



Deddf Etholiadau a Chyrff Etholedig (Cymru) 2024

2024 dsc 5

Elections and Elected Bodies (Wales) Act 2024

2024 asc 5



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ar wahân.

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

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Deddf Etholiadau a Chyrff Etholedig (Cymru) 2024

Deddf gan Senedd Cymru i wneud darpariaeth ynghylch gweinyddu a chofrestru etholiadol yng Nghymru; peilota newidiadau i'r system etholiadol yng Nghymru; y system i adolygu trefniadau ar gyfer llywodraeth leol yng Nghymru; anghymhwysu cynghorwyr cymuned rhag bod yn aelodau o Senedd Cymru; yr arfer llwgr o ddylanwad amhriodol fel y mae'n gymwys i etholiadau Senedd Cymru ac etholiadau llywodraeth leol yng Nghymru; a swyddogaethau a chyfansoddiad Comisiwn Democratiaeth a Ffiniau Cymru. [9 Medi 2024]

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

RHAN 1

GWEINYDDU A CHOFRESTRU ETHOLIADOL

PENNOD 1

CYDLYNU GWAITH GWEINYDDU ETHOLIADOL

1 Bwrdd Rheoli Etholiadol Comisiwn Democratiaeth a Ffiniau Cymru

- Mae Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4) ("Deddf 2013") wedi ei diwygio fel a ganlyn.
- Ar ôl Rhan 2 mewnosoder –

"RHAN 2A

CYDLYNU GWAITH GWEINYDDU ETHOLIADOL

Swyddogaethau cyffredinol

20A Swyddogaethau gweinyddu etholiadol



Elections and Elected Bodies (Wales) Act 2024

An Act of Senedd Cymru to make provision about electoral administration and registration in Wales; piloting of changes to the electoral system in Wales; the system for reviewing arrangements for local government in Wales; disqualifying community councillors from membership of Senedd Cymru; the corrupt practice of undue influence as it applies to Senedd Cymru elections and local government elections in Wales; and the functions and constitution of the Democracy and Boundary Commission Cymru. [9 September 2024]

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

PART 1

ELECTORAL ADMINISTRATION AND REGISTRATION

CHAPTER 1

CO-ORDINATION OF ELECTORAL ADMINISTRATION

1 Electoral Management Board of Democracy and Boundary Commission Cymru

- (1) The Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4) (“the 2013 Act”) is amended as follows.
- (2) After Part 2 insert –

“PART 2A

CO-ORDINATION OF ELECTORAL ADMINISTRATION

General functions

20A Electoral administration functions

- (1) Swyddogaeth gyffredinol y Comisiwn yw cydlynu'r gwaith o weinyddu etholiadau a refferenda Cymreig.
- (2) Mae'r swyddogaeth gyffredinol yn is-adran (1) yn cynnwys—
 - (a) cynorthwyo swyddogion canlyniadau, awdurdodau lleol a phersonau eraill wrth iddynt gyflawni eu swyddogaethau mewn perthynas ag etholiadau a refferenda Cymreig;
 - (b) hybu arferion gorau o ran gweinyddu etholiadau a refferenda Cymreig drwy ddarparu gwybodaeth, cyngor neu hyfforddiant (neu fel arall).
- (3) Caiff y Comisiwn ddarparu gwybodaeth, cyngor neu gymorth arall i Weinidogion Cymru ynghylch gweinyddu etholiadau a refferenda Cymreig.
- (4) Yn y Rhan hon ystyr "etholiadau a refferenda Cymreig" yw—
 - (a) etholiadau Senedd Cymru;
 - (b) etholiadau llywodraeth leol yng Nghymru;
 - (c) refferenda datganoledig.

Cyfarwyddiadau

20B Cyfarwyddiadau i swyddogion canlyniadau

- (1) Caiff y Comisiwn roi cyfarwyddiadau ysgrifenedig i swyddogion canlyniadau ynghylch arfer swyddogaethau'r swyddogion mewn perthynas—
 - (a) ag etholiadau Senedd Cymru yn gyffredinol,
 - (b) ag etholiad penodol i Senedd Cymru,
 - (c) ag etholiadau llywodraeth leol yng Nghymru yn gyffredinol,
 - (d) ag etholiad llywodraeth leol penodol yng Nghymru,
 - (e) â refferenda datganoledig yn gyffredinol, neu
 - (f) â refferendwm datganoledig penodol.
- (2) Caiff cyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i swyddog canlyniadau ddarparu gwybodaeth i'r Comisiwn.
- (3) Caiff cyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i swyddog canlyniadau—
 - (a) arfer unrhyw ddisgresiwn sydd gan y swyddog wrth gyflawni swyddogaethau'r swyddog, neu
 - (b) arfer y disgresiwn mewn ffordd benodol.
- (4) Rhaid i swyddog canlyniadau y rhoddir cyfarwyddyd iddo o dan is-adran (1) gydymffurfio â'r cyfarwyddyd i'r graddau y mae'n cyfarwyddo'r swyddog—

- (1) The Commission has the general function of co-ordinating the administration of Welsh elections and referendums.
- (2) The general function in subsection (1) includes –
 - (a) assisting returning officers, local authorities and other persons in carrying out their functions in relation to Welsh elections and referendums;
 - (b) promoting best practice in the administration of Welsh elections and referendums by providing information, advice or training (or otherwise).
- (3) The Commission may provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.
- (4) In this Part “Welsh elections and referendums” means –
 - (a) Senedd Cymru elections;
 - (b) local government elections in Wales;
 - (c) devolved referendums.

Directions

20B Directions to returning officers

- (1) The Commission may give directions in writing to returning officers about the exercise of the officers’ functions in relation to –
 - (a) Senedd Cymru elections generally,
 - (b) a particular Senedd Cymru election,
 - (c) local government elections in Wales generally,
 - (d) a particular local government election in Wales,
 - (e) devolved referendums generally, or
 - (f) a particular devolved referendum.
- (2) A direction under subsection (1) may require a returning officer to provide the Commission with information.
- (3) A direction under subsection (1) may require a returning officer –
 - (a) to exercise any discretion the officer has in performing the officer’s functions, or
 - (b) to exercise the discretion in a particular way.
- (4) A returning officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer –

- (a) i arfer unrhyw ddisgresiwn a fyddai gan y swyddog fel arall wrth gyflawni swyddogaethau'r swyddog (neu i'w arfer mewn ffordd benodol), neu
 - (b) i ddarparu gwybodaeth i'r Comisiwn.
- (5) Nid yw'n ofynnol i swyddog canlyniadau gydymffurfio â chyfarwyddyd o dan is-adran (1) –
- (a) os byddai cydymffurfio â'r cyfarwyddyd yn anghyson ag un o ddyletswyddau'r swyddog o dan unrhyw ddeddfiad,
 - (b) i'r graddau y mae arfer swyddogaethau'r swyddog yn ddarostyngedig i'r cyfarwyddyd yn ymwneud ag etholiad a gedwir yn ôl mewn pól sydd wedi ei gyfuno ag etholiad neu refferendwm Cymreig, neu
 - (c) i'r graddau y mae arfer swyddogaethau'r swyddog yn ddarostyngedig i'r cyfarwyddyd yn ymwneud â'r cyfuniad –
 - (i) o bôl mewn etholiad a gedwir yn ôl â'r pól mewn etholiad neu refferendwm Cymreig;
 - (ii) o bôl mewn etholiad Senedd Cymru â'r pól mewn etholiad cyffredin llywodraeth leol yng Nghymru.
- (6) Rhaid i'r Comisiwn gyhoeddi pob cyfarwyddyd y mae'n ei roi o dan is-adran (1).

20C Cyfarwyddiadau i swyddogion cofrestru etholiadol

- (1) Caiff y Comisiwn roi cyfarwyddiadau ysgrifenedig i swyddogion cofrestru etholiadol ynghylch arfer swyddogaethau'r swyddogion mewn perthynas –
- (a) ag etholiad penodol i Senedd Cymru,
 - (b) ag etholiad llywodraeth leol penodol yng Nghymru, neu
 - (c) â refferendwm datganoledig penodol.
- (2) Caiff cyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i swyddog cofrestru etholiadol –
- (a) arfer unrhyw ddisgresiwn sydd gan y swyddog wrth gyflawni swyddogaethau'r swyddog, neu
 - (b) arfer y disgresiwn mewn ffordd benodol.
- (3) Caiff cyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i swyddog cofrestru etholiadol ddarparu gwybodaeth i'r Comisiwn.
- (4) Rhaid i swyddog cofrestru etholiadol y rhoddir cyfarwyddyd iddo o dan is-adran (1) gydymffurfio â'r cyfarwyddyd i'r graddau y mae'n cyfarwyddo'r swyddog –
- (a) i arfer unrhyw ddisgresiwn a fyddai gan y swyddog fel arall wrth gyflawni swyddogaethau'r swyddog (neu i'w arfer mewn ffordd benodol), neu

- (a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or
 - (b) to provide information to the Commission.
- (5) A returning officer is not required to comply with a direction under subsection (1) –
 - (a) if compliance with the direction would be inconsistent with a duty of the officer under any enactment,
 - (b) in so far as exercise of the officer's functions subject to the direction relates to a reserved election in a poll combined with a Welsh election or referendum, or
 - (c) in so far as exercise of the officer's functions subject to the direction relates to the combination of –
 - (i) a poll at a reserved election with the poll at a Welsh election or referendum;
 - (ii) a poll at a Senedd Cymru election with the poll at an ordinary local government election in Wales.
- (6) The Commission must publish each direction it gives under subsection (1).

20C Directions to electoral registration officers

- (1) The Commission may give directions in writing to electoral registration officers about the exercise of the officers' functions in relation to –
 - (a) a particular Senedd Cymru election,
 - (b) a particular local government election in Wales, or
 - (c) a particular devolved referendum.
- (2) A direction under subsection (1) may require an electoral registration officer –
 - (a) to exercise any discretion the officer has in performing the officer's functions, or
 - (b) to exercise the discretion in a particular way.
- (3) A direction under subsection (1) may require an electoral registration officer to provide the Commission with information.
- (4) An electoral registration officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer –
 - (a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or

- (b) i ddarparu gwybodaeth i'r Comisiwn.
- (5) Nid yw'n ofynnol i swyddog cofrestru etholiadol gydymffurfio â chyfarwyddyd o dan is-adran (1) –
- (a) os yw'n anghyson –
- (i) ag un o ddyletswyddau'r swyddog o dan unrhyw ddeddfiad, neu
- (ii) â chyfarwyddyd a roddir o dan adran 52 o Ddeddf 1983;
- (b) i'r graddau y mae arfer swyddogaethau'r swyddog yn ymwneud â phôl mewn etholiad a gedwir yn ôl sydd wedi ei gyfuno â phôl mewn etholiad neu refferendwm Cymreig.
- (6) Rhaid i'r Comisiwn gyhoeddi pob cyfarwyddyd y mae'n ei roi o dan is-adran (1).

20D Ymgynghori â'r Comisiwn Etholiadol

- (1) Cyn rhoi cyfarwyddyd o dan adran 20B neu 20C, rhaid i'r Comisiwn ymgynghori â'r Comisiwn Etholiadol.
- (2) Rhaid i'r Comisiwn Etholiadol roi ymateb ysgrifenedig i'r Comisiwn ar y materion yr ymgynghorwyd ag ef yn eu cylch.

Y Bwrdd

20E Y Bwrdd Rheoli Etholiadol

- (1) Rhaid i'r Comisiwn sefydlu bwrdd o'r enw y Bwrdd Rheoli Etholiadol ("y Bwrdd").
- (2) Mae swyddogaethau'r Comisiwn o dan y darpariaethau a bennir yn is-adran (3) wedi eu dirprwyo i'r Bwrdd ac ni chaniateir iddynt gael eu harfer ond gan y Bwrdd.
- (3) Y darpariaethau yw –
- (a) adrannau 20A i 20D;
- (b) pennod 3 o Ran 1 o Ddeddf Etholiadau a Chyrff Etholiadol (Cymru) 2024 (peilota a diwygio etholiadau Cymreig);
- (c) darpariaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (4) Caniateir i'r pwerau yn adran 12 gael eu harfer gan y Bwrdd neu'r Comisiwn mewn perthynas â'r swyddogaethau sydd wedi eu dirprwyo gan is-adran (2).
- (5) Nid yw is-adran (2) yn effeithio ar gyfrifoldeb y Comisiwn dros arfer y swyddogaethau dirprwyedig.

20F Aelodaeth o'r Bwrdd

- (1) Mae'r Bwrdd i gynnwys –
- (a) aelod o'r Comisiwn sy'n gyn-swyddog etholiadau i gadeirio'r Bwrdd,

- (b) to provide information to the Commission.
- (5) An electoral registration officer is not required to comply with a direction under subsection (1) –
 - (a) if it is inconsistent with –
 - (i) a duty of the officer under any enactment, or
 - (ii) a direction given under section 52 of the 1983 Act;
 - (b) in so far as exercise of the officer’s functions relates to a poll in a reserved election combined with a poll in a Welsh election or referendum.
- (6) The Commission must publish each direction it gives under subsection (1).

20D Consultation with the Electoral Commission

- (1) Before giving a direction under section 20B or 20C, the Commission must consult the Electoral Commission.
- (2) The Electoral Commission must give a response in writing to the Commission to the matters on which it is consulted.

The Board

20E Electoral Management Board

- (1) The Commission must establish a board to be known as the Electoral Management Board (“the Board”).
- (2) The functions of the Commission under the provisions specified in subsection (3) are delegated to the Board and must only be exercised by the Board.
- (3) The provisions are –
 - (a) sections 20A to 20D;
 - (b) chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform);
 - (c) provision specified in regulations made by the Welsh Ministers.
- (4) The powers in section 12 may be exercised by the Board or the Commission in relation to the functions delegated by subsection (2).
- (5) Subsection (2) does not affect the Commission’s responsibility for exercise of the delegated functions.

20F Board membership

- (1) The Board is to consist of –
 - (a) a member of the Commission to chair the Board who is a former elections officer,

- (b) un aelod arall o'r Comisiwn, ac
 - (c) aelodau sy'n swyddogion etholiadau neu'n gyn-swyddogion etholiadau (ac mae un ohonynt i fod yn ddirprwy gadeirydd y Bwrdd).
- (2) Mae aelodau'r Bwrdd i'w penodi gan y Comisiwn.
 - (3) Rhaid i'r Comisiwn benodi o leiaf bedwar aelod i'r Bwrdd o'r math a ddisgrifir yn is-adran (1)(c).
 - (4) Mae'r cadeirydd i'w ddewis gan y Comisiwn ac mae'r dirprwy gadeirydd i'w ddewis gan y Bwrdd.
 - (5) Mae aelodau o'r Bwrdd sydd hefyd yn aelodau o'r Comisiwn i'w penodi ar delerau ac amodau a benderfynir gan Weinidogion Cymru.
 - (6) Mae aelodau eraill y Bwrdd i'w penodi ar delerau ac amodau a benderfynir gan y Comisiwn ar ôl ymgynghori â Gweinidogion Cymru.
 - (7) Mae'r telerau a'r amodau y caniateir iddynt gael eu penderfynu o dan is-adrannau (5) a (6) yn cynnwys amodau o ran tâl, lwfansau a threuliau.
 - (8) Rhaid i berson a benodir o dan is-adran (1)(c) beidio â bod –
 - (a) yn aelod o un o ddeddfwrfeydd y DU;
 - (b) yn aelod o staff y Senedd (o fewn yr ystyr a roddir i "member of the staff of the Senedd" gan Ddeddf Llywodraeth Cymru 2006 (p. 32));
 - (c) yn berson a gymerir ymlaen gan aelod o un o ddeddfwrfeydd y DU, o dan gontract gwasanaeth neu gontract am wasanaethau, mewn cysylltiad â chyflawni swyddogaethau'r aelod;
 - (d) yn aelod o 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;
 - (g) yn Gomisiynydd neu'n Gomisiynydd Cynorthwyol;
 - (h) yn aelod o staff y Comisiwn;
 - (i) yn berson a gyflogir yng ngwasanaeth sifil y wladwriaeth.
 - (9) Yn yr adran hon ystyr "swyddog etholiadau" yw –
 - (a) swyddog canlyniadau, neu
 - (b) swyddog cofrestru etholiadol.

20G Deiliadaeth

Mae aelodau'r Bwrdd yn dal swydd ac yn gadael swydd yn unol â thelerau ac amodau eu penodiad.

- (b) one other member of the Commission, and
 - (c) members who are elections officers or former elections officers (one of whom is to be the deputy chair of the Board).
- (2) The members of the Board are to be appointed by the Commission.
- (3) The Commission must appoint at least four members to the Board of the kind described in subsection (1)(c).
- (4) The chair is to be chosen by the Commission and the deputy chair is to be chosen by the Board.
- (5) Members of the Board who are also members of the Commission are to be appointed on terms and conditions determined by the Welsh Ministers.
- (6) The other members of the Board are to be appointed on terms and conditions determined by the Commission after consultation with the Welsh Ministers.
- (7) The terms and conditions that may be determined under subsections (5) and (6) include conditions as to remuneration, allowances and expenses.
- (8) A person appointed under subsection (1)(c) must not be –
- (a) a member of a UK legislature;
 - (b) a member of the staff of the Senedd (within the meaning of the Government of Wales Act 2006 (c. 32));
 - (c) a person engaged by a member of a UK legislature, under a contract of service or a contract for services, in connection with the carrying out of the member’s functions;
 - (d) a member 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;
 - (g) a Commissioner or Assistant Commissioner;
 - (h) a member of the Commission’s staff;
 - (i) a person employed in the civil service of the state.
- (9) In this section “elections officer” means –
- (a) a returning officer, or
 - (b) an electoral registration officer.

20G Tenure

Members of the Board hold and vacate office in accordance with their terms and conditions of appointment.

20H Trafodion y Bwrdd

- (1) Rhaid bod gan aelodau'r Bwrdd bleidleisiau sy'n gyfwerth â'i gilydd at ddiben penderfyniadau'r Bwrdd, ond mae gan y cadeirydd (neu'r dirprwy gadeirydd os yw'r cadeirydd yn absennol) bleidlais fwrw os bydd y bleidlais yn gyfartal.
- (2) Caiff y Bwrdd fel arall reoleiddio ei weithdrefn ei hun (gan gynnwys cworwm).
- (3) Nid yw unrhyw ddiffyg ym mhenodiad aelod yn effeithio ar ddilysrwydd unrhyw beth a wneir gan y Bwrdd wrth arfer swyddogaethau'r Comisiwn.
- (4) Caiff y cadeirydd neu'r dirprwy gadeirydd (gyda chytundeb aelodau eraill y Bwrdd) wahodd person i fod yn bresennol mewn cyfarfod o'r Bwrdd at ddiben darparu cyngor neu gynorthwyo'r Bwrdd fel arall.

*Cyffredinol***20I Dehongli'r Rhan hon**

Yn y Rhan hon—

ystyr "Deddf 1983" ("*the 1983 Act*") yw Deddf Cynrychiolaeth y Bobl 1983 (p. 2);

ystyr "etholiad a gedwir yn ôl" ("*reserved election*") yw —

- (a) etholiad ar gyfer aelodaeth o Dŷ'r Cyffredin;
- (b) etholiad ar gyfer swydd comisiynydd heddlu a throsedd;

ystyr "etholiadau llywodraeth leol" ("*local government elections*") yw ethol —

- (a) cynghorwyr i ward etholiadol sir neu fwrdeistref sirol,
- (b) cynghorwyr i ward gymunedol neu, yn achos cymuned lle nad oes wardiau, i'r gymuned, neu
- (c) maer etholedig neu aelod gweithredol etholedig o dan reoliadau a wneir yn rhinwedd adran 44 o Ddeddf Llywodraeth Leol 2000 (p. 22);

ystyr "refferenda datganoledig" ("*devolved referendums*") yw refferenda a gynhelir o dan —

- (a) adran 27 o Ddeddf Llywodraeth Leol 2000 (p. 22) neu yn rhinwedd rheoliadau neu orchymyn a wneir o dan Ran 2 o'r Ddeddf honno;
- (b) adran 40 o Fesur 2011;

20H Board proceedings

- (1) The members of the Board must have votes of equal weight to each other for the purpose of the Board's decisions, but the chair (or deputy chair if the chair is absent) has the casting vote in the event of a tied vote.
- (2) The Board may otherwise regulate its own procedure (including quorum).
- (3) The validity of anything done by the Board in exercise of the Commission's functions is not affected by any defect in the appointment of a member.
- (4) The chair or deputy chair may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board.

*General***20I Interpretation of this Part**

In this Part—

“the 1983 Act” (*“Deddf 1983”*) means the Representation of the People Act 1983 (c. 2);

“devolved referendums” (*“refferenda datganoledig”*) means referendums 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;
- (b) section 40 of the 2011 Measure;
- (c) any other enactment (whenever passed or made) that would be within the legislative competence of Senedd Cymru if it were in a provision of an Act of the Senedd (whether the provision would require the consent of a Minister of the Crown or not);

“electoral registration officer” (*“swyddog cofrestru etholiadol”*) means an officer appointed under section 8(2A) of the 1983 Act or any person who may exercise the functions of the officer;

“local government elections” (*“etholiadau llywodraeth leol”*) means the election of—

- (a) councillors for an electoral ward of a county or county borough,
- (b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or

- (c) unrhyw ddeddfiad arall (pryd bynnag y caiff ei basio neu ei wneud) a fyddai o fewn cymhwysedd deddfwriaethol Senedd Cymru pe bai mewn darpariaeth mewn Deddf gan Senedd Cymru (pa un a fyddai'n ofynnol cael cydsyniad un o Weinidogion y Goron ar gyfer y ddarpariaeth ai peidio);

ystyr "swyddog canlyniadau" ("*returning officer*") yw –

- (a) swyddog canlyniadau (sut bynnag y'i disgrifir) –
- (i) a benodir o dan adran 35(1A) o Ddeddf 1983,
 - (ii) a ddynodir yn unol â gorchymyn a wneir o dan adran 13 o Ddeddf Llywodraeth Cymru 2006 (p. 32) ("*Deddf 2006*"), neu
 - (iii) a benodir o dan reoliadau a wneir yn rhinwedd adran 44 neu 45 o Ddeddf Llywodraeth Leol 2000 (p. 22);
- (b) unrhyw berson a gaiff arfer swyddogaethau swyddog canlyniadau sy'n dod o fewn paragraff (a);

ystyr "swyddog cofrestru etholiadol" ("*electoral registration officer*") yw swyddog a benodir o dan adran 8(2A) o Ddeddf 1983 neu unrhyw berson a gaiff arfer swyddogaethau'r swyddog."

2 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Rhan 1 o Atodlen 1 yn gwneud mân ddiwygiadau a diwygiadau canlyniadol sy'n ymwneud â'r Bennod hon.

PENNOD 2

COFRESTRU ETHOLIADOL HEB GEISIADAU

3 Dyletswydd i gofrestru etholwyr llywodraeth leol

- (1) Mae adran 18 (cofrestru etholwyr llywodraeth leol heb gais) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) wedi ei hepgor.
- (2) Ar ôl adran 9 o Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2) ("*Deddf 1983*") (cofrestrau etholwyr), mewnosoder –

"9ZA Duty to register eligible local government electors in Wales

- (1) This section applies to the registration of local government electors for an area in Wales.
- (2) The duty in subsection (3) applies if –
 - (a) a registration officer is aware of a person's name and address,
 - (b) the person is not registered in the register of local government electors maintained by the officer, and
 - (c) the officer is satisfied that the person is entitled to be registered in that register.

- (c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);

“reserved election” (*“etholiad a gedwir yn ôl”*) means –

- (a) an election for membership of the House of Commons;
- (b) an election for the office of police and crime commissioner;

“returning officer” (*“swyddog canlyniadau”*) means –

- (a) a returning officer (however described) –
 - (i) appointed under section 35(1A) of the 1983 Act,
 - (ii) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), or
 - (iii) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c. 22);
- (b) any person who may exercise the functions of a returning officer falling within paragraph (a).”

2 Minor and consequential amendments

Part 1 of Schedule 1 makes minor and consequential amendments relating to this Chapter.

CHAPTER 2

ELECTORAL REGISTRATION WITHOUT APPLICATIONS

3 Duty to register local government electors

- (1) Section 18 (registration of local government electors without application) of the Local Government and Elections (Wales) Act 2021 (asc 1) is omitted.
- (2) After section 9 of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) (registers of electors), insert –

“9ZA Duty to register eligible local government electors in Wales

- (1) This section applies to the registration of local government electors for an area in Wales.
- (2) The duty in subsection (3) applies if –
 - (a) a registration officer is aware of a person’s name and address,
 - (b) the person is not registered in the register of local government electors maintained by the officer, and
 - (c) the officer is satisfied that the person is entitled to be registered in that register.

- (3) The registration officer must notify the person in writing of –
 - (a) the officer’s duty under subsection (5) to register the person after the end of the notice period,
 - (b) the exceptions to the duty under subsection (5) in paragraphs (a) to (c) of that subsection,
 - (c) the person’s right to request exclusion from the edited register of local government electors, if provision is made for an edited register in regulations under section 53,
 - (d) the person’s right to apply for anonymous registration,
 - (e) the type of elections in which the person will be entitled to vote following registration under this section, and
 - (f) 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) In this section “the notice period” is the period of 60 days beginning with the day on which the notice under subsection (3) is given.
- (5) After the end of the notice period the registration officer must register the person in the register of local government electors, unless –
 - (a) the person has notified the officer in writing that the person does not wish to be registered,
 - (b) the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise), or
 - (c) the person has notified the officer that the person wishes to make an application for an anonymous entry in the local government register under section 9B in conjunction with an application for registration in that register under section 10ZC or the person has made such an application.
- (6) The Welsh Ministers may by regulations make provision about giving notice for the purpose of this section, including (but not limited to) provision –
 - (a) about the form of the notice;
 - (b) about how the notice is given;
 - (c) requiring or authorising the registration officer to give a copy of the notice to a person other than the person to be registered.
- (7) The registration officer must keep a separate list of the persons registered under this section.
- (8) The power to make regulations under this section is exercisable by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.”

- (3) The registration officer must notify the person in writing of –
 - (a) the officer’s duty under subsection (5) to register the person after the end of the notice period,
 - (b) the exceptions to the duty under subsection (5) in paragraphs (a) to (c) of that subsection,
 - (c) the person’s right to request exclusion from the edited register of local government electors, if provision is made for an edited register in regulations under section 53,
 - (d) the person’s right to apply for anonymous registration,
 - (e) the type of elections in which the person will be entitled to vote following registration under this section, and
 - (f) 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) In this section “the notice period” is the period of 60 days beginning with the day on which the notice under subsection (3) is given.
- (5) After the end of the notice period the registration officer must register the person in the register of local government electors, unless –
 - (a) the person has notified the officer in writing that the person does not wish to be registered,
 - (b) the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise), or
 - (c) the person has notified the officer that the person wishes to make an application for an anonymous entry in the local government register under section 9B in conjunction with an application for registration in that register under section 10ZC or the person has made such an application.
- (6) The Welsh Ministers may by regulations make provision about giving notice for the purpose of this section, including (but not limited to) provision –
 - (a) about the form of the notice;
 - (b) about how the notice is given;
 - (c) requiring or authorising the registration officer to give a copy of the notice to a person other than the person to be registered.
- (7) The registration officer must keep a separate list of the persons registered under this section.
- (8) The power to make regulations under this section is exercisable by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.”

4 Darpariaeth sy'n gysylltiedig â'r ddyletswydd i gofrestru etholwyr llywodraeth leol cymwys

- (1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 9 (cofrestrau etholwyr), ar ôl is-adran (2) mewnosoder –
 - “(2A) Subject to any other provision of this Act, each register of local government electors for an area in Wales must also contain the names of persons who are registered in accordance with section 9ZA(5) along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”
- (3) Yn adran 9E (cadw cofrestrau: gwahoddiadau i gofrestru ym Mhrydain Fawr), ar ôl is-adran (1) mewnosoder –
 - “(1A) The duty of a registration officer under subsection (1) does not apply in relation to the registration of a person in a register of local government electors for an area in Wales if –
 - (a) the registration officer has yet to complete any steps prescribed under section 53 in connection with the duty in section 9ZA(3) as it relates to the person or is otherwise yet to decide whether the duty in section 9ZA applies to the person,
 - (b) the duty in section 9ZA(3) applies in relation to the person and the notice period under that section has not ended, or
 - (c) the duty in section 9ZA(5) applies in relation to the person.”
- (4) 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, is required by section 9ZA(5) to enter a person in the register;”.
- (5) Yn adran 13AB(1) (gwneud newidiadau i gofrestrau: dyddiadau cyhoeddi interim), ym mharagraff (a) ar ôl “(zb),” mewnosoder “ (zc),”.
- (6) Yn adran 13B(2) (gwneud newidiadau i gofrestrau: etholiadau sydd yn yr arfaeth), ym mharagraff (a) ar ôl “(zb),” mewnosoder “ (zc),”.
- (7) Yn adran 53 (pŵer i wneud rheoliadau o ran cofrestru etc.), ar ôl is-adran (8) mewnosoder –
 - “(8A) Provision made by regulations relating to the matters specified in paragraph 1A(1)(aa) of Schedule 2 –
 - (a) may only be made by the Welsh Ministers;
 - (b) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
 - (c) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.”

4 Provision connected to the duty to register eligible local government electors

- (1) The 1983 Act is amended as follows.
- (2) In section 9 (registers of electors), after subsection (2) insert –
 - “(2A) Subject to any other provision of this Act, each register of local government electors for an area in Wales must also contain the names of persons who are registered in accordance with section 9ZA(5) along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”
- (3) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert –
 - “(1A) The duty of a registration officer under subsection (1) does not apply in relation to the registration of a person in a register of local government electors for an area in Wales if –
 - (a) the registration officer has yet to complete any steps prescribed under section 53 in connection with the duty in section 9ZA(3) as it relates to the person or is otherwise yet to decide whether the duty in section 9ZA applies to the person,
 - (b) the duty in section 9ZA(3) applies in relation to the person and the notice period under that section has not ended, or
 - (c) the duty in section 9ZA(5) applies in relation to the person.”
- (4) 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, is required by section 9ZA(5) to enter a person in the register;”.
- (5) In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “ (zc),”.
- (6) In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “ (zc),”.
- (7) In section 53 (power to make regulations as to registration etc.), after subsection (8) insert –
 - “(8A) Provision made by regulations relating to the matters specified in paragraph 1A(1)(aa) of Schedule 2 –
 - (a) may only be made by the Welsh Ministers;
 - (b) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
 - (c) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.”

- (8) Yn adran 56(1) (apelau cofrestru: Cymru a Lloegr), ar ôl paragraff (aa) mewnoder –
 “(a) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA(5);”
- (9) Yn Atodlen 2 (darpariaethau y caniateir eu cynnwys mewn rheoliadau o ran cofrestru etc.) –
- (a) ym mharagraff 1A(1), ar ôl paragraff (a) mewnoder –
 “(aa) to decide whether a person is eligible to be included in the register for the purpose of section 9ZA,”;
- (b) ar ôl paragraff 1B mewnoder –
 “1C Provision authorising or requiring a registration officer maintaining a register of local government electors for an area in Wales to take specified steps for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.”
- (c) ym mharagraff 10, ar ôl is-baragraff (2) mewnoder –
 “(3) This paragraph does not apply to a register of local government electors for an area in Wales.”
- (d) ym mharagraff 10B, ar ôl is-baragraff (3) mewnoder –
 “(4) Paragraph (b) of sub-paragraph (1) does not apply to a register of local government electors for an area in Wales.”

PENNOD 3

PEILOTA A DIWYGIO ETHOLIADAU CYMREIG

Peilotau etholiadau Cymreig

5

Rheoliadau peilot: pwerau

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth peilota etholiadau Cymreig (“rheoliadau peilot”).
- (2) Mae darpariaeth peilota etholiadau Cymreig yn ddarpariaeth –
- (a) sy’n ymwneud ag un neu ragor o faterion etholiadol perthnasol,
- (b) sy’n cael effaith am gyfnod penodedig neu ar gyfer etholiad Cymreig penodedig,
- (c) sy’n gymwys mewn perthynas ag ardal etholiadol neu ddwy neu ragor o ardaloedd etholiadol, a
- (d) naill ai –
- (i) nad yw mewn deddfwriaeth etholiadau,
- (ii) sy’n wahanol i ddarpariaeth mewn deddfwriaeth etholiadau, neu
- (iii) sy’n gysylltiedig â darpariaeth o’r math a bennir yn is-baragraff (i) neu (ii).
- (3) Y materion etholiadol perthnasol yw –
- (a) cofrestru personau sy’n gymwys i bleidleisio mewn etholiad Cymreig, gan gynnwys (ymhlith pethau eraill) –
- (i) hawliau a dyletswyddau unigolion o ran cofrestru,

- (8) 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(5);”.
- (9) In Schedule 2 (provisions which may be contained in regulations as to registration etc.) –
- (a) in paragraph 1A(1), after paragraph (a) insert –
- “(aa) to decide whether a person is eligible to be included in the register for the purpose of section 9ZA,”;
- (b) after paragraph 1B insert –
- “1C Provision authorising or requiring a registration officer maintaining a register of local government electors for an area in Wales to take specified steps for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.”
- (c) in paragraph 10, after sub-paragraph (2) insert –
- “(3) This paragraph does not apply to a register of local government electors for an area in Wales.”
- (d) in paragraph 10B, after sub-paragraph (3) insert –
- “(4) Paragraph (b) of sub-paragraph (1) does not apply to a register of local government electors for an area in Wales.”

CHAPTER 3

WELSH ELECTIONS PILOTING AND REFORM

Welsh election pilots

5 Pilot regulations: powers

- (1) The Welsh Ministers may by regulations make Welsh election pilot provision (“pilot regulations”).
- (2) Welsh election pilot provision is provision that –
- (a) relates to one or more relevant electoral matters,
- (b) has effect for a specified period or a specified Welsh election,
- (c) applies in relation to an electoral area or two or more electoral areas, and
- (d) is either –
- (i) not in elections legislation,
- (ii) different from provision in elections legislation, or
- (iii) connected to provision of the kind specified in sub-paragraph (i) or (ii).
- (3) The relevant electoral matters are –
- (a) registration of persons eligible to vote in a Welsh election, including (among other things) –
- (i) the rights and duties of individuals as regards registration,

- (ii) gweinyddu'r broses gofrestru a'r gofrestr etholwyr,
 - (iii) mynediad at y gofrestr etholwyr a chyhoeddi'r gofrestr honno, ond nid yw'n cynnwys unrhyw amod cymhwysra ar gyfer cofrestru y darperir ar ei gyfer mewn deddfwriaeth sylfaenol;
 - (b) pryd, ble a sut y mae pleidleisio mewn etholiad Cymreig i ddigwydd;
 - (c) sut y mae'r pleidleisiau a fwir mewn etholiad Cymreig i'w cyfrif;
 - (d) cyfathrebu â phleidleiswyr ynghylch etholiad Cymreig;
 - (e) y prosesau a'r gweithdrefnau cyn pleidleisio, wrth bleidleisio neu ar ôl pleidleisio mewn etholiad Cymreig.
- (4) Mae darpariaeth peilota etholiadau Cymreig hefyd yn cynnwys darpariaeth a wneir at ddiben profi sut y mae'r newidiadau a wneir gan adrannau 3 a 4 yn gweithio yn ymarferol –
- (a) sy'n cael effaith am gyfnod penodedig neu ar gyfer etholiad Cymreig penodedig,
 - (b) sy'n gymwys mewn perthynas ag ardal etholiadol neu ddwy neu ragor o ardaloedd etholiadol, ac
 - (c) y mae ei heffaith yn cyfateb i effaith y diwygiadau a wneir gan adrannau 3 a 4 (neu'r is-ddeddfwriaeth y caniateir ei gwneud yn rhinwedd yr adrannau hynny).
- (5) Caiff rheoliadau peilot roi ar waith gynigion ar gyfer rheoliadau peilot a wneir o dan y Ddeddf hon gydag addasiadau i'r cynnig neu hebddynt.
- (6) Caiff rheoliadau peilot greu, dileu neu addasu troseddau.
- (7) Ni chaiff rheoliadau peilot greu trosedd y caniateir ei chosbi (nac addasu trosedd fel y daw'n drosedd y caniateir ei chosbi) –
- (a) ar euogfarn ar ddiad, drwy garcharu am gyfnod sy'n hwy nag un flwyddyn;
 - (b) ar euogfarn ddiannod, drwy garcharu am gyfnod sy'n hwy na'r terfyn cymwys ar gyfer trosedd ddiannod neu drosedd neillfordd (yn ôl y digwydd) o dan adran 224(1A) o'r Cod Dedfrydu (fel y mae'n cael effaith o bryd i'w gilydd).
- (8) Yn yr adran hon –
- ystyr "ardal etholiadol" ("*electoral area*") yw –
- (a) mewn perthynas â dychwelyd aelod o Senedd Cymru, un o etholaethau'r Senedd;
 - (b) mewn perthynas ag etholiad llywodraeth leol, ardal cyngor y mae'r etholiad yn gymwys iddo neu unrhyw ran o ardal cyngor o'r fath;
- ystyr "deddfwriaeth etholiadau" ("*elections legislation*") yw deddfiad (pryd bynnag y caiff ei basio neu ei wneud) sy'n gymwys mewn perthynas –
- (a) ag etholiad Cymreig, neu
 - (b) â chofrestru personau sy'n gymwys i bleidleisio mewn etholiad Cymreig;
- ystyr "deddfwriaeth sylfaenol" ("*primary legislation*") yw darpariaeth sydd wedi ei chynnwys mewn Deddf gan Senedd Cymru neu mewn Deddf gan Senedd y Deyrnas Unedig;

- (ii) the administration of registration and the register of electors,
 - (iii) access to and publication of the register of electors,but it does not include any condition of eligibility for registration provided for in primary legislation;
 - (b) when, where and how voting at a Welsh election is to take place;
 - (c) how the votes cast at a Welsh election are to be counted;
 - (d) communication with voters about a Welsh election;
 - (e) processes and procedures before, on or after polling in a Welsh election.
- (4) Welsh election pilot provision also includes provision made for the purpose of testing how the changes made by sections 3 and 4 work in practice –
- (a) that has effect for a specified period or a specified Welsh election,
 - (b) that applies in relation to an electoral area or two or more electoral areas, and
 - (c) the effect of which corresponds to the effect of the amendments made by sections 3 and 4 (or the subordinate legislation that may be made by virtue of those sections).
- (5) Pilot regulations may implement proposals for pilot regulations made under this Act with or without modifications to the proposal.
- (6) Pilot regulations may create, remove or modify offences.
- (7) Pilot regulations must not create an offence that is punishable (or modify an offence so that it becomes punishable) –
- (a) on conviction on indictment, with imprisonment for a term exceeding one year;
 - (b) on summary conviction, with imprisonment for a term exceeding the applicable limit for a summary offence or an either way offence (as the case may be) under section 224(1A) of the Sentencing Code (as it has effect from time to time).
- (8) In this section –
- “electoral area” (*“ardal etholiadol”*) means –
- (a) in relation to the return of a member of Senedd Cymru, a Senedd constituency;
 - (b) in relation to a local government election, the area of a council to which the election applies or any part of its area;
- “elections legislation” (*“deddfwriaeth etholiadau”*) means an enactment (whenever passed or made) that applies in relation to –
- (a) a Welsh election, or
 - (b) registration of persons eligible to vote in a Welsh election;
- “primary legislation” (*“deddfwriaeth sylfaenol”*) means provision contained in an Act of Senedd Cymru or an Act of the Parliament of the United Kingdom;

ystyr “etholiad Cymreig” (“*Welsh election*”) yw etholiad ar gyfer dychwelyd aelod o—

- (a) Senedd Cymru;
- (b) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
- (c) cyngor cymuned yng Nghymru;

ystyr “penodedig” ac “a bennir” (“*specified*”) yw wedi ei bennu mewn rheoliadau peilot.

6 Rheoliadau peilot: gofynion

- (1) Rhaid i reoliadau peilot bennu—
 - (a) amcan y peilot y maent yn gwneud darpariaeth ar ei gyfer;
 - (b) y diwrnod cyn yr hwn y mae rhaid i’r Comisiwn Etholiadol anfon ei adroddiad o dan adran 17.
- (2) Ni chaiff rheoliadau peilot wneud darpariaeth sy’n gymwys i ardal prif gyngor (neu unrhyw rhan ohoni) oni bai—
 - (a) bod y prif gyngor yn cydsynio iddi, neu
 - (b) os nad yw’r cyngor yn cydsynio iddi, fod Gweinidogion Cymru wedi rhoi sylw i unrhyw argymhellion a wnaed gan Gomisiwn Democratiaeth a Ffiniau Cymru ynghylch a ddylai’r rheoliadau gael eu gwneud heb gydsyniad y prif gyngor.
- (3) Nid yw is-adran (2) yn gymwys i reoliadau peilot nad ydynt ond yn cynnwys darpariaeth o’r math a bennir yn adran 5(4) os ydynt wedi eu gwneud cyn diwedd y cyfnod o 12 mis sy’n dechrau â’r diwrnod y mae’r Ddeddf hon yn cael y Cydsyniad Brenhinol.
- (4) Ni chaiff rheoliadau peilot addasu adran 9D o Ddeddf 1983 (canfasiad blynyddol) nac unrhyw ddarpariaeth arall sy’n ymwneud â chanfasiad o dan yr adran honno oni bai bod y rheoliadau yn rhoi cynnig ar waith (gydag addasiadau neu hebddynt) gan swyddog cofrestru o dan adran 11.
- (5) Cyn gwneud unrhyw reoliadau peilot o dan adran 5 sy’n ymwneud â chofrestru etholiadol heb gais, rhaid i Weinidogion Cymru ymgynghori ag unrhyw randdeiliaid y maent yn ystyried eu bod yn briodol, ond yn benodol, â’r rheini y maent yn barnu eu bod yn cynrychioli grwpiau hyglwyf.

7 Rheoliadau peilot: y weithdrefn

- (1) Mae’r pŵer i wneud rheoliadau peilot yn arferadwy drwy offeryn statudol.
- (2) Pan osodir offeryn statudol neu offeryn statudol drafft sy’n cynnwys rheoliadau peilot gerbron Senedd Cymru at ddibenion yr adran hon, rhaid i Weinidogion Cymru hefyd osod gerbron y Senedd gopi o’r adroddiad ar y rheoliadau a lunnir gan Gomisiwn Democratiaeth a Ffiniau Cymru o dan adran 14.
- (3) Os yw offeryn statudol neu offeryn statudol drafft sy’n cynnwys rheoliadau peilot a osodir gerbron Senedd Cymru yn gwneud darpariaeth sy’n gymwys i ardal prif gyngor (neu unrhyw ran ohoni) nad yw’r cyngor wedi rhoi ei gydsyniad iddi, rhaid i Weinidogion Cymru hefyd osod datganiad gerbron y Senedd sy’n egluro pam y maent yn ystyried y dylai’r ddarpariaeth gael ei gwneud heb gydsyniad y cyngor.

“specified” (“*penodedig*” ac “*a bennir*”) means specified in pilot regulations;
“Welsh election” (“*etholiad Cymreig*”) means an election for the return of a member of—

- (a) Senedd Cymru;
- (b) the council of a county or county borough in Wales;
- (c) the council of a community in Wales.

6 Pilot regulations: requirements

- (1) Pilot regulations must specify—
 - (a) the objective of the pilot for which they make provision;
 - (b) the day before which the Electoral Commission must send its report under section 17.
- (2) Pilot regulations must not make provision applying to the area of a principal council (or any part of it) unless—
 - (a) the principal council consents, or
 - (b) if the council does not consent, the Welsh Ministers have had regard to any recommendations made by the Democracy and Boundary Commission Cymru on whether the regulations should be made without the principal council’s consent.
- (3) Subsection (2) does not apply to pilot regulations that only contain provision of the kind specified in section 5(4) if they are made before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.
- (4) Pilot regulations must not modify section 9D of the 1983 Act (annual canvass) or any other provision relating to a canvass under that section unless the regulations implement a proposal (with or without modification) from a registration officer under section 11.
- (5) Before making any pilot regulations under section 5 which relate to electoral registration without application, the Welsh Ministers must undertake consultation with such stakeholders as they consider appropriate, but in particular, with those that they deem to represent vulnerable groups.

7 Pilot regulations: procedure

- (1) The power to make pilot regulations is exercisable by statutory instrument.
- (2) When a statutory instrument or a draft statutory instrument containing pilot regulations is laid before Senedd Cymru for the purposes of this section, the Welsh Ministers must also lay before the Senedd a copy of the report on the regulations prepared by the Democracy and Boundary Commission Cymru under section 14.
- (3) If a statutory instrument or a draft statutory instrument containing pilot regulations laid before Senedd Cymru makes provision applying to the area of a principal council (or any part of it) to which the council has not given its consent, the Welsh Ministers must also lay a statement before the Senedd explaining why they consider the provision should be made without the council’s consent.

- (4) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni bai bod 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 peilot sy'n gwneud darpariaeth—
 - (a) sy'n gymwys i ardal prif gyngor (neu unrhyw ran ohoni) ac nad yw'r cyngor wedi rhoi ei gydsyniad iddi,
 - (b) ar gyfer peilot etholiad Cymreig sy'n dod o fewn adran 5(4), neu
 - (c) sy'n creu trosedd, neu'n ehangu cwmpas trosedd.
- (6) Mae offeryn statudol sy'n cynnwys rheoliadau peilot nad yw is-adran (5) yn gymwys iddo yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

Cynigion ar gyfer peilotau

8 Cynigion ar gyfer peilotau a wneir gan Weinidogion Cymru

- (1) Cyn gwneud rheoliadau peilot nad ydynt wedi bod yn destun cynnig o dan adrannau 9 i 11, rhaid i Weinidogion Cymru ymgynghori â phob swyddog canlyniadau ar gyfer ardal y bydd y rheoliadau yn gymwys iddi ynghylch eu cynigion ar gyfer y peilot y mae'r rheoliadau i ddarparu ar ei gyfer.
- (2) Ar ôl ymgynghori yn unol ag is-adran (1) a chyn gwneud rheoliadau peilot sy'n ymwneud ag unrhyw fater etholiadol perthnasol, rhaid i Weinidogion Cymru—
 - (a) cyflwyno cynigion i Gomisiwn Democratiaeth a Ffiniau Cymru ar gyfer y peilot y darperir ar ei gyfer mewn rheoliadau, a
 - (b) rhoi sylw i adroddiad y Comisiwn ar y cynigion o dan adran 14.
- (3) Nid yw'r adran hon yn gymwys i reoliadau peilot nad ydynt ond yn cynnwys darpariaeth o'r math a bennir yn adran 5(4) os ydynt wedi eu gwneud cyn diwedd y cyfnod o 12 mis sy'n dechrau â'r diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol.

9 Cynigion ar gyfer peilotau a wneir gan brif gynghorau

- (1) Caiff prif gyngor gynnig i Weinidogion Cymru fod rheoliadau peilot yn cael eu gwneud mewn perthynas ag unrhyw fater etholiadol perthnasol i'r graddau y mae'n ymwneud ag etholiadau llywodraeth leol.
- (2) Cyn gwneud cynnig o dan is-adran (1), rhaid i'r prif gyngor ymgynghori â Gweinidogion Cymru.
- (3) Ar ôl ymgynghori yn unol ag is-adran (2) a chyn gwneud cynnig o dan is-adran (1), rhaid i'r prif gyngor—
 - (a) cyflwyno'r cynnig i Gomisiwn Democratiaeth a Ffiniau Cymru ar gyfer y peilot y darperir ar ei gyfer mewn rheoliadau, a
 - (b) rhoi sylw i adroddiad y Comisiwn ar y cynnig o dan adran 14.
- (4) Os yw prif gyngor yn gwneud cynnig o dan is-adran (1), rhaid iddo anfon copi o adroddiad Comisiwn Democratiaeth a Ffiniau Cymru ar y cynigion o dan adran 14 at Weinidogion Cymru.

- (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 pilot regulations that make provision –
 - (a) applying to the area of a principal council (or any part of it) and the council has not given its consent,
 - (b) for a Welsh election pilot falling within section 5(4), or
 - (c) creating, or widening the scope of, a criminal offence.
- (6) A statutory instrument containing pilot regulations to which subsection (5) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

Proposals for pilots

8 Proposals for pilots made by the Welsh Ministers

- (1) Before making pilot regulations that have not been the subject of a proposal under sections 9 to 11, the Welsh Ministers must consult each returning officer for an area to which the regulations will apply about their proposals for the pilot to be provided for in the regulations.
- (2) After consulting in accordance with subsection (1) and before making pilot regulations relating to any relevant electoral matter, the Welsh Ministers must –
 - (a) submit proposals for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
 - (b) have regard to the Commission's report on the proposals under section 14.
- (3) This section does not apply to pilot regulations that only contain provision of the kind specified in section 5(4) if they are made before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.

9 Proposals for pilots made by principal councils

- (1) A principal council may propose to the Welsh Ministers that pilot regulations are made in relation to any relevant electoral matter in so far as it relates to local government elections.
- (2) Before making a proposal under subsection (1), the principal council must consult the Welsh Ministers.
- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the principal council must –
 - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
 - (b) have regard to the Commission's report on the proposal under section 14.
- (4) If a principal council makes a proposal under subsection (1), it must send a copy of the Democracy and Boundary Commission Cymru report on the proposals under section 14 to the Welsh Ministers.

10 Cynigion ar gyfer peilotau a wneir ar y cyd gan y Comisiwn Etholiadol a phrif gynghorau

- (1) Caiff y Comisiwn Etholiadol ac un neu ragor o brif gynghorau (“cynghorau perthnasol”), gan weithredu ar y cyd, gynnig i Weinidogion Cymru fod rheoliadau peilot yn cael eu gwneud mewn perthynas ag unrhyw fater etholiadol perthnasol i’r graddau y mae’n ymwneud ag etholiadau llywodraeth leol.
- (2) Cyn gwneud cynnig o dan is-adran (1), rhaid i’r Comisiwn Etholiadol a phob cyngor perthnasol sy’n gweithredu ar y cyd ymgynghori â Gweinidogion Cymru.
- (3) Ar ôl ymgynghori yn unol ag is-adran (2) a chyn gwneud cynnig o dan is-adran (1), rhaid i’r Comisiwn Etholiadol a phob cyngor perthnasol sy’n gweithredu ar y cyd –
 - (a) cyflwyno’r cynnig i Gomisiwn Democratiaeth a Ffiniau Cymru ar gyfer y peilot y darperir ar ei gyfer mewn rheoliadau, a
 - (b) rhoi sylw i adroddiad y Comisiwn ar y cynnig o dan adran 14.
- (4) Os yw’r Comisiwn Etholiadol a phob cyngor perthnasol sy’n gweithredu ar y cyd yn gwneud cynnig o dan is-adran (1), rhaid iddynt anfon copi o adroddiad Comisiwn Democratiaeth a Ffiniau Cymru ar y cynnig o dan adran 14 at Weinidogion Cymru.

11 Cynigion ar gyfer peilotau a wneir gan swyddogion cofrestru etholiadol

- (1) Caiff swyddog cofrestru etholiadol gynnig i Weinidogion Cymru fod rheoliadau peilot yn cael eu gwneud mewn perthynas â chanfod –
 - (a) enwau a chyfeiriadau personau nad ydynt wedi eu cofrestru mewn cofrestr ond y mae ganddynt hawlogaeth i fod yn gofrestredig;
 - (b) y personau hynny sydd wedi eu cofrestru mewn cofrestr ond nad oes ganddynt hawlogaeth i fod yn gofrestredig.
- (2) Cyn gwneud cynnig o dan is-adran (1), rhaid i swyddog cofrestru etholiadol ymgynghori â Gweinidogion Cymru.
- (3) Ar ôl ymgynghori yn unol ag is-adran (2) a chyn gwneud cynnig o dan is-adran (1), rhaid i’r swyddog cofrestru etholiadol –
 - (a) cyflwyno’r cynnig i Gomisiwn Democratiaeth a Ffiniau Cymru ar gyfer y peilot y darperir ar ei gyfer mewn rheoliadau, a
 - (b) rhoi sylw i adroddiad y Comisiwn ar y cynnig o dan adran 14.
- (4) Os bydd swyddog cofrestru etholiadol yn gwneud cynnig o dan is-adran (1), rhaid i’r swyddog anfon copi o adroddiad Comisiwn Democratiaeth a Ffiniau Cymru ar y cynnig o dan adran 14 at Weinidogion Cymru.

12 Cynigion ar y cyd ar gyfer peilotau

- (1) Caiff person y caniateir iddo wneud cynnig o dan unrhyw un o adrannau 9 i 11 wneud y cynnig ar y cyd ag un neu ragor o bersonau eraill sy’n gwneud cynnig o dan unrhyw un o’r adrannau hynny.
- (2) Nid yw unrhyw ddyletswydd i ymgynghori â pherson y mae’r person yn gwneud cynnig ar y cyd ag ef yn gymwys.

10 Proposals for pilots made jointly by the Electoral Commission and principal councils

- (1) The Electoral Commission and one or more principal councils (“relevant councils”) may, acting jointly, propose to the Welsh Ministers that pilot regulations are made in relation to any relevant electoral matter in so far as it relates to local government elections.
- (2) Before making a proposal under subsection (1), the Electoral Commission and each relevant council acting jointly must consult the Welsh Ministers.
- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the Electoral Commission and each relevant council acting jointly must –
 - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
 - (b) have regard to the Commission’s report on the proposal under section 14.
- (4) If the Electoral Commission and each relevant council acting jointly makes a proposal under subsection (1), they must send a copy of the Democracy and Boundary Commission Cymru report on the proposal under section 14 to the Welsh Ministers.

11 Proposals for pilots made by electoral registration officers

- (1) An electoral registration officer may propose to the Welsh Ministers that pilot regulations are made in relation to ascertaining –
 - (a) the names and addresses of persons who are not registered in a register but who are entitled to be registered;
 - (b) those persons who are registered in a register but who are not entitled to be registered.
- (2) Before making a proposal under subsection (1), an electoral registration officer must consult the Welsh Ministers.
- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the electoral registration officer must –
 - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
 - (b) have regard to the Commission’s report on the proposal under section 14.
- (4) If an electoral registration officer makes a proposal under subsection (1), the officer must send a copy of the Democracy and Boundary Commission Cymru report on the proposal under section 14 to the Welsh Ministers.

12 Joint proposals for pilots

- (1) A person who may make a proposal under any of sections 9 to 11 may make the proposal jointly with one or more other persons making a proposal under any of those sections.
- (2) Any duty to consult a person with whom the person makes a joint proposal does not apply.

- (3) Os yw'r cynnig ar y cyd yn ymwneud â materion nad oes gan y person y pŵer i'w cynnig, caiff y person wneud y cynnig o hyd, i'r graddau y mae gan y person y pŵer i wneud hynny.

13 **Argymhellion y Comisiwn Etholiadol**

Caiff y Comisiwn Etholiadol argymhell cynigion ar gyfer rheoliadau peilot i berson y caniateir iddo wneud cynnig o dan unrhyw un o adrannau 9 i 11.

Gwerthuso cynigion ar gyfer peilot

14 **Gwerthuso cynigion ar gyfer peilot**

- (1) Pan fydd cynigion ar gyfer rheoliadau peilot yn cael eu cyflwyno i Gomisiwn Democratiaeth a Ffiniau Cymru o dan adrannau 8 i 11, rhaid i'r Comisiwn lunio adroddiad ar y cynigion.
- (2) Rhaid i'r adroddiad gynnwys asesiad o'r canlynol—
 - (a) pa un a yw amcan y peilot arfaethedig yn ddymunol;
 - (b) costau tebygol y peilot arfaethedig a'i ddichonoldeb.
- (3) Wrth wneud ei asesiad at ddibenion yr adroddiad, rhaid i Gomisiwn Democratiaeth a Ffiniau Cymru roi sylw i unrhyw ffactorau perthnasol a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (4) Caiff yr adroddiad gynnwys argymhellion ar unrhyw fater y mae Comisiwn Democratiaeth a Ffiniau Cymru yn ystyried ei fod yn berthnasol i'r peilot arfaethedig.
- (5) Rhaid i awdurdod cyhoeddus sy'n cyflwyno cynigion i Gomisiwn Democratiaeth a Ffiniau Cymru o dan unrhyw un o adrannau 8 i 11 roi i'r Comisiwn unrhyw gymorth sy'n rhesymol ofynnol gan y Comisiwn mewn cysylltiad â llunio'r adroddiad.
- (6) Rhaid i Gomisiwn Democratiaeth a Ffiniau Cymru anfon ei adroddiad at y person a gyflwynodd y cynnig cyn diwedd cyfnod o 6 wythnos sy'n dechrau â'r diwrnod y mae'n cael y cynigion.
- (7) Rhaid i Weinidogion Cymru gyhoeddi adroddiad a anfonir atynt o dan yr adran hon neu adrannau 9 i 11 pan fyddant yn gwneud y rheoliadau peilot.
- (8) Mae'r pŵer i wneud rheoliadau yn is-adran (3) yn arferadwy drwy offeryn statudol.
- (9) Mae offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (3) yn ddarostyngedig i'w ddi-ddymu yn unol â phenderfyniad gan Senedd Cymru.

15 **Fforymau peilotau etholiadau Cymreig**

- (1) Mae'r adran hon yn gymwys—
 - (a) os yw Comisiwn Democratiaeth a Ffiniau Cymru wedi llunio adroddiad ar un neu ragor o gynigion ar gyfer rheoliadau peilot o dan adran 14,
 - (b) os yw'r cynigion ar gyfer—
 - (i) peilot yn ardal mwy nag un prif gyngor, neu
 - (ii) peilotau gwahanol yn ardaloedd prif gynghorau gwahanol i ddigwydd yn yr un etholiad cyffredinol i Senedd Cymru neu yn yr un etholiadau cyffredin ar gyfer cynghorwyr, ac

- (3) If the joint proposal relates to matters that the person does not have the power to propose, the person may still make the proposal in so far as the person does have the power to do so.

13 Electoral Commission recommendations

The Electoral Commission may recommend proposals for pilot regulations to a person that may make a proposal under any of sections 9 to 11.

Evaluation of pilot proposals

14 Evaluation of pilot proposals

- (1) When proposals for pilot regulations are submitted to the Democracy and Boundary Commission Cymru under sections 8 to 11, the Commission must prepare a report on the proposals.
- (2) The report must contain an assessment of—
 - (a) whether the objective of the proposed pilot is desirable;
 - (b) the likely costs and feasibility of the proposed pilot.
- (3) In making its assessment for the purposes of the report, the Democracy and Boundary Commission Cymru must have regard to any relevant factors specified in regulations made by the Welsh Ministers.
- (4) The report may contain recommendations on any matter the Democracy and Boundary Commission Cymru considers relevant to the proposed pilot.
- (5) A public authority that submits proposals to the Democracy and Boundary Commission Cymru under any of sections 8 to 11 must give the Commission such assistance as the Commission may reasonably require in connection with the preparation of the report.
- (6) The Democracy and Boundary Commission Cymru must send its report to the person who submitted the proposal before the end of a period of 6 weeks beginning with the day it receives the proposals.
- (7) The Welsh Ministers must publish a report sent to them under this section or sections 9 to 11 when they make the pilot regulations.
- (8) The power to make regulations in subsection (3) is exercisable by statutory instrument.
- (9) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of Senedd Cymru.

15 Welsh election pilot forums

- (1) This section applies if—
 - (a) the Democracy and Boundary Commission Cymru has prepared a report on one or more proposals for pilot regulations under section 14,
 - (b) the proposals are for—
 - (i) a pilot in the area of more than one principal council, or
 - (ii) different pilots in the areas of different principal councils to take place at the same Senedd Cymru general election or the same ordinary elections of councillors, and

- (c) os yw'r Comisiwn yn ystyried ei bod yn debygol y bydd y peilot neu'r peilotau yn digwydd.
- (2) Rhaid i Gomisiwn Democratiaeth a Ffiniau Cymru sefydlu fforwm ar gyfer trafod materion sy'n ymwneud â'r peilot neu'r peilotau, gyda golwg ar ddarparu gwybodaeth a chynghor i bersonau sy'n rhoi'r peilot neu'r peilotau ar waith.
- (3) Rhaid i fforwm a sefydlir o dan is-adran (2) gynnwys —
 - (a) swyddogion canlyniadau pob prif gyngor sy'n cymryd rhan yn y peilot neu'r peilotau;
 - (b) cynrychiolaeth o blith gweinyddwyr etholiadol o bob prif gyngor sy'n cymryd rhan yn y peilot neu'r peilotau;
 - (c) un neu ragor o aelodau Comisiwn Democratiaeth a Ffiniau Cymru a chanddynt brofiad perthnasol.
- (4) Caiff Comisiwn Democratiaeth a Ffiniau Cymru wahodd unrhyw berson y maent yn ystyried ei fod yn briodol i gymryd rhan mewn fforwm.

*Canllawiau ar beilotau***16 Canllawiau ar beilotau**

- (1) Mewn perthynas â phob offeryn sy'n cynnwys rheoliadau peilot, rhaid i Gomisiwn Democratiaeth a Ffiniau Cymru roi canllawiau ysgrifenedig i bersonau sy'n gyfrifol am roi'r rheoliadau ar waith.
- (2) Rhaid i'r canllawiau gynnwys cyngor ynghylch —
 - (a) y trefniadau y mae eu hangen ar gyfer y peilot;
 - (b) yr hyfforddiant staff sy'n ofynnol ar gyfer y peilot;
 - (c) rhedeg y peilot yn unol â'r rheoliadau peilot.
- (3) Caiff y canllawiau gynnwys gwybodaeth neu gyngor ar unrhyw fater arall y mae Comisiwn Democratiaeth a Ffiniau Cymru yn ystyried ei fod yn berthnasol i'r peilot.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu materion pellach y mae rhaid i Gomisiwn Democratiaeth a Ffiniau Cymru eu cynnwys yn y canllawiau.
- (5) Mae'r pŵer i wneud rheoliadau yn is-adran (4) yn arferadwy drwy offeryn statudol.
- (6) Mae offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (4) yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

*Gwerthuso peilotau***17 Gwerthuso'r rheoliadau peilot**

- (1) Rhaid i'r Comisiwn Etholiadol lunio adroddiad ar weithrediad y rheoliadau peilot cyn y diwrnod a bennir o dan adran 6(1)(b).
- (2) Rhaid i'r adroddiad gynnwys, yn benodol —
 - (a) disgrifiad —
 - (i) o'r ffordd yr oedd y ddarpariaeth a wnaed gan y rheoliadau peilot yn wahanol i'r darpariaethau a fyddai wedi bod yn gymwys fel arall, neu

- (c) the Commission considers it likely that the pilot or pilots will take place.
- (2) The Democracy and Boundary Commission Cymru must establish a forum for discussion of issues relating to the pilot or pilots with a view to providing persons implementing the pilot or pilots with information and advice.
- (3) A forum established under subsection (2) must include—
 - (a) the returning officers of each principal council participating in the pilot or pilots;
 - (b) representation of electoral administrators from each principal council participating in the pilot or pilots;
 - (c) one or more members of the Democracy and Boundary Commission Cymru with relevant experience.
- (4) The Democracy and Boundary Commission Cymru may invite any person they consider appropriate to participate in a forum.

Guidance on pilots

16 Guidance on pilots

- (1) In relation to each instrument containing pilot regulations, the Democracy and Boundary Commission Cymru must give guidance in writing to persons responsible for implementing the regulations.
- (2) The guidance must include advice on—
 - (a) the arrangements needed for the pilot;
 - (b) the staff training required for the pilot;
 - (c) running the pilot in accordance with the pilot regulations.
- (3) The guidance may include information or advice on any other matter the Democracy and Boundary Commission Cymru considers relevant to the pilot.
- (4) The Welsh Ministers may by regulations specify further matters that the Democracy and Boundary Commission Cymru must include in the guidance.
- (5) The power to make regulations in subsection (4) is exercisable by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of Senedd Cymru.

Evaluation of pilots

17 Evaluation of pilot regulations

- (1) The Electoral Commission must prepare a report on the operation of the pilot regulations before the day specified under section 6(1)(b).
- (2) The report must contain, in particular—
 - (a) a description of—
 - (i) the way in which the provision made by the pilot regulations differed from the provisions which would otherwise have applied, or

- (ii) yn achos rheoliadau peilot sy'n cynnwys darpariaeth o'r math a bennir yn adran 5(4), y darpariaethau sy'n cael eu profi;
 - (b) copi o'r rheoliadau peilot;
 - (c) asesiad o lwyddiant y rheoliadau peilot, neu fel arall, wrth gyflawni'r amcan a bennir yn y rheoliadau peilot;
 - (d) asesiad o ran a ddylai darpariaeth sy'n debyg i'r ddarpariaeth honno a wnaed gan y rheoliadau peilot fod yn gymwys yn gyffredinol, ac ar sail barhaol, mewn perthynas ag etholiadau Cymreig neu unrhyw fath o etholiad Cymreig.
- (3) Rhaid i'r prif gyngor ar gyfer unrhyw ardal neu unrhyw ran o ardal y mae rheoliadau peilot yn gymwys iddi roi i'r Comisiwn unrhyw gymorth sy'n rhesymol ofynnol gan y Comisiwn mewn cysylltiad â llunio'r adroddiad.
- (4) Caiff y cymorth gynnwys –
 - (a) gwneud trefniadau ar gyfer canfod safbwyntiau etholwyr ynghylch sut y gweithredwyd darpariaethau'r rheoliadau peilot;
 - (b) adrodd i'r Comisiwn honiadau o droseddau etholiadol neu gamymarfer arall.
- (5) Rhaid i'r Comisiwn anfon copi o'r adroddiad –
 - (a) at Weinidogion Cymru,
 - (b) at bob swyddog canlyniadau ar gyfer yr etholiad yr oedd y rheoliadau peilot yn gymwys iddo, oni bai nad yw'r adroddiad ond yn ymwneud â chynigion a wneir o dan adran 11, ac
 - (c) os yw'r adroddiad yn ymwneud â chynigion a wneir o dan adran 11, at bob swyddog cofrestru etholiadol ar gyfer ardal yr oedd y rheoliadau peilot yn gymwys iddi,

cyn y diwrnod a bennir yn y rheoliadau peilot.
- (6) Rhaid i swyddog canlyniadau sy'n cael adroddiad o dan is-adran (5) gyhoeddi'r adroddiad cyn diwedd y cyfnod o un mis sy'n dechrau â'r diwrnod y mae'r swyddog yn cael yr adroddiad gan y Comisiwn, oni bai nad yw'r adroddiad ond yn ymwneud â chynigion a wneir o dan adran 11.
- (7) Rhaid i swyddog cofrestru etholiadol sy'n cael adroddiad o dan is-adran (5) gyhoeddi'r adroddiad cyn diwedd y cyfnod o un mis sy'n dechrau â'r diwrnod y mae'r swyddog yn cael yr adroddiad gan y Comisiwn.

Diwygio yn dilyn peilotau

18 Rheoliadau diwygio etholiadol

- (1) Mae'r pŵer yn is-adran (3) yn gymwys –
 - (a) os yw Gweinidogion Cymru yn ystyried, yng ngoleuni adroddiad a wneir o dan adran 17 ar weithrediad rheoliadau peilot, y byddai'n ddymunol cyflawni'r canlyniad diwygio yn is-adran (2) ("y canlyniad diwygio"), a
 - (b) os yw'r Comisiwn Etholiadol yn argymhell gwneud rheoliadau o dan yr adran hon i gyflawni'r canlyniad diwygio.

- (ii) in the case of pilot regulations containing provision of the kind specified in section 5(4), the provisions being tested;
 - (b) a copy of the pilot regulations;
 - (c) an assessment of the success or otherwise of the pilot regulations in achieving the objective specified in the pilot regulations;
 - (d) an assessment of whether provision similar to that made by the pilot regulations should apply generally, and on a permanent basis, in relation to Welsh elections or any type of Welsh election.
- (3) The principal council for any area or part of an area to which pilot regulations apply must give the Commission such assistance as the Commission may reasonably require in connection with the preparation of the report.
- (4) The assistance may include –
- (a) making arrangements for ascertaining the views of electors about the operation of the provisions of the pilot regulations;
 - (b) reporting to the Commission allegations of electoral offences or other malpractice.
- (5) The Commission must send a copy of the report to –
- (a) the Welsh Ministers,
 - (b) each returning officer for the election to which the pilot regulations applied, unless the report only relates to proposals made under section 11, and
 - (c) if the report relates to proposals made under section 11, each electoral registration officer for an area to which the pilot regulations applied,
- before the day specified in the pilot regulations.
- (6) A returning officer who receives a report under subsection (5) must publish the report before the end of the period of one month beginning with the day the officer receives the report from the Commission, unless the report only relates to proposals made under section 11.
- (7) An electoral registration officer who receives a report under subsection (5) must publish the report before the end of the period of one month beginning with the day the officer receives the report from the Commission.

Reform following pilots

18 Electoral reform regulations

- (1) The power in subsection (3) applies if –
- (a) the Welsh Ministers consider, in the light of a report made under section 17 on the operation of pilot regulations, that it would be desirable to achieve the reform outcome in subsection (2) (“the reform outcome”), and
 - (b) the Electoral Commission recommends making regulations under this section to achieve the reform outcome.

- (2) Y canlyniad diwygio yw bod darpariaeth sy'n debyg i'r ddarpariaeth honno a wneir gan y rheoliadau peilot yn gymwys yn gyffredinol, ac ar sail barhaol, mewn perthynas ag etholiadau Cymreig neu unrhyw fath o etholiad Cymreig.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer materion etholiadol perthnasol, neu mewn cysylltiad â hwy, er mwyn cyflawni'r canlyniad diwygio ("rheoliadau diwygio etholiadol").
- (4) Nid oes dim byd yn yr adran hon sy'n effeithio ar bwerau eraill Gweinidogion Cymru i wneud darpariaeth ar gyfer materion etholiadol perthnasol, neu mewn cysylltiad â hwy, er mwyn cyflawni'r canlyniad diwygio.
- (5) Caiff rheoliadau diwygio etholiadol greu, dileu neu addasu troseddau.
- (6) Ni chaiff rheoliadau diwygio etholiadol greu trosedd y caniateir ei chosbi (neu addasu trosedd fel y daw'n drosedd y caniateir ei chosbi) –
 - (a) ar euogfarn ar ddiad, drwy garcharu am gyfnod sy'n hwy nag un flwyddyn;
 - (b) ar euogfarn ddiannod, drwy garcharu am gyfnod sy'n hwy na'r terfyn cymwys ar gyfer trosedd ddiannod neu drosedd neillffordd (yn ôl y digwydd) o dan adran 224(1A) o'r Cod Dedfrydu (fel y mae'n cael effaith o bryd i'w gilydd).
- (7) Caiff rheoliadau diwygio etholiadol roi, dileu neu addasu pŵer i wneud is-ddeddfwriaeth.
- (8) Os bydd rheoliadau diwygio etholiadol yn creu pŵer i wneud is-ddeddfwriaeth, rhaid i'r rheoliadau ddarparu –
 - (a) bod yr is-ddeddfwriaeth i gael ei gwneud drwy offeryn statudol, a
 - (b) na chaniateir gwneud yr offeryn oni bai bod drafft ohono wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

19 Rheoliadau diwygio etholiadol: y weithdrefn

- (1) Mae'r pŵer i wneud rheoliadau diwygio etholiadol yn arferadwy drwy offeryn statudol.
- (2) Pan fydd offeryn statudol neu offeryn statudol drafft sy'n cynnwys rheoliadau diwygio etholiadol yn cael ei osod gerbron Senedd Cymru at ddibenion yr adran hon, rhaid i Weinidogion Cymru hefyd osod gerbron y Senedd gopi o'r adroddiad ar y rheoliadau sydd wedi ei lunio gan y Comisiwn Etholiadol o dan adran 17.
- (3) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (4) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau diwygio etholiadol sy'n gwneud darpariaeth –
 - (a) i addasu deddfwriaeth sylfaenol,
 - (b) i greu trosedd neu ehangu ei chwmpas, neu
 - (c) i greu neu ddiwygio pŵer i ddeddfu.
- (5) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau diwygio etholiadol yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru, oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

- (2) The reform outcome is for provision similar to that made by the pilot regulations to apply generally, and on a permanent basis, in relation to Welsh elections or any type of Welsh election.
- (3) The Welsh Ministers may by regulations make provision for or in connection with relevant electoral matters to achieve the reform outcome (“electoral reform regulations”).
- (4) Nothing in this section affects the other powers of the Welsh Ministers to make provision for or in connection with relevant electoral matters to achieve the reform outcome.
- (5) Electoral reform regulations may create, remove or modify offences.
- (6) Electoral reform regulations must not create an offence that is punishable (or modify an offence so that it becomes punishable) –
 - (a) on conviction on indictment, with imprisonment for a term exceeding one year;
 - (b) on summary conviction, with imprisonment for a term exceeding the applicable limit for a summary offence or an either way offence (as the case may be) under section 224(1A) of the Sentencing Code (as it has effect from time to time).
- (7) Electoral reform regulations may confer, remove or modify power to make subordinate legislation.
- (8) If electoral reform regulations create a power to make subordinate legislation, the regulations must provide –
 - (a) that the subordinate legislation is to be made by statutory instrument, and
 - (b) that the instrument may not be made unless a draft of it has been laid before and approved by a resolution of Senedd Cymru.

19 Electoral reform regulations: procedure

- (1) The power to make electoral reform regulations is exercisable by statutory instrument.
- (2) When a statutory instrument or a draft statutory instrument containing electoral reform regulations is laid before Senedd Cymru for the purposes of this section, the Welsh Ministers must also lay before the Senedd a copy of the report on the regulations prepared by the Electoral Commission under section 17.
- (3) 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.
- (4) Subsection (3) applies to a statutory instrument containing electoral reform regulations that make provision –
 - (a) modifying primary legislation,
 - (b) creating, or widening the scope of, a criminal offence, or
 - (c) creating or amending a power to legislate.
- (5) Any other statutory instrument containing electoral reform regulations is subject to annulment in pursuance of a resolution of Senedd Cymru, unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

- (6) Mae is-adran (7) yn gymwys os yw Gweinidogion Cymru o'r farn mai'r weithdrefn briodol ar gyfer offeryn statudol sy'n cynnwys rheoliadau diwygio etholiadol yw iddo fod yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.
- (7) Ni chaiff Gweinidogion Cymru wneud yr offeryn fel ei fod yn ddarostyngedig i'r weithdrefn honno oni bai –
 - (a) bod amod 1 wedi ei fodloni, a
 - (b) bod naill ai amod 2 neu 3 wedi ei fodloni.
- (8) Amod 1 yw bod Gweinidogion Cymru –
 - (a) wedi gwneud datganiad ysgrifenedig i'r perwyl y dylai'r offeryn yn eu barn hwy fod yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru, a
 - (b) wedi gosod gerbron y Senedd –
 - (i) drafft o'r offeryn, a
 - (ii) memorandwm sy'n cynnwys y datganiad a rhesymau Gweinidogion Cymru dros eu barn.
- (9) Amod 2 yw bod pwyllgor yn Senedd Cymru a chanddo'r gorchwyl o wneud hynny wedi gwneud argymhelliad o ran y weithdrefn briodol ar gyfer yr offeryn.
- (10) Amod 3 yw bod y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod cyntaf ar ôl y diwrnod y gosodwyd yr offeryn drafft gerbron Senedd Cymru fel y'i crybwyllir yn is-adran (8) wedi dod i ben heb i unrhyw argymhelliad gael ei wneud fel y'i crybwyllir yn is-adran (9).
- (11) Nid oes dim byd yn yr adran hon sy'n atal Gweinidogion Cymru rhag penderfynu ar unrhyw adeg cyn gwneud offeryn statudol y mae is-adran (5) yn gymwys iddo y dylai gweithdrefn arall fod yn gymwys i'r offeryn.
- (12) Os yw'r rheoliadau drafft a osodwyd o dan yr adran hon, ar ôl i'r cyfnod o 40 o ddiwrnodau ddod i ben, wedi eu cymeradwyo drwy benderfyniad gan Senedd Cymru, caiff Gweinidogion Cymru wneud rheoliadau gan ddilyn ffurf y rheoliadau drafft, yn ddarostyngedig i is-adran (13).
- (13) Mae'r weithdrefn yn is-adrannau (14) i (19) yn gymwys i'r rheoliadau drafft yn lle'r weithdrefn yn is-adran (12) –
 - (a) os yw naill ai Senedd Cymru yn penderfynu felly o fewn y cyfnod o 30 o ddiwrnodau, neu
 - (b) os yw pwyllgor yn Senedd Cymru a chanddo'r gorchwyl o adrodd ar y rheoliadau drafft yn argymhell felly o fewn y cyfnod o 30 o ddiwrnodau ac nad yw Senedd Cymru drwy benderfyniad yn gwrthod yr argymhelliad o fewn y cyfnod hwnnw.
- (14) Rhaid i Weinidogion Cymru roi sylw –
 - (a) i unrhyw sylwadau,
 - (b) i unrhyw benderfyniad gan Senedd Cymru, ac
 - (c) i unrhyw argymhellion gan bwyllgor yn Senedd Cymru a chanddo'r gorchwyl o adrodd ar y rheoliadau drafft,a wneir yn ystod y cyfnod o 60 o ddiwrnodau mewn cysylltiad â'r rheoliadau drafft.

- (6) Subsection (7) applies if the Welsh Ministers are of the opinion that the appropriate procedure for a statutory instrument containing electoral reform regulations is for it to be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) The Welsh Ministers may not make the instrument so that it is subject to that procedure unless –
 - (a) condition 1 is met, and
 - (b) either condition 2 or 3 is met.
- (8) Condition 1 is that the Welsh Ministers –
 - (a) have made a statement in writing to the effect that in their opinion the instrument should be subject to annulment in pursuance of a resolution of Senedd Cymru, and
 - (b) have laid before the Senedd –
 - (i) a draft of the instrument, and
 - (ii) a memorandum setting out the statement and the reasons for the Welsh Ministers' opinion.
- (9) Condition 2 is that a committee of Senedd Cymru charged with doing so has made a recommendation as to the appropriate procedure for the instrument.
- (10) Condition 3 is that the period of 14 days beginning with the first day after the day on which the draft instrument was laid before Senedd Cymru as mentioned in subsection (8) has ended without any recommendation being made as mentioned in subsection (9).
- (11) Nothing in this section prevents the Welsh Ministers from deciding at any time before a statutory instrument to which subsection (5) applies is made that another procedure should apply to the instrument.
- (12) If after the expiry of the 40-day period the draft regulations laid under this section are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations, subject to subsection (13).
- (13) The procedure in subsections (14) to (19) applies to the draft regulations instead of the procedure in subsection (12) if –
 - (a) either Senedd Cymru so resolves within the 30-day period, or
 - (b) a committee of Senedd Cymru charged with reporting on the draft regulations so recommends within the 30-day period and Senedd Cymru does not by resolution reject the recommendation within that period.
- (14) The Welsh Ministers must have regard to –
 - (a) any representations,
 - (b) any resolution of Senedd Cymru, and
 - (c) any recommendations of a committee of Senedd Cymru charged with reporting on the draft regulations,made during the 60-day period with regard to the draft regulations.

- (15) Os yw Gweinidogion Cymru, ar ôl i'r cyfnod o 60 o ddiwrnodau ddod i ben, yn dymuno bwrw ymlaen â'r rheoliadau drafft heb newidiadau o sylwedd pan fo newidiadau o sylwedd wedi eu hargymell gan bwyllgor yn Senedd Cymru a chanddo'r gorchwyl o adrodd ar y rheoliadau drafft –
- (a) rhaid i Weinidogion Cymru osod gerbron Senedd Cymru ddatganiad sy'n egluro eu rhesymau dros beidio â derbyn argymhellion y pwyllgor (pa un ai'n gyfan gwbl neu'n rhannol), a
 - (b) os yw'r rheoliadau drafft wedi eu cymeradwyo drwy benderfyniad gan Senedd Cymru yn ddiweddarach, caiff Gweinidogion Cymru wneud rheoliadau gan ddilyn ffurf y rheoliadau drafft.
- (16) Os yw Gweinidogion Cymru, ar ôl i'r cyfnod o 60 o ddiwrnodau ddod i ben, yn dymuno bwrw ymlaen â'r rheoliadau drafft heb newidiadau o sylwedd pan na fo unrhyw newidiadau o sylwedd wedi eu hargymell gan bwyllgor yn Senedd Cymru a chanddo'r gorchwyl o adrodd ar y rheoliadau drafft ac os yw'r rheoliadau drafft wedi eu cymeradwyo drwy benderfyniad gan Senedd Cymru, caiff Gweinidogion Cymru wneud rheoliadau gan ddilyn ffurf y rheoliadau drafft.
- (17) Os yw Gweinidogion Cymru, ar ôl i'r cyfnod o 60 o ddiwrnodau ddod i ben, yn dymuno bwrw ymlaen â'r rheoliadau drafft ond gyda newidiadau o sylwedd, rhaid i Weinidogion Cymru osod gerbron Senedd Cymru –
- (a) rheoliadau drafft diwygiedig, a
 - (b) datganiad sy'n rhoi crynodeb o'r newidiadau a gynigir ac, os yw is-adran (18) yn gymwys, sy'n egluro rhesymau Gweinidogion Cymru dros beidio â derbyn (pa un ai'n gyfan gwbl neu'n rhannol) argymhellion gan bwyllgor yn Senedd Cymru a chanddo'r gorchwyl o adrodd ar y rheoliadau drafft.
- (18) Mae'r is-adran hon yn gymwys –
- (a) os yw'r newidiadau o sylwedd yn y rheoliadau drafft diwygiedig yn sylweddol wahanol i'r newidiadau sydd wedi eu hargymell gan y pwyllgor, neu
 - (b) os nad yw'r rheoliadau drafft diwygiedig yn cynnwys newidiadau o sylwedd sydd wedi eu hargymell gan y pwyllgor.
- (19) Os yw'r rheoliadau drafft diwygiedig wedi eu cymeradwyo drwy benderfyniad gan Senedd Cymru, caiff Gweinidogion Cymru wneud rheoliadau gan ddilyn ffurf y rheoliadau drafft diwygiedig.
- (20) At ddibenion yr adran hon mae rheoliadau wedi eu gwneud gan ddilyn ffurf y rheoliadau drafft neu'r rheoliadau drafft diwygiedig os nad ydynt yn cynnwys newidiadau o sylwedd i'w darpariaethau.
- (21) Yn yr adran hon mae cyfeiriadau at y cyfnodau "30 o ddiwrnodau", "40 o ddiwrnodau" a "60 o ddiwrnodau" mewn perthynas ag unrhyw reoliadau drafft yn gyfeiriadau at y cyfnodau o 30, 40 a 60 o ddiwrnodau sy'n dechrau â'r diwrnod y gosodwyd y rheoliadau drafft gerbron Senedd Cymru.
- (22) At ddibenion is-adrannau (10) a (21) nid oes unrhyw ystyriaeth i gael ei rhoi i unrhyw adeg pan fydd Senedd Cymru wedi ei diddymu neu ar doriad am fwy na 4 diwrnod.

- (15) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations without material changes where material changes are recommended by a committee of Senedd Cymru charged with reporting on the draft regulations –
 - (a) the Welsh Ministers must lay before Senedd Cymru a statement explaining their reasons for not accepting the committee’s recommendations (whether wholly or partly), and
 - (b) if the draft regulations are subsequently approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations.
- (16) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations without material changes where no material changes are recommended by a committee of Senedd Cymru charged with reporting on the draft regulations and the draft regulations are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations.
- (17) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations but with material changes, the Welsh Ministers must lay before Senedd Cymru –
 - (a) revised draft regulations, and
 - (b) a statement giving a summary of the changes proposed and, if subsection (18) applies, explaining the Welsh Ministers’ reasons for not accepting (whether wholly or partly) recommendations of a committee of Senedd Cymru charged with reporting on the draft regulations.
- (18) This subsection applies if –
 - (a) the material changes in the revised draft regulations are materially different from changes recommended by the committee, or
 - (b) the revised draft regulations do not contain material changes recommended by the committee.
- (19) If the revised draft regulations are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the revised draft regulations.
- (20) For the purposes of this section regulations are made in the terms of draft regulations or revised draft regulations if they contain no material changes to their provisions.
- (21) In this section references to the “30-day”, “40-day” and “60-day” periods in relation to any draft regulations are to the periods of 30, 40 and 60 days beginning with the day on which the draft regulations were laid before Senedd Cymru.
- (22) For the purposes of subsections (10) and (21) no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than 4 days.

- (23) Nid yw adran 6(1) o Ddeddf Offerynnau Statudol 1946 (p. 36) fel y'i cymhwysir gan adran 11A o'r Ddeddf honno (gweithdrefn amgen ar gyfer offerynnau penodol a osodir ar ffurf ddrafft gerbron Senedd Cymru) yn gymwys mewn perthynas ag unrhyw offeryn statudol y mae'r adran hon yn gymwys iddo.

Cyffredinol

20 Cyhoeddi

- (1) Pan fo'r Bennod hon yn gosod dyletswydd i gyhoeddi unrhyw beth, rhaid iddo gael ei gyhoeddi—
- (a) yn electronig, a
 - (b) mewn unrhyw fodd arall y mae'r person sy'n ddarostyngedig i'r ddyletswydd yn ystyried ei fod yn briodol.
- (2) Mae'r ddyletswydd i gyhoeddi yn electronig—
- (a) yn ddyletswydd i ddarparu mynediad yn rhad ac am ddim, a
 - (b) yn ddyletswydd i gyhoeddi ar wefan y person, os oes gan y person un.
- (3) Caniateir i gopïau o unrhyw beth a gyhoeddir o dan is-adran (1) gael eu cyflenwi yn rhad ac am ddim neu ar ôl talu unrhyw ffi, nad yw'n fwy na chost cyflenwi'r copi, a benderfynir gan y person sy'n ddarostyngedig i'r ddyletswydd i gyhoeddi.

21 Rheoliadau: darpariaeth ategol

Caiff rheoliadau peilot a rheoliadau diwygio etholiadol—

- (a) gwneud darpariaeth ganlyniadol, darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth drosiannol neu ddarpariaeth arbed;
- (b) addasu unrhyw ddeddfiad (pa bryd bynnag y caiff ei basio neu ei wneud);
- (c) gwneud darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol.

22 Dehongli'r Bennod hon

Yn y Bennod hon—

mae "addasu" (*"modify"*) yn cynnwys diddymu, dirymu a diwygio;

mae i "mater etholiadol perthnasol" (*"relevant electoral matter"*) yr ystyr a roddir gan adran 5;

ystyr "rheoliadau diwygio etholiadol" (*"electoral reform regulations"*) yw rheoliadau a wneir o dan adran 18;

ystyr "rheoliadau peilot" (*"pilot regulations"*) yw rheoliadau a wneir o dan adran 5;

ystyr "swyddog canlyniadau" (*"returning officer"*) yw swyddog canlyniadau (sut bynnag y'i disgrifir)—

- (a) a benodir o dan adran 35(1A) o Ddeddf 1983,
- (b) a ddynodir yn unol â gorchymyn a wneir o dan adran 13 o Ddeddf Llywodraeth Cymru 2006 (p. 32), neu

- (23) Section 6(1) of the Statutory Instruments Act 1946 (c. 36) as applied by section 11A of that Act (alternative procedure for certain instruments laid in draft before Senedd Cymru) does not apply in relation to any statutory instrument to which this section applies.

General

20 Publication

- (1) Where this Chapter imposes a duty to publish anything, it must be published –
- (a) electronically, and
 - (b) in such other manner as the person subject to the duty considers appropriate.
- (2) The duty to publish electronically is –
- (a) a duty to provide access free of charge, and
 - (b) a duty to publish on the person’s own website, if the person has one.
- (3) Copies of anything published under subsection (1) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the person subject to the duty to publish may determine.

21 Regulations: ancillary provision

Pilot regulations and electoral reform regulations may –

- (a) make consequential, supplementary, incidental, transitional or saving provision;
- (b) modify any enactment (whenever passed or made);
- (c) make different provision for different purposes or different areas.

22 Interpretation of this Chapter

In this Chapter –

“electoral registration officer” (*“swyddog cofrestru etholiadol”*) means an officer appointed under section 8(2A) of the 1983 Act;

“modify” (*“addasu”*) includes repeal, revoke and amend;

“pilot regulations” (*“rheoliadau peilot”*) means regulations made under section 5;

“electoral reform regulations” (*“rheoliadau diwygio etholiadol”*) means regulations made under section 18;

“returning officer” (*“swyddog canlyniadau”*) means a returning officer (however described) –

- (a) appointed under section 35(1A) of the 1983 Act,
- (b) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32), or

(c) a benodir o dan reoliadau a wneir yn rhinwedd adran 44 neu 45 o Ddeddf Llywodraeth Leol 2000 (p. 22);

ystyr “swyddog cofrestru etholiadol” (“*electoral registration officer*”) yw swyddog a benodir o dan adran 8(2A) o Ddeddf 1983.

23 Diwygiadau canlyniadol

Mae Rhan 2 o Atodlen 1 yn gwneud diwygiadau canlyniadol sy’n ymwneud â’r Bennod hon.

PENNOD 4

HYGYRCHEDD AC AMRYWIAETH: ETHOLIADAU CYMREIG

Adroddiadau ar gymorth ar gyfer pleidleiswyr anabl

24 Adroddiadau gan y Comisiwn Etholiadol

- (1) Mae Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41) (“Deddf 2000”) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 5, mewnosoder –

“5A Further provision about reports on Welsh elections

- (1) After an ordinary election of councillors for counties and county boroughs in Wales or communities in Wales, the Electoral Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.
- (2) Subsection (3) applies to –
 - (a) a report under section 5 relating to a Senedd Cymru general election;
 - (b) a report under subsection (1).
- (3) The report must include a description of the steps taken by returning officers to assist persons with disabilities that would otherwise adversely affect their right to vote at the election.
- (4) In subsection (3) –

“disability”, in relation to doing a thing, includes a short term inability to do it;

“returning officer” –

 - (a) in the case of a Senedd Cymru general election, means a returning officer (however described) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32);
 - (b) in the case of an ordinary election of councillors for local government areas, means an officer who is appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2).”

- (c) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c. 22);

“relevant electoral matter” (*“mater etholiadol perthnasol”*) has the meaning given by section 5.

23 Consequential amendments

Part 2 of Schedule 1 makes consequential amendments relating to this Chapter.

CHAPTER 4

ACCESSIBILITY AND DIVERSITY: WELSH ELECTIONS

Reports on assistance for disabled voters

24 Reports by the Electoral Commission

- (1) The Political Parties, Elections and Referendums Act 2000 (c. 41) (“the 2000 Act”) is amended as follows.
- (2) After section 5, insert –

“5A Further provision about reports on Welsh elections

- (1) After an ordinary election of councillors for counties and county boroughs in Wales or communities in Wales, the Electoral Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.
- (2) Subsection (3) applies to –
- (a) a report under section 5 relating to a Senedd Cymru general election;
- (b) a report under subsection (1).
- (3) The report must include a description of the steps taken by returning officers to assist persons with disabilities that would otherwise adversely affect their right to vote at the election.
- (4) In subsection (3) –
- “disability”, in relation to doing a thing, includes a short term inability to do it;
- “returning officer” –
- (a) in the case of a Senedd Cymru general election, means a returning officer (however described) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32);
- (b) in the case of an ordinary election of councillors for local government areas, means an officer who is appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2).”

- (3) Hyd nes y daw adrannau 8 (etholiadau cyffredinol y Senedd) a 9 (seddi gwag) o Ddeddf Senedd Cymru (Aelodau ac Etholiadau) 2024 (dsc 4) i rym, mae adran 5A(3) o Ddeddf 2000 hefyd yn gymwys i adroddiad o dan adran 5 o'r Ddeddf honno sy'n ymwneud ag etholiad a gynhelir o dan adran 10 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (etholiad i Senedd Cymru yn achos sedd etholaethol wag).

Arolwg ymgeiswyr: etholiadau llywodraeth leol

25 Arolwg o gynghorwyr ac ymgeiswyr aflwyddiannus mewn etholiadau lleol

- (1) Mae Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4) wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 1 (dyletswydd i gynnal arolwg) –
- (a) yn is-adran (1), yn lle “rheoliadau” rhodder “chyfarwyddyd”;
- (b) yn lle is-adran (3) rhodder –
- “(3) Caiff Gweinidogion Cymru roi cyfarwyddyd i awdurdodau lleol sydd –
- (a) yn pennu'r cwestiynau y mae rhaid eu gofyn mewn arolwg;
- (b) yn pennu gofynion ynghylch –
- (i) ffurf yr arolwg;
- (ii) sut y mae'r arolwg i'w gynnal;
- (iii) crynhoi gwybodaeth o'r arolwg.”;
- (c) yn is-adran (3A), yn lle “ateb y cwestiynau rhagnodedig” rhodder “ymateb i'r arolwg”;
- (d) ar ôl is-adran (3A), mewnosoder –
- “(3B) Caiff awdurdod lleol gynnwys cwestiynau mewn arolwg, neu drefnu i gwestiynau gael eu cynnwys mewn arolwg, yn ychwanegol at y cwestiynau sy'n ofynnol drwy gyfarwyddyd gan Weinidogion Cymru o dan yr adran hon.”;
- (e) yn is-adran (4), yn lle “rhagnodi” rhodder “pennu mewn cyfarwyddyd”.
- (3) Yn adran 2 (cwblhau arolwg a chyhoeddi gwybodaeth), yn is-adran (2), yn lle “ar unrhyw ffurf ragnodedig neu mewn unrhyw ddull rhagnodedig” rhodder “ar y ffurf neu yn y dull a gyfarwyddir gan Weinidogion Cymru”.
- (4) Ar ôl adran 3 (canllawiau ynghylch arolygon), mewnosoder –
- “3A Cyhoeddi cyfarwyddiadau ynghylch arolygon**
- Rhaid i Weinidogion Cymru gyhoeddi unrhyw gyfarwyddyd a roddir o adran 1(3) neu 2(2).”

Platfform gwybodaeth am etholiadau Cymreig

26 Platfform gwybodaeth am etholiadau Cymreig

- (1) Rhaid i Weinidogion Cymru drwy reoliadau ddarparu ar gyfer sefydlu a gweithredu platfform gwybodaeth am etholiadau Cymreig.

- (3) Until the coming into force of sections 8 (Senedd general elections) and 9 (vacant seats) of the Senedd Cymru (Members and Elections) Act 2024 (asc 4), section 5A(3) of the 2000 Act also applies to a report under section 5 of that Act relating to an election held under section 10 of the Government of Wales Act 2006 (c. 32) (election for Senedd Cymru in the case of a constituency vacancy).

Candidate survey: local government elections

25 Survey of councillors and unsuccessful candidates in local elections

- (1) The Local Government (Wales) Measure 2011 (nawm 4) is amended as follows.
- (2) In section 1 (duty to conduct a survey) –
- (a) in subsection (1), for “regulations” substitute “a direction”;
- (b) for subsection (3) substitute –
- “(3) The Welsh Ministers may give a direction to local authorities that –
- (a) specifies the questions that must be asked in a survey;
- (b) specifies requirements about –
- (i) the form of the survey;
- (ii) how the survey is to be conducted;
- (iii) the collation of information from the survey.”;
- (c) in subsection (3A), for “answer the prescribed questions” substitute “respond to the survey”;
- (d) after subsection (3A), insert –
- “(3B) A local authority may include questions in a survey, or arrange for the inclusion of questions in a survey, in addition to the questions required by a direction of the Welsh Ministers under this section.”;
- (e) in subsection (4), for “prescribed” substitute “specified in a direction”.
- (3) In section 2 (completion of a survey and publication of information), in subsection (2), for “any prescribed form or manner” substitute “in such form or manner as the Welsh Ministers may direct”.
- (4) After section 3 (guidance about surveys), insert –

“3A Publication of directions about surveys

The Welsh Ministers must publish any direction given under section 1(3) or 2(2).”

Welsh elections information platform

26 Welsh elections information platform

- (1) The Welsh Ministers must by regulations provide for the establishment and operation of a Welsh elections information platform.

- (2) Cyfleuster electronig (megis gwefan, rhan o wefan neu gymhwysiad meddalwedd) yw platfform gwybodaeth am etholiadau Cymreig er mwyn darparu gwybodaeth gyfredol, neu fynediad at wybodaeth gyfredol o ffynonellau electronig eraill, i etholwyr ynghylch etholiadau penodedig.
- (3) At ddibenion is-adran (2), o ran rheoliadau o dan is-adran (1) –
 - (a) rhaid iddynt bennu –
 - (i) etholiadau i Senedd Cymru;
 - (ii) etholiadau cyffredin i brif gynghorau yng Nghymru;
 - (b) cânt bennu etholiadau llywodraeth leol eraill yng Nghymru.
- (4) Caiff rheoliadau o dan is-adran (1) (ymhlith pethau eraill) wneud darpariaeth –
 - (a) sy'n rhoi swyddogaethau i bersonau neu gategorïau o bersonau a bennir yn y rheoliadau;
 - (b) ynghylch cyhoeddi gwybodaeth ar y platfform, gan gynnwys –
 - (i) cyhoeddi datganiadau gan ymgeiswyr a gwybodaeth arall am ymgeiswyr a phleidiau gwleidyddol cofrestredig;
 - (ii) gwybodaeth am y trefniadau hygyrchedd sydd ar waith mewn gorsafoedd pleidleisio;
 - (c) sy'n rhoi esemptiad rhag atebolrwydd sifil a throreddol mewn cysylltiad â chyhoeddi datganiadau gan ymgeiswyr a gwybodaeth arall am ymgeiswyr a phleidiau gwleidyddol cofrestredig;
 - (d) sy'n sicrhau bod yr wybodaeth ar y platfform ar gael drwy ddulliau ac eithrio rhai electronig.
- (5) Rhaid i reoliadau o dan is-adran (1) ei gwneud yn ofynnol –
 - (a) i adroddiad gael ei gyhoeddi ynghylch arfer swyddogaethau a roddir gan y rheoliadau –
 - (i) yn achos swyddogaethau a arferir mewn cysylltiad ag etholiadau Senedd Cymru, cyn diwedd cyfnod o 12 mis sy'n dechrau â diwrnod y pôl ar gyfer yr etholiad hwnnw;
 - (ii) yn achos swyddogaethau a arferir mewn cysylltiad ag etholiadau cyffredin prif gynghorau, cyn diwedd cyfnod o 12 mis sy'n dechrau â diwrnod y pôl ar gyfer yr etholiadau hynny;
 - (b) i'r adroddiadau gael eu gosod gerbron Senedd Cymru.
- (6) Mae'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.
- (7) Ni chaniateir gwneud offeryn statudol sy'n cynnwys darpariaeth mewn rheoliadau o'r math a ddisgrifir yn is-adran (4)(c) oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad.
- (8) Mae offeryn statudol sy'n cynnwys unrhyw ddarpariaeth arall mewn rheoliadau o dan yr adran hon yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

- (2) A Welsh elections information platform is an electronic facility (such as a website, part of a website or a software application) to provide electors with up-to-date information, or access to up-to-date information from other electronic sources, about specified elections.
- (3) For the purpose of subsection (2), regulations under subsection (1) –
 - (a) must specify –
 - (i) elections to Senedd Cymru;
 - (ii) ordinary elections to principal councils in Wales;
 - (b) may specify other local government elections in Wales.
- (4) Regulations under subsection (1) may (among other things) make provision –
 - (a) conferring functions on persons or categories of person specified in the regulations;
 - (b) about the publication of information on the platform, including –
 - (i) the publication of candidate statements and other information about candidates and registered political parties;
 - (ii) information about accessibility arrangements that are in place at polling stations;
 - (c) conferring exemption from civil and criminal liability in connection with the publication of candidate statements and other information about candidates and registered political parties;
 - (d) making the information on the platform available other than by electronic means.
- (5) Regulations under subsection (1) must require –
 - (a) a report to be published about the exercise of functions conferred by the regulations –
 - (i) in the case of functions exercised in respect of Senedd Cymru elections, before the end of a period of 12 months beginning with the day of the poll for that election;
 - (ii) in the case of functions exercised in respect of ordinary elections of principal councils, before the end of a period of 12 months beginning with the day of the poll for those elections;
 - (b) the reports to be laid before Senedd Cymru.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) A statutory instrument containing provision in regulations of the kind described in subsection (4)(c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (8) A statutory instrument containing any other provision in regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.

(9) Yn yr adran hon –

ystyr “etholiadau llywodraeth leol” (“*local government elections*”) yw etholiadau ar gyfer –

- (a) cyngorwyr i ward etholiadol sir neu fwrdeistref sirol,
- (b) cyngorwyr i ward gymunedol neu, yn achos cymuned lle nad oes wardiau, i’r gymuned, neu
- (c) maer etholedig neu aelod gweithredol etholedig o dan reoliadau a wneir yn rhinwedd adran 44 o Ddeddf Llywodraeth Leol 2000 (p. 22);

ystyr “penodedig” ac “a bennir” (“*specified*”) yw wedi ei bennu mewn rheoliadau a wneir o dan is-adran (1).

Amrywiaeth ymhlith personau sy’n ceisio swydd etholedig

27 Gwasanaethau i hybu amrywiaeth ymhlith personau sy’n ceisio swydd etholedig

- (1) Rhaid i Weinidogion Cymru wneud trefniadau ar gyfer darparu gwasanaethau i hybu amrywiaeth yn nodweddion gwarchodedig ac amgylchiadau economaidd-gymdeithasol personau sy’n ceisio cael eu hethol yn aelodau o Senedd Cymru ac o gynghorau siroedd, bwrdeistrefi sirol a chymunedau yng Nghymru.
- (2) Rhaid i Weinidogion Cymru, wrth gyflawni eu dyletswydd o dan is-adran (1), roi sylw i’r canlynol –
 - (a) a oes grwpiau o bersonau â’r un nodweddion gwarchodedig sy’n cael eu tangynrychioli ymhlith aelodaeth Senedd Cymru neu gynghorau siroedd, bwrdeistrefi sirol a chymunedau yng Nghymru;
 - (b) dymunoldeb lleihau’r anghydraddoldeb mewn canlyniadau sy’n deillio o anfantais economaidd-gymdeithasol;
 - (c) dymunoldeb bod gwasanaethau ar gael i bersonau ni waeth a ydynt (neu nad ydynt) yn aelodau o blaid wleidyddol gofrestredig.
- (3) Rhaid i’r cwestiwn ynghylch a yw grŵp yn cael ei dangynrychioli ymhlith aelodau corff gael ei ystyried, at ddibenion is-adran (2)(a), drwy gyfeirio at y boblogaeth a wasanaethir gan y corff.
- (4) Nid yw is-adran (1) yn ei gwneud yn ofynnol darparu gwasanaethau mewn cysylltiad â phob grŵp a dangynrychiolir a all gael ei nodi at ddibenion is-adran (2)(a).
- (5) Y gwasanaethau y caniateir eu darparu o dan is-adran (1) yw darparu –
 - (a) gwybodaeth;
 - (b) cyngor;
 - (c) hyfforddiant;
 - (d) coetsio a mentora;
 - (e) profiad gwaith;
 - (f) cyfarpar;
 - (g) cymorth â thasgau.

(9) In this section—

“local government elections” (“*etholiadau llywodraeth leol*”) means elections of—

- (a) councillors for an electoral ward of a county or county borough,
- (b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or
- (c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);

“specified” (“*penodedig*” ac “*a bennir*”) means specified in regulations under subsection (1).

Diversity in persons seeking elected office

27 Services to promote diversity in persons seeking elected office

- (1) The Welsh Ministers must make arrangements for the provision of services to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking to be elected as members of Senedd Cymru and the councils of counties, county boroughs and communities in Wales.
- (2) The Welsh Ministers must, in discharging their duty under subsection (1), have regard to—
 - (a) whether there are groups of persons with the same protected characteristics that are under-represented in the membership of Senedd Cymru or the councils of counties, county boroughs and communities in Wales;
 - (b) the desirability of reducing the inequalities of outcome that result from socio-economic disadvantage;
 - (c) the desirability of services being available to persons regardless of their membership (or otherwise) of a registered political party.
- (3) The question of whether a group is under-represented in the membership of a body must be considered, for the purposes of subsection (2)(a), by reference to the population served by the body.
- (4) Subsection (1) does not require the provision of services in respect of every under-represented group that may be identified for the purposes of subsection (2)(a).
- (5) The services that may be provided under subsection (1) are the provision of—
 - (a) information;
 - (b) advice;
 - (c) training;
 - (d) coaching and mentoring;
 - (e) work experience;
 - (f) equipment;
 - (g) assistance with tasks.

- (6) Rhaid i'r trefniadau o dan is-adran (1) sicrhau nad yw Gweinidogion Cymru yn gwneud penderfyniadau mewn achosion penodol ynghylch a yw unigolyn i gael gwasanaeth o dan y trefniadau.
- (7) Caiff y trefniadau o dan is-adran (1) gynnwys (ymhlith pethau eraill) –
 - (a) darparu cymorth ariannol i unigolion a gaiff elwa o wasanaethau er mwyn i'r unigolion brynu'r gwasanaethau eu hunain;
 - (b) darparu cymorth ariannol i bersonau sy'n darparu gwasanaethau;
 - (c) cynlluniau cymorth ariannol y gwneir darpariaeth ar eu cyfer drwy reoliadau o dan adran 28.
- (8) Caiff Gweinidogion Cymru drwy reoliadau –
 - (a) ychwanegu gwasanaethau eraill at is-adran (5);
 - (b) diwygio gwasanaethau a ychwanegir o dan baragraff (a);
 - (c) dileu gwasanaethau a ychwanegir o dan baragraff (a).
- (9) Mae'r pŵer i wneud rheoliadau yn is-adran (8) yn arferadwy drwy offeryn statudol.
- (10) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (8) oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (11) Yn yr adran hon mae i "nodweddion gwarchoddedig" yr ystyr a roddir i "protected characteristics" gan adran 4 o Ddeddf Cydraddoldeb 2010 (p. 15).
- (12) Nid oes dim byd yn yr adran hon sy'n cyfyngu unrhyw un o bwerau eraill Gweinidogion Cymru.

28 Cynlluniau cymorth ariannol i hybu amrywiaeth ymhlith personau sy'n ceisio swydd etholedig

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu ar gyfer cynlluniau cymorth ariannol (o unrhyw fath penodedig) i gynorthwyo ymgeiswyr mewn etholiad Cymreig sydd â nodweddion penodedig neu amgylchiadau penodedig i oresgyn rhwystrau rhag cymryd rhan yn yr etholiad sy'n gysylltiedig â'r nodweddion neu'r amgylchiadau hynny.
- (2) Rhaid i Weinidogion Cymru drwy reoliadau ddarparu ar gyfer cynllun o gymorth ariannol (o unrhyw fath penodedig) i gynorthwyo ymgeiswyr anabl mewn etholiad Cymreig i oresgyn rhwystrau rhag cymryd rhan yn yr etholiad sy'n gysylltiedig â'u hanabledd.
- (3) Caiff y rheoliadau o dan is-adran (2) ddarparu mai i fathau penodedig o ymgeiswyr anabl yn unig y caniateir rhoi cymorth ariannol o dan y cynllun.
- (4) Cyn gwneud rheoliadau o dan is-adran (1) neu (2) rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.
- (5) Caiff Gweinidogion Cymru wneud taliadau i berson sy'n gweithredu cynllun a sefydlir drwy reoliadau o dan yr adran hon, yn ddarostyngedig i delerau ac amodau a benderfynir gan Weinidogion Cymru, at ddibenion ariannu –
 - (a) cymorth ariannol a wneir o dan y cynllun, a
 - (b) costau gweithredu'r cynllun.

- (6) The arrangements under subsection (1) must ensure that the Welsh Ministers do not make decisions in particular cases as to whether an individual is to receive a service under the arrangements.
- (7) The arrangements under subsection (1) may include (among other things) –
 - (a) the provision of financial assistance to individuals who may benefit from services for the purpose of the individuals buying the services themselves;
 - (b) the provision of financial assistance to persons who provide services;
 - (c) financial assistance schemes for which provision is made by regulations under section 28.
- (8) The Welsh Ministers may by regulations –
 - (a) add further services to subsection (5);
 - (b) amend services added under paragraph (a);
 - (c) remove services added under paragraph (a).
- (9) The power to make regulations in subsection (8) is exercisable by statutory instrument.
- (10) A statutory instrument containing regulations under subsection (8) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (11) In this section “protected characteristics” has the meaning given by section 4 of the Equality Act 2010 (c. 15).
- (12) Nothing in this section limits any other power of the Welsh Ministers.

28 Financial assistance schemes to promote diversity in persons seeking elected office

- (1) The Welsh Ministers may by regulations provide for schemes of financial assistance (of any specified kind) to help candidates in a Welsh election having specified characteristics or specified circumstances overcome barriers to their participation in the election connected to those characteristics or circumstances.
- (2) The Welsh Ministers must by regulations provide for a scheme of financial assistance (of any specified kind) to help disabled candidates in a Welsh election overcome barriers to their participation in the election connected to their disability.
- (3) The regulations under subsection (2) may provide that only specified kinds of disabled candidate may be given financial assistance under the scheme.
- (4) Before making regulations under subsection (1) or (2) the Welsh Ministers must consult such persons as they consider appropriate.
- (5) The Welsh Ministers may make payments to a person operating a scheme established by regulations under this section, subject to terms and conditions determined by the Welsh Ministers, for the purpose of funding –
 - (a) financial assistance made under the scheme, and
 - (b) the costs of operating the scheme.

- (6) Rhaid i reoliadau o dan yr adran hon benodi neu ddarparu ar gyfer penodi person i weithredu'r cynllun y maent yn darparu ar ei gyfer.
- (7) Ni chaniateir i'r cynllun gael ei weithredu gan bersonau a eithrir (gweler adran 29).
- (8) Caiff rheoliadau o dan yr adran hon—
- (a) rhoi swyddogaethau (gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn) i berson;
 - (b) darparu ar gyfer dirprwyo swyddogaethau person o dan y cynllun—
 - (i) i staff y person;
 - (ii) pan fo'r person yn gorff, i aelodau o'r corff neu bwyllgor i'r corff;
 - (c) ei gwneud yn ofynnol i berson y rhoddir swyddogaethau iddo gadw cyfrifon a chofnodion eraill, a'u rhoi ar gael i edrych arnynt;
 - (d) ei gwneud yn ofynnol i'r person sy'n gweithredu'r cynllun gyhoeddi gwybodaeth benodedig ynghylch cymorth ariannol a roddir yn unol â'r cynllun.
- (9) Ni chaiff rheoliadau o dan yr adran hon osod dyletswydd i gyhoeddi gwybodaeth pan fyddai ei chyhoeddi (gan ystyried y ddyletswydd) yn torri'r ddeddfwriaeth diogelu data (o fewn ystyr Deddf Diogelu Data 2018 (p. 12)).
- (10) Caiff rheoliadau o dan yr adran hon gynnwys darpariaeth—
- (a) y rhoddir cymorth ariannol odani yn ddarostyngedig i amodau a bennir gan y cynllun, neu yn unol â'r cynllun;
 - (b) y mae'n ofynnol i gymorth ariannol gael ei ad-dalu odani mewn amgylchiadau a bennir gan y cynllun, neu yn unol â'r cynllun.
- (11) Mae'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.
- (12) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau o dan yr adran hon oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (13) Yn yr adran hon—
- ystyr "anabl" ("*disabled*"), mewn perthynas â pherson, yw bod ag amhariad corfforol, meddyliol neu ddeallusol neu amhariad ar y synhwyrau (gan gynnwys amhariad dros dro) a all, mewn rhyngweithiad ag unrhyw rwystr, atal y person rhag cymryd rhan lawn ac effeithiol mewn cymdeithas ar sail gyfartal ag eraill;
- ystyr "penodedig" ac "a bennir" ("*specified*") yw wedi ei bennu mewn rheoliadau a wneir o dan yr adran hon.
- (14) Nid oes dim byd yn yr adran hon sy'n cyfyngu ar unrhyw un o bwerau eraill Gweinidogion Cymru.

29 Personau a eithrir

Y personau a eithrir at ddibenion adran 28 yw—

- (a) aelod o Lywodraeth Cymru;
- (b) un o adrannau llywodraeth y Deyrnas Unedig;
- (c) person a gyflogir yng ngwasanaeth sifil y wladwriaeth;

- (6) Regulations under this section must appoint or provide for the appointment of a person to operate the scheme for which they provide.
- (7) The scheme must not be operated by excluded persons (see section 29).
- (8) Regulations under this section may –
 - (a) confer functions (including functions involving the exercise of a discretion) on a person;
 - (b) provide for the delegation of a person’s functions under the scheme –
 - (i) to the person’s staff;
 - (ii) where the person is a body, to members or a committee of the body;
 - (c) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
 - (d) require the person operating the scheme to publish specified information about financial assistance given in accordance with the scheme.
- (9) Regulations under this section may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018 (c. 12)).
- (10) Regulations under this section may include provision under which –
 - (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
 - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (11) The power to make regulations under this section is exercisable by statutory instrument.
- (12) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (13) In this section –

“disabled” (*“anabl”*), in relation to a person, means having a physical, mental, intellectual or sensory impairment (including a temporary impairment) that, in interaction with any barrier, may hinder the person’s full and effective participation in society on an equal basis with others;

“specified” (*“penodedig” ac “a bennir”*) means specified in regulations made under this section.
- (14) Nothing in this section limits any other power of the Welsh Ministers.

29 Excluded persons

The excluded persons for the purposes of section 28 are –

- (a) a member of the Welsh Government;
- (b) a United Kingdom government department;
- (c) a person employed in the civil service of the state;

- (d) aelod o Dŷ'r Cyffredin;
- (e) aelod o Dŷ'r Arglwyddi;
- (f) Aelod o'r Senedd;
- (g) Comisiwn Senedd Cymru;
- (h) aelod o staff y Senedd (o fewn yr ystyr a roddir i "member of the staff of the Senedd" gan Ddeddf Llywodraeth Cymru 2006 (p. 32));
- (i) cyngor sir, bwrdeistref sirol neu gymuned yng Nghymru;
- (j) cyd-bwyllgor corfforedig a sefydlir gan reoliadau a wneir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1);
- (k) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
- (l) awdurdod tân ac achub a gyfansoddir gan gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
- (m) comisiynydd heddlu a throseddu;
- (n) cwmni y mae person a grybwyllir ym mharagraffau (a) i (m) (neu ddau neu ragor o'r personau hynny gyda'i gilydd) –
 - (i) yn berchen arno yn llwyr,
 - (ii) yn berchen ar fwyafrif syml o'r cyfranddaliadau ynddo, neu
 - (iii) yn berchen ar fwy o gyfranddaliadau ynddo nag unrhyw gyfranddaliwr arall;
- (o) aelod o gorff a grybwyllir ym mharagraffau (i) i (l);
- (p) aelod o staff person a grybwyllir ym mharagraffau (i) i (m);
- (q) plaid wleidyddol gofrestredig.

30 Canllawiau ar gyfer pleidiau gwleidyddol i hybu amrywiaeth ymhlith personau sy'n ceisio swydd etholedig

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau ar gyfer pleidiau gwleidyddol cofrestredig ynghylch –
 - (a) casglu, crynhoi a chyhoeddi gwybodaeth am amrywiaeth ynghylch ymgeiswyr sy'n cynrychioli pleidiau gwleidyddol cofrestredig mewn etholiadau ar gyfer dychwelyd aelodau o Senedd Cymru;
 - (b) datblygu, cyhoeddi, gweithredu ac adolygu strategaethau –
 - (i) i hybu amrywiaeth yn nodweddion penodedig ac amgylchiadau penodedig ymgeiswyr sy'n cynrychioli pleidiau gwleidyddol cofrestredig mewn etholiadau Cymreig, a
 - (ii) i gynorthwyo ymgeiswyr sy'n cynrychioli pleidiau gwleidyddol cofrestredig mewn etholiadau Cymreig i oresgyn rhwystrau sy'n eu hatal rhag cymryd rhan yn yr etholiadau sy'n gysylltiedig â'r ffaith bod ganddynt y nodweddion neu'r amgylchiadau hynny.

- (d) a member of the House of Commons;
- (e) a member of the House of Lords;
- (f) a Member of the Senedd;
- (g) the Senedd Commission;
- (h) a member of the staff of the Senedd (within the meaning of the Government of Wales Act 2006 (c. 32));
- (i) the council of a county, county borough or community in Wales;
- (j) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
- (k) a National Park authority for a National Park in Wales;
- (l) 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;
- (m) a police and crime commissioner;
- (n) a company in respect of which a person mentioned in paragraphs (a) to (m) (or two or more of those persons together) –
 - (i) wholly owns the company,
 - (ii) owns a simple majority of shares in the company, or
 - (iii) owns more shares in the company than any other shareholder;
- (o) a member of a body mentioned in paragraphs (i) to (l);
- (p) a member of the staff of a person mentioned in paragraphs (i) to (m);
- (q) a registered political party.

30 Guidance for political parties to promote diversity in persons seeking elected office

- (1) The Welsh Ministers must issue guidance for registered political parties about –
 - (a) collecting, collating and publishing diversity information about candidates representing registered political parties at elections for the return of members of Senedd Cymru;
 - (b) developing, publishing, implementing and reviewing strategies for –
 - (i) promoting diversity in the specified characteristics and specified circumstances of candidates representing registered political parties at Welsh elections, and
 - (ii) helping candidates representing registered political parties at Welsh elections overcome barriers to their participation in the elections connected to having those characteristics or circumstances.

(2) O ran Gweinidogion Cymru –

- (a) rhaid iddynt gyhoeddi canllawiau o dan yr adran hon;
- (b) rhaid iddynt gyhoeddi'r canllawiau cyntaf o dan yr adran hon cyn 1 Mai 2025;
- (c) rhaid iddynt adolygu'r canllawiau a gyhoeddir o bryd i'w gilydd, gan roi sylw i gylch etholiadau cyffredinol cyffredin i fod yn aelodau o Senedd Cymru ac, mewn perthynas â chanllawiau o dan is-adran (1)(b), i gylch etholiadau cyffredin i fod yn aelodau o gynghorau siroedd, bwrdeistrefi sirol a chymunedau yng Nghymru ac i fod yn feiri etholedig;
- (d) cânt ddiwygio ar unrhyw adeg ganllawiau a gyhoeddir.

(3) Yn yr adran hon –

ystyr “etholiad Cymreig” (“*Welsh election*”) yw etholiad ar gyfer dychwelyd –

- (a) aelod o Senedd Cymru;
- (b) aelod o gyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
- (c) aelod o gyngor cymuned yng Nghymru;
- (d) maer etholedig;

ystyr “gwybodaeth am amrywiaeth” (“*diversity information*”) yw gwybodaeth benodedig sy'n ymwneud â nodweddion personol neu amgylchiadau personol sydd gan berson;

ystyr “maer etholedig” (“*elected mayor*”) yw maer etholedig cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr “penodedig” (“*specified*”) yw wedi ei bennu mewn canllawiau o dan yr adran hon.

*Cyffredinol***31 Dehongli'r Bennod hon**

Yn y Bennod hon –

ystyr “cymorth ariannol” (“*financial assistance*”) yw grantiau, benthychiadau neu warantau;

ystyr “plaid wleidyddol gofrestredig” (“*registered political party*”) yw plaid a gofrestrwyd o dan Ran 2 o Ddeddf 2000.

PENNOD 5**CYLLID YMGYRCHU***Gwariant mewn cysylltiad ag etholiadau llywodraeth leol***32 Gwariant tybiannol: ymgeiswyr mewn etholiadau llywodraeth leol**

Yn adran 90C(1A) o Ddeddf 1983 (gwneud defnydd o eiddo etc. ar ran ymgeisydd), hepgorer “or Wales”.

- (2) The Welsh Ministers—
- (a) must publish guidance under this section;
 - (b) must publish the first guidance under this section before 1 May 2025;
 - (c) must review published guidance from time to time, having regard to the cycle of ordinary general elections for membership of Senedd Cymru and, in relation to guidance under subsection (1)(b), the cycle of ordinary elections for membership of the councils of counties, county boroughs and communities in Wales and elected mayors;
 - (d) may revise published guidance at any time.
- (3) In this section—
- “diversity information” (*“gwybodaeth am amrywiaeth”*) means specified information relating to a person’s personal characteristics or personal circumstances;
- “elected mayor” (*“maer etholedig”*) means an elected mayor of a council of a county or county borough in Wales;
- “specified” (*“penodedig”*) means specified in guidance under this section;
- “Welsh election” (*“etholiad Cymreig”*) means an election for the return of—
- (a) a member of Senedd Cymru;
 - (b) a member of the council of a county or county borough in Wales;
 - (c) a member of the council of a community in Wales;
 - (d) an elected mayor.

General

31 Interpretation of this Chapter

In this Chapter—

“financial assistance” (*“cymorth ariannol”*) means grants, loans or guarantees;

“registered political party” (*“plaid wleidyddol gofrestredig”*) means a party registered under Part 2 of the 2000 Act.

CHAPTER 5

CAMPAIGN FINANCE

Expenditure in respect of local government elections

32 Notional expenditure: candidates in local government elections

In section 90C(1A) of the 1983 Act (making use of property etc. on behalf of a candidate), omit “or Wales”.

*Gwariant mewn cysylltiad ag etholiadau Senedd Cymru***33 Gwariant tybiannol a gwariant gan drydydd parti: etholiadau Senedd Cymru**

- (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 73(1A) (gwariant ymgyrchu tybiannol: defnydd o eiddo etc. ar ran plaid gofrestredig) –
 - (a) ar ôl “paragraph 3,” mewnosoder “6,”;
 - (b) ar ôl “parliamentary general elections” mewnosoder “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (3) Yn adran 86(1A) (gwariant tybiannol a reolir: defnydd o eiddo etc. ar ran trydydd parti) –
 - (a) ar ôl “paragraph 3,” mewnosoder “6,”;
 - (b) ar ôl “parliamentary general elections” mewnosoder “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (4) Yn adran 94(8A) (cyfyngiadau ar wariant a reolir: defnydd o eiddo etc. ar ran trydydd parti) –
 - (a) ar ôl “paragraph 3,” mewnosoder “6,”;
 - (b) ar ôl “parliamentary general elections” mewnosoder “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (5) Yn Atodlen 8A (gwariant a reolir: treuliau cymhwysol), ym mharagraff 3(11) –
 - (a) ar ôl “paragraph 3,” mewnosoder “6,”;
 - (b) ar ôl “parliamentary general elections” mewnosoder “, ordinary or extraordinary general elections to Senedd Cymru,”.

34 Codau ymarfer ar dreuliau

- (1) Ym mharagraff 14A o Atodlen 4A i Ddeddf 1983 (treuliau etholiad: canllawiau gan y Comisiwn Etholiadol) –
 - (a) yn is-baragraff (1), ar ôl paragraff (b) mewnosoder –
 - “(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;
 - (b) yn is-baragraff (7)(b), ar ôl “order” mewnosoder “made by statutory instrument”.
- (2) Yn adran 156 o Ddeddf 2000 (gorchmynion a rheoliadau) –
 - (a) yn is-adran (1) ar ôl “State” mewnosoder “or the Welsh Ministers”;
 - (b) yn is-adran (2) –
 - (i) daw’r geiriau o “a statutory instrument” hyd at y diwedd yn baragraff (a);
 - (ii) ar ôl “Parliament” mewnosoder –
 - “(b) a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of Senedd Cymru.”;

*Expenditure in respect of Senedd Cymru elections***33 Notional and third party expenditure: Senedd Cymru elections**

- (1) The 2000 Act is amended as follows.
- (2) In section 73(1A) (notional campaign expenditure: use of property etc. on behalf of registered party) –
 - (a) after “paragraph 3,” insert “6,”;
 - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (3) In section 86(1A) (notional controlled expenditure: use of property etc. on behalf of third party) –
 - (a) after “paragraph 3,” insert “6,”;
 - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (4) In section 94(8A) (limits on controlled expenditure: use of property etc. on behalf of third party) –
 - (a) after “paragraph 3,” insert “6,”;
 - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (5) In Schedule 8A (controlled expenditure: qualifying expenses), in paragraph 3(11) –
 - (a) after “paragraph 3,” insert “6,”;
 - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.

34 Codes of practice on expenses

- (1) In paragraph 14A of Schedule 4A to the 1983 Act (election expenses: Electoral Commission guidance) –
 - (a) in sub-paragraph (1), after paragraph (b) insert –
 - “(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;
 - (b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”.
- (2) In section 156 of the 2000 Act (orders and regulations) –
 - (a) in subsection (1) after “State” insert “or the Welsh Ministers”;
 - (b) in subsection (2) –
 - (i) the words from “a statutory instrument” to the end become paragraph (a);
 - (ii) after “Parliament” insert –
 - “(b) a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of Senedd Cymru.”;

- (c) yn is-adran (3), ym mharagraff (aa), hepgorer “, other than an order of the Welsh Ministers”;
- (d) yn is-adran (4), ar ôl “Parliament” mewnosoder “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
- (e) yn is-adran (4A) ar ôl “Parliament” mewnosoder “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
- (f) yn is-adran (5) –
 - (i) yn y geiriau agoriadol, ar ôl “State” mewnosoder “, the Welsh Ministers,”;
 - (ii) ym mharagraff (a), ar ôl “State” mewnosoder “, the Welsh Ministers,”.

35 Personau awdurdodedig nad yw’n ofynnol iddynt dalu drwy asiant etholiad

Yn adran 73(5) o Ddeddf 1983 (talw treuliau drwy asiant etholiad), ym mharagraff (ca), hepgorer “, otherwise than in relation to an election in Wales under the local government Act,”.

36 Cyfyngu ar ba drydydd partiön a gaiff fynd i wariant a reolir

- (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 89A mewnosoder –

“89B Restriction on which third parties may incur controlled expenditure: Senedd Cymru elections

- (1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a Welsh devolved regulated period unless the third party falls within any paragraph of section 88(2) (third parties eligible to give notification).
- (2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a Welsh devolved regulated period which do not in total exceed £700.
- (3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).
- (4) If the third party is not an individual –
 - (a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and
 - (b) the third party is also guilty of an offence.
- (5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).

- (c) in subsection (3), in paragraph (aa), omit “, other than an order of the Welsh Ministers”;
- (d) in subsection (4), after “Parliament” insert “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
- (e) in subsection (4A) after “Parliament” insert “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
- (f) in subsection (5) –
 - (i) in the opening words, after “State” insert “, the Welsh Ministers,”;
 - (ii) in paragraph (a), after “State” insert “, the Welsh Ministers,”.

35 **Authorised persons not required to pay through election agent**

In section 73(5) of the 1983 Act (payment of expenses through election agent), in paragraph (ca), omit “, otherwise than in relation to an election in Wales under the local government Act,”.

36 **Restriction on which third parties may incur controlled expenditure**

- (1) The 2000 Act is amended as follows.
- (2) After section 89A insert –

**“89B Restriction on which third parties may incur controlled expenditure:
Senedd Cymru elections**

- (1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a Welsh devolved regulated period unless the third party falls within any paragraph of section 88(2) (third parties eligible to give notification).
- (2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a Welsh devolved regulated period which do not in total exceed £700.
- (3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).
- (4) If the third party is not an individual –
 - (a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and
 - (b) the third party is also guilty of an offence.
- (5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).

- (6) A “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru).”

(3) Yn Atodlen 20 (cosbau), yn y lle priodol yn y tabl mewnosoder –

“Section 89B(4) and (5) (incurring controlled expenditure in contravention of section 89AA(1))	On summary conviction in England and Wales: fine On indictment: fine”.
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37 Trydydd partïon sy’n gallu rhoi hysbysiad

- (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 88 (trydydd partïon a gydnabyddir at ddibenion Rhan 6), ar ôl is-adran (10) mewnosoder –

“(11) The Welsh Ministers may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru), by –

- (a) adding a description of third party to the list in that subsection,
- (b) removing a description of third party from that list, or
- (c) varying the description of a third party in that list.

(12) An order under subsection (11)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.”

- (3) Yn adran 156 (gorchmynion a rheoliadau), yn is-adran (4), ar ôl paragraff (de) mewnosoder –

“(df) section 88(11),”.

38 Cod ymarfer ar reolaethau sy’n ymwneud â thrydydd partïon

- (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 100A (cod ymarfer ar wariant a reolir) –
- (a) ar ôl is-adran (1) mewnosoder –

“(1A) The Commission must prepare a code of practice about the operation of this Part in relation to a Welsh devolved regulated period.”;

- (b) yn is-adran (2), yn lle “The code” rhodder “A code”;
- (c) yn is-adran (3), yn lle “the code” rhodder “a code”;
- (d) yn is-adran (4), yn lle “the code” rhodder “a code”;
- (e) ar ôl is-adran (5) mewnosoder –

“(5A) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a Welsh devolved regulated period to show –

- (6) A “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru).”

(3) In Schedule 20 (penalties), at the appropriate place in the table insert –

“Section 89B(4) and (5) (incurring controlled expenditure in contravention of section 89AA(1))	On summary conviction in England and Wales: fine On indictment: fine”.
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37 Third parties capable of giving notification

- (1) The 2000 Act is amended as follows.
- (2) In section 88 (third parties recognised for the purposes of Part 6), after subsection (10) insert –
- “(11) The Welsh Ministers may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru), by –
- (a) adding a description of third party to the list in that subsection,
 - (b) removing a description of third party from that list, or
 - (c) varying the description of a third party in that list.
- (12) An order under subsection (11)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.”
- (3) In section 156 (orders and regulations), in subsection (4), after paragraph (de) insert –
- “(df) section 88(11),”.

38 Code of practice on controls relating to third parties

- (1) The 2000 Act is amended as follows.
- (2) In section 100A (code of practice on controlled expenditure) –
- (a) after subsection (1) insert –

“(1A) The Commission must prepare a code of practice about the operation of this Part in relation to a Welsh devolved regulated period.”;
 - (b) in subsection (2), for “The code” substitute “A code”;
 - (c) in subsection (3), for “the code” substitute “a code”;
 - (d) in subsection (4), for “the code” substitute “a code”;
 - (e) after subsection (5) insert –

“(5A) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a Welsh devolved regulated period to show –

- (a) that the code, in the form for the time being issued under section 100C, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
- (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.”;
- (f) ar ôl is-adran (6) mewnosoder –
 - “(6A) In this section “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (regulated period for general elections to Senedd Cymru).”;
- (g) yn is-adran (7), ar ôl “revised code” mewnosoder “under subsection (1)”;
- (h) ar ôl is-adran (7) mewnosoder –
 - “(8) Section 100C sets out consultation and procedural requirements relating to the code or any revised code under subsection (1A).”
- (3) Yn adran 100B (cod ymarfer: gofynion ymgynghori a gofynion gweithdrefnol), yn is-adran (1), ar ôl “100A” mewnosoder “(1)”.
 - (4) Ar ôl adran 100B mewnosoder –

“100C Code of Practice: consultation and procedural requirements on controlled expenditure in Senedd Cymru elections

- (1) The Commission must consult the following on a draft of a code under section 100A(1A) –
 - (a) Senedd Cymru (“the Senedd”);
 - (b) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), the Commission must –
 - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
 - (b) submit the draft to the Welsh Ministers for approval by the Welsh Ministers.
- (3) The Welsh Ministers may approve a draft code either without modifications or with such modifications as the Welsh Ministers may determine.
- (4) Once the Welsh Ministers have approved a draft code, they must lay a copy of the draft before the Senedd, whether –
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (3).

- (a) that the code, in the form for the time being issued under section 100C, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
- (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.”;
- (f) after subsection (6) insert –
 - “(6A) In this section “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (regulated period for general elections to Senedd Cymru).”;
- (g) in subsection (7), after “revised code” insert “under subsection (1)”;
- (h) after subsection (7) insert –
 - “(8) Section 100C sets out consultation and procedural requirements relating to the code or any revised code under subsection (1A).”
- (3) In section 100B (code of practice: consultation and procedural requirements), in subsection (1), after “100A” insert “(1)”.
- (4) After section 100B insert –

“100C Code of Practice: consultation and procedural requirements on controlled expenditure in Senedd Cymru elections

- (1) The Commission must consult the following on a draft of a code under section 100A(1A) –
 - (a) Senedd Cymru (“the Senedd”);
 - (b) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), the Commission must –
 - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
 - (b) submit the draft to the Welsh Ministers for approval by the Welsh Ministers.
- (3) The Welsh Ministers may approve a draft code either without modifications or with such modifications as the Welsh Ministers may determine.
- (4) Once the Welsh Ministers have approved a draft code, they must lay a copy of the draft before the Senedd, whether –
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (3).

- (5) If the draft code incorporates modifications, the Welsh Ministers must at the same time lay before the Senedd a statement of their reasons for making them.
 - (6) If, within the 40-day period, the Senedd resolves not to approve the draft code, the Welsh Ministers must take no further steps in relation to it.
 - (7) Subsection (6) does not prevent a new draft code from being laid before the Senedd.
 - (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period –
 - (a) the Welsh Ministers must issue the code in the form of the draft laid before the Senedd,
 - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
 - (c) the Commission must arrange for the code to be published in such manner as the Commission consider appropriate.
 - (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
 - (10) In this section “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before the Senedd, no account being taken of any period during which the Senedd is dissolved or is in recess for more than four days.
- (5) Yn adran 156 (gorchmynion a rheoliadau), yn is-adran (3), ar ôl paragraff (za) mewnosoder –
- “(zb) an order under section 100C(8);”.
- (6) Yn Atodlen 8A (gwariant a reolir: treuliau cymhwysol), ym mharagraff 3(11), yn lle “and 100B” rhodder “, 100B and 100C”.

Cyffredinol

39 Diwygiadau canlyniadol

Mae Rhan 3 o Atodlen 1 yn gwneud mân ddiwygiadau a diwygiadau canlyniadol sy'n ymwneud â'r Bennod hon.

RHAN 2

CYRFF ETHOLEDIG A'U HAELODAU

PENNOD 1

TREFNIADAU AR GYFER LLYWODRAETH LEOL

Adolygiadau o drefniadau etholiadol: prif gynghorau

40 Ystyriaethau ar gyfer adolygiad o drefniadau etholiadol prif ardal

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.

- (5) If the draft code incorporates modifications, the Welsh Ministers must at the same time lay before the Senedd a statement of their reasons for making them.
 - (6) If, within the 40-day period, the Senedd resolves not to approve the draft code, the Welsh Ministers must take no further steps in relation to it.
 - (7) Subsection (6) does not prevent a new draft code from being laid before the Senedd.
 - (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—
 - (a) the Welsh Ministers must issue the code in the form of the draft laid before the Senedd,
 - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
 - (c) the Commission must arrange for the code to be published in such manner as the Commission consider appropriate.
 - (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
 - (10) In this section “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before the Senedd, no account being taken of any period during which the Senedd is dissolved or is in recess for more than four days.
- (5) In section 156 (orders and regulations), in subsection (3), after paragraph (za) insert—
 - “(zb) an order under section 100C(8);”.
 - (6) In Schedule 8A (controlled expenditure: qualifying expenses), in paragraph 3(11) for “and 100B” substitute “, 100B and 100C”.

General

39 Minor and consequential amendments

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

PART 2

ELECTED BODIES AND THEIR MEMBERS

CHAPTER 1

ARRANGEMENTS FOR LOCAL GOVERNMENT

Electoral arrangements reviews: principal councils

40 Considerations for a review of principal area electoral arrangements

- (1) The 2013 Act is amended as follows.

- (2) Yn adran 30 (ystyriaethau ar gyfer adolygiad o drefniadau etholiadol prif ardal), yn lle is-adran (1) rhodder –

“(1) Wrth ystyried a fydd yn gwneud argymhellion ynghylch newidiadau i drefniadau etholiadol prif ardal, rhaid i’r Comisiwn roi sylw i’r ffactorau a ganlyn –

- (a) dymunoldeb cael cymhareb o etholwyr llywodraeth leol i nifer aelodau’r cyngor sydd i’w hethol sydd yr un fath, neu bron yr un fath, ym mhob ward etholiadol o’r brif ardal;
- (b) ystyriaethau daearyddol arbennig, gan gynnwys yn benodol maint, siâp a hygrychedd ward etholiadol;
- (c) unrhyw gwllwm lleol (gan gynnwys cwllwm lleol sy’n gysylltiedig â defnyddio’r Gymraeg) a fyddai’n cael ei dorri gan newidiadau o’r fath.”

41 Y cyfnod adolygu ar gyfer adolygiadau prif ardal

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 29 (adolygu trefniadau etholiadol ar gyfer prif ardal) –
- (a) yn is-adran (3) –
 - (i) yn lle paragraff (a) rhodder –

“(a) y cyfnod o 12 mlynedd sy’n dechrau ar 30 Medi 2023, a”;
 - (ii) ym mharagraff (b), yn lle “10” rhodder “12”;
 - (b) ar ôl is-adran (3), mewnosoder –

“(3A) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (3).”
- (3) Yn adran 71(2) (gorchmynion a rheoliadau), ar ôl paragraff (ba) (a fewnosodir gan baragraff 1(4)(b) o Ran 1 o Atodlen 1 i’r Ddeddf hon) mewnosoder –
- “(bb) rheoliadau o dan adran 29(3A).”
- (4) Yn Neddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1), yn adran 138 (adolygiadau o drefniadau etholiadol), hepgorer is-adran (6).

Adolygiadau o ffiniau atfor

42 Adolygu ffiniau atfor

Yn adran 28 o Ddeddf 2013 (adolygu ffiniau tua’r môr), ar ôl is-adran (2) mewnosoder –

“(3) Caiff adolygiad o dan yr adran hon adolygu ffin mwy nag un ardal llywodraeth leol.”

Ymgynghori ac ystyried sylwadau

43 Argymhellion a phenderfyniadau sy’n deillio o adolygiad etholiadol: dyletswydd i roi sylw i sylwadau

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 37 (gweithredu gan Weinidogion Cymru), yn lle is-adran (3) rhodder –

- (2) In section 30 (considerations for a review of principal area electoral arrangements), for subsection (1) substitute –

“(1) When considering whether to make recommendations for changes to the electoral arrangements of a principal area, the Commission must have regard to the following factors –

- (a) the desirability of having a ratio of local government electors to the number of members of the council to be elected that is the same, or nearly the same, in every electoral ward of the principal area;
- (b) special geographical considerations, including in particular the size, shape and accessibility of an electoral ward;
- (c) any local ties (including local ties connected to the use of the Welsh language) that would be broken by such changes.”

41 Review period for principal area reviews

- (1) The 2013 Act is amended as follows.
- (2) In section 29 (review of electoral arrangements for principal area) –
- (a) in subsection (3) –
 - (i) for paragraph (a) substitute –

“(a) the period of 12 years beginning on 30 September 2023, and”;
 - (ii) in paragraph (b), for “10” substitute “12”;
 - (b) after subsection (3), insert –

“(3A) The Welsh Ministers may by regulations amend subsection (3).”
- (3) In section 71(2) (orders and regulations), after paragraph (ba) (inserted by paragraph 1(4)(b) of Part 1 of Schedule 1 to this Act) insert –
- “(bb) regulations under section 29(3A),”.
- (4) In the Local Government and Elections (Wales) Act 2021 (asc 1), in section 138 (reviews of electoral arrangements), omit subsection (6).

Reviews of seaward boundaries

42 Review of seaward boundaries

In section 28 of the 2013 Act (review of seaward boundaries), after subsection (2) insert –

“(3) A review under this section may review the boundary of more than one local government area.”

Consultation and consideration of representations

43 Electoral review recommendations and decisions: duty to have regard to representations

- (1) The 2013 Act is amended as follows.
- (2) In section 37 (implementation by the Welsh Ministers), for subsection (3) substitute –

- “(3A) Rhaid i Weinidogion Cymru beidio ag arfer eu swyddogaethau o dan is-adran (1) cyn diwedd y cyfnod o 6 wythnos sy’n dechrau ar y diwrnod y daw’r argymhellion i law Gweinidogion Cymru.
- (3B) Wrth arfer eu swyddogaethau o dan is-adran (1), rhaid i Weinidogion Cymru roi sylw i unrhyw sylwadau a gyflwynir gan unrhyw berson ar yr argymhellion ac a ddaw i law Gweinidogion Cymru yn ystod y cyfnod o 6 wythnos sy’n dechrau ar y diwrnod y daw’r argymhellion i law Gweinidogion Cymru.”
- (3) Yn adran 38 (gweithredu newid i ffin cymuned), yn lle is-adran (2) rhodder –
- “(2A) Rhaid i’r Comisiwn beidio ag arfer ei swyddogaethau o dan is-adran (1) cyn diwedd y cyfnod o 6 wythnos sy’n dechrau ar y diwrnod y daw’r argymhellion i law’r Comisiwn.
- (2B) Wrth arfer ei swyddogaethau o dan is-adran (1), rhaid i’r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir gan unrhyw berson ar yr argymhellion ac a ddaw i law’r Comisiwn yn ystod y cyfnod o 6 wythnos sy’n dechrau ar y diwrnod y daw’r argymhellion i law’r Comisiwn.”
- (4) Yn adran 39 (gweithredu newid i drefniadau etholiadol cymuned), yn lle is-adran (4) rhodder –
- “(4A) Rhaid i’r Cyngor beidio ag arfer ei swyddogaethau o dan is-adran (3) cyn diwedd y cyfnod o 6 wythnos sy’n dechrau ar y diwrnod y daw’r argymhellion i law’r Cyngor.
- (4B) Wrth arfer ei swyddogaethau o dan is-adran (1) neu (3), rhaid i’r Cyngor roi sylw i unrhyw sylwadau a gyflwynir gan unrhyw berson ar yr argymhellion ac a ddaw i law’r Cyngor yn ystod y cyfnod o 6 wythnos sy’n dechrau ar y dyddiad y cyhoeddir yr adroddiad gan y Cyngor (ar gyfer swyddogaethau yn is-adran (1)) neu’r dyddiad y daw’r argymhellion i law’r Cyngor (ar gyfer swyddogaethau o dan is-adran (3)).”

44 Enwau wardiau etholiadol

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 36 (adrodd ar yr adolygiad) mewnosoder –

“36A Enwau wardiau etholiadol

- (1) Mae is-adran (2) yn gymwys i adroddiad adolygu o dan y Rhan hon i’r graddau y mae’n ymwneud ag–
- (a) ward etholiadol sydd ag enwau gwahanol (mewn unrhyw gyswllt) at ddibenion nodi’r ward wrth gyfathrebu drwy’r Gymraeg a’r Saesneg;
- (b) cynnig i ward etholiadol gael enwau gwahanol mewn unrhyw gyswllt at ddibenion nodi’r ward wrth gyfathrebu drwy’r Gymraeg a’r Saesneg.

- “(3A) The Welsh Ministers must not exercise their functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.
- (3B) In exercising their functions under subsection (1), the Welsh Ministers must have regard to any representations made by any person on the recommendations and received by the Welsh Ministers during the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.”
- (3) In section 38 (implementation of community boundary change), for subsection (2) substitute—
- “(2A) The Commission must not exercise its functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Commission receives the recommendations.
- (2B) In exercising its functions under subsection (1), the Commission must have regard to any representations made by any person on the recommendations and received by the Commission during the period of 6 weeks beginning with the day on which the Commission receive the recommendations.”
- (4) In section 39 (implementation of community electoral arrangements change), for subsection (4) substitute—
- “(4A) The Council must not exercise its functions under subsection (3) before the end of the period of 6 weeks beginning with the day on which the Council receives the recommendations.
- (4B) In exercising its functions under subsection (1) or (3), the Council must have regard to any representations made by any person on the recommendations and received by the Council during the period of 6 weeks beginning with the date on which the Council publishes the report (for functions in subsection (1)) or receives the recommendations (for functions under subsection (3)).”

44 Names of electoral wards

- (1) The 2013 Act is amended as follows.
- (2) After section 36 (reporting on review) insert—

“36A Names of electoral wards

- (1) Subsection (2) applies to a review report under this Part so far as it relates to—
- (a) an electoral ward that has different names (in any respect) for the purposes of identifying the ward in communication through Welsh and English;
- (b) a proposal for an electoral ward to have different names in any respect for the purposes of identifying the ward in communication through Welsh and English.

- (2) Rhaid i'r Comisiwn neu'r prif gyngor (yn ôl y digwydd) bennu'r ddau enw neu'r ddau enw arfaethedig ar gyfer y ward etholiadol yn nwy fersiwn ieithyddol adroddiad o dan adran 35(2), 36(3) neu 36(4).
- (3) Cyn llunio adroddiad o dan adran 35(2), 36(3) neu 36(4), rhaid i'r Comisiwn neu brif gyngor (yn ôl y digwydd) roi sylw, yn benodol, i unrhyw sylwadau a gafwyd oddi wrth Gomisiynydd y Gymraeg ynghylch orgraff enw ward etholiadol, neu orgraff enw arfaethedig ward etholiadol, y mae'r adroddiad yn ymwneud â hi.
- (4) Yn yr adran hon ystyr "dwy fersiwn ieithyddol" yw'r fersiwn Gymraeg a'r fersiwn Saesneg."

45 Ymgynghori ar adolygiadau

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 34 (y weithdrefn ragadolygu), yn is-adran (1)(a), ar ôl "sylw" mewnosoder "aelodau o'r cyhoedd yr effeithir arnynt gan yr adolygiad,".
- (3) Yn adran 35 (ymgynghori ac ymchwilio) –
 - (a) yn is-adran (1), ar ôl "(y corff adolygu)" – "mewnosoder –
 - (za) ymgynghori ag aelodau o'r cyhoedd yn yr ardal yr effeithir arni gan yr adolygiad,";
 - (b) yn is-adran (3) –
 - (i) ar ôl paragraff (a) mewnosoder –
 - (aa) rhoi cyhoeddusrwydd i'r ffaith y caniateir cyflwyno sylwadau sy'n ymwneud â'r adolygiad i'r corff adolygu yn ystod y cyfnod ymgynghori cyhoeddus,
 - (ab) nodi yn y deunydd cyhoeddusrwydd pryd y mae'r cyfnod ymgynghori cyhoeddus yn dechrau ac yn dod i ben,";
 - (ii) ym mharagraff (b) yn lle "cyfnod ar gyfer sylwadau" rhodder "cyfnod ymgynghori cyhoeddus";
 - (iii) ym mharagraff (d) hepgorer ", ac";
 - (iv) hepgorer paragraff (e);
 - (v) yn lle is-adran (4) rhodder –
 - (4) Yn is-adran (3), ystyr "cyfnod ymgynghori cyhoeddus" yw cyfnod o 6 wythnos o leiaf a dim mwy na 12 wythnos a benderfynir gan y corff adolygu, na chaniateir iddo ddechrau cyn diwedd cyfnod o 7 niwrnod sy'n dechrau gyda'r diwrnod y cyhoeddir yr adroddiad."
- (4) Yn adran 36 (adrodd ar yr adolygiad), yn is-adran (1), yn lle "cyfnod ar gyfer sylwadau" rhodder "cyfnod ymgynghori cyhoeddus".

46 Ystyr "ymgynghori gorfodol" yn Rhan 3 o Ddeddf 2013

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 34(3) (y weithdrefn ragadolygu), ar ôl paragraff (c) mewnosoder –

- (2) The Commission or the principal council (as the case may be) must specify both names or proposed names for the electoral ward in each language version of a report under section 35(2), 36(3) or 36(4).
- (3) Before making a report under section 35(2), 36(3) or 36(4), the Commission or a principal council (as the case may be) must have regard, in particular, to any representations received from the Welsh Language Commissioner on the orthography of the name or proposed name of an electoral ward to which the report relates.
- (4) In this section “each language version” means the Welsh version and the English version.”

45 Consultation on reviews

- (1) The 2013 Act is amended as follows.
- (2) In section 34 (pre-review procedure), in subsection (1)(a), after “attention of” insert “members of the public affected by the review,”.
- (3) In section 35 (consultation and investigation) –
 - (a) in subsection (1), after “must –” insert –
 - “(za) consult members of the public in the area affected by the review,”;
 - (b) in subsection (3) –
 - (i) after paragraph (a) insert –
 - “(aa) publicise the fact that representations relating to the review may be made to the reviewing body during the public consultation period,
 - (ab) indicate in the publicity when the public consultation period begins and ends,”;
 - (ii) in paragraph (b) for “period for representations” substitute “public consultation period”;
 - (iii) in paragraph (d) omit “, and”;
 - (iv) omit paragraph (e);
 - (v) for subsection (4) substitute –
 - “(4) In subsection (3), the “public consultation period” means a period of at least 6 weeks and no more than 12 weeks determined by the reviewing body, which may not begin before the end of a period of 7 days beginning with the day on which the report is published.”
- (4) In section 36 (reporting on review), in subsection (1), for “period for representations” substitute “public consultation period”.

46 Meaning of “mandatory consultees” in Part 3 of the 2013 Act

- (1) The 2013 Act is amended as follows.
- (2) In section 34(3) (pre-review procedure), after paragraph (c) insert –

- “(ca) yr awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol mewn ardal yr effeithir arni gan yr adolygiad,
- (cb) yr awdurdod Iechyd Porthladd a gyfansoddir o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 (p. 22) ar gyfer rhanbarth iechyd porthladd mewn ardal yr effeithir arni gan yr adolygiad,
- (cc) Comisiynydd y Gymraeg,”.

Amseriad adolygiadau a gweithredu

47 **Argymhellion a phenderfyniadau sy’n deillio o adolygiad etholiadol: y cyfnod cyn etholiad lleol**

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 29(8) (adolygu trefniadau etholiadol ar gyfer prif ardal), yn lle “9” rhodder “12”.
- (3) Yn adran 37 (gweithredu gan Weinidogion Cymru), ar ôl is-adran (2) mewnosoder –
 - “(2A) Rhaid i Weinidogion Cymru beidio ag arfer eu swyddogaethau o dan is-adran (1) mewn unrhyw gyfnod o 6 mis cyn diwrnod etholiad cyffredin cyngor o dan adran 26 o Ddeddf 1972 (ethol cynghorwyr).”

48 **Y dyddiad cau ar gyfer cwblhau adolygiadau**

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 36A (cynigion ar gyfer enwau wardiau etholiadol: adroddiadau adolygu) (a fewnosodir gan adran 44) mewnosoder –

“36B Y dyddiad cau ar gyfer cwblhau adolygiadau

- (1) Cyn cynnal adolygiad o dan y Rhan hon, rhaid i’r Comisiwn neu, yn ôl y digwydd, brif gyngor gyhoeddi datganiad sy’n pennu’r diwrnod y mae’r adolygiad yn dechrau.
- (2) Rhaid i’r Comisiwn, mewn perthynas ag adolygiad y mae’n ei gynnal o dan adran 23, 27 neu 29, wneud pob ymdrech i gyhoeddi ei adroddiad pellach ar yr adolygiad yn unol ag adran 36(5)(b) cyn diwedd cyfnod o 12 mis sy’n dechrau gyda’r diwrnod a bennir o dan is-adran (1).
- (3) Rhaid i’r Comisiwn, mewn perthynas ag adolygiad y mae’n ei gynnal o dan adran 28, wneud pob ymdrech i gyhoeddi ei adroddiad pellach ar yr adolygiad yn unol ag adran 36(5)(b) cyn diwedd cyfnod o 18 mis sy’n dechrau gyda’r diwrnod a bennir o dan is-adran (1).
- (4) Rhaid i’r Comisiwn, mewn perthynas ag adolygiad y mae’n ei gynnal o dan adran 26 neu 32, wneud pob ymdrech i gyhoeddi ei adroddiad pellach ar yr adolygiad yn unol ag adran 36(5)(b) cyn diwedd cyfnod o 24 mis sy’n dechrau gyda’r diwrnod a bennir o dan is-adran (1).
- (5) Rhaid i brif gyngor, mewn perthynas ag adolygiad y mae’n ei gynnal o dan adran 25 neu 31, wneud pob ymdrech i gyhoeddi ei adroddiad pellach ar yr adolygiad yn unol ag adran 36(5)(b) cyn diwedd cyfnod o 24 mis sy’n dechrau gyda’r diwrnod a bennir o dan is-adran (1).

- “(ca) the National Park authority for a National Park in an area affected by the review,
- (cb) the Port Health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22) for a port health district in an area affected by the review,
- (cc) the Welsh Language Commissioner.”.

Timing of reviews and implementation

47 Electoral review recommendations and decisions: period before a local election

- (1) The 2013 Act is amended as follows.
- (2) In section 29(8) (review of electoral arrangements for principal area), for “9” substitute “12”.
- (3) In section 37 (implementation by the Welsh Ministers), after subsection (2) insert –
 - “(2A) The Welsh Ministers must not, in any period of 6 months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), exercise their functions under subsection (1).”

48 Deadline for completion of reviews

- (1) The 2013 Act is amended as follows.
- (2) After section 36A (proposals for names of electoral wards: review reports) (inserted by section 44) insert –

“36B Deadline for completion of reviews

- (1) Before conducting a review under this Part, the Commission or, as the case may be, a principal council must publish a statement specifying the day on which the review begins.
- (2) The Commission must, in relation to a review it conducts under section 23, 27 or 29, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 12 months beginning with the day specified under subsection (1).
- (3) The Commission must, in relation to a review it conducts under section 28, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 18 months beginning with the day specified under subsection (1).
- (4) The Commission must, in relation to a review it conducts under section 26 or 32, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).
- (5) A principal council must, in relation to a review it conducts under section 25 or 31, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).

- (6) Os bydd corff adolygu yn methu â chydymffurfio â dyletswydd a osodir gan yr adran hon mewn perthynas ag adolygiad, nid yw methiant y corff i gydymffurfio yn effeithio ar ddilysrwydd yr adolygiad at ddibenion y Ddeddf hon.”

49 Y dyddiad cau ar gyfer cwblhau gweithredu

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 37 (gweithredu gan Weinidogion Cymru) –
- (a) yn is-adran (1)(b), ar ôl “gweithredu” mewnosoder “ar unrhyw argymhelliad”;
- (b) ar ôl is-adran (4) mewnosoder –
- “(5) Rhaid i Weinidogion Cymru wneud pob ymdrech i wneud penderfyniad ar bob argymhelliad a gânt, o’r math a ddisgrifir yn is-adran (1), cyn diwedd cyfnod o 3 mis sy’n dechrau ar ddiwedd y cyfnod a bennir gan is-adran (3A).
- (6) Rhaid i Weinidogion Cymru gyhoeddi datganiad sy’n nodi eu penderfyniad mewn cysylltiad â phob argymhelliad; ac mae’r dyddiad y cyhoeddir y datganiad i’w drin fel dyddiad y penderfyniad at ddibenion is-adran (5).
- (7) Os bydd Gweinidogion Cymru yn methu â chydymffurfio â’r ddyletswydd yn is-adran (5), nid yw’r methiant i gydymffurfio yn effeithio ar ddilysrwydd unrhyw orchymyn o dan is-adran (1)(a) nac unrhyw benderfyniad i beidio â gweithredu o dan is-adran (1)(b).”
- (3) Yn adran 38 (gweithredu newid i ffin cymuned), ar ôl is-adran (4) mewnosoder –
- “(5) Rhaid i’r Comisiwn wneud pob ymdrech i wneud penderfyniad ar bob argymhelliad a gaiff, o’r math a ddisgrifir yn is-adran (1), cyn diwedd cyfnod o 3 mis sy’n dechrau ar ddiwedd y cyfnod a bennir gan is-adran (2A).
- (6) Rhaid i’r Comisiwn gyhoeddi datganiad sy’n nodi ei benderfyniad mewn cysylltiad â phob argymhelliad; ac mae’r dyddiad y cyhoeddir y datganiad i’w drin fel dyddiad y penderfyniad.
- (7) Os bydd y Comisiwn yn methu â chydymffurfio â’r ddyletswydd yn is-adran (5), nid yw’r methiant i gydymffurfio yn effeithio ar ddilysrwydd unrhyw orchymyn o dan is-adran (1)(a) neu (b) nac unrhyw adolygiad o dan is-adran (1)(c).”
- (4) Yn adran 39 (gweithredu newid i drefniadau etholiadol cymuned) –
- (a) ar ôl is-adran (4B) (a fewnosodir gan adran 43(4)) mewnosoder –
- “(4C) Rhaid i’r prif gyngor wneud pob ymdrech i wneud penderfyniad ar bob argymhelliad a gaiff, o’r math a ddisgrifir yn is-adran (3), cyn diwedd cyfnod o 3 mis sy’n dechrau ar ddiwedd y cyfnod a bennir gan is-adran (4A).
- (4D) Rhaid i’r prif gyngor gyhoeddi datganiad sy’n nodi ei benderfyniad mewn cysylltiad â phob argymhelliad; ac mae’r dyddiad y cyhoeddir y datganiad i’w drin fel dyddiad y penderfyniad.

- (6) If a reviewing body fails to comply with a duty imposed by this section in relation to a review, the body's failure to comply does not affect the validity of the review for the purposes of this Act."

49 **Deadline for completion of implementation**

- (1) The 2013 Act is amended as follows.
- (2) In section 37 (implementation by the Welsh Ministers) –
- (a) in subsection (1)(b), after "action" insert "on any recommendation";
- (b) after subsection (4) insert –
- “(5) The Welsh Ministers must use their best endeavours to make a decision on each recommendation received by them, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (3A).
- (6) The Welsh Ministers must publish a statement setting out their decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision for the purposes of subsection (5).
- (7) If the Welsh Ministers fail to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or any decision to take no action under subsection (1)(b).”
- (3) In section 38 (implementation of community boundary change), after subsection (4) insert –
- “(5) The Commission must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (2A).
- (6) The Commission must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.
- (7) If the Commission fails to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or (b) or any review under subsection (1)(c).”
- (4) In section 39 (implementation of community electoral arrangements change) –
- (a) after subsection (4B) (inserted by section 43(4)) insert –
- “(4C) The principal council must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (3), before the end of a period of 3 months beginning at the end of the period specified by subsection (4A).
- (4D) The principal council must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.

(4E) Os bydd prif gyngor yn methu â chydymffurfio â'r ddyletswydd yn is-adran (4C), nid yw'r methiant i gydymffurfio yn effeithio ar ddilysrwydd unrhyw orchymyn o dan is-adran (3)(a) neu (b) nac unrhyw benderfyniad neu hysbysiad o dan is-adran (3)(c)."

(b) yn is-adran (6), ym mharagraff (b), yn lle "6 mis sy'n dechrau ar y dyddiad y cafodd y cyngor argymhellion y Comisiwn" rhodder "3 mis sy'n dechrau gyda diwedd y cyfnod a bennir gan is-adran (4C)".

50 Cyfarwyddydau i oedi adolygiadau

(1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.

(2) Yn adran 48 (cyfarwyddiadau a chanllawiau ynghylch Rhan 3) –

(a) yn is-adran (2), ar ôl paragraff (e) mewnosoder –

"(f) i oedi adolygiad y mae'n ei gynnal o dan y Rhan hon am gyfnod a bennir yn y cyfarwyddyd neu hyd oni roddir cyfarwyddyd pellach.";

(b) yn is-adran (5), ar ôl paragraff (b) mewnosoder –

"(c) i oedi adolygiad y mae'n ei gynnal o dan y Rhan hon am gyfnod a bennir yn y cyfarwyddyd neu hyd oni roddir cyfarwyddyd pellach.";

(c) ar ôl is-adran (9), mewnosoder –

"(10) Rhaid i Weinidogion Cymru beidio â defnyddio'r pwerau cyfarwyddo o dan y Ddeddf hon i oedi adolygiad am fwy na 9 mis, pa un a yw'r oedi am un cyfnod o 9 mis neu am fwy nag un cyfnod sy'n dod i gyfanswm o 9 mis.

(11) Nid yw unrhyw gyfnod pan gyfarwyddir y Comisiwn neu brif gyngor o dan y Ddeddf hon i oedi adolygiad i gael ei ystyried at ddiben cyfrifo hyd y cyfnodau a grybwyllir yn is-adrannau (2) i (5) o adran 36B."

Adolygiadau cymuned a statws fel trefi

51 Adolygiadau cymuned a gweithredu

(1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.

(2) Yn adran 22 (dyletswyddau prif gynghorau mewn perthynas ag ardal), yn lle is-adrannau (5) a (6) rhodder –

"(5) Cyn 1 Gorffennaf ym mhob blwyddyn, rhaid i brif gyngor gyhoeddi adroddiad ar y modd y cyflawnodd ei swyddogaethau o dan y Rhan hon ac adran 76 o Ddeddf 1972 (newid enw cymuned) yn y flwyddyn flaenorol, i'r graddau y mae'r swyddogaethau yn ymwneud â'r canlynol –

(a) enwau cymunedau,

(b) newidiadau i ffiniau cymunedau,

(c) newidiadau i gynghorau cymuned, a

(4E) If a principal council fails to comply with the duty in subsection (4C), the failure to comply does not affect the validity of any order under subsection (3)(a) or (b) or any decision or notification under subsection (3)(c)."

(b) in subsection (6), in paragraph (b), for "6 months beginning with the date on which the council received the Commission's recommendations" substitute "3 months beginning with the end of period specified by subsection (4C)".

50 Directions to pause reviews

(1) The 2013 Act is amended as follows.

(2) In section 48 (directions and guidance relating to Part 3) –

(a) in subsection (2), after paragraph (e) insert –

"(f) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.";

(b) in subsection (5), after paragraph (b) insert –

"(c) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.";

(c) after subsection (9), insert –

"(10) The Welsh Ministers must not use the powers of direction under this Act to pause a review for more than 9 months, whether the pause is one period of 9 months or more than one period totalling 9 months.

(11) Any period during which the Commission or a principal council is directed under this Act to pause a review is not to be taken into account for the purpose of calculating the length of the periods mentioned in subsections (2) to (5) of section 36B."

Community reviews and status as towns

51 Community reviews and implementation

(1) The 2013 Act is amended as follows.

(2) In section 22 (duties of principal councils in relation to area), for subsections (5) and (6) substitute –

"(5) Before 1 July in each year, a principal council must publish a report on the performance of its functions under this Part and section 76 of the 1972 Act (change of name of community) in the previous year, so far as the functions relate to –

(a) community names,

(b) community boundary changes,

(c) community council changes, and

- (d) trefniadau etholiadol cymunedau.
- (6) Rhaid i brif gyngor anfon copi o bob adroddiad y mae'n ei gyhoeddi i'r Comisiwn ac at Weinidogion Cymru.
- (7) Yn is-adran (5), ystyr "blwyddyn" yw'r cyfnod o 12 mis sy'n dechrau ar 1 Ebrill."
- (3) Yn adran 31 (adolygu trefniadau etholiadol i gymuned gan brif gyngor) –
- (a) o flaen is-adran (1) mewnosoder –
- “(A1) Rhaid i brif gyngor gynnal adolygiad o’r trefniadau etholiadol ar gyfer pob cymuned yn ei ardal o leiaf unwaith ym mhob cyfnod adolygu.
- (A2) Yn is-adran (A1), ystyr “cyfnod adolygu” yw –
- (a) y cyfnod o 12 mlynedd sy’n dechrau gyda’r diwrnod y daw adran 51 o Ddeddf Etholiadau a Chyrff Etholedig (Cymru) 2024 i rym, a
- (b) pob cyfnod dilynol o 12 mlynedd.
- (A3) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (A2).”;
- (b) yn is-adran (1), ar ôl “prif gyngor” mewnosoder “hefyd”.
- (4) Yn adran 33(3) (ystyriaethau ar gyfer adolygiad o drefniadau etholiadol cymuned) –
- (a) yn lle paragraff (b) rhodder –
- “(b) ystyriaethau daearyddol arbennig, gan gynnwys yn benodol faint, siâp a hygyrchedd ward gymunedol, ac”;
- (b) ym mharagraff (c), ar ôl “lleol” mewnosoder “(gan gynnwys cwlwm lleol sy’n gysylltiedig â defnyddio’r Gymraeg)”.
- (5) Yn adran 71(2) (gorchmynion a rheoliadau), ar ôl adran (bb) (a fewnosodir gan adran 41(3) o’r Ddeddf hon) mewnosoder –
- “(bc) rheoliadau o dan adran 31(A3),”.

52 Hysbysiad o benderfyniadau ynghylch statws cymunedau fel trefi

- (1) Mae Deddf Llywodraeth Leol 1972 (p. 70) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 245B (cymunedau a chanddynt statws tref), ar ôl is-adran (7) mewnosoder –
- “(7A) The community council must give notice electronically in writing of any resolution passed under subsection (1) or (6) to the following bodies –
- (a) the Welsh Ministers,
- (b) the principal council for the area in which the community is situated, and
- (c) the Democracy and Boundary Commission Cymru.”

- (d) community electoral arrangements.
 - (6) A principal council must send a copy of each report it publishes to the Commission and the Welsh Ministers.
 - (7) In subsection (5), “year” means the period of 12 months beginning with 1 April.”
- (3) In section 31 (review of electoral arrangements for community by principal council) –
- (a) before subsection (1) insert –
 - “(A1) A principal council must conduct a review of the electoral arrangements for each community in its area at least once in every review period.
 - (A2) In subsection (A1), “review period” means –
 - (a) the period of 12 years beginning with the day on which section 51 of the Elections and Elected Bodies (Wales) Act 2024 comes into force, and
 - (b) each subsequent period of 12 years.
 - (A3) The Welsh Ministers may by regulations amend subsection (A2).”;
 - (b) in subsection (1), after “may” insert “also”.
- (4) In section 33(3) (considerations for a review of community electoral arrangements) –
- (a) for paragraph (b) substitute –
 - “(b) special geographical considerations, including in particular the size, shape and accessibility of a community ward, and”;
 - (b) in paragraph (c), after “ties” insert “(including local ties connected to the use of the Welsh language)”.
- (5) In section 71(2) (orders and regulations), after section (bb) (inserted by section 41(3) of this Act) insert –
- “(bc) regulations under section 31(A3),”.

52 Notice of resolutions on status of communities as towns

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 245B (community having the status of a town), after subsection (7) insert –
- “(7A) The community council must give notice electronically in writing of any resolution passed under subsection (1) or (6) to the following bodies –
 - (a) the Welsh Ministers,
 - (b) the principal council for the area in which the community is situated, and
 - (c) the Democracy and Boundary Commission Cymru.”

*Cyhoeddi gwybodaeth: trefniadau ar gyfer llywodraeth leol***53 Cyhoeddi gorchmynion o dan Ran 3 o Ddeddf 2013**

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 49 (ymchwiliadau lleol), mewnosoder –

“49ZA Cyhoeddi gorchmynion o dan Ran 3

- (1) Rhaid i brif gyngor gyhoeddi a chynnal ar ei wefan –
 - (a) copi o bob gorchymyn y mae'n ei wneud o dan y Rhan hon;
 - (b) copi o bob gorchymyn sy'n ymwneud â'i ardal a wneir gan y Comisiwn o dan y Rhan hon;
 - (c) copi o bob offeryn statudol sy'n cynnwys gorchymyn sy'n ymwneud â'i ardal a wneir gan Weinidogion Cymru o dan y Rhan hon, neu ddolen at bob offeryn statudol o'r fath.
- (2) Rhaid i'r Comisiwn gyhoeddi a chynnal ar ei wefan –
 - (a) copi o bob gorchymyn a wneir gan brif gyngor o dan y Rhan hon;
 - (b) copi o bob gorchymyn y mae'r Comisiwn yn ei wneud o dan y Rhan hon;
 - (c) copi o bob offeryn statudol sy'n cynnwys gorchymyn a wneir gan Weinidogion Cymru o dan y Rhan hon, neu ddolen at bob offeryn statudol o'r fath;
 - (d) copi o bob offeryn statudol sy'n cynnwys gorchymyn a wneir gan yr Ysgrifennydd Gwladol o dan y Rhan hon, neu ddolen at bob offeryn statudol o'r fath.
- (3) Rhaid i brif gyngor anfon copi o bob gorchymyn y mae'n ei wneud o dan y Rhan hon i'r Comisiwn.
- (4) Rhaid i'r Comisiwn anfon i brif gyngor gopi o bob gorchymyn y mae'n ei wneud o dan y Rhan hon sy'n effeithio ar ardal y prif gyngor.
- (5) Rhaid i Weinidogion Cymru –
 - (a) hysbysu prif gyngor am bob gorchymyn y maent yn ei wneud o dan y Rhan hon sy'n effeithio ar ardal y prif gyngor;
 - (b) hysbysu'r Comisiwn am bob gorchymyn y maent yn ei wneud o dan y Rhan hon.
- (6) Mae'r dyletswyddau yn is-adrannau (1) a (2) yn gymwys i orchmynion a wneir ar ôl i'r adran hon ddod i rym.”

54 Cyhoeddi rhestrau cyfredol o gymunedau a chynghorau cymuned

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 49ZA (a fewnosodir gan adran 53), mewnosoder –

Publication of information: arrangements for local government

53 Publication of orders under Part 3 of the 2013 Act

- (1) The 2013 Act is amended as follows.
- (2) After section 49 (local inquiries), insert –

“49ZA Publication of orders under Part 3

- (1) A principal council must publish and maintain on its website –
 - (a) a copy of each order it makes under this Part;
 - (b) a copy of each order relating to its area made by the Commission under this Part;
 - (c) a copy of, or a link to, each statutory instrument containing an order relating to its area made by the Welsh Ministers under this Part.
- (2) The Commission must publish and maintain on its website –
 - (a) a copy of each order made by a principal council under this Part;
 - (b) a copy of each order the Commission makes under this Part;
 - (c) a copy of, or a link to, each statutory instrument containing an order made by the Welsh Ministers under this Part;
 - (d) a copy of, or a link to, each statutory instrument containing an order made by the Secretary of State under this Part.
- (3) A principal council must send a copy of each order it makes under this Part to the Commission.
- (4) The Commission must send to a principal council a copy of each order it makes under this Part affecting the area of the principal council.
- (5) The Welsh Ministers must –
 - (a) notify a principal council of each order they make under this Part affecting the area of the principal council;
 - (b) notify the Commission of each order they make under this Part.
- (6) The duties in subsections (1) and (2) apply to orders made after the coming into force of this section.”

54 Publication of up-to-date lists of communities and community councils

- (1) The 2013 Act is amended as follows.
- (2) After section 49ZA (inserted by section 53), insert –

“49ZB Cyhoeddi rhestrau cyfredol o gymunedau a chynghorau cymuned

- (1) Rhaid i brif gyngor gyhoeddi a chynnal ar ei wefan restr gyfredol o’r holl gymunedau a chynghorau cymuned yn ei ardal, gyda’u henwau presennol.
- (2) Rhaid i’r Comisiwn gyhoeddi a chynnal ar ei wefan restr gyfredol o’r holl gymunedau a chynghorau cymuned yng Nghymru, gyda’u henwau presennol.
- (3) Os oes gan gymuned neu gyngor cymuned enwau gwahanol at ddiben cyfathrebu drwy gyfrwng y Gymraeg a’r Saesneg, rhaid cynnwys y ddau enw mewn rhestr y mae’n ofynnol ei chyhoeddi o dan yr adran hon.”

Cyffredinol

55 Darpariaeth drosiannol

- (1) Mae adolygiad sy’n cael ei gynnal o dan Ran 3 o Ddeddf 2013 ar yr adeg y daw’r Bennod hon i rym i’w gwblhau fel pe na bai’r diwygiadau a wneir gan y Bennod hon wedi eu gwneud.
- (2) Mae darpariaethau Rhan 3 o Ddeddf 2013 (ac unrhyw orchmynion neu unrhyw reoliadau a wneir o dan y Rhan honno) yn parhau i gael effaith at ddiben adolygiadau o’r fath fel yr oedd darpariaethau’r Rhan honno (ac unrhyw orchmynion neu reoliadau a wnaed o dan y Rhan honno) yn cael effaith yn union cyn i’r Bennod hon ddod i rym.

PENNOD 2**CYDNABYDDIAETH ARIANNOL AELODAU ETHOLEDIG**

Diddymu Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol

56 Diddymu Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol

Ym Mesur Llywodraeth Leol (Cymru) 2011 (mccc 4) (Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol: swyddogaethau sy’n ymwneud â chydabyddiaeth ariannol aelodau), hepgorer adrannau 141 i 159 ac Atodlen 2.

Swyddogaethau Comisiwn Democratiaeth a Ffiniau Cymru

57 Swyddogaethau Comisiwn Democratiaeth a Ffiniau Cymru sy’n ymwneud â chydabyddiaeth ariannol

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 69 mewnosoder –

“RHAN 5A**SWYDDOGAETHAU SY’N YMWNEUD Â THALIADAU A PHENSIYNAU**

Tâl ar gyfer aelodau awdurdod

69A Swyddogaeth sy’n ymwneud â thaliadau i aelodau

“49ZB Publication of up-to-date lists of communities and community councils

- (1) A principal council must publish and maintain on its website an up-to-date list of all communities and community councils in its area with their current names.
- (2) The Commission must publish and maintain on its website an up-to-date list of all communities and community councils in Wales with their current names.
- (3) If a community or community council has different names for the purpose of communication through the medium of the Welsh language and the English language, both names must be included in a list required to be published under this section.”

*General***55 Transitional provision**

- (1) A review being conducted under Part 3 of the 2013 Act at the time of the coming into force of this Chapter is to be completed as if the amendments made by this Chapter had not been made.
- (2) The provisions of Part 3 of the 2013 Act (and any orders or regulations made under that Part) continue in effect for the purpose of such reviews as the provisions of that Part (and any orders or regulations made under that Part) had effect immediately before the coming into force of this Chapter.

CHAPTER 2**REMUNERATION OF ELECTED MEMBERS***Abolition of the Independent Remuneration Panel for Wales***56 Abolition of Independent Remuneration Panel for Wales**

In the Local Government (Wales) Measure 2011 (nawm 4) (Independent Remuneration Panel for Wales: functions relating to remuneration of members), omit sections 141 to 159 and Schedule 2.

*Functions of the Democracy and Boundary Commission Cymru***57 Democracy and Boundary Commission Cymru functions relating to remuneration**

- (1) The 2013 Act is amended as follows.
- (2) After section 69 insert—

“PART 5A**FUNCTIONS RELATING TO PAYMENTS AND PENSIONS***Remuneration of authority members***69A Function relating to payments to members**

- (1) Ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2025 ac ar gyfer pob blwyddyn ariannol ddilynol, rhaid i'r Comisiwn benderfynu ar y materion perthnasol –
 - (a) y mae'n ofynnol i awdurdod perthnasol wneud taliadau i aelodau o'r awdurdod amdanynt;
 - (b) yr awdurdodir awdurdod perthnasol i wneud taliadau i aelodau o'r awdurdod amdanynt.
- (2) Yn y Rhan hon materion perthnasol yw –
 - (a) materion sy'n ymwneud â busnes swyddogol aelodau awdurdodau perthnasol;
 - (b) cyfnodau o absenoldeb teuluol o dan Ran 2 o Fesur 2011.
- (3) Wrth wneud penderfyniad o dan is-adran (1) rhaid i'r Comisiwn osod un o'r canlynol ar gyfer pob mater perthnasol –
 - (a) y swm y mae rhaid i awdurdod perthnasol ei dalu i aelod o'r awdurdod;
 - (b) yr uchafswm y caiff awdurdod perthnasol ei dalu i aelod o'r awdurdod.
- (4) Caiff y Comisiwn benderfynu na chaniateir talu taliadau mewn cysylltiad â mater neu faterion perthnasol i fwy na chyfran benodedig neu nifer penodedig o aelodau awdurdod perthnasol.
- (5) Ni chaiff y gyfran a bennir gan y Comisiwn o dan is-adran (4) fod yn fwy na 50% oni bai bod Gweinidogion Cymru yn rhoi eu cydsyniad.
- (6) Ni chaiff y nifer a bennir gan y Comisiwn o dan is-adran (4), a fynegir fel cyfran o gyfanswm aelodau awdurdod perthnasol, fod yn fwy na 50% oni bai bod Gweinidogion Cymru yn rhoi eu cydsyniad.
- (7) Caiff y Comisiwn osod –
 - (a) canran uchaf neu gyfradd arall yr addasiad y caniateir i awdurdod perthnasol ei gwneud, ar gyfer blwyddyn ariannol, i'r symiau a oedd ag effaith mewn cysylltiad â materion perthnasol ar gyfer y flwyddyn ariannol cyn y flwyddyn honno;
 - (b) mynegrif y caniateir i awdurdod perthnasol ei ddefnyddio i addasu, ar gyfer blwyddyn ariannol, y symiau a oedd ag effaith mewn cysylltiad â'r materion perthnasol hynny ar gyfer y flwyddyn flaenorol y bydd y Comisiwn yn penderfynu arnynt.
- (8) Caniateir arfer y pwerau o dan is-adran (7) er mwyn –
 - (a) gosod cyfradd a mynegrif mewn perthynas â'r un mater;
 - (b) gosod cyfraddau neu fynegrifau gwahanol mewn perthynas â materion gwahanol.
- (9) Wrth osod swm o dan is-adran (3), gwneud penderfyniad o dan is-adran (4) neu osod cyfradd neu fynegrif o dan is-adran (7), rhaid i'r Comisiwn ystyried beth yn ei farn ef fydd effaith ariannol debygol gwneud hynny ar awdurdodau perthnasol.

- (1) For the financial year beginning 1 April 2025 and for each following financial year, the Commission must decide the relevant matters for which a relevant authority –
 - (a) is required to make payments to members of the authority;
 - (b) is authorised to make payments to members of the authority.
- (2) In this Part relevant matters are –
 - (a) matters relating to the official business of members of relevant authorities;
 - (b) periods of family absence under Part 2 of the 2011 Measure.
- (3) When making a decision under subsection (1) the Commission must set for each relevant matter one of the following –
 - (a) the amount that a relevant authority must pay to a member of the authority;
 - (b) the maximum amount that a relevant authority may pay to a member of the authority.
- (4) The Commission may decide that payments in respect of a relevant matter or matters may not be paid to more than a fixed proportion or specified number of the members of a relevant authority.
- (5) The proportion fixed by the Commission under subsection (4) may not exceed 50% unless the Welsh Ministers give their consent.
- (6) The number specified by the Commission under subsection (4), expressed as a proportion of the total number of members of a relevant authority, may not exceed 50% unless the Welsh Ministers give their consent.
- (7) The Commission may set –
 - (a) the maximum percentage or other rate by which a relevant authority may adjust for a financial year the amounts that had effect in respect of relevant matters for the financial year preceding that year;
 - (b) an index by reference to which a relevant authority may adjust for a financial year the amounts that had effect in respect of such of the relevant matters for the previous year as the Commission decides.
- (8) The powers under subsection (7) may be exercised to –
 - (a) set a rate and an index in relation to the same matter;
 - (b) set different rates or indices in relation to different matters.
- (9) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (7), the Commission must take into account what it considers will be the likely financial impact of doing so on relevant authorities.

- (10) Caiff y Comisiwn wneud penderfyniadau gwahanol o dan is-adran (1), gosod symiau gwahanol o dan is-adran (3), gwneud penderfyniadau gwahanol o dan is-adran (4), neu osod cyfraddau neu fynegrifau gwahanol o dan is-adran (7), mewn perthynas ag awdurdodau perthnasol o ddisgrifiadau gwahanol neu ag awdurdodau perthnasol gwahanol o'r un disgrifiad.
- (11) At ddibenion is-adran (2) mae mater yn ymwneud â busnes swyddogol aelod o awdurdod perthnasol os yw'n fater y mae aelod yn ymgymryd ag ef—
 - (a) fel aelod o awdurdod perthnasol, neu
 - (b) fel aelod o gorff y penodir yr aelod iddo gan yr awdurdod perthnasol neu gan grŵp o gyrff sy'n cynnwys yr awdurdod perthnasol, neu yn sgil cael ei enwebu gan yr awdurdod perthnasol neu gan grŵp o gyrff sy'n cynnwys yr awdurdod perthnasol.
- (12) Yn yr adran hon ac yn adran 69E ystyr "blwyddyn ariannol" yw cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.

69B Swyddogaethau sy'n ymwneud â phensiynau aelodau

- (1) Mae'r adran hon yn gymwys mewn perthynas ag aelodau o awdurdodau perthnasol—
 - (a) nad ydynt yn aelodau cyfetholedig, a
 - (b) sydd am y tro yn gymwys i fod yn aelodau o gynllun pensiwn unol â rheoliadau o dan adran 7 o Ddeddf Blwydd-daliadau 1972 (p. 11) (cynlluniau pensiwn llywodraeth leol).
- (2) Rhaid i'r Comisiwn benderfynu ar y disgrifiadau o aelodau y mae'n ofynnol i awdurdod perthnasol dalu pensiwn ("pensiwn perthnasol") mewn cysylltiad â hwy.
- (3) Rhaid i'r Comisiwn benderfynu ar y materion perthnasol y mae'n ofynnol i awdurdod perthnasol dalu pensiwn perthnasol mewn cysylltiad â hwy.
- (4) Caiff y Comisiwn wneud penderfyniadau gwahanol mewn perthynas ag awdurdodau perthnasol o ddisgrifiadau gwahanol neu ag awdurdodau perthnasol gwahanol o'r un disgrifiad.

69C Awdurdodau perthnasol, aelodau etc.

- (1) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.
- (2) Mae awdurdod yn awdurdod perthnasol os yw'n—
 - (a) awdurdod lleol;
 - (b) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;

- (10) The Commission may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4), or set different rates or indices under subsection (7), in relation to relevant authorities of different descriptions or different relevant authorities of the same description.
- (11) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes –
 - (a) as a member of a relevant authority, or
 - (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.
- (12) In this section and in section 69E “financial year” means a period of 12 months ending with 31 March.

69B Functions relating to members’ pensions

- (1) This section applies in relation to members of relevant authorities who –
 - (a) are not co-opted members, and
 - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (c. 11) (local government pension schemes).
- (2) The Commission must decide the descriptions of members in respect of whom a relevant authority is required to pay a pension (a “relevant pension”).
- (3) The Commission must decide the relevant matters in respect of which a relevant authority is required to pay a relevant pension.
- (4) The Commission may make different decisions in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

69C Relevant authorities, members etc.

- (1) This section applies for the purposes of this Part.
- (2) An authority is a relevant authority if it is –
 - (a) a local authority;
 - (b) a National Park authority for a National Park in Wales;

- (c) awdurdod tân ac achub Cymreig, sef awdurdod yng Nghymru 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;
 - (d) cyd-bwyllgor corfforedig;
 - (e) corff a bennir yn awdurdod perthnasol mewn rheoliadau a wneir gan Weinidogion Cymru.
- (3) Mae cyfeiriad at ddisgrifiad o awdurdod perthnasol i gael ei ddarllen gydag is-adran (2).
- (4) Mae "aelod", mewn perthynas ag awdurdod perthnasol, yn cynnwys –
- (a) maer etholedig i'r awdurdod (o fewn ystyr 39(1) o Ddeddf Llywodraeth Leol 2000),
 - (b) aelod gweithredol etholedig o'r awdurdod (o fewn ystyr adran 39(4) o'r Ddeddf honno),
 - (c) aelod cyfetholedig o'r awdurdod, a
 - (d) person sy'n aelod o is-bwyllgor i gyd-bwyllgor corfforedig ac a chanddo hawlogaeth i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu gan yr is-bwyllgor hwnnw.
- (5) Ystyr "aelod cyfetholedig", mewn perthynas ag awdurdod perthnasol nad yw'n gyd-bwyllgor corfforedig, yw person nad yw'n aelod o'r awdurdod (ac eithrio yn rhinwedd is-adran (4)) ond –
- (a) sy'n aelod o bwyllgor neu is-bwyllgor i'r awdurdod neu sy'n aelod o gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod ac sy'n cynrychioli'r awdurdod ar y cyd-bwyllgor neu'r cyd-is-bwyllgor hwnnw, a
 - (b) y mae ganddo hawlogaeth i bleidleisio ar gwestiynau sydd i'w penderfynu yng nghyfarfodydd y pwyllgor hwnnw neu'r is-bwyllgor hwnnw.
- (6) Ni chaniateir pennu corff yn awdurdod perthnasol mewn rheoliadau o dan is-adran (2)(e) ond –
- (a) os yw Gweinidogion Cymru yn arfer swyddogaethau mewn cysylltiad ag ef,
 - (b) os yw'n arfer swyddogaeth a roddir gan Fesur neu Ddeddf gan Senedd Cymru, neu swyddogaeth a allai gael ei rhoi gan Ddeddf gan Senedd Cymru (gan gynnwys swyddogaeth na allai gael ei rhoi ond gyda chydsyniad un o Weinidogion y Goron), ac
 - (c) os yw ei aelodaeth yn cynnwys o leiaf un aelod o awdurdod a ddisgrifir yn is-adran (2)(a) i (d).

- (c) a Welsh fire and rescue authority, that is an authority in Wales 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;
 - (d) a corporate joint committee;
 - (e) a body specified as a relevant authority in regulations made by the Welsh Ministers.
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes –
- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
 - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act),
 - (c) a co-opted member of the authority, and
 - (d) a person who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee.
- (5) “Co-opted member”, in relation to a relevant authority other than a corporate joint committee, means a person who is not a member of the authority (except by virtue of subsection (4)) but –
- (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
 - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.
- (6) A body may only be specified as a relevant authority in regulations under subsection (2)(e) if –
- (a) the Welsh Ministers exercise functions in respect of it,
 - (b) it exercises a function conferred by a Measure or Act of Senedd Cymru, or a function that could be conferred by an Act of Senedd Cymru (including a function that could be conferred only with the consent of a Minister of the Crown), and
 - (c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).

- (7) Nid yw adrannau 69A(4), 69B, 69E(4)(d) a 69O yn gymwys mewn perthynas ag awdurdod perthnasol a ddisgrifir yn is-adran (2)(d) neu (e).
- (8) Yn yr adran hon ystyr “cyd-bwyllgor corfforedig” yw pwyllgor a sefydlir drwy reoliadau o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1).

69D Swyddogaethau sy'n ymwneud â thaliadau ailsefydlu

- (1) Mae taliad ailsefydlu yn daliad i berson –
 - (a) sy'n peidio â bod yn aelod o awdurdod lleol ar ddiwedd tymor ei swydd,
 - (b) a oedd, pan oedd yn ei swydd, yn aelod o awdurdod lleol o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru,
 - (c) sy'n sefyll i gael ei ailethol i fod yn aelod o'r un awdurdod yn etholiad cyffredin yr awdurdod lleol ar gyfer y tymor sy'n dilyn ei dymor yn y swydd, a
 - (d) nad yw'n cael ei ddychwelyd yn aelod yn yr etholiad hwnnw.
- (2) Rhaid i'r Comisiwn benderfynu –
 - (a) o dan ba amgylchiadau y mae'n ofynnol i awdurdod lleol wneud taliad ailsefydlu;
 - (b) o dan ba amgylchiadau yr awdurdodir awdurdod lleol i wneud taliad ailsefydlu;
 - (c) y materion y mae taliad ailsefydlu yn daladwy mewn cysylltiad â hwy.
- (3) Wrth wneud penderfyniad o dan is-adran (2) rhaid i'r Comisiwn osod –
 - (a) yr amodau cymhwyso i gael taliad;
 - (b) y swm y mae'n ofynnol i awdurdod lleol ei dalu;
 - (c) yr uchafswm y caiff awdurdod lleol ei dalu i aelod;
 - (d) mecanwaith y caniateir ei ddefnyddio i gynyddu neu i leihau swm y taliadau a osodir o dan baragraff (b) neu (c);
 - (e) gofynion ynghylch sut y mae taliadau i'w gwneud (a pha mor aml y'u gwneir).
- (4) Rhaid i'r Comisiwn wneud trefniadau i adolygu unrhyw benderfyniad y mae'n ei wneud o dan is-adran (2) ac, os yw'n meddwl ei bod yn briodol, caiff ddiwygio ei benderfyniad.
- (5) Wrth wneud penderfyniad o dan yr adran hon rhaid i'r Comisiwn ystyried effaith ariannol debygol ei benderfyniad ar awdurdodau lleol.

- (7) Sections 69A(4), 69B, 69E(4)(d) and 69O do not apply in relation to a relevant authority described in subsection (2)(d) or (e).
- (8) In this section “corporate joint committee” means a committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1).

69D Functions relating to resettlement payments

- (1) A resettlement payment is a payment to a person who –
 - (a) ceases to be a member of a local authority at the end of their term of office,
 - (b) when in office was a member of a local authority of a description specified in regulations made by the Welsh Ministers,
 - (c) stands for re-election for membership of the same authority in the ordinary election of the local authority for the term following the term of office, and
 - (d) is not returned as a member at that election.
- (2) The Commission must decide –
 - (a) the circumstances in which a local authority is required to make a resettlement payment;
 - (b) the circumstances in which a local authority is authorised to make a resettlement payment;
 - (c) the matters in respect of which a resettlement payment is payable.
- (3) When making a decision under subsection (2) the Commission must set –
 - (a) the qualifying conditions for payment;
 - (b) the amount a local authority is required to pay;
 - (c) the maximum amount a local authority may pay to a member;
 - (d) a mechanism by which the amount of payments set under paragraph (b) or (c) may be increased or decreased;
 - (e) requirements on how payments are to be made (and their frequency).
- (4) The Commission must make arrangements to review any decision it makes under subsection (2) and, if it thinks appropriate, may revise its decision.
- (5) When making a decision under this section the Commission must take into account the likely financial impact of its decision on local authorities.

- (6) Wrth wneud penderfyniad o dan is-adran (2) caiff y Comisiwn wneud darpariaeth wahanol mewn perthynas ag aelodau o awdurdodau lleol o ddisgrifiadau gwahanol neu ag aelodau gwahanol o'r un disgrifiad.
- (7) Rhaid i'r Comisiwn wneud penderfyniad o dan is-adran (2) cyn pob un o etholiadau cyffredin yr awdurdod lleol, gan ddechrau gyda'r etholiad sydd i'w gynnal ym mis Mai 2027 a rhaid iddo adolygu'r penderfyniad cyn pob etholiad cyffredin dilynol.
- (8) Nid yw is-adran (7) ond yn gymwys os yw Gweinidogion Cymru yn gwneud rheoliadau o dan is-adran (1)(b).

69E Adroddiadau blynyddol ar dâl mewn perthynas ag aelodau o awdurdodau perthnasol

- (1) Rhaid i'r Comisiwn lunio a chyhoeddi adroddiad ("adroddiad blynyddol ar dâl") ynghylch arfer ei swyddogaethau o dan y Rhan hon mewn cysylltiad â phob blwyddyn ariannol.
- (2) Rhaid i adroddiad blynyddol ar dâl nodi'r gofynion a osodir ar awdurdodau perthnasol gan y Comisiwn o dan adrannau 69A, 69B a 69D.
- (3) Rhaid cyhoeddi adroddiad blynyddol ar dâl heb fod yn hwyrach nag –
 - (a) 28 Chwefror yn y flwyddyn ariannol cyn y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi, neu
 - (b) unrhyw ddyddiad diweddarach y mae'r Comisiwn a Gweinidogion Cymru yn cytuno arno.
- (4) Rhaid i adroddiad blynyddol ar dâl nodi –
 - (a) y materion perthnasol,
 - (b) y symiau a osodir o dan adran 69A(3),
 - (c) y gyfran neu'r nifer a benderfynir o dan adran 69A(4),
 - (d) yr aelodau neu'r disgrifiadau o aelodau o awdurdodau perthnasol y bydd yn ofynnol i awdurdodau perthnasol dalu pensiwn perthnasol iddynt neu mewn cysylltiad â hwy,
 - (e) y materion perthnasol y mae pensiwn perthnasol yn daladwy mewn cysylltiad â hwy,
 - (f) unrhyw ganran, unrhyw gyfradd neu unrhyw fynegrif a osodir o dan adran 69A(7) a'r mater perthnasol y mae'n ymwneud ag ef, ac
 - (g) unrhyw benderfyniad ynghylch taliadau ailsefydlu o dan adran 69D.

69F Adroddiadau atodol ar dâl

- (1) Ar ôl cyhoeddi adroddiad blynyddol ar dâl ond cyn cyhoeddi'r adroddiad nesaf, caiff y Comisiwn lunio a chyhoeddi un neu ragor o adroddiadau atodol ar dâl i'r adroddiad blynyddol ar dâl ("adroddiad atodol ar dâl").

- (6) When making a decision under subsection (2) the Commission may make different provision in relation to local authority members of different descriptions or different members of the same description.
- (7) The Commission must make a decision under subsection (2) before each ordinary election of the local authority, beginning with the election that is to be held in May 2027 and must review the decision before each subsequent ordinary election.
- (8) Subsection (7) applies only if the Welsh Ministers make regulations under subsection (1)(b).

69E Annual remuneration reports in relation to members of relevant authorities

- (1) The Commission must prepare and publish a report (an “annual remuneration report”) about the exercise of its functions under this Part in respect of each financial year.
- (2) An annual remuneration report must set out the requirements imposed on relevant authorities by the Commission under sections 69A, 69B and 69D.
- (3) An annual remuneration report must be published no later than –
 - (a) 28 February in the financial year before the financial year to which the report relates, or
 - (b) such later date as the Commission and the Welsh Ministers may agree.
- (4) An annual remuneration report must set out –
 - (a) the relevant matters,
 - (b) the amounts set under section 69A(3),
 - (c) the proportion or number determined under section 69A(4),
 - (d) the members or descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension,
 - (e) the relevant matters in respect of which a relevant pension is payable,
 - (f) any percentage, rate or index set under section 69A(7) and the relevant matter to which it relates, and
 - (g) any decision about resettlement payments under section 69D.

69F Supplementary remuneration reports

- (1) After publishing an annual remuneration report but before publishing the next report, the Commission may prepare and publish one or more supplementary remuneration reports to the annual remuneration report (“a supplementary remuneration report”).

- (2) Caiff yr adroddiad atodol ar dâl—
- (a) amrywio'r ddarpariaeth a wnaed yn yr adroddiad blynyddol ar dâl o dan adran 69E(4);
 - (b) gwneud unrhyw ddarpariaeth y gallai'r adroddiad blynyddol ar dâl fod wedi ei gwneud o dan adran 69E(4).

69G Darpariaeth bellach ynghylch adroddiadau blynyddol ar dâl ac adroddiadau atodol ar dâl

- (1) Cyn cyhoeddi adroddiad blynyddol ar dâl neu adroddiad atodol ar dâl o dan adran 69E neu 69F, rhaid i'r Comisiwn—
- (a) anfon drafft o'r adroddiad y mae'n cynnig ei wneud—
 - (i) at Weinidogion Cymru,
 - (ii) i'r awdurdodau perthnasol y mae'r Comisiwn wedi ei gwneud yn ofynnol iddynt wneud taliadau, neu wedi eu hawdurdodi i wneud taliadau, i'w haelodau mewn cysylltiad â materion perthnasol, a
 - (iii) at unrhyw bersonau eraill y mae'r Comisiwn o'r farn eu bod yn briodol,
 - (b) cyhoeddi'r adroddiad drafft cyn gynted ag y bo'n ymarferol ar ôl ei anfon.
- (2) Wrth lunio adroddiad blynyddol ar dâl neu adroddiad atodol ar dâl o dan adran 69E neu 69F, rhaid i'r Comisiwn ystyried—
- (a) yr adroddiad blynyddol diwethaf ar dâl ac unrhyw adroddiadau atodol ar dâl sy'n ymwneud â'r adroddiad blynyddol diwethaf ar dâl;
 - (b) sylwadau sydd wedi dod i law ynghylch yr adroddiadau y cyfeirir atynt ym mharagraff (a) a'r adroddiadau drafft y cyfeirir atynt yn is-adran (1).
- (3) Mae'r darpariaethau mewn adroddiad blynyddol neu atodol ar dâl o dan adran 69E neu 69F yn cael effaith ar y dyddiad a bennir at y diben hwnnw yn yr adroddiad.
- (4) Ond pan fo adroddiad atodol ar dâl yn cynnwys darpariaeth a wneir o dan adran 69F(2) sy'n amrywio darpariaeth a wneir o dan adran 69E(4)(a), (b) neu (c), caiff yr adroddiad atodol ar dâl bennu bod y ddarpariaeth i gael ei thrin fel pe bai'n cael effaith hyd at 3 mis yn gynharach na dyddiad cyhoeddi'r adroddiad atodol ar dâl.

69H Cyfarwyddiadau i ailystyried adroddiadau drafft

- (1) Caiff Gweinidogion Cymru gyfarwyddo'r Comisiwn i ailystyried darpariaeth mewn adroddiad drafft blynyddol neu adroddiad drafft atodol ar dâl.
- (2) Rhaid i gyfarwyddyd o dan yr adran hon bennu—

- (2) The supplementary remuneration report may –
 - (a) vary the provision made in the annual remuneration report under section 69E(4);
 - (b) make any provision that the annual remuneration report could have made under section 69E(4).

69G Further provision about annual remuneration reports and supplementary remuneration reports

- (1) Before publishing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must –
 - (a) send a draft of the report it proposes to make to –
 - (i) the Welsh Ministers,
 - (ii) the relevant authorities that are required or authorised by the Commission to make payment to their members in respect of relevant matters, and
 - (iii) such other persons as the Commission considers appropriate,
 - (b) publish the draft report as soon as practicable after sending it.
- (2) When preparing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must take into account –
 - (a) the last annual remuneration report and any supplementary remuneration reports relating to the last annual remuneration report;
 - (b) representations received about the reports referred to in paragraph (a) and the draft reports referred to in subsection (1).
- (3) The provisions of an annual or supplementary remuneration report under section 69E or 69F have effect on the date specified for that purpose in the report.
- (4) But where a supplementary remuneration report contains provision made under section 69F(2) varying a provision made under section 69E(4)(a), (b) or (c), the supplementary remuneration report may specify that the provision is to be treated as having effect up to 3 months earlier than the date of publication of the supplementary remuneration report.

69H Directions to reconsider draft reports

- (1) The Welsh Ministers may direct the Commission to reconsider a provision of a draft annual or draft supplementary remuneration report.
- (2) A direction under this section must specify –

- (a) y ddarpariaeth,
 - (b) y rheswm dros roi'r cyfarwyddyd, ac
 - (c) y dyddiad erbyn pryd y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r Comisiwn ymateb.
- (3) O ran y Comisiwn—
- (a) rhaid iddo ymateb i'r cyfarwyddyd heb fod yn hwyrach na'r dyddiad a bennir yn y cyfarwyddyd;
 - (b) rhaid iddo beidio â chyhoeddi'r adroddiad cyn ymateb i'r cyfarwyddyd.
- (4) Os yw'r Comisiwn yn penderfynu peidio ag amrywio'r adroddiad drafft mewn ymateb i'r cyfarwyddyd, rhaid iddo bennu yn ei ymateb y rheswm dros ei benderfyniad.

69I Dyletswyddau'r Comisiwn o ran cyhoeddi a hysbysu mewn perthynas ag adroddiadau

- (1) Rhaid i'r Comisiwn beidio â chyhoeddi adroddiad blynyddol ar dâl o dan adran 69E cyn diwedd y cyfnod o 12 wythnos sy'n dechrau ar y diwrnod y mae'n anfon drafft o'r adroddiad o dan adran 69G(1)(a)(i).
- (2) Rhaid i'r Comisiwn beidio â chyhoeddi adroddiad atodol ar dâl—
- (a) cyn diwedd y cyfnod o 8 wythnos sy'n dechrau ar y diwrnod y mae'n anfon drafft o'r adroddiad yn unol ag adran 69G(1)(a)(i), neu
 - (b) yn hwyrach na diwedd y cyfnod o 12 wythnos sy'n dechrau ar y diwrnod y mae'n anfon drafft o'r adroddiad yn unol ag adran 69G(1)(a)(i).
- (3) Mae is-adrannau (1) a (2) yn ddarostyngedig i adran 69H(3)(b) (ni chaniateir cyhoeddi'r adroddiad ond os yw'r Comisiwn wedi ymateb i'r cyfarwyddyd).
- (4) Rhaid i'r Comisiwn gyhoeddi pob adroddiad blynyddol ar dâl, pob adroddiad atodol ar dâl a phob adroddiad drafft a lunnir o dan y Rhan hon ar ei wefan, ac mewn unrhyw ffordd arall y mae'r Comisiwn o'r farn ei bod yn briodol.
- (5) Caniateir i gopïau o unrhyw beth a gyhoeddir o dan is-adran (4) gael eu cyflenwi yn rhad ac am ddim neu ar ôl talu unrhyw ffi, nad yw'n fwy na chost cyflenwi'r copi, a benderfynir gan y Comisiwn.
- (6) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi adroddiad blynyddol ar dâl neu adroddiad atodol ar dâl, rhaid i'r Comisiwn hysbysu'r personau y mae o'r farn ei fod yn debygol o effeithio arnynt ynghylch sut y gallant gael mynediad at yr adroddiad neu gael copi ohono.

- (a) the provision,
 - (b) the reason for giving the direction, and
 - (c) the date by which the Welsh Ministers require the Commission to respond.
- (3) The Commission –
- (a) must respond to the direction no later than the date specified in the direction;
 - (b) must not publish the report before responding to the direction.
- (4) If the Commission decides not to vary the draft report in response to the direction, it must specify in its response the reason for its decision.

69I Commission's publication and notification duties in relation to reports

- (1) The Commission must not publish an annual remuneration report under section 69E before the end of the period of 12 weeks beginning with the day on which it sends a draft of the report under section 69G(1)(a)(i).
- (2) The Commission must not publish a supplementary remuneration report –
- (a) before the end of the period of 8 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i), or
 - (b) later than the end of the period of 12 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i).
- (3) Subsections (1) and (2) are subject to section 69H(3)(b) (publishing of report permitted only if Commission has responded to direction).
- (4) The Commission must publish each annual remuneration report, supplementary remuneration report, and draft report prepared under this Part on its website, and in any other way the Commission considers appropriate.
- (5) Copies of anything published under subsection (4) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Commission may determine.
- (6) As soon as reasonably practicable after publishing an annual remuneration report or supplementary remuneration report, the Commission must notify the persons it considers likely to be affected by it of how they can access the report or obtain a copy of it.

69J Gofynion gweinyddol ar gyfer awdurdodau perthnasol mewn adroddiadau

- (1) Caiff adroddiad blynyddol ar dâl gynnwys gofynion y Comisiwn er mwyn—
 - (a) osgoi dyblygu—
 - (i) taliadau mewn cysylltiad â materion perthnasol, a
 - (ii) ceisiadau am daliad mewn cysylltiad â'r un materion perthnasol o dan adran 69A(2)(a);
 - (b) cadw cofnodion—
 - (i) o geisiadau am daliadau mewn cysylltiad â materion perthnasol;
 - (ii) o daliadau a wneir mewn cysylltiad â materion perthnasol;
 - (iii) o daliadau a wneir mewn cysylltiad â phensiynau perthnasol;
 - (iv) o daliadau ailsefydlu a wneir o dan adran 69D.
- (2) Rhaid i adroddiad blynyddol ar dâl nodi gofynion y Comisiwn mewn perthynas â sut y mae awdurdod perthnasol yn penderfynu pa awdurdod perthnasol y mae'n ofynnol iddo wneud taliad mewn achos pan fo aelod o awdurdod perthnasol yn gwneud rhywbeth—
 - (a) y mae rhaid gwneud taliad amdano mewn cysylltiad â mater perthnasol, a
 - (b) sy'n ymwneud ag awdurdod perthnasol arall (yn ogystal â'r awdurdod y mae'r aelod yn perthyn iddo).

69K Gofynion cyhoeddi ar gyfer awdurdodau perthnasol mewn adroddiadau

- (1) Caiff adroddiad blynyddol ar dâl nodi gofynion y Comisiwn i awdurdodau perthnasol gyhoeddi gwybodaeth—
 - (a) ynghylch taliadau a wneir mewn cysylltiad â materion perthnasol;
 - (b) ynghylch taliadau a wneir mewn cysylltiad â phensiynau perthnasol;
 - (c) ynghylch taliadau ailsefydlu a wneir o dan adran 69D;
 - (d) ynghylch taliadau eraill a wneir i aelodau o awdurdodau perthnasol gan gyrff cyhoeddus eraill.
- (2) At ddibenion is-baragraff (1)(d), ystyr "corff cyhoeddus" yw—
 - (a) bwrdd iechyd lleol;
 - (b) panel heddlu a throsedd;
 - (c) awdurdod perthnasol;

69J Administrative requirements for relevant authorities in reports

- (1) An annual remuneration report may include the Commission's requirements for –
 - (a) avoiding duplication of –
 - (i) payments in respect of relevant matters, and
 - (ii) requests for payment in respect of the same relevant matters under section 69A(2)(a);
 - (b) keeping records of –
 - (i) requests for payments in respect of relevant matters;
 - (ii) payments made in respect of relevant matters;
 - (iii) payments made in respect of relevant pensions;
 - (iv) resettlement payments made under section 69D.
- (2) An annual remuneration report must set out the Commission's requirements in relation to how a relevant authority determines which relevant authority is required to make a payment in a case where a member of a relevant authority does something –
 - (a) for which a payment in respect of a relevant matter must be made, and
 - (b) which relates to another relevant authority (as well as the authority to which the member belongs).

69K Publishing requirements for relevant authorities in reports

- (1) An annual remuneration report may set out the Commission's requirements for relevant authorities to publish information about –
 - (a) payments made in respect of relevant matters;
 - (b) payments made in respect of relevant pensions;
 - (c) resettlement payments made under section 69D;
 - (d) other payments made to members of relevant authorities from other public bodies.
- (2) For the purposes of sub-paragraph (1)(d), a "public body" is –
 - (a) a local health board;
 - (b) a police and crime panel;
 - (c) a relevant authority;

- (d) corff sydd wedi ei ddynodi'n gorff cyhoeddus mewn rheoliadau a wneir gan Weinidogion Cymru.
- (3) Caiff y Comisiwn ei gwneud yn ofynnol i awdurdodau o ddisgrifiadau gwahanol neu i awdurdodau gwahanol o'r un disgrifiad wneud trefniadau cyhoeddi gwahanol.

69L Monitro cydymffurfedd â gofynion y Comisiwn

- (1) Rhaid i awdurdod perthnasol gydymffurfio ag unrhyw ofyniad a nodir mewn adroddiad blynyddol ar dâl neu adroddiad atodol ar dâl.
- (2) Caiff y Comisiwn fonitro sut y gwneir taliadau gan awdurdodau perthnasol mewn cysylltiad â materion perthnasol; a chaiff ei gwneud yn ofynnol i awdurdod perthnasol ddarparu gwybodaeth iddo—
 - (a) ynghylch y materion sy'n faterion perthnasol mewn perthynas â'r awdurdod;
 - (b) ynghylch ceisiadau i'r awdurdod am daliadau mewn cysylltiad â materion perthnasol;
 - (c) ynghylch taliadau a wneir gan yr awdurdod mewn cysylltiad â materion perthnasol.
- (3) Caiff y Comisiwn fonitro sut y gwneir taliadau gan awdurdodau perthnasol mewn cysylltiad â phensiynau perthnasol a chaiff ei gwneud yn ofynnol i awdurdod perthnasol ddarparu gwybodaeth iddo—
 - (a) ynghylch aelodau'r awdurdod y mae'n ofynnol i'r awdurdod dalu pensiynau perthnasol iddynt neu mewn cysylltiad â hwy;
 - (b) ynghylch taliadau a wneir gan yr awdurdod mewn cysylltiad â phensiynau perthnasol.
- (4) Caiff y Comisiwn fonitro sut y gwneir taliadau ailsefydlu gan awdurdodau lleol a chaiff ei gwneud yn ofynnol i awdurdod lleol ddarparu gwybodaeth iddo—
 - (a) ynghylch cyn-aelodau'r awdurdod lleol y mae'n ofynnol i'r awdurdod dalu taliad ailsefydlu iddynt neu mewn cysylltiad â hwy;
 - (b) ynghylch taliadau ailsefydlu a wneir gan yr awdurdod lleol.

69M Cyfarwyddiadau i orfodi cydymffurfedd â gofynion y Comisiwn

- (1) Os yw Gweinidogion Cymru wedi eu bodloni bod awdurdod perthnasol wedi methu â chydymffurfio â gofyniad mewn adroddiad blynyddol neu adroddiad atodol ar dâl a wneir o dan y Rhan hon, cânt gyfarwyddo'r awdurdod i gydymffurfio â'r gofyniad.
- (2) Rhaid i gyfarwyddyd o dan yr adran hon bennu—
 - (a) y gofyniad;
 - (b) y rheswm dros roi'r cyfarwyddyd;

- (d) a body designated as a public body in regulations made by the Welsh Ministers.
- (3) The Commission may require different publishing arrangements to be made by authorities of different descriptions or different authorities of the same description.

69L Monitoring compliance with Commission’s requirements

- (1) A relevant authority must comply with any requirement set out in an annual remuneration report or supplementary remuneration report.
- (2) The Commission may monitor the making of payments by relevant authorities in respect of relevant matters; and may require a relevant authority to provide it with information about –
 - (a) the matters which are relevant matters in relation to the authority;
 - (b) requests to the authority for payments in respect of relevant matters;
 - (c) payments made by the authority in respect of relevant matters.
- (3) The Commission may monitor the making of payments by relevant authorities in respect of relevant pensions and may require a relevant authority to provide it with information about –
 - (a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;
 - (b) payments made by the authority in respect of relevant pensions.
- (4) The Commission may monitor the making of resettlement payments by local authorities and may require a local authority to provide it with information about –
 - (a) the former members of the local authority to or in respect of whom the authority is required to pay a resettlement payment;
 - (b) resettlement payments made by the local authority.

69M Directions to enforce compliance with Commission’s requirements

- (1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement in an annual or supplementary remuneration report made under this Part, they may direct the authority to comply with the requirement.
- (2) A direction under this section must specify –
 - (a) the requirement;
 - (b) the reason for giving the direction;

- (c) y camau y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r awdurdod eu cymryd;
- (d) y dyddiad erbyn pryd y mae Gweinidogion Cymru yn ei gwneud yn ofynnol i'r awdurdod gymryd y camau.

69N Aelodau sy'n dymuno ymwrthod â thaliadau

- (1) Mae'r adran hon yn gymwys os yw person, drwy hysbysiad ysgrifenedig a roddir i swyddog priodol yr awdurdod, yn dewis ymwrthod (naill ai'n gyfan gwbl neu i'r graddau a bennir yn yr hysbysiad) â'r hawlogaeth i gael taliadau mewn cysylltiad â'r materion perthnasol, neu daliad ailsefydlu, a bennir yn yr hysbysiad.
- (2) Nid yw'r gofyniad a osodir ar yr awdurdod gan adran 69A a 69D i wneud taliadau a bennir yn yr hysbysiad yn gymwys yn achos yr aelod hwnnw (neu nid yw'n gymwys i'r graddau a bennir yn yr hysbysiad).
- (3) Yn yr adran hon mae i "swyddog priodol" yr ystyr a roddir i "proper officer" yn adran 270(3) o Ddeddf 1972.

69O Cadw taliadau yn ôl

- (1) Rhaid i awdurdod perthnasol beidio â gwneud taliadau mewn cysylltiad â materion perthnasol na phensiwn perthnasol i berson—
 - (a) sydd wedi ei atal dros dro neu wedi ei atal dros dro yn rhannol rhag bod yn aelod o'r awdurdod yn rhinwedd Rhan 3 o Ddeddf Llywodraeth Leol 2000 (p. 22) (ymddygiad aelodau llywodraeth leol etc.);
 - (b) sydd wedi ei rwystro rhag gweithredu yn swydd aelod o awdurdod lleol yng Nghymru o dan adran 80A(6) o Ddeddf 1972 (anghymhwys).
- (2) Rhaid i awdurdod lleol beidio â gwneud taliad ailsefydlu i berson sydd wedi ei rwystro rhag gweithredu yn swydd aelod o awdurdod lleol yng Nghymru o dan adran 80A(6) o Ddeddf 1972.
- (3) Caiff Gweinidogion Cymru, mewn achosion y maent o'r farn eu bod yn briodol, gyfarwyddo awdurdod perthnasol i beidio ag—
 - (a) gwneud taliadau (gan gynnwys mewn cysylltiad â phensiynau) mewn cysylltiad â'r materion perthnasol a bennir yn y cyfarwyddyd;
 - (b) gwneud taliad ailsefydlu.
- (4) Cyn rhoi cyfarwyddyd o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn.
- (5) Caiff awdurdod perthnasol ei gwneud yn ofynnol i berson ad-dalu taliadau a wneir mewn cysylltiad â materion perthnasol neu bensiwn perthnasol i berson mewn cysylltiad â chyfnod pan nad oedd gan y person hawlogaeth i gael y taliad am unrhyw reswm, gan gynnwys (ond heb fod yn gyfyngedig i) y rhesymau a ganlyn—

- (c) the steps that the Welsh Ministers require the authority to take;
- (d) the date by which the Welsh Ministers require the authority to take the steps.

69N Members wishing to forgo payments

- (1) This section applies if a person elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of the relevant matters, or resettlement payment, specified in the notice.
- (2) The requirement imposed on the authority by section 69A and 69D to make payments specified in the notice does not apply in the case of that member (or does not apply to the extent specified in the notice).
- (3) In this section “proper officer” has the meaning given in section 270(3) of the 1972 Act.

69O Withholding payments

- (1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is –
 - (a) suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (c. 22) (conduct of local government members etc.);
 - (b) prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act (disqualification).
- (2) A local authority must not make a resettlement payment to a person who is prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act.
- (3) The Welsh Ministers may, in cases they consider appropriate, direct a relevant authority not to –
 - (a) make payments (including in respect of pensions) in respect of the relevant matters specified in the direction;
 - (b) make a resettlement payment.
- (4) Before giving a direction under subsection (3), the Welsh Ministers must consult the Commission.
- (5) A relevant authority may require a person to repay payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons –

- (a) gwnaed y taliadau yn groes i is-adran (1);
 - (b) gwnaed y taliadau yn groes i gyfarwyddyd o dan is-adran (3)(a);
 - (c) yr oedd y person wedi peidio â bod yn aelod o'r awdurdod.
- (6) Caiff awdurdod lleol ei gwneud yn ofynnol i berson ad-dalu taliad ailsefydlu a wneir o dan adran 69D pan nad oedd gan y person hawlogaeth i gael y taliad am unrhyw reswm, gan gynnwys (ond heb fod yn gyfyngedig i) y rhesymau a ganlyn—
- (a) gwnaed y taliad yn groes i is-adran (2);
 - (b) gwnaed y taliad yn groes i gyfarwyddyd o dan is-adran (3)(b).

69P Canllawiau

- (1) Caiff y Comisiwn ddyroddi canllawiau i awdurdodau perthnasol ynghylch sut i gydymffurfio â gofynion a osodir o dan y Rhan hon.
- (2) Caiff Gweinidogion Cymru ddyroddi canllawiau i'r Comisiwn ynghylch swyddogaethau'r Comisiwn o dan y Rhan hon.
- (3) Mae pwerau'r Comisiwn a Gweinidogion Cymru i ddyroddi canllawiau o dan is-adrannau (1) a (2) yn cynnwys y pŵer i amrywio neu ddirymu canllawiau a roddir.
- (4) Rhaid i awdurdod perthnasol, neu'r Comisiwn yn ôl y digwydd, roi sylw i ganllawiau a roddir o dan yr adran hon.

69Q Cyfarwyddiadau o dan y Rhan hon

- (1) Mae cyfarwyddyd a roddir o dan adran 69M a 69O yn orfodadwy drwy orchymyn mandadol ar gais gan Weinidogion Cymru.
- (2) Nid yw'r pŵer i roi cyfarwyddiadau o dan y Rhan hon yn cyfyngu ar y pŵer cyfarwyddo cyffredinol o dan adran 14.

69R Pŵer i addasu darpariaeth

Caiff Gweinidogion Cymru drwy reoliadau wneud addasiadau i'r Rhan hon er mwyn ychwanegu, amrywio neu hepgor darpariaeth sy'n rhoi swyddogaeth i'r Comisiwn neu'n gosod swyddogaeth arno."

58 Trosglwyddo eiddo, hawliau ac atebolrwyddau

Mae'r holl eiddo, yr holl hawliau a'r holl atebolrwyddau a freinir ym Mhanel Annibynnol Cymru ar Gydnabyddiaeth Ariannol yn union cyn iddo gael ei ddiddymu gan adran 56 wedi eu trosglwyddo i Gomisiwn Democratiaeth a Ffiniau Cymru.

59 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Rhan 4 o Atodlen 1 yn gwneud mân ddiwygiadau a diwygiadau canlyniadol sy'n ymwneud â'r Bennod hon.

- (a) the payments were made in breach of subsection (1);
 - (b) the payments were made in breach of a direction under subsection (3)(a);
 - (c) the person had ceased to be a member of the authority.
- (6) A local authority may require a person to repay a resettlement payment made under section 69D where the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons –
- (a) the payment was made in breach of subsection (2);
 - (b) the payment was made in breach of a direction under subsection (3)(b).

69P Guidance

- (1) The Commission may issue guidance to relevant authorities about how to comply with requirements imposed under this Part.
- (2) The Welsh Ministers may issue guidance to the Commission about the Commission's functions under this Part.
- (3) The powers of the Commission and the Welsh Ministers to issue guidance under subsections (1) and (2) includes the power to vary or revoke guidance given.
- (4) A relevant authority, or the Commission as the case may be, must have regard to guidance given under this section.

69Q Directions under this Part

- (1) A direction given under section 69M and 69O is enforceable by mandatory order on the application of the Welsh Ministers.
- (2) The power to give directions under this Part does not limit the general power of direction under section 14.

69R Power to modify provision

The Welsh Ministers may by regulations make modifications of this Part so as to add, vary or omit provision conferring or imposing a function on the Commission."

58 Transfer of property, rights and liabilities

All property, rights and liabilities vested in the Independent Remuneration Panel for Wales immediately before its abolition by section 56 are transferred to the Democracy and Boundary Commission Cymru.

59 Minor and consequential amendments

Part 4 of Schedule 1 makes minor and consequential amendments relating to this Chapter.

60 Arbedion

Mae effaith y darpariaethau a ddiddymir gan adran 56 wedi ei harbed at ddibenion y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2025, ac eithrio bod pob cyfeiriad at Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol (sut bynnag y'i mynegir) i'w ddehongli fel pe bai'n gyfeiriad at Gomisiwn Democratiaeth a Ffiniau Cymru.

PENNOD 3**ANGHYMHWYSO, DYLANWAD AMHRIODOL A CHYFYNGIADAU GWLEIDYDDOL AR SWYDDFEYDD***Anghymhwysu***61 Anghymhwysu rhag bod yn Aelod o'r Senedd ac yn gynghorydd cymuned**

- (1) Mae Deddf Llywodraeth Cymru 2006 (p. 32) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 16 (anghymhwysu rhag bod yn Aelod o'r Senedd) yn is-adran (1) –
 - (a) ym mharagraff (za), hepgorer “and 17B”;
 - (b) yn lle paragraff (zc), rhodder –

“(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D),”.
- (3) Hepgorer adran 17B.
- (4) Yn adran 17D (eithriad rhag anghymhwysu yn rhinwedd bod yn gynghorydd) –
 - (a) yn is-adran (1), ar ôl “borough” mewnosoder “or community council”;
 - (b) yn is-adran (2), ar ôl “borough” mewnosoder “or community council”.
- (5) Hepgorer adran 17E.
- (6) Hepgorer adran 17F.
- (7) Mae'r diwygiadau a wneir gan yr adran hon yn cael effaith at ddibenion etholiad i fod yn Aelod o'r Senedd pan gynhelir pŵl ar neu ar ôl 6 Ebrill 2026.

62 Anghymhwysiad am arferion llwgr neu anghyfreithlon: etholiadau llywodraeth leol

Yn adran 80A(1) o Ddeddf Llywodraeth Leol 1972 (p. 70) (anghymhwysiad person rhag cael ei ethol neu fod yn aelod o awdurdod lleol yng Nghymru), ar ôl paragraff (b) mewnosoder –

“(ba) the person is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (corrupt or illegal practices);”.

63 Anghymhwysiad am arferion llwgr neu anghyfreithlon: etholiadau Senedd Cymru

Yn Atodlen 1A i Ddeddf Llywodraeth Cymru 2006 (p. 32) (anghymhwysiad rhag bod yn Aelod o'r Senedd neu'n ymgeisydd mewn etholiad i fod yn Aelod o'r Senedd), ar ôl paragraff 5 mewnosoder –

60 Savings

The effect of the provisions repealed by section 56 is saved for the purposes of the financial year beginning 1 April 2025, except that every reference to the Independent Remuneration Panel for Wales (however expressed) is to be interpreted as a reference to the Democracy and Boundary Commission Cymru.

CHAPTER 3**DISQUALIFICATION, UNDUE INFLUENCE AND POLITICAL RESTRICTION OF OFFICES***Disqualification***61 Disqualification from being a Member of the Senedd and a community councillor**

- (1) The Government of Wales Act 2006 (c. 32) is amended as follows.
- (2) In section 16 (disqualification from being a Member of the Senedd) in subsection (1) –
 - (a) in paragraph (za), omit “and 17B”;
 - (b) for paragraph (zc), substitute –

“(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D),”.
- (3) Omit section 17B.
- (4) In section 17D (exception from disqualification by virtue of being a councillor) –
 - (a) in subsection (1), after “borough” insert “or community council”;
 - (b) in subsection (2), after “borough” insert “or community council”.
- (5) Omit section 17E.
- (6) Omit section 17F.
- (7) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 6 April 2026.

62 Disqualification for corrupt or illegal practice: local government elections

In section 80A(1) of the Local Government Act 1972 (c. 70) (disqualification for election or being a member of a local authority in Wales), after paragraph (b) insert –

“(ba) the person is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (corrupt or illegal practices);”.

63 Disqualification for corrupt or illegal practice: Senedd Cymru elections

In Schedule 1A to the Government of Wales Act 2006 (c. 32) (disqualification from being a Member of the Senedd or a candidate in an election to be a Member of the Senedd), after paragraph 5 insert –

“5A A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.”

Dylanwad amhriodol

64 Dylanwad amhriodol

- (1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 114A (trosedd o ddylanwad amhriodol a fewnosodir gan adran 8 o Ddeddf Etholiadau 2022), hepgorer “or Wales”.
- (3) Yn adran 115 (trosedd o ddylanwad amhriodol: etholiadau llywodraeth leol yng Nghymru a’r Alban) –
 - (a) yn is-adran (1), hepgorer “or Wales”;
 - (b) yn is-adran (2), hepgorer “or Wales”;
 - (c) yn y pennawd, hepgorer “and Wales”.

Cyfyngiadau gwleidyddol ar swyddfeydd

65 Cyfyngiadau gwleidyddol ar swyddogion a staff

- (1) Mae Deddf Llywodraeth Leol a Thai 1989 (p. 42) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1 (anghymhwysu swyddogion a staff penodol a chyfyngiadau gwleidyddol arnynt) –
 - (a) yn is-adran (1A) –
 - (i) ar ôl “member of any local authority in Wales” mewnosoder “(including an elected mayor)”;
 - (ii) ym mharagraff (b), ar ôl “under a” mewnosoder “community council or”;
 - (b) yn is-adran (1B), ar ôl “any corporate joint committee” mewnosoder “, community council”;
 - (c) ar ôl is-adran (1B) mewnosoder –

“(1C) A person shall be disqualified from becoming or remaining a member of a community council if that person holds a politically restricted post under any community council, corporate joint committee or local authority in Great Britain.”;
 - (d) ar ôl is-adran (12) mewnosoder –

“(13) Subsections (5) and (6) of this section apply to a community council as they apply to a local authority in Wales.”.
- (3) Yn adran 2 (swyddi o dan gyfyngiadau gwleidyddol) –
 - (a) ar ôl is-adran (1B) mewnosoder –

“(1C) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a community council –

“5A A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.”

Undue influence

64 Undue influence

- (1) The 1983 Act is amended as follows.
- (2) In section 114A (undue influence offence inserted by section 8 of the Elections Act 2022), omit “or Wales”.
- (3) In section 115 (undue influence offence: local government elections in Scotland and Wales) –
 - (a) in subsection (1), omit “or Wales”;
 - (b) in subsection (2), omit “or Wales”;
 - (c) in the heading, omit “and Wales”.

Political restriction of offices

65 Political restriction of officers and staff

- (1) The Local Government and Housing Act 1989 (c. 42) is amended as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff) –
 - (a) in subsection (1A) –
 - (i) after “member of any local authority in Wales” insert “(including an elected mayor)”;
 - (ii) in paragraph (b), after “under a” insert “community council or”;
 - (b) in subsection (1B), after “any corporate joint committee” insert “, community council”;
 - (c) after subsection (1B) insert –

“(1C) A person shall be disqualified from becoming or remaining a member of a community council if that person holds a politically restricted post under any community council, corporate joint committee or local authority in Great Britain.”;
 - (d) after subsection (12) insert –

“(13) Subsections (5) and (6) of this section apply to a community council as they apply to a local authority in Wales.”.
- (3) In section 2 (politically restricted posts) –
 - (a) after subsection (1B) insert –

“(1C) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a community council –

- (a) a paid officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the financial affairs of the community council;
 - (b) a person holding a paid post that is for the time being specified by the community council in the list maintained in accordance with subsection (2) and any directions under section 3.”;
- (b) ar ôl is-adran (10C) mewnosoder –
- “(10D) This section, other than subsection (1), applies in relation to a community council as it applies in relation to a local authority in Wales.
- (10E) In the application of subsection (4) to a community council, the reference to the coming into force of this section has effect as if it were a reference to 6 May 2027.”.
- (4) Yn adran 3(9) (rhoi a goruchwylio esemptiadau rhag cyfyngiadau gwleidyddol), ar ôl “corporate joint committee” mewnosoder “and a community council”.
 - (5) Yn adran 10(2) (terfyn ar wyliau â thâl ar gyfer dyletswyddau awdurdod lleol), yn y diffiniad o “local authority”, ar ôl “corporate joint committee” mewnosoder “and a community council”.
 - (6) Yn adran 12(2) (gwrthdaro buddiannau mewn negodiadau staff), yn y diffiniad o “local authority”, ar ôl “corporate joint committee” mewnosoder “and a community council”.

PENNOD 4

COMISIWN DEMOCRATIAETH A FFINIAU CYMRU

66 Comisiwn Democratiaeth a Ffiniau Cymru: personau na chaniateir iddynt fod yn aelodau etc.

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 4(3) (personau na chaniateir iddynt fod yn gomisiynwyr) –
 - (a) ym mharagraff (c), ar ôl “lleol” mewnosoder “neu’n aelod o staff awdurdod lleol”;
 - (b) hepgorer paragraff (d);
 - (c) ym mharagraff (e), ar ôl “awdurdod Parc Cenedlaethol” mewnosoder “, neu’n aelod o staff awdurdod Parc Cenedlaethol,”;
 - (d) ar ôl paragraff (e) mewnosoder –
 - “(ea) aelod o gyd-bwyllgor corfforedig, neu’n aelod o staff cyd-bwyllgor corfforedig, a sefydlir gan reoliadau a wneir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1);
 - (eb) aelod o awdurdod tân ac achub, neu’n aelod o staff awdurdod tân ac achub, a gyfansoddir gan gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo;”.
- (3) Yn adran 8(4) (personau na chaniateir iddynt fod yn brif weithredwr) –
 - (a) ym mharagraff (c), ar ôl “lleol” mewnosoder “neu’n aelod o staff awdurdod lleol”;

- (a) a paid officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the financial affairs of the community council;
 - (b) a person holding a paid post that is for the time being specified by the community council in the list maintained in accordance with subsection (2) and any directions under section 3.”;
- (b) after subsection (10C) insert –
- “(10D) This section, other than subsection (1), applies in relation to a community council as it applies in relation to a local authority in Wales.
- (10E) In the application of subsection (4) to a community council, the reference to the coming into force of this section has effect as if it were a reference to 6 May 2027.”.
- (4) In section 3(9) (grant and supervision of exemptions from political restriction), after “corporate joint committee” insert “and a community council”.
 - (5) In section 10(2) (limit on paid leave for local authority duties), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.
 - (6) In section 12(2) (conflict of interest in staff negotiations), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.

CHAPTER 4

DEMOCRACY AND BOUNDARY COMMISSION CYMRU

66 Democracy and Boundary Commission Cymru: persons who may not be members etc.

- (1) The 2013 Act is amended as follows.
- (2) In section 4(3) (persons who may not be commissioners) –
 - (a) in paragraph (c), after “member” insert “or member of staff”;
 - (b) omit paragraph (d);
 - (c) in paragraph (e), after “member” insert “or member of staff”;
 - (d) after paragraph (e) insert –
 - “(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
 - (eb) a member or member of staff of 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;”.
- (3) In section 8(4) (persons who may not be chief executive) –
 - (a) in paragraph (c), after “member” insert “or member of staff”;

- (b) hepgorer paragraff (d);
 - (c) ym mharagraff (e), ar ôl “awdurdod Parc Cenedlaethol” mewnosoder “, neu’n aelod o staff awdurdod Parc Cenedlaethol,”;
 - (d) ar ôl paragraff (e) mewnosoder –
 - “(ea) yn aelod o gyd-bwyllgor corfforedig, neu’n aelod o staff cyd-bwyllgor corfforedig, a sefydlir gan reoliadau a wneir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1);
 - (eb) yn aelod o awdurdod tân ac achub, neu’n aelod o staff awdurdod tân ac achub, a gyfansoddir gan gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo;”.
- (4) Yn adran 11(2) (personau na chaniateir iddynt fod yn gomisiynwyr cynorthwyol) –
- (a) ym mharagraff (c), ar ôl “lleol” mewnosoder “neu’n aelod o staff awdurdod lleol”;
 - (b) hepgorer paragraff (d);
 - (c) ym mharagraff (e), ar ôl “awdurdod Parc Cenedlaethol” mewnosoder “, neu’n aelod o staff awdurdod Parc Cenedlaethol,”;
 - (d) ar ôl paragraff (e) mewnosoder –
 - “(ea) aelod o gyd-bwyllgor corfforedig, neu’n aelod o staff cyd-bwyllgor corfforedig, a sefydlir gan reoliadau a wneir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1);
 - (eb) aelod o awdurdod tân ac achub, neu’n aelod o staff awdurdod tân ac achub, a gyfansoddir gan gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo;”.

67 Comisiwn Democratiaeth a Ffiniau Cymru: pwyllgor llywodraethu ac archwilio

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn y croesbennawd o flaen adran 15 (cyllido), ar ôl “ariannol” mewnosoder “a llywodraethu”.
- (3) Yn adran 17 (pwyllgor archwilio) –
 - (a) yn lle pennawd yr adran, rhodder “Pwyllgor llywodraethu ac archwilio”;
 - (b) yn is-adran (1) –
 - (i) yn lle “(“pwyllgor archwilio”)” rhodder “(“pwyllgor llywodraethu ac archwilio”)”;
 - (ii) ar ôl paragraff (b) mewnosoder –
 - “(ba) adolygu, asesu a rheoli trefniadau archwilio mewnol ac allanol y Comisiwn,
 - (bb) adolygu ac asesu sut y mae’r Comisiwn yn ymdrin â chwynion,
 - (bc) adolygu –

- (b) omit paragraph (d);
- (c) in paragraph (e), after “member” insert “or member of staff”;
- (d) after paragraph (e) insert –
 - “(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
 - (eb) a member or member of staff of 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;”.

(4) In section 11(2) (persons who may not be assistant commissioners) –

- (a) in paragraph (c), after “member” insert “or member of staff”;
- (b) omit paragraph (d);
- (c) in paragraph (e), after “member” insert “or member of staff”;
- (d) after paragraph (e) insert –
 - “(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
 - (eb) a member or member of staff of 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;”.

67 Democracy and Boundary Commission Cymru: governance and audit committee

- (1) The 2013 Act is amended as follows.
- (2) In the cross-heading before section 15 (funding), after “matters” insert “and governance”.
- (3) In section 17 (audit committee) –
 - (a) for the section heading, substitute “Governance and audit committee”;
 - (b) in subsection (1) –
 - (i) for “(an “audit committee”)” substitute “(a “governance and audit committee”)”;
 - (ii) after paragraph (b) insert –
 - “(ba) review, assess and manage the Commission’s internal and external audit arrangements,
 - (bb) review and assess the Commission’s handling of complaints,
 - (bc) review –

- (i) datganiadau o gyfrifon ac adroddiadau a lunnir gan y Comisiwn o dan adrannau 19(1) ac 20,
 - (ii) adroddiadau a lunnir gan Archwilydd Cyffredinol Cymru o dan adran 19(4),”;
 - (iii) ym mharagraff (d), ar ôl “(b)” mewnosoder “, (ba), (bb), (bc)”;
 - (c) yn is-adran (2), yn lle “archwilio” rhodder “llywodraethu ac archwilio”;
 - (d) yn is-adran (3), yn lle “archwilio” rhodder “llywodraethu ac archwilio”;
 - (e) ar ôl is-adran (2) mewnosoder –
 - “(2A) Caiff y Comisiwn roi i’r pwyllgor llywodraethu ac archwilio y swyddogaethau y mae’r Comisiwn o’r farn eu bod yn addas i’w harfer gan y pwyllgor.”
- (4) Yn adran 18 (pwyllgor archwilio: aelodaeth) –
- (a) yn lle pennawd yr adran, rhodder “Pwyllgor llywodraethu ac archwilio: aelodaeth a chworwm”;
 - (b) yn lle is-adrannau (1) a (2) o Ddeddf 2013 rhodder –
 - “(1) Mae aelodau’r pwyllgor llywodraethu ac archwilio i fod fel a ganlyn –
 - (a) o leiaf ddau aelod o’r Comisiwn;
 - (b) o leiaf ddau aelod lleyg;
 - (c) dim mwy na phum aelod.
 - (2) Rhaid penodi aelod lleyg o’r pwyllgor llywodraethu ac archwilio –
 - (a) i gadeirio’r pwyllgor (y “cadeirydd”);
 - (b) yn ddirprwy i’r cadeirydd.
 - (2A) Ni chaiff person fod yn aelod o’r pwyllgor llywodraethu ac archwilio os yw’r person yn aelod o’r Comisiwn a’i fod naill ai’n aelod cadeirio’r Comisiwn neu’n gweithredu fel dirprwy i aelod cadeirio’r Comisiwn.
 - (2B) Tri aelod yw’r cworwm ar gyfer cyfarfodydd o’r pwyllgor llywodraethu ac archwilio, a rhaid i’r cworwm gynnwys o leiaf un aelod lleyg.”

68 Comisiwn Democratiaeth a Ffiniau Cymru: pŵer i godi tâl

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 11 (comisiynwyr cynorthwyol) a’r croesbennawd sy’n dilyn yr adran honno, mewnosoder –

“11A Pŵer i godi tâl

- (1) Caiff y Comisiwn godi tâl ar berson am ddarparu nwyddau neu wasanaethau fel a grybwyllir yn is-adran (2) i adennill cost y ddarpariaeth os yw’r person wedi cytuno i’r nwyddau neu’r gwasanaethau gael eu darparu.
- (2) Y nwyddau neu’r gwasanaethau yw –

- (i) statements of accounts and reports prepared by the Commission under sections 19(1) and 20,
 - (ii) reports prepared by the Auditor General for Wales under section 19(4),”;
 - (iii) in paragraph (d), after “(b)” insert “, (ba), (bb), (bc)”;
 - (c) in subsection (2), for “audit” substitute “governance and audit”;
 - (d) in subsection (3), for “audit” substitute “governance and audit”;
 - (e) after subsection (2) insert—
 - “(2A) The Commission may confer on the governance and audit committee the functions the Commission considers suitable to be exercised by the committee.”
- (4) In section 18 (audit committee: membership)—
- (a) for the section heading, substitute “Governance and audit committee: membership and quorum”;
 - (b) for subsections (1) and (2) of the 2013 Act substitute—
 - “(1) The governance and audit committee is to consist of—
 - (a) at least two members of the Commission;
 - (b) at least two lay members;
 - (c) no more than five members.
 - (2) A lay member of the governance and audit committee must be appointed—
 - (a) to chair the committee (the “chair”);
 - (b) as deputy to the chair.
 - (2A) A person may not be a member of the governance and audit committee if the person is a member of the Commission and is either the Commission’s chairing member or is acting as deputy to the Commission’s chairing member.
 - (2B) The quorum for meetings of the governance and audit committee is three members, which must consist of at least one lay member.”

68 Democracy and Boundary Commission Cymru: power to charge

- (1) The 2013 Act is amended as follows.
- (2) After section 11 (assistant commissioners) and the cross-heading that follows that section, insert—

“11A Power to charge

- (1) The Commission may charge a person for the provision of goods or services mentioned in subsection (2) to recover the cost of the provision if the person has agreed to the goods or services being provided.
- (2) The goods or services are—

- (a) nwyddau y mae'r Comisiwn yn eu darparu neu'n eu sicrhau, neu hyfforddiant y mae'r Comisiwn yn ei ddarparu neu'n ei sicrhau, wrth arfer ei swyddogaethau o dan adran 20A (swyddogaethau gweinyddu etholiadol);
- (b) hyfforddiant y mae'r Comisiwn yn ei ddarparu neu'n ei sicrhau ar gyfer prif gyngor mewn cysylltiad â swyddogaethau'r cyngor o dan Ran 3."

RHAN 3

DARPARIAETH GYFFREDINOL

69 Rheoliadau: cyfyngiadau

- (1) Ni chaiff rheoliadau o dan y Ddeddf hon –
 - (a) cynnwys darpariaeth a fyddai'n ei gwneud yn ofynnol cael cydsyniad y Gweinidog priodol o dan baragraff 8(1)(a) neu (c), 10 neu 11 o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 (p. 32) pe bai'r ddarpariaeth yn cael ei chynnwys mewn Deddf gan Senedd Cymru;
 - (b) cynnwys darpariaeth a fyddai'n ei gwneud yn ofynnol ymgynghori â'r Gweinidog priodol o dan baragraff 11(2) o Atodlen 7B i'r Ddeddf honno pe bai'r ddarpariaeth yn cael ei chynnwys mewn Deddf gan Senedd Cymru.
- (2) Yn yr adran hon mae i "Gweinidog priodol" yr ystyr a roddir i "appropriate Minister" gan baragraff 8(5) o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006.

70 Dehongli cyffredinol

Yn y Ddeddf hon –

ystyr "Deddf 1983" ("*1983 Act*") yw Deddf Cynrychiolaeth y Bobl 1983 (p. 2);

ystyr "Deddf 2000" ("*2000 Act*") yw Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41);

ystyr "Deddf 2013" ("*2013 Act*") yw Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4);

ystyr "prif gyngor" ("*principal council*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

71 Pŵer i wneud darpariaeth ganlyniadol a darpariaeth drosiannol etc.

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn briodol at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, o ganlyniad i unrhyw ddarpariaeth ynddi neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud –
 - (a) darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol;
 - (b) darpariaeth drosiannol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon).
- (3) Mae'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.

- (a) goods or training the Commission provides or secures in exercise of its functions under section 20A (electoral administration functions);
- (b) training the Commission provides or secures for a principal council in connection with the council's functions under Part 3."

PART 3

GENERAL PROVISION

69 Regulations: restrictions

- (1) Regulations under this Act—
 - (a) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
 - (b) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (2) In this section "appropriate Minister" has the meaning given by paragraph 8(5) of Schedule 7B to the Government of Wales Act 2006.

70 General interpretation

In this Act—

"1983 Act" ("*Deddf 1983*") means the Representation of the People Act 1983 (c. 2);

"2000 Act" ("*Deddf 2000*") means the Political Parties, Elections and Referendums Act 2000 (c. 41);

"2013 Act" ("*Deddf 2013*") means the Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4);

"principal council" ("*prif gyngor*") means the council of a county or county borough in Wales.

71 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it appropriate 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 or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).
- (3) The power to make regulations under this section is exercisable by statutory instrument.

- (4) Os yw rheoliadau o dan is-adran (1) yn diwygio, yn diddymu neu fel arall yn addasu darpariaeth mewn Deddf gan Senedd y Deyrnas Unedig neu Ddeddf neu Fesur gan Senedd Cymru, ni chaniateir i'r offeryn sy'n cynnwys y rheoliadau gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (5) Mae offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1), nad yw is-adran (4) yn gymwys iddo, yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

72 **Dod i rym**

- (1) Daw'r darpariaethau a ganlyn o'r Ddeddf hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
 - (a) Pennod 3 o Ran 1 a Rhan 2 o Atodlen 1 (peilota a diwygio etholiadau Cymreig);
 - (b) adran 61 (anghymhwysu rhag bod yn Aelod o'r Senedd ac yn gynghorydd cymuned), ond mae'r adran honno yn cael effaith yn unol ag adran 61(7);
 - (c) adran 66 (Comisiwn Democratiaeth a Ffiniau Cymru: personau na chaniateir iddynt fod yn aelodau etc.);
 - (d) y Rhan hon.
- (2) Daw'r darpariaethau a ganlyn o'r Ddeddf hon i rym ar ddiwedd y cyfnod o ddau fis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
 - (a) Pennod 1 o Ran 2 (trefniadau ar gyfer llywodraeth leol);
 - (b) adran 25 (arolwg o gynghorwyr ac ymgeiswyr aflwyddiannus mewn etholiadau lleol);
 - (c) adran 30 (canllawiau ar gyfer pleidiau gwleidyddol i hybu amrywiaeth ymhlith personau sy'n ceisio swydd etholedig);
 - (d) adrannau 62 a 63 (anghymhwysiad am arferion llwgr neu anghyfreithlon).
- (3) Daw adran 65 i rym ar 6 Mai 2027.
- (4) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol, yn ddarostyngedig i is-adran (5).
- (5) Ni chaiff y darpariaethau ym Mhennod 2 o Ran 1 (cofrestru etholiadol heb geisiadau), ac eithrio paragraffau (c) a (d) o adran 4(9), ddod i rym oni bai –
 - (a) bod darpariaeth peilota etholiadau Cymreig o'r math a ddisgrifir yn adran 5(4) wedi ei gwneud mewn rheoliadau o dan adran 5(1),
 - (b) bod adroddiad ar weithrediad y rheoliadau wedi ei anfon at Weinidogion Cymru o dan adran 17(5)(a),
 - (c) bod Gweinidogion Cymru wedi gosod yr adroddiad gerbron Senedd Cymru, a

- (4) If regulations under subsection (1) amend, repeal or otherwise modify a provision of an Act of Parliament or an Act or Measure of Senedd Cymru, the instrument containing the regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (5) A statutory instrument containing regulations under subsection (1) to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

72 Coming into force

- (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent –
 - (a) Chapter 3 of Part 1 and Part 2 of Schedule 1 (Welsh elections piloting and reform);
 - (b) section 61 (disqualification from being a Member of the Senedd and a community councillor), but that section has effect in accordance with section 61(7);
 - (c) section 66 (Democracy and Boundary Commission Cymru: persons who may not be members etc.);
 - (d) this Part.
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent –
 - (a) Chapter 1 of Part 2 (arrangements for local government);
 - (b) section 25 (survey of councillors and unsuccessful candidates in local elections);
 - (c) section 30 (guidance for political parties to promote diversity in persons seeking elected office);
 - (d) sections 62 and 63 (disqualification for corrupt or illegal practice).
- (3) Section 65 comes into force on 6 May 2027.
- (4) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument, subject to subsection (5).
- (5) The provisions of Chapter 2 of Part 1 (electoral registration without applications), except paragraphs (c) and (d) of section 4(9), may not come into force unless –
 - (a) Welsh election pilot provision of the kind described in section 5(4) has been made in regulations under section 5(1),
 - (b) a report on the operation of the regulations has been sent to the Welsh Ministers under section 17(5)(a),
 - (c) the Welsh Ministers have laid the report before Senedd Cymru, and

- (d) nad yw'r rheoliadau sydd mewn grym o dan adran 53 o Ddeddf 1983 sy'n gymwys i gofrestrau etholwyr llywodraeth leol ar gyfer ardaloedd yng Nghymru yn ei gwneud yn ofynnol i swyddogion cofrestru lunio cofrestrau golygedig o etholwyr llywodraeth leol na chyflenwi cofrestrau o'r fath na rhan ohonynt i unrhyw berson ar ôl talu ffi, i'r graddau y mae gofynion o'r math hwnnw mewn rheoliadau o dan adran 53 wedi eu gwahardd yn rhinwedd paragraffau 10(3) a 10B(4) o Atodlen 2 i'r Ddeddf honno (fel y'u mewnosodir gan adran 4(9)(c) a (d) o'r Ddeddf hon).
- (6) Caiff gorchymyn o dan is-adran (4) –
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth i rym a ddygir i rym drwy'r gorchymyn.

73 **Enw byr**

Enw byr y Ddeddf hon yw Deddf Etholiadau a Chyrff Etholedig (Cymru) 2024.

- (d) the regulations in force under section 53 of the 1983 Act that apply to registers of local government electors for areas in Wales do not require registration officers to prepare edited registers of local government electors or supply such registers or part of them to any person on payment of a fee, so far as requirements of that kind in regulations under section 53 are prohibited by virtue of paragraphs 10(3) and 10B(4) of Schedule 2 to that Act (as inserted by section 4(9)(c) and (d) of this Act).
- (6) An order under subsection (4) may –
 - (a) appoint different days for different purposes;
 - (b) make transitory, transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

73 Short title

The short title of this Act is the Elections and Elected Bodies (Wales) Act 2024.

ATODLEN 1

(a gyflwynir gan adrannau 2, 22, 39 a 59)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

RHAN 1

DIWYGIADAU SY’N YMWNEUD Â CHYDLYNU TREFNIADAU ETHOLIADOL

Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4)

- 1 (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn –
- (2) Yn adran 1 (trosolwg), ar ôl is-adran (2), mewnosoder –
- “(2A) Mae Rhan 2A yn rhoi swyddogaethau gweinyddu etholiadol i’r Comisiwn ac yn ei gwneud yn ofynnol i’r swyddogaethau gael eu harfer gan fwrdd a sefydlir gan y Comisiwn o’r enw y Bwrdd Rheoli Etholiadol.”
- (3) Yn adran 14 (cyfarwyddiadau) –
- (a) yn lle is-adran (1) rhodder –
- “(1A) Caiff Gweinidogion Cymru roi cyfarwyddyd i’r Comisiwn mewn perthynas ag arfer swyddogaethau’r Comisiwn o dan unrhyw ddeddfiad, ac eithrio mewn perthynas ag arfer swyddogaethau o dan –
- (a) Rhan 2A (cydlynu gwaith gweinyddu etholiadol);
- (b) Rhan 3A (swyddogaethau sy’n ymwneud ag adolygiadau o ffiniau etholaethau’r Senedd).
- (1B) Rhaid i’r Comisiwn gydymffurfio â chyfarwyddyd a roddir iddo gan Weinidogion Cymru o dan y Ddeddf hon.
- (1C) Rhaid i Weinidogion Cymru gyhoeddi pob cyfarwyddyd y maent yn ei roi i’r Comisiwn neu i brif gyngor o dan y Ddeddf hon.”;
- (b) hepgorer is-adran (3).
- (4) Yn adran 71 (gorchmynion a rheoliadau), yn is-adran (2) –
- (a) ym mharagraff (b), ar ôl “chadw,” hepgorer “neu”;
- (b) ar ôl paragraff (b) mewnosoder –
- “(ba) rheoliadau o dan adran 20E(3)(c),”.
- (5) Yn adran 72 (dehongli), yn lle’r diffiniad o “deddfiad” rhodder –
- “ystyr “deddfiad” yw unrhyw un o’r canlynol neu ddarpariaeth mewn unrhyw un o’r canlynol –
- (a) Deddf neu Fesur gan Senedd Cymru;
- (b) Deddf gan Senedd y Deyrnas Unedig;
- (c) unrhyw is-ddeddfwriaeth.”

SCHEDULE 1

(introduced by sections 2, 22, 39 and 59)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO CO-ORDINATION OF ELECTORAL ARRANGEMENTS

Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4)

- 1 (1) The 2013 Act is amended as follows—
 - (2) In section 1 (overview), after subsection (2), insert—

“(2A) Part 2A confers electoral administration functions on the Commission and requires the functions to be exercised by a board established by the Commission called the Electoral Management Board.”
 - (3) In section 14 (directions)—
 - (a) for subsection (1) substitute—

“(1A) The Welsh Ministers may give a direction to the Commission in relation to the exercise of the Commission’s functions under any enactment, except in relation to the exercise of functions under—
 - (a) Part 2A (co-ordination of electoral administration);
 - (b) Part 3A (functions relating to Senedd constituency boundary reviews).

(1B) The Commission must comply with a direction given to it by the Welsh Ministers under this Act.

(1C) The Welsh Ministers must publish each direction they give to the Commission or a principal council under this Act.”;
 - (b) omit subsection (3).
 - (4) In section 71 (orders and regulations), in subsection (2)—
 - (a) in paragraph (b), after “preserved county”, omit “or”;
 - (b) after paragraph (b), insert—

“(ba) regulations under section 20E(3)(c),”.
 - (5) In section 72 (interpretation), for the definition of “enactment” substitute—

““enactment” means any of the following or a provision of any of the following—
 - (a) an Act or Measure of Senedd Cymru;
 - (b) an Act of the Parliament of the United Kingdom;
 - (c) any subordinate legislation.”

(6) Yn Atodlen 3 (mynegai o ymadroddion wedi eu diffinio), yn Nhabl 2, yn y lleoedd priodol, mewnosoder y cofnodion a ganlyn—

“Deddf 1983 (1983 Act)”	adran 20I”
“Etholiad a gedwir yn ôl (<i>Reserved election</i>)”	adran 20I”
“Etholiadau a refferenda Cymreig (<i>Welsh elections and referendums</i>)”	adran 20A(4)”
“Etholiadau llywodraeth leol (<i>Local government elections</i>)”	adran 20I”
“Refferenda datganoledig (<i>Devolved referendums</i>)”	adran 20I”
“Swyddog canlyniadau (<i>Returning officer</i>)”	adran 20I”
“Swyddog cofrestru etholiadol (<i>Electoral registration officer</i>)”	adran 20I”

Deddf Senedd Cymru (Aelodau ac Etholiadau) 2024 (dsc 4)

2 Ym mharagraff 2 o Atodlen 2 i Ddeddf Senedd Cymru (Aelodau ac Etholiadau) 2024 (Rhan newydd 3A o Ddeddf 2013), hepgorer is-baragraff (4).

RHAN 2

DIWYGIADAU SY’N YMWNEUD Â PHEILOTA A DIWYGIO ETHOLIADAU CYMREIG

Deddf Cynrychiolaeth y Bobl 2000 (p. 2)

- 3 (1) Mae Deddf Cynrychiolaeth y Bobl 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 10(11) (cynlluniau peilot ar gyfer etholiadau lleol yng Nghymru a Lloegr)—
- ym mharagraff (a) yn lle “as respects” rhodder “the following authorities in”;
 - hepgorer paragraff (b).
- (3) Yn adran 11 (diwygio gweithdrefnau yng ngoleuni cynlluniau peilot)—
- yn is-adran (1), ym mharagraff (a), hepgorer “and Wales”;
 - yn is-adran (2), ym mharagraff (b), hepgorer “and Wales”;
 - hepgorer is-adran (6A).

Deddf Gweinyddu Etholiadol 2006 (p. 22)

- 4 (1) Mae Deddf Gweinyddu Etholiadol 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 32(9) (ffotograffau ar bapurau pleidleisio: peilota), hepgorer paragraff (b).
- (3) Yn adran 34(1)(b) (diwygio darpariaethau etholiadol yng ngoleuni cynlluniau peilot), hepgorer “and Wales”.

Deddf Cofrestru a Gweinyddu Etholiadol 2013 (p. 6)

- 5 (1) Mae Deddf Cofrestru a Gweinyddu Etholiadol 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 7 (pŵer i ddiwygio neu ddiddymu’r canfasiad blynyddol), ar ôl is-adran (2) mewnosoder—

- (6) In Schedule 3 (index of defined expressions), in Table 2, at the appropriate places, insert the following entries –

“1983 Act (<i>Deddf 1983</i>)	section 20I”
“Devolved referendums (<i>Refferenda datganoledig</i>)	section 20I”
“Electoral registration officer (<i>Swyddog cofrestru etholiadol</i>)	section 20I”
“Local government elections (<i>Etholiadau llywodraeth leol</i>)	section 20I”
“Reserved election (<i>Etholiad a gedwir yn ôl</i>)	section 20I”
“Returning officer (<i>Swyddog canlyniadau</i>)	section 20I”
“Welsh elections and referendums (<i>Etholiadau a refferenda Cymreig</i>)	section 20A(4)”

Senedd Cymru (Members and Elections) Act 2024 (asc 4)

- 2 In paragraph 2 of Schedule 2 to the Senedd Cymru (Members and Elections) Act 2024 (new Part 3A of the 2013 Act), omit sub-paragraph (4).

PART 2

AMENDMENTS RELATING TO WELSH ELECTIONS PILOTING AND REFORM

Representation of the People Act 2000 (c. 2)

- 3 (1) The Representation of the People Act 2000 is amended as follows.
- (2) In section 10(11) (pilot schemes for local elections in England and Wales) –
- in paragraph (a) for “as respects” substitute “the following authorities in”;
 - omit paragraph (b).
- (3) In section 11 (revision of procedures in light of pilot schemes) –
- in subsection (1), in paragraph (a), omit “and Wales”;
 - in subsection (2), in paragraph (b), omit “and Wales”;
 - omit subsection (6A).

Electoral Administration Act 2006 (c. 22)

- 4 (1) The Electoral Administration Act 2006 is amended as follows.
- In section 32(9) (photographs on ballot papers: piloting), omit paragraph (b).
 - In section 34(1)(b) (revision of electoral provisions in the light of pilot schemes), omit “and Wales”.

Electoral Registration and Administration Act 2013 (c. 6)

- 5 (1) The Electoral Registration and Administration Act 2013 is amended as follows.
- In section 7 (power to amend or abolish the annual canvass), after subsection (2) insert –

- “(2A) But the power in subsection (2) does not include the power to modify any provision or abolish the duty in section 9D so far as the provision or duty applies in relation to a register of local government electors maintained by a registration officer in Wales.”
- (3) Yn adran 10 (peilota darpariaethau cofrestru), ar ôl is-adran (1) mewnoder –
- “(1A) But an order under subsection (1) may not make provision for the purpose of testing how the changes made by any registration provision work in relation to a register of local government electors maintained by a registration officer in Wales.”
- (4) Yn adran 12 (dehongli Rhan 1), yn y diffiniad o “register”, ar ôl “Great Britain” mewnoder “other than a register of local government electors maintained by a registration officer in Wales”.

RHAN 3

DIWYGIADAU SY’N YMWNEUD Â CHYLLID YMGYRCHU

Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41)

- 6 (1) Mae Deddf 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 5 (adroddiadau ar etholiadau, refferenda etc.) –
- (a) yn is-adran (2)(d), yn lle “National Assembly for Wales” rhodder “Senedd Cymru”;
- (b) yn is-adran (2A)(c) yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”.
- (3) Yn adran 7(2)(f) (gofyniad i ymgynghori â’r Comisiwn ar newidiadau i’r gyfraith etholiadol), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”.
- (4) Yn adran 8(3)(b) (pwerau mewn cysylltiad ag etholiadau yn arferadwy ar argymhelliad y Comisiwn yn unig), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”.
- (5) Yn adran 10(6) (rhoi cyngor a chymorth) –
- (a) ym mharagraff (c), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
- (b) ym mharagraff (ca), yn lle “National Assembly for Wales” rhodder “Senedd”.
- (6) Yn adran 22(5)(d) (pleidiau i gael eu cofrestru er mwyn rhoi ymgeiswyr i sefyll mewn etholiadau), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”.
- (7) Yn adran 67(2)(b)(iii) (adroddiadau wythnosol ar roddion mewn cysylltiad ag etholiadau ac eithrio etholiadau cyffredinol), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”.
- (8) Yn adran 160(4)(c) (dehongli cyffredinol) yn lle “National Assembly for Wales” rhodder “Senedd”.
- (9) Yn Atodlen 7 (rheoli rhoddion i unigolion a chymdeithasau aelodau), ym mharagraff 1(8)(d) yn lle “National Assembly for Wales” rhodder “Senedd”.
- (10) Yn Atodlen 9 (cyfyngiadau ar wariant ar ymgyrchu) –

- “(2A) But the power in subsection (2) does not include the power to modify any provision or abolish the duty in section 9D so far as the provision or duty applies in relation to a register of local government electors maintained by a registration officer in Wales.”
- (3) In section 10 (piloting registration provisions), after subsection (1) insert –
- “(1A) But an order under subsection (1) may not make provision for the purpose of testing how the changes made by any registration provision work in relation to a register of local government electors maintained by a registration officer in Wales.”
- (4) In section 12 (interpretation of Part 1), in the definition of “register”, after “Great Britain” insert “other than a register of local government electors maintained by a registration officer in Wales”.

PART 3

AMENDMENTS RELATING TO CAMPAIGN FINANCE

Political Parties, Elections and Referendums Act 2000 (c. 41)

- 6 (1) The 2000 Act is amended as follows.
- (2) In section 5 (reports on elections, referendums etc.) –
- (a) in subsection (2)(d), for “National Assembly for Wales” substitute “Senedd Cymru”;
- (b) in subsection (2A)(c) for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (3) In section 7(2)(f) (Commission to be consulted on changes to electoral law), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (4) In section 8(3)(b) (powers with respect to elections exercisable only on Commission recommendation), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (5) In section 10(6) (giving of advice and assistance) –
- (a) in paragraph (c), for “the National Assembly for Wales” substitute “Senedd Cymru”;
- (b) in paragraph (ca), for “National Assembly for Wales” substitute “Senedd”.
- (6) In section 22(5)(d) (parties to be registered in order to field candidates at elections), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (7) In section 67(2)(b)(iii) (weekly donation reports in connection with elections other than general elections), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (8) In section 160(4)(c) (general interpretation) for “National Assembly for Wales” substitute “Senedd”.
- (9) In Schedule 7 (control of donations to individuals and members associations), in paragraph 1(8)(d) for “National Assembly for Wales” substitute “Senedd”.
- (10) In Schedule 9 (limits on campaign expenditure) –

- (a) ym mharagraff 1(1), ym mharagraffau (c) ac (ca), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (b) yn y pennawd italg o flaen paragraff 6, yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (c) ym mharagraff 6(1), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (d) ym mharagraff 6(5), yn lle “Secretary of State” rhodder “Presiding Officer”.
- (11) Yn Atodlen 10 (cyfyngiadau ar wariant a reolir)—
- (a) ym mharagraff 1(1), ym mharagraffau (c) ac (ca), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (b) yn y pennawd italg o flaen paragraff 6, yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (c) ym mharagraff 6(1), yn lle “the National Assembly for Wales” rhodder “Senedd Cymru”;
 - (d) ym mharagraff 6(5), yn lle “Secretary of State” rhodder “Presiding Officer”.

RHAN 4

DIWYGIADAU SY’N YMWNEUD Â CHYDNABYDDIAETH ARIANNOL AELODAU AWDURDODAU
CYHOEDDUS*Deddf Llywodraeth Leol 1972 (p. 70)*

- 7 (1) Mae Deddf Llywodraeth Leol 1972 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 112(2A) (penodi staff), hepgorer “and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to remuneration of chief executives)”.
 - (3) Yn adran 246(16) (lwfansau i ymddiriedolwyr siarter), yn lle “Part 8 of the Local Government (Democracy) Wales Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
 - (4) Yn adran 249(4)(b) (lwfans nad yw’n daladwy i henaduriaid mygedol) yn lle “Part 8 of the Local Government (Wales) Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Deddf Llywodraeth Leol a Thai 1989 (p. 42)

- 8 Yn adran 18(3A)(b) o Ddeddf Llywodraeth Leol a Thai 1989 (pŵer i wneud rheoliadau ar arian rhodd a thaliadau sy’n ymwneud â materion perthnasol), yn lle “Part 8 of the Local Government (Wales) Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31)

- 9 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.

- (a) in paragraph 1(1), in paragraphs (c) and (ca), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (b) in the italic heading before paragraph 6, for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (c) in paragraph 6(1), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (d) in paragraph 6(5), for “Secretary of State” substitute “Presiding Officer”.
- (11) In Schedule 10 (limits on controlled expenditure)–
- (a) in paragraph 1(1), in paragraphs (c) and (ca), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (b) in the italic heading before paragraph 6, for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (c) in paragraph 6(1), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (d) in paragraph 6(5), for “Secretary of State” substitute “Presiding Officer”.

PART 4

AMENDMENTS RELATING TO REMUNERATION OF PUBLIC AUTHORITY MEMBERS

Local Government Act 1972 (c. 70)

- 7 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 112(2A) (appointment of staff), omit “and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to remuneration of chief executives)”.
 - (3) In section 246(16) (allowances to charter trustees), for “Part 8 of the Local Government (Democracy) Wales Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
 - (4) In section 249(4)(b) (allowance not payable to honorary aldermen) for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Local Government and Housing Act 1989 (c. 42)

- 8 In section 18(3A)(b) of the Local Government and Housing Act 1989 (power to make regulations on gratuities and payments relating to relevant matters), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

School Standards and Framework Act 1998 (c. 31)

- 9 (1) The School Standards and Framework Act 1998 is amended as follows.

- (2) Yn adran 94(5C) (pŵer i gymhwyso taliadau a darpariaethau pensiynau i aelodau panel apêl derbyn), yn lle “Part 8 of the Local Government (Wales) Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
- (3) Yn adran 95(3B) (pŵer i gymhwyso darpariaethau taliadau a phensiynau i aelodau panel apêl), yn lle “Part 8 of the Local Government (Wales) Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Deddf Rhyddid Gwybodaeth 2000 (p. 36)

- 10 Yn Rhan 6 o Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000 (cyrrff a swyddi cyhoeddus eraill: cyffredinol), hepgorer “The Independent Remuneration Panel for Wales.”.

Deddf Addysg 2002 (p. 32)

- 11 Yn adran 52(6) o Ddeddf Addysg 2002 (pŵer i gymhwyso darpariaethau taliadau a phensiynau i baneli sy’n ymdrin â gwahardd disgyblion), yn lle “Part 8 of the Local Government (Wales) Measure 2011” rhodder “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Deddf Llywodraeth Cymru 2006 (p. 32)

- 12 Yn Atodlen 1A i Ddeddf Llywodraeth Cymru 2006 (anghymhwyso), yn y tabl, hepgorer “Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol” o’r golofn gyntaf a “The members of the Panel” o’r cofnod cyfatebol yn yr ail golofn.

Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4)

- 13 (1) Mae Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1 (trosolwg)—
 - (a) yn is-adran (5), hepgorer paragraff (h);
 - (b) ar ôl is-adran (5), mewnosoder—

“(5A) Mae Rhan 5A yn gwneud darpariaeth sy’n ymwneud â swyddogaethau’r Comisiwn wrth benderfynu ar y taliadau a’r pensiynau sy’n daladwy i aelodau a chyn-aelodau awdurdodau penodol (gan gynnwys awdurdodau lleol).”
- (3) Hefgorer adrannau 62 i 67 (Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol) a’r croesbennawd o flaen adran 62.
- (4) Yn Rhan 6 (darpariaeth amrywiol a chyffredinol), o flaen adran 70 mewnosoder—

“70ZA Cyfarwyddiadau

Rhaid i gyfarwyddydd a roddir gan Weinidogion Cymru o dan y Ddeddf hon gael ei roi yn ysgrifenedig.”

- (5) Yn adran 71(2) (gorchmynion a rheoliadau), ar ôl paragraff (c) mewnosoder—

“(d) rheoliadau o dan adran 69C(2)(e), 69D(1)(b) neu 69K(2)(d),”.

- (2) In section 94(5C) (power to apply payments and pensions provisions to admission appeal panel members), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
- (3) In section 95(3B) (power to apply payments and pensions provisions to appeal panel members), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Freedom of Information Act 2000 (c. 36)

- 10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), omit “The Independent Remuneration Panel for Wales.”.

Education Act 2002 (c. 32)

- 11 In section 52(6) of the Education Act 2002 (power to apply payments and pensions provisions to panels dealing with pupil exclusion), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

Government of Wales Act 2006 (c. 32)

- 12 In Schedule 1A to the Government of Wales Act 2006 (disqualification), in the table, omit “Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol” from the first column and “The members of the Panel” from the corresponding entry in the second column.

Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4)

- 13 (1) The Democracy and Boundary Commission Cymru etc. Act 2013 is amended as follows.
- (2) In section 1 (overview) –
 - (a) in subsection (5), omit paragraph (h);
 - (b) after subsection (5), insert –

“(5A) Part 5A makes provision relating to the functions of the Commission in deciding on the payments and pensions payable to members and former members of certain authorities (including local authorities).”
 - (3) Omit sections 62 to 67 (Independent Remuneration Panel for Wales) and the cross-heading before section 62.
 - (4) In Part 6 (miscellaneous and general provision), before section 70 insert –

“70ZA Directions

A direction given by the Welsh Ministers under this Act must be given in writing.”

- (5) In section 71(2) (orders and regulations), after paragraph (c) insert –

“(d) regulations under section 69C(2)(e), 69D(1)(b) or 69K(2)(d),”.

(6) Yn Atodlen 3 (mynegai o ymadroddion wedi eu diffinio), yn Nhabl 2, yn y lle priodol mewnosoder y cofnodion a ganlyn—

“Adroddiad atodol ar dâl (<i>Supplementary remuneration report</i>)	Adran 69F”
“Adroddiad blynyddol ar dâl (<i>Annual remuneration report</i>)	Adran 69E”
“Awdurdod perthnasol (<i>Relevant authority</i>)	Adran 69C”
“Pensiwn perthnasol (<i>Relevant pension</i>)	Adran 69B”
“Taliad ailsefydlu (<i>Resettlement payment</i>)	Adran 69D”

Deddf Llywodraeth Leol (Cymru) 2015 (dsc 6)

14 Yn Neddf Llywodraeth Leol (Cymru) 2015—

- (a) yn adran 1(2) (trosolwg), hepgorer paragraffau (b) ac (c);
- (b) hepgorer adrannau 40 (newidiadau i’r ddyletswydd i roi sylw i argymhellion y Panel ynghylch cyflogau) ac 41 (aelodaeth y Panel).

Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1)

15 (1) Mae Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 wedi ei diwygio fel a ganlyn.

- (2) Yn adran 53 (trosolwg), hepgorer paragraff (b).
- (3) Hepgorer adrannau 55 (disodli cyfeiriadau at “cyflog” yn adran 143A o Fesur 2011) a 56 (ailystyried cydnabyddiaeth ariannol yn dilyn cyfarwyddyd gan Weinidogion Cymru).
- (4) Yn adran 132(2)(h) (rheoliadau ailstrwythuro sy’n darparu bod rhan o brif ardal i ddod yn rhan o brif ardal arall sy’n bodoli eisoes), yn lle “Banel Annibynnol Cymru ar Gydabyddiaeth Ariannol” rhodder “Gomisiwn Democratiaeth a Ffiniau Cymru”.
- (5) Yn adran 142 (cyfarwyddydau i Banel Annibynnol Cymru ar Gydabyddiaeth Ariannol)—
 - (a) yn y pennawd, yn lle “Banel Annibynnol Cymru ar Gydabyddiaeth Ariannol” rhodder “Gomisiwn Democratiaeth a Ffiniau Cymru”;
 - (b) yn is-adran (1), yn lle “Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol (“y Panel”)” rhodder “Comisiwn Democratiaeth a Ffiniau Cymru”;
 - (c) yn is-adran (2)—
 - (i) yn lle “Panel” rhodder “Comisiwn”;
 - (ii) yn lle “Rhan 8 o Fesur 2011” rhodder “Rhan 5A o Ddeddf 2013”;
 - (iii) ym mharagraff (a), yn lle “adran 142” rhodder “adran 69A”;
 - (iv) ym mharagraff (b) yn lle “adran 143” rhodder “adran 69B”;
 - (d) yn is-adran (3)—
 - (i) yn lle “Rhan 8” yn y ddau le y mae’n digwydd, rhodder “Rhan 5A”;
 - (ii) yn lle “o Fesur 2011” rhodder “o Ddeddf 2013”;
 - (e) yn is-adran (4)—

(6) In Schedule 3 (index of defined expressions), in Table 2, in the appropriate place insert the following entries –

“Annual remuneration report (<i>Adroddiad blynyddol ar dâl</i>)	Section 69E”
“Relevant authority (<i>Awdurdod perthnasol</i>)	Section 69C”
“Relevant pension (<i>Pensiwn perthnasol</i>)	Section 69B”
“Resettlement payment (<i>Taliad ailsefydlu</i>)	Section 69D”
“Supplementary remuneration report (<i>Adroddiad atodol ar dâl</i>)	Section 69F”

Local Government (Wales) Act 2015 (anaw 6)

14 In the Local Government (Wales) Act 2015 –

- (a) in section 1(2) (overview), omit paragraphs (b) and (c);
- (b) omit sections 40 (changes to duty to have regard to Panel recommendations about salaries) and 41 (Panel membership).

Local Government and Elections (Wales) Act 2021 (asc 1)

15 (1) The Local Government and Elections (Wales) Act 2021 is amended as follows.

- (2) In section 53 (overview), omit paragraph (b).
- (3) Omit sections 55 (replacement of references to “salary” in section 143A of the 2011 Measure) and 56 (reconsideration of remuneration following direction by the Welsh Ministers).
- (4) In section 132(2)(h) (restructuring regulations which provide for part of a principal area to become part of another existing principal area), for “Independent Remuneration Panel for Wales” substitute “Democracy and Boundary Commission Cymru”.
- (5) In section 142 (directions to Independent Remuneration Panel for Wales) –
 - (a) in the heading, for “Independent Remuneration Panel for Wales” substitute “Democracy and Boundary Commission Cymru”;
 - (b) in subsection (1), for “Independent Remuneration Panel for Wales (“the Panel”)” substitute “Democracy and Boundary Commission Cymru”;
 - (c) in subsection (2) –
 - (i) for “Panel’s” substitute “Commission’s”;
 - (ii) for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
 - (iii) in paragraph (a), for “section 142” substitute “section 69A”;
 - (iv) in paragraph (b), for “section 143” substitute “section 69B”;
 - (d) in subsection (3) –
 - (i) for “Part 8” in both places where it occurs” substitute “Part 5A”;
 - (ii) for “of the 2011 Measure” substitute “of the 2013 Act”;
 - (e) in subsection (4) –

- (i) yn lle “Rhan 8 o Fesur 2011” rhodder “Rhan 5A o Ddeddf 2013” ac yn lle “Ran 8 o Fesur 2011” rhodder “Ran 5A o Ddeddf 2013”;
 - (ii) ym mharagraff (c), yn lle “adran 142” rhodder “adran 69A”;
 - (iii) hepgorer paragraffau (d) ac (e).
- (6) Yn adran 143 (adroddiadau gan y Panel mewn perthynas â chynghorau cysgodol a phrif gynghorau newydd) –
- (a) yn y pennawd, yn lle “Panel” rhodder “Comisiwn”;
 - (b) yn is-adran (1), yn lle “Rhan 8 o Fesur 2011” rhodder “Rhan 5A o Ddeddf 2013”;
 - (c) yn is-adran (2) –
 - (i) yn lle “Ran 8 o Fesur 2011” rhodder “Ran 5A o Ddeddf 2013”;
 - (ii) ym mharagraff (b), yn lle “adrannau 147(2) a 148(1) ac (1A)(a) o Fesur 2011” rhodder “adrannau 69E(3) a 69I(1) a (2)(a) o Ddeddf 2013”;
 - (d) yn is-adran (3), yn lle “adran 148(1A)(b) o Fesur 2011” rhodder “adran 69I(2)(b) o Ddeddf 2013”;
 - (e) yn is-adran (4), yn lle “Panel” rhodder “Comisiwn”;
 - (f) yn is-adran (5) –
 - (i) yn lle “Panel” yn y ddau le y mae’n digwydd rhodder “Comisiwn”;
 - (ii) yn lle “adran 147 o Fesur 2011” rhodder “adran 69E o Ddeddf 2013”;
 - (iii) yn lle “adran 147(8)(a) o Fesur 2011” rhodder “adran 69G(1)(a) o Ddeddf 2013”;
 - (g) yn is-adran (6) –
 - (i) ym mharagraff (a), yn lle “adran 150(1) neu (3) o Fesur 2011” rhodder “adran 69J(1) o Ddeddf 2013”;
 - (ii) ym mharagraff (b), yn lle “adran 151(1) o’r Mesur hwnnw” rhodder “adran 69K(1) o Ddeddf 2013”;
 - (h) yn is-adran (7), yn lle “adran 150(2) o Fesur 2011” rhodder “adran 69J(2) o Ddeddf 2013”;
 - (i) yn is-adran (8), yn lle “adrannau 153, 154 a 157 o Fesur 2011” rhodder “adrannau 69L, 69N a 69P o Ddeddf 2013”;
 - (j) yn is-adran (9), yn lle “adran 146(3) o Fesur 2011” rhodder “adran 69E(4) o Ddeddf 2013”;
 - (k) yn is-adrannau (10) ac (11), yn lle “Panel” rhodder “Comisiwn”.
- (7) Yn adran 144 (canllawiau i’r Panel), ac yn y pennawd, yn lle “Panel” rhodder “Comisiwn”.
- (8) Yn adran 145 (datganiadau ar bolisiau tâl), hepgorer paragraff (6).
- (9) Yn Atodlen 5 (diwygiadau canlyniadol mewn perthynas â phrif weithredwyr), hepgorer paragraff 15.
- (10) Yn Atodlen 12 (cyfyngiadau ar drafodiadau a recriwtio etc. gan gynghorau sy’n uno a chynghorau sy’n cael eu hailstrwythuro), ym mharagraff 1, hepgorer is-baragraff (7).

- (i) for “Part 8 of the 2011 Measure” in both places where it occurs, substitute “Part 5A of the 2013 Act”;
 - (ii) in paragraph (c), for “section 142”, substitute “section 69A”;
 - (iii) omit paragraphs (d) and (e).
- (6) In section 143 (reports of Panel relating to shadow councils and new principal councils) –
- (a) in the heading, for “Panel” substitute “Commission”;
 - (b) in subsection (1), for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
 - (c) in subsection (2) –
 - (i) for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
 - (ii) in paragraph (b), for “sections 147(2) and 148(1) and (1A)(a) of the 2011 Measure” substitute “sections 69E(3) and 69I(1) and (2)(a) of the 2013 Act”;
 - (d) in subsection (3), for “Section 148(1A)(b) of the 2011 Measure” substitute “Section 69I(2)(b) of the 2013 Act”;
 - (e) in subsection (4), for “Panel” substitute “Commission”;
 - (f) in subsection (5) –
 - (i) for “Panel”, in both places where it occurs, substitute “Commission”;
 - (ii) for “section 147 of the 2011 Measure” substitute “section 69E of the 2013 Act”;
 - (iii) for “section 147(8)(a) of the 2011 Measure” substitute “section 69G(1)(a) of the 2013 Act”;
 - (g) in subsection (6) –
 - (i) in paragraph (a), for “section 150(1) or (3) of the 2011 Measure” substitute “section 69J(1) of the 2013 Act”;
 - (ii) in paragraph (b), for “section 151(1) of that Measure” substitute “section 69K(1) of the 2013 Act”;
 - (h) in subsection (7), for “section 150(2) of the 2011 Measure” substitute “section 69J(2) of the 2013 Act”;
 - (i) in subsection (8), for “sections 153, 154 and 157 of the 2011 Measure” substitute “sections 69L, 69N and 69P of the 2013 Act”;
 - (j) in subsection (9), for “section 146(3) of the 2011 Measure” substitute “section 69E(4) of the 2013 Act”;
 - (k) in subsections (10) and (11), for “Panel” substitute “Commission”.
- (7) In section 144 (guidance to Panel), and in the heading, for “Panel” substitute “Commission”.
- (8) In section 145 (pay policy statements), omit subsection (6).
- (9) In Schedule 5 (consequential amendments relating to chief executives), omit paragraph 15.
- (10) In Schedule 12 (restraints on transactions and recruiting etc. by merging and restructuring councils), in paragraph 1, omit sub-paragraph (7).

