



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1399 (Cy. 310)

2020 No. 1399 (W. 310)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**CYNRYCHIOLAETH Y BOBL,
CYMRU**

**REPRESENTATION OF THE
PEOPLE, WALES**

Rheoliadau Llywodraeth Leol
(Coronafeirws) (Gohirio
Etholiadau) (Cymru) (Rhif 2) 2020

The Local Government
(Coronavirus) (Postponement of
Elections) (Wales) (No. 2)
Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas ag is-etholiadau llywodraeth leol penodol a ohiriwyd o ganlyniad i'r pandemig COVID-19. Gohiriwyd yr is-etholiadau llywodraeth leol hyn gan Reoliadau Llywodraeth Leol (Coronafeirws) (Gohirio Etholiadau) (Cymru) 2020 ("Rheoliadau 2020").

Mae rheoliad 4 yn darparu nad yw unrhyw bleidlais drwy'r post a fwriwyd mewn perthynas ag is-etholiad a ohiriwyd gan Reoliadau 2020 i gyfrif at ddibenion yr is-etholiad hwnnw sydd wedi ei ail-drefnu. Mae hefyd yn darparu nad yw pleidleisiwr drwy'r post yn cael ei atal rhag bwrw pleidlais drwy'r post arall mewn is-etholiad a ad-drefnir.

Mae rheoliad 5 yn gwneud darpariaeth ynghylch sut y mae rhaid i'r swyddog canlyniadau ymdrin â'r ddogfennaeth y gellid bod wedi ei chreu cyn is-etholiad a ohiriwyd, gan gynnwys ei hanfon ymlaen at y swyddog cofrestru.

Mae rheoliad 6 yn ei gwneud yn ofynnol i'r swyddog cofrestru gadw'r dogfennau hynny am flwyddyn cyn eu dinistrio (yn ddarostyngedig i orchymyn llys). Mae hefyd yn gwneud darpariaeth ynghylch gorchymynion llys i gael mynediad at y dogfennau hynny mewn cysylltiad ag erlyniad.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to certain local government by-elections which were postponed as a result of the Covid-19 pandemic. These local government by-elections were postponed by the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 ("the 2020 Regulations").

Regulation 4 provides that any postal ballot cast in relation to a by-election postponed by the 2020 Regulations is not to count for the purposes of a by-election that has been re-arranged. It also provides that a postal voter is not prevented from casting another postal ballot at a re-arranged by-election.

Regulation 5 makes provision on how the returning officer has to deal with the documentation which may have been created in advance of a postponed by-election, including forwarding it to the registration officer.

Regulation 6 requires the registration officer to retain such documents for a year before destroying them (subject to a court order). It also makes provision about court orders for access to those documents in respect of a prosecution.

Mae rheoliad 7 yn gwneud darpariaeth mewn perthynas â phersonau a oedd yn ymgeiswyr mewn is-etholiad a ohiriwyd. Mae'n darparu nad yw person a oedd yn ymgeisydd yn ymgeisydd mwyach, a'i fod yn cael ei drin yn gyffredinol fel pe na bai wedi bod yn ymgeisydd. Mae effeithiau hyn yn cynnwys y ffaith nad yw'n ofynnol i'r person lenwi datganiadau penodol sy'n ymwneud â threuliau ymgeisydd a rhoddion o dan Ddeddf Cynrychiolaeth y Bobl 1983. Yn lle hynny, ymdrinnir â rhoddion penodol i roddeion rheoleiddiedig o dan y rheolau yn Neddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000, ond mae'r terfynau amser ar gyfer cydymffurfio â'r rheolau hynny wedi eu hymestyn.

Mae rheoliad 8 yn diwygio Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001, er mwyn darparu sail ychwanegol i geiswyr wneud cais am bleidleisiau drwy ddirprwyon brys mewn cysylltiad ag is-etholiadau llywodraeth leol penodol. Mae'r sail ychwanegol hon yn ymwneud â phersonau nad ydynt yn gallu mynd i orsaf bleidleisio yn bersonol o ganlyniad i ddilyn deddfwriaeth berthnasol neu ganllawiau neu gyngor meddygol perthnasol mewn perthynas â'r pandemig COVID-19.

Mae rheoliad 9 yn addasu effaith Mesur Llywodraeth Leol (Cymru) 2011 mewn perthynas â'r gofyniad i roi hysbysiad cyhoeddus pan fo person yn cael ei gyfethol i fod yn aelod o gyngor cymuned yng Nghymru. O ganlyniad i'r pandemig COVID-19, nid yw ond yn ofynnol i'r hysbysladau cyhoeddus hynny gael eu rhoi ar ffurf electronig.

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

Regulation 7 makes provision in relation to persons who were candidates at a postponed by-election. It provides that a person who was a candidate is no longer a candidate, and is treated generally as not having been one. The effects of this include that the person is not required to complete certain returns relating to candidate expenses and donations under the Representation of the People Act 1983. Certain donations to regulated donees instead fall to be dealt with under the rules in the Political Parties, Elections and Referendums Act 2000, although the deadlines for complying with those rules are extended.

Regulation 8 amends the Representation of the People (England and Wales) Regulations 2001, so as to provide applicants with additional grounds for applying for emergency proxy votes in respect of certain local government by-elections. These additional grounds relate to persons who are unable to attend a polling station in person as a result of following relevant legislation, guidance or medical advice in relation to the Covid-19 pandemic. .

Regulation 9 modifies the effect of the Local Government (Wales) Measure 2011 in relation to the requirement to give public notice where a person is co-opted on to the membership of a community council in Wales. As a result of the Covid-19 pandemic, such public notices need only be given electronically.

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

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REPRESENTATION OF THE
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Rheoliadau Llywodraeth Leol
(Coronafeirws) (Gohirio
Etholiadau) (Cymru) (Rhif 2) 2020

The Local Government
(Coronavirus) (Postponement of
Elections) (Wales) (No. 2)
Regulations 2020

Gwnaed 1 Rhagfyr 2020

Made 1 December 2020

*Gosodwyd gerbron Senedd
Cymru* 3 Rhagfyr 2020

Laid before Senedd Cymru 3 December 2020

Yn dod i rym 4 Rhagfyr 2020

Coming into force 4 December 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 68 o Ddeddf y Coronafeirws 2020(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 68 of the Coronavirus Act 2020(1)

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Llywodraeth Leol (Coronafeirws) (Gohirio Etholiadau) (Cymru) (Rhif 2) 2020.

2. Daw'r Rheoliadau hyn i rym ar 4 Rhagfyr 2020.

Title and commencement

1. The title of these Regulations is The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020.

2. These Regulations come into force on 4 December 2020.

Dehongli

3. Yn y Rheoliadau hyn—
- ystyr “amlen berthnasol sydd wedi ei hagog” (“*opened relevant envelope*”) yw—
- prif amlen sydd wedi ei hagog, neu
 - amlen (ac eithrio prif amlen) sy'n dod i law'r swyddog canlyniadau neu'r swyddog cyfrif ac sydd, pan gaiff ei hagog, yn cynnwys amlen

Interpretation

3. In these Regulations—
- “the 1983 Act” means the Representation of the People Act 1983(2);
- “the 2000 Act” means the Political Parties, Elections and Referendums Act 2000(3);

(1) 2020 p. 7.

(1) 2020 c. 7.
(2) 1983 c. 2.
(3) 2000 c. 41.

papur pleidleisio, datganiad pleidleisio drwy'r post neu bapur pleidleisio;

mae i "amlen papur pleidleisio", "prif amlen", "pleidleisiwr drwy'r post", "daliedydd ar gyfer amlenni papurau pleidleisio" a chyfeiriadau eraill at ddaliedyddion penodedig yr un ystyron ag sydd i'r ymadroddion Saesneg cyfatebol yn Rhan 5 o Reoliadau 2001;

mae i "ardal etholiadol" yr un ystyr ag a roddir i "electoral area" yn adran 203(1) o Ddeddf 1983;

ystyr "y cyfnod perthnasol" ("*the relevant period*") yw'r cyfnod sy'n dechrau ar 16 Mawrth 2020 ac yn dod i ben ar 31 Ionawr 2021;

ystyr "Deddf 1983" ("*the 1983 Act*") yw Deddf Cynrychiolaeth y Bobl 1983(1);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000(2);

ystyr "Deddf 2020" ("*the 2020 Act*") yw Deddf y Coronafeirws 2020;

ystyr "is-etholiad perthnasol" ("*relevant by-election*") yw—

- (a) etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd sy'n digwydd dod yn wag ar gyfer unrhyw brif ardal yng Nghymru; neu
- (b) etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd cymuned sy'n digwydd dod yn wag mewn unrhyw gyngor cymuned yng Nghymru,

pan fwriadwyd i'r bleidlais ar gyfer unrhyw etholiad o'r fath gael ei chynnal yn ystod y cyfnod perthnasol ac na chynhaliwyd y bleidlais yn ystod y cyfnod hwnnw o ganlyniad i Reoliadau 2020;

ystyr "pleidlais ohiriedig" ("*a postponed poll*") yw unrhyw bleidlais a fydd, o ganlyniad i Reoliadau 2020, yn disodli is-etholiad perthnasol ac yn cael ei chynnal o fewn y cyfnod sy'n dechrau ar 1 Chwefror 2021 ac yn dod i ben ar 16 Ebrill 2021;

mae i "prif ardal" yr un ystyr ag a roddir i "principal area" yn adran 270(1) o Ddeddf Llywodraeth Leol 1972 (darpariaethau cyffredinol ynghylch dehongli)(3);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001(4);

"the 2020 Act" means the Coronavirus Act 2020;

"the 2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001(1);

"the 2020 Regulations" means the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020(2);

"ballot paper envelope", "covering envelope", "postal voter", "receptacle for ballot paper envelopes" and other references to specified receptacles have the same meanings as in Part 5 of the 2001 Regulations;

"candidate" has the meaning given by section 118A of the 1983 Act(3);

"electoral area" has the same meaning as in section 203(1) of the 1983 Act;

"opened relevant envelope" means—

- (a) a covering envelope that has been opened, or
- (b) an envelope (other than a covering envelope) which is received by the returning officer or counting officer and which, when opened, contains a ballot paper envelope, postal voting statement or ballot paper;

"a postponed poll" means any poll which as a result of the 2020 Regulations will replace a relevant by-election and be held within the period commencing on 1 February 2021 and ending on 16 April 2021;

"postal voters list" and "proxy postal voters list" have the same meaning as in section 202(1) of the 1983 Act(4);

"principal area" has the same meaning as in section 270(1) of the Local Government Act 1972 (general provisions as to interpretation)(5);

"regulated donee" has the same meaning as in paragraph 1 of Schedule 7 to the 2000 Act;

"relevant by-election" means —

- (a) an election of a councillor to fill a casual vacancy in the office of councillor for any principal area in Wales; or

(1) 1983 p. 2.
(2) 2000 p. 41.
(3) 1972 p. 70; diwygiwyd adran 270(1) gan baragraff 8 o Atodlen 16 i Ddeddf Llywodraeth Leol 1985 (p. 51).
(4) O.S. 2001/341; yr offerynnau diwygio perthnasol yw O.S. 2006/752, 2006/2910 a 2013/3198.

(1) S.I. 2001/341; relevant amending instruments are S.I. 2006/752, 2006/2910 and 2013/3198.
(2) S.I. 2020/461 (W.105)
(3) Section 118A was inserted by the Political Parties, Elections and Referendums Act 2000 (c. 41), section 135.
(4) Section 202(1) was amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, paragraph 128.
(5) 1972 c. 70; section 270(1) was amended by the Local Government Act 1985 (c. 51), Schedule 16, paragraph 8.

ystyr “Rheoliadau 2020” (“*the 2020 Regulations*”) yw Rheoliadau Llywodraeth Leol (Coronafeirws) (Gohirio Etholiadau) (Cymru) 2020(1);

mae i “rhestr o bleidleiswyr drwy’r post” a “rhestr o bleidleiswyr drwy’r post fel dirprwyon” yr un ystyron ag a roddir i “postal voters list” a “proxy postal voters list” yn adran 202(1) o Ddeddf 1983(2);

mae i “rhoddai rheoleiddiedig” yr un ystyr ag a roddir i “regulated donee” ym mharagraff 1 o Atodlen 7 i Ddeddf 2000;

mae i “swyddog cofrestru perthnasol”—

(a) yn achos is-etholiad perthnasol—

(i) pan oedd yr etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd sy’n digwydd dod yn wag ar gyfer unrhyw brif ardal yng Nghymru, yr ystyr a roddir i “relevant registration officer” gan reol 52(2) o Atodlen 2 neu (yn ôl y digwydd) reol 52(3) o Atodlen 3 i Reolau Etholiadau Lleol (Prif Ardaloedd) (Cymru a Lloegr) 2006(3);

(ii) pan oedd yr etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd cymuned sy’n digwydd dod yn wag mewn unrhyw gyngor cymuned yng Nghymru, yr ystyr a roddir i “relevant registration officer” gan reol 52(2) o Atodlen 2 neu (yn ôl y digwydd) reol 52(3) o Atodlen 3 i Reolau Etholiadau Lleol (Plwyfi a Chymunedau) (Cymru a Lloegr) 2006(4);

mae i “ymgeisydd” yr ystyr a roddir i “candidate” gan adran 118A o Ddeddf 1983(5).

Pleidleisiau drwy’r post: cyffredinol

4.—(1) Nid yw papur pleidleisio drwy’r post a ddychwelwyd gan bleidleisiwr drwy’r post mewn perthynas ag is-etholiad perthnasol yn cael unrhyw effaith at ddibenion pleidlais ohiriedig.

(2) Nid yw’r ffaith y bu i bleidleisiwr drwy’r post fwrw pleidlais drwy’r post mewn cysylltiad ag is-etholiad perthnasol yn atal y person hwnnw rhag bwrw pleidlais drwy’r post mewn cysylltiad â phleidlais ohiriedig.

(b) the election of a councillor to fill a casual vacancy in the office of community councillor in any community council in Wales,

where the poll for any such election was due to be held during the relevant period and was not held during that period as a result of the 2020 Regulations;

“the relevant period” (“*y cyfnod perthnasol*”) means the period beginning on 16 March 2020 and ending on 31 January 2021;

“relevant registration officer”—

(a) in the case of a relevant by-election—

(i) where the election was for a councillor to fill a casual vacancy in the office of councillor for any principal area in Wales, has the meaning given by rule 52(2) of Schedule 2 or (as the case may be) rule 52(3) of Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006(1);

(ii) where the election was for a councillor to fill a casual vacancy in the office of community councillor in any community council in Wales, has the meaning given by rule 52(2) of Schedule 2 or (as the case may be) rule 52(3) of Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(2).

Postal ballots: general

4.—(1) A postal ballot paper which was returned by a postal voter in relation to a relevant by-election has no effect for the purposes of a postponed poll.

(2) The fact that a postal voter cast a postal ballot paper in respect of a relevant by-election does not prevent that person from casting a postal ballot paper in respect of a postponed poll.

(1) O.S. 2020/461 (Cy. 105).

(2) Diwygiwyd adran 202(1) gan baragraff 128 o Atodlen 1 i Ddeddf Gweinyddu Etholiadol 2006 (p. 22).

(3) O.S. 2006/3304, y mae iddo ddiwygiadau nad ydynt yn berthnasol i’r Rheoliadau hyn.

(4) O.S. 2006/3305, y mae iddo ddiwygiadau nad ydynt yn berthnasol i’r Rheoliadau hyn.

(5) Mewnosodwyd adran 118A gan adran 135 o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41).

(1) S.I. 2006/3304, to which there are amendments not relevant to these Regulations.

(2) S.I. 2006/3305, to which there are amendments not relevant to these Regulations.

(3) Pan fo unrhyw restr wedi ei chreu o dan reoliad 87(1) o Reoliadau 2001 mewn perthynas ag is-etholiad perthnasol, nid yw rheoliad 61C(2) o'r Rheoliadau hynny (hysbysu ynghylch datganiad pleidleisio drwy'r post a wrthodwyd) yn gymwys mewn cysylltiad â phleidleisiwr absennol sy'n ymddangos ar y rhestr honno.

(4) Nid yw rheoliad 84A(3) o Reoliadau 2001 (cadarnhau bod datganiadau pleidleisio drwy'r post wedi dod i law) yn gymwys mewn perthynas ag unrhyw bleidleisiau drwy'r post a ddsbarthwyd mewn perthynas ag is-etholiad perthnasol.

Pleidleisiau drwy'r post: gwaredu dogfennau gan y swyddog canlyniadau neu'r swyddog cyfrif

5.—(1) Mewn perthynas â'r swyddog canlyniadau ar gyfer is-etholiad perthnasol—

- (a) yn ddarostyngedig i baragraff (2), ni chaiff gymryd unrhyw gamau neu unrhyw gamau pellach i agor prif amlen, nac i ymdrin â chynnwys amlen berthnasol sydd wedi ei hagog, yn unol â Rhan 5 o Reoliadau 2001;
- (b) rhaid iddo drin y canlynol fel pe bai'n bapur pleidleisio sydd wedi ei gyfrif—
 - (i) unrhyw brif amlen nad yw wedi ei hagog;
 - (ii) cynnwys unrhyw amlen berthnasol sydd wedi ei hagog; a
 - (iii) unrhyw beth a gynhwysir yn y blwch pleidleisio drwy'r post.

(2) Pan fwriadwyd i'r pleidleisiau ar gyfer un is-etholiad perthnasol neu ragor gael eu cynnal gyda'i gilydd—

- (a) caiff y swyddog canlyniadau agor unrhyw brif amlenni neu amlenni papurau pleidleisio er mwyn gwahanu'r cynnwys yn ôl yr etholiad at ddibenion paragraff (4);
- (b) nid yw gofynion Rhan 5 o Reoliadau 2001 yn gymwys i unrhyw agor amlenni o'r fath.

(3) Rhaid i'r swyddog canlyniadau—

- (a) selio mewn pecynnau—
 - (i) unrhyw beth a gynhwysir yn y daliedydd ar gyfer pleidleisiau a wrthodwyd;
 - (ii) unrhyw beth a gynhwysir yn y daliedydd ar gyfer amlenni papurau pleidleisio;

(3) Where any list has been created under regulation 87(1) of the 2001 Regulations in relation to a relevant by-election, regulation 61C(2) of those Regulations (notification of rejected postal voting statement) does not apply in respect of an absent voter who appears on that list.

(4) Regulation 84A(3) of the 2001 Regulations (confirming receipt of postal voting statements) does not apply in relation to any postal ballots issued in relation to a relevant by-election.

Postal ballots: disposal of documents by the returning or counting officer

5.—(1) The returning officer for a relevant by-election—

- (a) subject to paragraph (2), must not take any steps or further steps to open a covering envelope, or deal with the contents of an opened relevant envelope, in accordance with Part 5 of the 2001 Regulations;
- (b) must treat as if it were a counted ballot paper—
 - (i) any unopened covering envelope;
 - (ii) the contents of any opened relevant envelope; and
 - (iii) any contents of the postal ballot box.

(2) Where the polls for one or more relevant by-elections were due to be taken together—

- (a) the returning officer may open any covering envelopes or ballot paper envelopes in order to separate the contents by election for the purposes of paragraph (4);
- (b) the requirements of Part 5 of the 2001 Regulations do not apply to any such opening of envelopes.

(3) The returning officer—

- (a) must seal up in packets—
 - (i) any contents of the receptacle for rejected votes;
 - (ii) any contents of the receptacle for ballot paper envelopes;

(1) Diwygiwyd rheoliad 87 gan O.S. 2006/2910 ac O.S. 2013/3198.

(2) Mewnosodwyd rheoliad 61C gan reoliad 28 o O.S. 2013/3198.

(3) Mewnosodwyd rheoliad 84A gan reoliad 52 o O.S. 2006/2910.

(1) Regulation 87 was amended by S.I. 2006/2910 and S.I. 2013/3198.

(2) Regulation 61C was inserted by S.I. 2013/3198, regulation 28.

(3) Regulation 84A was inserted by S.I. 2006/2910, regulation 52.

- (iii) unrhyw beth a gynhwysir yn y daliedydd ar gyfer amlenni papurau pleidleisio a wrthodwyd;
 - (iv) unrhyw restr o bapurau pleidleisio a ddifethwyd, a gollwyd neu y cawsant eu canslo yn unol â rheoliadau 77(8), 78(4) neu 78A(3) o Reoliadau 2001;
 - (v) unrhyw beth a gynhwysir yn y daliedydd ar gyfer pleidleisiau a wrthodwyd (gweithdrefn wirio);
 - (vi) unrhyw beth a gynhwysir yn y daliedydd ar gyfer datganiadau pleidleisio drwy'r post (gweithdrefn wirio);
 - (vii) unrhyw beth sy'n cael ei drin fel pe bai'n bapur pleidleisio sydd wedi ei gyfrif o dan baragraff (1)(b) na fyddai fel arall yn cael ei gynnwys mewn pecyn yn unol ag is-baragraffau (i) i (vi);
 - (viii) y copïau wedi eu marcio o'r rhestr o bleidleiswyr drwy'r post a'r rhestr o bleidleiswyr drwy'r post fel dirprwyon;
- (b) anfon y pecynnau hynny ymlaen at y swyddog cofrestru perthnasol, ynghyd ag—
- (i) unrhyw becynnau wedi eu selio a ddisgrifir yn rheoliadau 75(1), 77(6), 78(2C) a 78A(2)(c) o Reoliadau 2001 (rhestrau rhif cyfatebol wedi eu cwblhau a phapurau pleidleisio a ddifethwyd, a gollwyd neu y cawsant eu canslo);
 - (ii) unrhyw restr y mae'n ofynnol ei llunio yn unol â rheoliad 87(4) o Reoliadau 2001 (rhestrau o bapurau pleidleisio a wrthodwyd).

(4) Rhaid i'r swyddog canlyniadau arnodi pob pecyn a ddisgrifir ym mharagraff (4) ag—

- (a) disgrifiad o'i gynnwys;
- (b) dyddiad y bleidlais ar gyfer yr is-etholiad perthnasol; ac
- (c) enw'r ardal (neu'r ardaloedd) etholiadol y mae'r is-etholiad perthnasol yn ymwneud â hi neu â hwy.

(5) Mae adran 36(4) neu (5A) o Ddeddf 1983 (etholiadau lleol yng Nghymru a Lloegr: talu am wariant)(1) yn gymwys i'r holl wariant y mae swyddog canlyniadau yn mynd iddo yn briodol mewn perthynas ag arfer swyddogaethau'r swyddog o dan y rheoliad hwn fel y mae'n gymwys i wariant yr eir iddo yn briodol mewn perthynas â chynnal etholiad.

- (iii) any contents of the receptacle for rejected ballot paper envelopes;
- (iv) any lists of spoiled, lost or cancelled postal ballot papers kept in accordance with regulations 77(8), 78(4) or 78A(3) of the 2001 Regulations;
- (v) any contents of the receptacle for rejected votes (verification procedure);
- (vi) any contents of the receptacle for postal voting statements (verification procedure);
- (vii) anything treated as if it were a counted ballot paper under paragraph (1)(b) which would not otherwise be contained in a packet in accordance with subparagraphs (i) to (vi);
- (viii) the marked copies of the postal voters list and the proxy postal voters list;

(b) must forward those packets to the relevant registration officer, together with—

- (i) any sealed packets described in regulations 75(1), 77(6), 78(2C) and 78A(2)(c) of the 2001 Regulations (completed corresponding number lists and spoiled, lost and cancelled postal ballot papers);
- (ii) any list required to be compiled in accordance with regulation 87(4) of the 2001 Regulations (lists of rejected ballot papers).

(4) The returning officer must endorse each packet described in paragraph (4) with—

- (a) a description of its contents;
- (b) the date of the poll for the relevant by-election; and
- (c) the name of the electoral area (or areas) to which the relevant by-election relates.

(5) Section 36(4) or (5A) of the 1983 Act (local elections in England and Wales: payment of expenditure)(1) applies to all expenditure properly incurred by a returning officer in relation to the exercise of the officer's functions under this regulation as it applies to expenditure properly incurred in relation to the holding of an election.

(1) Diwygiwyd adran 36(4) a (5A) gan Atodlen 17 i Ddeddf Llywodraeth Leol 1985 (p. 51); a chan baragraffau 68(9) a (10) o Atodlen 16 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19).

(1) Section 36(4) and (5A) was amended by the Local Government Act 1985 (c. 51), Schedule 17; by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraphs 68(9) and (10).

Pleidleisiau drwy'r post: cadw, dangos a dinistrio dogfennau gan y swyddog cofrestru perthnasol

6.—(1) Rhaid i'r swyddog cofrestru perthnasol—

- (a) cadw'r dogfennau a anfonir ymlaen at y swyddog yn unol â rheoliad 5(3)(b) am gyfnod o flwyddyn; a
- (b) ar ôl y cyfnod hwnnw, beri i'r dogfennau hynny gael eu dinistrio, oni bai bod gorchymyn gan lys sirol, Llys y Goron neu lys ynadon yn cyfarwyddo fel arall.

(2) Ni chaniateir i berson edrych ar unrhyw un neu ragor o'r dogfennau a ddisgrifir yn rheoliad 5(3)(a)(i) i (iii), (v) i (vii) a (b)(ii) sydd ym meddiant y swyddog cofrestru perthnasol, ac eithrio yn unol â gorchymyn a wneir gan lys ar gyfer edrych ar unrhyw ddogfen neu ddangos unrhyw ddogfen at ddiben cychwyn neu gynnal erlyniad am drosedd mewn perthynas â phapurau pleidleisio.

(3) Mewn perthynas â gorchymyn a ddisgrifir ym mharagraff (2)—

- (a) pan fo'n ymwneud ag etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd sy'n digwydd dod yn wag ar gyfer unrhyw brif ardal yng Nghymru, mae paragraffau (3) i (7) o reol 53 o Atodlen 2 neu (yn ôl y digwydd) o Atodlen 3 i Reolau Etholiadau Lleol (Prif Ardaloedd) (Cymru a Lloegr) 2006(1) yn gymwys yn unol â pharagraff (4); a
- (b) pan fo'n ymwneud ag etholiad ar gyfer cynghorydd i lenwi swydd cynghorydd cymuned sy'n digwydd dod yn wag, mae paragraffau (3) i (7) o reol 53 o Atodlen 2 neu (yn ôl y digwydd) o Atodlen 3 i Reolau Etholiadau Lleol (Plwyfi a Chymunedau) (Cymru a Lloegr) 2006(2) yn gymwys yn unol â pharagraff (4).

(4) Mae'r darpariaethau y cyfeirir atynt ym mharagraff (3) yn gymwys i orchymyn a ddisgrifir ym mharagraff (2) yn yr un modd ag y maent yn gymwys i orchymyn a wneir o dan y darpariaethau hynny, ac eithrio y dylid darllen cyfeiriadau yn y darpariaethau hynny at "counted ballot papers" fel cyfeiriadau at y dogfennau a ddisgrifir yn rheoliad 5(3)(a)(i) i (iii), (v) i (vii) a (b)(ii).

Postal ballots: retention, production and destruction of documents by the relevant registration officer

6.—(1) The relevant registration officer must—

- (a) retain the documents forwarded to the officer in accordance with regulation 5(3)(b) for the period of one year; and
- (b) after that period, cause those documents to be destroyed, unless otherwise directed by an order of a county court, a Crown Court or a magistrates' court.

(2) A person must not be allowed to inspect any of the documents described in regulation 5(3)(a)(i) to (iii), (v) to (vii) and (b)(ii) which are in the possession of the relevant registration officer, except in accordance with an order made by a court for the inspection or production of any document for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(3) In relation to an order described in paragraph (2)—

- (a) where it relates to an election for a councillor to fill a casual vacancy in the office of councillor for any principal area in Wales, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006(1) apply in accordance with paragraph (4); and
- (b) where it relates to an election for a councillor to fill a casual vacancy in the office of community councillor, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) of Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(2) apply in accordance with paragraph (4).

(4) The provisions referred to in paragraph (3) apply to an order described in paragraph (2) in the same way as they apply to an order made under those provisions, save that references in those provisions to "counted ballot papers" should be read as references to the documents described in regulation 5(3)(a)(i) to (iii), (v) to (vii) and (b)(ii).

(1) O.S. 2006/3304.
(2) O.S. 2006/3305.

(1) S.I. 2006/3304.
(2) S.I. 2006/3305.

(5) Mae adran 176 o Ddeddf 1983 (terfyn amser ar gyfer erlyniadau)(1) yn gymwys mewn cysylltiad â dogfennau a gedwir gan y swyddog cofrestru perthnasol o dan baragraff (1) a dylid darllen cyfeiriadau at “rule 57 of the parliamentary elections rules” yn is-adrannau (2C) a (2D) fel cyfeiriad at reoliad 6(1) o’r Rheoliadau hyn.

(6) Mae adran 54 o Ddeddf 1983 (talw treuliau cofrestru)(2) yn gymwys i arfer swyddogaethau’r swyddog cofrestru perthnasol o dan y rheoliad hwn fel y mae’n gymwys i arfer swyddogaethau’r swyddog cofrestru o dan Ddeddf 1983.

Ymgeiswyr mewn is-etholiadau perthnasol

7.—(1) Nid yw person (“P”) a oedd yn ymgeisydd mewn is-etholiad perthnasol i’w ystyried yn ymgeisydd mwyach, ac mae’n cael ei drin fel pe na bai wedi bod yn ymgeisydd cyn i’r rheoliad hwn ddod i rym.

(2) Nid yw person (gan gynnwys P) yn atebol mewn cysylltiad ag unrhyw weithred neu anweithred (pa bryd bynnag y bo’n digwydd) mewn perthynas ag ymgeisyddiaeth P mewn is-etholiad perthnasol cyn i’r rheoliad hwn ddod i rym (gan ddiystyru paragraff (1)), o dan—

- (a) adran 71A o Ddeddf 1983 (rheoli rhoddion i ymgeiswyr)(3) ac Atodlen 2A iddi; a
- (b) adrannau 73 i 90D o Ddeddf 1983 (darpariaethau ynghylch treuliau etholiad

(5) Section 176 of the 1983 Act (time limit for prosecutions)(1) applies in respect of documents retained by the relevant registration officer under paragraph (1) and references to “rule 57 of the parliamentary elections rules” in subsections (2C) and (2D) should be read as a reference to regulation 6(1) of these Regulations.

(6) Section 54 of the 1983 Act (payments of expenses of registration)(2) applies to the exercise of functions of the relevant registration officer under this regulation as it applies to the exercise of functions of the registration officer under the 1983 Act.

Candidates at relevant by-elections

7.—(1) A person (“P”) who was a candidate at a relevant by-election is no longer to be regarded as a candidate, and is treated as not having been a candidate before the coming into force of this regulation.

(2) A person (including P) is not liable in respect of any act or omission (whenever occurring) in relation to P’s candidacy at a relevant by-election before the coming into force of this regulation (disregarding paragraph (1)), under—

- (a) section 71A of, and Schedule 2A to, the 1983 Act (control of donations to candidates)(3); and
- (b) sections 73 to 90D, and Schedule 4 to the 1983 Act (provisions about candidate election

(1) Diwygiwyd adran 176 gan adrannau 24 a 28 o Ddeddf Cynrychiolaeth y Bobl 1985 (p. 50), paragraff 61 o Atodlen 4 iddi ac Atodlen 5 iddi.

(2) Diwygiwyd adran 54 gan baragraff 14 o Atodlen 4 i Ddeddf Cynrychiolaeth y Bobl 1985; a chan baragraffau 1 a 17 o Atodlen 4 i Ddeddf Cofrestru a Gweinyddu Etholiadol 2013 (p. 6).

(3) Mewnosodwyd adran 71A gan adran 130 o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (“Deddf 2000”). Mewnosodwyd Atodlen 2A gan Atodlen 16 i Ddeddf 2000.

(1) Section 176 was amended by the Representation of the People Act 1985 (c. 50), sections 24 and 28, Schedule 4, paragraph 61 and Schedule 5.

(2) Section 54 was amended by the Representation of the People Act 1985, Schedule 4, paragraph 14; and by the Electoral Registration and Administration Act 2013 (c.6), Schedule 4, paragraphs 1 and 17.

(3) Section 71A was inserted by the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”), section 130. Schedule 2A was inserted by Schedule 16 to the 2000 Act.

ymgeiswyr)(1), ac Atodlen 4 iddi, gan gynnwys cymhwyso'r darpariaethau hynny i ethol cynghorwyr cymuned yng Nghymru gan adran 90 o'r Ddeddf honno.

(3) Mae paragraffau (4) i (6) yn gymwys mewn perthynas â rhodd a fyddai i'w chynnwys mewn datganiad ynghylch treuliau etholiad mewn cysylltiad

expenses)(1) including the application of those provisions to the election of community councillors in Wales by section 90 of that Act.

(3) Paragraphs (4) to (6) apply in relation to a donation which would have fallen to be included in a return as to election expenses in respect of P in accordance with Part 3 of Schedule 2A to the 1983

(1) Diwygiwyd adrannau 73 a 74 gan adran 14 o Ddeddf Cynrychiolaeth y Bobl 1985 ("DCB 1985"); gan baragraffau 1, 17 a 18 o Atodlen 3 i Ddeddf Awdurdod Llundain Fwyaf 1999 (p. 29) ("DALIF 1999"); gan baragraffau 1, 3 a 4 o Atodlen 18 i Ddeddf 2000; a diwygiwyd adran 73 hefyd gan baragraffau 104, 111 a 133 o Atodlen 1 i Ddeddf Gweinyddu Etholiadol 2006 (p. 22) ("DGE 2006"). Mewnosodwyd adran 74A gan baragraffau 1 a 5 o Atodlen 18 i Ddeddf 2000 ac fe'i diwygiwyd gan baragraffau 104, 112 a 133 o Atodlen 1 i DGE 2006. Diwygiwyd adran 75 gan baragraff 24 o Atodlen 4 i DCB 1985; gan baragraffau 1 a 19 o Atodlen 3 i DALIF 1999; gan adran 131 o Ddeddf 2000; gan adran 25 o DGE 2006 a pharagraffau 104 a 113 o Atodlen 1 iddi; a chan adran 36(1) o Ddeddf Tryloywder Lobio, Ymgyrchu Amhleidiol a Gweinyddu Undebau Llafur 2014 (p. 4) ("Ddeddf 2014"). Mewnosodwyd adrannau 75ZA a 75ZB gan adran 36(2) o Ddeddf 2014. Diwygiwyd adran 76 gan baragraff 25 o Atodlen 4 i DCB 1985; gan Atodlen 17 i Ddeddf Llywodraeth Leol 1985 (p. 51); gan Ran 1 o Atodlen 13 i Ddeddf Diwygio Addysg 1988 (p. 40); gan adran 6(1) o Ddeddf Cynrychiolaeth y Bobl 1989 (p. 28); gan baragraffau 1 ac 20 o Atodlen 3 i DALIF 1999; gan baragraffau 1 a 18 o Atodlen 1 i Ddeddf Cynrychiolaeth y Bobl 2000 (p. 2); gan adran 132 o Ddeddf 2000; gan baragraffau 69 a 71 o Atodlen 1 i DGE 2006; gan adran 37(1) o Ddeddf 2014 a chan O.S. 2014/1870. Mewnosodwyd adran 76ZA gan adran 21(1) o Ddeddf Pleidiau Gwleidyddol ac Etholiadau 2009 (p. 12) ("DPGE 2009"), ac fe'i diwygiwyd gan baragraffau 6 a 7 o'r Atodlen i Ddeddf Seneddau Tymor Penodol 2011 (p. 14), a chan O.S. 2014/1870. Mewnosodwyd adran 76A gan adran 14 o DCB 1985, ac fe'i diwygiwyd gan adran 133(1) o Ddeddf 2000, a chan baragraff 6 o Atodlen 6 i DPGE 2009. Diwygiwyd adran 77 gan baragraffau 1 a 22 o Atodlen 3 i DALIF 1999. Diwygiwyd adrannau 78 a 79 gan baragraff 26 o Atodlen 4 i DCB 1985; gan baragraffau 1, 6 a 18 o Atodlen 18 i Ddeddf 2000, a diwygiwyd adran 78 hefyd gan baragraff 52(1)(b) a (2) o Atodlen 9 i Ddeddf Troseddu a'r Llysoedd 2013 (p. 22). Diwygiwyd adrannau 81, 82 a 85 gan baragraffau 27 i 29 o Atodlen 4 i DCB 1985; gan baragraffau 1 a 23 i 25 o Atodlen 3 i DALIF 1999; a chan baragraffau 1, 7, 8 a 19 o Atodlen 18 i Ddeddf 2000, a diwygiwyd adran 81 hefyd gan adran 26 o DGE 2006 a pharagraffau 104, 114 a 133 o Atodlen 1 iddi. Mewnosodwyd adran 85A gan baragraffau 1 a 26 o Atodlen 3 i DALIF 1999. Diwygiwyd adran 86 gan baragraff 30 o Atodlen 4 i DCB 1985; gan baragraffau 1 a 18 o Atodlen 18 i Ddeddf 2000, gan baragraffau 48 a 49 o Atodlen 21 i Ddeddf Gwasanaethau Cyfreithiol 2007 (p. 29), a chan baragraff 52 o Atodlen 9 i Ddeddf Troseddu a'r Llysoedd 2013. Diwygiwyd adran 87 gan baragraff 31 o Atodlen 4 i DCB 1985, a chan O.S. 2015/664. Mewnosodwyd adran 87A gan baragraffau 1 a 9 o Atodlen 18 i Ddeddf 2000. Diwygiwyd adran 88 gan baragraff 32 o Atodlen 4 i DCB 1985, a chan baragraffau 1 a 27 o Atodlen 3 i DALIF 1999. Diwygiwyd adran 89 gan baragraff 33 o Atodlen 4 i DCB 1985; gan baragraffau 1 a 10 o Atodlen 18 i Ddeddf 2000; a chan baragraffau 104 a 115 o Atodlen 1 i DGE 2006. Diwygiwyd adran 90 gan baragraffau 1 ac 11 o Atodlen 18 i Ddeddf 2000, a chan baragraffau 104 a 116 o Atodlen 1 i DGE 2006. Mewnosodwyd adran 90ZA gan adran 27(1) a (2) o DGE 2006, ac fe'i diwygiwyd gan baragraff 7 o Atodlen 6 i DPGE 2009. Mewnosodwyd adrannau 90A i 90D gan adran 134 o Ddeddf 2000. Diddymwyd adrannau 90A a 90B gan adran 27(1), (3) a (4) o DGE 2006. Diwygiwyd adrannau 90C a 90D gan baragraffau 104, 117, 118 a 133 o DGE 2006.

(1) Sections 73 and 74 were amended by the Representation of the People Act 1985 ("RPA 1985"), section 14; by the Greater London Authority Act 1999 (c. 29) ("GLAA 1999"), Schedule 3, paragraphs 1, 17 and 18; by the 2000 Act, Schedule 18, paragraphs 1, 3 and 4; and section 73 was also amended by the Electoral Administration Act 2006 (c. 22) ("EAA 2006"), Schedule 1, paragraphs 104, 111 and 133. Section 74A was inserted by the 2000 Act, Schedule 18 paragraphs 1 and 5, and was amended by EAA 2006, Schedule 1, paragraphs 104, 112 and 133. Section 75 was amended by RPA 1985, Schedule 4, paragraph 24; by GLAA 1999, Schedule 3 paragraphs 1 and 19; by the 2000 Act, section 131; by EAA 2006, section 25 and Schedule 1, paragraphs 104 and 113; and by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4) ("the 2014 Act"), section 36(1). Sections 75ZA and 75ZB were inserted by the 2014 Act, section 36(2). Section 76 was amended by RPA 1985, Schedule 4, paragraph 25; by the Local Government Act 1985 (c. 51), Schedule 17; by the Education Reform Act 1988 (c. 40), Schedule 13, Part 1; by the Representation of the People Act 1989 (c. 28), section 6(1); by GLAA 1999, Schedule 3, paragraphs 1 and 20; by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraphs 1 and 18; by the 2000 Act, section 132; by EAA 2006, Schedule 1, paragraphs 69 and 71; by the 2014 Act, section 37(1), and by S.I. 2014/1870. Section 76ZA was inserted by the Political Parties and Elections Act 2009 (c. 12) ("PPE 2009"), section 21(1), and was amended by the Fixed-term Parliaments Act 2011 (c. 14), Schedule, paragraphs 6 and 7, and by S.I. 2014/1870. Section 76A was inserted by RPA 1985, section 14, and was amended by the 2000 Act, section 133(1), and by PPE 2009, Schedule 6, paragraph 6. Section 77 was amended by GLAA 1999, Schedule 3, paragraphs 1 and 22. Sections 78 and 79 were amended by RPA 1985, Schedule 4, paragraph 26; by the 2000 Act, Schedule 18, paragraphs 1, 6 and 18, and section 78 was also amended by the Crime and Courts Act 2013 (c. 22), Schedule 9, paragraph 52(1)(b) and (2). Sections 81, 82 and 85 were amended by RPA 1985, Schedule 4, paragraphs 27 to 29; by GLAA 1999, Schedule 3, paragraphs 1 and 23 to 25; and by the 2000 Act, Schedule 18, paragraphs 1, 7, 8 and 19, and section 81 was also amended by EAA 2006, section 26 and Schedule 1, paragraphs 104, 114 and 133. Section 85A was inserted by GLAA 1999, Schedule 3, paragraphs 1 and 26. Section 86 was amended by RPA 1985, Schedule 4, paragraph 30; by the 2000 Act, Schedule 18, paragraphs 1 and 18; by the Legal Services Act 2007 (c. 29), Schedule 21, paragraphs 48 and 49, and by the Crime and Courts Act 2013, Schedule 9, paragraph 52. Section 87 was amended by RPA 1985, Schedule 4, paragraph 31, and by S.I. 2015/664. Section 87A was inserted by the 2000 Act, Schedule 18, paragraphs 1 and 9. Section 88 was amended by RPA 1985, Schedule 4, paragraph 32, and by GLAA 1999, Schedule 3, paragraphs 1 and 27. Section 89 was amended by RPA 1985, Schedule 4, paragraph 33; by the 2000 Act, Schedule 18, paragraphs 1 and 10; and by EAA 2006, Schedule 1, paragraphs 104 and 115. Section 90 was amended by the 2000 Act, Schedule 18, paragraphs 1 and 11, and by EAA 2006, Schedule 1, paragraphs 104 and 116. Section 90ZA was inserted by EAA 2006, section 27(1) and (2), and was amended by PPE 2009, Schedule 6, paragraph 7. Sections 90A to 90D were inserted by the 2000 Act, section 134. Sections 90A and 90B were repealed by EAA 2006, section 27(1), (3) and (4). Sections 90C and 90D were amended by EAA 2006, Schedule 1, paragraphs 104, 117, 118 and 133.

â P yn unol â Rhan 3 o Atodlen 2A i Ddeddf 1983(1) pe bai'r is-etholiad perthnasol wedi ei gynnal (gan ddiystyru paragraff (2)).

(4) At ddibenion paragraff 4(3)(a) o Atodlen 7 i Ddeddf 2000 (rhoddion: diystyru rhoddion i ymgeisydd) nid yw rhodd y mae'r paragraff hwn yn gymwys iddi i'w thrin fel rhodd sydd i'w chynnwys mewn datganiad ynghylch treuliau etholiad mewn cysylltiad â P.

(5) Pan fo'n ofynnol i roddai rheoleiddiedig gymryd camau mewn cysylltiad â rhodd y mae'r paragraff hwn yn gymwys iddi o dan adran 56(2) o Ddeddf 2000 (derbyn neu ddychwelyd rhoddion)(2), fel y'i cymhwysir gan baragraff 8 o Atodlen 7 i'r Ddeddf honno(3), mae'r ddarpariaeth honno i'w darllen fel pe bai'n ei gwneud yn ofynnol i gamau gael eu cymryd erbyn 31 Ionawr 2021 (yn hytrach nag o fewn y cyfnod a bennir yn y ddarpariaeth).

(6) Pan fo'n ofynnol, mewn perthynas â rhodd y mae'r paragraff hwn yn gymwys iddi, i roddai rheoleiddiedig lunio adroddiad o dan baragraff 10(1) neu 11(1)(a) o Atodlen 7 i Ddeddf 2000 (adroddiadau ar roddion: rhoddwyr a ganiateir a rhoddwyr nas caniateir)(4), mae paragraff 10(2) neu 11(1)(b) (yn ôl y digwydd) o'r Atodlen honno(5) i'w darllen fel pe bai'n ei gwneud yn ofynnol i'r adroddiad gael ei ddanfôn i'r Comisiwn Etholiadol erbyn 31 Ionawr 2021 (yn hytrach nag o fewn y cyfnod a bennir yn y ddarpariaeth).

(7) Nid yw person yn atebol am unrhyw fethiant i gydymffurfio â gofyniad y cyfeirir ato ym mharagraffau (5) a (6) rhwng yr adeg ar gyfer cydymffurfio a nodir mewn perthynas â'r gofyniad (cyn i'r addasiadau a wneir gan baragraffau (5) a (6) gael effaith) a'r adeg y mae'r rheoliad hwn yn dod i rym.

(8) Nid oes unrhyw beth yn y rheoliad hwn yn effeithio ar ba un a yw P yn ymgeisydd mewn cysylltiad â phleidlais ohiriedig nac ar unrhyw ofynion a fyddai'n gymwys mewn perthynas â P fel ymgeisydd mewn cysylltiad â phleidlais ohiriedig.

Act(1) if the relevant by-election had taken place (disregarding paragraph (2)).

(4) For the purposes of paragraph 4(3)(a) of Schedule 7 to the 2000 Act (donations: disregard for candidate donations) a donation to which this paragraph applies is not to be treated as falling to be included in a return as to election expenses in respect of P.

(5) Where a regulated donee is required to take action in respect of a donation to which this paragraph applies under section 56(2) of the 2000 Act (acceptance or return of donations)(2), as applied by paragraph 8 of Schedule 7 to that Act(3), that provision is to be read as if it required that action to be taken by 31 January 2021 (instead of within the period specified in the provision).

(6) Where, in relation to a donation to which this paragraph applies, a regulated donee is required to prepare a report under paragraph 10(1) or 11(1)(a) of Schedule 7 to the 2000 Act (donation reports: permissible and impermissible donors)(4), paragraph 10(2) or 11(1)(b) (as the case may be) of that Schedule(5) is to be read as if it required the report to be delivered to the Electoral Commission by 31 January 2021 (instead of within the period specified in the provision).

(7) A person is not liable for any failure to comply with a requirement referred to in paragraphs (5) or (6) between the time for compliance set out in relation to the requirement (prior to the modifications made by paragraphs (5) and (6) taking effect) and the coming into force of this regulation.

(8) Nothing in this regulation affects whether P is a candidate in respect of a postponed poll or any requirements which would apply in relation to P as a candidate in respect of a postponed poll.

(1) Mewnosodwyd Atodlen 2A gan Atodlen 16 i Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41).
(2) Diwygiwyd adran 56(2) gan adran 9 o DPGE 2009.
(3) Diwygiwyd paragraff 8 gan baragraff 2 o Atodlen 4 a paragraff 28 o Atodlen 6 i DPGE 2009.
(4) Diwygiwyd paragraff 10(1) gan baragraffau 138 a 154 o Atodlen 1 i DGE 2006, a chan baragraff 2 o Atodlen 3 i DPGE 2009. Diwygiwyd paragraff 11(1) gan baragraff 3 o Atodlen 3 i DPGE 2009.
(5) Diwygiwyd paragraff 10(2) gan adran 20 o DPGE 2009.

(1) Schedule 2A was inserted by the Political Parties Elections and Referendums Act 2000 (c.41.), Schedule 16.
(2) Section 56(2) was amended by PPE 2009, section 9.
(3) Paragraph 8 was amended by PPE 2009, Schedule 4, paragraph 2 and Schedule 6, paragraph 28.
(4) Paragraph 10(1) was amended by EAA 2006, Schedule 1, paragraphs 138 and 154, and by PPE 2009, Schedule 3, paragraph 2. Paragraph 11(1) was amended by PPE 2009, Schedule 3, paragraph 3.
(5) Paragraph 10(2) was amended by PPE 2009, section 20.

Diwygio Rheoliadau 2001

8.—(1) Mae Rheoliadau 2001 wedi eu diwygio yn unol â'r rheoliad hwn.

(2) Yn rheoliad 56 (y dyddiad cau ar gyfer ceisiadau)(1)—

- (a) ym mharagraff (3) yn lle'r geiriau “Subject to paragraph (3A),” rhodder “Subject to paragraphs (3A) and (3B),”;
- (b) Ar ôl paragraff (3A) mewnosoder—

“(3B) Where an application is made under paragraph 4(2) of Schedule 4 in relation to a relevant Welsh by-election—

- (a) on the ground that the applicant cannot reasonably be expected to vote in person at a polling station as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus; or
- (b) on the ground that any person appointed as a proxy to vote for an applicant under paragraph 6 of Schedule 4 is unable to attend a polling station and vote for that applicant as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3C) In paragraph (3B) the term relevant Welsh by-election means—

- (a) an election of a councillor to fill a casual vacancy in the office of councillor for any county council or county borough council in Wales; or
- (b) the election of a councillor to fill a casual vacancy in the office of community councillor in any community council in Wales,

Amendment of the 2001 Regulations

8.—(1) The 2001 Regulations are amended in accordance with this regulation.

(2) In regulation 56 (closing date for applications)(1)—

- (a) in paragraph (3) for the words “Subject to paragraph (3A),” substitute “Subject to paragraphs (3A) and (3B),”;
- (b) after paragraph (3A) insert—

“(3B) Where an application is made under paragraph 4(2) of Schedule 4 in relation to a relevant Welsh by-election—

- (a) on the ground that the applicant cannot reasonably be expected to vote in person at a polling station as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus; or
- (b) on the ground that any person appointed as a proxy to vote for an applicant under paragraph 6 of Schedule 4 is unable to attend a polling station and vote for that applicant as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3C) In paragraph (3B) the term relevant Welsh by-election means—

- (a) an election of a councillor to fill a casual vacancy in the office of councillor for any county council or county borough council in Wales; or
- (b) the election of a councillor to fill a casual vacancy in the office of community councillor in any community council in Wales,

(1) Diwygiwyd rheoliad 56 gan O.S. 2001/1700, O.S. 2006/752, O.S. 2006/2910 ac O.S. 2013/3198.

(1) Regulation 56 was amended by S.I. 2001/1700, S.I. 2006/752, S.I. 2006/2910 and S.I. 2013/3198.

where the poll for such an election was postponed as a result of the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020”.

(3) Rhaid i Weinidogion Cymru adolygu'r diwygiadau a wneir i Reoliadau 2001 gan y rheoliad hwn o leiaf unwaith bob blwyddyn, gyda'r adolygiad cyntaf yn cael ei gynnal erbyn 1 Hydref 2021.

(4) Bydd y rheoliad hwn yn peidio â chael effaith ar ddiwedd y cyfnod o 2 flynedd sy'n dechrau â'r diwrnod y mae'r rheoliad hwn yn dod i rym.

Hysbysiadau sy'n ofynnol er mwyn cyfethol cynghorwyr cymuned ar gyfer swyddi sy'n digwydd dod yn wag

9.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â hysbysiad cyhoeddus sy'n ofynnol yn rhinwedd adran 116(2) o Fesur Llywodraeth Leol (Cymru) 2011(1) (“Mesur 2011”) mewn cysylltiad â swydd neu swyddi sy'n digwydd dod yn wag rhwng 16 Mawrth 2020 ac 31 Ionawr 2021.

(2) Nid yw adran 232 o Ddeddf Llywodraeth Leol 1972(2) yn gymwys.

(3) Rhaid i'r hysbysiad gael ei gyhoeddi ar ffurf electronig.

(4) Mae'r cyfeiriad at swyddogaethau yn adran 117(1) o Fesur 2011 yn cynnwys cyfeiriad at swyddogaethau o dan y rheoliad hwn mewn perthynas â hysbysiad y mae'n ofynnol ei roi o dan adran 116(2) o'r Mesur.

where the poll for such an election was postponed as a result of the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020”.

(3) The Welsh Ministers must review the amendments made to the 2001 Regulations by this regulation at least once every year, with the first review being carried out by 1 October 2021.

(4) This regulation will cease to have effect at the end of the period of 2 years beginning with the day on which this regulation comes into force.

Notices required for co-option of community councillors for casual vacancies

9.—(1) This regulation applies in relation to a public notice required by virtue of section 116(2) of the Local Government (Wales) Measure 2011(1) (“the 2011 Measure”) in respect of a vacancy or vacancies arising between 16 March 2020 and 31 January 2021.

(2) Section 232 of the Local Government Act 1972(2) does not apply.

(3) The notice must be published electronically.

(4) The reference to functions in section 117(1) of the 2011 Measure includes a reference to functions under this regulation in relation to a notice required to be given under section 116(2) of the Measure.

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
1 Rhagfyr 2020

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Minister for Housing and Local Government, one of the Welsh Ministers
1 December 2020

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(1) 2011 mccc 4.

(2) 1972 p.70. Gwnaed ddiwygiadau perthnasol gan adran 56 o Ddeddf Llywodraeth Leol (Democratiaeth) (Cymru) 2013 (2013 dccc 4).

(1) 2011 nawm 4.

(2) 1972 c.70. Relevant amendments were made by the Local Government (Democracy) (Wales) Act 2013 (2013 anaw 4), section 56.

£6.90

<http://www.legislation.gov.uk/id/wsi/2020/1399>

ISBN 978-0-348-20687-6



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