



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

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

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i
esbonio ei ddiben ac i gynorthwyo'r darllenydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Sections 2 to 42	Adrannau 2 i 42
Section 1	Adran 1
Long Title	Teitl Hir

Leighton Andrews

2

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'.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black

48

Section 4, page 3, after line 34, insert—

- '() Before an application is made under section 3(1) the principal local authorities must publish a report on consultation undertaken under subsection (1)(a).
- () A report under subsection [*first subsection to be inserted by amendment 48*] must contain the following—
 - (a) details of the steps the principal local authorities have taken to meet the requirement under subsection (1)(a);
 - (b) details of any consultation undertaken before the coming into force of this section;
 - (c) a summary of any consultation responses received from members of the public in accordance with subsection (1)(a);
 - (d) details of how the principal local authorities have taken account of any consultation responses received in accordance with subsection (1)(a).'

Adran 4, tudalen 3, ar ôl llinell 33, mewnosoder—

- '() Cyn gwneud cais o dan adran 3(1) rhaid i'r prif awdurdodau lleol gyhoeddi adroddiad ar ymgynghoriad a gynhelir o dan is-adran (1)(a).
- () Rhaid i adroddiad o dan is-adran [*yr is-adran gyntaf i'w mewnosod gan welliant 48*] gynnwys y canlynol—
 - (a) manylion y camau y mae'r prif awdurdodau lleol wedi'u cymryd i fodloni'r gofyniad o dan is-adran (1)(a);
 - (b) manylion unrhyw ymgynghoriad a gynhelir cyn i'r adran hon ddod i rym;
 - (c) crynodeb o unrhyw ymatebion i ymgynghoriad a gafwyd gan aelodau'r cyhoedd yn unol ag is-adran (1)(a);
 - (d) manylion ynghylch sut y mae'r prif awdurdodau lleol wedi ystyried unrhyw ymatebion i ymgynghoriad a gafwyd yn unol ag is-adran (1)(a).'

Peter Black

28

Section 5, page 4, after line 8, insert—

- '() Before issuing or revising guidance under subsection (1), the Welsh Ministers must lay a copy of the draft before the National Assembly for Wales.
- () If, before the end of the 40 day period, the National Assembly for Wales resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- () If no such resolution is made before the end of that period, the Welsh Ministers may issue the guidance (or revised guidance) in the form of the draft.
- () The 40 day period—

- (a) begins on the day on which the draft is laid before the National Assembly, and
- (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.

() Subsection [*second subsection to be inserted by amendment 28*] does not prevent any new draft of the guidance or revised guidance from being laid before the National Assembly.’.

Adran 5, tudalen 4, ar ôl llinell 8, mewnosoder –

- ‘() Cyn dyroddi neu ddiwygio canllawiau o dan is-adran (1), rhaid i Weinidogion Cymru osod copi o’r drafft gerbron Cynulliad Cenedlaethol Cymru.
- () Os yw Cynulliad Cenedlaethol Cymru, cyn diwedd y cyfnod o 40 niwrnod, yn penderfynu peidio â chymeradwyo’r drafft o’r canllawiau, rhaid i Weinidogion Cymru beidio â’u dyroddi ar ffurf y drafft hwnnw.
- () Os nad oes penderfyniad o’r fath yn cael ei wneud cyn diwedd y cyfnod hwnnw, caiff Gweinidogion Cymru ddyroddi’r canllawiau (neu’r canllawiau diwygiedig) ar ffurf y drafft.
- () O ran y cyfnod o 40 niwrnod –
 - (a) mae’n dechrau ar y diwrnod y mae’r drafft yn cael ei osod gerbron y Cynulliad Cenedlaethol, a
 - (b) nid yw’n cynnwys unrhyw amser pan fydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fydd ar doriad am fwy na phedwar diwrnod.
- () Nid yw is-adran [*yr ail is-adran i’w mewnosod gan welliant 28*] yn atal unrhyw ddrafft newydd o’r canllawiau neu’r canllawiau diwygiedig rhag cael eu gosod gerbron y Cynulliad Cenedlaethol.’.

Rhodri Glyn Thomas

Gyda chefnogaeth / Supported by: Peter Black

40

Section 6, page 5, after line 4, insert –

- ‘() In making merger regulations which arise from an application under section 3(1) from any of the following principal local authorities, namely Carmarthenshire, Ceredigion, Gwynedd, Isle of Anglesey or Pembrokeshire, the Welsh Ministers must have regard to the need to promote –
 - (a) the economic regeneration of, and
 - (b) the use of the Welsh language inany new principal area created by the merger regulations.’.

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

- ‘() Wrth wneud rheoliadau uno sy’n deillio o gais o dan adran 3(1) gan unrhyw un o’r prif awdurdodau lleol a ganlyn, sef Sir Gaerfyrddin, Ceredigion Gwynedd, Ynys Môn neu Sir Benfro, rhaid i Weinidogion Cymru roi sylw i’r angen i hyrwyddo –
 - (a) adfywiad economaidd, a
 - (b) y defnydd o’r Gymraeg mewnunrhyw brif ardal newydd a grëir gan y rheoliadau uno.’.

Rhodri Glyn Thomas

41

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() Within 6 months of making merger regulations to which [*subsection to be inserted by amendment 40*] applies, the Welsh Ministers must report to the National Assembly for Wales on the steps which they have taken in order to comply with their duties under that subsection.’

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() O fewn 6 mis i wneud y rheoliadau uno, y mae is-adran [*is-adran i’w mewnosod gan welliant 40*] yn gymwys iddynt, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ar y camau y maent wedi’u cymryd i gydymffurfio â’u dyletswyddau o dan yr is-adran honno.’

Rhodri Glyn Thomas

42

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() In making merger regulations which arise from an application under section 3(1) from any of the following principal local authorities, namely Carmarthenshire, Ceredigion, Gwynedd, Isle of Anglesey or Pembrokeshire, the Welsh Ministers must have regard to the need to promote the use of the Welsh language by any new principal local authority created by the merger regulations.’

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() Wrth wneud rheoliadau uno sy’n deillio o gais o dan adran 3(1) gan unrhyw un o’r prif awdurdodau lleol a ganlyn, sef Sir Gaerfyrddin, Ceredigion, Gwynedd, Ynys Môn neu Sir Benfro, rhaid i Weinidogion Cymru roi sylw i’r angen i hyrwyddo’r defnydd o’r Gymraeg gan unrhyw brif awdurdod lleol newydd a grëir gan y rheoliadau uno.’

Rhodri Glyn Thomas

43

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() Within 6 months of making merger regulations to which [*subsection to be inserted by amendment 42*] applies, the Welsh Ministers must report to the National Assembly for Wales on the steps which they have taken in order to comply with their duties under that subsection.’

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() O fewn 6 mis i wneud y rheoliadau uno, y mae is-adran [*is-adran i’w mewnosod gan welliant 42*] yn gymwys iddynt, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ar y camau y maent wedi’u cymryd i gydymffurfio â’u dyletswyddau o dan yr is-adran honno.’

Rhodri Glyn Thomas

44

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() In making merger regulations the Welsh Ministers must have regard to the need to promote the use of the Welsh language in any new principal area created by the merger regulations.’.

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() Wrth wneud rheoliadau uno, rhaid i Weinidogion Cymru roi sylw i’r angen i hyrwyddo’r defnydd o’r Gymraeg mewn unrhyw brif ardal newydd a grëir gan y rheoliadau uno.’.

Rhodri Glyn Thomas

45

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() Within 6 months of making merger regulations to which [*subsection to be inserted by amendment 44*] applies, the Welsh Ministers must report to the National Assembly for Wales on the steps which they have taken in order to comply with their duties under that subsection.’.

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() O fewn 6 mis i wneud y rheoliadau uno, y mae is-adran [*is-adran i’w mewnosod gan welliant 44*] yn gymwys iddynt, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ar y camau y maent wedi’u cymryd i gydymffurfio â’u dyletswyddau o dan yr is-adran honno.’.

Rhodri Glyn Thomas

46

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() In making merger regulations the Welsh Ministers must have regard to the need to promote the use of the Welsh language by any new principal local authority created by the merger regulations.’.

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

‘() Wrth wneud rheoliadau uno, rhaid i Weinidogion Cymru roi sylw i’r angen i hyrwyddo’r defnydd o’r Gymraeg gan unrhyw brif awdurdod lleol newydd a grëir gan y rheoliadau uno.’.

Rhodri Glyn Thomas

47

Gyda chefnogaeth / Supported by: Peter Black

Section 6, page 5, after line 4, insert –

‘() Within 6 months of making merger regulations to which [*subsection to be inserted by amendment 46*] applies, the Welsh Ministers must report to the National Assembly for Wales on the steps which they have taken in order to comply with their duties under that

subsection.’.

Adran 6, tudalen 5, ar ôl llinell 4, mewnosoder –

- ‘() O fewn 6 mis i wneud y rheoliadau uno, y mae is-adran [*is-adran i’w mewnosod gan welliant 46*] yn gymwys iddynt, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ar y camau y maent wedi’u cymryd i gydymffurfio â’u dyletswyddau o dan yr is-adran honno.’.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black

49

Page 5, after line 30, insert a new section –

‘[] Amendment to the Public Audit (Wales) Act 2004: audit of accounts

- (1) Section 12(1) of the Public Audit (Wales) Act 2004 (local government bodies in Wales) is amended as follows.
- (2) After section 12(1)(b) insert –

“(ba) a shadow authority in Wales, as defined by section 2(7) of the Local Government (Wales) Act 2015.”.

Tudalen 5, ar ôl llinell 32, mewnosoder adran newydd –

‘[] Diwygiad i Ddeddf Archwilio Cyhoeddus (Cymru) 2004: archwilio cyfrifon

- (1) Mae adran 12(1) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (cyrff llywodraeth leol yng Nghymru) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 12(1)(b) mewnosoder –

“(ba) a shadow authority in Wales, as defined by section 2(7) of the Local Government (Wales) Act 2015.”.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black

50

Page 5, after line 30, insert a new section –

‘[] Amendment to the Public Audit (Wales) Act 2004: directions by Welsh Ministers

- (1) Section 13 of the Public Audit (Wales) Act 2004 (audit of accounts of local government bodies in Wales) is amended as follows.
- (2) After section 13(2) insert –

“(3) The Welsh Ministers must give a direction under section 13(1)(a) if it is necessary to ensure that sufficient time is available for the preparation, publication and closure of the accounts of any merging authority as defined by section 2(3) of the Local Government (Wales) Act 2015.”.

Tudalen 5, ar ôl llinell 32, mewnosoder adran newydd –

[] **Diwygiad i Ddeddf Archwilio Cyhoeddus (Cymru) 2004: cyfarwyddiadau gan Weinidogion Cymru**

- (1) Mae adran 13 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (archwilio cyfrifon cyrff llywodraeth leol yng Nghymru) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 13(2) mewnosoder –
 - “(3) The Welsh Ministers must give a direction under section 13(1)(a) if it is necessary to ensure that sufficient time is available for the preparation, publication and closure of the accounts of any merging authority as defined by section 2(3) of the Local Government (Wales) Act 2015.”.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black **51**

Section 8, page 6, after line 5, insert –

- “(2) Regulations under subsection (1)(a) may not provide for an ordinary election to be cancelled if that would result in councillors serving a term of office of more than 5 years.’.

Adran 8, tudalen 6, ar ôl llinell 5, mewnosoder –

- “(2) Ni chaniateir i reoliadau o dan is-adran (1)(a) ddarparu ar gyfer dileu etholiad cyffredin pe bai hynny’n golygu bod cynghorwyr yn gwasanaethu yn eu swydd am gyfnod o fwy na 5 mlynedd.’.

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

4

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.’.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black **52**

Page 7, after line 24, insert a new section –

‘Duty to report

[] **Duty to report on merger costs**

No later than six months after merger regulations are made, the Welsh Ministers must lay before the National Assembly for Wales a report detailing –

- (a) the cost of the mergers made under those merger regulations, and
- (b) how those costs have been met or will be met. ’.

Tudalen 7, ar ôl llinell 25, mewnosoder adran newydd –

‘Dyletswydd i adrodd

[] Dyletswydd i adrodd ar gostau uno

Rhaid i Weinidogion Cymru, heb fod yn hwyrach na chwe mis ar ôl i’r rheoliadau uno gael eu gwneud, osod adroddiad gerbron Cynulliad Cenedlaethol Cymru yn rhoi manylion –

- (a) costau’r uno a wneir o dan y rheoliadau uno hynny, a
- (b) sut y talwyd neu sut y telir am y costau hynny.’.

Janet Finch-Saunders

53

Gyda chefnogaeth / Supported by: Peter Black

Page 7, after line 24, insert a new section –

[] Duty to report on collaborative arrangements

- (1) On the day on which the Welsh Ministers make any merger regulations they must publish a report which provides details of the impact on collaborative arrangements.
- (2) In this section “collaborative arrangements” means any arrangements under which two or more principal local authorities collaborate in order to provide services for mutual benefit.’.

Tudalen 7, ar ôl llinell 25, mewnosoder adran newydd –

[] Dyletswydd i adrodd ar drefniadau cydlafurio

- (1) Ar y diwrnod y bydd Gweinidogion Cymru yn gwneud unrhyw reoliadau uno, rhaid iddynt gyhoeddi adroddiad sy’n darparu manylion yr effaith ar drefniadau cydlafurio.
- (2) Yn yr adran hon ystyr “trefniadau cydlafurio” yw unrhyw drefniadau a wneir gan ddau brif awdurdod lleol neu ragor er mwyn darparu gwasanaethau er budd cyffredin.’.

Leighton Andrews

20

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version.

Adran 15, tudalen 9, llinell 9, hepgorer ‘bennir’ a mewnosoder ‘ddyfernir’.

Peter Black

29

Section 16, page 9, after line 20, insert –

- ‘() A direction under subsection (1) is subject to annulment in pursuance of a resolution of

the National Assembly for Wales.’.

Adran 16, tudalen 9, ar ôl llinell 18, mewnosoder –

‘() Mae cyfarwyddyd o dan is-adran (1) yn ddarostyngedig i’w ddirymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.’.

Peter Black

30

Section 17, page 10, after line 26, insert –

‘() A direction under subsection (3) may not be given unless a draft of the direction has been laid before, and approved by a resolution of the National Assembly for Wales.’.

Adran 17, tudalen 10, ar ôl llinell 27, mewnosoder –

‘() Ni chaniateir i gyfarwyddyd o dan is-adran (3) gael ei roi oni bai bod drafft o’r cyfarwyddyd wedi cael ei osod gerbron Cynulliad Cenedlaethol Cymru, a’i gymeradwyo drwy benderfyniad ganddo.’.

Peter Black

31

Section 17, page 10, after line 36, insert –

‘() Guidance under subsection (8) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.’.

Adran 17, tudalen 10, ar ôl llinell 38, mewnosoder –

‘() Mae canllawiau o dan is-adran (8) yn ddarostyngedig i’w diddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.’.

Leighton Andrews

21

Section 20, page 12, leave out lines 38 to 39.

Adran 20, tudalen 12, hepgorer llinellau 40 hyd at 41.

Leighton Andrews

22

Section 20, page 13, line 2, leave out ‘consultation and’.

Adran 20, tudalen 13, llinell 2, hepgorer ‘ymgyngoriad a’r’.

Leighton Andrews

23

Section 20, page 13, line 14, leave out ‘other person who submitted evidence to’ and insert ‘persons considered appropriate by’.

Adran 20, tudalen 13, llinell 14, hepgorer ‘berson arall a gyflwynodd dystiolaeth i’r Comisiwn’ a mewnosoder ‘bersonau y mae’r Comisiwn yn eu hystyried yn briodol’.

Leighton Andrews

24

Section 20, page 13, line 17, leave out ‘other person who submitted evidence to’ and insert ‘persons

considered appropriate by’.

Adran 20, tudalen 13, llinell 17, hepgorer ‘berson arall a gyflwynodd dystiolaeth i’r Comisiwn’ a mewnosoder ‘bersonau y mae’r Comisiwn yn eu hystyried yn briodol’.

Leighton Andrews

25

Section 23, page 14, line 36, leave out ‘or 20’.

Adran 23, tudalen 14, llinell 40, hepgorer ‘neu 20’.

Peter Black

32

Gyda chefnogaeth/ Supported by: Rhodri Glyn Thomas

Page 15, after line 13, insert a new section –

[] Elections of councillors

- (1) Votes in contested elections of councillors for any principal local authority created as a result of merger regulations must be counted according to the rules set out in Schedule [*Schedule to be inserted by amendment 33*].
- (2) In each electoral ward in which there is a contested election, a poll must be held at which each person entitled to vote as an elector may vote by marking on the ballot paper –
 - (a) the voter’s first preference from among the candidates to be councillor, and
 - (b) if there are three or more candidates and the voter wishes to express a further preference for one or more of those candidates, the voter’s second and, if the voter wishes, subsequent preferences from among those candidates.’.

Tudalen 15, ar ôl llinell 13, mewnosoder adran newydd –

[] Etholiadau ar gyfer cynghorwyr

- (1) Rhaid i bleidleisiau mewn etholiadau a ymleddir ar gyfer cynghorwyr ar gyfer unrhyw brif awdurdod lleol a grëwyd o ganlyniad i reoliadau uno gael eu cyfrif yn unol â'r rheolau a bennir yn Atodlen [*Atodlen i'w mewnosod gan welliant 33*].
- (2) Ym mhob ward etholiadol lle mae etholiad a ymleddir, rhaid cynnal pleidlais lle caiff pob person sydd â hawl i bleidleisio fel etholwr bleidleisio drwy nodi'r canlynol ar y papur pleidleisio –
 - (a) dewis cyntaf y pleidleisiwr o blith yr ymgeiswyr i fod yn gynghorydd, a
 - (b) os oes tri ymgeisydd neu ragor ac os yw’r pleidleisiwr yn dymuno mynegi dewis pellach ar gyfer un neu ragor o’r ymgeiswyr hynny, ail ddewis y pleidleisiwr, ac, os yw’r pleidleisiwr yn dymuno hynny, y dewisiadau dilynol o blith yr ymgeiswyr hynny.’.

Peter Black

33

Gyda chefnogaeth/ Supported by: Rhodri Glyn Thomas

Page 24, after line 2, insert a new schedule –

‘SCHEDULE 1

(introduced by [section to be inserted by amendment 32])

RULES FOR COUNTING OF VOTES IN CONTESTED ELECTIONS FOR COUNCILLORS

First stage

- 1 (1) The returning officer must sort the valid ballot papers into parcels according to the candidates for whom first preference votes are given.
- (2) The returning officer must then –
 - (a) count the number of ballot papers in each parcel,
 - (b) credit the candidate receiving the first preference vote with one vote for each ballot paper, and
 - (c) record those numbers.
- (3) The returning officer must also ascertain and record the total number of valid ballot papers.

The quota

- 2 (1) The returning officer must divide the total number of valid ballot papers for the electoral ward by a number exceeding by one the number of councillors to be elected at the election for that electoral ward.
- (2) The result of the division under sub-paragraph (1) (ignoring any decimal places), increased by one, is the number of votes sufficient to secure the return of a candidate as a councillor (in this Schedule referred to as the “quota”).

Return of councillors

- 3 (1) Where, at any stage of the count, the number of votes for a candidate equals or exceeds the quota, the candidate is deemed to be elected.
- (2) A candidate is returned as a councillor when declared to be elected in accordance with paragraph 10(a).

Transfer of surplus votes

- 4 (1) Where, at the end of any stage of the count, the number of votes credited to any candidate exceeds the quota and, subject to paragraphs 5 and 8, one or more vacancies remain to be filled, the returning officer must sort the ballot papers received by that candidate into further parcels so that they are grouped –
 - (a) according to the next available preference given on those papers, and
 - (b) where no such preference is given, as a parcel of non-transferable papers.
- (2) The returning officer must, in accordance with this paragraph and paragraph 5, transfer each parcel of ballot papers referred to in sub-paragraph (1)(a) to the continuing candidate for whom the next available preference is given on those papers and shall credit such continuing candidates with an additional number of votes calculated in accordance with sub-paragraph (3).

- (3) The vote on each ballot paper transferred under sub-paragraph (2) has a value (“the transfer value”) calculated as follows –
- A divided by B, where –
- A is the value which is calculated by multiplying the surplus of the transferring candidate by the value of the ballot paper when received by that candidate, and
- B is the total number of votes credited to that candidate,
- the calculation being made to five decimal places (any remainder being ignored).
- (4) For the purposes of sub-paragraph (3) –
- (a) “transferring candidate” means the candidate from whom the ballot paper is being transferred, and
- (b) “the value of the ballot paper” means –
- (i) for a ballot paper on which a first preference vote is given for the transferring candidate, one, and
- (ii) in all other cases, the transfer value of the ballot paper when received by the transferring candidate.

Transfer of surplus votes – supplementary provisions

- 5 (1) If, at the end of any stage of the count, the number of votes credited to two or more candidates exceeds the quota the returning officer must –
- (a) first sort the ballot papers of the candidate with the highest surplus, and
- (b) then transfer the transferable papers of that candidate.
- (2) If the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest number of votes at the end of the most recent preceding stage at which they had unequal numbers of votes must be transferred first.
- (3) If the numbers of votes credited to two or more candidates were equal at all stages of the count, the returning officer must decide, by lot, which candidate's transferable papers are to be transferred first.

Exclusion of candidates

- 6 (1) If, one or more vacancies remain to be filled and –
- (a) the returning officer has transferred all ballot papers which are required by paragraph 4 or this paragraph to be transferred, or
- (b) there are no ballot papers to be transferred under paragraph 4 or this paragraph,
- the returning officer must exclude from the election at that stage the candidate with the then lowest number of votes.
- (2) The returning officer must sort the ballot papers for the candidate excluded under sub-paragraph (1) into parcels so that they are grouped –
- (a) according to the next available preference given on those papers, and

- (b) where no such preference is given, as a parcel of non-transferable papers.
- (3) The returning officer must, in accordance with this paragraph, transfer each parcel of ballot papers referred to in sub-paragraph (2)(a) to the continuing candidate for whom the next available preference is given on those papers and must credit such continuing candidates with an additional number of votes calculated in accordance with sub-paragraph (4).
- (4) The vote on each ballot paper transferred under sub-paragraph (3) has a transfer value of one unless the vote was transferred to the excluded candidate in which case it has the same transfer value as when transferred to the candidate excluded under sub-paragraph (1).
- (5) This paragraph is subject to paragraph 8.

Exclusion of candidates – supplementary provisions

- 7 (1) If, when a candidate has to be excluded under paragraph 6 –
- (a) two or more candidates each have the same number of votes, and
 - (b) no other candidate has fewer votes,
- sub-paragraph (2) applies.
- (2) Where this sub-paragraph applies –
- (a) regard must be had to the total number of votes credited to those candidates at the end of the most recently preceding stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage must be excluded, and
 - (b) where the number of votes credited to those candidates was equal at all stages, the returning officer must decide, by lot, which of those candidates is to be excluded.

Filling of last vacancies

- 8 (1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates are deemed to be elected.
- (2) Where the last vacancies can be filled under this paragraph, no further transfer will be made.

Re-count

- 9 (1) A candidate or such candidate's election agent may, if present when the counting or re-counting of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in the returning officer's opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any re-counting of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this paragraph.

Declaration of result

- 10 (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall –
- (a) declare to be elected the candidates who have been deemed to be elected as councillors under this Schedule,
 - (b) give notice of the names of the candidates elected to the proper officer of the council for which the election was held, and
 - (c) give public notice of –
 - (i) the name of the candidates elected,
 - (ii) the number of first and subsequent preferences for each candidate,
 - (iii) the numbers of ballot papers transferred and their transfer values at each stage of the count,
 - (iv) the number of votes credited to each candidate at each stage of the count,
 - (v) the number of non-transferable ballot papers and the number of non-transferable votes at each stage of the count, and
 - (vi) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.’.

Tudalen 24, ar ôl llinell 2, mewnosoder atodlen newydd –

‘ATODLEN 1

(a gyflwynwyd gan [adran i gael ei mewnosod gan welliant 32])

**RHEOLAU AR GYFER CYFRIF PLEIDLEISIAU MEWN ETHOLIADAU A YMLED DIR AR GYFER
CYNGHORWYR**

Y camau cyntaf

- 1 (1) Rhaid i’r swyddog canlyniadau ddi-doli’r papurau pleidleisio dilys yn barseli yn ôl yr ymgeiswyr y pleidleisiwyd iddynt fel dewis cyntaf.
- (2) Yna, rhaid i’r swyddog canlyniadau –
- (a) cyfrif nifer y papurau pleidleisio ym mhob parsel,
 - (b) credydu un bleidlais am bob papur pleidleisio i’r ymgeisydd a gafodd y dewis cyntaf o bleidleisiau, ac
 - (c) cofnodi’r niferoedd hynny.
- (3) Hefyd, rhaid i’r swyddog canlyniadau gadarnhau a chofnodi cyfanswm y papurau pleidleisio dilys.

Y cwota

- 2 (1) Rhaid i’r swyddog canlyniadau rannu cyfanswm y papurau pleidleisio dilys ar gyfer y ward etholiadol yn ôl rhif sydd un yn fwy na nifer y cynghorwyr i’w hethol yn yr etholiad ar gyfer y ward etholiadol honno.

- (2) Canlyniad y rhaniad o dan is-baragraff (1) (gan anwybyddu unrhyw leoedd degol), a gynyddwyd gan un, yw nifer y pleidleisiau sy'n ddigonol i ethol ymgeisydd yn gynghorydd (yn yr Atodlen hon, gelwir hwn yn "gwota").

Ethol cynghorwyr

- 3 (1) Ar unrhyw adeg yn ystod y cyfrif, os bydd nifer y pleidleisiau ar gyfer ymgeisydd yr un faint â'r cwota neu'n fwy na'r cwota, bernir bod yr ymgeisydd wedi'i ethol.
- (2) Etholir ymgeisydd yn gynghorydd pan gyhoeddir iddo gael ei ethol yn unol â pharagraff 10(a).

Trosglwyddo pleidleisiau dros ben

- 4 (1) Ar ddiwedd unrhyw gam o'r cyfrif, os bydd nifer y pleidleisiau a gafodd unrhyw ymgeisydd yn fwy na'r cwota ac, yn ddarostyngedig i baragraffau 5 ac 8, os bydd un neu ragor o seddau gwag o hyd, rhaid i'r swyddog canlyniadau ddiolli'r papurau pleidleisio a gafodd yr ymgeisydd hwnnw yn barseili pellach fel eu bod wedi'u dosbarthu fel a ganlyn—
- (a) yn unol â'r ail ddewis a fynegwyd ar y papurau hynny, a
- (b) oni fynegwyd blaenoriaeth o'r fath, fel parcel o bapurau anhrosglwyddadwy.
- (2) Rhaid i'r swyddog canlyniadau, yn unol â'r paragraff hwn a pharagraff 5, drosglwyddo pob parcel o bapurau pleidleisio y cyfeirir atynt yn is-baragraff (1)(a) i'r ymgeisydd sy'n parhau a fynegwyd yn ddewis nesaf ar y papurau hynny a rhaid iddo gredydu ymgeiswyr sy'n parhau o'r fath â nifer ychwanegol o bleidleisiau a gyfrifir yn unol ag is-baragraff (3).
- (3) Bydd gan y bleidlais ar bob papur pleidleisio a drosglwyddwyd o dan is-baragraff (2) werth ("y gwerth trosglwyddo") fel a ganlyn—
- A i'w rannu gan B, lle bo—
- A yn werth a gaiff ei gyfrifo drwy luosi nifer pleidleisiau dros ben yr ymgeisydd sy'n trosglwyddo gan werth y papur pleidleisio a gafodd yr ymgeisydd hwnnw, a
- B yn gyfanswm nifer y pleidleisiau a gafodd yr ymgeisydd hwnnw,
- y cyfrifiad i'w wneud i bum lle degol (unrhyw weddill i'w anwybyddu).
- (4) At ddibenion is-baragraff (3) —
- (a) ystyr "ymgeisydd sy'n trosglwyddo" yw'r ymgeisydd y trosglwyddir y papurau pleidleisio oddi wrtho, a
- (b) ystyr "gwerth y papur pleidleisio" yw—
- (i) yn achos papur pleidleisio lle mynegwyd pleidlais dewis cyntaf ar gyfer ymgeisydd sy'n trosglwyddo, un, a
- (ii) ym mhob achos arall, gwerth trosglwyddo'r papur pleidleisio pan y'i trosglwyddir i'r ymgeisydd sy'n trosglwyddo.

Trosglwyddo pleidleisiau dros ben – darpariaethau atodol

- 5 (1) Ar unrhyw adeg yn ystod y cyfrif, os bydd nifer y pleidleisiau a gafodd dau ymgeisydd neu ragor yn fwy na'r cwota, rhaid i'r swyddog canlyniadau –
- (a) didoli yn gyntaf bapurau pleidleisio'r ymgeisydd sydd â'r nifer uchaf o bleidleisiau dros ben, a
 - (b) trosglwyddo papurau trosglwyddadwy'r ymgeisydd hwnnw.
- (2) Os yw'r pleidleisiau dros ben yn achos dau neu ragor o'r ymgeiswyr yn gyfartal, rhaid i bapurau trosglwyddadwy'r ymgeisydd a gafodd y nifer uchaf o bleidleisiau ar ddiwedd y cyfnod blaenorol mwyaf diweddar lle'r oedd ganddynt niferoedd anghyfartal o bleidleisiau gael eu trosglwyddo gyntaf.
- (3) Os bydd nifer y pleidleisiau a gafodd dau neu ragor o ymgeiswyr yn gyfartal ar bob cam o'r cyfrif, rhaid i'r swyddog canlyniadau benderfynu, drwy fwrw coelbren, pa bapurau trosglwyddadwy ymgeisydd sydd i'w trosglwyddo gyntaf.

Eithrio ymgeiswyr

- 6 (1) Os oes un neu ragor o seddau gwag ac –
- (a) os yw'r swyddog canlyniadau wedi trosglwyddo'r holl bapurau pleidleisio y mae'n ofynnol eu trosglwyddo o dan baragraff 4 neu'r rheol hon, neu
 - (b) os nad oes unrhyw bapurau pleidleisio i'w trosglwyddo o dan baragraff 4 neu'r paragraff hwn,
- rhaid i'r swyddog canlyniadau ar y cam hwnnw eithrio o'r etholiad yr ymgeisydd sydd â'r nifer isaf o bleidleisiau.
- (2) Rhaid i'r swyddog canlyniadau ddidoli'r papurau pleidleisio ar gyfer yr ymgeisydd a eithriwyd o dan is-baragraff (1) yn barseli fel eu bod wedi'u dosbarthu fel a ganlyn –
- (a) yn unol â'r dewis nesaf a fynegwyd ar y papurau hynny, a
 - (b) oni fynegwyd blaenoriaeth o'r fath, fel parcel o bapurau anhrosglwyddadwy.
- (3) Rhaid i'r swyddog canlyniadau, yn unol â'r rheol hon, drosglwyddo pob parcel o bapurau pleidleisio y cyfeirir atynt yn is-baragraff (2)(a) i'r ymgeisydd sy'n parhau a fynegwyd yn ddewis nesaf ar y papurau hynny a rhaid iddo gredydu ymgeiswyr sy'n parhau o'r fath â nifer ychwanegol o bleidleisiau a gyfrifir yn unol ag is-baragraff (4).
- (4) Bydd y bleidlais ar bob papur pleidleisio a drosglwyddwyd o dan is-baragraff (3) â gwerth trosglwyddo o un oni bai fod y bleidlais wedi'i throsglwyddo i'r ymgeisydd a eithriwyd, ac os felly bydd iddi yr un gwerth trosglwyddo â phan y'i trosglwyddwyd i'r ymgeisydd a eithriwyd o dan is-baragraff (1).
- (5) Mae'r paragraff hwn yn ddarostyngedig i baragraff 8.

Eithrio ymgeiswyr – darpariaethau atodol

- 7 (1) Pan fydd rhaid eithrio ymgeisydd o dan paragraff 6 ac –
- (a) os bydd dau neu ragor o ymgeiswyr â'r un nifer o bleidleisiau yr un, a
 - (b) os nad oes gan ymgeisydd arall lai o bleidleisiau,
- mae is-baragraff (2) yn gymwys.

(2) Pan fo'r is-baragraff hwn yn gymwys –

- (a) rhaid rhoi sylw i gyfanswm y pleidleisiau a greddydwyd i'r ymgeiswyr hynny ar ddiwedd y cyfnod blaenorol mwyaf diweddar o'r cyfrif lle'r oedd ganddynt nifer anghyfartal o bleidleisiau a rhaid eithrio'r ymgeisydd sydd â'r nifer isaf o bleidleisiau ar y cam hwnnw, a
- (b) os bydd nifer y pleidleisiau a greddydwyd i'r ymgeiswyr hynny yn gyfartal ar bob cam o'r cyfrif, rhaid i'r swyddog canlyniadau benderfynu, drwy fwrw coelbren, pa rai o'r ymgeiswyr hynny sydd i'w heithrio.

Llenwi'r seddau gwag olaf

- 8 (1) Os yw nifer yr ymgeiswyr sy'n parhau yn gyfartal â nifer y seddau gwag, bernir bod yr ymgeiswyr sy'n parhau wedi'u hethol.
- (2) Os gellir llenwi'r seddau olaf yn unol â'r paragraff hwn, ni chaiff unrhyw drosglwyddiad pellach ei wneud.

Ailgyfrif

- 9 (1) Caiff ymgeisydd neu asiant etholiadol ymgeisydd o'r fath, os yw'n bresennol ar ôl cyfrifo neu ail-gyfrifo'r pleidleisiau, ei gwneud yn ofynnol i'r swyddog canlyniadau ailgyfrif y pleidleisiau neu eu hailgyfrif eto ond caiff y swyddog canlyniadau wrthod gwneud hynny os yw'r cais, ym marn y swyddog canlyniadau, yn afresymol.
- (2) Ni chymerir unrhyw gam ar ôl cyfrif neu ailgyfrif y pleidleisiau hyd nes bo'r ymgeiswyr a'r asiantau etholiadol a oedd yn bresennol ar ôl cwblhau'r cyfrif neu'r ailgyfrif wedi cael cyfle rhesymol i arfer yr hawl a roddir gan y paragraff hwn.

Cyhoeddi'r canlyniad

- 10 Mewn etholiad a ymleddir, pan fydd canlyniad y bleidlais wedi ei chadarnhau, rhaid i'r swyddog canlyniadau –
- (a) cyhoeddi bod yr ymgeiswyr y dyfarnwyd iddynt gael eu hethol wedi eu hethol yn gynghorwyr o dan yr Atodlen hon;
 - (b) rhoi hysbysiad o enwau'r ymgeiswyr a etholwyd i swyddog priodol y cyngor y cynhaliwyd yr etholiad ar ei gyfer, ac
 - (c) rhoi hysbysiad cyhoeddus o –
 - (i) enwau'r ymgeiswyr a etholwyd,
 - (ii) nifer y dewisiadau cyntaf a dewisiadau dilynol ar gyfer pob ymgeisydd,
 - (iii) nifer y papurau pleidleisio a drosglwyddwyd a'u gwerthoedd trosglwyddo ar bob cam o'r cyfrif,
 - (iv) nifer y pleidleisiau a greddydwyd i bob ymgeisydd ar bob cam o'r cyfrif,
 - (v) nifer y papurau pleidleisio anhrosglwyddadwy a nifer y pleidleisiau anhrosglwyddadwy ar bob cam o'r cyfrif, a
 - (vi) nifer y papurau pleidleisio a wrthodwyd o dan bob pennawd yn y datganiad o bapurau pleidleisio a wrthodwyd.'

Peter Black

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Gyda chefnogaeth / Supported by: Rhodri Glyn Thomas

Page 15, after line 13, insert a new section –

[] Power to make consequential etc. provision

- (1) The Welsh Ministers must by regulations make such consequential, incidental, transitional, transitory or saving provision as they think appropriate for the purposes of or in connection with section [section to be inserted by amendment 32] of, and Schedule [Schedule to be inserted by amendment 33] to, this Act.
- (2) Regulations under this section may amend, revoke or repeal any enactment contained in, or made under, primary legislation.
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing regulations under this section which amends or repeals an enactment contained in primary legislation may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (5) A statutory instrument containing regulations under this section to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (6) In this section, “primary legislation” means –
 - (a) an Act of Parliament;
 - (b) an Act or Measure of the National Assembly for Wales (including this Act).’.

Tudalen 15, ar ôl llinell 13, mewnosoder adran newydd –

[] Pŵer i wneud darpariaeth ganlyniadol etc.

- (1) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud unrhyw ddarpariaeth ganlyniadol, gysylltiedig, drosiannol, ddarfodol neu arbed sy’n briodol yn eu barn hwy at ddibenion adran [adran i’w mewnosod gan welliant 32] o’r Ddeddf hon ac Atodlen [Atodlen i’w mewnosod gan welliant 33] iddi.
- (2) Caiff rheoliadau o dan yr adran hon ddiwygio, dirymu neu ddiddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol neu sydd wedi ei wneud odani.
- (3) Mae’r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.
- (4) Ni chaniateir gwneud offeryn statudol sy’n cynnwys rheoliadau o dan yr adran hon sy’n diwygio neu’n diddymu deddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo ganddo drwy benderfyniad.
- (5) Mae offeryn statudol sy’n cynnwys rheoliadau o dan yr adran hon nad yw is-adran (4) yn gymwys iddo yn ddarostyngedig i ddiddymiad yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (6) Yn yr adran hon, ystyr “deddfwriaeth sylfaenol” yw –
 - (a) Deddf Seneddol;

- (b) Deddf neu Fesur gan Gynulliad Cenedlaethol Cymru (gan gynnwys y Ddeddf hon).’.

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

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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 –

[] 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 Gydnyddiaeth 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.'

‘[] 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, mewnosoder 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 chyfarwyddyd 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

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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, mewnosoder 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

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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, mewnosoder 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

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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, mewnosoder 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

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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, mewnosoder adran newydd –

[] 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].'

Leighton Andrews

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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, mewnosoder 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 ymrwma'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*].'

Leighton Andrews

13

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, mewnosoder 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].’.

Leighton Andrews

14

Page 18, line 14, leave out section 30.

Tudalen 18, llinell 14, hepgorer adran 30.

Leighton Andrews

15

Page 19, line 2, leave out section 31.

Tudalen 19, llinell 2, hepgorer adran 31.

Leighton Andrews

16

Page 20, line 9, leave out section 32.

Tudalen 20, llinell 11, hepgorer adran 32.

Janet Finch-Saunders

Gyda chefnogaeth / Supported by: Peter Black

54

Page 21, after line 26, insert a new section –

[] Amendment to the Local Government Finance Act 1992

- (1) Section 13 of the Local Government Finance Act 1992 (reduced amounts) is amended as follows.
- (2) Insert new section 13(2) –
 - “(2) Where there is any disadvantage in relation to the amount of council tax payable by residents of a new principal area as a result of the mergers of principal local authorities under the Local Government (Wales) Act 2015, the Welsh Ministers must make regulations under subsection (1) in order to alleviate that disadvantage.”
- (3) Insert new section 13(3) –
 - “(3) Where subsection (2) applies the Welsh Ministers must ensure that any financial shortfall suffered by a principal local authority as a result of regulations under subsection (1) is alleviated by the provision of additional funds by the Welsh Ministers.”.

Tudalen 21, ar ôl llinell 28, mewnosoder adran newydd –

[] Diwygiad i Ddeddf Cyllid Llywodraeth Leol 1992

- (1) Mae adran 13 o Ddeddf Cyllid Llywodraeth Leol 1992 (symiau gostyngol) wedi ei diwygio fel a ganlyn.
- (2) Mewnosoder adran 13(2) newydd –
 - “(2) Where there is any disadvantage in relation to the amount of council tax payable by residents of a new principal area as a result of the mergers of principal local authorities under the Local Government (Wales) Act 2015, the Welsh Ministers must make regulations under subsection (1) in order to alleviate that disadvantage.”
- (3) Mewnosoder adran 13(3) newydd –
 - “(3) Where subsection (2) applies the Welsh Ministers must ensure that any financial shortfall suffered by a principal local authority as a result of regulations under subsection (1) is alleviated by the provision of additional funds by the Welsh Ministers.”.

Janet Finch-Saunders

55

Gyda chefnogaeth / Supported by: Peter Black

Page 21, after line 26, insert a new section –

[] Code of Practice on Workforce Matters

The principal local authorities must comply with the Code of Practice on Workforce Matters issued by the Welsh Ministers.’.

Tudalen 21, ar ôl llinell 28, mewnosoder adran newydd –

[] Cod Ymarfer ar Faterion y Gweithlu

Rhaid i’r prif awdurdodau lleol gydymffurfio â’r Cod Ymarfer ar Faterion y Gweithlu a

gyhoeddwyd gan Weinidogion Cymru.’.

Leighton Andrews

26

Page 22, after line 9, to insert a new section –

[] Changes to duty to have regard to Panel recommendations about salaries

(1) Section 143A of the Local Government (Wales) Measure 2011 (functions of Panel in relation to salaries of heads of paid service) is amended as follows.

(2) After subsection (3) insert –

“(3A) But a qualifying relevant authority that has consulted the Panel about a proposed reduction in salary may make the reduction before receiving a recommendation from the Panel if the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.

(3B) A qualifying relevant authority that makes a change to the salary of its head of paid service in accordance with subsection (3A) and subsequently receives a recommendation from the Panel about the change –

(a) must reconsider the salary, and

(b) when doing so, must have regard to the recommendation.”

(3) After subsection (4) insert –

“(4A) The Panel must notify the Welsh Ministers of every recommendation it makes under this section.”

(4) After subsection (5) insert –

“(5A) A qualifying relevant authority –

(a) must notify the Panel and the Welsh Ministers of its response to a recommendation made by the Panel about a change to the salary of its head of paid service before the end of the period of 14 days starting with the day on which the authority determines the response, and

(b) must not make a change to the salary before –

(i) the end of the period of eight weeks starting with the day on which the authority notifies the Welsh Ministers under paragraph (a), or

(ii) if, before the end of that period, the Welsh Ministers notify the authority that they will not be giving the authority a direction under subsection (5B), the day on which that notice is received.

(5B) If the Welsh Ministers consider that a qualifying relevant authority’s response to a recommendation made by the Panel about a change of salary means that the authority will pay (or, under subsection (3A), is paying) a salary which is inconsistent with the recommendation, the

Welsh Ministers –

- (a) may direct the authority to reconsider the salary, and
- (b) may specify in the direction the time by which the authority must do so.”’.

Tudalen 22, ar ôl llinell 9, mewnosoder adran newydd –

[] Newidiadau i’r ddyletswydd i roi sylw i argymhellion y Panel ynghylch cyflogau

- (1) Mae adran 143A o Fesur Llywodraeth Leol (Cymru) 2011 (swyddogaethau’r Panel mewn perthynas â chyflogau penaethiaid gwasanaethau cyflogedig) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (3) mewnosoder –
 - “(3A) Ond caiff awdurdod perthnasol cymwys sydd wedi ymgynghori â’r Panel ynghylch gostyngiad arfaethedig mewn cyflog wneud y gostyngiad cyn derbyn argymhelliad gan y Panel os nad yw’r contract y mae’r cyflog yn daladwy oddi tano yn atal yr awdurdod rhag newid y cyflog ar ôl derbyn argymhelliad.
 - (3B) Pan fo awdurdod perthnasol cymwys yn newid cyflog ei bennaeth gwasanaeth cyflogedig yn unol ag is-adran (3A) ac yn derbyn argymhelliad gan y Panel ynghylch y newid wedi hynny –
 - (a) rhaid iddo ailystyried y cyflog, a
 - (b) wrth wneud hynny, rhaid iddo roi sylw i’r argymhelliad.”
- (3) Ar ôl is-adran (4) mewnosoder –
 - “(4A) Rhaid i’r Panel hysbysu Gweinidogion Cymru am bob argymhelliad y mae’n ei wneud o dan yr adran hon.”
- (4) Ar ôl is-adran (5) mewnosoder –
 - “(5A) Rhaid i awdurdod perthnasol cymwys –
 - (a) hysbysu’r Panel a Gweinidogion Cymru am ei ymateb i argymhelliad a wnaed gan y Panel ynghylch newid i gyflog ei bennaeth gwasanaeth cyflogedig cyn diwedd y cyfnod o 14 o ddiwrnodau sy’n dechrau â’r diwrnod y mae’r awdurdod yn penderfynu ar yr ymateb, a
 - (b) peidio â newid y cyflog cyn –
 - (i) diwedd y cyfnod o wyth wythnos sy’n dechrau â’r diwrnod y mae’r awdurdod yn hysbysu Gweinidogion Cymru o dan baragraff (a), neu
 - (ii) os yw Gweinidogion Cymru, cyn diwedd y cyfnod hwnnw, yn hysbysu’r awdurdod na fyddant yn rhoi cyfarwyddyd i’r awdurdod o dan is-adran (5B), y diwrnod y derbynnir yr hysbysiad hwnnw.
 - (5B) Os yw Gweinidogion Cymru yn ystyried bod ymateb awdurdod perthnasol cymwys i argymhelliad a wnaed gan y Panel ynghylch

newid i gyflog yn golygu y bydd yr awdurdod yn talu (neu, o dan is-adran (3A), ei fod yn talu) cyflog sy'n anghyson â'r argymhelliad, caiff Gweinidogion Cymru –

- (a) cyfarwyddo'r awdurdod i ailystyried y cyflog, a
- (b) pennu yn y cyfarwyddyd erbyn pryd y mae'n rhaid i'r awdurdod wneud hynny.'''.

Leighton Andrews

27

Page 22, line 10, leave out section 36 and insert –

[] Panel membership

- (1) Paragraph 1 of Schedule 2 to the Local Government (Wales) Measure 2011 (membership of Panel) is amended as follows.
- (2) In sub-paragraph (1), for “five” substitute “not fewer than 3, and not more than 7,”.
- (3) Omit sub-paragraph (5) (employees of local authorities etc. not disqualified from membership).’.

Tudalen 22, llinell 10, hepgorer adran 36 a mewnosoder –

[] Aelodaeth y Panel

- (1) Mae paragraff 1 o Atodlen 2 i Fesur Llywodraeth Leol (Cymru) 2011 (aelodaeth y Panel) wedi ei ddiwygio fel a ganlyn.
- (2) Yn is-baragraff (1), yn lle “Pum” rhodder “Dim llai na 3, a dim mwy na 7,”.
- (3) Hefgorer is-baragraff (5) (cyflogeion awdurdodau lleol etc. heb eu hanghymhwyso rhag bod yn aelodau).’.

Peter Black

34

Section 39, page 23, line 5, after ‘section’, insert ‘3(1),’.

Adran 39, tudalen 23, llinell 5, ar ôl ‘adran’, mewnosoder ‘3(1)’.

Peter Black

35

Section 39, page 23, line 5, after ‘11’, insert ‘, 24’.

Adran 39, tudalen 23, llinell 5, ar ôl ‘11’, mewnosoder ‘, 24’.

Peter Black

36

Section 39, page 23, line 5, after ‘11’, insert ‘, [section to be inserted by amendment 12](4)’.

Adran 39, tudalen 23, llinell 5, ar ôl ‘11’, mewnosoder ‘, [adran i gael ei mewnosod gan welliant 12](4)’.

Peter Black

37

Section 39, page 23, after line 7, insert –

- () Before a motion is moved in the National Assembly for Wales to approve the draft of the statutory instrument containing merger regulations, the draft must be considered by a committee of the National Assembly for Wales.’.

Adran 39, tudalen 23, ar ôl llinell 7, mewnosoder –

- () Cyn i gynnig gael ei wneud yng Nghynulliad Cenedlaethol Cymru i gymeradwyo drafft o’r offeryn statudol sy’n cynnwys rheoliadau uno, rhaid i’r drafft gael ei ystyried gan bwyllgor o Gynulliad Cenedlaethol Cymru.’.

Peter Black 38

Section 39, page 23, line 8, after ‘section’, insert ‘23,’.

Adran 39, tudalen 23, llinell 8, ar ôl ‘adran’, mewnosoder ‘23’.

Peter Black 39

Section 39, page 23, line 8, leave out ‘24 or’.

Adran 39, tudalen 23, llinell 8, hepgorer ‘24 neu’.

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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)’.

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 18

Section 1, page 1, after line 30, insert –

- () section [section to be inserted by amendment 26] makes changes to the duty of certain local authorities to have regard to recommendations of the Independent Remuneration Panel for Wales;’.

Adran 1, tudalen 1, ar ôl llinell 32, mewnosoder –

- () mae adran [adran a fewnosodir gan ddiwygiad 26] yn gwneud newidiadau i’r ddyletswydd ar awdurdodau lleol penodol i roi sylw i argymhellion Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol;’.

Leighton Andrews

19

Section 1, page 1, line 31, leave out '36' and insert '*[section to be inserted by amendment 27]*'.

Adran 1, tudalen 1, llinell 33, hepgorer '36' a mewnosoder '*[adran a fewnosodir gan ddiwygiad 27]*'.