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WELSH STATUTORY  
INSTRUMENTS

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**2021 Rhif 357 (Cy. 108)**

**2021 No. 357 (W. 108)**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

Rheoliadau Awdurdodau Lleol  
(Trefniadau Gweithrediaeth)  
(Penderfyniadau, Dogfennau a  
Chyfarfodydd) (Cymru) (Diwygio)  
2021

The Local Authorities (Executive  
Arrangements) (Decisions,  
Documents and Meetings) (Wales)  
(Amendment) Regulations 2021

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001 (O.S. 2001/2290 (Cy. 178)) ("y prif Reoliadau").

Mae'r prif Reoliadau yn gymwys i gyfarfodydd gweithrediaethau cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru sy'n gweithredu trefniadau gweithrediaeth o dan Ran 2 o Ddeddf Llywodraeth Leol 2000.

Mae'r Rheoliadau hyn yn diwygio'r prif Reoliadau i adlewyrchu'r ffaith y gellir cynnal cyfarfodydd gweithrediaethau a'u pwyllgorau yn rhannol neu yn gyfan gwbl drwy ddulliau o bell. Maent hefyd yn ei gwneud yn ofynnol i hysbysiadau ac agendâu cyfarfodydd gweithrediaethau, adroddiadau sy'n gysylltiedig â'r cyfarfodydd hynny, datganiadau ysgrifenedig o benderfyniadau gweithrediaethau, adroddiadau a ystyrir wrth wneud penderfyniadau gweithrediaethau a phapurau cefndir gael eu cyhoeddi ar wefan awdurdod, er nad yw'n ofynnol cyhoeddi papurau cefndir ar wefan awdurdod os na fyddai'n rhesymol ymarferol gwneud hynny.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (S.I. 2001/2290 (W. 178)) ("the principal Regulations").

The principal Regulations apply to meetings of executives of county and county borough councils in Wales which are operating executive arrangements under Part 2 of the Local Government Act 2000.

These Regulations amend the principal Regulations to reflect the fact meetings of executives and their committees may be held partly or solely through remote means. They also require notices and agendas for executive meetings, reports connected with those meetings, written statements of executive decisions, reports considered when taking executive decisions and background papers to be published on an authority's website, although background papers are not required to be published on the website of an authority if it would not be reasonably practicable to do so.

Gwneir diwygiadau i'r darpariaethau sy'n ei gwneud yn ofynnol i faterion penodol gael eu cofnodi ar ôl i benderfyniadau gweithrediaethau gael eu gwneud ac i'r ddarpariaeth a wneir i aelodau awdurdodau lleol nad ydynt yn aelodau o'r weithrediaeth gael gweld dogfennau penodol.

Diwygir darpariaethau atodol y prif Reoliadau sy'n ymwneud â chyhoeddi ac archwilio dogfennau, gan gynnwys gosod gofyniad ar awdurdodau i sefydlu cyfleusterau i aelodau o'r cyhoedd na fyddent fel arall yn gallu gwneud hynny, i weld dogfennau y mae unrhyw ddarpariaeth yn y Rheoliadau yn cyfarwyddo iddynt gael eu cyhoeddi ar wefan awdurdod neu i barhau i fod ar gael yn electronig.

Hepgorir y tramgwyddau o dan reoliad 14 o'r prif Reoliadau o rwystro hawliau i archwilio neu i gopïo o dan Ran 2 o'r Rheoliadau hynny neu o wrthod cyflenwi copi o ddogfennau penodol o dan reoliad 13(2) o'r Rheoliadau hynny.

Gwneir darpariaeth drosiannol mewn perthynas â darpariaethau penodol yn y prif Reoliadau a addaswyd dros dro gan Reoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020 (O.S. 2020/442 (Cy. 100)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru yn [www.llyw.cymru](http://www.llyw.cymru).

Amendments are made to the provisions which require certain matters to be recorded following the taking of executive decisions and to the provision made for local authority members who are not executive members to access certain documents.

The supplementary provisions of the principal Regulations relating to the publication and inspection of documents are amended, including to place a requirement on authorities to put in place facilities for members of the public who would otherwise not be able to do so, to access documents directed by any provision of the Regulations to be published on an authority's website or to remain accessible electronically.

The offences under regulation 14 of the principal Regulations of obstructing rights of inspection or copying under Part 2 of those Regulations or of refusing to supply a copy of certain documents under regulation 13(2) of those Regulations are omitted.

Transitional provision is made in relation to certain provisions of the principal Regulations which were temporarily modified by the Local Authority (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at [www.gov.wales](http://www.gov.wales).

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**LOCAL GOVERNMENT,  
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**Rheoliadau Awdurdodau Lleol  
(Trefniadau Gweithrediaeth)  
(Penderfyniadau, Dogfennau a  
Chyfarfodydd) (Cymru) (Diwygio)  
2021**

**The Local Authorities (Executive  
Arrangements) (Decisions,  
Documents and Meetings) (Wales)  
(Amendment) Regulations 2021**

*Gwnaed* 18 Mawrth 2021

*Made* 18 March 2021

*Gosodwyd gerbron Senedd  
Cymru* 19 Mawrth 2021

*Laid before Senedd Cymru* 19 March 2021

*Yn dod i rym* 1 Mai 2021

*Coming into force* 1 May 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 22(6), (7), (8), (9), (10), (11) a (12)(1) a 105(2)(a) a (b) o Ddeddf Llywodraeth Leol 2000(2), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on them by sections 22(6), (7), (8), (9), (10), (11) and (12)(1) and 105(2)(a) and (b) of the Local Government Act 2000(2), make the following Regulations.

**Enwi, cychwyn a dehongli**

**Title, commencement and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) (Diwygio) 2021.

1.—(1) The title of these Regulations is the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mai 2021.

(2) These Regulations come into force on 1 May 2021.

(3) Yn y Rheoliadau hyn, ystyr "y prif Rheoliadau" yw Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001(3).

(3) In these Regulations, "the principal Regulations" means the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001(3).

(1) Rhoddodd paragraff 28 o Atodlen 3 i Ddeddf Lleoliaeth 2011 (p. 20) y geiriau "Welsh Ministers" yn lle "Secretary of State" yn adran 22 o Ddeddf Llywodraeth Leol 2000. Ceir diwygiadau eraill i'r adran honno nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) Paragraph 28 of Schedule 3 to the Localism Act 2011 (c. 20) substituted the words "Welsh Ministers" for "Secretary of State" in section 22 of the Local Government Act 2000. There are other amendments to that section which are not relevant to these Regulations.

(2) 2000 p. 22. Gweler adran 22(13) i gael y diffiniad o "prescribed".

(2) 2000 c. 22. See section 22(13) for the definition of "prescribed".

(3) O.S. 2001/2290 (Cy. 178), a ddiwygiwyd gan O.S. 2002/1385 (Cy. 135) a 2007/951 (Cy. 82), ac a addaswyd gan O.S. 2020/442 (Cy. 100).

(3) S.I. 2001/2290 (W. 178), amended by S.I. 2002/1385 (W. 135) and 2007/951 (W. 82), and modified by S.I. 2020/442 (W. 100).

## Diwygio rheoliad 2 o'r prif Reoliadau

2. Yn rheoliad 2 (dehongli) o'r prif Reoliadau, yn y man priodol mewnosoder—

“ystyr “dulliau o bell”, mewn perthynas â chyfarfod y mae'r Rheoliadau hyn yn gymwys iddo, yw cyfarfod a gynhelir drwy gyfrwng unrhyw gyfarpar neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle i siarad â'i gilydd ac i gael eu clywed gan ei gilydd (pa un a yw'r offer neu'r cyfleuster yn galluogi'r personau hynny i weld neu gael eu gweld gan ei gilydd ai peidio);”.

## Diwygio rheoliad 4 o'r prif Reoliadau

3.—(1) Mae rheoliad 4(1) (caniatâd i'r cyhoedd fynd i gyfarfodydd gweithrediaethau awdurdodau lleol a'u pwyllgorau) o'r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (6), yn lle is-baragraff (a) (ond nid yr “a” yn union ar ei ôl) rhodder—

“(a) rhaid rhoi hysbysiad cyhoeddus o'r cyfarfod drwy ei gyhoeddi ar wefan yr awdurdod—

- (i) o leiaf dri diwrnod clir cyn y cyfarfod, neu
- (ii) os bydd y cyfarfod yn cael ei gynnull ar rybudd byrrach, yna adeg cynnull y cyfarfod;”.

(3) Ar ôl paragraff (6) mewnosoder—

“(6A) Rhaid i'r hysbysiad a roddir o dan baragraff (6)(a)—

- (a) pan fo'r cyfarfod neu ran o'r cyfarfod yn agored i'r cyhoedd a'i fod yn cael ei gynnal drwy ddulliau o bell yn unig, roi manylion amser y cyfarfod a sut i'w gyrchu;
- (b) pan fo'r cyfarfod neu ran o'r cyfarfod yn agored i'r cyhoedd a'i fod yn cael ei gynnal yn rhannol drwy ddulliau o bell neu os nad yw'n cael ei gynnal drwy ddulliau o bell, roi manylion am amser a lleoliad y cyfarfod a sut i'w gyrchu;

## Amendment of regulation 2 of the principal Regulations

2. In regulation 2 (interpretation) of the principal Regulations, at the appropriate place insert—

““remote means”, in relation to a meeting to which these Regulations apply, means a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other);”.

## Amendment of regulation 4 of the principal Regulations

3.—(1) Regulation 4(1) (admission of the public to meetings of local authority executives and their committees) of the principal Regulations is amended as follows.

(2) In paragraph (6), for sub-paragraph (a) (but not the “and” immediately after it) substitute—

“(a) public notice of the meeting must be given by publishing it on the website of the authority—

- (i) at least three clear days before the meeting, or
- (ii) if the meeting is convened at shorter notice, then at the time it is convened;”.

(3) After paragraph (6) insert—

“(6A) The notice given under paragraph (6)(a) must—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;

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(1) Addaswyd rheoliad 4 dros dro, gan reoliad 23(3) o Reoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020 (O.S. 2020/442 (Cy. 100)) (“Rheoliadau 2020”) mewn perthynas â chyfarfodydd a gynhelir rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021.

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(1) Regulation 4 was temporarily modified, by regulation 23(3) of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)) (“the 2020 Regulations”) in relation to meetings held between 22 April 2020 and the end of 30 April 2021.

- (c) pan nad yw'r cyfarfod yn agored i'r cyhoedd a'i fod yn cael ei gynnal yn rhannol drwy ddulliau o bell neu os nad yw'n cael ei gynnal drwy ddulliau o bell, roi manylion am amser a lleoliad y cyfarfod a'r ffaith nad yw'n agored i'r cyhoedd;
- (d) pan nad yw'r cyfarfod yn agored i'r cyhoedd a'i fod yn cael ei gynnal drwy ddulliau o bell yn unig, roi manylion am amser y cyfarfod, a'r ffaith ei fod yn cael ei gynnal drwy ddulliau o bell yn unig ac nad yw'n agored i'r cyhoedd."

- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public."

### Diwygio rheoliad 5 o'r prif Reoliadau

4.—(1) Mae rheoliad 5(1) (y cyfle i weld agendâu ac adroddiadau cysylltiedig ar gyfer cyfarfodydd cyhoeddus) o'r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1), yn lle "fod yn agored i aelodau o'r cyhoedd eu harchwilio ym mhrif swyddfeydd yr awdurdod" rhodder "gael eu cyhoeddi ar wefan yr awdurdod".

(3) Ym mharagraff (2), yn lle "sy'n cael eu darparu" rhodder "sy'n cael eu cyhoeddi".

(4) Ym mharagraff (3)—

(a) yn y geiriau o flaen is-baragraff (a)—

(i) yn lle "iddi fod yn agored i'w harchwilio" rhodder "iddi gael ei chyhoeddi ar wefan yr awdurdod";

(ii) yn lle "yn agored felly" rhodder "wedi ei chyhoeddi felly";

(b) yn is-baragraff (a), yn lle "fod yn agored i'w harchwilio" rhodder "gael eu cyhoeddi";

(c) yn lle is-baragraff (b) rhodder—

"(b) pan fydd eitem yn cael ei hychwanegu at agenda sydd wedi ei chyhoeddi ar wefan yr awdurdod, rhaid i'r eitem (neu'r agenda ddiwygiedig), ac unrhyw adroddiad ar gyfer y cyfarfod sy'n ymwneud â'r eitem, gael eu cyhoeddi ar wefan yr awdurdod o'r amser y mae'r eitem yn cael ei hychwanegu at yr agenda;"

(d) yn y geiriau ar ôl is-baragraff (b), yn lle "fod yn agored i'r cyhoedd eu harchwilio" rhodder "gael eu cyhoeddi ar wefan yr awdurdod".

### Amendment of regulation 5 of the principal Regulations

4.—(1) Regulation 5(1) (access to agenda and connected reports for public meetings) of the principal Regulations is amended as follows.

(2) In paragraph (1), for "open to inspection by members of the public at the principal offices of the authority" substitute "published on the website of the authority".

(3) In paragraph (2), for "provided" substitute "published".

(4) In paragraph (3)—

(a) in the words before sub-paragraph (a)—

(i) for "to be open to inspection" substitute "to be published on the website of the authority";

(ii) for "so open" substitute "so published";

(b) in sub-paragraph (a), for "open to inspection" substitute "published";

(c) for sub-paragraph (b) substitute—

"(b) where an item is added to an agenda which has been published on the website of the authority, the item (or the revised agenda), and any report for the meeting relating to the item, must be published on the website of the authority from the time the item is added to the agenda;"

(d) in the words after sub-paragraph (b), for "open to inspection by the public" substitute "published on the website of the authority".

(1) Addaswyd rheoliad 5 dros dro, gan reoliad 23(4) o Reoliadau 2020 mewn perthynas â chyfarfodydd a gynhelir rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021.

(1) Regulation 5 was temporarily modified by regulation 23(4) of the 2020 Regulations in relation to in relation to meetings held between 22 April 2020 and the end of 30 April 2021.

(5) Ym mharagraff (4)(1), yn is-baragraff (a)—

(a) yn lle “yn agored i aelodau o’r cyhoedd ei archwilio” rhodder “wedi ei gyhoeddi ar wefan yr awdurdod”;

(b) hepgorer “am”.

(6) Ym mharagraff (5), yn lle “ yn agored i aelodau o’r cyhoedd ei archwilio” rhodder “wedi ei gyhoeddi ar wefan yr awdurdod”.

(7) Ym mharagraff (6)—

(a) ar ôl “ohono” mewnosoder “ac nad yw’n cael ei gynnal drwy ddulliau o bell yn unig”;

(b) ar y diwedd mewnosoder “, ond pan fydd cyfarfod yn cael ei gynnal yn rhannol drwy ddulliau o bell nid yw’r paragraff hwn yn gymwys i aelodau o’r cyhoedd sy’n mynychu o bell”.

(8) Ym mharagraff (8), yn lle “paragraff (3)” rhodder “paragraff (2)”.

### **Diwygio rheoliad 6 o’r prif Reoliadau**

5. Yn rheoliad 6 (cofnodi penderfyniadau sy’n cael eu gwneud yng nghyfarfodydd gweithrediaethau awdurdodau lleol a’u pwyllgorau) o’r prif Reoliadau, ym mharagraff (2), ar ôl is-baragraff (b) mewnosoder—

“(ba) cofnod o enwau aelodau’r corff penderfynu a fynychodd y cyfarfod ac unrhyw ymddiheuriadau am absenoldeb;”.

### **Diwygio rheoliad 7 o’r prif Reoliadau**

6. Yn rheoliad 7 (cofnodi penderfyniadau gweithrediaeth sy’n cael eu gwneud gan unigolion) o’r prif Reoliadau, ym mharagraff (4), ar ôl is-baragraff (b) mewnosoder—

“(ba) cofnod o enw’r penderfynwr;”.

### **Diwygio rheoliad 8 o’r prif Reoliadau**

7.—(1) Mae rheoliad 8(2) (archwilio dogfennau yn dilyn penderfyniadau gweithrediaeth) o’r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

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(1) Amnewidiwyd paragraff (4) gan reoliad 2(2) o Reoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) (Diwygio) 2002 (O.S. 2002/1385 (Cy. 135)).

(2) Addaswyd rheoliad 8 dros dro gan reoliad 23(5) o Reoliadau 2020 mewn perthynas â chyfarfodydd a gynhelir, a phenderfyniadau gweithrediaethau a wneir, rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021.

(5) In paragraph (4)(1), in sub-paragraph (a)—

(a) for “open to inspection by members of the public” substitute “published on the website of the authority”;

(b) omit “for”.

(6) In paragraph (5), for “open to inspection by the public” substitute “published on the website of the authority”.

(7) In paragraph (6)—

(a) after “excluded” insert “and which is not held through remote means only”;

(b) at the end insert “, but where a meeting is held partly through remote means this paragraph does not apply to members of the public attending remotely”.

(8) In paragraph (8), for “Paragraph (3)” substitute “Paragraph (2)”.

### **Amendment of regulation 6 of the principal Regulations**

5. In regulation 6 (recording of decisions taken at meetings of local authority executives and their committees) of the principal Regulations, in paragraph (2), after sub-paragraph (b) insert—

“(ba) a record of the names of the members of the decision making body who attended the meeting and of any apologies for absence;”.

### **Amendment of regulation 7 of the principal Regulations**

6. In regulation 7 (recording of executive decisions made by individuals) of the principal Regulations, in paragraph (4), after sub-paragraph (b) insert—

“(ba) a record of the name of the decision-maker;”.

### **Amendment of regulation 8 of the principal Regulations**

7.—(1) Regulation 8(2) (inspection of documents following executive decisions) of the principal Regulations is amended as follows.

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(1) Paragraph (4) was substituted by regulation 2(2) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2002 (S.I. 2002/1385 (W. 135)).

(2) Regulation 8 was temporarily modified by regulation 23(5) of the 2020 Regulations in relation to meetings held, and executive decisions taken, between 22 April 2020 and the end of 30 April 2021.

(2) Yn y pennawd, yn lle “Archwilio” rhodder “Cyhoeddi”.

(3) Ym mharagraff (1), yn lle’r geiriau ar ôl is-baragraff (b) o “ar gael” hyd at y diwedd, rhodder “yn cael ei gyhoeddi ar wefan yr awdurdod cyn gynted ag y bo’n rhesymol ymarferol”.

(4) Ym mharagraff (2) yn lle “sydd ar gael i’r cyhoedd eu harchwilio” rhodder “a gyhoeddir”.

### **Diwygio rheoliad 9 o’r prif Reoliadau**

**8.**—(1) Mae rheoliad 9(1) (archwilio papurau cefndir) o’r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Yn y pennawd, yn lle “Archwilio”, rhodder “Cyhoeddi”.

(3) Yn y geiriau o flaen paragraff (a), yn lle’r geiriau o “drefnir” hyd at “archwilio” rhodder “gyhoeddir copi o’r adroddiad cyfan neu ran ohono”.

(4) Yn lle paragraff (b) rhodder—

“(b) rhaid cyhoeddi pob un o’r dogfennau a gynhwysir yn y rhestr honno ar wefan yr awdurdod cyn gynted ag y bo’n rhesymol ymarferol ond os nad yw, ym marn y swyddog priodol, yn rhesymol ymarferol cyhoeddi ar wefan yr awdurdod ddogfen a gynhwysir yn y rhestr rhaid trefnu bod o leiaf un copi o’r ddogfen ar gael i’w harchwilio gan aelodau o’r cyhoedd cyn gynted ag y bo’n rhesymol ymarferol ym mhrif swyddfeydd y awdurdod lleol”

### **Diwygio rheoliad 10 o’r prif Reoliadau**

**9.**—(1) Mae rheoliad 10(2) (hawliau ychwanegol i aelodau awdurdodau lleol gael cyfle i weld dogfennau) o’r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1), yn y geiriau ar ôl is-baragraff (b)—

(a) yn lle “fod yn agored i unrhyw aelod o’r awdurdod lleol ei harchwilio” rhodder “gael ei darparu ar gais, i’r graddau y mae’n rhesymol ymarferol, i unrhyw aelod o’r awdurdod lleol”;

(2) In the heading, for “Inspection” substitute “Publication”.

(3) In paragraph (1), for the words after subparagraph (b) from “shall” to the end, substitute “is published on the website of the authority as soon as is reasonably practicable”.

(4) In paragraph (2) for “available for public inspection” substitute “published”.

### **Amendment of regulation 9 of the principal Regulations**

**8.**—(1) Regulation 9(1) (inspection of background papers) of the principal Regulations is amended as follows.

(2) In the heading, for “Inspection”, substitute “Publication”.

(3) In the words before paragraph (a), for the words from “made” to “public” substitute “published”.

(4) For paragraph (b) substitute—

“(b) each of the documents included in that list must be published on the website of the authority as soon as is reasonably practicable but if, in the opinion of the proper officer, it is not reasonably practicable to publish on the website of the authority a document included in the list at least one copy of the document must be available for inspection by members of the public as soon as is reasonably practicable at the principal offices of the local authority.”

### **Amendment of regulation 10 of the principal Regulations**

**9.**—(1) Regulation 10(2) (additional rights of access to documents for members of local authorities) of the principal Regulations is amended as follows.

(2) In paragraph (1), in the words after subparagraph (b)—

(a) for “be open to inspection by” substitute “, so far as reasonably practicable, be supplied on request to”;

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(1) Addaswyd rheoliad 9 dros dro gan reoliad 23(6) o Reoliadau 2020 mewn perthynas â chyfarfodydd a gynhelir, a phenderfyniadau gweithrediaethau a wneir, rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021 fel ei fod yn cael ei ddarllen fel pe bai wedi ei hepgor.

(2) Addaswyd rheoliad 10 dros dro gan reoliad 23(7) o Reoliadau 2020 mewn perthynas â chyfarfodydd a gynhelir, a phenderfyniadau gweithrediaethau a wneir, rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021.

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(1) Regulation 9 was temporarily modified by regulation 23(6) of the 2020 Regulations in relation to meetings held, and executive decisions taken, between 22 April 2020 and the end of 30 April 2021 so that it was to be read as if it were omitted.

(2) Regulation 10 was temporarily modified, by regulation 23(7) of the 2020 Regulations, in relation to meetings held, and executive decisions taken, between 22 April 2020 and the end of 30 April 2021.

(b) yn lle “yn union ar ôl” rhodder “cyn gynted ag y bo’n rhesymol ymarferol ar ôl”.

(3) Ym mharagraffau (2) a (2A), yn lle “ar gael i’w harchwilio” rhodder “yn cael ei darparu”.

### Diwygio rheoliad 13 o’r prif Reoliadau

**10.**—(1) Mae rheoliad 13(1) (darpariaeth atodol) o’r prif Reoliadau wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (3)—

(a) yn lle “Nid yw paragraff (2)” rhodder “Nid yw unrhyw ddarpariaeth yn y Rheoliadau hyn”;

(b) yn lle “yn unol â’r paragraff hwnnw” rhodder “yn unol â darpariaeth yn y Rheoliadau hyn”.

(3) Yn lle paragraff (4) rhodder—

“(4) Pan fydd unrhyw ddogfen y mae’r Rheoliadau hyn yn ei gwneud yn ofynnol iddi gael—

(a) ei chyhoeddi ar wefan awdurdod lleol,

(b) ei darparu er budd unrhyw bapur newydd, neu

(c) ei darparu i aelod o’r cyhoedd, neu fod yn agored i gael ei harchwilio gan aelod o’r cyhoedd,

bydd cyhoeddi drwy hynny unrhyw fater difenwol sydd wedi ei gynnwys yn y ddogfen yn freintiedig oni phroffir bod y cyhoeddiad wedi ei wneud â malais.”

(4) Ar ôl paragraff (4), mewnosoder—

“(4A) Mae unrhyw ddogfen y mae paragraff (4) yn gymwys iddi, at ddibenion paragraff 5 o Atodlen 1 i Ddeddf Difenwi 1996 (p. 31), i’w thrin fel dogfen y mae’n ofynnol yn ôl y gyfraith iddi fod yn agored i’r cyhoedd ei harchwilio.”

(5) Ym mharagraff (5)—

(a) yn lle “cofnod”, ym mhob lle y mae’n digwydd, rhodder “datganiad” gan dreiglo yn ôl yr angen;

(b) yn lle “fod ar gael i aelodau o’r cyhoedd ei archwilio” rhodder “gael ei gyhoeddi ar wefan awdurdod”;

(c) yn lle “fod ar gael i’w archwilio gan y cyhoedd” rhodder “barhau o fod ar gael i’w gyrchu’n electronig gan aelodau o’r cyhoedd”.

(b) for “immediately after” substitute “as soon as reasonably practicable after”.

(3) In paragraphs (2) and (2A), for “available for inspection” substitute “supplied”.

### Amendment of regulation 13 of the principal Regulations

**10.**—(1) Regulation 13(1) (supplementary provision) of the principal Regulations is amended as follows.

(2) In paragraph (3)—

(a) for “Paragraph (2) does not require or authorise” substitute “No provision of these Regulations requires or authorises”;

(b) for “that paragraph” substitute “a provision of these Regulations”.

(3) For paragraph (4) substitute—

“(4) Where any document is required by these Regulations to be—

(a) published on the website of a local authority,

(b) supplied for the benefit of any newspaper, or

(c) supplied to, or be open to inspection by, a member of the public,

the publication thereby of any defamatory matter contained in the document is privileged unless the publication is proved to be made with malice.”

(4) After paragraph (4), insert—

“(4A) Any document to which paragraph (4) applies is, for the purposes of paragraph 5 of Schedule 1 to the Defamation Act 1996 (c. 31), to be treated as a document required by law to be open to public inspection.”

(5) In paragraph (5)—

(a) for “record”, in each place it occurs, substitute “statement”;

(b) for “available for inspection by members of the public” substitute “published on the website of an authority”;

(c) for “made available for inspection by the public” substitute “remain accessible electronically by members of the public”.

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(1) Addaswyd rheoliad 13 dros dro gan reoliad 23(8) o Reoliadau 2020 mewn perthynas â chyfarfodydd a gynhelir, a phenderfyniadau gweithrediaethau a wneir, rhwng 22 Ebrill 2020 a diwedd 30 Ebrill 2021.

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(1) Regulation 13 was temporarily modified by regulation 23(8) of the 2020 Regulations, in relation to meetings held, and executive decisions taken, between 22 April 2020 and the end of 30 April 2021.



(6) Yn lle paragraff (6) rhodder—

“(6) Rhaid i unrhyw bapurau cefndir y mae rheoliad 9 yn ei gwneud yn ofynnol iddynt gael eu cyhoeddi ar wefan awdurdod barhau i fod ar gael i’w cyrchu’n electronig gan aelodau o’r cyhoedd am gyfnod o chwe blynedd gan ddechrau ar y dyddiad y gwnaed y penderfyniad y mae’r papurau cefndir yn ymwneud ag ef.”

(7) Ar ôl paragraff (6) mewnosoder—

“(6A) Pan nad yw’n rhesymol ymarferol cyhoeddi ar wefan awdurdod unrhyw bapurau cefndir y mae rheoliad 9 yn gymwys iddynt, rhaid i’r papurau hynny gael eu cadw gan yr awdurdod a bod ar gael i’w harchwilio gan aelodau o’r cyhoedd am gyfnod o chwe blynedd gan ddechrau ar y dyddiad y gwnaed y penderfyniad y mae’r papurau cefndir yn ymwneud ag ef.

(6B) Rhaid i awdurdod lleol sefydlu cyfleusterau i aelodau o’r cyhoedd na fyddent fel arall yn gallu gwneud hynny weld dogfennau y mae unrhyw ddarpariaeth yn y Rheoliadau hyn yn cyfarwyddo eu cyhoeddi ar wefan yr awdurdod neu barhau i fod ar gael yn electronig.

(6C) Rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynghylch arfer ei swyddogaethau o dan y Rheoliadau hyn.”

## Hepgor rheoliad 14 o’r prif Reoliadau

11. Hepgorer rheoliad 14(1) (tramgwyddau rhan 2) o’r prif Reoliadau.

### Darpariaeth drosiannol

12.—(1) Mae cam a bennir ym mharagraff (2) a gymerir cyn 1 Mai 2021, mewn perthynas â chyfarfod a gynhelir ar neu ar ôl y dyddiad hwnnw, i’w drin fel pe bai wedi ei gymryd yn unol â’r prif Reoliadau fel y’u diwygiwyd gan y Rheoliadau hyn.

(2) Dyma’r camau penodedig—

- (a) rhoi hysbysiad o’r cyfarfod yn unol â rheoliad 4(6) o’r prif Reoliadau fel y’u haddaswyd gan Reoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020(2);

(6) For paragraph (6) substitute—

“(6) Any background papers required by regulation 9 to be published on the website of an authority must remain accessible electronically by members of the public for a period of six years beginning with the date on which the decision, to which the background papers relate, was made.”

(7) After paragraph (6) insert—

“(6A) Where it is not reasonably practicable to publish on the website of an authority any background papers to which regulation 9 applies, those papers must be retained by the authority and be available for inspection by members of the public for a period of six years beginning with the date on which the decision, to which the background papers relate, was made.

(6B) A local authority must put in place facilities for members of the public who would otherwise not be able to do so to access documents directed by any provision of these Regulations to be published on the website of the authority or to remain accessible electronically.

(6C) A local authority must have regard to any guidance issued by the Welsh Ministers about the exercise of their functions under these Regulations.”

## Omission of regulation 14 of the principal Regulations

11. Omit regulation 14(1) (Part 2 offences) of the principal Regulations.

### Transitional provision

12.—(1) A step specified in paragraph (2) taken before 1 May 2021, in relation to a meeting held on or after that date, is to be treated as having been taken in accordance with the principal Regulations as amended by these Regulations.

(2) The specified steps are—

- (a) the giving of notice of the meeting in accordance with regulation 4(6) of the principal Regulations as modified by the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020(2);

(1) Addaswyd rheoliad 14 dros dro gan reoliad 23(5) o Reoliadau 2020 fel ei fod i’w ddarllen fel pe bai wedi ei hepgor.

(2) O.S. 2020/442 (Cy. 100).

(1) Regulation 14 was temporarily modified by regulation 23(5) of the 2020 Regulations so that it was to be read as if it were omitted.

(2) S.I. 2020/442 (W. 100).

(b) cyhoeddi agendâu ac adroddiadau cysylltiedig ar gyfer y cyfarfod yn unol â rheoliad 5(1), (2), (3) a (4) o'r prif Reoliadau fel y'u haddaswyd felly.

(b) the publication of agendas and connected reports for the meeting in accordance with regulation 5(1), (2), (3) and (4) of the principal Regulations as so modified.

*Julie James*

Y Gweinidog Tai a Llywodraeth Leol, un o  
Weinidogion Cymru  
18 Mawrth 2021

Minister for Housing and Local Government, one of  
the Welsh Ministers  
18 March 2021

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