



Deddf Etholiadau Cymru (Coronafeirws) 2021

2021 dsc 2

Welsh Elections (Coronavirus) Act 2021

2021 asc 2

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Etholiadau Cymru (Coronafeirws) 2021

Deddf Senedd Cymru i ddarparu i fesurau sy'n ymwneud â diogelu rhag y coronafeirws fod yn gymwys i etholiadau Senedd Cymru ac etholiadau llywodraeth leol. [16 Mawrth 2021]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

Prif ddarpariaethau

1 Etholiad 2021

Yn y Ddeddf hon, ystyr "etholiad 2021" yw'r etholiad cyffredinol arferol i fod yn Aelod o'r Senedd y bwriedir i'r pŵl ar ei gyfer gael ei gynnal yn 2021.

2 Cymhwyso darpariaethau Deddf Llywodraeth Cymru 2006

- (1) Nid yw is-adrannau (2) i (4) o adran 3 o Ddeddf 2006 (diddymu Senedd Cymru cyn etholiad cyffredinol arferol a dyddiad y cyfarfod cyntaf ar ôl yr etholiad) yn gymwys i etholiad 2021.
- (2) Mae adran 3(1) o Ddeddf 2006 (y diwrnod y cynhelir y pŵl mewn etholiad cyffredinol arferol) yn cael effaith yn ddarostyngedig i ddarpariaethau adran 6.
- (3) Nid yw adran 4(2)(c) o Ddeddf 2006 (y cyfnod y mae rhaid i Senedd Cymru gyfarfod ynddo pan fo diwrnod y pŵl wedi ei amrywio drwy broclamasïwn) yn gymwys i etholiad 2021.
- (4) Mae adran 10 o Ddeddf 2006 (seddi etholaethol gwag) yn cael effaith yn ddarostyngedig i ddarpariaethau adran 10.

3 Diddymu'r Senedd gyfredol

- (1) At ddiben cynnal y pŵl ar gyfer etholiad 2021, diddymir Senedd Cymru ar 29 Ebrill 2021, oni bai —



Welsh Elections (Coronavirus) Act 2021

An Act of Senedd Cymru to provide for measures relating to protection against coronavirus to apply to Senedd Cymru elections and local government elections. [16 March 2021]

Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:

Main provisions

1 The 2021 election

In this Act, “the 2021 election” means the ordinary general election for membership of Senedd Cymru the poll for which is due to be held in 2021.

2 Application of provisions of Government of Wales Act 2006

- (1) Subsections (2) to (4) of section 3 of the 2006 Act (dissolution of Senedd Cymru before an ordinary general election and date of first meeting after the election) do not apply to the 2021 election.
- (2) Section 3(1) of the 2006 Act (day on which the poll at an ordinary general election is held) has effect subject to the provisions of section 6.
- (3) Section 4(2)(c) of the 2006 Act (period within which Senedd Cymru must meet where the day of poll is varied by proclamation) does not apply to the 2021 election.
- (4) Section 10 of the 2006 Act (constituency vacancies) has effect subject to the provisions of section 10.

3 Dissolution of the current Senedd

- (1) For the purpose of the holding of the poll for the 2021 election, Senedd Cymru is dissolved on 29 April 2021, unless –

- (a) bod y Llywydd yn arfer y pŵer a roddir gan adran 6 (pŵer i ohirio etholiad 2021 am hyd at 6 mis), neu
 - (b) bod Ei Mawrhydi yn diddymu Senedd Cymru cyn y diwrnod hwnnw drwy broclamasw'n o dan adran 4(2) o Ddeddf 2006 (pŵer i amrywio dyddiad etholiad cyffredinol arferol y Senedd).
- (2) Os yw'r Llywydd yn arfer y pŵer a roddir gan adran 6, diddymir Senedd Cymru ar ddechrau'r cyfnod o 7 niwrnod sy'n dod i ben yn union cyn y diwrnod a bennir ar gyfer cynnal y pŵl, oni bai bod is-adran (3) yn gymwys.
- (3) Mae'r is-adran hon yn gymwys pan fo'r Llywydd, cyn y diwrnod y bwriedir diddymu Senedd Cymru yn unol ag is-adran (2), yn arfer y pŵer a roddir gan adran 6 eto (ac, yn unol â hynny, mae is-adran (2) yn gymwys i'r arfer hwnnw o'r pŵer yn ei dro).

4 Canllawiau ar arfer swyddogaethau yn y cyfnod cyn yr etholiad

- (1) Rhaid i'r Prif Weinidog gyhoeddi canllawiau ynghylch arfer swyddogaethau'r Prif Weinidog, Gweinidogion Cymru a'r Cwnsler Cyffredinol yn ystod y cyfnod cyn yr etholiad ar gyfer etholiad 2021.
- (2) Rhaid i'r Prif Weinidog, Gweinidogion Cymru a'r Cwnsler Cyffredinol roi sylw i'r canllawiau.
- (3) Rhaid i'r Prif Weinidog benderfynu ar y cyfnod cyn yr etholiad ar gyfer etholiad 2021 at ddiben yr adran hon.
- (4) Rhaid i'r cyfnod y penderfynir arno gynnwys y cyfnod o 30 o ddiwrnodau sy'n dod i ben â'r diwrnod a bennir ar gyfer cynnal y pŵl ar gyfer etholiad 2021.
- (5) Rhaid i'r canllawiau gael eu cyhoeddi cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

5 Dyddiad y cyfarfod cyntaf ar ôl etholiad 2021

Rhaid i Senedd Cymru gyfarfod o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau yn union ar ôl y diwrnod y cynhelir y pŵl ar gyfer etholiad 2021.

6 Pŵer i ohirio etholiad 2021 am hyd at 6 mis

- (1) Caiff Prif Weinidog Cymru ("y Prif Weinidog") gynnig i'r Llywydd fod y pŵl ar gyfer etholiad 2021 yn cael ei ohirio os yw'r Prif Weinidog, am reswm sy'n ymwneud â'r coronafeirws, yn ystyried ei bod yn angenrheidiol neu'n briodol gwneud hynny.
- (2) Ond cyn gwneud cynnig o dan is-adran (1), rhaid i'r Prif Weinidog ymgynghori â'r aelod o staff yn Llywodraeth Cymru sydd wedi ei ddynodi gan Weinidogion Cymru yn Brif Swyddog Meddygol Cymru.
- (3) Yn dilyn cynnig gan y Prif Weinidog, caiff y Llywydd bennu diwrnod ar gyfer cynnal y pŵl ar gyfer etholiad 2021 –
 - (a) os yw Senedd Cymru yn cymeradwyo'r diwrnod sydd i'w bennu drwy benderfyniad sy'n cael ei basio drwy bleidlais nad yw nifer Aelodau'r Senedd sy'n pleidleisio o'i blaid yn llai na dwy ran o dair o gyfanswm nifer seddi'r Senedd, a
 - (b) os nad yw Senedd Cymru wedi ei diddymu.

- (a) the Llywydd exercises the power conferred by section 6 (power to postpone 2021 election for up to 6 months), or
 - (b) Her Majesty dissolves Senedd Cymru before that day by proclamation under section 4(2) of the 2006 Act (power to vary date of Senedd ordinary general election).
- (2) If the Llywydd exercises the power conferred by section 6, Senedd Cymru is dissolved at the beginning of the period of 7 days that ends immediately before the day fixed for the holding of the poll, unless subsection (3) applies.
- (3) This subsection applies where, before the day on which Senedd Cymru is due to be dissolved in accordance with subsection (2), the Llywydd exercises the power conferred by section 6 again (and, accordingly, subsection (2) applies to that exercise of the power in turn).

4 Guidance on exercise of functions in the pre-election period

- (1) The First Minister must publish guidance about the exercise of the functions of the First Minister, the Welsh Ministers and the Counsel General during the pre-election period for the 2021 election.
- (2) The First Minister, the Welsh Ministers and the Counsel General must have regard to the guidance.
- (3) The First Minister must determine the pre-election period for the 2021 election for the purpose of this section.
- (4) The period determined must include the period of 30 days ending with the day fixed for the holding of the poll for the 2021 election.
- (5) The guidance must be published before the end of the period of 14 days beginning with the day on which this Act receives Royal Assent.

5 Date of first meeting after the 2021 election

Senedd Cymru must meet within the period of 21 days beginning immediately after the day on which the poll for the 2021 election is held.

6 Power to postpone 2021 election for up to 6 months

- (1) The First Minister for Wales (“the First Minister”) may propose to the Llywydd that the poll for the 2021 election is postponed if, for a reason relating to coronavirus, the First Minister considers it necessary or appropriate to do so.
- (2) But before making a proposal under subsection (1), the First Minister must consult the member of staff of the Welsh Government designated by the Welsh Ministers as the Chief Medical Officer for Wales.
- (3) Following a proposal from the First Minister, the Llywydd may fix a day for the holding of the poll for the 2021 election if—
 - (a) Senedd Cymru approves the day to be fixed by a resolution passed on a vote in which the number of Senedd Members voting in favour of it is not less than two-thirds of the total number of Senedd seats, and
 - (b) Senedd Cymru has not been dissolved.

- (4) Wrth bennu diwrnod ar gyfer cynnal y pôl –
 - (a) rhaid i'r Llywydd bennu diwrnod sef y diwrnod cynharaf y mae'r Llywydd yn ystyried ei fod yn rhesymol ymarferol;
 - (b) ni chaiff y Llywydd bennu diwrnod sydd ar ôl 5 Tachwedd 2021.
- (5) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl pennu diwrnod ar gyfer cynnal y pôl, rhaid i'r Llywydd osod gerbron Senedd Cymru ddatganiad –
 - (a) o'r diwrnod a bennwyd ar gyfer cynnal y pôl, a
 - (b) o'r rheswm dros arfer y pŵer i bennu diwrnod.
- (6) Rhaid i'r Comisiwn Etholiadol ddarparu cyngor mewn perthynas â gohirio pôl os yw'r Llywydd neu'r Prif Weinidog yn gofyn iddo wneud hynny.
- (7) Caniateir i'r pwerau yn is-adrannau (1) a (3) gael eu harfer fwy nag unwaith.
- (8) Rhaid i'r Prif Weinidog osod datganiad gerbron Senedd Cymru ar neu cyn 24 Mawrth 2021 sy'n nodi pa un a yw'r Prif Weinidog yn bwriadu arfer y pŵer yn is-adran (1) ai peidio.
- (9) Os nad yw'r Prif Weinidog yn bwriadu arfer y pŵer, rhaid i'r datganiad nodi –
 - (a) y rhesymau dros beidio ag arfer y pŵer, a
 - (b) a ellir cynnal ymgyrch etholiadol lawn a theg, ym marn y Prif Weinidog, gan bob person sy'n ceisio cael ei ethol yn etholiad 2021 nad yw'n rhoi unrhyw berson sy'n gymwys i bleidleisio yn yr etholiad hwnnw o dan anfantais.
- (10) Nid yw unrhyw fwriad a fynegir yn y datganiad o dan is-adran (8) yn effeithio ar arfer y pŵer yn is-adran (1).
- (11) Nid oes dim byd yn yr adran hon sy'n cyfyngu ar y pŵer yn adran 4 o Ddeddf 2006 i amrywio dyddiad etholiad cyffredinol arferol i fod yn Aelod o'r Senedd.
- (12) Rhaid i Weinidogion Cymru gyhoeddi'r meini prawf sydd i'w defnyddio gan y Prif Weinidog ar gyfer penderfynu a yw'n angenrheidiol neu'n briodol gohirio'r pôl ar gyfer etholiad 2021 am reswm sy'n ymwneud â'r coronafeirws o dan is-adran (1).
- (13) Rhaid i'r meini prawf gael eu cyhoeddi cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

7 Pŵer i ddarparu ar gyfer diwrnodau pleidleisio ychwanegol

- (1) Mae'r adran hon yn gymwys os pennir y diwrnod ar gyfer cynnal pôl etholiad 2021 o dan adran 6.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau a wneir drwy offeryn statudol, ddarparu y caiff y pleidleisio na fyddai fel arall yn ofynnol iddo ddiwydd ond ar y dyddiad a bennir o dan adran 6 ddiwydd ar un neu ragor o ddiwrnodau ychwanegol a bennir yn y rheoliadau.
- (3) O ran rheoliadau o dan is-adran (2) –
 - (a) ni chânt bennu diwrnod ond os yw'n dod o fewn y cyfnod o 7 niwrnod yn union cyn y diwrnod a bennir ar gyfer cynnal y pôl;

- (4) When fixing a day for the holding of the poll the Llywydd –
 - (a) must fix a day that is the earliest day the Llywydd considers to be reasonably practicable;
 - (b) must not fix a day that is after 5 November 2021.
- (5) As soon as reasonably practicable after fixing a day for the holding of the poll, the Llywydd must lay before Senedd Cymru a statement of –
 - (a) the day fixed for the holding of the poll, and
 - (b) the reason for the exercise of the power to fix a day.
- (6) The Electoral Commission must provide advice in relation to postponement of the poll if requested to do so by the Llywydd or the First Minister.
- (7) The powers in subsections (1) and (3) may be exercised more than once.
- (8) The First Minister must lay a statement before Senedd Cymru on or before 24 March 2021 setting out whether or not the First Minister intends to exercise the power in subsection (1).
- (9) If the First Minister does not intend to exercise the power, the statement must set out –
 - (a) the reasons for not exercising the power, and
 - (b) whether, in the First Minister’s view, a full and fair election campaign can be conducted by all persons seeking election in the 2021 election which does not disadvantage any person eligible to vote in that election.
- (10) Any intention expressed in the statement under subsection (8) does not affect the exercise of the power in subsection (1).
- (11) Nothing in this section limits the power in section 4 of the 2006 Act to vary the date of an ordinary general election for membership of Senedd Cymru.
- (12) The Welsh Ministers must publish the criteria to be used by the First Minister for determining whether it is necessary or appropriate to postpone the poll for the 2021 election for a reason relating to coronavirus under subsection (1).
- (13) The criteria must be published before the end of the period of 14 days beginning with the day on which this Act receives Royal Assent.

7 Power to provide for additional polling days

- (1) This section applies if the day for the holding of the poll of the 2021 election is fixed under section 6.
- (2) The Welsh Ministers may, by regulations made by statutory instrument, provide that polling that would otherwise be required to take place only on the date fixed under section 6 may take place on one or more additional days specified in the regulations.
- (3) Regulations under subsection (2) may –
 - (a) specify a day only if it falls within the period of 7 days immediately preceding the day fixed for the holding of the poll;

- (b) cânt ei gwneud yn ofynnol i bleidleisio ar ddiwrnodau ychwanegol ddigwydd mewn lleoliadau penodol neu ddisgrifiadau neu gategorïau o leoliadau a bennir yn y rheoliadau;
 - (c) cânt addasu ystyr cyfeiriad perthnasol i'r graddau y mae'n ymwneud â darpariaeth a wneir yn y rheoliadau.
- (4) Yn is-adran (3), ystyr "cyfeiriad perthnasol" yw cyfeiriad (sut bynnag y'i mynegir) mewn unrhyw ddeddfiad neu ddogfen at ddiwrnod neu ddyddiad y pôl yn etholiad 2021.
- (5) Rhaid i'r Comisiwn Etholiadol ddarparu cyngor mewn perthynas ag arfer y pŵer yn is-adran (2) os gofynnir iddo wneud hynny gan Weinidogion Cymru.
- (6) Wrth osod rheoliadau drafft o dan is-adran (7) gerbron Senedd Cymru, rhaid i Weinidogion Cymru ar yr un pryd osod gerbron Senedd Cymru ddatganiad o'r rhesymau dros y rheoliadau.
- (7) Rhaid i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (2) gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.
- (8) Ond—
- (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (7) cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
 - (b) os na chaiff y cynnig ei basio,
- mae'r offeryn yn peidio â chael effaith ar ddiwedd diwrnod y mae'r bleidlais yn digwydd.
- (9) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (7), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru—
- (a) wedi ei diddymu, neu
 - (b) ar doriad am fwy na 4 diwrnod.
- (10) Nid yw is-adrannau (7) ac (8)—
- (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
 - (b) yn atal gwneud rheoliadau newydd.
- (11) Nid yw rheoliadau o dan is-adran (2) yn cael unrhyw effaith pan fo'r pôl yn etholiad 2021 a'r pôl yn etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu yng Nghymru i'w cynnal gyda'i gilydd o dan erthygl 16A o Orchymyn 2007.
- (12) Yn is-adran (11), mae i "etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu" yr ystyr a roddir i "ordinary election of police and crime commissioners for police areas" yn adran 50 o Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13).

- (b) require polling on additional days to take place at particular locations or descriptions or categories of locations specified in the regulations;
 - (c) modify the meaning of a relevant reference so far as it relates to provision made in the regulations.
- (4) In subsection (3), a “relevant reference” means a reference (however expressed) in any enactment or document to the day or date of the poll at the 2021 election.
- (5) The Electoral Commission must provide advice in relation to the exercise of the power in subsection (2) if requested to do so by the Welsh Ministers.
- (6) When laying draft regulations under subsection (7) before Senedd Cymru, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of the reasons for the regulations.
- (7) A statutory instrument containing regulations under subsection (2) must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (8) But if—
 - (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (7) before the expiry of the period of 28 days mentioned in that subsection, and
 - (b) the motion is not passed,the instrument ceases to have effect at the end of the day on which the vote takes place.
- (9) In calculating any period of 28 days for the purposes of subsection (7), no account is to be taken of any period during which Senedd Cymru is—
 - (a) dissolved, or
 - (b) in recess for more than 4 days.
- (10) Subsections (7) and (8) do not—
 - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
 - (b) prevent the making of new regulations.
- (11) Regulations under subsection (2) have no effect where the poll at the 2021 election and the poll at the ordinary election of police and crime commissioners for police areas in Wales are to be taken together under article 16A of the 2007 Order.
- (12) In subsection (11), “ordinary election of police and crime commissioners for police areas” has the meaning given in section 50 of the Police Reform and Social Responsibility Act 2011 (c. 13).

8 Pŵer pellach i amrywio dyddiad etholiad 2021

- (1) Mae'r adran hon yn gymwys os pennir y diwrnod ar gyfer cynnal pŵl etholiad 2021 o dan adran 6.
- (2) Caiff y Llywydd gynnig, ar gyfer cynnal y pŵl, ddiwrnod nad yw'n fwy nag un mis yn gynharach, nac yn fwy nag un mis yn ddiweddarach, na'r diwrnod a bennir o dan adran 6.
- (3) Ni chaniateir i'r pŵer o dan is-adran (2) gael ei arfer er mwyn cynnig dyddiad ar ôl 5 Tachwedd 2021.
- (4) Os yw'r Llywydd yn cynnig diwrnod o dan is-adran (2), caiff Ei Mawrhydi drwy broclamasu o dan y Sêl Gymreig—
 - (a) diddymu Senedd Cymru;
 - (b) ei gwneud yn ofynnol i'r pŵl yn yr etholiad gael ei gynnal ar y diwrnod a gynigiwyd.
- (5) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i broclamasu gael ei wneud o dan is-adran (4), rhaid i'r Llywydd gyhoeddi datganiad—
 - (a) o'r diwrnod y mae'r pŵl i'w gynnal, a
 - (b) o'r rheswm dros arfer pŵer y Llywydd o dan is-adran (2).

9 Canllawiau ar ymgyrchu etholiadol

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau i bersonau sy'n ymgymryd â gweithgareddau ymgyrchu etholiadol at ddiben etholiad a bennir yn is-adran (2) ynghylch sut y cânt ymgymryd â'r gweithgareddau hynny yn unol â deddfiadau sy'n gosod cyfyngiadau sy'n ymwneud â rheoli'r coronafeirws.
- (2) Yr etholiadau yw—
 - (a) etholiad 2021;
 - (b) etholiad sydd i'w gynnal cyn 6 Tachwedd 2021 o dan adran 10 o Ddeddf 2006 i lenwi sedd wag aelod etholaethol;
 - (c) etholiad sydd i'w gynnal cyn 6 Tachwedd 2021 i lenwi swydd cynghorydd sy'n digwydd dod yn wag mewn cyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru.
- (3) Nid yw'r ddyletswydd yn is-adran (1) yn gymwys ond os yw cyfyngiadau a osodir gan ddeddfiad yn effeithio ar weithgareddau ymgyrchu etholiadol at ddiben etholiad a bennir yn is-adran (2) ac ond i'r graddau y mae'r cyfyngiadau hynny yn effeithio ar y gweithgareddau hynny.

10 Pŵer i ohirio is-etholiadau'r Senedd

- (1) Mae'r adran hon yn gymwys ar ôl 6 Mai 2021 pan fo etholiad i'w gynnal o dan adran 10 o Ddeddf 2006 i lenwi sedd wag aelod etholaethol ("is-etholiad i'r Senedd").
- (2) Caiff y Llywydd bennu dyddiad ar gyfer cynnal y pŵl ar gyfer is-etholiad i'r Senedd sydd y tu allan i'r cyfnod sy'n ofynnol o dan adran 10(5) neu (6) o Ddeddf 2006.

8 Further power to vary date of 2021 election

- (1) This section applies if the day for the holding of the poll of the 2021 election is fixed under section 6.
- (2) The Llywydd may propose, for the holding of the poll, a day which is not more than one month earlier, nor more than one month later, than the day fixed under section 6.
- (3) The power under subsection (2) may not be exercised so as to propose a date after 5 November 2021.
- (4) If the Llywydd proposes a day under subsection (2), Her Majesty may by proclamation under the Welsh Seal –
 - (a) dissolve Senedd Cymru;
 - (b) require the poll at the election to be held on the day proposed.
- (5) As soon as reasonably practicable after a proclamation is made under subsection (4), the Llywydd must publish a statement of –
 - (a) the day on which the poll is to be held, and
 - (b) the reason for the exercise of the Llywydd’s power under subsection (2).

9 Guidance on election campaigning

- (1) The Welsh Ministers must issue guidance to persons undertaking election campaigning activities for the purpose of an election specified in subsection (2) about how they may undertake those activities in accordance with enactments imposing restrictions relating to the control of coronavirus.
- (2) The elections are –
 - (a) the 2021 election;
 - (b) an election to be held before 6 November 2021 under section 10 of the 2006 Act to fill a vacant constituency member seat;
 - (c) an election to be held before 6 November 2021 to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) The duty in subsection (1) only applies if, and so far as, restrictions imposed by an enactment affect election campaigning activities for the purpose of an election specified in subsection (2).

10 Power to postpone Senedd by-elections

- (1) This section applies after 6 May 2021 where an election is to be held under section 10 of the 2006 Act to fill a vacant constituency member seat (“a Senedd by-election”).
- (2) The Llywydd may fix a date for the holding of the poll for a Senedd by-election that is outside the period required under section 10(5) or (6) of the 2006 Act.

- (3) Wrth bennu diwrnod o dan is-adran (2), rhaid i'r Llywydd bennu diwrnod sef y diwrnod cynharaf y mae'r Llywydd yn ystyried ei fod yn rhesymol ymarferol.
- (4) O ran y pŵer o dan is-adran (2) –
 - (a) caniateir iddo gael ei arfer fwy nag unwaith, a
 - (b) ni chaniateir iddo gael ei arfer er mwyn pennu dyddiad ar ôl 5 Tachwedd 2021.
- (5) Cyn arfer y pŵer o dan is-adran (2), rhaid i'r Llywydd ymgynghori â Gweinidogion Cymru.

11 Pŵer i ohirio is-etholiadau awdurdodau lleol

- (1) Caiff Gweinidogion Cymru, drwy reoliadau a wneir drwy offeryn statudol, ddarparu –
 - (a) bod y pŵl ar gyfer is-etholiad awdurdod lleol i'w gynnal ar ddyddiad, neu o fewn cyfnod, a bennir yn y rheoliadau;
 - (b) bod y pŵl ar gyfer is-etholiad awdurdod lleol y byddai'n ofynnol ei gynnal fel arall ar ddyddiad sy'n dod o fewn cyfnod a bennir yn y rheoliadau i'w gynnal yn lle hynny ar ddyddiad diweddarach, neu o fewn cyfnod arall, a bennir yn y rheoliadau.
- (2) Yn yr adran hon, ystyr "is-etholiad awdurdod lleol" yw etholiad –
 - (a) pan fo dyddiad y pŵl ar gyfer yr etholiad yn dod o fewn y cyfnod sy'n dechrau â 6 Mai 2021 ac sy'n dod i ben â 5 Tachwedd 2021, a
 - (b) pan fo'n etholiad i lenwi swydd cynghorydd sy'n digwydd dod yn wag mewn cyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru.
- (3) Ni chaiff rheoliadau o dan is-adran (1) bennu –
 - (a) dyddiad ar ôl 5 Tachwedd 2021, neu
 - (b) cyfnod sy'n dod i ben ar ôl 5 Tachwedd 2021.
- (4) Caniateir i'r pŵer i wneud rheoliadau o dan is-adran (1) gael ei arfer fwy nag unwaith mewn cysylltiad ag unrhyw is-etholiad awdurdod lleol.
- (5) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth drwy gyfeirio at is-etholiadau awdurdodau lleol o ddisgrifiad a bennir yn y rheoliadau (er enghraifft, drwy gyfeirio at natur, dyddiad neu leoliad yr etholiadau).
- (6) Mae'r pŵer i wneud rheoliadau o dan is-adran (1) yn cynnwys y pŵer i ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad.
- (7) Mae is-adran (8) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1) sy'n diwygio, yn addasu neu'n diddymu darpariaeth sydd wedi ei chynnwys mewn deddfwriaeth sylfaenol.
- (8) Rhaid i offeryn statudol y mae'r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.

- (3) When fixing a day under subsection (2), the Llywydd must fix a day that is the earliest day the Llywydd considers to be reasonably practicable.
- (4) The power under subsection (2) –
 - (a) may be exercised more than once, and
 - (b) may not be exercised so as to fix a date after 5 November 2021.
- (5) Before exercising the power under subsection (2), the Llywydd must consult the Welsh Ministers.

11 Power to postpone local authority by-elections

- (1) The Welsh Ministers may, by regulations made by statutory instrument, provide –
 - (a) that the poll for a local authority by-election is to be held on a date, or within a period, specified in the regulations;
 - (b) that the poll for a local authority by-election that would otherwise be required to be held on a date that falls within a period specified in the regulations is instead to be held on a later date, or within another period, specified in the regulations.
- (2) In this section, a “local authority by-election” is an election where –
 - (a) the date of the poll for the election falls within the period beginning with 6 May 2021 and ending with 5 November 2021, and
 - (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) Regulations under subsection (1) must not specify –
 - (a) a date after 5 November 2021, or
 - (b) a period ending after 5 November 2021.
- (4) The power to make regulations under subsection (1) may be exercised more than once in respect of any local authority by-election.
- (5) Regulations under subsection (1) may make provision by reference to local authority by-elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).
- (6) The power to make regulations under subsection (1) includes the power to amend, modify, repeal or revoke any enactment.
- (7) Subsection (8) applies to a statutory instrument containing regulations under subsection (1) that amend, modify or repeal provision contained in primary legislation.
- (8) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.

- (9) Ond –
- (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (8) cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
 - (b) os na chaiff y cynnig ei basio,
- mae'r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae'r bleidlais yn digwydd.
- (10) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (8), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru –
- (a) wedi ei diddymu, neu
 - (b) ar doriad am fwy na 4 diwrnod.
- (11) Nid yw is-adrannau (8) ac (9) –
- (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
 - (b) yn atal gwneud rheoliadau newydd.
- (12) Mae offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1) ac nad yw is-adran (8) yn gymwys iddo yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru.

12 Gorchmynion a rheolau ynglŷn â chynnal etholiadau yn 2021

- (1) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys gorchymyn o dan adran 13(1)(a) o Ddeddf 2006 (pŵer i wneud gorchymyn o ran cynnal etholiadau'r Senedd) sy'n cynnwys darpariaeth –
- (a) nad yw ond yn gymwys i etholiad 2021, neu
 - (b) nad yw ond yn gymwys i etholiad o dan adran 10 o Ddeddf 2006 i lenwi sedd wag aelod etholaethol y mae'r pŵl ar ei gyfer i'w gynnal cyn 6 Tachwedd 2021.
- (2) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys rheolau o dan adran 36A o Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2) (pŵer i wneud rheolau mewn perthynas â chynnal etholiadau cynghorwyr ar gyfer ardaloedd llywodraeth leol yng Nghymru) nad ydynt ond yn gymwys i etholiad i lenwi swydd cynghorydd sy'n digwydd dod yn wag mewn cyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru y mae'r pŵl ar ei gyfer i'w gynnal cyn 6 Tachwedd 2021.
- (3) Rhaid i offeryn statudol y mae'r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.
- (4) Ond –
- (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (3) cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a

- (9) But if—
- (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (8) before the expiry of the period of 28 days mentioned in that subsection, and
 - (b) the motion is not passed,
- the instrument ceases to have effect at the end of the day on which the vote takes place.
- (10) In calculating any period of 28 days for the purposes of subsection (8), no account is to be taken of any period during which Senedd Cymru is—
- (a) dissolved, or
 - (b) in recess for more than 4 days.
- (11) Subsections (8) and (9) do not—
- (a) affect anything done in reliance on the regulations before they ceased to have effect, or
 - (b) prevent the making of new regulations.
- (12) A statutory instrument containing regulations under subsection (1) to which subsection (8) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

12 Orders and rules on the conduct of elections to be held in 2021

- (1) Subsection (3) applies to a statutory instrument containing an order under section 13(1) (a) of the 2006 Act (power to make an order as to the conduct of Senedd elections) that contains provision that applies—
- (a) only to the 2021 election, or
 - (b) only to an election under section 10 of the 2006 Act to fill a vacant constituency member seat the poll for which is to be held before 6 November 2021.
- (2) Subsection (3) applies to a statutory instrument containing rules under section 36A of the Representation of the People Act 1983 (c. 2) (power to make rules in relation to the conduct of elections of councillors for local government areas in Wales) that apply only to an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales the poll for which is to be held before 6 November 2021.
- (3) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (4) But if—
- (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (3) before the expiry of the period of 28 days mentioned in that subsection, and

- (b) os na chaiff y cynnig ei basio,
mae'r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae'r bleidlais yn digwydd.
- (5) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (4), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru –
- (a) wedi ei diddymu, neu
- (b) ar doriad am fwy na 4 diwrnod.
- (6) Nid yw is-adrannau (3) a (4) –
- (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheolau neu'r gorchymyn cyn iddynt neu cyn iddo beidio â chael effaith, nac
- (b) yn atal gwneud rheolau newydd neu orchymyn newydd.

Atodol

13 Effaith y Ddeddf hon ar y pŵer presennol i wneud darpariaeth ynghylch etholiadau

- (1) Nid yw'r Ddeddf hon yn effeithio ar bŵer Gweinidogion Cymru i wneud gorchymyn o dan adran 13 o Ddeddf 2006, ond mae is-adran (7) o'r adran honno (gweithdrefn Senedd Cymru) yn ddarostyngedig i adran 12.
- (2) Nid yw'r Ddeddf hon yn effeithio ar bŵer Gweinidogion Cymru i wneud rheolau o dan adran 36 neu adran 36A o Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2), ond mae adran 36A(10) (gweithdrefn Senedd Cymru) yn ddarostyngedig i adran 12.

14 Addasu Gorchymyn 2007

- (1) Mae Gorchymyn 2007 wedi ei addasu mewn perthynas ag etholiad 2021 fel a ganlyn.
- (2) Mae erthygl 2(1) (dehongli) yn cael effaith fel pe bai'n cynnwys y diffiniad o "coronavirus" a roddir gan adran 16.
- (3) Yn erthygl 84(2)(b) (amseru o ran pryd y mae person yn dod yn ymgeisydd mewn perthynas ag etholiad cyffredinol i'r Senedd) yn cael effaith –
- (a) fel pe bai "the ordinary general election for membership of Senedd Cymru the poll for which is, on the day on which this provision comes into force, due to be held on 6 May 2021" wedi ei roi yn lle "any subsequent Assembly election";
- (b) ym mharagraff (i), fel pe bai'r canlynol wedi ei roi yn lle is-baragraff (aa) –
- “(aa) which is 21 days before 6 May 2021, computed in accordance with rule 2 of the rules set out in Schedule 5;”.
- (4) Yn Atodlen 1, mae paragraff 7 (y dyddiad cau ar gyfer ceisiadau am bleidleisio absennol yn etholiadau'r Senedd) yn cael effaith –
- (a) fel pe bai "and sub-paragraph (3A)" yn is-baragraff (2) wedi ei fewnosod ar ôl "sub-paragraph (3)";
- (b) fel pe bai'r canlynol wedi ei fewnosod ar ôl is-baragraff (3) –
- “(3A) Where an application –

- (b) the motion is not passed,
the instrument ceases to have effect at the end of the day on which the vote takes place.
- (5) In calculating any period of 28 days for the purposes of subsection (4), no account is to be taken of any period during which Senedd Cymru is –
 - (a) dissolved, or
 - (b) in recess for more than 4 days.
- (6) Subsections (3) and (4) do not –
 - (a) affect anything done in reliance on the order or rules before they ceased to have effect, or
 - (b) prevent the making of a new order or new rules.

Supplementary

13 Effect of this Act on existing power to make provision about elections

- (1) This Act does not affect the power of the Welsh Ministers to make an order under section 13 of the 2006 Act, but subsection (7) of that section (Senedd Cymru procedure) is subject to section 12.
- (2) This Act does not affect the power of the Welsh Ministers to make rules under section 36 or section 36A of the Representation of the People Act 1983 (c. 2), but section 36A(10) (Senedd Cymru procedure) is subject to section 12.

14 Modification of the 2007 Order

- (1) The 2007 Order is modified in relation to the 2021 election as follows.
- (2) Article 2(1) (interpretation) has effect as if it contained the definition of “coronavirus” given by section 16.
- (3) In Article 84(2)(b) (timing of when a person becomes a candidate in relation to a Senedd general election) has effect as if –
 - (a) for “any subsequent Assembly election” there were substituted “the ordinary general election for membership of Senedd Cymru the poll for which is, on the day on which this provision comes into force, due to be held on 6 May 2021”;
 - (b) in paragraph (i), for sub-paragraph (aa) there were substituted –
 - “(aa) which is 21 days before 6 May 2021, computed in accordance with rule 2 of the rules set out in Schedule 5;”.
- (4) In Schedule 1, paragraph 7 (closing date for applications for absent voting at Senedd elections) has effect as if –
 - (a) in sub-paragraph (2), after “sub-paragraph (3)” there were inserted “and sub-paragraph (3A)”;
 - (b) after sub-paragraph (3) there were inserted –
 - “(3A) Where an application –

- (a) to vote by proxy under article 9(1), or
- (b) for the appointment of a proxy under article 11(6) or (7)

is made on the grounds set out in sub-paragraph (3AB) the application shall be disregarded if it is received after 5pm on the day of the poll at the election for which it is made.

(3AB) The grounds are that—

- (a) the application is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
- (b) the applicant became aware of the grounds after 5pm on the sixth day before the date of the poll at the election for which it is made.”

(5) Yn Atodlen 5 (rheolau etholiadau'r Senedd)—

(a) mae rheol 1(1) (yr amserlen ar gyfer cynnal trafodion mewn etholiad i'r Senedd), yn y tabl, yn y golofn â'r pennawd “Time”, mae'r cofnod sy'n cyfateb i'r cofnod “Delivery of nomination papers.” yn cael effaith—

- (i) fel pe bai “9” wedi ei roi yn lle'r cyfeiriad at “10”;
- (ii) fel pe bai “5” wedi ei roi yn lle'r cyfeiriad at “4”.

(b) mae rheol 4 (enwebu ymgeiswyr mewn etholiad etholaeth i'r Senedd) yn cael effaith fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (1)—

“(1A) The constituency nomination paper may also be delivered on the candidate's behalf by a person authorised by the candidate for the purpose if the candidate has given the person's name and address to the returning officer in writing or electronically before or at the time the paper is delivered.”

(c) mae rheol 6 (enwebu ymgeiswyr unigol mewn etholiad rhanbarthol i'r Senedd) yn cael effaith fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (1)—

“(1A) The individual nomination paper may also be delivered on the candidate's behalf by a person authorised by the candidate for the purpose if the candidate has given the person's name and address to the returning officer in writing or electronically before or at the time the paper is delivered.”

(d) mae rheol 9(1) (cydsyniad i enwebu mewn etholiad etholaeth i'r Senedd) yn cael effaith—

- (i) fel pe bai is-baragraff (b) wedi ei hepgor;
- (ii) fel pe bai'r canlynol wedi ei roi yn lle is-baragraff (c)—

“(c) is delivered at the place for the delivery of nomination papers or is delivered electronically to an electronic address for that purpose; and

(d) is delivered within the time specified for the delivery of the nomination papers.”

- (a) to vote by proxy under article 9(1), or
 - (b) for the appointment of a proxy under article 11(6) or (7)
- is made on the grounds set out in sub-paragraph (3AB) the application shall be disregarded if it is received after 5pm on the day of the poll at the election for which it is made.
- (3AB) The grounds are that –
- (a) the application is made as a result of the need to comply with an enactment relating to coronavirus or to follow guidance relating to coronavirus issued by the Welsh Ministers, and
 - (b) the applicant became aware of the grounds after 5pm on the sixth day before the date of the poll at the election for which it is made.”
- (5) In Schedule 5 (Senedd election rules) –
- (a) rule 1(1) (timetable for conduct of proceedings at a Senedd election), in the table, in the column headed “Time”, the entry corresponding to the entry “Delivery of nomination papers.” has effect as if –
 - (i) the reference to “10” were substituted by “9”;
 - (ii) the reference to “4” were substituted by “5”.
 - (b) rule 4 (nomination of candidates at a Senedd constituency election) has effect as if after paragraph (1) there were inserted –

“(1A) The constituency nomination paper may also be delivered on the candidate’s behalf by a person authorised by the candidate for the purpose if the candidate has given the person’s name and address to the returning officer in writing or electronically before or at the time the paper is delivered.”
 - (c) rule 6 (nomination of individual candidates at a Senedd regional election) has effect as if after paragraph (1) there were inserted –

“(1A) The individual nomination paper may also be delivered on the candidate’s behalf by a person authorised by the candidate for the purpose if the candidate has given the person’s name and address to the returning officer in writing or electronically before or at the time the paper is delivered.”
 - (d) rule 9(1) (consent to nomination at a Senedd constituency election) has effect as if –
 - (i) sub-paragraph (b) were omitted;
 - (ii) for sub-paragraph (c) there were substituted –
 - “(c) is delivered at the place for the delivery of nomination papers or is delivered electronically to an electronic address for that purpose; and
 - (d) is delivered within the time specified for the delivery of the nomination papers.”

- (e) mae rheol 9(2) (cydsyniad i enwebu mewn etholiad rhanbarthol i'r Senedd) yn cael effaith—
- (i) fel pe bai is-baragraff (b) wedi ei hepgor;
 - (ii) fel pe bai'r canlynol wedi ei roi yn lle is-baragraff (c)—
 - “(c) is delivered at the place for the delivery of individual nomination papers or party nomination papers, or is delivered electronically to an electronic address for that purpose; and
 - (d) is delivered within the time specified for the delivery of the nomination papers.”

15 Adolygiad: paratodau ar gyfer cynnal y pŵl

- (1) Rhaid i Weinidogion Cymru gynnal adolygiadau o'r paratodau ar gyfer cynnal y pŵl ar gyfer etholiad 2021.
- (2) Rhaid cynnal yr adolygiad cyntaf erbyn 19 Chwefror 2021.
- (3) Rhaid cynnal adolygiadau dilynol o leiaf unwaith ym mhob cyfnod dilynol o 21 diwrnod hyd at gynnal y pŵl ar gyfer etholiad 2021.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl adolygiad, rhaid i Weinidogion Cymru osod gerbron Senedd Cymru ddatganiad yn crynhoi canlyniad yr adolygiad a nodi a yw'n rhesymol rhagweld unrhyw oedi i etholiad 2021.

Cyffredinol

16 Dehongli

Yn y Ddeddf hon—

ystyr “*coronafeirws*” (“*coronavirus*”) yw coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2);

ystyr “*Deddf 2006*” (“*the 2006 Act*”) yw Deddf Llywodraeth Cymru 2006 (p. 32);

ystyr “*deddfwriaeth sylfaenol*” (“*primary legislation*”) yw—

- (a) Mesur a basiwyd o dan Ran 3 o Ddeddf Llywodraeth Cymru 2006 (p. 32);
- (b) Deddf a basiwyd o dan Ran 4 o'r Ddeddf honno;
- (c) Deddf gan Senedd y Deyrnas Unedig;

mae i “*etholiad 2021*” (“*the 2021 election*”) yr ystyr a roddir gan adran 1;

ystyr “*Gorchymyn 2007*” (“*the 2007 Order*”) yw Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 (O.S. 2007/236);

ystyr “*y Llywydd*” yw Llywydd Senedd Cymru.

17 Pŵer i wneud darpariaeth ganlyniadol a darpariaeth drosiannol etc.

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n briodol at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon neu a wneir oddi tani, o ganlyniad i unrhyw ddarpariaeth ynddi neu a wneir oddi tani, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi neu a wneir oddi tani, cânt drwy reoliadau a wneir drwy offeryn statudol wneud—

- (e) rule 9(2) (consent to nomination at a Senedd regional election) has effect as if—
- (i) sub-paragraph (b) were omitted;
 - (ii) for sub-paragraph (c) there were substituted—
 - “(c) is delivered at the place for the delivery of individual nomination papers or party nomination papers, or is delivered electronically to an electronic address for that purpose; and
 - (d) is delivered within the time specified for the delivery of the nomination papers.”

15 Review: preparations for the holding of the poll

- (1) The Welsh Ministers must carry out reviews of the preparations for the holding of the poll for the 2021 election.
- (2) The first review must take place by 19 February 2021.
- (3) Subsequent reviews must take place at least once in each subsequent period of 21 days up until the poll for the 2021 election is held.
- (4) As soon as reasonably practicable after a review, the Welsh Ministers must lay before Senedd Cymru a statement summarising the result of the review and stating whether any postponement of the 2021 election is reasonably anticipated.

General

16 Interpretation

In this Act—

“the 2006 Act” (“*Deddf 2006*”) means the Government of Wales Act 2006 (c. 32);

“the 2007 Order” (“*Gorchymyn 2007*”) means the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236);

“the 2021 election” (“*etholiad 2021*”) has the meaning given by section 1;

“coronavirus” (“*coronafirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“the Llywydd” means the Presiding Officer of Senedd Cymru;

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) a Measure passed under Part 3 of the Government of Wales Act 2006 (c. 32);
- (b) an Act passed under Part 4 of that Act;
- (c) an Act of the Parliament of the United Kingdom.

17 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act or provision made under it, they may by regulations made by statutory instrument make—

- (a) darpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol;
 - (b) darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) –
- (a) gwneud darpariaeth ôl-weithredol mewn perthynas ag is-etholiad awdurdod lleol o fewn yr ystyr a roddir gan adran 11(2), gan gynnwys darpariaeth sy'n cael effaith mewn perthynas ag adegau cyn i'r Ddeddf hon ddod i rym;
 - (b) diwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys darpariaeth sydd wedi ei chynnwys yn y Ddeddf hon);
 - (c) gwneud darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol.
- (3) Mae is-adran (4) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1) sy'n diwygio, yn addasu neu'n diddymu darpariaeth sydd wedi ei chynnwys mewn deddfwriaeth sylfaenol.
- (4) Rhaid i offeryn statudol y mae'r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae'n peidio â chael effaith pan fo 28 o ddiwrnodau sy'n dechrau â'r diwrnod y'i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i'r cyfnod hwnnw ddod i ben.
- (5) Ond –
- (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (4) cyn i'r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
 - (b) os na chaiff y cynnig i basio,
- mae'r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae'r bleidlais yn digwydd.
- (6) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (4), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru –
- (a) wedi ei diddymu, neu
 - (b) ar doriad am fwy na 4 diwrnod.
- (7) Nid yw is-adrannau (4) a (5) –
- (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheoliadau cyn iddynt beidio â chael effaith, neu
 - (b) yn atal gwneud rheoliadau newydd.
- (8) Mae offeryn statudol sy'n cynnwys rheoliadau o dan is-adran (1) ac nad yw is-adran (4) yn gymwys iddo yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru.

18 **Dod i rym**

Daw'r Ddeddf hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y cydsyniad Brenhinol.

- (a) supplementary, incidental or consequential provision;
 - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may –
- (a) make retrospective provision in relation to a local authority by-election within the meaning given by section 11(2), including provision having effect in relation to times before the coming into force of this Act;
 - (b) amend, modify, repeal or revoke any enactment (including provision contained in this Act);
 - (c) make different provision for different purposes or areas.
- (3) Subsection (4) applies to a statutory instrument containing regulations under subsection (1) that amend, modify or repeal provision contained in primary legislation.
- (4) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (5) But if –
- (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (4) before the expiry of the period of 28 days mentioned in that subsection, and
 - (b) the motion is not passed,
- the instrument ceases to have effect at the end of the day on which the vote takes place.
- (6) In calculating any period of 28 days for the purposes of subsection (4), no account is to be taken of any period during which Senedd Cymru is –
- (a) dissolved, or
 - (b) in recess for more than 4 days.
- (7) Subsections (4) and (5) do not –
- (a) affect anything done in reliance on the regulations before they ceased to have effect, or
 - (b) prevent the making of new regulations.
- (8) A statutory instrument containing regulations under subsection (1) to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

18 **Coming into force**

This Act comes into force on the day after the day on which this Act receives Royal Assent.

19 Enw byr

Enw byr y Ddeddf hon yw Deddf Etholiadau Cymru (Coronafeirws) 2021.

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19 Short title

The short title of this Act is the Welsh Elections (Coronavirus) Act 2021.

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