



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 2901 (Cy. 280)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Absenoldeb Teuluol ar
gyfer Aelodau Awdurdodau Lleol
(Cymru) 2013**

NODYN ESBONIADOL

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

Mae Rhan 2 o Fesur Llywodraeth Leol (Cymru) 2011(1) ("y Mesur") yn rhoi'r hawl i gyfnod o absenoldeb teuluol i aelodau o awdurdodau lleol.

Mae'r Mesur yn creu hawl i bum math o absenoldeb teuluol: absenoldeb mamolaeth; absenoldeb newydd-anedig; absenoldeb mabwysiad; absenoldeb mabwysiadu newydd ac absenoldeb rhiant. Mae'r hawl a grëir gan y Mesur yn ddarostyngedig i'r ffaith bod yr aelodau'n bodloni amodau a ragnodir gan Weinidogion Cymru mewn rheoliadau.

Mae'r Rheoliadau hyn yn rhagnodi'r amodau y mae'n rhaid i aelodau awdurdodau lleol eu bodloni er mwyn bod â'r hawl i gyfnod o absenoldeb teuluol. Mae'r Rheoliadau hefyd yn gwneud darpariaeth, ymysg pethau eraill, ynglŷn â rhychwant y gwahanol gyfnodau o absenoldeb; diddymu cyfnodau o absenoldeb a therfynu absenoldeb.

Rhennir y Rheoliadau hyn yn chwech o Rannau. Mae Rhannau 1 i 5 yn ymdrin â'r gwahanol fathau o absenoldeb. Mae Rhan 6 yn gwneud darpariaeth gyffredinol sy'n gymwys mewn perthynas â'r holl fathau o absenoldeb teuluol.

Mae Rhan 1 yn gwneud darpariaeth ynglŷn ag absenoldeb mamolaeth. Mae rheoliad 3 yn rhagnodi'r amodau y mae'n rhaid i aelod eu bodloni er mwyn bod â'r hawl i gyfnod o absenoldeb mamolaeth. Mae'r amodau'n cynnwys gofynion hysbysu a, phan fo'r pennaeth gwasanaethau democrataidd yn gwneud cais

2013 No. 2901 (W. 280)

**LOCAL GOVERNMENT,
WALES**

**The Family Absence for Members
of Local Authorities (Wales)
Regulations 2013**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Local Government (Wales) Measure 2011(1) ("the Measure") makes available to members of local authorities entitlement to a period of family absence.

The Measure creates an entitlement to five types of family absence: maternity absence; newborn absence; adopter's absence; new adoption absence and parental absence. The entitlement created by the Measure is subject to members satisfying conditions prescribed by the Welsh Ministers in regulations.

These Regulations prescribe the conditions that members of local authorities must satisfy to be entitled to a period of family absence. The Regulations also make provision, amongst other things, about the extent of the various periods of absence; the cancellation of periods of absence and bringing absence to an end.

These Regulations are divided into six Parts. Parts 1 to 5 deal with the different types of absence. Part 6 makes general provision applicable in relation to all types of family absence.

Part 1 makes provision relating to maternity absence. Regulation 3 prescribes the conditions that a member must satisfy to be entitled to a period of maternity absence. The conditions include notification requirements and, where requested by the head of democratic services, the production of evidence. Part 1

am hynny, cyflwyno tystiolaeth. Mae Rhan 1 hefyd yn cynnwys darpariaeth ar gyfer dechrau absenoldeb mamolaeth, amrywio'r dyddiad dechrau arfaethedig, hyd yr absenoldeb mamolaeth, a therfynu a diddymu'r absenoldeb mamolaeth.

Mae Rhan 2 yn gwneud darpariaeth ynglŷn ag absenoldeb newydd-anedig. Mae rheoliad 9 yn nodi'r amodau o ran y berthynas â phlentyn neu fam y plentyn a'r cyfrifoldeb am fagu'r plentyn hwnnw sy'n ofynnol er mwyn i aelod fod â'r hawl i absenoldeb newydd-anedig. Mae Rhan 2 hefyd yn cynnwys darpariaeth ar gyfer hyd absenoldeb newydd-anedig, pryd y caniateir i absenoldeb gael ei gymryd, diddymu absenoldeb a dyddiad dechrau cyfnod o absenoldeb newydd-anedig.

Mae Rhan 3 yn gwneud darpariaeth ynglŷn ag absenoldeb mabwysiadudd. Mae rheoliad 14 yn rhagnodi'r amodau y mae'n rhaid i aelod eu bodloni er mwyn bod â'r hawl i gyfnod o absenoldeb mabwysiadudd. Mae Rhan 3 hefyd yn gwneud darpariaeth ar gyfer hyd cyfnod o absenoldeb mabwysiadudd, pryd y caniateir i absenoldeb gael ei gymryd, dyddiad dechrau cyfnod o absenoldeb mabwysiadudd a diddymu absenoldeb.

Mae Rhan 4 yn gwneud darpariaeth ynglŷn ag absenoldeb mabwysiadu newydd. Mae rheoliad 20 yn rhagnodi'r amodau y mae'n rhaid i aelod eu bodloni er mwyn bod â'r hawl i gyfnod o absenoldeb mabwysiadu newydd. Mae'n nodi'r gofynion o ran y berthynas rhwng aelod a mabwysiadudd plentyn ac yn pennu bod yn rhaid i'r aelod fod yn gyfrifol am fagu plentyn. Mae Rhan 4 hefyd yn gwneud darpariaeth ar gyfer hyd cyfnod o absenoldeb mabwysiadu newydd, pryd y caniateir i absenoldeb gael ei gymryd, diddymu absenoldeb a dyddiad dechrau cyfnod o absenoldeb mabwysiadu newydd.

Mae Rhan 5 yn gwneud darpariaeth ynglŷn ag absenoldeb rhiant. Mae rheoliad 26 yn rhagnodi'r amodau y mae'n rhaid eu bodloni er mwyn i aelod fod â'r hawl i gyfnod o absenoldeb rhiant. Mae'r amodau'n ymwneud â'r cyfrifoldeb am ofalu am blentyn. Mae hefyd yn nodi'r gofynion hysbysu a'r dystiolaeth sydd i'w chyflwyno i'r pennaeth gwasanaethau democrataidd pan fo hynny'n ofynnol. Mae rheoliadau 27 i 31 yn darparu ar gyfer hyd cyfnod o absenoldeb, pryd y caniateir i absenoldeb gael ei gymryd, diddymu absenoldeb, terfynu absenoldeb rhiant a dyddiad dechrau cyfnod o absenoldeb rhiant.

Mae Rhan 6 yn gwneud darpariaeth ynglŷn â chadw cofnodion, dyletswyddau i hysbysu, diddymu absenoldeb teuluol gan yr awdurdod lleol, cwynion a'r rheolau sefydlog sy'n ymwneud ag aelodau pan fônt yn cymryd cyfnod o absenoldeb teuluol.

also includes provision for the start of maternity absence, variation of the intended start, duration, bringing to an end and cancellation.

Part 2 makes provision relating to newborn absence. Regulation 9 sets out the conditions as to relationship with a child or the child's mother and responsibility for the upbringing for that child required for a member to be entitled to newborn absence. Part 2 also includes provision for duration of newborn absence, when absence may be taken, cancellation of absence and the start date of a period of newborn absence.

Part 3 makes provision relating to adopter's absence. Regulation 14 prescribes the conditions that a member must satisfy to be entitled to a period of adopter's absence. Part 3 also makes provision for duration of adopter's absence, when absence may be taken, the start date of a period of adopter's absence and cancellation.

Part 4 makes provision relating to new adoption absence. Regulation 20 prescribes the conditions that a member must satisfy to be entitled to a period of new adoption absence. It sets out the relationship requirements between a member and a child's adopter and that the member must have responsibility for the upbringing of a child. Part 4 also makes provision for the duration of new adoption absence, when absence may be taken, cancellation and the start date of a period of new adoption absence.

Part 5 makes provision relating to parental absence. Regulation 26 prescribes the conditions to be satisfied for a member to be entitled to a period of parental absence. The conditions relate to the responsibility for the care of a child. It also sets out the notification requirements and evidence to be produced to the head of democratic services where required. Regulations 27 to 31 provide for the duration of absence, when absence may be taken, cancellation, bringing parental absence to an end and the start date of a period of parental absence.

Part 6 makes provision relating to record keeping, duties to inform, cancellation of family absence by the local authority, complaints and standing orders relating to members whilst taking a period of family absence.

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**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Absenoldeb Teuluol ar
gyfer Aelodau Awdurdodau Lleol
(Cymru) 2013**

Gwnaed 12 Tachwedd 2013
Yn dod i rym 5 Rhagfyr 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 9, 24, 25, 26, 27, 28, 29 a 172 o Fesur Llywodraeth Leol (Cymru) 2011(1), yn gwneud y Rheoliadau canlynol.

Yn unol ag adran 172 o'r Mesur hwnnw, cafodd drafft o'r Rheoliadau hyn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Absenoldeb Teuluol ar gyfer Aelodau Awdurdodau Lleol (Cymru) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 5 Rhagfyr 2013.

Dehongli'n Gyffredinol

2.—(1) Yn y Rheoliadau hyn—

ystyr “*geni'r plentyn*” (“*childbirth*”) yw geni plentyn byw neu eni plentyn p'un a yw'n fyw neu'n farw ar ôl 24 o wythnosau o feichiogrwydd;

ystyr “*y Mesur*” (“*the Measure*”) yw Mesur Llywodraeth Leol (Cymru) 2011;

2013 No. 2901 (W. 280)

**LOCAL GOVERNMENT,
WALES**

**The Family Absence for Members
of Local Authorities (Wales)
Regulations 2013**

Made 12 November 2013
Coming into force 5 December 2013

The Welsh Ministers, in exercise of the powers conferred by sections 9, 24, 25, 26, 27, 28, 29 and 172 of the Local Government (Wales) Measure 2011(1), make the following Regulations.

In accordance with section 172 of that Measure, a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

(2) These Regulations come into force on 5 December 2013.

General Interpretation

2.—(1) In these Regulations—

“*childbirth*” (“*geni'r plentyn*”) means the birth of a living child or the birth of a child whether living or dead after 24 weeks of pregnancy;

“*expected week of childbirth*” (“*yr wythnos y disgwylir geni'r plentyn*”) means the week, beginning with midnight between Saturday

(1) 2011 mccc 4.

(1) 2011 nawm 4.

ystyr “partner” (“*partner*”) yw un o gwpl sy’n cyd-fyw, p’un a yw’n gwpl o’r un rhyw neu o’r ddau ryw; ac

ystyr “yr wythnos y disgwylir geni’r plentyn” (“*expected week of childbirth*”) yw’r wythnos, gan ddechrau am hanner nos rhwng dydd Sadwrn a dydd Sul, pan ddisgwylir geni’r plentyn.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at “gadeirydd yr awdurdod lleol” (“*chair of the local authority*”) yn gyfeiriad at berson a etholwyd yn gadeirydd gan yr awdurdod lleol hwnnw o dan adran 22 o Ddeddf Llywodraeth Leol 1972(1).

(3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at “aelod” (“*a member*”) yn gyfeiriad at aelod o awdurdod lleol yng Nghymru.

(4) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at “aelod llywyddol awdurdod lleol” (“*a presiding member of a local authority*”) yn gyfeiriad at berson a etholwyd yn aelod llywyddol gan yr awdurdod lleol hwnnw o dan adran 24A o Ddeddf Llywodraeth Leol 1972 (2).

RHAN 1

Absenoldeb mamolaeth

Amodau rhagnodedig

3. At ddbenion adran 24(1) o’r Mesur, yr amodau rhagnodedig yw—

- (a) bod yr aelod, heb fod yn hwyrach na diwedd 15 o wythnosau cyn yr wythnos y disgwylir geni’r plentyn, neu, os nad yw hynny’n rhesymol ymarferol, cyn gynted ag y bo’n rhesymol ymarferol, wedi rhoi hysbysiad ysgrifenedig i’r pennaeth gwasanaethau democrataidd o’r canlynol—
 - (i) bod yr aelod yn feichiog;
 - (ii) yr wythnos y disgwylir geni’r plentyn;
 - (iii) y dyddiad y mae’r aelod yn bwriadu i’r absenoldeb mamolaeth ddechrau; a
 - (iv) hyd y cyfnod o absenoldeb mamolaeth y mae’r aelod yn bwriadu ei gymryd, os yw’n llai na 26 o wythnosau;
- (b) bod yr aelod, os cafodd gais i wneud hynny gan y pennaeth gwasanaethau democrataidd,

and Sunday, in which it is expected that childbirth will occur;

“the Measure” (“*y Mesur*”) means the Local Government (Wales) Measure 2011; and

“partner” (“*partner*”) means one of a couple whether of the same or opposite sex who live together.

(2) Any reference in these Regulations to a “chair of the local authority” (“*cadeirydd yr awdurdod lleol*”) is a reference to a person elected as chairman by that local authority under section 22 of the Local Government Act 1972(1).

(3) Any reference in these Regulations to “a member” (“*aelod*”) is a reference to a member of a local authority in Wales.

(4) Any reference in these Regulations to “a presiding member of a local authority” (“*aelod llywyddol awdurdod lleol*”) is a reference to a person elected as presiding member by that local authority under section 24A of the Local Government Act 1972(2).

PART 1

Maternity absence

Prescribed conditions

3. For the purposes of section 24(1) of the Measure, the prescribed conditions are that—

- (a) no later than the end of 15 weeks before the expected week of childbirth, or, if that is not reasonably practicable, as soon as is reasonably practicable, the member has given written notice to the head of democratic services of—
 - (i) that member’s pregnancy;
 - (ii) the expected week of childbirth;
 - (iii) the date on which the member intends the maternity absence to start; and
 - (iv) the duration of the period of maternity absence the member intends to take, if less than 26 weeks;
- (b) the member has, if requested to do so by the head of democratic services, provided the

(1) 1972 p.70.

(2) Mewnosodwyd gan adran 51 o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (2013 dccc 4).

(1) 1972 c.70.

(2) Inserted by section 51 of the Local Government (Democracy) (Wales) Act 2013 (2013 anaw 4).

wedi darparu i'r pennaeth gwasanaethau democrataidd dystysgrif gan ymarferydd meddygol cofrestredig neu fydwaig gofrestredig yn datgan yr wythnos y disgwylir geni'r plentyn;

- (c) pan fo'r aelod yn dymuno amrywio dechrau'r absenoldeb mamolaeth sydd wedi ei bennu o dan baragraff (a)(iii), bod yr aelod wedi rhoi hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r dyddiad dechrau newydd o leiaf un wythnos cyn y dyddiad a bennwyd o dan baragraff (a)(iii), neu o leiaf un wythnos cyn y dyddiad newydd, pa un bynnag sydd gynharaf, neu, os nad yw hynny'n rhesymol ymarferol, cyn gynted ag y bo'n rhesymol ymarferol; a
- (d) pan fo'r aelod yn dymuno amrywio hyd yr absenoldeb mamolaeth, bod yr aelod wedi rhoi hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r hyd newydd o leiaf un wythnos cyn diwedd y cyfnod o absenoldeb a ddisgwylir yn unol â'r hyd a bennwyd o dan baragraff (a)(iv), neu o leiaf un wythnos cyn diwedd arfaethedig newydd y cyfnod o absenoldeb, pa un bynnag sydd gynharaf, neu os nad yw hynny'n rhesymol ymarferol, cyn gynted ag y bo'n rhesymol ymarferol.

Y cyfnod o absenoldeb mamolaeth

4. Y cyfnod o absenoldeb mamolaeth yw 26 o wythnosau, oni bai bod yr aelod yn rhoi hysbysiad ysgrifenedig o dan reoliad 3(a)(iv), (d) neu 7 y bydd y cyfnod o absenoldeb mamolaeth yn llai na 26 o wythnosau.

Pryd y caniateir cymryd absenoldeb mamolaeth

5. Ni chaniateir cymryd absenoldeb mamolaeth ond os yw'n cael ei gymryd fel ei fod yn dechrau yn ystod y cyfnod—

- (a) sy'n dechrau ar ddechrau'r unfed wythnos ar ddeg cyn yr wythnos y disgwylir geni'r plentyn; a
- (b) sy'n dod i ben ar y diwrnod ar ôl diwrnod geni'r plentyn.

Aelod i ddewis dyddiad dechrau'r absenoldeb mamolaeth

6.—(1) Yn ddarostyngedig i baragraffau (2) a (3) a rheoliad 5, caiff aelod ddewis y dyddiad pryd y bydd ei absenoldeb mamolaeth i ddechrau.

(2) Pan fo aelod, yn ystod y cyfnod o bedair wythnos cyn dechrau'r wythnos y disgwylir geni'r plentyn, yn

head of democratic services with a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth;

- (c) where the member wishes to vary the start of the maternity absence which has been specified under paragraph (a)(iii), the member has given the head of democratic services written notice of the new start date at least one week before the date specified under paragraph (a)(iii), or at least one week before the new date, whichever is the earlier, or, if that is not reasonably practicable, as soon as is reasonably practicable; and
- (d) where the member wishes to vary the duration of the maternity absence, the member has given the head of democratic services written notice of the new duration at least one week before the expected end of the period of absence in accordance with the duration specified under paragraph (a)(iv), or at least one week before the new intended end of the period of absence, whichever is the earlier, or if that is not reasonably practicable, as soon as is reasonably practicable.

Period of maternity absence

4. The period of maternity absence is 26 weeks, unless the member gives written notice under regulation 3(a)(iv), (d) or 7 that the period of maternity absence will be shorter than 26 weeks.

When maternity absence may be taken

5. Maternity absence may only be taken so as to begin during the period—

- (a) beginning at the start of the eleventh week before the expected week of childbirth; and
- (b) ending on the day after the day on which childbirth occurs.

Member to choose start date of maternity absence

6.—(1) Subject to paragraphs (2) and (3) and regulation 5, a member may choose the date on which their maternity absence is to start.

(2) Where, during the four week period before the start of the expected week of childbirth, a member is

absennol o un o gyfarfodydd yr awdurdod am reswm sy'n ymwneud yn llwyr neu'n rhannol â beichiogrwydd, mae'r cyfnod o absenoldeb mamolaeth yn dechrau ar y diwrnod ar ôl y cyfarfod y mae'r aelod yn absennol ohono.

(3) Pan nad yw absenoldeb mamolaeth aelod wedi dechrau yn unol â'r dyddiad a hysbyswyd gan aelod o dan reoliad 3(a)(iii) ar adeg geni'r plentyn, mae absenoldeb mamolaeth yr aelod hwnnw yn dechrau ar y diwrnod ar ôl diwrnod geni'r plentyn.

(4) Nid yw Rheoliadau 3(a)(ii), (iii) a (b) yn gymwys o ran aelod y mae ei absenoldeb yn dechrau yn rhinwedd paragraff (3).

Terfynu cyfnod o absenoldeb mamolaeth

7. Caiff aelod derfynu cyfnod o absenoldeb mamolaeth yn gynharach na diwedd y cyfnod a nodwyd yn rheoliad 4, a hysbyswyd o dan reoliad 3(a)(iv) neu a amrywiwyd o dan reoliad 3(d) drwy hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i wneud hynny o leiaf 7 niwrnod cyn iddo ddechrau.

Diddymu absenoldeb mamolaeth

8. Caiff aelod ddiddymu cyfnod o absenoldeb mamolaeth o dan yr amgylchiadau canlynol—

- (a) nid yw'r cyfnod o absenoldeb mamolaeth wedi dechrau hyd yn hyn; a
- (b) mae'r aelod wedi hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i ddiddymu'r absenoldeb.

RHAN 2

Absenoldeb newydd-anedig

Amodau rhagnodedig

9.—(1) At ddibenion adran 25(1) o'r Mesur, yr amodau rhagnodedig yw bod yr aelod—

- (a) naill ai—
 - (i) yn dad i'r plentyn ac yn gyfrifol am fagu'r plentyn, neu'n disgwyl bod â chyfrifoldeb o'r fath; neu
 - (ii) yn briod â mam y plentyn, yn bartner sifil iddi neu'n bartner iddi, ond heb fod yn dad i'r plentyn, ac yn bennaf gyfrifol (heblaw am unrhyw gyfrifoldeb ar y fam) am fagu'r plentyn, neu'n disgwyl bod â chyfrifoldeb o'r fath; a
- (b) yn rhoi hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r dyddiad y mae'r aelod yn bwriadu i'r cyfnod o absenoldeb newydd-anedig ddechrau.

absent from a meeting of the authority for a reason wholly or partly attributable to pregnancy, the period of maternity absence starts on the day after the meeting from which the member is absent.

(3) Where a member's maternity absence has not started in accordance with the date notified by a member under regulation 3(a)(iii) when childbirth occurs, that member's maternity absence starts on the day after the day on which childbirth occurs.

(4) Regulations 3(a)(ii), (iii) and (b) do not apply in respect of a member whose absence starts by virtue of paragraph (3).

Bringing a period of maternity absence to an end

7. A member may bring a period of maternity absence to an end earlier than the end of the period set out in regulation 4, which was notified under regulation 3(a)(iv) or varied under regulation 3(d) by notifying the head of democratic services in writing of their intention to do so at least 7 days before their return.

Cancelling maternity absence

8. The circumstances in which a member may cancel a period of maternity absence are that—

- (a) the period of maternity absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

PART 2

Newborn absence

Prescribed conditions

9.—(1) For the purposes of section 25(1) of the Measure, the prescribed conditions are that the member—

- (a) is either—
 - (i) the child's father and has, or expects to have, responsibility for the upbringing of the child; or
 - (ii) married to, the civil partner or the partner of the child's mother, but is not the child's father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; and
- (b) gives the head of democratic services written notice of the date the member intends the period of newborn absence to start.

(2) Mae aelod i'w drin fel pe bai'n bodloni'r amod ym mharagraff (1)(a)(ii) pe bai'r aelod hwnnw wedi bodloni'r amod heblaw am y ffaith bod mam y plentyn wedi marw.

(3) Mae aelod i'w drin fel pe bai'n bodloni'r naill amod neu'r llall ym mharagraff (1)(a) pe bai wedi bodloni'r amod heblaw am y ffaith bod y plentyn yn farw-anedig ar ôl 24 o wythnosau o feichiogrwydd neu wedi marw.

Rhychwant yr hawl i absenoldeb newydd-anedig

10.—(1) Mae gan aelod hawl i ddwy wythnos olynol o absenoldeb newydd-anedig.

(2) Pan fo mwy nag un plentyn yn cael ei eni o ganlyniad i'r un beichiogrwydd, nid oes gan aelod yr hawl i absenoldeb newydd-anedig ond mewn perthynas â'r plentyn cyntaf-anedig.

Pryd y caniateir cymryd absenoldeb newydd-anedig

11. Ni chaniateir cymryd absenoldeb newydd-anedig ond os yw'n cael ei gymryd yn ystod y cyfnod—

- (a) sy'n dechrau ar ddyddiad geni'r plentyn; a
- (b) sy'n dod i ben 56 o ddyddiau ar ôl y dyddiad hwnnw.

Diddymu absenoldeb newydd-anedig

12. Caiff aelod ddiddymu cyfnod o absenoldeb newydd-anedig o dan yr amgylchiadau canlynol—

- (a) nid yw'r cyfnod o absenoldeb newydd-anedig wedi dechrau hyd yn hyn; a
- (b) mae'r aelod wedi hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i ddiddymu'r absenoldeb.

Aelod i ddewis dyddiad dechrau'r absenoldeb newydd-anedig

13. Ar yr amod y bydd y cyfnod o absenoldeb newydd-anedig yn dod i ben o fewn y cyfnod a ragnodir gan reoliad 11, caiff aelod ddewis ar ba ddyddiad y bydd ei absenoldeb newydd-anedig yn dechrau.

(2) A member is to be treated as having satisfied the condition in paragraph (1)(a)(ii) if that member would have satisfied the condition but for the fact that the child's mother has died.

(3) A member is to be treated as having satisfied either of the conditions in paragraph (1)(a) if they would have satisfied the condition but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

Extent of entitlement to newborn absence

10.—(1) A member's entitlement to newborn absence is two consecutive weeks.

(2) Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

When newborn absence may be taken

11. Newborn absence may only be taken during the period—

- (a) beginning with the date of childbirth; and
- (b) ending 56 days after that date.

Cancelling newborn absence

12. The circumstances in which a member may cancel a period of newborn absence are that—

- (a) the period of newborn absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

Member to choose start date of newborn absence

13. Provided that the period of newborn absence will come to an end within the period prescribed by regulation 11, a member may choose the date on which their newborn absence is to start.

RHAN 3

Absenoldeb mabwysiadudd

Amodau rhagnodedig

14. At ddibenion adran 26(1) o'r Mesur, yr amodau rhagnodedig yw bod yr aelod—

- (a) yn fabwysiadudd i'r plentyn; a
- (b) yn rhoi hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r dyddiad y mae'r aelod yn bwriadu i'r cyfnod o absenoldeb mabwysiadudd ddechrau.

Rhychwant yr hawl i absenoldeb mabwysiadudd

15. Mae gan aelod hawl i ddwy wythnos olynol o absenoldeb mabwysiadudd.

Pryd y caniateir cymryd absenoldeb mabwysiadudd

16. Ni chaniateir cymryd absenoldeb mabwysiadudd ond os yw'n cael ei gymryd yn ystod y cyfnod—

- (a) sy'n dechrau ar y dyddiad y mae'r plentyn yn cael ei leoli gyda'r aelod ar gyfer ei fabwysiadu; a
- (b) sy'n dod i ben 56 o ddyddiau ar ôl y dyddiad hwnnw.

Aelod i ddewis dyddiad dechrau'r absenoldeb mabwysiadudd

17. Ar yr amod y bydd y cyfnod o absenoldeb mabwysiadudd yn dod i ben o fewn y cyfnod a ragnodir gan reoliad 16, caiff aelod ddewis ar ba ddyddiad y bydd ei absenoldeb mabwysiadudd yn dechrau.

Diddymu absenoldeb mabwysiadudd

18. Caiff aelod ddiddymu cyfnod o absenoldeb mabwysiadudd o dan yr amgylchiadau canlynol—

- (a) nid yw'r cyfnod o absenoldeb mabwysiadudd wedi dechrau hyd yn hyn; a
- (b) mae'r aelod wedi hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i ddiddymu'r absenoldeb.

Dehongli'r Rhan hon

19. —(1) Yn y Rhan hon—

ystyr “asiantaeth fabwysiadu” (“*adoption agency*”) yw corff y caniateir cyfeirio ato fel

PART 3

Adopter's absence

Prescribed conditions

14. For the purposes of section 26(1) of the Measure, the prescribed conditions are that the member—

- (a) is the child's adopter; and
- (b) gives the head of democratic services written notice of the date the member intends the period of adopter's absence to start.

Extent of entitlement to adopter's absence

15. A member's entitlement to adopter's absence is two consecutive weeks.

When adopter's absence may be taken

16. Adopter's absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

Member to choose start date of adopter's absence

17. Provided that the period of adopter's absence will come to an end within the period prescribed by regulation 16, a member may choose the date on which their adopter's absence is to start.

Cancelling adopter's absence

18. The circumstances in which a member may cancel a period of adopter's absence are that—

- (a) the period of adopter's absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

Interpretation of this Part

19. —(1) In this Part—

“adopter” (“*mabwysiadudd*”) in relation to a child, means a member who has been matched

asiantaeth fabwysiadu yn rhinwedd adran 2 o Ddeddf Mabwysiadu a Phlant 2002(1);

ystyr “mabwysiadu” (“*adopter*”), mewn perthynas â phlentyn, yw aelod sydd wedi ei baru â phlentyn ar gyfer ei fabwysiadu, neu mewn achos pan fo dau aelod wedi eu paru ar y cyd, pa un bynnag ohonynt sydd wedi dewis bod yn fabwysiadu y plentyn at ddibenion y Rhan hon; ac

ystyr “plentyn” (“*child*”) yw person sydd o dan ddeunaw mlwydd oed, neu a oedd o dan yr oedran hwnnw pan gafodd ei leoli gyda mabwysiadu ar gyfer ei fabwysiadu.

(2) At ddibenion y Rhan hon mae aelod wedi ei baru â phlentyn ar gyfer ei fabwysiadu pan fo asiantaeth fabwysiadu yn hysbysu'r aelod hwnnw o'i phenderfyniad bod yr aelod yn rhiant mabwysiadol addas ar gyfer y plentyn, p'un ai ar ei ben ei hun neu ar y cyd â pherson arall.

RHAN 4

Absenoldeb mabwysiadu newydd

Amodau rhagnodedig

20. At ddibenion adran 27(1) o'r Mesur, yr amodau rhagnodedig yw bod yr aelod—

- (a) yn briod â mabwysiadu y plentyn, yn bartner sifil i'r mabwysiadu neu'n bartner i'r mabwysiadu;
- (b) yn bennaf gyfrifol (heblaw am gyfrifoldeb y mabwysiadu) am fagu'r plentyn, neu'n disgwyl bod â chyfrifoldeb o'r fath; ac
- (c) yn rhoi hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r dyddiad y mae'r aelod yn bwriadu i'r cyfnod o absenoldeb mabwysiadu ddechrau.

Rhychwant yr hawl i absenoldeb mabwysiadu newydd

21.—(1) Mae gan aelod hawl i ddwy wythnos olynol o absenoldeb mabwysiadu newydd.

(2) Pan fo mwy nag un plentyn yn cael ei leoli gyda'r aelod fel rhan o'r un trefniant, nid oes gan aelod yr hawl i absenoldeb mabwysiadu newydd ond mewn perthynas â'r plentyn cyntaf a leolir gyda'r aelod ar gyfer ei fabwysiadu.

with a child for adoption, or in a case where two members have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of this Part;

“adoption agency” (“*asiantaeth fabwysiadu*”) means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002(1); and

“child” (“*plentyn*”) means a person who is, or when placed with an adopter for adoption was, under the age of eighteen.

(2) For the purposes of this Part a member is matched with a child for adoption when an adoption agency notifies that member of its decision that the member is a suitable adoptive parent for the child, whether individually or jointly with another person.

PART 4

New adoption absence

Prescribed conditions

20. For the purposes of section 27(1) of the Measure, the prescribed conditions are that the member—

- (a) is married to, the civil partner or the partner of the child's adopter;
- (b) has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child; and
- (c) gives the head of democratic services written notice of the date the member intends the period of adopter's absence to start.

Extent of entitlement to new adoption absence

21.—(1) A member's entitlement to new adoption absence is two consecutive weeks.

(2) Where more than one child is placed with the member as part of the same arrangement, a member is entitled to new adoption absence only in respect of the first child placed with the member for adoption.

(1) 2002 p.38.

(1) 2002 c.38.

Pryd y caniateir cymryd absenoldeb mabwysiadu newydd

22. Ni chaniateir cymryd absenoldeb mabwysiadu newydd ond os yw'n cael ei gymryd yn ystod y cyfnod—

- (a) sy'n dechrau ar y dyddiad y mae'r plentyn yn cael ei leoli gyda mabwysiadu y plentyn; a
- (b) sy'n dod i ben 56 o ddyddiau ar ôl y dyddiad hwnnw.

Diddymu absenoldeb mabwysiadu newydd

23. Caiff aelod ddiddymu cyfnod o absenoldeb mabwysiadu newydd o dan yr amgylchiadau canlynol—

- (a) nid yw'r cyfnod o absenoldeb mabwysiadu newydd wedi dechrau hyd yn hyn; a
- (b) mae'r aelod wedi hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i ddiddymu'r absenoldeb.

Aelod i ddewis dyddiad dechrau'r absenoldeb mabwysiadu newydd

24. Ar yr amod y bydd y cyfnod o absenoldeb mabwysiadu newydd yn dod i ben o fewn y cyfnod a ragnodir gan reoliad 22, caiff aelod ddewis ar ba ddyddiad y bydd ei absenoldeb mabwysiadu newydd yn dechrau.

Dehongli'r Rhan hon

25.—(1) Yn y Rhan hon—

ystyr “asiantaeth fabwysiadu” (*“adoption agency”*) yw corff y caniateir cyfeirio ato fel asiantaeth fabwysiadu yn rhinwedd adran 2 o Ddeddf Mabwysiadu a Phlant 2002;

ystyr “mabwysiadu” (*“adopter”*), mewn perthynas â phlentyn, yw person sydd wedi ei baru â phlentyn ar gyfer ei fabwysiadu, neu mewn achos pan fo dau o bobl wedi eu paru ar y cyd, pa un bynnag ohonynt sydd wedi dewis bod yn fabwysiadu y plentyn at ddibenion Rhan 3 o'r Rheoliadau hyn; ac

ystyr “plentyn” (*“child”*) yw person sydd o dan ddeunaw mlwydd oed, neu a oedd o dan yr oedran hwnnw pan gafodd ei leoli gyda mabwysiadu ar gyfer ei fabwysiadu.

(2) At ddibenion y Rhan hon mae person wedi ei baru â phlentyn ar gyfer ei fabwysiadu pan fo asiantaeth fabwysiadu yn penderfynu y byddai'r person hwnnw'n rhiant mabwysiadol addas ar gyfer y plentyn, p'un ai ar ei ben ei hun neu ar y cyd â pherson arall.

When new adoption absence may be taken

22. New adoption absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the child's adopter; and
- (b) ending 56 days after that date.

Cancelling new adoption absence

23. The circumstances in which a member may cancel a period of new adoption absence are that—

- (a) the period of new adoption absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

Member to choose start date of new adoption absence

24. Provided that the period of new adoption absence will come to an end within the period prescribed by regulation 22, a member may choose the date on which their new adoption absence is to start.

Interpretation of this Part

25.—(1) In this Part—

“adopter” (*“mabwysiadu”*) in relation to a child, means a person who has been matched with the child for adoption, or in a case where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purpose of Part 3 of these Regulations;

“adoption agency” (*“asiantaeth fabwysiadu”*) means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002;

“child” (*“plentyn”*) means a person who is, or when placed with an adopter for adoption was, under the age of eighteen;

(2) For the purposes of this Part a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, either individually or jointly with another person.

RHAN 5

Absenoldeb rhiant

Amodau rhagnodedig

26. At ddibenion adran 28(1) o'r Mesur, yr amodau rhagnodedig yw—

- (a) na allai'r aelod fodloni'r amodau rhagnodedig o dan Rannau 2 i 4 o'r Rheoliadau hyn;
- (b) bod yr aelod yn gyfrifol am ofalu am y plentyn, neu'n disgwyl cael cyfrifoldeb o'r fath;
- (c) bod yr aelod yn darparu hysbysiad ysgrifenedig i'r pennaeth gwasanaethau democrataidd o'r canlynol—
 - (i) ei fwriad i gymryd absenoldeb rhiant;
 - (ii) y dyddiad y mae'r aelod yn bwriadu i'r absenoldeb rhiant ddechrau;
 - (iii) hyd yr absenoldeb rhiant arfaethedig; a
 - (iv) a fwriedir i'r absenoldeb gael ei gymryd fel un cyfnod o absenoldeb neu fel cyfres o absenoldebau;
- (d) bod yr aelod, os cafodd gais i wneud hynny gan y pennaeth gwasanaethau democrataidd, wedi darparu tystiolaeth i'r pennaeth gwasanaethau democrataidd ynglŷn â rhychwant y cyfrifoldeb am y plentyn; ac
- (e) bod yr aelod, pan fo'r absenoldeb rhiant i'w gymryd fel cyfres o absenoldebau, yn rhoi hysbysiad ysgrifenedig ymlaen llaw i'r pennaeth gwasanaethau democrataidd o'r dyddiad dechrau arfaethedig a hyd arfaethedig pob cyfnod o absenoldeb rhiant.

Rhychwant yr hawl i absenoldeb rhiant

27.—(1) Mae gan aelod hawl i dri mis o absenoldeb rhiant.

(2) Caniateir cymryd absenoldeb rhiant fel cyfres o gyfnodau o absenoldeb neu fel un cyfnod.

Pryd y caniateir cymryd absenoldeb rhiant

28. Ni chaniateir cymryd absenoldeb ond os yw'n cael ei gymryd yn ystod y cyfnod—

- (a) sy'n dechrau ar y dyddiad y mae'r aelod yn ysgwyddo cyfrifoldeb am ofalu am blentyn o dan 14 mlwydd oed; a
- (b) sy'n dod i ben un flwyddyn wedi hynny.

PART 5

Parental absence

Prescribed conditions

26. For the purposes of section 28(1) of the Measure, the prescribed conditions are that the member—

- (a) could not satisfy the prescribed conditions under Parts 2 to 4 of these Regulations;
- (b) has, or expects to have, responsibility for the care of a child;
- (c) provides the head of democratic services with written notice of—
 - (i) their intention to take parental absence;
 - (ii) the date on which the member intends the parental absence to start;
 - (iii) the duration of the intended parental absence; and
 - (iv) whether the absence is intended to be taken as a single period or as a series of absences;
- (d) if requested to do so by the head of democratic services, provides the head of democratic services with evidence in relation to the extent of the responsibility for the child; and
- (e) where the parental absence is to be taken as a series of absences, gives the head of democratic services advance written notice of the intended start date and duration of each period of parental absence.

Extent of entitlement to parental absence

27.—(1) A member's entitlement to parental absence is three months.

(2) Parental absence may be taken as a series of periods of absence or as a single period.

When parental absence may be taken

28. Parental absence may only be taken during the period—

- (a) beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and
- (b) ending one year after that.

Terfynu cyfnod o absenoldeb rhiant

29. Caiff aelod derfynu unrhyw gyfnod o absenoldeb rhiant yn gynharach na'r hyn a hysbyswyd o dan reoliad 26(c)(iii) drwy hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i derfynu'r cyfnod o absenoldeb rhiant.

Diddymu cyfnod o absenoldeb rhiant

30. Caiff aelod ddiddymu cyfnod o absenoldeb rhiant o dan yr amgylchiadau canlynol—

- (a) nid yw'r cyfnod o absenoldeb rhiant wedi dechrau hyd yn hyn; a
- (b) mae'r aelod wedi hysbysu'r pennaeth gwasanaethau democrataidd yn ysgrifenedig o'i fwriad i ddiddymu'r cyfnod o absenoldeb rhiant.

Aelod i ddewis dyddiad dechrau'r absenoldeb rhiant

31. Ar yr amod bod y dyddiad o fewn y cyfnod a ragnodir gan reoliad 28, caiff aelod ddewis y dyddiad pryd y bydd unrhyw gyfnod o absenoldeb rhiant i ddechrau.

Bringing a period of parental absence to an end

29. A member may bring any period of parental absence to an end earlier than that notified under regulation 26(c)(iii) by notifying the head of democratic services in writing of their intention to bring the period of parental absence to an end.

Cancelling a period of parental absence

30. The circumstances in which a member may cancel a period of parental absence are that—

- (a) the period of parental absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the period of parental absence.

Member to choose start dates of parental absence

31. Provided the date falls within the period prescribed by regulation 28, a member may choose the date on which any period of parental absence is to start.

RHAN 6

Cyffredinol

Cadw cofnodion

32.—(1) Rhaid i bennaeth gwasanaethau democrataidd awdurdod lleol gadw cofnod o'r canlynol—

- (a) yr holl hysbysiadau gan aelodau o'r awdurdod lleol hwnnw o gyfnodau o absenoldeb teuluol; a
- (b) yr holl gyfnodau o absenoldeb teuluol a gymerwyd gan aelodau o'r awdurdod lleol hwnnw.

(2) Rhaid i awdurdod lleol gadw cofnod a wneir o dan baragraff (1) am o leiaf 10 mlynedd ar ôl y dyddiad y'i gwneir.

Dyletswydd i hysbysu

33.—(1) Ar ôl i'r pennaeth gwasanaethau democrataidd gael ei hysbysu yn unol â Rhannau 1 i 5 o'r Rheoliadau bod aelod yn cymryd cyfnod o absenoldeb teuluol, rhaid i'r pennaeth gwasanaethau democrataidd roi gwybod i bob person perthnasol am y ffaith honno cyn gynted ag y bo'n rhesymol ymarferol.

PART 6

General

Record keeping

32.—(1) A local authority's head of democratic services must maintain a record of all—

- (a) notifications made by members of that local authority of periods of family absence; and
- (b) periods of family absence taken by members of that local authority.

(2) A record made under paragraph (1) must be kept by the local authority for at least 10 years from the date it is made.

Duty to inform

33.—(1) Having been notified in accordance with Parts 1 to 5 of these Regulations that a member is taking a period of family absence, the head of democratic services must inform each relevant person as soon as is reasonably practicable of that fact.

(2) Yn y rheoliad hwn ystyr “person perthnasol” (“*relevant person*”) yw —

- (a) cadeirydd yr awdurdod lleol, neu pan fo awdurdod lleol wedi ethol aelod llywyddol, aelod llywyddol yr awdurdod lleol hwnnw;
- (b) cadeirydd Pwyllgor Gwasanaethau Democrataidd yr awdurdod lleol; ac
- (c) arweinydd pob un o grwpiau gwleidyddol yr awdurdod lleol.

Diddymu absenoldeb teuluol gan awdurdod lleol

34.—(1) Pan fo gan y pennaeth gwasanaethau democrataidd sail resymol i amau nad oes gan aelod, sydd wedi darparu hysbysiad ei fod yn cymryd cyfnod o absenoldeb teuluol, yr hawl i'r absenoldeb teuluol hwnnw, rhaid i'r pennaeth gwasanaethau democrataidd hysbysu'r awdurdod lleol a darparu'r holl wybodaeth berthnasol.

(2) Pan nad oes gan aelod yr hawl i gyfnod o absenoldeb teuluol, yn dilyn cael gwybodaeth o dan baragraff (1), caiff awdurdod lleol ddiddymu cyfnod o absenoldeb teuluol aelod cyn iddo ddechrau neu derfynu cyfnod o absenoldeb teuluol.

(3) Pan fo awdurdod lleol yn arfer ei bŵer o dan baragraff (2), rhaid i'r pennaeth gwasanaethau democrataidd ar gyfer yr awdurdod hwnnw roi hysbysiad ysgrifenedig i'r aelod yn nodi—

- (a) y penderfyniad i ddiddymu neu derfynu cyfnod o absenoldeb teuluol; a
- (b) y dyddiad y mae'n rhaid i'r aelod ddychwelyd o'r cyfnod o absenoldeb teuluol.

(4) Pan fo aelod wedi methu â dychwelyd o gyfnod o absenoldeb teuluol ar y dyddiad a bennwyd yn yr hysbysiad a ddarparwyd o dan baragraff (3), caiff awdurdod lleol atal tâl yr aelod hwnnw.

Cwynion

35.—(1) Caiff aelod gyflwyno cwyn ysgrifenedig i'r pennaeth gwasanaethau democrataidd ynglŷn â phenderfyniad a wnaed o dan reoliad 34(2).

(2) Rhaid i gŵyn ddod i law'r pennaeth gwasanaethau democrataidd o fewn 28 o ddiwrnodau i'r dyddiad yr hysbyswyd yr aelod o dan reoliad 34(3) o benderfyniad awdurdod lleol o dan baragraff (2) o'r rheoliad hwnnw.

(3) Rhaid i'r pennaeth gwasanaethau democrataidd atgyfeirio unrhyw gŵyn a gafwyd o fewn y cyfnod a bennir ym mharagraff (2) i gadeirydd yr awdurdod lleol neu pan fo awdurdod lleol wedi ethol aelod llywyddol, i'r aelod llywyddol.

(2) In this regulation “relevant person” (“*person perthnasol*”) means—

- (a) the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that local authority;
- (b) the chair of the local authority’s Democratic Services Committee; and
- (c) the leader of each political group of the local authority.

Cancellation of family absence by a local authority

34.—(1) Where the head of democratic services has reasonable grounds to suspect that a member, who has provided notification that they are taking a period of family absence, is not entitled to that family absence, the head of democratic services must inform the local authority and provide all relevant information.

(2) Where a member is not entitled to a period of family absence, following the receipt of information under paragraph (1), a local authority may cancel a member’s period of family absence before it begins or bring a period of family absence to an end.

(3) Where a local authority exercises its power under paragraph (2), the head of democratic services for that authority must provide the member with a written notice setting out—

- (a) the decision to cancel or bring to an end a period of family absence; and
- (b) the date from which the member must return from the period of family absence.

(4) Where a member has failed to return from a period of family absence on the date specified in the notice provided under paragraph (3), a local authority may withhold that member’s remuneration.

Complaints

35.—(1) A member may complain in writing to the head of democratic services regarding a decision made under regulation 34(2).

(2) A complaint must be received by the head of democratic services within 28 days of the member being notified under regulation 34(3) of a local authority’s decision under paragraph (2) of that regulation.

(3) The head of democratic services must refer any complaint received within the period specified in paragraph (2) to the chair of the local authority or where a local authority has elected a presiding member, to the presiding member.

Y panel

36.—(1) Rhaid i'r awdurdod lleol benodi panel i benderfynu ar gŵyn a wnaed o dan reoliad 35.

(2) Rhaid i'r panel gynnwys tri aelod a benodir gan yr awdurdod lleol.

(3) Ni chaniateir penodi cadeirydd yr awdurdod lleol nac aelod llywyddol awdurdod lleol i'r panel.

(4) Caiff y panel—

- (a) cadarnhau penderfyniad awdurdod lleol a wnaed o dan reoliad 34(2); neu
- (b) amnewid penderfyniad ei hun o ran hawl aelod i gyfnod o absenoldeb teuluol yn unol â'r Rheoliadau hyn.

(5) Mae penderfyniad y panel yn derfynol.

Rheolau sefydlog

37. Rhaid i awdurdod lleol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r Rheoliadau hyn ddod i rym, wneud rheolau sefydlog sy'n sicrhau'r gofynion a nodir yn rheoliad 38.

38.—(1) Caiff aelod sydd ar absenoldeb mamolaeth neu absenoldeb rhiant, yn ddarostyngedig i baragraffau (2) i (6),—

- (a) bod yn bresennol mewn cyfarfodydd penodol;
- (b) bod yn bresennol mewn cyfarfodydd o ddisgrifiadau penodol;
- (c) cyflawni dyletswyddau penodol; neu
- (d) cyflawni dyletswyddau o ddisgrifiad penodol.

(2) Rhaid i'r aelod gael caniatâd cadeirydd yr awdurdod lleol, neu pan fo awdurdod lleol wedi ethol aelod llywyddol, yr aelod llywyddol, cyn bod yn bresennol mewn unrhyw gyfarfod neu gyflawni unrhyw ddyletswydd.

(3) Rhaid i gadeirydd yr awdurdod lleol, neu pan fo awdurdod lleol wedi ethol aelod llywyddol, yr aelod llywyddol, hysbysu arweinyddion pob un o grwpiau gwleidyddol yr awdurdod lleol cyn rhoi caniatâd o dan baragraff (2).

(4) Caiff aelod gyflwyno cwyn ysgrifenedig i'r pennaeth gwasanaethau democrataidd ynglŷn â gwrthodiad o dan baragraff (2).

(5) Rhaid i'r pennaeth gwasanaethau democrataidd atgyfeirio cwyn o dan baragraff (4) i gadeirydd yr awdurdod lleol, neu pan fo awdurdod lleol wedi ethol aelod llywyddol, i'r aelod llywyddol.

(6) Rhaid i banel a gyfansoddir yn unol â'r Rheoliadau hyn benderfynu ar gŵyn a wnaed o dan baragraff (4).

(7) Caiff y panel—

The panel

36.—(1) The local authority must appoint a panel to determine a complaint made under regulation 35.

(2) The panel must consist of three members appointed by the local authority.

(3) Neither the chair of the local authority nor the presiding member of a local authority may be appointed to the panel.

(4) The panel may—

- (a) confirm a local authority's decision made under regulation 34(2); or
- (b) substitute its own decision as to the member's entitlement to a period of family absence in accordance with these Regulations.

(5) The decision of the panel is final.

Standing orders

37. A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make standing orders securing the requirements set out in regulation 38.

38.—(1) A member on maternity absence or parental absence may, subject to paragraphs (2) to (6),—

- (a) attend particular meetings;
- (b) attend particular descriptions of meetings;
- (c) perform particular duties; or
- (d) perform duties of a particular description.

(2) The member must obtain the permission of the chair of the local authority, or where a local authority has elected a presiding member, the presiding member, before attending any meeting or performing any duty.

(3) The chair of the local authority, or where a local authority has elected a presiding member, the presiding member, must inform the leaders of each political group of the local authority before granting permission under paragraph (2).

(4) A member may complain in writing to the head of democratic services regarding a refusal under paragraph (2).

(5) The head of democratic services must refer a complaint under paragraph (4) to the chair of the local authority, or where a local authority has elected a presiding member, to the presiding member.

(6) A panel constituted in accordance with these Regulations must determine a complaint made under paragraph (4).

(7) The panel may—

- (a) cadarnhau penderfyniad cadeirydd yr awdurdod lleol, neu pan fo awdurdod lleol wedi ethol aelod llywyddol, penderfyniad yr aelod llywyddol, a wnaed o dan baragraff (2); neu
- (b) amnewid penderfyniad ei hun o ran aelod yn bod yn bresennol mewn unrhyw gyfarfod neu'n cyflawni unrhyw ddyletswydd.

39. Rhaid i awdurdod lleol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r Rheoliadau hyn ddod i rym, wneud darpariaeth mewn rheolau sefydlog ynglŷn â rhychwant y dyletswyddau, os oes rhai, sy'n parhau i fod yn gymwys i aelodau yn ystod cyfnod o absenoldeb teuluol.

- (a) confirm the decision of the chair of the local authority, or where a local authority has elected a presiding member, the decision of the presiding member, under paragraph (2); or
- (b) substitute its own decision as to the member attending any meeting or performing any duty.

39. A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make provision in standing orders as to the extent of the duties, if any, which remain applicable to members during a period of family absence.

Lesley Griffiths

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth, un o Weiniogion Cymru

12 Tachwedd 2013

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