



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 163 (Cy.18)

2004 No. 163 (W.18)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Gorchymyn Ymddygiad Aelodau
(Cod Ymddygiad Enghreifftiol)
(Diwygio) (Cymru) 2004**

**The Conduct of Members (Model
Code of Conduct) (Amendment)
(Wales) Order 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Sefydlodd Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru. Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru, drwy Orchymyn, gyhoeddi cod enghreifftiol o ran yr ymddygiad a ddisgwyllir oddi wrth aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru. Mae cynghorau sir, cynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yn awdurdodau perthnasol ond nid felly awdurdodau heddlu. Mae'n rhaid i God Ymddygiad a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir gan Gynulliad Cenedlaethol Cymru o dan adran 49(2) o'r Ddeddf. Pennwyd yr egwyddorion hynny yng Ngorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001.

Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales. Section 50(2) of the Act provides that the National Assembly for Wales may by Order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. The relevant authorities are county and county borough councils, community councils, fire authorities and National Park authorities but not police authorities. A Code of Conduct issued by the National Assembly for Wales under section 50(2) of the Act must be consistent with the principles specified by the National Assembly for Wales under section 49(2) of the Act. Those principles were specified in the Conduct of Members (Principles) (Wales) Order 2001.

Rhagnodwyd Cod Ymddygiad Enghreifftiol i aelodau awdurdodau perthnasol gan Orchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 ("Gorchymyn 2001") a wnaed o dan adran 50(2). Mae Erthygl 3 o'r Gorchymyn hwn yn addasu'r Cod Ymddygiad Enghreifftiol yng Ngorchymyn 2001 drwy fewnosod testun ychwanegol ym mharagraff 15(ch). Effaith y diwygiad yw y gall aelodau o gynghorau sir, cynghorau bwrdeistref sirol ac awdurdodau tân sy'n ystyried eu sefyllfa o ran y Cod Ymddygiad Enghreifftiol gymryd nad oes ganddynt "fuddiant personol" mewn mater i'r graddau y mae'n ymwneud â lwfans neu bensiwn ("allowance or

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001 ("the 2001 Order") made under section 50(2) prescribed a Model Code of Conduct for members of relevant authorities. Article 3 of this Order makes an amendment to the Model Code of Conduct in the 2001 Order by the insertion of additional text in paragraph 15(d). The effect of the amendment is that members of county councils, county borough councils and fire authorities considering their position in respect of the Model Code of Conduct can regard themselves as not having a "personal interest" in a matter to the extent it relates to an "allowance or pension" under section 18 of the Local Government and Housing Act

pension") a wneir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989. Effaith ymarferol y diwygiad yw mai dim ond i gynghorau sir, cynghorau bwrdeistref sirol ac awdurdodau tân y bydd diwygiad i'r Cod Ymddygiad Enghreifftiol yn gymwys. Dim ond iddynt hwy ac nid i awdurdodau pethnasol eraill y mae adran 18 o Ddeddf Llywodraeth Leol a Thai yn gymwys mewn cysylltiad a lwfansau neu bensynau.

1989. The practical effect of the amendment is that the amendment to the Model Code of Conduct will only apply to county councils, county borough councils and fire authorities. Section 18 of the Local Government and Housing Act 1989 is only applicable to them and not other relevant authorities in respect of allowances or pensions.

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CYMRU****LOCAL GOVERNMENT,
WALES****Gorchymyn Ymddygiad Aelodau
(Cod Ymddygiad Enghreifftiol)
(Diwygio) (Cymru) 2004****The Conduct of Members (Model
Code of Conduct) (Amendment)
(Wales) Order 2004**

Wedi'i wneud 28 Ionawr 2004
Yn dod i rym 31 Ionawr 2004

Made 28th January 2004
Coming into force 31st January 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 50(2), (3) a (4), 81(2) ac 81(3) o Ddeddf Llywodraeth Leol 2000(a), ac ar ôl iddo ymgynghori fel sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno a chael ei fodloni bod y Gorchymyn hwn yn gyson â'r egwyddorion a bennir am y tro mewn gorchymyn o dan adran 49(2) o'r Ddeddf honno, yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 50(2), (3) and (4), 81(2) and (3) of the Local Government Act 2000(a) having carried out such consultation as is required by virtue of section 50(5) of that Act and being satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(2) of that Act makes the following Order:

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Diwygio) (Cymru) 2004 a daw i rym ar 31 Ionawr 2004.

Name and commencement

1. This Order is called the Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004 and will come into force on 31st January 2004.

Dehongli

2. Yn y Gorchymyn hwn ystyr "Gorchymyn 2001" ("*the 2001 Order*") yw Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001(b).

Interpretation

2. In this Order "the 2001 Order" ("*Gorchymyn 2001*") means the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(b).

Diwygio Cod Ymddygiad Enghreifftiol

3.-(1) Mae paragraff 15(ch) yn yr Atodlen i Orchymyn 2001 yn cael ei ddiwygio fel a ganlyn.

(2) Mewnosoder y geiriau "lwfans neu bensiwn a wneir o dan" o flaen "Adran 18".

Amendment to Model Code of Conduct

3.-(1) Paragraph 15(d) in the Schedule to the 2001 Order is amended as follows.

(2) The words "an allowance or pension made under" are inserted before "Section 18".

(a) 2000 p.22.

(b) O.S. 2001/2289 (Cy. 177).

(a) 2000 c.22.

(b) S.I. 2001/2289 (W.177)

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

28 Ionawr 2004

28th January 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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