



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2002 Rhif 1895 (Cy.196)**

**2002 No. 1895 (W.196)**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

**Rheoliadau Awdurdodau Lleol  
(Lwfansau i Aelodau Cynghorau  
Sir a Chynghorau Bwrdeistref Sirol  
ac Awdurdodau Parciau  
Cenedlaethol) (Cymru) 2002**

**The Local Authorities (Allowances  
for Members of County and  
County Borough Councils and  
National Park Authorities) (Wales)  
Regulations 2002**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae adran 18 o Ddeddf Llywodraeth Leol a Thai 1989 yn darparu'r pŵer i'r Ysgrifennydd Gwladol i awdurdodi neu ei gwneud yn ofynnol i unrhyw awdurdod perthnasol a bennir yn y Rheoliadau wneud cynllun sy'n darparu ar gyfer talu:

Section 18 of the Local Government and Housing Act 1989 provides the power for the Secretary of State to authorise or require any relevant authority specified in the Regulations to make a scheme providing for the payment of:

- lwfans sylfaenol i gynghorwyr; a
- lwfans presenoldeb i gynghorwyr; a
- lwfans cyfrifoldeb arbennig i gynghorwyr â chyfrifoldebau arbennig.

- a basic allowance to councillors; and
- an attendance allowance to councillors; and
- a special responsibility allowance for councillors with special responsibilities.

Mae'r pŵer hwn bellach wedi'i freinio yng Nghynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

This power is now vested in the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

Mae adran 100 o Ddeddf Llywodraeth Leol 2000 ("Deddf 2000") yn darparu i Gynulliad Cenedlaethol Cymru wneud darpariaeth drwy reoliadau o ran lwfansau teithio a chynhaliadau sy'n daladwy i aelodau awdurdodau perthnasol a ragnodir.

Section 100 of the Local Government Act 2000 ("the 2000 Act") provides for the National Assembly for Wales to make provision by regulations with respect to travelling and subsistence allowances payable to members of such relevant authorities as may be prescribed.

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i gynghorau sir a bwrdeistrefi sirol (p'un a ydynt yn gweithredu trefniadau gweithrediaeth yn unol â Deddf 2000 neu'n gweithredu trefniadau amgen yn unol ag adran 32(1) o Ddeddf 2000) ac Awdurdodau Parciau

These Regulations require county and county borough councils (whether operating executive arrangements in accordance with the 2000 Act or alternative arrangements in accordance with section 32(1) of the 2000 Act) and National Park Authorities in Wales to

Cenedlaethol yng Nghymru wneud cynllun ar gyfer talu lwfansau mewn perthynas â'r flwyddyn gyfredol a'r blynyddoedd dilynol.

Mae Rheoliad 3 yn rhagnodi'r cynghorau sir, y cynghorau bwrdeistref sirol a'r Parciau Cenedlaethol yn awdurdodau perthnasol at ddibenion adran 100(1) o Ddeddf 2000.

Mae Rheoliad 5 yn darparu os diddymir cynllun a wnaed o dan y rheoliadau hyn rhaid i awdurdod sicrhau bod cynllun pellach yn barod i fod yn effeithiol o ddyddiad unrhyw ddiddymiad o'r fath, tra bod Rheoliad 6 yn darparu y gall cynllun gael ei ddiwygio neu ei ddiddymu ar unrhyw adeg. Os diwygir cynllun gellir gwneud darpariaeth i'r hawl i lwfansau fod yn gymwys o ddechrau'r flwyddyn y gwneir unrhyw ddiwygiad ynddi.

Mae Rheoliad 7 yn ei gwneud yn ofynnol bod cynllun yn cynnwys darpariaethau sy'n ymwneud â "lwfans sylfaenol" i gynghorwyr. Un "lwfans sylfaenol" yn unig fesul aelod fydd yn daladwy o dan y cynllun. Mae Rheoliad 8 yn rhoi disgrisiwn i awdurdodau wneud darpariaeth ar gyfer "lwfansau cyfrifoldeb arbennig". Nodir y categorïau y gellir eu defnyddio i dalu "lwfansau arbennig" yn Rheoliad 8(1). Nid yw lwfansau o'r fath yn daladwy, yn rhinwedd Rheoliad 8(2), i fwy na hanner aelodau awdurdod (a gyfrifir drwy gyfeirio at gyfanswm y seddau ar y cyngor). Mae hefyd yn caniatáu i gynghorau ddarparu ar gyfer swm ychwanegol o ddeg y cant i ddirprwy arweinydd cabinet neu i ddirprwy gadeirydd bwrdd fel rhan o lwfans cyfrifoldeb arbennig.

Mae Rheoliad 9 yn rhoi disgrisiwn i Awdurdod Parc Cenedlaethol ddarparu cynllun ar gyfer "lwfansau presenoldeb" i gynghorwyr mewn perthynas â "dyletswyddau a gymeradwywyd".

Mae Rheoliad 10 yn darparu i gynllun, a wneir gan gyngor sir neu fwrdeistref sirol, gynnwys "lwfans gofal" i aelodau mewn perthynas â chostau trefnu ar gyfer gofalu am blant (pymtheg oed neu lai) neu bobl ddibynnol a dynnir wrth gyflawni dyletswyddau fel aelod.

Mae Rheoliad 11 yn darparu y bydd cynllun a wneir o dan Ran II yn darparu i unrhyw aelod o awdurdod nad yw'n gynghorydd gael taliad drwy "lwfans colled ariannol" nad yw'n fwy na swm unrhyw golled enillion a gafwyd neu gostau ychwanegol a dynnwyd yn ei rôl fel aelod.

Mae Rheoliad 12 yn ei gwneud yn ofynnol bod cynllun o dan Ran II yn pennu swm y "lwfans sylfaenol" neu ddull i ganfod y swm hwnnw a'r dull i ganfod hefyd unrhyw "lwfans cyfrifoldeb arbennig" (neu symiau gwahanol sy'n daladwy mewn perthynas â chyfrifoldebau arbennig). Mae Rheoliad 12 hefyd yn rhoi disgrisiwn i awdurdodau a fyddant yn cynnwys darpariaeth yn y cynllun a wneir o dan Ran II ar gyfer addasiad blynyddol ar y lwfansau drwy gyfeirio at y mynegai hwnnw y gall yr awdurdod ei bennu.

make a scheme for the payment of allowances in respect of the current year and subsequent years.

Regulation 3 prescribes county, county borough councils and National Parks as relevant authorities for the purposes of section 100 (1) of the 2000 Act.

Regulation 5 provides that where a scheme, made under these regulations, is revoked an authority must ensure that a further scheme is in place to take effect from the date of any such revocation, whilst Regulation 6 provides that a scheme may be amended or revoked at any time. Where a scheme is amended provision may be made for entitlement to allowances to apply from the beginning of the year in which any amendment is made.

Regulation 7 requires a scheme to contain provisions relating to a "basic allowance" for councillors. Only one "basic allowance" per member shall be payable under a scheme. Regulation 8 gives authorities discretion to make provision for "special responsibility allowances". The categories, which may be used for the payment of "special allowances" are set out in Regulation 8(1). Such allowances are not payable, by virtue of Regulation 8(2), to more than half the members of an authority (calculated by reference to total seats on the authority). It also allows councils to provide for an additional sum of ten per cent to be paid to a deputy cabinet leader or a vice chair of a board as part of a special responsibility allowance.

Regulation 9 gives discretion to a National Park Authority to provide in a scheme for "attendance allowances" for councillors in respect of "approved duties".

Regulation 10 provides for a scheme, made by a county or county borough council, to include a "care allowance" for members in respect of expenses of arranging for the care of children (of fifteen or less) or dependants incurred in the carrying out of duties as a member.

Regulation 11 provides that a scheme made under Part II shall provide for any member of an authority who is not a councillor to receive a payment by way of "financial loss allowance" not exceeding the amount of any loss of earnings suffered or additional expenses incurred in their role as a member.

Regulation 12 requires that a scheme under Part II shall specify the amount of the "basic allowance" or a means to ascertain that amount and also the means to ascertain any "special responsibility allowance" (or different amounts payable in respect of special responsibilities). Regulation 12 also gives authorities discretion as to whether to include in a scheme made under Part II provision for the annual adjustment of allowances by reference to such index as the authority may specify.

Rhaid i gynllun o dan Ran II gynnwys darpariaeth i ganiatáu i aelod beidio â derbyn unrhyw ran o'r hyn y mae ganddo hawl iddo o dan y cynllun yn rhinwedd Rheoliad 13 a chaiff, o dan Reoliad 14 nodi'r amserau ar gyfer talu'r lwfansau (a all fod yn wahanol ar gyfer lwfansau gwahanol).

Mae Rheoliad 15 yn darparu ar gyfer talu costau teithio neu gynhaliath i aelodau, ar gyfraddau sydd i'w penderfynu bob blwyddyn. Mae'r cyfraddau hynny i'w cysylltu â'r cyfraddau sy'n daladwy i Aelodau Cynulliad Cenedlaethol Cymru i'r graddau na chânt fod yn fwy na'r graddau a geir gan Aelodau'r Cynulliad. Mae hawliadau teithio a chynhaliath i gael eu gwneud ar sail "wirioneddol" a rhaid bod derbynebau perthnasol yn cyd-fynd â hwy am y costau a dynnwyd, yn ddarostyngedig i unrhyw ofyniad neu derfyn y penderfynir arnynt gan yr awdurdod.

Mae Rheoliad 16 yn darparu bod datganiad yn cyd-fynd â phob hawliad a wneir am lwfans presenoldeb, lwfans teithio, lwfans cynhaliath neu lwfans colled ariannol nad yw'r hawlydd wedi nac yn bwriadu gwneud unrhyw hawliad arall mewn perthynas â'r mater y mae'r hawliad yn berthnasol iddo. Mae hefyd yn atal taliadau o dan adran 176 o Ddeddf Llywodraeth Leol 1972 ("Deddf 1972") pan wneir taliadau o dan gynllun o dan Ran II o'r Rheoliadau hyn.

Mae Rheoliad 17 yn ymwneud â lwfansau a wneir i aelodau panel apêl a luniwyd o dan baragraff 1 neu 2 o Atodlen 24 i Ddeddf Safonau a Fframwaith Ysgolion 1998. Mae'n ofynnol i daliadau o'r fath gael eu talu gan yr awdurdod sy'n cynnal yr ysgol neu'r ysgolion y mae'r panel yn berthnasol iddynt.

Mae Rheoliad 18 yn ei gwneud yn ofynnol i bob awdurdod gadw cofnod o unrhyw daliadau a wneir yn unol â'r Rheoliadau hyn neu unrhyw gynllun a wneir odanynt, gan roi manylion am y derbynnydd a natur y taliad. Dylai'r wybodaeth honno fod ar gael i'w harchwilio (yn ddi-dâl) gan unrhyw etholwr mewn llywodraeth leol. Gellir cael copïau wrth dalu ffi resymol i'r awdurdod.

Yn unol â Rheoliad 19 rhaid i unrhyw gynllun a wneir o dan y Rheoliadau hyn gael cyhoeddusrwydd yn ardal yr awdurdod cyn gynted ag y mae'n ymarferol ar ôl iddo gael ei wneud. Cyn gynted ag y mae'n ymarferol ar ôl diwedd blwyddyn y mae cynllun yn berthnasol iddi, rhaid i bob awdurdod gyhoeddi manylion o'r cyfanswm a dalwyd i bob aelod o dan y cynllun mewn perthynas â lwfansau sylfaenol, lwfansau cyfrifoldeb arbennig, lwfansau presenoldebau a lwfansau gofal.

Mae Rheoliad 20 yn darparu bod Rheoliadau Awdurdodau Lleol (Lwfansau'r Aelodau) 1991 ("Rheoliadau 1991") yn parhau i gael effaith mewn perthynas â hawliadau am ddyletswyddau a ddyddiwyd cyn 1 Ebrill 2002. Yn ddarostyngedig i ddarpariaethau penodol yn y Rheoliadau hyn diddymir Rheoliadau 1991. Mae hefyd yn eithrio cynghorau sir a chynghorau bwrdeistref sirol ac Awdurdodau Parciau

A scheme under Part II shall contain a provision to allow a member to forgo any part of their entitlement under the scheme by virtue of Regulation 13 and may, under Regulation 14, set out the times for payments of allowances to be made (which may be different for different allowances).

Regulation 15 provides for payment of travel or subsistence to members, at rates to be determined each year. Those rates are to be linked to rates payable to Members of the National Assembly for Wales in so far as they shall not exceed rates received by Assembly Members. Travel and subsistence claims (except claims relating to travel by private motor vehicle) are to be made on an "actual" basis and must be accompanied by relevant receipts for expenditure incurred, subject to any requirement or limitation determined by an authority.

Regulation 16 provides for all claims made for attendance allowance, travel allowance, subsistence allowance or financial loss allowance to be accompanied by a statement that the claimant has not and will not make any other claim in respect of the matter to which the claim relates. It also prevents payments under section 176 of the Local Government Act 1972 ("the 1972 Act") where payments are made under a scheme under Part II of these Regulations.

Regulation 17 relates to allowances made to members of an appeal panel constituted under paragraph 1 or 2 of Schedule 24 to the School Standards and Framework Act 1998. Such payments are required to be paid by the authority, which maintains the school, or schools, to which the panel relates.

Regulation 18 requires every authority to keep a record of any payments made in accordance with these Regulations or any scheme made under them, giving details of the recipient and the nature of the payment. That information should be available for inspection (free of charge) by any local government elector. Copies of the information may be obtained for payment of a reasonable fee to an authority.

In accordance with Regulation 19 any scheme made under these Regulations must be publicised in the authority's area as soon as practical after it is made. As soon as practicable after the end of a year to which a scheme relates, each authority shall publish details of the total sum paid under the scheme to each member in respect of basic, special responsibility, attendance and care allowances.

Regulation 20 provides that the Local Authorities (Members' Allowances) Regulations 1991 (the 1991 Regulations") continue to have effect in relation to claims for duties predating 1st April 2002. Subject to certain provisions in these Regulations the 1991 Regulations are revoked. It also excludes county and county borough councils and National Park authorities from the effects of sections 174, 175 and 177 of the

Cenedlaethol rhag effeithiau adrannau 174, 175 a 177 o Ddeddf Llywodraeth Leol 1972. Addesir adran 176 (Talu costau ymweliadau swyddogol ac ymweliadau cwrteisi, a.y.y.b) o Ddeddf 1972 wrth ei chymhwyso i awdurdodau sir, awdurdodau bwrdeistref sirol ac awdurdodau Parciau Cenedlaethol.

Local Government Act 1972. Section 176 (Payment of expenses of official and courtesy visits, etc) of the 1972 Act is modified in its application to county, county borough and National Park authorities.

**2002 Rhif 1895 (Cy.196)****2002 No. 1895 (W.196)****LLYWODRAETH LEOL,  
CYMRU****LOCAL GOVERNMENT,  
WALES**

Rheoliadau Awdurdodau Lleol  
(Lwfansau i Aelodau Cynghorau  
Sir a Chynghorau Bwrdeistref Sirol  
ac Awdurdodau Parciau  
Cenedlaethol) (Cymru) 2002

The Local Authorities (Allowances  
for Members of County and  
County Borough Councils and  
National Park Authorities) (Wales)  
Regulations 2002

*Wedi'u gwneud* 18 Gorffennaf 2002

*Made* 18th July 2002

*Yn dod i rym* 9 Awst 2002

*Coming into force* 9th August 2002

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 18(1), (2), (2A), (3), (3A) a (4) o Ddeddf Llywodraeth Leol a Thai 1989(a) sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(b) a'r pwerau a roddwyd iddo gan adrannau 100(1) a 105 o Ddeddf Llywodraeth Leol 2000(c):

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by section 18(1), (2), (2A), (3), (3A) and (4) of the Local Government and Housing Act 1989(a) which are now vested in the National Assembly for Wales so far as exercisable in Wales (b) and the powers given to it by sections 100(1) and 105 of the Local Government Act 2000(c):

**RHAN I****PART I****Cyffredinol****General****Enwi, cychwyn a chymhwyso****Name, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002 a deuant i rym ar 9 Awst 2002.

1.-(1) The name of these Regulations is the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 and they shall come into force on 9th August 2002.

(2) Mae'r rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These regulations apply to Wales only.

**Dehongli****Interpretation****2. Yn y Rheoliadau hyn -****2. In these Regulations -**

mae "aelod" ("*member*") yn cynnwys aelod o bwyllgor neu is-bwyllgor;

"alternative arrangements" ("*trefniadau amgen*") means arrangements for the discharge of the functions of an authority which are of a type described in section 32(1) of the 2000 Act;

ystyr "awdurdod" ("*authority*") yw cyngor sir, cyngor bwrdeistref sirol neu awdurdod Parc Cenedlaethol;

(a) 1989 p.42. Mewnosodwyd adran 18(3A) gan adran 99(3), (7) o Ddeddf Llywodraeth Leol 2000 (p. 22).

(a) 1989 c. 42. Section 18(3A) was inserted by section 99(3), (7) of the Local Government Act 2000 (c. 22).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 2000 p. 22.

(c) 2000 c. 22.

ystyr "blwyddyn" ("*year*") yw deuddeg mis sy'n dod i ben ar 31 Mawrth;

ystyr "bwrdd" ("*board*") yw pwyllgor awdurdod lleol a sefydlwyd o dan reoliad 4(1)(a) o Reoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2001(a);

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

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Llywodraeth Leol 2000;

ystyr "dyletswydd a eithrir" ("*excluded duty*") yw dyletswydd a gymeradwywyd y mae aelod o awdurdod sy'n gynghorydd yn cael cydnabyddiaeth mewn perthynas â hi heblaw o dan gynllun a wnaed o dan Ran II o'r Rheoliadau hyn;

ystyr "dyletswydd a gymeradwywyd" ("*approved duty*") yw -

- (a) presenoldeb mewn cyfarfod o'r awdurdod neu o unrhyw bwyllgor yr awdurdod neu o unrhyw gorff y mae'r awdurdod yn gwneud penodiadau neu enwebiadau iddo neu unrhyw bwyllgor corff o'r fath;
- (b) presenoldeb mewn cyfarfod o unrhyw gymdeithas o awdurdodau y mae'r awdurdod yn aelod ohono;
- (c) presenoldeb mewn unrhyw gyfarfod arall yr awdurdodir ei gynnal gan yr awdurdod neu gan bwyllgor o'r awdurdod neu gan gyd-bwyllgor o'r awdurdod ac un neu fwy o awdurdodau eraill;
- (ch) dyletswydd yr ymgymerir â hi at ddibenion cyflawni swyddogaethau gweithrediaeth neu mewn cysylltiad â'u cyflawni os yw'r awdurdod yn gweithredu trefniadau gweithrediaeth o fewn ystyr "*executive arrangements*" yn Rhan II o Ddeddf 2000;
- (d) dyletswydd yr ymgymerir â hi yn unol â rheol sefydlog sy'n ei gwneud yn ofynnol i aelod neu aelodau fod yn bresennol pan fydd dogfennau tendro yn cael eu hagor;
- (dd) dyletswydd yr ymgymerir â hi mewn cysylltiad â chyflawni unrhyw swyddogaeth gan yr awdurdod sy'n galluogi neu'n ei gwneud yn ofynnol i'r awdurdod archwilio neu awdurdodi archwiliad o safle;
- (e) presenoldeb mewn unrhyw ddigwyddiad hyfforddiant neu ddatblygu a gymeradwywyd gan yr awdurdod neu gan ei weithrediaeth neu ei fwrdd; ac
- (f) unrhyw ddyletswydd arall a gymeradwyir gan yr awdurdod, neu unrhyw ddyletswydd arall o ddosbarth a gymeradwyir felly, ac yr ymgymerir â hi

"approved duty" ("*dyletswydd a gymeradwywyd*") means -

- (a) attendance at a meeting of the authority or of any committee of the authority or of any body to which the authority makes appointments or nominations or of any committee of such a body;
- (b) attendance at a meeting of any association of authorities of which the authority is a member;
- (c) attendance at any other meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities;
- (d) a duty undertaken for the purpose of or in connection with the discharge of the functions of an executive where the authority is operating executive arrangements within the meaning of Part II of the 2000 Act;
- (e) a duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened;
- (f) a duty undertaken in connection with the discharge of any function of the authority which empowers or requires the authority to inspect or authorise the inspection of premises;
- (g) attendance at any training or developmental event approved by the authority or its executive or board; and
- (h) any other duty approved by the authority, or any other duty of a class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees.

"authority" ("*awdurdod*") means a county council, a county borough council or a National Park authority;

"board" ("*bwrdd*") means the committee of a local authority established under regulation 4(1)(a) of the Local Authorities (Alternative Arrangements)(Wales) Regulations 2001(a);

"committee" ("*pwyllgor*") includes a sub-committee;

"controlling group" ("*grwp rheoli*") means a political group:

- (a) in an authority operating executive arrangements:
  - (i) where those arrangements take the form of a leader and cabinet

(a) O.S. 2001/2284 (Cy.173).

(b) 1972 p. 70.

(a) S.I. 2001/2284 (W.173)

at ddibenion cyflawni swyddogaethau'r awdurdod neu unrhyw un o'i bwyllgorau neu mewn cysylltiad â'u cyflawni;

ystyr "grŵp gwleidyddol arall" ("*other political group*") yw grŵp gwleidyddol heblaw grŵp rheoli neu grŵp gwrthbleidiol mwyaf (os o gwbl) sy'n cynnwys dim llai na 10 y cant o aelodau'r awdurdod hwnnw;

ystyr "grŵp gwrthbleidiol mwyaf" ("*largest opposition group*") yw grŵp gwleidyddol heblaw grŵp rheoli sydd â nifer fwy o aelodau nag unrhyw grŵp gwleidyddol arall yn yr awdurdod;

ystyr "grŵp rheoli" ("*controlling group*") yw grŵp gwleidyddol:

(a) mewn awdurdod sy'n gweithredu trefniadau gweithrediaeth:

- (i) pan fydd y trefniadau hynny'n cymryd ffurf arweinydd a gweithrediaeth gabinet;
- (ii) gyda maer a gweithrediaeth gabinet; neu
- (iii) gyda maer a rheolwr cyngor; neu

(b) mewn awdurdod sy'n gweithredu trefniadau amgen;

pan fydd unrhyw rai o'i aelodau yn ffurfio rhan o weithrediaeth neu fwrdd fel a geir yn (a) neu (b) uchod.

ystyr "gweithrediaeth" ("*executive*") yw gweithrediaeth awdurdod mewn ffurf a bennwyd yn adrannau 11(2) i (5) o Ddeddf 2000;

mae "pwyllgor" ("*committee*") yn cynnwys is-bwyllgor;

ystyr "pwyllgor trosolygu a chraffu" ("*overview and scrutiny committee*") yw pwyllgor yr awdurdod y mae ganddo'r pwerau a nodir yn adran 21(2) a (3) neu 32 (1) o Ddeddf 2000;

ystyr "trefniadau amgen" ("*alternative arrangements*") yw trefniadau i gyflawni swyddogaethau awdurdod o'r math a ddisgrifir yn adran 32(1) o Ddeddf 2000; ac

mae i "trefniadau gweithrediaeth" yr ystyr a roddir i "*executive arrangements*" gan adran 10(1) o Ddeddf 2000.

executive;

(ii) with a mayor and cabinet executive; or

(iii) with a mayor and council manager; or

(b) in an authority operating alternative arrangements;

where any of its members form part of an executive or board as in a) or b) above.

"excluded duty" ("*dyletswydd a eithrir*") means an approved duty in respect of which a member of an authority who is a councillor receives remuneration otherwise than under a scheme made under Part II of these Regulations;

"executive" ("*gweithrediaeth*") means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act;

"executive arrangements" ("*trefniadau gweithrediaeth*") has the meaning given by section 10(1) of the 2000 Act;

"largest opposition group" ("*grwp gwrthbleidiol mwyaf*") means a political group other than a controlling group which has a greater number of members than any other political group in the authority;

"member" ("*aelod*") includes a member of a committee or sub-committee;

"other political group" ("*grwp gwleidyddol arall*") means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority;

"overview and scrutiny committee" ("*pwyllgor trasolygu a chraffu*") means a committee of the authority which has the powers set out in sections 21(2) and (3) or 32 (1) of the 2000 Act;

"the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972(a);

"the 2000 Act" ("*Deddf 2000*") means the Local Government Act 2000; and

"year" ("*blwyddyn*") means the twelve months ending with 31st March.

### Awdurdodau perthnasol a ragnodwyd

3. Rhagnodir cynghorau sir, cynghorau bwrdeistref sirol ac awdurdodau Parciau Cenedlaethol yn awdurdodau perthnasol at ddibenion adran 100(1)(b) o Ddeddf 2000.

### Prescribed relevant authorities

3. County councils, county borough councils and National Park authorities are prescribed as relevant authorities for the purposes of section 100(1)(b) of the 2000 Act.

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(a) 1972 c. 70

**Cynlluniau ar gyfer Lwfansau Cynghorwyr****Dehongli**

4. -(1) Yn ddarostyngedig i baragraff 2(b), dehonglir cyfeiriadau yn y Rhan hon at aelod awdurdod sy'n gynghorydd mewn perthynas ag awdurdod Parc Cenedlaethol fel cyfeiriadau at aelod o'r awdurdod hwnnw a benodwyd gan gyngor sir neu fwrdeistref sirol neu gan Gynulliad Cenedlaethol Cymru onid yw'r cyd-destun yn mynnu fel arall.

(2) At ddibenion y Rhan hon -

- (a) mae aelodau awdurdod i'w trin fel rhai wedi'u rhannu'n grwpiau gwleidyddol os ymdrinnir â hwy felly at ddibenion adran 15 (cydbwysedd gwleidyddol ar bwyllgorau a.y.y.b) o Ddeddf Llywodraeth Leol a Thai 1989; a
- (b) bydd cyfnod swydd aelod o awdurdod (heblaw awdurdod Parc Cenedlaethol) sydd yn gynghorydd yn dechrau ar y dyddiad y mae'r aelod hwnnw'n gwneud datganiad ei fod yn derbyn y swydd honno o dan adran 83(1) o Ddeddf 1972.

**Cynlluniau lwfans**

5.-(1) Rhaid i bob awdurdod wneud cynllun yn unol â'r Rheoliadau hyn ar gyfer talu lwfansau mewn perthynas â'r flwyddyn gyfredol a'r blynyddoedd dilynol.

(2) Pan ddidymir cynllun yn unol â rheoliad 6(1), cyn i'r diddymiad ddod yn effeithiol rhaid i'r awdurdod wneud cynllun pellach am y cyfnod sy'n dechrau ar y dyddiad y mae'r diddymiad yn dod yn effeithiol.

**Diwygio cynlluniau**

6. -(1) Gellir diwygio neu ddidymu cynllun a wneir o dan y Rhan hon ar unrhyw adeg.

(2) Os oes diwygiad i gael ei wneud sy'n effeithio ar lwfans sy'n daladwy ar gyfer y flwyddyn y gwneir y diwygiad ynddi, caiff y cynllun ddarparu bod yr hawl i lwfans o'r fath yn gymwys i fod yn effeithiol o ddechrau'r flwyddyn y gwneir y diwygiad ynddi neu,

- (a) os bydd y diwygiad yn effeithio ar lwfans o'r fath a grybwyllir yn rheoliad 7 neu 8, bod mewn perthynas â phob un o'r cyfnodau -
  - (i) sy'n dechrau gyda diwrnod cyntaf y flwyddyn a diweddu ar y diwrnod o flaen hwnnw y mae'r diwygiad cyntaf yn y flwyddyn honno'n dod yn effeithiol, a
  - (ii) sy'n dechrau gyda'r diwrnod y mae'r diwygiad yn dod yn effeithiol a diweddu ar y diwrnod o flaen hwnnw y mae'r diwygiad

**Schemes for Councillors' Allowances****Interpretation**

4. -(1) Subject to paragraph (2)(b), references in this Part to a member of an authority who is a councillor shall be construed in relation to a National Park authority as references to a member of that authority appointed by a county or county borough council or by the National Assembly for Wales unless the context requires otherwise.

(2) For the purposes of this Part -

- (a) members of an authority are to be treated as divided into political groups if they are so treated for the purposes of section 15 (political balance on committees etc) of the Local Government and Housing Act 1989; and
- (b) the term of office of a member of an authority (other than a National Park authority) who is a councillor shall begin on the date on which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.

**Allowance schemes**

5.-(1) Each authority shall make a scheme in accordance with these Regulations for the payment of allowances in respect of the current year and subsequent years.

(2) When a scheme is revoked in accordance with regulation 6(1), an authority shall before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect.

**Amendment of schemes**

6.-(1) A scheme made under this Part may be amended or revoked at any time.

(2) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance to apply with effect from the beginning of the year in which the amendment is made and,

- (a) if the amendment affects such an allowance as is mentioned in regulation 7 or 8, in relation to each of the periods -
  - (i) beginning with the first day of the year and ending with the day before that on which the first amendment in that year takes effect, and
  - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next



nesaf yn dod yn effeithiol, neu (os nad oes un) gyda diwrnod olaf y flwyddyn,

bydd yr hawl i gael lwfans o'r fath yn hawl i gael taliad o'r gyfran honno o swm y lwfans o dan y cynllun fel y mae'n effeithiol yn ystod y cyfnod perthnasol fel y mae'r nifer o ddyddiau yn y cyfnod yn cyfateb i nifer y dyddiau yn y flwyddyn;

- (b) os bydd y diwygiad yn effeithio ar lwfans o'r fath fel a grybwyllir yn rheoliad 9, bod yr hawl i'r lwfans hwnnw yn hawl i daliad o swm y lwfans o dan y cynllun fel y mae'n effeithiol pan gyflawnir y ddyletswydd.

### **Lwfansau sylfaenol**

7.-(1) Rhaid i gynllun a wneir o dan y Rhan hon ddarparu bod taliad yn cael ei wneud ar gyfer pob blwyddyn y mae'r cynllun yn berthnasol iddi lwfans ("lwfans sylfaenol") i bob aelod o'r awdurdod sy'n gynghorydd a rhaid i swm y lwfans hwnnw fod yr un fath â swm i bob un o'r aelodau hynny.

(2) Rhaid i'r cynllun ddarparu, os bydd cyfnod swydd aelod yn dechrau neu'n dod i ben heblaw ar ddechrau neu ar ddiwedd blwyddyn, bydd hawl yr aelod hwnnw yn hawl i gael taliad o'r gyfran o'r lwfans sylfaenol y mae'r nifer o ddyddiau y mae cyfnod swydd yr aelod fel cynghorydd yn ystod y flwyddyn honno yn eu dwyn i nifer y dyddiau yn y flwyddyn honno.

(3) Os bydd cynllun yn cael ei ddiwygio fel a grybwyllir ym mharagraff (2) o reoliad 6 ac nad yw cyfnod swydd aelod sy'n gynghorydd yn parhau drwy'r cyfnod llawn a grybwyllir yn is-baragraff (a)(i) neu (ii) o'r paragraff hwnnw, rhaid i'r cynllun ddarparu bod hawl unrhyw aelod o'r fath o dan y rheoliad hwn i gael taliad o'r gyfran o'r lwfans sylfaenol y gellir ei briodoli i bob cyfnod o'r fath y mae'r nifer o ddyddiau y mae cyfnod swydd yr aelod fel cynghorydd yn parhau y cyfnod hwnnw yn cyfateb i nifer y dyddiau yn y cyfnod.

(4) Rhaid i gynllun a gaiff ei baratoi o dan y Rhan hon ddarparu na fydd mwy nag un lwfans sylfaenol yn daladwy i aelod o awdurdod.

### **Lwfansau cyfrifoldeb arbennig**

8.-(1) Yn ddarostyngedig i baragraff (2), caiff cynllun a wneir o dan y Rhan hon ddarparu, yn unol â pharagraff (3), ar gyfer taliad am bob blwyddyn y mae'r cynllun yn berthnasol iddi lwfans ("lwfans cyfrifoldeb arbennig") i'r aelodau hynny o'r awdurdod sydd yn gynghorwyr y mae ganddynt gyfrifoldebau arbennig o'r fath mewn perthynas â'r awdurdod fel y pennir hwy yn y cynllun ac y maent o fewn un neu fwy o'r categorïau canlynol -

- (a) maer etholedig awdurdod sy'n gweithredu trefniadau gweithrediaeth ar ffurf maer a chabinet;

amendment takes effect, or (if none) with the last day of the year,

the entitlement to such an allowance shall be to payment of such proportion of the amount of the allowance under the scheme as it has effect during the relevant period as the number of days in the period bears to the number of days in the year; or

- (b) if the amendment affects such an allowance as is mentioned in regulation 9, the entitlement to such an allowance shall be to payment of the amount of the allowance under the scheme as it has effect when the duty is carried out.

### **Basic allowances**

7.-(1) A scheme made under this Part shall provide for the payment for each year to which the scheme relates of an allowance ("basic allowance") to each member of the authority who is a councillor and the amount of such allowance shall be the same for each such member.

(2) The scheme shall provide that, where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member shall be to payment of such proportion of the basic allowance as the number of days during which the member's term of office as a councillor subsists during that year bears to the number of days in that year.

(3) Where a scheme is amended as mentioned in paragraph (2) of regulation 6 and the term of office of a member who is a councillor does not subsist throughout the whole of a period mentioned in subparagraph (a)(i) or (ii) of that paragraph, the scheme shall provide that the entitlement of any such member under this regulation shall be to payment of such proportion of the basic allowance referable to each such period as the number of days during which the member's term of office as a councillor subsists in that period bears to the number of days in the period.

(4) A scheme made under this Part shall provide that no more than one basic allowance shall be payable to a member of an authority.

### **Special responsibility allowances**

8.-(1) Subject to paragraph (2), a scheme made under this Part may provide, in accordance with paragraph (3), for the payment for each year to which the scheme relates of an allowance ("special responsibility allowance") to such members of the authority who are councillors as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories -

- (a) the elected mayor of an authority operating executive arrangements which take the form of a mayor and cabinet executive;

- (b) arweinydd awdurdod sy'n gweithredu trefniadau gweithrediaeth sy'n cymryd ffurf arweinydd a gweithrediaeth gabinet a maer etholedig awdurdod sy'n gweithredu trefniadau gweithrediaeth ar ffurf maer a rheolydd cyngor;
- (c) aelodau cabinet awdurdod sy'n gweithredu trefniadau gweithrediaeth ar ffurf arweinydd a chabinet a chadeirydd bwrdd awdurdod sy'n gweithredu trefniadau amgen;
- (ch) aelodau bwrdd awdurdod sy'n gweithredu trefniadau amgen, cadeiryddion pwyllgorau trosolygu a chraffu a phwyllgorau cynllunio, arweinyddion y grŵp gwrthbleidiol mwyaf yn yr awdurdod a chadeiryddion awdurdodau Parciau Cenedlaethol;
- (d) is-gadeiryddion pwyllgorau trosolygu a chraffu, is-gadeiryddion pwyllgorau cynllunio, cadeiryddion pwyllgorau eraill, aelodau o gabinet awdurdod sy'n gweithredu trefniadau gweithrediaeth sy'n cymryd ffurf maer a gweithrediaeth gabinet ac is-gadeiryddion awdurdodau Parciau Cenedlaethol;
- (dd) is-gadeiryddion pwyllgorau heblaw pwyllgorau trosolygu a chraffu a phwyllgorau cynllunio ac arweinyddion unrhyw grŵp gwleidyddol arall mewn awdurdod a chadeiryddion ac is-gadeiryddion pwyllgorau awdurdodau Parciau Cenedlaethol; ac
- (e) y gweithgareddau eraill hynny mewn perthynas â chyflawni swyddogaethau'r awdurdod a gymeradwywyd yn ysgrifenedig gan Gynulliad Cenedlaethol Cymru.

(2) (a) Ni cheir talu lwfans cyfrifoldeb arbennig i fwy na hanner cant y cant o aelodau'r awdurdod (a gyfrifir drwy ddefnyddio cyfanswm y seddau ar yr awdurdod a thalgrynnu'r nifer o aelodau i'r rhif llawn nesaf pan nad yw'r nifer wrth gyfrifo'r ganran yn rhif llawn);

(b) Gall fod lwfans cyfrifoldeb arbennig ("lwfans y dirprwy") sy'n daladwy i ddirprwy arweinydd cabinet yn achos trefniadau gweithrediaeth ac is-gadeirydd y bwrdd yn achos trefniadau amgen gynnwys swm sy'n hafal â swm nad yw'n fwy na deg y cant o'r lwfans cyfrifoldeb arbennig sy'n daladwy i aelod o gabinet awdurdod sy'n gweithredu trefniadau gweithrediaeth sy'n cymryd ffurf arweinydd a gweithrediaeth gabinet neu aelod o fwrdd awdurdod sy'n gweithredu trefniadau amgen (ac eithrio arweinydd awdurdod sy'n gweithredu trefniadau gweithrediaeth neu gadeirydd bwrdd cyngor sy'n gweithredu trefniadau amgen) ar yr amod nad yw taliad i'r dirprwy yn cael ei wneud i fwy nag un person.

(3) Rhaid i unrhyw gynllun sy'n gwneud darpariaeth o'r fath a grybwyllir ym mharagraff (1) ddarparu -

- (b) the leader of an authority operating executive arrangements which take the form of a leader and cabinet executive and the elected mayor of an authority operating executive arrangements which take the form of a mayor and council manager executive;
- (c) members of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive and the chair of the board of an authority operating alternative arrangements;
- (d) members of the board of an authority operating alternative arrangements, chairs of overview and scrutiny committees and planning committees, leaders of the largest opposition group in an authority and chairs of National Park authorities;
- (e) vice-chairs of overview and scrutiny committees, vice-chairs of planning committees, chairs of other committees, members of the cabinet of an authority operating executive arrangements which take the form of a mayor and cabinet executive and vice-chairs of National Park authorities;
- (f) vice-chairs of committees other than overview and scrutiny committees and planning committees, leaders of any other political group in an authority and chairs and vice chairs of National Park authority committees; and
- (g) such other activities in relation to the discharge of the authority's functions as have been approved in writing by the National Assembly for Wales.

(2) (a) A special responsibility allowance may not be paid to more than fifty per cent of the members of the authority (calculated using the total number of seats on the authority and by rounding up the number of members to the next whole number when in calculating the percentage the number is not a whole number).

(b) A special responsibility allowance ("the deputy's allowance") payable to a deputy leader of a cabinet in the case of executive arrangements and the vice chair of the board in the case of the alternative arrangements may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive or a member of a board of an authority operating alternative arrangements (excluding a leader of an authority operating executive arrangements or a chair of board of a council operating alternative arrangements) provided that the deputy's payment is made to not more than one person.

(3) Any scheme making such provision as is mentioned in paragraph (1) shall provide that -

- (a) os nad oes gan aelod unrhyw gyfrifoldebau arbennig o'r fath drwy'r flwyddyn sy'n rhoi hawl i aelod gael lwfans cyfrifoldeb arbennig, y bydd hawl yr aelod hwnnw i daliad o'r gyfran honno o'r lwfans y mae'r nifer o ddyddiau pan oedd gan yr aelod hwnnw gyfrifoldebau arbennig o'r fath yn eu dwyn i nifer y dyddiau yn y flwyddyn honno; a
- (b) os caiff cynllun ei ddiwygio fel a grybwyllir ym mharagraff (2) o reoliad 6 ac nad oes gan aelod drwy gyfnod llawn unrhyw gyfnod a grybwyllir yn is-baragraff (a) neu (b) o'r paragraff hwnnw unrhyw gyfrifoldebau arbennig sy'n rhoi hawl i aelod gael lwfans cyfrifoldeb arbennig, bydd hawl yr aelod hwnnw i daliad o'r gyfran honno o lwfans y gellir ei briodoli i'r cyfnod hwnnw y mae'r nifer o ddyddiau yn y cyfnod hwnnw yr oedd gan yr aelod hwnnw gyfrifoldebau arbennig o'r fath yn eu dwyn i nifer y dyddiau yn y cyfnod.

### Lwfansau presenoldeb

9. -(1) Caiff cynllun a wneir o dan y Rhan hon gan awdurdod Parc Cenedlaethol ddarparu ar gyfer taliad i bob aelod o awdurdod sydd yn gynghorydd lwfans presenoldeb ("lwfans presenoldeb") mewn perthynas â dyletswydd a gymeradwywyd nad yw'n ddyletswydd a eithrir a'r amser a dreulir wrth deithio i leoliad ac ohono lle mae'r ddyletswydd yn cael ei chyflawni.

(2) Rhaid pennu swm y lwfans presenoldeb yn y cynllun a gall amrywio yn ôl amser y dydd a hyd y ddyletswydd ond rhaid mai'r un swm ydyw i holl aelodau'r awdurdod sydd â hawl i gael y lwfans mewn perthynas â dyletswydd o unrhyw ddisgrifiad am yr un amser yn y dydd ac am yr un hyd.

(3) Caiff cynllun ddarparu na fydd gan aelod hawl i daliad o fwy nag un lwfans presenoldeb mewn perthynas ag unrhyw gyfnod o 24 awr gan ddechrau ar yr amser y gall yr awdurdod ei bennu.

(4) Rhaid i gynllun ddarparu na fydd gan aelod hawl i daliad o lwfans presenoldeb

- (a) o ran dyletswydd a gymeradwywyd y mae gan yr aelod hwnnw hawl i daliad lwfans colled ariannol mewn perthynas â hi o dan reoliad 11; neu
- (b) pe bai taliad o'r fath yn groes i ddarpariaeth a wneir drwy neu o dan unrhyw ddeddfiad.

### Lwfansau gofal

10.-(1) Yn ddarostyngedig i baragraff (2), caiff cynllun a wneir o dan y Rhan hon gan gyngor sir neu fwrdeistref sirol ddarparu ar gyfer talu i aelod o awdurdod sydd yn gynghorydd lwfans ("lwfans gofal") mewn perthynas â'r costau hynny yr oedd angen

- (a) where a member does not have throughout a year any such special responsibilities as entitle a member to a special responsibility allowance, that member's entitlement shall be to payment of such proportion of that allowance as the number of days during which that member has such special responsibilities bears to the number of days in that year; and
- (b) where a scheme is amended as mentioned in paragraph (2) of regulation 6 and a member does not have throughout the whole of any period mentioned in sub-paragraph (a)(i) or (ii) of that paragraph any such special responsibilities as entitle a member to a special responsibility allowance, that member's entitlement shall be to payment of such proportion of the allowance referable to each such period as the number of days in that period during which that member has such special responsibilities bears to the number of days in the period.

### Attendance allowances

9. -(1) A scheme made under this Part by a National Park authority may provide for the payment to each member of the authority who is a councillor of an attendance allowance ("attendance allowance") in respect of an approved duty which is not an excluded duty and the time spent in travelling to and from the location at which the duty is performed.

(2) The amount of the attendance allowance shall be specified in the scheme and may vary according to the time of day and the duration of the duty but shall be the same for all members of the authority who are entitled to receive the allowance in respect of a duty of any description at the same time of day and of the same duration.

(3) A scheme may provide that a member shall not be entitled to payment of more than one attendance allowance in respect of any period of 24 hours beginning at such time as the authority may specify.

(4) A scheme shall provide that a member shall not be entitled to payment of an attendance allowance

- (a) in respect of an approved duty in relation to which that member is entitled to payment of a financial loss allowance under regulation 11; or
- (b) if such payment would be contrary to a provision made by or under any enactment.

### Care allowances

10.-(1) Subject to paragraph (2), a scheme made under this Part by a county or county borough council may provide for the payment to a member of the authority who is a councillor of an allowance ("care allowance") in respect of such expenses of arranging

amdanynt ar gyfer gofalu am blant neu bobl ddibynnol sy'n angenrheidiol eu tynnu wrth i'r aelod hwnnw gyflawni ei ddyletswyddau fel aelod.

(2) Rhaid i gynllun a wneir o dan y Rhan hon beidio â darparu ar gyfer talu -

- (a) lwfans gofal i aelod o'r awdurdod y mae ganddo hawl i gael lwfans cyfrifoldeb arbennig am swm sy'n fwy na'r swm a bennir o dro i dro yn ysgrifenedig gan Gynulliad Cenedlaethol Cymru;
- (b) lwfans gofal mewn perthynas ag unrhyw blentyn dros bymtheg neu ddibynnydd oni bai fod yr aelod yn bodloni'r cyngor sir neu'r fwrdeistref sirol bod angen goruchwyliaeth ar y plentyn neu ddibynnydd a barodd i'r aelod dynnu costau yr oedd angen amdanynt mewn perthynas â gofal y plentyn neu ddibynnydd hwnnw wrth gyflawni dyletswyddau'r aelod hwnnw fel aelod; neu
- (c) lwfans gofal i fwy nag un aelod o'r awdurdod mewn perthynas â gofalu am yr un plentyn neu berson dibynnol; neu
- (ch) mwy nag un lwfans gofal i unrhyw aelod o'r awdurdod nad yw'n gallu dangos i fodlonrwydd rhesymol yr awdurdod bod aelod yn gorfod gwneud trefniadau ar wahân i ofalu am blant neu bobl ddibynnol gwahanol.

### **Lwfans colled ariannol**

11. Rhaid i gynllun a wneir o dan y Rhan hon ddarparu bod gan unrhyw aelod o awdurdod nad yw'n gynghorydd yr hawl i gael taliad drwy lwfans colled ariannol, sef taliad nad yw'n fwy na swm unrhyw golled neu enillion a gafwyd yn ôl yr angen neu unrhyw gostau ychwanegol (heblaw costau mewn perthynas â theithio neu gynhaliath) a dynnwyd yn ôl yr angen wrth gyflawni dyletswydd a gymeradwywyd fel aelod o'r awdurdod.

### **RHAN III**

#### **Cynlluniau - Darpariaeth Bellach**

#### **Swm y lwfansau a.y.y.b**

12.-(1) Rhaid i gynllun o dan Ran II bennu mewn perthynas ag unrhyw flwyddyn y mae'n berthnasol iddi -

- (a) swm neu ddull canfod y swm y lwfans sylfaenol; a
- (b) swm neu ddull canfod y swm o lwfans cyfrifoldeb arbennig ac, os oes symiau gwahanol yn gymwys i gyfrifoldebau gwahanol, y swm neu ddull canfod y swm sy'n gymwys i bob un.

for the care of children or dependants as are necessarily incurred in the carrying out of that member's duties as a member.

(2) A scheme made under this Part shall not provide for the payment of -

- (a) a care allowance to a member of the authority who is entitled to receive a special responsibility allowance of an amount which exceeds the amount from time to time specified in writing by the National Assembly for Wales;
- (b) a care allowance in respect of any child over the age of fifteen years or dependent unless the member satisfies the county or county borough council that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of that members duties as a member; or
- (c) a care allowance to more than one member of the authority in relation to the care of the same child or dependant; or
- (d) more than one care allowance to any member of the authority who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.

### **Financial loss allowance**

11. A scheme made under this Part shall provide that any member of an authority who is not a councillor shall be entitled to receive a payment by way of financial loss allowance, that is to say a payment which does not exceed the amount of any loss of earnings necessarily suffered or any additional expenses (other than expenses in relation to travel or subsistence) necessarily incurred in the performance of an approved duty as a member of the authority.

### **PART III**

#### **Schemes - Further Provision**

#### **Amount of allowances etc**

12.-(1) A scheme under Part II shall specify in respect of any year to which it relates -

- (a) the amount or a means to ascertain the amount of the basic allowance; and
- (b) the amount or a means to ascertain the amount of the special responsibility allowance and, where different amounts apply to different responsibilities, the amount or a means to ascertain the amount applicable to each.

(2) Caiff cynllun o dan Ran II wneud darpariaeth ar gyfer addasiad blynyddol ar lwfansau drwy gyfeirio at y mynegai hwnnw y gall yr awdurdod ei bennu.

### **Dewisiadau**

13. Rhaid i gynllun o dan Ran II ddarparu y caiff aelod, drwy hysbysiad ysgrifenedig a roddir i swyddog priodol yr awdurdod, ddewis peidio â derbyn unrhyw ran o hawl yr aelod hwnnw i gael lwfans o dan y cynllun.

### **Hawliadau a thaliadau**

14. Caiff cynllun o dan Ran II ddarparu i daliadau o lwfansau gael eu gwneud ar yr adegau y gellir eu pennu ynddo, a gellir pennu gwahanol amserau i wahanol lwfansau.

## **RHAN IV**

### **Lwfansau Eraill**

#### **Lwfansau teithio a chynhaliaeth**

15.-(1) Yn ddarostyngedig i baragraff (2), bydd gan aelod hawl i gael taliadau drwy lwfans teithio neu gynhaliaeth ar gyfraddau y penderfynir arnynt bob blwyddyn gan yr awdurdod pan fydd gwariant ar deithio neu gynhaliaeth yn cael ei dynnu o raid gan yr aelod hwnnw wrth iddo gyflawni dyletswydd a gymeradwywyd fel aelod o'r awdurdod.

(2) Ni fydd cyfraddau'r lwfans a benderfynir am flwyddyn o dan baragraff (1) ar gyfer teithio mewn car modur preifat yn fwy na chyfraddau'r lwfansau cyfatebol am y flwyddyn sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru ar yr amod, os bydd cyfradd unrhyw lwfans o'r fath ar y diwrnod yn union o flaen y diwrnod y daw'r Rheoliadau hyn i rym eisoes yn fwy na'r gyfradd sy'n daladwy am y flwyddyn honno i aelodau Cynulliad Cenedlaethol Cymru, na fydd cyfradd y lwfans hwnnw yn cael ei gynyddu nes y bydd cyfradd y lwfans cyfatebol sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru yn fwy na'r un a delir gan yr awdurdod.

(3) Rhaid i unrhyw hawliad am daliad lwfansau teithio neu gynhaliaeth yn unol â'r Rheoliadau hyn (ac eithrio hawliadau am deithio mewn car modur) gael derbynebau i gyd-fynd ag ef sy'n profi costau gwirioneddol, yn ddarostyngedig i unrhyw ofyniad neu derfyn y caiff yr awdurdod benderfynu arnynt.

(2) A scheme under Part II may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority.

### **Elections**

13. A scheme under Part II shall provide that a member may, by notice in writing given to the proper officer of the authority, elect to forgo any part of that member's entitlement to an allowance under the scheme.

### **Claims and payments**

14. A scheme under Part II may provide for payments of allowances to be made at such times as may be specified in it, and different times may be specified for different allowances.

## **PART IV**

### **Other Allowances**

#### **Travel and subsistence allowances**

15. -(1) Subject to paragraph (2), a member shall be entitled to receive payments by way of travel allowance or subsistence allowance at rates determined each year by the authority where expenditure on travel or subsistence is necessarily incurred by that member in the performance of an approved duty as a member of the authority.

(2) The rates of allowance determined for a year under paragraph (1) for travel by means of a private motor vehicle shall not exceed the rates of the equivalent allowances payable for that year to members of the National Assembly for Wales provided that, where the rate of any such allowance on the day immediately before the day on which these Regulations come into force is already in excess of the rate of the equivalent allowance payable for that year to members of the National Assembly for Wales, the rate of that allowance shall not be increased until the rate of the equivalent allowance payable to members of the National Assembly for Wales is greater than that paid by the authority.

(3) Any claim for payment of travel and subsistence allowances in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that an authority may determine.

**Trefniadau Gweinyddol****Osgoi dyblygu**

16.-(1) Bydd hawliad am daliad drwy lwfans presenoldeb, lwfans teithio, lwfans cynhaliaeth neu lwfans colled ariannol yn cynnwys, neu bydd datganiad wedi'i lofnodi gan yr aelod yn cyd-fynd â'r hawliad nad yw'r aelod wedi gwneud ac na fydd yn gwneud hawliad arall mewn perthynas â'r mater y mae'r hawliad yn berthnasol iddo.

(2) Ni wneir unrhyw daliad i berson o dan unrhyw ddarpariaeth o adran 176 o Ddeddf 1972 mewn perthynas â mater y gwnaed taliad yn ei gylch i'r person hwnnw yn unol ag unrhyw ddarpariaeth o gynllun o dan Ran II.

**Talu lwfansau**

17. Bydd unrhyw daliad sy'n lwfans teithio, lwfans cynhaliaeth neu lwfans colled ariannol i aelod panel apêl a luniwyd o dan baragraff 1 neu 2 o Atodlen 24 i Ddeddf Safonau a Fframwaith Ysgolion 1998(a) yn cael ei dalu gan yr awdurdod sy'n cynnal yr ysgol neu'r ysgolion y llunnir y panel mewn perthynas â hwy.

**Cofnodion o lwfansau**

18.-(1) Rhaid i bob awdurdod gadw cofnod o daliadau a wneir ganddo yn unol â'r Rheoliadau hyn neu yn unol ag unrhyw gynllun a wneir yn eu sgil.

(2) Rhaid i gofnod o'r fath nodi enw'r derbynnydd a swm a natur pob taliad a rhaid trefnu ei fod ar gael, ar bob adeg resymol, i'w archwilio (yn ddi-dâl) gan unrhyw etholwr llywodraeth leol (o fewn ystyr adran 270(1) o Ddeddf 1972) yn ardal yr awdurdod;

(3) Caiff person sydd â hawl i archwilio'r cofnod o dan baragraff (2) wneud copi o unrhyw ran ohono, drwy dalu ffi resymol y gall yr awdurdod ei gwneud yn ofynnol.

**Cyhoeddusrwydd**

19.-(1) Rhaid i bob awdurdod, cyn gynted ag y mae'n ymarferol ar ôl gwneud diwygiad i unrhyw gynllun a wneir yn sgil y Rheoliadau hyn, wneud trefniadau i'w gyhoeddi yn ardal yr awdurdod.

**Administrative Arrangements****Avoidance of duplication**

16. -(1) A claim for a payment by way of attendance allowance, travel allowance, subsistence allowance or financial loss allowance shall include, or be accompanied by, a statement signed by the member that the member has not made and will not make any other claim in respect of the matter to which the claim relates.

(2) No payment shall be made to a person under any provision of section 176 of the 1972 Act in respect of a matter as regards which a payment has been made to that person pursuant to any provision of a scheme under Part II.

**Paying allowances**

17. Any payment by way of travel allowance, subsistence allowance or financial loss allowance to a member of an appeal panel constituted under paragraph 1 or 2 of Schedule 24 to the School Standards and Framework Act 1998(a) shall be paid by the authority which maintains the school or schools in relation to which the panel is constituted.

**Records of allowances**

18.-(1) Every authority shall keep a record of the payments made by it in accordance with these Regulations or any scheme made pursuant to them.

(2) Such record shall specify the name of the recipient and the amount and nature of each payment and shall be kept available, at all reasonable times, for inspection (free of charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority;

(3) A person who is entitled to inspect a record under paragraph (2) may make a copy of any part of it upon payment of such reasonable fee as may be required by the authority.

**Publicity**

19.-(1) Every authority shall, as soon as practicable after the making or amendment of any scheme made pursuant to these Regulations, make arrangements for its publication within the authority's area.

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(a) 1998 p. 31.

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(a) 1998 c. 31.

(2) Cyn gynted ag y mae'n ymarferol ar ôl diwedd blwyddyn y mae'r cynllun yn berthnasol iddi, rhaid i bob awdurdod wneud trefniadau i gyhoeddi o fewn ardal yr awdurdod y cyfanswm a dalwyd ganddo yn y flwyddyn honno o dan y cynllun i bob aelod mewn perthynas â phob un o'r canlynol, sef, lwfans sylfaenol, lwfans cyfrifoldeb arbennig, lwfans presenoldeb a lwfans gofal.

## RHAN VI

### Diddymu ac eithrio

#### Diddymu, eithrio ac addasiadau

**20.**-(1) Bydd Rheoliadau Awdurdodau Lleol (Lwfansau Aelodau) 1991(a) yn parhau i fod yn effeithiol heb ragfarnu adran 16 o Ddeddf Dehongli 1978(b), mewn perthynas â hawliadau a wneir am lwfansau neu daliadau eraill mewn perthynas â dyletswyddau a gyflawnwyd cyn 1 Ebrill 2002.

(2) Yn ddarostyngedig i baragraff (1), drwy hyn diddymir Rheoliadau 1991 mor belled ag yr oeddent yn gymwys i gynghorau sir a chynghorau bwrdeistref sirol ac awdurdodau Parciau Cenedlaethol.

(3) Ni fydd adrannau 174, 175 a 177 o Ddeddf 1972 yn gymwys i gynghorau sir a chynghorau bwrdeistref sirol ac awdurdodau Parciau Cenedlaethol.

(4) Wrth ei gymhwyso i gynghorau sir a chynghorau bwrdeistref sirol ac i awdurdodau Parciau Cenedlaethol bydd is-adran (2) o adran 176 o Ddeddf 1972 yn effeithiol fel pe bai'r cyfeiriad at adran 174 o Ddeddf 1972 yn gyfeiriad at Reoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002 ac fel pe bai'r cyfeiriad at ddyletswydd a gymeradwywyd yn gyfeiriad at y term hwnnw fel y'i diffinnir yn y rheoliadau hyn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(c)

18 Gorffennaf 2002

Dirprwy Lywydd y Cynulliad Cenedlaethol

(2) As soon as practicable after the end of a year to which a scheme relates, every authority shall make arrangements for the publication within the authority's area of the total sum paid by it in that year under the scheme to each member in respect of each of the following, namely, basic allowance, special responsibility allowance, attendance allowance and care allowance.

## PART VI

### Revocations and savings

#### Revocations, savings and modifications

**20.**-(1) The Local Authorities (Members' Allowances) Regulations 1991(a) shall continue to have effect without prejudice to section 16 of the Interpretation Act 1978(b), in relation to claims made for allowances or other payments in respect of duties performed before 1st April 2002.

(2) Subject to paragraph (1) the 1991 Regulations are hereby revoked in so far as they applied to county and county borough councils and National Park authorities.

(3) Sections 174, 175 and 177 of the 1972 Act shall not apply to county and county borough councils and National Park authorities.

(4) In its application to county and county borough councils and National Park authorities sub-section (2) of section 176 to the 1972 Act shall have effect as if the reference to section 174 of the 1972 Act was a reference to The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities)(Wales) Regulations 2002 and as if the reference to an approved duty was a reference to that term as defined in the regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(c)

18th July 2002

*John Marek*

The Deputy Presiding Officer of the National Assembly

(a) O.S. 1991/351 fel y'i diwygiwyd.

(b) 1978 p. 30.

(c) 1998 p. 38.

(a) S.I. 1991/351 as amended.

(b) 1978 c. 30.

(c) 1998 c. 38.

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OFFERYNNAU STATUDOL

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**2002 Rhif 1895 (Cy.196)**

**LLYWODRAETH LEOL,  
CYMRU**

Rheoliadau Awdurdodau Lleol  
(Lwfansau i Aelodau Cynghorau  
Sir a Chynghorau Bwrdeistref Sirol  
ac Awdurdodau Parciau  
Cenedlaethol) (Cymru) 2002

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STATUTORY INSTRUMENTS

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**2002 No. 1895 (W.196)**

**LOCAL GOVERNMENT,  
WALES**

The Local Authorities (Allowances  
for Members of County and  
County Borough Councils and  
National Park Authorities) (Wales)  
Regulations 2002

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