

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 4 Chwefror 2021  
Tabled on 4 February 2021

## Bil Etholiadau Cymru (Coronafeirws) Welsh Elections (Coronavirus) Bill

**Julie James**

1

Section 5, page 2, after line 7, insert –

- ‘( ) But before making a proposal under subsection (1), the First Minister must consult the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales.’.

Adran 5, tudalen 2, ar ôl llinell 7, mewnosoder –

- ‘( ) Ond cyn gwneud cynnig o dan is-adran (1), rhaid i’r Prif Weinidog ymgynghori â’r aelod o staff yn Llywodraeth Cymru sydd wedi ei ddynodi gan Weinidogion Cymru yn Brif Swyddog Meddygol Cymru.’.

**Julie James**

2

Page 2, after line 26, insert a new section –

### ‘[ ] **Power to provide for additional polling days**

- (1) This section applies if the day for the holding of the poll of the 2021 election is fixed under section 5.
- (2) The Welsh Ministers may, by regulations made by statutory instrument, provide that polling that would otherwise be required to take place only on the date fixed under section 5 may take place on one or more additional days specified in the regulations.
- (3) Regulations under subsection (2) may –
  - (a) specify a day only if it falls within the period of 7 days immediately preceding the day fixed for the holding of the poll;
  - (b) require polling on additional days to take place at particular locations or descriptions or categories of locations specified in the regulations;



- (c) modify the meaning of a relevant reference so far as it relates to provision made in the regulations.
- (4) In subsection (3), a “relevant reference” means a reference (however expressed) in any enactment or document to the day or date of the poll at the 2021 election.
- (5) The Electoral Commission must provide advice in relation to the exercise of the power in subsection (2) if requested to do so by the Welsh Ministers.
- (6) When laying draft regulations under subsection (7) before Senedd Cymru, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of the reasons for the regulations.
- (7) A statutory instrument containing regulations under subsection (2) must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (8) But if—
  - (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (7) before the expiry of the period of 28 days mentioned in that subsection, and
  - (b) the motion is not passed,the instrument ceases to have effect at the end of the day on which the vote takes place.
- (9) In calculating any period of 28 days for the purposes of subsection (7), no account is to be taken of any period during which Senedd Cymru is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.
- (10) Subsections (7) and (8) do not—
  - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.
- (11) Regulations under subsection (2) have no effect where the poll at the 2021 election and the poll at the ordinary election of police and crime commissioners for police areas in Wales are to be taken together under article 16A of the 2007 Order.
- (12) In subsection (11), “ordinary election of police and crime commissioners for police areas” has the meaning given in section 50 of the Police Reform and Social Responsibility Act 2011 (c. 13).’.

Tudalen 2, ar ôl llinell 26, mewnosoder adran newydd—

**[ ] Pŵer i ddarparu ar gyfer diwrnodau pleidleisio ychwanegol**

- (1) Mae’r adran hon yn gymwys os pennir y diwrnod ar gyfer cynnal pŵl etholiad 2021 o dan adran 5.



- (2) Caiff Gweinidogion Cymru, drwy reoliadau a wneir drwy offeryn statudol, ddarparu y caiff y pleidleisio na fyddai fel arall yn ofynnol iddo ddigwydd ond ar y dyddiad a bennir o dan adran 5 ddigwydd ar un neu ragor o ddiwrnodau ychwanegol a bennir yn y rheoliadau.
- (3) O ran rheoliadau o dan is-adran (2)—
  - (a) ni cânt bennu diwrnod ond os yw'n dod o fewn y cyfnod o 7 niwrnod yn union cyn y diwrnod a bennir ar gyfer cynnal y pŵl;
  - (b) cânt ei gwneud yn ofynnol i bleidleisio ar ddiwrnodau ychwanegol ddigwydd mewn lleoliadau penodol neu ddisgrifiadau neu gategorïau o leoliadau a bennir yn y rheoliadau;
  - (c) cânt addasu ystyr cyfeiriad perthnasol i'r graddau y mae'n ymwneud â darpariaeth a wneir yn y rheoliadau.
- (4) Yn is-adran (3), ystyr "cyfeiriad perthnasol" yw cyfeiriad (sut bynnag y'i mynegir) mewn unrhyw ddeddfiad neu ddogfen at ddiwrnod neu ddyddiad y pŵl yn etholiad 2021.
- (5) Rhaid i'r Comisiwn Etholiadol ddarparu cyngor mewn perthynas ag arfer y pŵer yn is-adran (2) os gofynnir iddo wneud hynny gan Weinidogion Cymru.
- (6) Wrth osod rheoliadau drafft o dan is-adran (7) gerbron Senedd Cymru, rhaid i Weinidogion Cymru ar yr un pryd osod gerbron Senedd Cymru ddatganiad o'r rhesymau dros y rheoliadau.
- (7) Rhaid i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (2) gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.
- (8) Ond —
  - (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (7) cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
  - (b) os na chaiff y cynnig ei basio,mae'r offeryn yn peidio â chael effaith ar ddiwedd diwrnod y mae'r bleidlais yn digwydd.
- (9) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (7), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru —
  - (a) wedi ei diddymu, neu
  - (b) ar doriad am fwy na 4 diwrnod.
- (10) Nid yw is-adrannau (7) ac (8)—
  - (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
  - (b) yn atal gwneud rheoliadau newydd.



- (11) Nid yw rheoliadau o dan is-adran (2) yn cael unrhyw effaith pan fo'r pŵl yn etholiad 2021 a'r pŵl yn etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu yng Nghymru i'w cynnal gyda'i gilydd o dan erthygl 16A o Orchymyn 2007.
- (12) Yn is-adran (11), mae i "etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu" yr ystyr a roddir i "ordinary election of police and crime commissioners for police areas" yn adran 50 o Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13).'

**Julie James**

**3**

Section 6, page 2, after line 37, insert—

- '(5) As soon as reasonably practicable after a proclamation is made under subsection (4), the Llywydd must publish a statement of—
- (a) the day on which the poll is to be held, and
  - (b) the reason for the exercise of the Llywydd's power under subsection (2).'

Adran 6, tudalen 2, ar ôl llinell 39, mewnosoder—

- '(5) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i broclamasw'n gael ei wneud o dan is-adran (4), rhaid i'r Llywydd gyhoeddi datganiad—
- (a) o'r diwrnod y mae'r pŵl i'w gynnal, a
  - (b) o'r rheswm dros arfer pŵer y Llywydd o dan is-adran (2).'

**Julie James**

**4**

Section 8, page 3, after line 34, insert—

- '( ) Subsection [(*second subsection to be inserted by this amendment*)] applies to a statutory instrument containing regulations under subsection (1) that amend, modify or repeal provision contained in primary legislation.
- ( ) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- ( ) But if—
- (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection [(*second subsection to be inserted by this amendment*)] before the expiry of the period of 28 days mentioned in that subsection, and
  - (b) the motion is not passed,
- the instrument ceases to have effect at the end of the day on which the vote takes place.
- ( ) In calculating any period of 28 days for the purposes of subsection [(*second subsection to be inserted by this amendment*)], no account is to be taken of any period during which Senedd Cymru is—



- (a) dissolved, or
- (b) in recess for more than 4 days.
- ( ) Subsections [(*second subsection to be inserted by this amendment*)] and [(*third subsection to be inserted by this amendment*)] do not –
  - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.’.

Adran 8, tudalen 3, ar ôl llinell 35, mewnosoder –

- ( ) Mae is-adran [(*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*)] yn gymwys i offeryn statudol sy’n cynnwys rheoliadau o dan is-adran (1) sy’n diwygio, yn addasu neu’n diddymu darpariaeth sydd wedi ei chynnwys mewn deddfwriaeth sylfaenol.
- ( ) Rhaid i offeryn statudol y mae’r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae’n peidio â chael effaith pan fo 28 o ddiwrnodau sy’n dechrau â’r diwrnod y’i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i’r cyfnod hwnnw ddod i ben.
- ( ) Ond –
  - (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran [(*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*)] cyn i’r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
  - (b) os na chaiff y cynnig ei basio,mae’r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae’r bleidlais yn digwydd.
- ( ) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran [(*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*)], rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru –
  - (a) wedi ei diddymu, neu
  - (b) ar doriad am fwy na 4 diwrnod.
- ( ) Nid yw is-adrannau [(*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*)] a [(*y trydydd is-adran sy’n cael ei mewnosod gan y gwelliant hwn*)] –
  - (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
  - (b) yn atal gwneud rheoliadau newydd.’.

**Julie James**

**5**

Section 8, page 3, line 35, after ‘(1)’, insert ‘to which subsection [(*second subsection to be inserted by amendment 4*)] does not apply’.

Adran 8, tudalen 3, llinell 36, ar ôl ‘(1)’, mewnosoder ‘ac nad yw is-adran [(*yr ail is-adran sy’n cael ei mewnosod gan welliant 4*)] yn gymwys iddo’.



**Julie James**

6

Section 10, page 4, line 20, leave out –

‘(3) after paragraph (aa) there were inserted –

“(ab) on grounds that –

- (i) the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant could not reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under this Order as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (ii) the applicant became aware of the grounds after 5 pm on the sixth day before the date of the poll at the election for which it is made;”

(b) in sub-paragraph (5) for “The” there were substituted “Subject to sub-paragraph (5AA), the”;

(c) after sub-paragraph (5) there were inserted –

“(5AA) Where –

- (a) an application under article 8(5)(a) by an elector to be removed from the record kept under article 8(3);
- (b) an application under article 12(10)(a) by a proxy to be removed from the record kept under article 12(6); and
- (c) a notice under article 11(9) by an elector of the cancellation of a proxy’s appointment,

is made on the grounds set out in sub-paragraph (5AB) the application or notice shall be disregarded if it is received after 5 pm on the day of the poll at the election for which it is made.

(5AB) The grounds are that –

- (a) the application or notice is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (b) the elector or proxy became aware of the grounds after 5 pm on the eleventh day before the date of the poll at the election for which it is made.”

and insert –

‘(2), after “sub-paragraph (3)” there were inserted “and sub-paragraph (3A)”;

(b) after sub-paragraph (3) there were inserted –

“(3A) Where an application –



- (a) to vote by proxy under article 9(1), or
- (b) for the appointment of a proxy under article 11(6) or (7)

is made on the grounds set out in sub-paragraph (3AB) the application shall be disregarded if it is received after 5pm on the day of the poll at the election for which it is made.

(3AB) The grounds are that—

- (a) the application is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (b) the applicant became aware of the grounds after 5pm on the sixth day before the date of the poll at the election for which it is made.”.

Adran 10, tudalen 4, llinell 20, hepgorer—

‘bai’r canlynol wedi ei fewnosod yn is-baragraff (3) ar ôl paragraff (aa)—

“(ab) on grounds that—

- (i) the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant could not reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under this Order as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (ii) the applicant became aware of the grounds after 5 pm on the sixth day before the date of the poll at the election for which it is made;”

(b) fel pe bai “Subject to sub-paragraph (5AA), the” wedi ei roi yn lle “The” yn is-baragraff (5);

(c) fel pe bai’r canlynol wedi ei fewnosod ar ôl is-baragraff (5)—

“(5AA) Where—

- (a) an application under article 8(5)(a) by an elector to be removed from the record kept under article 8(3);
- (b) an application under article 12(10)(a) by a proxy to be removed from the record kept under article 12(6); and
- (c) a notice under article 11(9) by an elector of the cancellation of a proxy’s appointment,

is made on the grounds set out in sub-paragraph (5AB) the application or notice shall be disregarded if it is received after 5 pm on the day of the poll at the election for which it is made.





(5AB) The grounds are that—

- (a) the application or notice is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (b) the elector or proxy became aware of the grounds after 5 pm on the eleventh day before the date of the poll at the election for which it is made.”

a mewnosoder—

‘bai “and sub-paragraph (3A)” yn is-baragraff (2) wedi ei fewnosod ar ôl “sub-paragraph (3)”;

(b) fel pe bai’r canlynol wedi ei fewnosod ar ôl is-baragraff (3)—

“(3A) Where an application—

- (a) to vote by proxy under article 9(1), or
- (b) for the appointment of a proxy under article 11(6) or (7)

is made on the grounds set out in sub-paragraph (3AB) the application shall be disregarded if it is received after 5pm on the day of the poll at the election for which it is made.

(3AB) The grounds are that—

- (a) the application is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (b) the applicant became aware of the grounds after 5pm on the sixth day before the date of the poll at the election for which it is made.”.

## Julie James

7

Section 11, page 6, after line 20, insert—

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) a Measure passed under Part 3 of the Government of Wales Act 2006 (c. 32);
- (b) an Act passed under Part 4 of that Act;
- (c) an Act of the Parliament of the United Kingdom. ’.

Adran 11, tudalen 6, ar ôl llinell 17, mewnosoder—

‘ystyr “*deddfwriaeth sylfaenol*” (“*primary legislation*”) yw—

- (a) Mesur a basiwyd o dan Ran 3 o Ddeddf Llywodraeth Cymru 2006 (p. 32);
- (b) Deddf a basiwyd o dan Ran 4 o’r Ddeddf honno;
- (c) Deddf gan Senedd y Deyrnas Unedig;’.





**Julie James**

8

Section 12, page 6, after line 33, insert—

- '( ) Subsection [(*second subsection to be inserted by this amendment*)] applies to a statutory instrument containing regulations under subsection (1) that amend, modify or repeal provision contained in primary legislation.
- ( ) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- ( ) But if—
  - (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection [(*second subsection to be inserted by this amendment*)] before the expiry of the period of 28 days mentioned in that subsection, and
  - (b) the motion is not passed,the instrument ceases to have effect at the end of the day on which the vote takes place.
- ( ) In calculating any period of 28 days for the purposes of subsection [(*second subsection to be inserted by this amendment*)], no account is to be taken of any period during which Senedd Cymru is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.
- ( ) Subsections [(*second subsection to be inserted by this amendment*)] and [(*third subsection to be inserted by this amendment*)] do not—
  - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.'

Adran 12, tudalen 6, ar ôl llinell 37, mewnosoder—

- '( ) Mae is-adran [(*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*)] yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1) sy'n diwygio, yn addasu neu'n diddymu darpariaeth sydd wedi ei chynnwys mewn deddfwriaeth sylfaenol.
- ( ) Rhaid i offeryn statudol y mae'r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.
- ( ) Ond—
  - (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran [(*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*)] cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
  - (b) os na chaiff y cynnig i basio,



mae'r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae'r bleidlais yn digwydd.

- (i) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran [(*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*)], rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru—
  - (a) wedi ei diddymu, neu
  - (b) ar doriad am fwy na 4 diwrnod.
- (ii) Nid yw is-adrannau [(*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*)] a [(*y trydydd is-adran sy'n cael ei mewnosod gan y gwelliant hwn*)]—
  - (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
  - (b) yn atal gwneud rheoliadau newydd.'.

**Julie James**

9

Section 12, page 6, line 34, after '(1)', insert 'to which subsection [(*second subsection to be inserted by amendment 8*)] does not apply'.

Adran 12, tudalen 6, llinell 38, ar ôl '(1)', mewnosoder 'ac nad yw is-adran [(*yr ail is-adran sy'n cael ei mewnosod gan welliant 8*)] yn gymwys iddo'.

