CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 218 (Cy.22)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Llywodraeth Leol (Diwrnod Arferol Etholiad) (Cymru) 2004

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae Adran 104(1) o Ddeddf Llywodraeth Leol 2003 yn darparu y caiff Cynulliad Cenedlaethol Cymru newid drwy orchymyn ddiwrnod arferol etholiad cynghorwyr ar gyfer pob ardal llywodraeth leol yng Nghymru. Mae'r gorchymyn hwn, sy'n cael ei wneud o dan yr adran honno, yn newid diwrnod arferol etholiadau llywodraeth leol 2004 yng Nghymru fel y bydd yr un fath â dyddiad etholiadau Senedd Ewrop yn y flwyddyn honno. Mae'n ymdrin hefyd â nifer o faterion canlyniadol.

Fel arfer y dydd Iau cyntaf ym mis Mai ym mhob blwyddyn etholiad yw'r diwrnod arferol ar gyfer etholiadau llywodraeth leol yng Nghymru a Lloegr. Mae Erthygl 2 o'r Gorchymyn hwn yn darparu, o ran etholiadau llywodraeth leol 2004 yng Nghymru, fod y diwrnod hwn yn cael ei newid i fod yr un fath â dyddiad y bleidlais ar gyfer etholiadau Senedd Ewrop yn 2004 sef 10 Mehefin. Mae'n darparu hefyd, o ran etholiadau llywodraeth leol 2004 yng Nghymru-

fod cyfnodau swydd unrhyw gynghorwyr sydd i fod i ymddeol ar ôl yr etholiadau hynny i'w hestyn;

bod cyfnodau swydd cynghorwyr a gaiff eu hethol yn yr etholiadau hynny i'w lleihau;

na fydd adran 16(1) o Ddeddf Cynrychiolaeth y Bobl 1985 yn gymwys (fel rheol mae'r adran hon yn gohirio am dair wythnos unrhyw etholiadau cynghorau cymuned sydd i fod i gael eu cynnal ar yr un dyddiad ag etholiadau

NATIONAL ASSEMBLY FOR WALES

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LOCAL GOVERNMENT, WALES

The Local Government (Ordinary Day of Election) (Wales) Order 2004

EXPLANATORY NOTE

(This note is not part of the Order)

Section 104(1) of the Local Government Act 2003 provides that the National Assembly for Wales may by order change the ordinary day of election of councillors for all local government areas in Wales. This order, made under that section, changes the ordinary day of the 2004 local government elections in Wales so that it is the same as the date of the European Parliamentary elections in that year. It also deals with a number of consequential matters.

The ordinary day for local government elections in England and Wales is usually the first Thursday in May in each election year. Article 2 of this Order provides that, in relation to the 2004 local government elections in Wales, this day shall be changed to be the same as the date of the poll for the European Parliamentary elections in 2004 which is the 10th of June. It also provides that in relation to the 2004 local government elections in Wales-

the terms of office of any councillors due to retire following those elections are to be extended;

the terms of office of councillors who will be elected at those elections are to be reduced;

section 16(1) of the Representation of the People Act 1985 shall not apply (this section normally postpones for three weeks any community council elections due to take place on the same date as European Parliamentary

Senedd Ewrop ac etholiadau lleol eraill); a

bod cyfeiriadau at ddyddiad disgwyliedig yr etholiadau hyn yn 2004 yn y gorchmynion sy'n cael eu gwneud o dan y pwerau a restrir yn erthygl 2(5) (sy'n ymwneud â gweithredu argymhellion Comisiwn Ffiniau Llywodraeth Leol Cymru, sefydlu neu ddiddymu cyngor cymuned, newid y trefniadau etholiadol ar gyfer cyngor cymuned a newid blwyddyn etholiadau lleol cyffredin) i'w dehongli yn unol â'r newid sy'n cael ei wneud gan erthygl 2(1) o'r Gorchymyn hwn.

Mae Erthygl 3 yn estyn, o ran awdurdodau lleol yng Nghymru, y cyfnod pan na chaniateir cynnal is-etholiad cyn diwrnod arferol yr etholiad ar gyfer yr awdurdodau hynny, yn y fath fodd ag y bydd y cyfnod hwn, o ran etholiadau 2004, yn para o 10 Tachwedd 2003 (y dyddiad pan fyddai'r cyfnod hwn yn dechrau fel rheol) tan ddiwrnod arferol addasedig etholiadau o'r fath yn 2004 fel y penderfynir arno yn unol ag erthygl 2(1) o'r Gorchymyn hwn.

and other local elections); and

references to the expected date of these elections in 2004 in the orders made under the powers listed in article 2(5) (which relate to implementing the recommendations of the Local Government Boundary Commission for Wales, the establishment or dissolution of a community council, the changing of electoral arrangements for a community council and the changing of the year of ordinary local elections) are to be construed in accordance with the change made by article 2(1) of this Order.

Article 3 extends, in relation to local authorities in Wales, the period during which it is not necessary to hold a by-election prior to the ordinary day of election for those authorities, so that, in relation to the 2004 elections, this period will last from the 10th of November 2003 (the date on which this period would normally start) until the modified ordinary day of such elections in 2004 as determined in accordance with article 2(1) of this Order.

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LLYWODRAETH LEOL, CYMRU

Gorchymyn Llywodraeth Leol (Diwrnod Arferol Etholiad) (Cymru) 2004

Wedi'i wneud	*3 Chwefror 2004*	*Made*	*3rd February 2004*
Yn dod i rym	*6 Chwefror 2004*	*Coming into force*	*6th February 2004*

Ar ôl ymgynghori â'r Comisiwn Etholiadol ac unrhyw bersonau neu gyrff eraill y mae'n barnu eu bod yn briodol yn unol ag adran 104(4) a (5) o Ddeddf Llywodraeth Leol 2003(**a**) a chan arfer y pwerau a roddwyd iddo gan adrannau 104(1) a (2) a 123(1) o'r Ddeddf honno, mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol.

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Llywodraeth Lleol (Diwrnod Arferol Etholiad) (Cymru) 2004 a daw i rym ar 6 Chwefror 2004.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.

(3) Yn y Gorchymyn hwn:

(a) mae i "ardal llywodraeth leol" yr un ystyr â "*local government area*" yn adran 203 o Ddeddf Cynrychiolaeth y Bobl 1983(**b**);

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

(c) ystyr "prif gyngor" ("*principal council*") yw cyngor fel y cyfeirir ato yn adran 21 o Ddeddf 1972.

(a) 2003 p.26.

(b) 1983 p.2.

(c) 1972 p.70. Cafodd adran 21 ei amnewid gan adran 2 o Ddeddf Llywodraeth Leol (Cymru) 1994.

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Having consulted the Electoral Commission and such other persons or bodies as it considers appropriate in accordance with section 104(4) and (5) of the Local Government Act 2003(**a**) and, in exercise of the powers conferred on it by sections 104(1) and (2) and 123(1) of that Act, the National Assembly for Wales makes the following Order.

Name, commencement, application and interpretation

1.-(1) This Order is called the Local Government (Ordinary Day of Election) (Wales) Order 2004 and shall come into force on 6th February 2004.

(2) This Order applies to Wales only.

(3) In this Order:

(a) "local government area" ("*ardal llywodraeth leol*") has the same meaning as in section 203 of the Representation of the People Act 1983(**b**);

(b) "principal council" ("*principal council*") means a council as referred to in section 21 of the 1972 Act; and

(c) "the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972(**c**).

(a) 2003 c.26.

(b) 1983 c.2.

(c) 1972 c.70. Section 21 was substituted by section 2 of the Local Government (Wales) Act 1994.

Newid y diwrnod arferol yn 2004

2.-(1) Er gwaethaf adran 37 o Ddeddf Cynrychiolaeth y Bobl 1983, yn 2004 yr un diwrnod â dyddiad y bleidlais yn etholiad cyffredinol Senedd Ewrop(**a**) a gynhelir y flwyddyn honno fydd diwrnod arferol etholiad cynghorwyr ar gyfer pob ardal llywodraeth leol yng Nghymru.

(2) O ganlyniad i'r newid i ddiwrnod arferol etholiad y darperir ar ei gyfer ym mharagraff (1) cyfnod swydd unrhyw gynghorydd ar gyfer ardal llywodraeth leol yng Nghymru a fyddai wedi ymddeol fel arall ar y pedwerydd diwrnod ar ôl diwrnod arferol gwreiddiol etholiad at bob diben yw'r cyfnod sy'n dod i ben ar y pedwerydd diwrnod ar ôl y diwrnod arferol etholiad newydd.

(3) Cyfnod swydd cynghorydd a etholir ar gyfer ardal llywodaraeth leol yng Nghymru ar ddiwrnod arferol etholiad yn 2004 y darperir ar ei gyfer ym mharagraff (1) at bob diben yw'r cyfnod sy'n dod i ben ar y pedwerydd diwrnod ar ôl yr etholiad cyffredin nesaf.

(4) O ganlyniad i'r newid i ddiwrnod arferol etholiad y darperiu ar ei gyfer ym mharagraff (1) ni fydd adran 16(1) o Ddeddf Cynrychiolaeth y Bobl 1985(**b**) yn gymwys i unrhyw etholiadau cynghorwyr cymuned sydd i'w cynnal ar y diwrnod arferol ar gyfer etholiad cynghorwyr yn ardaloedd llywodraeth leol yng Nghymru yn 2004.

(5) Mae unrhyw gyfeiriad at 6 Mai 2004 mewn unrhyw orchymyn-

(a) sy'n cael ei wneud, mewn perthynas â Chymru, o dan adran 58(2) o Ddeddf 1972 (gweithredu argymhellion Comisiwn Ffiniau Lleol Cymru),

(b) sy'n cael ei wneud gan brif gyngor yng Nghymru o dan adran 28(3) o Ddeddf 1972 (sefydlu neu ddiddymu cyngor cymuned),

(c) sy'n cael ei wneud gan brif gyngor yng Nghymru o dan adran 57(6) o Ddeddf 1972 (newid y trefniadau etholiadol ar gyfer cyngor cymuned), neu

(ch) sy'n cael ei wneud, mewn perthynas â Chymru, o dan adran 87(1) o Ddeddf Llywodraeth Leol 2000(**c**) (pŵer i newid y blynyddoedd pan fo etholiadau cyffredin cynghorwyr i'w cynnal),

i'w ddehongli fel cyfeiriad at ddiwrnod arferol

(a) Mae dyddiad y bleidlais yn etholiad arferol Senedd Ewrop yn cael ei bennu gan yr Ysgrifennydd Gwladol yn unol ag adran 4 o Ddeddf Etholiadau Senedd Ewrop 2002 (p. 24).

(b) 1985 p.50. Mae adran 16(1) yn darparu ar gyfer gohirio am 3 wythnos y bleidlais mewn etholiad cynghorwyr plwyfi os yw dyddiad y bleidlais mewn etholiad cyffredinol Senedd Ewrop a diwrnod arferol etholiad cynghorwyr yng Nghymru a Lloegr yr un fath.

(c) 2000 p.22.

Change of ordinary day in 2004

2.-(1) Notwithstanding section 37 of the Representation of the People Act 1983, in 2004 the ordinary day of election of councillors for all local government areas in Wales shall be the same day as the date of the poll at the European Parliamentary general election(**a**) held in that year.

(2) In consequence of the change in the ordinary day of election provided for in paragraph (1) the term of office of any councillor for a local government area in Wales who would otherwise have retired on the fourth day after the original day of election shall for all purposes be a term ending on the fourth day after the new ordinary day of election.

(3) The term of office of a councillor elected for a local government area in Wales on the ordinary day of election in 2004 provided for in paragraph (10) shall for all purposes be a term ending on the fourth day after the next ordinary election.

(4) In consequence of the change in the ordinary day of election provided for in paragraph (1) section 16(1) of the Representation of the People Act 1985(**b**) shall not apply in relation to any elections of community councillors to be held on the ordinary day of election of councillors for local government areas in Wales in 2004.

(5) Any reference to the 6th of May 2004 in any order-

(a) made, in relation to Wales, under section 58(2) of the 1972 Act (implementation of the recommendations of the Local Boundary Commission for Wales),

(b) made by a principal council in Wales under section 28(3) of the 1972 Act (establishment or dissolution of a community council),

(c) made by a principal council in Wales under section 57(6) of the 1972 Act (changing of electoral arrangements for a community council), or

(d) made, in relation to Wales, under section 87(1) of the Local Government Act 2000(**c**) (power to change years in which ordinary elections of councillors are to be held),

shall be construed as a reference to the ordinary day

(a) The date of the poll at the European Parliamentary general election is appointed by the Secretary of State pursuant to section 4 of the European Parliamentary Elections Act 2002 (c. 24).

(b) 1985 c.50. Section 16(1) provides for the postponement for 3 weeks of the poll at an election of parish councillors where the date of the poll at a European Parliamentary general election and the ordinary day of election for councillors in England and Wales are the same.

(c) 2000 c.22.

etholiad cynghorwyr yn 2004 ar gyfer ardaloedd llywodraeth leol yng Nghymru, fel y darperir ar ei gyfer yn unol â pharagraff (1) uchod.

Etholiadau i lenwi swyddi gwag dros dro

3. O ran etholiadau cyffredin yn 2004 yng Nghymru-

(a) os byddai cynghorydd prif gyngor fel rheol wedi ymddeol ar y pedwerydd diwrnod ar ôl etholiad cyffredin cynghorwyr o'r fath yn 2004, byddai adran 89(3) o Ddeddf 1972 yn gymwys i swydd wag dros dro yn swydd y cynghorydd hwnnw fel petai'r geiriau "the period beginning with the 10th of November 2003 and ending immediately before" wedi'u rhoi yn lle'r geiriau "six months before"; a

(b) os byddai cynghorydd cymuned fel rheol wedi ymddeol ar y pedwerydd diwrnod ar ôl etholiad cyffredin, byddai rheol 8 o Reolau Etholiadau Lleol (Plwyfi a Chymunedau) 1986(**a**) yn gymwys i swydd cynghorydd sydd yn wag dros dro fel petai'r geiriau "within the period beginning with the 10th of November 2003 and ending immediately before" wedi'u rhoi yn lle'r geiriau "six months before" ym mharagraff (1) ac yn lle "within six months before" ym mharagraff (4).

of election in 2004 of councillors for local government areas in Wales, as determined in accordance with paragraph (1) above.

Elections to fill casual vacancies

3. In relation to the ordinary elections in 2004 in Wales-

(a) where a councillor for a principal council would regularly have retired on the fourth day after the ordinary election, section 89(3) of the 1972 Act shall apply in relation to a casual vacancy in that councillor's office as if for "six months before" there were substituted "the period beginning with the 10th of November 2003 and ending immediately before"; and

(b) where a community councillor would regularly have retired on the fourth day after the ordinary election, rule 8 of the Local Elections (Parishes and Communities) Rules 1986(**a**) shall apply in relation to a casual vacancy in that councillor's office as if in paragraph (1) for "six months before", and in paragraph (4), for "within six months before", there were substituted "within the period beginning with the 10th of November 2003 and ending immediately before".

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

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

3 Chwefror 2004

3rd February 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) O.S. 1986/2215.

(b) 1998 p.38.

(a) S.I. 1986/2215.

(b) 1998 c.38.

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