OFFERYNNAU STATUDOL CYMRU

2002 Rhif 2118 (Cy.213)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Awdurdodau Lleol (Cwmnïau) (Diwygio) (Cymru) 2002

Wedi'i wneud	- -	*18 Gorrenaf 2002*
Yn dod i rym	- -	*1 Medi 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 39(5) i (7) o Ddeddf Llywodraeth Leol a Thai 1989(**1**) ond a freiniwyd bellach yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999(**2**) drwy hyn yn gwneud y Gorchymyn canlynol.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Awdurdodau Lleol (Cwmnïau) (Diwygio) (Cymru) 2002 a daw i rym ar 1 Medi 2002.

(2) Mae'r diwygiadau a wneir gan erthygl 2 yn effeithiol mewn perthynas ag awdurdodau lleol yng Nghymru.

Diwygio'r Gorchymyn

2.—(1) Diwygir Gorchymyn Awdurdodau Lleol (Cwmnïau) 1995(**3**) yn unol â pharagraffau (2) i (4) isod.

(2) Yn erthygl 14 (cymhwyso Rhan IV: gofyniad am sicredd gredyd) —

(a) ym mharagraff (2), yn lle'r geiriau "Part IV shall apply subject to the modification that" rhoddir y geiriau "the requirement for credit cover in section 50(2) shall apply as if, but only as if,";

(b) yn lle paragraff (5) rhoddir y paragraff canlynol—

(**1**) 1989 p.42. Diwygiwyd adran 39(1) (sy'n rhagnodi'r awdurdodau y mae Rhan IV o'r Ddeddf yn gymwys iddynt) gan Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19), Atodlen 16, paragraff 88; gan Ddeddf yr Heddlu a Llysoedd Ynadon 1994 (p.29), adran 30 a 93 a Atodlen 9; gan Ddeddf yr Amgylchedd 1995 (p.25) adran 73 a 120, Atodlen 10, paragraff 31 ac Atodlen 24; gan Ddeddf yr Heddlu 1997 (p.50) adran 67; gan Ddeddf Cyfle i Gael Cyfiawnder 1999 (p.22) Atodlen 12, paragraff 4 a 5; gan Ddeddf Awdurdod Llundain Fwyaf 1999 (p.29) adran 111 a chan O.S. 1996/633.

(**2**) *Gweler*O.S. 1999/672.

(**3**) O.S. 1995/849, a ddiwygiwyd gan O.S. 1996/621.

"(5) For the purposes of this article, in relation to any financial year beginning on or after 1st April 2002, one or more of the following amounts, in any combination, constitutes an amount of credit cover—

(a) an amount which the authority determine to set aside from the usable part of the authority's capital receipts or from a revenue account as provision to meet credit liabilities (being an amount over and above amounts required to be set aside by virtue of any other provision of Part IV);

(b) an amount by which the authority determine to treat as reduced the balance of a credit approval;

(c) an amount by which the authority determine to treat as reduced any credit cover provision designated in accordance with paragraff (8).";

(c) ar ôl paragraff (7) ychwanegir y paragraff canlynol—

"(8) Where, in relation to any financial year ending on or after 31st March 2002, a basic credit approval having effect for that year is, pursuant to article 15, treated as increased by any amount, the authority may—

(a) where a determination under section 56(1) is made in respect of part only of that amount, designate all or part of the residue of that amount as credit cover provision; or

(b) where no determination under section 56(1) is made in respect of any part of that amount, designate all or part of that amount as credit cover provision.".

(3) Yn erthygl 15 (cymhwyso Rhan IV: cynnydd yn y gymeradwyaeth gredyd sylfaenol), ym mharagraff (1), yn lle'r geiriau "Part IV shall apply" rhoddir y geiriau "the provisions in Part IV as to basic credit approvals shall apply.".

(4) Ym mharagraff (1) o erthygl 16 (rhwymedigaethau cwmnïau rheoleiddiedig)—

(a) yn lle is-baragraff (bb)(**4**) rhoddir y canlynol—

"(bb) the company's assets shall not be treated as reduced by the defraying, after the relevant date, of expenditure for any purpose, where that expenditure is defrayed from monies accumulated before the relevant date.";

(b) fn lle paragraff (i) o is-baragraff (c) rhoddir y canlynol—

"(i) any liability under a credit transaction (whether entered into by the company before, on or after the relevant date),".

(5) Ym mharagraff (5B) o erthygl 16(**5**), yn lle'r geiriau "paragraphs (5A) and (5B)" rhoddir y geiriau "paragraphs (5) and (5A)".

(**4**) Mewnosodwyd is-baragraff (bb) gan O.S. 1996/621.
(**5**) Mewnosodwyd paragraff (5B) gan O.S. 1996/621.