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LLYWODRAETH LEOL, CYMRU

Gorchymyn Awdurdodau Lleol (Trefniadau Gweithredol a Threfniadau Amgen) (Addasu Deddfiadau a Darpariaethau Eraill) (Cymru) 2002

Wedi'u gwneud - -	*21 Mawrth 2002*
Yn dod i rym - -	*1 Ebrill 2002*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 47, 105 a 106 o Ddeddf Llywodraeth Leol 2000(**1**), a'r holl bwerau eraill sy'n ei alluogi yn y cyswllt hwnnw:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Awdurdodau Lleol (Trefniadau Gweithredol a Threfniadau Amgen) (Addasu Deddfiadau a Darpariaethau Eraill) (Cymru) 2002 a daw i rym ar 1 Ebrill 2002.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.

(3) Yn y Gorchymyn hwn—

ystyr "Deddf 1972" ("*the 1972 Act*") yw Deddf Llywodraeth Leol 1972(**2**);

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989(**3**); ac

ystyr "Deddf Cyllid 1988" ("*the 1988 Finance Act*") yw Deddf Cyllid Llywodraeth Leol 1988(**4**)).

Addasu Deddfau

2. Mae'r deddfiadau canlynol, fel y maent yn gymwys i Gymru, yn cael eu haddasu yn unol ag erthyglau 3 i 41—

(a) Deddf 1972;

(b) Deddf Llywodraeth Leol 1974(**5**);

(**1**) 2000 p.22.
(**2**) 1972 p.70
(**3**) 1989 p.42.
(**4**) 1988 p.41.
(**5**) 1974 p.7.

(c) Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976(**6**);

(ch) Deddf Trafnidiaeth 1985(**7**);

(d) Deddf Pwysau a Mesuriadau 1985(**8**));

(dd) Deddf Llywodraeth Leol 1986(**9**);

(e) Deddf Meysydd Awyr 1986(**10**));

(f) Deddf Peilota 1987(**11**);

(ff) Deddf Llywodraeth Leol 1988(**12**);

(g) Deddf Cyllid 1988;

(ng) Deddf 1989;

(h) Deddf y Diwydiant Dŵ r 1991(**13**));

(i) Deddf Cyllid Llywodraeth Leol 1992(**14**);

(j) Deddf Dadreoleiddio a Chontractio Allan 1994(**15**));

(l) Deddf Hawliau Cyflogaeth 1996(**16**);

(ll) Deddf Ddifenwi 1996(**17**);

(m) Deddf Addysg 1996(**18**);

(n) Deddf Ynadon Heddwch 1997(**19**);

(o) Deddf Addysgu ac Addysg Uwch 1998(**20**));

(p) Deddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000(**21**);

(ph) Rheoliadau Asiantaethau Mabwysiadu 1983(**22**);

(r) Rheoliadau Diffiniad Ymwelwyr Annibynnol (Plant) 1991(**23**);

(rh) Rheoliadau Plant (Llety Diogel)1991(**24**);

(s) Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(**25**);

(t) Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymeradwyo Ysgolion Annibynnol) 1994(**26**).

(**6**) 1976 p.57.
(**7**) 1985 p.67.
(**8**) 1985 p.72.
(**9**) 1986 p.10.
(**10**) 1986 p.31.
(**11**) 1987 p.21.
(**12**) 1988 p.9.
(**13**) 1991 p.56.
(**14**) 1992 p.14.
(**15**) 1994 p.40.
(**16**) 1996 p.18.
(**17**) 1996 p.31.
(**18**) 1996 p.56.
(**19**) 1997 p.25.
(**20**) 1998 p.30.
(**21**) 2000 p.6.
(**22**) O.S. 1983/1964.
(**23**) O.S. 1991/892.
(**24**) O.S. 1991/1505.
(**25**) O.S. 1992/613.
(**26**) O.S. 1994/651.

Gwaharddiad ar hybu Mesurau ar gyfer newid ardaloedd llywodraeth leol, etc

3. Yn adran 70 o Ddeddf 1972(**27**)) (gwaharddiad ar hybu mesurau ar gyfer newid ardaloedd llywodraeth leol), ychwanegwch ar y diwedd—

"(3) No local authority or joint authority shall have power to promote a Bill for forming, altering or abolishing executive arrangements or alternative arrangements, or for altering arrangements for electing an elected mayor.".

Y cymwysterau ar gyfer ethol a dal swydd fel maer etholedig

4. Yn adran 79 o Ddeddf 1972 (cymwysterau ar gyfer ethol a dal swydd fel aelod o awdurdod lleol), yn is-adran (1), ar ôl "member of local authority", mewnosodwch, ", or be qualified to be elected and to be an elected mayor,".

Datgymhwysiadau ar gyfer ethol a dal swydd fel maer etholedig

5. Yn adran 80 o Ddeddf 1972 (datgymhwysiadau ar gyfer ethol a dal swydd fel aelod o awdurdod lleol), yn is-adran (1)—

(a) ar ôl "member of a local authority", mewnosodwch ", and be disqualified for being elected or being an elected mayor,"; a

(b) yn is-adran (a), ar ôl "appointments", mewnosodwch "or elections".

Dilysrwydd gweithredoedd personau anghymwys

6. Yn adran 82 o Ddeddf 1972(**28**) (dilysrwydd gweithredoedd personau anghymwys), yn is-adran (1), ar ôl "the Local Government Act 1985", mewnosodwch "or elected as elected mayor or executive leader".

Ymadael â swydd o ganlyniad i fethu â mynychu cyfarfodydd

7. Yn adran 85 o Ddeddf 1972(**29**) (ymadael â swydd o ganlyniad i fethu â mynychu cyfarfodydd)—

(a) ar ôl is-adran (2), mewnosodwch—

"(2A) Subject to subsections (2B) and (3), if a member of a local authority which are operating executive arrangements, who is also a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

(2B) For the purposes of this section—

(a) the discharge by a member, acting alone, of any function which is the responsibility of the executive; and

(b) in respect of a mayor and cabinet executive or leader and cabinet executive, attendance as a member at a meeting of a committee of the executive,

shall each be deemed to be in attendance at a meeting of the executive.";

(**27**) Diwygiwyd adran 70 gan baragraff 1 o Atodlen 14 i Ddeddf Llywodraeth Leol 1985 (p.51), paragraff 41 o Atolden 12 ac Aodlen 13 i Ddeddf Diwygio Addysg 1988 (p.40).

(**28**) Diwygiwyd adran 82(1) gan Atodlen 14 i Ddeddf Llywodraeth Leol 1985, (p.4) ac Atodlen 13 i Ddeddf Diwygio Addysg 1988. Ceir diwygiadau eraill i adran 82 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**29**) Mewnosodwyd is-baragraff (3A) o adran 85 gan baragraff 9 o Atodlen 5 i Ddeddf Llywodraeth Leol 2000. Ceir diwygiadau pellach i adran 85 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(b) yn is-adran (3), ar ôl "meetings of the local authority", mewnosodwch "or of a failure to attend meetings of the executive"; ac

(c) yn is-adran (3A)—

(i) ar ôl "subsection (1)", mewnosodwch "or (2A)"; a

(ii) ar ôl "meetings of the authority", mewnosodwch "or, as the case may be, meetings of the executive".

Aelodau o awdurdodau lleol nad ydynt i gael eu penodi yn swyddogion

8. Yn adran 116 o Ddeddf 1972(**30**) (aelodau awdurdodau lleol nad ydynt i gael eu penodi yn swyddogion)—

(a) ar ôl "being appointed", mewnosodwch "or elected"; a

(b) ar ôl "or vice-chairman", mewnosodwch "or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive".

Darpariaethau cyffredinol ynghylch dehongli

9. Yn is-adran (1) o adran 270 o Ddeddf 1972(**31**) (darpariaethau cyffredinol ynghylch dehongli), ar ôl "that is to say —" mewnosodwch—

""alternative arrangements" has the same meaning as in Part II of the Local Government Act 2000;".

Ystyried adroddiadau anffafriol

10.—(1) Yn adran 31A o Ddeddf Llywodraeth Leol 1974(**32**) (ystyried adroddiadau anffafriol)—

(a) ar ôl is-adran (2), mewnosodwch—

"(2A) In the case of a local authority which are operating executive arrangements, consideration of a further report of the Local Commissioner under section 31(2A) above by the executive of that local authority, or any person on behalf of that executive, shall be subject to a corresponding restriction."; a

(b) ar ôl is-baragraff (5), mewnosodwch—

"(5A) In the case of a local authority which are operating executive arrangements—

(a) no member of the executive of that authority shall decide; and

(b) no member of the executive or any body acting on behalf of that executive shall vote;

on any question with respect to a report or further report under this part of the Act in which that person is named and criticised by a Local Commissioner".

(2) Yn is-adran (1) o adran 34 o Ddeddf Llywodraeth Leol 1974 (dehongli Rhan III), ar ôl y diffiniad o "the Commissions" mewnosodwch—

""executive" and "executive arrangements" have the same meaning as in Part II of the Local Government Act 2000;".

(**30**) Diwygiwyd adran 116 gan adran 102 o Ddeddf Llywodraeth Leol 1985 (p.51) ac Atodlen 17 iddi.

(**31**) Diwygiwyd adran 270 gan baragraff 12 o Atodlen 3 i Ddeddf Llywodraeth Leol 2000. Ceir diwygiadau eraill i adran 270 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(**32**) Mewnosodwyd Adran 31A gan adran 28(1) o Ddeddf Llywodraeth Leol a Thai 1989.

Tystiolaeth o benderfyniadau a chofnodion trafodion etc

11.—(1) Yn adran 41 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (tystiolaeth o benderfyniadau a chofnodion trafodion)—

(a) ar ôl is-adran (2), mewnosodwch—

"(2A) In the case of a local authority which are operating executive arrangements, a document which—

(a) purports to be a copy of a record of any decision made by the executive of that authority, or any person acting on behalf of that executive, where that record is required to be kept or produced by section 22 of the Local Government Act 2000 or any regulations made under that section(**33**); and

(b) bears a certificate purporting to be signed by the proper officer of the authority or by a person authorised in that behalf by him or any other person who, by virtue of regulations made under section 22 of the Local Government Act 2000, is authorised or required to produce such a record, stating that the decision was made on the date specified in the certificate by that executive, or as the case may be, by the person acting on behalf of that executive,

shall be evidence in any proceedings of the matters stated in the certificate and of the terms of the decision in question."

(2) Yn is-adran (1) o adran 44 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (dehongli etc Rhan I), ar ôl y diffiniad o "the Common Council" mewnosodwch—

""executive" and "executive arrangements" have the same meaning as in Part II of the Local Government Act 2000;".

Anableddau cyfarwyddwyr cwmnïau trafnidiaeth gyhoeddus

12. Yn adran 74 o Ddeddf Trafnidiaeth 1985 (anableddau cyfarwyddwyr cwmnïau trafnidiaeth gyhoeddus)—

(a) ar gyfer is-adran (3A)(**34**), mewnosodwch—

"(3A) Subject to the following provisions of this section, where a director of a public transport company is a member of the executive of any such council as is mentioned in subsection (1)(a) or (b) above which are operating executive arrangements under Part II of the Local Government Act 2000, he shall not, in the course of the discharge of any function that is the responsibility of the executive, take any action in the consideration, or the making of any decision with respect to any contract or proposed contract with, or any other matter relating to the activities of, the public transport company or a subsidiary of that company.

(3B) Subsection (3) or (3A) above shall not prohibit a person from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy.";

(b) ar gyfer is-adran (4), mewnosodwch—

"(4A) The National Assembly for Wales may grant a written dispensation from subsection (3) or (3A) above in the case of any individual member, except that no such dispensation may be granted in the case of a member of a council's executive acting alone.";

(c) ar gyfer is-adran (6), mewnosodwch—

(**33**) *Gweler* Rheoliadau Awdurdodau Lleol (Trefniadau Gweithredol) (Penderfyniadau, Dogfennau a Chyfarfodydd) (Cymru) 2001 O.S. 2001/2290 (Cy.178).

(**34**) Mewnosodwyd is-adran (3A) o adran 74 o Ddeddf Trafnidiaeth 1985 gan adran 161 o Ddeddf Trafnidiaeth 2000 (p.38).