

Y PWYLLGOR SAFONAU YMDDYGIAD

Dyddiad: Dydd Iau 9 Mawrth 2006

Amser: 2:00pm

Lleoliad: Ystafell Bwyllgora 1

Teitl: Trefn Gwynion: Sefydlu Paneli Apêl

Cefndir

1. Mae 'Gweithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau Cynulliad' y Cynulliad Cenedlaethol (a gytunwyd gan y Pwyllgor Safonau ar 18 Tachwedd 2004) yn gosod allan y weithdrefn ar gyfer apelio yn erbyn penderfyniad y Pwyllgor Safonau. Mae'r Weithdrefn yn datgan:

'Lle y mae'r Pwyllgor wedi canfod bod Aelod wedi methu â chydymffurfio, ac nad yw'r Pwyllgor yn argymhell y dylid gwrthod y gŵyn, gall yr Aelod sy'n destun y gŵyn apelio i'r Llywydd o fewn 10 diwrnod gwaith o'r dyddiad pan ddaw copi o adroddiad y Pwyllgor i'w law'.

2. Ar bob achlysur, caiff y Llywydd sefydlu panel i ystyried yr apêl yn unol â threfniadau y bydd yn cytuno arnynt o bryd i'w gilydd gyda'r Pwyllgor Safonau. Yn Atodiad 1, gosodir allan drefniadau arfaethedig y Llywydd ar gyfer eu cytuno gan y Pwyllgor. Mae'r Barnwr Gweinyddol wedi cymeradwyo'r trefniadau hyn.

Argymhelliad

3. Gwahoddir y Pwyllgor i gytuno trefniadau'r Llywydd ar gyfer sefydlu paneli apêl, fel y'u gosodir allan yn Atodiad 1.

Gareth Rogers
Ysgrifenyddiaeth y Pwyllgor Safonau

Procedure for Dealing with Complaints against Assembly Members

Presiding Officer's Arrangements for Establishing Appeal Panels

1. These arrangements are made in accordance with the Procedure for Dealing with Complaints against Assembly Members (the Procedure). When the Presiding Officer receives an appeal that meets one of the criteria in paragraph 8.3 of the Procedure he shall:
 - a) Contact the leaders of the political groups represented in the Assembly for a nomination from their respective parties to sit on the appeal panel; and
 - b) Invite the Presiding Judge for the Wales and Chester Circuit to nominate an 'independent legally qualified person', in accordance with the protocol set out at Annex A.
2. In the event of the Presiding Officer being unable, for whatever reason, to establish an appeal panel, the Deputy Presiding Officer shall establish the appeal panel.
3. If the leader of a political group represented in the Assembly is unavailable, the Presiding Officer shall contact the Business Manager of the relevant political group(s) for a nomination.
4. Members of the Standards of Conduct Committee, the Presiding Officer and Deputy Presiding Officer, the First Minister and the leaders of political groups, a complainant or witness shall not serve as members of an appeal panel.

Administrative Arrangements

5. Once nominations have been received, and the Panel established, the Presiding Officer shall notify the Clerk to the Committee on Standards of Conduct, who will make the necessary administrative arrangements for the appeal.

Made by the Presiding Officer: xx March 2006

Agreed by the Committee on Standards of Conduct: 9 March 2006

PROTOCOL BETWEEN THE PRESIDING OFFICER AND THE PRESIDING JUDGE OF THE WALES AND CHESTER CIRCUIT

1. This protocol sets out arrangements that have been agreed between the Presiding Officer of the National Assembly for Wales (the Presiding Officer) and the Presiding Judge for the Wales and Chester Circuit (the Presiding Judge).

2. The protocol deals with the way in which the 'Independent legally qualified person' is nominated to sit on an appeal panel established in accordance with the 'Procedure for Dealing with Complaints against Assembly Members'.

3. The Presiding Judge shall:

- i. maintain a list of persons who would be willing to act as the independent legally qualified member of an appeal panel. That list shall comprise retired judges and the chairs of employment tribunals; and
- ii. on each occasion, nominate one name from the list to act as the independent legally qualified person.

4. In the event of a valid appeal being made, the Presiding Officer shall:

- i. contact the Presiding Judge seeking the nomination of a person to act as the independent legally qualified person on the appeal panel.

Signed:

Presiding Officer: Date:
Lord Dafydd Elis-Thomas, AM

Presiding Judge: Date:
Mr Justice Roderick Evans