OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2013 Rhif 3139 (Cy. 312)

Y GYMRAEG, CYMRU

Rheoliadau Tribiwnlys y Gymraeg (Penodi) 2013

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Mesur y Gymraeg (Cymru) 2011 ("y Mesur") yn sefydlu Tribiwnlys y Gymraeg ("y Tribiwnlys"). Bydd y Tribiwnlys wedi'i ffurfio o Lywydd, aelodau wedi ymgymhwyso yn y gyfraith ac aelodau lleyg. Mae adran 120 o'r Mesur yn darparu mai Gweinidogion Cymru sy'n penodi aelodau'r Tribiwnlys.

Mae paragraff 9(1) o Atodlen 11 i'r Mesur yn galluogi Gweinidogion Cymru i wneud darpariaeth, drwy reoliadau, ynghylch penodi aelodau'r Tribiwnlys (y cyfeirir atynt yn y Mesur fel "rheoliadau penodi").

Mae paragraff 9 o Atodlen 11 i'r Mesur hefyd yn darparu y caiff y rheoliadau penodi, ymysg pethau eraill;

(a) gwneud darpariaeth ynghylch yr egwyddorion i'w dilyn wrth wneud unrhyw benodiad i'r Tribiwnlys (paragraff 9(2)(a));

(b) gwneud darpariaeth ynghylch gwybodaeth o'r Gymraeg a hyfedredd ynddi y mae'n rhaid i aelodau'r Tribiwnlys feddu arnynt (paragraff 9(2)(b));

(c) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus (paragraff 9(3)(a));

(d) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath (paragraff 9(3)(b));

(e) rhoi swyddogaethau i Weinidogion Cymru (yn ogystal ag i unrhyw berson arall) gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn (paragraff 9(4)).

Mae'r Rheoliadau hyn yn gosod dyletswyddau ar Weinidogion Cymru wrth iddynt benodi aelodau i'r Tribiwnlys.

2013 No. 3139 (W. 312)

WELSH LANGUAGE, WALES

The Welsh Language Tribunal (Appointment) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Welsh Language (Wales) Measure 2011 ("the Measure") establishes a Welsh Language Tribunal ("the Tribunal"). The Tribunal will comprise of a President, legally qualified members and lay members. Section 120 of the Measure provides that the Welsh Ministers appoint the members of the Tribunal.

Paragraph 9(1) of Schedule 11 to the Measure enables the Welsh Ministers to make provision, by way of regulations, about the appointment of members of the Tribunal (referred to in the Measure as "appointment regulations").

Paragraph 9 of Schedule 11 to the Measure also provides that the appointment regulations may, amongst other things;

(a) make provision about principles to be followed in making any appointment to the Tribunal (paragraph 9(2)(a));

(b) make provision about the knowledge of, and proficiency in, the Welsh language which the members of the Tribunal must have (paragraph 9(2)(b));

(c) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies (paragraph 9(3)(a));

(d) make other provision relating to any such code (paragraph 9(3)(b));

(e) confer functions on the Welsh Ministers (as well as any other person) including functions involving the exercise of a discretion (paragraph 9(4)).

These Regulations place duties on the Welsh Ministers in making appointments to the Tribunal.

Mae rheoliad 2 yn ei gwneud yn ofynnol i benodiadau a wneir gan Weinidogion Cymru gael eu gwneud ar sail teilyngdod, a rhaid i'r person a benodir fod o gymeriad da. Mae rheoliad 3 yn ei gwneud hi'n ofynnol iddynt roi sylw i'r angen i gynnal annibyniaeth y Tribiwnlys a chynnal rheolaeth y gyfraith wrth iddynt benodi. O dan reoliad 4, rhaid i Weinidogion Cymru beidio â phenodi person i fod yn Llywydd oni bai eu bod wedi eu bodloni bod gan y person wybodaeth ddigonol o'r Gymraeg a hyfedredd digonol ynddi. Wrth benodi aelodau eraill y Tribiwnlys, mae Gweinidogion Cymru o dan ddyletswydd i roi sylw i'r wybodaeth o'r Gymraeg a'r hyfedredd ynddi sydd gan aelodau'r Tribiwnlys gyda'i gilydd.

Mae rheoliad 5 yn ei gwneud yn ofynnol i Weinidogion Cymru roi sylw i'r angen i annog amrywiaeth ymysg yr ystod o bobl y maent yn eu penodi yn aelodau'r Tribiwnlys.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 2 requires appointments by the Welsh Ministers to be on the grounds of merit, and that the person appointed must be of good character. Regulation 3 requires them to have regard to the need to uphold the independence of the Tribunal and the rule of law when making appointments. Under regulation 4, the Welsh Ministers must not appoint a person to be President unless they are satisfied that the person has sufficient knowledge of, and proficiency in, the Welsh language. When appointing the other members of the Tribunal, the Welsh Ministers are under a duty to have regard to the knowledge of, and proficiency in, the Welsh language of the Tribunal's members, when taken as a whole.

Regulation 5 requires the Welsh Ministers to have regard to the need to encourage diversity in the range of people they appoint as members of the Tribunal.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 3139 (Cy. 312)

Y GYMRAEG, CYMRU

Rheoliadau Tribiwnlys y Gymraeg (Penodi) 2013

Gwnaed — *10 Rhagfyr 2013*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru — *12 Rhagfyr 2013*

Yn dod i rym — *7 Ionawr 2014*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 120(4) o Fesur y Gymraeg (Cymru) 2011(**1**) a pharagraff 9 o Atodlen 11 iddo, yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlys y Gymraeg (Penodi) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 7 Ionawr 2014.

Teilyngdod a chymeriad da

2.—(1) Rhaid i Weinidogion Cymru benodi aelodau'r Tribiwnlys(**2**) ar sail teilyngdod y personau hynny sydd i'w penodi.

(2) Rhaid i Weinidogion Cymru beidio ag apwyntio person yn aelod o'r Tribiwnlys oni bai eu bod wedi eu bodloni bod y person o gymeriad da.

Egwyddorion i'w dilyn

3. Wrth benodi aelodau'r Tribiwnlys rhaid i Weinidogion Cymru roi sylw i'r angen i gynnal egwyddorion—

(a) annibyniaeth y Tribiwnlys; a

(b) rheolaeth y gyfraith.

(**1**) 2011 mccc 1.
(**2**) *Gweler* adran 120(2) o'r Mesur.

WELSH STATUTORY INSTRUMENTS

2013 No. 3139 (W. 312)

WELSH LANGUAGE, WALES

The Welsh Language Tribunal (Appointment) Regulations 2013

Made — *10 December 2013*

Laid before the National Assembly for Wales — *12 December 2013*

Coming into force — *7 January 2014*

The Welsh Ministers, in exercise of the powers conferred by section 120(4) of, and paragraph 9 of Schedule 11 to, the Welsh Language (Wales) Measure 2011(**1**), make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Welsh Language Tribunal (Appointment) Regulations 2013.

(2) These Regulations come into force on 7 January 2014.

Merit and good character

2.—(1) The Welsh Ministers must appoint members of the Tribunal(**2**) based on the merit of those persons to be appointed.

(2) The Welsh Ministers must not appoint a person as a Tribunal member unless they are satisfied that the person to be appointed is of good character.

Principles to be followed

3. In appointing the members of the Tribunal the Welsh Ministers must have regard to the need to uphold the principles of the—

(a) independence of the Tribunal; and

(b) the rule of law.

(**1**) 2011 nawm 1.
(**2**) *See* section 120(2) of the Measure.

Y Gymraeg, gwybodaeth a hyfedredd

4.—(1) Rhaid i Weinidogion Cymru beidio â phenodi person i fod yn Llywydd y Tribiwnlys oni bai eu bod wedi eu bodloni bod gan y person wybodaeth ddigonol o'r Gymraeg a hyfedredd digonol ynddi.

(2) Wrth benodi aelodau'r Tribiwnlys ac eithrio'r Llywydd, rhaid i Weinidogion Cymru roi sylw i'r wybodaeth o'r Gymraeg a'r hyfedredd ynddi sydd gan aelodau'r Tribiwnlys gyda'i gilydd.

(3) Mae'r rheoliad hwn yn ddarostyngedig i reoliadau 2 a 3.

Annog Amrywiaeth

5. Rhaid i Weinidogion Cymru roi sylw i'r angen i annog amrywiaeth yn yr ystod o bersonau y maent yn eu penodi'n aelodau o'r Tribiwnlys.

Welsh language, knowledge and proficiency

4.—(1) The Welsh Ministers must not appoint a person to be the President of the Tribunal unless they are satisfied that the person has sufficient knowledge of, and sufficient proficiency in, the Welsh language.

(2) When appointing members of the Tribunal, other than the President, the Welsh Ministers must have regard to the knowledge and proficiency in the Welsh language of the Tribunal's members, when taken together.

(3) This regulation is subject to regulations 2 and 3.

Encouragement of diversity

5. The Welsh Ministers must have regard to the need to encourage diversity in the range of persons they appoint as members of the Tribunal.

Carwyn Jones

Prif Weinidog Cymru

10 Rhagfyr 2013

The First Minister of Wales

10 December 2013

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