2B) The requirements are that the person—
    - (a) is under 18 years of age and is, or has been, a child who is looked after by a local authority, or
    - (b) is being kept in secure accommodation.”;
  - (c) hepgorer is-adran (2C);
  - (d) yn is-adran (2D), yn lle “for the purpose of restricting the liberty of persons under the age of 18” rhodder “in the United Kingdom provided for the purpose of lawfully restricting the liberty of persons under the age of 18, other than a penal institution within the meaning given in section 3(2)(b)”.
- (3) Yn adran 31(1A) (rhanbarthau a gorsafoddedd pleidleisio mewn etholiadau llywodraeth leol), yn lle “division” rhodder “ward”.
- (4) Yn adran 36 (etholiadau lleol yng Nghymru a Lloegr)—
- (a) yn y pennawd, hepgorer “and Wales”;
  - (b) hepgorer is-adran (3AB);
  - (c) yn is-adran (4)—
    - (i) ar ôl “principal area” mewnosoder “in England”;
    - (ii) hepgorer “a county borough”;
  - (d) hepgorer is-adran (5A);
  - (e) yn is-adran (6)—
    - (i) hepgorer “and Wales”;
    - (ii) hepgorer “or community”;
  - (f) yn is-adran (6A), hepgorer “and Wales”.
- (5) Ar ôl adran 36A (rheolau ar gyfer etholiadau lleol yng Nghymru) (fel a fewnosodir gan adran 13(3) o’r Ddeddf hon), mewnosoder —

- (a) after “local authority”, in both places where it occurs, insert “in England”;
  - (b) in the heading, after “local authorities” insert “in England”.
- (8) In Schedule 12, in paragraph 34(5)(polls consequent on community meetings) –
- (a) for “Secretary of State” substitute “Welsh Ministers”;
  - (b) for “section 36” substitute “section 36A”.
- (9) In this Act, omit paragraph 2 of Schedule 6 (modification of sections 80 and 116 of the 1972 Act relating to assistants to the executive).

*Representation of the People Act 1983 (c. 2)*

- 2 (1) The 1983 Act is amended as follows.
- (2) In section 7B (notional residence: declarations of local connection) –
- (a) in subsection (2A), omit paragraph (a);
  - (b) for subsection (2B), substitute –
    - “(2B) The requirements are that the person –
    - (a) is under 18 years of age and is, or has been, a child who is looked after by a local authority, or
    - (b) is being kept in secure accommodation.”;
  - (c) omit subsection (2C);
  - (d) in subsection (2D), for “for the purpose of restricting the liberty of persons under the age of 18” substitute “in the United Kingdom provided for the purpose of lawfully restricting the liberty of persons under the age of 18, other than a penal institution within the meaning given in section 3(2)(b)”.
- (3) In section 31(1A) (polling districts and stations at local government elections), for “division” substitute “ward”.
- (4) In section 36 (local elections in England and Wales) –
- (a) in the heading, omit “and Wales”;
  - (b) omit subsection (3AB);
  - (c) in subsection (4) –
    - (i) after “principal area” insert “in England”;
    - (ii) omit “a county borough”;
  - (d) omit subsection (5A);
  - (e) in subsection (6) –
    - (i) omit “and Wales”;
    - (ii) omit “or community”;
  - (f) in subsection (6A), omit “and Wales”.
- (5) After section 36A (rules for local elections in Wales) (as inserted by section 13(3) of this Act) insert –

**“36B Combination of local elections in Wales**

- (1) Where the polls at—
  - (a) the ordinary election of councillors of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
  - (b) the ordinary election of community councillors or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections must be taken together.

- (2) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.
- (3) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination must be apportioned equally among the elections.
- (4) The Welsh Ministers may by regulations make provision in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.
- (5) Before making regulations under this section the Welsh Ministers must consult such persons as they consider appropriate.
- (6) The requirement to consult imposed by subsection (5) may be satisfied by consultation undertaken before the coming into force of this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) Regulations must not be made under this section unless a draft of the regulations has been laid before and approved by a resolution of Senedd Cymru.

**36C Expenditure by returning officers at local elections in Wales**

- (1) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a county or county borough in Wales must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.



**“36B    Combination of local elections in Wales**

- (1) Where the polls at—
  - (a) the ordinary election of councillors of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
  - (b) the ordinary election of community councillors or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections must be taken together.

- (2) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.
- (3) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination must be apportioned equally among the elections.
- (4) The Welsh Ministers may by regulations make provision in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.
- (5) Before making regulations under this section the Welsh Ministers must consult such persons as they consider appropriate.
- (6) The requirement to consult imposed by subsection (5) may be satisfied by consultation undertaken before the coming into force of this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) Regulations must not be made under this section unless a draft of the regulations has been laid before and approved by a resolution of Senedd Cymru.

**36C    Expenditure by returning officers at local elections in Wales**

- (1) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a county or county borough in Wales must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

- (2) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred must be repaid to them by the community council.
- (3) Before a poll is taken at an election of a councillor for any local government area in Wales the council of that area or, in the case of an election of a community councillor, the council who appointed the returning officer must, at the request of the returning officer (including any person acting as returning officer), advance to the officer such reasonable sum in respect of the officer’s expenses at the election as the officer may require.”
- (6) Mae rheoliadau a wneir o dan adran 36(3C) o Ddeddf 1983 sydd mewn grym yn union cyn i adran 13(2) ddod i rym yn parhau i gael effaith, i’r graddau y maent yn gymwys i ethol cynghorwyr ar gyfer ardaloedd llywodraeth leol yng Nghymru, fel pe bai’r rheoliadau wedi eu gwneud o dan adran 36B(4) o’r Ddeddf honno (fel a fewnosdir gan is-baragraff (5)).
- (7) Yn adran 39 (etholiad i lenwi sedd wag pan fo etholiad lleol yn ddi-rym etc.) –
- (a) yn is-adran (5)(a), ar ôl “section 36” mewnosoder “or section 36A”;
  - (b) yn is-adran (6), ym mharagraffau (a)(i) a (b)(i), ar ôl “section 36” mewnosoder “or section 36A”.
- (8) Yn adran 40(3) (cyfrifo cyfnodau o amser ar gyfer etholiadau lleol), ar ôl “section 36” mewnosoder “or section 36A”.
- (9) Yn adran 46 (darpariaeth bellach o ran pleidleisio mewn etholiad lleol) –
- (a) yn is-adran (1), ar ôl “area”, yn y lle cyntaf y ma’e’n digwydd, mewnosoder “in England”;
  - (b) yn is-adran (2), ar ôl “election” mewnosoder “in England”;
  - (c) yn y pennawd, ar ôl “voting” mewnosoder “in England”.
- (10) Ar ôl adran 46 mewnosoder –

**“46A Further provision as to local election voting in Wales**

- (1) Subsection (2) applies to a local government election for an electoral area in Wales where a simple majority system applies.
- (2) An elector or person acting as proxy for an elector –
  - (a) may not give more than one vote for any one candidate;
  - (b) may not give more votes in all than the total number of councillors to be elected for the electoral ward.

- (2) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred must be repaid to them by the community council.
- (3) Before a poll is taken at an election of a councillor for any local government area in Wales the council of that area or, in the case of an election of a community councillor, the council who appointed the returning officer must, at the request of the returning officer (including any person acting as returning officer), advance to the officer such reasonable sum in respect of the officer’s expenses at the election as the officer may require.”
- (6) Regulations made under section 36(3C) of the 1983 Act that are in force immediately before the coming into force of section 13(2) continue in effect, so far as they apply to elections of councillors for local government areas in Wales, as if the regulations were made under section 36B(4) of that Act (as inserted by sub-paragraph (5)).
- (7) In section 39 (election to fill vacancy where local election void etc.) –
- (a) in subsection (5)(a), after “section 36” insert “or section 36A”;
  - (b) in subsection (6), in paragraphs (a)(i) and (b)(i), after “section 36” insert “or section 36A”.
- (8) In section 40(3) (computing periods of time for local elections), after “section 36” insert “or section 36A”.
- (9) In section 46 (further provision as to local election voting) –
- (a) in subsection (1), after “area”, where it first occurs, insert “in England”;
  - (b) in subsection (2), after “election” insert “in England”;
  - (c) in the heading, after “voting” insert “in England”.
- (10) After section 46 insert –

**“46A Further provision as to local election voting in Wales**

- (1) Subsection (2) applies to a local government election for an electoral area in Wales where a simple majority system applies.
- (2) An elector or person acting as proxy for an elector –
  - (a) may not give more than one vote for any one candidate;
  - (b) may not give more votes in all than the total number of councillors to be elected for the electoral ward.

- (3) Subsection (4) applies to an election for an electoral ward of a county council or county borough council in Wales where a single transferable vote system applies.
- (4) An elector or a person acting as proxy for an elector may not give more than one vote (whether as first preference or any subsequent preference) for any one candidate.
- (5) No person is subject to an incapacity to vote at a local government election in Wales by reason of the fact that the person is, or is acting as, the returning officer at that election."
- (11) Yn adran 48(1) (dilysrwydd etholiadau lleol), ar ôl "section 36" mewnosoder ", section 36A".
- (12) Yn adran 49(5)(b) (effaith cofrestrau), ar ôl is-baragraff (iv) mewnosoder –  
 "(v) in the case of a person registered as a local government elector in Wales or entered in the list of proxies by virtue of being a qualifying foreign citizen, a qualifying foreign citizen,".
- (13) Yn y darpariaethau a ganlyn, ar ôl "section 36" mewnosoder "or section 36A" –  
 (a) adran 90(1)(b) (treuliau etholiadol mewn etholiad ar gyfer cynghorwyr cymuned neu gynghorwyr plwyf);  
 (b) adran 94(2) (cardiau pleidleisio ffug mewn etholiadau lleol);  
 (c) adran 96(1) (hawolgaeth i ddefnyddio ystafelloedd ar gyfer cyfarfodydd etholiad lleol);  
 (d) adran 97(2)(b) (cythryflon mewn cyfarfodydd etholiad lleol).
- (14) Yn adran 99(1)(b) (ni chaiff swyddog neu glerc weithredu fel asiant i ymgeisydd), ar ôl "section 36" mewnosoder ", section 36A".
- (15) Yn adran 139(6) (treial deiseb etholiad: pleidleisiau cyfartal), yn y geiriau cyn paragraff (a), ac ym mharagraff (a), ar ôl "section 36" mewnosoder ", section 36A".
- (16) Yn adran 187(1) (cymhwyso'r Ddeddf i etholiadau cynghorau cymuned etc.) ar ôl "section 36" mewnosoder "or section 36A".
- (17) Yn adran 202(1) (darpariaethau dehongli cyffredinol), yn y diffiniad o "voter", ar ôl "section 36" mewnosoder ", 36A".
- (18) Yn adran 203(1) (darpariaethau llywodraeth leol o ran Cymru a Lloegr) –  
 (a) yn y diffiniad o "electoral area", yn lle paragraff (a) rhodder –  
 "(a) in England, any electoral division or ward or, in the case of a parish in which there are no wards, the parish, for which the election of councillors is held under the local government Act;  
 (aa) in Wales, any electoral ward of a county council or county borough council or community ward or, in the case of a community in which there are no wards, the community, for which the election of councillors is held under the local government Act;"

- (3) Subsection (4) applies to an election for an electoral ward of a county council or county borough council in Wales where a single transferable vote system applies.
  - (4) An elector or a person acting as proxy for an elector may not give more than one vote (whether as first preference or any subsequent preference) for any one candidate.
  - (5) No person is subject to an incapacity to vote at a local government election in Wales by reason of the fact that the person is, or is acting as, the returning officer at that election."
- (11) In section 48(1) (validity of local elections), after "section 36" insert ", section 36A".
- (12) In section 49(5)(b) (effect of registers), after sub-paragraph (iv) insert—
- “(v) in the case of a person registered as a local government elector in Wales or entered in the list of proxies by virtue of being a qualifying foreign citizen, a qualifying foreign citizen,”.
- (13) In the following provisions, after "section 36" insert "or section 36A" —
- (a) section 90(1)(b) (election expenses at election of community or parish councillors);
  - (b) section 94(2) (imitation poll cards at local elections);
  - (c) section 96(1) (entitlement to use rooms for local election meetings);
  - (d) section 97(2)(b) (disturbances at local election meetings).
- (14) In section 99(1)(b) (officer or clerk not to act as candidate’s agent), after "section 36" insert ", section 36A".
- (15) In section 139(6) (trial of election petition: equality of votes), in the words before paragraph (a), and in paragraph (a), after "section 36" insert ", section 36A".
- (16) In section 187(1) (application of Act to community council elections etc.) after "section 36" insert "or section 36A".
- (17) In section 202(1) (general interpretation provisions), in the definition of "voter" after "section 36" insert ", 36A".
- (18) In section 203(1) (local government provisions as to England and Wales)—
- (a) in the definition of "electoral area", for paragraph (a) substitute—
    - “(a) in England, any electoral division or ward or, in the case of a parish in which there are no wards, the parish, for which the election of councillors is held under the local government Act;
    - (aa) in Wales, any electoral ward of a county council or county borough council or community ward or, in the case of a community in which there are no wards, the community, for which the election of councillors is held under the local government Act;”;

(b) yn y lle priodol mewnosoder –

““simple majority system” has the meaning given by section 6(1) of the Local Government and Elections (Wales) Act 2021;

“single transferable vote system” has the meaning given by section 6(2) of the Local Government and Elections (Wales) Act 2021.”

*Deddf Cynrychiolaeth y Bobl 1985 (p. 50)*

3 Yn adran 15(2) o Ddeddf Cynrychiolaeth y Bobl 1985 (cyfuno cynnal pleidleisiau), ar ôl “section 36” rhodder “or section 36B”.

*Deddf Etholaethau Seneddol 1986 (p. 56)*

4 Yn rheol 9(3)(b) o Atodlen 2 i Ddeddf Etholaethau Seneddol 1986 (ystyr “local government boundaries”), yn lle “divisions” rhodder “wards”.

*Deddf Llywodraeth Leol a Thai 1989 (p. 42)*

5 Yn adran 12 o Ddeddf Llywodraeth Leol a Thai 1989 (gwrthdaro buddiannau mewn negodiadau staff), yn is-adran (2) ar ôl “section 80(1)(a)” mewnosoder “or section 80C(1)”.

*Deddf Llywodraeth Leol (Cymru) 1994 (p. 19)*

6 Ym mharagraff 68 o Atodlen 16 i Ddeddf Llywodraeth Leol (Cymru) 1994 (diwygiadau canlyniadol) –

(a) yn is-baragraff (8) hepgorer y geiriau o “and after that subsection insert –” hyd at y diwedd;

(b) hepgorer is-baragraff (9);

(c) yn is-baragraff (10) hepgorer y geiriau o “and after that subsection insert –” hyd at y diwedd.

*Deddf yr Amgylchedd 1995 (p. 25)*

7 Ym mharagraff 2(4) o Atodlen 7 i Ddeddf yr Amgylchedd 1995 (aelodau awdurdod lleol o awdurdodau Parciau Cenedlaethol), yn lle “divisions” rhodder “wards”.

*Deddf Cynrychiolaeth y Bobl 2000 (p. 2)*

8 (1) Mae Deddf Cynrychiolaeth y Bobl 2000 wedi ei diwygio fel a ganlyn.

(2) Yn adran 11 (diwygio gweithdrefnau yng ngoleuni cynlluniau treialu) –

(a) yn is-adran (6) –

(i) hepgorer “and Wales”;

(ii) ar ôl “made”, yr ail dro y mae’n digwydd, mewnosoder “in relation to local government elections in England”;

(b) ar ôl is-adran (6), mewnosoder –

(b) in the appropriate place, insert—

““simple majority system” has the meaning given by section 6(1) of the Local Government and Elections (Wales) Act 2021;

“single transferable vote system” has the meaning given by section 6(2) of the Local Government and Elections (Wales) Act 2021.”

*Representation of the People Act 1985 (c. 50)*

3 In section 15(2) of the Representation of the People Act 1985 (combination of polls), after “section 36” insert “or section 36B”.

*Parliamentary Constituencies Act 1986 (c. 56)*

4 In rule 9(3)(b) of Schedule 2 to the Parliamentary Constituencies Act 1986 (meaning of “local government boundaries”), for “divisions” substitute “wards”.

*Local Government and Housing Act 1989 (c. 42)*

5 In section 12 of the Local Government and Housing Act 1989 (conflict of interest in staff negotiations), in subsection (2) after “section 80(1)(a)” insert “or section 80C(1)”.

*Local Government (Wales) Act 1994 (c. 19)*

6 In paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994 (consequential amendments)—

- (a) in sub-paragraph (8) omit the words from “and after that subsection insert—” to the end;
- (b) omit sub-paragraph (9);
- (c) in sub-paragraph (10) omit the words from “and after that subsection insert—” to the end.

*Environment Act 1995 (c. 25)*

7 In paragraph 2(4) of Schedule 7 to the Environment Act 1995 (local authority members of National Park authorities), for “divisions” substitute “wards”.

*Representation of the People Act 2000 (c. 2)*

8 (1) The Representation of the People Act 2000 is amended as follows.

(2) In section 11 (revision of procedures in light of pilot schemes)—

- (a) in subsection (6)—
  - (i) omit “and Wales”;
  - (ii) after the second occurrence of “made” insert “in relation to local government elections in England”;
- (b) after subsection (6), insert—

“(6A) Rules made under section 36A of the 1983 Act (local elections rules in Wales) may make such provision as the Welsh Ministers consider appropriate in connection with any provision made by an order under subsection (1) in relation to local government elections in Wales.”

(3) Yn Atodlen 4 (pleidleisio absennol ym Mhrydain Fawr) –

(a) ym mharagraff 1(1), yn y diffiniad o “the appropriate rules”, ym mharagraff (b), ar ôl “section 36” mewnosoder “, section 36A”;

(b) ym mharagraff 6 –

(i) yn is-baragraff (5), ar ôl “election” mewnosoder “(other than a local government election in Wales)”;

(ii) ar ôl is-baragraff (5) mewnosoder –

“(5A) A person is not capable of voting as proxy at a local government election in Wales unless on the date of the election the person has attained the age of 16.”

*Deddf Llywodraeth Leol 2000 (p. 22)*

9 (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.

(2) Yn adran 85 (opsiynau ar gyfer etholiadau) –

(a) yn is-adran (1) ar ôl “Part” mewnosoder “as it applies in relation to a principal council for an area in England,”;

(b) yn yr is-adran honno, o flaen “a principal council” mewnosoder “such”;

(c) yn y pennawd, ar ôl “elections” mewnosoder “England”.

(3) Yn adran 86 (pŵer i bennu cynllun ar gyfer etholiadau), hepgorer is-adran (1).

*Deddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37)*

10 Ym mharagraff 4(3) o Atodlen 13 i Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (aelodau awdurdod lleol o fyrddau cadwraeth) yn lle “divisions” rhodder “wards”.

*Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41)*

11 Yn adran 7(2)(d) o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (gofyniad i ymgynghori â’r Comisiwn Etholiadol ar newidiadau i’r gyfraith etholiadol) hepgorer “and Wales”.

*Deddf Llywodraeth Cymru 2006 (p. 32)*

12 Yn adran 17E o Ddeddf Llywodraeth Cymru 2006 (eithriad rhag anghymhwysu cynghorwyr rhag bod yn Aelodau o’r Senedd), yn is-adran (4)(a), ar ôl “section 37ZA(1)” mewnosoder “or (1A)”.

*Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28)*

13 (1) Mae Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 wedi ei diwygio fel a ganlyn.



“(6A) Rules made under section 36A of the 1983 Act (local elections rules in Wales) may make such provision as the Welsh Ministers consider appropriate in connection with any provision made by an order under subsection (1) in relation to local government elections in Wales.”

(3) In Schedule 4 (absent voting in Great Britain) –

(a) in paragraph 1(1), in the definition of “the appropriate rules” in paragraph (b), after “section 36” insert “, section 36A”;

(b) in paragraph 6 –

(i) in sub-paragraph (5), after “election” insert “(other than a local government election in Wales)”;

(ii) after sub-paragraph (5) insert –

“(5A) A person is not capable of voting as proxy at a local government election in Wales unless on the date of the election the person has attained the age of 16.”

*Local Government Act 2000 (c. 22)*

9 (1) The 2000 Act is amended as follows.

(2) In section 85 (options for elections) –

(a) in subsection (1) after “Part” insert “as it applies in relation to a principal council for an area in England,”;

(b) in that subsection, before “a principal council” insert “such”;

(c) in the heading, after “elections” insert “England”.

(3) In section 86 (power to specify a scheme for elections), omit subsection (1).

*Countryside and Rights of Way Act 2000 (c. 37)*

10 In paragraph 4(3) of Schedule 13 to the Countryside and Rights of Way Act 2000 (local authority members of conservation boards) for “divisions” substitute “wards”.

*Political Parties, Elections and Referendums Act 2000 (c. 41)*

11 In section 7(2)(d) of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to electoral law) omit “and Wales”.

*Government of Wales Act 2006 (c. 32)*

12 In section 17E of the Government of Wales Act 2006 (exception from disqualification of councillors from being Members of the Senedd), in subsection (4)(a), after “section 37ZA(1)” insert “or (1A)”.

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

13 (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.

- (2) Yn adran 218 (diffinio termau penodol mewn deddfiadau) –
  - (a) yn is-adran (1), hepgorer paragraff (a);
  - (b) yn is-adran (2), hepgorer “the Local Government Act 1972 (c. 70).”
- (3) Yn Atodlen 14, ym mharagraff 2(3), hepgorer yr is-adran (3B) sydd i’w mewnosod yn adran 80 o Ddeddf 1972.

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 14 (1) Mae Mesur Llywodraeth Leol (Cymru) 2011 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 56(3)(a) (arfer swyddogaethau gan gynghorwyr), yn lle “adran” rhodder “ward”.
- (3) Yn adran 116(1)(b) (hysbysiadau cyhoeddus sy’n ymwneud â sedd wag ar gyngor cymuned sydd i’w llenwi drwy gyfethol), yn lle “adran 36(2)” rhodder “adran 36A”.

*Deddf Senedd ac Etholiadau (Cymru) 2020 (dccc 1)*

- 15 (1) Mae Deddf Senedd ac Etholiadau (Cymru) 2020 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 24 (diogelu gwybodaeth am bersonau o dan 16 oed) –
  - (a) yn is-adran (2), yn y diffiniad o “cofnod neu restr o bleidleiswyr absennol”, ar ôl paragraff (b) mewnosoder –
    - “(c) i’r graddau y mae’n ymwneud ag etholiadau llywodraeth leol, cofnod a gedwir o dan baragraff 3(4) neu 7(6) o Atodlen 4 i Ddeddf Cynrychiolaeth y Bobl 2000 (p. 2) (pleidleisio absennol);
    - (d) i’r graddau y mae’n ymwneud ag etholiadau llywodraeth leol, rhestr a gedwir o dan baragraff 5 neu 7(8) o’r Atodlen honno;”;
  - (b) ar ôl is-adran (2) mewnosoder –
    - “(3) Yn adrannau 25 a 26, ystyr “etholiad llywodraeth leol” yw –
      - (a) etholiad ar gyfer cynghorwyr dros unrhyw ward etholiadol neu ward gymunedol yng Nghymru neu, yn achos cymuned yng Nghymru lle nad oes unrhyw wardiau, y gymuned, y cynhelir yr etholiad ar gyfer cynghorwyr ar ei chyfer o dan Ddeddf Llywodraeth Leol 1972 (p. 70), neu
      - (b) etholiad i ethol maer etholedig (o fewn ystyr adran 39(1) o Ddeddf Llywodraeth Leol 2000 (p. 22)) ar gyfer awdurdod lleol yng Nghymru.”
- (3) Yn adran 25 (eithriadau i’r gwaharddiad ar ddatgelu) –
  - (a) yn is-adran (3), yn lle “32ZA(5) a (5A)” rhodder “32ZBD(9) a (9A)”;
  - (b) yn is-adran (5) –

- (2) In section 218 (definition of certain terms in enactments) –
  - (a) in subsection (1), omit paragraph (a);
  - (b) in subsection (2), omit “the Local Government Act 1972 (c. 70).”
- (3) In Schedule 14, in paragraph 2(3) omit the subsection (3B) to be inserted into section 80 of the 1972 Act.

*Local Government (Wales) Measure 2011 (nawm 4)*

- 14 (1) The Local Government (Wales) Measure 2011 is amended as follows.
- (2) In section 56(3)(a) (exercise of functions by councillors), for “division” substitute “ward”.
- (3) In section 116(1)(b) (public notices relating to community council vacancy to be filled by co-option), for “section 36(2)” substitute “section 36A”.

*Senedd and Elections (Wales) Act 2020 (anaw 1)*

- 15 (1) The Senedd and Elections (Wales) Act 2020 is amended as follows.
- (2) In section 24 (protection of information of persons aged under 16) –
  - (a) in subsection (2), in the definition of “absent voters record or list”, after paragraph (b) insert –
    - “(c) so far as relating to local government elections, a record kept under paragraph 3(4) or 7(6) of Schedule 4 to the Representation of the People Act 2000 (c. 2) (absent voting);
    - (d) so far as relating to local government elections, a list kept under paragraph 5 or 7(8) of that Schedule;”;
  - (b) after subsection (2) insert –
    - “(3) In sections 25 and 26, “local government election” means –
      - (a) an election of councillors for any electoral ward or community ward in Wales or, in the case of a community in Wales in which there are no wards, the community, for which the election of councillors is held under the Local Government Act 1972 (c. 70), or
      - (b) an election for the return of an elected mayor (within the meaning of section 39(1) of the Local Government Act 2000 (c. 22)) of a local authority in Wales.”
- (3) In section 25 (exceptions from prohibition on disclosure) –
  - (a) in subsection (3), for “32ZA(5) and (5A)” substitute “32ZBD(9) and (9A)”;
  - (b) in subsection (5) –

- (i) ym mharagraff (b), ar ôl “Senedd” mewnosoder “, i aelod o awdurdod lleol yng Nghymru, i faer etholedig ar gyfer awdurdod lleol yng Nghymru neu i ymgeiswyr mewn etholiadau llywodraeth leol”;
  - (ii) ym mharagraff (c), ar ôl “Senedd” mewnosoder “neu mewn etholiadau llywodraeth leol”;
  - (iii) yn lle paragraff (e) rhodder –
    - “(e) rheoliad 61 o reoliadau 2001 (cofnodion neu restrau pleidleiswyr absennol) i’r graddau y mae’n gymwys i etholiadau llywodraeth leol ac unrhyw ddeddfiad sy’n gwneud darpariaeth sy’n cyfateb i’r rheoliad hwnnw mewn perthynas ag etholiadau’r Senedd;”;
  - (iv) yn lle paragraff (f) rhodder –
    - “(f) rheoliad 98 o reoliadau 2001 (cyflenwi i swyddogion canlyniadau) i’r graddau y mae’n gymwys i swyddogion canlyniadau cynghorau cymuned a swyddogion canlyniadau ar gyfer unrhyw etholiadau’r Senedd ac unrhyw ddeddfiad sy’n gwneud darpariaeth sy’n cyfateb i reoliad 98(4) mewn perthynas ag etholiadau’r Senedd.”
- (4) Yn adran 26 (darpariaeth bellach ar gyfer eithriadau) –
- (a) yn is-adran (1), ar ôl “Senedd” mewnosoder “, etholiadau llywodraeth leol neu refferenda lleol”;
  - (b) ar ôl is-adran (4), mewnosoder –
    - “(5) Yn yr adran hon, ystyr “refferendwm lleol” yw refferendwm a gynhelir o dan –
      - (a) adran 27 o Ddeddf Llywodraeth Leol 2000 (p. 22) neu yn rhinwedd rheoliadau neu orchymyn a wnaed o dan Ran 2 o’r Ddeddf honno, neu
      - (b) adran 40 o Fesur Llywodraeth Leol (Cymru) 2011 (mccc 2).”

## RHAN 2

## IS-DDEDDFWRIAETH

*Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001 (O.S. 2001/341)*

- 16 (1) Mae Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001 wedi eu diwygio fel a ganlyn.
- (2) Yn rheoliad 32(1) ar ôl “(aza),” mewnosoder “(azaa),”.
  - (3) Yn rheoliad 42 –
    - (a) ym mharagraff (1), ar ôl “(3),” mewnosoder “(3A),”;
    - (b) ar ôl paragraff (3), mewnosoder –

- (i) in paragraph (b), after “Senedd” insert “, a member of a local authority in Wales, an elected mayor of a local authority in Wales or candidates at local government elections”;
  - (ii) in paragraph (c), after “elections” insert “or local government elections”;
  - (iii) for paragraph (e) substitute –
    - “(e) regulation 61 of the 2001 regulations (absent voters records or lists) so far as applying to local government elections and any enactment making provision equivalent to that regulation in relation to Senedd elections;”;
  - (iv) for paragraph (f), substitute –
    - “(f) regulation 98 of the 2001 regulations (supply to returning officers) so far as applying to returning officers of community councils and returning officers for any Senedd elections and any enactment making provision equivalent to regulation 98(4) in relation to Senedd elections.”
- (4) In section 26 (further provision for exceptions) –
- (a) in subsection (1), after “Senedd” insert “, local government elections or local referendums”;
  - (b) after subsection (4), insert –
    - “(5) In this section, “local referendum” means a referendum held under –
      - (a) section 27 of the Local Government Act 2000 (c. 22) or by virtue of regulations or an order made under Part 2 of that Act, or
      - (b) section 40 of the Local Government (Wales) Measure 2011 (nawm 2).”

## PART 2

### SUBORDINATE LEGISLATION

#### *Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)*

- 16 (1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.
- (2) In regulation 32(1) after “(aza),” insert “(azaa),”.
  - (3) In regulation 42 –
    - (a) in paragraph (1), after “(3),” insert “(3A),”;
    - (b) after paragraph (3), insert –

“(3A) To indicate that a qualifying foreign citizen is registered only in the register of local government electors in Wales, the letter “M” shall be placed against the person’s entry.”

- (4) Yn rheoliad 65(b) –
- (a) hepgorer “or (3AB)”;
  - (b) ar ôl “section 36” mewnosoder “or subsection (1) of section 36B”.

*Rheoliadau Cynrychiolaeth y Bobl (Cyfuno Cynnal Pleidleisiau) (Cymru a Lloegr) 2004 (O.S. 2004/294)*

- 17 (1) Mae Rheoliadau Cynrychiolaeth y Bobl (Cyfuno Cynnal Pleidleisiau) (Cymru a Lloegr) 2004 wedi eu diwygio fel a ganlyn.
- (2) Yn rheoliad 4(10), yn y diffiniad o “relevant enactment”, ym mharagraff (b) –
- (a) hepgorer “(3AB) or”;
  - (b) ar ôl “(3AC)” mewnosoder “, or section 36B(1)”.
- (3) Yn rheoliad 5(1) –
- (a) ym mharagraff (c), ar ôl “election” mewnosoder “in England,”;
  - (b) ar ôl paragraff (c), mewnosoder –
    - “(ca) at a local government election in Wales, by those rules in the rules made under section 36A of the 1983 Act which correspond to the rules specified in paragraph (2);”.
- (4) Yn rheoliad 6 –
- (a) ym mharagraff (1)(c) –
    - (i) ar ôl “section 36” mewnosoder “of the 1983 Act”;
    - (ii) hepgorer “and Wales”;
    - (iii) o flaen “of the 1983 ” mewnosoder “and subsections (1) to (3) of section 36C”;
    - (iv) ar ôl “Act” mewnosoder “(local elections in Wales)”;
  - (b) ym mharagraff (2) ar ôl “section 36(6)” mewnosoder “and section 36C(3)”;
  - (c) ym mharagraff (4) –
    - (i) hepgorer “, (3AB)”;
    - (ii) ar ôl “(3AC)” mewnosoder “or section 36B(1)”.

*Rheoliadau Ardaloedd Gwella Busnes (Cymru) 2005 (O.S. 2005/1312)*

- 18 Yn rheoliad 6(1) o Reoliadau Ardaloedd Gwella Busnes (Cymru) 2005 (trefnydd y bleidlais), yn lle’r geiriau o “a benodwyd” hyd at y diwedd, rhodder “sydd, yn rhinwedd adran 35(1A) o Ddeddf Cynrychiolaeth y Bobl 1983, yn swyddog canlyniadau ar gyfer etholiadau i’r awdurdod bilio perthnasol”.

“(3A) To indicate that a qualifying foreign citizen is registered only in the register of local government electors in Wales, the letter “M” shall be placed against the person’s entry.”

- (4) In regulation 65(b) –
- (a) omit “or (3AB)”;
  - (b) after “section 36” insert “or subsection (1) of section 36B”.

*Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294)*

17 (1) The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 are amended as follows.

- (2) In regulation 4(10), in the definition of “relevant enactment”, in paragraph (b) –
- (a) omit “(3AB) or”;
  - (b) after “(3AC)” insert “, or section 36B(1)”.
- (3) In regulation 5(1) –
- (a) in paragraph (c), after “election” insert “in England,”;
  - (b) after paragraph (c) insert –
    - “(ca) at a local government election in Wales, by those rules in the rules made under section 36A of the 1983 Act which correspond to the rules specified in paragraph (2);”.
- (4) In regulation 6 –
- (a) in paragraph (1)(c) –
    - (i) after “section 36” insert “of the 1983 Act”;
    - (ii) omit “and Wales”;
    - (iii) before “of the 1983 ” insert “and subsections (1) to (3) of section 36C”;
    - (iv) after “Act” insert “(local elections in Wales)”;
  - (b) in paragraph (2) after “section 36(6)” insert “and section 36C(3)”;
  - (c) in paragraph (4) –
    - (i) omit “, (3AB)”;
    - (ii) after “(3AC)” insert “or section 36B(1)”.

*Business Improvement Districts (Wales) Regulations 2005 (S.I. 2005/1312)*

18 In regulation 6(1) of the Business Improvement Districts (Wales) Regulations 2005 (ballot holder), for the words from “whom” to the end substitute “who, by virtue of section 35(1A) of the Representation of the People Act 1983, is the returning officer for elections to the relevant billing authority”.

*Rheolau Etholiadau Lleol (Prif Ardaloedd) (Cymru a Lloegr) 2006 (O.S. 2006/3304)*

- 19 (1) Mae Rheolau Etholiadau Lleol (Prif Ardaloedd) (Cymru a Lloegr) 2006 wedi eu diwygio fel a ganlyn.
- (2) Yn Atodlen 2, yn rheol 26 (cyfarpar a dogfennau sydd i'w darparu mewn gorsafoedd pleidleisio mewn etholiadau llywodraeth leol) –
- (a) ar ôl paragraff (4) mewnosoder –
- “(4A) In the case of an election of councillors of a principal area in Wales, the returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.
- (4B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
- (b) ym mharagraff (5)(a) –
- (i) ar y dechrau mewnosoder “in the case of an election of councillors of a principal area in England,”;
- (ii) hepgorer “and”;
- (c) ar ôl paragraff (5)(a) mewnosoder –
- “(aa) in the case of an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;
- (d) ar ôl paragraff (5) mewnosoder –
- “(5A) The sample copy of the ballot paper referred to in paragraph (4A) and (5)(aa) must be clearly marked as specimen and provided only for the guidance of voters.”
- (3) Yn Atodlen 3, yn rheol 26 (cyfarpar a dogfennau sydd i'w darparu mewn gorsafoedd pleidleisio mewn etholiad llywodraeth leol pan gyfunir cynnal pleidlais) –
- (a) ar ôl paragraff (5) mewnosoder –
- “(5A) In relation to an election of councillors of a principal area in Wales the returning officer must cause to be displayed inside each polling station an enlarged sample copy of the ballot paper.
- (5B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
- (b) ym mharagraff (6)(a) –
- (i) ar y dechrau, mewnosoder “In relation to an election of councillors of a principal area in England,”;
- (ii) ar y diwedd hepgorer “and”;
- (c) ar ôl paragraff (6)(a) mewnosoder –



*Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304)*

- 19 (1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.
- (2) In Schedule 2, in rule 26 (equipment and documents to be provided at polling stations in local government elections) –
- (a) after paragraph (4) insert –
- “(4A) In the case of an election of councillors of a principal area in Wales, the returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.
- (4B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
- (b) in paragraph (5)(a) –
- (i) at the beginning insert “in the case of an election of councillors of a principal area in England,”;
- (ii) omit “and”;
- (c) after paragraph (5)(a) insert –
- “(aa) in the case of an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;
- (d) after paragraph (5) insert –
- “(5A) The sample copy of the ballot paper referred to in paragraph (4A) and (5)(aa) must be clearly marked as specimen and provided only for the guidance of voters.”
- (3) In Schedule 3, in rule 26 (equipment and documents to be provided at polling stations in local government election where poll combined with other polls) –
- (a) after paragraph (5) insert –
- “(5A) In relation to an election of councillors of a principal area in Wales the returning officer must cause to be displayed inside each polling station an enlarged sample copy of the ballot paper.
- (5B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
- (b) in paragraph (6)(a) –
- (i) at the beginning insert “In relation to an election of councillors of a principal area in England,”;
- (ii) at the end omit “and”;
- (c) after paragraph (6)(a) insert –

“(aa) in relation to an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;

(d) ar ôl paragraff (6) mewnosoder –

“(6A) The sample copy of the ballot paper referred to in paragraph (5A) and (6)(aa) must be –

- (a) clearly marked as specimen and provided only for the guidance of voters, and
- (b) printed on the same colour paper as the ballot papers.”

“(aa) in relation to an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;

(d) after paragraph (6) insert –

“(6A) The sample copy of the ballot paper referred to in paragraph (5A) and (6)(aa) must be –

(a) clearly marked as specimen and provided only for the guidance of voters, and

(b) printed on the same colour paper as the ballot papers.”

## ATODLEN 3

*(a gyflwynir gan adrannau 29 a 37)*DIWYGIADAU MEWN PERTHYNAS Â RHAN 2: PŴER CYMHWYSEDD  
CYFFREDINOL

## RHAN 1

## DIWYGIADAU MEWN PERTHYNAS Â PHENNOD 1 O RAN 2: Y PŴER CYFFREDINOL

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 1 (1) Mae Rhan 1 o Ddeddf 2000 (hybu llesiant economaidd, cymdeithasol neu amgylcheddol etc.) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 2 (hybu llesiant) –
- (a) yn is-adran (1) –
- (i) yn lle “local authority in Wales are” rhodder “community council is”;
- (ii) yn lle “they consider” rhodder “it considers”;
- (iii) ym mharagraffau (a) i (c) yn lle “their” ym mhob lle y mae’n digwydd rhodder “its”;
- (b) yn is-adran (2), ym mharagraffau (a) a (b) yn lle “local authority’s” ym mhob lle y mae’n digwydd rhodder “community council’s”;
- (c) yn lle is-adrannau (3B) a (3C) rhodder –
- “(3B) In determining whether or how to exercise the power under subsection (1), a community council must have regard to the local well-being plan published under Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by the public services board that includes as a member the county council or county borough council in whose area lies the community or communities for which the community council is established.”;
- (d) yn is-adran (4), yn lle “local authority” rhodder “community council”;
- (e) yn is-adran (5) –
- (i) yn lle “local authority” rhodder “community council”;
- (ii) yn lle “their area if they consider” rhodder “its area if it considers”;
- (f) ym mhennawd adran 2, ar y diwedd mewnosoder “by community councils”.
- (3) Yn adran 3 (cyfyngiadau ar bŵer i hybu llesiant) –
- (a) yn is-adran (1) –
- (i) yn lle “local authority” rhodder “community council”;
- (ii) yn lle “they are” rhodder “it is”;
- (iii) yn lle “their” rhodder “its”;
- (b) yn is-adran (2), yn lle “local authority” rhodder “community council”;
- (c) yn is-adran (3), yn lle “local authorities” rhodder “community councils”;

SCHEDULE 3  
(introduced by sections 29 and 37)

AMENDMENTS RELATING TO PART 2: GENERAL POWER OF COMPETENCE

PART 1

AMENDMENTS RELATING TO CHAPTER 1 OF PART 2: THE GENERAL POWER

*Local Government Act 2000 (c. 22)*

- 1 (1) Part 1 of the 2000 Act (promotion of economic, social or environmental well-being etc.) is amended as follows.
- (2) In section 2 (promotion of well-being)–
- (a) in subsection (1)–
    - (i) for “local authority in Wales are” substitute “community council is”;
    - (ii) for “they consider” substitute “it considers”;
    - (iii) in paragraphs (a) to (c) for “their” in each place it occurs substitute “its”;
  - (b) in subsection (2), in paragraphs (a) and (b) for “local authority’s” in each place it occurs substitute “community council’s”;
  - (c) for subsections (3B) and (3C) substitute–
    - “(3B) In determining whether or how to exercise the power under subsection (1), a community council must have regard to the local well-being plan published under Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by the public services board that includes as a member the county council or county borough council in whose area lies the community or communities for which the community council is established.”;
  - (d) in subsection (4), for “local authority” substitute “community council”;
  - (e) in subsection (5)–
    - (i) for “local authority” substitute “community council”;
    - (ii) for “their area if they consider” substitute “its area if it considers”;
  - (f) in the heading of section 2, at the end insert “by community councils”.
- (3) In section 3 (limits on power to promote well-being)–
- (a) in subsection (1)–
    - (i) for “local authority” substitute “community council”;
    - (ii) for “they are” substitute “it is”;
    - (iii) for “their” substitute “its”;
  - (b) in subsection (2), for “local authority” substitute “community council”;
  - (c) in subsection (3), for “local authorities” substitute “community councils”;

- (d) yn is-adran (3A) –
    - (i) ym mharagraffau (a) a (b), yn lle “local authorities” ym mhob lle y mae’n digwydd rhodder “community councils”;
    - (ii) ym mharagraff (c), yn lle “local authority” rhodder “community council”;
  - (e) yn is-adran (4), yn lle “he considers” rhodder “they consider”;
  - (f) yn is-adran (4A), ym mharagraffau (a) a (b) yn lle “authority or to authorities” ym mhob lle y mae’n digwydd rhodder “community council or to community councils”;
  - (g) yn is-adran (5), yn lle “local authority” rhodder “community council”;
  - (h) yn is-adran (6), yn lle “he considers” rhodder “they consider”.
- (4) Hepgorer adran 5 (pŵer i ddiwygio neu ddiidymu deddfiadau).
- (5) Yn adran 7 (pŵer i addasu deddfiadau ynglŷn â chynlluniau etc.), yn is-adran (1) yn lle “subsections (4) and (6)” rhodder “subsection (4)”.
- (6) Yn y croesbennawd sy’n dod o flaen adran 9, yn lle’r geiriau ar ôl “under” rhodder “this Part”.
- (7) Yn adran 9A (y weithdrefn ar gyfer gorchmynion o dan adrannau 5 a 7) –
- (a) yn is-adran (1), hepgorer “5 or”;
  - (b) yn is-adran (2), hepgorer “5 or”;
  - (c) yn is-adran (3) –
    - (i) hepgorer “5 or”;
    - (ii) hepgorer “5(3A) or”;
  - (d) yn is-adrannau (5) i (7) a’r pennawd, hepgorer “5 or” ym mhob lle y mae’n digwydd.

*Deddf Llywodraeth Leol 2003 (p. 26)*

- 2 Yn Neddf Llywodraeth Leol 2003, yn adran 116 (cynnal pleidleisiau lleol) –
- (a) ym mharagraff (a)(ii), yn lle “services, or” rhodder “services.”;
  - (b) hepgorer paragraff (b).

*Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28)*

- 3 Yn adran 115 o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (gorchmynion o dan Ran 1 o Deddf 2000), hepgorer is-adrannau (3) a (4).

*Mesur Llywodraeth Leol (Cymru) 2009 (mccc 2)*

- 4 Ym Mesur 2009, yn Atodlen 2 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraffau 1 a 2 a’r croesbennawd sy’n dod o’u blaenau.

- (d) in subsection (3A) –
    - (i) in paragraphs (a) and (b), for “local authorities” in each place it occurs substitute “community councils”;
    - (ii) in paragraph (c), for “local authority” substitute “community council”;
  - (e) in subsection (4), for “he considers” substitute “they consider”;
  - (f) in subsection (4A), in paragraphs (a) and (b) for “authority or to authorities” in each place it occurs substitute “community council or to community councils”;
  - (g) in subsection (5), for “local authority” substitute “community council”;
  - (h) in subsection (6), for “he considers” substitute “they consider”.
- (4) Omit section 5 (power to amend or repeal enactments).
- (5) In section 7 (power to modify enactments concerning plans etc.), in subsection (1) for “subsections (4) and (6)” substitute “subsection (4)”.
- (6) In the cross-heading preceding section 9, for the words after “under” substitute “this Part”.
- (7) In section 9A (procedure for orders under sections 5 and 7) –
- (a) in subsection (1), omit “5 or”;
  - (b) in subsection (2), omit “5 or”;
  - (c) in subsection (3) –
    - (i) omit “5 or”;
    - (ii) omit “5(3A) or”;
  - (d) in subsections (5) to (7) and the heading, omit “5 or” in each place where it occurs.

*Local Government Act 2003 (c. 26)*

- 2 In the Local Government Act 2003, in section 116 (local polls) –
- (a) in paragraph (a)(ii), for “services, or” substitute “services.”;
  - (b) omit paragraph (b).

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

- 3 In section 115 of the Local Government and Public Involvement in Health Act 2007 (orders under Part 1 of the 2000 Act), omit subsections (3) and (4).

*Local Government (Wales) Measure 2009 (nawm 2)*

- 4 In the 2009 Measure, in Schedule 2 (minor and consequential amendments) omit paragraphs 1 and 2 and the cross-heading preceding them.

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 5 Yn Mesur 2011, hepgorer adran 126(2) a (3) (sy'n diwygio adrannau 2 a 5 o Ddeddf 2000).

*Deddf Lleoliaeth 2011 (p. 20)*

- 6 Yn Neddf Lleoliaeth 2011, yn Atodlen 1 (diwygiadau canlyniadol) hepgorer paragraff 3.

*Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)*

- 7 Yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, yn Atodlen 4 (byrddau gwasanaethau cyhoeddus: diwygiadau canlyniadol a diddymu) hepgorer paragraffau 3 a 4.

*Y Ddeddf hon*

- 8 Yn Atodlen 14 i'r Ddeddf hon, hepgorer paragraff 2.

## RHAN 2

## DIWYGIADAU MEWN PERTHYNAS Â PHENNOD 2 O RAN 2: CYNGHORAU CYMUNED CYMWYS

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 9 Yn Neddf 1972, yn adran 137(9) (pŵer awdurdodau lleol i fynd i wariant at ddibenion penodol nad ydynt wedi eu hawdurdodi fel arall), ym mharagraff (b) ar ôl "community council" mewnosoder "which is not an eligible community council for the purposes of Part 2 of the Local Government and Elections (Wales) Act 2021 (general power of competence)".

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 10 Yn Neddf 2000, hepgorer adrannau 2 a 3 (pŵer cyngorau cymuned i hybu llesiant).

*Deddf Cenedligrwydd, Mewnfudo a Lloches 2002 (p. 41)*

- 11 (1) Mae Deddf Cenedligrwydd, Mewnfudo a Lloches 2002 wedi ei diwygio fel a ganlyn.  
 (2) Yn adran 55 (hawliadau hwyr: gwrthod rhoi cymorth), yn is-adran (4) hepgorer paragraff (c) (ond nid yr "and" sy'n ei ddilyn).  
 (3) Yn Atodlen 3 (cadw cymorth yn ôl a'i dynnu'n ôl), ym mharagraff 1(1) hepgorer paragraff (k).

*Deddf Llywodraeth Leol 2003 (p. 26)*

- 12 (1) Mae Deddf Llywodraeth Leol 2003 wedi ei diwygio fel a ganlyn.  
 (2) Yn adran 93 (pŵer i godi ffi am wasanaethau disgrisiynol), yn is-adran (7) hepgorer paragraff (c).  
 (3) Yn Atodlen 3 (diwygio pwerau penodol), hepgorer paragraff 12.



*Local Government (Wales) Measure 2011 (nawm 4)*

- 5 In the 2011 Measure, omit section 126(2) and (3) (which amend sections 2 and 5 of the 2000 Act).

*Localism Act 2011 (c. 20)*

- 6 In the Localism Act 2011, in Schedule 1 (consequential amendments) omit paragraph 3.

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 7 In the Well-being of Future Generations (Wales) Act 2015, in Schedule 4 (public services boards: consequential amendments and repeals) omit paragraphs 3 and 4.

*This Act*

- 8 In Schedule 14 to this Act, omit paragraph 2.

PART 2

AMENDMENTS RELATING TO CHAPTER 2 OF PART 2: ELIGIBLE COMMUNITY COUNCILS

*Local Government Act 1972 (c. 70)*

- 9 In the 1972 Act, in section 137(9) (power of local authorities to incur expenditure for certain purposes not otherwise authorised), in paragraph (b) after “community council” insert “which is not an eligible community council for the purposes of Part 2 of the Local Government and Elections (Wales) Act 2021 (general power of competence)”.

*Local Government Act 2000 (c. 22)*

- 10 In the 2000 Act, omit sections 2 and 3 (community councils’ power to promote well-being).

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 11 (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.  
(2) In section 55 (late claims: refusal of support), in subsection (4) omit paragraph (c) (but not the “and” which follows it).  
(3) In Schedule 3 (withholding and withdrawal of support), in paragraph 1(1) omit paragraph (k).

*Local Government Act 2003 (c. 26)*

- 12 (1) The Local Government Act 2003 is amended as follows.  
(2) In section 93 (power to charge for discretionary services), in subsection (7) omit paragraph (c).  
(3) In Schedule 3 (amendment of certain powers), omit paragraph 12.

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 13 (1) Mae Mesur 2011 wedi ei ddiwygio fel a ganlyn.
- (2) Hepgorer adran 127 (deddfiadau sy'n atal cyngor cymuned rhag arfer ei bŵer llesiant).
  - (3) Hepgorer Pennod 9 o Ran 7 (achredu ansawdd mewn llywodraeth gymunedol).
  - (4) Yn adran 172 (gorchmynion a rheoliadau) –
    - (a) yn is-adran (2)(a), hepgorer “neu 140”;
    - (b) yn is-adran (2)(b) hepgorer “127 neu”.
  - (5) Hepgorer adran 173 (y weithdrefn sy'n gymwys i orchmynion penodol o dan adran 127).

*Deddf Lleoliaeth 2011 (p. 20)*

- 14 Yn Neddf Lleoliaeth 2011, yn Atodlen 1 (diwygiadau canlyniadol) hepgorer paragraffau 2 a 4 a'r croesbennawd sy'n dod o flaen paragraff 2.

*Y Ddeddf hon*

- 15 Yn Rhan 1 o'r Atodlen hon, ym mharagraff 1 hepgorer is-baragraffau (2) a (3).

*Local Government (Wales) Measure 2011 (nawm 4)*

- 13 (1) The 2011 Measure is amended as follows.
- (2) Omit section 127 (enactments preventing a community council from exercising its well-being power).
  - (3) Omit Chapter 9 of Part 7 (quality accreditation in community government).
  - (4) In section 172 (orders and regulations) –
    - (a) in subsection (2)(a), omit “or 140”;
    - (b) in subsection (2)(b) omit “127 or”.
  - (5) Omit section 173 (procedure applicable to certain orders under section 127).

*Localism Act 2011 (c. 20)*

- 14 In the Localism Act 2011, in Schedule 1 (consequential amendments) omit paragraphs 2 and 4 and the cross-heading preceding paragraph 2.

*This Act*

- 15 In Part 1 of this Schedule, in paragraph 1 omit sub-paragraphs (2) and (3).

## ATODLEN 4

*(a gyflwynir gan adrannau 47 a 49)*HYSBYSIAD AM GYFARFODYDD AWDURDODAU LLEOL, MYNEDIAD AT  
DDOGFENNAU A MYNYCHU CYFARFODYDD

## RHAN 1

## HYSBYSIAD AM GYFARFODYDD AWDURDODAU LLEOL A MYNEDIAD AT DDOGFENNAU

*Hysbysiadau am gyfarfodydd awdurdodau lleol*

- 1 Yn adran 100A o Ddeddf 1972 (mynediad at gyfarfodydd prif gynghorau) –
- (a) yn is-adran (6) –
    - (i) ym mharagraff (a), ar y dechrau mewnosoder “in relation to a principal council in England,”;
    - (ii) ar ôl paragraff (a) mewnosoder –
      - “(aa) in relation to a principal council in Wales, public notice of the meeting must be given –
        - (i) in accordance with subsection (6A), and
        - (ii) by publishing the notice electronically,
 at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;”;
  - (b) ar ôl is-adran (6) mewnosoder –
    - “(6A) The notice given under subsection (6)(aa) must –
      - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
      - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
      - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
      - (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.”
- 2 Yn adran 100K o Ddeddf 1972 (dehongli a chymhwyso Rhan 5A), yn is-adran (3) ar ôl “sections 100A(6)(a)” mewnosoder “and (aa)”.

SCHEDULE 4  
(introduced by sections 47 and 49)

NOTICE OF LOCAL AUTHORITY MEETINGS, ACCESS TO DOCUMENTS AND ATTENDANCE AT MEETINGS

PART 1

NOTICE OF LOCAL AUTHORITY MEETINGS AND ACCESS TO DOCUMENTS

*Notices of local authority meetings*

- 1 In section 100A of the 1972 Act (admission to meetings of principal councils)—
  - (a) in subsection (6)—
    - (i) in paragraph (a), at the beginning insert “in relation to a principal council in England,”;
    - (ii) after paragraph (a) insert—
      - “(aa) in relation to a principal council in Wales, public notice of the meeting must be given—
        - (i) in accordance with subsection (6A), and
        - (ii) by publishing the notice electronically,at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;”;
  - (b) after subsection (6) insert—
    - “(6A) The notice given under subsection (6)(aa) must—
      - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
      - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
      - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
      - (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.”
- 2 In section 100K of the 1972 Act (interpretation and application of Part 5A), in subsection (3) after “sections 100A(6)(a)” insert “and (aa)”.

- 3 Ym mharagraff 4 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd prif gynghorau) –
- (a) yn is-baragraff (2), ar ôl “in Wales” mewnosoder “or, if the meeting is convened at shorter notice, then at the time it is convened”;
  - (b) yn is-baragraff (2)(a) –
    - (i) yn lle “of the time and place of the intended meeting shall be published at the council’s offices” rhodder “of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically”, a
    - (ii) yn lle “be signed by” rhodder “set out the names of”;
  - (c) ar ôl is-baragraff (2) mewnosoder –
    - “(2A) The information required to be in a notice under sub-paragraph (2)(a) consists of –
      - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
      - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
      - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
      - (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
    - (2B) In sub-paragraph (2A), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 4 Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd cynghorau cymuned) –
- (a) yn is-baragraff (2), ar ôl “community council” mewnosoder “or, if the meeting is convened at shorter notice, then at the time it is convened”;
  - (b) yn is-baragraff (2)(a) –
    - (i) yn lle “of the time and place of the intended meeting” rhodder “of the meeting containing the information required by sub-paragraph (2ZA)”, a
    - (ii) yn lle “be signed by” rhodder “set out the names of”;
  - (c) ar ôl is-baragraff (2) mewnosoder –

- 3 In paragraph 4 of Schedule 12 to the 1972 Act (notices of meetings of principal councils) –
- (a) in sub-paragraph (2), after “in Wales” insert “or, if the meeting is convened at shorter notice, then at the time it is convened”;
  - (b) in sub-paragraph (2)(a) –
    - (i) for “of the time and place of the intended meeting shall be published at the council’s offices” substitute “of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically”, and
    - (ii) for “be signed by” substitute “set out the names of”;
  - (c) after sub-paragraph (2) insert –
    - “(2A) The information required to be in a notice under sub-paragraph (2)(a) consists of –
      - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
      - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
      - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
      - (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
    - (2B) In sub-paragraph (2A), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 4 In paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils) –
- (a) in sub-paragraph (2), after “community council” insert “or, if the meeting is convened at shorter notice, then at the time it is convened”;
  - (b) in sub-paragraph (2)(a) –
    - (i) for “of the time and place of the intended meeting” substitute “of the meeting containing the information required by sub-paragraph (2ZA)”, and
    - (ii) for “be signed by” substitute “set out the names of”;
  - (c) after sub-paragraph (2) insert –

“(2ZA) The information required to be in a notice under sub-paragraph (2)(a) consists of –

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.

(2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

5 Yn adran 1 o Ddeddf Cyrff Cyhoeddus (Mynediad at Gyfarfodydd) 1960 (p. 67) (rhei mynediad at gyfarfodydd i’r cyhoedd) –

- (a) yn is-adran (4)(a), ar y diwedd mewnosoder “(but see subsections (4ZA) to (4ZC) for further provision in relation to notices of meetings of certain bodies in Wales)”;
- (b) ar ôl is-adran (4), mewnosoder –

“(4ZA) Subsection (4ZB) applies to community councils and joint boards or joint committees which discharge functions of community councils or of community councils and of a principal council in Wales within the meaning of the Local Government Act 1972.

(4ZB) In the case of a meeting of a body to which this subsection applies –

- (a) a copy of the notice mentioned in subsection (4)(a) must also be published electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) if the meeting is held partly through remote means, the notice under subsection (4)(a) must give details of how to access the meeting (as well as its time and place);
- (c) if the meeting is held through remote means only, the notice under subsection (4)(a) must give details of how to access the meeting as well as its time, but not its place.

(4ZC) In subsection (4ZB) –



“(2ZA) The information required to be in a notice under sub-paragraph (2)(a) consists of—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.

(2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

5 In section 1 of the Public Bodies (Admission to Meetings) Act 1960 (c. 67) (admission of public to meetings)—

- (a) in subsection (4)(a), at the end insert “(but see subsections (4ZA) to (4ZC) for further provision in relation to notices of meetings of certain bodies in Wales)”;
- (b) after subsection (4), insert—

“(4ZA) Subsection (4ZB) applies to community councils and joint boards or joint committees which discharge functions of community councils or of community councils and of a principal council in Wales within the meaning of the Local Government Act 1972.

(4ZB) In the case of a meeting of a body to which this subsection applies—

- (a) a copy of the notice mentioned in subsection (4)(a) must also be published electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) if the meeting is held partly through remote means, the notice under subsection (4)(a) must give details of how to access the meeting (as well as its time and place);
- (c) if the meeting is held through remote means only, the notice under subsection (4)(a) must give details of how to access the meeting as well as its time, but not its place.

(4ZC) In subsection (4ZB)—

- (a) references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other);
- (b) the requirement imposed on a body to publish a notice electronically is, where the body has its own website, a requirement to publish on that website."

*Copiau o ddogfennau sy'n ymwneud â chyfarfodydd awdurdodau lleol a chyhoeddi'r dogfennau hynny*

- 6 (1) Mae adran 100B o Ddeddf 1972 (mynediad at agenda ac at adroddiadau cysylltiedig) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adrannau (1), (4), (6) a (7)(a) ar ôl "principal council" mewnosoder "in England".
- (3) Yn y pennawd, ar ôl "reports" mewnosoder ": principal councils in England".
- 7 Ar ôl adran 100B o Ddeddf 1972 (mynediad at agenda ac at adroddiadau cysylltiedig), mewnosoder –

**"100BA Access to agenda and connected reports: principal councils in Wales**

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published –
  - (a) electronically, and
  - (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.
- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.
- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either –
  - (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or

- (a) references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other);
- (b) the requirement imposed on a body to publish a notice electronically is, where the body has its own website, a requirement to publish on that website."

*Copies and publication of documents relating to meetings of local authorities*

- 6 (1) Section 100B of the 1972 Act (access to agenda and connected reports) is amended as follows.
- (2) In subsections (1), (4), (6) and (7)(a) after "principal council" insert "in England".
  - (3) In the heading, after "reports" insert ": principal councils in England".
- 7 After section 100B of the 1972 Act (access to agenda and connected reports), insert –

**"100BA Access to agenda and connected reports: principal councils in Wales**

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published –
  - (a) electronically, and
  - (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.
- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.
- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either –
  - (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or

- (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (7) Where the whole or part of a report is excluded under subsection (2) –
- (a) every copy of the report or of the part must be marked “Not for publication”, and
- (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.
- (8) Where a meeting of a principal council in Wales –
- (a) is required by section 100A to be open to the public during the proceedings or part of them, and
- (b) is not held through remote means only,
- there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper –
- (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
- (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”
- 8 (1) Mae adran 100C o Ddeddf 1972 (edrych ar gofnodion a dogfennau eraill ar ôl cyfarfodydd) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “principal council” mewnosoder “in England”.
- (3) Ar ôl is-adran (1) mewnosoder –
- “(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must –
- (a) be published electronically, and

- (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
  - (7) Where the whole or part of a report is excluded under subsection (2) –
    - (a) every copy of the report or of the part must be marked “Not for publication”, and
    - (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.
  - (8) Where a meeting of a principal council in Wales –
    - (a) is required by section 100A to be open to the public during the proceedings or part of them, and
    - (b) is not held through remote means only,
 there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
  - (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper –
    - (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
    - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
    - (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
  - (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”
- 8 (1) Section 100C of the 1972 Act (inspection of minutes and other documents after meetings) is amended as follows.
- (2) In subsection (1), after “principal council” insert “in England”.
- (3) After subsection (1) insert –
- “(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must –
    - (a) be published electronically, and

- (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.
- (1B) The documents are –
- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
  - (b) where applicable, a summary under subsection (2),
  - (c) a copy of the agenda for the meeting, and
  - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out –
- (a) the names of the members who attended the meeting, and any apologies for absence;
  - (b) any declarations of interest;
  - (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.”
- (4) Yn is-adran (2), ar ôl “subsection (1)(a) above” mewnosoder “, or the document published under subsections (1A) and (1B)(a),”.
- (5) Yn y pennawd ar ôl “Inspection” mewnosoder “and publication”.
- 9 (1) Mae adran 100D o Ddeddf 1972 (papurau cefndirol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –
- (a) ar ôl “members of the public” mewnosoder “, or are required by section 100BA(1) or 100C(1A) to be published electronically”;
  - (b) hepgorer yr “and” ar ôl paragraff (a);
  - (c) ym mharagraff (b) ar y dechrau mewnosoder “in relation to a principal council in England,”;
  - (d) ar ôl paragraff (b) mewnosoder “, and
    - (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”
- (3) Yn is-adran (2) ar y dechrau mewnosoder “In relation to a principal council in England,”.

- (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.
- (1B) The documents are –
- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
  - (b) where applicable, a summary under subsection (2),
  - (c) a copy of the agenda for the meeting, and
  - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out –
- (a) the names of the members who attended the meeting, and any apologies for absence;
  - (b) any declarations of interest;
  - (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.”
- (4) In subsection (2), after “subsection (1)(a) above” insert “, or the document published under subsections (1A) and (1B)(a),”.
- (5) In the heading after “Inspection” insert “and publication”.
- 9 (1) Section 100D of the 1972 Act (background papers) is amended as follows.
- (2) In subsection (1) –
- (a) after “members of the public” insert “, or are required by section 100BA(1) or 100C(1A) to be published electronically”;
  - (b) omit the “and” after paragraph (a);
  - (c) in paragraph (b) at the beginning insert “in relation to a principal council in England,”;
  - (d) after paragraph (b) insert “, and
- (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”
- (3) In subsection (2) at the beginning insert “In relation to a principal council in England,”.

- (4) Ar ôl is-adran (2) mewnosoder –
- “(2A) In relation to a principal council in Wales, copies of documents included in the list must –
- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and
- (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”
- (5) Yn is-adran (4)(b) ar ôl “the public” mewnosoder “or published electronically”.
- (6) Yn y pennawd ar ôl “Inspection” mewnosoder “and publication”.
- 10 (1) Mae adran 100H o Ddeddf 1972 (darpariaeth atodol ynghylch mynediad at gyfarfodydd a dogfennau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ar y dechrau mewnosoder “In relation to a principal council in England,”.
- (3) Ar ôl is-adran (2) mewnosoder –
- “(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below –
- (a) make copies of the document or parts of the document, or
- (b) require the person having custody of the document to provide a copy of the document or of parts of the document,
- upon payment of such reasonable fee as may be required for the facility.”
- (4) Yn is-adran (3) –
- (a) yn lle “Subsection (2) above does” rhodder “Subsections (2), (2A) and (6A) do”;
- (b) yn lle “that subsection” rhodder “those subsections”.
- (5) Ar ôl is-adran (3) mewnosoder –
- “(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”
- (6) Yn is-adran (5) –
- (a) hepgorer yr “or” ar ôl paragraff (a);
- (b) ar ôl paragraff (a), mewnosoder –
- “(aa) is published electronically by a principal council in Wales, or”;
- (c) ym mharagraff (b), ar ôl “100B(7)” mewnosoder “or 100BA(9)”.
- (7) Yn is-adran (6) –



- (4) After subsection (2) insert –
- “(2A) In relation to a principal council in Wales, copies of documents included in the list must –
- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and
- (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”
- (5) In subsection (4)(b) after “the public” insert “or published electronically”.
- (6) In the heading after “Inspection” insert “and publication”.
- 10 (1) Section 100H of the 1972 Act (supplemental provision about access to meetings and documents) is amended as follows.
- (2) In subsection (2), at the beginning insert “In relation to a principal council in England,”.
- (3) After subsection (2) insert –
- “(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below –
- (a) make copies of the document or parts of the document, or
- (b) require the person having custody of the document to provide a copy of the document or of parts of the document,
- upon payment of such reasonable fee as may be required for the facility.”
- (4) In subsection (3) –
- (a) for “Subsection (2) above does” substitute “Subsections (2), (2A) and (6A) do”;
- (b) for “that subsection” substitute “those subsections”.
- (5) After subsection (3) insert –
- “(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”
- (6) In subsection (5) –
- (a) omit the “or” after paragraph (a);
- (b) after paragraph (a), insert –
- “(aa) is published electronically by a principal council in Wales, or”;
- (c) in paragraph (b), after “100B(7)” insert “or 100BA(9)”.
- (7) In subsection (6) –

(a) ym mharagraff (b), ar ôl “100B(7)(b)” mewnosoder “or 100BA(9)(b)”;

(b) ym mharagraff (c), ar ôl “100B(7)(c)” mewnosoder “or 100BA(9)(c)”;

(c) ar ôl paragraff (e), mewnosoder –

“(f) the note required to be published by a principal council in Wales under section 100C(1C).”

(8) Ar ôl is-adran (6) mewnosoder –

“(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access –

(a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and

(b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”

(9) Ar ôl is-adran (7) mewnosoder –

“(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”

11 Yn adran 228(1) o Ddeddf 1972 (cofnodion cyfarfodydd cyngor cymuned), hepgorer “or community”.

12 Ar ôl paragraff 26 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd cynghorau cymuned), mewnosoder –

“26ZA(1)As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out –

(a) the names of the members who attended the meeting, and any apologies for absence;

(b) any declarations of interest;

(c) any decision taken at the meeting, including the outcomes of any votes.

(2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply –

(a) in relation to a decision relating to business which was transacted in private, or

(b) where disclosure of the information would be contrary to any enactment.”

*Cymhwyso i bwyllgorau ac is-bwyllgorau*

13 Yn adran 100E o Ddeddf 1972 (cymhwyso i bwyllgorau ac is-bwyllgorau), yn is-adran (2) –

- (a) in paragraph (b), after “100B(7)(b)” insert “or 100BA(9)(b)”;
- (b) in paragraph (c), after “100B(7)(c)” insert “or 100BA(9)(c)”;
- (c) after paragraph (e), insert—
  - “(f) the note required to be published by a principal council in Wales under section 100C(1C).”

(8) After subsection (6) insert—

- “(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—
- (a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and
  - (b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”

(9) After subsection (7) insert—

- “(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”

11 In section 228(1) of the 1972 Act (minutes of community council meetings), omit “or community”.

12 After paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils), insert—

“26ZA(1)As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes.

(2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—

- (a) in relation to a decision relating to business which was transacted in private, or
- (b) where disclosure of the information would be contrary to any enactment.”

#### *Application to committees and sub-committees*

13 In section 100E of the 1972 Act (application to committees and sub-committees), in subsection (2)—

- (a) hepgorer yr “and” ar ôl paragraff (b);
- (b) ar ôl paragraff (b) mewnosoder –
  - “(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;
  - (bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and”;
- (c) ym mharagraff (c), ar ôl “100D(1)” mewnosoder “and (2A)(b)”.

*Cymhwyso a dehongli*

- 14 Yn adran 100J o Ddeddf 1972 (cymhwyso i awdurdodau eraill etc.), ar ôl is-adran (4AA) mewnosoder –
- “(4AB) References to a principal council in Wales in this Part include –
- (a) a National Park authority for a National Park in Wales;
  - (b) a fire and rescue authority for an area in Wales;
  - (c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.”
- 15 Yn adran 100K o Ddeddf 1972 (dehongli a chymhwyso Rhan 5A), ar ôl is-adran (1) mewnosoder –
- “(1A) In this Part references to a meeting of a principal council in Wales held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 16 Yn adran 270 o Ddeddf 1972 (dehongli), ar ôl is-adran (1) mewnosoder –
- “(1A) A requirement to publish a notice or document electronically, imposed by –
- (a) this Act on a local authority in Wales, or
  - (b) Part 5A on a body or authority in Wales (other than a principal council),
- is, where such an authority has its own website, a requirement to publish on that website.”

*Cyhoeddi hysbysiadau cyhoeddus a roddir gan awdurdodau lleol*

- 17 (1) Mae adran 232 o Ddeddf 1972 (hysbysiadau cyhoeddus) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –

- (a) omit the “and” after paragraph (b);
- (b) after paragraph (b) insert –
  - “(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;
  - (bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and”;
- (c) in paragraph (c), after “100D(1)” insert “and (2A)(b)”.

*Application and interpretation*

- 14 In section 100J of the 1972 Act (application to other authorities etc.), after subsection (4AA) insert –
- “(4AB) References to a principal council in Wales in this Part include –
- (a) a National Park authority for a National Park in Wales;
  - (b) a fire and rescue authority for an area in Wales;
  - (c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.”
- 15 In section 100K of the 1972 Act (interpretation and application of Part 5A), after subsection (1) insert –
- “(1A) In this Part references to a meeting of a principal council in Wales held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 16 In section 270 of the 1972 Act (interpretation), after subsection (1) insert –
- “(1A) A requirement to publish a notice or document electronically, imposed by –
- (a) this Act on a local authority in Wales, or
  - (b) Part 5A on a body or authority in Wales (other than a principal council),
- is, where such an authority has its own website, a requirement to publish on that website.”

*Publication of public notices given by local authorities*

- 17 (1) Section 232 of the 1972 Act (public notices) is amended as follows.
- (2) In subsection (1) –

- (a) hepgorer yr “and” ar ddiwedd paragraff (a);
  - (b) ar ôl paragraff (b) mewnosoder “; and
    - (c) where the local authority is a local authority in Wales, by publishing it electronically.”
  - (3) Hefgorer is-adran (1ZA).
  - (4) Ar ôl is-adran (2) mewnosoder –
    - “(3) The Welsh Ministers may by regulations make further or different provision about the manner of giving a public notice required to be given by a local authority in Wales.
    - (4) Regulations under subsection (3) may also make provision about the manner of giving a public notice required to be given by –
      - (a) a National Park authority for a National Park in Wales;
      - (b) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
    - (5) Regulations under subsection (3) may –
      - (a) make different provision for different purposes;
      - (b) include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act and the Local Government and Elections (Wales) Act 2021)).
    - (6) A statutory instrument containing regulations under subsection (3) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”
- 18 Yn Atodlen 7 i Ddeddf yr Amgylchedd 1995 (p. 25) (awdurdodau Parciau Cenedlaethol), ym mharagraff 17(2)(d) (cymhwyso darpariaethau Deddf 1972 ynghylch cyflwyno a dilysu dogfennau i awdurdodau Parciau Cenedlaethol) yn lle “to 234” rhodder “, 232 (other than subsection (1)(c)), 233 and 234”.

*Cyflwyno gwysion ar ffurf electronig i aelodau fynychu cyfarfodydd awdurdodau lleol*

- 19 (1) Mae Atodlen 12 i Ddeddf 1972 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 4(2)(b) (gwysion i gyfarfodydd prif gynghorau) –
- (a) yn lle “signed” rhodder “authenticated”;
  - (b) yn lle’r geiriau o “shall” hyd at ddiwedd y paragraff hwnnw rhodder “must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
- (3) Ar ôl paragraff 4(2B) (a fewnosodir gan baragraff 3(c) o’r Atodlen hon), mewnosoder –
- “(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.”

- (a) omit the “and” at the end of paragraph (a);
  - (b) after paragraph (b) insert “; and
    - (c) where the local authority is a local authority in Wales, by publishing it electronically.”
- (3) Omit subsection (1ZA).
- (4) After subsection (2) insert –
- “(3) The Welsh Ministers may by regulations make further or different provision about the manner of giving a public notice required to be given by a local authority in Wales.
  - (4) Regulations under subsection (3) may also make provision about the manner of giving a public notice required to be given by –
    - (a) a National Park authority for a National Park in Wales;
    - (b) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
  - (5) Regulations under subsection (3) may –
    - (a) make different provision for different purposes;
    - (b) include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act and the Local Government and Elections (Wales) Act 2021)).
  - (6) A statutory instrument containing regulations under subsection (3) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”
- 18 In Schedule 7 to the Environment Act 1995 (c. 25) (National Park authorities), in paragraph 17(2)(d) (application of provisions of the 1972 Act about service and authentication of documents to National Park authorities) for “to 234” substitute “, 232 (other than subsection (1)(c)), 233 and 234”.

*Electronic service of summonses on members to attend local authority meetings*

- 19 (1) Schedule 12 to the 1972 Act is amended as follows.
- (2) In paragraph 4(2)(b) (summonses to meetings of principal councils) –
- (a) for “signed” substitute “authenticated”;
  - (b) for the words from “shall” to the end of that paragraph substitute “must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
- (3) After paragraph 4(2B) (inserted by paragraph 3(c) of this Schedule), insert –
- “(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.”

- (4) Ym mharagraff 4(3) yn lle'r geiriau o "some address" hyd at ddiwedd yr is-baragraff hwnnw rhodder "an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address."
- (5) Ym mharagraff 26(2)(b) (gwysion i gyfarfodydd cynghorau cymuned) –
- (a) yn lle "signed" rhodder "authenticated";
  - (b) yn lle'r geiriau o "shall" hyd at ddiwedd y paragraff hwnnw, rhodder "must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose."
- (6) Ar ôl paragraff 26(2A), mewnosoder –
- (2B) In sub-paragraph (2)(b) "authenticated" means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
  - (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address."

*Lleoliad cyfarfodydd cyngor cymuned*

- 20 (1) Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972, yn lle is-baragraff (1) rhodder –
- (1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council's area, as the council may direct."
- (2) O ganlyniad i is-baragraff (1), yn Atodlen 6 i Ddeddf Trwyddedu 2003 (p. 17) (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraff 61(2)(b).

*Hysbysiadau am gyfarfodydd pwyllgorau ac is-bwyllgorau cyngor cymuned i'w cyhoeddi*

- 21 Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972, ar ôl is-baragraff (2C) (a fewnosodir gan baragraff 19(6) o'r Atodlen hon) mewnosoder –
- (2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.
  - (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words "three clear days" there were substituted "twenty four hours"."



- (4) In paragraph 4(3) for the words from “some address” to the end of that sub-paragraph substitute “an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”
- (5) In paragraph 26(2)(b) (summonses to meetings of community councils) –
- (a) for “signed” substitute “authenticated”;
  - (b) for the words from “shall” to the end of that paragraph, substitute “must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
- (6) After paragraph 26(2A), insert –
- “(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
  - (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”

*Venue for community council meetings*

- 20 (1) In paragraph 26 of Schedule 12 to the 1972 Act, for sub-paragraph (1) substitute –
- “(1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council’s area, as the council may direct.”
- (2) In consequence of sub-paragraph (1), in Schedule 6 to the Licensing Act 2003 (c. 17) (minor and consequential amendments) omit paragraph 61(2)(b).

*Notices of community council committee and sub-committee meetings to be published*

- 21 In paragraph 26 of Schedule 12 to the 1972 Act, after sub-paragraph (2C) (inserted by paragraph 19(6) of this Schedule) insert –
- “(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.
  - (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “twenty four hours”.

*Darpariaeth arbed*

- 22 Mae adrannau 100A i 100D a 100H o Ddeddf 1972 yn gymwys i gynghorau iechyd cymuned a phwyllgorau iechyd cymuned yn unol ag adran 1 o Ddeddf Cynghorau Iechyd Cymuned (Mynediad at Wybodaeth) 1988 (p. 24) (mynediad at gyfarfodydd a dogfennau cynghorau iechyd cymuned) fel pe na bai'r diwygiadau a wneir gan baragraffau 1,2 a 6 i 10 o'r Atodlen hon wedi eu gwneud.

## RHAN 2

## MYNYCHU CYFARFODYDD AWDURDODAU LLEOL: DIWYGIADAU CANLYNIADOL

*Mynychu cyfarfodydd awdurdodau lleol: diwygiadau sy'n ganlyniadol ar adran 47*

- 23 (1) Yn Rhan 4 o Atodlen 12 i Ddeddf 1972 (cyfarfodydd cyngor cymuned), ym mharagraff 29 yn lle is-baragraff (1) rhodder –
- “(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on the question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.”
- (2) Ym Mesur 2011, hepgorer adran 4 (mynychu cyfarfodydd o bell).
- (3) Yn Neddf 2013, hepgorer adran 59 (mynychu cyfarfodydd prif gynghorau o bell).
- (4) Yn Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2007 (O.S. 2007/399), yn Atodlen 1 (swyddogaethau nad ydynt i fod yn gyfrifoldeb i weithrediaeth), yn y tabl yn Rhan Ff (swyddogaethau amrywiol), ar ôl paragraff 18 mewnosoder –

“19 Y dyletswydd i wneud trefniadau ar gyfer cynnal cyfarfodydd prif gyngor neu ei weithrediaeth	Adran 47(1) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021”
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*Saving provision*

- 22 Sections 100A to 100D and 100H of the 1972 Act apply to community health councils and community health committees in accordance with section 1 of the Community Health Councils (Access to Information) Act 1988 (c. 24) (access to meetings and documents of community health councils) as if the amendments made by paragraphs 1, 2 and 6 to 10 of this Schedule had not been made.

## PART 2

## ATTENDANCE AT LOCAL AUTHORITY MEETINGS: CONSEQUENTIAL AMENDMENTS

*Attendance at local authority meetings: amendments consequential on section 47*

- 23 (1) In Part 4 of Schedule 12 to the 1972 Act (community council meetings), in paragraph 29 for sub-paragraph (1) substitute –
- “(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on the question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.”
- (2) In the 2011 Measure, omit section 4 (remote attendance at meetings).
- (3) In the 2013 Act, omit section 59 (remote attendance at meetings of principal councils).
- (4) In the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (S.I. 2007/399), in Schedule 1 (functions not to be the responsibility of an executive), in the table in Part I (miscellaneous functions), after paragraph 18 insert –

“19 Duty to make arrangements for holding meetings of a principal council or its executive	Section 47(1) of the Local Government and Elections (Wales) Act 2021”
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ATODLEN 5  
(a gyflwynir gan adran 54)

DIWYGIADAU CANLYNIADOL MEWN PERTHYNAS Â PHRIF WEITHREDWYR

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 1 Yn adran 112(2A) o Ddeddf 1972 (cyngorau'n pennu telerau ac amodau staff uwch penodol), yn lle "heads of paid service" rhodder "chief executives".

*Deddf Cyllid Llywodraeth Leol 1988 (p. 41)*

- 2 Mae Deddf Cyllid Llywodraeth Leol 1988 wedi ei diwygio fel a ganlyn.
- 3 Yn adran 114(3A) (prif swyddog cyllid yn ymgynghori wrth lunio adroddiadau) –
- (a) ym mharagraff (a), ar ôl "Local Government and Housing Act 1989" mewnosoder "or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority's chief executive under section 54 of the Local Government and Elections (Wales) Act 2021";
  - (b) ym mharagraff (b), yn lle "that Act" rhodder "the Local Government and Housing Act 1989".
- 4 Yn adran 114A(3) (prif swyddog cyllid yn ymgynghori wrth lunio adroddiadau pan fo cyngor yn gweithredu trefniadau gweithrediaeth) –
- (a) ym mharagraff (a), ar ôl "Local Government and Housing Act 1989" mewnosoder "or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority's chief executive under section 54 of the Local Government and Elections (Wales) Act 2021";
  - (b) ym mharagraff (b), yn lle "that Act" rhodder "the Local Government and Housing Act 1989".

*Deddf Llywodraeth Leol a Thai 1989 (p. 42)*

- 5 Mae Deddf Llywodraeth Leol a Thai 1989 wedi ei diwygio fel a ganlyn.
- 6 Yn adran 1 (anghymhwysu swyddogion a staff penodol a chyfyngiadau gwleidyddol arnynt), ar ôl is-adran (1) mewnosoder –
- “(1A) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of any local authority in Wales if that person holds the post of chief executive of a local authority which is the council of a county or county borough in Wales.”
- 7 Yn adran 2 (swyddi o dan gyfyngiadau gwleidyddol) –
- (a) ar ôl is-adran (1) mewnosoder –
- “(1A) For the purposes of this Part other than section 1(1), a person appointed as the chief executive of a local authority which is the council of a county or county borough in Wales is to be regarded as holding a politically restricted post under that authority.”;

SCHEDULE 5  
*(introduced by section 54)*

CONSEQUENTIAL AMENDMENTS RELATING TO CHIEF EXECUTIVES

*Local Government Act 1972 (c. 70)*

- 1 In section 112(2A) of the 1972 Act (determination by councils of terms and conditions of certain senior staff), for “heads of paid service” substitute “chief executives”.

*Local Government Finance Act 1988 (c. 41)*

- 2 The Local Government Finance Act 1988 is amended as follows.
- 3 In section 114(3A) (consultation by chief finance officer in preparing reports) –
- (a) in paragraph (a), after “Local Government and Housing Act 1989” insert “or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021”;
  - (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.
- 4 In section 114A(3) (consultation by chief finance officer in preparing reports where council operates executive arrangements) –
- (a) in paragraph (a), after “Local Government and Housing Act 1989” insert “or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021”;
  - (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.

*Local Government and Housing Act 1989 (c. 42)*

- 5 The Local Government and Housing Act 1989 is amended as follows.
- 6 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (1) insert –
- “(1A) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of any local authority in Wales if that person holds the post of chief executive of a local authority which is the council of a county or county borough in Wales.”
- 7 In section 2 (politically restricted posts) –
- (a) after subsection (1) insert –
- “(1A) For the purposes of this Part other than section 1(1), a person appointed as the chief executive of a local authority which is the council of a county or county borough in Wales is to be regarded as holding a politically restricted post under that authority.”;

- (b) yn is-adran (7)(a) a (b), ar ôl “head of the authority’s paid service” yn y ddau le y mae’n digwydd, mewnosoder “or (in the case of a council for a county or county borough in Wales) the authority’s chief executive”.
- 8 Yn adran 4(6) (diffiniad o “relevant authority”) –
- (a) ym mharagraff (a), hepgorer “and Wales”;
- (b) ar ôl paragraff (a) (ac o flaen yr “and” sy’n ei ddilyn) mewnosoder –
- “(aa) in relation to Wales, means an elected local policing body;”.
- 9 Yn adran 5 (dynodi swyddog monitro ac adroddiadau ganddo) –
- (a) yn is-adran (1B) –
- (i) hepgorer “and Wales”;
- (ii) hepgorer paragraff (b);
- (b) ar ôl is-adran (1B) mewnosoder –
- “(1BA) The officer designated under subsection (1)(a) above by a relevant authority which is the council of a county or county borough in Wales may not be the authority’s chief executive.”;
- (c) yn is-adran (3)(a), ar ôl “chief finance officer” mewnosoder “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.
- 10 Yn adran 5A(5) (swyddog monitro yn ymgynghori ar adroddiadau pan fo cyngor yn gweithredu trefniadau gweithrediaeth), ym mharagraff (a) ar ôl “chief finance officer” mewnosoder “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.
- 11 Yn adran 21 (dehongli Rhan 1), yn is-adran (3) o flaen y diffiniad o “contravention” mewnosoder –
- ““chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;”.

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 12 Mae Mesur 2011 wedi ei ddiwygio fel a ganlyn.
- 13 Yn adran 8(4) (swyddogion na chaniateir eu dynodi’n bennaeth gwasanaethau democrataidd), yn lle paragraff (a) rhodder –
- “(a) prif weithredwr yr awdurdod a benodwyd o dan adran 54 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021;”.
- 14 Yn adran 9(4) (swyddogaethau pennaeth gwasanaethau democrataidd), yn lle’r geiriau o “pennaeth gwasanaeth cyflogedig” hyd at y diwedd rhodder “prif weithredwr yn adran 54(2) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021”.
- 15 Yn adran 143A (swyddogaethau Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol mewn cysylltiad â chydnabyddiaeth ariannol prif weithredwyr) –

(b) in subsection (7)(a) and (b), after “head of the authority’s paid service” in both places it occurs, insert “or (in the case of a council for a county or county borough in Wales) the authority’s chief executive”.

8 In section 4(6) (definition of “relevant authority”) –

(a) in paragraph (a), omit “and Wales”;

(b) after paragraph (a) (and before the “and” which follows it) insert –

“(aa) in relation to Wales, means an elected local policing body;”.

9 In section 5 (designation and reports of monitoring officer) –

(a) in subsection (1B) –

(i) omit “and Wales”;

(ii) omit paragraph (b);

(b) after subsection (1B) insert –

“(1BA) The officer designated under subsection (1)(a) above by a relevant authority which is the council of a county or county borough in Wales may not be the authority’s chief executive.”;

(c) in subsection (3)(a), after “chief finance officer” insert “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.

10 In section 5A(5) (consultation by monitoring officer on reports where council operates executive arrangements), in paragraph (a) after “chief finance officer” insert “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.

11 In section 21 (interpretation of Part 1), in subsection (3) before the definition of “contravention” insert –

““chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;”.

*Local Government (Wales) Measure 2011 (nawm 4)*

12 The 2011 Measure is amended as follows.

13 In section 8(4) (officers who may not be designated head of democratic services), for paragraph (a) substitute –

“(a) the authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”.

14 In section 9(4) (functions of head of democratic services), for the words from “head of paid service” to the end substitute “chief executive in section 54(2) of the Local Government and Elections (Wales) Act 2021”.

15 In section 143A (functions of the Independent Remuneration Panel for Wales in respect of remuneration of chief executives) –

- (a) yn is-adran (1)(a) a (b), yn lle “pennaeth gwasanaeth cyflogedig” rhodder “prif weithredwr”;
- (b) yn is-adran (3), yn lle “pennaeth ei wasanaeth cyflogedig” rhodder “ei brif weithredwr”;
- (c) yn is-adran (3B), yn lle “bennaeth gwasanaeth cyflogedig” rhodder “brif weithredwr”;
- (d) yn is-adran (5A)(a), yn lle “bennaeth gwasanaeth cyflogedig” rhodder “brif weithredwr”;
- (e) yn is-adran (7) –
  - (i) hepgorer y diffiniad o “pennaeth gwasanaeth cyflogedig”;
  - (ii) ar ôl y diffiniad o “datganiad ar bolisiau tâl” mewnosoder –
    - “ystyr “prif weithredwr” (“*chief executive*”) yw prif weithredwr a benodir o dan adran 54 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021;”;
- (f) yn lle’r pennawd rhodder “Swyddogaethau sy’n ymwneud â chydnabyddiaeth ariannol prif weithredwyr”.

*Deddf Diwygio’r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13)*

- 16 Yn adran 75 o Ddeddf Diwygio’r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (y swyddog priodol ar gyfer ardal heddlu) –
- (a) yn is-adran (2), yn lle “in relation to any such police area, means the head of paid service of the local authority designated for that police area” rhodder “means –
    - (a) in relation to a police area in England, the head of paid service of the local authority designated for that police area;
    - (b) in relation to a police area in Wales, the chief executive of the local authority designated for that police area.”;
  - (b) yn is-adran (3) –
    - (i) o flaen y diffiniad o “local authority” mewnosoder –
      - ““chief executive” means the person appointed by a county council or county borough council in Wales under section 54 of the Local Government and Elections (Wales) Act 2021;”;
    - (ii) yn y diffiniad o “head of paid service”, ar ôl “a council” mewnosoder “in England”.

*Deddf Lleoliaeth 2011 (p. 20)*

- 17 Yn adran 43(2) o Ddeddf Lleoliaeth 2011 (diffiniad o “chief officer” at ddibenion datganiadau ar bolisiau tâl) –
- (a) ar ôl paragraff (a) mewnosoder –
    - “(aa) its chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales);”;



- (a) in subsection (1)(a) and (b), for “head of paid service” substitute “chief executive”;
- (b) in subsection (3), for “head of paid service” substitute “chief executive”;
- (c) in subsection (3B), for “head of paid service” substitute “chief executive”;
- (d) in subsection (5A)(a), for “head of paid service” substitute “chief executive”;
- (e) in subsection (7) –
  - (i) omit the definition of “head of paid service”;
  - (ii) before the definition of “pay policy statement” insert –
    - ““chief executive” (*“prif weithredwr”*) means a chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”;
- (f) for the heading substitute “Functions relating to remuneration of chief executives”.

*Police Reform and Social Responsibility Act 2011 (c. 13)*

- 16 In section 75 of the Police Reform and Social Responsibility Act 2011 (the appropriate officer for a police area) –
- (a) in subsection (2), for “in relation to any such police area, means the head of paid service of the local authority designated for that police area” substitute “means –
    - (a) in relation to a police area in England, the head of paid service of the local authority designated for that police area;
    - (b) in relation to a police area in Wales, the chief executive of the local authority designated for that police area.”;
  - (b) in subsection (3) –
    - (i) before the definition of “local authority” insert –
      - ““chief executive” means the person appointed by a county council or county borough council in Wales under section 54 of the Local Government and Elections (Wales) Act 2021;”;
    - (ii) in the definition of “head of paid service”, after “a council” insert “in England”.

*Localism Act 2011 (c. 20)*

- 17 In section 43(2) of the Localism Act 2011 (definition of “chief officer” for purposes of pay policy statements) –
- (a) after paragraph (a) insert –
    - “(aa) its chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales);”;

- (b) ym mharagraff (b), yn lle “that Act” rhodder “the Local Government and Housing Act 1989”.

*Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismaona 2014 (p. 12)*

- 18 Yn adran 77 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismaona 2014 (cyfnod para hysbysiadau sy’n gwahardd mynediad at fangreoedd penodol), yn lle is-adran (6) rhodder –

“(6) In this section “chief executive officer” means –

- (a) in relation to a local authority in England, the authority’s head of paid service designated under section 4 of the Local Government and Housing Act 1989;
- (b) in relation to a local authority in Wales, the authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021.”

*Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2)*

- 19 Yn ail golofn y tabl ym mharagraff 7 o Atodlen 3 i Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (cynrychiolwyr cyngor yng nghyfarfodydd byrddau gwasanaethau cyhoeddus), yn lle “pennaeth gwasanaeth taledig yr awdurdod a ddynodir o dan adran 4 o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42)” rhodder “phrif weithredwr yr awdurdod a benodir o dan adran 54 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021”.

*Y Ddeddf hon*

- 20 Yn y Ddeddf hon, hepgorer paragraff 1(10) o Atodlen 12.

- (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.

*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

- 18 In section 77 of the Anti-social Behaviour, Crime and Policing Act 2014 (duration of notices prohibiting access to certain premises), for subsection (6) substitute –

“(6) In this section “chief executive officer” means –

- (a) in relation to a local authority in England, the authority’s head of paid service designated under section 4 of the Local Government and Housing Act 1989;
- (b) in relation to a local authority in Wales, the authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021.”

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 19 In the second column of the table in paragraph 7 of Schedule 3 to the Well-being of Future Generations (Wales) Act 2015 (representatives of council at meetings of public services boards), for “head of the authority’s paid service designated under section 4 of the Local Government and Housing Act 1989 (c. 42)” substitute “authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021”.

*This Act*

- 20 In this Act, omit paragraph 1(10) of Schedule 12.

ATODLEN 6  
(a gyflwynir gan adran 57)

DIWYGIADAU CANLYNIADOL ETC. MEWN PERTHYNAS Â CHYNORTHWYWYR  
GWEITHREDIAETHAU AWDURDODAU LLEOL

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 1 (1) Mae Deddf 1972 wedi ei diwygio fel a ganlyn.
- (2) Ym mhob un o adrannau 22(1A), 24(1A), 24A(5) a 24B(3) (cadeirydd, is-gadeirydd, aelod llywyddol a dirprwy aelod llywyddol), ar ôl “principal council” mewnosoder “, or an assistant to the executive,”.
- (3) Yn adran 270(1) (dehongli), ar ôl y diffiniad o “appropriate Minister” mewnosoder –  
“assistant to the executive”, in relation to a principal council in Wales, has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.
- (4) Yn Atodlen 12, ym mharagraff 5(4) (llywyddu mewn cyfarfodydd), ar ôl “principal council” mewnosoder “, or an assistant to the executive,”.
- 2 (1) Hyd nes y bo paragraff 1(3) o Atodlen 2 i’r Ddeddf hon yn dod i rym, mae adran 80(1)(a) o Ddeddf 1972 i’w darllen fel pe bai “or assistant to the executive” wedi ei roi ar ôl “member of the executive”.
- (2) Hyd nes y bo paragraff 1(7) o Atodlen 2 i’r Ddeddf hon yn dod i rym, mae adran 116 o Ddeddf 1972 i’w darllen fel pe bai “or assistant to the executive” wedi ei roi ar ôl “member of the executive”.

*Deddf Llywio 1987 (p. 21)*

- 3 Yn adran 3 o Ddeddf Llywio 1987 (awdurdodi llywyr) –
  - (a) yn is-adran (9A)(a), ar ôl “local authority” mewnosoder “, or an assistant to the executive,”;
  - (b) yn is-adran (10), ar ôl y geiriau agoriadol mewnosoder –  
“assistant to the executive” has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.

*Deddf Cyllid Llywodraeth Leol 1992 (p. 14)*

- 4 Yn adran 106(2A) o Ddeddf Cyllid Llywodraeth Leol 1992 (y dreth gyngor etc.: cyfyngiadau ar bleidleisio), ar ôl “to whom this section applies” mewnosoder “, and no assistant to the executive (within the meaning of paragraph 3A of Schedule 1 to the Local Government Act 2000) to whom this section applies,”.

SCHEDULE 6  
(introduced by section 57)

CONSEQUENTIAL AMENDMENTS ETC. RELATING TO ASSISTANTS TO LOCAL  
AUTHORITY EXECUTIVES

*Local Government Act 1972 (c. 70)*

- 1 (1) The 1972 Act is amended as follows.
  - (2) In each of sections 22(1A), 24(1A), 24A(5) and 24B(3) (chair, vice-chair, presiding member and deputy presiding member), after “principal council” insert “, or an assistant to the executive,”.
  - (3) In section 270(1) (interpretation), after the definition of “appropriate Minister” insert –  
““assistant to the executive”, in relation to a principal council in Wales, has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.
  - (4) In Schedule 12, in paragraph 5(4) (presiding over meetings), after “principal council” insert “, or an assistant to the executive,”.
- 2 (1) Until paragraph 1(3) of Schedule 2 to this Act comes into force, section 80(1)(a) of the 1972 Act is to be read as if after “member of the executive” there were inserted “or assistant to the executive”.
- (2) Until paragraph 1(7) of Schedule 2 to this Act comes into force, section 116 of the 1972 Act is to be read as if after “member of the executive” there were inserted “or assistant to the executive”.

*Pilotage Act 1987 (c. 21)*

- 3 In section 3 of the Pilotage Act 1987 (authorisation of pilots) –
  - (a) in subsection (9A)(a), after “local authority” insert “, or an assistant to the executive,”;
  - (b) in subsection (10), after the opening words insert –  
““assistant to the executive” has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.

*Local Government Finance Act 1992 (c. 14)*

- 4 In section 106(2A) of the Local Government Finance Act 1992 (council tax etc.: restrictions on voting), after “to whom this section applies” insert “, and no assistant to the executive (within the meaning of paragraph 3A of Schedule 1 to the Local Government Act 2000) to whom this section applies,”.

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 5 Yn adran 21(9) o Ddeddf 2000 (nid yw pwyllgor trosolwg a chraffu i gynnwys aelodau o'r weithrediaeth), ar ôl "executive" mewnosoder "or any assistant to the executive (within the meaning of paragraph 3A of Schedule 1)".

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 6 (1) Mae Mesur 2011 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 12(2)(b) (aelodaeth pwyllgor gwasanaethau democrataidd), ar ôl "weithrediaeth yr awdurdod" mewnosoder "neu'n gynorthwydd i'w weithrediaeth".
- (3) Yn adran 14(2) (cadeirydd pwyllgor gwasanaethau democrataidd), ar ôl "weithrediaeth yr awdurdod lleol" mewnosoder "neu'n gynorthwydd i'w weithrediaeth".
- (4) Yn adran 82 (aelodaeth pwyllgor llywodraethu ac archwilio) –
- (a) yn is-adran (2)(c) ar ôl "weithrediaeth yr awdurdod" mewnosoder "neu'n gynorthwydd i'w weithrediaeth";
- (b) yn is-adran (3) ar ôl "weithrediaeth yr awdurdod" mewnosoder "neu gynorthwydd i'w weithrediaeth".
- (5) Yn adran 83(2) (cadeirydd pwyllgor llywodraethu ac archwilio), ar ôl "weithrediaeth yr awdurdod lleol" mewnosoder "neu'n gynorthwydd i'w weithrediaeth".

*Local Government Act 2000 (c. 22)*

- 5 In section 21(9) of the 2000 Act (overview and scrutiny committee not to include members of executive), after “executive” insert “or any assistant to the executive (within the meaning of paragraph 3A of Schedule 1)”.

*Local Government (Wales) Measure 2011 (nawm 4)*

- 6 (1) The 2011 Measure is amended as follows.
- (2) In section 12(2)(b) (membership of democratic services committee), after “authority’s executive” insert “or an assistant to its executive”.
- (3) In section 14(2) (chair of democratic services committee), after “authority’s executive” insert “or an assistant to its executive”.
- (4) In section 82 (membership of governance and audit committee) –
- (a) in subsection (2)(c) after “authority’s executive” insert “or an assistant to its executive”;
- (b) in subsection (3) after “authority’s executive” insert “or an assistant to its executive”.
- (5) In section 83(2) (chair of governance and audit committee), after “authority’s executive” insert “or an assistant to its executive”.

ATODLEN 7  
(a gyflwynir gan adran 58)

RHANNU SWYDDI GAN ARWEINYDDION GWEITHREDIAETH AC AELODAU  
GWEITHREDIAETH

*Deddf Llywodraeth Leol 2000 (p. 22)*

1 Mae Deddf 2000 wedi ei diwygio fel a ganlyn.

2 Yn adran 11 (gweithrediaethau) –

(a) ar ôl is-adran (8) mewnosoder –

“(8ZA) But if two or more councillors are elected to share office as executive leader (by virtue of paragraph 2(2A) of Schedule 1) or are appointed to the executive to share office (by virtue of paragraph 2A of Schedule 1), the number of members of the executive may exceed 10 but not 13; and where the number of members of the executive is –

(a) 11 or 12, at least two of the members must have been elected or appointed to share office;

(b) 13, at least three of the members must have been elected or appointed to share office.”;

(b) yn is-adran (8A) yn lle “subsection (8)” rhodder “subsections (8) and (8ZA)”;

(c) yn lle is-adran (9) rhodder –

“(9) The Welsh Ministers may by regulations amend subsections (8) and (8ZA) so as to provide for different maximum numbers of members of an executive to which those subsections apply, but the power under this subsection may not be exercised so as to provide –

(a) for a maximum number in subsection (8) which exceeds 10, or

(b) for a maximum number in subsection (8ZA) which exceeds 13.”

3 Yn adran 83 (dehongli Rhan 3), yn is-adran (1) hepgorer y diffiniad o “executive leader”.

4 Yn adran 106 (Cymru: gorchmynion a rheoliadau), yn is-adran (6) ar ôl “made under” mewnosoder “section 11(9)”.

5 (1) Mae Atodlen 1 (trefniadau gweithrediaeth) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(2), ar ôl “section 11(8)” mewnosoder “and (8ZA)”.

(3) Ym mharagraff 2 –

(a) ar ôl is-baragraff (2) mewnosoder –

“(2A) The executive arrangements must include provision under which two or more councillors may be elected by the authority to share office as executive leader; and references in any enactment to an executive leader include executive leaders elected by virtue of that provision.”;

(b) yn is-baragraff (3), ar ôl “section 11(8)” mewnosoder “and (8ZA)”.



SCHEDULE 7  
(introduced by section 58)

JOB-SHARING BY EXECUTIVE LEADERS AND EXECUTIVE MEMBERS

*Local Government Act 2000 (c. 22)*

- 1 The 2000 Act is amended as follows.
- 2 In section 11 (executives) –
  - (a) after subsection (8) insert –

“(8ZA) But if two or more councillors are elected to share office as executive leader (by virtue of paragraph 2(2A) of Schedule 1) or are appointed to the executive to share office (by virtue of paragraph 2A of Schedule 1), the number of members of the executive may exceed 10 but not 13; and where the number of members of the executive is –

    - (a) 11 or 12, at least two of the members must have been elected or appointed to share office;
    - (b) 13, at least three of the members must have been elected or appointed to share office.”;
  - (b) in subsection (8A) for “subsection (8)” substitute “subsections (8) and (8ZA)”;
  - (c) for subsection (9) substitute –

“(9) The Welsh Ministers may by regulations amend subsections (8) and (8ZA) so as to provide for different maximum numbers of members of an executive to which those subsections apply; but the power under this subsection may not be exercised so as to provide –

    - (a) for a maximum number in subsection (8) which exceeds 10, or
    - (b) for a maximum number in subsection (8ZA) which exceeds 13.”
- 3 In section 83 (interpretation of Part 3), in subsection (1) omit the definition of “executive leader”.
- 4 In section 106 (Wales: orders and regulations), in subsection (6) after “made under” insert “section 11(9),”.
- 5 (1) Schedule 1 (executive arrangements) is amended as follows.
  - (2) In paragraph 1(2), after “section 11(8)” insert “and (8ZA)”.
  - (3) In paragraph 2 –
    - (a) after sub-paragraph (2) insert –

“(2A) The executive arrangements must include provision under which two or more councillors may be elected by the authority to share office as executive leader; and references in any enactment to an executive leader include executive leaders elected by virtue of that provision.”;
    - (b) in sub-paragraph (3), after “section 11(8)” insert “and (8ZA)”.

(4) Ar ôl paragraff 2 mewnosoder –

*“Appointment of councillors to executive to share the same position*

2A Executive arrangements by a local authority must include provision under which two or more councillors may be appointed to the executive to share office.

*Voting and quorum where members of executive share their position*

2B (1) This paragraph applies where two or more councillors of a local authority are –

- (a) appointed to a mayor and cabinet executive to share office,
- (b) appointed to a leader and cabinet executive (Wales) to share office, or
- (c) elected to share office as executive leader of a leader and cabinet executive (Wales).

(2) The members of the executive who share the same office have between them one vote in respect of any matter on which they have a right to vote because they are a member of the executive.

(3) Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the executive, they together count only as one person for the purpose of determining whether the meeting is quorate.”

*Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28)*

- 6 (1) Mae Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 62 (trefniadau gweithrediaeth), hepgorer is-adran (8).
- (3) Yn Atodlen 3 (diwygiadau), hepgorer paragraff 26.

*Deddf Lleoliaeth 2011 (p. 20)*

- 7 Yn Atodlen 3 i Ddeddf Lleoliaeth 2011 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraff 11(7).

(4) After paragraph 2 insert –

*“Appointment of councillors to executive to share the same position*

2A Executive arrangements by a local authority must include provision under which two or more councillors may be appointed to the executive to share office.

*Voting and quorum where members of executive share their position*

2B (1) This paragraph applies where two or more councillors of a local authority are –

- (a) appointed to a mayor and cabinet executive to share office,
- (b) appointed to a leader and cabinet executive (Wales) to share office, or
- (c) elected to share office as executive leader of a leader and cabinet executive (Wales).

(2) The members of the executive who share the same office have between them one vote in respect of any matter on which they have a right to vote because they are a member of the executive.

(3) Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the executive, they together count only as one person for the purpose of determining whether the meeting is quorate.”

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

- 6 (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- (2) In section 62 (executive arrangements), omit subsection (8).
  - (3) In Schedule 3 (amendments), omit paragraph 26.

*Localism Act 2011(c. 20)*

- 7 In Schedule 3 to the Localism Act 2011 (minor and consequential amendments), omit paragraph 11(7).

ATODLEN 8  
(a gyflwynir gan adran 64)

YMDDYGIAD AELODAU LLYWODRAETH LEOL: YMCHWILIADAU GAN  
OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 1 Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 69 (ymchwiliadau gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru), ar ôl is-adran (5) mewnosoder –
- “(6) Sections 69A to 69E apply in relation to the exercise of the functions of the Public Services Ombudsman for Wales under this section.”
- 3 Ar ôl adran 69 o Ddeddf 2000 mewnosoder –

**“69A Possible conflict of interest in an investigation**

- (1) If subsection (2) or (4) applies in a case involving a member or co-opted member (or former member or co-opted member) of a relevant authority, the Public Services Ombudsman for Wales (“the Ombudsman”) must exercise the power in paragraph 14 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 to delegate –
- (a) the decision as to whether to investigate the case under section 69, and
- (b) any investigation of the case.
- (2) This subsection applies if at any time within the period of five years ending with the date mentioned in subsection (3) the Ombudsman was –
- (a) a member,
- (b) a member of a committee, sub-committee, joint committee or joint sub-committee, or
- (c) an officer,
- of the relevant authority concerned.
- (3) The date is –
- (a) if the case is within section 69(1)(a), the date on which the Ombudsman received the written allegation, or
- (b) if the case is within section 69(1)(b), the date on which the Ombudsman received the written allegation investigated under section 69(1)(a).
- (4) This subsection applies if the Ombudsman considers that the Ombudsman has, or is likely to have, an interest in the matters which may be investigated or the outcome of any investigation.

SCHEDULE 8  
(introduced by section 64)

CONDUCT OF LOCAL GOVERNMENT MEMBERS: INVESTIGATIONS BY THE  
PUBLIC SERVICES OMBUDSMAN FOR WALES

*Local Government Act 2000 (c. 22)*

1 The 2000 Act is amended as follows.

2 In section 69 (investigations by the Public Services Ombudsman for Wales), after subsection (5) insert –

“(6) Sections 69A to 69E apply in relation to the exercise of the functions of the Public Services Ombudsman for Wales under this section.”

3 After section 69 of the 2000 Act insert –

**“69A Possible conflict of interest in an investigation**

(1) If subsection (2) or (4) applies in a case involving a member or co-opted member (or former member or co-opted member) of a relevant authority, the Public Services Ombudsman for Wales (“the Ombudsman”) must exercise the power in paragraph 14 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 to delegate –

(a) the decision as to whether to investigate the case under section 69, and

(b) any investigation of the case.

(2) This subsection applies if at any time within the period of five years ending with the date mentioned in subsection (3) the Ombudsman was –

(a) a member,

(b) a member of a committee, sub-committee, joint committee or joint sub-committee, or

(c) an officer,

of the relevant authority concerned.

(3) The date is –

(a) if the case is within section 69(1)(a), the date on which the Ombudsman received the written allegation, or

(b) if the case is within section 69(1)(b), the date on which the Ombudsman received the written allegation investigated under section 69(1)(a).

(4) This subsection applies if the Ombudsman considers that the Ombudsman has, or is likely to have, an interest in the matters which may be investigated or the outcome of any investigation.

- (5) If subsection (4) applies the Ombudsman must disclose the nature of the interest to the person to whom any investigation under section 69 would or does relate, and to any person who has made an allegation as described in section 69(1)(a).
- (6) If the Ombudsman makes a decision as to whether to investigate a case, or investigates a case, in contravention of subsection (1), that contravention does not affect the validity of anything done by the Ombudsman.

**69B Investigation procedure**

- (1) If the Ombudsman conducts an investigation under section 69, the Ombudsman must give the person to whom the investigation relates an opportunity to comment on whether that person has failed to comply with the code of conduct of the relevant authority of which that person is or was a member or co-opted member.
- (2) An investigation must be conducted in private.
- (3) Subject to subsections (1) and (2), the procedure for conducting an investigation is that which the Ombudsman thinks appropriate in the circumstances of the case.
- (4) The Ombudsman may, among other things –
  - (a) make any inquiries which the Ombudsman thinks appropriate;
  - (b) determine whether any person may be represented in the investigation by an authorised person or another person.
- (5) In subsection (4) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).
- (6) The Ombudsman may pay to the person (if any) who made an allegation as described in section 69(1)(a) and to any other person who attends or supplies information for the purposes of the investigation –
  - (a) sums in respect of the expenses properly incurred by them, and
  - (b) allowances to compensate for the loss of their time.
- (7) The Ombudsman may attach conditions to payments under subsection (6).
- (8) The carrying out of an investigation under section 69 does not affect –
  - (a) the validity of any action taken by a relevant authority, or
  - (b) any power or duty of a relevant authority to take further action in respect of any matter under investigation.

- (5) If subsection (4) applies the Ombudsman must disclose the nature of the interest to the person to whom any investigation under section 69 would or does relate, and to any person who has made an allegation as described in section 69(1)(a).
- (6) If the Ombudsman makes a decision as to whether to investigate a case, or investigates a case, in contravention of subsection (1), that contravention does not affect the validity of anything done by the Ombudsman.

**69B Investigation procedure**

- (1) If the Ombudsman conducts an investigation under section 69, the Ombudsman must give the person to whom the investigation relates an opportunity to comment on whether that person has failed to comply with the code of conduct of the relevant authority of which that person is or was a member or co-opted member.
- (2) An investigation must be conducted in private.
- (3) Subject to subsections (1) and (2), the procedure for conducting an investigation is that which the Ombudsman thinks appropriate in the circumstances of the case.
- (4) The Ombudsman may, among other things –
  - (a) make any inquiries which the Ombudsman thinks appropriate;
  - (b) determine whether any person may be represented in the investigation by an authorised person or another person.
- (5) In subsection (4) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).
- (6) The Ombudsman may pay to the person (if any) who made an allegation as described in section 69(1)(a) and to any other person who attends or supplies information for the purposes of the investigation –
  - (a) sums in respect of the expenses properly incurred by them, and
  - (b) allowances to compensate for the loss of their time.
- (7) The Ombudsman may attach conditions to payments under subsection (6).
- (8) The carrying out of an investigation under section 69 does not affect –
  - (a) the validity of any action taken by a relevant authority, or
  - (b) any power or duty of a relevant authority to take further action in respect of any matter under investigation.

**69C Information, documents, evidence and facilities**

- (1) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation under section 69 to do so.
- (2) The Ombudsman has the same powers as the High Court in relation to—
  - (a) the attendance and examination of witnesses (including the administration of oaths and affirmations and the examination of witnesses abroad), and
  - (b) the production of documents.
- (3) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation to provide any facility the Ombudsman may reasonably require.
- (4) The Ombudsman may require the relevant authority concerned to provide any facility the Ombudsman may reasonably require.
- (5) Subject to subsection (6), no person may be compelled to give any evidence or produce any document which the person could not be compelled to give or produce in civil proceedings before the High Court.
- (6) The Crown is not entitled to any privilege in relation to the production of documents or the giving of evidence that would otherwise be allowed by law in legal proceedings.
- (7) Where an obligation to maintain secrecy or other restriction on the disclosure of information obtained by or supplied to persons in Her Majesty's service has been imposed by an enactment or a rule of law, the obligation or restriction does not apply to the disclosure of information for the purposes of the investigation.

**69D Obstruction and contempt**

- (1) If the Ombudsman is satisfied that the condition in subsection (2) is met in relation to a person, the Ombudsman may issue a certificate to that effect to the High Court.
- (2) The condition is that the person—
  - (a) without lawful excuse, has obstructed the discharge of any of the Ombudsman's functions under this Part, or
  - (b) has done an act in relation to an investigation under section 69 which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) But the condition in subsection (2) is not met in relation to a person merely because that person has taken action such as is mentioned in section 69B(8).



**69C Information, documents, evidence and facilities**

- (1) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation under section 69 to do so.
- (2) The Ombudsman has the same powers as the High Court in relation to—
  - (a) the attendance and examination of witnesses (including the administration of oaths and affirmations and the examination of witnesses abroad), and
  - (b) the production of documents.
- (3) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation to provide any facility the Ombudsman may reasonably require.
- (4) The Ombudsman may require the relevant authority concerned to provide any facility the Ombudsman may reasonably require.
- (5) Subject to subsection (6), no person may be compelled to give any evidence or produce any document which the person could not be compelled to give or produce in civil proceedings before the High Court.
- (6) The Crown is not entitled to any privilege in relation to the production of documents or the giving of evidence that would otherwise be allowed by law in legal proceedings.
- (7) Where an obligation to maintain secrecy or other restriction on the disclosure of information obtained by or supplied to persons in Her Majesty's service has been imposed by an enactment or a rule of law, the obligation or restriction does not apply to the disclosure of information for the purposes of the investigation.

**69D Obstruction and contempt**

- (1) If the Ombudsman is satisfied that the condition in subsection (2) is met in relation to a person, the Ombudsman may issue a certificate to that effect to the High Court.
- (2) The condition is that the person—
  - (a) without lawful excuse, has obstructed the discharge of any of the Ombudsman's functions under this Part, or
  - (b) has done an act in relation to an investigation under section 69 which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) But the condition in subsection (2) is not met in relation to a person merely because that person has taken action such as is mentioned in section 69B(8).

- (4) If the Ombudsman issues a certificate under subsection (1), the High Court may inquire into the matter.
- (5) If the High Court is satisfied that the condition in subsection (2) is met in relation to the person, it may deal with that person in the same manner as it may deal with a person who has committed contempt in relation to the High Court.

#### **69E Disclosure of information**

- (1) This section applies to information obtained in the exercise of the Ombudsman's functions under this Part by—
  - (a) the Ombudsman;
  - (b) a member of the Ombudsman's staff or other person acting on the Ombudsman's behalf;
  - (c) a person assisting the Ombudsman.
- (2) The information may be disclosed only—
  - (a) for the purposes of the Ombudsman's functions under—
    - (i) Chapter 3 or 4 of this Part;
    - (ii) Part 3 or 5 of the Public Services Ombudsman (Wales) Act 2019;
  - (b) for the purposes of the functions of the Adjudication Panel for Wales, including the functions of its President, Deputy President and tribunals, under Chapter 4 of this Part;
  - (c) for the purposes of criminal proceedings or the investigation of a criminal offence;
  - (d) if the disclosure is made to the Auditor General for Wales for the purposes of the Auditor General's functions under Part 2 of the Public Audit (Wales) Act 2004;
  - (e) if the disclosure is made to the Electoral Commission for the purposes of any of its functions.

#### **69F Power of the Welsh Ministers to amend this Chapter**

The Welsh Ministers may by regulations amend this Chapter to make further or different provision about the exercise of the functions of the Public Services Ombudsman for Wales under section 69."

4 Yn adran 70 (ymchwiliadau: darpariaethau pellach) —

- (a) hepgorer is-adrannau (1) a (2);
- (b) yn lle'r pennawd rhodder "Ceasing investigations etc."

5 Yn lle adran 74 (y gyfraith ddifenwi) rhodder —

- (4) If the Ombudsman issues a certificate under subsection (1), the High Court may inquire into the matter.
- (5) If the High Court is satisfied that the condition in subsection (2) is met in relation to the person, it may deal with that person in the same manner as it may deal with a person who has committed contempt in relation to the High Court.

**69E Disclosure of information**

- (1) This section applies to information obtained in the exercise of the Ombudsman's functions under this Part by –
  - (a) the Ombudsman;
  - (b) a member of the Ombudsman's staff or other person acting on the Ombudsman's behalf;
  - (c) a person assisting the Ombudsman.
- (2) The information may be disclosed only –
  - (a) for the purposes of the Ombudsman's functions under –
    - (i) Chapter 3 or 4 of this Part;
    - (ii) Part 3 or 5 of the Public Services Ombudsman (Wales) Act 2019;
  - (b) for the purposes of the functions of the Adjudication Panel for Wales, including the functions of its President, Deputy President and tribunals, under Chapter 4 of this Part;
  - (c) for the purposes of criminal proceedings or the investigation of a criminal offence;
  - (d) if the disclosure is made to the Auditor General for Wales for the purposes of the Auditor General's functions under Part 2 of the Public Audit (Wales) Act 2004;
  - (e) if the disclosure is made to the Electoral Commission for the purposes of any of its functions.

**69F Power of the Welsh Ministers to amend this Chapter**

The Welsh Ministers may by regulations amend this Chapter to make further or different provision about the exercise of the functions of the Public Services Ombudsman for Wales under section 69."

- 4 In section 70 (investigations: further provisions) –
  - (a) omit subsections (1) and (2);
  - (b) for the heading substitute "Ceasing investigations etc."
- 5 For section 74 (law of defamation) substitute –

*“Law of defamation***74 Law of defamation: absolute privilege**

For the purposes of the law of defamation a publication of a matter is absolutely privileged if—

- (a) the publication is made in the exercise of the functions of the Ombudsman under Chapters 3 and 4 of this Part;
- (b) the publication—
  - (i) is made in communications with the Ombudsman or a person exercising a function of the Ombudsman, and
  - (ii) is made for the purposes of, or in connection with, the Ombudsman’s functions under Chapters 3 and 4 of this Part.”

6 Yn adran 106(7) (Cymru: gorchmynion a rheoliadau), cyn “may not” mewnosoder “or regulations under section 69F”.

*Deddf Llywodraeth Cymru 2006 (p. 32)*

7 Yn nhabl 1 ym mharagraff 35(3) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (darpariaethau trosiannol), hepgorer y cofnod ar gyfer adran 70(1) o Ddeddf 2000.

*Deddf Lleoliaeth 2011 (p. 20)*

8 Yn Atodlen 4 i Ddeddf Lleoliaeth 2011 (ymddygiad aelodau llywodraeth leol: diwygiadau), hepgorer paragraff 38(2).

*Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)*

9 Yn Atodlen 3 i Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraff 12.

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)*

10 Yn Atodlen 5 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (diwygiadau canlyniadol), hepgorer paragraff 20.

*“Law of defamation*

**74 Law of defamation: absolute privilege**

For the purposes of the law of defamation a publication of a matter is absolutely privileged if—

- (a) the publication is made in the exercise of the functions of the Ombudsman under Chapters 3 and 4 of this Part;
- (b) the publication—
  - (i) is made in communications with the Ombudsman or a person exercising a function of the Ombudsman, and
  - (ii) is made for the purposes of, or in connection with, the Ombudsman’s functions under Chapters 3 and 4 of this Part.”

6 In section 106(7) (Wales: orders and regulations), before “may not” insert “or regulations under section 69F”.

*Government of Wales Act 2006 (c. 32)*

7 In table 1 in paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 (transitional provisions), omit the entry for section 70(1) of the 2000 Act.

*Localism Act 2011(c. 20)*

8 In Schedule 4 to the Localism Act 2011 (conduct of local government members: amendments), omit paragraph 38(2).

*Social Services and Well-being (Wales) Act 2014 (anaw 4)*

9 In Schedule 3 to the Social Services and Well-being (Wales) Act 2014 (minor and consequential amendments), omit paragraph 12.

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

10 In Schedule 5 to the Public Services Ombudsman (Wales) Act 2019 (consequential amendments), omit paragraph 20.

ATODLEN 9  
(a gyflwynir gan adran 88)

DIWYGIADAU SY’N GYSYLLTIEDIG Â CHYD-BWYLLGORAU CORFFOREDIG

RHAN 1

CREU SWYDDOGAETHAU CYNLLUNIO STRATEGOL AR GYFER CYD-BWYLLGORAU  
CORFFOREDIG PENODOL A DIDDYMU’R PWERAU I SEFYDLU PANELI CYNLLUNIO  
STRATEGOL ETC.

*Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)*

- 1 Mae Deddf Cynllunio a Phrynu Gorfodol 2004 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 38(4) (cynllun datblygu), yn lle paragraff (b) rhodder –
- “(b) any strategic development plan for an area that includes all or part of that area, and”.
- 3 Hepgorer adrannau 60D i 60J (paneli cynllunio strategol a chynlluniau datblygu strategol) a’r croesbennawd sy’n eu rhagflaenu.
- 4 Cyn y croesbennawd sy’n rhagflaenu adran 61 mewnosoder –
- “Strategic planning by corporate joint committees*

**60K Corporate joint committees to which this Part applies**

In this Part, references to a corporate joint committee are to a corporate joint committee to which this Part applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

**60L Corporate joint committees: area survey**

- (1) A corporate joint committee must keep under review the matters which may be expected to affect the development, of the planning of the development, of its area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a corporate joint committee as they apply in relation to a local planning authority.
- (3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2) –
  - (a) references to a local planning authority are to be construed as references to a corporate joint committee;
  - (b) references to a neighbouring area are to be construed as references to a neighbouring area which is the area of another corporate joint committee.

SCHEDULE 9  
(introduced by section 88)

AMENDMENTS RELATED TO CORPORATE JOINT COMMITTEES

PART 1

CREATION OF STRATEGIC PLANNING FUNCTIONS FOR CERTAIN CORPORATE JOINT COMMITTEES AND REPEAL OF POWERS TO ESTABLISH STRATEGIC PLANNING PANELS ETC.

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 1 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 2 In section 38(4) (development plan), for paragraph (b) substitute –
  - “(b) any strategic development plan for an area that includes all or part of that area, and”.
- 3 Omit sections 60D to 60J (strategic planning panels and strategic development plans) and the cross-heading which precedes them.
- 4 Before the cross-heading which precedes section 61 insert –

*“Strategic planning by corporate joint committees*

**60K Corporate joint committees to which this Part applies**

In this Part, references to a corporate joint committee are to a corporate joint committee to which this Part applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

**60L Corporate joint committees: area survey**

- (1) A corporate joint committee must keep under review the matters which may be expected to affect the development, or the planning of the development, of its area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a corporate joint committee as they apply in relation to a local planning authority.
- (3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2) –
  - (a) references to a local planning authority are to be construed as references to a corporate joint committee;
  - (b) references to a neighbouring area are to be construed as references to a neighbouring area which is the area of another corporate joint committee.

**60M Corporate joint committee areas: strategic development plans**

- (1) A corporate joint committee must prepare a plan for its area to be known as a strategic development plan.
- (2) The plan must set out –
  - (a) the committee’s objectives in relation to the development and use of land in its area;
  - (b) the committee’s policies for the implementation of those objectives.
- (3) The plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about –
  - (a) the period that may be specified under subsection (4);
  - (b) the form and content of the plan.
- (6) In preparing its plan the committee must have regard to –
  - (a) current national policies;
  - (b) the National Development Framework for Wales;
  - (c) any strategic development plan for an area that adjoins the committee’s area;
  - (d) the local development plan for each area all or part of which is included in the committee’s area;
  - (e) the resources likely to be available for implementing the plan;
  - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The committee must also –
  - (a) carry out an appraisal of the sustainability of the plan;
  - (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area.
- (9) A plan is a strategic development plan only in so far as it is –
  - (a) adopted by resolution of the corporate joint committee as its strategic development plan, or
  - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60N).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).



**60M Corporate joint committee areas: strategic development plans**

- (1) A corporate joint committee must prepare a plan for its area to be known as a strategic development plan.
- (2) The plan must set out –
  - (a) the committee’s objectives in relation to the development and use of land in its area;
  - (b) the committee’s policies for the implementation of those objectives.
- (3) The plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about –
  - (a) the period that may be specified under subsection (4);
  - (b) the form and content of the plan.
- (6) In preparing its plan the committee must have regard to –
  - (a) current national policies;
  - (b) the National Development Framework for Wales;
  - (c) any strategic development plan for an area that adjoins the committee’s area;
  - (d) the local development plan for each area all or part of which is included in the committee’s area;
  - (e) the resources likely to be available for implementing the plan;
  - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The committee must also –
  - (a) carry out an appraisal of the sustainability of the plan;
  - (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area.
- (9) A plan is a strategic development plan only in so far as it is –
  - (a) adopted by resolution of the corporate joint committee as its strategic development plan, or
  - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60N).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

**60N Strategic development plans: application of provisions of this Part**

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan prepared by a corporate joint committee.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1) –
  - (a) references to a local planning authority are to be construed as references to a corporate joint committee;
  - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60M.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60M(7)."

5 Yn adran 62 (cynllun datblygu lleol) –

- (a) yn is-adran (3A), ym mharagraff (b) hepgorer “strategic planning”;
- (b) yn is-adran (5), ym mharagraff (ba) hepgorer “strategic planning”.

6 Yn adran 68A (dyletswydd i ystyried a ddylid adolygu cynllun datblygu lleol), yn is-adran (2), yn lle “a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area” rhodder “all or part of their area, a local planning authority”.

7 Yn adran 113 (dilysrwydd strategaethau, cynlluniau a dogfennau) –

- (a) yn is-adran (9), ym mharagraff (ba) –
  - (i) yn is-baragraff (i) yn lle “60I” rhodder “60M”;
  - (ii) yn is-baragraff (ii) yn lle “60J” rhodder “60N”;
- (b) yn is-adran (11), ym mharagraff (ba), yn lle “strategic planning panel” rhodder “corporate joint committee”.

8 Hefgorer Atodlen 2A (paneli cynllunio strategol).

*Deddf Cynllunio (Cymru) 2015 (dccc 4)*

9 Mae Deddf Cynllunio (Cymru) 2015 wedi ei diwygio fel a ganlyn.

10 Hefgorer adrannau 4 i 6 a’r croesbennawd sy’n eu rhagflaenu.

11 Hefgorer Atodlen 1 (paneli cynllunio strategol).

12 Yn Atodlen 2 (cynllunio datblygu: diwygiadau pellach), hepgorer y canlynol –

**60N Strategic development plans: application of provisions of this Part**

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision in respect of a strategic development plan prepared by a corporate joint committee.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1) –
  - (a) references to a local planning authority are to be construed as references to a corporate joint committee;
  - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60M.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60M(7)."

5 In section 62 (local development plan) –

- (a) in subsection (3A), in paragraph (b) omit “strategic planning”;
- (b) in subsection (5), in paragraph (ba) omit “strategic planning”.

6 In section 68A (duty to consider whether to review local development plan), in subsection (2), for “a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area” substitute “all or part of their area, a local planning authority”.

7 In section 113 (validity of strategies, plans and documents) –

- (a) in subsection (9), in paragraph (ba) –
  - (i) in sub-paragraph (i) for “60I” substitute “60M”;
  - (ii) in sub-paragraph (ii) for “60J” substitute “60N”;
- (b) in subsection (11), in paragraph (ba), for “strategic planning panel” substitute “corporate joint committee”.

8 Omit Schedule 2A (strategic planning panels).

*Planning (Wales) Act 2015 (anaw 4)*

9 The Planning (Wales) Act 2015 is amended as follows.

10 Omit sections 4 to 6 and the cross-heading which precedes them.

11 Omit Schedule 1 (strategic planning panels).

12 In Schedule 2 (development planning: further amendments), omit the following –

- (a) paragraff 10(4) i (7);
- (b) paragraff 13;
- (c) paragraff 16(b);
- (d) paragraffau 17 i 19 a'r croesbennawd sy'n eu rhagflaenu;
- (e) paragraffau 20 i 22 a'r croesbennawd sy'n eu rhagflaenu;
- (f) paragraff 31(3) a (4);
- (g) paragraff 32;
- (h) paragraff 34(3)(b).

*Deddf Awdurdodau Lleol (Nwyddau a Gwasanaethau) 1970 (p. 39)*

- 13 Yn adran 1 o Ddeddf Awdurdodau Lleol (Nwyddau a Gwasanaethau) 1970 (awdurdodau lleol yn cyflenwi nwyddau a gwasanaethau i gyrff cyhoeddus), yn is-adran (4), yn y diffiniad o "public body", hepgorer "any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004,".

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 14 Yn adran 80 o Ddeddf Llywodraeth Leol 1972 (anghymhwysiad person rhag cael ei ethol a dal swydd fel aelod o awdurdod lleol), hepgorer is-adran (2AB).

*Deddf Awdurdod Datblygu Cymru 1975 (p. 70)*

- 15 Mae Deddf Awdurdod Datblygu Cymru 1975 wedi ei diwygio fel a ganlyn.
- 16 Yn adran 21A (pwerau caffael tir), yn is-adran (5), ym mharagraff (d), yn lle "strategic planning panel in whose strategic planning" rhodder "corporate joint committee in whose".
- 17 Yn adran 21C (pwerau i gynghori ar faterion tir), yn is-adran (3), ym mharagraff (d) –
- (a) yn lle "strategic planning panel" rhodder "corporate joint committee";
  - (b) yn yr ail le y maent yn ymddangos, hepgorer y geiriau "strategic planning".
- 18 Yn adran 27 (dehongli), yn is-adran (1), yn y lle priodol mewnosoder –
- "“corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.
- 19 Yn Atodlen 4 (caffael tir) –
- (a) yn Rhan 1 (caffael yn orfodol), ym mharagraff 3A(d), yn lle "strategic planning panel in whose strategic planning" rhodder "corporate joint committee in whose";
  - (b) yn Rhan 4 (darpariaethau eraill), ym mharagraff 19(1), yn lle "strategic planning panel" rhodder "corporate joint committee".

- (a) paragraph 10(4) to (7);
- (b) paragraph 13;
- (c) paragraph 16(b);
- (d) paragraphs 17 to 19 and the cross-heading which precedes them;
- (e) paragraphs 20 to 22 and the cross-heading which precedes them;
- (f) paragraph 31(3) and (4);
- (g) paragraph 32;
- (h) paragraph 34(3)(b).

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 13 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies), in subsection (4), in the definition of “public body”, omit “any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004,”.

*Local Government Act 1972 (c. 70)*

- 14 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as a member of local authority), omit subsection (2AB).

*Welsh Development Agency Act 1975 (c. 70)*

- 15 The Welsh Development Agency Act 1975 is amended as follows.
- 16 In section 21A (powers of land acquisition), in subsection (5), in paragraph (d), for “strategic planning panel in whose strategic planning” substitute “corporate joint committee in whose”.
- 17 In section 21C (powers to advise on land matters), in subsection (3), in paragraph (d) –
- (a) for “strategic planning panel” substitute “corporate joint committee”;
  - (b) in the second place in which they appear, omit the words “strategic planning”.
- 18 In section 27 (interpretation), in subsection (1), in the appropriate place insert –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.
- 19 In Schedule 4 (acquisition of land) –
- (a) in Part 1 (compulsory acquisition), in paragraph 3A(d), for “strategic planning panel in whose strategic planning” substitute “corporate joint committee in whose”;
  - (b) in Part 4 (other provisions), in paragraph 19(1), for “strategic planning panel” substitute “corporate joint committee”.

*Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69)*

- 20 Mae Deddf Bywyd Gwyllt a Chefn Gwlad 1981 wedi ei diwygio fel a ganlyn.
- 21 Yn adran 27AA (safleoedd o ddiddordeb gwyddonol arbennig a chalchbalmentydd: cymhwyso darpariaethau yng Nghymru) –
- (a) yn is-adran (2), ym mharagraff (b), yn lle'r geiriau o "a strategic planning area" hyd at y diwedd rhodder "the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021";
  - (b) yn is-adran (3), yn lle'r geiriau o "the strategic planning panel" hyd at y diwedd, rhodder "that corporate joint committee".
- 22 Yn adran 37A (hysbysu ynglŷn â dynodi safleoedd Ramsar), yn is-adran (2B) –
- (a) yn lle "a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004" rhodder "the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021";
  - (b) yn lle "the strategic planning panel for that area" rhodder "that corporate joint committee".

*Deddf Cynllunio Gwlad a Thref 1990 (p. 8)*

- 23 Mae Deddf Cynllunio Gwlad a Thref 1990 wedi ei diwygio fel a ganlyn.
- 24 Yn adran 83 (gwneud cynlluniau parth cynllunio syml), yn is-adran (3A), ym mharagraff (b) –
- (a) hepgorer "strategic planning";
  - (b) yn lle "sections 60I and 60J" rhodder "sections 60M and 60N".
- 25 Yn adran 293A (datblygiad brys y Goron: cais am ganiatâd cynllunio), yn is-adran (9), ym mharagraff (aa), yn lle "the strategic planning panel for any strategic planning" rhodder "any corporate joint committee for the".
- 26 (1) Mae adran 303A (cyfrifoldeb awdurdod cynllunio lleol am gostau cynnal ymchwiliadau etc. penodol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), yn lle "or strategic planning panel" rhodder "or corporate joint committee".
  - (3) Yn is-adran (3) –
    - (a) yn lle "or strategic planning panel" rhodder "or corporate joint committee";
    - (b) yn lle "or panel" rhodder "or committee".
  - (4) Yn is-adran (6), yn lle "or strategic planning panel" rhodder "or corporate joint committee".
  - (5) Yn is-adran (9A) –

*Wildlife and Countryside Act 1981 (c. 69)*

- 20 The Wildlife and Countryside Act 1981 is amended as follows.
- 21 In section 27AA (sites of special scientific interest and limestone pavements: application of provisions in Wales)—
- (a) in subsection (2), in paragraph (b), for the words from “a strategic planning area” to the end substitute “the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”;
  - (b) in subsection (3), for the words from “the strategic planning panel” to the end, substitute “that corporate joint committee”.
- 22 In section 37A (notification of designation of Ramsar sites), in subsection (2B)—
- (a) for “a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”;
  - (b) for “the strategic planning panel for that area” substitute “that corporate joint committee”.

*Town and Country Planning Act 1990 (c. 8)*

- 23 The Town and Country Planning Act 1990 is amended as follows.
- 24 In section 83 (making of simplified planning zone schemes), in subsection (3A), in paragraph (b)—
- (a) omit “strategic planning”;
  - (b) for “sections 60I and 60J” substitute “sections 60M and 60N”.
- 25 In section 293A (urgent Crown development: application for planning permission), in subsection (9), in paragraph (aa), for “the strategic planning panel for any strategic planning” substitute “any corporate joint committee for the”.
- 26 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc.) is amended as follows.
- (2) In subsection (2), for “or strategic planning panel” substitute “or corporate joint committee”.
  - (3) In subsection (3)—
    - (a) for “or strategic planning panel” substitute “or corporate joint committee”;
    - (b) for “or panel” substitute “or committee”.
  - (4) In subsection (6), for “or strategic planning panel” substitute “or corporate joint committee”.
  - (5) In subsection (9A)—

- (a) ar ôl “local planning authority”, yn y lle cyntaf y mae’n ymddangos, mewnosoder “or corporate joint committee”;
- (b) ym mharagraff (a), ar ôl “local planning authority” mewnosoder “or corporate joint committee”.
- 27 Yn adran 306 (cyfraniadau gan awdurdodau lleol ac ymgwymerwyr statudol), yn is-adran (2A) –
- (a) yn lle “strategic planning panel” rhodder “corporate joint committee”;
- (b) yn lle’r geiriau o “60H” hyd at y diwedd rhodder “60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey)”.
- 28 Yn adran 324 (hawliau mynediad) –
- (a) mae is-adran (1B), (fel y’i mewnosodir gan Atodlen 2 i Ddeddf Cynllunio (Cymru) 2015 (dccc 4)) wedi ei hailrifo’n is-adran (1BA);
- (b) yn yr is-adran honno, yn lle “strategic planning panel” rhodder “corporate joint committee”.
- 29 Yn adran 336 (dehongli), yn is-adran (1) –
- (a) yn y lle priodol mewnosoder –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) hepgorer y diffiniad o “strategic planning panel”.

*Deddf Adnoddau Dŵr 1991 (p. 57)*

- 30 Yn Atodlen 6 i Ddeddf Adnoddau Dŵr 1991 (gorchmynion sy’n ymwneud â thynnu symiau bach a chofrestru gorfodol ar gyfer hawliau gwarchoddedig), ym mharagraff 1 –
- (a) yn is-baragraff (4)(a), yn lle “strategic planning panel” rhodder “corporate joint committee”;
- (b) yn is-baragraff (6), yn lle paragraff (ba) rhodder –
- “(ba) references to a corporate joint committee are to a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

*Deddf y Diwydiant Glo 1994 (p. 21)*

- 31 Mae Deddf y Diwydiant Glo 1994 wedi ei diwygio fel a ganlyn.
- 32 Yn adran 39 (hawl i dynnu ymaith cynhaliad o’r tir: hysbysiad), yn is-adran (5), yn lle’r geiriau o “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” rhodder “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.



- (a) after “local planning authority”, in the first place it occurs, insert “or corporate joint committee”;
  - (b) in paragraph (a), after “local planning authority” insert “or corporate joint committee”.
- 27 In section 306 (contributions by local authorities and statutory undertakers), in subsection (2A) –
- (a) for “strategic planning panel” substitute “corporate joint committee”;
  - (b) for the words from “60H” to the end substitute “60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey)”.
- 28 In section 324 (rights of entry) –
- (a) subsection (1B) (as inserted by Schedule 2 to the Planning (Wales) Act 2015 (anaw 4)) is renumbered as subsection (1BA);
  - (b) in that subsection, for “strategic planning panel” substitute “corporate joint committee”.
- 29 In section 336 (interpretation), in subsection (1) –
- (a) in the appropriate place insert –
    - ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
  - (b) omit the definition of “strategic planning panel”.

*Water Resources Act 1991 (c. 57)*

- 30 In Schedule 6 to the Water Resources Act 1991 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1 –
- (a) in sub-paragraph (4)(a), for “strategic planning panel” substitute “corporate joint committee”;
  - (b) in sub-paragraph (6), for paragraph (ba) substitute –
    - “(ba) references to a corporate joint committee are to a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

*Coal Industry Act 1994 (c. 21)*

- 31 The Coal Industry Act 1994 is amended as follows.
- 32 In section 39 (right to withdraw support from land: notice), in subsection (5), for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

- 33 Yn adran 41 (dirymu hawl i dynnu cynhaliad), yn is-adran (6), yn y diffiniad o “planning authority” yn lle’r geiriau o “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” rhodder “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

*Deddf yr Amgylchedd 1995 (p. 25)*

- 34 (1) Mae adran 66 o Ddeddf yr Amgylchedd 1995 (Cynlluniau Rheoli Parc Cenedlaethol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (7), ym mharagraff (a), yn lle “and strategic planning panel” rhodder “and corporate joint committee”.
- (3) Yn lle is-adran (10) rhodder –
- “(10) In this section “corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 35 Yn adran 83 o Ddeddf Llywodraeth Leol 2000 (ymddygiad aelodau a chyflogeion awdurdodau lleol yng Nghymru: dehongli), hepgorer is-adran (9A).

*Deddf Rhyddid Gwybodaeth 2000 (p. 36)*

- 36 Yn Rhan 2 o Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000 (awdurdodau cyhoeddus: llywodraeth leol), hepgorer paragraff 33A.

*Deddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37)*

- 37 Yn adran 85 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (ardaloedd o harddwch naturiol eithriadol: dyletswydd gyffredinol cyrff cyhoeddus etc.), yn is-adran (3), yn y diffiniad o “public body” hepgorer paragraff (d) (fel y’i mewnosodwyd gan baragraff 21 o Atodlen 2 i Ddeddf Cynllunio (Cymru) 2015 (dccc 4), a oedd yn honni yn anghywir ei fod yn mewnosod y paragraff hwnnw yn is-adran (2)).

*Deddf Cyllid 2003 (p. 14)*

- 38 Yn adran 66 o Ddeddf Cyllid 2003 (treth dir y dreth stamp; esemptiad ar gyfer trosglwyddiadau sy’n ymwneud â chyrrff cyhoeddus), yn is-adran (4), o dan y pennawd “Other planning authorities” hepgorer y cofnod –
- “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004”.

*Deddf Cynllunio ac Ynni 2008 (p. 21)*

- 39 Mae Deddf Cynllunio ac Ynni 2008 wedi ei diwygio fel a ganlyn.

- 33 In section 41 (revocation of right to withdraw support), in subsection (6), in the definition of “planning authority” for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

*Environment Act 1995 (c. 25)*

- 34 (1) Section 66 of the Environment Act 1995 (National Park Management Plans) is amended as follows.
- (2) In subsection (7), in paragraph (a), for “and strategic planning panel” substitute “and corporate joint committee”.
- (3) For subsection (10) substitute—
- “(10) In this section “corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

*Local Government Act 2000 (c. 22)*

- 35 In section 83 of the Local Government Act 2000 (conduct of members and employees of local authorities in Wales: interpretation), omit subsection (9A).

*Freedom of Information Act 2000 (c. 36)*

- 36 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government), omit paragraph 33A.

*Countryside and Rights of Way Act 2000 (c. 37)*

- 37 In section 85 of the Countryside and Rights of Way Act 2000 (areas of outstanding natural beauty: general duty of public bodies etc.), in subsection (3), in the definition of “public body” omit paragraph (d) (as inserted by paragraph 21 of Schedule 2 to the Planning (Wales) Act 2015 (anaw 4), which incorrectly purported to insert that paragraph into subsection (2)).

*Finance Act 2003 (c. 14)*

- 38 In section 66 of the Finance Act 2003 (stamp duty land tax; exemption for transfers involving public bodies), in subsection (4), under the heading “Other planning authorities” omit the entry—
- “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004”.

*Planning and Energy Act 2008 (c. 21)*

- 39 The Planning and Energy Act 2008 is amended as follows.

- 40 (1) Mae adran 1 (polisiau ynni) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn lle “strategic planning panel” rhodder “corporate joint committee”.
- (3) Yn is-adran (3)(b), yn lle “a strategic planning panel or” rhodder “a corporate joint committee or”.
- (4) Yn is-adran (4), yn lle paragraff (aa) rhodder –
- “(aa) section 60M of that Act, in the case of a corporate joint committee;”.
- 41 Yn adran 2 (dehongli) –
- (a) yn y lle priodol mewnosoder –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) hepgorer y diffiniad o “strategic planning panel”.

*Deddf y Môr a Mynediad i'r Arfordir 2009 (p. 23)*

- 42 (1) Mae paragraff 1 o Atodlen 6 i Ddeddf y Môr a Mynediad i'r Arfordir 2009 (cynlluniau morol: eu llunio a'u mabwysiadu) wedi ei diwygio fel a ganlyn.
- (2) Yn is-baragraff (2), ym mharagraff (f), yn lle “strategic planning panel whose strategic planning” rhodder “corporate joint committee whose”.
- (3) Yn is-baragraff (3) –
- (a) yn y lle priodol mewnosoder –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) hepgorer y diffiniad o “strategic planning panel”.

*Deddf Cydraddoldeb 2010 (c. 15)*

- 43 Yn Rhan 2 o Atodlen 19 i Ddeddf Cydraddoldeb 2010 (awdurdodau cyhoeddus sy'n ddarostyngedig i ddyletswydd cydraddoldeb y sector cyhoeddus: awdurdodau Cymreig perthnasol), o dan yr is-bennawd “Local government”, hepgorer y cofnod –
- “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

*Mesur y Gymraeg (Cymru) 2011 (mccc 1)*

- 44 (1) Mae Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (personau sy'n agored i orfod cydymffurfio â safonau: cyrff cyhoeddus etc.) wedi ei diwygio fel a ganlyn.
- (2) Yn y tabl, o dan y pennawd “LLYWODRAETH LEOL ETC”, hepgorer y cofnod ar gyfer paneli cynllunio strategol.

- 40 (1) Section 1 (energy policies) is amended as follows.
- (2) In subsection (1), for “strategic planning panel” substitute “corporate joint committee”.
- (3) In subsection (3)(b), for “a strategic planning panel or” substitute “a corporate joint committee or”.
- (4) In subsection (4), for paragraph (aa) substitute –
- “(aa) section 60M of that Act, in the case of a corporate joint committee;”.
- 41 In section 2 (interpretation) –
- (a) in the appropriate place insert –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) omit the definition of “strategic planning panel”.

*Marine and Coastal Access Act 2009 (c. 23)*

- 42 (1) Paragraph 1 of Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.
- (2) In sub-paragraph (2), in paragraph (f), for “strategic planning panel whose strategic planning” substitute “corporate joint committee whose”.
- (3) In sub-paragraph (3) –
- (a) in the appropriate place insert –
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) omit the definition of “strategic planning panel”.

*Equality Act 2010 (c. 15)*

- 43 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Local government”, omit the entry –
- “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

*Welsh Language (Wales) Measure 2011 (nawm 1)*

- 44 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc.) is amended as follows.
- (2) In the table, under the heading “LOCAL GOVERNMENT ETC.”, omit the entry for strategic planning panels.

- (3) Ym mharagraff 2, hepgorer y diffiniad o “panel cynllunio strategol”.

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 45 Yn adran 144 o Fesur Llywodraeth Leol (Cymru) 2011 (taliadau a phensiynau: awdurdodau perthnasol, aelodau etc.), yn is-adran (2), hepgorer paragraff (da).

*Deddf yr Amgylchedd (Cymru) 2016 (dccc 3)*

- 46 Yn adran 6 o Ddeddf yr Amgylchedd (Cymru) 2016 (dyletswydd bioamrywiaeth a chydnerthedd ecosystemau) –
- (a) yn is-adran (9), yn y diffiniad o “awdurdod cyhoeddus”, ym mharagraff (e) –
    - (i) yn lle “lleol,” rhodder “lleol ac”;
    - (ii) hepgorer “a phanel cynllunio strategol”;
  - (b) yn is-adran (10), hepgorer y diffiniad o “panel cynllunio strategol”.

*Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017 (dccc 1)*

- 47 Yn Neddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017, yn Atodlen 20 (rhyddhad ar gyfer caffaeliadau gan gyrrff cyhoeddus a chyrrff iechyd), hepgorer paragraff 1(4)(k).

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)*

- 48 Yn Atodlen 3 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (awdurdodau rhestredig), o dan yr is-bennawd “Llywodraeth leol, tân a’r heddlu”, hepgorer y cofnod –
- “Panel cynllunio strategol.”

RHAN 2

DIDDYMU’R PŴER I SEFYDLU CYD-AWDURDODAU TRAFNIDIAETH

*Deddf Trafnidiaeth (Cymru) 2006 (p. 5)*

- 49 Yn Neddf Trafnidiaeth (Cymru) 2006 –
- (a) hepgorer adran 5 (pŵer i sefydlu cyd-awdurdodau trafndiaeth);
  - (b) yn adran 6 (cymorth ariannol: swyddogaethau trafndiaeth lleol), yn is-adran (1) hepgorer paragraff (a), a’r “and” sy’n ei ddilyn.

*Deddf Llywodraeth Cymru 2006 (p. 32)*

- 50 Yn nhabl 1 ym mharagraff 35(3) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (darpariaethau trosiannol), hepgorer y cofnod ar gyfer adran 5(1) o Ddeddf Trafnidiaeth (Cymru) 2006.

- (3) In paragraph 2, omit the definition of “strategic planning panel”.

*Local Government (Wales) Measure 2011 (nawm 4)*

- 45 In section 144 of the Local Government (Wales) Measure 2011 (payments and pensions: relevant authorities, members etc.), in subsection (2), omit paragraph (da).

*Environment (Wales) Act 2016 (anaw 3)*

- 46 In section 6 of the Environment (Wales) Act 2016 (biodiversity and resilience of ecosystems duty) –
- (a) in subsection (9), in the definition of “public authority”, in paragraph (e) –
    - (i) for “authority,” substitute “authority and”;
    - (ii) omit “and a strategic planning panel”;
  - (b) in subsection (10), omit the definition of “strategic planning panel”.

*Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1)*

- 47 In the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017, in Schedule 20 (relief for acquisitions by public bodies and health bodies), omit paragraph 1(4)(k).

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

- 48 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2019 (listed authorities), under the sub-heading “Local government, fire and police”, omit the entry –
- “A strategic planning panel.”

PART 2

REPEAL OF POWER TO ESTABLISH JOINT TRANSPORT AUTHORITIES

*Transport (Wales) Act 2006 (c. 5)*

- 49 In the Transport (Wales) Act 2006 –
- (a) omit section 5 (power to establish joint transport authorities);
  - (b) in section 6 (financial assistance: local transport functions), in subsection (1) omit paragraph (a), and the “and” which follows it.

*Government of Wales Act 2006 (c. 32)*

- 50 In table 1 in paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 (transitional provisions), omit the entry for section 5(1) of the Transport (Wales) Act 2006.

ATODLEN 10  
(a gyflwynir gan adran 115)

DIWYGIADAU CANLYNIADOL MEWN PERTHYNAS AG AILENWI PWYLLGORAU  
ARCHWILIO PRIF GYNGHORAU

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 1 Mae Mesur 2011 wedi ei ddiwygio fel a ganlyn.
- 2 Yn nheitol Pennod 2 o Ran 6, ar ôl "PWYLLGORAU" mewnosoder "LLYWODRAETHU AC".
- 3 Yn adran 81 (awdurdodau lleol i benodi pwyllgorau archwilio) –
  - (a) yn is-adran (2), ar ôl "bwyllgor" yn y lle cyntaf y mae'n digwydd mewnosoder "llywodraethu ac";
  - (b) yn is-adran (3), ar ôl "pwyllgor" mewnosoder "llywodraethu ac";
  - (c) yn y pennawd, ar ôl "pwyllgorau" mewnosoder "llywodraethu ac".
- 4 Yn adran 82 (aelodaeth) –
  - (a) yn is-adran (1), ar ôl "bwyllgor" mewnosoder "llywodraethu ac";
  - (b) yn is-adran (2) –
    - (i) ym mharagraff (a) yn lle "aelodau ei bwyllgor archwilio'n" rhodder "aelodau'r pwyllgor hwinnw'n";
    - (ii) ym mharagraff (b) yn lle "o'i bwyllgor archwilio'n" rhodder "o'r pwyllgor hwinnw'n";
    - (iii) ym mharagraff (c) yn lle "aelodau ei bwyllgor archwilio'n" rhodder "aelodau'r pwyllgor hwinnw'n";
    - (iv) ym mharagraff (d) yn lle "o'i bwyllgor archwilio" rhodder "o'r pwyllgor hwinnw";
  - (c) yn is-adran (3), ar ôl "pwyllgor" mewnosoder "llywodraethu ac";
  - (d) yn is-adran (4), ar ôl "bwyllgor" mewnosoder "llywodraethu ac";
  - (e) yn is-adran (5), ar ôl "bwyllgor" yn y ddau le y mae'n digwydd mewnosoder "llywodraethu ac";
  - (f) yn is-adran (6), ar ôl "bwyllgor" mewnosoder "llywodraethu ac";
  - (g) yn is-adran (7), ar ôl "pwyllgor" mewnosoder "llywodraethu ac".
- 5 Yn adran 83 (trafodion etc.) –
  - (a) yn is-adran (1), ar ôl "pwyllgor" yn y lle cyntaf y mae'n digwydd mewnosoder "llywodraethu ac";
  - (b) yn is-adran (2), ar ôl "pwyllgor" mewnosoder "llywodraethu ac";
  - (c) yn is-adran (3), ar ôl "pwyllgor" yn y lle cyntaf y mae'n digwydd mewnosoder "llywodraethu ac";



SCHEDULE 10  
(introduced by section 115)

CONSEQUENTIAL AMENDMENTS RELATING TO RENAMING OF PRINCIPAL  
COUNCIL AUDIT COMMITTEES

*Local Government (Wales) Measure 2011 (nawm 4)*

- 1 The 2011 Measure is amended as follows.
- 2 In the title of Chapter 2 of Part 6, before “AUDIT COMMITTEES” insert “GOVERNANCE AND”.
- 3 In section 81 (local authorities to appoint audit committees) –
  - (a) in subsection (2), after “its ” insert “governance and”;
  - (b) in subsection (3), for “an” substitute “a governance and”;
  - (c) in the heading, after “appoint” insert “governance and”.
- 4 In section 82 (membership) –
  - (a) in subsection (1), after “of its” insert “governance and”;
  - (b) in subsection (2) –
    - (i) in paragraph (a) for “its audit committee” substitute “that committee”;
    - (ii) in paragraph (b) for “its audit committee” substitute “that committee”;
    - (iii) in paragraph (c) for “its audit committee” substitute “that committee”;
    - (iv) in paragraph (d) for “its audit committee” substitute “that committee”;
  - (c) in subsection (3), after “local authority’s” insert “governance and”;
  - (d) in subsection (4), for “an” substitute “a governance and”;
  - (e) in subsection (5), for “an” substitute “a governance and”;
  - (f) in subsection (6), for “an” substitute “a governance and”;
  - (g) in subsection (7), for “An” substitute “A governance and”.
- 5 In section 83 (proceedings etc.) –
  - (a) in subsection (1), for “An” substitute “A governance and”;
  - (b) in subsection (2), for “the”, in the second place where it occurs, substitute “the governance and”;
  - (c) in subsection (3), for “an” substitute “a governance and”;

- (d) yn is-adran (4), ar ôl “pwyllgor” yn y lle cyntaf y mae’n digwydd mewnosoder “llywodraethu ac”;
  - (e) yn is-adran (7), ar ôl “pwyllgor” mewnosoder “llywodraethu ac”.
- 6 Yn adran 84 (cynnal cyfarfodydd: pa mor aml) –
- (a) yn is-adran (1), ar ôl “bwyllgor” mewnosoder “llywodraethu ac”;
  - (b) yn is-adran (2), ar ôl “bwyllgor” mewnosoder “llywodraethu ac”;
  - (c) yn is-adran (3), ar ôl “pwyllgor” yn y lle cyntaf y mae’n digwydd mewnosoder “llywodraethu ac”;
  - (d) yn is-adran (4), ar ôl “pwyllgor” mewnosoder “llywodraethu ac”.
- 7 Yn adran 85 (canllawiau) –
- (a) yn is-adran (1) –
    - (i) ym mharagraff (a) ar ôl “pwyllgorau” mewnosoder “llywodraethu ac”;
    - (ii) ym mharagraff (b) yn lle “archwilio” rhodder “o’r fath”;
  - (b) yn is-adran (2), ar ôl “bwyllgor” mewnosoder “llywodraethu ac”.
- 8 Yn adran 86 (terfynu aelodaeth) –
- (a) yn is-adran (1), ym mharagraff (a) ar ôl “bwyllgor” mewnosoder “llywodraethu ac”;
  - (b) yn is-adran (2), ar ôl “pwyllgor” mewnosoder “llywodraethu ac”;
  - (c) yn is-adran (4), ar ôl “pwyllgor” mewnosoder “llywodraethu ac”.
- 9 Yn adran 87 (dehongli etc.), yn is-adran (2) hepgorer y diffiniad o “pwyllgor archwilio”.

*Y Ddeddf hon*

- 10 Yn y Ddeddf hon, hepgorer paragraff 7(4) o Atodlen 11.

(d) in subsection (4), for “An” substitute “A governance and”;

(e) in subsection (7), for “An” substitute “A governance and”.

6 In section 84 (frequency of meetings) –

(a) in subsection (1), for “An” substitute “A governance and”;

(b) in subsection (2), after “The” insert “governance and”;

(c) in subsection (3), for “an” substitute “a governance and”;

(d) in subsection (4), for “an” substitute “a governance and”.

7 In section 85 (guidance) –

(a) in subsection (1) –

(i) in paragraph (a) after “functions of” insert “governance and”;

(ii) in paragraph (b) for “audit” substitute “such”;

(b) in subsection (2), after “and its” insert “governance and”.

8 In section 86 (termination of membership) –

(a) in subsection (1), in paragraph (a) for “an” substitute “a governance and”;

(b) in subsection (2), after “member of the” in the second place it occurs insert “governance and”;

(c) in subsection (4), after “or the” insert “governance and”.

9 In section 87 (interpretation etc.), in subsection (2) omit the definition of “audit committee”.

*This Act*

10 In this Act, omit paragraph 7(4) of Schedule 11.

ATODLEN 11  
(a gyflwynir gan adran 136)

PWYLLGORAU PONTIO CYNGHORAU SY’N UNO A CHYNGHORAU SY’N CAEL EU  
HAILSTRWYTHURO

RHAN 1

CYNGHORAU SY’N UNO

*Pwyllgorau pontio ar gyfer cynghorau sy’n uno*

- 1 (1) Rhaid i gynghorau sy’n uno sefydlu pwyllgor pontio yn union ar ôl gwneud cais i uno.
- (2) Mae’r cyfeiriadau at bwyllgor pontio yn y Rhan hon o’r Atodlen hon yn gyfeiriadau at bwyllgor pontio a sefydlir o dan is-baragraff (1).

*Aelodaeth pwyllgorau pontio ar gyfer cynghorau sy’n uno*

- 2 (1) Rhaid i bwyllgor pontio gynnwys nifer cyfartal o aelodau, heb fod yn llai na 5, o bob un o’r cynghorau sy’n uno.
- (2) Rhaid i aelodau cyngor sy’n uno sydd i fod yn aelodau o’r pwyllgor pontio gael eu penodi gan y cyngor sy’n uno.
- (3) Nifer aelodau’r pwyllgor sydd i’w penodi gan bob un o’r cynghorau sy’n uno yw’r nifer y cytunir arno gan y cynghorau sy’n uno neu, os na cheir cytundeb, y nifer y penderfyna Gweinidogion Cymru arno.
- (4) Rhaid i brif aelod gweithrediaeth y cyngor sy’n uno fod yn un o aelodau’r pwyllgor a benodir gan y cyngor sy’n uno.
- (5) Os nad yw eisoes wedi ei benodi o dan is-baragraff (4), rhaid i’r aelod gweithrediaeth yn y cyngor sy’n uno sy’n gyfrifol am gyllid gael ei benodi’n aelod o’r pwyllgor yn ogystal.
- (6) Caiff pwyllgor pontio gyfethol personau ychwanegol i wasanaethu fel aelodau o’r pwyllgor ond ni chaiff y rhain bleidleisio.
- (7) Mae pwyllgor pontio i’w drin at ddibenion paragraff 1 o Atodlen 1 i Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) (cydbwysedd gwleidyddol ar bwyllgorau awdurdodau lleol) fel corff sy’n dod o fewn paragraff 2 o’r Atodlen honno.
- (8) Yn y paragraff hwn ystyr “prif aelod gweithrediaeth” –
  - (a) yn achos cyngor sy’n gweithredu gweithrediaeth arweinydd a chabinet, yw’r arweinydd gweithrediaeth;
  - (b) yn achos cyngor sy’n gweithredu gweithrediaeth maer a chabinet, yw’r maer etholedig.

*Swyddogaethau pwyllgorau pontio ar gyfer cynghorau sy’n uno*

- 3 (1) Rhaid i bwyllgor pontio ddarparu cyngor ac argymhellion i’r cynghorau sy’n uno, ac i’r cyngor cysgodol ar gyfer y brif ardal newydd, ynglŷn ag –

SCHEDULE 11  
(introduced by section 136)

TRANSITION COMMITTEES OF MERGING COUNCILS AND RESTRUCTURING  
COUNCILS

PART 1

MERGING COUNCILS

*Transition committees for merging councils*

- 1 (1) Merging councils must establish a transition committee immediately after making a merger application.
- (2) References to a transition committee in this Part of this Schedule are to a transition committee established under sub-paragraph (1).

*Membership of transition committees for merging councils*

- 2 (1) A transition committee must consist of an equal number of members, not being less than 5, of each of the merging councils.
- (2) The members of a merging council who are to be members of the transition committee must be appointed by the merging council.
- (3) The number of members of the committee to be appointed by each of the merging councils is the number agreed by the merging councils or, in default of agreement, determined by the Welsh Ministers.
- (4) One of the members of the committee appointed by a merging council must be the merging council's senior executive member.
- (5) If not already appointed under sub-paragraph (4), the executive member of a merging council with responsibility for finance must also be appointed as a member of the committee.
- (6) A transition committee may co-opt additional persons to serve as members of the committee but they may not vote.
- (7) A transition committee is to be treated for the purposes of paragraph 1 of Schedule 1 to the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees) as a body falling within paragraph 2 of that Schedule.
- (8) In this paragraph "senior executive member" means –
  - (a) in the case of a council operating a leader and cabinet executive, the executive leader;
  - (b) in the case of a council operating a mayor and cabinet executive, the elected mayor.

*Functions of transition committees for merging councils*

- 3 (1) A transition committee must provide to the merging councils, and to the shadow council for the new principal area, advice and recommendations for –

- (a) hwyluso trosglwyddo swyddogaethau, staff a hawliau ac atebolrwyddau eiddo mewn modd darbodus, effeithiol ac effeithlon o'r cynghorau sy'n uno i'r prif gyngor newydd,
  - (b) sicrhau bod y prif gyngor newydd a'i staff mewn sefyllfa i gyflawni swyddogaethau'r prif gyngor newydd yn effeithiol o'r adeg pan fydd yn eu hysgwyddo, ac
  - (c) unrhyw ddibenion eraill a bennir gan Weinidogion Cymru mewn cyfarwyddyd i'r pwyllgor pontio.
- (2) Rhaid i bwyllgor pontio hefyd roi cyngor ag argymhellion i Weinidogion Cymru ar unrhyw fater a bennir gan Weinidogion Cymru mewn cyfarwyddyd i'r pwyllgor.

## RHAN 2

## CYNGHORAU SY'N CAEL EU HAILSTRWYTHURO

*Pwyllgorau pontio ar gyfer cynghorau sy'n cael eu hailstrwythuro*

- 4 (1) Ar ôl rhoi hysbysiad fel a ddisgrifir yn adran 129(6), caiff Gweinidogion Cymru gyfarwyddo dau gyngor neu ragor sy'n cael eu hailstrwythuro i sefydlu pwyllgor pontio.
- (2) Caiff Gweinidogion Cymru bennu mewn cyfarwyddyd o dan is-baragraff (1) swyddogaethau ac aelodaeth pwyllgor pontio a sefydlir yn unol â'r cyfarwyddyd.

## RHAN 3

## PWYLLGORAU PONTIO CYNGHORAU SY'N UNO A CHYNGHORAU SY'N CAEL EU HAILSTRWYTHURO

*Is-bwyllgorau i bwyllgorau pontio ar gyfer cynghorau sy'n uno neu gynghorau sy'n cael eu hailstrwythuro*

- 5 (1) Caiff pwyllgor pontio sefydlu un is-bwyllgor neu ragor.
- (2) Swyddogaeth is-bwyllgor i bwyllgor pontio yw cynghori'r pwyllgor pontio ar faterion a atgyfeirir i'r is-bwyllgor gan y pwyllgor pontio.
- (3) Mae aelodaeth is-bwyllgor i bwyllgor pontio i'w bennu gan y pwyllgor pontio.
- (4) Os yw pwyllgor pontio yn penodi person nad yw'n aelod o un o'r cynghorau sy'n uno neu'r cynghorau sy'n cael eu hailstrwythuro i fod yn aelod o is-bwyllgor, ni chaiff y person hwnnw bleidleisio.

*Darparu cyllid, cyfleusterau a gwybodaeth etc. i bwyllgorau pontio ar gyfer cynghorau sy'n uno neu gynghorau sy'n cael eu hailstrwythuro*

- 6 (1) Rhaid i'r cynghorau sy'n uno neu'r cynghorau sy'n cael eu hailstrwythuro dalu costau pwyllgor pontio yn ôl y cyfrannau y cytunant arnynt neu, os na cheir cytundeb, y cyfrannau a ddyfernir gan Weinidogion Cymru.
- (2) Rhaid i'r cynghorau sy'n uno neu'r cynghorau sy'n cael eu hailstrwythuro ddarparu i bwyllgor pontio y cyfleusterau a'r adnoddau (gan gynnwys staff), y wybodaeth a'r dogfennau y gwna'r pwyllgor pontio (neu unrhyw is-bwyllgor i'r pwyllgor pontio) gais rhesymol amdanynt er mwyn ei alluogi i arfer ei swyddogaethau.

- (a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging councils to the new principal council,
  - (b) ensuring that the new principal council and its staff are in a position to perform the new principal council's functions effectively as from the time when it assumes them, and
  - (c) any other purposes that the Welsh Ministers may specify in a direction to the transition committee.
- (2) A transition committee must also give advice and recommendations to the Welsh Ministers on any matter that the Welsh Ministers specify in a direction to the committee.

## PART 2

### RESTRUCTURING COUNCILS

#### *Transition committees for restructuring councils*

- 4 (1) After giving notice as described in section 129(6), the Welsh Ministers may direct two or more restructuring councils to establish a transition committee.
- (2) The Welsh Ministers may specify in a direction under sub-paragraph (1) the functions and membership of a transition committee established in accordance with the direction.

## PART 3

### TRANSITION COMMITTEES OF MERGING COUNCILS AND RESTRUCTURING COUNCILS

#### *Sub-committees of transition committees for merging councils or restructuring councils*

- 5 (1) A transition committee may establish one or more sub-committees.
- (2) The function of a sub-committee of a transition committee is to advise the transition committee on matters referred to the sub-committee by the transition committee.
- (3) The membership of a sub-committee of a transition committee is to be determined by the transition committee.
- (4) If a transition committee appoints as a member of a sub-committee a person who is not a member of one of the merging councils or restructuring councils, that person may not vote.

#### *Provision of funding, facilities and information etc. to transition committees for merging councils or restructuring councils*

- 6 (1) The merging councils or restructuring councils must meet the costs of a transition committee in the proportions which they agree or, in default of agreement, which are determined by the Welsh Ministers.
- (2) The merging councils or restructuring councils must provide to a transition committee the facilities and resources (including staff), information and documents reasonably requested by the transition committee (or any sub-committee of the transition committee) in order to enable it to exercise its functions.

*Pwyllgorau pontio ar gyfer cynghorau sy'n uno neu gynghorau sy'n cael eu hailstrwythuro: darpariaeth bellach*

- 7 (1) Caiff Gweinidogion Cymru gyfarwyddo pwyllgor pontio i arfer ei swyddogaethau yn unol â'r cyfarwyddyd.
- (2) Ni chaiff pwyllgor llywodraethu ac archwilio na phwyllgor trosolwg a chraffu cyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro arfer unrhyw un o'i swyddogaethau mewn perthynas ag unrhyw beth a wneir gan bwyllgor pontio; ac at y diben hwn—
- mae i "pwyllgor llywodraethu ac archwilio" ("*governance and audit committee*") yr ystyr a roddir gan adran 81 o Fesur 2011;
- mae i "pwyllgor trosolwg a chraffu" yr ystyr a roddir i "*overview and scrutiny committee*" gan adran 21(1) o Ddeddf 2000.
- (3) Yn y Rhan hon o'r Atodlen hon—
- (a) ystyr "pwyllgor pontio" yw pwyllgor pontio a sefydlir yn unol â pharagraff 1 neu yn rhinwedd paragraff 4;
- (b) mae cyfeiriad at gyngor sy'n uno mewn perthynas â phwyllgor pontio yn gyfeiriad at gyngor sy'n uno sy'n sefydlu'r pwyllgor pontio;
- (c) mae cyfeiriad at gyngor sy'n cael ei ailstrwythuro mewn perthynas â phwyllgor pontio yn gyfeiriad at gyngor sy'n cael ei ailstrwythuro sy'n sefydlu'r pwyllgor pontio.
- (4) Hyd nes y bo adran 115 yn dod i rym, mae'r cyfeiriadau yn is-baragraff (2) at bwyllgor llywodraethu ac archwilio i'w darllen fel cyfeiriadau at bwyllgor archwilio.



*Transition committees for merging councils or restructuring councils: further provision*

- 7 (1) The Welsh Ministers may direct a transition committee to exercise its functions in accordance with the direction.
- (2) Neither a governance and audit committee nor an overview and scrutiny committee of a merging council or restructuring council may exercise any of its functions in relation to anything done by a transition committee; and for this purpose –
- “governance and audit committee” (*“pwyllgor llywodraethu ac archwilio”*) has the meaning given by section 81 of the 2011 Measure;
- “overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu”*) has the meaning given by section 21(1) of the 2000 Act.
- (3) In this Part of this Schedule –
- (a) “transition committee” means a transition committee established in accordance with paragraph 1 or by virtue of paragraph 4;
- (b) a reference to a merging council in relation to a transition committee is to a merging council by which the transition committee is established;
- (c) a reference to a restructuring council in relation to a transition committee is to a restructuring council by which the transition committee is established.
- (4) Until section 115 comes into force, the references in sub-paragraph (2) to a governance and audit committee are to be read as references to an audit committee.

ATODLEN 12  
(a gyflwynir gan adran 137)

CYFYNGIADAU AR DRAFODIADAU A RECRIWTIO ETC. GAN GYNGHORAU SY’N  
UNO A CHYNGHORAU SY’N CAEL EU HAILSTRWYTHURO

*Cyfyngu ar drafodiadau a recriwtio etc. drwy gyfarwyddyd*

- 1 (1) Ar ôl cael cais i uno neu ar ôl rhoi hysbysiad fel a ddisgrifir yn adran 129(6), caiff Gweinidogion Cymru gyfarwyddo cyngor sy’n uno neu gyngor sy’n cael ei ailstrwythuro –
- (a) na chaiff y cyngor gyflawni gweithgaredd cyfyngedig oni fo wedi ystyried barn person neu bersonau penodedig ynglŷn â phriodoldeb cyflawni’r gweithgaredd;
  - (b) na chaiff y cyngor gyflawni gweithgaredd cyfyngedig oni fo person neu bersonau penodedig wedi rhoi cydsyniad ysgrifenedig i gyflawni’r gweithgaredd.
- (2) Y gweithgareddau cyfyngedig yw –
- (a) gwneud caffaeliad neu warediad tir perthnasol;
  - (b) ymrwymo i gontract neu gytundeb perthnasol;
  - (c) gwneud caffaeliad cyfalaf perthnasol;
  - (d) rhoi grant neu gymorth ariannol arall perthnasol;
  - (e) rhoi benthyciad perthnasol;
  - (f) cynnwys swm o gronfeydd ariannol wrth gefn mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14);
  - (g) dechrau’r broses o recriwtio (gan gynnwys drwy recriwtio mewnol) –
    - (i) prif swyddog anstatudol a grybwyllir yn adran 2(7) o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42);
    - (ii) dirprwy brif swyddog a grybwyllir yn adran 2(8) o’r Ddeddf honno.
- (3) Caiff Gweinidogion Cymru gyfarwyddo cyngor sy’n uno neu gyngor sy’n cael ei ailstrwythuro sy’n ceisio penodi neu ddynodi person i swydd gyfyngedig (gan gynnwys o blith ei swyddogion presennol) i gydymffurfio â gofynion penodedig ynglŷn â’r penodiad neu’r dynodiad.
- (4) Ystyr “swydd gyfyngedig”, mewn perthynas â chyngor sy’n uno neu gyngor sy’n cael ei ailstrwythuro, yw –
- (a) ei brif weithredwr a benodir o dan adran 54;
  - (b) ei swyddog monitro a ddynodir o dan adran 5(1) o Ddeddf Llywodraeth Leol a Thai 1989;
  - (c) prif swyddog statudol a grybwyllir yn adran 2(6) o’r Ddeddf honno;
  - (d) ei bennaeth gwasanaethau democrataidd a ddynodir o dan adran 8(1) o Fesur 2011.
- (5) Rhaid i gyngor sy’n uno neu gyngor sy’n cael ei ailstrwythuro y rhoddir cyfarwyddyd iddo o dan is-baragraff (1) –

SCHEDULE 12  
(introduced by section 137)

RESTRAINTS ON TRANSACTIONS AND RECRUITMENT ETC. BY MERGING  
COUNCILS AND RESTRUCTURING COUNCILS

*Restraining transactions and recruitment etc. by direction*

- 1 (1) After receiving a merger application or after giving notice as described in section 129(6), the Welsh Ministers may direct a merging council or restructuring council that –
  - (a) the council must not carry out a restricted activity unless it has considered the opinion of a specified person or persons on the appropriateness of carrying out the activity;
  - (b) the council must not carry out a restricted activity unless the written consent of a specified person or persons has been given for the activity to be carried out.
- (2) The restricted activities are –
  - (a) making a relevant land acquisition or disposal;
  - (b) entering into a relevant contract or agreement;
  - (c) making a relevant capital acquisition;
  - (d) giving a relevant grant or other financial assistance;
  - (e) making a relevant loan;
  - (f) including an amount of financial reserves in a calculation under section 32 of the Local Government Finance Act 1992 (c. 14);
  - (g) starting the process of recruiting (including by way of internal recruitment) –
    - (i) a non-statutory chief officer mentioned in section 2(7) of the Local Government and Housing Act 1989 (c. 42);
    - (ii) a deputy chief officer mentioned in section 2(8) of that Act.
- (3) The Welsh Ministers may direct a merging council or restructuring council seeking to appoint or designate a person to a restricted post (including from among its existing officers) to comply with specified requirements about the appointment or designation.
- (4) “Restricted post”, in relation to a merging council or restructuring council, means –
  - (a) its chief executive appointed under section 54;
  - (b) its monitoring officer designated under section 5(1) of the Local Government and Housing Act 1989;
  - (c) a statutory chief officer mentioned in section 2(6) of that Act;
  - (d) its head of democratic services designated under section 8(1) of the 2011 Measure.
- (5) A merging council or restructuring council given a direction under sub-paragraph (1) must –

- (a) darparu manylion ynglŷn ag unrhyw gynnig i gyflawni gweithgaredd cyfyngedig i unrhyw berson neu bersonau a bennir at ddiben is-baragraff (1)(a) neu (b) mewn cysylltiad â'r gweithgaredd hwnnw;
  - (b) darparu manylion i Weinidogion Cymru ynglŷn â chynnig i benodi neu ddynodi person i swydd gyfyngedig pan fo unrhyw ofynion yn gymwys mewn perthynas â'r penodiad neu'r dynodiad yn rhinwedd cyfarwyddyd o dan is-baragraff (3).
- (6) Os rhoddir barn at ddibenion is-baragraff (1)(a) na fyddai'n briodol i gyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro gyflawni gweithgaredd cyfyngedig ond bod y cyngor yn penderfynu ei gyflawni, rhaid i'r cyngor gyhoeddi ei resymau dros wneud y penderfyniad hwnnw.
- (7) Pan fo cyfarwyddyd wedi ei roi o dan is-baragraff (3), nid yw adran 143A(1)(b) a (3) o Fesur 2011 (argymhellion Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol ar gydnabyddiaeth ariannol) yn gymwys i gynnig i ddarparu cydnabyddiaeth ariannol i brif weithredwr cyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro sy'n wahanol i'r hyn a ddarparwyd i ragflaenydd y prif weithredwr.
- (8) Mae cyfarwyddyd a roddir o dan y paragraff hwn yn cael effaith o'r dyddiad penodedig.
- (9) Yn y paragraff hwn, ystyr "penodedig" yw wedi ei bennu mewn cyfarwyddyd a roddir o dan y paragraff hwn.
- (10) Hyd nes y bo adran 54 yn dod i rym—
- (a) mae'r cyfeiriad yn is-baragraff (4)(a) at brif weithredwr cyngor a benodir o dan adran 54 i'w ddarllen fel cyfeiriad at bennaeth gwasanaeth taledig y cyngor a ddynodir o dan adran 4(1) o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42), a
  - (b) mae'r cyfeiriadau yn is-baragraff (7) at brif weithredwr cyngor i'w darllen fel cyfeiriadau at bennaeth gwasanaeth taledig y cyngor.

#### *Cyfarwyddydau o dan baragraff 1: atodol*

- 2 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â chyfarwyddyd o dan baragraff 1.
- (2) Caiff person a bennir yn y cyfarwyddyd yn berson y mae'n ofynnol cael ei farn neu ei gydsyniad fod yn unrhyw awdurdod neu berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol, a chaiff hynny gynnwys Gweinidogion Cymru, unrhyw bwyllgor pontio (gweler Atodlen 11 ynglŷn â hynny) ac unrhyw gyngor cysgodol.
- (3) Caiff cyfarwyddyd bennu personau gwahanol—
- (a) mewn perthynas â materion gwahanol y mae'n ofynnol cael barn neu gydsyniad yn eu cylch;
  - (b) mewn perthynas â chynghorau gwahanol sy'n uno neu gynghorau gwahanol sy'n cael eu hailstrwythuro.
- (4) Caiff cyfarwyddyd bennu, mewn perthynas â'r un gweithgaredd cyfyngedig, ofynion gwahanol mewn cysylltiad â thrafodiadau o werthoedd gwahanol ac mewn cysylltiad â chyfnodau gwahanol.
- (5) Caiff cyfarwyddyd bennu, mewn perthynas â recriwtio prif swyddog anstatudol neu ddirprwy brif swyddog—

- (a) provide details of any proposal to carry out a restricted activity to any person or persons specified for the purpose of sub-paragraph (1)(a) or (b) in respect of that activity;
  - (b) provide the Welsh Ministers with details of a proposal to appoint or designate a person to a restricted post where any requirements apply in relation to the appointment or designation by virtue of a direction under sub-paragraph (3).
- (6) If an opinion given for the purposes of sub-paragraph (1)(a) is that it would not be appropriate for a merging council or restructuring council to carry out a restricted activity but the council decides to carry it out, the council must publish its reasons for making that decision.
- (7) Where a direction has been given under sub-paragraph (3), section 143A(1)(b) and (3) of the 2011 Measure (recommendations of Independent Remuneration Panel for Wales on remuneration) does not apply to a proposal to provide to the chief executive of a merging council or restructuring council remuneration which is different to that provided to the chief executive's predecessor.
- (8) A direction given under this paragraph takes effect from the date specified.
- (9) In this paragraph, "specified" means specified in a direction given under this paragraph.
- (10) Until section 54 comes into force –
- (a) the reference in sub-paragraph (4)(a) to a council's chief executive appointed under section 54 is to be read as a reference to the council's head of paid service designated under section 4(1) of the Local Government and Housing Act 1989 (c. 42), and
  - (b) the references in sub-paragraph (7) to a council's chief executive are to be read as references to a council's head of paid service.

*Directions under paragraph 1: supplementary*

- 2 (1) This paragraph applies in relation to a direction under paragraph 1.
- (2) A person specified in the direction as a person whose opinion or consent is required may be such authority or other person as the Welsh Ministers consider appropriate, and this may include the Welsh Ministers, any transition committee (as to which, see Schedule 11) and any shadow council.
- (3) A direction may specify different persons –
- (a) in relation to different matters for which an opinion or consent is required;
  - (b) in relation to different merging councils or restructuring councils.
- (4) A direction may specify, in relation to the same restricted activity, different requirements in respect of transactions of different values and in respect of different periods of time.
- (5) A direction may specify, in relation to the recruitment of a non-statutory chief officer or deputy chief officer –

- (a) gofynion gwahanol mewn cysylltiad â lefelau gwahanol o gydnabyddiaeth ariannol arfaethedig;
  - (b) gofynion gwahanol mewn cysylltiad â swyddogion o ddisgrifiadau gwahanol.
- (6) Caniateir rhoi barn neu gydsyniad at ddibenion cyfarwyddyd mewn cysylltiad â thrafodiad penodol neu drafodiadau o unrhyw ddisgrifiad.
- (7) Caniateir i unrhyw gydsyniad at ddibenion cyfarwyddyd gael ei roi yn ddiamed neu'n ddarostyngedig i amodau.
- (8) At ddibenion cyfarwyddyd sy'n ymwneud â recriwtio prif swyddog anstatudol neu ddirprwy brif swyddog, caiff barn a roddir, neu amodau y mae cydsyniad yn ddarostyngedig iddynt, ymwneud yn benodol—
- (a) â'r gydnabyddiaeth ariannol sydd i'w darparu i berson sy'n cael ei recriwtio;
  - (b) â hyd penodiad.
- (9) Mae unrhyw ddeddfiadau sy'n ymwneud â chaffaeliadau neu warediadau, ymrwymo i gontractau neu gytundebau, rhoi grantiau neu gymorth ariannol arall, rhoi benthyciadau, neu recriwtio neu benodi personau gan gynghorau sy'n uno neu gynghorau sy'n cael eu hailstrwythuro yn cael effaith yn ddarostyngedig i unrhyw gyfarwyddyd.
- (10) Mae cydsyniad sy'n ofynnol gan gyfarwyddyd yn ychwanegol at unrhyw gydsyniad sy'n ofynnol gan unrhyw un neu ragor o'r deddfiadau hynny.

*Cyfarwyddydau o dan baragraff 1: darpariaeth bellach ynglŷn â chronfeydd wrth gefn*

- 3 (1) Caiff cyfarwyddyd o dan baragraff 1—
- (a) darparu nad yw barn neu gydsyniad y person neu'r personau a bennir yn y cyfarwyddyd yn ofynnol er mwyn cynnwys, mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14), gronfeydd ariannol wrth gefn o ddisgrifiad a bennir yn y cyfarwyddyd;
  - (b) darparu, mewn perthynas â chyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro, nad yw barn neu gydsyniad yn ofynnol er mwyn cynnwys mewn cyfrifiad o'r fath swm o gronfeydd ariannol wrth gefn nad yw'n fwy na swm a bennir yn y cyfarwyddyd neu a ddyfernir oddi tano.
- (2) Os yw cyfarwyddyd yn cynnwys darpariaeth yn rhinwedd is-baragraff (1), mae'r cyfeiriad ym mharagraff 1(2)(f) at swm o gronfeydd ariannol wrth gefn i'w ddarllen fel cyfeiriad at swm o gronfeydd ariannol wrth gefn ac eithrio swm a ganiateir gan y cyfarwyddyd.

*Cyfarwyddyd o dan baragraff 1(3): atodol*

- 4 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â chyfarwyddyd o dan baragraff 1(3).
- (2) Caiff cyfarwyddyd bennu gofynion gwahanol ar gyfer swyddi o ddisgrifiadau gwahanol.
- (3) Caiff gofynion a osodir ar gyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro drwy gyfarwyddyd ymwneud, yn benodol—
- (a) â'r gydnabyddiaeth ariannol sydd i'w darparu i berson a benodir neu a ddynodir;
  - (b) â hyd penodiad neu ddynodiad.

- (a) different requirements in respect of different levels of proposed remuneration;
  - (b) different requirements in respect of different descriptions of officer.
- (6) An opinion or consent for the purposes of a direction may be given in respect of a particular transaction or transactions of any description.
- (7) Any consent for the purposes of a direction may be given unconditionally or subject to conditions.
- (8) For the purposes of a direction relating to the recruitment of a non-statutory chief officer or deputy chief officer, an opinion given, or conditions to which a consent is subject, may in particular relate to—
- (a) the remuneration to be provided to a recruited person;
  - (b) the duration of an appointment.
- (9) Any enactments relating to acquisitions or disposals, entering into contracts or agreements, giving grants or other financial assistance, making loans, or the recruitment or appointment of persons by merging councils or restructuring councils have effect subject to any direction.
- (10) Consent required by a direction is in addition to any consent required by any of those enactments.

*Directions under paragraph 1: further provision about reserves*

- 3 (1) A direction under paragraph 1—
- (a) may provide that the opinion or consent of the person or persons specified in the direction is not required for the inclusion, in a calculation under section 32 of the Local Government Finance Act 1992 (c. 14), of financial reserves of a description specified in the direction;
  - (b) may, in relation to a merging council or restructuring council, provide that an opinion or consent is not required for the inclusion in such a calculation of an amount of financial reserves not exceeding an amount specified in or determined under the direction.
- (2) If a direction contains provision by virtue of sub-paragraph (1), the reference in paragraph 1(2)(f) to an amount of financial reserves is to be read as a reference to an amount of financial reserves other than an amount permitted by the direction.

*Directions under paragraph 1(3): supplementary*

- 4 (1) This paragraph applies in relation to a direction under paragraph 1(3).
- (2) A direction may specify different requirements for different descriptions of post.
- (3) Requirements imposed on a merging council or restructuring council by a direction may, in particular, relate to—
- (a) the remuneration to be provided to an appointed or designated person;
  - (b) the duration of an appointment or designation.

- (4) Mae unrhyw ddeddfiadau sy'n ymwneud â recriwtio, dynodi neu benodi personau gan gynghorau sy'n uno neu gynghorau sy'n cael eu hailstrwythuro yn cael effaith yn ddarostyngedig i unrhyw gyfarwyddyd.

*Cyfarwyddydau: canlyniadau mynd yn groes iddynt*

- 5 (1) Mae caffaeliad neu warediad a wneir mewn modd sy'n groes i gyfarwyddyd a roddir o dan baragraff 1 yn ddi-rym.
- (2) Mae contract (gan gynnwys contract cyflogaeth) neu gytundeb yr ymrwymir iddo mewn modd sy'n groes i gyfarwyddyd a roddir o dan baragraff 1 yn anorfodadwy.
- (3) Mae grant neu gymorth ariannol arall neu fenthyciad a roddir mewn modd sy'n groes i gyfarwyddyd a roddir o dan baragraff 1 yn ad-daladwy.
- (4) Os yw cyngor sy'n uno neu gyngor sy'n cael ei ailstrwythuro yn cynnwys cronfeydd ariannol wrth gefn mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14) mewn modd sy'n groes i gyfarwyddyd a roddir o dan baragraff 1, mae'r cyngor i'w drin at ddibenion adran 30(8) o'r Ddeddf honno fel pe na bai wedi gwneud y cyfrifiadau sy'n ofynnol gan Bennod 3 o Ran 1 o'r Ddeddf honno.

*Dehongli paragraffau 1 a 7*

- 6 (1) Ym mharagraffau 1 a 7, ystyr "caffaeliad neu warediad tir perthnasol" yw caffaeliad neu warediad tir pan fo'r gydnabyddiaeth am y caffaeliad neu'r gwarediad yn fwy na £150,000.
- (2) Yn is-baragraff (1), mae'r cyfeiriad at gaffaeliad neu warediad tir yn cynnwys –
- (a) caffael neu roi neu waredu unrhyw fuddiant mewn tir,
- (b) ymrwymo i gontract i gaffael neu waredu tir neu i gaffael neu roi neu waredu unrhyw fuddiant mewn tir, ac
- (c) caffael neu roi opsiwn i gaffael unrhyw dir neu unrhyw fuddiant mewn tir.
- (3) Ym mharagraffau 1 a 7, ystyr "contract neu gytundeb perthnasol" yw –
- (a) unrhyw gontract, ac eithrio contract cyfalaf, y mae'r gydnabyddiaeth oddi tano yn fwy na £150,000 –
- (i) pan fo cyfnod y contract yn ymestyn y tu hwnt i'r dyddiad trosglwyddo, neu
- (ii) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i'r dyddiad trosglwyddo o dan delerau'r contract,
- (b) unrhyw gontract cyfalaf y mae'r gydnabyddiaeth oddi tano yn fwy na £500,000, neu
- (c) unrhyw gytundeb fframwaith o fewn ystyr rheoliad 33(2) o Reoliadau Contractau Cyhoeddus 2015 (O.S. 2015/102) –
- (i) pan fo cyfnod y cytundeb fframwaith yn ymestyn y tu hwnt i'r dyddiad trosglwyddo, neu
- (ii) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i'r dyddiad trosglwyddo o dan delerau'r cytundeb fframwaith.



- (4) Any enactments relating to the recruitment, designation or appointment of persons by merging councils or restructuring councils have effect subject to any direction.

*Directions: consequences of contravention*

- 5 (1) An acquisition or disposal made in contravention of a direction given under paragraph 1 is void.
- (2) A contract (including a contract for employment) or agreement entered into in contravention of a direction given under paragraph 1 is unenforceable.
- (3) A grant or other financial assistance given, or a loan made, in contravention of a direction given under paragraph 1 is repayable.
- (4) If a merging council or restructuring council includes financial reserves in a calculation under section 32 of the Local Government Finance Act 1992 (c. 14) in contravention of a direction given under paragraph 1, the council is to be treated for the purposes of section 30(8) of that Act as not having made the calculations required by Chapter 3 of Part 1 of that Act.

*Interpretation of paragraphs 1 and 7*

- 6 (1) In paragraphs 1 and 7, “relevant land acquisition or disposal” means the acquisition or disposal of land where the consideration for the acquisition or disposal exceeds £150,000.
- (2) In sub-paragraph (1), the reference to the acquisition or disposal of land includes –
  - (a) the acquisition or grant or disposal of any interest in land,
  - (b) entering into a contract to acquire or dispose of land or to acquire or grant or dispose of any interest in land, and
  - (c) acquiring or granting an option to acquire any land or any interest in land.
- (3) In paragraphs 1 and 7, “relevant contract or agreement” means –
  - (a) any contract, other than a capital contract, under which the consideration exceeds £150,000 where –
    - (i) the period of the contract extends beyond the transfer date, or
    - (ii) under the terms of the contract, that period may be extended beyond the transfer date,
  - (b) any capital contract under which the consideration exceeds £500,000, or
  - (c) any framework agreement within the meaning of regulation 33(2) of the Public Contracts Regulations 2015 (S.I. 2015/102) where –
    - (i) the period of the framework agreement extends beyond the transfer date, or
    - (ii) under the terms of the framework agreement, that period may be extended beyond the transfer date.

- (4) Yn is-baragraff (3), ystyr “contract cyfalaf” yw contract y mae’r gydnabyddiaeth sy’n daladwy gan y cyngor sy’n uno neu’r cyngor sy’n cael ei ailstrwythuro mewn cysylltiad ag ef yn wariant cyfalaf at ddibenion Pennod 1 o Ran 1 o Ddeddf Llywodraeth Leol 2003 (p. 26) (cyllid cyfalaf; gweler adran 16 o’r Ddeddf honno).
- (5) Ym mharagraffau 1 a 7, ystyr “caffaeliad cyfalaf perthnasol” yw caffaeliad cyfalaf cyfranddaliadau neu gyfalaf benthyciad mewn unrhyw gorff corfforedig y mae’r gydnabyddiaeth mewn perthynas ag ef yn fwy na £500,000, ac eithrio caffaeliad cyfalaf benthyciad pan fo—
- (a) caffaeliad y cyfalaf benthyciad yn fuddsoddiad at ddibenion rheoli mewn modd darbodus faterion ariannol y cyngor sy’n uno neu’r cyngor sy’n cael ei ailstrwythuro, a
- (b) y buddsoddiad yn cael ei ychwanegu at—
- (i) y rhestr swyddogol (o fewn ystyr Deddf Gwasanaethau Ariannol a Marchnadoedd 2000 (p. 8); gweler adran 103(1) o’r Ddeddf honno), neu
- (ii) rhestr gyfatebol a gedwir gan awdurdod mewn Gwladwriaeth AEE.
- (6) Ym mharagraffau 1 a 7, ystyr “grant neu gymorth ariannol arall perthnasol” yw grant neu gymorth ariannol arall (ac eithrio benthyciad) o fwy na £150,000.
- (7) Ym mharagraffau 1 a 7, ystyr “benthyciad perthnasol” yw benthyciad o fwy na £150,000—
- (a) pan fo cyfnod y benthyciad yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
- (b) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r benthyciad.
- (8) Caiff Gweinidogion Cymru, drwy reoliadau, roi ffigur gwahanol yn lle’r un a nodir am y tro yn is-baragraff (1), (3)(a) neu (b), (5), (6) neu (7).

*Dyfarnu a yw trothwyon ariannol wedi eu croesi*

- 7 (1) At ddiben dyfarnu a yw caffaeliad neu warediad tir yn gaffaeliad neu’n warediad tir perthnasol, mae’r gydnabyddiaeth ar gyfer y caffaeliad neu’r gwarediad o dan sylw i’w thrin fel pe bai’n cynnwys y gydnabyddiaeth ar gyfer unrhyw gaffaeliad neu warediad tir arall—
- (a) a wneir gan y cyngor sy’n uno neu’r cyngor sy’n cael ei ailstrwythuro naill ai—
- (i) ar ôl y dyddiad perthnasol ond cyn y caffaeliad neu’r gwarediad o dan sylw, neu
- (ii) ar yr un diwrnod â’r caffaeliad neu’r gwarediad hwnnw, a
- (b) sy’n ymwneud â’r un mater â’r caffaeliad neu’r gwarediad hwnnw, neu fater o ddisgrifiad tebyg.
- (2) At ddiben dyfarnu a yw contract neu gytundeb yn gontract neu’n gytundeb perthnasol, mae’r gydnabyddiaeth o dan y contract neu’r cytundeb o dan sylw i’w thrin fel pe bai’n cynnwys y gydnabyddiaeth o dan unrhyw gontract neu gytundeb arall—
- (a) yr ymrwymir iddo gan y cyngor sy’n uno neu’r cyngor sy’n cael ei ailstrwythuro naill ai—

- (4) In sub-paragraph (3), “capital contract” means a contract in respect of which the consideration payable by the merging council or restructuring council is expenditure which is capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (c. 26) (capital finance; see section 16 of that Act).
- (5) In paragraphs 1 and 7, “relevant capital acquisition” means an acquisition of share capital or loan capital in any body corporate in respect of which the consideration exceeds £500,000, other than an acquisition of loan capital where—
  - (a) the acquisition of the loan capital is an investment for the purposes of the prudent management of the financial affairs of the merging council or restructuring council, and
  - (b) the investment is admitted to—
    - (i) the official list (within the meaning of the Financial Services and Markets Act 2000 (c. 8); see section 103(1) of that Act), or
    - (ii) an equivalent list maintained by an authority of an EEA State.
- (6) In paragraphs 1 and 7, “relevant grant or other financial assistance” means a grant or other financial assistance (other than a loan) of more than £150,000.
- (7) In paragraphs 1 and 7, “relevant loan” means a loan of more than £150,000 where—
  - (a) the period of the loan extends beyond the transfer date, or
  - (b) under the terms of the loan, that period may be extended beyond the transfer date.
- (8) The Welsh Ministers may by regulations substitute a different figure for that for the time being set out in sub-paragraph (1), (3)(a) or (b), (5), (6) or (7).

*Determining whether financial limits have been exceeded*

- 7 (1) For the purpose of making a determination as to whether a land acquisition or disposal is a relevant land acquisition or disposal, the consideration for the acquisition or disposal in question is to be treated as including the consideration for any other land acquisition or disposal that—
  - (a) is made by the merging council or restructuring council either—
    - (i) after the relevant date but before the acquisition or disposal in question, or
    - (ii) on the same day as that acquisition or disposal, and
  - (b) relates to the same or a similar description of matter as that acquisition or disposal.
- (2) For the purpose of making a determination as to whether a contract or agreement is a relevant contract or agreement, the consideration under the contract or agreement in question is to be treated as including the consideration under any other contract or agreement that—
  - (a) is entered into by the merging council or restructuring council either—

- (i) ar ôl y dyddiad perthnasol ond cyn y contract neu'r cytundeb o dan sylw, neu
  - (ii) ar yr un diwrnod â'r contract neu'r cytundeb hwnnw, a
  - (b) sy'n ymwneud â'r un mater â'r contract neu'r cytundeb hwnnw, neu fater o ddisgrifiad tebyg.
- (3) At ddiben dyfarnu a yw caffaeliad cyfalaf cyfranddaliadau neu gyfalaf benthyciad mewn corff corfforedig yn gaffaeliad cyfalaf perthnasol, mae'r gydnabyddiaeth mewn cysylltiad â'r caffaeliad cyfalaf o dan sylw i'w thrin fel pe bai'n cynnwys y gydnabyddiaeth mewn cysylltiad ag unrhyw gaffaeliad cyfalaf cyfranddaliadau neu gyfalaf benthyciad arall (ac eithrio caffaeliad cyfalaf benthyciad pan fo'r amodau a nodir ym mharagraffau (a) a (b) o baragraff 6(5) wedi eu bodloni) –
- (a) a wneir gan y cyngor sy'n uno neu'r cyngor sy'n cael ei ailstrwythuro naill ai –
    - (i) ar ôl y dyddiad perthnasol ond cyn y caffaeliad cyfalaf o dan sylw, neu
    - (ii) ar yr un diwrnod â'r caffaeliad cyfalaf hwnnw, a
  - (b) a wneir yn yr un corff corfforedig â'r caffaeliad cyfalaf hwnnw.
- (4) At ddiben dyfarnu a yw grant neu gymorth ariannol arall (ac eithrio benthyciad) yn grant neu'n gymorth ariannol arall perthnasol, mae swm y grant neu'r cymorth ariannol o dan sylw i'w drin fel pe bai'n cynnwys swm unrhyw grant neu gymorth ariannol arall (ac eithrio benthyciad) –
- (a) a roddir gan y cyngor sy'n uno neu'r cyngor sy'n cael ei ailstrwythuro naill ai –
    - (i) ar ôl y dyddiad perthnasol ond cyn y grant neu'r cymorth ariannol o dan sylw, neu
    - (ii) ar yr un diwrnod â'r grant neu'r cymorth ariannol hwnnw, a
  - (b) a roddir i'r un person ag y rhoddir y grant neu'r cymorth ariannol hwnnw iddo.
- (5) At ddiben dyfarnu a yw benthyciad yn fenthyciad perthnasol, mae swm y benthyciad o dan sylw i'w drin fel pe bai'n cynnwys swm unrhyw fenthyciad arall –
- (a) a roddir gan y cyngor sy'n uno neu'r cyngor sy'n cael ei ailstrwythuro naill ai –
    - (i) ar ôl y dyddiad perthnasol ond cyn y benthyciad o dan sylw, neu
    - (ii) ar yr un diwrnod â'r benthyciad hwnnw, a
  - (b) a roddir i'r un person ag y rhoddir y benthyciad hwnnw iddo.
- (6) Yn y paragraff hwn –

- (i) after the relevant date but before the contract or agreement in question, or
    - (ii) on the same day as that contract or agreement, and
  - (b) relates to the same or a similar description of matter as that contract or agreement.
- (3) For the purpose of making a determination as to whether the acquisition of share capital or loan capital in a body corporate is a relevant capital acquisition, the consideration in respect of the capital acquisition in question is to be treated as including the consideration in respect of any other acquisition of share capital or loan capital (other than an acquisition of loan capital where the conditions set out in paragraphs (a) and (b) of paragraph 6(5) are met) that—
- (a) is made by the merging council or restructuring council either—
    - (i) after the relevant date but before the capital acquisition in question, or
    - (ii) on the same day as that capital acquisition, and
  - (b) is made in the same body corporate as that capital acquisition.
- (4) For the purpose of making a determination as to whether a grant or other financial assistance (other than a loan) is a relevant grant or other financial assistance the amount of the grant or financial assistance in question is to be treated as including the amount of any other grant or financial assistance (other than a loan) that—
- (a) is given by the merging council or restructuring council either—
    - (i) after the relevant date but before the grant or financial assistance in question, or
    - (ii) on the same day as that grant or financial assistance, and
  - (b) is given to the same person as that grant or financial assistance.
- (5) For the purpose of making a determination as to whether a loan is a relevant loan, the amount of the loan in question is to be treated as including the amount of any other loan that—
- (a) is given by the merging council or restructuring council either—
    - (i) after the relevant date but before the loan in question, or
    - (ii) on the same day as that loan, and
  - (b) is given to the same person as that loan.
- (6) In this paragraph—

ystyr “benthyciad” (“*loan*”) (ac eithrio yn “benthyciad perthnasol”) yw benthyciad—

- (a) pan fo cyfnod y benthyciad yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
- (b) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r benthyciad;

mae “caffaeliad neu warediad tir” (“*land acquisition or disposal*”) yn cynnwys y pethau a nodir ym mharagraff 6(2);

ystyr “contract neu gytundeb” (“*contract or agreement*”) (ac eithrio yn “contract neu gytundeb perthnasol”, gweler paragraff 6(3) ynglŷn â hynny) yw—

- (a) unrhyw gontract, ac eithrio contract cyfalaf—
  - (i) pan fo cyfnod y contract yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
  - (ii) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r contract;
- (b) unrhyw gontract cyfalaf (o fewn ystyr paragraff 6(4));
- (c) unrhyw gytundeb fframwaith o fewn ystyr rheoliad 33(2) o Reoliadau Contractau Cyhoeddus 2015 (O.S. 2015/102)—
  - (i) pan fo cyfnod y cytundeb fframwaith yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
  - (ii) pan ganiateir estyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r cytundeb fframwaith;

ystyr “y dyddiad perthnasol” (“*the relevant date*”) yw—

- (a) y dyddiad y mae Gweinidogion Cymru yn cael y cais i uno, neu
- (b) y dyddiad y rhoddir hysbysiad fel a ddisgrifir yn adran 129(6).

*Trothwyon ariannol: darpariaeth bellach*

- 8 (1) Pan na fo’r gydnabyddiaeth mewn cysylltiad â thrafodiad, nac unrhyw ran ohoni, mewn arian, mae’r trothwyon a nodir ym mharagraff 6 yn gymwys i werth y gydnabyddiaeth.
- (2) Wrth ddyfarnu a yw trothwy a nodir ym mharagraff 6 wedi ei groesi, pan fo cwestiwn yn codi ynglŷn â gwerth y gydnabyddiaeth mewn perthynas â thrafodiad a bod y personau o dan sylw yn methu â dod i gytundeb, mae Gweinidogion Cymru i benderfynu ar y cwestiwn at ddibenion y dyfarniad.

*Canllawiau mewn perthynas â thrafodiadau, recriwtio etc.*

- 9 (1) Rhaid i berson a bennir mewn cyfarwyddyd o dan baragraff 1 roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru (a gweler adran 146 mewn perthynas â chanllawiau a ddyroddir i brif gynghorau)—
  - (a) ynglŷn â gweithrediad paragraffau 1 i 8;
  - (b) mewn perthynas ag unrhyw gyfarwyddyd a roddir o dan baragraff 1;

“contract or agreement” (“*contract neu gytundeb*”) (other than in “relevant contract or agreement”, as to which see paragraph 6(3)) means –

- (a) any contract, other than a capital contract, where –
  - (i) the period of the contract extends beyond the transfer date, or
  - (ii) under the terms of the contract, that period may be extended beyond the transfer date;
- (b) any capital contract (within the meaning of paragraph 6(4));
- (c) any framework agreement within the meaning of regulation 33(2) of the Public Contracts Regulations 2015 (S.I. 2015/102) where –
  - (i) the period of the framework agreement extends beyond the transfer date, or
  - (ii) under the terms of the framework agreement, that period may be extended beyond the transfer date;

“land acquisition or disposal” (“*caffaeliad neu warediad tir*”) includes the things set out in paragraph 6(2);

“loan” (“*benthyciad*”) (other than in “relevant loan”) means a loan where –

- (a) the period of the loan extends beyond the transfer date, or
- (b) under the terms of the loan, that period may be extended beyond the transfer date;

“the relevant date” (“*y dyddiad perthnasol*”) means –

- (a) the date on which the Welsh Ministers receive the merger application, or
- (b) the date on which notice is given as described in section 129(6).

#### *Financial limits: further provision*

- 8 (1) Where the consideration, or any of the consideration, in respect of a transaction is not in money, the limits set out in paragraph 6 apply to the value of the consideration.
- (2) Where, in determining whether a limit set out in paragraph 6 is exceeded, a question arises as to the value of the consideration in relation to a transaction and the persons concerned fail to reach agreement, for the purposes of the determination the question is to be decided by the Welsh Ministers.

#### *Guidance in relation to transactions, recruitment etc.*

- 9 (1) A person specified in a direction under paragraph 1 must have regard to any guidance issued by the Welsh Ministers (and see section 146 in relation to guidance issued to principal councils) –
- (a) as to the operation of paragraphs 1 to 8;
  - (b) in relation to any direction given under paragraph 1;

- (c) ar gyflawni gweithgareddau cyfyngedig;
  - (d) ar benodi a dynodi personau i swyddi cyfyngedig.
- (2) At ddibenion is-baragraff (1), mae “gweithgareddau cyfyngedig” a “swyddi cyfyngedig” i’w dehongli yn unol â pharagraff 1.



- (c) on carrying out restricted activities;
  - (d) on appointing and designating persons to restricted posts.
- (2) For the purposes of sub-paragraph (1), “restricted activities” and “restricted posts” are to be interpreted in accordance with paragraph 1.

ATODLEN 13  
(a gyflwynir gan adran 162)

DIDDYMU'R PŴER I GYNNAL PLEIDLEISIAU O GANLYNIAD I GYFARFODYDD  
CYMUNEDOL O DAN DDEDDF 1972

*Deddf Llywodraeth Leol 1972 (p. 70)*

- 1 Mae Deddf 1972 wedi ei diwygio fel a ganlyn.
- 2 Hepgorer adrannau 33B a 33C (ymateb prif gyngor i fynnu cynnal pleidlais mewn cyfarfod cymunedol).
- 3 Yn adran 150(7) (treuliau cynnal pleidleisiau) –
  - (a) hepgorer, yn yr ail le y mae'n digwydd, "or community";
  - (b) ar ôl "meeting", yn yr ail le y mae'n digwydd, mewnosoder "or of a community governance poll (as to which, see paragraph 34(8) of Schedule 12)".
- 4 Yn adran 243(3) (cyfrifo amser) –
  - (a) hepgorer "or community";
  - (b) ar ôl "meeting" mewnosoder "or a community governance poll (as to which, see paragraph 34(8) of Schedule 12)".
- 5 Yn Atodlen 12, hepgorer paragraffau 26A a 29A (ymateb gan gyngor cymuned i gynnal pleidlais gymunedol).
- 6 (1) Yn Atodlen 12, mae paragraff 34 (cyfarfodydd cymunedol yn gwneud penderfyniadau) wedi ei ddiwygio fel a ganlyn.
  - (2) Yn is-baragraff (1), yn lle "poll consequent thereon" rhodder "community governance poll".
  - (3) Yn is-baragraff (2) –
    - (a) hepgorer ", in the first instance,";
    - (b) hepgorer "unless a poll is demanded".
  - (4) Hepgorer is-baragraff (4).
  - (5) Yn lle is-baragraffau (5) a (6) rhodder –
    - (5) The Welsh Ministers may by regulations make provision about the conduct of community governance polls.
    - (6) Regulations under sub-paragraph (5) may apply any enactment relating to elections or referendums (with or without modifications) to community governance polls.
    - (7) A statutory instrument containing regulations under sub-paragraph (5) is subject to annulment in pursuance of a resolution of Senedd Cymru."
  - (6) Ar ddiwedd paragraff 34 mewnosoder –

SCHEDULE 13  
(introduced by section 162)

ABOLITION OF POLLS CONSEQUENTIAL ON COMMUNITY MEETINGS UNDER THE  
1972 ACT

*Local Government Act 1972 (c. 70)*

- 1 The 1972 Act is amended as follows.
- 2 Omit sections 33B and 33C (principal council's response to a poll demanded at a community meeting).
- 3 In section 150(7) (expenses of polls)—
  - (a) omit, in the second place it occurs, "or community";
  - (b) after "meeting", in the second place it occurs, insert "or of a community governance poll (as to which, see paragraph 34(8) of Schedule 12)".
- 4 In section 243(3) (computation of time)—
  - (a) omit "or community";
  - (b) after "meeting" insert "or a community governance poll (as to which, see paragraph 34(8) of Schedule 12)".
- 5 In Schedule 12, omit paragraphs 26A and 29A (response by community council to community poll).
- 6 (1) In Schedule 12, paragraph 34 (the making of decisions by community meetings) is amended as follows.
  - (2) In sub-paragraph (1), for "poll consequent thereon" substitute "community governance poll".
  - (3) In sub-paragraph (2)—
    - (a) omit ", in the first instance,";
    - (b) omit "unless a poll is demanded".
  - (4) Omit sub-paragraph (4).
  - (5) For sub-paragraphs (5) and (6) substitute—
    - (5) The Welsh Ministers may by regulations make provision about the conduct of community governance polls.
    - (6) Regulations under sub-paragraph (5) may apply any enactment relating to elections or referendums (with or without modifications) to community governance polls.
    - (7) A statutory instrument containing regulations under sub-paragraph (5) is subject to annulment in pursuance of a resolution of Senedd Cymru."
- (6) At the end of paragraph 34 insert—

“(8) In this Part of this Schedule, “community governance poll” means a poll held on a proposal of a kind mentioned in section 27A, 27C, 27E, 27G, 27I or 27K.”

- 7 Ym mharagraff 37 o Atodlen 12 (benthyca blychau pleidleisio etc.), yn is-baragraff (1) yn lle “poll consequent on a community meeting” rhodder “community governance poll”.
- 8 Ym mharagraff 38 o Atodlen 12 (troseddau) yn lle “poll consequent on a community meeting” rhodder “community governance poll”.
- 9 Yn Atodlen 12, hepgorer paragraffau 38A a 38B (hysbysu prif gyngor am ganlyniad cynnal pleidlais o ganlyniad i gyfarfod cymunedol).

*Deddf Llywodraeth Leol a Thai 1989 (p. 42)*

- 10 Yn Neddf Llywodraeth Leol a Thai 1989, yn adran 5 hepgorer is-adran (8B) (swyddogaethau swyddogion monitro mewn perthynas â chynnal pleidleisiau o ganlyniad i gyfarfod cymunedol).

*Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4)*

- 11 Ym Mesur 2011, hepgorer adrannau 93 i 99.

*Y Ddeddf hon*

- 12 Yn y Ddeddf hon, hepgorer paragraff 1(8) o Atodlen 2 (diwygio paragraff 34 o Atodlen 12 i Ddeddf 1972).

“(8) In this Part of this Schedule, “community governance poll” means a poll held on a proposal of a kind mentioned in section 27A, 27C, 27E, 27G, 27I or 27K.”

- 7 In paragraph 37 of Schedule 12 (lending of ballot boxes etc.), in sub-paragraph (1) for “poll consequent on a community meeting” substitute “community governance poll”.
- 8 In paragraph 38 of Schedule 12 (offences) for “poll consequent on a community meeting” substitute “community governance poll”.
- 9 In Schedule 12, omit paragraphs 38A and 38B (notification of principal council of result of poll consequent on a community meeting).

*Local Government and Housing Act 1989 (c. 42)*

- 10 In the Local Government and Housing Act 1989, in section 5 omit subsection (8B) (functions of monitoring officers in relation to polls consequent on a community meeting).

*Local Government (Wales) Measure 2011 (nawm 4)*

- 11 In the 2011 Measure, omit sections 93 to 99.

*This Act*

- 12 In this Act, omit paragraph 1(8) of Schedule 2 (amendment of paragraph 34 of Schedule 12 to the 1972 Act).

ATODLEN 14  
(a gyflwynir gan adran 165)

DIWYGIADAU CANLYNIADOL MEWN PERTHYNAS AG UNO A DADUNO  
BYRDDAU GWASANAETHAU CYHOEDDUS

*Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)*

- 1 (1) Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1 (trosolwg), yn is-adran (4)(f) ar ôl "fel arall" mewnosoder ", a daduno".
- (3) Yn adran 37 (asesiadau llesiant lleol), yn is-adran (2) hepgorer "(6) neu".
- (4) Yn adran 39 (cynlluniau llesiant lleol) –
- (a) hepgorer is-adran (6);
  - (b) yn is-adran (7) –
    - (i) yn lle "Yn dilyn hynny, rhaid" rhodder "Rhaid";
    - (ii) yn lle "wedi hynny o dan yr adran honno" rhodder "o dan adran 26 o Ddeddf Llywodraeth Leol 1972 (p. 70)".
- (5) Ym mhennawd adran 47, ar ôl "Uno" rhodder "a daduno".
- (6) Yn adran 49 (cyfarwyddydau) –
- (a) yn is-adran (1) –
    - (i) ar ôl "neu" mewnosoder "(8) neu adran";
    - (ii) ar ôl "bwrdd" mewnosoder "neu'r byrddau";
  - (b) ar ôl is-adran (2) mewnosoder –
    - "(3) Caiff Gweinidogion Cymru amrywio neu ddirymu cyfarwyddyd o'r fath.";
  - (c) yn y pennawd, ar ôl "uno" mewnosoder ", i ddaduno".
- (7) Yn adran 55 (dehongli), yn y diffiniad o "cynllun llesiant lleol" yn lle "neu a ddiwygiwyd ac a gyhoeddwyd fel y'i diwygiwyd o dan adran 44(5)" rhodder ", 44(5) neu 47(6) neu (11)".
- (8) Yn Atodlen 3 (darpariaeth bellach ynghylch byrddau gwasanaethau cyhoeddus), ym mharagraff 6(3) (is-grwpiau) –
- (a) ym mharagraff (h), ar ôl "44" mewnosoder "neu 47";
  - (b) ym mharagraff (i), ar ôl is-baragraff (i) (ac o flaen y "neu" sy'n ei ddilyn) mewnosoder –
    - "(ia) os yw'r bwrdd yn fwrdd unedig o dan adran 47, daduno neu ddaduno yn rhannol o dan adran 47(7),"

*Deddf Llywodraeth Leol 2000 (p. 22)*

- 2 Yn Neddf 2000, yn is-adran (3B) o adran 2 (hybu llesiant) yn lle "or 44(5)" rhodder ", 44(5) or 47(6) or (11)".

SCHEDULE 14  
(introduced by section 165)

CONSEQUENTIAL AMENDMENTS RELATING TO MERGER AND DEMERGER OF  
PUBLIC SERVICES BOARDS

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 1 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.
- (2) In section 1 (overview), in subsection (4)(f) after “collaborate” insert “, and to demerge”.
- (3) In section 37 (local well-being assessments), in subsection (2) omit “(6) or”.
- (4) In section 39 (local well-being plans) –
- (a) omit subsection (6);
  - (b) in subsection (7) –
    - (i) for “Subsequently, each” substitute “Each”;
    - (ii) for “subsequent ordinary election under that section” substitute “ordinary election under section 26 of the Local Government Act 1972 (c. 70)”.
- (5) In the heading of section 47, for “Merging” substitute “Merger and demerger of”.
- (6) In section 49 (directions) –
- (a) in subsection (1) –
    - (i) after “or” insert “(8) or section”;
    - (ii) after “public services” insert “board or”;
  - (b) after subsection (2) insert –

“(3) The Welsh Ministers may vary or revoke such a direction.”;
  - (c) in the heading, after “merge” insert “, demerge”.
- (7) In section 55 (interpretation), in the definition of “local well-being plan” for “or amended and published as amended under section 44(5)” substitute “, 44(5) or 47(6) or (11)”.
- (8) In Schedule 3 (further provision about public services boards), in paragraph 6(3) (sub-groups) –
- (a) in paragraph (h), after “44” insert “or 47”;
  - (b) in paragraph (i), after sub-paragraph (i) (and before the “or” which follows it) insert –

“(ia) if the board is a merged board under section 47, demerges or partially demerges under section 47(7),”.

*Local Government Act 2000 (c. 22)*

- 2 In the 2000 Act, in subsection (3B) of section 2 (promotion of well-being) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Deddf Addysg 2002 (p. 32)*

- 3 Yn Neddf Addysg 2002, yn adran 21(9)(b) (cynllun plant a phobl ifanc perthnasol) yn lle “or 44(5)” rhodder “, 44(5) or 47(6) or (11)”.

*Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)*

- 4 Yn Neddf Cynllunio a Phrynu Gorfodol 2004, yn adran 62(7) (cynllun datblygu lleol) yn lle “or 44(5)” rhodder “, 44(5) or 47(6) or (11)”.

*Deddf Plant 2004 (p. 31)*

- 5 Yn Neddf Plant 2004, yn adran 25(9A) (cydweithredu i wella llesiant) yn lle “or 44(5)” rhodder “, 44(5) or 47(6) or (11)”.

*Mesur Plant a Theuluoedd (Cymru) 2010 (mccc 1)*

- 6 (1) Mae Mesur Plant a Theuluoedd (Cymru) 2010 wedi ei ddiwygio fel a ganlyn.  
(2) Yn adran 4(1) (strategaethau a lunnir gan awdurdodau lleol), yn lle “neu 44(5)” rhodder “, 44(5) neu 47(6) neu (11)”.  
(3) Yn adran 5(5) (strategaethau a lunnir gan awdurdodau eraill), yn lle “neu 44(5)” rhodder “, 44(5) neu 47(6) neu (11)”.

*Mesur Iechyd Meddwl (Cymru) 2010 (mccc 7)*

- 7 Ym Mesur Iechyd Meddwl (Cymru) 2010, yn adran 2(2A) (cynlluniau ar y cyd ar gyfer darparu gwasanaethau cymorth iechyd meddwl sylfaenol lleol) yn lle “neu 44(5)” rhodder “, 44(5) neu 47(6) neu (11)”.

*Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)*

- 8 Yn Neddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, yn adran 14A (cynlluniau yn dilyn asesiad o anghenion) –  
(a) yn is-adran (3), yn lle “neu 44(5)” rhodder “, 44(5) neu 47(6) neu (11)”;  
(b) yn is-adran (5), ar ôl “uno” mewnosoder “a daduno”.

*Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 (dccc 3)*

- 9 Yn Neddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015, yn adran 5(5A) (cyhoeddi strategaethau lleol) yn lle “neu 44(5)” rhodder “, 44(5) neu 47(6) neu (11)”.



*Education Act 2002(c. 32)*

- 3 In the Education Act 2002, in section 21(9)(b) (relevant children and young people’s plan) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 4 In the Planning and Compulsory Purchase Act 2004, in section 62(7) (local development plan) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Children Act 2004 (c. 31)*

- 5 In the Children Act 2004, in section 25(9A) (co-operation to improve well-being) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Children and Families (Wales) Measure 2010 (nawm 1)*

- 6 (1) The Children and Families (Wales) Measure 2010 is amended as follows.  
(2) In section 4(1) (strategies prepared by local authorities), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.  
(3) In section 5(5) (strategies prepared by other authorities), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Mental Health (Wales) Measure 2010 (nawm 7)*

- 7 In the Mental Health (Wales) Measure 2010, in section 2(2A) (joint schemes for the provision of local primary mental health support services) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

*Social Services and Well-being (Wales) Act 2014 (anaw 4)*

- 8 In the Social Services and Well-being (Wales) Act 2014, in section 14A (plans following assessment of needs) –  
(a) in subsection (3), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”;  
(b) in subsection (5), after “merging” insert “and demerging”.

*Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3)*

- 9 In the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, in section 5(5A) (publication of local strategies) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

