

ATODLEN 4

HYSBYSIAD AM GYFARFODYDD AWDURDODAU LLEOL, MYNEDIAD AT DDOGFENNAU A MYNYCHU CYFARFODYDD

RHAN 1

HYSBYSIAD AM GYFARFODYDD AWDURDODAU LLEOL A MYNEDIAD AT DDOGFENNAU

Hysbysiadau am gyfarfodydd awdurdodau lleol

- 1 Yn adran 100A o Ddeddf 1972 (mynediad at gyfarfodydd prif gynghorau)—
- (a) yn is-adran (6)—
 - (i) ym mharagraff (a), ar y dechrau mewnosoder “in relation to a principal council in England,”;
 - (ii) ar ôl paragraff (a) mewnosoder—
 - “(aa) in relation to a principal council in Wales, public notice of the meeting must be given—
 - (i) in accordance with subsection (6A), and
 - (ii) by publishing the notice electronically,at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;”;
 - (b) ar ôl is-adran (6) mewnosoder—
 - “(6A) The notice given under subsection (6)(aa) must—
 - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
 - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
 - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
 - (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.”
- 2 Yn adran 100K o Ddeddf 1972 (dehongli a chymhwyso Rhan 5A), yn is-adran (3) ar ôl “sections 100A(6)(a)” mewnosoder “and (aa)”.
- 3 Ym mharagraff 4 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd prif gynghorau)—
- (a) yn is-baragraff (2), ar ôl “in Wales” mewnosoder “or, if the meeting is convened at shorter notice, then at the time it is convened”;
 - (b) yn is-baragraff (2)(a)—

- (i) yn lle “of the time and place of the intended meeting shall be published at the council’s offices” rhodder “of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically”, a
- (ii) yn lle “be signed by” rhodder “set out the names of”;
- (c) ar ôl is-baragraff (2) mewnosoder—

“(2A) The information required to be in a notice under sub-paragraph (2) (a) consists of—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.

(2B) In sub-paragraph (2A), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

4 Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd cynghorau cymuned)—

- (a) yn is-baragraff (2), ar ôl “community council” mewnosoder “or, if the meeting is convened at shorter notice, then at the time it is convened”;
- (b) yn is-baragraff (2)(a)—
 - (i) yn lle “of the time and place of the intended meeting” rhodder “of the meeting containing the information required by sub-paragraph (2ZA)”, a
 - (ii) yn lle “be signed by” rhodder “set out the names of”;
- (c) ar ôl is-baragraff (2) mewnosoder—

“(2ZA) The information required to be in a notice under sub-paragraph (2) (a) consists of—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;

- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.

(2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

5 Yn adran 1 o [Ddeddf Cyrff Cyhoeddus \(Mynediad at Gyfarfodydd\) 1960 \(p. 67\)](#) (rhoi mynediad at gyfarfodydd i’r cyhoedd)—

- (a) yn is-adran (4)(a), ar y diwedd mewnosoder “(but see subsections (4ZA) to (4ZC) for further provision in relation to notices of meetings of certain bodies in Wales)”;
- (b) ar ôl is-adran (4), mewnosoder—

“(4ZA) Subsection (4ZB) applies to community councils and joint boards or joint committees which discharge functions of community councils or of community councils and of a principal council in Wales within the meaning of the Local Government Act 1972.

(4ZB) In the case of a meeting of a body to which this subsection applies—

- (a) a copy of the notice mentioned in subsection (4)(a) must also be published electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) if the meeting is held partly through remote means, the notice under subsection (4)(a) must give details of how to access the meeting (as well as its time and place);
- (c) if the meeting is held through remote means only, the notice under subsection (4)(a) must give details of how to access the meeting as well as its time, but not its place.

(4ZC) In subsection (4ZB)—

- (a) references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other);
- (b) the requirement imposed on a body to publish a notice electronically is, where the body has its own website, a requirement to publish on that website.”

Copïau o ddogfennau sy'n ymwneud â chyfarfodydd awdurdodau lleol a chyhoeddi'r dogfennau hynny

- 6 (1) Mae adran 100B o Ddeddf 1972 (mynediad at agenda ac at adroddiadau cysylltiedig) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adrannau (1), (4), (6) a (7)(a) ar ôl “principal council” mewnosoder “in England”.
- (3) Yn y pennawd, ar ôl “reports” mewnosoder “: principal councils in England”.
- 7 Ar ôl adran 100B o Ddeddf 1972 (mynediad at agenda ac at adroddiadau cysylltiedig), mewnosoder—

“100BA Access to agenda and connected reports: principal councils in Wales

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published—
- (a) electronically, and
 - (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer’s opinion, the meeting is likely not to be open to the public.
- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.
- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either—
- (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or
 - (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (7) Where the whole or part of a report is excluded under subsection (2)—
- (a) every copy of the report or of the part must be marked “Not for publication”, and
 - (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.

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- (8) Where a meeting of a principal council in Wales—
- (a) is required by section 100A to be open to the public during the proceedings or part of them, and
 - (b) is not held through remote means only,
- there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
- (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
 - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
 - (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”
- 8 (1) Mae adran 100C o Ddeddf 1972 (edrych ar gofnodion a dogfennau eraill ar ôl cyfarfodydd) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “principal council” mewnosoder “in England”.
- (3) Ar ôl is-adran (1) mewnosoder—
- “(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must—
- (a) be published electronically, and
 - (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.
- (1B) The documents are—
- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
 - (b) where applicable, a summary under subsection (2),
 - (c) a copy of the agenda for the meeting, and
 - (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.
- (1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—
- (a) the names of the members who attended the meeting, and any apologies for absence;
 - (b) any declarations of interest;

- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.”
- (4) Yn is-adran (2), ar ôl “subsection (1)(a) above” mewnosoder “, or the document published under subsections (1A) and (1B)(a),”.
- (5) Yn y pennawd ar ôl “Inspection” mewnosoder “and publication”.
- 9 (1) Mae adran 100D o Ddeddf 1972 (papurau cefndirol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)—
- (a) ar ôl “members of the public” mewnosoder “, or are required by section 100BA(1) or 100C(1A) to be published electronically”;
- (b) hepgorer yr “and” ar ôl paragraff (a);
- (c) ym mharagraff (b) ar y dechrau mewnosoder “in relation to a principal council in England,”;
- (d) ar ôl paragraff (b) mewnosoder “, and
- (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”
- (3) Yn is-adran (2) ar y dechrau mewnosoder “In relation to a principal council in England,”.
- (4) Ar ôl is-adran (2) mewnosoder—
- “(2A) In relation to a principal council in Wales, copies of documents included in the list must—
- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and
- (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”
- (5) Yn is-adran (4)(b) ar ôl “the public” mewnosoder “or published electronically”.
- (6) Yn y pennawd ar ôl “Inspection” mewnosoder “and publication”.
- 10 (1) Mae adran 100H o Ddeddf 1972 (darpariaeth atodol ynghylch mynediad at gyfarfodydd a dogfennau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ar y dechrau mewnosoder “In relation to a principal council in England,”.
- (3) Ar ôl is-adran (2) mewnosoder—
- “(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below—
- (a) make copies of the document or parts of the document, or

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- (b) require the person having custody of the document to provide a copy of the document or of parts of the document, upon payment of such reasonable fee as may be required for the facility.”
- (4) Yn is-adran (3)—
- (a) yn lle “Subsection (2) above does” rhodder “Subsections (2), (2A) and (6A) do”;
- (b) yn lle “that subsection” rhodder “those subsections”.
- (5) Ar ôl is-adran (3) mewnosoder—
- “(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”
- (6) Yn is-adran (5)—
- (a) hepgorer yr “or” ar ôl paragraff (a);
- (b) ar ôl paragraff (a), mewnosoder—
- “(aa) is published electronically by a principal council in Wales, or”;
- (c) ym mharagraff (b), ar ôl “100B(7)” mewnosoder “or 100BA(9)”.
- (7) Yn is-adran (6)—
- (a) ym mharagraff (b), ar ôl “100B(7)(b)” mewnosoder “or 100BA(9)(b)”;
- (b) ym mharagraff (c), ar ôl “100B(7)(c)” mewnosoder “or 100BA(9)(c)”;
- (c) ar ôl paragraff (e), mewnosoder—
- “(f) the note required to be published by a principal council in Wales under section 100C(1C).”
- (8) Ar ôl is-adran (6) mewnosoder—
- “(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—
- (a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and
- (b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”
- (9) Ar ôl is-adran (7) mewnosoder—
- “(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”
- 11 Yn adran 228(1) o Ddeddf 1972 (cofnodion cyfarfodydd cyngor cymuned), hepgorer “or community”.
- 12 Ar ôl paragraff 26 o Atodlen 12 i Ddeddf 1972 (hysbysiadau am gyfarfodydd cynghorau cymuned), mewnosoder—
- “26ZA (1) As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days

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beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
 - (b) any declarations of interest;
 - (c) any decision taken at the meeting, including the outcomes of any votes.
- (2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—
- (a) in relation to a decision relating to business which was transacted in private, or
 - (b) where disclosure of the information would be contrary to any enactment.”

Cymhwyso i bwyllgorau ac is-bwyllgorau

- 13 Yn adran 100E o Ddeddf 1972 (cymhwyso i bwyllgorau ac is-bwyllgorau), yn is-adran (2)—
- (a) hepgorer yr “and” ar ôl paragraff (b);
 - (b) ar ôl paragraff (b) mewnosoder—
 - “(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;
 - (bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and”;
 - (c) ym mharagraff (c), ar ôl “100D(1)” mewnosoder “and (2A)(b)”.

Cymhwyso a dehongli

- 14 Yn adran 100J o Ddeddf 1972 (cymhwyso i awdurdodau eraill etc.), ar ôl is-adran (4AA) mewnosoder—
- “(4AB) References to a principal council in Wales in this Part include—
- (a) a National Park authority for a National Park in Wales;
 - (b) a fire and rescue authority for an area in Wales;
 - (c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.”
- 15 Yn adran 100K o Ddeddf 1972 (dehongli a chymhwyso Rhan 5A), ar ôl is-adran (1) mewnosoder—
- “(1A) In this Part references to a meeting of a principal council in Wales held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 16 Yn adran 270 o Ddeddf 1972 (dehongli), ar ôl is-adran (1) mewnosoder—

“(1A) A requirement to publish a notice or document electronically, imposed by—
(a) this Act on a local authority in Wales, or
(b) Part 5A on a body or authority in Wales (other than a principal council),
is, where such an authority has its own website, a requirement to publish on that website.”

Cyhoeddi hysbysiadau cyhoeddus a roddir gan awdurdodau lleol

17 (1) Mae adran 232 o Ddeddf 1972 (hysbysiadau cyhoeddus) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)—

- (a) hepgorer yr “and” ar ddiwedd paragraff (a);
- (b) ar ôl paragraff (b) mewnosoder “; and
(c) where the local authority is a local authority in Wales, by publishing it electronically.”

(3) Hepgorer is-adran (1ZA).

(4) Ar ôl is-adran (2) mewnosoder—

“(3) The Welsh Ministers may by regulations make further or different provision about the manner of giving a public notice required to be given by a local authority in Wales.

(4) Regulations under subsection (3) may also make provision about the manner of giving a public notice required to be given by—

- (a) a National Park authority for a National Park in Wales;
- (b) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

(5) Regulations under subsection (3) may—

- (a) make different provision for different purposes;
- (b) include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act and the Local Government and Elections (Wales) Act 2021)).

(6) A statutory instrument containing regulations under subsection (3) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”

18 Yn Atodlen 7 i [Ddeddf yr Amgylchedd 1995 \(p. 25\)](#) (awdurdodau Parciau Cenedlaethol), ym mharagraff 17(2)(d) (cymhwyso darpariaethau Deddf 1972 ynghylch cyflwyno a dilysu dogfennau i awdurdodau Parciau Cenedlaethol) yn lle “to 234” rhodder “, 232 (other than subsection (1)(c)), 233 and 234”.

Cyflwyno gwysion ar ffurf electronig i aelodau fynychu cyfarfodydd awdurdodau lleol

19 (1) Mae Atodlen 12 i Ddeddf 1972 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 4(2)(b) (gwysion i gyfarfodydd prif gynghorau)—

- (a) yn lle “signed” rhodder “authenticated”;
 - (b) yn lle’r geiriau o “shall” hyd at ddiwedd y paragraff hwnnw rhodder “must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
- (3) Ar ôl paragraff 4(2B) (a fewnosodir gan baragraff 3(c) o’r Atodlen hon), mewnosoder—
- “(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.”
- (4) Ym mharagraff 4(3) yn lle’r geiriau o “some address” hyd at ddiwedd yr is-baragraff hwnnw rhodder “an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”
- (5) Ym mharagraff 26(2)(b) (gwysion i gyfarfodydd cynghorau cymuned)—
- (a) yn lle “signed” rhodder “authenticated”;
 - (b) yn lle’r geiriau o “shall” hyd at ddiwedd y paragraff hwnnw, rhodder “must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
- (6) Ar ôl paragraff 26(2A), mewnosoder—
- “(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
- (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”

Lleoliad cyfarfodydd cyngor cymuned

- 20 (1) Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972, yn lle is-baragraff (1) rhodder—
- “(1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council’s area, as the council may direct.”
- (2) O ganlyniad i is-baragraff (1), yn Atodlen 6 i [Ddeddf Trwyddedu 2003 \(p. 17\)](#) (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraff 61(2)(b).

Hysbysiadau am gyfarfodydd pwyllgorau ac is-bwyllgorau cyngor cymuned i’w cyhoeddi

- 21 Ym mharagraff 26 o Atodlen 12 i Ddeddf 1972, ar ôl is-baragraff (2C) (a fewnosodir gan baragraff 19(6) o’r Atodlen hon) mewnosoder—
- “(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.

- (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “twenty four hours”.

Darpariaeth arbed

- 22 Mae adrannau 100A i 100D a 100H o Ddeddf 1972 yn gymwys i gynghorau iechyd cymuned a phwyllgorau iechyd cymuned yn unol ag adran 1 o [Ddeddf Cynghorau Iechyd Cymuned \(Mynediad at Wybodaeth\) 1988 \(p. 24\)](#) (mynediad at gyfarfodydd a dogfennau cynghorau iechyd cymuned) fel pe na bai'r diwygiadau a wneir gan baragraffau 1,2 a 6 i 10 o'r Atodlen hon wedi eu gwneud.