



# Deddf Senedd ac Etholiadau (Cymru) 2020

2020 dccc 1

## RHAN 1

### TROSOLWG

#### 1 Trosolwg o'r Ddeddf hon

- (1) Mae Rhan 2 o'r Ddeddf hon yn newid enw Cynulliad Cenedlaethol Cymru i "Senedd Cymru" neu "the Welsh Parliament" ac yn gwneud newidiadau cysylltiedig.
- (2) Mae Rhan 3 o'r Ddeddf hon yn estyn yr hawl i bleidleisio yn etholiadau'r Senedd i bersonau 16 a 17 oed a dinasyddion tramor cymhwysol ac yn gwneud newidiadau cysylltiedig i gofrestru etholiadol. Mae hefyd yn gwneud darpariaeth ynghylch y trefniadau ariannol a goruchwylio ar gyfer gwaith y Comisiwn Etholiadol mewn perthynas ag etholiadau datganoledig Cymru a refferenda datganoledig.
- (3) Mae Rhan 4 o'r Ddeddf hon yn diwygio'r gyfraith sy'n ymwneud â phersonau sydd wedi eu hanghymhwyso rhag bod yn Aelodau o'r Senedd.
- (4) Mae Rhan 5 o'r Ddeddf hon yn cynnwys darpariaethau amrywiol o ran y Senedd a'r etholiadau iddi sydd—
  - (a) yn estyn yr amser pryd y mae'n rhaid cynnal cyfarfod cyntaf y Senedd ar ôl etholiad cyffredinol;
  - (b) yn egluro pwerau Comisiwn y Senedd i godi tâl am ddarparu nwyddau a gwasanaethau;
  - (c) yn ei gwneud yn ofynnol i Weinidogion Cymru adrodd ar weithrediad y darpariaethau yn y Ddeddf hon sy'n estyn yr hawl i bleidleisio ac sy'n newid cymhwystra i fod yn Aelod o'r Senedd.
- (5) Mae Rhan 6 o'r Ddeddf hon yn cynnwys darpariaethau cyffredinol ynghylch dehongli'r Ddeddf hon, dod â darpariaethau'r Ddeddf i rym, a'r enw byr.

## RHAN 2

### AILENWI CYNULLIAD CENEDLAETHOL CYMRU ETC.

#### 2 **Ailenwi Cynulliad Cenedlaethol Cymru yn Senedd Cymru neu Welsh Parliament**

Yn adran 1(1) o [Ddeddf Llywodraeth Cymru 2006 \(p. 32\)](#) (“Deddf 2006”), yn lle “the National Assembly for Wales” hyd at y diwedd rhodder “Senedd Cymru or the Welsh Parliament (referred to in this Act as “the Senedd”)”.

#### 3 **Ailenwi Deddfau Cynulliad Cenedlaethol Cymru yn Ddeddfau Senedd Cymru**

Yn adran 107(1) o Ddeddf 2006, yn lle “the National Assembly for Wales” hyd at y diwedd rhodder “Senedd Cymru or Deddfau Senedd Cymru (referred to in this Act as “Acts of the Senedd”)”.

#### 4 **Galw aelodau yn Aelodau o’r Senedd**

Yn adran 1 o Ddeddf 2006, ar ôl is-adran (2) mewnosoder—

“(2A) Members of the Senedd are to be known by that name or as Aelodau o’r Senedd.”

#### 5 **Ailenwi Clerc y Cynulliad yn Glerc y Senedd**

Yn adran 26(2) o Ddeddf 2006, yn lle “Assembly” rhodder “Senedd, Clerc y Senedd”.

#### 6 **Ailenwi Comisiwn Cynulliad Cenedlaethol Cymru yn Gomisiwn y Senedd**

Yn adran 27(1) o Ddeddf 2006, yn lle “National Assembly for Wales Commission or Comisiwn Cynulliad Cenedlaethol Cymru” rhodder “Senedd Commission or Comisiwn y Senedd”.

#### 7 **Ailenwi Comisiynydd Safonau Cynulliad Cenedlaethol Cymru yn Gomisiynydd Safonau y Senedd**

Yn adran 1(1) o [Fesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 \(mccc 4\)](#), yn lle “Cynulliad Cenedlaethol Cymru” rhodder “y Senedd”.

#### 8 **Ailenwi Bwrdd Taliadau Cynulliad Cenedlaethol Cymru yn Fwrdd Taliadau Annibynnol y Senedd**

Yn adran 1(1) o [Fesur Cynulliad Cenedlaethol Cymru \(Taliadau\) 2010 \(mccc 4\)](#), yn lle “Bwrdd Taliadau Cynulliad Cenedlaethol Cymru” rhodder “bwrdd i’w alw’n Fwrdd Taliadau Annibynnol y Senedd”.

#### 9 **Mân ddiwygiadau a diwygiadau canlyniadol**

Mae Atodlen 1 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol sy’n ymwneud â’r Rhan hon.

### RHAN 3

#### ETHOLIADAU

##### *Estyn yr hawl i bleidleisio*

#### **10 Estyn yr hawl i bleidleisio yn etholiadau'r Senedd i bersonau 16 a 17 oed**

- (1) Mae adran 12 (yr hawl i bleidleisio) o Ddeddf 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)(a), ar ôl “constituency” mewnosoder “or fall within the extended franchise for Senedd elections as described in this section”.
- (3) Ar ôl is-adran (1), mewnosoder—
  - “(1A) A person falls within the extended franchise for Senedd elections if the person—
    - (a) has attained the age of 16, but not the age of 18, and
    - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (4) Mae'r diwygiadau a wneir gan yr adran hon yn cael effaith at ddibenion etholiad i fod yn Aelod o'r Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny.

#### **11 Estyn yr hawl i bleidleisio yn etholiadau'r Senedd i ddinasyddion tramor cymhwysol**

- (1) Ar ôl adran 12(1A) o Ddeddf 2006, mewnosoder—
  - “(1B) A person falls within the extended franchise for Senedd elections if the person—
    - (a) is a qualifying foreign citizen (within the meaning given by section 203(1) of the [Representation of the People Act 1983 \(c. 2\)](#)), and
    - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (2) Mae'r diwygiadau a wneir gan yr adran hon yn cael effaith at ddibenion etholiad i fod yn Aelod o'r Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny.

##### *Cofrestru etholiadol*

#### **12 Yr hawl i gofrestru yn etholwr llywodraeth leol**

- (1) Yn adran 4 o [Ddeddf Cynrychiolaeth y Bobl 1983 \(p. 2\)](#) (“Deddf 1983”) (yr hawl i gofrestru yn etholwr llywodraeth leol)—
  - (a) yn is-adran (3)(d), ar ôl “age” mewnosoder “or, if resident in an area in Wales, is 16 years of age or over”;
  - (b) ar ôl is-adran (3) mewnosoder—

“(3A) A person is also entitled to be registered in the register of local government electors for any electoral area in Wales if on the relevant date the person—

- (a) is resident in that area,
- (b) is not subject to any legal incapacity to vote (age apart) in an election of members (or of a member) of Senedd Cymru,
- (c) is a qualifying foreign citizen, and
- (d) is 16 years of age or over.”;

(c) ar ôl is-adran (5A) mewnosoder—

“(5B) In relation to a register of local government electors for any electoral area in Wales, the reference to “voting age” in subsection (5) is to be interpreted as “16 years of age”.”.

(2) Yn adran 203(1) o Ddeddf 1983 (darpariaethau llywodraeth leol o ran Cymru a Lloegr) ar ôl y diffiniad o “London member” mewnosoder—

““qualifying foreign citizen” means a person who—

- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
- (b) either—
  - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
  - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”

### 13 Canfasio blynyddol

(1) Yn adran 9A o Ddeddf 1983 (swyddogion cofrestru: dyletswydd i gymryd camau angenrheidiol), ar ôl is-adran (2) mewnosoder—

“(2A) In relation to the registration of local government electors in Wales, subsections (1) and (2)(b) do not require a registration officer to make house to house inquires in relation to any person under the age of 16.”

(2) Yn rheoliad 32ZA o *Reoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001 (O.S. 2001/341)* (“Rheoliadau 2001”) (ffurflen ganfasio blynyddol)—

(a) ar ôl paragraff (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, the canvass form in paragraph (2) must also—

- (a) require the full name and nationality of each person aged 14 or 15 who is eligible to register and is residing at the address to which the form is given, and
- (b) in relation to any such person named in the form, require the person’s date of birth to be included.”;

(b) ar ôl paragraff (5) mewnosoder—

“(5A) In relation to the registration of local government electors in Wales, the registration officer must not, under paragraph (5), print on the form the date of birth of any person aged under 16.”

## 14 Gwahoddiadau i gofrestru

- (1) Yn adran 9E o Ddeddf 1983 (cynnal cofrestrau: gwahoddiadau i gofrestru ym Mhrydain Fawr), ar ôl is-adran (7) mewnosoder—

“(7A) In relation to the registration of local government electors in Wales, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.”

- (2) Yn rheoliad 32ZC o Reoliadau 2001 (gwahoddiadau i wneud cais i gofrestru), ar ôl paragraff (2) mewnosoder—

“(2A) In relation to the registration of local government electors in Wales, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person’s information will be held and used.”

- (3) Yn rheoliad 32ZD o Reoliadau 2001 (camau i’w cymryd gan swyddog cofrestru i annog person i wneud cais i gofrestru mewn ymateb i wahoddiad i wneud hynny), ar ôl paragraff (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.”

- (4) Yn rheoliad 32ZE o Reoliadau 2001 (ei gwneud yn ofynnol i berson wneud cais i gofrestru), ar ôl paragraff (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c);
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.”

## 15 Gwahoddiadau i gofrestru: darpariaeth bellach am bersonau o dan 16 oed

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth am wahoddiadau i’w rhoi o dan adran 9E(1) o Ddeddf 1983 (gwahoddiadau i wneud cais i gofrestru) mewn perthynas â chofrestru etholwyr llywodraeth leol yng Nghymru.

- (2) Caiff rheoliadau o dan is-adran (1) (ymhlith pethau eraill) gynnwys darpariaeth—

- (a) ynghylch ffurf a chynnwys gwahoddiadau;
- (b) ynghylch sut a phryd y mae’n rhaid rhoi gwahoddiadau;
- (c) sy’n ei gwneud yn ofynnol bod ffurflenni cais neu ddogfennau eraill (gan gynnwys ffurflenni cais a gwblhawyd yn rhannol) yn cyd-fynd â gwahoddiadau, neu’n cael eu cyfuno â gwahoddiadau.

- (3) Caiff rheoliadau o dan is-adran (1) roi swyddogaethau i’r Comisiwn Etholiadol (er enghraifft, gallai fod yn ofynnol i’r Comisiwn ddylunio gwahoddiad).

- (4) Caiff rheoliadau o dan is-adran (1) ddiwygio, diddymu (neu ddirymu) neu addasu unrhyw ddeddfiad.

- (5) Cyn gwneud rheoliadau o dan is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r cyfryw bersonau sy'n briodol yn eu barn hwy.

## 16 Ceisiadau i gofrestru

- (1) Mae Rheoliadau 2001 wedi eu diwygio fel a ganlyn.
- (2) Yn rheoliad 24 (tystiolaeth o ran oedran a chenedligrwydd), ar ôl “Union” mewnosoder “or (for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen”.
- (3) Yn rheoliad 26 (ceisiadau i gofrestru)—
- (a) ar ôl paragraff (1) mewnosoder—
- “(1A) In relation to the registration of local government electors in Wales, where the applicant is not able to provide the applicant’s date of birth, the statement referred to in paragraph (1)(e) must indicate whether the applicant is—
- (a) under the age of 16,
- (b) aged 16 or 17, or
- (c) aged 18 or over.”;
- (b) ym mharagraff (3), ar ôl “(1)” mewnosoder “, (1A)”;
- (c) ym mharagraff (3)(ba), ar ôl “Union” mewnosoder “or (for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen”;
- (d) ar ôl paragraff (3) mewnosoder—
- “(3A) In relation to the registration of local government electors in Wales, the paper application form under paragraph (3) must also include an explanation of how information about applicants under the age of 16 will be held and used.”;
- (e) ar ôl paragraff (9) mewnosoder—
- “(9A) In relation to the registration of local government electors in Wales, paragraphs (1)(f) and (8)(a) do not apply in the case where the applicant is under the age of 16.”
- (4) Yn rheoliad 26B (pŵer i ofyn am dystiolaeth ychwanegol lle nad oes gwybodaeth benodol ar gael neu lle bo’r swyddog cofrestru o’r farn bod y dystiolaeth yn angenrheidiol), ar ôl paragraff (6) mewnosoder—
- “(6A) In relation to the registration of local government electors in Wales, paragraphs (2) to (6) do not apply in the case where the applicant is under the age of 16 if—
- (a) there is information available to the registration officer from any educational record relating to the applicant, and
- (b) that information is sufficient to satisfy the registration officer as to the applicant’s identity and entitlement to be registered.”
- (5) Yn rheoliad 28 (archwilio ceisiadau a gwrthwynebiadau), ar ôl paragraff (2) mewnosoder—

“(3) In relation to the registration of local government electors in Wales, this regulation does not apply to an application made by a person under the age of 16.”

(6) Yn rheoliad 29ZA (gwirio gwybodaeth a ddarparwyd mewn cais), ar ôl paragraff (6) mewnosoder—

“(6A) In relation to the registration of local government electors in Wales, this regulation does not apply to an application made by a person under the age of 16.”

## 17 Adolygu’r hawl i gofrestru

(1) Mae Rheoliadau 2001 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 31D (gweithdrefn ar gyfer adolygu’r hawl i gofrestru), ar ôl paragraff (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.”

(3) Yn rheoliad 31E (rhestr o adolygiadau), ar ôl paragraff (4) mewnosoder—

“(5) In relation to the registration of local government electors in Wales, this regulation does not apply to any review where the subject of the review is under the age of 16.”

## 18 Cofrestru’n ddiennw

Yn rheoliad 31J o Reoliadau 2001 (cofrestru’n ddiennw: tystiolaeth drwy ardystio), ar ôl paragraff (5) mewnosoder—

“(6) In relation to the registration of local government electors in Wales, where the applicant is under the age of 16 on the date on which the application is made—

(a) “qualifying officer” also includes a person authorised in writing for the purposes of this regulation by an officer referred to in paragraph (4) (h), and

(b) where the attestation is signed by a person so authorised, the attestation must be accompanied by a copy of the person’s authorisation.”

## 19 Datganiadau o gysylltiad lleol

(1) Mae adran 7B o Ddeddf 1983 (preswylfa dybiannol: datganiadau o gysylltiad lleol) wedi ei diwygio fel a ganlyn.

(2) Ar ôl is-adran (2) mewnosoder—

“(2A) In relation to the registration of local government electors in Wales, this section also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

(a) is under 18 years of age,

(b) does not fall within any of the paragraphs (a) to (c) of subsection (2), and

(c) meets any of the requirements specified in subsection (2B).

(2B) The requirements are that—

- (a) the person is, or has been, a child who is looked after by a local authority, or
- (b) the person is being kept in any secure accommodation specified in regulations made by the Welsh Ministers in circumstances specified in the regulations.

(2C) The power to make regulations under subsection (2B)(b) is exercisable by statutory instrument and is subject to annulment in pursuance of a resolution of the Senedd.

(2D) In subsection (2B)—

- (a) the reference to a child who is looked after by a local authority has the same meaning as in the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 1\)](#) (see section 74);
- (b) “secure accommodation” means accommodation for the purpose of restricting the liberty of persons under the age of 18.”

(3) Yn is-adran (3)(e), ar ôl “Union” mewnosoder “or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen”.

(4) Yn is-adran (4), ar ôl paragraff (b) mewnosoder—

- “(c) in the case of a person falling within subsection (2A), any of the following—
  - (i) an address in Wales at which the person has previously been resident, or
  - (ii) an address used by a council of a county or county borough in Wales in which the person has previously been resident.”

(5) Ar ôl is-adran (7) mewnosoder—

“(7A) Despite anything in subsection (7), in relation to Wales, a relevant declaration made by a person has effect only for the person’s registration as a local government elector.

(7B) In subsection (7A) a “relevant declaration” means—

- (a) a declaration of local connection made by virtue of subsection (2A);
- (b) a declaration of local connection made by a qualifying foreign citizen;
- (c) any other declaration of local connection made by a person who, on the date on which the declaration is made, is—
  - (i) under the age of 17, and
  - (ii) not entitled to be registered in the register of parliamentary electors.

(7C) A relevant declaration referred to in subsection (7A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other declarations of local connection.”



## 20 Datganiadau o wasanaeth

(1) Mae Deddf 1983 wedi ei diwygio fel a ganlyn.

(2) Yn adran 14 (cymhwyster gwasanaeth), ar ôl is-adran (1) mewnosoder—

“(1A) In relation to the registration of local government electors in Wales, a person also has a service qualification for the purposes of this Act if—

- (a) the person is under the age of 18,
- (b) a parent or guardian of the person has a service qualification under any of paragraphs (a) to (e) of subsection (1), and
- (c) the person is residing at a particular place in order to be with that parent or guardian.”

(3) Yn adran 15 (datganiad o wasanaeth)—

(a) ar ôl is-adran (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, a service declaration made by a person by virtue of a service qualification under section 14(1A) ceases to have effect when the person attains the age of 18.

(3B) Without prejudice to subsection (2), a person registered in a register of local government electors in Wales in pursuance of a service declaration referred to in subsection (3A) ceases to be entitled to remain so registered when the person attains the age of 18.

(3C) Where a person’s entitlement to remain registered ceases under subsection (3B), the registration officer must remove the person’s entry from the register.”

(b) ar ôl is-adran (5) mewnosoder—

“(5A) Despite anything in subsection (5), in relation to Wales, a relevant service declaration made by a person has effect only for the purposes of the person’s registration as a local government elector.

(5B) In subsection (5A), “relevant service declaration” means—

- (a) a service declaration made by virtue of a service qualification under section 14(1A);
- (b) a service declaration made by a qualifying foreign citizen;
- (c) any other service declaration made by a person who, on the date on which the declaration is made, is—
  - (i) under the age of 17, and
  - (ii) not entitled to be registered in the register of parliamentary electors.

(5C) A relevant service declaration referred to in subsection (5A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other service declarations.”

(4) Yn adran 16 (cynnwys datganiad o wasanaeth)—

(a) mae’r testun presennol yn dod yn is-adran (1);

- (b) yn yr is-adran honno, ym mharagraff (e), ar ôl “Union” mewnosoder “or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen”;
- (c) ar ôl yr is-adran honno mewnosoder—

“(2) In relation to the registration of local government electors in Wales, a service declaration made by a person claiming to have a service qualification under section 14(1A) does not require to be attested.”

(5) Yn adran 17 (effaith datganiad o wasanaeth)—

- (a) yn is-adran (1)(c), ar ôl “Union” mewnosoder “or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen”;
- (b) ar ôl is-adran (2) mewnosoder—

“(3) In relation to the registration of local government electors in Wales, subsection (2) is subject to section 15(3A).”

## 21 Cynnwys datganiadau o wasanaeth

(1) Mae Rheoliadau 2001 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 15 (cynnwys datganiad o wasanaeth)—

- (a) ar ôl paragraff (1) mewnosoder—

“(1A) In relation to the registration of local government electors in Wales, paragraph (1)(c) does not apply in a case where the declarant claims a service qualification under section 14(1A) of the 1983 Act (see instead regulation 15A).”;

- (b) ar ôl paragraff (3) mewnosoder—

“(3A) In relation to the registration of local government electors in Wales, the reference to “Government department” in paragraph (3) includes any organisation in which a Crown servant works.”

(3) Ar ôl rheoliad 15 mewnosoder—

### “15A Contents of service declaration: declarant with a service qualification under section 14(1A) of the 1983 Act

(1) In relation to the registration of local government electors in Wales, a service declaration by a person claiming a service qualification under section 14(1A) of the 1983 Act must include, in addition to the matters specified in regulation 15(1)(a) and (b), such of the particulars specified in paragraph (2), (3) or (4) as are relevant to the declarant.

(2) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of such a member, the declaration must state—

- (a) the service (whether naval, military or air forces) in which the member serves,
- (b) the rank or rating of the member,
- (c) the service number of the member, and

- (d) where the member serves in the military forces, the regiment or corps in which the member serves.
- (3) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a Crown servant to whom regulation 14 applies or the spouse or civil partner of such a servant, the declaration must state—
  - (a) the name of the organisation in which the servant works,
  - (b) a description of the post of the servant, and
  - (c) any staff number, payroll number or other similar identifying number of the servant.
- (4) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a British Council employee or the spouse or civil partner of such an employee, the declaration must state—
  - (a) a description of the post of the employee, and
  - (b) any staff number, payroll number or other similar identifying number of the employee.”

## 22 Datganiadau o wasanaeth: darpariaeth bellach

- (1) Mae Rheoliadau 2001 wedi eu diwygio fel a ganlyn.
- (2) Yn rheoliad 25 (atgoffa etholwyr a gofrestrwyd yn unol â datganiad), ar ôl paragraff (4) mewnosoder—
  - “(5) In relation to the registration of local government electors in Wales, paragraphs (6) and (7) apply in the case of a person registered in pursuance of a service declaration made by virtue of a service qualification under section 14(1A) of the 1983 Act.
  - (6) The registration officer must send to the person a reminder that the person’s declaration will cease to have effect, and that the person’s entitlement to remain registered will cease, when the person attains the age of 18.
  - (7) The reminder must be sent as soon as practicable within the period of 3 months ending on the day on which the person attains the age of 18.”
- (3) Yn rheoliad 26B (pŵer i ofyn am dystiolaeth ychwanegol lle nad oes gwybodaeth benodol ar gael neu lle bo’r swyddog cofrestru o’r farn bod hynny’n angenrheidiol)—
  - (a) ym mharagraff (7)—
    - (i) yn lle “(6)” rhodder “(6A)”;
    - (ii) ar ôl is-baragraff (c) mewnosoder—
      - “(ca) in relation to the registration of local government electors in Wales, a service declaration on the grounds that the applicant has a service qualification under section 14(1A) of the 1983 Act;”;
  - (b) ar ôl paragraff (9) mewnosoder—
    - “(9A) In the case of an application in pursuance of a service declaration within paragraph (7)(ca), the registration officer may require that the applicant give the officer one of the following documents or a copy of one of them certified by a relevant official—
      - (a) the applicant’s passport, or

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*Statws* This is the original version (as it was originally enacted).

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- (b) the applicant’s identity card issued in the European Economic Area.

(9B) In paragraph (9A), “relevant official” means—

- (a) a Crown Servant (within the meaning of regulation 14),
- (b) a British Council employee, or
- (c) an officer of the forces (within the meaning of section 59(1) of the 1983 Act),

who is not the applicant’s parent, guardian, spouse or civil partner.”

## 23 Cofrestr etholwyr

Yn adran 9 o Ddeddf 1983 (cofrestrau etholwyr), ar ôl is-adran (5) mewnosoder—

“(5A) In relation to the registration of local government electors in Wales—

- (a) the entry in the combined registers of any person aged 16 or 17 who is registered only as a local government elector must give the date on which the person will attain the age of 18;
- (b) the entry in the combined registers of any person who is registered only as a local government elector by virtue of section 4(3A) of this Act must give an indication of that fact.”

## 24 Diogelu gwybodaeth am bersonau o dan 16 oed

(1) Ni chaiff swyddog cofrestru gyhoeddi, cyflenwi neu ddatgelu fel arall wybodaeth person ifanc, heblaw yn unol â’r canlynol—

- (a) adran 25, neu
- (b) rheoliadau o dan adran 26.

(2) Yn yr adran hon ac adrannau 25 a 26—

ystyr “cofnod neu restr o bleidleiswyr absennol” (“*absent voters record or list*”) yw unrhyw un neu ragor o’r canlynol—

- (a) cofnod a gedwir o dan erthygl 8(3), 9(6) neu 12(6) o Orchymyn 2007;
- (b) rhestr a gedwir o dan erthygl 10 neu 12(8) o Orchymyn 2007;

mae “cofrestr o etholwyr llywodraeth leol” (“*register of local government electors*”) yn cynnwys unrhyw hysbysiad o addasiad yn y gofrestr o dan adran 13A(2), 13AB(2) neu 13B(3), (3B) neu (3D) o Ddeddf 1983;

ystyr “gwybodaeth person ifanc” (“*a young person’s information*”) yw unrhyw—

- (a) cofnod yn y gofrestr o etholwyr llywodraeth leol, neu
- (b) eitem mewn cofnod neu restr o bleidleiswyr absennol,

sy’n ymwneud â pherson sydd, adeg cyhoeddi neu gyflenwi’r wybodaeth neu ei datgelu fel arall, o dan 16 oed, ac mae “person ifanc” i’w ddehongli yn unol â hynny;

mae “swyddog cofrestru” (“*registration officer*”) yn cynnwys—

- (a) dirprwy i swyddog cofrestru;
- (b) person a benodir i gynorthwyo swyddog cofrestru i gyflawni swyddogaethau’r swyddog cofrestru;
- (c) person, yng nghwrs cyflogaeth y person, sy’n cynorthwyo swyddog cofrestru i gyflawni’r swyddogaethau hynny.

## 25 Eithriadau i'r gwaharddiad ar ddatgelu

- (1) Mae'r adran hon yn gymwys at ddiben adran 24(1).
- (2) Caniateir datgelu gwybodaeth person ifanc i unrhyw berson i'r graddau y bo hynny'n angenrheidiol at ddiben cyflawni swyddogaethau'r person hwnnw mewn cysylltiad ag—
  - (a) cofrestru etholwyr, neu
  - (b) cynnal etholiad.
- (3) Caniateir datgelu gwybodaeth person ifanc yn unol â rheoliad 32ZA(5) a (5A) o Reoliadau 2001 (rhagboblogi'r ffurflen ganfasio).
- (4) Caniateir datgelu gwybodaeth person ifanc (oni bai am unrhyw wybodaeth y gellid canfod dyddiad geni'r person oddi wrthi) mewn fersiwn neu gopi o'r gofrestr o etholwyr llywodraeth leol neu gofnod neu restr o bleidleiswyr absennol a gyflenwir yn unol â deddfiad cyflenwi perthnasol, ond dim ond i'r graddau y bo gwneud hynny'n angenrheidiol at ddibenion etholiad lle y bydd gan y person ifanc hawl i bleidleisio neu mewn cysylltiad ag etholiad o'r fath.
- (5) Yn is-adran (4), ystyr “deddfiad cyflenwi perthnasol” yw—
  - (a) rheoliad 100 o Reoliadau 2001 (cyflenwi i'r Comisiwn Etholiadol);
  - (b) rheoliad 104 o Reoliadau 2001 (cyflenwi i ddeiliaid swyddi etholiadol perthnasol ac ymgeiswyr), i'r graddau y mae'n gymwys i Aelod o'r Senedd;
  - (c) rheoliad 108 o Reoliadau 2001 (cyflenwi i ymgeiswyr), i'r graddau y mae'n gymwys i ymgeiswyr yn etholiadau'r Senedd;
  - (d) rheoliad 102 o Reoliadau 2001 (darpariaeth gyffredinol), i'r graddau y mae'n ymwneud â rheoliadau 104 a 108;
  - (e) unrhyw ddeddfiad sy'n gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn rheoliad 61 o Reoliadau 2001 (cofnodion a rhestrau pleidleiswyr absennol) mewn perthynas ag etholiadau'r Senedd;
  - (f) unrhyw ddeddfiad sy'n gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn rheoliad 98(4) o Reoliadau 2001 mewn perthynas ag etholiadau'r Senedd.
- (6) Caniateir datgelu gwybodaeth person ifanc i unrhyw berson i'r graddau y bo hynny'n angenrheidiol at ddibenion ymchwiliad troseddol neu achos troseddol sy'n ymwneud â throedd (neu drosedd honedig) o dan unrhyw ddeddfiad sy'n ymwneud ag—
  - (a) cofrestru etholwyr, neu
  - (b) cynnal etholiadau.
- (7) Caniateir datgelu gwybodaeth person ifanc i'r person ifanc y mae'r wybodaeth yn ymwneud ag ef.
- (8) Rhaid i swyddog cofrestru gyflenwi gwybodaeth person ifanc i'r person ifanc y mae'r wybodaeth yn ymwneud ag ef os bydd y person ifanc yn gofyn am yr wybodaeth at ddiben gwirio bod y person ifanc yn rhoddwr a ganiateir o fewn ystyr (“permissible donor”) yn adran 54(2)(a) o [Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000](#) (p. 41).
- (9) Caniateir datgelu gwybodaeth person ifanc i berson a benodwyd yn ddirprwy i bleidleisio ar ran y person ifanc y mae'r wybodaeth yn ymwneud ag ef.
- (10) Ni chaiff person y datgelwyd gwybodaeth person ifanc iddo o dan is-adran (2) neu (6) ddatgelu'r wybodaeth i berson arall, ac eithrio fel y crybwyllir yn yr is-adran honno.

- (11) Mae person sy'n torri is-adran (10) yn cyflawni trosedd ac mae'n agored i ddirwy ar euogfarn ddiannod.

## 26 Darpariaeth bellach ar gyfer eithriadau

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer neu ynghylch datgelu gwybodaeth person ifanc mewn cysylltiad ag etholiadau i'r Senedd.
- (2) Caiff rheoliadau o dan is-adran (1) (ymhlith pethau eraill) gynnwys darpariaeth—
- yn awdurdodi neu'n ei gwneud yn ofynnol i swyddogion cofrestru gyflenwi neu ddatgelu fel arall unrhyw wybodaeth person ifanc i bersonau a bennir yn y rheoliadau;
  - yn pennu, mewn perthynas ag unrhyw ddisgrifiad o bersonau a bennir yn y rheoliadau yn unol â pharagraff (a), y dibenion y caniateir defnyddio unrhyw wybodaeth person ifanc a gyflenwyd neu a ddatgelwyd fel arall;
  - yn gosod gwaharddiadau neu gyfyngiadau sy'n ymwneud â'r graddau (os o gwbl) y caiff personau y cyflenwyd neu y datgelwyd unrhyw wybodaeth person ifanc iddynt (boed hynny yn unol â'r rheoliadau neu fel arall)—
    - cyflenwi neu ddatgelu fel arall yr wybodaeth i bersonau eraill;
    - gwneud defnydd o'r wybodaeth ac eithrio at unrhyw ddibenion a bennir yn y rheoliadau neu'r dibenion y cyflenwyd neu y datgelwyd yr wybodaeth fel arall yn unol â'r rheoliadau;
  - yn gosod gwaharddiadau neu gyfyngiadau sy'n cyfateb i'r rhai y caniateir eu gosod yn rhinwedd paragraff (c) mewn perthynas ag—
    - personau y mae unrhyw wybodaeth person ifanc wedi ei chyflenwi neu ei datgelu fel arall iddynt yn unol â rheoliadau a wneir yn unol â pharagraff (c) neu'r paragraff hwn, neu
    - personau sydd fel arall â mynediad at unrhyw wybodaeth person ifanc;
  - yn gosod, mewn perthynas â phersonau sy'n ymwneud â pharatoi'r gofrestr lawn o etholwyr llywodraeth leol, waharddiadau sy'n ymwneud â chyflenwi copïau o'r gofrestr lawn a datgelu unrhyw wybodaeth person ifanc a gynhwysir ynddi.
- (3) Caiff rheoliadau o dan is-adran (1)—
- diwygio, diddymu neu addasu darpariaeth yn adran 25;
  - gwneud darpariaeth drwy gyfeirio at ddeddfiadau eraill sy'n ymwneud â chyflenwi neu ddatgelu'r gofrestr o etholwyr llywodraeth leol, neu gopïau ohoni neu'r cofnodion ynddi;
  - darparu ar gyfer creu troseddau sydd i'w cosbi drwy ddirwy ar euogfarn ddiannod.
- (4) Cyn gwneud rheoliadau o dan is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r cyfryw bersonau sy'n briodol ym marn Gweinidogion Cymru.

## 27 Diwygiadau i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007

- (1) Mae Gorchymyn 2007 wedi ei ddiwygio fel a ganlyn.
- (2) Yn erthygl 2(1)—

- (a) ar ôl y diffiniad o “qualifying Commonwealth citizen” mewnosoder—
  - “qualifying foreign citizen” means a person who—
    - (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
    - (b) either—
      - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
      - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave;”;
  - (b) yn y diffiniad o “qualifying Commonwealth citizen” yn lle “indefinite leave to remain within the meaning of that Act” hyd at y diwedd rhodder “any description of such leave”;
  - (c) ar ddiwedd y diffiniad o “valid postal voting statement”, hepgorer “and”;
  - (d) ar ôl y diffiniad o “voter”, mewnosoder—
    - “voting age” means 16 years of age or over.”
- (3) Yn erthygl 11 (dirprwyon yn etholiadau’r Cynulliad)—
  - (a) ym mharagraff (3)(b), ar ôl “Union” mewnosoder “nor a qualifying foreign citizen”;
  - (b) ym mharagraff (4), yn lle “eighteen” rhodder “16”.
- (4) Yn erthygl 26(3)(b) (effaith cofrestrau), ar ôl is-baragraff (i) mewnosoder—
  - “(ia) a qualifying foreign citizen;”.
- (5) Mae’r diwygiadau a ganlyn yn cael effaith at ddibenion etholiad i fod yn Aelod o’r Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny—
  - (a) y diwygiad a wneir gan is-adran (2)(d) i’r graddau y mae’n diffinio “voting age” yn erthygl 26(3)(a) o Orchymyn 2007;
  - (b) y diwygiadau a wneir gan is-adrannau (3) a (4).

*Goruchwyllo’r gwaith o weinyddu etholiadau*

**28 Trefniadau ariannol a goruchwyllo’r Comisiwn Etholiadol**

- (1) Mae Atodlen 1 i [Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000](#) (p. 41) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraff 16 mewnosoder—

*“Financing of Commission: devolved Welsh elections and referendums*

- 16A (1) The expenditure of the Commission that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.
- (2) For each financial year, the Commission must prepare an estimate of the Commission’s income and expenditure that is attributable to the exercise

of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.

- (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.
- (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.
- (5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.
- (6) The committee must be chaired by the Presiding Officer or the Deputy Presiding Officer.
- (7) The Llywydd's Committee must—
  - (a) examine each estimate submitted to it,
  - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
  - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
  - (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the estimate,it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.



*Five-year plan: devolved Welsh elections and referendums*

- 16B (1) This paragraph applies where paragraph 16A(3) requires the Commission to submit an estimate to the Llywydd's Committee and—
- (a) the estimate is the first estimate to be submitted under paragraph 16A(3),
  - (b) the estimate relates to the first financial year to begin after the day on which Senedd Cymru meets following an ordinary general election of Members of the Senedd, or
  - (c) the estimate relates to any other financial year and the Llywydd's Committee requires the Commission to submit a plan under this paragraph.
- (2) When the Commission submit the estimate, the Commission must at the same time submit to the Llywydd's Committee a plan setting out—
- (a) the Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
  - (b) the Commission's estimated requirements for resources for the exercise of those functions during that five-year period.
- (3) The Llywydd's Committee must—
- (a) examine each plan submitted to it,
  - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (5) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (6) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
- (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the plan,

it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

*Examination of Commission: devolved Welsh elections and referendums*

- 16C (1) Sub-paragraph (2) applies where the Commission submit to the Llywydd's Committee both an estimate under paragraph 16A(3) and a plan under paragraph 16B(2).
- (2) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the Llywydd's Committee considers the estimate and plan—
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (3) Sub-paragraph (4) applies where the Commission—
- (a) submit an estimate to the Llywydd's Committee under paragraph 16A(3) but are not required to submit a plan under paragraph 16B(2), or
  - (b) submit a revised estimate to the Llywydd's Committee under paragraph 16A(4).
- (4) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the Llywydd's Committee considers the estimate—
- (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
- (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales)."

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*Statws* This is the original version (as it was originally enacted).

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(3) Ym mharagraff 18 (archwilio)—

- (a) yn is-baragraff (1)(b), ar y diwedd mewnosoder “and the Llywydd’s Committee”;
- (b) yn is-baragraff (2)(b), ar ôl “Parliament” mewnosoder “and Senedd Cymru”;
- (c) ar ôl is-baragraff (2) mewnosoder—

“(3) The Llywydd’s Committee may submit to the Auditor General for Wales any accounts that have been certified and laid before Senedd Cymru under sub-paragraph (2).

(4) The Auditor General for Wales must—

- (a) carry out a further examination of any accounts submitted under sub-paragraph (3), so far as they relate to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums, and
- (b) prepare and lay before Senedd Cymru a report on the accounts so far as they relate to the exercise of those functions.”

(4) Ym mharagraff 19(4) (cyfrifoldebau’r swyddog cyfrifyddu), ar ôl “the Speaker’s Committee” mewnosoder “, the Llywydd’s Committee”.

(5) Ar ôl paragraff 20 mewnosoder—

*“Reports by Commission: devolved Welsh elections and referendums*

20A (1) The Commission must, as soon as practicable after the end of each financial year—

- (a) prepare a report about the performance of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums during that financial year, and
- (b) lay the report before Senedd Cymru.

(2) On laying the report, the Commission must publish it in such manner as the Commission may determine.

*Reports by the Llywydd’s Committee*

20B (1) The Llywydd’s Committee must, at least once in each year—

- (a) prepare a report on the exercise by the Llywydd’s Committee of its functions under this Schedule, and
- (b) lay the report before Senedd Cymru.

(2) For the purposes of the law of defamation, the publication of any matter by the Llywydd’s Committee in such a report is absolutely privileged.”

(6) Ym mharagraff 25—

- (a) daw’r ddarpariaeth bresennol yn is-baragraff (1);
- (b) ar ôl yr is-baragraff hwnnw mewnosoder—

“(2) In this Schedule—

“devolved Welsh election” means—

- (a) a general election of members of Senedd Cymru;
- (b) an election held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
- (c) a local government election in Wales;

“devolved Welsh referendum” means a referendum held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements);

“the Llywydd’s Committee” means the Committee established in accordance with paragraph 16A(5).”

- (7) Mae Atodlen 2 yn cynnwys diwygiadau pellach sy’n ymwneud â’r Comisiwn Etholiadol.

## RHAN 4

### ANGHYMHWYSO

#### 29 Anghymhwysu rhag bod yn Aelod o’r Senedd

- (1) Mae adran 16 o Ddeddf 2006 (anghymhwysu rhag bod yn Aelod Cynulliad) wedi ei diwygio fel a ganlyn.

- (2) O flaen is-adran (1) mewnosoder—

“(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—

- (a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or
- (b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.”

- (3) Yn is-adran (1)—

- (a) yn lle’r geiriau o flaen paragraff (za) rhodder—

“(1) A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—”;

- (b) ar ôl paragraff (za), mewnosoder—

- “(zb) is a member of the House of Lords (but see section 17C),
- (zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),
- (zd) is a member of the Scottish Parliament,
- (ze) is a member of the Northern Ireland Assembly,
- (zf) is a member of the European Parliament, or”;

- (c) hepgorer paragraff (a);

- (d) hepgorer paragraffau (c) i (e).

- (4) Ar ôl is-adran (1) mewnosoder—

“(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).”

- (5) Hepgorer is-adrannau (2) i (4).
- (6) Yn is-adran (5), yn lle “in that paragraph and this subsection” rhodder “for the purposes of this section”.
- (7) O flaen Atodlen 2 i Ddeddf 2006, mewnosoder yr Atodlen 1A a bennir yn Atodlen 3 i’r Ddeddf hon.

### **30 Eithriadau a rhyddhad rhag anghymhwysu**

- (1) Mae adran 17 o Ddeddf 2006 (eithriadau a rhyddhad rhag anghymhwysu) wedi ei diwygio fel a ganlyn.
- (2) Hepgorer is-adrannau (1) a (2).
- (3) Yn is-adran (3), hepgorer “or (4)”.
- (4) Ym mhennawd yr adran, yn lle “Exceptions and relief” rhodder “Relief”.

### **31 Eithriad rhag anghymhwysu yn rhinwedd bod yn Aelod Seneddol: newidiadau i ddyddiadau etholiadau cyffredinol Aelodau o’r Senedd**

- (1) Mae adran 17B o Ddeddf 2006 (eithriad rhag anghymhwysu yn rhinwedd bod yn Aelod Seneddol: etholiad cyffredinol aelodau o’r Cynulliad o fewn 372 o ddiwrnodau) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (3) mewnosoder—
  - “(3A) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
    - (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
    - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
  - (3B) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
    - (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
    - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).”
- (3) Yn is-adran (4)—
  - (a) ym mharagraff (a)—
    - (i) yn lle “an Order in Council under section 5(4) has been made” rhodder “a proclamation under section 5(4) has been issued”;

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*Statws* This is the original version (as it was originally enacted).

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- (ii) yn lle “Order”, yn yr ail le y mae’n ymddangos, rhodder “proclamation”;
  - (b) ym mharagraff (b), yn lle “Order in Council under section 5(4) has been made” rhodder “proclamation under section 5(4) has been issued”.
- (4) Yn is-adran (5)(a), yn lle “an order under section 4 (power to vary date of ordinary general election) being made” rhodder “a day being proposed under section 4(1) (power to vary date of ordinary general election)”.

### 32 Eithriad rhag anghymhwysu yn rhinwedd bod yn aelod o Dŷ’r Arglwyddi

Ar ôl adran 17B o Ddeddf 2006 mewnosoder—

#### **“17C Exception from disqualification by virtue of being a member of the House of Lords**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zb) (disqualification by virtue of being a member of the House of Lords) at any time in the period of eight days beginning with the day the person is so returned.
- (2) A Member of the Senedd who becomes a member of the House of Lords is not disqualified under section 16(1)(zb) at any time before the end of the period of eight days beginning with the day the person makes and subscribes the oath required by the [Parliamentary Oaths Act 1866 \(c. 19\)](#) (or the corresponding affirmation).
- (3) A person is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time when the person—
  - (a) has leave of absence from the House of Lords, or
  - (b) has made an application for leave of absence which has not been withdrawn or refused.
- (4) A person who is on leave of absence from the House of Lords immediately before Parliament is dissolved is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time in the period—
  - (a) beginning with the dissolution of the old Parliament, and
  - (b) ending at the end of the period of eight days beginning with the day of the first meeting of the new Parliament.”

### 33 Eithriadau rhag anghymhwysu yn rhinwedd bod yn aelod o gyngor sir neu gyngor bwrdeistref sirol

Ar ôl adran 17C o Ddeddf 2006 (fel y’i mewnosodir gan adran 32) mewnosoder—

#### **“17D Exception from disqualification by virtue of being a councillor: recently elected members**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time before the person

purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).

- (2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the [Local Government Act 1972 \(c. 70\)](#).

**17E Exception from disqualification by virtue of being a councillor:  
ordinary election of councillors within 372 days**

- (1) This section applies if—
- (a) a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and
  - (b) the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
- (a) beginning with the return day, and
  - (b) ending with the fourth day after the day of the next ordinary election of members of the council.
- (3) For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) an order under section 37ZA(1) of the [Representation of the People Act 1983 \(c. 2\)](#) (power to vary ordinary day of local elections), or
  - (b) an order under section 87 of the [Local Government Act 2000 \(c. 22\)](#) (power to change year in which local election is held),
- being made after the relevant time.
- (5) References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.

**17F Exception from disqualification by virtue of being a councillor:  
general election of Members of the Senedd within 372 days**

- (1) This section applies if—
- (a) a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and
  - (b) the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—

- (a) beginning with the return day, and
  - (b) ending immediately before the day of the next general election of Members of the Senedd.
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
- (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
  - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
- (5) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
- (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
  - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).
- (6) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
- (a) if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
  - (b) if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;
  - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
- (7) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or
  - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.”

### 34 Effaith anghymhwysu

(1) Mae adran 18 o Ddeddf 2006 (effaith anghymhwysu) wedi ei diwygio fel a ganlyn.

(2) Ar y dechrau, mewnosoder—

“(A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is nominated as a candidate at a general election of Members of the Senedd or an election to fill a vacancy under section 10, the person’s nomination is void.”



- (3) Hefgorer is-adran (2).
- (4) Yn is-adran (3), hepgorer “or” a pharagraff (b).
- (5) Yn is-adran (8), hepgorer “or” a pharagraff (b).
- (6) Yn adran 19(1) o Ddeddf 2006 (achosion barnwrol o ran anghymhwysu), hepgorer paragraff (b) a’r “or” o’i flaen.

### **35 Diwygiadau canlyniadol**

- (1) Yn adran 427(6B) o Ddeddf Ansolfedd 1986, yn lle “section 16(2) of the Government of Wales Act 2006 by virtue of this section” rhodder “section 16(A1)(a) of the Government of Wales Act 2006 and paragraph 4 of Schedule 1A to that Act”.
- (2) Yn Atodlen 10 i Ddeddf 2006, hepgorer paragraff 18 a’r pennawd italg o’i flaen.
- (3) Yn adran 1(8) o [Fesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 \(mccc 4\)](#), hepgorer paragraff (a).
- (4) Yn Atodlen 1 i [Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus \(Cymru\) 2019 \(dccc 3\)](#)—
  - (a) ym mharagraff 6(1)(d), yn lle “paragraff 7 o’r Atodlen hon neu adran 16(1) (d) o [Ddeddf Llywodraeth Cymru 2006 \(p. 32\)](#)” rhodder “dal swydd yr Ombwdsmon neu Ombwdsmon dros dro”;
  - (b) ym mharagraff 7, hepgorer is-baragraff (2).

## **RHAN 5**

### **AMRYWIOL**

### **36 Amseriad cyfarfod cyntaf y Senedd ar ôl etholiad cyffredinol**

- (1) Yn adran 3 o Ddeddf 2006 (etholiadau cyffredinol arferol), yn is-adran (2)(b), yn lle “seven” rhodder “fourteen”.
- (2) Yn adran 4 o Ddeddf 2006 (pŵer i amrywio dyddiad etholiad cyffredinol arferol), yn is-adran (2)(c), yn lle “seven” rhodder “fourteen”.
- (3) Yn adran 5 o Ddeddf 2006 (etholiadau cyffredinol eithriadol), yn is-adran (4)(c), yn lle “seven” rhodder “fourteen”.

### **37 Pwerau Comisiwn y Senedd: darparu nwyddau a gwasanaethau**

Yn Atodlen 2 i Ddeddf 2006 (Comisiwn y Cynulliad), ym mharagraff 4, yn lle is-baragraff (4) rhodder—

- “(4) The Senedd Commission may—
- (a) provide goods or services to the public, or
  - (b) make arrangements for the provision of goods or services to the public.

(4A) The Senedd Commission may charge for goods or services provided under sub-paragraph (4).”

### **38 Adroddiad ar estyn yr hawl i bleidleisio a newid cymhwysra i fod yn Aelod o'r Senedd**

- (1) Rhaid i Weinidogion Cymru, cyn diwedd y cyfnod o 6 mis sy'n dechrau â'r diwrnod cyntaf ar ôl diwedd y cyfnod adrodd, lunio a chyhoeddi adroddiad ar weithrediad y darpariaethau yn y Ddeddf hon sy'n—
  - (a) estyn yr hawl i bleidleisio yn etholiadau'r Senedd i bersonau sy'n 16 neu'n 17 oed,
  - (b) estyn yr hawl i bleidleisio yn etholiadau'r Senedd i bersonau sy'n ddinasyddion tramor cymhwysol,
  - (c) caniatáu i ddinasyddion tramor cymhwysol fod yn Aelodau o'r Senedd, a
  - (d) anghymhwysu aelodau o gynghorau sir a chynghorau bwrdeistref sirol yng Nghymru rhag bod yn Aelodau o'r Senedd.
- (2) Rhaid i'r adroddiad a gyhoeddir o dan is-adran (1) gael ei osod gerbron y Senedd.
- (3) Yn is-adran (1), ystyr “cyfnod adrodd” yw'r cyfnod o 5 mlynedd sy'n dechrau â diwrnod etholiad cyntaf y Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny.

## **RHAN 6**

### **CYFFREDINOL**

### **39 Pŵer i wneud darpariaeth ganlyniadol a darpariaeth drosiannol etc.**

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn briodol at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, o ganlyniad i unrhyw ddarpariaeth ynddi, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud—
  - (a) darpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol;
  - (b) darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad sydd wedi ei gynnwys yn y Ddeddf hon).

### **40 Rheoliadau o dan y Ddeddf hon**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon—
  - (a) yn arferadwy drwy offeryn statudol;
  - (b) yn cynnwys y pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;
  - (c) yn cynnwys y pŵer i wneud darpariaeth gysylltiedig, atodol, ganlyniadol, drosiannol, ddarfodol neu arbed.
- (2) Ni chaniateir i offeryn statudol y mae'r is-adran hon yn gymwys iddo gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron y Senedd ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (3) Mae is-adran (2) yn gymwys i offeryn statudol sy'n cynnwys—

- (a) rheoliadau o dan adran 15(1) (gwahoddiadau i gofrestru: darpariaeth bellach am bersonau o dan 16 oed) neu adran 39 (pŵer i wneud darpariaeth ganlyniadol a throsiannol etc.) sy'n diwygio, diddymu neu'n addasu darpariaeth mewn—
    - (i) Deddf gan Senedd y Deyrnas Unedig,
    - (ii) Mesur a basiwyd o dan Ran 3 o Ddeddf 2006, neu
    - (iii) Deddf a basiwyd o dan Ran 4 o Ddeddf 2006;
  - (b) rheoliadau o dan adran 26(1).
- (4) Mae offeryn statudol sy'n cynnwys rheoliadau o dan y Ddeddf hon nad yw is-adran (2) yn gymwys iddo yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan y Senedd.

#### 41 Dehongliad cyffredinol

Yn y Ddeddf hon—

- ystyr “Deddf 1983” (“*1983 Act*”) yw [Deddf Cynrychiolaeth y Bobl 1983 \(p. 2\)](#);
- ystyr “Deddf 2006” (“*2006 Act*”) yw [Deddf Llywodraeth Cymru 2006 \(p. 32\)](#);
- ystyr “deddfiad” (“*enactment*”) yw deddfiad pa bryd bynnag y'i deddfir neu y'i gwneir;
- ystyr “Gorchymyn 2007” (“*2007 Order*”) yw [Gorchymyn Cynulliad Cenedlaethol Cymru \(Cynrychiolaeth y Bobl\) 2007 \(O.S. 2007/236\)](#);
- ystyr “Rheoliadau 2001” (“*2001 Regulations*”) yw [Rheoliadau Cynrychiolaeth y Bobl \(Cymru a Lloegr\) 2001 \(O.S. 2001/341\)](#);
- ystyr “Senedd” yw Senedd Cymru;
- ystyr “swyddog cofrestru” (“*registration officer*”) yw swyddog cofrestru a benodir gan awdurdod lleol o dan adran 8(2A) o Ddeddf 1983.

#### 42 Dod i rym

- (1) Daw'r darpariaethau a ganlyn i rym ar y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol—
- (a) Rhan 1 (adran 1);
  - (b) yn Rhan 3—
    - (i) adran 10, ond mae'r adran honno yn cael effaith yn unol ag adran 10(4);
    - (ii) adran 11, ond mae'r adran honno yn cael effaith yn unol ag adran 11(2);
    - (iii) adran 27, ond mae is-adrannau (2)(d), (3) a (4) o'r adran honno yn cael effaith yn unol ag adran 27(5);
  - (c) Rhan 4 (adrannau 29 i 35 ac Atodlen 3), ond mae iddi effaith yn unig at ddibenion etholiad y Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny;
  - (d) yn Rhan 5, adrannau 37 a 38;
  - (e) y Rhan hon (adrannau 39 i 43).
- (2) Mae Rhan 2 (adrannau 2 i 9 ac Atodlen 1) yn dod i rym ar 6 Mai 2020.

- (3) Yn Rhan 3—
- (a) mae adrannau 12 i 26 yn dod i rym ar 1 Mehefin 2020;
  - (b) mae adran 28 ac Atodlen 2 yn dod i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (4) Caiff gorchymyn o dan is-adran (3)(b) gynnwys darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (5) Yn Rhan 5, mae adran 36 yn dod i rym ar ddiwrnod etholiad cyntaf y Senedd pan gynhelir y bleidlais ar 5 Ebrill 2021 neu wedi hynny.

### **43 Enw byr**

Enw byr y Ddeddf hon yw Deddf Senedd ac Etholiadau (Cymru) 2020.