



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 20 Mai 2015
Tabled on 20 May 2015

Bil Llywodraeth Leol (Cymru)
Local Government (Wales) Bill

Leighton Andrews

1

Section 1, page 1, line 24, leave out '32 impose restraints on transactions by' and insert '*[section to be inserted by amendment 13]* make provision enabling the Welsh Ministers to impose restraints on transactions by, and other activities of,'.

Adran 1, tudalen 1, llinell 24, hepgorer '32 yn gosod cyfyngiadau ar drafodion' a mewnosoder '*[yr adran i'w mewnosod gan welliant 13]* yn gwneud darpariaeth sy'n galluogi Gweinidogion Cymru i osod cyfyngiadau ar drafodion, a gweithgareddau eraill,'.

Leighton Andrews

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Section 4, page 3, line 32, leave out 'any organisation representing staff employed by any of the principal local authorities which has asked to be consulted' and insert 'every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by one or more of the principal local authorities'.

Adran 4, tudalen 3, llinell 31, hepgorer 'unrhyw sefydliad sy'n cynrychioli staff a gyflogir gan unrhyw un neu ragor o'r prif awdurdodau lleol sydd wedi gofyn am ymgynghori ag ef' a mewnosoder 'pob undeb llafur a gydnabyddir (o fewn yr ystyr a roddir i "recognised" yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992) gan un neu ragor o'r prif awdurdodau lleol'.

Leighton Andrews

3

Section 10, page 6, after line 35, insert—

‘() with respect to charter trustees;’.

Adran 10, tudalen 6, ar ôl llinell 35, mewnosoder—

‘() mewn perthynas ag ymddiriedolwyr siarter;’.

Leighton Andrews

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Section 10, page 7, after line 15, insert—

‘() “Enactment” in subsection (8) includes any charter, whenever granted.’.

Adran 10, tudalen 7, ar ôl llinell 17, mewnosoder—

‘() Mae “deddfiad” yn is-adran (8) yn cynnwys unrhyw siarter, pa bryd bynnag y’i rhoddwyd.’.

Leighton Andrews

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Section 28, page 17, line 14, leave out ‘may be appointed’ and insert ‘(within the meaning of section 43(2) of the Localism Act 2011) may be appointed or designated’.

Adran 28, tudalen 17, llinell 13, hepgorer ‘prif swyddog’ a mewnosoder ‘neu ddynodi prif swyddog (o fewn ystyr adran 43(2) of Ddeddf Lleoliaeth 2011)’.

Leighton Andrews

6

Page 17, line 23, leave out section 29 and insert—

[] Restraining transactions and recruitment etc. by direction

(1) The Welsh Ministers may direct that—

- (a) a merging authority must not carry out a restricted activity unless it has considered the opinion of a specified person or persons on the appropriateness of carrying out the activity;
- (b) a merging authority must not carry out a restricted activity unless the written consent of a specified person or persons has been given for the activity to be carried out.

(2) The restricted activities are—

- (a) making a relevant land acquisition or disposal;
- (b) entering into a relevant contract or agreement;
- (c) making a relevant capital acquisition;
- (d) giving a relevant grant or other financial assistance;
- (e) making a relevant loan;
- (f) including an amount of financial reserves in a calculation under section 32 of the Local Government Finance Act 1992;

- (g) starting the process of recruiting (including by way of internal recruitment) –
 - (i) a non-statutory chief officer mentioned in section 2(7) of the Local Government and Housing Act 1989;
 - (ii) a deputy chief officer mentioned in section 2(8) of that Act.
- (3) The Welsh Ministers may direct that a merging authority seeking to appoint or designate a person to a restricted post (including from among its existing officers) must comply with specified requirements about the appointment or designation.
- (4) “Restricted post”, in relation to a merging authority, means –
 - (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
 - (b) its monitoring officer designated under section 5(1) of that Act;
 - (c) a statutory chief officer mentioned in section 2(6) of that Act.
- (5) A merging authority must –
 - (a) provide details of a proposal to carry out a restricted activity to any person specified for the purpose of subsection (1)(a) or (b) in respect of that activity;
 - (b) provide the Welsh Ministers with details of a proposal to appoint or designate a person to a restricted post where any requirements apply in relation to the appointment or designation by virtue of a direction under subsection (3).
- (6) If an opinion given for the purposes of subsection (1)(a) is that it would not be appropriate for a merging authority to carry out a restricted activity but the authority decides to carry it out, the authority must publish its reasons for making that decision.
- (7) Section 143A(1)(b) and (3) of the Local Government (Wales) Measure 2011 (recommendations of Independent Remuneration Panel for Wales on salary) does not apply –
 - (a) where a direction has been given under subsection (1)(b) in relation to the recruitment of a non-statutory chief officer or deputy chief officer, to a proposal to pay the recruited person a salary which is different to that paid to that person’s predecessor;
 - (b) where a direction has been given under subsection (3), to a proposal to pay the appointed or designated person a salary which is different to that paid to that person’s predecessor.
- (8) The reference in subsection (7) to section 143A of the Local Government (Wales) Measure 2011 includes a reference to that section as it has effect under section 35 of this Act.
- (9) A direction given under this section takes effect from the date specified in the direction.’.

Tudalen 17, llinell 22, hepgorer adran 29 a mewnosoder –

[1] Cyfyngu ar drafodion a recriwtio etc. drwy gyfarwyddyd

- (1) Caiff Gweinidogion Cymru gyfarwyddo –
 - (a) na chaiff awdurdod sy’n uno gyflawni gweithgaredd cyfyngedig oni bai ei fod wedi ystyried barn person neu bersonau penodedig ynghylch priodoldeb cyflawni’r gweithgaredd;

- (b) na chaiff awdurdod sy'n uno gyflawni gweithgaredd cyfyngedig oni bai bod person neu bersonau penodedig wedi rhoi cydsyniad ysgrifenedig i gyflawni'r gweithgaredd.
- (2) Y gweithgareddau cyfyngedig yw –
- (a) gwneud caffaeliad neu warediad tir perthnasol;
 - (b) ymrwymo i gontract neu gytundeb perthnasol;
 - (c) gwneud caffaeliad cyfalaf perthnasol;
 - (d) rhoi grant neu gymorth ariannol arall perthnasol;
 - (e) rhoi benthyciad perthnasol;
 - (f) cynnwys swm o gronfeydd ariannol wrth gefn mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992;
 - (g) dechrau'r broses o recriwtio (gan gynnwys drwy recriwtio mewnol) –
 - (i) prif swyddog anstatudol a grybwyllir yn adran 2(7) o Ddeddf Llywodraeth Leol a Thai 1989;
 - (ii) dirprwy brif swyddog a grybwyllir yn adran 2(8) o'r Ddeddf honno.
- (3) Caiff Gweinidogion Cymru gyfarwyddo bod rhaid i awdurdod sy'n uno sy'n ceisio penodi neu ddynodi person i swydd gyfyngedig (gan gynnwys o blith ei swyddogion presennol) gydymffurfio â gofynion penodedig ynghylch y penodiad neu'r dynodiad.
- (4) Ystyr "swydd gyfyngedig", mewn perthynas ag awdurdod sy'n uno, yw –
- (a) pennaeth ei wasanaeth cyflogedig a ddynodir o dan adran 4(1) o Ddeddf Llywodraeth Leol a Thai 1989;
 - (b) ei swyddog monitro a ddynodir o dan adran 5(1) o'r Ddeddf honno;
 - (c) prif swyddog statudol a grybwyllir yn adran 2(6) o'r Ddeddf honno.
- (5) Rhaid i awdurdod sy'n uno –
- (a) darparu manylion ynghylch cynnig arfaethedig i gyflawni gweithgaredd cyfyngedig i unrhyw berson a bennir at ddibenion is-adran 1(a) neu (b) mewn perthynas â'r gweithgaredd hwnnw;
 - (b) darparu manylion i Weinidogion Cymru ynghylch cynnig arfaethedig i benodi neu i ddynodi person i swydd gyfyngedig o dan amgylchiadau pan fo unrhyw ofynion yn gymwys mewn perthynas â'r penodiad neu'r dynodiad yn rhinwedd cyfarwyddyd o dan is-adran (3).
- (6) Os rhoddir barn at ddibenion is-adran (1)(a) na fyddai'n briodol i awdurdod sy'n uno gyflawni gweithgaredd cyfyngedig ond bod yr awdurdod yn penderfynu ei gyflawni, rhaid i'r awdurdod gyhoeddi ei resymau dros wneud y penderfyniad hwnnw.
- (7) Nid yw adran 143A(1)(b) a (3) o Fesur Llywodraeth Leol (Cymru) 2011 (argymhellion Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol ar gyflogau) yn gymwys –
- (a) pan fo cyfarwyddyd wedi ei roi o dan is-adran (1)(b) mewn perthynas â recriwtio prif swyddog anstatudol neu ddirprwy brif swyddog, i gynnig i dalu cyflog i'r person sy'n cael ei recriwtio sy'n wahanol i'r hyn a dalwyd i ragflaenydd y person hwnnw;

- (b) pan fo cyfarwyddyd wedi ei roi o dan is-adran (3), i gynnig i dalu cyflog i'r person a benodir neu a ddynodir sy'n wahanol i'r hyn a dalwyd i ragflaenydd y person hwnnw.
- (8) Mae'r cyfeiriad yn is-adran (7) at adran 143A o Fesur Llywodraeth Leol (Cymru) 2011 yn cynnwys cyfeiriad at yr adran honno fel y mae'n cael effaith o dan adran 35 o'r Ddeddf hon.
- (9) Mae cyfarwyddyd a roddir o dan yr adran hon yn cael effaith o'r dyddiad a bennir yn y cyfarwyddyd.'

Leighton Andrews

7

Page 18, after line 12, insert a new section –

[] Directions under section [section to be inserted by amendment 6](1): supplementary

- (1) This section applies in relation to a direction under section [section to be inserted by amendment 6](1).
- (2) A direction may be given in respect of –
 - (a) a single merging authority;
 - (b) two or more specified authorities;
 - (c) authorities of a specified description.
- (3) A person specified as a person whose opinion or consent is required may be such authority or person as the Welsh Ministers consider appropriate, and this may include the Welsh Ministers, any transition committee and any shadow authority.
- (4) A direction may specify different persons –
 - (a) in relation to different matters for which an opinion or consent is required;
 - (b) in relation to different merging authorities or descriptions of authority.
- (5) A direction may specify, in relation to the same restricted activity, different requirements in respect of transactions of different values.
- (6) A direction may specify, in relation to the recruitment of a non-statutory chief officer or deputy chief officer –
 - (a) different requirements in respect of different levels of proposed remuneration;
 - (b) different requirements in respect of different descriptions of officer.
- (7) An opinion or consent for the purposes of a direction may be given in respect of a particular transaction or transactions of any description.
- (8) Any consent for the purposes of a direction may be given unconditionally or subject to conditions.
- (9) For the purposes of a direction relating to the recruitment of a non-statutory chief officer or deputy chief officer, an opinion given, or conditions to which a consent is subject, may in particular relate to –
 - (a) the remuneration to be payable to a recruited person;
 - (b) the duration of an appointment.

- (10) Any enactments relating to acquisitions or disposals, entering into contracts or agreements, giving grants or other financial assistance, making loans, or the recruitment or appointment of persons by merging authorities have effect subject to any direction.
- (11) Consent required by a direction is in addition to any consent required by any of those enactments.’.

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd—

[] Cyfarwyddydau o dan adran [yr adran i'w mewnosod gan welliant 6](1): atodol

- (1) Mae'r adran hon yn gymwys mewn perthynas â chyfarwyddyd o dan adran [yr adran i'w mewnosod gan welliant 6](1).
- (2) Caniateir rhoi cyfarwyddyd mewn perthynas â'r canlynol—
 - (a) un awdurdod sy'n uno;
 - (b) dau awdurdod penodedig neu ragor;
 - (c) awdurdodau o ddisgrifiad penodedig.
- (3) Caiff person a bennir fel person y mae'n ofynnol cael ei farn neu ei gydsyniad fod yn unrhyw awdurdod neu berson y mae Gweinidogion Cymru yn ei ystyried yn briodol, a chaiff hyn gynnwys Gweinidogion Cymru, unrhyw bwyllgor pontio ac unrhyw awdurdod cysgodol.
- (4) Caiff cyfarwyddyd bennu personau gwahanol—
 - (a) mewn perthynas â materion gwahanol y mae'n ofynnol cael barn neu gydsyniad yn eu cylch;
 - (b) mewn perthynas â gwahanol awdurdodau sy'n uno neu ddisgrifiadau gwahanol o awdurdodau.
- (5) Caiff cyfarwyddyd bennu, mewn perthynas â'r un gweithgaredd cyfyngedig, ofynion gwahanol mewn perthynas â thrafodion o werthoedd gwahanol.
- (6) Caiff cyfarwyddyd bennu, mewn perthynas â recriwtio prif swyddog anstatudol neu ddirprwy brif swyddog—
 - (a) gofynion gwahanol mewn perthynas â lefelau gwahanol o gydnabyddiaeth ariannol arfaethedig;
 - (b) gofynion gwahanol mewn perthynas â disgrifiadau gwahanol o swyddogion.
- (7) Caniateir rhoi barn neu gydsyniad at ddibenion cyfarwyddyd mewn perthynas â thrafodiad penodol neu drafodion o unrhyw ddisgrifiad.
- (8) Caniateir i unrhyw gydsyniad at ddibenion cyfarwyddyd gael ei roi yn ddiamod neu yn ddarostyngedig i amodau.
- (9) At ddibenion cyfarwyddyd sy'n ymwneud â recriwtio prif swyddog anstatudol neu ddirprwy brif swyddog, caiff barn a roddir, neu amodau y mae cydsyniad yn ddarostyngedig iddynt, ymwneud yn benodol—
 - (a) â'r gydnabyddiaeth ariannol sydd i fod yn daladwy i berson sy'n cael ei recriwtio;
 - (b) â hyd penodiad.
- (10) Mae unrhyw ddeddfiadau sy'n ymwneud â chaffaeliadau neu warediadau, ymrwymo i

gontractau neu gytundebau, rhoi grantiau neu gymorth ariannol arall, rhoi benthyciadau, neu recriwtio neu benodi personau gan awdurdodau sy'n uno yn cael effaith yn ddarostyngedig i unrhyw gyfarwyddyd.

- (11) Mae cydsyniad sy'n ofynnol gan gyfarwyddyd yn ychwanegol at unrhyw gydsyniad sy'n ofynnol gan unrhyw un neu ragor o'r ddeddfiadau hynny.'

Leighton Andrews

8

Page 18, after line 12, insert a new section –

[] Directions under section [section to be inserted by amendment 6](1): further provision about reserves

- (1) A direction under section [section to be inserted by amendment 6](1) –
- (a) may provide that the opinion or consent of the person or persons specified in the direction is not required for the inclusion, in a calculation under section 32 of the Local Government Finance Act 1992, of financial reserves of a description specified in the direction;
 - (b) may, in relation to any merging authority or description of merging authority, provide that an opinion or consent is not required for the inclusion in such a calculation of an amount of financial reserves not exceeding an amount specified in or determined under the direction.
- (2) If a direction contains provision by virtue of subsection (1), the reference in section [section to be inserted by amendment 6](2)(f) to an amount of financial reserves is to be read as a reference to an amount of financial reserves other than an amount permitted by the direction.'

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd –

[] Cyfarwyddydau o dan adran [yr adran i'w mewnosod gan welliant 6](1): darpariaeth bellach ynghylch cronfeydd wrth gefn

- (1) Caiff cyfarwyddyd o dan adran [yr adran i'w mewnosod gan welliant 6](1) –
- (a) darparu nad yw barn neu gydsyniad y person neu'r personau a bennir yn y cyfarwyddyd yn ofynnol er mwyn cynnwys, mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992, gronfeydd ariannol wrth gefn o ddisgrifiad a bennir yn y cyfarwyddyd;
 - (b) darparu, mewn perthynas ag unrhyw awdurdod sy'n uno, neu ddisgrifiad o awdurdod sy'n uno, nad yw barn neu gydsyniad yn ofynnol er mwyn cynnwys mewn cyfrifiad o'r fath swm o gronfeydd ariannol wrth gefn nad yw'n fwy na swm a bennir yn y cyfarwyddyd neu a ddyfernir oddi tano.
- (2) Os yw cyfarwyddyd yn cynnwys darpariaeth yn rhinwedd is-adran (1), mae'r cyfeiriad yn adran [yr adran i'w mewnosod gan welliant 6](2)(f) at swm o gronfeydd ariannol wrth gefn i'w ddarllen fel cyfeiriad at swm o gronfeydd ariannol wrth gefn ac eithrio swm a ganiateir gan y cyfarwyddyd.'

Leighton Andrews

9

Page 18, after line 12, insert a new section –

[] Directions under section [section to be inserted by amendment 6](3): supplementary

- (1) This section applies in relation to a direction under section [section to be inserted by amendment 6](3).
- (2) A direction may be given in respect of –
 - (a) a single merging authority;
 - (b) two or more specified authorities;
 - (c) authorities of a specified description.
- (3) A direction may specify different requirements for different descriptions of post.
- (4) Requirements imposed on a merging authority by a direction may, in particular, relate to –
 - (a) the remuneration to be payable to an appointed or designated person;
 - (b) the duration of an appointment or designation.
- (5) Any enactments relating to the recruitment, designation or appointment of persons by merging authorities have effect subject to any direction.’.

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd –

[] Cyfarwyddydau o dan adran [yr adran i'w mewnosod gan welliant 6](3): atodol

- (1) Mae'r adran hon yn gymwys mewn perthynas â chyfarwyddyd o dan adran [yr adran i'w mewnosod gan welliant 6](3).
- (2) Caniateir rhoi cyfarwyddyd mewn perthynas â'r canlynol –
 - (a) un awdurdod sy'n uno;
 - (b) dau awdurdod penodedig neu ragor;
 - (c) awdurdodau o ddisgrifiad penodedig.
- (3) Caiff cyfarwyddyd bennu gofynion gwahanol ar gyfer swyddi o ddisgrifiadau gwahanol.
- (4) Caiff gofynion a osodir ar awdurdod sy'n uno gan gyfarwyddyd ymwneud, yn benodol –
 - (a) â'r gydnabyddiaeth ariannol sydd i fod yn daladwy i berson a benodir neu a ddynodir;
 - (b) â hyd penodiad neu ddynodiad.
- (5) Mae unrhyw ddeddfiadau sy'n ymwneud â recriwtio, dynodi neu benodi personau gan awdurdodau sy'n uno yn cael effaith yn ddarostyngedig i unrhyw gyfarwyddyd.’.

Leighton Andrews

10

Page 18, after line 12, insert a new section –

[] Directions: consequences of contravention

- (1) An acquisition or disposal made in contravention of a direction given under section [section to be inserted by amendment 6] is void.
- (2) A contract (including a contract for employment) or agreement entered into in contravention of a direction given under section [section to be inserted by amendment 6] is unenforceable.
- (3) A grant or other financial assistance given, or a loan made, in contravention of a direction given under section [section to be inserted by amendment 6] is repayable.
- (4) If a merging authority includes financial reserves in a calculation under section 32 of the Local Government Finance Act 1992 in contravention of a direction given under section [section to be inserted by amendment 6], the authority is to be treated for the purposes of section 30(8) of that Act as not having made the calculations required by Chapter 3 of Part 1 of that Act.’.

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd –

[] Cyfarwyddydau: canlyniadau tramgwyddo

- (1) Mae caffaeliad neu warediad a wneir mewn modd sy’n tramgwyddo cyfarwyddyd a roddir o dan adran [yr adran i’w mewnosod gan welliant 6] yn ddi-rym.
- (2) Mae contract (gan gynnwys contract cyflogaeth) neu gytundeb yr ymrwymir iddo mewn modd sy’n tramgwyddo cyfarwyddyd a roddir o dan adran [yr adran i’w mewnosod gan welliant 6] yn anorfodadwy.
- (3) Mae grant neu gymorth ariannol arall, neu fenthyciad, a roddir mewn modd sy’n tramgwyddo cyfarwyddyd a roddir o dan adran [yr adran i’w mewnosod gan welliant 6] yn ad-daladwy.
- (4) Os yw awdurdod sy’n uno yn cynnwys cronfeydd ariannol wrth gefn mewn cyfrifiad o dan adran 32 o Ddeddf Cyllid Llywodraeth Leol 1992 mewn modd sy’n tramgwyddo cyfarwyddyd a roddir o dan adran [yr adran i’w mewnosod gan welliant 6], mae’r awdurdod i’w drin at ddibenion adran 30(8) o’r Ddeddf honno fel pe na bai wedi gwneud y cyfrifiadau sy’n ofynnol gan Bennod 3 o Ran 1 o’r Ddeddf honno.’.

Leighton Andrews

11

Page 18, after line 12, insert a new section –

[] Interpretation of sections [section to be inserted by amendment 6] to [section to be inserted by amendment 13]

- (1) In sections [section to be inserted by amendment 6] and [section to be inserted by amendment 12], “relevant land acquisition or disposal” means the acquisition or disposal of land if the consideration for the acquisition or disposal exceeds £150,000.
- (2) In subsection (1) the reference to the acquisition or disposal of land includes –

- (a) the acquisition or grant or disposal of any interest in land,
 - (b) entering into a contract to acquire or dispose of land or to acquire or grant or dispose of any interest in land, and
 - (c) acquiring or granting an option to acquire any land or any interest in land.
- (3) In sections [section to be inserted by amendment 6] and [section to be inserted by amendment 12], “relevant contract or agreement” means –
- (a) any contract, other than a capital contract, under which the consideration exceeds £150,000 where –
 - (i) the period of the contract extends beyond the transfer date, or
 - (ii) under the terms of the contract, that period may be extended beyond the transfer date,
 - (b) any capital contract under which the consideration exceeds £500,000, or
 - (c) any framework agreement within the meaning of regulation 2(1) of the Public Contracts Regulations 2006 (S.I. 2006/5) where –
 - (i) the period of the framework agreement extends beyond the transfer date, or
 - (ii) under the terms of the framework agreement, that period may be extended beyond the transfer date.
- (4) In subsection (3) “capital contract” means a contract in respect of which the consideration payable by the merging authority is expenditure which is capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 (capital finance).
- (5) In sections [section to be inserted by amendment 6] and [section to be inserted by amendment 12], “relevant capital acquisition” means an acquisition of share capital or loan capital in any body corporate in respect of which the consideration exceeds £500,000, other than an acquisition of loan capital where –
- (a) the acquisition of the loan capital is an investment for the purposes of the prudent management of the merging authority’s financial affairs, and
 - (b) the investment is admitted to an official list maintained by a competent authority in an EEA State.
- (6) In subsection (5) (and this subsection) –
- “competent authority” (“*awdurdod cymwys*”) means an authority which is responsible for maintaining the official list in an EEA State;
- “official list” (“*rhestr swyddogol*”) –
- (a) in relation to the United Kingdom, has the meaning given by section 103(1) of the Financial Services and Markets Act 2000, and
 - (b) in relation to any other EEA State means the equivalent list maintained by the competent authority of that State.
- (7) In sections [section to be inserted by amendment 6] and [section to be inserted by amendment 12], “relevant grant or other financial assistance” means a grant or other financial assistance (other than a loan) of more than £150,000.

- (8) In sections [section to be inserted by amendment 6] and [section to be inserted by amendment 12], “relevant loan” means a loan of more than £150,000 where –
- (a) the period of the loan extends beyond the transfer date, or
 - (b) under the terms of the loan, that period may be extended beyond the transfer date.
- (9) In sections [section to be inserted by amendment 6] to [section to be inserted by amendment 9] and [section to be inserted by amendment 13], “specified” means specified in a direction given under section [section to be inserted by amendment 6].’.

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd –

[1] Dehongli adrannau [yr adran i’w mewnosod gan welliant 6] i [yr adran i’w mewnosod gan welliant 13]

- (1) Yn adrannau [yr adran i’w mewnosod gan welliant 6] a [yr adran i’w mewnosod gan welliant 12], ystyr “caffaeliad neu warediad tir perthnasol” yw caffael neu waredu tir os yw’r gydnabyddiaeth am y caffaeliad neu’r gwarediad yn fwy na £150,000.
- (2) Yn is-adran (1) mae’r cyfeiriad at gaffael neu waredu tir yn cynnwys –
- (a) caffael neu roi neu waredu unrhyw fuddiant mewn tir,
 - (b) ymrwymo i gontract i gaffael neu waredu tir neu i gaffael neu roi neu waredu unrhyw fuddiant mewn tir, ac
 - (c) caffael neu roi opsiwn i gaffael unrhyw dir neu unrhyw fuddiant mewn tir.
- (3) Yn adrannau [yr adran i’w mewnosod gan welliant 6] a [yr adran i’w mewnosod gan welliant 12], ystyr “contract neu gytundeb perthnasol” yw –
- (a) unrhyw gontract, ac eithrio contract cyfalaf, y mae’r gydnabyddiaeth oddi tano yn fwy na £150,000 pan fo –
 - (i) cyfnod y contract yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
 - (ii) y caniateir ymestyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r contract,
 - (b) unrhyw gontract cyfalaf y mae’r gydnabyddiaeth oddi tano yn fwy na £500,000, neu
 - (c) unrhyw gytundeb fframwaith o fewn ystyr rheoliad 2(1) o Reoliadau Contractau Cyhoeddus 2006 (O.S. 2006/5) pan fo –
 - (i) cyfnod y cytundeb fframwaith yn ymestyn y tu hwnt i’r dyddiad trosglwyddo, neu
 - (ii) y caniateir ymestyn y cyfnod hwnnw y tu hwnt i’r dyddiad trosglwyddo o dan delerau’r cytundeb fframwaith.
- (4) Yn is-adran (3) ystyr “contract cyfalaf” yw contract y mae’r gydnabyddiaeth sy’n daladwy gan yr awdurdod sy’n uno mewn perthynas ag ef yn wariant cyfalaf at ddibenion Pennod 1 o Ran 1 o Ddeddf Llywodraeth Leol 2003 (cyllid cyfalaf).
- (5) Yn adrannau [yr adran i’w mewnosod gan welliant 6] a [yr adran i’w mewnosod gan welliant 12], ystyr “caffaeliad cyfalaf perthnasol” yw caffaeliad cyfalaf cyfranddaliadau neu gyfalaf benthyciad mewn unrhyw gorff corfforaethol y mae’r gydnabyddiaeth mewn perthynas ag ef yn fwy na £500,000, ac eithrio caffaeliad cyfalaf benthyciad pan fo –

- (a) caffaeliad y cyfalaf benthyciad yn fuddsoddiad at ddibenion rheoli materion ariannol yr awdurdod sy'n uno mewn modd darbodus, a
 - (b) y buddsoddiad yn cael ei ychwanegu at restr swyddogol a gedwir gan awdurdod cymwys mewn gwladwriaeth AEE.
- (6) Yn is-adran (5) (ac yn yr is-adran hon) –
- ystyr “awdurdod cymwys” (“*competent authority*”) yw awdurdod sy'n gyfrifol am gynnal y rhestr swyddogol mewn Gwladwriaeth AEE;
- o ran “rhestr swyddogol” (“*official list*”) –
- (a) mewn perthynas â'r Deyrnas Unedig, mae iddi'r ystyr a roddir i “official list” gan adran 103(1) o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000, a
 - (b) mewn perthynas ag unrhyw Wladwriaeth AEE arall, yr ystyr yw'r rhestr gyfatebol a gedwir gan yr awdurdod cymwys yn y Wladwriaeth honno.
- (7) Yn adrannau [yr adran i'w mewnosod gan welliant 6] a [yr adran i'w mewnosod gan welliant 12], ystyr “grant neu gymorth ariannol arall perthnasol” yw grant neu gymorth ariannol arall (ac eithrio benthyciad) o fwy na £150,000.
- (8) Yn adrannau [yr adran i'w mewnosod gan welliant 6] a [yr adran i'w mewnosod gan welliant 12], ystyr “benthyciad perthnasol” yw benthyciad o fwy na £150,000 pan fo –
- (a) cyfnod y benthyciad yn ymestyn y tu hwnt i'r dyddiad trosglwyddo, neu
 - (b) y caniateir ymestyn y cyfnod hwnnw y tu hwnt i'r dyddiad trosglwyddo, o dan delerau'r benthyciad.
- (9) Yn adrannau [yr adran i'w mewnosod gan welliant 6] i [yr adran i'w mewnosod gan welliant 9] a [yr adran i'w mewnosod gan welliant 13], ystyr “penodedig” yw wedi ei bennu mewn cyfarwyddyd a roddir o dan adran [yr adran i'w mewnosod gan welliant 6].’.

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Page 18, after line 12, insert a new section –

[] Determining whether financial limits have been exceeded

- (1) For the purpose of making a determination as to whether a financial limit set out in section [section to be inserted by amendment 11] is exceeded –
- (a) in the case of a relevant land acquisition or disposal, the consideration for any other acquisition or disposal of land relating to the same or a similar description of matter made by the merging authority after 26 January 2015 (which was the day on which the Bill for this Act was introduced in the National Assembly for Wales) is to form part of the determination;
 - (b) in the case of a relevant contract or agreement, the consideration under any other contract or agreement relating to the same or a similar description of matter entered into by the merging authority after 26 January 2015 is to form part of the determination;
 - (c) in the case of a relevant capital acquisition, the consideration in respect of the acquisition of share capital or loan capital in the same body corporate made by the

- merging authority after 26 January 2015 (other than an acquisition where the conditions set out in paragraphs (a) and (b) of section [section to be inserted by amendment 11](5) are met) is to form part of the determination;
- (d) in the case of a relevant grant or other financial assistance, the amount of any grant or other financial assistance (other than a loan) given by the merging authority to the same person after 26 January 2015 is to form part of the determination;
 - (e) in the case of a relevant loan, the amount of any loan made by the merging authority to the same person after 26 January 2015 is to form part of the determination.
- (2) Where the consideration or any of the consideration in respect of a transaction is not in money, the limits set out in section [section to be inserted by amendment 11] apply to the value of the consideration.
- (3) Where, in determining whether a limit set out in section [section to be inserted by amendment 11] is exceeded, a question arises as to the value of the consideration in relation to a transaction and the persons concerned fail to reach agreement, for the purposes of the determination the question is to be decided by the Welsh Ministers.
- (4) The Welsh Ministers may by regulations substitute a different figure for that for the time being set out in subsection (1), (3)(a) or (b), (5), (7) or (8) of section [section to be inserted by amendment 11].'

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd—

[] Dyfarnu a yw trothwyon ariannol wedi eu croesi

- (1) At ddiben dyfarnu a yw trothwy ariannol a nodir yn adran [yr adran i'w mewnosod gan welliant 11] wedi ei groesi—
- (a) yn achos caffaeliad neu warediad tir perthnasol, mae'r gydnabyddiaeth ar gyfer unrhyw gaffaeliad neu warediad tir arall sy'n ymwneud â'r un mater, neu fater o ddisgrifiad tebyg, a wneir gan yr awdurdod sy'n uno ar ôl 26 Ionawr 2015 (sef y diwrnod y cyflwynwyd y Bil ar gyfer y Ddeddf hon i Gynulliad Cenedlaethol Cymru) i ffurfio rhan o'r dyfarniad;
 - (b) yn achos contract neu gytundeb perthnasol, mae'r gydnabyddiaeth o dan unrhyw gontract neu gytundeb arall sy'n ymwneud â'r un mater, neu fater o ddisgrifiad tebyg, yr ymrwyma'r awdurdod sy'n uno iddo ar ôl 26 Ionawr 2015 i ffurfio rhan o'r dyfarniad;
 - (c) yn achos caffaeliad cyfalaf perthnasol, mae'r gydnabyddiaeth mewn perthynas â chaffaeliad cyfalaf cyfranddaliadau neu gyfalaf benthyciad yn yr un corff corfforaethol a wneir gan yr awdurdod sy'n uno ar ôl 26 Ionawr 2015 (ac eithrio caffaeliad pan fodlonir yr amodau a nodir ym mharagraffau (a) a (b) o adran [yr adran i'w mewnosod gan welliant 11](5)) i ffurfio rhan o'r dyfarniad;
 - (d) yn achos grant neu gymorth ariannol arall perthnasol, mae swm unrhyw grant neu gymorth ariannol arall (ac eithrio benthyciad) a roddir gan yr awdurdod sy'n uno i'r un person ar ôl 26 Ionawr 2015 i ffurfio rhan o'r dyfarniad;
 - (e) yn achos benthyciad perthnasol, mae swm unrhyw fenthyciad a roddir gan yr

awdurdod sy'n uno i'r un person ar ôl 26 Ionawr 2015 i ffurfio rhan o'r dyfarniad.

- (2) Pan na fo'r gydnabyddiaeth neu unrhyw ran o'r gydnabyddiaeth mewn perthynas â thrafodiad ar ffurf arian, mae'r trothwyon a nodir yn adran [yr adran i'w mewnosod gan welliant 11] yn gymwys i werth y gydnabyddiaeth.
- (3) Wrth ddyfarnu a yw trothwy a nodir yn adran [yr adran i'w mewnosod gan welliant 11] wedi ei groesi, pan fo cwestiwn yn codi ynghylch gwerth y gydnabyddiaeth mewn perthynas â thrafodiad, a bod y personau o dan sylw yn methu â dod i gytundeb, at ddibenion y dyfarniad mae Gweinidogion Cymru i benderfynu ar y cwestiwn.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, roi ffigur gwahanol yn lle'r un a nodir am y tro yn is-adran (1), (3)(a) neu (b), (5), (7) neu (8) o adran [yr adran i'w mewnosod gan welliant 11].'

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Page 18, after line 12, insert a new section –

'[] Guidance in relation to transactions, recruitment etc.

- (1) The Welsh Ministers may issue guidance –
 - (a) as to the operation of sections [section to be inserted by amendment 6] to [section to be inserted by amendment 12];
 - (b) in relation to any direction given under section [section to be inserted by amendment 6];
 - (c) on carrying out restricted activities;
 - (d) on appointing and designating persons to restricted posts.
- (2) Merging authorities and any specified persons must have regard to any guidance issued under subsection (1).
- (3) In subsection (1), “restricted activity” and “restricted post” each have the meaning given in section [section to be inserted by amendment 6].'

Tudalen 18, ar ôl llinell 12, i fewnosod adran newydd –

'[] Canllawiau mewn perthynas â thrafodion, recriwtio etc.

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau –
 - (a) ynghylch gweithrediad adrannau [yr adran i'w mewnosod gan welliant 6] i [yr adran i'w mewnosod gan welliant 12];
 - (b) mewn perthynas ag unrhyw gyfarwyddyd a roddir o dan adran [yr adran i'w mewnosod gan welliant 6];
 - (c) ar gyflawni gweithgareddau cyfyngedig;
 - (d) ar benodi a dynodi personau i swyddi cyfyngedig.
- (2) Rhaid i awdurdodau sy'n uno ac unrhyw bersonau penodedig roi sylw i unrhyw ganllawiau a ddyroddir o dan is-adran (1).
- (3) Yn is-adran (1), mae i “gweithgaredd cyfyngedig” a “swydd gyfyngedig” yr ystyr a roddir iddynt yn adran [yr adran i'w mewnosod gan welliant 6].'

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Page 18, line 14, leave out section 30.
Tudalen 18, llinell 14, hepgorer adran 30.

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Page 19, line 2, leave out section 31.
Tudalen 19, llinell 2, hepgorer adran 31.

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Page 20, line 9, leave out section 32.
Tudalen 20, llinell 11, hepgorer adran 32.

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Section 39, page 23, line 8, leave out '32(4)' and insert '[section to be inserted by amendment 12](4)'.
Adran 39, tudalen 23, llinell 8, hepgorer '32(4)' a mewnosoder '[yr adran i'w mewnosod gan welliant 12](4)'.
Adran 39, tudalen 23, llinell 8, hepgorer '32(4)' a mewnosoder '[yr adran i'w mewnosod gan welliant 12](4)'.