



Mesur Llywodraeth Leol (Cymru) 2009

2009 mccc 2

Local Government (Wales) Measure 2009

2009 nawm 2

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

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

£15.00



Mesur Llywodraeth Leol (Cymru) 2009

2009 mccc 2

CYNNWYS

RHAN 1

GWELLA LLYWODRAETH LEOL

Ystyr "awdurdod gwella Cymreig"

1. Ystyr "awdurdod gwella Cymreig"

Y ddyletswydd gyffredinol

2. Dyletswydd gyffredinol mewn perthynas â gwella

Amcanion gwella

3. Amcanion gwella

Gwella: materion atodol

4. Agweddau ar wella
5. Ymgynghori ynghylch y ddyletswydd gyffredinol a'r amcanion gwella
6. Y ddyletswydd gyffredinol, amcanion gwella ac ymgynghori: canllawiau
7. Agweddau ar wella: diwygio

Dangosyddion perfformiad a safonau perfformiad

8. Dangosyddion perfformiad a safonau perfformiad

Cydlafurio a gwella

9. Pwerau cydlafurio etc
10. Awdurdodau tân ac achub: pwerau dirprwyo
11. Ystyr "pwerau cydlafurio"
12. Dyletswyddau mewn perthynas â phwerau cydlafurio



Local Government (Wales) Measure 2009

2009 nawm 2

CONTENTS

PART 1

LOCAL GOVERNMENT IMPROVEMENT

Meaning of “Welsh improvement authority”

1. Meaning of “Welsh improvement authority”

General duty

2. General duty in relation to improvement

Improvement objectives

3. Improvement objectives

Improvement: supplementary

4. Aspects of improvement
5. Consultation about the general duty and improvement objectives
6. The general duty, improvement objectives and consultation: guidance
7. Aspects of improvement: amendment

Performance indicators and standards

8. Performance indicators and standards

Collaboration and improvement

9. Powers to collaborate etc
10. Fire and rescue authorities: powers of delegation
11. Meaning of “powers of collaboration”
12. Duties in relation to powers of collaboration

Cynllunio gwelliannau a gwybodaeth am welliannau

13. Casglu gwybodaeth sy'n gysylltiedig â pherfformiad
14. Defnyddio gwybodaeth am berfformiad
15. Cynllunio gwelliannau a chyhoeddi gwybodaeth am welliannau

Rheoleiddwyr perthnasol a'u swyddogaethau

16. Ystyr "rheoleiddwyr perthnasol" a "swyddogaethau perthnasol"

Archwiliadau ac asesiadau gwella

17. Gwybodaeth am welliannau a chynllunio ar gyfer gwella: archwilio
18. Aseidiadau gwella
19. Adroddiadau archwilio ac adroddiadau asesu
20. Ymateb i adroddiadau adran 19

Swyddogaethau eraill Archwilydd Cyffredinol Cymru

21. Arolygiadau arbennig
22. Adroddiadau am arolygiadau arbennig
23. Cydlynu archwiliad etc
24. Adroddiadau gwella blynyddol
25. Datganiad o arfer
26. Pwerau a dyletswyddau arolygwyr
27. Ffioedd

Gweinidogion Cymru

28. Gweinidogion Cymru: cymorth i awdurdodau gwella Cymreig
29. Gweinidogion Cymru: pwerau cyfarwyddo etc
30. Pwerau cyfarwyddo: trefniadau cydlafurio
31. Pŵer Gweinidogion Cymru i addasu deddfiadau a rhoi pwerau newydd
32. Gorchmynion o dan adran 31: y weithdrefn

Amrywiol ac atodol

33. Rhannu gwybodaeth
34. Y modd y mae gwybodaeth i'w defnyddio gan reoleiddwyr
35. Rhan 1: dehongli
36. Cyllid

Improvement planning and information

13. Collection of information related to performance
14. Use of performance information
15. Improvement planning and publication of improvement information

Relevant regulators and their functions

16. Meaning of “relevant regulators” and “relevant functions”

Improvement audits and assessments

17. Improvement information and planning: audit
18. Improvement assessments
19. Audit and assessment reports
20. Response to section 19 reports

Other functions of the Auditor General for Wales

21. Special inspections
22. Reports of special inspections
23. Co-ordination of audit etc
24. Annual improvement reports
25. Statement of practice
26. Inspectors’ powers and duties
27. Fees

The Welsh Ministers

28. Welsh Ministers: support for Welsh improvement authorities
29. Welsh Ministers: powers of direction etc
30. Powers of direction: collaboration arrangements
31. Power of Welsh Ministers to modify enactments and confer new powers
32. Orders under section 31: procedure

Miscellaneous and supplemental

33. Information sharing
34. Use of information by regulators
35. Part 1: interpretation
36. Finance

RHAN 2**STRATEGAETHAU CYMUNEDOL A CHYNLLUNIO CYMUNEDOL***Cynllunio cymunedol*

- 37. Cynllunio cymunedol
- 38. Ystyr “partneriaid cynllunio cymunedol”

Strategaethau cymunedol

- 39. Llunio strategaeth gymunedol
- 40. Strategaethau cymunedol: dyletswydd adolygu
- 41. Adolygiadau o strategaeth gymunedol
- 42. Strategaethau cymunedol: monitro
- 43. Strategaethau cymunedol: gweithredu

Cyfraniad y gymuned

- 44. Cynllunio cymunedol etc: cyfraniad y gymuned

Gweinidogion Cymru

- 45. Cynllunio cymunedol etc: canllawiau
- 46. Cynllunio cymunedol etc: rôl Gweinidogion Cymru

Dehongli

- 47. Rhan 2: dehongli

RHAN 3**CYFFREDINOL**

- 48. Canllawiau
- 49. Cyfarwyddiadau
- 50. Gorchmynion a rheoliadau
- 51. Diwygiadau canlyniadol etc a darpariaeth drosiannol a darpariaeth arbed
- 52. Diddymiadau
- 53. Cychwyn
- 54. Enw byr

Atodlen 1 – Mân ddiwygiadau a diwygiadau canlyniadol: Rhan 1

Atodlen 2 – Mân ddiwygiadau a diwygiadau canlyniadol: Rhan 2

Atodlen 3 – Darpariaeth drosiannol ac arbedion

Atodlen 4 – Diddymiadau

PART 2

COMMUNITY STRATEGIES AND PLANNING

Community planning

- 37. Community Planning
- 38. Meaning of “community planning partners”

Community strategies

- 39. Production of community strategy
- 40. Community strategies: duty to review
- 41. Community strategy reviews
- 42. Community strategies: monitoring
- 43. Community strategies: implementation

Community involvement

- 44. Community planning etc: community involvement

The Welsh Ministers

- 45. Community planning etc: guidance
- 46. Community planning etc: role of Welsh Ministers

Interpretation

- 47. Part 2: interpretation

PART 3

GENERAL

- 48. Guidance
- 49. Directions
- 50. Orders and regulations
- 51. Consequential etc amendments and transitional and saving provision
- 52. Repeals
- 53. Commencement
- 54. Short title

Schedule 1 – Minor and consequential amendments: Part 1

Schedule 2 – Minor and consequential amendments: Part 2

Schedule 3 – Transitional provision and savings

Schedule 4 – Repeals



Mesur Llywodraeth Leol (Cymru) 2009

MESUR gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynglŷn â threfniadau gan awdurdodau lleol ac awdurdodau eraill yng Nghymru i sicrhau gwelliant parhaus wrth arfer eu swyddogaethau; i wneud darpariaeth ar gyfer strategaethau cymunedol; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 28 Ebrill 2009 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 10 Mehefin 2009, yn deddfu'r darpariaethau a ganlyn:-

RHAN 1

GWELLA LLYWODRAETH LEOL

Ystyr "awdurdod gwella Cymreig"

1 Ystyr "awdurdod gwella Cymreig"

At ddibenion y Mesur hwn, mae "awdurdod gwella Cymreig" –

- (a) yn gyngor sir neu'n gyngor bwrdeistref sirol yng Nghymru;
- (b) yn awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru; neu
- (c) yn awdurdod tân ac achub Cymreig sy'n awdurdod yng Nghymru a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo.

Y ddyletswydd gyffredinol

2 Dyletswydd gyffredinol mewn perthynas â gwella

- (1) Rhaid i awdurdod gwella Cymreig wneud trefniadau i sicrhau gwelliant parhaus wrth arfer ei swyddogaethau.
- (2) Wrth gyflawni ei ddyletswydd o dan is-adran (1), rhaid i awdurdod roi sylw penodol i'r angen am wella'r modd y mae'n arfer ei swyddogaethau o ran –
 - (a) effeithiolrwydd strategol;



Local Government (Wales) Measure 2009

A MEASURE of the National Assembly for Wales to make provision about arrangements by local authorities and other authorities in Wales to secure continuous improvement in the exercise of their functions; to make provision for community strategies; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 28 April 2009 and approved by Her Majesty in Council on 10 June 2009, enacts the following provisions:-

PART 1

LOCAL GOVERNMENT IMPROVEMENT

Meaning of “Welsh improvement authority”

1 Meaning of “Welsh improvement authority”

For the purposes of this Measure, a “Welsh improvement authority” is—

- (a) a county council and county borough council in Wales;
- (b) a National Park authority for a National Park in Wales; and
- (c) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.

General duty

2 General duty in relation to improvement

- (1) A Welsh improvement authority must make arrangements to secure continuous improvement in the exercise of its functions.
- (2) In discharging its duty under subsection (1), an authority must have regard in particular to the need to improve the exercise of its functions in terms of—
 - (a) strategic effectiveness;

- (b) ansawdd gwasanaethau;
 - (c) argaeledd gwasanaethau;
 - (d) tegwch;
 - (e) cynaliadwyedd;
 - (f) effeithlonrwydd; ac
 - (g) arloesi.
- (3) I gael ystyron paragraffau (a) i (g) o is-adran (2), gweler adran 4.

Amcanion gwella

3 Amcanion gwella

- (1) Ar gyfer pob blwyddyn ariannol, rhaid i awdurdod gwella Cymreig osod amcanion iddo'i hun i wella'r modd y mae'n arfer ei swyddogaethau yn ystod y flwyddyn honno ("amcanion gwella").
- (2) Rhaid i awdurdod gwella Cymreig wneud trefniadau i sicrhau ei fod yn bodloni ei amcanion gwella.
- (3) Rhaid i amcan gwella gael ei ffurfio mewn ffordd a fydd yn gwella'r modd yr arferir y swyddogaeth y mae'n ymwneud â hi neu'r swyddogaethau y mae'n ymwneud â hwy o ran un o'r canlynol o leiaf –
- (a) effeithiolrwydd strategol;
 - (b) ansawdd gwasanaethau;
 - (c) argaeledd gwasanaethau;
 - (d) tegwch;
 - (e) cynaliadwyedd;
 - (f) effeithlonrwydd; ac
 - (g) arloesi.
- (4) I gael ystyron paragraffau (a) i (g) o is-adran (3), gweler adran 4.

Gwella: materion atodol

4 Agweddau ar wella

- (1) Mae'r adran hon yn darparu ar gyfer ystyron paragraffau (a) i (g) o'r canlynol –
- (a) adran 2(2);
 - (b) adran 3(3); ac
 - (c) adran 8(5).
- (2) Mae awdurdod gwella Cymreig yn gwella'r modd y mae'n arfer ei swyddogaethau o ran –
- (a) effeithiolrwydd strategol, os yw'n arfer ei swyddogaethau mewn ffordd sy'n rhesymol debyg o arwain at fodloni, neu helpu i fodloni, unrhyw un o'i amcanion strategol;

- (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.
- (3) For the meanings of paragraphs (a) to (g) of subsection (2), see section 4.

Improvement objectives

3 Improvement objectives

- (1) For each financial year, a Welsh improvement authority must set itself objectives for improving the exercise of its functions during that year (“improvement objectives”).
- (2) A Welsh improvement authority must make arrangements to secure achievement of its improvement objectives.
- (3) An improvement objective must be framed so as to improve the exercise of the function or functions to which it relates in terms of at least one of the following—
- (a) strategic effectiveness;
 - (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.
- (4) For the meanings of paragraphs (a) to (g) of subsection (3), see section 4.

Improvement: supplementary

4 Aspects of improvement

- (1) This section provides for the meanings of paragraphs (a) to (g) of—
- (a) section 2(2);
 - (b) section 3(3); and
 - (c) section 8(5).
- (2) A Welsh improvement authority improves the exercise of its functions in terms of—
- (a) strategic effectiveness, if it exercises its functions in a way which is reasonably likely to lead to the achievement of, or assist in achieving, any of its strategic objectives;

- (b) ansawdd gwasanaethau, os oes gwelliant yn ansawdd y gwasanaethau;
 - (c) argaeledd gwasanaethau, os oes gwelliant o ran y gwasanaethau sydd ar gael;
 - (d) tegwch, os –
 - (i) caiff anfanteision sy'n wynebu grwpiau penodol wrth geisio mynediad i wasanaethau, neu wrth geisio cymryd mantais lawn ohonynt, eu lleihau; neu
 - (ii) caiff llesiant cymdeithasol ei wella o ganlyniad i ddarparu gwasanaethau neu i'r modd yr arferir swyddogaethau fel arall;
 - (e) cynaliadwyedd, os caiff gwasanaethau eu darparu neu swyddogaethau eu harfer fel arall mewn modd sy'n cyfrannu at gyrraedd datblygiad cynaliadwy yn ardal yr awdurdod;
 - (f) effeithlonrwydd, os oes gwelliant o ran effeithlonrwydd y modd y mae adnoddau'n cael eu defnyddio i ddarparu gwasanaethau neu o ganlyniad i'r modd y caiff swyddogaethau eu harfer fel arall; ac
 - (g) arloesi, os caiff y ffordd y mae gwasanaethau'n cael eu darparu neu swyddogaethau'n cael eu harfer fel arall ei newid mewn modd sy'n rhesymol debyg o arwain at unrhyw ganlyniad sydd wedi ei ddisgrifio ym mharagraffau (a) i (f).
- (3) At ddibenion is-adran (2)(a), amcanion strategol awdurdod gwella Cymreig yw'r canlynol –
- (a) yn achos cyngor sir neu gyngor bwrdeistref sirol, yr amcanion strategaeth gymunedol sydd wedi'u cynnwys yn y strategaeth gymunedol gyfredol ar gyfer ardal yr awdurdod;
 - (b) yn achos awdurdod Parc Cenedlaethol –
 - (i) unrhyw amcanion strategaeth gymunedol perthnasol; a
 - (ii) os yw Cynllun Rheoli Parc Cenedlaethol yr awdurdod yn cynnwys amcanion i'r awdurdod eu cyrraedd wrth arfer ei swyddogaethau, yr amcanion hynny;
 - (c) yn achos awdurdod tân ac achub Cymreig –
 - (i) unrhyw amcanion strategaeth gymunedol perthnasol; a
 - (ii) os yw'r awdurdod wedi penderfynu gosod amcanion iddo'i hun mewn ymateb i ganllawiau sydd wedi'u cynnwys yn y Fframwaith Cenedlaethol Tân ac Achub, yr amcanion hynny.
- (4) At ddibenion yr adran hon –
- (a) ystyr "strategaeth gymunedol gyfredol" ("*current community strategy*") yw'r strategaeth gymunedol ar gyfer ardal awdurdod lleol a gyhoeddwyd o dan adran 39(4) neu, pan fo'r strategaeth wedi'i diwygio yn dilyn adolygiad o dan adran 41, y strategaeth a gyhoeddwyd yn fwyaf diweddar o dan adran 41(6);
 - (b) ystyr "Fframwaith Cenedlaethol Tân ac Achub" ("*Fire and Rescue National Framework*") yw'r Fframwaith a baratowyd gan Weinidogion Cymru ac sy'n cael effaith o dan adran 21 o Ddeddf Gwasanaethau Tân ac Achub 2004 (gan gynnwys unrhyw adolygiadau o'r Fframwaith sy'n cael effaith o dan yr adran honno);

- (b) service quality, if there is an improvement in the quality of services;
 - (c) service availability, if there is an improvement in the availability of services;
 - (d) fairness, if –
 - (i) disadvantages faced by particular groups in accessing, or taking full advantage of, services are reduced; or
 - (ii) social well-being is improved as a result of the provision of services or the way in which functions are otherwise exercised;
 - (e) sustainability, if services are provided or functions are otherwise exercised in a way which contributes towards the achievement of sustainable development in the authority's area;
 - (f) efficiency, if there is an improvement in the efficiency with which resources are used in the provision of services or in the way in which functions are otherwise exercised; and
 - (g) innovation, if the way in which services are provided or functions are otherwise exercised is altered in a manner which is reasonably likely to lead to any outcome described in paragraphs (a) to (f).
- (3) For the purposes of subsection (2)(a), a Welsh improvement authority's strategic objectives are –
- (a) in the case of a county council or a county borough council, the community strategy objectives contained in the current community strategy for the authority's area;
 - (b) in the case of a National Park authority –
 - (i) any relevant community strategy objectives; and
 - (ii) where the authority's National Park Management Plan includes objectives for the authority to meet in the exercise of its functions, those objectives;
 - (c) in the case of a Welsh fire and rescue authority –
 - (i) any relevant community strategy objectives; and
 - (ii) where the authority has decided to set itself objectives in response to guidance contained in the Fire and Rescue National Framework, those objectives.
- (4) For the purposes of this section –
- (a) "current community strategy" (*"strategaeth gymunedol gyfredol"*) means the community strategy for a local authority's area published under section 39(4) or, where the strategy has been amended following a review under section 41, the strategy most recently published under section 41(6);
 - (b) "Fire and Rescue National Framework" (*"Fframwaith Cenedlaethol Tân ac Achub"*) means the Framework prepared by the Welsh Ministers and having effect under section 21 of the Fire and Rescue Services Act 2004 (including any revisions to the Framework which have effect under that section);

- (c) ystyr “Cynllun Rheoli Parc Cenedlaethol” (“*National Park Management Plan*”) yw’r Cynllun sydd wedi ei gyhoeddi gan awdurdod Parc Cenedlaethol o dan adran 66 o Ddeddf yr Amgylchedd 1995 (p. 25) (gan gynnwys unrhyw ddiwygiadau i’r Cynllun sydd wedi eu cyhoeddi o dan is-adran (6) o’r adran honno);
- (d) ystyr “amcan strategaeth gymunedol perthnasol” (“*relevant community strategy objective*”) yw amcan sydd –
 - (i) wedi’i gynnwys mewn strategaeth gymunedol gyfredol y bu’r awdurdod ynghlwm wrth ei llunio fel partner cynllunio cymunedol (o fewn ystyr adran 38); a
 - (ii) yn gysylltiedig â swyddogaethau’r awdurdod;
- (e) mae cyfeiriad at wasanaethau yn gyfeiriad at –
 - (i) gwasanaethau sy’n cael eu darparu gan yr awdurdod wrth arfer ei swyddogaethau;
 - (ii) gwasanaethau sy’n cael eu darparu gan unrhyw berson arall o dan drefniadau a wnaed gan yr awdurdod wrth arfer ei swyddogaethau.

5 Ymgynghori ynghylch y ddyletswydd gyffredinol a’r amcanion gwella

- (1) Er mwyn penderfynu sut i gyflawni’r dyletswyddau o dan adran 2(1) a 3(1), rhaid i awdurdod gwella Cymreig ymgynghori â’r canlynol –
 - (a) cynrychiolwyr personau sy’n preswyllo yn ardal yr awdurdod;
 - (b) cynrychiolwyr personau sy’n atebol i dalu ardrethi annomestig mewn cysylltiad ag unrhyw ardal y mae’r awdurdod yn cyflawni swyddogaethau ynddi;
 - (c) cynrychiolwyr personau sy’n defnyddio neu sy’n debyg o ddefnyddio gwasanaethau a ddarperir gan yr awdurdod; a
 - (d) cynrychiolwyr personau y mae’n ymddangos i’r awdurdod bod ganddynt ddiddordeb mewn unrhyw ardal y mae’r awdurdod yn cyflawni swyddogaethau ynddi.
- (2) At ddibenion is-adran (1) ystyr “cynrychiolwyr”, mewn perthynas â grŵp o bersonau, yw personau y mae’n ymddangos i’r awdurdod eu bod yn cynrychioli’r grŵp hwnnw.

6 Y ddyletswydd gyffredinol, amcanion gwella ac ymgynghori: canllawiau

Wrth benderfynu –

- (a) sut i gyflawni’i ddyletswyddau o dan adran 2(1), 3(1) a 3(2);
- (b) â phwy i ymgynghori o dan adran 5; neu
- (c) ffurf, cynnwys ac amseriad yr ymgynghoriadau o dan adran 5,

rhaid i awdurdod gwella Cymreig roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

- (c) “National Park Management Plan” (“*Cynllun Rheoli Parc Cenedlaethol*”) means the Plan published by a National Park authority under section 66 of the Environment Act 1995 (c. 25) (including any amendments to the Plan published under subsection (6) of that section);
- (d) “relevant community strategy objective” (“*amcan strategaeth gymunedol perthnasol*”) means an objective that—
 - (i) is contained within a current community strategy the production of which involved the authority as a community planning partner (within the meaning of section 38); and
 - (ii) is connected with the authority’s functions;
- (e) a reference to services is to—
 - (i) services provided by the authority in the exercise of its functions;
 - (ii) services provided by any other person under arrangements made by the authority in the exercise of its functions.

5 Consultation about the general duty and improvement objectives

- (1) For the purpose of deciding how to fulfil the duties under section 2(1) and 3(1) a Welsh improvement authority must consult—
 - (a) representatives of persons resident in the authority’s area;
 - (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions;
 - (c) representatives of persons who use or are likely to use services provided by the authority; and
 - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- (2) For the purposes of subsection (1) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

6 The general duty, improvement objectives and consultation: guidance

In deciding—

- (a) how to discharge its duties under section 2(1), 3(1) and 3(2);
- (b) who to consult under section 5; or
- (c) the form, content and timing of consultations under section 5,

a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.

7 Agweddau ar wella: diwygio

- (1) Caiff Gweinidogion Cymru, drwy orchymyn –
 - (a) diwygio neu hepgor unrhyw baragraff yn is-adran (2) o adran 4;
 - (b) ychwanegu paragraffau ychwanegol at yr is-adran honno;
 - (c) diwygio neu hepgor paragraffau ychwanegol o'r fath.
- (2) Caiff gorchymyn o'r fath wneud unrhyw ddiwygiadau i'r Mesur hwn sy'n ymddangos i Weinidogion Cymru yn angenrheidiol neu'n hwylus mewn cysylltiad â'r ddarpariaeth a wnaed o dan is-adran (1).
- (3) Cyn gwneud gorchymyn o'r fath, rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) personau y mae'n ymddangos i Weinidogion Cymru eu bod yn cynrychioli awdurdodau gwella Cymreig, a
 - (b) unrhyw bersonau eraill (os oes rhai) y gwêl Gweinidogion Cymru'n dda i ymgynghori â hwy.

*Dangosyddion perfformiad a safonau perfformiad***8 Dangosyddion perfformiad a safonau perfformiad**

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, bennu –
 - (a) ffactorau ("dangosyddion perfformiad") y gellir eu defnyddio i fesur perfformiad awdurdod gwella Cymreig wrth iddo arfer ei swyddogaethau;
 - (b) safonau ("safonau perfformiad") sydd i'w cyrraedd gan awdurdodau gwella Cymreig mewn perthynas â'r dangosyddion perfformiad a bennwyd o dan baragraff (a).
- (2) Caiff gorchymyn bennu gwahanol ddangosyddion perfformiad neu wahanol safonau perfformiad –
 - (a) ar gyfer gwahanol swyddogaethau;
 - (b) ar gyfer gwahanol awdurdodau neu wahanol ddisgrifiadau o awdurdod;
 - (c) i fod yn gymwys ar adegau gwahanol.
- (3) Cyn pennu dangosyddion perfformiad neu safonau perfformiad, rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) personau y mae'n ymddangos i Weinidogion Cymru eu bod yn cynrychioli'r awdurdodau o dan sylw,
 - (b) Archwilydd Cyffredinol Cymru, a
 - (c) unrhyw bersonau eraill (os oes rhai) y gwêl Gweinidogion Cymru'n dda i ymgynghori â hwy.
- (4) Wrth benderfynu a ddylid pennu dangosyddion perfformiad a safonau perfformiad, ac wrth eu penderfynu, rhaid i Weinidogion Cymru anelu at hyrwyddo gwelliant yn y modd y mae swyddogaethau awdurdodau gwella Cymreig yn cael eu harfer.

7 Aspects of improvement: amendment

- (1) The Welsh Ministers may by order –
 - (a) amend or omit any paragraph of subsection (2) of section 4;
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.
- (2) Such an order may make such amendments of this Measure as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).
- (3) Before making such an order, the Welsh Ministers must consult –
 - (a) persons appearing to them to represent Welsh improvement authorities, and
 - (b) such other persons (if any) as they think fit.

*Performance indicators and standards***8 Performance indicators and standards**

- (1) The Welsh Ministers may by order specify –
 - (a) factors (“performance indicators”) by reference to which a Welsh improvement authority’s performance in exercising functions can be measured;
 - (b) standards (“performance standards”) to be met by Welsh improvement authorities in relation to performance indicators specified under paragraph (a).
- (2) An order may specify different performance indicators or standards –
 - (a) for different functions;
 - (b) for different authorities or descriptions of authority;
 - (c) to apply at different times.
- (3) Before specifying performance indicators or standards the Welsh Ministers must consult –
 - (a) persons appearing to them to represent the authorities concerned,
 - (b) the Auditor General for Wales, and
 - (c) such other persons (if any) as they think fit.
- (4) In deciding whether to specify performance indicators and standards, and in deciding them, the Welsh Ministers must aim to promote improvement of the exercise of the functions of Welsh improvement authorities.

- (5) Yn benodol, rhaid i Weinidogion Cymru ymwneud â'r angen am wella'r modd y mae'r swyddogaethau hynny'n cael eu harfer o ran o leiaf un o'r canlynol –
- (a) effeithiolrwydd strategol;
 - (b) ansawdd gwasanaethau;
 - (c) argaeledd gwasanaethau;
 - (d) tegwch;
 - (e) cynaliadwyedd;
 - (f) effeithlonrwydd; ac
 - (g) arloesi.
- (6) I gael ystyron paragraffau (a) i (g) o is-adran (5), gweler adran 4(2).
- (7) Rhaid i awdurdod gwella Cymreig wneud trefniadau i arfer ei swyddogaethau fel bod unrhyw safon perfformiad gymwys a bennwyd o dan is-adran (1)(b) yn cael ei bodloni.

Cydlafurio a gwella

9 Pwerau cydlafurio etc

- (1) Er mwyn cyflawni ei ddyletswyddau ei hun neu ddyletswyddau awdurdod gwella Cymreig arall o dan adrannau 2(1), 3(2) ac 8(7), neu er mwyn hwyluso'r modd y mae'r dyletswyddau hynny'n cael eu cyflawni, mae gan awdurdod gwella Cymreig y pwerau yn is-adran (2).
- (2) Mae'r pwerau yn bwerau i wneud y canlynol –
- (a) rhoi cymorth ariannol i unrhyw berson;
 - (b) ymrwymo i drefniadau neu gytundebau gydag unrhyw berson;
 - (c) cydweithredu ag unrhyw berson, neu hwyluso neu gydlynu gweithgareddau'r person hwnnw;
 - (d) arfer ar ran unrhyw berson unrhyw un o swyddogaethau'r person hwnnw; ac
 - (e) darparu staff, nwyddau, gwasanaethau neu lety i unrhyw berson.
- (3) Nid yw'r adran hon yn lleihau neu estyn effaith unrhyw bŵer arall sydd gan awdurdod gwella Cymreig.

10 Awdurdodau tân ac achub: pwerau dirprwyo

- (1) Er mwyn i awdurdod tân ac achub Cymreig gyflawni ei ddyletswyddau o dan adrannau 2(1), 3(2) a 8(7) neu er mwyn ei gwneud yn hwylus iddynt gael eu cyflawni, bydd adran 101(1)(b) a (5) o Ddeddf Llywodraeth Leol 1972 (p. 70) (trefniadau ar gyfer y modd y mae swyddogaethau i'w cyflawni gan awdurdodau lleol) yn cael effaith fel petai'r awdurdod yn awdurdod lleol at ddibenion yr adran honno.
- (2) Nid yw'r adran hon yn lleihau neu estyn effaith unrhyw bŵer arall sydd gan awdurdod tân ac achub Cymreig.

- (5) In particular, the Welsh Ministers must be concerned with the need to improve the exercise of those functions in terms of at least one of the following –
- (a) strategic effectiveness;
 - (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.
- (6) For the meanings of paragraphs (a) to (g) of subsection (5), see section 4(2).
- (7) A Welsh improvement authority must make arrangements to exercise its functions so that any applicable performance standard specified under subsection (1)(b) is met.

Collaboration and improvement

9 Powers to collaborate etc

- (1) For the purpose of discharging or facilitating the discharge of its duties under section 2(1), 3(2) and 8(7) or the duties of another Welsh improvement authority under those sections, a Welsh improvement authority has the powers in subsection (2).
- (2) The powers are –
- (a) to provide financial assistance to any person;
 - (b) to enter into arrangements or agreements with any person;
 - (c) to co-operate with, or facilitate or co-ordinate the activities of, any person;
 - (d) to exercise on behalf of any person any functions of that person; and
 - (e) to provide staff, goods, services or accommodation to any person.
- (3) This section is without prejudice to any other power of a Welsh improvement authority.

10 Fire and rescue authorities: powers of delegation

- (1) For the purpose of discharging or facilitating the discharge by a Welsh fire and rescue authority of its duties under sections 2(1), 3(2) and 8(7), section 101(1)(b) and (5) of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) shall have effect as if the authority were a local authority for the purposes of that section.
- (2) This section is without prejudice to any other power of a Welsh fire and rescue authority.

11 Ystyr “pwerau cydlafurio”

- (1) At ddibenion y Rhan hon, mae cyfeiriad at “bwerau cydlafurio” awdurdod gwella Cymreig yn gyfeiriad at y canlynol –
 - (a) pwerau’r awdurdod gwella Cymreig o dan adran 9 o’r Mesur hwn;
 - (b) yn achos cyngor sir neu gyngor bwrdeistref sirol –
 - (i) ei bwerau o dan adran 101(1)(b) a (5) o Ddeddf Llywodraeth Leol 1972 (trefniadau ar gyfer y modd y mae swyddogaethau i’w cyflawni gan awdurdodau lleol);
 - (ii) pŵer gan weithrediaeth yr awdurdod (neu bwyllgor neu aelod penodedig o’r weithrediaeth) i wneud trefniadau ar gyfer cyflawni ei swyddogaethau o dan reoliadau a wnaed o dan adran 19(1) o Ddeddf Llywodraeth Leol 2000 (p. 22) (cyflawni swyddogaethau gan awdurdod lleol arall neu ar ei ran);
 - (iii) pŵer gan yr awdurdod i wneud trefniadau ar gyfer cyflawni ei swyddogaethau o dan reoliadau a wnaed o dan adran 19(2) o Ddeddf Llywodraeth Leol 2000;
 - (c) pŵer yr awdurdod gwella Cymreig i awdurdodi person (neu rai sy’n cael eu cyflogi gan y person) i arfer swyddogaeth ar ran yr awdurdod o dan orchymyn a wnaed o dan adran 70 o Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40);
 - (d) yn achos awdurdod tân ac achub Cymreig, ei bwerau o dan adran 101(1)(b) a (5) o Ddeddf Llywodraeth Leol 1972 (fel y rhoddir effaith i’r adran honno mewn perthynas â’r awdurdod gan adran 10 o’r Mesur hwn);
 - (e) yn achos awdurdod Parc Cenedlaethol, ei bwerau o dan adran 101(1)(b) a (5) o Ddeddf Llywodraeth Leol 1972 (fel y rhoddir effaith i’r adran honno mewn perthynas â’r awdurdod gan baragraff 13 o Atodlen 7 i Ddeddf yr Amgylchedd 1995 (p. 25)).
- (2) Yn is-adran (1)(b)(ii) mae i “gweithrediaeth” yr un ystyr ag “*executive*” yn Rhan II o Ddeddf Llywodraeth Leol 2000.

12 Dyletswyddau mewn perthynas â phwerau cydlafurio

- (1) Rhaid i awdurdod gwella Cymreig bwysu a mesur o bryd i’w gilydd a fyddai arfer unrhyw un o’i bwerau cydlafurio yn ei helpu i gyflawni ei ddyletswyddau o dan adrannau 2(1), 3(2) a 8(7).
- (2) Os daw’r awdurdod i’r casgliad y byddai arfer pŵer cydlafurio yn ei helpu i gydymffurfio â’r dyletswyddau hynny, rhaid iddo geisio arfer y pŵer, neu geisio peri iddo gael ei arfer.

11 Meaning of “powers of collaboration”

- (1) For the purposes of this Part, a reference to a Welsh improvement authority’s “powers of collaboration” is a reference to the following—
 - (a) the Welsh improvement authority’s powers under section 9 of this Measure;
 - (b) in the case of a county council or county borough council—
 - (i) their powers under section 101(1)(b) and (5) of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities);
 - (ii) a power of the executive of the authority (or a committee or specified member of the executive) to make arrangements for the discharge of their functions under regulations made under section 19(1) of the Local Government Act 2000 (c. 22) (discharge of functions of and by another local authority);
 - (iii) a power of the authority to make arrangements for the discharge of their functions under regulations made under section 19(2) of the Local Government Act 2000;
 - (c) a power of the Welsh improvement authority to authorise a person (or the person’s employees) to exercise a function on the authority’s behalf under an order made under section 70 of the Deregulation and Contracting Out Act 1994 (c. 40);
 - (d) in the case of a Welsh fire and rescue authority, its powers under section 101(1)(b) and (5) of the Local Government Act 1972 (as given effect in relation to the authority by section 10 of this Measure);
 - (e) in the case of a National Park authority, its powers under section 101(1)(b) and (5) of the Local Government Act 1972 (as given effect in relation to the authority by paragraph 13 of Schedule 7 to the Environment Act 1995 (c. 25)).
- (2) In subsection (1)(b)(ii) “executive” has the same meaning as in Part II of the Local Government Act 2000.

12 Duties in relation to powers of collaboration

- (1) A Welsh improvement authority must from time to time consider whether the exercise of any of its powers of collaboration would assist it to discharge its duties under sections 2(1), 3(2) and 8(7).
- (2) If the authority concludes that the exercise of a power of collaboration would assist it to comply with those duties it must seek to exercise, or cause to be exercised, the power.

*Cynllunio gwelliannau a gwybodaeth am welliannau***13 Casglu gwybodaeth sy'n gysylltiedig â pherfformiad**

- (1) Rhaid i awdurdod gwella Cymreig wneud trefniadau ar gyfer—
 - (a) casglu gwybodaeth a fydd yn caniatáu iddo asesu a yw wedi cyrraedd yn ystod blwyddyn ariannol yr amcanion gwella hynny a osodwyd o dan adran 3(1) ac sy'n gymwys i'r flwyddyn honno;
 - (b) casglu gwybodaeth a fydd yn caniatáu iddo wneud y canlynol—
 - (i) mesur ei berfformiad yn ystod blwyddyn ariannol drwy gyfeirio at y dangosyddion perfformiad hynny a bennwyd o dan adran 8(1)(a) ac sy'n gymwys i'r awdurdod am y flwyddyn honno;
 - (ii) asesu a yw wedi cyrraedd yn ystod blwyddyn ariannol y safonau perfformiad hynny a bennwyd o dan adran 8(1)(b) ac sy'n gymwys i'r awdurdod am y flwyddyn honno;
 - (c) casglu gwybodaeth a fydd yn caniatáu iddo wneud y canlynol—
 - (i) mesur ei berfformiad yn ystod blwyddyn ariannol drwy gyfeirio at y dangosyddion perfformiad hunanosodedig hynny sy'n gymwys i'r flwyddyn honno;
 - (ii) asesu a yw wedi cyrraedd yn ystod blwyddyn ariannol y safonau perfformiad hunanosodedig hynny sy'n gymwys i'r flwyddyn honno.
- (2) At ddibenion yr adran hon ac adrannau 14 a 15—
 - (a) mae dangosydd perfformiad hunanosodedig yn ffactor y mae awdurdod gwella Cymreig, drwy gyfeirio ato, wedi penderfynu ei ddefnyddio i fesur ei berfformiad wrth arfer ei swyddogaethau; a
 - (b) mae safon perfformiad hunanosodedig yn safon y mae awdurdod gwella Cymreig wedi penderfynu ei chyrraedd mewn perthynas â dangosydd perfformiad hunanosodedig.

14 Defnyddio gwybodaeth am berfformiad

- (1) Rhaid i awdurdod gwella Cymreig ddefnyddio'r wybodaeth y mae'n ei chasglu o dan adran 13 i gymharu ei berfformiad wrth arfer y swyddogaethau y mae'r wybodaeth yn ymwneud â hwy â'r canlynol—
 - (a) ei berfformiad wrth arfer y swyddogaethau hynny neu rai tebyg yn ystod y blynyddoedd ariannol blaenorol; a
 - (b) cyn belled ag y bo hynny'n rhesymol bosibl, perfformiad awdurdodau gwella Cymreig eraill ac awdurdodau cyhoeddus eraill wrth arfer y swyddogaethau hynny neu rai tebyg yn ystod y flwyddyn ariannol y mae'r wybodaeth yn ymwneud â hi ac yn ystod blynyddoedd ariannol blaenorol.
- (2) Rhaid i awdurdod gwella Cymreig—
 - (a) defnyddio'r wybodaeth y mae'n ei chasglu o dan adran 13 i asesu a allai wella ei berfformiad wrth arfer ei swyddogaethau; a
 - (b) yng ngoleuni'r asesiad hwnnw, penderfynu pa gamau y bydd yn eu cymryd gyda golwg ar wella ei berfformiad wrth arfer ei swyddogaethau.

*Improvement planning and information***13 Collection of information related to performance**

- (1) A Welsh improvement authority must make arrangements for –
 - (a) the collection of information which will allow it to assess whether it has met during a financial year those improvement objectives set under section 3(1) which are applicable to that year;
 - (b) the collection of information which will allow it to –
 - (i) measure its performance during a financial year by reference to those performance indicators specified under section 8(1)(a) which are applicable to the authority for that year;
 - (ii) assess whether it has met during a financial year those performance standards specified under section 8(1)(b) which are applicable to the authority for that year;
 - (c) the collection of information which will allow it to –
 - (i) measure its performance during a financial year by reference to those self-imposed performance indicators which are applicable to that year;
 - (ii) assess whether it has met during a financial year those self-imposed performance standards which are applicable to that year.
- (2) For the purposes of this section and sections 14 and 15 –
 - (a) a self-imposed performance indicator is a factor by reference to which a Welsh improvement authority has decided to measure its performance in exercising its functions; and
 - (b) a self-imposed performance standard is a standard which a Welsh improvement authority has decided to meet in relation to a self-imposed performance indicator.

14 Use of performance information

- (1) A Welsh improvement authority must use the information it collects under section 13 to compare its performance in exercising the functions to which the information relates with –
 - (a) its performance in exercising those or similar functions during previous financial years; and
 - (b) so far as is reasonably practicable, the performance of other Welsh improvement authorities and other public authorities in exercising those or similar functions during the financial year to which the information relates and during previous financial years.
- (2) A Welsh improvement authority must –
 - (a) use the information it collects under section 13 to assess whether it could improve its performance in exercising its functions; and
 - (b) in the light of that assessment, decide what steps it will take with a view to improving its performance in exercising its functions.

- (3) Wrth gyflawni ei ddyletswydd o dan yr adran hon ac adran 13, rhaid i awdurdod gwella Cymreig roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

15 Cynllunio gwelliannau a chyhoeddi gwybodaeth am welliannau

- (1) Rhaid i awdurdod gwella Cymreig wneud trefniadau yn unol â'r adran hon ar gyfer cyhoeddi'r wybodaeth a ddisgrifir isod.
- (2) Rhaid i'r awdurdod wneud trefniadau ar gyfer cyhoeddi—
- (a) asesiad yr awdurdod o'i berfformiad yn ystod blwyddyn ariannol—
 - (i) o ran cyflawni ei ddyletswydd o dan adran 2;
 - (ii) o ran cyrraedd yr amcanion gwella y mae wedi'u gosod iddo'i hun o dan adran 3 ac sy'n gymwys i'r flwyddyn honno;
 - (iii) drwy gyfeirio at y dangosyddion perfformiad a bennwyd o dan adran 8(1)(a) a dangosyddion perfformiad hunanosodedig sy'n gymwys i'r flwyddyn honno;
 - (iv) o ran cyrraedd y safonau perfformiad a bennwyd o dan adran 8(1)(b) a safonau perfformiad hunanosodedig sy'n gymwys i'r flwyddyn honno;
 - (b) asesiad yr awdurdod o'i berfformiad wrth arfer ei swyddogaethau yn ystod blwyddyn ariannol o gymharu'r perfformiad hwnnw â'r canlynol—
 - (i) ei berfformiad yn y blynyddoedd ariannol blaenorol; a
 - (ii) cyn belled ag y bo hynny'n rhesymol ymarferol, perfformiad awdurdodau gwella Cymreig eraill ac awdurdodau cyhoeddus eraill yn ystod y flwyddyn ariannol honno a blynyddoedd ariannol blaenorol (i'r graddau y mae'r awdurdodau hynny'n arfer swyddogaethau sy'n debyg i'r rhai sy'n cael eu harfer gan yr awdurdod);
 - (c) manylion am y ffyrdd y mae'r awdurdod wedi arfer ei bwerau cydlafurio yn ystod blwyddyn ariannol er mwyn cyflawni ei ddyletswyddau o dan adrannau 2(1), 3(2) a 8(7) yn ystod y flwyddyn honno neu ei gwneud yn hwylus iddo gyflawni'r dyletswyddau hynny;
 - (d) manylion am yr wybodaeth a gasglwyd o dan adran 13 mewn cysylltiad â blwyddyn ariannol a'r hyn y mae'r awdurdod wedi'i wneud i gyflawni ei ddyletswyddau o dan adran 14 mewn perthynas â'r flwyddyn honno.
- (3) Rhaid i'r trefniadau gael eu ffurfio fel bod yr wybodaeth yn cael ei chyhoeddi cyn—
- (a) 31 Hydref yn y flwyddyn ariannol ar ôl yr un y mae'r wybodaeth yn ymwneud â hi; neu
 - (b) unrhyw ddyddiad arall a gaiff ei bennu gan Weinidogion Cymru drwy orchymyn.
- (4) Rhaid i'r awdurdod wneud trefniadau ar gyfer cyhoeddi crynodeb o unrhyw adroddiad mewn cysylltiad â'r awdurdod a ddyroddir o dan adran 22.
- (5) Rhaid i'r trefniadau hynny gael eu ffurfio fel bod y crynodeb yn cael ei gyhoeddi cyn—

- (3) In discharging its duty under this section and section 13 a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.

15 Improvement planning and publication of improvement information

- (1) A Welsh improvement authority must make arrangements in accordance with this section for the publication of the information described below.
- (2) The authority must make arrangements for the publication of—
 - (a) the authority's assessment of its performance during a financial year—
 - (i) in discharging its duty under section 2;
 - (ii) in meeting the improvement objectives it has set itself under section 3 which are applicable to that year;
 - (iii) by reference to performance indicators specified under section 8(1)(a) and self-imposed performance indicators which are applicable to that year;
 - (iv) in meeting performance standards specified under section 8(1)(b) and self-imposed performance standards which are applicable to that year;
 - (b) the authority's assessment of its performance in exercising its functions during a financial year as compared with—
 - (i) its performance in previous financial years; and
 - (ii) so far as is reasonably practicable, the performance during that and previous financial years of other Welsh improvement authorities and other public authorities (to the extent that those authorities exercise similar functions to those exercised by the authority);
 - (c) details of the ways in which the authority has during a financial year exercised its powers of collaboration for the purpose of discharging or facilitating the discharge of its duties under sections 2(1), 3(2) and 8(7) during that year;
 - (d) details of the information collected under section 13 in respect of a financial year and what the authority has done to discharge its duties under section 14 in relation to that year.
- (3) Those arrangements must be framed so that the information is published before—
 - (a) 31 October in the financial year following that to which the information relates; or
 - (b) such other date as the Welsh Ministers may specify by order.
- (4) The authority must make arrangements for the publication of a summary of any report in respect of the authority issued under section 22.
- (5) Those arrangements must be framed so that the summary is published before—

- (a) 31 Hydref yn y flwyddyn ariannol ar ôl yr un y cafodd yr adroddiad ei ddyroddi ynnddi; neu
 - (b) unrhyw ddyddiad arall a gaiff ei bennu gan Weinidogion Cymru drwy orchymyn.
- (6) Rhaid i'r awdurdod wneud trefniadau ar gyfer cyhoeddi disgrifiad o gynlluniau'r awdurdod ar gyfer cyflawni ei ddyletswyddau o dan adrannau 2(1), 3(2) a 8(7) mewn blwyddyn ariannol a hynny, os gwêl yr awdurdod yn dda, ynghyd â'i gynlluniau ar gyfer y blynyddoedd dilynol ("cynllun gwella").
- (7) Rhaid i'r trefniadau gael eu ffurfio fel bod yr wybodaeth yn cael ei chyhoeddi—
- (a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl dechrau'r flwyddyn ariannol y mae'r cynllun yn ymwneud â hi; neu
 - (b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl unrhyw ddyddiad arall a gaiff ei bennu gan Weinidogion Cymru drwy orchymyn.
- (8) Rhaid i awdurdod gwella Cymreig roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru ynghylch cyflawni ei ddyletswyddau o dan yr adran hon.
- (9) Heb leihau neu estyn effaith natur gyffredinol is-adran (8), caiff canllawiau a ddyroddir o dan yr is-adran honno fynd i'r afael â'r canlynol—
- (a) y modd y mae asesiadau o berfformiad i'w cynnal;
 - (b) gwneud cynllun gwella, gan gynnwys yr weithdrefn sydd i'w dilyn.

Rheoleiddwyr perthnasol a'u swyddogaethau

16 Ystyr "rheoleiddwyr perthnasol" a "swyddogaethau perthnasol"

- (1) At ddibenion y Rhan hon, mae "rheoleiddiwr perthnasol" yn berson a restrir yn is-adran (2) a "swyddogaethau perthnasol" y rheoleiddiwr yw'r rhai a bennir mewn cysylltiad â'r person hwnnw yn yr is-adran honno.
- (2) Mae'r rheoleiddwyr perthnasol a'u swyddogaethau perthnasol fel a ganlyn—
- (a) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru wrth arfer swyddogaethau o dan adran 38 o Ddeddf Addysg 1997 (p. 44) (arolygu AAL);
 - (b) Gweinidogion Cymru wrth arfer eu swyddogaethau o dan—
 - (i) adrannau 93, 94 a 95 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau Cymunedol) 2003 (p. 43) (adolygiadau etc o'r gwasanaethau cymdeithasol sy'n cael eu darparu);
 - (ii) rheoliadau a wnaed o dan adran 96 o'r Ddeddf honno;
 - (c) person a benodwyd o dan adran 28 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21) (arolygwyr) wrth arfer ei swyddogaethau o dan adran 28(1) o'r Ddeddf honno;
 - (d) Bwrdd yr Iaith Gymraeg wrth arfer swyddogaethau o dan adran 17 o Ddeddf yr Iaith Gymraeg 1993 (p. 38) (ymchwiliadau);

- (a) 31 October in the financial year following that in which the report was issued; or
 - (b) such other date as the Welsh Ministers may specify by order.
- (6) The authority must make arrangements for the publication of a description of the authority's plans for discharging its duties under sections 2(1), 3(2) and 8(7) in a financial year together with, if the authority thinks fit, its plans for subsequent years (an "improvement plan").
- (7) Those arrangements must be framed so that the information is published –
- (a) as soon as is reasonably practicable after the start of the financial year to which the plan must relate; or
 - (b) as soon as is reasonably practicable after such other date as the Welsh Ministers may specify by order.
- (8) A Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers about the discharge of its duties under this section.
- (9) Without prejudice to the generality of subsection (8), guidance issued under that subsection may address –
- (a) the manner in which assessments of performance are to be carried out;
 - (b) the making of an improvement plan including the procedure to be followed.

Relevant regulators and their functions

16 Meaning of "relevant regulators" and "relevant functions"

- (1) For the purposes of this Part, a "relevant regulator" is a person listed in subsection (2) and the regulator's "relevant functions" are those specified in respect of the person in that subsection.
- (2) The relevant regulators and their relevant functions are as follows –
- (a) Her Majesty's Chief Inspector of Education and Training in Wales in the exercise of functions under section 38 of the Education Act 1997 (c. 44) (inspection of LEAs);
 - (b) the Welsh Ministers in the exercise of their functions under –
 - (i) sections 93, 94 and 95 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (reviews etc of the provision of social services);
 - (ii) regulations made under section 96 of that Act;
 - (c) a person appointed under section 28 of the Fire and Rescue Services Act 2004 (c. 21) (inspectors) in the exercise of the person's functions under section 28(1) of that Act;
 - (d) the Welsh Language Board in the exercise of functions under section 17 of the Welsh Language Act 1993 (c. 38) (investigations);

- (e) archwilydd sydd wedi ei benodi o dan adran 13 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23) i archwilio cyfrifon awdurdod gwella Cymreig wrth arfer y swyddogaeth o gynnal yr archwiliad.
- (3) Caiff Gweinidogion Cymru, drwy orchymyn—
- diwygio neu hepgor unrhyw baragraff yn is-adran (2);
 - ychwanegu paragraffau ychwanegol at yr is-adran honno;
 - diwygio neu hepgor paragraffau ychwanegol o'r fath.
- (4) Caiff gorchymyn o'r fath wneud unrhyw ddiwygiadau i'r Mesur hwn sy'n ymddangos yn angenrheidiol neu'n hwylus i Weinidogion Cymru mewn cysylltiad â'r ddarpariaeth a wnaed o dan is-adran (3).
- (5) Rhaid i Weinidogion Cymru beidio â gwneud gorchymyn o'r fath onid ydynt wedi ymgynghori â'r canlynol—
- personau y mae'n ymddangos iddynt eu bod yn cynrychioli awdurdodau gwella Cymreig;
 - Archwilydd Cyffredinol Cymru;
 - pan fo'r gorchymyn yn newid y swyddogaethau perthnasol sydd wedi'u pennu mewn cysylltiad â rheoleiddiwr perthnasol, y rheoleiddiwr hwnnw;
 - pan fo'r gorchymyn yn ychwanegu person at y rhestr o reoleiddwyr perthnasol, y person hwnnw.
- (6) Ond nid yw is-adran (5)(d) yn ei gwneud yn ofynnol i Weinidogion Cymru fod wedi ymgynghori â pherson a sefydlwyd drwy neu o dan unrhyw ddeddfiad os nad yw'r deddfiad mewn grym ar y dyddiad y gwneir y gorchymyn.

Archwiliadau ac asesiadau gwella

17 Gwybodaeth am welliannau a chynllunio ar gyfer gwella: archwilio

Mewn cysylltiad â phob blwyddyn ariannol, rhaid i Archwilydd Cyffredinol Cymru gynnal archwiliad er mwyn penderfynu—

- a yw awdurdod gwella Cymreig wedi cyflawni yn ystod y flwyddyn honno ei ddyletswydd o dan adran 15(1) i (7); a
- i ba raddau y mae'r awdurdod wedi gweithredu yn ystod y flwyddyn honno yn unol ag unrhyw ganllawiau a ddyroddwyd o dan adran 15(8).

18 Asesiadau gwella

- Mewn cysylltiad â phob blwyddyn ariannol, rhaid i Archwilydd Cyffredinol Cymru gynnal asesiad er mwyn penderfynu a yw awdurdod gwella Cymreig yn debyg o gydymffurfio â gofynion y Rhan hon yn ystod y flwyddyn honno.
- Ynghyd ag asesiad o dan is-adran (1), caiff Archwilydd Cyffredinol Cymru gynnal asesiad er mwyn penderfynu a yw'r awdurdod gwella Cymreig yn debyg o gydymffurfio â gofynion y Rhan hon yn ystod blynyddoedd ariannol dilynol.

- (e) an auditor appointed under section 13 of the Public Audit (Wales) Act 2004 (c. 23) to audit the accounts of a Welsh improvement authority in the exercise of the function of carrying out the audit.
- (3) The Welsh Ministers may by order –
 - (a) amend or omit any paragraph of subsection (2);
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.
- (4) Such an order may make such amendments of this Measure as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (3).
- (5) The Welsh Ministers must not make such an order unless they have consulted –
 - (a) persons appearing to them to represent Welsh improvement authorities;
 - (b) the Auditor General for Wales;
 - (c) where the order alters the relevant functions specified in respect of a relevant regulator, that regulator;
 - (d) where the order adds a person to the list of relevant regulators, that person.
- (6) But subsection (5)(d) does not require the Welsh Ministers to have consulted a person established by or under any enactment if the enactment is not in force at the date on which the order is made.

Improvement audits and assessments

17 Improvement information and planning: audit

In respect of each financial year, the Auditor General for Wales must carry out an audit for the purpose of determining –

- (a) whether a Welsh improvement authority has during that year discharged its duties under section 15(1) to (7); and
- (b) the extent to which the authority has during that year acted in accordance with any guidance issued under section 15(8).

18 Improvement assessments

- (1) In respect of each financial year, the Auditor General for Wales must carry out an assessment for the purpose of determining whether a Welsh improvement authority is likely during that year to comply with the requirements of this Part.
- (2) In conjunction with an assessment under subsection (1), the Auditor General may carry out an assessment for the purpose of determining whether the Welsh improvement authority is likely to comply with the requirements of this Part in subsequent financial years.

19 Adroddiadau archwilio ac adroddiadau asesu

- (1) Bob blwyddyn ariannol, rhaid i Archwilydd Cyffredinol Cymru ddyroddi mewn cysylltiad â phob awdurdod gwella Cymreig adroddiad neu adroddiadau –
 - (a) sy'n ardystio bod yr Archwilydd Cyffredinol wedi cynnal archwiliad o dan adran 17 mewn cysylltiad â'r flwyddyn ariannol flaenorol;
 - (b) sy'n datgan a yw'r Archwilydd Cyffredinol, o ganlyniad i'r archwiliad, yn credu –
 - (i) bod yr awdurdod wedi cyflawni ei ddyletswyddau o dan adran 15(1) i (7); a
 - (ii) bod yr awdurdod wedi gweithredu'n unol ag unrhyw ganllawiau a ddyroddwyd o dan adran 15(8);
 - (c) sy'n ardystio bod yr Archwilydd Cyffredinol wedi cynnal asesiad o dan adran 18 mewn cysylltiad â'r flwyddyn ariannol;
 - (d) sy'n disgrifio i ba raddau y mae gwybodaeth a dogfennau a ddarparwyd i'r Archwilydd Cyffredinol o dan adran 33 wedi eu cymryd i ystyriaeth wrth gynnal yr asesiad hwnnw;
 - (e) sy'n datgan a yw'r Archwilydd Cyffredinol, o ganlyniad i'r asesiad, yn credu bod yr awdurdod yn debyg o gydymffurfio â gofynion y Rhan hon yn ystod y flwyddyn ariannol;
 - (f) sy'n argymhell, os yw'r Archwilydd Cyffredinol yn credu ei bod yn briodol yng ngoleuni unrhyw archwiliad neu asesiad, gamau y dylai'r awdurdod eu cymryd er mwyn cydymffurfio â gofynion y Rhan hon neu weithredu'n unol â chanllawiau a ddyroddwyd o dan adran 15(8) (p'un ai mewn cysylltiad â'r flwyddyn ariannol honno neu flwyddyn ariannol ddiweddarach);
 - (g) sy'n argymhell, os yw'r Archwilydd Cyffredinol yn credu ei bod yn briodol yng ngoleuni unrhyw archwiliad neu asesiad, y dylai Gweinidogion Cymru –
 - (i) rhoi cymorth i'r awdurdod drwy arfer eu pŵer o dan adran 28;
 - (ii) rhoi cyfarwyddyd o dan adran 29 ac, os felly, y math o gyfarwyddyd;
 - (h) sy'n datgan, yng ngoleuni unrhyw archwiliad neu asesiad, a yw'r Archwilydd Cyffredinol o blaid cynnal arolygiad arbennig o dan adran 21.
- (2) Rhaid i'r Archwilydd Cyffredinol anfon copi o unrhyw adroddiad a ddyroddir o dan yr adran hon i'r awdurdod o dan sylw ac at Weinidogion Cymru.
- (3) Rhaid i gopiau o adroddiad gael eu hanfon yn unol ag is-adran (2) –
 - (a) erbyn 30 Tachwedd yn ystod y flwyddyn ariannol y cafodd yr archwiliad ei gynnal ynddi neu y mae'r asesiad yn ymwneud â hi; neu
 - (b) erbyn unrhyw ddyddiad arall a gaiff ei bennu gan Weinidogion Cymru drwy orchymyn.
- (4) Ond caiff Gweinidogion Cymru, drwy gyfarwyddyd, bennu dyddiad ar gyfer anfon adroddiad mewn perthynas ag awdurdod gwella Cymreig penodedig sy'n wahanol i'r dyddiad a fyddai'n gymwys fel arall o dan is-adran (3) –

19 Audit and assessment reports

- (1) Each financial year, the Auditor General for Wales must issue a report or reports in respect of each Welsh improvement authority –
 - (a) certifying that the Auditor General has carried out an audit under section 17 in respect of the previous financial year;
 - (b) stating whether as a result of the audit the Auditor General believes –
 - (i) that the authority has discharged its duties under section 15(1) to (7); and
 - (ii) that the authority has acted in accordance with any guidance issued under section 15(8);
 - (c) certifying that the Auditor General has carried out an assessment under section 18 in respect of the financial year;
 - (d) describing the extent to which information and documents provided to the Auditor General under section 33 have been taken into account in carrying out that assessment;
 - (e) stating whether as a result of the assessment the Auditor General believes that the authority is likely to comply with the requirements of this Part during the financial year;
 - (f) if the Auditor General thinks it appropriate in the light of an audit or assessment, recommending action that the authority should take in order to comply with the requirements of this Part or act in accordance with guidance issued under section 15(8) (whether in respect of that or a subsequent financial year);
 - (g) if the Auditor General thinks it appropriate in the light of an audit or assessment, recommending that the Welsh Ministers should –
 - (i) provide assistance to the authority by exercising their power under section 28;
 - (ii) give a direction under section 29 and, if so, the type of direction;
 - (h) stating whether, in the light of an audit or assessment, the Auditor General is minded to carry out a special inspection under section 21.
- (2) The Auditor General must send a copy of any report issued under this section to the authority concerned and the Welsh Ministers.
- (3) Copies of a report must be sent in accordance with subsection (2) –
 - (a) by 30 November in the financial year during which the audit was carried out or to which the assessment relates; or
 - (b) by such other date as the Welsh Ministers may specify by order.
- (4) But the Welsh Ministers may by direction set a date for the sending of a report in relation to a specified Welsh improvement authority which differs from the date which would otherwise apply under subsection (3) if –

- (a) os yw Archwilydd Cyffredinol Cymru wedi gwneud cais am i Weinidogion Cymru roi cyfarwyddyd o'r fath; a
- (b) os yw Gweinidogion Cymru o'r farn bod yr amgylchiadau'n eithriadol.

20 Ymateb i adroddiadau adran 19

- (1) Mae'r is-adrannau canlynol yn gymwys pan fo unrhyw adroddiad a gaiff awdurdod gwella Cymreig o dan adran 19(2) –
 - (a) yn cynnwys argymhelliad o dan adran 19(1)(f) neu (g); neu
 - (b) yn datgan o dan adran 19(1)(h) bod Archwilydd Cyffredinol Cymru o blaid cynnal arolygiad arbennig.
- (2) Rhaid i'r awdurdod baratoi datganiad ynghylch –
 - (a) unrhyw gamau y mae'n bwriadu eu cymryd o ganlyniad i'r adroddiad; a
 - (b) yr amserlen y mae'n ei chynnig ar gyfer cymryd y camau hynny.
- (3) Rhaid i ddatganiad sy'n ofynnol o dan is-adran (2) gael ei baratoi –
 - (a) cyn diwedd cyfnod o 30 o ddiwrnodau gwaith sy'n dechrau ar y diwrnod y mae'r awdurdod yn cael yr adroddiad; neu
 - (b) os yw'r adroddiad yn pennu cyfnod byrrach sy'n dechrau ar y diwrnod hwnnw, cyn diwedd y cyfnod hwnnw.
- (4) Rhaid i'r awdurdod ymgorffori'r datganiad yn ei gynllun gwella ar gyfer y flwyddyn ariannol nesaf.
- (5) Os bydd yr adroddiad yn argymhell bod Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 29, rhaid i'r awdurdod anfon copi o'r datganiad at Weinidogion Cymru –
 - (a) cyn diwedd cyfnod o 30 o ddiwrnodau gwaith sy'n dechrau ar y diwrnod y mae'r awdurdod yn cael yr adroddiad; neu
 - (b) os yw'r adroddiad yn pennu cyfnod byrrach sy'n dechrau ar y diwrnod hwnnw, cyn diwedd y cyfnod hwnnw.
- (6) At ddibenion yr adran hon, mae diwrnod gwaith yn ddiwrnod nad yw –
 - (a) yn ddydd Sadwrn nac yn ddydd Sul;
 - (b) yn Ddydd Nadolig nac yn Ddydd Gwener y Groglith; neu
 - (c) yn unrhyw ddydd sy'n wyl banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971 yng Nghymru a Lloegr.

Swyddogaethau eraill Archwilydd Cyffredinol Cymru

21 Arolygiadau arbennig

- (1) Caiff Archwilydd Cyffredinol Cymru gynnal arolygiad o gydymffurfedd awdurdod gwella Cymreig â gofynion y Rhan hon –
 - (a) os yw'r Archwilydd Cyffredinol o'r farn y gallai'r awdurdod fetu â chydymffurfio â gofynion y Rhan hon; neu

- (a) the Auditor General for Wales has requested that the Welsh Ministers give such a direction; and
- (b) in the opinion of the Welsh Ministers, the circumstances are exceptional.

20 Response to section 19 reports

- (1) The following subsections apply where any report received by a Welsh improvement authority under section 19(2) –
 - (a) contains a recommendation under section 19(1)(f) or (g); or
 - (b) states under section 19(1)(h) that the Auditor General for Wales is minded to carry out a special inspection.
- (2) The authority must prepare a statement of –
 - (a) any action which it proposes to take as a result of the report; and
 - (b) its proposed timetable for taking that action.
- (3) A statement required by subsection (2) must be prepared –
 - (a) before the end of the period of 30 working days starting with the day on which the authority receives the report; or
 - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (4) The authority must incorporate the statement in its improvement plan for the next financial year.
- (5) If the report recommends that the Welsh Ministers give a direction under section 29, the authority must send a copy of the statement to the Welsh Ministers –
 - (a) before the end of the period of 30 working days starting with the day on which the authority receives the report; or
 - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (6) For the purposes of this section a working day is a day other than –
 - (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

Other functions of the Auditor General for Wales

21 Special inspections

- (1) The Auditor General for Wales may carry out an inspection of a Welsh improvement authority's compliance with the requirements of this Part if –
 - (a) the Auditor General is of the opinion that the authority may fail to comply with the requirements of this Part; or

- (b) os bydd unrhyw reoleiddiwr perthnasol yn hysbysu'r Archwilydd Cyffredinol y gallai'r awdurdod, ym marn y rheoleiddiwr, fethu â chydymffurfio â gofynion y Rhan hon.
- (2) Er hynny, rhaid i'r Archwilydd Cyffredinol wneud y canlynol cyn penderfynu a ddylid cynnal arolygiad –
 - (a) ymgynghori â Gweinidogion Cymru; a
 - (b) mewn achos lle mae'r Archwilydd Cyffredinol wedi datgan mewn adroddiad o dan adran 19(1)(h) bod yr Archwilydd Cyffredinol o blaid cynnal arolygiad arbennig, ystyried unrhyw ddatganiad ar ffurf ymateb a wneir gan yr awdurdod yn unol ag adran 20(3).
- (3) Caiff arolygiad o dan is-adran (1) ymwneud â'r cyfan neu rai o swyddogaethau awdurdod.
- (4) Os bydd Gweinidogion Cymru yn cyfarwyddo Archwilydd Cyffredinol Cymru i gynnal arolygiad o gydymffurfedd awdurdod gwella Cymreig â gofynion y Rhan hon, rhaid i'r Archwilydd Cyffredinol gydymffurfio â'r cyfarwyddyd.
- (5) Caiff cyfarwyddyd o dan is-adran (4) ymwneud â rhai neu'r cyfan o swyddogaethau awdurdod.
- (6) Cyn rhoi cyfarwyddyd o dan is-adran (4), rhaid i Weinidogion Cymru ymgynghori â'r Archwilydd Cyffredinol.
- (7) Rhaid i Archwilydd Cyffredinol Cymru hysbysu awdurdod gwella Cymreig –
 - (a) os yw'r Archwilydd Cyffredinol yn penderfynu cynnal arolygiad o'r awdurdod o dan is-adran (1); neu
 - (b) os yw Gweinidogion Cymru wedi cyfarwyddo'r Archwilydd Cyffredinol i gynnal arolygiad o'r awdurdod o dan is-adran (4).
- (8) Rhaid i'r hysbysiad bennu'r swyddogaethau y bydd yr arolygiad yn ymwneud â hwy.
- (9) Wrth gynnal arolygiad ac, yn achos arolygiad o dan is-adran (1), wrth benderfynu a ddylid gwneud hynny, rhaid i'r Archwilydd Cyffredinol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.
- (10) At ddibenion y Rhan hon, cyfeirir at arolygiad o dan yr adran hon fel arolygiad arbennig.
- (11) Yn yr adran hon mae cyfeiriad at swyddogaethau awdurdod yn cynnwys trefniadau sy'n cael eu gwneud i hwyluso neu gefnogi'r modd yr arferir y swyddogaethau hynny.

22 Adroddiadau am arolygiadau arbennig

- (1) Pan fo Archwilydd Cyffredinol Cymru wedi cynnal arolygiad arbennig, rhaid i'r Archwilydd ddyroddi adroddiad.
- (2) O ran adroddiad –
 - (a) rhaid iddo grybwyll unrhyw fater y mae'r Archwilydd Cyffredinol yn credu amdano, o ganlyniad i'r arolygiad, fod yr awdurdod yn methu â chydymffurfio â gofynion y Rhan hon neu ei bod yn bosibl i'r awdurdod fethu yn y cyswllt hwnnw, a

- (b) any relevant regulator informs the Auditor General that, in the regulator's opinion, the authority may fail to comply with the requirements of this Part.
- (2) But the Auditor General must, before deciding whether to carry out an inspection –
 - (a) consult the Welsh Ministers; and
 - (b) in a case where the Auditor General has stated in a report under section 19(1)(h) that the Auditor General is minded to carry out a special inspection, consider any statement made by the authority in response in accordance with section 20(3).
- (3) An inspection under subsection (1) may relate to some or all of an authority's functions.
- (4) If the Welsh Ministers direct the Auditor General for Wales to carry out an inspection of compliance with the requirements of this Part by a Welsh improvement authority, the Auditor General must comply with the direction.
- (5) A direction under subsection (4) may relate to some or all of an authority's functions.
- (6) Before giving a direction under subsection (4), the Welsh Ministers must consult the Auditor General.
- (7) The Auditor General for Wales must notify a Welsh improvement authority if –
 - (a) the Auditor General decides to carry out an inspection of the authority under subsection (1); or
 - (b) the Welsh Ministers have directed the Auditor General to carry out an inspection of the authority under subsection (4).
- (8) The notification must specify the functions to which the inspection relates.
- (9) In carrying out an inspection, and, in the case of an inspection under subsection (1), deciding whether to do so, the Auditor General must have regard to any guidance issued by the Welsh Ministers.
- (10) For the purposes of this Part, an inspection under this section is referred to as a special inspection.
- (11) In this section a reference to an authority's functions includes a reference to arrangements made to facilitate or support the exercise of its functions.

22 Reports of special inspections

- (1) Where the Auditor General for Wales has carried out a special inspection the Auditor General must issue a report.
- (2) A report –
 - (a) must mention any matter in respect of which the Auditor General believes as a result of the inspection that the authority is failing or may fail to comply with the requirements of this Part, and

- (b) caiff argymell, os yw'n crybwyll mater o dan baragraff (a), fod Gweinidogion Cymru yn gwneud y naill neu'r llall o'r canlynol neu'r ddau, sef –
 - (i) rhoi cymorth i'r awdurdod drwy arfer eu pŵer o dan adran 28;
 - (ii) rhoi cyfarwyddyd o dan adran 29.
- (3) O ran yr Archwilydd Cyffredinol –
 - (a) rhaid iddo anfon copi o adroddiad at yr awdurdod o dan sylw ac at Weinidogion Cymru;
 - (b) os gwneir argymhelliad o dan is-adran (2)(b) mewn adroddiad, rhaid i'r Archwilydd Cyffredinol, cyn gynted ag y bo'n rhesymol ymarferol drefnu i'r argymhelliad gael ei gyhoeddi; a
 - (c) caiff gyhoeddi adroddiad ac unrhyw wybodaeth mewn cysylltiad ag adroddiad.
- (4) Os bydd adroddiad yn datgan bod yr Archwilydd Cyffredinol yn credu, o ganlyniad i arolygiad, fod awdurdod gwella Cymreig yn methu â chydymffurfio â gofynion y Rhan hon, rhaid i'r cynllun gwella nesaf a baratoir gan yr awdurdod gofnodi –
 - (a) y ffaith honno, a
 - (b) unrhyw gamau sydd wedi'u cymryd, neu sydd i'w cymryd, gan yr awdurdod o ganlyniad i'r adroddiad.
- (5) Os bydd adroddiad yn ymwneud i unrhyw raddau â gweinyddiaeth budd-dal tai neu fudd-dal y dreth gyngor, a bod yr Archwilydd Cyffredinol yn gweld yn dda i wneud hynny, rhaid i'r Archwilydd Cyffredinol anfon copi o'r adroddiad at yr Ysgrifennydd Gwladol cyn gynted ag y bo'n rhesymol ymarferol.

23 Cydlynu archwiliad etc

- (1) Rhaid i'r rheoleiddwyr perthnasol ac Archwilydd Cyffredinol Cymru roi sylw i'r angen am gydlynu wrth arfer swyddogaethau rheoleiddio.
- (2) Ystyr "swyddogaethau rheoleiddio" yw swyddogaethau perthnasol y rheoleiddwyr perthnasol a swyddogaethau Archwilydd Cyffredinol Cymru o dan is-adran (7).
- (3) Mewn perthynas â phob blwyddyn ariannol, ar ôl ymgynghori â'r rheoleiddwyr perthnasol, rhaid i Archwilydd Cyffredinol Cymru lunio amserlen ar gyfer pob awdurdod gwella Cymreig sy'n nodi barn yr Archwilydd Cyffredinol ynglŷn â'r dyddiadau neu'r amserau yn y flwyddyn honno pryd y dylai –
 - (a) rheoleiddwyr perthnasol arfer eu swyddogaethau perthnasol mewn cysylltiad ag awdurdod; a
 - (b) yr Archwilydd Cyffredinol arfer y swyddogaethau sydd wedi eu nodi yn is-adran (7) mewn cysylltiad ag awdurdod.
- (4) Caniateir i'r ddyletswydd o dan is-adran (3) gael ei chyflawni drwy lunio amserlen sy'n ymwneud â mwy nag un flwyddyn ariannol.
- (5) Mewn perthynas ag awdurdod gwella Cymreig, rhaid i'r rheoleiddwyr perthnasol wrth arfer eu swyddogaethau perthnasol, ac i'r Archwilydd Cyffredinol wrth arfer y swyddogaethau sydd wedi eu nodi yn is-adran (7), gymryd pob cam rhesymol i lynu wrth yr amserlen a luniwyd mewn perthynas â'r awdurdod o dan is-adran (3).

- (b) may, if it mentions a matter under paragraph (a), recommend that the Welsh Ministers do either or both of the following –
 - (i) provide assistance to the authority by exercising their power under section 28;
 - (ii) give a direction under section 29.
- (3) The Auditor General –
 - (a) must send a copy of a report to the authority concerned and the Welsh Ministers;
 - (b) if a report makes a recommendation under subsection (2)(b), must as soon as reasonably practicable arrange for the recommendation to be published; and
 - (c) may publish a report and any information in respect of a report.
- (4) If a report states that the Auditor General believes as a result of an inspection that a Welsh improvement authority is failing to comply with the requirements of this Part, the next improvement plan prepared by the authority must record –
 - (a) that fact, and
 - (b) any action taken, or to be taken, by the authority as a result of the report.
- (5) If a report relates to any extent to the administration of housing benefit or council tax benefit and the Auditor General thinks fit to do so, the Auditor General must as soon as reasonably practicable send a copy of the report to the Secretary of State.

23 Co-ordination of audit etc

- (1) The relevant regulators and the Auditor General for Wales must have regard to the need for co-ordination in the exercise of regulatory functions.
- (2) “Regulatory functions” means the relevant functions of the relevant regulators and the functions of the Auditor General for Wales under subsection (7).
- (3) In relation to each financial year, the Auditor General for Wales must, after consulting the relevant regulators, produce a timetable for each Welsh improvement authority which sets out the Auditor General’s opinion as to the dates or times in that year at or during which –
 - (a) the relevant regulators should exercise their relevant functions in relation to the authority; and
 - (b) the Auditor General should exercise the functions referred to in subsection (7) in relation to the authority.
- (4) The duty under subsection (3) may be discharged by the production of a timetable which relates to more than one financial year.
- (5) In relation to a Welsh improvement authority, the relevant regulators in exercising their relevant functions and the Auditor General for Wales in exercising the functions referred to in subsection (7) must take all reasonable steps to adhere to the timetable produced in respect of the authority under subsection (3).

- (6) Rhaid i Archwilydd Cyffredinol Cymru gynorthwyo'r rheoleiddwyr perthnasol i gydymffurfio â'u dyletswyddau o dan is-adrannau (1) a (5).
- (7) Swyddogaethau Archwilydd Cyffredinol Cymru y cyfeirir atynt yn is-adran (2) yw swyddogaethau'r Archwilydd Cyffredinol o dan –
 - (a) adrannau 13 a 41 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004; a
 - (b) adrannau 17 i 19 o'r Mesur hwn.

24 Adroddiadau gwella blynyddol

- (1) Mewn perthynas â phob awdurdod gwella Cymreig, rhaid i Archwilydd Cyffredinol Cymru lunio, ar gyfer pob blwyddyn ariannol, adroddiad ("adroddiad gwella blynyddol") sy'n crynhoi neu'n atgynhyrchu'r adroddiadau sydd wedi eu disgrifio yn is-adran (2).
- (2) Yr adroddiadau yw –
 - (a) pob adroddiad a ddyroddir mewn cysylltiad â'r awdurdod yn ystod y flwyddyn ariannol honno o dan adran 19;
 - (b) unrhyw adroddiad o arolygiad arbennig o awdurdod a ddyroddir o dan adran 22 yn ystod y flwyddyn ariannol honno.
- (3) Rhaid i Archwilydd Cyffredinol Cymru –
 - (a) cyhoeddi adroddiad gwella blynyddol pob awdurdod gwella Cymreig;
 - (b) pwysu a mesur, yng ngoleuni adroddiad gwella blynyddol awdurdod, a ddylid –
 - (i) argymhell i reoleiddiwr perthnasol ynghylch sut y dylai'r rheoleiddiwr arfer swyddogaethau perthnasol mewn perthynas â'r awdurdod;
 - (ii) argymhell i Weinidogion Cymru eu bod yn rhoi cymorth i'r awdurdod drwy arfer eu pŵer o dan adran 28;
 - (iii) argymhell i Weinidogion Cymru eu bod yn rhoi cyfarwyddyd i'r awdurdod o dan adran 29;
 - (iv) arfer unrhyw un o swyddogaethau'r Archwilydd Cyffredinol mewn perthynas â'r awdurdod;
 - (c) cyflwyno unrhyw argymhelliad sydd wedi ei grybwyll ym mharagraff (b)(i) i (iii) ac y mae'r Archwilydd Cyffredinol yn credu y dylid ei gyflwyno.

25 Datganiad o arfer

- (1) Rhaid i Archwilydd Cyffredinol Cymru baratoi datganiad o arfer sy'n disgrifio'r ffordd y mae'r Archwilydd Cyffredinol yn bwriadu arfer y swyddogaethau a ddisgrifir yn is-adran (4).
- (2) Rhaid i'r Archwilydd Cyffredinol –
 - (a) adolygu'r datganiad; a
 - (b) os yw'r Archwilydd Cyffredinol yn credu ei bod yn briodol ar ôl adolygiad, paratoi datganiad o arfer diwygiedig.

- (6) The Auditor General for Wales must assist the relevant regulators to comply with their duties under subsections (1) and (5).
- (7) The functions of the Auditor General for Wales referred to in subsection (2) are the Auditor General's functions under –
 - (a) section 13 and 41 of the Public Audit (Wales) Act 2004; and
 - (b) sections 17 to 19 of this Measure.

24 Annual improvement reports

- (1) In relation to each Welsh improvement authority, the Auditor General for Wales must produce a report (an "annual improvement report") for each financial year which summarises or reproduces the reports described in subsection (2).
- (2) The reports are –
 - (a) each report issued in respect of the authority during that financial year under section 19;
 - (b) any report of a special inspection of the authority issued under section 22 during that financial year.
- (3) The Auditor General for Wales –
 - (a) must publish each Welsh improvement authority's annual improvement report;
 - (b) must consider, in the light of an authority's annual improvement report, whether to –
 - (i) make a recommendation to a relevant regulator as to how the regulator should exercise relevant functions in relation to the authority;
 - (ii) make a recommendation to the Welsh Ministers to provide assistance to the authority by exercising their power under section 28;
 - (iii) make a recommendation to the Welsh Ministers to give a direction to the authority under section 29;
 - (iv) exercise any of the Auditor General's functions in relation to the authority;
 - (c) must make any such recommendation as is mentioned in paragraph (b)(i) to (iii) as the Auditor General considers ought to be made.

25 Statement of practice

- (1) The Auditor General for Wales must prepare a statement of practice which describes the way in which the Auditor General intends to exercise the functions described in subsection (4).
- (2) The Auditor General must –
 - (a) keep the statement under review; and
 - (b) if the Auditor General considers it appropriate following a review, prepare a revised statement of practice.

- (3) Rhaid i'r datganiad o arfer gydweddu â'r egwyddorion a ddisgrifir yn is-adran (5).
- (4) Y swyddogaethau yw'r rhai a roddir i'r Archwilydd Cyffredinol gan –
 - (a) adran 17 (gwybodaeth am welliannau a chynllunio gwelliannau: archwilio);
 - (b) adran 18 (asesiadau gwella);
 - (c) adran 19 (adroddiadau archwilio ac adroddiadau asesu);
 - (d) adran 23 (cydlynu archwiliad etc);
 - (e) adran 24 (adroddiadau gwella blynyddol).
- (5) Yr egwyddorion yw –
 - (a) y dylai Archwilydd Cyffredinol Cymru fod yn gyson yn y modd y mae'r Archwilydd Cyffredinol yn arfer ei swyddogaethau ymhlith gwahanol awdurdodau gwella Cymreig;
 - (b) y dylai personau a benodwyd o dan adran 13 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 gyflawni eu cyfrifoldebau'n annibynnol;
 - (c) ei bod yn ddymunol bod swyddogaethau perthnasol y rheoleiddwyr perthnasol a swyddogaethau'r Archwilydd Cyffredinol a ddisgrifir yn adran 23(7) yn cael eu harfer yn gymesur er mwyn peidio â gosod baich afresymol ar awdurdodau gwella Cymreig;
 - (d) y dylai'r swyddogaethau yn is-adran (4) gael eu harfer gyda golwg ar gynorthwyo awdurdodau gwella Cymreig i gydymffurfio â gofynion y Rhan hon.
- (6) Rhaid i Archwilydd Cyffredinol Cymru anfon copi o ddatganiad neu ddatganiad diwygiedig a baratowyd o dan is-adran (1) at Weinidogion Cymru i'w gymeradwyo.
- (7) Os caiff y datganiad neu'r datganiad diwygiedig ei gymeradwyo gan Weinidogion Cymru, rhaid i'r Archwilydd Cyffredinol gyhoeddi'r datganiad neu'r datganiad diwygiedig.
- (8) Rhaid i Archwilydd Cyffredinol Cymru roi sylw i'r datganiad a gyhoeddwyd yn fwyaf diweddar o dan is-adran (7) wrth arfer y swyddogaethau a ddisgrifiwyd yn is-adran (4).

26 Pwerau a dyletswyddau arolygwyr

- (1) Mae gan arolygydd hawl ar bob adeg resymol –
 - (a) i fynd i mewn i unrhyw fangre sydd gan awdurdod gwella Cymreig, a
 - (b) i weld unrhyw ddogfen sy'n ymwneud â'r awdurdod ac sy'n ymddangos yn angenrheidiol i'r arolygydd at ddibenion yr arolygiad, yr archwiliad neu'r asesiad.
- (2) Mae'r hawl a roddir gan is-adran (1) yn cynnwys hawl i arolygu neu gopïo'r ddogfen neu i fynd â hi oddi yno.
- (3) Caiff arolygydd –
 - (a) ei gwneud yn ofynnol i berson sy'n dal unrhyw ddogfen o'r fath neu sy'n atebol amdani roi unrhyw wybodaeth neu esboniad i'r arolygydd sy'n angenrheidiol yn ei farn ef, a

- (3) The statement of practice must accord with the principles described in subsection (5).
- (4) The functions are those conferred upon the Auditor General by –
 - (a) section 17 (improvement information and planning: audit);
 - (b) section 18 (improvement assessments);
 - (c) section 19 (audit and assessment reports);
 - (d) section 23 (co-ordination of audit etc);
 - (e) section 24 (annual improvement reports).
- (5) The principles are –
 - (a) that the Auditor General for Wales should exercise the Auditor General's functions consistently as between different Welsh improvement authorities;
 - (b) that persons appointed under section 13 of the Public Audit (Wales) Act 2004 should discharge their responsibilities independently;
 - (c) that it is desirable that the relevant functions of the relevant regulators and the functions of the Auditor General described in section 23(7) are exercised proportionately so as not to impose an unreasonable burden upon Welsh improvement authorities;
 - (d) that the functions in subsection (4) should be exercised with a view to assisting Welsh improvement authorities to comply with the requirements of this Part.
- (6) The Auditor General for Wales must send a copy of a statement or revised statement prepared under subsection (1) to the Welsh Ministers for their approval.
- (7) If the statement or revised statement is approved by the Welsh Ministers, the Auditor General must publish the statement or the revised statement.
- (8) The Auditor General for Wales must have regard to the statement most recently published under subsection (7) in exercising the functions described in subsection (4).

26 Inspectors' powers and duties

- (1) An inspector has a right of access at all reasonable times –
 - (a) to any premises of a Welsh improvement authority, and
 - (b) to any document relating to the authority which appears to the inspector to be necessary for the purposes of the inspection, audit or assessment.
- (2) The right conferred by subsection (1) includes power to inspect, copy or take away the document.
- (3) An inspector –
 - (a) may require a person holding or accountable for any such document to give the inspector such information or explanation as the inspector thinks necessary, and

- (b) ei gwneud yn ofynnol i'r person hwnnw ddod yn bersonol ger ei fron i roi'r wybodaeth neu'r esboniad neu i ddangos y ddogfen.
- (4) Mewn perthynas â dogfen a gedwir ar ffurf electronig, mae'r pŵer yn is-adran (3)(b) i'w gwneud yn ofynnol i berson ddangos dogfen yn cynnwys pŵer i'w gwneud yn ofynnol iddi gael ei dangos ar ffurf sy'n ddarllenadwy ac y gellir mynd â hi oddi yno.
- (5) Mewn cysylltiad ag arolygu dogfen o'r fath, caiff arolygydd –
 - (a) sicrhau mynediad i unrhyw gyfrifiadur ac unrhyw aparatws neu ddeunydd cysylltiedig y mae'n credu eu bod yn cael neu wedi cael eu defnyddio mewn cysylltiad â'r ddogfen, ac arolygu a gwirio eu gweithrediad;
 - (b) ei gwneud yn ofynnol i berson o fewn is-adran (6) roi unrhyw gymorth rhesymol y bydd ar yr arolygydd ei angen at y diben hwnnw.
- (6) Mae person yn dod o fewn yr is-adran hon –
 - (a) os ef yw'r person sy'n defnyddio neu a ddefnyddiodd y cyfrifiadur, neu os defnyddir neu defnyddiwyd y cyfrifiadur ar ei ran; neu
 - (b) os yw'n berson sydd â gofal dros y cyfrifiadur, yr aparatws neu'r deunydd, neu sydd fel arall yn ymwneud â'i weithredu.
- (7) Rhaid i awdurdod gwella Cymreig roi i arolygydd bob cyfleuster a phob gwybodaeth y mae ar yr arolygydd angen rhesymol ei gael neu ei chael at ddibenion yr arolygiad neu'r asesiad.
- (8) Rhaid i arolygydd –
 - (a) oni bai bod yr amgylchiadau, ym marn yr arolygydd, yn eithriadol roi tri diwrnod clir o rybudd am unrhyw ofyniad o dan yr adran hon, a
 - (b) os gofynnir i'r arolygydd wneud hynny, dangos dogfennau sy'n nodi bod yr arolygydd yn berson ag awdurdod i osod gofynion o dan yr adran hon.
- (9) Mae person sydd, heb esgus rhesymol, yn atal unrhyw bŵer a roddir gan yr adran hon rhag cael ei arfer neu sy'n methu â chydymffurfio â gofyniad gan arolygydd o dan yr adran hon yn euog o dramgwydd ac yn agored, o'i gollfarnu'n ddiannod, i ddiryw nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (10) Gellir adennill unrhyw dreuliau yr â arolygydd iddynt mewn achos cyfreithiol am dramgwydd o dan is-adran (9) yr honnir ei fod wedi'i gyflawni mewn perthynas ag arolygiad o awdurdod gwella Cymreig wrth yr awdurdod hwnnw, i'r graddau nad oes modd eu hadennill o unrhyw ffynhonnell arall.
- (11) Yn yr adran hon ystyr "arolygydd" yw Archwilydd Cyffredinol Cymru, aelod o staff yr Archwilydd Cyffredinol neu berson sy'n darparu gwasanaethau i'r Archwilydd Cyffredinol ac sy'n cynnal archwiliad o dan adran 17, asesiad o dan adran 18 neu arolygiad arbennig.

27 Ffioedd

- (1) Rhaid i Archwilydd Cyffredinol Cymru ragnodi graddfeydd ffioedd mewn cysylltiad â'r canlynol –
 - (a) archwiliadau a gynhelir o dan adran 17;
 - (b) asesiadau a gynhelir o dan adran 18;
 - (c) arolygiadau arbennig.

- (b) may require that person to attend before the inspector in person to give the information or explanation or to produce the document.
- (4) In relation to a document kept in electronic form, the power in subsection (3)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.
- (5) In connection with inspecting such a document, an inspector –
 - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which the inspector considers is or has been used in connection with the document;
 - (b) may require a person within subsection (6) to afford the inspector such reasonable assistance as the inspector may require for that purpose.
- (6) A person is within this subsection if the person is –
 - (a) the person by whom or on whose behalf the computer is or has been used; or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) A Welsh improvement authority must provide an inspector with every facility and all information which the inspector may reasonably require for the purposes of the inspection or assessment.
- (8) An inspector must –
 - (a) unless in the opinion of the inspector the circumstances are exceptional, give three clear days' notice of any requirement under this section, and
 - (b) if so required, produce documentation which identifies the inspector as a person authorised to impose requirements under this section.
- (9) A person who without reasonable excuse obstructs the exercise of any power conferred by this section or fails to comply with a requirement of an inspector under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) Any expenses incurred by an inspector in proceedings for an offence under subsection (9) alleged to have been committed in relation to an inspection of a Welsh improvement authority are, so far as not recoverable from any other source, recoverable from the authority.
- (11) In this section "inspector" means the Auditor General for Wales, a member of the Auditor General's staff or a person providing services to the Auditor General, who is carrying out an audit under section 17, an assessment under section 18 or a special inspection.

27 Fees

- (1) The Auditor General for Wales must prescribe scales of fees in respect of –
 - (a) audits carried out under section 17;
 - (b) assessments carried out under section 18;
 - (c) special inspections.

- (2) Caniateir i raddfeydd gwahanol gael eu rhagnodi mewn cysylltiad â'r gweithgareddau gwahanol sydd wedi eu disgrifio yn is-adran (1), gwahanol fathau o'r un gweithgaredd a gwahanol fathau o awdurdod gwella Cymreig.
- (3) Yn ddarostyngedig i is-adran (4), rhaid i awdurdod sy'n cael ei archwilio, ei asesu neu ei arolygu fel sydd wedi ei grybwyll yn is-adran (1), dalu i Archwilydd Cyffredinol Cymru y ffi sy'n daladwy o dan y raddfa briodol.
- (4) Os yw'n ymddangos i'r Archwilydd Cyffredinol fod y gwaith a oedd ynghlwm wrth archwiliad, asesiad neu arolygiad penodol yn sylweddol fwy neu'n sylweddol llai na'r hyn a ragwelwyd yn ôl y raddfa briodol, caiff Archwilydd Cyffredinol Cymru godi ffi sy'n fwy neu'n llai na'r hyn y cyfeiriwyd ato yn is-adran (3).
- (5) Cyn rhagnodi graddfa ffioedd o dan yr adran hon, rhaid i'r Archwilydd Cyffredinol ymgynghori â'r canlynol –
 - (a) Gweinidogion Cymru, a
 - (b) personau y mae'n ymddangos i'r Archwilydd Cyffredinol eu bod yn cynrychioli awdurdodau y caniateir eu harchwilio, eu hasesu neu eu harolygu fel sydd wedi ei grybwyll yn is-adran (1).
- (6) Bydd adran 21 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004 (ffioedd a ragnodir gan y Cynulliad) yn cael effaith mewn perthynas â graddfa neu raddfeydd ffioedd a ragnodir gan yr Archwilydd Cyffredinol o dan yr adran hon yn yr un modd ag y mae'n cael effaith mewn perthynas â graddfa neu raddfeydd a ragnodir o dan adran 20(1) o'r Ddeddf honno, ond gyda'r addasiadau canlynol –
 - (a) yn is-adrannau (3) a (4) o adran 21, bod "section 27(3) and (4) of the Local Government (Wales) Measure 2009" wedi ei roi yn lle "section 20(4) and (5)";
 - (b) bod is-adran (5)(c) wedi ei hepgor.

Gweinidogion Cymru

28 Gweinidogion Cymru: cymorth i awdurdodau gwella Cymreig

- (1) Os ydynt wedi cydymffurfio ag is-adran (3), caiff Gweinidogion Cymru wneud unrhyw beth y maent o'r farn ei fod yn debyg o gynorthwyo awdurdod gwella Cymreig i gydymffurfio â gofynion y Rhan hon.
- (2) Mae'r pŵer o dan is-adran (1) yn cynnwys pŵer –
 - (a) i ymrwymo i drefniadau neu gytundebau gydag unrhyw berson;
 - (b) i gydweithredu gydag unrhyw berson, neu i hwyluso neu gydlynu gweithgareddau'r person hwnnw;
 - (c) i arfer ar ran unrhyw berson unrhyw un o swyddogaethau'r person hwnnw;
 - (d) i ddarparu staff, nwyddau, gwasanaethau neu lety i unrhyw berson.
- (3) Onid ydynt yn arfer y pŵer o dan is-adran (1) mewn ymateb i gais a wneir o dan is-adran (4), rhaid i Weinidogion Cymru, cyn arfer y pŵer hwnnw, ymgynghori â –
 - (a) yr awdurdod gwella Cymreig neu'r awdurdodau gwella Cymreig y maent yn bwriadu ei gynorthwyo neu eu cynorthwyo wrth arfer y pŵer; a

- (2) Different scales may be prescribed in respect of the different activities described in subsection (1), different types of the same activity and different types of Welsh improvement authority.
- (3) An authority audited, assessed or inspected as mentioned in subsection (1) must, subject to subsection (4), pay to the Auditor General for Wales the fee payable under the appropriate scale.
- (4) If it appears to the Auditor General that the work involved in a particular audit, assessment or inspection was substantially more or less than that envisaged by the appropriate scale, the Auditor General for Wales may charge a fee which is larger or smaller than that referred to in subsection (3).
- (5) Before prescribing a scale of fees under this section the Auditor General must consult—
 - (a) the Welsh Ministers, and
 - (b) persons appearing to the Auditor General to represent authorities which may be audited, assessed or inspected as mentioned in subsection (1).
- (6) Section 21 of the Public Audit (Wales) Act 2004 (fees prescribed by Assembly) shall have effect in relation to a scale or scales of fees prescribed by the Auditor General under this section as it has effect in relation to a scale or scales prescribed under section 20(1) of that Act, but subject to the following modifications—
 - (a) in subsections (3) and (4) of section 21, for “section 20(4) and (5)” there is substituted “section 27(3) and (4) of the Local Government (Wales) Measure 2009”;
 - (b) subsection (5)(c) is omitted.

The Welsh Ministers

28 Welsh Ministers: support for Welsh improvement authorities

- (1) If they have complied with subsection (3), the Welsh Ministers may do anything which they consider is likely to assist a Welsh improvement authority to comply with the requirements of this Part.
- (2) The power under subsection (1) includes power—
 - (a) to enter into arrangements or agreements with any person;
 - (b) to co-operate with, or facilitate or co-ordinate the activities of, any person;
 - (c) to exercise on behalf of any person any functions of that person;
 - (d) to provide staff, goods, services or accommodation to any person.
- (3) Unless they are exercising the power under subsection (1) in response to a request made under subsection (4), the Welsh Ministers must, before exercising that power, consult—
 - (a) the Welsh improvement authority or authorities whom they propose to assist by the exercise of the power; and

- (b) y personau hynny y mae'n ymddangos i Weinidogion Cymru mai hwy yw'r prif randdeiliaid yr effeithir arnynt wrth arfer y pŵer y cyfeirir ato yn is-adran (1).
- (4) Os yw awdurdod gwella Cymreig yn gofyn iddynt wneud hynny, rhaid i Weinidogion Cymru bwysu a mesur a ddylent arfer eu pŵer o dan is-adran (1).

29 Gweinidogion Cymru: pwerau cyfarwyddo etc

- (1) Mae'r adran hon yn gymwys o ran awdurdod gwella Cymreig os yw Gweinidogion Cymru wedi'u bodloni ynghylch unrhyw un o'r canlynol—
 - (a) bod—
 - (i) yr awdurdod wedi bod yn wrthrych camau gan Weinidogion Cymru i arfer eu pŵer o dan adran 28 er mwyn cynorthwyo'r awdurdod i gydymffurfio ag unrhyw un o ofynion y Rhan hon; a
 - (ii) yr awdurdod yn methu, neu'n debyg o fethu, â chydymffurfio ag unrhyw un o ofynion y Rhan hon a bod y methiant hwnnw, neu'r methiant tebygol, yn ymwneud â gofyniad sydd wedi ei grybwyll yn is-baragraff (i);
 - (b) bod—
 - (i) yr awdurdod yn methu, neu'n debyg o fethu, â chydymffurfio ag unrhyw un o ofynion y Rhan hon; a
 - (ii) bod brys y sefyllfa neu ganlyniadau posibl y methiant, neu'r methiant tebygol, yn golygu ei bod yn briodol arfer pŵer o dan yr adran hon er gwaethaf y ffaith nad yw Gweinidogion Cymru wedi arfer eu pŵer o dan adran 28 er mwyn cynorthwyo'r awdurdod i gydymffurfio â'r gofynion hynny; neu
 - (c) bod—
 - (i) yr awdurdod yn methu, neu'n debyg o fethu, â chydymffurfio ag unrhyw un o ofynion y Rhan hon;
 - (ii) Gweinidogion Cymru wedi penderfynu eu bod am arfer eu pŵer o dan adran 28 er mwyn cynorthwyo'r awdurdod i gydymffurfio â'r gofynion hynny; a
 - (iii) y pŵer o dan adran 28 yn methu â chael ei arfer yn effeithiol oherwydd bod yr awdurdod wedi methu â chydweithredu â Gweinidogion Cymru.
- (2) Pan fo'r adran hon yn gymwys o ran awdurdod gwella Cymreig, caiff Gweinidogion Cymru ei gyfarwyddo i wneud y cyfan neu unrhyw rai o'r canlynol—
 - (a) paratoi neu ddiwygio cynllun gwella neu ddilyn gweithdrefnau penodedig mewn perthynas â chynllun o'r fath;
 - (b) cynnal adolygiad o'r modd y mae'n arfer swyddogaethau penodedig;
 - (c) ymrwymo i drefniadau cydlafurio penodedig gydag awdurdod gwella Cymreig arall;
 - (d) gosod amcanion gwella penodedig iddo'i hun o dan adran 3.

- (b) those persons who appear to the Welsh Ministers to be key stakeholders affected by the exercise of the power referred to in subsection (1).
- (4) If a Welsh improvement authority asks them to do so, the Welsh Ministers must consider whether to exercise their power under subsection (1).

29 Welsh Ministers: powers of direction etc

- (1) This section applies in relation to a Welsh improvement authority if the Welsh Ministers are satisfied as to any of the following—
 - (a) that—
 - (i) the authority has been the object of the exercise by the Welsh Ministers of their power under section 28 for the purpose of assisting the authority to comply with any of the requirements of this Part; and
 - (ii) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part and that failure, or likely failure, concerns a requirement mentioned in sub-paragraph (i);
 - (b) that—
 - (i) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part; and
 - (ii) the urgency of the situation or the potential consequences of the failure, or likely failure, are such that it is appropriate to exercise a power under this section despite the Welsh Ministers not having exercised their power under section 28 for the purpose of assisting the authority to comply with those requirements; or
 - (c) that—
 - (i) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part;
 - (ii) the Welsh Ministers have decided that they wish to exercise their power under section 28 for the purpose of assisting the authority to comply with those requirements; and
 - (iii) the power under section 28 cannot be exercised effectively because the authority has failed to co-operate with the Welsh Ministers.
- (2) Where this section applies in relation to a Welsh improvement authority, the Welsh Ministers may direct it to do all or any of the following—
 - (a) prepare or amend an improvement plan or to follow specified procedures in relation to such a plan;
 - (b) carry out a review of its exercise of specified functions;
 - (c) enter into specified collaboration arrangements with another Welsh improvement authority;
 - (d) set specified improvement objectives for itself under section 3.

- (3) Pan fo'r adran hon yn gymwys o ran awdurdod gwella Cymreig, caiff Gweinidogion Cymru gyfarwyddo bod ymchwiliad lleol yn cael ei gynnal i'r modd y mae swyddogaethau penodol awdurdod yn cael eu harfer.
- (4) Bydd is-adrannau (2) i (5) o adran 250 o Ddeddf Llywodraeth Leol 1972 (ymchwiliadau) yn gymwys o ran ymchwiliad y mae Gweinidogion Cymru yn cyfarwyddo ei gynnal o dan yr adran hon yn yr un modd ag y mae'r is-adrannau hynny'n gymwys o ran ymchwiliad y perir iddo gael ei gynnal o dan yr adran honno.
- (5) Pan fo'r adran hon yn gymwys o ran awdurdod gwella Cymreig, caiff Gweinidogion Cymru gyfarwyddo'r awdurdod i gymryd unrhyw gamau y mae Gweinidogion Cymru yn credu eu bod yn angenrheidiol neu'n hwylus i sicrhau ei fod yn cydymffurfio â gofynion y Rhan hon.
- (6) Pan fo'r adran hon yn gymwys o ran awdurdod gwella Cymreig, caiff Gweinidogion Cymru gyfarwyddo—
 - (a) bod rhaid i swyddogaeth benodedig sydd gan yr awdurdod gael ei harfer gan Weinidogion Cymru neu berson a enwebwyd ganddynt am gyfnod sydd wedi ei bennu yn y cyfarwyddyd, neu cyhyd ag y bydd Gweinidogion Cymru yn credu ei fod yn briodol; a
 - (b) bod rhaid i'r awdurdod gydymffurfio ag unrhyw gyfarwyddiadau gan Weinidogion Cymru neu berson a enwebwyd ganddynt mewn perthynas ag arfer y swyddogaeth honno, a bod rhaid iddo roi unrhyw gymorth y bydd ar Weinidogion Cymru neu berson a enwebwyd ganddynt ei angen er mwyn arfer y swyddogaeth.
- (7) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth—
 - (a) sy'n ymwneud â deddfiad sy'n rhoi swyddogaeth iddynt mewn cysylltiad ag un o swyddogaethau awdurdod gwella Cymreig; a
 - (b) y maent yn credu ei bod yn angenrheidiol neu'n hwylus at ddibenion achosion lle maent yn gwneud cyfarwyddyd o dan is-adran (6)(a).
- (8) Caiff rheoliadau o dan is-adran (7), mewn perthynas â'r achosion sydd wedi eu crybwyll yn is-adran (6)(b)—
 - (a) datgymhwyso neu addasu deddfiad o'r math sydd wedi ei grybwyll yn is-adran (7)(a);
 - (b) cael effaith sy'n debyg i effaith deddfiad o'r math hwnnw.
- (9) Bydd cyfarwyddyd a roddir o dan yr adran hon yn gyfarwyddyd—
 - (a) y gellir ei orfodi drwy orchymyn mandadol ar gais Gweinidogion Cymru;
 - (b) y gall Gweinidogion Cymru ei gyhoeddi yn ei gyfanrwydd neu gyhoeddi rhan ohono.

30 Pwerau cyfarwyddo: trefniadau cydlafurio

- (1) Mae'r adran hon yn gymwys i awdurdod gwella Cymreig nad yw adran 29 yn gymwys iddo.
- (2) Ar ôl iddynt ymgynghori'n gyntaf â'r awdurdod, caiff Gweinidogion Cymru gyfarwyddo'r awdurdod i ymrwymo i drefniadau cydlafurio penodedig gydag awdurdod gwella Cymreig y mae adran 29 yn gymwys iddo.

- (3) Where this section applies in relation to a Welsh improvement authority, the Welsh Ministers may direct a local inquiry to be held into the exercise of specified functions of the authority.
- (4) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (inquiries) shall apply in relation to an inquiry which the Welsh Ministers direct to be held under this section as they apply in relation to an inquiry caused to be held under that section.
- (5) Where this section applies in relation to a Welsh improvement authority the Welsh Ministers may direct the authority to take any action which the Welsh Ministers consider necessary or expedient to secure its compliance with the requirements of this Part.
- (6) Where this section applies in relation to a Welsh improvement authority the Welsh Ministers may direct—
 - (a) that a specified function of the authority must be exercised by the Welsh Ministers or a person nominated by them for a period specified in the direction or for so long as the Welsh Ministers consider appropriate; and
 - (b) that the authority must comply with any instructions of the Welsh Ministers or their nominee in relation to the exercise of that function and must provide such assistance as the Welsh Ministers or their nominee may require for the purpose of exercising the function.
- (7) The Welsh Ministers may by regulations make provision which—
 - (a) relates to an enactment which confers a function on them in respect of a function of a Welsh improvement authority; and
 - (b) they consider necessary or expedient for the purposes of cases in which they make a direction under subsection (6)(a).
- (8) Regulations under subsection (7) may, in relation to the cases mentioned in subsection (6)(b)—
 - (a) disapply or modify an enactment of the kind mentioned in subsection (7)(a);
 - (b) have an effect similar to the effect of an enactment of that kind.
- (9) A direction given under this section—
 - (a) shall be enforceable by mandatory order on the application of the Welsh Ministers;
 - (b) may be published, in whole or in part, by the Welsh Ministers.

30 Powers of direction: collaboration arrangements

- (1) This section applies to a Welsh improvement authority to which section 29 does not apply.
- (2) Having first consulted the authority, the Welsh Ministers may direct the authority to enter into specified collaboration arrangements with a Welsh improvement authority to which section 29 does apply.

- (3) Bydd cyfarwyddyd a roddir o dan yr adran hon yn gyfarwyddyd y gellir ei orfodi drwy orchymyn mandadol ar gais Gweinidogion Cymru.

31 Pŵer Gweinidogion Cymru i addasu deddfiadau a rhoi pwerau newydd

- (1) Os bydd Gweinidogion Cymru yn meddwl bod deddfiad yn atal neu'n rhwystro awdurdodau gwella Cymreig rhag cydymffurfio â gofynion y Rhan hon, caniateir iddynt drwy orchymyn wneud darpariaeth sy'n addasu neu'n eithrio'r modd y mae'r deddfiad yn gymwys mewn perthynas â'r canlynol –

- (a) pob awdurdod gwella Cymreig;
- (b) awdurdodau gwella Cymreig penodol; neu
- (c) disgrifiadau penodol o awdurdod gwella Cymreig.

- (2) Caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth sy'n rhoi –

- (a) i bob awdurdod gwella Cymreig;
- (b) i awdurdodau gwella Cymreig penodol; neu
- (c) i ddisgrifiadau penodol o awdurdod gwella Cymreig,

unrhyw bŵer y maent yn credu ei fod yn angenrheidiol neu'n hwylus i ganiatáu neu hwyluso cydymffurfedd â gofynion y Rhan hon.

- (3) Caiff gorchymyn o dan yr adran hon –

- (a) gosod amodau ar y modd y mae unrhyw bŵer a roddir gan y gorchymyn (gan gynnwys amodau am ymgynghori neu gymeradwyo) yn cael ei arfer;
- (b) diwygio deddfiad.

- (4) Wrth arfer pŵer a roddir o dan is-adran (2), rhaid i awdurdod gwella Cymreig roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

- (5) Yn yr adran hon mae "deddfiad" yn cynnwys is-ddeddfwriaeth (o fewn ystyr adran 21 o Ddeddf Ddehongli 1978).

32 Gorchymynion o dan adran 31: y weithdrefn

- (1) Cyn bod Gweinidogion Cymru yn gwneud gorchymyn o dan adran 31, rhaid iddynt ymgynghori ag unrhyw awdurdodau neu bersonau y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau yr effeithir arnynt gan gynnwys Gweinidogion Cymru.

- (2) Os bydd Gweinidogion Cymru, ar ôl ymgynghori o dan is-adran (1), yn cynnig gwneud gorchymyn o dan adran 31, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen sy'n esbonio eu cynigion ac, yn benodol –

- (a) sy'n gosod eu cynigion ar ffurf gorchymyn drafft; a
- (b) sy'n rhoi manylion yr ymgynghori o dan is-adran (1).

- (3) Pan fo dogfen sy'n ymwneud â chynigion yn cael ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (2), rhaid i ddrafft o orchymyn o dan adran 31 i roi effaith i'r cynigion (gydag addasiadau neu hebddynt) beidio â chael ei osod gerbron y Cynulliad tan ar ôl i'r cyfnod o drigain niwrnod sy'n dechrau ar y diwrnod y cafodd y ddogfen ei gosod ddirwyn i ben.

- (3) A direction given under this section shall be enforceable by mandatory order on the application of the Welsh Ministers.

31 Power of Welsh Ministers to modify enactments and confer new powers

- (1) If the Welsh Ministers think that an enactment prevents or obstructs compliance by Welsh improvement authorities with the requirements of this Part they may by order make provision modifying or excluding the application of the enactment in relation to—
 - (a) all Welsh improvement authorities;
 - (b) particular Welsh improvement authorities; or
 - (c) particular descriptions of Welsh improvement authority.
- (2) The Welsh Ministers may by order make provision conferring on—
 - (a) all Welsh improvement authorities;
 - (b) particular Welsh improvement authorities; or
 - (c) particular descriptions of Welsh improvement authority,any power which they consider necessary or expedient to permit or facilitate compliance with the requirements of this Part.
- (3) An order under this section may—
 - (a) impose conditions on the exercise of any power conferred by the order (including conditions about consultation or approval);
 - (b) amend an enactment.
- (4) In exercising a power conferred under subsection (2) a Welsh improvement authority must have regard to any guidance issued by the Welsh Ministers.
- (5) In this section “enactment” includes subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978).

32 Orders under section 31: procedure

- (1) Before the Welsh Ministers make an order under section 31 they must consult such authorities or persons as appear to them to be representative of interests affected by their proposals.
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 31 they must lay before the National Assembly for Wales a document explaining their proposals and, in particular—
 - (a) setting out their proposals in the form of a draft order; and
 - (b) giving details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before the National Assembly for Wales under subsection (2), a draft of an order under section 31 to give effect to the proposals (with or without modification) must not be laid before the Assembly until after the expiry of the period of sixty days beginning with the day on which the document was laid.

- (4) Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (3), rhaid peidio ag ystyried unrhyw amser pryd y bydd y Cynulliad Cenedlaethol wedi'i ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (5) Wrth baratoi gorchymyn drafft o dan adran 31 rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran (3).
- (6) Ynghyd â gorchymyn drafft a osodir gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 50(6), rhaid bod datganiad gan Weinidogion Cymru sy'n rhoi manylion—
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (5), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi'u cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (2) uchod.
- (7) Nid oes dim yn yr adran hon sy'n gymwys i orchymyn o dan adran 31 sydd wedi'i wneud yn unswydd at y diben sydd wedi ei grybwyll yn adran 50(7).

Amrywiol ac atodol

33 Rhannu gwybodaeth

- (1) At ddibenion yr adran hon, ystyr y "grŵp rhannu gwybodaeth" yw'r rheoleiddwyr perthnasol ac Archwilydd Cyffredinol Cymru.
- (2) Caiff aelod o'r grŵp rhannu gwybodaeth ofyn, at ddibenion arfer ei swyddogaethau perthnasol, i aelod arall o'r grŵp ddarparu gwybodaeth neu ddogfennau penodedig iddo.
- (3) Rhaid i aelod o'r grŵp rhannu gwybodaeth gydymffurfio â chais a wneir o dan is-adran (2) i'r graddau—
 - (a) y mae'r cais yn ymwneud â gwybodaeth a gafodd yr aelod, neu ddogfennau a ddangoswyd i'r aelod hwnnw, wrth iddo arfer ei swyddogaethau perthnasol; a
 - (b) y mae'n rhesymol ymarferol gwneud hynny.
- (4) Y canlynol yw swyddogaethau perthnasol aelod o'r grŵp rhannu gwybodaeth—
 - (a) yn achos rheoleiddiwr perthnasol, ei swyddogaethau perthnasol o dan adran 16;
 - (b) yn achos Archwilydd Cyffredinol Cymru, y swyddogaethau sydd wedi'u crybwyll yn adran 23(7).

34 Y modd y mae gwybodaeth i'w defnyddio gan reoleiddwyr

Caiff rheoleiddiwr perthnasol ddefnyddio unrhyw wybodaeth y mae'n ei chael, neu ddogfennau a ddangoswyd i'r rheoleiddiwr, wrth arfer unrhyw swyddogaeth berthnasol at ddibenion swyddogaethau'r rheoleiddiwr o dan y Mesur hwn.

35 Rhan 1: dehongli

- (1) At ddibenion y Rhan hon—

mae i'r ymadrodd "arolygiad arbennig" ("*special inspection*") yr ystyr a roddwyd iddo gan adran 21;

- (4) In calculating the period mentioned in subsection (3) no account shall be taken of any time during which the National Assembly is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 31 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order laid before the National Assembly for Wales in accordance with section 50(6) must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2) above.
- (7) Nothing in this section applies to an order under section 31 which is made only for the purpose mentioned in section 50(7).

Miscellaneous and supplemental

33 Information sharing

- (1) For the purposes of this section, the “information sharing group” means the relevant regulators and the Auditor General for Wales.
- (2) A member of the information sharing group may, for the purpose of the exercise of its relevant functions, request that another member of the group provide it with specified information or documents.
- (3) A member of the information sharing group must comply with a request made under subsection (2) in so far as—
 - (a) the request relates to information obtained by, or documents produced to, that member in the course of the exercise of its relevant functions; and
 - (b) it is reasonably practicable to do so.
- (4) The relevant functions of a member of the information sharing group are—
 - (a) in the case of a relevant regulator, its relevant functions under section 16;
 - (b) in the case of the Auditor General for Wales, the functions mentioned in section 23(7).

34 Use of information by regulators

A relevant regulator may use any information the regulator obtains, or documents produced to the regulator, in the course of exercising any relevant function for the purposes of the regulator’s functions under this Measure.

35 Part 1: interpretation

- (1) For the purposes of this Part—

“collaboration arrangements” (“*trefniadau cydlafurio*”) means an activity performed in the exercise of a Welsh improvement authority’s powers of collaboration;

mae i'r ymadrodd "awdurdod gwella Cymreig" (*"Welsh improvement authority"*) yr ystyr a roddwyd iddo gan adran 1;

mae i'r ymadrodd "awdurdod tân ac achub Cymreig" (*"Welsh fire and rescue authority"*) yr ystyr a roddwyd iddo gan adran 1(c);

ystyr "blwyddyn ariannol" (*"financial year"*) yw blwyddyn sy'n dechrau ar 1 Ebrill;

ystyr "cynllun gwella" (*"improvement plan"*) yw'r cynllun y cyfeiriwyd ato yn adran 15(6);

mae i'r ymadrodd "pwerau cydlafurio" (*"powers of collaboration"*) yr ystyr a roddir iddo gan adran 11(1);

ystyr "rheoleiddiwr perthnasol" (*"relevant regulator"*) yw person a grybwyllwyd yn adran 16(2);

ystyr "swyddogaethau perthnasol" (*"relevant functions"*), mewn perthynas â rheoleiddiwr perthnasol, yw'r swyddogaethau a bennwyd mewn cysylltiad â'r rheoleiddiwr yn adran 16(2);

ystyr "trefniadau cydlafurio" (*"collaboration arrangements"*) yw gweithgaredd a gyflawnir wrth arfer pwerau cydlafurio awdurdod gwella Cymreig.

- (2) At ddibenion y Rhan hon, oni fydd y cyd-destun yn mynnu fel arall, mae cyfeiriad at awdurdod gwella Cymreig yn arfer swyddogaeth yn cynnwys cyfeiriad at gyflawni gweithredoedd cysylltiedig (megis gwneud trefniadau gweinyddol).

36 Cyllid

- (1) Mae adran 33 o Deddf Llywodraeth Leol 1999 (cyllid) wedi'i diwygio fel a ganlyn.
- (2) Yn is-adran (3) –
- rhowch "Welsh Ministers" yn lle "National Assembly for Wales";
 - ar ddiwedd paragraff (b), ychwanegwch "or the Local Government (Wales) Measure 2009".

RHAN 2

STRATEGAETHAU CYMUNEDOL A CHYNLLUNIO CYMUNEDOL

Cynllunio cymunedol

37 Cynllunio cymunedol

- (1) Rhaid i awdurdod lleol –
- cychwyn; a
 - wedi iddo wneud hynny, gynnal, hwyluso a chymryd rhan mewn cynllunio cymunedol ar gyfer ei ardal.
- (2) Mae cynllunio cymunedol ar gyfer ardal awdurdod lleol yn broses y mae'r awdurdod a'i bartneriaid cynllunio cymunedol yn ei defnyddio i wneud y canlynol –

“financial year” (*“blwyddyn ariannol”*) means a year beginning with 1 April;

“improvement plan” (*“cynllun gwella”*) means the plan referred to in section 15(6);

“powers of collaboration” (*“pwerau cydlafurio”*) has the meaning given by section 11(1);

“relevant functions” (*“swyddogaethau perthnasol”*), in relation to a relevant regulator, means the functions specified in respect of the regulator in section 16(2);

“relevant regulator” (*“rheoleiddiwr perthnasol”*) means a person mentioned in section 16(2);

“special inspection” (*“arolygiad arbennig”*) has the meaning given by section 21;

“Welsh fire and rescue authority” (*“awdurdod tân ac achub Cymreig”*) has the meaning given by section 1(c);

“Welsh improvement authority” (*“awdurdod gwella Cymreig”*) has the meaning given by section 1.

- (2) For the purposes of this Part, unless the context otherwise requires, a reference to the exercise of a function by a Welsh improvement authority includes a reference to the carrying out of connected acts (such as the making of administrative arrangements).

36 Finance

- (1) Section 33 of the Local Government Act 1999 (finance) is amended as follows.
- (2) In subsection (3) –
- (a) replace “National Assembly for Wales” with “Welsh Ministers”;
 - (b) at the end of paragraph (b) insert “or the Local Government (Wales) Measure 2009”.

PART 2

COMMUNITY STRATEGIES AND PLANNING

Community planning

37 Community planning

- (1) A local authority must –
- (a) initiate; and
 - (b) having done so, maintain, facilitate and participate in, community planning for its area.
- (2) Community planning for a local authority’s area is a process by which the authority and its community planning partners –

- (a) nodi amcanion hirdymor ar gyfer gwella –
 - (i) llesiant cymdeithasol yr ardal;
 - (ii) llesiant economaidd yr ardal; a
 - (iii) llesiant amgylcheddol yr ardal;
 - (b) nodi amcanion hirdymor mewn perthynas â'r ardal i gyfrannu at sicrhau datblygiad cynaliadwy yn y Deyrnas Unedig; a
 - (c) nodi'r camau sydd i'w cyflawni a'r swyddogaethau sydd i'w harfer gan yr awdurdod lleol a'i bartneriaid cynllunio cymunedol er mwyn cyrraedd yr amcanion a nodwyd o dan baragraffau (a) a (b).
- (3) Rhaid i bob partner cynllunio cymunedol awdurdod lleol –
- (a) cymryd rhan yn y broses o gynllunio cymunedol ar gyfer ardal yr awdurdod i'r graddau y mae'r cynllunio hwnnw yn gysylltiedig â swyddogaethau'r partner; a
 - (b) cynorthwyo'r awdurdod i gyflawni ei ddyletswyddau o dan is-adran (1).
- (4) At ddibenion yr adran hon mae cyfeiriad at gam sydd i'w chyflawni neu swyddogaeth sydd i'w harfer gan awdurdod lleol neu un o'i bartneriaid cynllunio cymunedol yn gyfeiriad at gam neu swyddogaeth sydd o fewn pwerau'r awdurdod neu'r partner.

38 Ystyr "partneriaid cynllunio cymunedol"

- (1) At ddibenion y Rhan hon, y cyrff canlynol yw partneriaid cynllunio cymunedol awdurdod lleol –
- (a) cyngor cymuned ar gyfer cymuned y mae unrhyw ran ohoni yn dod o fewn ardal yr awdurdod lleol;
 - (b) awdurdod tân ac achub Cymreig sydd wedi'i gyfansoddi ar gyfer ardal y mae unrhyw ran ohoni yn dod o fewn ardal yr awdurdod lleol;
 - (c) Bwrdd Iechyd Lleol a sefydlwyd ar gyfer ardal y mae unrhyw ran ohoni yn dod o fewn ardal yr awdurdod lleol;
 - (d) Ymddiriedolaeth GIG sydd wedi'i phennu mewn perthynas ag ardal yr awdurdod drwy gyfarwyddyd Gweinidogion Cymru;
 - (e) awdurdod Parc Cenedlaethol y mae unrhyw ran o'i ardal yn dod o fewn ardal yr awdurdod lleol;
 - (f) awdurdod heddlu ar gyfer ardal heddlu y mae unrhyw ran ohoni yn dod o fewn ardal yr awdurdod lleol;
 - (g) prif gwnstabl yr Heddlu ar gyfer ardal heddlu sydd wedi ei grybwyll ym mharagraff (f);
- (2) Yn ddarostyngedig i is-adrannau (3) a (4), caiff Gweinidogion Cymru, drwy orchymyn –
- (a) diwygio neu hepgor unrhyw baragraff yn is-adran (1);
 - (b) ychwanegu paragraffau ychwanegol at yr is-adran honno;
 - (c) diwygio neu hepgor paragraffau ychwanegol o'r fath.

- (a) identify long-term objectives for improving –
 - (i) the social well-being of the area;
 - (ii) the economic well-being of the area; and
 - (iii) the environmental well-being of the area;
 - (b) identify long-term objectives in relation to the area for contributing to the achievement of sustainable development in the United Kingdom; and
 - (c) identify actions to be performed and functions to be exercised by the local authority and its community planning partners for the purpose of meeting the objectives identified under paragraphs (a) and (b).
- (3) Every community planning partner of a local authority –
- (a) must participate in community planning for the authority's area to the extent that such planning is connected with the partner's functions; and
 - (b) must assist the authority in the discharge of its duties under subsection (1).
- (4) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a local authority or one of its community planning partners is a reference to an action or function which is within the powers of the authority or partner.

38 Meaning of "community planning partners"

- (1) For the purposes of this Part, a local authority's community planning partners are the following –
- (a) a community council for a community any part of which falls within the local authority's area;
 - (b) a Welsh fire and rescue authority constituted for an area any part of which falls within the local authority's area;
 - (c) a Local Health Board established for an area any part of which falls within the local authority's area;
 - (d) an NHS Trust which is specified in relation to the authority's area by direction of the Welsh Ministers;
 - (e) a National Park authority any part of whose area falls within the local authority's area;
 - (f) a police authority for a police area any part of which falls within the local authority's area;
 - (g) the chief constable of the police force for a police area referred to in paragraph (f).
- (2) Subject to subsections (3) and (4) the Welsh Ministers may by order –
- (a) amend or omit any paragraph of subsection (1);
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.

- (3) Rhaid i Weinidogion Cymru beidio ag arfer eu pŵer o dan is-adran (2) –
- (a) yn y fath fodd ag i gynnwys, neu ddarparu ar gyfer cynnwys, person yn is-adran (1) nad oes ganddo swyddogaethau cyhoeddus eu natur;
 - (b) yn y fath fodd ag i gynnwys, neu ddarparu ar gyfer cynnwys, person yn yr is-adran honno onid ydynt wedi ymgynghori â'r canlynol –
 - (i) pan fônt yn bwriadu cynnwys person, y person hwnnw;
 - (ii) unrhyw gynrychiolwyr awdurdodau lleol yng Nghymru y mae Gweinidogion Cymru yn eu hystyried yn briodol;
 - (iii) unrhyw gynrychiolwyr partneriaid cynllunio cymunedol y mae Gweinidogion Cymru yn eu hystyried yn briodol.
- (4) Os bydd Gweinidogion Cymru yn arfer eu pŵer o dan is-adran (2) yn y fath fodd ag i gynnwys, neu ddarparu ar gyfer cynnwys, person yn is-adran (1) y mae ganddo swyddogaethau cyhoeddus a phreifat eu natur, dim ond mewn perthynas â'r swyddogaethau cyhoeddus eu natur y cânt gynnwys y person hwnnw, neu ddarparu ei fod yn cael ei gynnwys.

Strategaethau cymunedol

39 Llundio strategaeth gymunedol

- (1) Pan fydd cynllunio cymunedol ar gyfer ardal awdurdod lleol wedi cyrraedd y pwynt a ddisgrifir yn is-adran (2), rhaid i'r awdurdod lunio dogfen (y cyfeirir ati yn y Mesur hwn fel "strategaeth gymunedol") sy'n cynnwys yr wybodaeth a ddisgrifir yn is-adran (3).
- (2) Cyrhaeddir y pwynt y cyfeiriwyd ato yn is-adran (1) pan fo'r awdurdod o'r farn bod maint y consensws ymhlith y partneriaid cynllunio cymunedol a'r awdurdod –
- (a) ynghylch amcanion strategaeth gymunedol ar gyfer ardal yr awdurdod yn golygu ei bod yn briodol gosod yr amcanion hynny yn y strategaeth gymunedol; a
 - (b) ynghylch y camau sydd i'w cyflawni a'r swyddogaethau sydd i'w harfer er mwyn cyrraedd yr amcanion hynny yn golygu ei bod yn briodol eu disgrifio yn y strategaeth gymunedol.
- (3) Yr wybodaeth sydd i'w chynnwys yn y strategaeth gymunedol yw –
- (a) disgrifiad o'r amcanion strategaeth gymunedol y mae'r awdurdod yn credu ei bod yn briodol eu gosod gan roi sylw i'r consensws y cyfeiriwyd ato yn is-adran (2)(a); a
 - (b) disgrifiad o'r camau sydd i'w cyflawni a'r swyddogaethau sydd i'w harfer er mwyn cyrraedd yr amcanion hynny y mae'r awdurdod yn credu ei bod yn briodol eu cynnwys yn y strategaeth gan roi sylw i'r consensws y cyfeiriwyd ato yn is-adran (2)(b).
- (4) Rhaid i'r strategaeth gymunedol –
- (a) cael ei llunio cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gynllunio cymunedol ar gyfer ardal yr awdurdod gyrraedd y pwynt sydd wedi ei disgrifio yn is-adran (2); a

- (3) The Welsh Ministers must not exercise their power under subsection (2) –
- (a) so as to include, or provide for the inclusion of, a person within subsection (1) who does not have functions of a public nature;
 - (b) so as to include, or provide for the inclusion of, a person within that subsection unless they have consulted –
 - (i) where they propose to include a person, that person;
 - (ii) such representatives of local authorities in Wales as the Welsh Ministers consider appropriate;
 - (iii) such representatives of community planning partners as the Welsh Ministers consider appropriate.
- (4) If the Welsh Ministers exercise their power under subsection (2) so as to include, or provide for the inclusion of, a person within subsection (1) who has functions of both a public and a private nature, they must include that person, or provide for that person's inclusion, only in relation to those of its functions which are of a public nature.

Community strategies

39 Production of community strategy

- (1) Once community planning for a local authority's area has reached the stage described in subsection (2), the authority must produce a document (referred to in this Measure as a "community strategy") containing the information described in subsection (3).
- (2) The stage referred to in subsection (1) is reached when the authority is of the opinion that the degree of consensus amongst the community planning partners and the authority –
- (a) as to community strategy objectives for the authority's area is such that it is appropriate to set such objectives in the community strategy; and
 - (b) as to the actions to be performed and functions to be exercised for the purpose of achieving those objectives is such that it is appropriate to describe them in the community strategy.
- (3) The information to be contained in the community strategy is –
- (a) a description of the community strategy objectives which the authority considers it appropriate to set having regard to the consensus referred to in subsection (2)(a); and
 - (b) a description of the actions to be performed and functions to be exercised for the purpose of achieving those objectives which the authority considers it appropriate to include in the strategy having regard to the consensus referred to in subsection (2)(b).
- (4) The community strategy –
- (a) must be produced as soon as is reasonably practicable after community planning for the authority's area has reached the stage described in subsection (2); and

- (b) pan fo wedi'i llunio, cael ei chyhoeddi cyn gynted ag y bo'n rhesymol ymarferol gan yr awdurdod.

40 Strategaethau cymunedol: dyletswydd adolygu

- (1) Rhaid i adolygiad o strategaeth gymunedol gael ei gwblhau'n unol ag adran 41 –
 - (a) cyn pedwerydd pen blwydd y dyddiad y cafodd y strategaeth gymunedol ei chyhoeddi o dan adran 39(4); a
 - (b) ar ôl hynny, cyn pedwerydd pen blwydd y dyddiad y cafodd yr adolygiad diwethaf o'r strategaeth gymunedol ei gwblhau.
- (2) At ddibenion yr adran hon ac adran 41, bydd adolygiad o strategaeth gymunedol wedi'i gwblhau –
 - (a) ar y dyddiad y caiff strategaeth gymunedol ddiwygiedig ei chyhoeddi o dan adran 41(6); neu
 - (b) os na fydd adolygiad yn arwain at unrhyw ddiwygiad i strategaeth gymunedol, ar y dyddiad y penderfynodd yr awdurdod lleol nad oedd yn ofynnol o dan adran 41(4) i'r strategaeth gael ei diwygio.

41 Adolygiadau o strategaeth gymunedol

- (1) Mae'r adran hon yn nodi'r broses y mae'n rhaid i strategaeth gymunedol gael ei hadolygu drwyddi.
- (2) Rhaid i awdurdod lleol ac, yn ddarostyngedig i is-adran (3), ei bartneriaid cynllunio cymunedol –
 - (a) drwy gymryd i ystyriaeth unrhyw ddatganiad a gyhoeddwyd o dan adran 42(3) er y dyddiad y cafodd y strategaeth gymunedol ei llunio neu (yn ôl y digwydd) y dyddiad y cwblhawyd yr adolygiad diwethaf ohoni, bwysu a mesur i ba raddau –
 - (i) y mae'r amcanion strategaeth gymunedol, sydd wedi'u cynnwys yn y strategaeth, wedi'u cyrraedd;
 - (ii) os nad yw amcan wedi'i gyrraedd, y mae cynnydd wedi'i wneud tuag at gyrraedd yr amcan;
 - (b) yng ngoleuni'r pwyso a mesur o dan baragraff (a) ac unrhyw ffactorau eraill y bydd yr awdurdod neu bartner yn meddwl eu bod yn briodol, pwyso a mesur –
 - (i) a ddylid addasu'r amcanion strategaeth gymunedol;
 - (ii) a ddylid gosod amcanion newydd;
 - (iii) a ddylai'r disgrifiad yn y strategaeth o'r camau sydd i'w cymryd a'r swyddogaethau sydd i'w harfer er mwyn cyrraedd un o'r amcanion strategaeth gymunedol gael eu haddasu (p'un ai yng ngoleuni addasiad o amcan neu am unrhyw reswm arall);
 - (iv) pan fo'r awdurdod neu'r partner yn credu y dylai amcan newydd gael ei osod, pa gamau y dylid eu cymryd a pha swyddogaethau y dylid eu harfer er mwyn cyrraedd yr amcan.

- (b) once produced, must be published as soon as is reasonably practicable by the authority.

40 Community strategies: duty to review

- (1) A community strategy review must be completed in accordance with section 41 –
 - (a) before the fourth anniversary of the date on which the community strategy was published under section 39(4); and
 - (b) subsequently, before the fourth anniversary of the date on which the last community strategy review was completed.
- (2) For the purposes of this section and section 41, a community strategy review is completed on –
 - (a) the date on which an amended community strategy is published under section 41(6); or
 - (b) if a review does not result in any amendment to a community strategy, the date on which the local authority decided that it was not required under section 41(4) to amend the strategy.

41 Community strategy reviews

- (1) This section sets out the process by which a community strategy must be reviewed.
- (2) A local authority and, subject to subsection (3), its community planning partners must –
 - (a) taking into account any statement published under section 42(3) since the community strategy was produced or (as the case may be) its last review was completed, consider the extent to which –
 - (i) the community strategy objectives contained in the strategy have been met; and
 - (ii) if an objective has not been met, progress has been made towards meeting the objective;
 - (b) in the light of the consideration under paragraph (a) and any other factors which the authority or a partner think appropriate, consider –
 - (i) whether the community strategy objectives should be modified;
 - (ii) whether new objectives should be set;
 - (iii) whether the strategy's description of the actions to be taken and functions to be exercised for the purpose of achieving a community strategy objective should be modified (whether in the light of a modification of an objective or for any other reason);
 - (iv) where the authority or partner consider that a new objective should be set, which actions should be taken and which functions exercised for the purpose of achieving the objective.

- (3) Dim ond i faterion sy'n gysylltiedig â'i swyddogaethau y mae dyletswydd partner cynllunio cymunedol o dan is-adran (2) yn ymestyn.
- (4) Os caiff y gofyniad yn is-adran (5) ei fodloni, rhaid i awdurdod lleol, yn sgil y pwysu a mesur sy'n ofynnol o dan is-adran (2), ddiwygio'r strategaeth gymunedol ar gyfer ei ardal drwy wneud y cyfan neu unrhyw rai o'r canlynol –
 - (a) addasu'r amcanion strategaeth gymunedol;
 - (b) gosod amcanion newydd;
 - (c) addasu'r camau sydd i'w cymryd a'r swyddogaethau sydd i'w harfer er mwyn bodloni un o'r amcanion strategaeth gymunedol;
 - (d) disgrifio'r camau sydd i'w cymryd a'r swyddogaethau sydd i'w harfer er mwyn bodloni amcan newydd.
- (5) Y gofyniad yw bod yr awdurdod o'r farn, mewn perthynas â diwygiad arfaethedig, bod maint y consensws ymhlith y partneriaid cynllunio cymunedol a'r awdurdod mewn perthynas â'r diwygiad yn golygu ei bod yn briodol gwneud y diwygiad.
- (6) Rhaid i'r awdurdod lleol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddo ddod yn ddarostyngedig i'r ddyletswydd o dan is-adran (4), gyhoeddi strategaeth gymunedol ddiwygiedig.

42 Strategaethau cymunedol: monitro

- (1) Rhaid i awdurdod lleol a'i bartneriaid cynllunio cymunedol sicrhau bod trefniadau'n cael eu gwneud i fonitro –
 - (a) y cynnydd sydd wedi ei wneud tuag at gyrraedd yr amcanion strategaeth gymunedol ar gyfer ardal yr awdurdod lleol sydd wedi'u cynnwys yn y strategaeth gymunedol gyfredol; a
 - (b) effeithiolrwydd y camau sydd wedi eu cymryd a'r swyddogaethau sydd wedi eu harfer er mwyn cyrraedd yr amcanion hynny.
- (2) Dim ond i faterion sy'n gysylltiedig â'i swyddogaethau y mae dyletswydd partner cynllunio cymunedol o dan is-adran (1) yn ymestyn.
- (3) Rhaid i awdurdod lleol gyhoeddi o dro i dro (ond o leiaf unwaith bob dwy flynedd) ddatganiad sy'n disgrifio –
 - (a) y cynnydd sydd wedi ei wneud tuag at gyrraedd yr amcanion strategaeth gymunedol ar gyfer ei ardal; a
 - (b) y camau sydd wedi eu cymryd a'r swyddogaethau sydd wedi eu harfer er mwyn cyrraedd yr amcanion hynny.
- (4) Mae'n ddyletswydd ar bob partner cynllunio cymunedol i awdurdod lleol ddarparu unrhyw wybodaeth y mae ar yr awdurdod angen rhesymol amdani er mwyn galluogi'r awdurdod i gydymffurfio â'i ddyletswydd o dan is-adran (3).
- (5) Rhaid i'r datganiad cyntaf o dan is-adran (3) gael ei lunio o fewn dwy flynedd i'r dyddiad y cyhoeddir strategaeth gymunedol o dan adran 39(4).

- (3) A community planning partner's duty under subsection (2) extends only to matters connected with its functions.
- (4) If the requirement in subsection (5) is met a local authority must, following the consideration required by subsection (2), amend the community strategy for its area by doing all or any of the following—
 - (a) modifying the community strategy objectives;
 - (b) setting new objectives;
 - (c) modifying the actions to be taken and functions to be exercised for the purpose of achieving a community strategy objective;
 - (d) describing the actions to be taken and functions to be exercised for the purpose of achieving a new objective.
- (5) The requirement is that, in relation to a proposed amendment, the authority is of the opinion that the degree of consensus amongst the community planning partners and the authority in relation to the amendment is such that it is appropriate to make the amendment.
- (6) The local authority must, as soon as is reasonably practicable after becoming subject to the duty under subsection (4), publish an amended community strategy.

42 Community strategies: monitoring

- (1) A local authority and its community planning partners must ensure that arrangements are made for monitoring—
 - (a) progress made towards meeting the community strategy objectives for the local authority's area contained in the current community strategy; and
 - (b) the effectiveness of actions taken and functions exercised for the purpose of meeting those objectives.
- (2) A community planning partner's duty under subsection (1) extends only to matters connected with its functions.
- (3) A local authority must from time to time (but at least once every two years) publish a statement which describes—
 - (a) progress made towards meeting the community strategy objectives for its area; and
 - (b) actions taken and functions exercised for the purpose of meeting those objectives.
- (4) It is the duty of each community planning partner of a local authority to provide such information as the authority may reasonably require in order to enable it to comply with its duty under subsection (3).
- (5) The first statement under subsection (3) must be produced within two years of the date on which a community strategy is published under section 39(4).

43 Strategaethau cymunedol: gweithredu

- (1) Mae'r adran hon yn gymwys i awdurdod lleol neu un o'i bartneriaid cynllunio cymunedol os yw'r strategaeth gymunedol gyfredol ar gyfer ardal yr awdurdod yn disgrifio –
 - (a) cam sydd i'w gyflawni gan yr awdurdod neu bartner er mwyn bodloni amcan strategaeth gymunedol; neu
 - (b) swyddogaeth sydd i'w harfer gan yr awdurdod neu bartner er mwyn bodloni amcan strategaeth gymunedol.
- (2) Rhaid i'r awdurdod neu'r partner cynllunio cymunedol gymryd pob mesur rhesymol i gyflawni'r cam neu arfer y swyddogaeth yn unol â'r strategaeth gymunedol.

*Cyfraniad y gymuned***44 Cynllunio cymunedol etc: cyfraniad y gymuned**

- (1) Rhaid i awdurdod lleol a'i bartneriaid cynllunio cymunedol sicrhau bod trefniadau yn cael eu gwneud er mwyn i'r personau a grybwyllir yn is-adran (2) gael cyfle i leisio eu barn, a chael bod y farn honno yn cael ei hystyried, mewn cysylltiad â'r canlynol –
 - (a) cynllunio cymunedol;
 - (b) llunio strategaeth gymunedol ar gyfer ardal yr awdurdod; ac
 - (c) yr adolygiad o strategaethau cymunedol.
- (2) Y personau yw –
 - (a) personau sy'n preswyllo yn ardal yr awdurdod lleol;
 - (b) personau nad ydynt yn preswyllo yn yr ardal honno ond sy'n cael gwasanaethau a ddarperir gan yr awdurdod neu un o'i bartneriaid cynllunio cymunedol;
 - (c) cynrychiolwyr cyrff gwirfoddol perthnasol;
 - (d) cynrychiolwyr personau sy'n rhedeg busnesau yn ardal yr awdurdod;
 - (e) personau eraill sydd, ym marn yr awdurdod, â diddordeb ym maes gwella llesiant cymdeithasol, economaidd neu amgylcheddol yr ardal.
- (3) At ddibenion yr adran hon ystyr "cyrff gwirfoddol perthnasol" yw cyrff (ac eithrio awdurdodau lleol neu gyrff cyhoeddus eraill) y mae eu gweithgareddau –
 - (a) yn cael eu cynnal am resymau nad ydynt yn ymwneud ag elw, a
 - (b) o fudd uniongyrchol neu anuniongyrchol i'r cyfan neu unrhyw ran o ardal yr awdurdod lleol.
- (4) Mae landlord cymdeithasol cofrestredig (o fewn ystyr "registered social landlord" yn Rhan 1 o Ddeddf Tai 1996) sy'n darparu tai yn ardal yr awdurdod lleol yn gorff gwirfoddol perthnasol at ddibenion yr adran hon.

43 Community strategies: implementation

- (1) This section applies to a local authority or one of its community planning partners if the current community strategy for the authority's area describes—
 - (a) an action to be performed by the authority or partner for the purposes of achieving a community strategy objective; or
 - (b) a function to be exercised by the authority or partner for the purpose of achieving a community strategy objective.
- (2) The authority or community planning partner must take all reasonable steps to perform the action or exercise the function in accordance with the community strategy.

*Community involvement***44 Community planning etc: community involvement**

- (1) A local authority and its community planning partners must ensure that arrangements are made so that the persons mentioned in subsection (2) have the opportunity to express their views, and have them taken into account, in connection with—
 - (a) community planning;
 - (b) the production of a community strategy for the authority's area; and
 - (c) the review of community strategies.
- (2) The persons are—
 - (a) persons resident in the local authority's area;
 - (b) persons who are not resident in that area but who receive services provided by the authority or one of its community planning partners;
 - (c) representatives of relevant voluntary organisations;
 - (d) representatives of persons carrying on businesses in the authority's area;
 - (e) other persons who, in the opinion of the authority, are interested in the improvement of the area's social, economic or environmental well-being.
- (3) For the purposes of this section "relevant voluntary organisations" means bodies (other than local authorities or other public bodies) whose activities—
 - (a) are carried on otherwise than for profit, and
 - (b) directly or indirectly benefit the whole or any part of the local authority's area.
- (4) A registered social landlord (within the meaning of Part 1 of the Housing Act 1996) which provides housing in the local authority's area is a relevant voluntary organisation for the purposes of this section.

*Gweinidogion Cymru***45 Cynllunio cymunedol etc: canllawiau**

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau ynghylch –
 - (a) unrhyw agwedd ar gynllunio cymunedol;
 - (b) llunio ac adolygu strategaethau cymunedol;
 - (c) dyletswyddau awdurdod lleol a'i bartneriaid cynllunio cymunedol o dan adrannau 42 i 44.
- (2) Rhaid i awdurdod lleol a'i bartneriaid cynllunio cymunedol roi sylw i unrhyw ganllawiau a ddyroddir o dan yr adran hon.

46 Cynllunio cymunedol etc: rôl Gweinidogion Cymru

Rhaid i Weinidogion Cymru, wrth arfer unrhyw swyddogaeth a all effeithio ar gynllunio cymunedol anelu, cyhyd â'i bod yn rhesymol ymarferol i wneud hynny, at hyrwyddo ac annog cynllunio cymunedol.

*Dehongli***47 Rhan 2: dehongli etc**

- (1) At ddibenion y Rhan hon –
 - mae i "ardal heddlu" yr ystyr a roddir i "*police area*" gan adran 1 o Ddeddf yr Heddlu 1996;
 - ystyr "*awdurdod heddlu*" ("*police authority*") yw awdurdod heddlu yng Nghymru a sefydlwyd o dan adran 3 o Ddeddf yr Heddlu 1996;
 - ystyr "*awdurdod lleol*" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
 - ystyr "*awdurdod Parc Cenedlaethol*" ("*National Park authority*") yw awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
 - mae i'r ymadrodd "*awdurdod tân ac achub Cymreig*" ("*Welsh fire and rescue authority*") yr un ystyr â'i ystyr yn adran 1(c);
 - rhaid dehongli "*cynllunio cymunedol*" ("*community planning*") yn unol ag adran 37;
 - ystyr "*partner cynllunio cymunedol*" ("*community planning partner*") yw person sy'n dod o fewn adran 38;
 - ystyr "*strategaeth gymunedol gyfredol*" ("*current community strategy*") yw'r strategaeth gymunedol ar gyfer ardal awdurdod lleol a gyhoeddwyd o dan adran 39(4) neu, pan fo'r strategaeth wedi'i diwygio yn dilyn adolygiad o dan adran 41, y strategaeth a gyhoeddwyd yn fwyaf diweddar o dan adran 41(6).

*The Welsh Ministers***45 Community planning etc: guidance**

- (1) The Welsh Ministers may issue guidance about –
- (a) any aspect of community planning;
 - (b) the production and review of community strategies;
 - (c) the duties of a local authority and its community planning partners under sections 42 to 44.
- (2) A local authority and its community planning partners must have regard to any guidance issued under this section.

46 Community planning etc: role of Welsh Ministers

The Welsh Ministers must, in exercising any function which might affect community planning aim, so far as it is reasonably practicable to do so, to promote and encourage community planning.

*Interpretation***47 Part 2: interpretation etc**

- (1) For the purposes of this Part –

“community planning” (*“cynllunio cymunedol”*) must be construed in accordance with section 37;

“community planning partner” (*“partner cynllunio cymunedol”*) means a person falling within section 38;

“current community strategy” (*“strategaeth gymunedol gyfredol”*) means the community strategy for a local authority’s area published under section 39(4) or, where the strategy has been amended following a review under section 41, the strategy most recently published under section 41(6);

“local authority” (*“awdurdod lleol”*) means a county council or a county borough council in Wales;

“National Park authority” (*“awdurdod Parc Cenedlaethol”*) means a National Park authority for a National Park in Wales;

“police area” has the meaning given by section 1 of the Police Act 1996;

“police authority” (*“awdurdod heddlu”*) means a police authority in Wales established under section 3 of the Police Act 1996;

“Welsh fire and rescue authority” (*“awdurdod tân ac achub Cymreig”*) has the same meaning as in section 1(c).

- (2) Mae unrhyw gyfeiriad yn y Rhan hon at gam yn cael ei gyflawni neu swyddogaeth yn cael ei harfer er mwyn bodloni un o amcanion strategaeth gymunedol yn gyfeiriad at gam sy'n cael ei gyflawni neu swyddogaeth sy'n cael ei harfer yn y modd sydd wedi ei ddisgrifio yn adran 37(2)(c).
- (3) Pan fo cyfeiriad yn y Rhan hon at beth sy'n gysylltiedig â swyddogaethau partner cynllunio cymunedol, nid yw'r swyddogaethau hynny'n cynnwys swyddogaethau'r partner o dan y Rhan hon.
- (4) Caniateir i ddogfen y cyfeiriwyd ati gan y Mesur hon fel "strategaeth gymunedol" (neu gan ymadrodd sy'n cynnwys y term hwnnw) gael ei galw yn lle hynny yn ôl pa enw amgen bynnag y bydd awdurdod lleol a'i bartneriaid cynllunio cymunedol yn cytuno arno.

RHAN 3

CYFFREDINOL

48 Canllawiau

- (1) Mae'r adran hon yn cael effaith mewn perthynas ag unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru o dan y Mesur hwn.
- (2) O ran Gweinidogion Cymru –
 - (a) cânt ddyroddi canllawiau o dan Ran 1 i awdurdodau gwella Cymreig yn gyffredinol neu mewn cysylltiad â hwy neu mewn cysylltiad ag un neu fwy o awdurdodau penodol;
 - (b) cânt ddyroddi canllawiau o dan Ran 2 i awdurdodau lleol a phartneriaid cynllunio cymunedol yn gyffredinol neu mewn cysylltiad â hwy neu mewn cysylltiad ag un neu fwy o awdurdodau neu bartneriaid penodol;
 - (c) cânt ddyroddi canllawiau gwahanol i wahanol awdurdodau gwella Cymreig, awdurdodau lleol neu bartneriaid cynllunio cymunedol neu mewn cysylltiad â hwy;
 - (d) rhaid iddynt, cyn dyroddi canllawiau, ymgynghori â'r awdurdodau neu'r partneriaid o dan sylw neu bersonau y mae'n ymddangos i Weinidogion Cymru eu bod yn cynrychioli'r awdurdodau neu'r partneriaid hynny; ac
 - (e) rhaid iddynt drefnu i ganllawiau gael eu cyhoeddi.

49 Cyfarwyddiadau

O ran unrhyw gyfarwyddyd a roddir gan Weinidogion Cymru o dan y Mesur hwn –

- (a) caniateir iddo gael ei amrywio neu ei ddirymu gan gyfarwyddyd diweddarach; a
- (b) rhaid iddo gael ei roi mewn ysgrifen.

50 Gorchmynion a rheoliadau

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchmyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.

- (2) Any reference in this Part to an action being performed or a function being exercised for the purposes of achieving a community strategy objective is a reference to an action being performed or a function being exercised as described in section 37(2)(c).
- (3) Where this Part refers to a thing being connected with a community planning partner's functions, the functions in question do not include the partner's functions under this Part.
- (4) A document referred to by this Measure as a "community strategy" (or by an expression including that term) may instead be referred to by whatever alternative name is agreed between a local authority and its community planning partners.

PART 3

GENERAL

48 Guidance

- (1) This section has effect in relation to any guidance issued by the Welsh Ministers under this Measure.
- (2) The Welsh Ministers—
 - (a) may issue guidance under Part 1 to or in respect of Welsh improvement authorities generally or in respect of one or more particular authorities;
 - (b) may issue guidance under Part 2 to or in respect of local authorities and community planning partners generally or in respect of one or more particular authorities or partners;
 - (c) may issue different guidance to or in respect of different Welsh improvement authorities, local authorities or community planning partners;
 - (d) must, before they issue guidance, consult the authorities or partners concerned or persons appearing to the Welsh Ministers to represent them; and
 - (e) must arrange for guidance to be published.

49 Directions

Any direction given by the Welsh Ministers under this Measure—

- (a) may be varied or revoked by a later direction; and
- (b) must be given in writing.

50 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.

- (2) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn cynnwys pŵer –
- (a) i wneud darpariaeth wahanol ar gyfer gwahanol achosion, ardaloedd, awdurdodau a disgrifiadau o awdurdod;
 - (b) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;
 - (c) i wneud y cyfryw ddarpariaeth gysylltiedig, atodol, canlyniadol, byrhoedlog, trosiannol neu'r cyfryw ddarpariaeth arbed ag y gwêl Gweinidogion Cymru'n dda ei gwneud.
- (3) Mae offeryn statudol sy'n cynnwys gorchymyn o dan adran 8(1), 15(3), (5) neu (7), 19(3)(b) neu 51(4) neu reoliadau o dan adran 29(7) yn ddarostyngedig i ddiddymiad yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (4) Er hynny, ni fydd is-adran (3) yn gymwys os bydd offeryn hefyd yn cynnwys darpariaethau a wnaed o dan y pwerau a grybwyllir yn is-adran (5).
- (5) Ni chaniateir i offeryn statudol gael ei wneud sy'n cynnwys (wrth ei hun neu ynghyd â darpariaethau eraill) –
- (a) gorchymyn o dan adran 7(1);
 - (b) gorchymyn o dan adran 16(3);
 - (c) gorchymyn o dan adran 38(2); neu
 - (d) gorchymyn o dan adran 51(4) sy'n cynnwys darpariaeth a grybwyllir o dan is-adran (5)(b)(i) o'r adran honno,
- onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.
- (6) Yn ddarostyngedig i is-adran (7), ni chaniateir i offeryn statudol sy'n cynnwys gorchymyn o dan adran 31 gael ei wneud onid oes drafft o'r gorchymyn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.
- (7) Mae gorchymyn o dan adran 31 sydd wedi'i wneud yn unswydd i ddiwygio gorchymyn cynharach o dan yr adran honno –
- (a) er mwyn estyn y gorchymyn cynharach, neu unrhyw ddarpariaeth yn y gorchymyn cynharach, i rychwantu awdurdod penodol neu awdurdodau o ddisgrifiad penodol;
 - (b) er mwyn i'r gorchymyn cynharach, neu unrhyw ddarpariaeth yn y gorchymyn cynharach, beidio â bod yn gymwys mwyach i awdurdod penodol neu i awdurdodau o ddisgrifiad penodol,
- yn ddarostyngedig i ddiddymiad yn unol â phenderfyniad Cynulliad Cenedlaethol Cymru.

51 Diwygiadau canlyniadol etc a darpariaeth drosiannol a darpariaeth arbed

- (1) Mae Atodlen 1 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol ar gyfer Rhan 1 o'r Mesur hwn.
- (2) Mae Atodlen 2 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol ar gyfer Rhan 2 o'r Mesur hwn.

- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power –
- (a) to make different provision for different cases, areas, authorities and descriptions of authority;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing an order under section 8(1), 15(3), (5) or (7), 19(3)(b) or 51(4) or regulations under section 29(7) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) But subsection (3) does not apply if an order also contains provisions made under the powers mentioned in subsection (5).
- (5) A statutory instrument which contains (alone or with other provisions) –
- (a) an order under section 7(1);
 - (b) an order under section 16(3);
 - (c) an order under section 38(2); or
 - (d) an order under section 51(4) which includes provision mentioned in subsection (5)(b)(i) of that section,
- must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Subject to subsection (7), a statutory instrument containing an order under section 31 must not be made unless a draft of the order has been laid before, and approved by resolution of, the National Assembly for Wales.
- (7) An order under section 31 which is made only for the purpose of amending an earlier order under that section –
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description;
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

51 Consequential etc amendments and transitional and saving provision

- (1) Schedule 1 contains minor and consequential amendments for Part 1 of this Measure.
- (2) Schedule 2 contains minor and consequential amendments for Part 2 of this Measure.

- (3) Mae Atodlen 3 yn cynnwys darpariaeth drosiannol ac arbedion ar gyfer Rhannau 1 a 2 o'r Mesur hwn.
- (4) Caiff Gweinidogion Cymru wneud unrhyw ddarpariaeth drwy orchymyn y bydd Gweinidogion Cymru yn barnu ei bod yn briodol at ddibenion cyffredinol, neu unrhyw ddibenion penodol, y Mesur hwn, neu o ganlyniad i unrhyw ddarpariaeth a wneir drwy'r Mesur hwn, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth o'r fath.
- (5) Caiff gorchymyn o dan is-adran (4) wneud y canlynol yn benodol –
 - (a) darparu bod unrhyw ddiwygiad neu unrhyw ddarpariaeth arall a wneir drwy'r Mesur hwn ac sy'n dod i rym cyn y bydd unrhyw ddarpariaeth arall wedi dod i rym yn cael effaith, hyd nes y bydd y ddarpariaeth arall honno wedi dod i rym, gydag addasiadau penodedig, a
 - (b) diwygio, diddymu neu ddirymu unrhyw ddarpariaeth mewn –
 - (i) unrhyw Ddeddf neu Fesur Cynulliad Cenedlaethol Cymru (gan gynnwys y Mesur hwn); a
 - (ii) is-ddeddfwriaeth.
- (6) Mae'r diwygiadau y caniateir eu gwneud yn rhinwedd is-adran (5)(b) yn ychwanegol at y rhai a wneir neu y caniateir eu gwneud o dan unrhyw un o ddarpariaethau eraill y Mesur hwn.
- (7) Yn yr adran hon mae i "is-ddeddfwriaeth" yr un ystyr â "*subordinate legislation*" yn Neddf Ddehongli 1978 (p. 30).

52 Diddymiadau

Mae Atodlen 4 yn cynnwys diddymiadau.

53 Cychwyn

- (1) Daw adrannau 48 i 50, 51(4) i (7), 54 a'r adran hon i rym ar y diwrnod y caiff y Mesur hwn ei gymeradwyo gan ei Mawrhydi yn Ei Chyngor.
- (2) Daw darpariaethau eraill y Mesur hwn i rym ar y diwrnod y bydd Gweinidogion Cymru yn ei bennu drwy orchymyn.
- (3) Caiff gorchymyn o dan is-adran (2) bennu gwahanol ddiwrnodau at wahanol ddibenion.

54 Enw byr

Enw'r Mesur hwn yw Mesur Llywodraeth Leol (Cymru) 2009.

- (3) Schedule 3 contains transitional provisions and savings for Parts 1 and 2 of this Measure.
- (4) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate for the general purposes, or any particular purposes, of this Measure, or in consequence of, or for giving full effect to, any provision made by this Measure.
- (5) An order under subsection (4) may, in particular –
 - (a) provide for any amendment or other provision made by this Measure which comes into force before any other provision has come into force to have effect, until that other provision has come into force, with specified modifications, and
 - (b) amend, repeal or revoke any provision of –
 - (i) any Act or Measure of the National Assembly for Wales (including this Measure); and
 - (ii) subordinate legislation.
- (6) The amendments that may be made by virtue of subsection (5)(b) are in addition to those made by or which may be made under any other provision of this Measure.
- (7) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

52 Repeals

Schedule 4 contains repeals.

53 Commencement

- (1) Sections 48 to 50, 51(4) to (7), 54 and this section come into force on the day on which this Measure is approved by Her Majesty in Council.
- (2) The other provisions of this Measure come into force on such day as the Welsh Ministers may by order appoint.
- (3) An order under subsection (2) may appoint different days for different purposes.

54 Short title

This Measure may be cited as the Local Government (Wales) Measure 2009.

ATODLEN 1

(a gyflwynir gan adran 51(1))

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL: RHAN 1

Deddf Llywodraeth Leol, Cynllunio a Thir 1980 (p. 65)

- 1 Diwygier Deddf Llywodraeth Leol, Cynllunio a Thir 1980 fel a ganlyn.
- 2 Yn adran 2, mewnosoder y canlynol ar ddiwedd is-adran (1) –
“or a Welsh improvement authority for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

Deddf Gweinyddu Nawdd Cymdeithasol 1992 (p. 5)

- 3 Diwygier Deddf Gweinyddu Nawdd Cymdeithasol 1992 fel a ganlyn.
- 4 Yn adran 139A(2)(b), mewnosoder y canlynol ar y diwedd –
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 5 Yn adran 139C(1)(b), mewnosoder y canlynol ar y diwedd –
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 6 Yn is-adran 139D(1), yn lle paragraff (ca) rhodder y canlynol –
“(ca) a copy of a report has been sent to a local authority under section 22(3) of the Local Government (Wales) Measure 2009 and to the Secretary of State under section 22(5) of that Measure;”.

Deddf y Comisiwn Archwilio 1998 (p. 18)

- 7 Diwygier Deddf y Comisiwn Archwilio 1998 fel a ganlyn.
- 8 Yn adran 47A (adroddiadau sy'n ymwneud â pherfformiad awdurdodau lleol yn Lloegr) hepgorer is-adran (5)(a).

Deddf Llywodraeth Leol 1999 (p. 27)

- 9 Diwygier Deddf Llywodraeth Leol 1999 fel a ganlyn.
- 10 Yn adran 1 (awdurdodau gwerth gorau) hepgorer is-adrannau (1)(k), (6) a (7).
- 11 Yn adran 2 (pŵer i estyn neu ddatgymhwyso: Ysgrifennydd Gwladol) hepgorer is-adran (5A).
- 12 Yn adran 3A (cyfraniad cynrychiolwyr lleol) hepgorer is-adran (3)(b).
- 13 Yn adran 10 (arolygiadau) hepgorer is-adran (5)(a).
- 14 Yn adran 10A (arolygiadau: Archwilydd Cyffredinol Cymru) hepgorer is-adrannau (1)(a) a (4)(a).
- 15 Yn adran 13A (adroddiadau am arolygiadau o dan adran 10A) hepgorer is-adran (5).
- 16 Yn adran 15 (pwerau Ysgrifennydd Gwladol) hepgorer is-adran (2)(aa).

SCHEDULE 1
(introduced by section 51(1))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 1

Local Government, Planning and Land Act 1980 (c. 65)

- 1 Amend the Local Government, Planning and Land Act 1980 as follows.
- 2 In section 2, insert the following at the end of subsection (1) –
“or a Welsh improvement authority for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

Social Security Administration Act 1992 (c. 5)

- 3 Amend the Social Security Administration Act 1992 as follows.
- 4 In section 139A(2)(b), insert the following at the end –
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 5 In section 139C(1)(b), insert the following at the end –
“or Part 1 of the Local Government (Wales) Measure 2009”.
- 6 In section 139D(1), for paragraph (ca) substitute the following –
“(ca) a copy of a report has been sent to a local authority under section 22(3) of the Local Government (Wales) Measure 2009 and to the Secretary of State under section 22(5) of that Measure;”.

Audit Commission Act 1998 (c. 18)

- 7 Amend the Audit Commission Act 1998 as follows.
- 8 In section 47A (reports relating to performance of English local authorities) omit subsection (5)(a).

Local Government Act 1999 (c. 27)

- 9 Amend the Local Government Act 1999 as follows.
- 10 In section 1 (best value authorities) omit subsections (1)(k), (6) and (7).
- 11 In section 2 (power to extend or disapply: Secretary of State) omit subsection (5A).
- 12 In section 3A (involvement of local representatives) omit subsection (3)(b).
- 13 In section 10 (inspections) omit subsection (5)(a).
- 14 In section 10A (inspections: Auditor General for Wales) omit subsections (1)(a) and (4)(a).
- 15 In section 13A (reports of inspections under section 10A) omit subsection (5).
- 16 In section 15 (Secretary of State’s powers) omit subsection (2)(aa).

- 17 Yn adran 16 (pŵer Ysgrifennydd Gwladol i addasu deddfiadau a rhoi pwerau newydd) hepgorer is-adran (6)(b).
- 18 Yn adran 19(5) (contractau: eithrio ystyriaethau anfasnachol), mewnosoder y canlynol ar ôl paragraff (a) –
- “(aa) a Welsh improvement authority for the purposes of the Local Government (Wales) Measure 2009,”.
- 19 Yn adran 23(4)(za) (cyfrifon) hepgorer y geiriau “Welsh best value authorities or”.
- 20 Yn adran 25(2) (cydlynu arolygiadau etc) hepgorer baragraff (d).
- 21 Yn adran 28(2) (gorchmynion a rheoliadau) hepgorer “6, 7”.
- 22 Yn adran 29 (addasiadau ar gyfer Cymru) –
- (a) yn is-adran (1A) hepgorer “3, 10A, 12A, 13A, 15,” a “23, 25 and 26”;
- (b) hepgorer is-adrannau (2A), (4) a (6).

Deddf Llywodraeth Leol 2003 (p. 26)

- 23 Diwygier Deddf Llywodraeth Leol 2003 fel a ganlyn.
- 24 Yn adran 36(1) (grantiau mewn cysylltiad â dynodi ar gyfer rhagoriaeth mewn gwasanaeth), ar ôl “(best value duty)” mewnosoder “or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009”.
- 25 Yn adran 36A (grantiau gan Weinidogion y Goron mewn cysylltiad ag awdurdodau gwerth gorau etc) –
- (a) yn is-adran (1) ar ôl “best value authorities” mewnosoder “or a Welsh improvement authority or Welsh improvement authorities”;
- (b) yn is-adran (2)(b) yn lle’r geiriau “Welsh best value authority” rhodder “Welsh improvement authority”;
- (c) yn is-adran (3) mewnosoder ar y diwedd “or a Welsh improvement authority”;
- (d) yn is-adran (7) yn lle’r geiriau “Welsh best value authority” hyd at ddiwedd yr is-adran rhodder –
- ““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.
- 26 Yn adran 36B (grantiau gan Weinidogion Cymru mewn cysylltiad ag awdurdodau gwerth gorau Cymru) –
- (a) yn is-adran (1) yn lle’r geiriau “the economic” hyd at ddiwedd yr is-adran rhodder “compliance by a Welsh improvement authority or Welsh improvement authorities with the requirements of Part 1 of the Local Government (Wales) Measure 2009”;
- (b) yn is-adran (2) ar ôl “best value authority” mewnosoder “or Welsh improvement authority”;
- (c) yn is-adran (6) yn lle’r geiriau “Welsh best value authority” hyd at ddiwedd yr is-adran rhodder –

- 17 In section 16 (power of Secretary of State to modify enactments and confer new powers) omit subsection (6)(b).
- 18 In section 19(5) (contracts: exclusion of non-commercial considerations), insert the following after paragraph (a)–
- “(aa) a Welsh improvement authority for the purposes of the Local Government (Wales) Measure 2009,”.
- 19 In section 23(4)(za) (accounts) omit the words “Welsh best value authorities or”.
- 20 In section 25(2) (coordination of inspections etc) omit paragraph (d).
- 21 In section 28(2) (orders and regulations) omit “6, 7”.
- 22 In section 29 (modifications for Wales)–
- (a) in subsection (1A) omit “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”;
- (b) omit subsections (2A), (4) and (6).

Local Government Act 2003 (c. 26)

- 23 Amend the Local Government Act 2003 as follows.
- 24 In section 36(1) (grants in connection with designation for service excellence), after “(best value duty)” insert “or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009”.
- 25 In section 36A (grants by Ministers of the Crown in respect of best value authorities etc)–
- (a) in subsection (1) after “best value authorities” insert “or a Welsh improvement authority or Welsh improvement authorities”;
- (b) in subsection (2)(b) for the words “Welsh best value authority” substitute “Welsh improvement authority”;
- (c) in subsection (3) insert at the end “or a Welsh improvement authority”;
- (d) in subsection (7) for the words “Welsh best value authority” to the end of the subsection substitute–
- ““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.
- 26 In section 36B (grants by Welsh Ministers in respect of Welsh best value authorities)–
- (a) in subsection (1) from the words “the economic” to the end of the subsection substitute “compliance by a Welsh improvement authority or Welsh improvement authorities with the requirements of Part 1 of the Local Government (Wales) Measure 2009”;
- (b) in subsection (2) after “best value authority” insert “or Welsh improvement authority”;
- (c) in subsection (6) for the words “Welsh best value authority” to the end of the subsection substitute–

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

- 27 Yn adran 93(9) (pŵer i godi tâl am wasanaethau dewisol) ar ôl paragraff (a) mewnosoder –
 “(aa) a Welsh improvement authority;”.
- 28 Yn adran 95(7) (pŵer i fasnachu mewn gweithgareddau sy’n gysylltiedig â swyddogaethau drwy gwmni), yn y diffiniad o “relevant authority” ar ôl paragraff (a) mewnosoder –
 “(aa) a Welsh improvement authority;”.
- 29 Yn adran 97(11) (pŵer i addasu deddfiadau mewn cysylltiad â chodi tâl neu fasnachu), yn y diffiniad o “relevant authority” ar ôl paragraff (a) mewnosoder –
 “(aa) a Welsh improvement authority;”.
- 30 Yn adran 101 (materion trosglwyddo staff: cyffredinol) –
 (a) ar ôl is-adran (5) mewnosoder –
 “(5A) The duties under Part 1 of the Local Government (Wales) Measure 2009 (local government improvement) have effect subject to subsections (1) and (3).”;
 (b) yn is-adran (7A) ar ôl paragraff (a) mewnosoder –
 “(aa) a Welsh improvement authority;”.
- 31 Yn adran 124 (dehongli cyffredinol) ar ôl y diffiniad o “valuation tribunal” mewnosoder –
 ““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Deddf Gwasanaethau Tân ac Achub 2004 (p. 21)

- 32 Diwygier adran 24 o Ddeddf Gwasanaethau Tân ac Achub 2004 (gwerth gorau) fel a ganlyn.
- 33 Ar ôl is-adran (2) mewnosoder –
 “(3) Subsection (1) does not apply to a fire and rescue authority in Wales.
 (4) Sections 21, 22, 26 and 27 of the Local Government (Wales) Measure 2009 apply in relation to a fire and rescue authority in Wales’ compliance with section 21(7) as they apply in relation to a Welsh improvement authority’s compliance with the requirements of Part 1 of that Measure.
 (5) As applied by subsection (4), those sections have effect as if –
 (a) in section 21(1), paragraphs (a) and (b) and the word “if” preceding paragraph (a) were omitted;
 (b) sections 21(2)(b), (3), (5), (8) and (10) and 22(4) were omitted;
 (c) in section 22(1), for the words “a special inspection” there were substituted “an inspection under section 21”;

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

- 27 In section 93(9) (power to charge for discretionary services) after paragraph (a) insert –
 “(aa) a Welsh improvement authority;”.
- 28 In section 95(7) (power to trade in function-related activities through a company), in the definition of “relevant authority” after paragraph (a) insert –
 “(aa) a Welsh improvement authority;”.
- 29 In section 97(11) (power to modify enactments in connection with charging or trading), in the definition of “relevant authority” after paragraph (a) insert –
 “(aa) a Welsh improvement authority;”.
- 30 In section 101 (staff transfer matters: general) –
 (a) after subsection (5) insert –
 “(5A) The duties under Part 1 of the Local Government (Wales) Measure 2009 (local government improvement) have effect subject to subsections (1) and (3).”;
 (b) in subsection (7A) after paragraph (a) insert –
 “(aa) a Welsh improvement authority;”.
- 31 In section 124 (general interpretation) after the definition of “valuation tribunal” insert –
 ““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Fire and Rescue Services Act 2004 (c. 21)

- 32 Amend section 24 of the Fire and Rescue Services Act 2004 (best value) as follows.
- 33 After subsection (2) insert the following –
 “(3) Subsection (1) does not apply to a fire and rescue authority in Wales.
 (4) Sections 21, 22, 26 and 27 of the Local Government (Wales) Measure 2009 apply in relation to a fire and rescue authority in Wales’ compliance with section 21(7) as they apply in relation to a Welsh improvement authority’s compliance with the requirements of Part 1 of that Measure.
 (5) As applied by subsection (4), those sections have effect as if –
 (a) in section 21(1), paragraphs (a) and (b) and the word “if” preceding paragraph (a) were omitted;
 (b) sections 21(2)(b), (3), (5), (8) and (10) and 22(4) were omitted;
 (c) in section 22(1), for the words “a special inspection” there were substituted “an inspection under section 21”;

- (d) in section 22(2)(b), for the words “do either or both of the following” to the end there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”;
- (e) in section 26(11), the words “or an inspection under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end;
- (f) in section 27(1), the words “or inspections under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end.”.

Deddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23)

34 Diwygier Deddf Archwilio Cyhoeddus (Cymru) 2004 fel a ganlyn.

35 Yn adran 41(1) (astudiaethau i wella darbodaeth etc mewn gwasanaethau) ar ddiwedd paragraff (a) mewnosoder –

“or Welsh improvement authorities for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

36 Yn adran 54 (cyfyngiad ar ddatgelu gwybodaeth) –

(a) yn is-adran (1)(a) ar ôl y geiriau “the Local Government Act 1999 (c. 27)” mewnosoder “or Part 1 of the Local Government (Wales) Measure 2009”;

(b) yn is-adran (1)(b) –

(i) ar ôl y gair “study” mewnosoder “assessment”;

(ii) ar y diwedd mewnosoder “or Part 1 of the Local Government (Wales) Measure 2009”;

(c) yn is-adran (2)(b) ar ôl y geiriau “the Local Government Act 1999 (c. 27)” mewnosoder “or Part 1 of the Local Government (Wales) Measure 2009”.

- (d) in section 22(2)(b), for the words “do either or both of the following” to the end there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”;
- (e) in section 26(11), the words “or an inspection under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end;
- (f) in section 27(1), the words “or inspections under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end.”.

Public Audit (Wales) Act 2004 (c. 23)

34 Amend the Public Audit (Wales) Act 2004 as follows.

35 In section 41(1) (studies for improving economy etc in services) at the end of paragraph (a) insert—

“or Welsh improvement authorities for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

36 In section 54 (restriction on disclosure of information)—

(a) in subsection (1)(a) after the words “the Local Government Act 1999 (c. 27)” insert “or Part 1 of the Local Government (Wales) Measure 2009”;

(b) in subsection (1)(b)—

(i) after the word “study” insert “assessment”;

(ii) at the end insert “or Part 1 of the Local Government (Wales) Measure 2009”.

(c) in subsection (2)(b) after the words “the Local Government Act 1999 (c. 27)” insert “or Part 1 of the Local Government (Wales) Measure 2009”.

ATODLEN 2

(a gyflwynir gan adran 51(2))

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL: RHAN 2

Deddf Llywodraeth Leol 2000 (p. 22)

- 1 Diwygier Deddf Llywodraeth Leol 2000 fel a ganlyn.
- 2 Yn adran 2 (hyrwyddo llesiant) –
 - (a) yn is-adran (3) ar ôl “a local authority” mewnosoder “in England”;
 - (b) ar ôl is-adran (3A) mewnosoder –
 - “(3B) In determining whether or how to exercise the power under subsection (1), a local authority in Wales must have regard to the community strategy for its area published under section 39(4) of the Local Government (Wales) Measure 2009 or, where the strategy has been amended following a review under section 41 of that Measure, the strategy most recently published under section 41(6).”.
- 3 Yn adran 4 (strategaethau i hyrwyddo llesiant) –
 - (a) yn is-adran (1) ar ôl “every local authority” mewnosoder “in England”;
 - (b) hepgorer is-adran (5).

Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)

- 4 Diwygier adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (cynllun datblygu lleol) fel a ganlyn.
- 5 Yn lle is-adran (5)(d) ac (e) rhodder –
 - “(d) any relevant community strategy;”.
- 6 Yn lle is-adran (7) rhodder –
 - “A community strategy is relevant if –
 - (a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
 - (b) in the case of an authority which is a National Park authority –
 - (i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
 - (ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.”.

SCHEDULE 2
(introduced by section 51(2))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 2

Local Government Act 2000 (c. 22)

- 1 Amend the Local Government Act 2000 as follows.
- 2 In section 2 (promotion of well-being) –
 - (a) in subsection (3) after “a local authority” insert “in England”;
 - (b) after subsection (3A) insert –

“(3B) In determining whether or how to exercise the power under subsection (1), a local authority in Wales must have regard to the community strategy for its area published under section 39(4) of the Local Government (Wales) Measure 2009 or, where the strategy has been amended following a review under section 41 of that Measure, the strategy most recently published under section 41(6).”.
- 3 In section 4 (strategies for promoting well-being) –
 - (a) in subsection (1) after “every local authority” insert “in England”;
 - (b) omit subsection (5).

Planning and Compulsory Purchase Act 2004 (c. 5)

- 4 Amend section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) as follows.
- 5 For subsection (5)(d) and (e) substitute –

“(d) any relevant community strategy;”.
- 6 For subsection (7) substitute –

“A community strategy is relevant if –

 - (a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
 - (b) in the case of an authority which is a National Park authority –
 - (i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
 - (ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.”.

ATODLEN 3

(cyflwynwyd gan adran 51(3))

DARPARIAETH DROSIANNOL AC ARBEDION

Deddf Llywodraeth Leol 2000 (p. 22)

- 1 Mae'r diwygiadau a wneir i adran 2 o Ddeddf Llywodraeth Leol 2000 gan baragraff 2 o Atodlen 2 i'r Mesur hwn yn cael effaith yn ddarostyngedig i baragraff 2 isod.
- 2 Nid yw'r diwygiadau'n gymwys i awdurdod lleol hyd onid yw'r awdurdod wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o'r Mesur hwn.

Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)

- 3 Mae'r diwygiadau a wneir i adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 gan baragraffau 4 i 6 o Atodlen 2 i'r Mesur hwn yn cael effaith yn ddarostyngedig i'r darpariaethau a ganlyn.
- 4 Mewn perthynas ag awdurdod cynllunio lleol sy'n gyngor sir neu'n gyngor bwrdeistref sirol, nid yw'r diwygiadau'n gymwys hyd onid yw'r awdurdod wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o'r Mesur hwn.
- 5 Er nad yw'r diwygiadau'n gymwys yn rhinwedd paragraff 4, mae adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn cael effaith fel pe bai'r geiriau canlynol wedi'u mewnosod ar ddiwedd is-adran (7) –

“at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came into force.”
- 6 Mewn perthynas ag awdurdod cynllunio lleol sy'n awdurdod Parc Cenedlaethol, nid yw'r diwygiadau'n gymwys hyd onid yw pob cyngor sir neu gyngor bwrdeistref sirol, y mae ei ardal yn cynnwys unrhyw ran o ardal yr awdurdod Parc Cenedlaethol, wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o'r Mesur hwn.
- 7 Er nad yw'r diwygiadau'n gymwys yn rhinwedd paragraff 6, mae adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 yn cael effaith fel pe bai'r paragraff isod yn cael ei roi yn lle paragraff (e) o is-adran (5) –

“(e) the community strategy prepared under section 4 of the Local Government Act 2000 (at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came into force) by any other authority whose area comprises any part of the area of the local planning authority or, where such an authority has published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009, that strategy;”.

Strategaethau Cymunedol a lunnir o dan adran 4 o Ddeddf Llywodraeth Leol 2000

- 8 Mewn perthynas â chyngor sir neu gyngor bwrdeistref sirol, mae adran 4 o'r Mesur hwn yn cael effaith fel a ddisgrifir ym mharagraff 9 hyd onid yw'r cyngor wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o'r Mesur hwn.

SCHEDULE 3
(introduced by section 51(3))

TRANSITIONAL PROVISION AND SAVINGS

Local Government Act 2000 (c. 22)

- 1 The amendments made to section 2 of the Local Government Act 2000 by paragraph 2 of Schedule 2 to this Measure have effect subject to paragraph 2 below.
- 2 The amendments do not apply to a local authority until the authority has published a community strategy under section 39(4) of this Measure.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 3 The amendments made to section 62 of the Planning and Compulsory Purchase Act 2004 by paragraphs 4 to 6 of Schedule 2 to this Measure have effect subject to the following provisions.
- 4 In relation to a local planning authority which is a county council or a county borough council, the amendments do not apply until the authority has published a community strategy under section 39(4) of this Measure.
- 5 While the amendments do not apply by virtue of paragraph 4, section 62 of the Planning and Compulsory Purchase Act 2004 has effect as if the following were inserted at the end of subsection (7) –
“at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came into force.”
- 6 In relation to a local planning authority which is a National Park authority, the amendments do not apply until each county council or county borough council whose area comprises any part of the area of the National Park authority has published a community strategy under section 39(4) of this Measure.
- 7 While the amendments do not apply by virtue of paragraph 6, section 62 of the Planning and Compulsory Purchase Act 2004 has effect as if for paragraph (e) of subsection (5) there were substituted –
“(e) the community strategy prepared under section 4 of the Local Government Act 2000 (at the date on which paragraphs 4 to 6 of Schedule 2 to the Local Government (Wales) Measure 2009 came into force) by any other authority whose area comprises any part of the area of the local planning authority or, where such an authority has published a community strategy under section 39(4) of the Local Government (Wales) Measure 2009, that strategy;”.

Community Strategies produced under section 4 of the Local Government Act 2000

- 8 In relation to a county council or county borough council, section 4 of this Measure has effect as described in paragraph 9 until the council has published a community strategy under section 39(4) of this Measure.

9 Yn lle paragraff (a) o is-adran (3) rhodder –

“in the case of a county council or county borough council, any objectives contained in the council’s community strategy under section 4 of the Local Government Act 2000 at the date on which this section came into force;”.

9 For paragraph (a) of subsection (3) there is substituted –

“in the case of a county council or county borough council, any objectives contained in the council’s community strategy under section 4 of the Local Government Act 2000 at the date on which this section came into force;”.

ATODLEN 4
(a gyflwynir gan adran 52)

DIDDYMIADAU

<i>Yr enw byr a'r bennod</i>	<i>Graddau'r diddymu</i>
Deddf y Comisiwn Archwilio 1998 (p. 18)	Yn adran 47A, is-adran (5)(a).
Deddf Llywodraeth Leol 1999 (p. 27)	Yn adran 1, is-adran (1)(k), (6) a (7). Yn adran 2, is-adran (5A). Adran 2A. Yn adran 3A, is-adran (3)(b). Adrannau 4, 6, 7, 8A, 8B a 9. Yn adran 10, is-adran (5)(a). Yn adran 10A, is-adrannau (1)(a) a (4)(a). Yn adran 13A, is-adran (5). Yn adran 15, is-adran (2)(aa). Yn adran 16, is-adran (6)(b). Adrannau 17A a 17B. Yn adran 23(4)(za), y geiriau "Welsh best value authorities or". Yn adran 25(2), paragraff (d). Yn adran 28(2), "6, 7". Yn adran 29(1A), "3, 10A, 12A, 13A, 15," a "23, 25 and 26". Yn adran 29, is-adrannau (2A), (4) a (6).
Deddf Llywodraeth Leol 2000 (p. 22)	Yn adran 4, is-adran (5).

SCHEDULE 4
(introduced by section 52)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	In section 47A, subsection (5)(a).
Local Government Act 1999 (c. 27)	In section 1, subsections (1)(k), (6) and (7). In section 2, subsection (5A). Section 2A. In section 3A, subsection (3)(b). Sections 4, 6, 7, 8A, 8B and 9. In section 10, subsection (5)(a). In section 10A, subsections (1)(a) and (4)(a). In section 13A, subsection (5). In section 15, subsection (2)(aa). In section 16, subsection (6)(b). Sections 17A and 17B. In section 23(4)(za), the words “Welsh best value authorities or”. In section 25(2), paragraph (d). In section 28(2), “6, 7”. In section 29(1A), “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”. In section 29, subsections (2A), (4) and (6).
Local Government Act 2000 (c. 22)	In section 4, subsection (5).