



Mesur y Gymraeg (Cymru) 2011

2011 mccc 1

Welsh Language (Wales) Measure 2011

2011 nawm 1

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.

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Adargraffiad Cywiriedig – Ionawr 2014

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Mesur y Gymraeg (Cymru) 2011

Mesur gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynglŷn â statws swyddogol y Gymraeg yng Nghymru; i ddarparu ar gyfer Cyngor Partneriaeth y Gymraeg; i sefydlu Swydd Comisiynydd y Gymraeg; i ddarparu ar gyfer Panel Cyngori Comisiynydd y Gymraeg; i wneud darpariaeth ynglŷn â hybu a hwyluso defnyddio'r Gymraeg ac ynglŷn â pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg; i wneud darpariaeth ynglŷn â safonau'n ymwneud â'r Gymraeg (gan gynnwys dyletswyddau i gydymffurfio â'r safonau hynny, a hawliau sy'n deillio o allu gorfodi'r dyletswyddau hynny); i wneud darpariaeth ynglŷn ag ymchwilio i ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg; i sefydlu Tribiwnlys y Gymraeg; i ddiddymu Bwrdd yr Iaith Gymraeg a chynlluniau iaith Gymraeg; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 7 Rhagfyr 2010 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 9 Chwefror 2011, yn deddfu'r darpariaethau a ganlyn:

RHAN 1

STATWS SWYDDOGOL Y GYMRAEG

1 Statws swyddogol y Gymraeg

- (1) Mae statws swyddogol i'r Gymraeg yng Nghymru.
- (2) Heb ragfarnu egwyddor gyffredinol is-adran (1), rhoddir effaith gyfreithiol i statws swyddogol y Gymraeg drwy gyfrwng deddfiadau ynghylch y canlynol—
 - (a) dyletswyddau ar gyrrff i ddefnyddio'r Gymraeg, a'r hawliau sy'n deillio o allu gorfodi'r dyletswyddau hynny, sy'n galluogi siaradwyr Cymraeg i ddefnyddio'r iaith yn ymwneud y cyrff hynny â hwy (megis darparu gwasanaethau gan y cyrff hynny);
 - (b) peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg;
 - (c) dilysrwydd defnyddio'r Gymraeg;
 - (d) hybu a hwyluso defnyddio'r Gymraeg;
 - (e) rhyddid personau sy'n dymuno defnyddio'r Gymraeg i wneud hynny gyda'i gilydd;
 - (f) creu swydd Comisiynydd y Gymraeg; ac
 - (g) materion eraill sy'n ymwneud â'r Gymraeg.



Welsh Language (Wales) Measure 2011

A Measure of the National Assembly for Wales to make provision about the official status of the Welsh language in Wales; to provide for a Welsh Language Partnership Council; to establish the Office of Welsh Language Commissioner; to provide for an Advisory Panel to the Welsh Language Commissioner; to make provision about promoting and facilitating the use of the Welsh language and treating the Welsh language no less favourably than the English language; to make provision about standards relating to the Welsh language (including duties to comply with those standards, and rights arising from the enforceability of those duties); to make provision about investigation of interference with the freedom to use the Welsh language; to establish a Welsh Language Tribunal; to abolish the Welsh Language Board and Welsh language schemes; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 7 December 2010 and approved by Her Majesty in Council on 9 February 2011, enacts the following provisions:

PART 1

OFFICIAL STATUS OF THE WELSH LANGUAGE

1 Official status of the Welsh language

- (1) The Welsh language has official status in Wales.
- (2) Without prejudice to the general principle of subsection (1), the official status of the Welsh language is given legal effect by the enactments about –
 - (a) duties on bodies to use the Welsh language, and the rights which arise from the enforceability of those duties, which enable Welsh speakers to use the language in dealings with those bodies (such as the provision of services by those bodies);
 - (b) the treatment of the Welsh language no less favourably than the English language;
 - (c) the validity of the use of the Welsh language;
 - (d) the promotion and facilitation of the use of the Welsh language;
 - (e) the freedom of persons wishing to use the Welsh language to do so with one another;
 - (f) the creation of the Welsh Language Commissioner; and
 - (g) other matters relating to the Welsh language.

- (3) Mae'r deddfiadau hynny'n cynnwys deddfiadau sy'n gwneud y canlynol (ond nid ydynt wedi eu cyfyngu iddynt) –
- (a) ei gwneud yn ofynnol i'r Gymraeg a'r Saesneg gael eu trin ar y sail eu bod yn gyfartal yn nhrefodion Cynulliad Cenedlaethol Cymru;
 - (b) rhoi hawl i siarad Cymraeg mewn achosion cyfreithiol yng Nghymru;
 - (c) rhoi statws cyfartal i destunau Cymraeg a Saesneg –
 - (i) Mesurau a Deddfau Cynulliad Cenedlaethol Cymru, a
 - (ii) is-ddeddfwriaeth;
 - (d) gosod dyletswydd ar Weinidogion Cymru i fabwysiadu strategaeth sy'n nodi sut y maent yn bwriadu hybu a hwyluso defnyddio'r Gymraeg;
 - (e) creu safonau ymddygiad sy'n ymwneud â defnyddio'r Gymraeg, neu â pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg, mewn cysylltiad –
 - (i) â chyflenwi gwasanaethau,
 - (ii) â llunio polisi, a
 - (iii) ag arfer swyddogaethau neu gynnal busnesau neu ymgymeriadau eraill;
 - (f) creu safonau ymddygiad o ran hybu a hwyluso defnyddio'r Gymraeg;
 - (g) creu safonau ymddygiad ar gyfer cadw cofnodion mewn cysylltiad â'r Gymraeg;
 - (h) gosod dyletswydd i gydymffurfio â'r safonau ymddygiad hynny sy'n cael eu creu, a chreu rhwymedïau am fethiannau i gydymffurfio â hwy; ac
 - (i) creu swydd Comisiynydd y Gymraeg a chanddi swyddogaethau sy'n cynnwys –
 - (i) hybu defnyddio'r Gymraeg,
 - (ii) hwyluso defnyddio'r Gymraeg,
 - (iii) gweithio tuag at sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg,
 - (iv) cynnal ymholiadau i faterion sy'n ymwneud â swyddogaethau'r Comisiynydd, a
 - (v) ymchwilio i ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg.
- (4) Nid yw'r Mesur hwn yn effeithio ar statws y Saesneg yng Nghymru.

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- (3) Those enactments include (but are not limited to) the enactments which—
- (a) require the Welsh and English languages to be treated on the basis of equality in the conduct of the proceedings of the National Assembly for Wales;
 - (b) confer a right to speak the Welsh language in legal proceedings in Wales;
 - (c) give equal standing to the Welsh and English texts of—
 - (i) Measures and Acts of the National Assembly for Wales, and
 - (ii) subordinate legislation;
 - (d) impose a duty on the Welsh Ministers to adopt a strategy setting out how they propose to promote and facilitate the use of the Welsh language;
 - (e) create standards of conduct that relate to the use of the Welsh language, or the treatment of the Welsh language no less favourably than the English language, in connection with—
 - (i) delivering services,
 - (ii) making policy, and
 - (iii) exercising functions or conducting businesses and other undertakings;
 - (f) create standards of conduct in promoting and facilitating the use of the Welsh language;
 - (g) create standards of conduct for keeping records in connection with the Welsh language;
 - (h) impose a duty to comply with those standards of conduct that are created, and create remedies for failures to comply with them; and
 - (i) create the Welsh Language Commissioner with functions that include—
 - (i) promoting the use of the Welsh language,
 - (ii) facilitating the use of the Welsh language,
 - (iii) working towards ensuring that the Welsh language is treated no less favourably than the English language,
 - (iv) conducting inquiries into matters relating to the Commissioner's functions, and
 - (v) investigating interference with the freedom to use the Welsh language.
- (4) This Measure does not affect the status of the English language in Wales.

RHAN 2**COMISIYNYDD Y GYMRAEG***Y Comisiynydd***2 Comisiynydd y Gymraeg**

- (1) Bydd yna Gomisiynydd y Gymraeg (y cyfeirir ato yn y Mesur hwn fel “y Comisiynydd”).
- (2) Rhaid i Brif Weinidog Cymru benodi'r Comisiynydd.
- (3) Mae Atodlen 1 yn gwneud darpariaeth bellach ynglŷn â'r Comisiynydd.
- (4) Am ddarpariaeth ynglŷn ag uniondeb cymeriad y Comisiynydd, gweler Pennod 1 o Ran 8.

*Dyletswydd gyffredinol***3 Prif nod y Comisiynydd**

- (1) Prif nod y Comisiynydd wrth arfer ei swyddogaethau yw hybu a hwyluso defnyddio'r Gymraeg.
- (2) Mae'r camau y mae'n rhaid i'r Comisiynydd eu cymryd wrth arfer swyddogaethau yn unol ag is-adran (1) yn cynnwys gweithio tuag at gynyddu'r canlynol (ond nid ydynt wedi eu cyfyngu iddynt) –
 - (a) defnyddio'r Gymraeg yng nghyswllt darparu gwasanaethau, a
 - (b) cyfleoedd eraill i bersonau ddefnyddio'r Gymraeg.
- (3) Wrth arfer swyddogaethau'n unol ag is-adran (1), rhaid i'r Comisiynydd roi sylw –
 - (a) i statws swyddogol y Gymraeg yng Nghymru,
 - (b) i'r dyletswyddau i ddefnyddio'r Gymraeg sydd wedi eu gosod (neu a all gael eu gosod) drwy gyfraith, a'r hawliau sy'n deillio o allu gorfodi'r dyletswyddau hynny,
 - (c) i'r egwyddor na ddylai'r Gymraeg gael ei thrin yn llai ffafriol na'r Saesneg yng Nghymru, a
 - (d) i'r egwyddor y dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os ydynt yn dymuno gwneud hynny.

*Swyddogaethau***4 Hybu a hwyluso defnyddio'r Gymraeg a pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg**

- (1) Caiff y Comisiynydd wneud unrhyw beth sy'n briodol yn ei dyb ef –
 - (a) er mwyn hybu defnyddio'r Gymraeg,
 - (b) er mwyn hwyluso defnyddio'r Gymraeg, neu

PART 2

THE WELSH LANGUAGE COMMISSIONER

The Commissioner

2 The Welsh Language Commissioner

- (1) There is to be a Welsh Language Commissioner (referred to in this Measure as “the Commissioner”).
- (2) The First Minister must appoint the Commissioner.
- (3) Schedule 1 makes further provision about the Commissioner.
- (4) For provision about the integrity of the Commissioner, see Chapter 1 of Part 8.

General duty

3 The Commissioner's principal aim

- (1) The principal aim of the Commissioner in exercising his or her functions is to promote and facilitate the use of the Welsh language.
- (2) The actions which the Commissioner must undertake in exercising functions in accordance with subsection (1) include (but are not limited to) working towards increasing—
 - (a) the use of the Welsh language in the provision of services, and
 - (b) other opportunities for persons to use the Welsh language.
- (3) In exercising functions in accordance with subsection (1), the Commissioner must have regard to—
 - (a) the official status which the Welsh language has in Wales,
 - (b) the duties to use Welsh which are (or may be) imposed by law, and the rights which arise from the enforceability of those duties,
 - (c) the principle that, in Wales, the Welsh language should be treated no less favourably than the English language, and
 - (d) the principle that persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

Functions

4 Promoting and facilitating use of Welsh and treating Welsh no less favourably than English

- (1) The Commissioner may do anything that he or she thinks appropriate—
 - (a) to promote the use of the Welsh language,
 - (b) to facilitate the use of the Welsh language, or

- (c) er mwyn gweithio tuag at sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg.
- (2) Mae hynny'n cynnwys gwneud unrhyw un neu ragor o'r pethau canlynol, ond nid yw wedi ei gyfyngu i hynny –
- (a) hybu darparu cyfleoedd i ddefnyddio'r Gymraeg;
 - (b) annog arferion gorau o ran defnyddio'r Gymraeg gan bersonau sy'n delio â phersonau eraill, neu sy'n darparu gwasanaethau i bersonau eraill;
 - (c) cadw digonolrwydd ac effeithiolrwydd y gyfraith sy'n ymwneud â'r Gymraeg o dan arolygiaeth;
 - (d) llunio a chyhoeddi adroddiadau;
 - (e) gwneud gwaith ymchwil neu gomisiynu eraill i'w wneud;
 - (f) gwneud gweithgareddau addysgol neu gomisiynu eraill i'w gwneud;
 - (g) rhoi cymorth (gan gynnwys cymorth ariannol) i unrhyw berson;
 - (h) gwneud argymhellion ysgrifenedig i Weinidogion Cymru;
 - (i) cyflwyno sylwadau i unrhyw berson;
 - (j) rhoi cyngor i unrhyw berson.
- (3) Os yw'r Comisiynydd yn gwneud argymhelliad ysgrifenedig neu'n cyflwyno sylw ysgrifenedig, neu'n rhoi cyngor ysgrifenedig i Weinidogion Cymru, rhaid i Weinidogion Cymru roi sylw dyladwy i'r argymhelliad, y sylw neu i'r cyngor wrth arfer unrhyw swyddogaeth y mae'n ymwneud â hi.
- (4) Mae pŵer y Comisiynydd o dan is-adran (2)(g) i roi cymorth ariannol yn ddarostyngedig i adran 11(4).
- (5) Caniateir arfer pwerau'r Comisiynydd o dan is-adran (2)(h) i (j) i wneud argymhellion neu gyflwyno sylwadau neu i roi cyngor i berson (gan gynnwys Gweinidogion Cymru) p'un a wnaeth y person hwnnw gais i'r Comisiynydd arfer y pwerau ai peidio.
- (6) Caiff y Comisiynydd ymgynghori â'r Panel Cyngori mewn cysylltiad ag arfer swyddogaeth a roddir gan yr adran hon.

5 Cynhyrchu adroddiadau 5-mlynedd

- (1) Rhaid i'r Comisiynydd, mewn perthynas â phob cyfnod adrodd, lunio adroddiad 5-mlynedd ar sefyllfa'r Gymraeg yn y cyfnod hwnnw.
- (2) Yn y Mesur hwn, cyfeirir at adroddiad o'r fath fel "adroddiad 5-mlynedd".
- (3) Os yr adroddiad cyntaf o'i fath i gael ei lunio ar ôl cyfrifiad yw adroddiad 5-mlynedd, rhaid iddo gynnwys y materion a ganlyn –
- (a) adroddiad ar ganlyniadau'r cyfrifiad i'r graddau y maent yn ymwneud â'r Gymraeg;
 - (b) asesiad o oblygiadau'r canlyniadau hynny i sefyllfa'r Gymraeg.
- (4) Nid yw is-adran (3) yn cyfyngu ar y materion y caiff y Comisiynydd eu cynnwys mewn unrhyw adroddiad 5-mlynedd.
- (5) Yn yr adran hon –

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- (c) to work towards ensuring that the Welsh language is treated no less favourably than the English language.
- (2) That includes, but is not limited to, doing any of the following things –
 - (a) promoting the provision of opportunities to use the Welsh language;
 - (b) encouraging best practice in relation to the use of Welsh by persons who deal with, or provide services to, other persons;
 - (c) keeping under review the adequacy and effectiveness of the law relating to the Welsh language;
 - (d) producing and publishing reports;
 - (e) carrying out, or commissioning others to carry out, research;
 - (f) carrying out, or commissioning others to carry out, educational activities;
 - (g) giving assistance (including financial assistance) to any person;
 - (h) making recommendations in writing to the Welsh Ministers;
 - (i) making representations to any person;
 - (j) giving advice to any person.
 - (3) If the Commissioner makes a recommendation or representation, or gives advice, to the Welsh Ministers in writing, they must have due regard to the recommendation, representation or advice in exercising any function to which it relates.
 - (4) The power of the Commissioner under subsection (2)(g) to give financial assistance is subject to section 11(4).
 - (5) The powers of the Commissioner under subsection (2)(h) to (j) to make recommendations or representations, or to give advice, to a person (including the Welsh Ministers) may be exercised whether or not the person has requested the Commissioner to exercise the powers.
 - (6) The Commissioner may consult the Advisory Panel in connection with the exercise of a function conferred by this section.

5 Production of 5-year reports

- (1) The Commissioner must produce, in relation to each reporting period, a report on the position of the Welsh language in that period.
- (2) In this Measure, such a report is referred to as “a 5-year report”.
- (3) If a 5-year report is the first such report to be produced after a census, the report must include the following matters –
 - (a) a report of the results of the census so far as they relate to the Welsh language;
 - (b) an assessment of the implications of those results for the position of the Welsh language.
- (4) Subsection (3) does not limit the matters which the Commissioner may include in any 5-year report.
- (5) In this section –

ystyr "cyfnod adrodd" ("*reporting period*") yw –

- (a) y cyfnod sy'n dechrau ar y dyddiad y daw adran 2 i rym ac sy'n dod i ben ar 31 Rhagfyr 2015; a
- (b) pob cyfnod olynol o 5 mlynedd;

ystyr "cyfrifiad" ("*census*") yw cyfrifiad a wnaed o dan Ddeddf Cyfrifiad 1920 yng Nghymru (p'un a wnaed y cyfrifiad hefyd mewn man heblaw Cymru ai peidio).

6 Adroddiadau 5-mlynedd: atodol

- (1) Wrth baratoi pob adroddiad 5-mlynedd –
 - (a) rhaid i'r Comisiynydd ymgynghori â'r Panel Cynghori, a
 - (b) caiff y Comisiynydd ymgynghori ag unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn ei dyb ef.
- (2) Rhaid i'r Comisiynydd gyhoeddi pob adroddiad 5-mlynedd yn Gymraeg ac yn Saesneg.
- (3) Rhaid i'r Comisiynydd gyhoeddi pob adroddiad 5-mlynedd cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r cyfnod y mae'r adroddiad yn ymwneud ag ef ddod i ben.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi pob adroddiad 5-mlynedd, rhaid i'r Comisiynydd anfon copi o'r adroddiad at Weinidogion Cymru.
- (5) Rhaid i Weinidogion Cymru –
 - (a) archwilio pob adroddiad 5-mlynedd a gyflwynir iddynt, a
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.

7 Ymholiadau

- (1) Caiff y Comisiynydd gynnal ymholiad i unrhyw fater sy'n ymwneud ag unrhyw un neu ragor o swyddogaethau'r Comisiynydd.
- (2) Ond mae hynny'n ddarostyngedig i is-adrannau (3) i (5).
- (3) Nid yw is-adran (1) yn awdurdodi'r Comisiynydd i gynnal ymholiad mewn achos –
 - (a) lle y caiff y Comisiynydd, neu lle y mae'n rhaid iddo, gynnal ymchwiliad safonau o dan Bennod 8 o Ran 4, neu
 - (b) lle y mae'r Comisiynydd yn ymgymryd ag ymchwiliad o dan Ran 5 (nad yw'n ei derfynu).
- (4) Nid yw is-adran (1) yn awdurdodi'r Comisiynydd i gynnal ymholiad i'r methiant, gan un neu ragor o bersonau penodol, i gydymffurfio ag un gofyniad perthnasol neu ragor.
- (5) Nid yw is-adran (1) yn awdurdodi'r Comisiynydd i gynnal ymholiad i'r ymyrraeth, gan un neu ragor o bersonau penodol, â'r rhyddid i gyfathrebu yn Gymraeg (ond gweler Rhan 6 am bŵer i ymchwilio i ymyrraeth benodol â'r rhyddid hwnnw).
- (6) Nid yw is-adran (4) neu (5) yn atal y Comisiynydd rhag ystyried ymddygiad un neu ragor o bersonau penodol pan fydd yn cynnal ymchwiliad –
 - (a) i fethiant i gydymffurfio â gofynion perthnasol, neu

“census” (“*cyfrifiad*”) means a census taken under the Census Act 1920 in Wales (whether or not the census is also taken elsewhere than in Wales);

“reporting period” (“*cyfnod adrodd*”) means—

- (a) the period that begins with the day on which section 2 comes into force and ends with 31 December 2015; and
- (b) each successive period of 5 years.

6 5-year reports: supplementary

- (1) In preparing each 5-year report, the Commissioner—
 - (a) must consult the Advisory Panel, and
 - (b) may consult any other persons that the Commissioner thinks it appropriate to consult.
- (2) The Commissioner must publish each 5-year report in Welsh and in English.
- (3) The Commissioner must publish each 5-year report as soon as reasonably practicable after the end of the period to which it relates.
- (4) As soon as reasonably practicable after each 5-year report is published, the Commissioner must send a copy of the report to the Welsh Ministers.
- (5) The Welsh Ministers must—
 - (a) examine each 5-year report submitted to them, and
 - (b) lay a copy of the report before the National Assembly for Wales.

7 Inquiries

- (1) The Commissioner may conduct an inquiry into any matter relating to any of the Commissioner's functions.
- (2) But that is subject to subsections (3) to (5).
- (3) Subsection (1) does not authorise the Commissioner to conduct an inquiry in a case where he or she—
 - (a) may or must carry out a standards investigation under Chapter 8 of Part 4, or
 - (b) undertakes (and does not discontinue) an investigation under Part 5.
- (4) Subsection (1) does not authorise the Commissioner to conduct an inquiry into the failure, by one or more particular persons, to comply with one or more relevant requirements.
- (5) Subsection (1) does not authorise the Commissioner to conduct an inquiry into the interference, by one or more particular persons, with the freedom to communicate in Welsh (but see Part 6 for power to investigate certain interference with that freedom).
- (6) Subsection (4) or (5) does not prevent the Commissioner from taking the conduct of one or more particular persons into account when conducting an inquiry into—
 - (a) failure to comply with relevant requirements, or

- (b) i ymyrraeth â'r rhyddid i gyfathrebu yn Gymraeg.
- (7) Caiff y Comisiynydd –
- (a) terfynu, neu
 - (b) atal,
- ymholiad, neu unrhyw agwedd ar ymholiad.
- (8) Os bydd y Comisiynydd yn ystod ymholiad yn dechrau amau y gall person fod wedi methu â chydymffurfio ag un gofyniad perthnasol neu ragor –
- (a) wrth iddo barhau â'r ymholiad, rhaid i'r Comisiynydd, i'r graddau y bo'n bosibl, osgoi ystyried ymhellach a yw'r person wedi methu â chydymffurfio â'r gofynion ai peidio,
 - (b) caiff y Comisiynydd gychwyn ymchwiliad i'r cwestiwn hwnnw o dan Ran 5, ac
 - (c) caiff y Comisiynydd ddefnyddio gwybodaeth neu dystiolaeth a gafwyd yn ystod yr ymholiad at ddibenion yr ymchwiliad.
- (9) Mae Atodlen 2 yn gwneud darpariaeth atodol ynglŷn ag ymholiadau.
- (10) Yn yr adran hon mae i gyfeiriad at fethiant i gydymffurfio ag un gofyniad perthnasol neu ragor yr un ystyr ag yn Rhan 5.

8 Adolygiad barnwrol ac achosion cyfreithiol eraill

- (1) Caiff y Comisiynydd gychwyn achos cyfreithiol yng Nghymru a Lloegr, neu ymyrryd mewn achos o'r fath, os yw'n ymddangos i'r Comisiynydd fod yr achos yn un sy'n berthnasol i fater y mae gan y Comisiynydd swyddogaeth mewn cysylltiad ag ef.
- (2) O ran is-adran (1) –
- (a) nid yw'n creu sail i achos, a
 - (b) mae yn ddarostyngedig i unrhyw derfyn neu gyfyngiad a osodir yn rhinwedd deddfiad neu yn unol ag ymarferiad llys.
- (3) Yn yr adran hon, mae'r ymadrodd "achos cyfreithiol" yn cynnwys achosion gerbron unrhyw lys neu dribiwnlys, ond nid yw wedi ei gyfyngu i hynny.

9 Cymorth cyfreithiol

- (1) Caiff y Comisiynydd ddarparu cymorth i unigolyn os yw'r person hwnnw yn barti, neu os gall y person hwnnw ddod yn barti, i achos cyfreithiol gwirioneddol neu achos cyfreithiol posibl yng Nghymru a Lloegr sy'n berthnasol i fater y mae gan y Comisiynydd swyddogaeth mewn cysylltiad ag ef.
- (2) Nid yw'r adran hon yn effeithio ar unrhyw gyfyngiad a osodir mewn cysylltiad â chynrychiolaeth –
- (a) yn rhinwedd deddfiad, neu
 - (b) yn unol ag ymarferiad llys neu dribiwnlys.
- (3) Y Comisiynydd sydd i ddyfarnu, at ddibenion yr adran hon, a oes achos cyfreithiol posibl sy'n berthnasol i fater y mae gan y Comisiynydd swyddogaeth mewn cysylltiad ag ef.

- (b) interference with the freedom to communicate in Welsh.
- (7) The Commissioner may –
 - (a) discontinue, or
 - (b) suspend,the conduct of an inquiry or any aspect of an inquiry.
- (8) If, in the course of an inquiry, the Commissioner begins to suspect that a person may have failed to comply with one or more relevant requirements –
 - (a) in continuing the inquiry the Commissioner must, so far as possible, avoid further consideration of whether or not the person has failed to comply with the requirements,
 - (b) the Commissioner may commence an investigation into that question under Part 5, and
 - (c) the Commissioner may use information or evidence acquired in the course of the inquiry for the purpose of the investigation.
- (9) Schedule 2 makes supplemental provision about inquiries.
- (10) In this section, a reference to failure to comply with one or more relevant requirements has the same meaning as in Part 5.

8 Judicial review and other legal proceedings

- (1) The Commissioner may institute or intervene in legal proceedings in England and Wales if it appears to the Commissioner that the proceedings are relevant to a matter in respect of which the Commissioner has a function.
- (2) Subsection (1) –
 - (a) does not create a cause of action, and
 - (b) is subject to any limitation or restriction imposed by virtue of an enactment or in accordance with the practice of a court.
- (3) In this section “legal proceedings” includes, but is not limited to, proceedings before any court or tribunal.

9 Legal assistance

- (1) The Commissioner may provide an individual with assistance if the person is, or may become, a party to actual or possible legal proceedings in England and Wales that are relevant to a matter in respect of which the Commissioner has a function.
- (2) This section does not affect any restriction imposed in respect of representation –
 - (a) by virtue of an enactment, or
 - (b) in accordance with the practice of a court or tribunal.
- (3) It is for the Commissioner to determine, for the purposes of this section, whether there are possible legal proceedings that are relevant to a matter in respect of which the Commissioner has a function.

(4) Yn yr adran hon—

mae “achos cyfreithiol” (“*legal proceedings*”) yn cynnwys achos gerbron unrhyw lys neu dribiwnlys, ond heb fod yn gyfyngedig i hynny;

mae “cymorth” (“*assistance*”) yn cynnwys y pethau a ganlyn, ond heb fod yn gyfyngedig iddynt—

- (a) cyngor cyfreithiol;
- (b) cynrychiolaeth gyfreithiol;
- (c) cyfleusterau i setlo anghydfod.

10 Cymorth cyfreithiol: costau

(1) Mae'r adran hon yn gymwys—

- (a) os yw'r Comisiynydd wedi cynorthwyo unigolyn o dan adran 9 mewn perthynas ag achos, a
- (b) os bydd yr unigolyn hwnnw'n ennill yr hawl i gael rhywfaint neu'r cyfan o'i gostau yn yr achos (boed yn rhinwedd dyfarniad neu yn rhinwedd cytundeb).

(2) O ran treuliau'r Comisiynydd wrth ddarparu'r cymorth—

- (a) cânt eu codi ar symiau a delir i'r unigolyn ar ffurf costau, a
- (b) gellir eu gorfodi fel dyled sy'n ddyladwy i'r Comisiynydd.

(3) Mae gofyniad i dalu arian i'r Comisiynydd o dan is-adran (2) yn dod islaw gofyniad a osodir yn rhinwedd adran 11(4)(f) o Ddeddf Mynediad at Gyfiawnder 1999 (adennill costau mewn achosion a gyllidir).

(4) At ddibenion is-adran (2), mae treuliau'r Comisiynydd i'w cyfrifo'n unol â darpariaeth a wneir (os o gwbl) gan Weinidogion Cymru at y diben hwnnw drwy reoliadau.

(5) Caiff rheoliadau a wneir o dan is-adran (4) ddarparu, ymhlith pethau eraill, ar gyfer dyrannu gwariant a dynnir gan y Comisiynydd—

- (a) yn rhannol at un diben ac yn rhannol at ddiben arall, neu
- (b) at ddibenion cyffredinol.

11 Pwerau

(1) Caiff y Comisiynydd wneud unrhyw beth sy'n briodol yn ei dyb ef mewn cysylltiad ag unrhyw un o'i swyddogaethau.

(2) Mae hynny'n cynnwys gwneud unrhyw un neu ragor o'r canlynol, ond heb fod yn gyfyngedig iddynt—

- (a) rhoi grantiau a benthyciadau a rhoi gwarantiau;
- (b) codi ffi am roi cyngor neu am wasanaethau eraill;
- (c) talu trydydd partïon am roi cyngor neu am wasanaethau eraill;
- (d) derbyn rhoddion ar ffurf arian neu eiddo arall;
- (e) caffael neu waredu unrhyw eiddo neu hawl.

(3) Mae is-adran (2) yn ddarostyngedig i is-adrannau (4) i (6).

(4) In this section –

“assistance” (“*cymorth*”) includes, but is not limited to, the following things –

- (a) legal advice;
- (b) legal representation;
- (c) facilities for the settlement of a dispute;

“legal proceedings” (“*achos cyfreithiol*”) includes, but is not limited to, proceedings before any court or tribunal.

10 Legal assistance: costs

(1) This section applies where –

- (a) the Commissioner has assisted an individual under section 9 in relation to proceedings, and
- (b) the individual becomes entitled to some or all of his or her costs in the proceedings (whether by virtue of an award or by virtue of an agreement).

(2) The Commissioner's expenses in providing the assistance –

- (a) are charged on sums paid to the individual by way of costs, and
- (b) may be enforced as a debt due to the Commissioner.

(3) A requirement to pay money to the Commissioner under subsection (2) ranks after a requirement imposed by virtue of section 11(4)(f) of the Access to Justice Act 1999 (recovery of costs in funded cases).

(4) For the purposes of subsection (2), the Commissioner's expenses are to be calculated in accordance with such provision (if any) as the Welsh Ministers make for the purpose by regulations.

(5) Regulations under subsection (4) may, amongst other things, provide for the apportionment of expenditure incurred by the Commissioner –

- (a) partly for one purpose and partly for another, or
- (b) for general purposes.

11 Powers

(1) The Commissioner may do anything that he or she thinks to be appropriate in connection with any of his or her functions.

(2) That includes, but is not limited to, any of the following things –

- (a) making grants and loans and giving guarantees;
- (b) charging for the provision of advice or other services;
- (c) paying third parties for the provision of advice or other services;
- (d) accepting gifts of money or other property;
- (e) acquiring or disposing of any property or right.

(3) Subsection (2) is subject to subsections (4) to (6).

- (4) Rhaid i'r Comisiynydd beidio –
 - (a) â rhoi grant neu fenthyciad,
 - (b) â rhoi gwarant, neu
 - (c) â chaffael neu waredu unrhyw fuddiant mewn tir,
 ac eithrio gyda chymeradwyaeth Gweinidogion Cymru.
- (5) Nid yw is-adran (4) yn gymwys i unrhyw beth a wneir o dan adran 9.
- (6) Mae pŵer y Comisiynydd i godi ffi am roi cyngor neu am wasanaethau yn gyfyngedig i godi'r symiau sy'n briodol yn nhyb y Comisiynydd i adennill y gost wirioneddol neu amcangyfrif o'r gost a dynnir gan y Comisiynydd wrth roi'r cyngor hwnnw neu wrth ddarparu'r gwasanaethau hynny.

12 Staff

- (1) O ran y Comisiynydd –
 - (a) rhaid iddo benodi person yn Ddirprwy Gomisiynydd y Gymraeg (y cyfeirir ato yn y Mesur hwn fel "y Dirprwy Gomisiynydd"), a
 - (b) caiff benodi staff arall sy'n briodol yn ei dyb ef mewn cysylltiad ag arfer ei swyddogaethau.
- (2) Mae cyfeiriadau yn y Mesur hwn at staff y Comisiynydd yn gyfeiriadau at y Dirprwy Gomisiynydd a staff arall.
- (3) Caiff y Comisiynydd dalu tâl cydnabyddiaeth i aelodau o staff y Comisiynydd.
- (4) Caiff y Comisiynydd dalu lwfansau (gan gynnwys lwfansau teithio a chynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i aelodau o staff y Comisiynydd.
- (5) Caiff y Comisiynydd dalu –
 - (a) pensiynau i bersonau a fu'n aelodau o staff y Comisiynydd, neu mewn cysylltiad â hwy, a
 - (b) symiau ar gyfer darparu pensiynau, neu tuag at ddarparu pensiynau, i bersonau a fu'n aelodau o staff y Comisiynydd, neu mewn cysylltiad â hwy.
- (6) Rhaid i'r Comisiynydd gael cymeradwyaeth Gweinidogion Cymru ar gyfer –
 - (a) nifer y staff y caniateir eu penodi,
 - (b) telerau ac amodau gwasanaeth y staff, ac
 - (c) taliadau a wneir o dan unrhyw un neu ragor o is-adrannau (3) i (5).
- (7) Rhaid i Brif Weinidog Cymru benodi'r Dirprwy Gomisiynydd –
 - (a) os yw swydd y Comisiynydd yn wag, neu
 - (b) os yw'n ymddangos i Brif Weinidog Cymru y bydd y Comisiynydd yn methu â phenodi'r Dirprwy Gomisiynydd yn unol â'r adran hon.
- (8) Am ddarpariaeth ynglŷn ag uniondeb cymeriad y Dirprwy Gomisiynydd gweler Pennod 1 o Ran 8.

- (4) The Commissioner must not –
 - (a) make a grant or loan,
 - (b) give a guarantee, or
 - (c) acquire or dispose of any interest in land,except with the approval of the Welsh Ministers.
- (5) Subsection (4) does not apply to anything done under section 9.
- (6) The Commissioner's power to charge for the provision of advice or services is limited to charging such amounts as the Commissioner thinks appropriate to recover the actual or estimated costs to the Commissioner of providing that advice or those services.

12 Staff

- (1) The Commissioner –
 - (a) must appoint a person to be the Deputy Welsh Language Commissioner (referred to in this Measure as “the Deputy Commissioner”), and
 - (b) may appoint such other staff as the Commissioner thinks appropriate in connection with the exercise of his or her functions.
- (2) References in this Measure to the Commissioner's staff are to the Deputy Commissioner and other staff.
- (3) The Commissioner may pay remuneration to the members of the Commissioner's staff.
- (4) The Commissioner may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the members of the Commissioner's staff.
- (5) The Commissioner may pay –
 - (a) pensions to, or in respect of, persons who have been members of the Commissioner's staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Commissioner's staff.
- (6) The Commissioner must obtain the approval of the Welsh Ministers for –
 - (a) the number of staff that may be appointed,
 - (b) the terms and conditions of service of the staff, and
 - (c) payments made under any of subsections (3) to (5).
- (7) The First Minister must appoint the Deputy Commissioner if –
 - (a) the office of Commissioner is vacant, or
 - (b) it appears to the First Minister that the Commissioner will fail to appoint the Deputy Commissioner in accordance with this section.
- (8) For provision about the integrity of the Deputy Commissioner, see Chapter 1 of Part 8.

13 Arfer swyddogaethau'r Comisiynydd gan staff

- (1) Caiff y Comisiynydd ddirprwyo unrhyw un neu ragor neu'r oll o swyddogaethau'r Comisiynydd i aelod o staff y Comisiynydd.
- (2) Mae swyddogaethau'r Comisiynydd yn arferadwy gan y Dirprwy Gomisiynydd –
 - (a) os yw swydd y Comisiynydd yn wag, neu
 - (b) os yw'n ymddangos i Brif Weinidog Cymru nad yw'r Comisiynydd am unrhyw reswm yn gallu arfer swyddogaethau'r Comisiynydd.
- (3) Os oes un o swyddogaethau'r Comisiynydd yn arferadwy gan aelod o staff y Comisiynydd yn unol ag is-adran (1) neu (2) caiff yr aelod staff, wrth arfer y swyddogaeth, ddelio ag unrhyw eiddo neu hawliau sydd wedi eu breinio yn y Comisiynydd fel pe byddent wedi eu breinio yn yr aelod staff.

14 Y weithdrefn gwyno

- (1) Rhaid i'r Comisiynydd sefydlu gweithdrefn ar gyfer ymchwilio i gwynion ynglŷn â gweithredoedd neu anweithiau'n ymwneud ag arfer swyddogaethau'r Comisiynydd (“y weithdrefn gwyno”).
- (2) Rhaid i'r weithdrefn gwyno gynnwys darpariaeth ynghylch –
 - (a) ym mha fodd y gellir gwneud cwyn;
 - (b) y person y gellir cwyno wrtho;
 - (c) y cyfnod a ganiateir ar gyfer dechrau a gorffen ystyried cwyn; a
 - (d) y camau y mae'n rhaid i'r Comisiynydd ystyried eu cymryd wrth ymateb i gŵyn.
- (3) Caiff y Comisiynydd ddiwygio'r weithdrefn gwyno.
- (4) Rhaid i'r Comisiynydd –
 - (a) sicrhau bod copi o'r weithdrefn gwyno ar gael i'w archwilio yn swyddfa'r Comisiynydd, a
 - (b) sicrhau y perir bod copïau o'r weithdrefn gwyno ar gael mewn manau eraill a thrwy ddulliau eraill (gan gynnwys dulliau electronig) sy'n briodol yn nhyb y Comisiynydd.
- (5) Rhaid i'r Comisiynydd sicrhau bod y trefniadau ar gyfer archwilio a chael at gopïau o'r weithdrefn gwyno yn cael eu cyhoeddi mewn modd sy'n dwyn y trefniadau hynny i sylw personau sy'n debygol yn nhyb y Comisiynydd o fod yn bersonau a chanddynt fuddiant yn y weithdrefn.

15 Y sêl a dilysrwydd dogfennau

- (1) Caniateir i'r Comisiynydd gael sêl.
- (2) Mae dogfen –
 - (a) yr honnir ei bod wedi ei chyflawni'n briodol o dan sêl y Comisiynydd, neu
 - (b) yr honnir ei bod wedi ei llofnodi gan neu ar ran y Comisiynydd,

i gael ei derbyn yn dystiolaeth ac, oni phrofir i'r gwrthwyneb, rhaid cymryd ei bod wedi ei chyflawni neu wedi ei llofnodi felly.

13 Exercise of Commissioner's functions by staff

- (1) The Commissioner may delegate any or all of the Commissioner's functions to a member of the Commissioner's staff.
- (2) The functions of the Commissioner are exercisable by the Deputy Commissioner if –
 - (a) the office of Commissioner is vacant, or
 - (b) it appears to the First Minister that the Commissioner is for any reason unable to exercise the functions of Commissioner.
- (3) If a function of the Commissioner is exercisable by a member of the Commissioner's staff in accordance with subsection (1) or (2), any property or rights vested in the Commissioner may be dealt with by the member of staff in exercising the function as if vested in the member of staff.

14 Complaints procedure

- (1) The Commissioner must establish a procedure for the investigation of complaints about acts or omissions relating to the exercise of the Commissioner's functions (“the complaints procedure”).
- (2) The complaints procedure must include provision about –
 - (a) how a complaint may be made;
 - (b) the person to whom a complaint may be made;
 - (c) the period within which consideration of a complaint must begin and be concluded; and
 - (d) action that the Commissioner must consider taking in response to a complaint.
- (3) The Commissioner may amend the complaints procedure.
- (4) The Commissioner must –
 - (a) ensure that a copy of the complaints procedure is available for inspection at the Commissioner's office, and
 - (b) ensure that copies of the complaints procedure are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (5) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the complaints procedure are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the procedure.

15 Seal and validity of documents

- (1) The Commissioner may have a seal.
- (2) A document purporting to be –
 - (a) duly executed under the seal of the Commissioner, or
 - (b) signed by or on the Commissioner's behalf,is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

16 Pŵer Gweinidogion Cymru i roi cyfarwyddyd

- (1) Caiff Gweinidogion Cymru roi cyfarwyddiadau i'r Comisiynydd.
- (2) Ond ni chaiff Gweinidogion Cymru gyfarwyddo'r Comisiynydd mewn perthynas â'r materion canlynol—
 - (a) rhoi hysbysiad cydymffurfio i berson o dan Bennod 6 o Ran 4 (gan gynnwys cynnwys hysbysiad cydymffurfio sydd i'w roi i berson);
 - (b) Rhan 5 (gorfodi safonau);
 - (c) Rhan 6 (rhyddid i ddefnyddio'r Gymraeg).
- (3) Rhaid i'r Comisiynydd gydymffurfio â chyfarwyddiadau a roddir gan Weinidogion Cymru.

17 Ymgynghori

Os bydd y Comisiynydd, mewn cysylltiad ag arfer swyddogaeth, yn ymgynghori —

- (a) â'r Panel Cynggori, neu
- (b) ag unrhyw berson arall yn unol â'r Mesur hwn,

rhaid i'r Comisiynydd roi sylw i'r ymgynghoriad wrth arfer y swyddogaeth.

*Adroddiadau blynyddol***18 Adroddiadau blynyddol**

- (1) Rhaid i'r Comisiynydd lunio adroddiad mewn perthynas â phob un o flynyddoedd ariannol y Comisiynydd (“adroddiad blynyddol”).
- (2) Rhaid i adroddiad blynyddol gynnwys y materion a ganlyn—
 - (a) crynodeb o'r camau a gymerwyd wrth arfer swyddogaethau'r Comisiynydd;
 - (b) adolygiad o faterion sy'n berthnasol i'r Gymraeg;
 - (c) crynodeb o raglen waith y Comisiynydd;
 - (d) cynigion y Comisiynydd ar gyfer rhaglen waith ar gyfer y flwyddyn ariannol ddilynol;
 - (e) crynodeb o'r cwynion a wnaed yn unol â'r weithdrefn a sefydlwyd o dan adran 14.
- (3) Caiff adroddiad blynyddol hefyd gynnwys unrhyw faterion eraill y mae'n briodol eu cynnwys yn yr adroddiad yn nhyb y Comisiynydd.
- (4) Am ddarpariaeth ynghylch blwyddyn ariannol y Comisiynydd, gweler paragraff 15 o Atodlen 1.

19 Adroddiadau blynyddol: atodol

- (1) Wrth baratoi pob adroddiad blynyddol, caiff y Comisiynydd ymgynghori—
 - (a) â'r Panel Cynggori, a
 - (b) ag unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn nhyb y Comisiynydd.

16 Welsh Ministers' power of direction

- (1) The Welsh Ministers may give directions to the Commissioner.
- (2) But the Welsh Ministers may not direct the Commissioner in relation to the following matters –
 - (a) giving a compliance notice to a person under Chapter 6 of Part 4 (including the content of a compliance notice to be given to a person);
 - (b) Part 5 (enforcement of standards);
 - (c) Part 6 (the freedom to use Welsh).
- (3) The Commissioner must comply with directions given by the Welsh Ministers.

17 Consultation

If, in connection with the exercise of a function, the Commissioner consults –

- (a) the Advisory Panel, or
- (b) any other person in accordance with this Measure,

the Commissioner must have regard to the consultation in exercising the function.

*Annual reports***18 Annual reports**

- (1) The Commissioner must produce a report in relation to each financial year of the Commissioner (an “annual report”).
- (2) An annual report must include the following matters –
 - (a) a summary of the action taken in the exercise of the Commissioner's functions;
 - (b) a review of issues relevant to the Welsh language;
 - (c) a summary of the Commissioner's work programme;
 - (d) the Commissioner's proposals for a work programme for the following financial year;
 - (e) a summary of the complaints made in accordance with the procedure established under section 14.
- (3) An annual report may also include any other matters which the Commissioner thinks it appropriate to include in such a report.
- (4) For provision about the Commissioner's financial year, see paragraph 15 of Schedule 1.

19 Annual reports: supplementary

- (1) In preparing each annual report, the Commissioner may consult –
 - (a) the Advisory Panel, and
 - (b) any other persons that the Commissioner thinks it appropriate to consult.

- (2) Rhaid i'r Comisiynydd gyhoeddi pob adroddiad blynyddol yn Gymraeg ac yn Saesneg.
- (3) Rhaid i'r Comisiynydd gyhoeddi pob adroddiad blynyddol heb fod yn hwyrach na 31 Awst yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi pob adroddiad blynyddol, rhaid i'r Comisiynydd anfon copi o'r adroddiad at Weinidogion Cymru.
- (5) Rhaid i Weinidogion Cymru –
 - (a) archwilio pob adroddiad blynyddol a gyflwynir iddynt, a
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.

Gweithio gydag ombwdsmyr eraill, comisiynwyr eraill etc

20 Gweithio ar y cyd gydag Ombwdsmon Gwasanaethau Cyhoeddus Cymru

- (1) Mae'r adran hon yn gymwys os yw'n ymddangos i'r Comisiynydd y gallai pwnc ymchwiliad penodol i orfodi safonau ("ymchwiliad y Comisiynydd") hefyd fod yn destun ymchwiliad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru.
- (2) Os yw'r Comisiynydd o'r farn fod hynny'n briodol, rhaid iddo –
 - (a) hysbysu'r Ombwdsmon ynglŷn ag ymchwiliad y Comisiynydd (gan gynnwys cynigion y Comisiynydd ar gyfer ymgymryd â'r ymchwiliad), a
 - (b) ymgynghori â'r Ombwdsmon mewn perthynas ag ymchwiliad y Comisiynydd.
- (3) Os yw'r Comisiynydd yn ymgynghori â'r Ombwdsmon mewn perthynas ag ymchwiliad y Comisiynydd, caiff y Comisiynydd a'r Ombwdsmon wneud unrhyw un neu ragor neu'r oll o'r canlynol –
 - (a) cydweithredu â'i gilydd mewn perthynas â'r ymchwiliad;
 - (b) cynnal ymchwiliad ar y cyd;
 - (c) paratoi a chyhoeddi adroddiad ar y cyd mewn perthynas â'r ymchwiliad.
- (4) Caiff Gweinidogion Cymru, drwy orchymyn –
 - (a) darparu i'r adran hon fod yn gymwys mewn perthynas ag unrhyw berson arall fel y mae'n gymwys mewn perthynas ag Ombwdsmon Gwasanaethau Cyhoeddus Cymru, a
 - (b) gwneud darpariaeth arall sy'n briodol yn nhyb Gweinidogion Cymru mewn cysylltiad â, at ddibenion, neu o ganlyniad i ddarpariaeth a wneir o dan baragraff (a).
- (5) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (4) yn cynnwys y canlynol, ond nid yw wedi ei chyfyngu i hynny –
 - (a) darpariaeth yn galluogi'r person arall i weithio, neu'n ei gwneud yn ofynnol i'r person arall weithio, ar y cyd â'r Comisiynydd; a
 - (b) diwygiadau i unrhyw ddeddfiad.
- (6) Cyn gwneud gorchymyn o dan is-adran (4), rhaid i Weinidogion Cymru ymgynghori â'r Comisiynydd ac ag unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn nhyb Gweinidogion Cymru.

- (2) The Commissioner must publish each annual report in Welsh and in English.
- (3) The Commissioner must publish each annual report no later than 31 August in the financial year following the financial year to which the report relates.
- (4) As soon as reasonably practicable after each annual report is published, the Commissioner must send a copy of the report to the Welsh Ministers.
- (5) The Welsh Ministers must –
 - (a) examine each annual report submitted to them, and
 - (b) lay a copy of the report before the National Assembly for Wales.

Working with other ombudsmen, commissioners etc

20 Working jointly with the Public Services Ombudsman for Wales

- (1) This section applies if it appears to the Commissioner that the subject matter of a particular standards enforcement investigation (the “Commissioner's investigation”) could also be the subject of an investigation by the Public Services Ombudsman for Wales.
- (2) If the Commissioner thinks it appropriate, he or she must –
 - (a) inform the Ombudsman about the Commissioner's investigation (including the Commissioner's proposals for undertaking the investigation), and
 - (b) consult the Ombudsman in relation to the Commissioner's investigation.
- (3) If the Commissioner consults the Ombudsman in relation to the Commissioner's investigation, the Commissioner and the Ombudsman may do any or all of the following –
 - (a) co-operate with each other in relation to the investigation;
 - (b) conduct a joint investigation;
 - (c) prepare and publish a joint report in relation to the investigation.
- (4) The Welsh Ministers may by order –
 - (a) provide for this section to apply in relation to any other person as it applies in relation to the Public Services Ombudsman for Wales, and
 - (b) make such other provision as the Welsh Ministers think appropriate in connection with, for the purposes of, or in consequence of provision made under paragraph (a).
- (5) The provision that may be made under subsection (4) includes, but is not limited to –
 - (a) provision enabling or requiring the other person to work jointly with the Commissioner; and
 - (b) amendments of any enactment.
- (6) Before making an order under subsection (4), the Welsh Ministers must consult the Commissioner and any other persons they think it appropriate to consult.

(7) Yn yr adran hon –

mae “ymchwiliad” (“*investigation*”), mewn perthynas ag Ombwdsmon Gwasanaethau Cyhoeddus Cymru, yn cynnwys archwiliad ac ymholiad, ac mae ymadroddion cytras i'w dehongli'n unol â hynny;

ystyr “ymchwiliad i orfodi safonau” (“*standards enforcement investigation*”) yw ymchwiliad y mae gan y Comisiynydd yr hawl i ymgymryd ag ef, neu ymchwiliad y mae'n ymgymryd ag ef, o dan adran 71.

21 Gweithio'n gyfochrog ag ombwdsmyr, comisiynwyr etc

- (1) Mae'r adran hon yn gymwys os yw'n ymddangos i'r Comisiynydd fod pwnc ymchwiliad i orfodi safonau (“ymchwiliad y Comisiynydd”) yn bwnc sy'n ymwneud â mater a allai fod yn destun ymchwiliad gan ombwdsmon penodol, neu sy'n codi mater felly (“y mater cysylltiedig”).
- (2) Os yw'r Comisiynydd o'r farn bod hynny'n briodol, rhaid iddo hysbysu'r ombwdsmon ynglŷn â'r mater cysylltiedig.
- (3) Os yw'r Comisiynydd yn ymgymryd ag ymchwiliad y Comisiynydd, rhaid i'r Comisiynydd, os yw o'r farn bod hynny'n briodol –
 - (a) hysbysu'r ombwdsmon ynglŷn â'r ymchwiliad (gan gynnwys ynglŷn â chynigion y Comisiynydd ar gyfer ymgymryd â'r ymchwiliad), a
 - (b) ymgynghori â'r ombwdsmon mewn perthynas â'r ymchwiliad.
- (4) Os yw'r Comisiynydd yn ymgymryd ag ymchwiliad y Comisiynydd, a'r ombwdsmon yn ymchwilio i'r mater cysylltiedig, cânt wneud unrhyw un neu ragor o'r canlynol –
 - (a) cydweithredu â'i gilydd mewn perthynas â'u gwahanol ymchwiliadau;
 - (b) cynnal ymchwiliad ar y cyd;
 - (c) paratoi a chyhoeddi adroddiad ar y cyd mewn perthynas â'u gwahanol ymchwiliadau neu â'u ymchwiliad ar y cyd.
- (5) Os na fydd y Comisiynydd yn ymgymryd ag ymchwiliad y Comisiynydd, rhaid i'r Comisiynydd, os yw o'r farn bod hynny'n briodol –
 - (a) rhoi i'r person sydd am ddwyn yr achos wybodaeth ynglŷn â sut i gyfeirio'r mater cysylltiedig at yr ombwdsmon, a
 - (b) rhoi'r wybodaeth honno i unrhyw berson arall a chanddo fuddiant yn yr achos.
- (6) Yn yr adran hon –

ystyr “ombwdsmon” (“*ombudsman*”) yw –

 - (a) Ombwdsmon Gwasanaethau Cyhoeddus Cymru,
 - (b) Comisiynydd Plant Cymru,
 - (c) Comisiynydd Pobl Hŷn Cymru, a
 - (d) y Comisiwn Cydraddoldeb a Hawliau Dynol;

mae “ymchwiliad” (“*investigation*”), mewn perthynas ag ombwdsmon, yn cynnwys archwiliad ac ymholiad, ac mae ymadroddion cytras i'w dehongli'n unol â hynny;

(7) In this section –

“investigation” (*“ymchwiliad”*), in relation to the Public Services Ombudsman for Wales, includes examination and inquiry, and cognate expressions are to be construed accordingly;

“standards enforcement investigation” (*“ymchwiliad i orfodi safonau”*) means an investigation which the Commissioner is entitled to undertake, or is undertaking, under section 71.

21 Working collaboratively with ombudsmen, commissioners etc

(1) This section applies if it appears to the Commissioner that the subject matter of a particular standards enforcement investigation (the “Commissioner's investigation”) relates to, or raises, a matter which could be the subject of an investigation by a particular ombudsman (the “connected matter”).

(2) If the Commissioner thinks it appropriate, he or she must inform the ombudsman about the connected matter.

(3) If the Commissioner undertakes the Commissioner's investigation, the Commissioner must, if he or she thinks it appropriate –

(a) inform the ombudsman about the investigation (including the Commissioner's proposals for undertaking the investigation), and

(b) consult the ombudsman in relation to the investigation.

(4) If the Commissioner undertakes the Commissioner's investigation and the ombudsman investigates the connected matter, they may do any or all of the following –

(a) co-operate with each other in relation to their separate investigations;

(b) conduct a joint investigation;

(c) prepare and publish a joint report in relation to their separate investigations or their joint investigation.

(5) If the Commissioner does not undertake the Commissioner's investigation, the Commissioner must, if he or she thinks it appropriate –

(a) give the person seeking to bring the case information about how to refer the connected matter to the ombudsman, and

(b) give that information to any other person interested in the case.

(6) In this section –

“investigation” (*“ymchwiliad”*), in relation to an ombudsman, includes examination and inquiry, and cognate expressions are to be construed accordingly;

“ombudsman” (*“ombwdsmon”*) means –

(a) the Public Services Ombudsman for Wales,

(b) the Children's Commissioner for Wales,

(c) the Commissioner for Older People in Wales, and

(d) the Commission for Equality and Human Rights;

ystyr “ymchwiliad i orfodi safonau” (“*standards enforcement investigation*”) yw ymchwiliad y mae gan y Comisiynydd yr hawl i'w gynnal, neu ymchwiliad y mae'n ei gynnal, o dan adran 71.

- (7) Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio'r diffiniad o “ombwdsmon” yn is-adran (6) –
 - (a) drwy ychwanegu person;
 - (b) drwy hepgor person;
 - (c) drwy newid disgrifiad o berson.
- (8) Caiff Gweinidogion Cymru, drwy orchymyn, wneud unrhyw ddarpariaeth arall sy'n briodol yn nhyb Gweinidogion Cymru mewn cysylltiad â, at ddibenion, neu o ganlyniad i ddarpariaeth a wneir o dan is-adran (7), gan gynnwys, ond heb fod yn gyfyngedig –
 - (a) i ddarpariaeth sy'n galluogi'r person arall i weithio gyda'r Comisiynydd, neu'n ei gwneud yn ofynnol iddo wneud hynny, a
 - (b) i ddiwygiadau i unrhyw ddeddfiad.
- (9) Cyn gwneud gorchymyn o dan is-adran (7), rhaid i Weinidogion Cymru ymgynghori â'r person dan sylw ac ag unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn nhyb Gweinidogion Cymru.
- (10) Mae Atodlen 3 yn cynnwys diwygiadau ynghylch Comisiynwyr ac Ombwdsmyr eraill yn gweithio ar y cyd ac yn gweithio'n gyfochrog â Chomisiynydd y Gymraeg.

Datgelu gwybodaeth

22 Y pŵer i ddatgelu gwybodaeth

- (1) Rhaid peidio â datgelu gwybodaeth y mae'r Comisiynydd wedi ei chael wrth arfer unrhyw un neu ragor o swyddogaethau'r Comisiynydd onid awdurdodir y datgeliad gan is-adran (2).
- (2) Caiff y Comisiynydd ddatgelu'r wybodaeth –
 - (a) at ddibenion arfer unrhyw un neu ragor o swyddogaethau'r Comisiynydd;
 - (b) at ddibenion achos am dramgwydd o dyngu anudon yr honnir i'r tramgwydd gael ei gyflawni yn ystod ymchwiliad i orfodi safonau;
 - (c) at ddibenion ymholiad gyda golwg ar gychwyn achos fel a grybwyllir ym mharagraff (b);
 - (d) at ddibenion dyroddi tystysgrif o dan adran 107 (rhwystro a dirmygu);
 - (e) os yw'r wybodaeth i'r perwyl bod person yn debygol o fod yn fygythiad i iechyd neu ddiogelwch un neu ragor o bersonau a bod y datgeliad yn ddatgeliad i berson sydd ym marn y Comisiynydd yn berson y dylid datgelu'r wybodaeth iddo er budd y cyhoedd;
 - (f) os gwybodaeth o'r math a grybwyllir yn is-adran (3) yw'r wybodaeth, ac os gwneir y datgeliad i'r Comisiynydd Gwybodaeth;
 - (g) os gwneir y datgeliad i berson a ganiatawyd, a bod y Comisiynydd yn fodlon bod amod budd y cyhoedd wedi ei fodloni;

“standards enforcement investigation” (“*ymchwiliad i orfodi safonau*”) means an investigation which the Commissioner is entitled to undertake, or is undertaking, under section 71.

- (7) The Welsh Ministers may by order amend the definition of “ombudsman” in subsection (6) by –
 - (a) adding a person;
 - (b) omitting a person;
 - (c) changing a description of a person.
- (8) The Welsh Ministers may, by order, make such other provision as the Welsh Ministers think appropriate in connection with, for the purposes of, or in consequence of provision made under subsection (7), including, but not limited to –
 - (a) provision enabling or requiring the other person to work with the Commissioner, and
 - (b) amendments of any enactment.
- (9) Before making an order under subsection (7), the Welsh Ministers must consult the person concerned and any other persons they think it appropriate to consult.
- (10) Schedule 3 contains amendments about other Commissioners and Ombudsmen working jointly and collaboratively with the Welsh Language Commissioner.

Disclosure of information

22 Power to disclose information

- (1) Information which has been obtained by the Commissioner in the exercise of any of the Commissioner's functions must not be disclosed unless the disclosure is authorised by subsection (2).
- (2) The Commissioner may disclose the information –
 - (a) for the purpose of the exercise of any of the Commissioner's functions;
 - (b) for the purpose of proceedings for an offence of perjury alleged to have been committed in the course of a standards enforcement investigation;
 - (c) for the purpose of an inquiry with a view to the taking of proceedings mentioned in paragraph (b);
 - (d) for the purpose of issuing a certificate under section 107 (obstruction and contempt);
 - (e) if the information is to the effect that a person is likely to constitute a threat to the health or safety of one or more persons, and the disclosure is to a person to whom the Commissioner thinks it should be disclosed in the public interest;
 - (f) if the information is of the kind mentioned in subsection (3), and the disclosure is to the Information Commissioner;
 - (g) if the disclosure is to a permitted person, and the Commissioner is satisfied that the public interest condition is met;

- (h) os cafwyd yr wybodaeth gan y Comisiynydd dros 70 o flynyddoedd cyn dyddiad y datgelu, ac os datgeliad ydyw i berson sydd ym marn y Comisiynydd yn berson y dylid datgelu'r wybodaeth iddo er budd y cyhoedd.
- (3) Gwybodaeth yw'r wybodaeth y cyfeirir ati yn is-adran (2)(f) yr ymddengys i'r Comisiynydd ei bod yn ymwneud –
- (a) â mater y gallai'r Comisiynydd Gwybodaeth arfer pŵer mewn perthynas ag ef ac a roddir mewn deddfiad a grybwyllir yn is-adran (4); neu
- (b) â chyflawni tramgwydd a grybwyllir yn is-adran (5).
- (4) Y deddfiadau y cyfeirir atynt yn is-adran (3)(a) yw –
- (a) Rhan 5 o Ddeddf Diogelu Data 1998 (gorfodi);
- (b) adran 48 o Ddeddf Rhyddid Gwybodaeth 2000 (argymhellion arfer); ac
- (c) Rhan 4 o'r Ddeddf honno (gorfodi).
- (5) Y tramgwyddau y cyfeirir atynt yn is-adran (3)(b) yw'r rhai –
- (a) o dan unrhyw ddarpariaeth yn Neddf Diogelu Data 1998 ac eithrio paragraff 12 o Atodlen 9 i'r Ddeddf honno (rhwystro gweithredu gwarant); neu
- (b) o dan adran 77 o Ddeddf Rhyddid Gwybodaeth 2000 (y tramgwydd o altro etc cofnodion gyda'r bwriad o atal datgelu).
- (6) At ddibenion is-adran (2)(g), mae amod budd y cyhoedd wedi ei fodloni os yw'r datgeliad –
- (a) yn briodol at ddiben arfer unrhyw un neu ragor o swyddogaethau'r person a ganiatawyd gan y person hwnnw, a
- (b) er budd y cyhoedd.
- (7) Wrth ddyfarnu at ddibenion yr adran hon a yw datgelu gwybodaeth er budd y cyhoedd, rhaid i'r Comisiynydd ystyried buddiannau –
- (a) unrhyw berson y mae'r wybodaeth yn ymwneud ag ef; a
- (b) unrhyw bersonau eraill sy'n briodol yn nhyb y Comisiynydd.
- (8) Nid yw'r adran hon yn effeithio ar gymhwyso Deddf Diogelu Data 1998 i'r Comisiynydd.
- (9) Yn yr adran hon –
- ystyr “person a ganiatawyd” (“*permitted person*”) yw –
- (a) Gweinidogion Cymru;
- (b) Prif Weinidog Cymru;
- (c) Cwnsler Cyffredinol Llywodraeth Cynulliad Cymru;
- (d) Ombwdsmon Gwasanaethau Cyhoeddus Cymru;
- (e) Comisiynydd Plant Cymru;
- (f) y Comisiynydd Plant;
- (g) y Comisiwn Cydraddoldeb a Hawliau Dynol;
- (h) Comisiynydd Plant a Phobl Ifanc Gogledd Iwerddon;

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- (h) if the information was obtained by the Commissioner more than 70 years before the date of disclosure, and the disclosure is to a person to whom the Commissioner thinks it should be disclosed in the public interest.
- (3) The information referred to in subsection (2)(f) is information that appears to the Commissioner to relate to –
- (a) a matter in respect of which the Information Commissioner could exercise a power conferred by an enactment mentioned in subsection (4); or
 - (b) the commission of an offence mentioned in subsection (5).
- (4) The enactments referred to in subsection (3)(a) are –
- (a) Part 5 of the Data Protection Act 1998 (enforcement);
 - (b) section 48 of the Freedom of Information Act 2000 (practice recommendations); and
 - (c) Part 4 of that Act (enforcement).
- (5) The offences referred to in subsection (3)(b) are those under –
- (a) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 to that Act (obstruction of execution of a warrant); or
 - (b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).
- (6) For the purposes of subsection (2)(g), the public interest condition is met if the disclosure –
- (a) is appropriate for the purpose of the exercise by the permitted person of any of that person's functions, and
 - (b) is in the public interest.
- (7) In determining for the purpose of this section whether disclosure of information is in the public interest, the Commissioner must take into account the interests of –
- (a) any person to whom the information relates; and
 - (b) such other persons as the Commissioner thinks appropriate.
- (8) This section does not affect the application of the Data Protection Act 1998 to the Commissioner.
- (9) In this section –
- “permitted person” (*“person a ganiatawyd”*) means –
- (a) the Welsh Ministers;
 - (b) the First Minister;
 - (c) the Counsel General to the Welsh Assembly Government;
 - (d) the Public Services Ombudsman for Wales;
 - (e) the Children's Commissioner for Wales;
 - (f) the Children's Commissioner;
 - (g) the Commission for Equality and Human Rights;
 - (h) the Commissioner for Children and Young People for Northern Ireland;

- (i) Comisiynydd Pobl Hŷn Cymru;
- (j) ombwdsmon tai a benodwyd yn unol â chynllun o dan adran 51 o Ddeddf Tai 1996;
- (k) cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru;
- (l) cyngor ar gyfer sir neu ddsbarth yn Lloegr;
- (m) cyngor ar gyfer un o fwrdeistrefi Llundain;
- (n) prif gwnstabl o'r heddlu ar gyfer ardal heddlu;
- (o) prif gwnstabl Heddlu Trafnidiaeth Prydain;

ystyr "ymchwiliad i orfodi safonau" ("*standards enforcement investigation*") yw ymchwiliad a wneir gan y Comisiynydd o dan adran 71.

- (10) Caiff Gweinidogion Cymru, drwy orchymyn ddiwygio'r diffiniad o "person a ganiatawyd" yn is-adran (9) –
- (a) drwy ychwanegu person;
 - (b) drwy hepgor person;
 - (c) drwy newid disgrifiad o berson.
- (11) Cyn gwneud gorchymyn o dan is-adran (10), rhaid i Weinidogion Cymru ymgynghori â'r person o dan sylw ac ag unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn nhyb Gweinidogion Cymru.

RHAN 3

PANEL CYNGHORI COMISIYNYDD Y GYMRAEG

23 Y Panel Cyngori

- (1) Rhaid i Weinidogion Cymru benodi personau i fod yn aelodau o banel o gynghorwyr i'r Comisiynydd.
- (2) Mae'r panel i'w alw'n Banel Cyngori Comisiynydd y Gymraeg (y cyfeirir ato yn y Mesur hwn fel y "Panel Cyngori").
- (3) I'r graddau y bo hynny'n ymarferol, rhaid i Weinidogion Cymru sicrhau bod o leiaf 3 ond nid mwy na 5 o aelodau ar y Panel Cyngori ar unrhyw adeg.
- (4) Mae Atodlen 4 yn gwneud darpariaeth bellach ynghylch aelodau'r Panel Cyngori.

24 Ymgynghori

- (1) Caiff y Comisiynydd ymgynghori â'r Panel Cyngori ynghylch unrhyw fater.
- (2) Nid yw darpariaethau eraill y Mesur hwn sy'n darparu i'r Comisiynydd ymgynghori â'r Panel Cyngori yn cyfyngu ar is-adran (1).
- (3) Mae cyfeiriadau yn y Mesur hwn at ymgynghori â'r Panel Cyngori yn gyfeiriadau at ymgynghori ag unrhyw un neu ragor neu'r oll o aelodau'r Panel.

- (i) the Commissioner for Older People in Wales;
- (j) a housing ombudsman appointed in accordance with a scheme approved under section 51 of the Housing Act 1996;
- (k) a council for a county or county borough in Wales;
- (l) a council for a county or district in England;
- (m) a council for a London borough;
- (n) a chief of police of a police force for a police area;
- (o) the chief constable of the British Transport Police Force;

“standards enforcement investigation” (*“ymchwiliad i orfodi safonau”*) means an investigation undertaken by the Commissioner under section 71.

- (10) The Welsh Ministers may by order amend the definition of “permitted person” in subsection (9) by –
- (a) adding a person;
 - (b) omitting a person;
 - (c) changing a description of a person.
- (11) Before making an order under subsection (10), the Welsh Ministers must consult the person concerned and any other persons they think it appropriate to consult.

PART 3

ADVISORY PANEL TO THE WELSH LANGUAGE COMMISSIONER

23 Advisory Panel

- (1) The Welsh Ministers must appoint persons to be members of a panel of advisers to the Commissioner.
- (2) The panel is to be known as the Advisory Panel to the Welsh Language Commissioner (referred to in this Measure as the “Advisory Panel”).
- (3) The Welsh Ministers must secure that, as far as it is practicable, there are at least 3, but not more than 5, members of the Advisory Panel at any time.
- (4) Schedule 4 makes further provision about the members of the Advisory Panel.

24 Consultation

- (1) The Commissioner may consult the Advisory Panel on any matter.
- (2) The other provisions of this Measure which provide for the Commissioner to consult the Advisory Panel do not limit subsection (1).
- (3) References in this Measure to consultation with the Advisory Panel are to consultation with any or all of the members of the Advisory Panel.

RHAN 4**SAFONAU****PENNOD 1****DYLETSWYDD I GYDYMFFURFIO Â SAFONAU****25 Dyletswydd i gydymffurfio â safon**

- (1) Rhaid i berson (P) gydymffurfio â safon ymddygiad a bennir gan Weinidogion Cymru yn unol â Phennod 2 os bodlonir, a thra bodlonir, yr amodau canlynol.
- (2) Amod 1 yw bod P yn agored i orfod cydymffurfio â safonau (gweler Pennod 3).
- (3) Amod 2 yw bod y safon yn gymwysadwy i P (gweler Pennod 4).
- (4) Amod 3 yw bod y safon yn benodol gymwys i P (gweler Pennod 5).
- (5) Amod 4 yw bod y Comisiynydd wedi rhoi hysbysiad cydymffurfio i P (gweler Pennod 6).
- (6) Amod 5 yw bod yr hysbysiad cydymffurfio yn ei gwneud yn ofynnol i P gydymffurfio â'r safon (gweler Pennod 6).
- (7) Amod 6 yw bod yr hysbysiad cydymffurfio mewn grym (gweler Pennod 6).
- (8) Mae is-adran (1) yn ddarostyngedig i ddarpariaethau'r hysbysiad cydymffurfio a roddir i P.
- (9) Am ddarpariaeth—
 - (a) ynglŷn â'r hawl i herio mewn cysylltiad â'r ddyletswydd i gydymffurfio â safonau, gweler Pennod 7;
 - (b) ynglŷn ag ymchwiliadau ac adroddiadau safonau, gweler Pennod 8;
 - (c) ynglŷn â materion cyffredinol, gweler Pennod 9.

PENNOD 2**SAFONAU A PHENNU SAFONAU***Pennu safonau***26 Gweinidogion Cymru i bennu safonau**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau—
 - (a) pennu un neu ragor o safonau cyflenwi gwasanaethau,
 - (b) pennu un neu ragor o safonau llunio polisi,
 - (c) pennu un neu ragor o safonau gweithredu,
 - (d) pennu un neu ragor o safonau hybu, ac

PART 4

STANDARDS

CHAPTER 1

DUTY TO COMPLY WITH STANDARDS

25 Duty to comply with a standard

- (1) A person (P) must comply with a standard of conduct specified by the Welsh Ministers in accordance with Chapter 2 if, and for as long as, the following conditions are met.
- (2) Condition 1 is that P is liable to be required to comply with standards (see Chapter 3).
- (3) Condition 2 is that the standard is potentially applicable to P (see Chapter 4).
- (4) Condition 3 is that the standard is specifically applicable to P (see Chapter 5).
- (5) Condition 4 is that the Commissioner has given a compliance notice to P (see Chapter 6).
- (6) Condition 5 is that the compliance notice requires P to comply with the standard (see Chapter 6).
- (7) Condition 6 is that the compliance notice is in force (see Chapter 6).
- (8) Subsection (1) is subject to the provisions of the compliance notice given to P.
- (9) For provision about—
 - (a) rights of challenge in respect of the duty to comply with standards, see Chapter 7;
 - (b) standards investigations and reports, see Chapter 8;
 - (c) general matters, see Chapter 9.

CHAPTER 2

STANDARDS AND THEIR SPECIFICATION

*Specification of standards***26 Welsh Ministers to specify standards**

- (1) The Welsh Ministers may, by regulations—
 - (a) specify one or more service delivery standards,
 - (b) specify one or more policy making standards,
 - (c) specify one or more operational standards,
 - (d) specify one or more promotion standards, and

- (e) pennu un neu ragor o safonau cadw cofnodion.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth arall ynghylch y safonau hynny.

27 Pennu safonau: darpariaeth atodol

- (1) Dim ond os ymddengys i Weinidogion Cymru y byddai'r safon yn gwneud y canlynol y caiff Gweinidogion Cymru bennu safon cadw cofnodion sy'n ymwneud â chadw cofnodion sy'n dod o fewn adran 32(1)(b)(ii) (cwynion yn ymwneud â'r Gymraeg, ac eithrio cwynion yn ymwneud â chydymffurfedd person â safonau eraill) –
 - (a) cynorthwyo Gweinidogion Cymru i arfer unrhyw swyddogaeth o dan y Mesur hwn, neu
 - (b) cynorthwyo'r Comisiynydd i arfer unrhyw swyddogaeth.
- (2) Caiff rheoliadau o dan unrhyw un neu ragor o baragraffau (a) i (e) o adran 26(1) bennu gwahanol safonau o'r math y cyfeirir ato yn y paragraff hwnnw mewn perthynas ag ymddygiad gwahanol.
- (3) Caiff rheoliadau o dan unrhyw un neu ragor o baragraffau (a) i (e) o adran 26(1) bennu, mewn perthynas ag ymddygiad penodol –
 - (a) un safon o'r math y cyfeirir ato yn y paragraff hwnnw, neu
 - (b) nifer o safonau o'r math y cyfeirir ato yn y paragraff hwnnw.
- (4) Caiff safonau a bennir o dan adran 26(1), neu reoliadau o dan adran 26(2), ymdrin, ymhlith pethau eraill, ag unrhyw un neu ragor o'r canlynol –
 - (a) llunio gan bersonau sydd o dan y ddyletswydd yn adran 25 i gydymffurfio â safonau, strategaethau neu gynlluniau'n nodi sut y maent yn bwriadu cydymffurfio â'r safonau;
 - (b) gweithdrefnau sydd i'w dilyn gan bersonau sydd o dan y ddyletswydd yn adran 25 i gydymffurfio â safonau;
 - (c) casglu gwybodaeth gan bersonau sydd o dan y ddyletswydd yn adran 25 i gydymffurfio â safonau, gan gynnwys gwybodaeth am ddefnyddio'r Gymraeg a'r Saesneg mewn perthynas ag ymddygiad penodol;
 - (d) gwybodaeth y mae'n rhaid trefnu iddi fod ar gael i'r Comisiynydd;
 - (e) trefniadau monitro a gofynion cyhoeddusrwydd;
 - (f) gofynion adrodd.

Safonau cyflenwi gwasanaethau

28 Safonau cyflenwi gwasanaethau

- (1) Yn y Mesur hwn ystyr “safon cyflenwi gwasanaethau” yw safon –
 - (a) sy'n ymwneud â gweithgaredd cyflenwi gwasanaethau, a
 - (b) y bwriedir iddi hybu neu hwyluso defnyddio'r Gymraeg, neu weithio tuag at sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg, pan gyflawnir y gweithgaredd hwnnw.
- (2) Yn yr adran hon ystyr “gweithgaredd cyflenwi gwasanaethau” yw –

- (e) specify one or more record keeping standards.
- (2) The Welsh Ministers may, by regulations, make other provision about such standards.

27 Specification of standards: supplementary provision

- (1) The Welsh Ministers may specify a record keeping standard relating to the keeping of records that fall within section 32(1)(b)(ii) (complaints concerning the Welsh language other than complaints concerning a person's compliance with other standards) only if it appears to the Welsh Ministers that the standard would –
 - (a) assist the Welsh Ministers to exercise any function under this Measure, or
 - (b) assist the Commissioner to exercise any function.
- (2) Regulations under any of paragraphs (a) to (e) of section 26(1) may specify different standards of the kind referred to in that paragraph in relation to different conduct.
- (3) Regulations under any of paragraphs (a) to (e) of section 26(1) may specify, in relation to particular conduct –
 - (a) a single standard of the kind referred to in that paragraph, or
 - (b) a number of standards of the kind referred to in that paragraph.
- (4) Standards specified under section 26(1), or regulations under section 26(2), may, among other things, deal with any of the following –
 - (a) the preparation, by persons who are under the duty in section 25 to comply with standards, of strategies or plans setting out how they propose to comply with the standards;
 - (b) procedures to be followed by persons who are under the duty in section 25 to comply with standards;
 - (c) the collection of information by persons who are under the duty in section 25 to comply with standards, including information about the use of Welsh and the use of English in relation to a particular conduct;
 - (d) information to be made available to the Commissioner;
 - (e) monitoring arrangements and publicity requirements;
 - (f) reporting requirements.

Service delivery standards

28 Service delivery standards

- (1) In this Measure “service delivery standard” means a standard that –
 - (a) relates to a service delivery activity, and
 - (b) is intended to promote or facilitate the use of the Welsh language, or to work towards ensuring that the Welsh language is treated no less favourably than the English language, when that activity is carried out.
- (2) In this section “service delivery activity” means a person –

- (a) cyflenwi gwasanaethau gan berson i berson arall, neu
- (b) delio gan berson ag unrhyw berson arall mewn cysylltiad â chyflenwi gwasanaethau –
 - (i) i'r person arall hwnnw, neu
 - (ii) i drydydd person.

Safonau llunio polisi

29 Safonau llunio polisi

- (1) Yn y Mesur hwn ystyr “safon llunio polisi” yw safon –
 - (a) sy'n ymwneud â phenderfyniad polisi, a
 - (b) y bwriedir iddo sicrhau, neu gyfrannu at sicrhau, un neu ragor o'r canlyniadau a ganlyn.
- (2) Y cyntaf o'r canlyniadau hynny yw bod y person sy'n gwneud y penderfyniad polisi yn ystyried pa effeithiau, os o gwbl, (a ph'un ai yw'r effeithiau'n bositif neu'n andwyol) y byddai'r penderfyniad polisi yn eu cael –
 - (a) ar gyfleoedd i bersonau eraill i ddefnyddio'r Gymraeg, neu
 - (b) ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.
- (3) Yr ail o'r canlyniadau hynny yw bod y person sy'n gwneud y penderfyniad polisi yn ystyried sut y gellid gwneud y penderfyniad fel bod y penderfyniad yn cael effeithiau positif, neu effeithiau mwy positif –
 - (a) ar gyfleoedd i bersonau eraill i ddefnyddio'r Gymraeg, neu
 - (b) ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.
- (4) Y trydydd o'r canlyniadau hynny yw bod y person sy'n gwneud y penderfyniad polisi yn ystyried sut y gellid gwneud y penderfyniad fel nad yw'r penderfyniad yn cael effeithiau andwyol, neu fel bod y penderfyniad yn cael effeithiau llai andwyol –
 - (a) ar gyfleoedd i bersonau eraill i ddefnyddio'r Gymraeg, neu
 - (b) ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.
- (5) Yn yr adran hon mae cyfeiriad at effeithiau positif neu effeithiau andwyol yn gyfeiriad at yr effeithiau hynny, boed uniongyrchol neu anuniongyrchol.
- (6) Ystyr “penderfyniad polisi” yw penderfyniad gan berson –
 - (a) ynglŷn ag arfer ei swyddogaethau, neu
 - (b) ynglŷn â chynnal ei fusnes neu ymgymeriad arall.

Safonau gweithredu

30 Safonau gweithredu

- (1) Yn y Mesur hwn ystyr “safon gweithredu” yw safon –
 - (a) sy'n ymwneud â gweithgareddau perthnasol person (A), a
 - (b) y bwriedir iddi hybu neu hwyluso defnyddio'r Gymraeg –

- (a) delivering services to another person, or
- (b) dealing with any other person in connection with delivering services—
 - (i) to that other person, or
 - (ii) to a third person.

Policy making standards

29 Policy making standards

- (1) In this Measure “policy making standard” means a standard that—
 - (a) relates to a policy decision, and
 - (b) is intended to secure, or to contribute to securing, one or more of the following results.
- (2) The first of those results is that the person making the policy decision considers what effects, if any, (whether positive or adverse) the policy decision would have on—
 - (a) opportunities for other persons to use the Welsh language, or
 - (b) treating the Welsh language no less favourably than the English language.
- (3) The second of those results is that the person making the policy decision considers how the decision could be made so that the decision has positive effects, or increased positive effects, on—
 - (a) opportunities for other persons to use the Welsh language, or
 - (b) treating the Welsh language no less favourably than the English language.
- (4) The third of those results is that the person making the policy decision considers how the decision could be made so that the decision does not have adverse effects, or has decreased adverse effects, on—
 - (a) opportunities for other persons to use the Welsh language, or
 - (b) treating the Welsh language no less favourably than the English language.
- (5) In this section a reference to positive or adverse effects is a reference to such effects whether direct or indirect.
- (6) In this section “policy decision” means a decision by a person about—
 - (a) the exercise of the person's functions, or
 - (b) the conduct of the person's business or other undertaking.

Operational standards

30 Operational standards

- (1) In this Measure “operational standard” means a standard that—
 - (a) relates to the relevant activities of a person (A), and
 - (b) is intended to promote or facilitate the use of the Welsh language—

- (i) gan A wrth i A wneud ei weithgareddau perthnasol,
 - (ii) gan A a pherson arall wrth iddynt ddelio â'i gilydd mewn cysylltiad â gweithgareddau perthnasol A, neu
 - (iii) gan berson heblaw A wrth iddo wneud gweithgareddau at ddibenion gweithgareddau perthnasol A, neu mewn cysylltiad â hwy.
- (2) Yn yr adran hon –
- (a) ystyr “gweithgareddau perthnasol” yw –
 - (i) swyddogaethau, neu
 - (ii) busnes neu ymgymeriad arall;
 - (b) mae cyfeiriad at gyflawni gweithgareddau perthnasol yn gyfeiriad at –
 - (i) arfer swyddogaethau, neu
 - (ii) cynnal busnes neu ymgymeriad arall.

Safonau hybu

31 Safonau hybu

Yn y Mesur hwn ystyr “safon hybu” yw safon (yn ymwneud ag unrhyw weithgaredd) y bwriedir iddi hybu neu hwyluso defnyddio'r Gymraeg yn ehangach.

Safonau cadw cofnodion

32 Safonau cadw cofnodion

- (1) Yn y Mesur hwn ystyr “safon cadw cofnodion” yw safon sy'n ymwneud â chadw –
- (a) cofnodion sy'n ymwneud â safonau penodedig eraill, a
 - (b) cofnodion sy'n ymwneud –
 - (i) â chwynion am gydymffurfedd person â safonau penodedig eraill, neu
 - (ii) â chwynion eraill sy'n ymwneud â'r Gymraeg.
- (2) Yn yr adran hon ystyr “safon benodedig” yw safon a bennir gan Weinidogion Cymru o dan adran 26(1).

PENNOD 3

PERSONAU SY'N AGORED I ORFOD CYDYMFFURFIO Â SAFONAU

33 Personau sy'n agored i orfod cydymffurfio â safonau

- (1) Mae person (P) yn agored i orfod cydymffurfio â safonau os yw P –
- (a) yn dod o fewn Atodlen 5 a hefyd o fewn Atodlen 6, neu
 - (b) yn dod o fewn Atodlen 7 a hefyd o fewn Atodlen 8.
- (2) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

- (i) by A in carrying out A's relevant activities,
 - (ii) by A and another person in dealings between them in connection with A's relevant activities, or
 - (iii) by a person other than A in carrying out activities for the purposes of, or in connection with, A's relevant activities.
- (2) In this section –
- (a) “relevant activities” means –
 - (i) functions, or
 - (ii) a business or other undertaking;
 - (b) a reference to the carrying out of relevant activities is to –
 - (i) the exercise of functions, or
 - (ii) the conduct of a business or other undertaking.

Promotion standards

31 Promotion standards

In this Measure “promotion standard” means a standard (relating to any activity) that is intended to promote or facilitate the use of the Welsh language more widely.

Record keeping standards

32 Record keeping standards

- (1) In this Measure “record keeping standard” means a standard relating to the keeping of –
- (a) records about other specified standards, and
 - (b) records about –
 - (i) complaints concerning a person's compliance with other specified standards, or
 - (ii) other complaints concerning the Welsh language.
- (2) In this section “specified standard” means a standard specified by the Welsh Ministers under section 26(1).

CHAPTER 3

PERSONS LIABLE TO BE REQUIRED TO COMPLY WITH STANDARDS

33 Persons liable to be required to comply with standards

- (1) A person (P) is liable to be required to comply with standards if P is –
- (a) within Schedule 5 and also within Schedule 6, or
 - (b) within Schedule 7 and also within Schedule 8.
- (2) This section applies for the purposes of this Part.

34 Personau sy'n dod o fewn Atodlenni 5, 6, 7 ac 8

- (1) Mae person yn dod o fewn Atodlen 5 os yw'r person yn dod o fewn categori o bersonau a bennir yng ngholofn (2) o'r tabl yn Atodlen 5.
- (2) Mae person yn dod o fewn Atodlen 6 os yw'r person—
 - (a) yn cael ei bennu yng ngholofn (1) o'r tabl yn Atodlen 6, neu
 - (b) yn dod o fewn categori o bersonau a bennir yn y golofn honno.
- (3) Mae person yn dod o fewn Atodlen 7 os yw'r person yn dod o fewn categori o bersonau a bennir yng ngholofn (2) o'r tabl yn Atodlen 7.
- (4) Mae person yn dod o fewn Atodlen 8 os yw'r person—
 - (a) yn cael ei bennu yng ngholofn (1) o'r tabl yn Atodlen 8, neu
 - (b) yn dod o fewn categori o bersonau a bennir yn y golofn honno.
- (5) Nid yw newid enw person a bennir yn Atodlen 6 neu yn Atodlen 8 yn effeithio ar weithredu'r Mesur hwn mewn perthynas â'r person.
- (6) Mae cyfeiriadau yn y Rhan hon at gofnod person yn y tabl yn Atodlen 6 neu yn y tabl yn Atodlen 8 yn gyfeiriadau at y cofnod yn y tabl hwnnw (yng ngholofn (1)) sy'n pennu—
 - (a) P, neu
 - (b) categori o bersonau y mae P yn dod oddi mewn iddo.
- (7) Mae'r adran hon yn gymwys at ddibenion y Mesur hwn.

35 Diwygio personau a chategoriâu a bennir yn Atodlenni 6 ac 8

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio'r tabl yn Atodlen 6 a'r tabl yn Atodlen 8 yn unol â'r adran hon.
- (2) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 6 fel bod colofn (1) yn cynnwys cyfeiriad—
 - (a) at berson sy'n dod o fewn un neu ragor o'r categorïau yn Atodlen 5, neu
 - (b) at gategori o bersonau y mae pob un ohonynt yn dod o fewn un neu ragor o'r categorïau yn Atodlen 5.
- (3) Caiff Gweinidogion Cymru ddiwygio Atodlen 6 drwy ddileu unrhyw gyfeiriad yng ngholofn (1).
- (4) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 8 fel bod colofn (1) yn cynnwys cyfeiriad—
 - (a) at berson sy'n dod o fewn un neu ragor o'r categorïau yn Atodlen 7, neu
 - (b) at gategori o bersonau y mae pob un ohonynt yn dod o fewn un neu ragor o'r categorïau yn Atodlen 7.
- (5) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 8 drwy ddileu unrhyw gyfeiriad yng ngholofn (1).
- (6) Caiff Gweinidogion Cymru wneud diwygiadau eraill i'r tabl yn Atodlen 6 neu i'r tabl yn Atodlen 8, neu i unrhyw ddarpariaeth arall yn y Mesur hwn, sy'n briodol yn eu tyb hwy mewn cysylltiad â phwerau yn unrhyw un neu ragor o is-adrannau (2) i (5), at ddibenion y pwerau hynny, neu o ganlyniad i'r pwerau hynny.

34 Persons who are within Schedules 5, 6, 7 and 8

- (1) A person is within Schedule 5 if the person is within a category of persons specified in column (2) of the Schedule 5 table.
- (2) A person is within Schedule 6 if the person—
 - (a) is specified in column (1) of the Schedule 6 table, or
 - (b) is within a category of persons specified in that column.
- (3) A person is within Schedule 7 if the person is within a category of persons specified in column (2) of the Schedule 7 table.
- (4) A person is within Schedule 8 if the person—
 - (a) is specified in column (1) of the Schedule 8 table, or
 - (b) is within a category of persons specified in that column.
- (5) A change in the name of a person specified in Schedule 6 or in Schedule 8 does not affect the operation of this Measure in relation to the person.
- (6) References in this Part to a person's entry in the Schedule 6 table or the Schedule 8 table are to the entry in that table which (in column (1)) specifies—
 - (a) P, or
 - (b) a category of persons which P is within.
- (7) This section applies for the purposes of this Measure.

35 Amendment of persons and categories specified in Schedules 6 and 8

- (1) The Welsh Ministers may, by order, amend the Schedule 6 table and Schedule 8 table in accordance with this section.
- (2) The Welsh Ministers may amend the Schedule 6 table so that column (1) includes a reference to—
 - (a) a person who falls within one or more of the Schedule 5 categories, or
 - (b) a category of persons, all of whom fall within one or more of the Schedule 5 categories.
- (3) The Welsh Ministers may amend the Schedule 6 table by removing any reference in column (1).
- (4) The Welsh Ministers may amend the Schedule 8 table so that column (1) includes a reference to—
 - (a) a person who falls within one or more of the Schedule 7 categories, or
 - (b) a category of persons, all of whom fall within one or more of the Schedule 7 categories.
- (5) The Welsh Ministers may amend the Schedule 8 table by removing any reference in column (1).
- (6) The Welsh Ministers may make such other amendments of the Schedule 6 table or Schedule 8 table, or of any other provision of this Measure, as they think appropriate in connection with, for the purposes of, or in consequence of, the powers in any of subsections (2) to (5).

(7) Yn yr adran hon—

ystyr “categori yn Atodlen 5” (“*Schedule 5 category*”) yw categori o bersonau a bennir yng ngholofn (2) o'r tabl yn Atodlen 5;

ystyr “categori yn Atodlen 7” (“*Schedule 7 category*”) yw categori o bersonau a bennir yng ngholofn (2) o'r tabl yn Atodlen 7.

PENNOD 4

SAFONAU CYMWYSADWY

36 Personau sy'n dod o fewn Atodlen 6

- (1) Mae'r adran hon yn gymwys i berson (P) sy'n dod o fewn Atodlen 6.
- (2) Mae safon a bennir gan Weinidogion Cymru o dan adran 26(1) yn gymwysadwy i P os yw'n perthyn i ddsbarth o safonau a bennir yng ngholofn (2) o gofnod P yn y tabl yn Atodlen 6.
- (3) At y diben hwnnw, mae pob un o'r canlynol yn ddsbarth o safonau—
 - (a) safonau cyflenwi gwasanaethau;
 - (b) safonau llunio polisi;
 - (c) safonau gweithredu;
 - (d) safonau hybu;
 - (e) safonau cadw cofnodion.
- (4) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

37 Personau sy'n dod o fewn Atodlen 8

- (1) Mae'r adran hon yn gymwys i berson (P) sy'n dod o fewn Atodlen 8.
- (2) Mae safon a bennir gan Weinidogion Cymru o dan adran 26(1) yn gymwysadwy i P os yw'r safon honno, ac i'r graddau y mae'r safon honno—
 - (a) yn safon cyflenwi gwasanaethau sy'n ymwneud â darparu gan P wasanaeth a bennir (“safon neilltuedig cyflenwi gwasanaethau”), neu
 - (b) yn safon cadw cofnodion sy'n ymwneud â chadw cofnodion—
 - (i) am safonau neilltuedig cyflenwi gwasanaethau,
 - (ii) am gwynion yn ymwneud â chydymffurfedd P â safonau neilltuedig cyflenwi gwasanaethau, neu
 - (iii) am gwynion mewn perthynas â'r Gymraeg sy'n ymwneud â darparu gan P wasanaeth a bennir.
- (3) Yn yr adran hon, ystyr “gwasanaeth a bennir” yw gwasanaeth a bennir yng ngholofn (2) o gofnod P yn y tabl yn Atodlen 8.
- (4) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

38 Diwygio safonau cymwysadwy

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio'r tabl yn Atodlen 6 a'r tabl yn Atodlen 8 yn unol â'r adran hon.

(7) In this section –

“Schedule 5 category” (“*catgori yn Atodlen 5*”) means a category of persons specified in column (2) of the Schedule 5 table;

“Schedule 7 category” (“*catgori yn Atodlen 7*”) means a category of persons specified in column (2) of the Schedule 7 table.

CHAPTER 4

STANDARDS POTENTIALLY APPLICABLE

36 Persons within Schedule 6

- (1) This section applies to a person (P) who is within Schedule 6.
- (2) A standard specified by the Welsh Ministers under section 26(1) is potentially applicable to P if it belongs to a class of standard that is specified in column (2) of P's entry in the Schedule 6 table.
- (3) For that purpose, each of the following is a class of standard –
 - (a) service delivery standards;
 - (b) policy making standards;
 - (c) operational standards;
 - (d) promotion standards;
 - (e) record keeping standards.
- (4) This section applies for the purposes of this Part.

37 Persons within Schedule 8

- (1) This section applies to a person (P) who is within Schedule 8.
- (2) A standard specified by the Welsh Ministers under section 26(1) is potentially applicable to P if, and to the extent that, the standard is –
 - (a) a service delivery standard that relates to the provision by P of a specified service (a “qualifying service delivery standard”), or
 - (b) a record keeping standard that relates to the keeping of records about –
 - (i) qualifying service delivery standards,
 - (ii) complaints concerning P's compliance with qualifying service delivery standards, or
 - (iii) complaints concerning the Welsh language that relate to the provision by P of specified services.
- (3) In this section “specified service” means a service that is specified in column (2) of P's entry in the Schedule 8 table.
- (4) This section applies for the purposes of this Part.

38 Amendment of standards potentially applicable

- (1) The Welsh Ministers may, by order, amend the Schedule 6 table and Schedule 8 table in accordance with this section.

-
- (2) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 6 fel bod colofn (2) o gofnod yn cynnwys cyfeiriad at un neu ragor o'r canlynol –
 - (a) safonau cyflenwi gwasanaethau;
 - (b) safonau llunio polisi;
 - (c) safonau gweithredu;
 - (d) safonau cadw cofnodion.
 - (3) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 6 fel bod colofn (2) o unrhyw un neu ragor o'r cofnodion canlynol yn y tabl yn cynnwys cyfeiriad at safonau hybu –
 - (a) cofnod Gweinidogion Cymru;
 - (b) cofnod cyngor bwrdeistref sirol;
 - (c) cofnod cyngor sir;
 - (d) cofnod awdurdod Parc Cenedlaethol;
 - (e) cofnod unrhyw berson arall, ond dim ond os yw'r person wedi cydsynio y dylai safonau hybu fod yn gymwysadwy iddo.
 - (4) At ddibenion is-adran (3) –
 - (a) ystyr “cydsyniad” yw cydsyniad ysgrifenedig a roddir i Weinidogion Cymru;
 - (b) caniateir i berson dynnu cydsyniad yn ôl, ond dim ond os yw Gweinidogion Cymru yn cytuno i hynny;
 - (c) os yw person yn tynnu cydsyniad yn ôl ar ôl i gofnod y person hwnnw gael ei ddiwygio i gynnwys cyfeiriad at safonau hybu, rhaid i Weinidogion Cymru ddiwygio'r tabl yn Atodlen 6 drwy ddileu'r cyfeiriad at safonau hybu yng nghofnod y person hwnnw.
 - (5) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 6 drwy ddileu unrhyw gyfeiriad yng ngholofn (2).
 - (6) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 8 fel bod colofn (2) o gofnod sy'n ymwneud â pherson neu gategori o berson yn cynnwys cyfeiriad at ddarparu gwasanaeth (y “gwasanaeth a bennir”), ond dim ond –
 - (a) os yw'r amod yn is-adran (7) wedi ei fodloni, a
 - (b) os yw'r amod yn is-adran (8) neu (9) wedi ei fodloni.
 - (7) Rhaid i'r gwasanaeth a bennir ddod o fewn categori o wasanaeth a bennir yng ngholofn (3) o'r tabl yn Atodlen 7 (“gwasanaeth sydd ar gael”)
 - (8) Os yw'r gwasanaeth a bennir i ymwneud â pherson yn Atodlen 8, rhaid i'r person hwnnw ddod o fewn y categori o bersonau yng ngholofn (2) yn y tabl yn Atodlen 7 y mae'r gwasanaeth sydd ar gael yn perthyn iddo.
 - (9) Os yw'r gwasanaeth a bennir i ymwneud â chategori o bersonau yn Atodlen 8, rhaid i'r holl bersonau o fewn y categori hwnnw ddod o fewn y categori o bersonau yng ngholofn (2) yn y tabl yn Atodlen 7 y mae'r gwasanaeth sydd ar gael yn perthyn iddo.
 - (10) Caiff Gweinidogion Cymru ddiwygio'r tabl yn Atodlen 8 drwy ddileu unrhyw gyfeiriad yng ngholofn (2).

-
- (2) The Welsh Ministers may amend the Schedule 6 table so that column (2) of an entry includes a reference to one or more of the following—
 - (a) service delivery standards;
 - (b) policy making standards;
 - (c) operational standards;
 - (d) record keeping standards.
 - (3) The Welsh Ministers may amend the Schedule 6 table so that column (2) of any of the following entries in the table includes a reference to promotion standards—
 - (a) the Welsh Ministers' entry;
 - (b) a county borough council's entry;
 - (c) a county council's entry;
 - (d) a National Park authority's entry;
 - (e) an entry for any other person, but only if the person has given consent that promotion standards should be potentially applicable to that person.
 - (4) For the purpose of subsection (3)—
 - (a) “consent” means consent in writing given to the Welsh Ministers;
 - (b) a person may withdraw consent, but only with the agreement of the Welsh Ministers;
 - (c) if a person withdraws consent after that person's entry has been amended to include a reference to promotion standards, the Welsh Ministers must amend the Schedule 6 table by removing the reference to promotion standards in the entry for that person.
 - (5) The Welsh Ministers may amend the Schedule 6 table by removing any reference in column (2).
 - (6) The Welsh Ministers may amend the Schedule 8 table so that column (2) of an entry relating to a person or category of person includes a reference to provision of a service (the “specified service”), but only if—
 - (a) the condition in subsection (7) is met, and
 - (b) the condition in subsection (8) or (9) is met.
 - (7) The specified service must fall within a category of service specified in column (3) of the Schedule 7 table (an “available service”).
 - (8) If the specified service is to relate to a person within Schedule 8, that person must fall within the category of persons in column (2) of the Schedule 7 table to which the available service relates.
 - (9) If the specified service is to relate to a category of persons within Schedule 8, all persons within that category must fall within the category of persons in column (2) of the Schedule 7 table to which the available service relates.
 - (10) The Welsh Ministers may amend the Schedule 8 table by removing any reference in column (2).

- (11) Caiff Gweinidogion Cymru wneud diwygiadau eraill i'r tabl yn Atodlen 6 neu i'r tabl yn Atodlen 8, neu i unrhyw ddarpariaeth arall yn y Mesur hwn, sy'n briodol yn eu tyb hwy mewn cysylltiad â phwerau o dan unrhyw un neu ragor o is-adrannau (2) i (10), at ddibenion y pwerau hynny, neu o ganlyniad iddynt.

PENNOD 5

SAFONAU SY' N BENODOL GYMWYS

39 Safonau sy'n benodol gymwys

- (1) Mae safon a bennir gan Weinidogion Cymru o dan adran 26(1) yn benodol gymwys i berson (P) os yw Gweinidogion Cymru, drwy reoliadau, yn awdurdodi'r Comisiynydd i roi hysbysiad cydymffurfio i P sy'n ei gwneud yn ofynnol i P gydymffurfio â'r safon.
- (2) Caiff y rheoliadau ddarparu i safon fod yn benodol gymwys i P drwy wneud darpariaeth sy'n cyfeirio –
- at P yn benodol, neu
 - at grŵp o bersonau y mae P yn dod oddi mewn iddo.
- (3) Mae'r adran hon yn gymwys at ddibenion y Mesur hwn.

40 Dyletswydd i wneud safonau'n benodol gymwys

- (1) Mae'r adran hon yn gymwys mewn perthynas â phob safon a bennir gan Weinidogion Cymru o dan adran 26(1).
- (2) Rhaid i Weinidogion Cymru sicrhau bod rheoliadau o dan adran 39 yn gwneud darpariaeth i'r safon fod yn benodol gymwys i un person neu ragor.

41 Safonau gwahanol yn ymwneud ag ymddygiad penodol

- (1) Mae'r adran hon yn gymwys os bydd rheoliadau o dan unrhyw un neu ragor o baragraffau (a) i (e) o adran 26(1) yn pennu nifer o safonau o'r math y cyfeirir ato yn y paragraff hwnnw mewn perthynas ag ymddygiad penodol.
- (2) Caiff rheoliadau o dan adran 39 ddarparu ar gyfer un neu ragor o'r canlynol –
- i un safon fod yn benodol gymwys i un person, i ddau berson neu i ragor, neu i grŵp o bersonau;
 - i ddwy safon neu ragor fod yn benodol gymwys i un person, i ddau berson neu i ragor, neu i grŵp o bersonau;
 - i safonau gwahanol fod yn benodol gymwys i bersonau gwahanol.

42 Dyletswydd i wneud rhai safonau cyflenwi gwasanaethau'n benodol gymwys

- (1) Mae'r adran hon yn gymwys os yw rheoliadau o dan adran 39 yn darparu bod unrhyw safon cyflenwi gwasanaethau'n benodol gymwys i berson (P).
- (2) Rhaid i Weinidogion Cymru sicrhau bod rheoliadau o dan adran 39 yn darparu bod safonau cyflenwi gwasanaethau sy'n ymwneud â phob un o'r gweithgareddau a bennir yn Atodlen 9 (i'r graddau y mae safonau o'r fath wedi eu pennu gan Weinidogion Cymru o dan adran 26(1)) yn benodol gymwys i P os yw P, ac i'r graddau y mae P, yn gwneud y gweithgareddau hynny.

- (11) The Welsh Ministers may make such other amendments of the Schedule 6 table or Schedule 8 table, or of any other provision of this Measure, as they think appropriate in connection with, for the purposes of, or in consequence of, the powers under any of subsections (2) to (10).

CHAPTER 5

STANDARDS THAT ARE SPECIFICALLY APPLICABLE

39 Standards that are specifically applicable

- (1) A standard specified by the Welsh Ministers under section 26(1) is specifically applicable to a person (P) if the Welsh Ministers, by regulations, authorise the Commissioner to give P a compliance notice requiring P to comply with the standard.
- (2) The regulations may provide for a standard to be specifically applicable to P by means of provision that refers to –
 - (a) P in particular, or
 - (b) a group of persons which P is within.
- (3) This section applies for the purposes of this Part.

40 Duty to make standards specifically applicable

- (1) This section applies in relation to each standard that is specified by the Welsh Ministers under section 26(1).
- (2) The Welsh Ministers must secure that regulations under section 39 provide for the standard to be specifically applicable to one or more persons.

41 Different standards relating to particular conduct

- (1) This section applies if regulations under any of paragraphs (a) to (e) of section 26(1) specify a number of standards of the kind referred to in that paragraph in relation to particular conduct.
- (2) Regulations under section 39 may provide for one or more of the following –
 - (a) for one standard to be specifically applicable to one person, to two or more persons, or to a group of persons;
 - (b) for two or more standards to be specifically applicable to one person, to two or more persons, or to a group of persons;
 - (c) for different standards to be specifically applicable to different persons.

42 Duty to make certain service delivery standards specifically applicable

- (1) This section applies if regulations under section 39 provide for any service delivery standard to be specifically applicable to a person (P).
- (2) The Welsh Ministers must secure that regulations under section 39 provide for service delivery standards relating to all of the activities specified in Schedule 9 (so far as such standards have been specified by the Welsh Ministers under section 26(1)) to be specifically applicable to P if, and to the extent that, P carries out those activities.

- (3) Ond nid oes rhaid i Weinidogion Cymru sicrhau bod rheoliadau yn darparu i safon cyflenwi gwasanaethau fod yn benodol gymwys i P mewn perthynas â gweithgaredd a bennir yn Atodlen 9 os yw, neu i'r graddau y mae—
 - (a) adroddiad safonau o dan adran 64 yn nodi y byddai'n afresymol neu'n anghymesur i safonau cyflenwi gwasanaethau fod yn benodol gymwys i P mewn perthynas â'r gweithgaredd hwnnw, neu
 - (b) Gweinidogion Cymru o'r farn y byddai'n afresymol neu'n anghymesur i safonau cyflenwi gwasanaethau fod yn benodol gymwys i P mewn perthynas â'r gweithgaredd hwnnw.
- (4) Nid yw'r adran hon yn atal rheoliadau o dan adran 39 rhag darparu bod safonau cyflenwi gwasanaethau eraill yn benodol gymwys i P.
- (5) Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio Atodlen 9 drwy ychwanegu, hepgor neu ddiwygio cyfeiriad at weithgaredd.

43 Cyfyngiad ar y pŵer i wneud safonau'n benodol gymwys

- (1) Ni chaiff rheoliadau o dan adran 39 ddarparu bod safon—
 - (a) yn benodol gymwys i berson, oni bai bod y safon yn gymwysadwy i'r person hwnnw, neu
 - (b) yn benodol gymwys i grŵp o bersonau oni bai bod y safon yn gymwysadwy i bob person yn y grŵp hwnnw.
- (2) Ni chaiff rheoliadau o dan adran 39 ddarparu i safon fod yn benodol gymwys i unrhyw un o Weinidogion y Goron oni bai bod yr Ysgrifennydd Gwladol yn cydsynio i'r ddarpariaeth honno.
- (3) Mewn achos—
 - (a) pan fo safon yn benodol gymwys i unrhyw un o Weinidogion y Goron, a
 - (b) pan fo'r safon yn cael ei haddasu gan ddarpariaeth mewn rheoliadau o dan adran 26,

nid yw'r safon fel y mae wedi ei haddasu yn benodol gymwys i Weinidogion y Goron oni bai bod yr Ysgrifennydd Gwladol yn cydsynio i'r ddarpariaeth honno yn y rheoliadau hynny.
- (4) Yn yr adran hon, mae i'r ymadrodd "Gweinidogion y Goron" yr un ystyr ag sydd iddo yn Atodlen 6.

PENNOD 6

HYSBYSIADAU CYDYMFFURFIO

Hysbysiadau cydymffurfio

44 Hysbysiadau cydymffurfio

- (1) Yn y Mesur hwn ystyr "hysbysiad cydymffurfio" yw hysbysiad a roddir i berson (P) gan y Comisiynydd—

- (3) But the Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to P in relation to an activity specified in Schedule 9 if, or to the extent that—
 - (a) a standards report under section 64 indicates that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to P in relation to that activity, or
 - (b) the Welsh Ministers think it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to P in relation to that activity.
- (4) This section does not prevent regulations under section 39 from providing for other service delivery standards to be specifically applicable to P.
- (5) The Welsh Ministers may, by order, amend Schedule 9 by adding, omitting or amending a reference to an activity.

43 Limitation on power to make standards specifically applicable

- (1) Regulations under section 39 may not provide for a standard to be—
 - (a) specifically applicable to a person unless the standard is potentially applicable to that person, or
 - (b) specifically applicable to a group of persons unless the standard is potentially applicable to all the persons in that group.
- (2) Regulations under section 39 may not provide for a standard to be specifically applicable to a Minister of the Crown unless the Secretary of State consents to that provision.
- (3) In a case where—
 - (a) a standard is specifically applicable to a Minister of the Crown, and
 - (b) the standard is modified by provision in regulations under section 26,the standard as modified is not specifically applicable to the Minister of the Crown unless the Secretary of State consents to that provision in those regulations.
- (4) In this section, “Minister of the Crown” has the same meaning as in Schedule 6.

CHAPTER 6

COMPLIANCE NOTICES

Compliance notices

44 Compliance notices

- (1) In this Measure “compliance notice” means a notice given by the Commissioner to a person (P) which—

- (a) sy'n nodi, neu'n cyfeirio at, un neu ragor o safonau a bennir gan Weinidogion Cymru o dan adran 26(1), a
 - (b) sy'n ei gwneud yn ofynnol i P gydymffurfio â'r safon neu â'r safonau a nodir neu y cyfeirir ati neu atynt.
- (2) Caiff hysbysiad cydymffurfio ei gwneud yn ofynnol i berson gydymffurfio â safon benodol—
- (a) mewn rhai amgylchiadau, ond nid mewn amgylchiadau eraill;
 - (b) mewn rhyw ardal neu rai ardaloedd, ond nid mewn ardaloedd eraill.
- (3) Os yw rheoliadau o dan adran 39 yn darparu bod dwy neu ragor o safonau a bennir mewn perthynas ag ymddygiad penodol yn benodol gymwys i berson penodol, caiff hysbysiad cydymffurfio ei gwneud yn ofynnol i berson gydymffurfio—
- (a) ag un o'r safonau'n unig, neu
 - (b) â gwahanol safonau—
 - (i) ar adegau gwahanol;
 - (ii) mewn amgylchiadau gwahanol (boed ar yr un adeg neu ar adegau gwahanol);
 - (iii) mewn ardaloedd gwahanol (boed ar yr un adeg neu ar adegau gwahanol).

Rhoi hysbysiadau cydymffurfio

45 Rhoi hysbysiadau cydymffurfio i unrhyw berson

- (1) Dim ond os yw person (P) yn agored i orfod cydymffurfio â safonau (gweler Pennod 3) y caiff y Comisiynydd roi hysbysiad cydymffurfio i P.
- (2) Dim ond os yw safon benodol a bennir gan Weinidogion Cymru o dan adran 26(1)—
 - (a) yn gymwysadwy i P (gweler Pennod 4), a
 - (b) yn benodol gymwys i P (gweler Pennod 5),
 y caiff hysbysiad cydymffurfio a roddir i P nodi, neu gyfeirio at, safon benodol.
- (3) Os yw'r Comisiynydd yn rhoi hysbysiad cydymffurfio i P, rhaid i'r Comisiynydd hefyd—
 - (a) rhoi copi o unrhyw god ymarfer perthnasol a ddyroddir o dan adran 68 i P, a
 - (b) rhoi gwybod i P am yr hawl i herio o dan Bennod 7.
- (4) Am ddarpariaeth ynglŷn â rhoi hysbysiadau cydymffurfio i gontractwyr, gweler adran 48.

46 Diwrnodau gosod

- (1) Mae'r adran hon yn gymwys o ran pob safon a bennir mewn hysbysiad cydymffurfio a roddir i berson.
- (2) Rhaid i'r hysbysiad ddatgan y diwrnod gosod neu'r diwrnodau gosod.

- (a) sets out, or refers to, one or more standards specified by the Welsh Ministers under section 26(1), and
 - (b) requires P to comply with the standard or standards set out or referred to.
- (2) A compliance notice may require a person to comply with a particular standard –
- (a) in some circumstances, but not in other circumstances;
 - (b) in some area or areas, but not in other areas.
- (3) If regulations under section 39 provide for two or more standards specified in relation to particular conduct to be specifically applicable to a particular person, a compliance notice may require the person –
- (a) to comply with only one of the standards, or
 - (b) to comply with different standards –
 - (i) at different times;
 - (ii) in different circumstances (whether at the same time or different times);
 - (iii) in different areas (whether at the same time or different times).

Giving compliance notices

45 Giving compliance notices to any person

- (1) The Commissioner may give a person (P) a compliance notice only if P is liable to be required to comply with standards (see Chapter 3).
- (2) A compliance notice given to P may set out, or refer to, a particular standard specified by the Welsh Ministers under section 26(1) only if the standard –
 - (a) is potentially applicable to P (see Chapter 4), and
 - (b) is specifically applicable to P (see Chapter 5).
- (3) If the Commissioner gives P a compliance notice, the Commissioner must also –
 - (a) give P a copy of any relevant code of practice issued under section 68, and
 - (b) inform P of the right of challenge under Chapter 7.
- (4) For provision about giving compliance notices to contractors, see section 48.

46 Imposition days

- (1) This section applies as respects each standard specified in a compliance notice given to a person.
- (2) The notice must state the imposition day or imposition days.

- (3) Rhaid i'r diwrnod gosod, neu'r cynharaf o'r diwrnodau gosod, ddod ar ôl diwedd y cyfnod o 6 mis sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad.
- (4) Yn yr adran hon ystyr "diwrnod gosod" o ran safon yw –
 - (a) y diwrnod oddi ar bryd y mae'n ofynnol i berson gydymffurfio â'r safon, neu,
 - (b) y diwrnod oddi ar bryd y mae'n ofynnol i berson gydymffurfio â'r safon mewn modd penodol.
- (5) Am ddarpariaeth ynglŷn â rhoi hysbysiadau cydymffurfio i gontractwyr, gweler adran 48.

47 Ymgynghori

- (1) Cyn rhoi hysbysiad cydymffurfio i berson, rhaid i'r Comisiynydd ymgynghori â'r person.
- (2) Ond nid yw is-adran (1) yn ei gwneud yn ofynnol i'r Comisiynydd ymgynghori â pherson ar unrhyw fater os yw'r Comisiynydd wedi ei fodloni bod y person hwnnw eisoes wedi cymryd rhan mewn ymgynghoriad ar y mater hwnnw, neu wedi cael cyfle i wneud hynny, mewn cysylltiad ag ymchwiliad safonau (gweler Pennod 8).
- (3) Nid yw methiant y person i gymryd rhan mewn ymgynghoriad yn atal y Comisiynydd rhag rhoi hysbysiad cydymffurfio i'r person hwnnw.

48 Rhoi hysbysiadau cydymffurfio i gontractwyr

- (1) Mae'r adran hon yn gymwys (ynghyd ag adrannau 45 a 46) mewn perthynas â pherson neilltuedig sy'n darparu gwasanaethau i'r cyhoedd (y "gwasanaethau perthnasol") o dan gytundeb, neu'n unol â threfniadau, a wneir gydag awdurdod cyhoeddus (y "contract perthnasol").
- (2) Dim ond –
 - (a) os yw'n ofynnol i'r awdurdod cyhoeddus gydymffurfio â'r safon berthnasol wrth ddarparu'r gwasanaethau perthnasol i'r cyhoedd (neu y byddai wedi bod yn ofynnol i'r awdurdod cyhoeddus wneud hynny pe bai'n darparu'r gwasanaethau hynny i'r cyhoedd),
 - (b) os gwnaed y contract perthnasol ar neu ar ôl diwrnod gosod yr awdurdod cyhoeddus, ac
 - (c) os yw diwrnod gosod y person neilltuedig yn dod ar neu ar ôl diwrnod gosod yr awdurdod cyhoeddus,

y caiff hysbysiad cydymffurfio a roddir i'r person neilltuedig nodi, neu gyfeirio at, safon benodol (y "safon berthnasol") mewn perthynas â darparu'r gwasanaethau perthnasol o dan y contract perthnasol.

- (3) Rhaid i'r Comisiynydd sicrhau bod y gofyniad am i'r person neilltuedig gydymffurfio â'r safon berthnasol (sy'n codi yn rhinwedd bod hysbysiad cydymffurfio yn cael ei roi yn unol ag is-adran (2)) yr un fath â'r gofyniad, neu heb fod yn fwy na'r gofyniad, am i'r awdurdod cyhoeddus gydymffurfio â'r safon.
- (4) Mae i ymadroddion a ddefnyddir yn yr adran hon ac yn Atodlen 8 yr un ystyr yn yr adran hon ag yn Atodlen 8.

- (3) The imposition day, or the earliest of the imposition days, must fall after the end of the period of 6 months beginning with the day on which the notice is given.
- (4) In this section “imposition day”, in relation to a standard, means –
 - (a) the day from which a person is to be required to comply with the standard, or
 - (b) the day from which a person is to be required to comply with the standard in a respect.
- (5) For provision about giving compliance notices to contractors, see section 48.

47 Consultation

- (1) The Commissioner must consult a person before giving the person a compliance notice.
- (2) But subsection (1) does not require the Commissioner to consult a person on any matter if the Commissioner is satisfied that the person has already been consulted, or given the opportunity to be consulted, on that matter in connection with a standards investigation (see Chapter 8).
- (3) The failure of a person to participate in a consultation does not prevent the Commissioner from giving the person a compliance notice.

48 Giving compliance notices to contractors

- (1) This section applies (in addition to sections 45 and 46) in relation to a qualifying person who provides the public with services (the “relevant services”) provided under an agreement, or in accordance with arrangements, made with a public authority (the “relevant contract”).
- (2) A compliance notice given to the qualifying person may set out, or refer to, a particular standard (the “relevant standard”) in relation to the provision of the relevant services under the relevant contract only if –
 - (a) the public authority is required to comply with the relevant standard in providing the public with the relevant services (or would be so required if it provided the public with those services),
 - (b) the relevant contract was entered into on or after the public authority's imposition day, and
 - (c) the qualifying person's imposition day falls on or after the public authority's imposition day.
- (3) The Commissioner must secure that the requirement for the qualifying person to comply with the relevant standard (which arises by virtue of the compliance notice being given in accordance with subsection (2)) is the same as, or no greater than, the requirement for the public authority to comply with the standard.
- (4) Expressions used in this section and in Schedule 8 have the same meanings in this section as in Schedule 8.

(5) Yn yr adran hon –

ystyr “diwrnod gosod yr awdurdod cyhoeddus” (“*public authority's imposition day*”) yw'r diwrnod, neu'r cynharaf o'r diwrnodau, y mae'n ofynnol i awdurdod cyhoeddus gydymffurfio â'r safon berthnasol;

ystyr “diwrnod gosod y person neilltuedig” (“*qualifying person's imposition day*”) yw'r diwrnod, neu'r cynharaf o'r diwrnodau, a nodir yn yr hysbysiad cydymffurfio a roddir i'r person neilltuedig yn ddiwrnod y mae i fod yn ofynnol i'r person neilltuedig gydymffurfio â'r safon berthnasol mewn perthynas â darparu'r gwasanaethau perthnasol o dan y contract perthnasol.

*Amrywio hysbysiadau cydymffurfio***49 Amrywio hysbysiadau cydymffurfio**

- (1) Caiff y Comisiynydd amrywio unrhyw hysbysiad cydymffurfio.
- (2) Mae adrannau 45 i 47 yn gymwys o ran amrywio hysbysiad cydymffurfio yn yr un modd ag y maent yn gymwys o ran rhoi hysbysiad cydymffurfio, ond dim ond i'r graddau y mae'r hysbysiad wedi ei amrywio.
- (3) Mae adran 48 yn gymwys o ran amrywio hysbysiad cydymffurfio yn yr un modd ag y mae'n gymwys o ran rhoi hysbysiad cydymffurfio.

*Dirymu hysbysiadau cydymffurfio***50 Dirymu hysbysiadau cydymffurfio**

- (1) Caiff y Comisiynydd ddirymu unrhyw hysbysiad cydymffurfio.
- (2) Mae is-adrannau (3) a (4) yn gymwys mewn achos pan fo'r Comisiynydd –
 - (a) yn dirymu hysbysiad cydymffurfio a roddwyd i berson (yr “hen hysbysiad”), a
 - (b) ar yr un pryd yn rhoi i'r person hwnnw hysbysiad cydymffurfio (yr “hysbysiad newydd”).
- (3) Dim ond i'r graddau y mae'r hysbysiad newydd yn wahanol i'r hen hysbysiad y mae adrannau 45 i 47 yn gymwys o ran rhoi'r hysbysiad newydd.
- (4) Mae adran 48 yn gymwys o ran rhoi hysbysiad newydd yn yr un modd ag y mae'n gymwys o ran rhoi hysbysiad cydymffurfio.

*Pan fydd hysbysiad cydymffurfio mewn grym***51 Pan fydd hysbysiad cydymffurfio mewn grym**

- (1) Mae hysbysiad cydymffurfio a roddir i berson (P) mewn grym o'r diwrnod y rhoddir yr hysbysiad i P gan y Comisiynydd.
- (2) Mae hysbysiad cydymffurfio yn aros mewn grym oni chaiff – a hyd oni chaiff – ei ddirymu.
- (3) Mae'r adran hon yn gymwys at ddibenion y Mesur hwn.

- (5) In this section –

“public authority's imposition day” (“*diwrnod gosod yr awdurdod cyhoeddus*”) means the day, or the earliest of the days, on which the public authority is required to comply with the relevant standard;

“qualifying person's imposition day” (“*diwrnod gosod y person neilltuedig*”) means the day, or the earliest of the days, stated in the compliance notice given to the qualifying person as a day when the qualifying person is to be required to comply with the relevant standard in relation to the provision of the relevant services under the relevant contract.

Varying compliance notices

49 Varying compliance notices

- (1) The Commissioner may vary any compliance notice.
- (2) Sections 45 to 47 apply to the variation of a compliance notice as they apply to the giving of a compliance notice, but only insofar as the notice is varied.
- (3) Section 48 applies to the variation of a compliance notice as it applies to the giving of a compliance notice.

Revoking compliance notices

50 Revoking compliance notices

- (1) The Commissioner may revoke any compliance notice.
- (2) Subsections (3) and (4) apply in a case where the Commissioner –
 - (a) revokes a compliance notice that was given to a person (the “old notice”), and
 - (b) at the same time gives that person a compliance notice (the “new notice”).
- (3) Sections 45 to 47 apply to the giving of the new notice only insofar as the new notice is different from the old notice.
- (4) Section 48 applies to the giving of the new notice as it applies to the giving of a compliance notice.

When compliance notice in force

51 When compliance notice in force

- (1) A compliance notice given to a person (P) is in force from the day when the Commissioner gives the notice to P.
- (2) A compliance notice remains in force unless – and until – it is revoked.
- (3) This section applies for the purposes of this Measure.

*Cyhoeddi hysbysiadau cydymffurfio***52 Cyhoeddi hysbysiadau cydymffurfio**

- (1) Mae'r adran hon yn gymwys mewn perthynas â phob hysbysiad cydymffurfio sydd mewn grym.
- (2) Rhaid i'r Comisiynydd sicrhau, o'r diwrnod gosod perthnasol ymlaen—
 - (a) bod copi o'r hysbysiad cydymffurfio ar gael i'w archwilio yn swyddfa'r Comisiynydd, a
 - (b) y perir bod copïau o'r hysbysiad cydymffurfio ar gael mewn manau eraill a thrwy ddulliau eraill (gan gynnwys dulliau electronig) sy'n briodol yn nhyb y Comisiynydd.
- (3) Os bydd person yn gwneud cais i'r Comisiynydd o dan Bennod 7 mewn cysylltiad â safon rhaid i'r Comisiynydd sicrhau bod y copïau o'r hysbysiad cydymffurfio y parwyd iddynt fod ar gael yn unol ag is-adran (2) yn nodi, hyd nes bod y cais wedi ei ddyfarnu'n derfynol—
 - (a) bod y cais wedi ei wneud, a
 - (b) nad yw'r gofyniad i gydymffurfio â'r safon yn gymwys, yn rhinwedd adran 60 (os dyna'r sefyllfa).
- (4) Rhaid i'r Comisiynydd sicrhau bod y trefniadau ar gyfer archwilio a chael at hysbysiadau cydymffurfio yn cael eu cyhoeddi mewn modd sy'n dwyn y trefniadau hynny i sylw personau sy'n debygol yn nhyb y Comisiynydd o fod yn bersonau a chanddynt fuddiant mewn archwilio a chael at hysbysiadau cydymffurfio.
- (5) Yn yr adran hon, ystyr "diwrnod gosod perthnasol" yw—
 - (a) os dim ond un diwrnod gosod sydd wedi ei nodi mewn hysbysiad cydymffurfio, y diwrnod gosod hwnnw;
 - (b) os oes dau neu ragor o ddiwrnodau gosod wedi eu nodi yn yr hysbysiad cydymffurfio, y cynharaf o'r diwrnodau hynny.

*Gofyniad i gydymffurfio â safon yn dod i ben***53 Gofyniad i gydymffurfio â safon yn dod i ben**

- (1) Mae'r adran hon yn gymwys mewn unrhyw achos pan fydd person (P) yn peidio â bod o dan y ddyletswydd yn adran 25(1) i gydymffurfio â safon oherwydd—
 - (a) bod un neu ragor o amodau 1 i 3 yn adran 25 yn peidio â chael ei fodloni neu eu bodloni, neu
 - (b) bod y safon yn peidio â chael ei phennu gan Weinidogion Cymru o dan adran 26(1).
- (2) Cyn gynted ag y bo'n ymarferol ar ôl i'r adran hon fod yn gymwys, rhaid i'r Comisiynydd, drwy arfer y pwerau a roddir gan y Bennod hon, sicrhau bod y newid a ddisgrifir yn is-adran (1) yn cael ei adlewyrchu yn yr hysbysiadau cydymffurfio (os bydd rhai) sy'n parhau mewn grym mewn perthynas â P.

*Publicising compliance notices***52 Publicising compliance notices**

- (1) This section applies in relation to each compliance notice which is in force.
- (2) As from the relevant imposition day, the Commissioner must—
 - (a) ensure that a copy of the compliance notice is available for inspection at the Commissioner's office, and
 - (b) ensure that copies of the compliance notice are made available at such other places and by such other means (including by electronic means) as the Commissioner thinks appropriate.
- (3) If a person makes an application to the Commissioner under Chapter 7 in respect of a standard, the Commissioner must ensure that, until the application is finally determined, the copies of the compliance notice made available in accordance with subsection (2) indicate—
 - (a) that the application has been made, and
 - (b) that the requirement to comply with the standard does not apply by virtue of section 60 (if that is the case).
- (4) The Commissioner must ensure that the arrangements for inspecting and gaining access to compliance notices are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in inspecting or gaining access to compliance notices.
- (5) In this section “relevant imposition day” means—
 - (a) if only one imposition day is stated in a compliance notice, that imposition day;
 - (b) if two or more imposition days are stated in a compliance notice, the earliest of those days.

*Cessation of requirement to comply with standard***53 Cessation of requirement to comply with standard**

- (1) This section applies in any case where a person (P) ceases to be under the duty in section 25(1) to comply with a standard because—
 - (a) one or more of conditions 1 to 3 in section 25 cease to be met, or
 - (b) the standard ceases to be specified by the Welsh Ministers under section 26(1).
- (2) As soon as practicable after this section applies, the Commissioner must, by exercising the powers conferred by this Chapter, secure that the change described in subsection (1) is reflected in the compliance notices (if any) that remain in force in relation to P.

PENNOD 7**YR HAWL I HERIO****54 Herio dyletswyddau dyfodol**

- (1) Mae'r adran hon yn gymwys –
 - (a) os yw'r Comisiynydd wedi rhoi hysbysiad cydymffurfio i berson (P), a
 - (b) os yw'r hysbysiad yn ei gwneud yn ofynnol i P –
 - (i) cydymffurfio â safon, neu
 - (ii) cydymffurfio â safon mewn modd penodoloddi ar ddiwrnod gosod yn y dyfodol.
- (2) Caiff P wneud cais i'r Comisiynydd yn gofyn i'r Comisiynydd ddyfarnu a yw'r gofyniad am i P gydymffurfio â'r safon honno, neu gydymffurfio â'r safon yn y modd hwnnw, yn afresymol neu'n anghymesur ai peidio.
- (3) Os yw'r dyfarniad hwnnw'n cael ei wneud cyn y diwrnod gosod, rhaid i'r Comisiynydd wrth wneud y dyfarniad ystyried yr amgylchiadau fel y disgwylir iddynt fod ar y diwrnod gosod.
- (4) Rhaid i gais o dan yr adran hon gael ei wneud cyn y diwrnod gosod.
- (5) Yn yr adran hon, mae i'r ymadrodd “diwrnod gosod” yr ystyr sydd iddo yn adran 46.

55 Herio dyletswyddau presennol

- (1) Mae'r adran hon yn gymwys –
 - (a) os yw'r Comisiynydd wedi rhoi hysbysiad cydymffurfio i berson (P), a
 - (b) os yw'r hysbysiad eisoes yn ei gwneud yn ofynnol i P –
 - (i) cydymffurfio â safon, neu
 - (ii) cydymffurfio â safon mewn modd penodol.
- (2) Caiff P wneud cais i'r Comisiynydd yn gofyn i'r Comisiynydd ddyfarnu a yw'r gofyniad am i P gydymffurfio â'r safon honno, neu gydymffurfio â'r safon yn y modd hwnnw, yn afresymol neu'n anghymesur ai peidio.
- (3) Ond caiff y Comisiynydd wrthod derbyn cais o dan yr adran hon os yw wedi ei fodloni nad oes unrhyw newid sylweddol wedi bod yn amgylchiadau P –
 - (a) oddi ar y diwrnod y'i gwnaed yn ofynnol am y tro cyntaf i P gydymffurfio â'r safon, neu i P gydymffurfio â'r safon yn y modd hwnnw, neu
 - (b) os yw'r Comisiynydd wedi dyfarnu'r cwestiwn perthnasol ar gais blaenorol o dan yr adran hon, ers i'r Comisiynydd ddyfarnu'r cwestiwn perthnasol ar y cais hwnnw.
- (4) Yn yr adran hon, ystyr “cwestiwn perthnasol” yw'r cwestiwn y mae cais o dan yr adran hon yn ymwneud ag ef.

CHAPTER 7

RIGHT OF CHALLENGE

54 Challenging future duties

- (1) This section applies if –
 - (a) the Commissioner has given a person (P) a compliance notice, and
 - (b) the notice requires P –
 - (i) to comply with a standard, or
 - (ii) to comply with a standard in a particular respect,as from an imposition day that is in the future.
- (2) P may apply to the Commissioner for the Commissioner to determine whether or not the requirement for P to comply with that standard, or comply with it in that respect, is unreasonable or disproportionate.
- (3) If that determination is being made before the imposition day, the Commissioner must make the determination by reference to the circumstances as they are expected to exist on the imposition day.
- (4) An application under this section must be made before the imposition day.
- (5) In this section “imposition day” has the same meaning as in section 46.

55 Challenging existing duties

- (1) This section applies if –
 - (a) the Commissioner has given a person (P) a compliance notice, and
 - (b) the notice already requires P –
 - (i) to comply with a standard, or
 - (ii) to comply with a standard in a particular respect.
- (2) P may apply to the Commissioner for the Commissioner to determine whether or not the requirement for P to comply with that standard, or to comply with it in that respect, is unreasonable or disproportionate.
- (3) But the Commissioner may refuse to accept an application under this section if he or she is satisfied that there has been no material change in P's circumstances –
 - (a) since the day on which P was first required to comply with that standard, or to comply with it in that respect, or
 - (b) if the Commissioner has determined the relevant question on a previous application under this section, since the Commissioner determined the relevant question on that application.
- (4) In this section “relevant question” means the question to which an application under this section relates.

56 Ceisiadau i'r Comisiynydd

- (1) Mae'r adran hon yn gymwys i gais o dan adran 54 neu 55 yn gofyn i'r Comisiynydd ddyfarnu a yw'r gofyniad am i P gydymffurfio â safon neu gydymffurfio â hi mewn modd penodol, yn afresymol neu'n anghymesur.
- (2) Rhaid i'r cais fod yn ysgrifenedig.
- (3) Rhaid i'r cais gael ei wneud ar y ffurf sy'n ofynnol gan y Comisiynydd (os yw'n ei gwneud yn ofynnol iddo gael ei wneud ar ffurf benodol).
- (4) Rhaid i'r cais nodi'r rhesymau pam y mae P o'r farn bod y gofyniad i gydymffurfio â'r safon, neu i gydymffurfio â'r safon yn y modd penodol, yn afresymol neu'n anghymesur.

57 Dyfarnu ar gais

- (1) Mae'r adran hon yn gymwys –
 - (a) i unrhyw gais o dan adran 54, a
 - (b) i unrhyw gais o dan adran 55 nad yw'r Comisiynydd yn gwrthod ei dderbyn.
- (2) Mater i P yw dangos bod y gofyniad am i P gydymffurfio â safon, neu gydymffurfio â hi mewn modd penodol, yn afresymol neu'n anghymesur.
- (3) Rhaid i'r Comisiynydd ddyfarnu ar y cais cyn gynted ag y bo'n ymarferol ar ôl i'r cais gael ei wneud.
- (4) Wrth ddyfarnu ar y cais –
 - (a) rhaid i'r Comisiynydd ymgynghori â P, a
 - (b) caiff y Comisiynydd ymgynghori ag unrhyw berson arall a chanddo fuddiant yng nghanlyniad y cais ym marn y Comisiynydd.
- (5) Rhaid i'r Comisiynydd hysbysu P o'r dyfarniad ar y cais.
- (6) Os yw'r Comisiynydd yn dyfarnu bod y gofyniad am i P gydymffurfio â'r safon, neu gydymffurfio â'r safon yn y modd penodol, yn afresymol neu'n anghymesur, rhaid iddo wneud un o'r canlynol –
 - (a) dirymu'r hysbysiad cydymffurfio;
 - (b) dirymu'r hysbysiad cydymffurfio a rhoi hysbysiad cydymffurfio newydd;
 - (c) amrywio'r hysbysiad cydymffurfio presennol.
- (7) Os bydd y Comisiynydd yn rhoi hysbysiad cydymffurfio newydd neu'n amrywio'r hysbysiad cydymffurfio presennol –
 - (a) nid yw adran 45(3) yn gymwys, a
 - (b) nid yw adrannau 46(3) a 47 yn gymwys i'r graddau y mae'r Comisiynydd a P yn cytuno ar yr hysbysiad newydd, neu ar yr amrywiad i'r hysbysiad cydymffurfio presennol.

58 Yr hawl i apelio

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn hysbysu P o dan adran 57 o ddyfarniad nad yw'r gofyniad am i P gydymffurfio â safon, neu gydymffurfio â'r safon mewn modd penodol, yn afresymol neu'n anghymesur.

56 Applications to the Commissioner

- (1) This section applies to an application under section 54 or 55 for the Commissioner to determine whether or not the requirement for P to comply with a standard, or to comply with it in a particular respect, is unreasonable or disproportionate.
- (2) The application must be made in writing.
- (3) The application must be made in the form required by the Commissioner (if he or she requires it to be made in a particular form).
- (4) The application must set out the reasons why P considers that the requirement to comply with the standard, or to comply with it in the particular respect, is unreasonable or disproportionate.

57 Determining an application

- (1) This section applies to –
 - (a) any application under section 54, and
 - (b) any application under section 55 which the Commissioner does not refuse to accept.
- (2) It is for P to show that the requirement for P to comply with the standard, or to comply with it in the particular respect, is unreasonable or disproportionate.
- (3) The Commissioner must determine the application as soon as practicable after the application is made.
- (4) In determining the application, the Commissioner –
 - (a) must consult P, and
 - (b) may consult any other person the Commissioner considers to have an interest in the outcome of the application.
- (5) The Commissioner must notify P of the determination of the application.
- (6) If the Commissioner determines that the requirement for P to comply with the standard, or to comply with it in the particular respect, is unreasonable or disproportionate, he or she must do one of the following –
 - (a) revoke the compliance notice;
 - (b) revoke the compliance notice and give a new compliance notice;
 - (c) vary the existing compliance notice.
- (7) If the Commissioner gives a new compliance notice or varies the existing compliance notice –
 - (a) section 45(3) does not apply, and
 - (b) sections 46(3) and 47 do not apply insofar as the Commissioner and P agree the new compliance notice, or the variation of the existing compliance notice.

58 Right of appeal

- (1) This section applies if the Commissioner notifies P under section 57 of a determination that the requirement for P to comply with a standard, or to comply with it in a particular respect, is not unreasonable or disproportionate.

- (2) Caiff P apelio i'r Tribiwnlys yn gofyn i'r Tribiwnlys ddyfarnu a yw'r gofyniad yn afresymol neu'n anghymesur ai peidio.
- (3) Rhaid i apêl o dan yr adran hon gael ei gwneud o fewn y cyfnod o 28 o ddiwrnodau gan ddechrau ar y diwrnod yr hysbyswyd P gan y Comisiynydd o dan adran 57.
- (4) Ond caiff y Tribiwnlys, ar gais ysgrifenedig gan P, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys wedi ei fodloni bod rheswm da –
 - (a) dros y methiant i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oedd unrhyw oedi wedi bod cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (5) Rhaid i'r Tribiwnlys hysbysu P a'r Comisiynydd o'i ddyfarniad ar apêl a wneir o dan yr adran hon.
- (6) Os yw'r Tribiwnlys yn dyfarnu bod y gofyniad yn afresymol neu'n anghymesur, bydd is-adrannau (6) a (7) o adran 57 yn gymwys fel pe bai'r Comisiynydd wedi gwneud y dyfarniad hwnnw.
- (7) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys (sy'n cael gwneud, ymysg pethau eraill, ddarpariaeth ynghylch y modd y ceir dwyn apelau o dan yr adran hon).

59 Apelau o'r Tribiwnlys

- (1) Mae'r adran hon yn gymwys os yw'r Tribiwnlys wedi penderfynu apêl o dan adran 58.
- (2) Caiff y Comisiynydd neu P, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys ar bwynt cyfreithiol sy'n deillio o'r penderfyniad.
- (3) Os yw'r Uchel Lys yn dyfarnu bod y Tribiwnlys wedi gwneud camgymeriad ar bwynt cyfreithiol –
 - (a) caiff yr Uchel Lys osod penderfyniad y Tribiwnlys o'r naill du, a
 - (b) os bydd yr Uchel Lys yn gosod y penderfyniad o'r naill du, rhaid iddo naill ai –
 - (i) anfon yr achos yn ôl i'r Tribiwnlys gyda chyfarwyddyd ar gyfer ei ailystyried, neu
 - (ii) ail-wneud y penderfyniad.
- (4) Mae'r cyfarwyddiadau y caniateir i'r Uchel Lys eu rhoi o dan is-adran (3)(b)(i) yn cynnwys y canlynol, ond heb fod wedi eu cyfyngu iddynt –
 - (a) cyfarwyddyd na all y personau sydd i ailystyried yr achos fod yr un rhai â'r personau a wnaeth y penderfyniad sydd wedi ei roi o'r naill du;
 - (b) cyfarwyddiadau gweithredu mewn cysylltiad ag ailystyried yr achos.
- (5) Wrth ail-wneud y penderfyniad yn unol ag is-adran (3)(b)(ii), caniateir i'r Uchel Lys –
 - (a) gwneud unrhyw benderfyniad y gallai'r Tribiwnlys ei wneud pe bai'r Tribiwnlys yn gwneud y penderfyniad, a
 - (b) gwneud y canfyddiadau ffeithiol sy'n briodol yn nhyb yr Uchel Lys.
- (6) Rhaid i gais am ganiatâd i apelio gael ei wneud i'r Tribiwnlys neu'r Uchel Lys o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y diwrnod yr hysbysodd y Tribiwnlys y person sy'n gwneud y cais o'i ddyfarniad ar yr apêl o dan adran 58.

- (2) P may appeal to the Tribunal for the Tribunal to determine whether or not that requirement is unreasonable or disproportionate.
- (3) An appeal under this section must be made within the period of 28 days beginning with the day when the Commissioner notified P under section 57.
- (4) But the Tribunal may, on a written application by P, allow an appeal to be made after the end of that period if the Tribunal is satisfied that there is a good reason—
 - (a) for the failure to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (5) The Tribunal must notify P and the Commissioner of its determination of an appeal made under this section.
- (6) If the Tribunal determines that the requirement is unreasonable or disproportionate, subsections (6) and (7) of section 57 apply as if the Commissioner had made that determination.
- (7) This section is subject to Tribunal Rules (which may, amongst other things, make provision about the manner in which appeals under this section may be brought).

59 Appeals from Tribunal

- (1) This section applies if the Tribunal has decided an appeal under section 58.
- (2) The Commissioner or P may, with the permission of the Tribunal or High Court, appeal to the High Court on a question of law arising out of the decision.
- (3) If the High Court finds that the Tribunal has made an error on a point of law, the High Court—
 - (a) may set aside the decision of the Tribunal, and
 - (b) if it sets the decision aside, must either—
 - (i) remit the case to the Tribunal with directions for its reconsideration, or
 - (ii) re-make the decision.
- (4) The directions that the High Court may give under subsection (3)(b)(i) include, but are not limited to, either or both of the following—
 - (a) a direction that the persons who are to reconsider the case must not be the persons who made the decision that has been set aside;
 - (b) procedural directions in connection with the reconsideration of the case.
- (5) In re-making the decision in accordance with subsection (3)(b)(ii), the High Court—
 - (a) may make any decision which the Tribunal could make if the Tribunal were making the decision, and
 - (b) may make such findings of fact as the High Court thinks appropriate.
- (6) An application for permission to appeal must be made to the Tribunal or High Court within the period of 28 days beginning with the day when the Tribunal notified the person making the application of its determination of the appeal under section 58.

- (7) Ond caiff y Tribiwnlys neu'r Uchel Lys, ar gais ysgrifenedig gan y Comisiynydd neu P, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys neu'r Uchel Lys wedi ei fodloni bod rheswm da –
- (a) dros y methiant i wneud cais am ganiatâd i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oedd unrhyw oedi wedi bod cyn gwneud y cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (8) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys.

60 Gohirio gosod dyletswydd

- (1) Mae'r adran hon yn gymwys os yw P yn gwneud cais o dan adran 54 am i'r Comisiynydd ddyfarnu a yw'r gofyniad am i P gydymffurfio â safon, neu gydymffurfio â hi mewn modd penodol, yn afresymol neu'n anghymesur ai peidio.
- (2) Ni fydd y gofyniad am i P gydymffurfio â'r safon honno, neu am i P gydymffurfio â'r safon yn y modd hwnnw'n gymwys oni fydd neu hyd oni fydd –
- (a) y Comisiynydd wedi dyfarnu a yw'r gofyniad yn afresymol neu'n anghymesur ai peidio, a
 - (b) hawliau P i apelio wedi eu disbyddu.
- (3) At y diben hwnnw, bydd hawliau P wedi eu disbyddu –
- (a) os bydd y cyfnod a grybwyllir yn adran 58(3) ar gyfer gwneud apêl i'r Tribiwnlys wedi dod i ben heb fod apêl wedi ei gwneud, neu
 - (b) os bydd apêl o dan adran 58 wedi ei gwneud a'i dyfarnu ac, o ran apêl bellach –
 - (i) na ellir gwneud un, neu
 - (ii) na ellir gwneud un heb ganiatâd y Tribiwnlys neu ganiatâd llys.

PENNOD 8

YMCHWILIADAU AC ADRODDIADAU SAFONAU

Ymchwiliadau safonau

61 Ymchwiliadau safonau

- (1) Yn y Mesur hwn ystyr “ymchwiliad safonau” yw ymchwiliad a gynhelir mewn perthynas â pherson (P) er mwyn dyfarnu ar un neu ragor o'r cwestiynau canlynol –
- (a) a ddylai P fod yn agored – neu a ddylai P barhau i fod yn agored – i orfod cydymffurfio â safonau;
 - (b) os yw P yn dod o fewn Atodlen 6, pa safonau (os o gwbl) a ddylai fod – neu a ddylai barhau i fod – yn gymwysadwy i P;
 - (c) os yw P yn dod o fewn Atodlen 8, pa wasanaethau (os o gwbl) a ddylai gael – neu a ddylai barhau i gael – eu pennu yng ngholofn (2) o gofnod P yn y tabl yn Atodlen 8;

- (7) But the Tribunal or High Court may, on a written application by the Commissioner or P, allow an appeal to be made after the end of that period if the Tribunal or High Court is satisfied that there is a good reason –
- (a) for the failure to apply for permission to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (8) This section is subject to Tribunal Rules.

60 Postponement of imposition of duty

- (1) This section applies if P makes an application under section 54 for the Commissioner to determine whether or not the requirement for P to comply with a standard, or to comply with it in a particular respect, is unreasonable or disproportionate.
- (2) The requirement for P to comply with that standard, or to comply with it in that respect, does not apply unless and until –
- (a) the Commissioner has determined whether or not the requirement is unreasonable or disproportionate, and
 - (b) P's rights of appeal are exhausted.
- (3) For that purpose, P's rights of appeal are exhausted if –
- (a) the period mentioned in section 58(3) for making an appeal to the Tribunal has ended without an appeal being made, or
 - (b) an appeal under section 58 has been made and determined, and a further appeal –
 - (i) may not be made, or
 - (ii) may be made only with the permission of the Tribunal or a court.

CHAPTER 8

STANDARDS INVESTIGATIONS AND REPORTS

Standards investigations

61 Standards investigations

- (1) In this Measure “standards investigation” means an investigation carried out in relation to a person (P) for the purpose of determining one or more of the following questions –
- (a) whether P should be – or should continue to be – liable to be required to comply with standards;
 - (b) if P is within Schedule 6, what standards (if any) should be – or should continue to be – potentially applicable to P;
 - (c) if P is within Schedule 8, what services (if any) should be – or should continue to be – specified in column (2) of P's entry in the Schedule 8 table;

- (d) pa safonau (os o gwbl) a ddylai fod – neu a ddylai barhau i fod – yn benodol gymwys i P (p'un a yw'r safonau eisoes wedi eu pennu gan Weinidogion Cymru o dan adran 26(1) ai peidio);
 - (e) unrhyw gwestiwn arall y mae'r Comisiynydd o'r farn ei fod yn berthnasol o ran y graddau y caniateir i P fod yn ddarostyngedig i'r ddyletsywydd yn adran 25(1) i gydymffurfio â safonau.
- (2) Caniateir cynnal ymchwiliad safonau penodol mewn perthynas –
- (a) â pherson penodol, neu
 - (b) â grŵp o bersonau.

62 Y pŵer i gynnal ymchwiliadau safonau

- (1) Caiff y Comisiynydd gynnal ymchwiliadau safonau.
- (2) Ond ni chaiff y Comisiynydd gynnal ymchwiliad safonau oni bai iddo roi hysbysiad rhagymchwilio i bob person perthnasol o leiaf 14 o ddiwrnodau cyn dechrau ar yr ymchwiliad.
- (3) Hysbysiad ysgrifenedig yw hysbysiad rhagymchwilio –
 - (a) sy'n datgan bod y Comisiynydd yn bwriadu cynnal ymchwiliad safonau, a
 - (b) sy'n pennu pwnc yr ymchwiliad safonau.
- (4) Yn yr adran hon, ystyr "person perthnasol" –
 - (a) yn achos ymchwiliad safonau mewn perthynas â pherson penodol, yw'r person hwnnw;
 - (b) yn achos ymchwiliad safonau mewn perthynas â grŵp o bersonau, yw personau –
 - (i) yr ymddengys i'r Comisiynydd eu bod yn aelodau o'r grŵp, a
 - (ii) y mae'n briodol rhoi hysbysiadau rhagymchwilio iddynt yn nhyb y Comisiynydd.

63 Y gofynion wrth gynnal ymchwiliadau safonau

- (1) Wrth gynnal ymchwiliad safonau, rhaid i'r Comisiynydd roi sylw i'r angen am sicrhau nad yw gofynion am i bersonau gydymffurfio â safonau yn rhinwedd adran 25(1) yn afresymol neu'n anghymesur.
- (2) Os yw'r Comisiynydd yn penderfynu, neu'n cael ei gyfarwyddo, bod ymchwiliad safonau i ystyried a ddylai safonau cyflenwi gwasanaethau fod yn benodol gymwys i P, rhaid i'r ymchwiliad –
 - (a) ystyried, o ran pob gweithgaredd a bennir yn Atodlen 9 y mae P yn ei wneud, a yw'n rhesymol ac yn gymesur i safonau cyflenwi gwasanaethau fod yn benodol gymwys i P ai peidio, a
 - (b) o ran pob gweithgaredd o'r fath, os yw'n rhesymol ac yn gymesur i safonau cyflenwi gwasanaethau fod yn benodol gymwys i P, ddod i'r casgliad y dylai safonau cyflenwi gwasanaethau fod yn benodol gymwys i P mewn perthynas â'r gweithgaredd hwnnw.

- (d) what standards (if any) should be – or should continue to be – specifically applicable to P (whether or not the standards are already specified by the Welsh Ministers under section 26(1));
 - (e) any other question which the Commissioner considers to be relevant to the extent to which P may be subject to the duty in section 25(1) to comply with standards.
- (2) A particular standards investigation may be carried out in relation to –
- (a) a particular person, or
 - (b) a group of persons.

62 Power to carry out standards investigations

- (1) The Commissioner may carry out standards investigations.
- (2) But the Commissioner may not carry out a standards investigation unless he or she has given an exploration notice to each relevant person, at least 14 days before beginning the investigation.
- (3) An exploration notice is a notice in writing which –
- (a) states that the Commissioner is proposing to carry out a standards investigation, and
 - (b) specifies the subject matter of the standards investigation.
- (4) In this section “relevant person” means –
- (a) in the case of a standards investigation relating to a particular person, that person;
 - (b) in the case of a standards investigation relating to a group of persons, such persons –
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) to whom the Commissioner thinks it appropriate to give exploration notices.

63 Requirements when carrying out standards investigations

- (1) In carrying out a standards investigation, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards by virtue of section 25(1) are not unreasonable or disproportionate.
- (2) If the Commissioner decides, or is directed, that a standards investigation is to consider whether service delivery standards should be specifically applicable to P, the investigation must –
- (a) consider whether, in respect of each of the activities specified in Schedule 9 which P carries out, it is reasonable and proportionate for service delivery standards to be specifically applicable to P, and
 - (b) as respects each such activity, if it is reasonable and proportionate for service delivery standards to be specifically applicable to P, conclude that service delivery standards should be specifically applicable to P in relation to that activity.

- (3) Wrth gynnal ymchwiliad safonau, rhaid i'r Comisiynydd ymgynghori –
- (a) â phob person perthnasol,
 - (b) â'r Panel Cyngori, ac
 - (c) â'r cyhoedd, ac eithrio –
 - (i) os yw'n ystyried, neu
 - (ii) i'r graddau y mae'n ystyried
- ei bod yn amhriodol gwneud hynny.
- (4) Nid yw methiant person i gymryd rhan yn ymgynghoriad y Comisiynydd yn atal y Comisiynydd rhag cynnal yr ymchwiliad safonau.
- (5) Yn yr adran hon, ystyr “person perthnasol” –
- (a) yn achos ymchwiliad safonau mewn perthynas â pherson penodol, yw'r person hwnnw;
 - (b) yn achos ymchwiliad safonau mewn perthynas â grŵp o bersonau, yw personau –
 - (i) yr ymddengys i'r Comisiynydd eu bod yn aelodau o'r grŵp, a
 - (ii) y mae'n briodol ymgynghori â hwy yn nhyb y Comisiynydd.

Adroddiadau safonau

64 Adroddiad safonau

- (1) Ar ôl cynnal ymchwiliad safonau, rhaid i'r Comisiynydd lunio adroddiad safonau.
- (2) Dogfen sy'n nodi'r canlynol yw adroddiad safonau –
- (a) casgliadau'r ymchwiliad safonau, a
 - (b) rhesymau'r Comisiynydd dros ddod i'r casgliadau hynny.
- (3) Os –
- (a) casgliadau'r ymchwiliad (boed yn llwyr neu'n rhannol) yw y dylai safonau fod yn benodol gymwys i P, a
 - (b) nad yw unrhyw un neu ragor neu'r oll o'r safonau hynny wedi ei phennu neu eu pennu gan Weinidogion Cymru o dan adran 26(1),
- rhaid i'r adroddiad nodi'r safonau sydd heb eu pennu.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl llunio adroddiad safonau –
- (a) rhaid i'r Comisiynydd anfon copi o'r adroddiad –
 - (i) at bob person perthnasol,
 - (ii) at y Panel Cyngori,
 - (iii) at bob person a gymerodd ran yn ymgynghoriad y Comisiynydd yn unol ag adran 63, a
 - (iv) at Weinidogion Cymru, a

- (3) In carrying out a standards investigation, the Commissioner must consult—
 - (a) each relevant person,
 - (b) the Advisory Panel, and
 - (c) the public, except—
 - (i) if, or
 - (ii) to the extent thatthe Commissioner considers that it is inappropriate to do so.
- (4) The failure of a person to participate in the Commissioner's consultation does not prevent the Commissioner from carrying out the standards investigation.
- (5) In this section “relevant person” means—
 - (a) in the case of a standards investigation relating to a particular person, that person;
 - (b) in the case of a standards investigation relating to a group of persons, such persons—
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) whom the Commissioner thinks it appropriate to consult.

Standards reports

64 Standards report

- (1) After carrying out a standards investigation, the Commissioner must produce a standards report.
- (2) A standards report is a document that sets out—
 - (a) the conclusions of the standards investigation, and
 - (b) the Commissioner's reasons for reaching those conclusions.
- (3) If—
 - (a) the conclusions of the investigation are (in whole or in part) that any standards should be specifically applicable to P, and
 - (b) any or all of those standards are not specified by the Welsh Ministers under section 26(1),the report must set out the standards that are not specified.
- (4) As soon as reasonably practicable after preparing a standards report, the Commissioner—
 - (a) must send a copy of the report to—
 - (i) each relevant person,
 - (ii) the Advisory Panel,
 - (iii) each person who participated in the Commissioner's consultation under section 63, and
 - (iv) the Welsh Ministers, and

- (b) caiff y Comisiynydd anfon copi o'r adroddiad at unrhyw berson arall a chanddo ddiddordeb yn yr adroddiad ym marn y Comisiynydd.
- (5) Yn yr adran hon, ystyr "person perthnasol" –
 - (a) yn achos ymchwiliad safonau mewn perthynas â pherson penodol, yw'r person hwnnw;
 - (b) yn achos ymchwiliad safonau mewn perthynas â grŵp o bersonau, yw personau –
 - (i) yr ymddengys i'r Comisiynydd eu bod yn aelodau o'r grŵp, a
 - (ii) y mae'n briodol anfon copi o'r adroddiad atynt yn nhyb y Comisiynydd.

Pŵer cyfarwyddo Gweinidogion Cymru

65 Cyfarwyddyd i gynnal ymchwiliad safonau

- (1) Mae'r adran hon yn gymwys os bydd Gweinidogion Cymru yn arfer eu pŵer o dan adran 16 i roi cyfarwyddyd i'r Comisiynydd er mwyn ei gyfarwyddo i gynnal ymchwiliad safonau mewn cysylltiad â pherson neu grŵp o bersonau.
- (2) Rhaid i'r cyfarwyddyd bennu'r materion a ganlyn –
 - (a) y person, neu'r grŵp o bersonau y mae'r ymchwiliad i'w gynnal mewn cysylltiad ag ef;
 - (b) pwnc yr ymchwiliad;
 - (c) y rhesymau pam y mae Gweinidogion Cymru o'r farn y dylai'r Comisiynydd gynnal yr ymchwiliad safonau;
 - (d) y cyfnod (y mae'n rhaid iddo beidio â bod yn llai na chwe mis) y mae'n rhaid i'r Comisiynydd gynnal yr ymchwiliad safonau cyn iddo ddod i ben.
- (3) Nid yw is-adran (2) yn atal y cyfarwyddyd rhag pennu materion eraill.

Sylw sydd i'w roi i adroddiad safonau

66 Gweinidogion Cymru i roi sylw dyladwy i adroddiad

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd wedi cynnal ymchwiliad safonau ac wedi llunio adroddiad safonau (boed o dan gyfarwyddyd neu ar gais Gweinidogion Cymru).
- (2) Rhaid i Weinidogion Cymru roi sylw dyladwy i'r adroddiad safonau wrth benderfynu ai i arfer ai peidio y pwerau sydd wedi eu rhoi iddynt gan y Rhan hon, a sut i wneud hynny.

- (b) may send a copy of the report to any other person whom the Commissioner considers to have an interest in the report.
- (5) In this section “relevant person” means –
- (a) in the case of a standards investigation relating to a particular person, that person;
 - (b) in the case of a standards investigation relating to a group of persons, such persons –
 - (i) who appear to the Commissioner to be members of the group, and
 - (ii) to whom the Commissioner thinks it appropriate to give a copy of the report.

Welsh Ministers' power of direction

65 Direction to carry out standards investigation

- (1) This section applies if the Welsh Ministers exercise their powers under section 16 to direct the Commissioner so as to direct him or her to carry out a standards investigation in respect of a person or group of persons.
- (2) The direction must specify the following matters –
 - (a) the person or group of persons in respect of which the investigation is to be carried out;
 - (b) the subject matter of the investigation;
 - (c) the reasons why the Welsh Ministers consider that the Commissioner should conduct the standards investigation;
 - (d) the period (which must be no shorter than six months) within which the Commissioner must carry out the standards investigation.
- (3) Subsection (2) does not prevent the direction from specifying other matters.

Regard to be had to standards report

66 Welsh Ministers to have due regard to report

- (1) This section applies if the Commissioner has carried out a standards investigation and produced a standards report (whether or not at the direction or request of the Welsh Ministers).
- (2) The Welsh Ministers must have due regard to the standards report in deciding whether, and how, to exercise the powers conferred on them by this Part.

PENNOD 9**CYFFREDINOL***Eithrio darlledu***67 Eithrio darlledu**

(1) Nid yw'r Mesur hwn—

- (a) yn ei gwneud yn ofynnol, na
- (b) yn awdurdodi person i'w gwneud yn ofynnol,

i berson gydymffurfio â safon os yw'r safon honno, ac i'r graddau y mae'r safon honno, yn ymwneud â darlledu.

(2) Yn yr adran hon—

- (a) ystyr “darlledu” yw comisiynu, cynhyrchu, amserlennu, trawsyrru neu ddsbarthu rhaglenni (gan gynnwys hysbysebion, is-deitlau, cyhoeddiadau cyswllt a theletestun), gwasanaethau mynediad, rhyngweithgarwch, cynnwys ar-lein ac allbwn arall tebyg ei natur ar gyfer y teledu, y radio, y rhyngwrwyd neu lwyfannau ar-lein neu ddi-wifr eraill;
- (b) ond nid yw cyfeiriadau at ddarlledu yn cynnwys unrhyw weithgaredd a gyflawnir mewn cysylltiad â darlledu (onid darlledu yw'r gweithgaredd ei hun).

*Codau ymarfer***68 Codau ymarfer**

- (1) Caiff y Comisiynydd ddyroddi codau ymarfer at ddiben darparu canllawiau ymarferol am ofynion unrhyw safonau a bennir gan Weinidogion Cymru o dan adran 26(1) (“codau ymarfer safonau”).
- (2) Caiff y Comisiynydd adolygu codau ymarfer safonau neu eu tynnu'n ôl.
- (3) Rhaid i'r Comisiynydd beidio â dyroddi, adolygu neu dynnu'n ôl god ymarfer safonau heb gydsyniad Gweinidogion Cymru.
- (4) Cyn ceisio'r cydsyniad hwnnw, rhaid i'r Comisiynydd ymgynghori—
 - (a) â'r personau y mae'n ofynnol iddynt gydymffurfio â'r safon neu â'r safonau y mae'r cod ymarfer yn ymwneud â hi neu â hwy, a
 - (b) â'r Panel Cyngori.
- (5) Pan fo cod ymarfer yn cael ei ddyroddi gan y Comisiynydd, rhaid i'r Comisiynydd hefyd ddyroddi hysbysiad ysgrifenedig—
 - (a) sy'n nodi pa god sydd dan sylw ac sy'n datgan dyddiad y dyroddi, a
 - (b) sy'n pennu safon neu safonau y mae'r cod yn ymwneud â hi neu â hwy.
- (6) Pan fo'r Comisiynydd yn tynnu cod ymarfer yn ôl, rhaid i'r Comisiynydd ddyroddi hysbysiad ysgrifenedig sy'n nodi'r cod dan sylw ac yn datgan y dyddiad y mae'r cod i beidio â bod yn effeithiol.

CHAPTER 9**GENERAL***Exception for broadcasting***67 Exception for broadcasting**

- (1) This Measure –
 - (a) does not require, and
 - (b) does not authorise a person to require,a person to comply with a standard if, and to the extent that, the standard relates to broadcasting.
- (2) In this section –
 - (a) “broadcasting” means the commissioning, production, scheduling, transmission or distribution of programmes (including advertisements, subtitles, continuity announcements and teletext), access services, interactivity, online content and other output of a similar nature for television, radio, the internet or other online or wireless platforms;
 - (b) but references to broadcasting do not include any activity that is carried out in connection with broadcasting (unless the activity is itself broadcasting).

*Codes of practice***68 Codes of practice**

- (1) The Commissioner may issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards specified by the Welsh Ministers under section 26(1) (“standards codes of practice”).
- (2) The Commissioner may revise or withdraw standards codes of practice.
- (3) The Commissioner must not issue, revise or withdraw a standards code of practice without the consent of the Welsh Ministers.
- (4) Before seeking that consent, the Commissioner must consult –
 - (a) persons who are required to comply with the standard or standards to which the code of practice relates, and
 - (b) the Advisory Panel.
- (5) Where a code of practice is issued or revised by the Commissioner, the Commissioner must also issue a notice in writing –
 - (a) identifying the code in question and stating the date of issue, and
 - (b) specifying to which standard or standards the code relates.
- (6) Where the Commissioner withdraws a code of practice, the Commissioner must issue a notice in writing identifying the code in question and stating the date on which the code is to cease to have effect.

69 Methiant i gydymffurfio â chodau

- (1) Nid yw methiant person i gydymffurfio â darpariaeth mewn cod ymarfer a gymeradwywyd yn peri i'r person hwnnw fod yn agored i gamau gorfodi o unrhyw fath.
- (2) Ond os cymerir unrhyw gamau o dan y Mesur hwn mewn perthynas â methiant person (P) i gydymffurfio â safon ("y methiant safonau honedig")—
 - (a) caniateir dibynnu ar fethiant P i gydymffurfio â darpariaeth berthnasol mewn cod ymarfer a gymeradwywyd fel rhywbeth sy'n tueddu i gadarnhau bod P yn atebol am y methiant safonau honedig, a
 - (b) caniateir dibynnu ar gydymffurfedd â darpariaeth berthnasol mewn cod ymarfer a gymeradwywyd fel rhywbeth sy'n tueddu i gadarnhau nad yw P yn atebol am y methiant safonau honedig.
- (3) Mae cyfeiriadau yn yr adran hon at god ymarfer a gymeradwywyd yn gyfeiriadau—
 - (a) at god ymarfer safonau fel y mae'n effeithiol am y tro, a
 - (b) pan fo cod ymarfer safonau wedi ei adolygu, at y cod hwnnw fel y'i hadolygwyd fel y mae'n effeithiol am y tro.

*Dehongli***70 Dehongli**

- (1) Yn y Rhan hon—
 - (a) mae cyfeiriadau at fod person yn agored i orfod cydymffurfio â safonau i'w darllen yn unol ag adran 33;
 - (b) mae cyfeiriadau at gofnod person yn y tabl yn Atodlen 6 neu'r tabl yn Atodlen 8 i'w darllen yn unol ag adran 34;
 - (c) mae cyfeiriadau at fod safon yn gymwysadwy i berson i'w darllen yn unol ag adrannau 36 a 37;
 - (d) mae cyfeiriadau at fod safon yn benodol gymwys i berson i'w darllen yn unol ag adran 39.

69 Failure to comply with codes

- (1) A person's failure to comply with a provision of an approved code of practice does not render that person liable to enforcement action of any kind.
- (2) But if any action under this Measure is taken in respect of a failure of a person (P) to comply with a standard ("the alleged standards failure") –
 - (a) a failure by P to comply with a relevant provision of an approved code of practice may be relied upon as tending to establish that P is liable for the alleged standards failure, and
 - (b) compliance with a relevant provision of an approved code of practice may be relied upon as tending to establish that P is not liable for the alleged standards failure.
- (3) References in this section to an approved code of practice are references –
 - (a) to a standards code of practice as it has effect for the time being, and
 - (b) where a standards code of practice has been revised, to that code as revised as it has effect for the time being.

*Interpretation***70 Interpretation**

- (1) In this Part –
 - (a) references to a person being liable to be required to comply with standards are to be read in accordance with section 33;
 - (b) references to a person's entry in the Schedule 6 table or the Schedule 8 table are to be read in accordance with section 34;
 - (c) references to a standard being potentially applicable to a person are to be read in accordance with sections 36 and 37;
 - (d) references to a standard being specifically applicable to a person are to be read in accordance with section 39.
- (2) In this Part –
 - "Schedule 5 table" means the table in Schedule 5;
 - "Schedule 6 table" means the table in Schedule 6;
 - "Schedule 7 table" means the table in Schedule 7;
 - "Schedule 8 table" means the table in Schedule 8.

RHAN 5**GORFODI SAFONAU****PENNOD 1****YMCHWILIO I FETHIANT I GYDYMFFURFIO Â SAFONAU ETC***Ymchwiliadau***71 Ymchwilio i fethiant i gydymffurfio â safonau etc**

- (1) Caiff y Comisiynydd ymchwilio i a yw person (D) wedi methu â chydymffurfio â gofyniad perthnasol.
- (2) Yn y Rhan hon, ystyr “gofyniad perthnasol” yw unrhyw un neu ragor o'r canlynol—
 - (a) dyletswydd i gydymffurfio â safon a bennir gan Weinidogion Cymru (gweler adran 25);
 - (b) gofyniad a gynhwysir mewn hysbysiad penderfynu yn rhinwedd adran 79 (gofyniad i baratoi cynllun gweithredu, neu i gymryd camau);
 - (c) cynllun gweithredu (gweler adrannau 79 a 80);
 - (d) gofyniad a gynhwysir mewn hysbysiad penderfynu yn rhinwedd adran 82 (rhoi cyhoeddusrwydd i fethiant i gydymffurfio).
- (3) Os dyletswydd i gydymffurfio â safon yw'r gofyniad perthnasol, dim ond os yw'n amau bod D wedi methu â chydymffurfio â'r gofyniad perthnasol y caiff y Comisiynydd gynnal ymchwiliad o dan yr adran hon.
- (4) Mae Atodlen 10 yn gwneud darpariaeth bellach ynglŷn ag ymchwiliadau.

72 Terfynu ymchwiliad

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn cynnal ymchwiliad o dan adran 71.
- (2) Caiff y Comisiynydd derfynu'r ymchwiliad ar unrhyw adeg.
- (3) Os yw'r Comisiynydd yn penderfynu terfynu'r ymchwiliad, rhaid i'r Comisiynydd—
 - (a) hysbysu pob person a chanddo fuddiant, a
 - (b) hysbysu D o'r rhesymau dros ddod i'r penderfyniad.
- (4) Rhaid i'r Comisiynydd gydymffurfio ag is-adran (3) cyn gynted ag y bo'n ymarferol ar ôl dod i'r penderfyniad.

*Dyfarnu ar ymchwiliad***73 Dyfarnu ar ymchwiliad**

- (1) Mae'r adran hon yn gymwys—
 - (a) os yw'r Comisiynydd yn cynnal ymchwiliad o dan adran 71, a
 - (b) os nad yw'r Comisiynydd yn terfynu'r ymchwiliad.

PART 5**ENFORCEMENT OF STANDARDS****CHAPTER 1****INVESTIGATING FAILURE TO COMPLY WITH STANDARDS ETC***Investigations***71 Investigating failure to comply with standards etc**

- (1) The Commissioner may investigate whether a person (D) has failed to comply with a relevant requirement.
- (2) In this Part, “relevant requirement” means any of the following—
 - (a) a duty to comply with a standard specified by the Welsh Ministers (see section 25);
 - (b) a requirement included in a decision notice by virtue of section 79 (requirement to prepare action plan or take steps);
 - (c) an action plan (see sections 79 and 80);
 - (d) a requirement included in a decision notice by virtue of section 82 (publicising failure to comply).
- (3) If the relevant requirement is a duty to comply with a standard, the Commissioner may undertake an investigation under this section only if he or she suspects that D has failed to comply with the relevant requirement.
- (4) Schedule 10 makes further provision about investigations.

72 Discontinuing an investigation

- (1) This section applies if the Commissioner undertakes an investigation under section 71.
- (2) The Commissioner may, at any time, discontinue the investigation.
- (3) If the Commissioner decides to discontinue the investigation, the Commissioner must—
 - (a) inform each interested person, and
 - (b) inform D of the reasons for reaching the decision.
- (4) The Commissioner must comply with subsection (3) as soon as practicable after reaching the decision.

*Determination of investigation***73 Determination of investigation**

- (1) This section applies if—
 - (a) the Commissioner undertakes an investigation under section 71, and
 - (b) does not discontinue the investigation.

- (2) Rhaid i'r Comisiynydd ddyfarnu a yw D wedi methu â chydymffurfio â'r gofyniad perthnasol ai peidio.
- (3) Rhaid i'r Comisiynydd –
 - (a) llunio adroddiad ar yr ymchwiliad, a
 - (b) rhoi copi o'r adroddiad ar yr ymchwiliad i bob person a chanddo fuddiant.
- (4) Rhaid i'r Comisiynydd –
 - (a) rhoi hysbysiad penderfynu i D, a
 - (b) rhoi copi o'r hysbysiad penderfynu i bob person arall a chanddo fuddiant.
- (5) Mae'r adran hon yn ddarostyngedig i adran 85.

Adroddiadau ar ymchwiliadau

74 Adroddiadau ar ymchwiliadau

- (1) Yn y Mesur hwn, ystyr “adroddiad ar ymchwiliad” yw adroddiad ar ymchwiliad o dan adran 71 sy'n cynnwys pob un o'r canlynol –
 - (a) cylch gorchwyl yr ymchwiliad;
 - (b) crynodeb o'r dystiolaeth a gymerwyd yn ystod yr ymchwiliad;
 - (c) canfyddiadau'r Comisiynydd ar yr ymchwiliad;
 - (d) dyfarniad y Comisiynydd ar a yw D wedi methu â chydymffurfio â'r gofyniad perthnasol ai peidio;
 - (e) datganiad ar a yw'r Comisiynydd am weithredu ymhellach;
 - (f) os yw'r Comisiynydd am weithredu ymhellach, datganiad ar y gweithredu hwnnw.
- (2) Nid yw is-adran (1) yn atal y Comisiynydd rhag cynnwys materion eraill mewn adroddiad ar ymchwiliad.

Hysbysiadau penderfynu

75 Hysbysiadau penderfynu

- (1) Yn y Mesur hwn ystyr “hysbysiad penderfynu” yw hysbysiad sy'n datgan dyfarniad y Comisiynydd ar a yw D wedi methu â chydymffurfio â'r gofyniad perthnasol ai peidio.
- (2) Nid yw is-adran (1) yn atal hysbysiad penderfynu rhag cynnwys materion eraill (ac mae darpariaethau penodol yn y Rhan hon yn ei gwneud yn ofynnol i faterion eraill gael eu cynnwys mewn amgylchiadau penodol).

Dim methiant i gydymffurfio: opsiynau'r Comisiynydd

76 Dim methiant i gydymffurfio â gofyniad perthnasol

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn dyfarnu nad yw D wedi methu â chydymffurfio â gofyniad perthnasol.
- (2) Caiff y Comisiynydd –

- (2) The Commissioner must determine whether or not D has failed to comply with the relevant requirement.
- (3) The Commissioner must –
 - (a) produce an investigation report, and
 - (b) give a copy of the investigation report to each interested person.
- (4) The Commissioner must –
 - (a) give D a decision notice, and
 - (b) give a copy of the decision notice to any other interested person.
- (5) This section is subject to section 85.

Investigation reports

74 Investigation reports

- (1) In this Measure, “investigation report” means a report on an investigation under section 71 which includes all of the following –
 - (a) the terms of reference of the investigation;
 - (b) a summary of the evidence taken during the investigation;
 - (c) the Commissioner's findings on the investigation;
 - (d) the Commissioner's determination of whether or not D has failed to comply with the relevant requirement;
 - (e) a statement of whether the Commissioner is taking further action;
 - (f) if the Commissioner is taking further action, a statement of that action.
- (2) Subsection (1) does not prevent the Commissioner from including other matters in an investigation report.

Decision notices

75 Decision notices

- (1) In this Measure “decision notice” means a notice that states the Commissioner's determination of whether or not D has failed to comply with the relevant requirement.
- (2) Subsection (1) does not prevent a decision notice from including other matters (and certain provisions of this Part require a decision notice to include other matters in certain circumstances).

No failure to comply: Commissioner's options

76 No failure to comply with a relevant requirement

- (1) This section applies if the Commissioner determines that D has not failed to comply with a relevant requirement.
- (2) The Commissioner may –

- (a) peidio â gweithredu ymhellach, neu
 - (b) gweithredu o dan is-adran (3).
- (3) Caiff y Comisiynydd wneud un neu ragor o'r pethau a ganlyn –
- (a) rhoi argymhellion i D neu i unrhyw berson arall;
 - (b) rhoi cyngor i D neu i unrhyw berson arall.
- (4) Os yw'r ymchwiliad a arweiniodd at y dyfarniad yn dilyn cwyn a wnaed o dan adran 93, rhaid i'r hysbysiad penderfynu perthnasol roi gwybod i'r person a wnaeth y gŵyn am yr hawl i apelio o dan adran 99.
- (5) Mae'r adran hon yn ddarostyngedig i adran 85.
- (6) Yn yr adran hon ystyr "hysbysiad penderfynu perthnasol" yw'r hysbysiad penderfynu y mae adran 73 yn ei gwneud yn ofynnol i'r Comisiynydd ei roi i'r person a wnaeth y gŵyn o dan adran 93.

Methiant i gydymffurfio: opsiynau'r Comisiynydd

77 Methiant i gydymffurfio â gofyniad perthnasol

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn dyfarnu bod D wedi methu â chydymffurfio â gofyniad perthnasol.
- (2) Caiff y Comisiynydd –
- (a) beidio â gweithredu ymhellach,
 - (b) gweithredu o dan is-adran (3), neu
 - (c) gweithredu o dan is-adran (4).
- (3) Caiff y Comisiynydd wneud un neu ragor o'r pethau a ganlyn –
- (a) ei gwneud yn ofynnol i D baratoi cynllun gweithredu at y diben o atal methiant D i gydymffurfio â'r gofyniad perthnasol rhag parhau neu gael ei ailadrodd;
 - (b) ei gwneud yn ofynnol i D gymryd camau at y diben o atal methiant D i gydymffurfio â'r gofyniad perthnasol rhag parhau neu gael ei ailadrodd;
 - (c) rhoi cyhoeddusrwydd i fethiant D i gydymffurfio â'r gofyniad perthnasol;
 - (d) ei gwneud yn ofynnol i D roi cyhoeddusrwydd i'r methiant i gydymffurfio â'r gofyniad perthnasol;
 - (e) gosod cosb sifil ar D.
- (4) Caiff y Comisiynydd wneud un neu ragor o'r pethau a ganlyn –
- (a) rhoi argymhellion i D neu i unrhyw berson arall;
 - (b) rhoi cyngor i D neu i unrhyw berson arall;
 - (c) ceisio ymrwymo mewn cytundeb setlo gyda D (gweler Pennod 2), ond dim ond os dyletswydd i gydymffurfio â safon yw'r gofyniad perthnasol.
- (5) Os yw'r Comisiynydd yn ceisio ymrwymo mewn cytundeb setlo gyda D –
- (a) nid oes gorfodaeth ar D i ymrwymo yn y cytundeb hwnnw;

- (a) take no further action, or
 - (b) act under subsection (3).
- (3) The Commissioner may do one or more of the following things –
- (a) give D or any other person recommendations;
 - (b) give D or any other person advice.
- (4) If the investigation that led to the determination follows a complaint under section 93, the relevant decision notice must inform the person who made the complaint of the right to appeal under section 99.
- (5) This section is subject to section 85.
- (6) In this section, “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to the person who made the complaint under section 93.

Failure to comply: Commissioner's options

77 Failure to comply with a relevant requirement

- (1) This section applies if the Commissioner determines that D has failed to comply with a relevant requirement.
- (2) The Commissioner may –
- (a) take no further action,
 - (b) act under subsection (3), or
 - (c) act under subsection (4).
- (3) The Commissioner may do one or more of the following things –
- (a) require D to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (b) require D to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (c) publicise D's failure to comply with the relevant requirement;
 - (d) require D to publicise the failure to comply with the relevant requirement;
 - (e) impose a civil penalty on D.
- (4) The Commissioner may do one or more of the following things –
- (a) give D or any other person recommendations;
 - (b) give D or any other person advice;
 - (c) seek to enter into a settlement agreement with D (see Chapter 2), but only if the relevant requirement is a duty to comply with a standard.
- (5) If the Commissioner seeks to enter into a settlement agreement with D –
- (a) D is not obliged to enter into such an agreement;

- (b) os yw D yn gwrthod ymrwymo mewn cytundeb setlo, caiff y Comisiynydd arfer ei bwerau o dan yr adran hon mewn modd gwahanol, ond nid oes angen iddo wneud hynny.
- (6) Os yw'r Comisiynydd yn gweithredu o dan is-adran (3), nid yw is-adrannau (2) a (3) yn atal y Comisiynydd rhag gwneud hefyd y naill neu'r llall neu'r naill a'r llall o'r canlynol—
 - (a) rhoi argymhellion i D neu i unrhyw berson arall;
 - (b) rhoi cyngor i D neu i unrhyw berson arall.
- (7) Mae'r adran hon yn ddarostyngedig i adran 85.

Dim camau gorfodi gosodedig

78 Dim camau gorfodi gosodedig

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd—
 - (a) yn dyfarnu bod D wedi methu â chydymffurfio â gofyniad perthnasol, ond
 - (b) yn penderfynu—
 - (i) peidio â gweithredu ymhellach, neu
 - (ii) gweithredu o dan adran 77(4).
- (2) Rhaid i'r hysbysiad penderfynu perthnasol roi rhesymau'r Comisiynydd dros benderfynu—
 - (a) peidio â gweithredu ymhellach, neu
 - (b) gweithredu o dan adran 77(4) ac nid o dan adran 77(3).
- (3) Mae'r adran hon yn ddarostyngedig i adran 85.
- (4) Yn yr adran hon, ystyr "hysbysiad penderfynu perthnasol" yw'r hysbysiad y mae adran 73 yn ei gwneud yn ofynnol i'r Comisiynydd ei roi i D.

Atal methiant D i gydymffurfio rhag parhau neu gael ei ailadrodd

79 Gofyniad i baratoi cynllun gweithredu neu i gymryd camau

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd—
 - (a) yn dyfarnu bod D wedi methu â chydymffurfio â gofyniad perthnasol, a
 - (b) yn penderfynu ei gwneud yn ofynnol i D wneud un o'r pethau a ganlyn neu'r ddau ohonynt—
 - (i) paratoi cynllun gweithredu at y diben o atal methiant D i gydymffurfio â'r gofyniad perthnasol rhag parhau neu gael ei ailadrodd;
 - (ii) cymryd camau at y diben o atal methiant D i gydymffurfio â'r gofyniad perthnasol rhag parhau neu gael ei ailadrodd.
- (2) Rhaid i'r hysbysiad penderfynu perthnasol ddatgan yr hyn y mae'r Comisiynydd yn ei gwneud yn ofynnol i D ei wneud.
- (3) Os yw'r Comisiynydd yn ei gwneud yn ofynnol i D baratoi cynllun gweithredu, rhaid i'r hysbysiad penderfynu perthnasol bennu o fewn pa gyfnod y mae'n rhaid i D—

- (b) if D declines to enter into a settlement agreement, the Commissioner may, but need not, exercise his or her powers under this section differently.
- (6) If the Commissioner acts under subsection (3), subsections (2) and (3) do not prevent the Commissioner from also doing either or both of the following—
 - (a) giving D or any other person recommendations;
 - (b) giving D or any other person advice.
- (7) This section is subject to section 85.

No imposed enforcement action

78 No imposed enforcement action

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, but
 - (b) decides—
 - (i) to take no further action, or
 - (ii) to act under section 77(4).
- (2) The relevant decision notice must give the Commissioner's reasons for deciding—
 - (a) to take no further action, or
 - (b) to act under section 77(4) and not under section 77(3).
- (3) This section is subject to section 85.
- (4) In this section “relevant decision notice” means the notice which the Commissioner is required by section 73 to give to D.

Preventing continuation or repetition of D's failure

79 Requirement to prepare action plan or take steps

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, and
 - (b) decides to require D to do either or both of the following—
 - (i) to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement;
 - (ii) to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement.
- (2) The relevant decision notice must set out what the Commissioner requires D to do.
- (3) If the Commissioner requires D to prepare an action plan, the relevant decision notice must specify the period within which D must—

- (a) llunio cynllun drafft cyntaf, a
 - (b) rhoi'r drafft hwnnw i'r Comisiynydd.
- (4) Rhaid i'r hysbysiad penderfynu perthnasol hysbysu D—
- (a) o'r canlyniadau os nad yw D yn cydymffurfio â gofyniad sydd wedi ei gynnwys yn yr hysbysiad yn rhinwedd yr adran hon; a
 - (b) o'r hawl i apelio o dan adran 95.
- (5) Mae'r adran hon yn ddarostyngedig i adran 85.
- (6) Yn yr adran hon ystyr "hysbysiad penderfynu perthnasol" yw'r hysbysiad y mae adran 73 yn ei gwneud yn ofynnol i'r Comisiynydd ei roi i D.

80 Cynlluniau gweithredu

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn rhoi hysbysiad penderfynu i D sy'n ei gwneud yn ofynnol i D baratoi cynllun gweithredu.
- (2) Rhaid i D roi cynllun drafft cyntaf i'r Comisiynydd o fewn y cyfnod a bennir yn yr hysbysiad penderfynu.
- (3) Ar ôl i gynllun drafft cyntaf ddod i law oddi wrth berson rhaid i'r Comisiynydd—
- (a) ei gymeradwyo, neu
 - (b) rhoi i'r person hysbysiad—
 - (i) sy'n datgan nad yw'r drafft yn ddigonol,
 - (ii) sy'n ei gwneud yn ofynnol i'r person roi drafft diwygiedig i'r Comisiynydd erbyn amser penodedig, a
 - (iii) sy'n nodi y caniateir iddo wneud argymhellion ynghylch cynnwys y drafft diwygiedig.
- (4) Mae is-adran (3) yn gymwys mewn perthynas â chynllun drafft diwygiedig fel y mae'n gymwys mewn perthynas â chynllun drafft cyntaf.
- (5) Daw cynllun gweithredu i rym—
- (a) ar ddiwedd cyfnod o chwe wythnos yn dechrau ar y dyddiad y rhoddir drafft cyntaf neu ddrafft diwygiedig i'r Comisiynydd, os daw'r cyfnod hwnnw i ben heb i'r Comisiynydd—
 - (i) rhoi hysbysiad o dan is-adran (3)(b), neu
 - (ii) gwneud cais am orchymyn o dan is-adran (6)(b), neu
 - (b) ar yr adeg pryd y bydd llys yn gwrthod gwneud gorchymyn o dan is-adran (6)(b) mewn perthynas â drafft diwygiedig o'r cynllun.
- (6) Caiff y Comisiynydd wneud cais i lys sirol—
- (a) am orchymyn sy'n ei gwneud yn ofynnol i berson roi cynllun drafft cyntaf i'r Comisiynydd erbyn amser a bennir yn y gorchymyn; neu
 - (b) am orchymyn sy'n ei gwneud yn ofynnol i berson sydd wedi rhoi cynllun drafft diwygiedig i'r Comisiynydd baratoi a rhoi cynllun drafft diwygiedig pellach i'r Comisiynydd—
 - (i) erbyn amser a bennir yn y gorchymyn, a

- (a) produce a first draft plan, and
 - (b) give that draft to the Commissioner.
- (4) The relevant decision notice must inform D of—
- (a) the consequences if D does not comply with a requirement included in the notice by virtue of this section; and
 - (b) the right to appeal under section 95.
- (5) This section is subject to section 85.
- (6) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.

80 Action plans

- (1) This section applies if the Commissioner gives D a decision notice which requires D to prepare an action plan.
- (2) D must give a first draft plan to the Commissioner within the period specified in the decision notice.
- (3) After receiving a first draft plan from a person the Commissioner must—
- (a) approve it, or
 - (b) give the person a notice which—
 - (i) states that the draft is not adequate,
 - (ii) requires the person to give the Commissioner a revised draft by a specified time, and
 - (iii) may make recommendations about the content of the revised draft.
- (4) Subsection (3) applies in relation to a revised draft plan as it applies in relation to a first draft plan.
- (5) An action plan comes into force—
- (a) at the end of the period of six weeks beginning with the date on which a first draft or revised draft is given to the Commissioner, if that period expires without the Commissioner—
 - (i) giving a notice under subsection (3)(b), or
 - (ii) applying for an order under subsection (6)(b), or
 - (b) upon a court's declining to make an order under subsection (6)(b) in relation to a revised draft of the plan.
- (6) The Commissioner may apply to a county court—
- (a) for an order requiring a person to give the Commissioner a first draft plan by a time specified in the order; or
 - (b) for an order requiring a person who has given the Commissioner a revised draft plan to prepare and give to the Commissioner a further revised draft plan—
 - (i) by a time specified in the order, and

- (ii) yn unol ag unrhyw gyfarwyddiadau ynghylch cynnwys y cynllun a bennir yn y gorchymyn.
- (7) Caniateir i gynllun gweithredu gael ei amrywio drwy gytundeb rhwng y Comisiynydd a'r person a'i paratôdd.
- (8) Mae paragraffau 5 i 12 o Atodlen 10 yn gymwys mewn perthynas â bod y Comisiynydd yn ystyried a yw cynllun gweithredu drafft yn ddigonol fel y mae'r paragraffau hynny'n gymwys mewn perthynas â chynnal ymchwiliad.

Rhoi cyhoeddusrwydd i fethiant D i gydymffurfio

81 Rhoi cyhoeddusrwydd i fethiant i gydymffurfio

- (1) Yn y Mesur hwn, mae cyfeiriadau at fod y Comisiynydd yn rhoi cyhoeddusrwydd i fethiant D i gydymffurfio â'r gofyniad perthnasol yn gyfeiriadau at fod y Comisiynydd yn gwneud y naill neu'r llall o'r canlynol neu'r naill a'r llall o'r canlynol –
- cyhoeddi datganiad yn dweud bod D wedi methu â chydymffurfio â'r gofyniad perthnasol;
 - cyhoeddi'r adroddiad ar yr ymchwiliad a luniwyd mewn perthynas â'r ymchwiliad i D.
- (2) Yn y Mesur hwn, mae cyfeiriadau at fod gofyn i D roi cyhoeddusrwydd i'r methiant i gydymffurfio â'r gofyniad perthnasol yn gyfeiriadau at fod gofyn i D roi cyhoeddusrwydd i unrhyw un neu ragor neu'r oll o'r canlynol –
- datganiad bod D wedi methu â chydymffurfio â'r gofyniad perthnasol;
 - yr adroddiad ar yr ymchwiliad a luniwyd mewn perthynas â'r ymchwiliad i D;
 - gwybodaeth arall sy'n ymwneud â methiant D i gydymffurfio â'r gofyniad perthnasol.

82 Ei gwneud yn ofynnol rhoi cyhoeddusrwydd i'r methiant i gydymffurfio

- (1) Mae'r adran hon yn gymwys os bydd y Comisiynydd –
- yn dyfarnu bod D wedi methu â chydymffurfio â'r gofyniad perthnasol, a
 - yn penderfynu gwneud y naill neu'r llall o'r canlynol neu'r naill a'r llall o'r canlynol –
 - rhoi cyhoeddusrwydd i fethiant D i gydymffurfio â'r gofyniad perthnasol;
 - ei gwneud yn ofynnol i D roi cyhoeddusrwydd i'r methiant i gydymffurfio â'r gofyniad perthnasol.
- (2) Rhaid i'r hysbysiad penderfynu perthnasol ddatgan yr hyn y mae'r Comisiynydd –
- i'w wneud er mwyn rhoi cyhoeddusrwydd i fethiant D;
 - yn ei gwneud yn ofynnol i D ei wneud er mwyn rhoi cyhoeddusrwydd i'r methiant.
- (3) Rhaid i'r hysbysiad penderfynu perthnasol roi gwybod i D –
- beth fydd y canlyniadau os na fydd D yn cydymffurfio â gofyniad sydd wedi ei gynnwys yn yr hysbysiad yn rhinwedd yr adran hon; a

- (ii) in accordance with any directions about the plan's content specified in the order.
- (7) An action plan may be varied by agreement between the Commissioner and the person who prepared it.
- (8) Paragraphs 5 to 12 of Schedule 10 apply in relation to consideration by the Commissioner of the adequacy of a draft action plan as they apply in relation to the conduct of an investigation.

Publicising D's failure to comply

81 Publicising the failure to comply

- (1) In this Measure, references to the Commissioner publicising D's failure to comply with the relevant requirement are to the Commissioner doing either or both of the following—
 - (a) publishing a statement that D has failed to comply with the relevant requirement;
 - (b) publishing the investigation report produced in relation to the investigation of D.
- (2) In this Measure, references to D being required to publicise the failure to comply with the relevant requirement are to D being required to publicise any or all of the following—
 - (a) a statement that D has failed to comply with the relevant requirement;
 - (b) the investigation report produced in relation to the investigation of D;
 - (c) other information relating to D's failure to comply with the relevant requirement.

82 Requiring the failure to comply to be publicised

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, and
 - (b) decides to do either or both of the following—
 - (i) publicise D's failure to comply with the relevant requirement;
 - (ii) require D to publicise the failure to comply with the relevant requirement.
- (2) The relevant decision notice must set out what the Commissioner—
 - (a) is to do to publicise D's failure;
 - (b) requires D to do to publicise the failure.
- (3) The relevant decision notice must inform D of—
 - (a) the consequences if D does not comply with a requirement included in the notice by virtue of this section; and

- (b) am yr hawl i apelio o dan adran 95.
- (4) Mae'r adran hon yn ddarostyngedig i adran 85.
- (5) Yn yr adran hon ystyr "hysbysiad penderfynu perthnasol" yw'r hysbysiad penderfynu y mae adran 73 yn ei gwneud yn ofynnol i'r Comisiynydd ei roi i D.

Cosbau sifil

83 Cosbau sifil

- (1) Rhaid i'r Comisiynydd roi sylw i'r materion a nodir yn is-adran (2) pan fydd yn penderfynu—
 - (a) ai i roi cosb sifil i unrhyw berson ai peidio, a
 - (b) ynghylch swm unrhyw gosb sifil.
- (2) Y canlynol yw'r materion hynny—
 - (a) pa mor ddifrifol yw'r mater y mae'r gosb sifil i'w rhoi mewn cysylltiad ag ef;
 - (b) amgylchiadau'r person y mae'r gosb sifil i'w rhoi iddo;
 - (c) yr angen am atal parhau neu ailadrodd y mater y mae'r gosb sifil i'w rhoi mewn cysylltiad ag ef.
- (3) Nid yw is-adran (1) yn atal y Comisiynydd rhag rhoi sylw i faterion eraill.
- (4) Rhaid i gosb sifil beidio â bod yn fwy na £5,000.
- (5) Mae cosb sifil yn adferadwy gan y Comisiynydd fel dyled sy'n ddyladwy i'r Comisiynydd.
- (6) Rhaid i'r Comisiynydd dalu'r holl gosbau sifil sy'n dod i law i Gronfa Gyfunol Cymru.
- (7) Caiff Gweinidogion Cymru, drwy orchymyn, roi swm gwahanol yn lle'r swm sydd wedi ei bennu o bryd i'w gilydd yn is-adran (4).
- (8) Yn yr adran hon ystyr "cosb sifil" yw unrhyw gosb sifil y caiff y Comisiynydd ei rhoi.

84 Rhoi cosb sifil

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd—
 - (a) yn dyfarnu bod D wedi methu â chydymffurfio â gofyniad perthnasol, a
 - (b) yn penderfynu rhoi cosb sifil i D.
- (2) Rhaid i'r hysbysiad penderfynu perthnasol ddatgan—
 - (a) y gosb sifil y mae'r Comisiynydd wedi penderfynu ei rhoi;
 - (b) sut y caniateir i'r gosb sifil gael ei thalu;
 - (c) y cyfnod y mae'n rhaid talu'r gosb sifil cyn iddo ddod i ben (ac y mae'n rhaid iddo fod yn gyfnod o ddim llai na 28 o ddiwrnodau).
- (3) Rhaid i hysbysiad penderfynu perthnasol roi gwybod hefyd i D—
 - (a) beth fydd y canlyniadau os na fydd D yn talu'r gosb sifil; a

- (b) the right to appeal under section 95.
- (4) This section is subject to section 85.
- (5) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.

Civil penalties

83 Civil penalties

- (1) The Commissioner must have regard to the matters set out in subsection (2) when determining—
 - (a) whether to impose a civil penalty on any person, and
 - (b) the amount of any civil penalty.
- (2) Those matters are—
 - (a) the seriousness of the matter in respect of which the civil penalty is to be imposed;
 - (b) the circumstances of the person on whom the civil penalty is to be imposed;
 - (c) the need to prevent the continuation or repetition of the matter in respect of which the civil penalty is to be imposed.
- (3) Subsection (1) does not prevent the Commissioner from having regard to other matters.
- (4) A civil penalty must not exceed £5,000.
- (5) A civil penalty is recoverable by the Commissioner as a debt due to the Commissioner.
- (6) The Commissioner must pay all civil penalties received by him or her into the Welsh Consolidated Fund.
- (7) The Welsh Ministers may, by order, substitute a different amount for the amount that is specified for the time being in subsection (4).
- (8) In this section “civil penalty” means any civil penalty that may be imposed by the Commissioner.

84 Imposition of civil penalty

- (1) This section applies if the Commissioner—
 - (a) determines that D has failed to comply with a relevant requirement, and
 - (b) decides to impose a civil penalty on D.
- (2) The relevant decision notice must—
 - (a) set out the civil penalty which the Commissioner has decided to impose;
 - (b) set out how the civil penalty may be paid;
 - (c) set out the period within which the civil penalty must be paid (which must be a period of not less than 28 days).
- (3) The relevant decision notice must also inform D of—
 - (a) the consequences if D does not pay the civil penalty; and

- (b) am yr hawl i apelio o dan adran 95.
- (4) Mae'r adran hon yn ddarostyngedig i adran 85.
- (5) Yn yr adran hon ystyr "hysbysiad penderfynu perthnasol" yw'r hysbysiad penderfynu y mae adran 73 yn ei gwneud yn ofynnol i'r Comisiynydd ei roi i D.

Ymgynghori

85 Ymgynghori cyn dyfarnu'n derfynol etc

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn ymgymryd ag ymchwiliad o dan adran 71.
- (2) Cyn dyfarnu'n derfynol ynghylch a yw D wedi methu â chydymffurfio â'r gofyniad perthnasol ai peidio, rhaid i'r Comisiynydd roi i bob person a chanddo fuddiant hysbysiad o'r dyfarniad y mae'r Comisiynydd yn bwriadu ei roi.
- (3) Cyn penderfynu'n derfynol pa weithredu pellach i'w wneud, os o gwbl, rhaid i'r Comisiynydd roi i bob person a chanddo fuddiant—
 - (a) hysbysiad yn nodi a yw'r Comisiynydd yn bwriadu gweithredu ymhellach ai peidio, a datganiad am resymau'r Comisiynydd dros fwriadu gwneud hynny;
 - (b) os yw'r Comisiynydd yn bwriadu gweithredu ymhellach, hysbysiad yn nodi'r camau y mae'n bwriadu eu cymryd, a datganiad am resymau'r Comisiynydd dros fwriadu gweithredu felly; ac
 - (c) copïau drafft o'r hysbysiad penderfynu y mae'r Comisiynydd yn bwriadu ei roi.
- (4) Cyn setlo adroddiad yr ymchwiliad, rhaid i'r Comisiynydd roi drafft o'r adroddiad arfaethedig i bob person a chanddo fuddiant.
- (5) Rhaid i'r Comisiynydd—
 - (a) rhoi cyfle i D i wneud sylwadau ynghylch y cynigion y cyfeirir atynt yn is-adrannau (2), (3) a (4), a
 - (b) rhoi cyfle i unrhyw berson arall a chanddo fuddiant i wneud sylwadau ynghylch y cynigion y cyfeirir atynt yn is-adrannau (2) a (4).
- (6) Rhaid i'r Comisiynydd roi sylw dyladwy i unrhyw sylwadau a wneir gan D neu gan unrhyw berson arall a chanddo fuddiant cyn cymryd unrhyw gam y mae'r sylwadau'n ymwneud ag ef.
- (7) Y Comisiynydd sydd i bennu'r cyfnod a ganiateir i berson ar gyfer gwneud sylwadau yn unol ag is-adran (5); ond rhaid i'r cyfnod beidio â bod yn llai na 28 o ddiwrnodau.

86 Ymgynghori cyn dyfarnu'n derfynol yn dilyn apêl

- (1) Mae'r adran hon yn gymwys os cyfarwyddir y Comisiynydd, yn dilyn apêl o dan adran 99 neu 101, neu'n dilyn unrhyw apêl bellach, i ddyfarnu o dan adran 73 bod D wedi methu â chydymffurfio â safon (y "dyfarniad newydd").
- (2) Cyn penderfynu'n derfynol pa weithredu pellach i'w wneud, os o gwbl, ar sail y dyfarniad newydd, rhaid i'r Comisiynydd roi i bob person a chanddo fuddiant—
 - (a) hysbysiad yn nodi a yw'r Comisiynydd yn bwriadu gweithredu ymhellach ai peidio, a datganiad am resymau'r Comisiynydd dros fwriadu gwneud hynny;

- (b) the right to appeal under section 95.
- (4) This section is subject to section 85.
- (5) In this section “relevant decision notice” means the decision notice which the Commissioner is required by section 73 to give to D.

Consultation

85 Consultation before final determination etc

- (1) This section applies if the Commissioner undertakes an investigation under section 71.
- (2) Before finally determining whether or not D has failed to comply with the relevant requirement, the Commissioner must give each interested person notice of the determination which the Commissioner is proposing to make.
- (3) Before finally deciding what, if any, further action to take, the Commissioner must give each interested person –
 - (a) notice of whether or not the Commissioner is proposing to take further action, and a statement of the Commissioner's reasons for proposing to do so;
 - (b) if the Commissioner is proposing to take further action, notice of that proposed action, and a statement of the Commissioner's reasons for proposing to take that action; and
 - (c) copies of the draft of the decision notice which the Commissioner is proposing to give.
- (4) Before settling the investigation report, the Commissioner must give each interested person a draft of the proposed report.
- (5) The Commissioner must –
 - (a) give D an opportunity to make representations about the proposals referred to in subsections (2), (3) and (4), and
 - (b) give any other interested person an opportunity to make representations about the proposals referred to in subsections (2) and (4).
- (6) The Commissioner must have due regard to any representations made by D or any other interested person before the Commissioner does any thing to which the representations relate.
- (7) The Commissioner is to determine the period within which a person may make representations in accordance with subsection (5); but the period must not be less than 28 days.

86 Consultation before final determination following an appeal

- (1) This section applies if the Commissioner is directed, following an appeal under section 99 or 101, or following any further appeal, to determine under section 73 that D has failed to comply with a standard (the “new determination”).
- (2) Before finally deciding what, if any further action to take based upon the new determination, the Commissioner must give each interested person –
 - (a) notice of whether or not the Commissioner is proposing to take further action, and a statement of the Commissioner's reasons for proposing to do so;

- (b) os yw'r Comisiynydd yn bwriadu gweithredu ymhellach, hysbysiad yn nodi'r camau y mae'n bwriadu eu cymryd, a datganiad am resymau'r Comisiynydd dros fwriadu gweithredu felly; ac
 - (c) copïau drafft o'r hysbysiad penderfynu y mae'r Comisiynydd yn bwriadu ei roi.
- (3) Cyn setlo adroddiad yr ymchwiliad, rhaid i'r Comisiynydd roi drafft o'r adroddiad arfaethedig i bob person a chanddo fuddiant.
- (4) Rhaid i'r Comisiynydd—
- (a) rhoi cyfle i D i wneud sylwadau ynghylch y cynigion y cyfeirir atynt yn is-adrannau (2) a (3), a
 - (b) rhoi cyfle i unrhyw berson arall a chanddo fuddiant i wneud sylwadau ynghylch y cynigion y cyfeirir atynt yn is-adran (3).
- (5) Rhaid i'r Comisiynydd roi sylw dyladwy i unrhyw sylwadau a wneir gan D neu gan unrhyw berson arall a chanddo fuddiant o dan is-adran (4).
- (6) Y Comisiynydd sydd i bennu'r cyfnod a ganiateir i berson ar gyfer gwneud sylwadau yn unol ag is-adran (4); ond rhaid i'r cyfnod beidio â bod yn llai na 28 o ddiwrnodau.

Yr adeg y bydd camau gorfodi yn dod yn effeithiol

87 Yr adeg y bydd camau gorfodi yn dod yn effeithiol

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn rhoi hysbysiad penderfynu i D yn nodi camau gorfodi y mae'r Comisiynydd wedi penderfynu eu cymryd mewn perthynas â dyfarniad o dan adran 73.
- (2) Rhaid i D—
- (a) paratoi cynllun gweithredu neu gymryd camau, neu
 - (b) rhoi cyhoeddusrwydd i fethiant i gydymffurfio,
- os yw'r hysbysiad penderfynu'n ei gwneud yn ofynnol i D wneud hynny, yn unol ag adran 79 neu 82.
- (3) Rhaid i D dalu cosb sifil a nodir yn yr hysbysiad penderfynu yn unol ag adran 84.
- (4) Ond dim ond ar ôl i'r cyfnod o 28 o ddiwrnodau ar gyfer gwneud apêl berthnasol ddod i ben y mae is-adrannau (2) a (3) yn gymwys.
- (5) Dim ond ar ôl i'r cyfnod o 28 o ddiwrnodau ar gyfer gwneud apêl berthnasol ddod i ben y caiff y Comisiynydd roi cyhoeddusrwydd i fethiant D i gydymffurfio â'r gofyniad perthnasol.
- (6) Os gwneir apêl berthnasol, nid yw is-adrannau (2), (3) a (5) yn gymwys—
- (a) oni fydd, a hyd oni fydd, yr apêl honno, ac unrhyw apêl bellach, wedi dod i ben yn derfynol, a
 - (b) o ran apêl bellach—
 - (i) oni na ellir, a hyd na ellir gwneud un, neu
 - (ii) oni na ellir, a hyd na ellir gwneud un heb ganiatâd y Tribiwnlys neu ganiatâd llys.

- (b) if the Commissioner is proposing to take further action, notice of that proposed action, and a statement of the Commissioner's reasons for proposing to take that action; and
 - (c) copies of the draft of the decision notice which the Commissioner is proposing to give.
- (3) Before settling the investigation report, the Commissioner must give each interested person a draft of the proposed report.
- (4) The Commissioner must –
- (a) give D an opportunity to make representations about the proposals referred to in subsections (2) and (3), and
 - (b) give any other interested person an opportunity to make representations about the proposals referred to in subsection (3).
- (5) The Commissioner must have due regard to any representations made by D or any other interested person under subsection (4).
- (6) The Commissioner is to determine the period within which a person may make representations in accordance with subsection (4); but the period must not be less than 28 days.

When enforcement action takes effect

87 When enforcement action takes effect

- (1) This section applies if the Commissioner gives D a decision notice setting out enforcement action which the Commissioner has decided to take in relation to a determination under section 73.
- (2) D must –
- (a) prepare an action plan or take steps, or
 - (b) publicise a failure to comply,
- if, in accordance with section 79 or 82, the decision notice requires D to do so.
- (3) D must pay a civil penalty set out in the decision notice in accordance with section 84.
- (4) But subsections (2) and (3) apply only after the end of the 28 day period for making a relevant appeal.
- (5) The Commissioner may publicise D's failure to comply with the relevant requirement only after the end of the 28 day period for making a relevant appeal.
- (6) If a relevant appeal is made, subsections (2), (3) and (5) do not apply unless and until –
- (a) that appeal, and any further appeal, has been disposed of, and
 - (b) a further appeal –
 - (i) may not be made, or
 - (ii) may be made only with the permission of the Tribunal or a court.

- (7) Yn yr adran hon, ystyr “apêl berthnasol” yw apêl i'r Tribiwnlys o dan adran 95 mewn cysylltiad â'r materion sydd wedi eu nodi yn yr hysbysiad penderfynu.

Gorfodi gan lys sirol

88 Methiant i gydymffurfio â gofyniad i gymryd camau

- (1) Mae'r adran hon yn gymwys os bydd y Comisiynydd yn rhoi hysbysiad penderfynu i D sy'n ei gwneud yn ofynnol i D gymryd camau at y diben o atal methiant D i gydymffurfio â'r gofyniad perthnasol rhag parhau neu gael ei ailadrodd.
- (2) Caiff y Comisiynydd, yn ystod y cyfnod perthnasol, wneud cais i lys sirol am orchymyn sy'n ei gwneud yn ofynnol i D gydymffurfio â'r gofyniad yn yr hysbysiad penderfynu.
- (3) Yn yr adran hon ystyr “cyfnod perthnasol” yw'r cyfnod o 5 mlynedd sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad penderfynu.

89 Methiant i gydymffurfio â chynllun gweithredu

- (1) Mae'r adran hon yn gymwys os yw D wedi llunio cynllun gweithredu yn unol ag adran 80.
- (2) Caiff y Comisiynydd, yn ystod y cyfnod perthnasol, wneud cais i lys sirol am orchymyn sy'n ei gwneud yn ofynnol i D gydymffurfio â'r cynllun gweithredu.
- (3) Yn yr adran hon ystyr “cyfnod perthnasol” yw'r cyfnod o 5 mlynedd sy'n dechrau ar y diwrnod y daw'r cynllun gweithredu i rym.

90 Methiant i gydymffurfio â gofyniad i roi cyhoeddusrwydd i fethiant i gydymffurfio

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn rhoi hysbysiad penderfynu i D sy'n ei gwneud yn ofynnol i D gymryd camau i roi cyhoeddusrwydd i'r methiant i gydymffurfio.
- (2) Caiff y Comisiynydd, yn ystod y cyfnod perthnasol, wneud cais i lys sirol am orchymyn sy'n ei gwneud yn ofynnol i D gydymffurfio â'r gofyniad yn yr hysbysiad penderfynu.
- (3) Yn yr adran hon ystyr “cyfnod perthnasol” yw'r cyfnod o 5 mlynedd sy'n dechrau ar y diwrnod y rhoddir yr hysbysiad penderfynu.

PENNOD 2

CYTUNDEBAU SETLO

91 Cytundebau setlo

- (1) Mae cyfeiriad at gytundeb setlo rhwng y Comisiynydd a pherson (D) ynghylch methiant D i gydymffurfio â safon (y “methiant perthnasol”) yn gyfeiriad at gytundeb sy'n cynnwys—
 - (a) ymgymeriad gan D i wneud un neu ragor o'r pethau canlynol—
 - (i) peidio â methu â chydymffurfio ag un neu ragor o safonau;
 - (ii) gweithredu mewn ffordd benodol (a gaiff gynnwys paratoi cynllun o gamau sydd i'w cymryd, ond heb fod wedi ei gyfyngu i hynny);

- (7) In this section “relevant appeal” means an appeal to the Tribunal under section 95 in respect of the matters set out in the decision notice.

Enforcement by county court

88 Failure to comply with requirement to take steps

- (1) This section applies if the Commissioner gives D a decision notice that requires D to take steps for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement.
- (2) The Commissioner may, during the relevant period, apply to a county court for an order requiring D to comply with the requirement in the decision notice.
- (3) In this section “relevant period” means the period of 5 years beginning with the day when the decision notice is given.

89 Failure to comply with action plan

- (1) This section applies if D has prepared an action plan in accordance with section 80.
- (2) The Commissioner may, during the relevant period, apply to a county court for an order requiring D to comply with the action plan.
- (3) In this section “relevant period” means the period of 5 years beginning with the day when the action plan comes into force.

90 Failure to comply with requirement to publicise failure to comply

- (1) This section applies if the Commissioner gives D a decision notice that requires D to take steps to publicise the failure to comply.
- (2) The Commissioner may, during the relevant period, apply to a county court for an order requiring D to comply with the requirement in the decision notice.
- (3) In this section “relevant period” means the period of 5 years beginning with the day when the decision notice is given.

CHAPTER 2

SETTLEMENT AGREEMENTS

91 Settlement agreements

- (1) A reference to a settlement agreement between the Commissioner and a person (D) in relation to D's failure to comply with a standard (the “relevant failure”) is a reference to an agreement which contains –
- (a) an undertaking by D to do one or more of the following –
- (i) not to fail to comply with one or more standards;
- (ii) to take particular action (which may include, but is not limited to, the preparation of a plan of steps to be taken);

- (iii) peidio â gweithredu mewn ffordd benodol; a
 - (b) ymgymeriad gan y Comisiynydd i beidio â chymryd camau gorfodi mewn cysylltiad â'r methiant perthnasol.
- (2) O ran cytundeb setlo –
- (a) caiff gynnwys darpariaeth gysylltiedig neu atodol (a gaiff gynnwys darpariaeth ar gyfer terfynu'r cytundeb mewn amgylchiadau penodedig, ond heb fod wedi ei gyfyngu i hynny), a
 - (b) caniateir ei amrywio neu ei derfynu drwy gytundeb rhwng y Comisiynydd a D.
- (3) Ni fernir bod D wedi cyfaddef y methiant perthnasol dim ond oherwydd ei fod wedi ymrwymo mewn cytundeb setlo.
- (4) Mae is-adran (1) yn gymwys at ddibenion y Mesur hwn.

92 Methiant i gydymffurfio â chytundeb setlo

- (1) Caiff y Comisiynydd, yn ystod y cyfnod perthnasol, wneud cais i lys sirol am orchymyn yn ei gwneud yn ofynnol i D gydymffurfio â chytundeb setlo.
- (2) Yn yr adran hon ystyr "cyfnod perthnasol" yw'r cyfnod o 5 mlynedd sy'n dechrau ar y diwrnod yr ymrwymir yn y cytundeb setlo.

PENNOD 3

DIFFYG CYDYMFFURFIO Â SAFONAU: Cwynion gan Bersonau yr Effeithir Arnynt

93 Ystyried ai i ymchwilio ai peidio os gwneir cwyn ynghylch ymddygiad

- (1) Rhaid i'r Comisiynydd ystyried ai i gynnal ymchwiliad o dan adran 71 ai peidio i'r cwestiwn a yw ymddygiad person (D) ("yr ymddygiad honedig") yn gyfystyr â methiant i gydymffurfio â safon –
 - (a) os yw person (P) yn gwneud cwyn i'r Comisiynydd ynglŷn â'r ymddygiad, a
 - (b) os yw'r gŵyn yn un ddilys.
- (2) Mae cwyn gan P i'r Comisiynydd yn gŵyn ddilys os bodlonir yr amodau yn is-adrannau (3) i (6).
- (3) Rhaid i P fod –
 - (a) yn berson y mae'n ymddangos i'r Comisiynydd fod yr ymddygiad honedig wedi effeithio arno'n uniongyrchol, neu
 - (b) yn berson sy'n gweithredu ar ran y person hwnnw.
- (4) Rhaid gwneud y gŵyn yn ysgrifenedig, oni bai bod amgylchiadau personol P yn golygu na fyddai'n rhesymol i P wneud y gŵyn yn ysgrifenedig.
- (5) Rhaid i'r gŵyn roi cyfeiriad lle y caiff y Comisiynydd gysylltu â P (boed y cyfeiriad yn gyfeiriad post, electronig neu'n gyfeiriad o ddisgrifiad arall).
- (6) Rhaid i'r gŵyn –

- (iii) to refrain from taking particular action; and
 - (b) an undertaking by the Commissioner not to take enforcement action in respect of the relevant failure.
- (2) A settlement agreement –
- (a) may include incidental or supplemental provision (which may include, but is not limited to, provision for termination in specified circumstances), and
 - (b) may be varied or terminated by agreement of the Commissioner and D.
- (3) D is not to be taken to have admitted the relevant failure by reason only of entering into a settlement agreement.
- (4) Subsection (1) applies for the purposes of this Measure.

92 Failure to comply with settlement agreement

- (1) The Commissioner may, during the relevant period, apply to a county court for an order requiring D to comply with a settlement agreement.
- (2) In this section “relevant period” means the period of 5 years beginning with the day when the settlement agreement is entered into.

CHAPTER 3

NON-COMPLIANCE WITH STANDARDS: COMPLAINTS BY PERSONS AFFECTED

93 Consideration of whether to investigate if conduct complained about

- (1) The Commissioner must consider whether to carry out an investigation under section 71 of whether the conduct of a person (D) (“the alleged conduct”) amounts to a failure to comply with a standard if –
 - (a) a person (P) makes a complaint to the Commissioner about that conduct, and
 - (b) that complaint is valid.
- (2) A complaint made by P to the Commissioner is a valid complaint if the conditions in subsections (3) to (6) are met.
- (3) P must be –
 - (a) a person who appears to the Commissioner to have been directly affected by the alleged conduct, or
 - (b) a person acting on behalf of such a person.
- (4) The complaint must be made in writing, unless P's personal circumstances are such that it would not be reasonable for P to make the complaint in writing.
- (5) The complaint must give an address at which the Commissioner may contact P (whether the address is postal, electronic or of another description).
- (6) The complaint must identify –

- (a) ei gwneud yn hysbys pwy yw D, a
 - (b) ei gwneud yn hysbys beth yw'r ymddygiad honedig.
- (7) Ond, os bodlonir yr amodau hynny, nid oes angen i'r Comisiynydd ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio –
- (a) os gwneir y gŵyn fwy na blwyddyn ar ôl i'r person yr effeithiwyd arno ddod yn ymwybodol o'r ymddygiad honedig,
 - (b) os yw'r Comisiynydd o'r farn bod y gŵyn yn wacsaw neu'n flinderus, neu'n un sydd eisoes wedi ei gwneud sawl gwaith, neu
 - (c) os tynnir y gŵyn yn ôl.
- (8) Nid yw'r adran hon yn atal y Comisiynydd rhag ystyried ai i gynnal yr ymchwiliad i'r ymddygiad honedig ai peidio –
- (a) os na fodlonir unrhyw un neu ragor o'r amodau yn is-adrannau (3) i (6), neu
 - (b) os yw is-adran (7) yn gymwys.
- (9) Os gwneir cwyn o dan yr adran hon gan berson sy'n gweithredu ar ran person arall, yn narpariaethau'r Mesur hwn sy'n ymwneud ag apelau neu apelau pellach sy'n gysylltiedig â'r gŵyn, mae cyfeiriad at y person a wnaeth y gŵyn (gan gynnwys achos pan gyfeirir at y person hwnnw fel "P") i'w ddarllen fel cyfeiriad at y person arall (ac nid fel cyfeiriad at y person a wnaeth y gŵyn).
- (10) Yn yr adran hon ystyr "person yr effeithiwyd arno" yw person y mae'n ymddangos i'r Comisiynydd fod yr ymddygiad honedig wedi effeithio arno'n uniongyrchol.

94 Hysbysiad os nad oes ymchwiliad etc

- (1) Mae'r adran hon yn gymwys mewn unrhyw un neu ragor o'r achosion a ganlyn.
- (2) Yr achos cyntaf yw –
 - (a) pan fo'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio â chynnal ymchwiliad.
- (3) Yr ail achos yw –
 - (a) pan fo adran 93(7) yn gymwys o ran cwyn, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio ag ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio.
- (4) Y trydydd achos yw pan fo'r Comisiynydd yn penderfynu nad yw'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys.
- (5) Y pedwerydd achos yw –
 - (a) pan nad yw'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio ag ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio o dan adran 93(8) neu, ar ôl ystyried ai i gynnal ymchwiliad o dan yr adran honno, yn penderfynu peidio â chynnal yr ymchwiliad.

- (a) D, and
 - (b) the alleged conduct.
- (7) But, if those conditions are met, the Commissioner need not consider whether to carry out the investigation of the alleged conduct if—
- (a) the complaint is made more than 1 year after the affected person became aware of the alleged conduct,
 - (b) the Commissioner considers that the complaint is frivolous or vexatious or is one that has already been made repeatedly, or
 - (c) the complaint is withdrawn.
- (8) This section does not prevent the Commissioner from considering whether to carry out the investigation of the alleged conduct if—
- (a) any of the conditions in subsections (3) to (6) is not met, or
 - (b) subsection (7) applies.
- (9) If a complaint is made under this section by a person acting on behalf of another person, in the provisions of this Measure which relate to appeals or further appeals connected with the complaint, a reference to the person who made the complaint (including a case where that person is referred to as “P”) is to be read as a reference to the other person (and not as a reference to the person who made the complaint).
- (10) In this section “affected person” means the person who appears to the Commissioner to have been directly affected by the alleged conduct.

94 Notification if no investigation etc

- (1) This section applies in any of the following cases.
- (2) The first case is where—
- (a) the duty under section 93 to consider whether to carry out an investigation of the alleged conduct applies, and
 - (b) the Commissioner decides not to carry out an investigation.
- (3) The second case is where—
- (a) section 93(7) applies in relation to a complaint, and
 - (b) the Commissioner decides not to consider whether to carry out an investigation of the alleged conduct.
- (4) The third case is where the Commissioner decides that the duty under section 93 to consider whether to carry out an investigation of the alleged conduct does not apply.
- (5) The fourth case is where—
- (a) the duty under section 93 to consider whether to carry out an investigation of the alleged conduct does not apply, and
 - (b) the Commissioner decides not to consider whether to carry out an investigation of the alleged conduct under section 93(8) or, having considered whether to carry out an investigation under that section, decides not to carry out the investigation.

- (6) Y pumed achos yw –
 - (a) pan fo'r Comisiynydd yn penderfynu cynnal ymchwiliad, ac
 - (b) pan fo'r Comisiynydd wedyn yn penderfynu terfynu'r ymchwiliad.
- (7) Rhaid i'r Comisiynydd hysbysu P –
 - (a) o'r penderfyniad a nodir yn is-adrannau (2)(b), (3)(b), (4), (5)(b) neu (6)(b), a
 - (b) o'r rhesymau dros y penderfyniad hwnnw, ac
 - (c) o'r hawl i gael adolygiad o dan adran 103.

PENNOD 4

APELAU

95 Apelau i'r Tribiwnlys

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd –
 - (a) yn cynnal ymchwiliad o dan adran 71, a
 - (b) yn dyfarnu bod D wedi methu â chydymffurfio â gofyniad perthnasol.
- (2) Caiff D apelio i'r Tribiwnlys ar y sail na fethodd D â chydymffurfio â'r gofyniad perthnasol.
- (3) Ond ni chaiff D apelio i'r Tribiwnlys o dan is-adran (2) os yw'r Comisiynydd wedi ei gyfarwyddo, yn dilyn apêl o dan adran 99 neu 101, neu unrhyw apêl bellach, i ddyfarnu bod D wedi methu â chydymffurfio â'r gofyniad perthnasol.
- (4) Os yw'r Comisiynydd yn cymryd camau gorfodi mewn cysylltiad â methiant D i gydymffurfio â'r gofyniad perthnasol, caiff D apelio i'r Tribiwnlys ar y sail bod y camau gorfodi yn afresymol neu'n anghymesur.
- (5) Rhaid i apêl o dan yr adran hon gael ei gwneud cyn diwedd y cyfnod perthnasol o 28 o ddiwrnodau.
- (6) Ond caiff y Tribiwnlys, pan wneir cais ysgrifenedig gan D, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod perthnasol o 28 o ddiwrnodau os yw'r Tribiwnlys wedi ei fodloni bod rheswm da –
 - (a) dros y methiant i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oes unrhyw oedi wedi bod cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (7) Caniateir i gais o dan is-adran (6) gael ei wneud cyn diwedd neu ar ôl diwedd y cyfnod perthnasol o 28 o ddiwrnodau.
- (8) Caiff D apelio o dan is-adran (4) p'un a yw D yn apelio hefyd o dan is-adran (2) ai peidio.
- (9) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys (sy'n cael gwneud, ymysg pethau eraill, ddarpariaeth ynghylch y modd y ceir dwyn apelau o dan yr adran hon).
- (10) Yn y Bennod hon ystyr "cyfnod perthnasol o 28 o ddiwrnodau" yw'r cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod y mae'r Comisiynydd yn rhoi'r hysbysiad penderfynu i D mewn perthynas â'r ymchwiliad.

- (6) The fifth case is where –
 - (a) the Commissioner decides to carry out an investigation, and
 - (b) the Commissioner then decides to discontinue the investigation.
- (7) The Commissioner must notify P of –
 - (a) the decision mentioned in subsection (2)(b), (3)(b), (4), (5)(b) or (6)(b), and
 - (b) the reasons for that decision, and
 - (c) the right of review under section 103.

CHAPTER 4

APPEALS

95 Appeals to the Tribunal

- (1) This section applies if the Commissioner –
 - (a) undertakes an investigation under section 71, and
 - (b) determines that D has failed to comply with a relevant requirement.
- (2) D may appeal to the Tribunal on the grounds that D did not fail to comply with the relevant requirement.
- (3) But D may not appeal to the Tribunal under subsection (2) if the Commissioner has been directed, following an appeal under section 99 or 101, or any further appeal, to determine that D did fail to comply with the relevant requirement.
- (4) If the Commissioner takes enforcement action in connection with D's failure to comply with the relevant requirement, D may appeal to the Tribunal on the grounds that the enforcement action is unreasonable or disproportionate.
- (5) An appeal under this section must be made before the end of the relevant 28 day period.
- (6) But the Tribunal may, on a written application by D, allow an appeal to be made after the end of the relevant 28 day period if the Tribunal is satisfied that there is a good reason –
 - (a) for the failure to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (7) An application under subsection (6) may be made before or after the end of the relevant 28 day period.
- (8) D may appeal under subsection (4) whether or not D also appeals under subsection (2).
- (9) This section is subject to Tribunal Rules (which may, amongst other things, make provision about the manner in which appeals under this section may be brought).
- (10) In this Chapter “relevant 28 day period” means the period of 28 days beginning with the day on which the Commissioner gives D the decision notice in relation to the investigation.

96 Pwerau'r Tribiwnlys pan wneir apêl

- (1) Pan wneir apêl o dan adran 95(2), caiff y Tribiwnlys –
 - (a) cadarnhau dyfarniad y Comisiynydd, neu
 - (b) diddymu dyfarniad y Comisiynydd.
- (2) Pan wneir apêl o dan adran 95(4), caiff y Tribiwnlys –
 - (a) cadarnhau'r camau gorfodi,
 - (b) amrywio'r camau gorfodi (gan gynnwys drwy gymryd camau gorfodi o fath gwahanol, ond heb fod yn gyfyngedig i hynny), neu
 - (c) diddymu'r camau gorfodi.
- (3) Rhaid i'r Tribiwnlys hysbysu D a'r Comisiynydd o'i benderfyniad ar apêl o dan adran 95.
- (4) Mae i unrhyw benderfyniad gan y Tribiwnlys pan wneir apêl o dan adran 95 yr un effaith â dyfarniad y Comisiynydd, a gellir ei orfodi yn yr un modd.

97 Apelau o'r Tribiwnlys

- (1) Mae'r adran hon yn gymwys os yw'r Tribiwnlys wedi penderfynu apêl o dan adran 95.
- (2) Caiff y Comisiynydd neu D, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys ar bwynt cyfreithiol sy'n deillio o'r penderfyniad.
- (3) Os yw'r Uchel Lys yn dyfarnu bod y Tribiwnlys wedi gwneud camgymeriad ar bwynt cyfreithiol –
 - (a) caiff yr Uchel Lys osod penderfyniad y Tribiwnlys o'r naill du, a
 - (b) os bydd yr Uchel Lys yn gosod y penderfyniad o'r naill du, rhaid iddo naill ai –
 - (i) anfon yr achos yn ôl i'r Tribiwnlys gyda chyfarwyddyd ar gyfer ei ailystyried, neu
 - (ii) ail-wneud y penderfyniad.
- (4) Mae'r cyfarwyddiadau y caniateir i'r Uchel Lys eu rhoi o dan is-adran (3)(b)(i) yn cynnwys y canlynol, ond heb fod wedi eu cyfyngu iddynt –
 - (a) cyfarwyddyd na all y personau sydd i ailystyried yr achos fod yr un rhai â'r personau a wnaeth y penderfyniad sydd wedi ei roi o'r naill du,
 - (b) cyfarwyddiadau gweithredu mewn cysylltiad ag ailystyried yr achos.
- (5) Wrth ail-wneud y penderfyniad yn unol ag is-adran (3)(b)(ii), caniateir i'r Uchel Lys –
 - (a) gwneud unrhyw benderfyniad y gallai'r Tribiwnlys ei wneud pe bai'r Tribiwnlys yn gwneud y penderfyniad, a
 - (b) gwneud y canfyddiadau ffeithiol sy'n briodol yn nhyb yr Uchel Lys.
- (6) Rhaid i gais am ganiatâd i apelio gael ei wneud i'r Tribiwnlys neu i'r Uchel Lys o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y diwrnod yr hysbysodd y Tribiwnlys y person sy'n gwneud y cais o'i benderfyniad ar yr apêl o dan adran 95.

96 Powers of Tribunal on appeal

- (1) On an appeal under section 95(2), the Tribunal may –
 - (a) affirm the Commissioner's determination, or
 - (b) annul the Commissioner's determination.
- (2) On an appeal under section 95(4), the Tribunal may –
 - (a) affirm the enforcement action,
 - (b) vary the enforcement action (including, but not limited to, by taking enforcement action of a different kind), or
 - (c) annul the enforcement action.
- (3) The Tribunal must notify D and the Commissioner of its decision on an appeal under section 95.
- (4) Any decision of the Tribunal on an appeal under section 95 has the same effect, and may be enforced in the same manner, as a determination of the Commissioner.

97 Appeals from Tribunal

- (1) This section applies if the Tribunal has decided an appeal under section 95.
- (2) The Commissioner or D may, with the permission of the Tribunal or High Court, appeal to the High Court on a question of law arising out of the decision.
- (3) If the High Court find that the Tribunal has made an error on a point of law, the High Court –
 - (a) may set aside the decision of the Tribunal, and
 - (b) if it sets the decision aside, must either –
 - (i) remit the case to the Tribunal with directions for its reconsideration, or
 - (ii) re-make the decision.
- (4) The directions that the High Court may give under subsection (3)(b)(i) include, but are not limited to, either or both of the following –
 - (a) a direction that the persons who are to reconsider the case must not be the persons who made the decision that has been set aside,
 - (b) procedural directions in connection with the reconsideration of the case.
- (5) In re-making the decision in accordance with subsection (3)(b)(ii), the High Court –
 - (a) may make any decision which the Tribunal could make if the Tribunal were making the decision, and
 - (b) may make such findings of fact as the High Court thinks appropriate.
- (6) An application for permission to appeal must be made to the Tribunal or High Court within the period of 28 days beginning with the day when the Tribunal notified the person making the application of its decision on the appeal under section 95.

- (7) Ond caiff y Tribiwnlys neu'r Uchel Lys, ar gais ysgrifenedig gan y Comisiynydd neu D, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys neu'r Uchel Lys wedi ei fodloni bod rheswm da –
- (a) dros y methiant i wneud cais am ganiatâd i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oedd unrhyw oedi wedi bod cyn gwneud y cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (8) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys.

98 Dyletswydd y Comisiynydd ar apêl

- (1) Mae'r adran hon yn gymwys –
- (a) os yw'r Comisiynydd wedi cynnal ymchwiliad o dan adran 71 yn dilyn cwyn o dan adran 93, a
 - (b) os gwneir apêl o dan adran 95 neu 97, neu os gwneir unrhyw apêl bellach, mewn perthynas â'r ymchwiliad, ac
 - (c) os nad yw P yn barti yn yr achos hwnnw.
- (2) Rhaid i'r Comisiynydd –
- (a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o ganlyniad, apêl o dan adran 95 roi i'r person a wnaeth y gŵyn hysbysiad yn nodi'r canlyniad,
 - (b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o apêl o dan adran 97, neu unrhyw apêl bellach, roi i'r person a wnaeth y gŵyn hysbysiad yn nodi bod yr apêl wedi ei gwneud, ac
 - (c) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o ganlyniad apêl o dan adran 97 neu o ganlyniad apêl bellach, roi i'r person a wnaeth y gŵyn hysbysiad yn nodi'r canlyniad.

PENNOD 5

APELAU GAN YR ACHWYNYDD

Apelau yn erbyn dyfarniad nad yw D wedi methu â chydymffurfio â safon

99 Hawl P i apelio

- (1) Mae'r adran hon yn gymwys –
- (a) os yw person (P) yn gwneud cwyn o dan adran 93,
 - (b) os yw'r Comisiynydd yn cynnal ymchwiliad o dan adran 71 yn dilyn y gŵyn, ac
 - (c) os yw'r Comisiynydd yn dyfarnu nad yw D wedi methu â chydymffurfio â safon.
- (2) Caiff P apelio i'r Tribiwnlys ar y sail bod D wedi methu â chydymffurfio â'r safon.
- (3) Rhaid i apêl o dan yr adran hon gael ei gwneud cyn diwedd y cyfnod perthnasol o 28 o ddiwrnodau.

- (7) But the Tribunal or High Court may, on a written application by the Commissioner or D, allow an appeal to be made after the end of that period if the Tribunal or High Court is satisfied that there is a good reason—
- (a) for the failure to apply for permission to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (8) This section is subject to Tribunal Rules.

98 Commissioner's duty on an appeal

- (1) This section applies if—
- (a) the Commissioner has carried out an investigation under section 71 following a complaint under section 93, and
 - (b) an appeal under section 95 or 97, or any further appeal, is made in relation to the investigation, and
 - (c) P is not a party to those proceedings.
- (2) The Commissioner must—
- (a) as soon as reasonably practicable after being informed of the outcome of an appeal under section 95, give the person who made the complaint notice of the outcome,
 - (b) as soon as reasonably practicable after being informed of an appeal under section 97 or any further appeal, give the person who made the complaint notice that the appeal has been made, and
 - (c) as soon as reasonably practicable after being informed of the outcome of an appeal under section 97 or of the outcome of a further appeal, give the person who made the complaint notice of the outcome.

CHAPTER 5

APPEALS BY THE COMPLAINANT

Appeals against a determination that D has not failed to comply with a standard

99 Right of appeal by P

- (1) This section applies if—
- (a) a person (P) makes a complaint under section 93,
 - (b) the Commissioner undertakes an investigation under section 71 following the complaint, and
 - (c) the Commissioner determines that D has not failed to comply with a standard.
- (2) P may appeal to the Tribunal on the grounds that D did fail to comply with the standard.
- (3) An appeal under this section must be made before the end of the relevant 28 day period.

- (4) Ond caiff y Tribiwnlys, pan wneir cais ysgrifenedig gan P, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys wedi ei fodloni bod rheswm da—
 - (a) dros y methiant i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oes unrhyw oedi wedi bod cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (5) Caniateir i gais o dan is-adran (4) gael ei wneud cyn diwedd neu ar ôl diwedd y cyfnod perthnasol o 28 o ddiwrnodau.
- (6) Rhaid i'r Tribiwnlys hysbysu P a'r Comisiynydd o'i benderfyniad ar apêl o dan yr adran hon.
- (7) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys (sy'n cael gwneud, ymysg pethau eraill, ddarpariaeth ynghylch y modd y ceir dwyn apelau o dan yr adran hon).
- (8) Yn y Bennod hon ystyr "cyfnod perthnasol o 28 o ddiwrnodau" yw'r cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod y mae'r Comisiynydd yn rhoi'r hysbysiad penderfynu i P mewn perthynas â'r ymchwiliad.

100 Pwerau'r Tribiwnlys pan wneir apêl gan P

- (1) Pan wneir apêl o dan adran 99, caiff y Tribiwnlys—
 - (a) cadarnhau dyfarniad y Comisiynydd, neu
 - (b) diddymu dyfarniad y Comisiynydd.
- (2) Os yw'r Tribiwnlys yn diddymu dyfarniad y Comisiynydd (y "dyfarniad gwreiddiol"), rhaid i'r Tribiwnlys gyfarwyddo'r Comisiynydd i ddyfarnu o dan adran 73 fod D wedi methu â chydymffurfio â'r safon (y "dyfarniad newydd").
- (3) Os yw'r Tribiwnlys yn cyfarwyddo'r Comisiynydd o dan is-adran (2), rhaid i'r Comisiynydd ddirymu'r hysbysiad penderfynu a'r adroddiad ar ymchwiliad a roddwyd o dan adran 73 mewn perthynas â'r dyfarniad gwreiddiol.
- (4) Mae adran 73(3) a (4), a darpariaethau eraill y Mesur hwn, yn gymwys i'r dyfarniad newydd fel y maent yn gymwys i unrhyw ddyfarniad arall o dan adran 73.
- (5) Rhaid i'r adroddiad ar ymchwiliad a roddir o dan adran 73(3) mewn perthynas â'r dyfarniad newydd gynnwys datganiad bod y Comisiynydd wedi gwneud y dyfarniad newydd i gydymffurfio â chyfarwyddyd gan y Tribiwnlys.
- (6) I'r graddau y mae adrannau 77, 78, 79, 82 ac 84 yn gymwys i'r dyfarniad newydd, maent yn ddarostyngedig i adran 86 ond nid i adran 85.

101 Apelau o'r Tribiwnlys

- (1) Mae'r adran hon yn gymwys os yw'r Tribiwnlys wedi penderfynu apêl o dan adran 99.
- (2) Caiff y Comisiynydd neu P, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys ar bwynt cyfreithiol sy'n deillio o'r penderfyniad.
- (3) Os yw'r Uchel Lys yn dyfarnu bod y Tribiwnlys wedi gwneud camgymeriad ar bwynt cyfreithiol—
 - (a) caiff yr Uchel Lys osod penderfyniad y Tribiwnlys o'r naill du, a
 - (b) os bydd yr Uchel Lys yn gosod y penderfyniad o'r naill du, rhaid iddo naill ai—

- (4) But the Tribunal may, on a written application by P, allow an appeal to be made after the end of that period if the Tribunal is satisfied that there is a good reason –
 - (a) for the failure to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (5) An application under subsection (4) may be made before or after the end of the relevant 28 day period.
- (6) The Tribunal must notify P and the Commissioner of its decision on an appeal made under this section.
- (7) This section is subject to Tribunal Rules (which may, amongst other things, make provision about the manner in which appeals under this section may be brought).
- (8) In this Chapter “relevant 28 day period” means the period of 28 days beginning with the day on which the Commissioner gives P the decision notice in relation to the investigation.

100 Powers of Tribunal on appeal by P

- (1) On an appeal under section 99, the Tribunal may –
 - (a) affirm the Commissioner's determination, or
 - (b) annul the Commissioner's determination.
- (2) If the Tribunal annuls the Commissioner's determination (the “original determination”), the Tribunal must direct the Commissioner to determine under section 73 that D has failed to comply with the standard (the “new determination”).
- (3) If the Tribunal gives the Commissioner a direction under subsection (2), the Commissioner must revoke the decision notice and investigation report given under section 73 in relation to the original determination.
- (4) Section 73(3) and (4), and the other provisions of this Measure, apply to the new determination as they apply to any other determination under section 73.
- (5) The investigation report given under section 73(3) in relation to the new determination must include a statement that the Commissioner has made the new determination in compliance with a direction by the Tribunal.
- (6) In their application in relation to the new determination, sections 77, 78, 79, 82 and 84 are subject to section 86 but not to section 85.

101 Appeals from Tribunal

- (1) This section applies if the Tribunal has decided an appeal under section 99.
- (2) The Commissioner or P may, with the permission of the Tribunal or High Court, appeal to the High Court on a question of law arising out of the decision.
- (3) If the High Court finds that the Tribunal has made an error on a point of law, the High Court –
 - (a) may set aside the decision of the Tribunal, and
 - (b) if it sets the decision aside, must either –

- (i) anfon yr achos yn ôl i'r Tribiwnlys gyda chyfarwyddyd ar gyfer ei ailystyried, neu
 - (ii) ail-wneud y penderfyniad.
- (4) Mae'r cyfarwyddiadau y caniateir i'r Uchel Lys eu rhoi o dan is-adran (3)(b)(i) yn cynnwys y naill neu'r llall neu'r naill a'r llall o'r canlynol, ond nid ydynt wedi eu cyfyngu iddynt—
- (a) cyfarwyddyd na all y personau sydd i ailystyried yr achos fod yr un rhai â'r personau a wnaeth y penderfyniad sydd wedi ei roi o'r naill du,
 - (b) cyfarwyddiadau gweithredu mewn cysylltiad ag ailystyried yr achos.
- (5) Wrth ail-wneud y penderfyniad yn unol ag is-adran (3)(b)(ii), caniateir i'r Uchel Lys—
- (a) gwneud unrhyw benderfyniad y gallai'r Tribiwnlys ei wneud pe bai'r Tribiwnlys yn gwneud y penderfyniad, a
 - (b) gwneud y canfyddiadau ffeithiol sy'n briodol yn nhyb yr Uchel Lys.
- (6) Rhaid i gais am ganiatâd i apelio gael ei wneud i'r Tribiwnlys neu i'r Uchel Lys o fewn y cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod yr hysbysodd y Tribiwnlys y person sy'n gwneud y cais o'i benderfyniad ar yr apêl o dan adran 99.
- (7) Ond caiff y Tribiwnlys neu'r Uchel Lys, ar gais ysgrifenedig gan y Comisiynydd neu P, ganiatáu i apêl gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys neu'r Uchel Lys wedi ei fodloni bod rheswm da—
- (a) dros y methiant i wneud cais am ganiatâd i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oes unrhyw oedi wedi bod cyn gwneud cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (8) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys.

102 Dyletswydd y Comisiynydd pan wneir apêl gan P

- (1) Mae'r adran hon yn gymwys—
- (a) os yw'r Comisiynydd wedi cynnal ymchwiliad o dan adran 71 yn dilyn cwyn o dan adran 93,
 - (b) os gwneir apêl o dan adran 99 neu 101, neu os gwneir unrhyw apêl bellach, mewn perthynas â'r ymchwiliad, ac
 - (c) os nad yw D yn barti yn yr achos hwnnw.
- (2) Rhaid i'r Comisiynydd—
- (a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o ganlyniad apêl o dan adran 99, roi hysbysiad i D yn nodi'r canlyniad,
 - (b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o apêl o dan adran 101, neu unrhyw apêl bellach, roi hysbysiad i D yn nodi bod yr apêl wedi ei gwneud, ac

- (i) remit the case to the Tribunal with directions for its reconsideration, or
 - (ii) re-make the decision.
- (4) The directions that the High Court may give under subsection (3)(b)(i) include, but are not limited to, either or both of the following –
 - (a) a direction that the persons who are to reconsider the case must not be the persons who made the decision that has been set aside,
 - (b) procedural directions in connection with the reconsideration of the case.
- (5) In re-making the decision in accordance with subsection (3)(b)(ii), the High Court –
 - (a) may make any decision which the Tribunal could make if the Tribunal were making the decision, and
 - (b) may make such findings of fact as the High Court thinks appropriate.
- (6) An application for permission to appeal must be made to the Tribunal or High Court within the period of 28 days beginning with the day when the Tribunal notified the person making the application of its decision on the appeal under section 99.
- (7) But the Tribunal or High Court may, on a written application by the Commissioner or P, allow an appeal to be made after the end of that period if the Tribunal or High Court is satisfied that there is a good reason –
 - (a) for the failure to apply for permission to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (8) This section is subject to Tribunal Rules.

102 Commissioner's duty on an appeal by P

- (1) This section applies if –
 - (a) the Commissioner has carried out an investigation under section 71 following a complaint under section 93,
 - (b) an appeal under section 99 or 101, or any further appeal, is made in relation to the investigation, and
 - (c) D is not a party to those proceedings.
- (2) The Commissioner must –
 - (a) as soon as reasonably practicable after being informed of the outcome of an appeal under section 99, give D notice of the outcome,
 - (b) as soon as reasonably practicable after being informed of an appeal under section 101 or any further appeal, give D notice that the appeal has been made, and

- (c) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ei hysbysu o ganlyniad apêl o dan adran 101 neu o ganlyniad apêl bellach, roi hysbysiad i D yn nodi'r canlyniad.

PENNOD 6

ADOLYGIAD GAN YR ACHWYNYDD

Adolygu methiant y Comisiynydd i ymchwilio i gŵyn

103 Hawl P i gael adolygiad

- (1) Mae'r adran hon yn gymwys os yw P yn gwneud cwyn i'r Comisiynydd o dan adran 93 ynglŷn ag ymddygiad D ("yr ymddygiad honedig"), p'un a yw'r gŵyn honno yn gŵyn ddilys o dan yr adran honno ai peidio.
- (2) Caiff P, gyda chaniatâd y Tribiwnlys, wneud cais i'r Tribiwnlys i adolygu penderfyniad y Comisiynydd mewn unrhyw un neu ragor o'r achosion sydd wedi eu nodi yn yr adran hon.
- (3) Rhaid i'r Tribiwnlys, yn ddarostyngedig i adran 104, ymdrin â chais am adolygiad o'r fath fel pe bai'n gais i'r Uchel Lys am adolygiad barnwrol.
- (4) Rhaid i'r Tribiwnlys roi caniatâd i wneud cais pan fo'r Tribiwnlys o'r farn –
 - (a) bod disgwyliad rhesymol y byddai'r cais yn llwyddo, neu
 - (b) bod rhyw reswm cryf arall pam y dylai'r cais gael ei glywed.
- (5) Yr achos cyntaf y cyfeirir ato yn is-adran (2) yw –
 - (a) pan fo'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio â chynnal ymchwiliad.
- (6) Yr ail achos yw –
 - (a) pan fo adran 93(7) yn gymwys o ran cwyn, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio ag ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio.
- (7) Y trydydd achos yw pan fo'r Comisiynydd yn penderfynu nad yw'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys.
- (8) Y pedwerydd achos yw –
 - (a) pan nad yw'r ddyletswydd o dan adran 93 i ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio yn gymwys, a
 - (b) pan fo'r Comisiynydd yn penderfynu peidio ag ystyried ai i gynnal ymchwiliad i'r ymddygiad honedig ai peidio o dan adran 93(8) neu, ar ôl ystyried ai i gynnal ymchwiliad o dan yr adran honno, yn penderfynu peidio â chynnal yr ymchwiliad.
- (9) Y pumed achos yw –
 - (a) pan fo'r Comisiynydd yn penderfynu cynnal ymchwiliad, a

- (c) as soon as reasonably practicable after being informed of the outcome of an appeal under section 101 or of the outcome of a further appeal, give D notice of the outcome.

CHAPTER 6

REVIEW BY THE COMPLAINANT

Review of Commissioner's failure to investigate a complaint

103 P's right of review

- (1) This section applies if P makes a complaint to the Commissioner under section 93 about D's conduct ("the alleged conduct"), whether or not that complaint is a valid complaint under that section.
- (2) P may, with the permission of the Tribunal, apply to the Tribunal to review the decision of the Commissioner in any of the cases specified in this section.
- (3) The Tribunal must, subject to section 104, deal with an application for such a review as if it were an application for judicial review made to the High Court.
- (4) The Tribunal must give permission to apply where the Tribunal considers that—
 - (a) the application would have a reasonable prospect of success, or
 - (b) there is some other compelling reason why the application should be heard.
- (5) The first case referred to in subsection (2) is where—
 - (a) the duty under section 93 to consider whether to carry out an investigation of the alleged conduct applies, and
 - (b) the Commissioner decides not to carry out an investigation.
- (6) The second case is where—
 - (a) section 93(7) applies in relation to a complaint, and
 - (b) the Commissioner decides not to consider whether to carry out an investigation of the alleged conduct.
- (7) The third case is where the Commissioner decides that the duty under section 93 to consider whether to carry out an investigation of the alleged conduct does not apply.
- (8) The fourth case is where—
 - (a) the duty under section 93 to consider whether to carry out an investigation of the alleged conduct does not apply, and
 - (b) the Commissioner decides not to consider whether to carry out an investigation of the alleged conduct under section 93(8) or, having considered whether to carry out an investigation under that section, decides not to carry out the investigation.
- (9) The fifth case is where—
 - (a) the Commissioner decides to carry out an investigation, and

- (b) pan fo'r Comisiynydd wedyn yn penderfynu terfynu'r ymchwiliad.
- (10) Rhaid i gais o dan is-adran (2) gael ei wneud cyn diwedd y cyfnod perthnasol o 28 o ddiwrnodau.
- (11) Ond caiff y Tribiwnlys, pan wneir cais ysgrifenedig gan P, ganiatáu i gais o dan is-adran (2) gael ei wneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys wedi ei fodloni bod rheswm da—
- (a) dros y methiant i wneud cais cyn diwedd y cyfnod hwnnw, a
- (b) os oes unrhyw oedi wedi bod cyn gwneud cais am ganiatâd i wneud cais ar ôl yr amser priodol, dros yr oedi hwnnw.
- (12) Caniateir i gais o dan is-adran (11) gael ei wneud cyn diwedd neu ar ôl diwedd y cyfnod perthnasol o 28 o ddiwrnodau.
- (13) Rhaid i'r Tribiwnlys hysbysu P a'r Comisiynydd o'i benderfyniad ar gais o dan is-adran (2).
- (14) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys (sy'n cael gwneud, ymysg pethau eraill, ddarpariaeth ynghylch y modd y ceir gwneud ceisiadau o dan yr adran hon).
- (15) Yn y Bennod hon ystyr "cyfnod perthnasol o 28 o ddiwrnodau" yw'r cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod y bu i'r Comisiynydd hysbysu P o'i benderfyniad o dan adran 94.

104 Pwerau'r Tribiwnlys ar adolygiad

- (1) Pan wneir cais o dan adran 103, caiff y Tribiwnlys—
- (a) cadarnhau dyfarniad y Comisiynydd, neu
- (b) diddymu dyfarniad y Comisiynydd.
- (2) Os yw'r Tribiwnlys yn diddymu dyfarniad y Comisiynydd, rhaid i'r Tribiwnlys anfon yr achos yn ôl at y Comisiynydd gyda chyfarwyddyd ar gyfer ei ailystyried.

105 Apelau o'r Tribiwnlys

- (1) Mae'r adran hon yn gymwys os yw'r Tribiwnlys wedi penderfynu cais o dan adran 103(2).
- (2) Caiff y Comisiynydd neu P, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys ar bwynt cyfreithiol sy'n deillio o'r penderfyniad.
- (3) Os yw'r Uchel Lys yn dyfarnu bod y Tribiwnlys wedi gwneud camgymeriad ar bwynt cyfreithiol—
- (a) caiff yr Uchel Lys osod penderfyniad y Tribiwnlys o'r naill du, a
- (b) os bydd yr Uchel Lys yn gosod y penderfyniad o'r naill du, rhaid iddo naill ai—
- (i) anfon yr achos yn ôl i'r Tribiwnlys gyda chyfarwyddyd ar gyfer ei ailystyried, neu
- (ii) ail-wneud y penderfyniad.
- (4) Mae'r cyfarwyddiadau y caniateir i'r Uchel Lys eu rhoi o dan is-adran (3)(b)(i) yn cynnwys y naill neu'r llall neu'r naill a'r llall o'r canlynol, ond nid ydynt wedi eu cyfyngu iddynt—

- (b) the Commissioner then decides to discontinue the investigation.
- (10) An application under subsection (2) must be made before the end of the relevant 28 day period.
- (11) But the Tribunal may, on a written application by P, allow an application under subsection (2) to be made after the end of that period if the Tribunal is satisfied that there is a good reason –
 - (a) for the failure to apply before the end of that period, and
 - (b) if there has been any delay in applying for permission to apply out of time, for that delay.
- (12) An application under subsection (11) may be made before or after the end of the relevant 28 day period.
- (13) The Tribunal must notify P and the Commissioner of its decision on an application made under subsection (2).
- (14) This section is subject to Tribunal Rules (which may, amongst other things, make provision about the manner in which applications under this section may be brought).
- (15) In this Chapter “relevant 28 day period” means the period of 28 days beginning with the day on which the Commissioner gave P notice of his or her decision under section 94.

104 Powers of Tribunal on review

- (1) On an application under section 103, the Tribunal may –
 - (a) affirm the Commissioner's determination, or
 - (b) annul the Commissioner's determination.
- (2) If the Tribunal annuls the Commissioner's determination, the Tribunal must remit the case to the Commissioner with directions for its reconsideration.

105 Appeals from Tribunal

- (1) This section applies if the Tribunal has decided an application under section 103(2).
- (2) The Commissioner or P may, with the permission of the Tribunal or High Court, appeal to the High Court on a question of law arising out of the decision.
- (3) If the High Court finds that the Tribunal has made an error on a point of law, the High Court –
 - (a) may set aside the decision of the Tribunal, and
 - (b) if it sets the decision aside, must either –
 - (i) remit the case to the Tribunal with directions for its reconsideration, or
 - (ii) re-make the decision.
- (4) The directions that the High Court may give under subsection (3)(b)(i) include, but are not limited to, either or both of the following –

- (a) cyfarwyddyd na all y personau sydd i ailystyried yr achos fod yr un rhai â'r personau a wnaeth y penderfyniad sydd wedi ei roi o'r naill du,
 - (b) cyfarwyddiadau gweithredu mewn cysylltiad ag ailystyried yr achos.
- (5) Wrth ail-wneud y penderfyniad yn unol ag is-adran (3)(b)(ii), caniateir i'r Uchel Lys –
- (a) gwneud unrhyw benderfyniad y gallai'r Tribiwnlys ei wneud pe bai'r Tribiwnlys yn gwneud y penderfyniad, a
 - (b) gwneud y canfyddiadau ffeithiol sy'n briodol yn nhyb yr Uchel Lys.
- (6) Rhaid i gais am ganiatâd i apelio gael ei wneud i'r Tribiwnlys neu i'r Uchel Lys o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y diwrnod yr hysbysodd y Tribiwnlys y person sy'n gwneud y cais o dan yr adran hon o'i benderfyniad ar y cais o dan adran 103.
- (7) Ond caiff y Tribiwnlys neu'r Uchel Lys, ar gais ysgrifenedig gan y Comisiynydd neu P, ganiatáu i apel gael ei gwneud ar ôl diwedd y cyfnod hwnnw os yw'r Tribiwnlys neu'r Uchel Lys wedi ei fodloni bod rheswm da –
- (a) dros y methiant i wneud cais am ganiatâd i apelio cyn diwedd y cyfnod hwnnw, a
 - (b) os oes unrhyw oedi wedi bod cyn gwneud y cais am ganiatâd i apelio ar ôl yr amser priodol, dros yr oedi hwnnw.
- (8) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys.

PENNOD 7

YCHWANEGU PARTI MEWN ACHOS

106 Hawl i wneud cais i berson gael ei ychwanegu'n barti mewn achos

- (1) Mae'r adran hon yn gymwys –
- (a) os gwneir apel i'r Tribiwnlys o dan adran 95(2) neu adran 99, a
 - (b) os gwneir yr apel honno mewn perthynas â dyfarniad a wnaed ar ôl ymchwiliad sy'n dilyn cwyn a wneir o dan adran 93.
- (2) Yn achos apel o dan adran 95(2) –
- (a) rhaid i'r Tribiwnlys hysbysu'r person a wnaeth y gwyn (P) fod yr apel wedi ei gwneud, a
 - (b) caiff P wneud cais i'r Tribiwnlys i gael ei ychwanegu'n barti yn yr achos.
- (3) Mewn achos o'r fath, os ychwanegir P yn barti yn yr achos –
- (a) rhaid i'r Tribiwnlys hysbysu P o'i benderfyniad ar yr apel, a
 - (b) caiff P, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys o dan adran 97 ar bwynt cyfreithiol sy'n deillio o'r penderfyniad hwnnw.
- (4) Yn achos apel a wneir o dan adran 99 –
- (a) rhaid i'r Tribiwnlys hysbysu D fod yr apel wedi ei gwneud, a
 - (b) caiff D wneud cais i'r Tribiwnlys i gael ei ychwanegu'n barti yn yr achos.
- (5) Os ychwanegir D yn barti yn yr achos –

- (a) a direction that the persons who are to reconsider the case must not be the persons who made the decision that has been set aside,
 - (b) procedural directions in connection with the reconsideration of the case.
- (5) In re-making the decision in accordance with subsection (3)(b)(ii), the High Court –
- (a) may make any decision which the Tribunal could make if the Tribunal were making the decision, and
 - (b) may make such findings of fact as the High Court thinks appropriate.
- (6) An application for permission to appeal must be made to the Tribunal or High Court within the period of 28 days beginning with the day when the Tribunal notified the person making the application under this section of its decision on the application under section 103.
- (7) But the Tribunal or High Court may, on a written application by the Commissioner or P, allow an appeal to be made after the end of that period if the Tribunal or High Court is satisfied that there is a good reason –
- (a) for the failure to apply for permission to appeal before the end of that period, and
 - (b) if there has been any delay in applying for permission to appeal out of time, for that delay.
- (8) This section is subject to Tribunal Rules.

CHAPTER 7

ADDING A PARTY TO PROCEEDINGS

106 Right to apply to be added as a party to proceedings

- (1) This section applies if –
- (a) an appeal is made to the Tribunal under section 95(2) or section 99, and
 - (b) the appeal is made in relation to a determination made after an investigation that follows a complaint made under section 93.
- (2) In the case of an appeal made under section 95(2) –
- (a) the Tribunal must notify the person who made the complaint (P) that the appeal has been made, and
 - (b) P may apply to the Tribunal to be added as a party to the proceedings.
- (3) In such a case, if P is added as a party to the proceedings –
- (a) the Tribunal must notify P of its decision on the appeal, and
 - (b) P may, with the permission of the Tribunal or High Court, appeal to the High Court under section 97 on a question of law arising out of that decision.
- (4) In the case of an appeal made under section 99 –
- (a) the Tribunal must notify D that the appeal has been made, and
 - (b) D may apply to the Tribunal to be added as a party to the proceedings.
- (5) If D is added as a party to proceedings –

- (a) rhaid i'r Tribiwnlys hysbysu D o'i benderfyniad ar yr apêl, a
 - (b) caiff D, gyda chaniatâd y Tribiwnlys neu'r Uchel Lys, apelio i'r Uchel Lys o dan adran 101 ar bwynt cyfreithiol sy'n deillio o'r penderfyniad hwnnw.
- (6) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys (sy'n cael gwneud, ymysg pethau eraill, ddarpariaeth ynghylch y modd y caniateir gwneud cais o dan yr adran hon i berson gael ei ychwanegu'n barti mewn achos a'r amser a ganiateir ar gyfer gwneud cais o'r fath).
- (7) Nid yw'r adran hon yn atal Rheolau'r Tribiwnlys rhag gwneud darpariaeth ynghylch personau eraill y caniateir eu hychwanegu'n barti mewn achos.

PENNOD 8

CYFFREDINOL

Rhwystro a dirmygu

107 Rhwystro a dirmygu

- (1) Os bodlonir y Comisiynydd fod yr amod yn is-adran (2) wedi cael ei fodloni o ran person, caiff y Comisiynydd ddyroddi tystysgrif i'r perwyl hwnnw i'r Uchel Lys.
- (2) Yr amod yw bod y person—
- (a) heb esgus cyfreithlon, wedi rhwystro cyflawni unrhyw un neu ragor o swyddogaethau'r Comisiynydd o dan y Rhan hon, neu
 - (b) wedi cyflawni gweithred o ran ymchwiliad o dan adran 71 a fyddai, pe bai'r ymchwiliad yn achos yn yr Uchel Lys, yn ddirmyg llys.
- (3) Os yw'r Comisiynydd yn dyroddi tystysgrif o dan is-adran (1), caiff yr Uchel Lys ymchwilio i'r mater.
- (4) Os bodlonir yr Uchel Lys fod yr amod yn is-adran (2) wedi ei fodloni o ran y person, caiff drin y person mewn unrhyw ffordd y byddai wedi trin y person pe bai'r person wedi cyflawni dirmyg llys o ran yr Uchel Lys.

Dogfen polisi gorfodi

108 Dogfen polisi gorfodi

- (1) Rhaid i'r Comisiynydd lunio dogfen polisi gorfodi.
- (2) Caiff y Comisiynydd ddiwygio'r ddogfen polisi gorfodi.
- (3) Dogfen yw dogfen polisi gorfodi sy'n rhoi cyngor a gwybodaeth ar y ffordd y mae'r Comisiynydd yn bwriadu mynd ati i arfer swyddogaethau'r Comisiynydd o dan y Rhan hon.
- (4) Ni chaniateir i'r Comisiynydd lunio neu ddiwygio'r ddogfen polisi gorfodi heb gymeradwyaeth Gweinidogion Cymru.
- (5) Rhaid i'r Comisiynydd—
- (a) sicrhau bod copi o'r ddogfen polisi gorfodi ar gael i'w archwilio yn swyddfa'r Comisiynydd, a

- (a) the Tribunal must notify D of its decision on the appeal, and
 - (b) D may, with the permission of the Tribunal or High Court, appeal to the High Court under section 101 on a question of law arising out of that decision.
- (6) This section is subject to Tribunal Rules (which may, among other things, make provision about the manner in which and the time within which an application under this section to be added as a party to proceedings may be made).
- (7) This section does not prevent Tribunal Rules from making provision about other persons who may be added as a party to proceedings.

CHAPTER 8

GENERAL

Obstruction and contempt

107 Obstruction and contempt

- (1) If the Commissioner is satisfied that the condition in subsection (2) is met in relation to a person, the Commissioner may issue a certificate to that effect to the High Court.
- (2) The condition is that the person –
- (a) without lawful excuse, has obstructed the discharge of any of the Commissioner's functions under this Part, or
 - (b) has done an act in relation to an investigation under section 71 which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) If the Commissioner issues a certificate under subsection (1), the High Court may inquire into the matter.
- (4) If the High Court is satisfied that the condition in subsection (2) is met in relation to the person, it may deal with the person in any manner in which it could have dealt with the person if the person had committed contempt in relation to the High Court.

Enforcement policy document

108 Enforcement policy document

- (1) The Commissioner must produce an enforcement policy document.
- (2) The Commissioner may amend the enforcement policy document.
- (3) An enforcement policy document is a document setting out advice and information on the Commissioner's intended approach to the exercise of the Commissioner's functions under this Part.
- (4) The Commissioner may not produce or amend the enforcement policy document without the approval of the Welsh Ministers.
- (5) The Commissioner must –
- (a) ensure that a copy of the enforcement policy document is available for inspection at the Commissioner's office, and

- (b) sicrhau y perir bod copïau o'r ddogfen polisi gorfodi ar gael mewn mannau eraill a thrwy ddulliau eraill (gan gynnwys dulliau electronig) sy'n briodol yn nhyb y Comisiynydd.
- (6) Rhaid i'r Comisiynydd sicrhau bod y trefniadau ar gyfer archwilio a chael at gopïau o'r ddogfen polisi gorfodi yn cael eu cyhoeddi mewn modd sy'n dwyn y trefniadau hynny i sylw personau sy'n debygol yn nhyb y Comisiynydd o fod yn bersonau a chanddynt fuddiant yn y ddogfen.

Cofrestr camau gorfodi

109 Cofrestr camau gorfodi

- (1) Rhaid i'r Comisiynydd greu a chynnal cofrestr camau gorfodi.
- (2) Rhaid i'r gofrestr camau gorfodi gynnwys yr oll o'r canlynol –
 - (a) disgrifiad o bob ymchwiliad yr ymgwymerwyd ag ef gan y Comisiynydd;
 - (b) o ran pob ymchwiliad yr ymgwymerwyd ag ef, yr wybodaeth a ganlyn fel y'i cynhwysir yn yr adroddiad ar yr ymchwiliad –
 - (i) canfyddiadau'r Comisiynydd ar yr ymchwiliad;
 - (ii) dyfarniad y Comisiynydd ar a yw D wedi methu â chydymffurfio â'r gofyniad perthnasol ai peidio;
 - (iii) y datganiad sy'n nodi a weithredodd y Comisiynydd ymhellach ai peidio;
 - (iv) os gweithredodd y Comisiynydd ymhellach, datganiad ar y gweithredu hwnnw;
 - (c) o ran pob ymchwiliad yr ymgwymerwyd ag ef, manylion am unrhyw hysbysiad penderfynu a roddwyd;
 - (d) manylion apelau a wnaed i'r Tribiwnlys o dan Bennod 4 (gan gynnwys penderfyniadau a wnaed gan y Tribiwnlys, ond heb fod yn gyfyngedig iddynt).
- (3) Rhaid i'r Comisiynydd ddiweddarau'r gofrestr camau gorfodi'n barhaus.
- (4) Rhaid i'r Comisiynydd –
 - (a) sicrhau bod copi o'r gofrestr camau gorfodi ar gael i'w archwilio yn swyddfa'r Comisiynydd, a
 - (b) sicrhau y perir bod copïau o'r gofrestr camau gorfodi ar gael mewn mannau eraill a thrwy ddulliau eraill (gan gynnwys dulliau electronig) sy'n briodol yn nhyb y Comisiynydd.
- (5) Rhaid i'r Comisiynydd sicrhau bod y trefniadau ar gyfer archwilio a chael at gopïau o'r gofrestr camau gorfodi yn cael eu cyhoeddi mewn modd sy'n dwyn y trefniadau hynny i sylw personau sy'n debygol yn nhyb y Comisiynydd o fod yn bersonau a chanddynt fuddiant yn y gofrestr.
- (6) Yn yr adran hon ystyr "ymchwiliad" yw ymchwiliad o dan adran 71.

- (b) ensure that copies of the document are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (6) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the enforcement policy document are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the document.

Register of enforcement action

109 Register of enforcement action

- (1) The Commissioner must create and maintain a register of enforcement action.
- (2) The register of enforcement action must include all of the following—
 - (a) a description of every investigation undertaken by the Commissioner;
 - (b) as respects each investigation undertaken, the following information as included in the investigation report—
 - (i) the Commissioner's findings on the investigation;
 - (ii) the Commissioner's determination of whether or not D had failed to comply with the relevant requirement;
 - (iii) the statement of whether the Commissioner took further action;
 - (iv) if the Commissioner took further action, the statement of that action;
 - (c) as respects each investigation undertaken, details of any decision notice given;
 - (d) details of appeals made to the Tribunal under Chapter 4 (including, but not limited to, the decisions made by the Tribunal).
- (3) The Commissioner must keep the register of enforcement action up to date.
- (4) The Commissioner must—
 - (a) ensure that a copy of the register of enforcement action is available for inspection at the Commissioner's office, and
 - (b) ensure that copies of the register of enforcement action are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (5) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of the register of enforcement action are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the register.
- (6) In this section “investigation” means an investigation under section 71.

*Dehongli***110 Dehongli**

Yn y Rhan hon –

ystyr “camau gorfodi” (“*enforcement action*”), mewn perthynas ag ymchwiliad o dan adran 71, yw un neu ragor o'r canlynol –

- (a) ei gwneud yn ofynnol i D baratoi cynllun gweithredu at ddiben atal methiant D rhag parhau neu gael ei ailadrodd;
- (b) ei gwneud yn ofynnol i D gymryd camau at ddiben atal methiant D rhag parhau neu gael ei ailadrodd;
- (c) rhoi cyhoeddusrwydd i fethiant D;
- (d) ei gwneud yn ofynnol i D roi cyhoeddusrwydd i'r methiant;
- (e) gosod cosb sifil ar D;

ystyr “person a chanddo fuddiant” (“*interested person*”) mewn perthynas ag ymchwiliad o dan adran 71 yw –

- (a) D, a
- (b) os yw'r ymchwiliad yn dilyn cwyn a wnaed o dan adran 93, y person a wnaeth y gwyn.

RHAN 6**RHYDDID I DDEFNYDDIO'R GYMRAEG****111 Gwneud cais i'r Comisiynydd**

- (1) Caiff unigolyn (P) wneud cais i'r Comisiynydd yn gofyn i'r Comisiynydd ymchwilio i a yw person (D) wedi ymyrryd â rhyddid P i ymgymryd â chyfathrebiad Cymraeg ag unigolyn arall (R) (“yr ymyrraeth honedig”).
- (2) Rhaid i gais o dan yr adran hon gydymffurfio â'r gofynion a ganlyn.
- (3) Rhaid i'r cais fod yn ysgrifenedig oni bai bod amgylchiadau personol P yn golygu na fyddai'n rhesymol i P wneud cais yn ysgrifenedig.
- (4) Rhaid i'r cais roi cyfeiriad lle y caiff y Comisiynydd gysylltu â P (boed y cyfeiriad yn gyfeiriad post, electronig neu'n gyfeiriad o ddisgrifiad arall).
- (5) Rhaid i'r cais –
 - (a) ei gwneud yn hysbys pwy yw D, a
 - (b) ei gwneud yn hysbys beth yw'r ymyrraeth honedig.

112 Cyfathrebiadau Cymraeg

Yn y Mesur hwn, ystyr “cyfathrebiad Cymraeg” yw cyfathrebiad yn Gymraeg rhwng dau unigolyn, y mae'r ddau ohonynt –

*Interpretation***110 Interpretation**

In this Part—

“enforcement action” (*“camau gorfodi”*), in relation to an investigation under section 71, means one or more of the following—

- (a) requiring D to prepare an action plan for the purpose of preventing the continuation or repetition of D's failure;
- (b) requiring D to take steps for the purpose of preventing the continuation or repetition of D's failure;
- (c) publicising D's failure;
- (d) requiring D to publicise the failure;
- (e) imposing a civil penalty on D;

“interested person” (*“person a chanddo fuddiant”*), in relation to an investigation under section 71, means—

- (a) D, and
- (b) if the investigation follows a complaint under section 93, the person who made the complaint.

PART 6

FREEDOM TO USE WELSH

111 Application to Commissioner

- (1) An individual (P) may apply to the Commissioner for the Commissioner to investigate whether a person (D) has interfered with P's freedom to undertake a Welsh communication with another individual (R) (the “alleged interference”).
- (2) An application under this section must comply with the following requirements.
- (3) The application must be made in writing, unless P's personal circumstances are such that it would not be reasonable for P to make the application in writing.
- (4) The application must give an address at which the Commissioner may contact P (whether the address is postal, electronic or of another description).
- (5) The application must identify—
 - (a) D, and
 - (b) the alleged interference.

112 Welsh communications

In this Measure, “Welsh communication” means a communication in Welsh between two individuals, both of whom—

- (a) yng Nghymru, a
- (b) yn dymuno defnyddio'r Gymraeg gyda'i gilydd wrth ymgymryd â'r cyfathrebiad.

113 Ymyrryd â rhyddid i ddefnyddio'r Gymraeg

- (1) At ddibenion y Mesur hwn, bernir bod D yn ymyrryd â rhyddid P i ymgymryd â chyfathrebiad Cymraeg ag R mewn unrhyw un neu ragor o'r achosion a ganlyn.
- (2) Achos 1 yw pan fo D yn mynegi na ddylai P neu R ymgymryd –
 - (a) â chyfathrebiad penodol yn Gymraeg sy'n gyfathrebiad Cymraeg, neu
 - (b) â chategori o gyfathrebiadau Cymraeg sydd (yn gyfan gwbl neu'n rhannol) yn un neu ragor o gyfathrebiadau Cymraeg.
- (3) Achos 2 yw pan fo D yn mynegi y bydd P neu R yn dioddef anfantais (drwy law D neu unrhyw berson arall) oherwydd bod P neu R wedi ymgymryd –
 - (a) â chyfathrebiad penodol yn Gymraeg sy'n gyfathrebiad Cymraeg, neu
 - (b) â chategori o gyfathrebiadau Cymraeg sydd (yn gyfan gwbl neu'n rhannol) yn un neu ragor o gyfathrebiadau Cymraeg.
- (4) Achos 3 yw pan fo D, neu berson sy'n gweithredu ar anogaeth D, yn peri bod P neu R yn dioddef anfantais oherwydd bod P neu R wedi ymgymryd –
 - (a) â chyfathrebiad penodol yn Gymraeg sy'n gyfathrebiad Cymraeg, neu
 - (b) â chategori o gyfathrebiadau Cymraeg sydd (yn gyfan gwbl neu'n rhannol) yn un neu ragor o gyfathrebiadau Cymraeg.
- (5) Ond, mewn achos sy'n dod o fewn is-adran (2)(b), (3)(b) neu (4)(b), dim ond i'r graddau y mae'r categori o gyfathrebiadau yn un neu ragor o gyfathrebiadau Cymraeg y bernir bod D yn ymyrryd â rhyddid P i ymgymryd â chyfathrebiad Cymraeg.
- (6) At ddibenion is-adran (2), mae'r amgylchiadau lle y bernir bod D yn mynegi na ddylai P neu R ymgymryd â chyfathrebiad penodol, neu gategori o gyfathrebiadau, yn cynnwys yr amgylchiadau canlynol ond heb fod yn gyfyngedig iddynt –
 - (a) mae D yn dweud wrth P neu R am beidio ag ymgymryd â'r cyfathrebiad neu'r categori o gyfathrebiadau,
 - (b) mae D yn mynegi y bydd P neu R yn dioddef anfantais (drwy law D neu unrhyw berson arall) os yw P neu R yn ymgymryd â'r cyfathrebiad neu'r categori o gyfathrebiadau, neu
 - (c) mae D, neu berson sy'n gweithredu ar anogaeth D, yn peri bod P neu R yn dioddef anfantais mewn cysylltiad â bod P neu R yn ymgymryd â'r cyfathrebiad neu'r categori o gyfathrebiadau.
- (7) At ddibenion yr adran hon, mae'n amherthnasol –
 - (a) a oes gan D neu unrhyw berson arall awdurdod i roi mynegiad ai peidio, a
 - (b) a oes gan D neu unrhyw berson arall awdurdod i orfodi mynegiad ai peidio.
- (8) Yn yr adran hon, mae cyfeiriadau at fod P neu R yn dioddef anfantais yn cynnwys bygyly neu fwlio P neu R, aflonyddu arnynt neu eu bychanu.

- (a) are in Wales, and
- (b) wish to use the Welsh language with one another in undertaking the communication.

113 Interference with freedom to use Welsh

- (1) For the purposes of this Measure, D is to be taken to interfere with P's freedom to undertake a Welsh communication with R in any of the following cases.
- (2) Case 1 is where D indicates that P or R should not undertake –
 - (a) a particular communication in Welsh that is a Welsh communication, or
 - (b) a category of communications in Welsh consisting (wholly or partly) of one or more Welsh communications.
- (3) Case 2 is where D indicates that P or R will be subjected to a detriment (by D or any other person) because P or R has undertaken –
 - (a) a particular communication in Welsh that is a Welsh communication, or
 - (b) a category of communications in Welsh consisting (wholly or partly) of one or more Welsh communications.
- (4) Case 3 is where D, or a person acting at D's instigation, subjects P or R to a detriment because P or R has undertaken –
 - (a) a particular communication in Welsh that is a Welsh communication, or
 - (b) a category of communications in Welsh consisting (wholly or partly) of one or more Welsh communications.
- (5) But, in a case falling within subsection (2)(b), (3)(b) or (4)(b), D is to be taken to interfere with P's freedom to undertake a Welsh communication only insofar as the category of communications consists of one or more Welsh communications.
- (6) For the purposes of subsection (2), the circumstances in which D is to be taken to indicate that P or R should not undertake a particular communication, or a category of communications, include, but are not limited to, circumstances where –
 - (a) D instructs P or R not to undertake the communication or category of communications,
 - (b) D indicates that P or R will be subjected to a detriment (by D or any other person) if P or R undertakes the communication or category of communications, or
 - (c) D, or a person acting at D's instigation, subjects P or R to a detriment in connection with P or R undertaking the communication or category of communications.
- (7) For the purposes of this section, it is irrelevant –
 - (a) whether or not D or any other person has authority to give an indication, and
 - (b) whether or not D or any other person has authority to enforce an indication.
- (8) In this section, references to P or R being subjected to a detriment include P or R being intimidated, bullied, harassed or humiliated.

114 Penderfynu ai i ymchwilio ai peidio

- (1) Mae'r adran hon yn gymwys os yw P yn gwneud cais i'r Comisiynydd o dan adran 111.
- (2) Mater i'r Comisiynydd yw penderfynu ai i ymchwilio i'r ymyrraeth honedig ai peidio.
- (3) Wrth benderfynu ai i ymchwilio i'r ymyrraeth honedig ai peidio –
 - (a) rhaid i'r Comisiynydd gymryd i ystyriaeth ym mha gyd-destun yr honnir bod yr ymyrraeth wedi digwydd (gan gynnwys y berthynas (os oes perthynas) sy'n bodoli rhwng D a P a rhwng D ac R, ond heb fod yn gyfyngedig i'r ddwy berthynas hyn);
 - (b) caiff y Comisiynydd ofyn i P, D, neu i unrhyw berson arall, am wybodaeth neu holi ei farn ynghylch yr ymyrraeth honedig; ac
 - (c) rhaid i'r Comisiynydd, os yw'n gofyn i P neu D am wybodaeth neu'n holi ei farn, roi i P neu D yr wybodaeth berthnasol am ymchwiliadau.
- (4) Nid yw is-adran (3) yn cyfyngu ar y materion y caiff y Comisiynydd eu hystyried wrth benderfynu ai i ymchwilio i'r ymyrraeth honedig ai peidio.
- (5) Os yw'r Comisiynydd yn penderfynu ymchwilio i'r ymyrraeth honedig, rhaid iddo –
 - (a) hysbysu P a D o'r penderfyniad, a
 - (b) rhoi i P a D yr wybodaeth berthnasol am ymchwiliadau (i'r graddau nad yw'r Comisiynydd eisoes wedi rhoi'r wybodaeth o dan is-adran (3)(c)).
- (6) Os yw'r Comisiynydd yn penderfynu peidio ag ymchwilio i'r ymyrraeth honedig, rhaid i'r Comisiynydd hysbysu P –
 - (a) o'r penderfyniad, a
 - (b) o'r rhesymau dros ddod i'r penderfyniad.
- (7) Rhaid i'r Comisiynydd gydymffurfio ag is-adran (5) neu (6) cyn gynted ag y bo'n ymarferol ar ôl dod i'r penderfyniad o dan sylw.
- (8) Yn yr adran hon ystyr "gwybodaeth berthnasol am ymchwiliadau" yw gwybodaeth am –
 - (a) y weithdrefn ar gyfer cynnal ymchwiliadau o dan y Rhan hon, a
 - (b) pwerau'r Comisiynydd mewn perthynas â'r ymchwiliadau hynny (gan gynnwys y pŵer o dan adran 118 i lunio a chyhoeddi adroddiadau a dogfennau eraill, ond heb fod yn gyfyngedig i hynny).

115 Ymchwiliadau

- (1) Mae'r adran hon yn gymwys os yw'r Comisiynydd yn penderfynu ymchwilio i'r ymyrraeth honedig.
- (2) Caiff y Comisiynydd ofyn i P, D, neu i unrhyw berson arall, am wybodaeth neu holi ei farn ynghylch yr ymyrraeth honedig.
- (3) Rhaid i'r Comisiynydd, i'r graddau y mae'n ymarferol, roi cyfle i D i ymateb i'r honiadau a wnaed gan P neu gan unrhyw berson arall.

114 Deciding whether to investigate

- (1) This section applies if P makes an application to the Commissioner under section 111.
- (2) It is for the Commissioner to decide whether or not to investigate the alleged interference.
- (3) When deciding whether to investigate the alleged interference, the Commissioner –
 - (a) must take into account the context in which interference is alleged to have taken place (including, but not limited to, the relationships, if any, that exist between D and P and between D and R);
 - (b) may ask P, D, or any other person, for information or views relating to the alleged interference; and
 - (c) must, if he or she asks P or D for information or views, give P or D the relevant information about investigations.
- (4) Subsection (3) does not limit the matters which the Commissioner may consider when deciding whether to investigate the alleged interference.
- (5) If the Commissioner decides to investigate the alleged interference, the Commissioner must –
 - (a) inform P and D of the decision, and
 - (b) give P and D the relevant information about investigations (insofar as the Commissioner has not already given the information under subsection (3)(c)).
- (6) If the Commissioner decides not to investigate the alleged interference, the Commissioner must inform P of –
 - (a) the decision, and
 - (b) the reasons for reaching the decision.
- (7) The Commissioner must comply with subsection (5) or (6) as soon as practicable after reaching the decision in question.
- (8) In this section “relevant information about investigations” means information about –
 - (a) the procedure for carrying out investigations under this Part, and
 - (b) the Commissioner's powers in relation to such investigations (including, but not limited to, the power under section 118 to produce and publish reports and other documents).

115 Investigations

- (1) This section applies if the Commissioner decides to investigate the alleged interference.
- (2) The Commissioner may ask P, D, or any other person, for information or views relating to the alleged interference.
- (3) The Commissioner must, so far as it is practicable, give D the opportunity to respond to the allegations made by P or any other person.

116 Terfynu ymchwiliadau

- (1) Caiff y Comisiynydd derfynu'r ymchwiliad i'r ymyrraeth honedig ar unrhyw adeg.
- (2) Os yw'r Comisiynydd yn penderfynu terfynu'r ymchwiliad, rhaid iddo—
 - (a) hysbysu P a D o'r penderfyniad, a
 - (b) hysbysu P o'r rhesymau dros ddod i'r penderfyniad.
- (3) Rhaid i'r Comisiynydd gydymffurfio ag is-adran (2) cyn gynted ag y bo'n ymarferol ar ôl dod i'r penderfyniad.

117 Cwblhau ymchwiliadau

- (1) Mae'r adran hon yn gymwys—
 - (a) os yw'r Comisiynydd yn penderfynu ymchwilio i'r ymyrraeth honedig, a
 - (b) os nad yw'r Comisiynydd yn terfynu'r ymchwiliad.
- (2) Rhaid i'r Comisiynydd ddyfarnu a yw D wedi ymyrryd â rhyddid P i ymgymryd â'r cyfathrebiad Cymraeg ai peidio.
- (3) Os yw'r Comisiynydd yn dyfarnu bod D wedi ymyrryd â rhyddid P i ymgymryd â'r cyfathrebiad Cymraeg, rhaid i'r Comisiynydd hefyd roi ei farn ar yr ymyrraeth (gan gynnwys ei farn ynghylch a ellid cyfiawnhau'r ymyrraeth, ond heb fod yn gyfyngedig i'w farn ar hynny).
- (4) Cyn bod y Comisiynydd yn gwneud dyfarniad o dan is-adran (2) neu'n rhoi ei farn o dan is-adran (3), rhaid iddo—
 - (a) hysbysu D o'r dyfarniad y mae'r Comisiynydd yn bwriadu ei wneud ac o'r farn y mae'r Comisiynydd yn bwriadu ei rhoi, a
 - (b) cyn belled ag y bo'n ymarferol, rhoi cyfle i D ymateb i'r dyfarniad ac i'r farn sydd yn yr arfaeth.
- (5) Rhaid i'r Comisiynydd hysbysu P a D—
 - (a) o'r dyfarniad ar y cais a wnaed gan P, a
 - (b) o'i farn ar yr ymyrraeth, os dyfarniad bod D wedi ymyrryd â rhyddid P i ymgymryd â'r cyfathrebiad Cymraeg yw'r dyfarniad.
- (6) Rhaid i'r Comisiynydd gydymffurfio ag is-adran (5) cyn gynted ag y bo'n ymarferol ar ôl gwneud y dyfarniad.
- (7) Caiff y Comisiynydd roi i P, D, neu i unrhyw berson arall gyngor ynghylch—
 - (a) yr ymyrraeth honedig, neu
 - (b) unrhyw fater sy'n ymwneud â'r ymyrraeth honedig.

118 Adroddiadau

- (1) Mae'r adran hon yn gymwys mewn unrhyw achos lle y gwneir cais o dan adran 111.
- (2) Caiff y Comisiynydd lunio, a rhoi i Weinidogion Cymru, adroddiad ar—
 - (a) y cais, a
 - (b) y camau a gymerwyd gan y Comisiynydd mewn ymateb i'r cais.

116 Discontinuing investigations

- (1) The Commissioner may, at any time, discontinue the investigation of the alleged interference.
- (2) If the Commissioner decides to discontinue the investigation, the Commissioner must—
 - (a) inform P and D of the decision, and
 - (b) inform P of the reasons for reaching the decision.
- (3) The Commissioner must comply with subsection (2) as soon as practicable after reaching the decision.

117 Concluding investigations

- (1) This section applies if the Commissioner—
 - (a) decides to investigate the alleged interference, and
 - (b) does not discontinue the investigation.
- (2) The Commissioner must determine whether or not D has interfered with P's freedom to undertake the Welsh communication.
- (3) If the Commissioner determines that D has interfered with P's freedom to undertake the Welsh communication, the Commissioner must also give his or her views on the interference (including, but not limited to, his or her views on whether the interference was justified).
- (4) Before the Commissioner makes a determination under subsection (2) or gives his or her views under subsection (3), he or she must—
 - (a) inform D of the determination which the Commissioner is proposing to make and of the views which the Commissioner is proposing to give, and
 - (b) so far as it is practicable, give D the opportunity to respond to the proposed determination and views.
- (5) The Commissioner must notify P and D—
 - (a) of the determination of P's application, and
 - (b) if the determination is that D has interfered with P's freedom to undertake the Welsh communication, of his or her views on the interference.
- (6) The Commissioner must comply with subsection (5) as soon as practicable after making the determination.
- (7) The Commissioner may give P, D, or any other person advice about—
 - (a) the alleged interference, or
 - (b) any matter that relates to the alleged interference.

118 Reports

- (1) This section applies in any case where an application is made under section 111.
- (2) The Commissioner may produce, and give the Welsh Ministers, a report on—
 - (a) the application, and
 - (b) the action taken by the Commissioner in response to the application.

- (3) Rhaid i'r Comisiynydd roi copïau o unrhyw adroddiad o'r fath i P a D.
- (4) Caiff y Comisiynydd gyhoeddi—
 - (a) adroddiad a roddir i Weinidogion Cymru o dan is-adran (2),
 - (b) fersiwn o'r adroddiad hwnnw, neu
 - (c) dogfen arall sy'n ymwneud (boed yn gyfan gwbl neu'n rhannol) â phwnc yr adroddiad hwnnw,
 (“dogfen gyhoeddus”), ond dim ond os bodlonir yr amodau canlynol.
- (5) Yr amod cyntaf yw bod y Comisiynydd—
 - (a) yn hysbysu P a D o'r bwriad i gyhoeddi dogfen gyhoeddus, a
 - (b) cyn belled ag y bo'n ymarferol, yn rhoi i P, D, neu i unrhyw berson arall y mae'r Comisiynydd o'r farn ei fod yn briodol, gyfle i roi i'r Comisiynydd farn am gyhoeddi dogfen gyhoeddus.
- (6) Yr ail amod yw—
 - (a) bod P a D yn cytuno bod y ddogfen gyhoeddus yn cael ei chyhoeddi, neu
 - (b) bod y Comisiynydd o'r farn ei bod er budd y cyhoedd i'r ddogfen gyhoeddus gael ei chyhoeddi.
- (7) Wrth bwysu a mesur a yw er budd y cyhoedd i'r ddogfen gyhoeddus gael ei chyhoeddi, rhaid i'r Comisiynydd gymryd i ystyriaeth, ymhlith pethau eraill—
 - (a) buddiannau P a D, a
 - (b) buddiannau unrhyw bersonau eraill y mae'n briodol eu cymryd i ystyriaeth yn nhyb y Comisiynydd.
- (8) Yn achos unrhyw gais lle dyfarna'r Comisiynydd nad yw D wedi ymyrryd â rhyddid P i ymgymryd â chyfathrebiad Cymraeg, rhaid i ddogfen gyhoeddus beidio â'i gwneud yn hysbys pwy yw D.

119 Adroddiad blynyddol i Weinidogion Cymru

- (1) Rhaid i'r Comisiynydd gynnwys, ym mhob adroddiad blynyddol a lunnir yn unol â Rhan 2, adroddiad—
 - (a) ar y ceisiadau perthnasol a wnaed i'r Comisiynydd yn y cyfnod y mae'r adroddiad yn ymwneud ag ef,
 - (b) ar y camau a gymerwyd gan y Comisiynydd mewn ymateb i geisiadau perthnasol a wnaed yn y cyfnod hwnnw, ac
 - (c) ar farn y Comisiynydd ar ddigonolrwydd ac effeithiolrwydd y gyfraith i warchod rhyddid personau yng Nghymru sy'n dymuno defnyddio'r Gymraeg i gyfathrebu â'i gilydd.
- (2) Wrth ffurfio barn at ddibenion is-adran (1)(c), mae'r materion y mae'n rhaid i'r Comisiynydd eu hystyried yn cynnwys y canlynol, ond nid ydynt wedi eu cyfyngu iddynt—
 - (a) pob cais perthnasol a wnaed oddi ar y dyddiad y daeth adran 111 i rym, a
 - (b) pob cam a gymerwyd gan y Comisiynydd mewn ymateb i geisiadau perthnasol a wnaed oddi ar y dyddiad y daeth adran 111 i rym.

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- (3) The Commissioner must give copies of any such report to P and D.
 - (4) The Commissioner may publish—
 - (a) a report given to the Welsh Ministers under subsection (2),
 - (b) a version of such a report, or
 - (c) another document that relates (whether wholly or partly) to the subject matter of such a report,(a “public document”), but only if the following conditions are met.
 - (5) The first condition is that the Commissioner—
 - (a) notifies P and D of the intention to publish a public document, and
 - (b) so far as it is practicable, gives P, D, or any other person the Commissioner considers appropriate, the opportunity to provide the Commissioner with views about publication of a public document.
 - (6) The second condition is that—
 - (a) P and D agree to the publication of a public document, or
 - (b) the Commissioner considers that it is in the public interest to publish a public document.
 - (7) In considering whether it is in the public interest to publish a public document, the Commissioner must take account of, amongst other things—
 - (a) the interests of P and D, and
 - (b) the interests of any other persons which the Commissioner thinks it is appropriate to take account of.
 - (8) In relation to any application in which the Commissioner determines that D has not interfered with P's freedom to undertake a Welsh communication, a public document must not identify D.

119 Annual report to Welsh Ministers

- (1) The Commissioner must include in each annual report produced in accordance with Part 2 a report on—
 - (a) relevant applications made to the Commissioner in the period to which the report relates,
 - (b) the action taken by the Commissioner in response to relevant applications made in that period, and
 - (c) the Commissioner's view of the adequacy and effectiveness of the law in protecting the freedom of persons in Wales wishing to use the Welsh language to do so with one another.
- (2) In formulating a view for the purposes of subsection (1)(c), the matters which the Commissioner must consider include, but are not limited to—
 - (a) all relevant applications made since section 111 came into force, and
 - (b) all action taken by the Commissioner in response to relevant applications made since section 111 came into force.

- (3) O ran unrhyw gais perthnasol lle y dyfarna'r Comisiynydd nad yw D wedi ymyrryd â rhyddid P i ymgymryd â chyfathrebiad Cymraeg, rhaid i'r materion a gynhwysir mewn adroddiad blynyddol yn unol â'r adran hon beidio â'i gwneud yn hysbys pwy yw D.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth am adroddiadau o dan yr adran hon.
- (5) Yn yr adran hon ystyr "cais perthnasol" yw cais a wneir o dan adran 111.

RHAN 7

TRIBIWNLYS Y GYMRAEG

Y Tribiwnlys

120 Tribiwnlys y Gymraeg

- (1) Bydd yna Dribiwnlys y Gymraeg (y cyfeirir ato yn y Mesur hwn fel y "Tribiwnlys").
- (2) Yr aelodau canlynol fydd aelodau'r Tribiwnlys –
 - (a) Llywydd Tribiwnlys y Gymraeg (y cyfeirir ato yn y Mesur hwn fel y "Llywydd");
 - (b) aelodau wedi ymgymhwyso yn y gyfraith; ac
 - (c) aelodau lleyg.
- (3) Rhaid i Weinidogion Cymru benodi aelodau'r Tribiwnlys.
- (4) Mae Atodlen 11 yn gwneud darpariaeth bellach ynghylch y Tribiwnlys.

121 Cyfansoddiad ar gyfer achosion gerbron y Tribiwnlys

- (1) Rhaid i'r Llywydd ddewis yr aelodau o'r Tribiwnlys sydd i ymdrin ag achosion penodol gerbron y Tribiwnlys.
- (2) Rhaid i'r Llywydd ddewis tri aelod o'r Tribiwnlys i ymdrin â'r achosion.
- (3) Rhaid i'r Llywydd sicrhau bod –
 - (a) o leiaf un o'r tri aelod yn aelod cyfreithiol, a
 - (b) o leiaf un o'r tri aelod yn aelod lleyg.
- (4) Os dim ond un o'r tri aelod sy'n aelod cyfreithiol, yr aelod cyfreithiol hwnnw sydd i gadeirio'r achos.
- (5) Os oes mwy nag un o'r tri aelod yn aelodau cyfreithiol, mae'r Llywydd i ddewis yr aelod cyfreithiol sydd i gadeirio'r achos.
- (6) Mae'r adran hon yn ddarostyngedig i Reolau'r Tribiwnlys.
- (7) Yn yr adran hon ystyr "aelod cyfreithiol" yw –
 - (a) y Llywydd, neu

- (3) In relation to any relevant application in which the Commissioner determines that D has not interfered with P's freedom to undertake a Welsh communication, the matters included in an annual report in accordance with this section must not identify D.
- (4) The Welsh Ministers may, by regulations, make provision about reports under this section.
- (5) In this section "relevant application" means an application made under section 111.

PART 7

WELSH LANGUAGE TRIBUNAL

The Tribunal

120 The Welsh Language Tribunal

- (1) There is to be a Welsh Language Tribunal (referred to in this Measure as the "Tribunal").
- (2) The Tribunal is to consist of the following members –
 - (a) the President of the Welsh Language Tribunal (referred to in this Measure as the "President");
 - (b) legally-qualified members; and
 - (c) lay members.
- (3) The Welsh Ministers must appoint the members of the Tribunal.
- (4) Schedule 11 makes further provision about the Tribunal.

121 Composition for proceedings before Tribunal

- (1) The President must select the members of the Tribunal who are to deal with particular proceedings before the Tribunal.
- (2) The President must select three members of the Tribunal to deal with the proceedings.
- (3) The President must ensure that –
 - (a) at least one of the three members is a legal member, and
 - (b) at least one of the three members is a lay member.
- (4) If only one of the three members is a legal member, that legal member is to chair the proceedings.
- (5) If more than one of the three members are legal members, the President is to select the legal member who is to chair the proceedings.
- (6) This section is subject to Tribunal Rules.
- (7) In this section "legal member" means –
 - (a) the President, or

(b) aelod o'r Tribiwnlys sydd wedi ymgymhwyso yn y gyfraith.

122 Gwrandawiadau cyhoeddus

- (1) Mae achosion gerbron y Tribiwnlys i'w cynnal yn gyhoeddus.
- (2) Ond mae hynny'n ddarostyngedig i Reolau'r Tribiwnlys.

Ymarferiad a threfniadaeth etc

123 Rheolau Tribiwnlys y Gymraeg

- (1) Rhaid i'r Llywydd wneud rheolau sy'n llywodraethu'r ymarferiad a'r drefniadaeth sydd i'w dilyn yn y Tribiwnlys.
- (2) Mae'r rheolau i'w galw'n "Rheolau Tribiwnlys y Gymraeg" (ond cyfeirir atynt yn y Mesur hwn fel "Rheolau'r Tribiwnlys").
- (3) Rhaid i Reolau'r Tribiwnlys gynnwys y canlynol—
 - (a) darpariaeth ynghylch dewis o dan adran 121(2) y tri aelod o'r Tribiwnlys i ymdrin ag achosion;
 - (b) darpariaeth ynghylch dewis o dan adran 121(5) yr aelod cyfreithiol i gadeirio achosion;
 - (c) darpariaeth ynghylch gwrthdrawiadau buddiant sy'n codi—
 - (i) mewn perthynas â chyfranogiad aelodau o'r Tribiwnlys yn y gwaith o ddyfarnu achos, neu
 - (ii) mewn perthynas ag arfer swyddogaethau'r Llywydd o dan adran 121.
- (4) Caiff Rheolau'r Tribiwnlys, ymysg pethau eraill, gynnwys darpariaeth ynghylch y materion a ganlyn—
 - (a) arfer gan y Llywydd, neu gan yr aelod sy'n cadeirio unrhyw achosion, unrhyw swyddogaethau sy'n ymwneud â materion sy'n rhagarweiniol i'r achos neu'n gysylltiedig â'r achos;
 - (b) cynnal achosion yn absenoldeb unrhyw aelod ac eithrio'r aelod sy'n eu cadeirio;
 - (c) dadlennu neu archwilio dogfennau, a'r hawl i fanylion pellach y gallai llys sirol ei rhoi;
 - (d) dyfarnu achosion heb wrandawriad mewn amgylchiadau a ragnodir yn Rheolau'r Tribiwnlys;
 - (e) achosion gwacsaw neu flinderus;
 - (f) caniatáu costau (gan gynnwys costau cosbedigol, ond heb eu cyfyngu i hynny) neu dreuliau;
 - (g) asesu'r costau neu'r treuliau hynny neu eu setlo fel arall (ac, yn benodol, ar gyfer galluogi asesu'r costau hynny yn y llys sirol);
 - (h) cyhoeddi adroddiadau ynghylch penderfyniadau'r Tribiwnlys;
 - (i) pwerau'r Tribiwnlys i adolygu ei benderfyniadau, neu i ddirymu neu amrywio ei orchmynion, yn yr amgylchiadau a gaiff eu pennu'n unol â Rheolau'r Tribiwnlys;

- (b) a legally-qualified member of the Tribunal.

122 Hearings in public

- (1) Proceedings before the Tribunal are to be held in public.
- (2) But that is subject to Tribunal Rules.

Practice and procedure etc

123 Welsh Language Tribunal Rules

- (1) The President must make rules governing the practice and procedure to be followed in the Tribunal.
- (2) The rules are to be known as “Welsh Language Tribunal Rules” (but are referred to in this Measure as “Tribunal Rules”).
- (3) Tribunal Rules must include the following –
 - (a) provision about the selection under section 121(2) of the three members of the Tribunal to deal with proceedings;
 - (b) provision about the selection under section 121(5) of the legal member to chair proceedings;
 - (c) provision about conflicts of interest that arise –
 - (i) in relation to the participation of members of the Tribunal in the determination of proceedings, or
 - (ii) in relation to the exercise of the President's functions under section 121.
- (4) Tribunal Rules may, amongst other things, include provision about the following matters –
 - (a) the exercise by the President, or by the member chairing any proceedings, of any functions which relate to matters that are preliminary or incidental to the proceedings;
 - (b) the conduct of proceedings in the absence of any member other than the member chairing them;
 - (c) the disclosure or inspection of documents, and such right to further particulars as might be granted by a county court;
 - (d) the determination of proceedings without a hearing in circumstances prescribed in Tribunal Rules;
 - (e) frivolous and vexatious proceedings;
 - (f) the award of costs (including, but not limited to, punitive costs) or expenses;
 - (g) assessing or otherwise settling any such costs or expenses (and, in particular, for enabling such costs to be assessed in the county court);
 - (h) the publication of reports of the Tribunal's decisions;
 - (i) the Tribunal's powers to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with Tribunal Rules;

- (j) y dyddiad y bernir bod hysbysiad wedi ei roi gan y Tribiwnlys.
- (5) Mae'r pŵer i wneud Rheolau'r Tribiwnlys yn cynnwys pŵer –
 - (a) i wneud darpariaeth wahanol at ddibenion gwahanol, a
 - (b) i roi swyddogaethau i'r Llywydd neu i Weinidogion Cymru (yn ogystal ag i unrhyw berson arall), gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn.
- (6) Rhaid i'r Llywydd gyflwyno Rheolau'r Tribiwnlys i Weinidogion Cymru.
- (7) Caiff Gweinidogion Cymru ganiatáu neu wrthod Rheolau'r Tribiwnlys a gyflwynir iddynt.
- (8) O ran rheolau a ganiateir gan Weinidogion Cymru –
 - (a) deuant i rym ar y diwrnod y bydd Gweinidogion Cymru'n ei gyfarwyddo, a
 - (b) maent i'w cynnwys mewn offeryn statudol y mae Deddf Offerynnau Statudol 1946 yn gymwys iddo fel pe bai'r offeryn yn cynnwys rheolau a wneir gan Weinidogion Cymru.
- (9) Mae offeryn statudol sy'n cynnwys rheolau a wneir gan y Llywydd yn ddarostyngedig i'w ddiddymu'n unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

124 Cyfarwyddiadau ymarfer

- (1) Caiff y Llywydd roi cyfarwyddiadau ynghylch ymarferiad a threfniadaeth y Tribiwnlys.
- (2) Ond ni chaiff y Llywydd roi cyfarwyddiadau ymarfer onid ydynt wedi eu cymeradwyo gan Weinidogion Cymru.
- (3) Nid yw is-adran (2) yn gymwys i gyfarwyddiadau ymarfer i'r graddau y mae'r cyfarwyddiadau hynny'n ymwneud â –
 - (a) cymhwyso neu ddehongli'r gyfraith, neu
 - (b) gwneud penderfyniadau gan aelodau o'r Tribiwnlys.
- (4) Mae'r pŵer o dan yr adran hon i roi cyfarwyddiadau ymarfer yn cynnwys –
 - (a) pŵer i amrywio neu ddirymu cyfarwyddiadau ymarfer a roddir wrth arfer y pŵer, a
 - (b) pŵer i wneud darpariaeth wahanol at ddibenion gwahanol.

125 Canllawiau, cyngor a gwybodaeth

- (1) Caiff y Llywydd roi canllawiau i aelodau eraill o'r Tribiwnlys mewn perthynas ag arfer eu swyddogaethau fel aelodau o'r Tribiwnlys.
- (2) Rhaid i aelod o'r Tribiwnlys roi sylw i'r canllawiau hynny wrth arfer y swyddogaethau hynny.
- (3) Caiff y Llywydd roi cyngor a gwybodaeth mewn cysylltiad â'r Tribiwnlys a'i swyddogaethau (gan gynnwys ymarferiad a threfniadaeth y Tribiwnlys, ond heb ei gyfyngu iddynt).
- (4) Caiff y Llywydd roi'r cyngor hwnnw –

- (j) the date upon which a notice is deemed to have been given by the Tribunal.
- (5) The power to make Tribunal Rules includes power –
 - (a) to make different provision for different purposes, and
 - (b) to confer functions on the President or the Welsh Ministers (as well as on any other person), including functions involving the exercise of a discretion.
- (6) The President must submit Tribunal Rules to the Welsh Ministers.
- (7) The Welsh Ministers may allow or disallow Tribunal Rules submitted to them.
- (8) Rules allowed by the Welsh Ministers –
 - (a) come into force on such day that the Welsh Ministers direct, and
 - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by the Welsh Ministers.
- (9) A statutory instrument containing rules made by the President is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

124 Practice directions

- (1) The President may give directions as to the practice and procedure of the Tribunal.
- (2) But the President may not give practice directions unless they have been approved by the Welsh Ministers.
- (3) Subsection (2) does not apply to practice directions to the extent that they relate to –
 - (a) the application or interpretation of the law, or
 - (b) the making of decisions by members of the Tribunal.
- (4) The power under this section to give practice directions includes –
 - (a) power to vary or revoke practice directions given in exercise of the power, and
 - (b) power to make different provision for different purposes.

125 Guidance, advice and information

- (1) The President may give guidance to other members of the Tribunal in relation to the exercise of their functions as members of the Tribunal.
- (2) A member of the Tribunal must have regard to such guidance in exercising such functions.
- (3) The President may give advice and information in respect of the Tribunal and its functions (including, but not limited to, its practice and procedure).
- (4) The President may give such advice –

- (a) i bersonau penodol, neu
- (b) yn fwy cyffredinol.

126 Pwerau atodol

- (1) Mewn perthynas â'r materion a grybwyllir yn is-adran (2), mae gan y Tribiwnlys yr un pwerau, hawliau, breintiau ac awdurdod â'r Uchel Lys.
- (2) Dyma'r materion –
 - (a) presenoldeb tystion a'u holi,
 - (b) cyflwyno ac archwilio dogfennau, ac
 - (c) pob mater arall sy'n gysylltiedig â swyddogaethau'r Tribiwnlys.
- (3) Nid yw is-adran (1) –
 - (a) yn cyfyngu ar unrhyw bŵer i wneud Rheoliadau'r Tribiwnlys, neu
 - (b) wedi ei chyfyngu gan unrhyw beth yn Rheoliadau'r Tribiwnlys, ac eithrio cyfyngiad penodol.
- (4) Caiff y Tribiwnlys gyfarwyddo bod parti neu dyst i'w holi ar lw neu gadarnhad.
- (5) Caiff y Tribiwnlys weinyddu unrhyw lw, neu gymryd unrhyw gadarnhad, sy'n angenrheidiol at y diben hwnnw.

Staff ac adnoddau eraill

127 Staff, adeiladau ac adnoddau eraill y Tribiwnlys

- (1) Rhaid i Weinidogion Cymru sicrhau bod gan y Tribiwnlys y canlynol –
 - (a) staff,
 - (b) adeiladau, ac
 - (c) adnoddau ariannol ac adnoddau eraill,
 sy'n briodol i'r Tribiwnlys er mwyn iddo arfer ei swyddogaethau.
- (2) Gweinidogion Cymru sydd i benderfynu pa staff, adeiladau, adnoddau ariannol ac adnoddau eraill sy'n briodol at y diben hwnnw.
- (3) Caniateir i Weinidogion Cymru fodloni'r ddyletswydd o dan is-adran (1) –
 - (a) drwy ddarparu staff, adeiladau neu adnoddau eraill, neu
 - (b) drwy wneud trefniadau gydag unrhyw berson arall ar gyfer darparu staff, adeiladau neu adnoddau eraill.
- (4) Caiff Gweinidogion Cymru dalu tâl cydnabyddiaeth i staff y Tribiwnlys.
- (5) Caiff Gweinidogion Cymru dalu lwfansau (gan gynnwys lwfansau teithio a chynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i staff y Tribiwnlys.
- (6) Caiff Gweinidogion Cymru dalu –

- (a) to particular persons, or
- (b) more generally.

126 Supplementary powers

- (1) In relation to the matters mentioned in subsection (2), the Tribunal has the same powers, rights, privileges and authority as the High Court.
- (2) The matters are—
 - (a) the attendance and examination of witnesses,
 - (b) the production and inspection of documents, and
 - (c) all other matters incidental to the Tribunal's functions.
- (3) Subsection (1)—
 - (a) does not limit any power to make Tribunal Rules, or
 - (b) is not limited by anything in Tribunal Rules, except an express limitation.
- (4) The Tribunal may direct that a party or witness is to be examined on oath or affirmation.
- (5) The Tribunal may administer any oath, or take any affirmation, that is necessary for that purpose.

Staff and other resources

127 Staff, accommodation and other resources of Tribunal

- (1) The Welsh Ministers must ensure that the Tribunal is provided with—
 - (a) staff,
 - (b) accommodation, and
 - (c) financial and other resources,that are appropriate for the Tribunal to exercise its functions.
- (2) It is for the Welsh Ministers to determine what staff, accommodation and financial and other resources are appropriate for that purpose.
- (3) The Welsh Ministers may satisfy the duty under subsection (1) by—
 - (a) providing staff, accommodation or other resources, or
 - (b) entering into arrangements with any other person for the provision of staff, accommodation or other resources.
- (4) The Welsh Ministers may pay remuneration to the staff of the Tribunal.
- (5) The Welsh Ministers may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the staff of the Tribunal.
- (6) The Welsh Ministers may pay—

- (a) pensiynau i bersonau sydd wedi bod yn aelodau o staff y Tribiwnlys, neu mewn perthynas â hwy, a
- (b) symiau ar gyfer darparu pensiynau, neu tuag at ddarparu pensiynau, i bersonau sydd wedi bod yn aelodau o staff y Tribiwnlys, neu mewn cysylltiad â hwy.

128 Cyngorwyr sydd wedi ymgymhwyso'n arbennig

- (1) Caiff y Llywydd benodi cyngorwyr sydd wedi ymgymhwyso'n arbennig i ddarparu cymorth i'r Tribiwnlys (boed mewn perthynas ag achosion penodol gerbron y Tribiwnlys neu fel arall).
- (2) Caiff y Llywydd dalu tâl cydnabyddiaeth i gyngorwyr sydd wedi ymgymhwyso'n arbennig.
- (3) Caiff y Llywydd dalu lwfansau (gan gynnwys lwfansau teithio a chynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i gyngorwyr sydd wedi ymgymhwyso'n arbennig.
- (4) Ond rhaid i Weinidogion Cymru gymeradwyo swm unrhyw dâl cydnabyddiaeth, lwfansau neu arian rhodd sy'n daladwy i gynghorydd sydd wedi ymgymhwyso'n arbennig cyn i'r Llywydd dalu'r tâl cydnabyddiaeth, lwfansau neu'r arian rhodd, neu gytuno i'w talu.

Materion gweinyddol

129 Y sêl

- (1) Mae'r Tribiwnlys i gael sêl swyddogol.
- (2) Mae pob dogfen yr honnir ei bod yn dwyn sêl swyddogol y Tribiwnlys i'w derbyn yn dystiolaeth yng Nghymru a Lloegr heb brawf pellach.
- (3) Ond nid yw is-adran (2) yn gymwys os dangosir nad yw'r ddogfen yn dwyn sêl swyddogol y Tribiwnlys.

130 Y flwyddyn ariannol

- (1) Blwyddyn ariannol gyntaf y Tribiwnlys yw'r cyfnod sy'n dechrau ar y diwrnod cychwyn ac sy'n dod i ben—
 - (a) y 31 Mawrth canlynol (os 1 Ebrill yw'r diwrnod cychwyn), neu
 - (b) yr ail 31 Mawrth canlynol (os nad 1 Ebrill yw'r diwrnod cychwyn).
- (2) Yn ddarostyngedig i hynny, blwyddyn ariannol y Tribiwnlys yw'r cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.
- (3) Yn yr adran hon ystyr "diwrnod cychwyn" yw'r diwrnod y daw adran 120 i rym.

131 Swydd y Llywydd yn wag

- (1) Mae'r adran hon yn gymwys os yw swydd y Llywydd yn wag.
- (2) Caiff Gweinidogion Cymru benodi un neu ragor o aelodau'r Tribiwnlys sydd wedi ymgymhwyso yn y gyfraith i arfer unrhyw un neu ragor neu'r oll o swyddogaethau'r Llywydd.

- (a) pensions to, or in respect of, persons who have been staff of the Tribunal, and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been staff of the Tribunal.

128 Specially qualified advisers

- (1) The President may appoint specially qualified advisers to provide assistance to the Tribunal (whether in relation to particular proceedings before the Tribunal or otherwise).
- (2) The President may pay remuneration to specially qualified advisers.
- (3) The President may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to specially qualified advisers.
- (4) But the Welsh Ministers must approve the amount of any remuneration, allowances or gratuities payable to a specially qualified adviser before the President agrees to pay, or pays, the remuneration, allowances or gratuities.

Administrative matters

129 Seal

- (1) The Tribunal is to have an official seal.
- (2) Every document purporting to be sealed with the official seal of the Tribunal is to be received in evidence in England and Wales without further proof.
- (3) But subsection (2) does not apply if the document is shown not to be sealed with the official seal of the Tribunal.

130 Financial year

- (1) The Tribunal's first financial year is the period that begins with the commencement day and ends with—
 - (a) the following 31 March (if the commencement day is 1 April), or
 - (b) the second following 31 March (if the commencement day is not 1 April).
- (2) Subject to that, the Tribunal's financial year is the period of 12 months ending with 31 March.
- (3) In this section “commencement day” means the day when section 120 comes into force.

131 Vacancy in the office of President

- (1) This section applies if the office of President is vacant.
- (2) The Welsh Ministers may appoint one or more of the legally-qualified members of the Tribunal to exercise any or all of the President's functions.

- (3) Os na fydd, neu i'r graddau na fydd, swyddogaethau'r Llywydd yn arferadwy gan aelod sydd wedi ymgymhwyso yn y gyfraith yn unol ag is-adran (2), caiff Gweinidogion Cymru arfer y swyddogaethau.
- (4) Ond ni chaiff Gweinidogion Cymru gymryd rhan yn y gwaith o ddyfarnu unrhyw achosion gerbron y Tribiwnlys.

Adroddiadau, adolygiadau a pherfformiad

132 Adroddiad blynyddol y Llywydd

- (1) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Llywydd—
 - (a) llunio adroddiad ar y modd y mae'r Tribiwnlys wedi arfer ei swyddogaethau yn y flwyddyn ariannol honno, a
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (2) Rhaid i'r Llywydd gydymffurfio ag unrhyw ofynion sydd gan Gynulliad Cenedlaethol Cymru ynghylch ffurf yr adroddiad ac ynghylch ei osod.

133 Hyfforddiant etc ar gyfer aelodau'r Tribiwnlys

- (1) Rhaid i'r Llywydd gynnal trefniadau priodol ar gyfer hyfforddiant, arweiniad a lles aelodau'r Tribiwnlys.
- (2) Y Llywydd sydd i benderfynu pa drefniadau sy'n briodol at y diben hwnnw.

RHAN 8

CYFFREDINOL

PENNOD 1

UNIONDEB CYMERIAD

134 Cofrestr buddiannau

- (1) Rhaid i bob deiliad swydd perthnasol greu a chynnal cofrestr buddiannau.
- (2) Rhaid i gofrestr buddiannau deiliad swydd perthnasol gynnwys ei holl fuddiannau cofrestradwy.
- (3) Rhaid i ddeiliad swydd perthnasol lunio'i gofrestr buddiannau yn Gymraeg ac yn Saesneg.
- (4) Rhaid i ddeiliad swydd perthnasol ddiweddarau ei gofrestr buddiannau'n barhaus.
- (5) Mae hynny'n cynnwys dyletswydd i gynnwys buddiant cofrestredig yn y gofrestr buddiant o fewn 4 wythnos i'r canlynol ond nid yw wedi ei gyfyngu i hynny—
 - (a) y buddiant yn codi, neu

- (3) If, or to the extent that, the President's functions are not exercisable by a legally-qualified member in accordance with subsection (2), the Welsh Ministers may exercise the functions.
- (4) But the Welsh Ministers may not participate in determining any proceedings before the Tribunal.

Reports, reviews and performance

132 President's annual report

- (1) As soon as practicable after the end of each financial year, the President must—
 - (a) produce a report on the Tribunal's exercise of its functions in that financial year, and
 - (b) lay a copy of the report before the National Assembly for Wales.
- (2) The President must comply with any requirements of the National Assembly for Wales in relation to the form of the report and the laying of it.

133 Training etc for members of Tribunal

- (1) The President must maintain appropriate arrangements for the training, guidance and welfare of members of the Tribunal.
- (2) It is for the President to decide what arrangements are appropriate for that purpose.

PART 8

GENERAL

CHAPTER 1

INTEGRITY

134 Register of interests

- (1) Each relevant office holder must create and maintain a register of interests.
- (2) A relevant office holder's register of interests must include all of his or her registrable interests.
- (3) A relevant office holder must produce his or her register of interests in Welsh and in English.
- (4) A relevant office holder must keep his or her register of interests up to date.
- (5) That includes, but is not limited to, a duty to include a registrable interest in the register of interests within 4 weeks of—
 - (a) the interest arising, or

- (b) y deiliad swydd perthnasol yn dod yn ymwybodol o'r buddiant (os yw hynny'n digwydd ar ôl i'r buddiant godi).

135 Cyhoeddi cofrestrau buddiannau

- (1) Rhaid i'r Comisiynydd –
- (a) sicrhau bod copi o gofrestr buddiannau pob deiliad swydd perthnasol ar gael i'w archwilio yn swyddfa'r Comisiynydd, a
 - (b) sicrhau y perir bod copïau o gofrestr buddiannau pob deiliad swydd perthnasol ar gael mewn manau eraill a thrwy ddulliau eraill (gan gynnwys dulliau electronig) sy'n briodol yn nhyb y Comisiynydd.
- (2) Rhaid i'r Comisiynydd sicrhau bod y trefniadau ar gyfer archwilio a chael at gopïau o gofrestrau buddiannau deiliaid swyddi perthnasol yn cael eu cyhoeddi mewn modd sy'n dwyn y trefniadau hynny i sylw personau sy'n debygol yn nhyb y Comisiynydd o fod yn bersonau a chanddynt fuddiant yn y cofrestrau.
- (3) Rhaid i'r Dirprwy Gomisiynydd roi i'r Comisiynydd –
- (a) copïau o gofrestr buddiannau'r Dirprwy Gomisiynydd, a
 - (b) cymorth arall,
- y gall y Comisiynydd ofyn amdanynt er mwyn ei alluogi i gydymffurfio â'r ddyletswydd o dan is-adran (1).

136 Gwrthdrawiadau buddiannau

- (1) Rhaid i ddeiliad swydd perthnasol beidio ag arfer swyddogaeth os oes ganddo fuddiant cofrestradwy sy'n ymwneud ag arfer y swyddogaeth.
- (2) Mewn achos lle y mae is-adran (1) yn atal y Comisiynydd rhag arfer swyddogaeth, rhaid iddo ddirprwyo'r swyddogaeth honno (i'r graddau y bo'n angenrheidiol i alluogi'r gwaith hwnnw o'i harfer i gael ei wneud) –
- (a) i'r Dirprwy Gomisiynydd, neu
 - (b) i aelod arall o staff y Comisiynydd.
- (3) Mewn achos lle y mae is-adran (1) yn atal y Dirprwy Gomisiynydd rhag arfer swyddogaeth, rhaid i'r Comisiynydd wneud trefniadau i'r swyddogaeth gael ei harfer gan rywun heblaw'r Dirprwy Gomisiynydd.

137 Dilysrwydd gweithredoedd

Nid effeithir ar ddilysrwydd gweithred deiliad swydd perthnasol gan fethiant i gydymffurfio â darpariaeth yn y Bennod hon neu a wneir o dan y Bennod hon.

138 Rheoliadau

- (1) Caiff Gweinidogion Cymru, drwy reoliadau –
- (a) pennu pa fuddiannau sy'n fuddiannau cofrestradwy at ddibenion y Bennod hon, a
 - (b) gwneud darpariaeth arall at ddibenion y Bennod hon.
- (2) Caiff buddiannau cofrestradwy gynnwys, ymhlith pethau eraill, buddiannau personau y mae cysylltiad rhyngddynt a deiliaid swyddi perthnasol (boed yn gysylltiad teuluol, ariannol neu o unrhyw fath arall).

- (b) the relevant office holder becoming aware of the interest (if that occurs after the interest arises).

135 Publication of registers of interests

- (1) The Commissioner must –
 - (a) ensure that a copy of the register of interests of each relevant office holder is available for inspection at the Commissioner's office, and
 - (b) ensure that copies of the register of interests of each relevant office holder are made available at such other places and by such other means (including by electronic means) as he or she thinks appropriate.
- (2) The Commissioner must ensure that the arrangements for inspecting and gaining access to copies of relevant office holders' registers of interests are published in such a way as to bring those arrangements to the attention of persons whom the Commissioner thinks likely to have an interest in the registers.
- (3) The Deputy Commissioner must give the Commissioner –
 - (a) such copies of the Deputy Commissioner's register of interests, and
 - (b) such other assistance,as the Commissioner may require to enable him or her to comply with the duty under subsection (1).

136 Conflicts of interest

- (1) A relevant office holder must not exercise a function if he or she has a registrable interest which relates to the exercise of the function.
- (2) In a case where subsection (1) prevents the Commissioner from exercising a function, he or she must delegate that function (so far as necessary to enable that exercise of it to be carried out) to –
 - (a) the Deputy Commissioner, or
 - (b) another member of the Commissioner's staff.
- (3) In a case where subsection (1) prevents the Deputy Commissioner from exercising a function, the Commissioner must make arrangements for the function to be exercised otherwise than by the Deputy Commissioner.

137 Validity of acts

The validity of an act of a relevant office holder is not affected by a failure to comply with any provision of, or made under, this Chapter.

138 Regulations

- (1) The Welsh Ministers may, by regulations –
 - (a) specify what interests are registrable interests for the purposes of this Chapter, and
 - (b) make other provision for the purposes of this Chapter.
- (2) Registrable interests may, among other things, include interests of persons with whom relevant office holders have a connection (whether familial, financial or of any other kind).

- (3) Yn yr adran hon ystyr “buddiant” yw buddiant o unrhyw fath (gan gynnwys buddiannau ariannol, a phob gweithgaredd a swydd, ond heb fod yn gyfyngedig iddynt).

139 Dehongli'r Bennod hon

Yn y Bennod hon –

ystyr “buddiant cofrestradwy” (“*registrable interest*”) yw buddiant cofrestradwy a bennir mewn rheoliadau a wneir o dan adran 138;

ystyr “deiliad swydd perthnasol” (“*relevant office holder*”) yw –

- (a) y Comisiynydd, neu
- (b) y Dirprwy Gomisiynydd.

PENNOD 2

DIFENWI

140 Braint absoliwt

- (1) At ddibenion cyfraith difenwi, mae'r canlynol yn absoliwt freintiedig –
- (a) cyhoeddi mater gan y Comisiynydd wrth iddo arfer unrhyw un neu ragor o'i swyddogaethau;
 - (b) cyhoeddi mater gan aelod o'r Panel Cynggori wrth iddo arfer unrhyw un neu ragor o'i swyddogaethau;
 - (c) cyhoeddi mater gan berson wrth iddo gydymffurfio â gofyniad mewn hysbysiad penderfynu;
 - (d) cyhoeddi, mewn cyfathrebiad rhwng –
 - (i) y Comisiynydd, a
 - (ii) person a ddiogelir,
 fater mewn cysylltiad ag ymholiad neu ymchwiliad;
 - (e) cyhoeddi, mewn cyfathrebiad rhwng –
 - (i) yr achwynydd neu berson sy'n gweithredu ar ran yr achwynydd, a
 - (ii) cynrychiolydd,
 fater mewn cysylltiad ag ymchwiliad o dan Ran 5 neu Ran 6.
- (2) Yn yr adran hon mae cyfeiriad at y Comisiynydd yn cynnwys y personau canlynol –
- (a) aelodau o staff y Comisiynydd;
 - (b) unrhyw berson sy'n gweithredu ar ran y Comisiynydd neu'n cynorthwyo i arfer swyddogaethau'r Comisiynydd.

- (3) In this section “interest” means an interest of any kind (including, but not limited to, financial interests, and all activities and occupations).

139 Interpretation of this Chapter

In this Chapter –

“registrable interest” (*“buddiant cofrestradwy”*) means a registrable interest specified in regulations made under section 138;

“relevant office holder” (*“deiliad swydd perthnasol”*) means –

- (a) the Commissioner, or
- (b) the Deputy Commissioner.

CHAPTER 2

DEFAMATION

140 Absolute privilege

- (1) For the purposes of the law of defamation, the following are absolutely privileged –
- (a) the publication of a matter by the Commissioner in the exercise of any of his or her functions;
 - (b) the publication of a matter by a member of the Advisory Panel in the exercise of any of his or her functions;
 - (c) the publication of a matter by a person in compliance with a requirement in a decision notice;
 - (d) the publication, in a communication between –
 - (i) the Commissioner, and
 - (ii) a protected person,of a matter in connection with an inquiry or investigation;
 - (e) the publication, in a communication between –
 - (i) the complainant or a person acting on behalf of the complainant, and
 - (ii) a representative,of a matter in connection with an investigation under Part 5 or Part 6.
- (2) In this section a reference to the Commissioner includes the following persons –
- (a) the members of the Commissioner's staff;
 - (b) any person acting on the Commissioner's behalf or assisting in the exercise of the Commissioner's functions.

141 Dehongli'r Bennod hon

Yn y Bennod hon –

ystyr “achwynydd” (“*complainant*”) –

- (a) mewn perthynas ag ymchwiliad o dan Ran 5, yw'r person (os oes person) y cyfeirir ato fel “P” yn adran 93;
- (b) mewn perthynas ag ymchwiliad o dan Ran 6 –
 - (i) yw'r person y cyfeirir ato fel “P” yn adran 111; a
 - (ii) yw'r person y cyfeirir ato fel “R” yn adran 111;

ystyr “cynrychiolydd” (“*representative*”) yw unrhyw un neu ragor o'r canlynol –

- (a) aelod o gyngor cymuned, cyngor bwrdeistref sirol neu gyngor sir yng Nghymru;
- (b) Aelod o Gynulliad Cenedlaethol Cymru;
- (c) Aelod Seneddol;
- (d) aelod o Dŷ'r Arglwyddi;
- (e) Aelod o Senedd Ewrop;

ystyr “person a ddiogelir” (“*protected person*”), mewn perthynas ag ymholiad neu ymchwiliad, yw unrhyw un neu ragor o'r personau canlynol –

- (a) aelod o'r Panel Cyngori;
- (b) cynrychiolydd;
- (c) person sy'n destun yr ymholiad neu'r ymchwiliad;
- (d) person y mae'r Comisiynydd yn cyfathrebu ag ef at ddiben cael gwybodaeth mewn cysylltiad ag ymholiad neu ymchwiliad;
- (e) yr achwynydd;
- (f) person sy'n gweithredu ar ran person sy'n dod o fewn paragraff (c) i (e).

ystyr “ymchwiliad” (“*investigation*”) yw unrhyw un neu ragor o'r canlynol –

- (a) ymchwiliad safonau o dan Bennod 8 o Ran 4;
- (b) ymchwiliad o dan Ran 5 (cydymffurfedd â gofynion perthnasol);
- (c) ymchwiliad o dan Ran 6 (ymyrraeth â'r rhyddid i gyfathrebu yn Gymraeg);

ystyr “ymholiad” (“*inquiry*”) yw ymholiad o dan adran 7.

141 Interpretation of this Chapter

In this Chapter –

“complainant” (*“achwynnydd”*) means –

- (a) in relation to an investigation under Part 5, the person (if any) referred to as “P” in section 93;
- (b) in relation to an investigation under Part 6 –
 - (i) the person referred to as “P” in section 111; and
 - (ii) the person referred to as “R” in section 111;

“inquiry” (*“ymholiad”*) means an inquiry under section 7;

“investigation” (*“ymchwiliad”*) means any of the following –

- (a) a standards investigation under Chapter 8 of Part 4;
- (b) an investigation under Part 5 (compliance with relevant requirements);
- (c) an investigation under Part 6 (interference with the freedom to communicate in Welsh);

“protected person” (*“person a ddiogelir”*), in relation to an inquiry or investigation, means any of the following persons –

- (a) a member of the Advisory Panel;
- (b) a representative;
- (c) a person who is the subject of the inquiry or investigation;
- (d) a person with whom the Commissioner is communicating for the purpose of obtaining information in connection with an inquiry or investigation;
- (e) the complainant;
- (f) a person acting on behalf of a person falling within paragraph (c) to (e);

“representative” (*“cynrychiolydd”*) means any of the following persons –

- (a) a member of a community council, county borough council or county council in Wales;
- (b) a Member of the National Assembly for Wales;
- (c) a Member of Parliament;
- (d) a member of the House of Lords;
- (e) a Member of the European Parliament.

PENNOD 3**CYFYNGIADAU****142 Cyfyngiadau**

- (1) Nid yw'r Mesur hwn yn awdurdodi'r Comisiynydd i arfer swyddogaeth ragnodedig sydd yn rhinwedd deddfiad yn arferadwy hefyd gan berson rhagnodedig, nac yn ei gwneud yn ofynnol i'r Comisiynydd wneud hynny.
- (2) Yn yr adran hon ystyr "rhagnodedig" yw rhagnodedig mewn gorchymyn a wneir at ddibenion yr adran hon gan Weinidogion Cymru.

RHAN 9**BWRDD YR IAITH GYMRAEG, CYNLLUNIAU IAITH GYMRAEG ETC****143 Diddymu'r Bwrdd a throsglwyddo swyddogaethau**

- (1) Diddymir Bwrdd yr Iaith Gymraeg.
- (2) Trosglwyddir y swyddogaethau a roddwyd i'r Bwrdd gan adran 3 o Ddeddf 1993 i'r Comisiynydd.
- (3) Ond mae hynny'n ddarostyngedig i unrhyw orchymyn o dan adran 154 sy'n darparu i'r swyddogaethau hynny gael eu throsglwyddo i Weinidogion Cymru (boed yn lle throsglwyddo'r swyddogaethau i'r Comisiynydd neu'n ychwanegol at wneud hynny).
- (4) Trosglwyddir y swyddogaethau a roddwyd i'r Bwrdd gan Ran 2 o Ddeddf 1993 i'r Comisiynydd.
- (5) Diddymir darpariaethau canlynol Deddf 1993—
 - (a) adran 1;
 - (b) adran 2;
 - (c) adran 4(2);
 - (d) adran 34(2);
 - (e) Atodlen 1.

144 Diddymu swyddogaethau cyffredinol y Bwrdd a disodli cynlluniau gan safonau

- (1) Diddymir y swyddogaethau a roddwyd gan adran 3 o Ddeddf 1993 (ac a drosglwyddwyd fel a grybwyllir yn adran 143).
- (2) Mae Rhan 2 o Ddeddf 1993 yn peidio â bod yn gymwys i berson os daw'r person hwnnw, a phan ddaw'r person hwnnw, yn ddarostyngedig am y tro cyntaf i'r ddyletswydd o dan adran 25(1) o'r Mesur hwn i gydymffurfio â safon.
- (3) Diddymir darpariaethau canlynol Deddf 1993—
 - (a) adran 3;
 - (b) adran 4(1).

CHAPTER 3

RESTRICTIONS

142 Restrictions

- (1) This Measure does not authorise or require the Commissioner to exercise a prescribed function which by virtue of an enactment is also exercisable by a prescribed person.
- (2) In this section “prescribed” means prescribed in an order made for the purposes of this section by the Welsh Ministers.

PART 9

WELSH LANGUAGE BOARD, WELSH LANGUAGE SCHEMES ETC

143 Abolition of Board and transfer of functions

- (1) The Welsh Language Board is abolished.
- (2) The functions conferred on the Board by section 3 of the 1993 Act are transferred to the Commissioner.
- (3) But that is subject to any order under section 154 which provides for those functions to be transferred to the Welsh Ministers (whether instead of, or in addition to, the functions being transferred to the Commissioner).
- (4) The functions conferred on the Board by Part 2 of the 1993 Act are transferred to the Commissioner.
- (5) The following provisions of the 1993 Act are repealed –
 - (a) section 1;
 - (b) section 2;
 - (c) section 4(2);
 - (d) section 34(2);
 - (e) Schedule 1.

144 Abolition of Board's general functions and replacement of schemes with standards

- (1) The functions conferred by section 3 of the 1993 Act (and transferred as mentioned in section 143) are abolished.
- (2) Part 2 of the 1993 Act ceases to apply to a person if and when that person first becomes subject to the duty under section 25(1) of this Measure to comply with a standard.
- (3) The following provisions of the 1993 Act are repealed –
 - (a) section 3;
 - (b) section 4(1).

145 Disodli cynlluniau iaith Gymraeg gan safonau

- (1) Diddymir y swyddogaethau a roddwyd i'r Bwrdd gan Ran 2 o Ddeddf 1993 (ac a drosglwyddwyd fel a grybwyllir yn adran 143).
- (2) Diddymir darpariaethau canlynol Deddf 1993 –
 - (a) Rhan 2;
 - (b) adran 34(1) a (3).

146 Darpariaeth arall

Mae Atodlen 12 yn cynnwys darpariaeth arall sy'n ymwneud â diddymu'r Bwrdd.

147 Atodol

- (1) Caiff Gweinidogion Cymru arfer eu pwerau o dan Rannau eraill o'r Mesur hwn at ddibenion dwyn i rym unrhyw ddarpariaeth yn y Mesur hwn sy'n ymwneud â'r Comisiynydd er mwyn galluogi swyddogaethau'r Bwrdd i gael eu trosglwyddo i'r Comisiynydd a bod yn arferadwy ganddo cyn bod unrhyw swyddogaeth newydd yn arferadwy gan y Comisiynydd (p'un a ddaw unrhyw swyddogaeth newydd yn arferadwy ar ôl hynny ai peidio tra bydd unrhyw swyddogaeth a drosglwyddwyd yn parhau i fod yn arferadwy).
- (2) At y diben hwnnw ystyr "swyddogaeth newydd" yw swyddogaeth a roddir i'r Comisiynydd gan ddarpariaeth mewn unrhyw Ran arall o'r Mesur hwn.
- (3) Nid yw'r Rhan hon yn cyfyngu ar bwerau Gweinidogion Cymru o dan Rannau eraill o'r Mesur hwn (ac yn unol â hynny ceir defnyddio'r pwerau hynny i wneud darpariaeth yn ychwanegol at ddarpariaeth neu yn lle darpariaeth yn y Rhan hon).
- (4) Yn yr adran hon, mae cyfeiriadau at bwerau Gweinidogion Cymru o dan Rannau eraill o'r Mesur hwn yn cynnwys eu pwerau o dan –
 - (a) adran 154 (darpariaeth drosiannol a darpariaeth ganlyniadol etc), a
 - (b) adran 156(2) (cychwyn),
 ond heb fod yn gyfyngedig iddynt.
- (5) Yn y Rhan hon –

ystyr "y Bwrdd" ("*Board*") yw Bwrdd yr Iaith Gymraeg;

ystyr "Deddf 1993" ("*1993 Act*") yw Deddf yr Iaith Gymraeg 1993.

RHAN 10**STRATEGAETH IAITH GYMRAEG GWEINIDOGION CYMRU****148 Gweinidogion Cymru i baratoi cynllun gweithredu**

- (1) Diwygier adran 78 o Ddeddf Llywodraeth Cymru 2006 fel a ganlyn.
- (2) Ar ôl is-adran (8), mewnosoder –

145 Replacement of Welsh language schemes with standards

- (1) The functions conferred on the Board by Part 2 of the 1993 Act (and transferred as mentioned in section 143) are abolished.
- (2) The following provisions of the 1993 Act are repealed –
 - (a) Part 2;
 - (b) section 34(1) and (3).

146 Other provision

Schedule 12 contains other provision relating to the abolition of the Board.

147 Supplementary

- (1) The Welsh Ministers' powers under other Parts of this Measure may be exercised for the purpose of bringing into force any provision of this Measure relating to the Commissioner so as to enable functions of the Board to be transferred to, and to be exercisable by, the Commissioner before any new function is exercisable by the Commissioner (whether or not any new function subsequently becomes exercisable whilst any transferred function remains exercisable).
- (2) For that purpose “new function” means a function which is conferred on the Commissioner by a provision of any other Part of this Measure.
- (3) This Part does not limit the Welsh Ministers' powers under other Parts of this Measure (and accordingly those powers may be used to make provision in addition to, or in place of, provision in this Part).
- (4) In this section, references to the Welsh Ministers' powers under other Parts of this Measure include, but are not limited to, their powers under –
 - (a) section 154 (transitional and consequential provision etc), and
 - (b) section 156(2) (commencement).
- (5) In this Part –

“1993 Act” (“*Deddf 1993*”) means the Welsh Language Act 1993;

“Board” (“*y Bwrdd*”) means the Welsh Language Board.

PART 10**WELSH MINISTERS' WELSH LANGUAGE STRATEGY****148 Welsh Ministers to prepare an action plan**

- (1) Section 78 of the Government of Wales Act 2006 is amended as follows.
- (2) After subsection (8), insert –

“(9) For each financial year, the Welsh Ministers must publish a plan setting out how they will implement the proposals set out in the Welsh language strategy during that year.

(10) The plan must be published as soon as reasonably practicable before the commencement of the financial year to which it relates.”

149 Cyngor Partneriaeth y Gymraeg

- (1) Rhaid i Weinidogion Cymru sefydlu a chynnal corff a enwir yn Gyngor Partneriaeth y Gymraeg (ac y cyfeirir ato yn y Mesur hwn fel “y Cyngor Partneriaeth”).
- (2) Yr aelodau canlynol fydd aelodau'r Cyngor Partneriaeth –
 - (a) pa un bynnag o Weinidogion Cymru sydd â chyfrifoldeb dros y Gymraeg (ac ef sydd i gadeirio'r Cyngor Partneriaeth), a
 - (b) aelodau wedi eu penodi gan Weinidogion Cymru o blith –
 - (i) Gweinidogion Cymru,
 - (ii) Dirprwy Weinidogion Cymru,
 - (iii) personau y mae'n ymddangos i Weinidogion Cymru fod ganddynt brofiad o faterion yn ymwneud â'r Gymraeg, a
 - (iv) personau y mae'n ymddangos i Weinidogion Cymru fod ganddynt brofiad sy'n berthnasol i unrhyw un neu ragor o'r materion sydd wedi eu rhestru yn is-adran (6).
- (3) Rhaid i Weinidogion Cymru, wrth arfer eu pŵer i apwyntio aelodau o'r Cyngor Partneriaeth o dan is-adran (2)(b)(iii) a (iv), ystyried y ffaith ei bod yn ddymunol bod aelodaeth y Cyngor Partneriaeth yn adlewyrchu graddau amrywiol defnyddio'r Gymraeg gan drigolion Cymru.
- (4) Mae trefniadaeth y Cyngor Partneriaeth i'w rheoleiddio gan reolau sefydlog sydd i'w gwneud gan Weinidogion Cymru ar ôl iddynt ymgynghori â'r Cyngor Partneriaeth.
- (5) Caiff y rheolau sefydlog ddarparu pwy sydd i gadeirio'r Cyngor Partneriaeth yn absenoldeb pa un bynnag o Weinidogion Cymru sydd â chyfrifoldeb dros y Gymraeg.
- (6) Caiff y Cyngor Partneriaeth –
 - (a) roi cyngor neu gyflwyno sylwadau i Weinidogion Cymru ynghylch y strategaeth iaith Gymraeg a fabwysiadwyd o dan adran 78 o Ddeddf Llywodraeth Cymru 2006 (gan gynnwys y cynllun sy'n nodi sut y bydd Gweinidogion Cymru yn cyflawni'r cynigion a nodwyd yn y strategaeth), a
 - (b) gwneud unrhyw beth sy'n briodol ym marn y Cyngor at ddibenion rhoi'r cyngor hwnnw neu gyflwyno'r sylwadau hynny.

“(9) For each financial year, the Welsh Ministers must publish a plan setting out how they will implement the proposals set out in the Welsh language strategy during that year.

(10) The plan must be published as soon as reasonably practicable before the commencement of the financial year to which it relates.”

149 The Welsh Language Partnership Council

- (1) The Welsh Ministers must establish and maintain a body to be known as the Welsh Language Partnership Council (referred to in this section as “the Partnership Council”).
- (2) The Partnership Council is to consist of—
 - (a) the Welsh Minister with responsibility for the Welsh language (who is to chair the Partnership Council), and
 - (b) members appointed by the Welsh Ministers from among—
 - (i) the Welsh Ministers,
 - (ii) the Deputy Welsh Ministers,
 - (iii) persons who appear to the Welsh Ministers to have experience of matters relating to the Welsh language, and
 - (iv) persons who appear to the Welsh Ministers to have experience relevant to any of the matters listed in subsection (6).
- (3) The Welsh Ministers must, in exercising their power to appoint members of the Partnership Council under subsection (2)(b)(iii) and (iv), have regard to the fact that it is desirable for the Partnership Council’s membership to reflect the varying extent to which the Welsh language is used by those living in Wales.
- (4) The Partnership Council’s procedure is to be regulated by standing orders, to be made by the Welsh Ministers following consultation with the Partnership Council.
- (5) The standing orders may make provision about who is to chair the Partnership Council in the absence of the Welsh Minister with responsibility for the Welsh language.
- (6) The Partnership Council may—
 - (a) give advice or make representations to the Welsh Ministers in relation to the Welsh language strategy adopted under section 78 of the Government of Wales Act 2006 (including the plan setting out how the Welsh Ministers will implement the proposals set out in the strategy), and
 - (b) do anything it considers appropriate for the purposes of giving that advice or making those representations.

RHAN 11

ATODOL

150 Gorchymynion a rheoliadau

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys unrhyw un neu ragor o'r canlynol gael ei wneud onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad –
 - (a) gorchymyn o dan adran 20(4)(a) neu (b) (cymhwyso adran 20 i bersonau ac eithrio Ombwdsmon Gwasanaethau Cyhoeddus Cymru etc) sy'n diwygio darpariaeth mewn deddfwriaeth sylfaenol;
 - (b) gorchymyn o dan adran 21(7) (diwygio'r diffiniad o “ombwdsmon”);
 - (c) gorchymyn o dan adran 21(8) (darpariaeth mewn cysylltiad â gorchymyn o dan adran 21(7)) sy'n diwygio deddfwriaeth sylfaenol;
 - (d) gorchymyn o dan adran 22(10) (diwygio'r diffiniad o “person a ganiatawyd”);
 - (e) rheoliadau o dan adran 26(1) neu (2) (pennu safonau etc);
 - (f) gorchymyn o dan adran 35 neu 38 (diwygio Atodlen 6 neu 8), ac eithrio gorchymyn sy'n cynnwys darpariaeth o dan yr adran honno y mae'r cyfan ohono'n ddarpariaeth o'r math a nodir yn is-adran (4);
 - (g) rheoliadau o dan adran 39 (safonau sy'n benodol gymwys);
 - (h) gorchymyn o dan adran 42 (diwygio Atodlen 9);
 - (i) rheoliadau o dan adran 68 (rhoi gwybodaeth i'r Comisiynydd);
 - (j) gorchymyn o dan adran 83(7) (newid uchafswm cosb sifil);
 - (k) gorchymyn o dan adran 154 (darpariaeth drosiannol a darpariaeth ganlyniadol etc) sy'n cynnwys darpariaeth sy'n diwygio, diddymu neu fel arall yn addasu deddfiad (ac eithrio deddfiad a geir mewn is-ddeddfwriaeth);
 - (l) rheoliadau o dan baragraff 7(1) o Atodlen 1 (darpariaeth ynghylch penodi'r Comisiynydd);
 - (m) gorchymyn o dan baragraff 8(1) o Atodlen 1 (arfer swyddogaethau'r Comisiynydd gan Weinidogion Cymru) sy'n diwygio'r Mesur hwn;
 - (n) gorchymyn o dan baragraff 1 o Atodlen 5 (newid swm arian cyhoeddus a bennir yn y tabl yn Atodlen 5).
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys gorchymyn neu reoliadau o dan y Mesur hwn, ac eithrio offeryn nad yw ond yn cynnwys gorchymyn o dan adran 156 (cychwyn), yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (4) Darpariaeth sy'n diwygio cyfeiriad at berson yng nghofnod person yn y tabl yn Atodlen 6 neu'r tabl yn Atodlen 8 o ganlyniad i newid enw'r person hwnnw yw'r ddarpariaeth y cyfeirir ati yn is-adran (2)(f).

PART 11

SUPPLEMENTARY

150 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) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales—
 - (a) an order under section 20(4)(a) or (b) (application of section 20 to persons other than Public Services Ombudsman for Wales etc) that amends provision of primary legislation;
 - (b) an order under section 21(7) (amendment of definition of “ombudsman”);
 - (c) an order under section 21(8) (provision in connection with order under section 21(7)) that amends primary legislation;
 - (d) an order under section 22(10) (amendment of definition of “permitted person”);
 - (e) regulations under section 26(1) or (2) (specification of standards etc);
 - (f) an order under section 35 or 38 (amendment of Schedule 6 or 8), apart from an order containing provision under that section all of which is of the kind referred to in subsection (4);
 - (g) regulations under section 39 (standards that are specifically applicable);
 - (h) an order under section 42 (amendment of Schedule 9);
 - (i) regulations under section 68 (supply of information to Commissioner);
 - (j) an order under section 83(7) (alteration of maximum amount of civil penalty);
 - (k) an order under section 154 (transitional and consequential provision etc) that contains a provision amending, repealing or otherwise modifying an enactment (other than an enactment contained in subordinate legislation);
 - (l) regulations under paragraph 7(1) of Schedule 1 (provision about the appointment of the Commissioner);
 - (m) an order under paragraph 8(1) of Schedule 1 (exercise of Commissioner's functions by Welsh Ministers) that amends this Measure;
 - (n) an order under paragraph 1 of Schedule 5 (alteration of amount of public money specified in the Schedule 5 table).
- (3) Any other statutory instrument containing an order or regulations under this Measure, apart from an instrument containing only an order under section 156 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) The provision mentioned in subsection (2)(f) is provision amending a reference to a person in the person's entry in the Schedule 6 table or Schedule 8 table in consequence of a change in that person's name.

- (5) Mae unrhyw bŵer gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn cynnwys pŵer –
- i wneud darpariaeth wahanol ar gyfer achosion gwahanol, dibenion gwahanol neu ardaloedd daearyddol gwahanol;
 - i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;
 - i wneud darpariaeth drosiannol, darpariaeth ddarfodol, darpariaeth ganlyniadol, darpariaeth arbed, darpariaeth gysylltiedig a darpariaeth arall sy'n angenrheidiol neu'n briodol yn nhyb Gweinidogion Cymru.
- (6) Mae pŵer Gweinidogion Cymru o dan adran 155(3) hefyd yn cynnwys, yn achos cychwyn diddymiad darpariaeth yn Neddf yr Iaith Gymraeg 1993, pŵer i ddarparu ar gyfer cychwyn gwahanol ar gyfer awdurdodaethau gwahanol.
- (7) Yn yr adran hon, ystyr “deddfwriaeth sylfaenol” yw Deddf Senedd y DU neu un o Fesurau neu Ddeddfau'r Cynulliad.

151 Cyfarwyddiadau

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

- caniateir ei amrywio neu ei ddirymu gan gyfarwyddyd diweddarach;
- rhaid ei roi'n ysgrifenedig;
- caniateir iddo wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol; a
- caniateir iddo wneud darpariaeth wahanol ar gyfer achosion gwahanol, dibenion gwahanol neu ardaloedd daearyddol gwahanol.

152 Hysbysiadau etc

- Mae'r adran hon yn gymwys mewn perthynas â hysbysiadau a dogfennau eraill y mae'n ofynnol neu yr awdurdoddir eu rhoi o dan y Mesur hwn.
- Caniateir rhoi hysbysiad neu ddogfen y mae'n ofynnol neu yr awdurdoddir ei roi neu ei rhoi i'r Comisiynydd –
 - drwy ei draddodi neu ei thraddodi i'r Comisiynydd,
 - drwy ei anfon neu ei hanfon drwy'r post i brif swyddfa'r Comisiynydd, neu
 - yn ddarostyngedig i is-adran (3), drwy ei drosglwyddo neu ei throsglwyddo'n electronig.
- Dim ond os cafodd yr hysbysiad neu'r ddogfen ei drosglwyddo neu ei throsglwyddo mewn modd y gall y Comisiynydd ei wneud yn ofynnol y caniateir i hysbysiad neu ddogfen gael ei drosglwyddo neu ei throsglwyddo'n electronig.
- Caniateir rhoi hysbysiad neu ddogfen y mae'n ofynnol i'r Comisiynydd ei roi neu ei rhoi, neu yr awdurdoddir y Comisiynydd i'w roi neu i'w rhoi, i berson arall –
 - drwy ei draddodi neu ei thraddodi i'r person,
 - drwy ei anfon neu ei hanfon drwy'r post i'r cyfeiriad diweddaraf sy'n hysbys ar gyfer y person, neu
 - yn ddarostyngedig i is-adran (5), drwy ei drosglwyddo neu ei throsglwyddo'n electronig.

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- (5) 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, different purposes, or different geographical areas;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such transitional, transitory, consequential, saving, incidental and other provision as the Welsh Ministers think necessary or appropriate.
 - (6) The power of the Welsh Ministers under section 155(3) also includes, in the case of the commencement of the repeal of provision in the Welsh Language Act 1993, power to provide for different commencement for different jurisdictions.
 - (7) In this section “primary legislation” means an Act of Parliament or a Measure or Act of the Assembly.

151 Directions

Any direction given by the Welsh Ministers under this Measure –

- (a) may be varied or revoked by a later direction;
- (b) must be given in writing;
- (c) may make provision generally or in relation to specific cases; and
- (d) may make different provision for different cases, different purposes or different geographical areas.

152 Notices etc

- (1) This section applies in relation to notices and other documents required or authorised to be given under this Measure.
- (2) A notice or document that is required or authorised to be given to the Commissioner may be given –
 - (a) by delivering it to the Commissioner,
 - (b) by sending it by post to the principal office of the Commissioner, or
 - (c) subject to subsection (3), by transmitting it electronically.
- (3) A notice or document may be given to the Commissioner by transmitting it electronically only if it has been transmitted in such manner as the Commissioner may require.
- (4) A notice or document that the Commissioner is required or authorised to give to another person may be given –
 - (a) by delivering it to the person,
 - (b) by sending it by post to the person's last known address, or
 - (c) subject to subsection (5), by transmitting it electronically.

- (5) Dim ond os bodlonir y gofynion canlynol y caiff y Comisiynydd roi hysbysiad neu ddogfen i berson drwy ei drosglwyddo neu ei throsglwyddo'n electronig—
- (a) rhaid i'r person y mae'r hysbysiad neu'r ddogfen i'w roi neu i'w rhoi iddo fod wedi—
 - (i) mynegi i'r Comisiynydd fod y person hwnnw'n fodlon derbyn yr hysbysiad neu'r ddogfen drwy ei drosglwyddo neu ei throsglwyddo drwy gyfrwng electronig, a
 - (ii) darparu cyfeiriad addas at y diben hwnnw i'r Comisiynydd, a
 - (b) rhaid i'r Comisiynydd anfon yr hysbysiad neu'r ddogfen i'r cyfeiriad a ddarparwyd gan y person hwnnw.
- (6) Caiff person fynegi, at ddibenion is-adran (4), ei fod yn fodlon derbyn—
- (a) hysbysiadau neu ddogfennau'n gyffredinol wedi eu trosglwyddo'n electronig, neu
 - (b) hysbysiadau neu ddogfennau o ddisgrifiadau penodol wedi eu trosglwyddo'n electronig.
- (7) Nid yw'r adran hon yn hepgor unrhyw ddull arall o roi neu o anfon hysbysiad neu ddogfen na ddarperir yn benodol ar ei gyfer gan yr adran hon.
- (8) Nid yw gofyniad yn y Mesur hwn am i hysbysiad neu ddogfen fod yn ysgrifenedig yn atal yr adran hon rhag bod yn gymwys mewn perthynas â hi neu ag ef.
- (9) Nid yw gofyniad am i'r Comisiynydd roi hysbysiad neu ddogfen arall i berson yn gymwys os yw'r Comisiynydd o'r farn nad yw'n ymarferol rhoi'r hysbysiad hwnnw neu'r ddogfen honno i'r person hwnnw yn unol ag is-adran (4).
- (10) Caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth ynghylch y dyddiad y bernir bod hysbysiad wedi ei roi neu ddogfen wedi ei rhoi.

153 Dehongli'r Mesur hwn

- (1) Yn y Mesur hwn—
- ystyr “Comisiynydd” (“*Commissioner*”) yw Comisiynydd y Gymraeg (gweler Rhan 2);
- mae “deddfiad” (“*enactment*”) yn cynnwys Mesur Cynulliad, Deddf Cynulliad, is-ddeddfwriaeth ac unrhyw ddeddfiad yn y dyfodol;
- ystyr “Dirprwy Gomisiynydd” (“*Deputy Commissioner*”) yw Dirprwy Gomisiynydd y Gymraeg (gweler adran 12);
- ystyr “Llywydd” (“*President*”) yw Llywydd Tribiwnlys y Gymraeg (gweler Rhan 7);
- ystyr “Panel Cynghori” (“*Advisory Panel*”) yw Panel Cynghori Comisiynydd y Gymraeg (gweler Rhan 3);
- ystyr “Rheolau'r Tribiwnlys” (“*Tribunal Rules*”) yw Rheolau Tribiwnlys y Gymraeg (gweler Rhan 7);
- ystyr “Tribiwnlys” (“*Tribunal*”) yw Tribiwnlys y Gymraeg (gweler Rhan 7).
- (2) Yn y Mesur hwn mae cyfeiriadau at staff y Comisiynydd i'w dehongli'n unol ag adran 12(2).

- (5) The Commissioner may give a notice or document to a person by transmitting it electronically only if the following requirements are met –
- (a) the person to whom the notice or document is to be given must have –
 - (i) indicated to the Commissioner that person's willingness to receive the notice or document by transmission by electronic means, and
 - (ii) provided the Commissioner with an address suitable for that purpose, and
 - (b) the Commissioner must send the notice or document to the address provided by that person.
- (6) A person may give, for the purposes of subsection (4), an indication of willingness to receive –
- (a) notices or documents generally by transmission by electronic means, or
 - (b) notices or documents of particular descriptions by electronic means.
- (7) This section does not exclude any method of giving or sending a notice or other document not expressly provided for by this section.
- (8) A requirement of this Measure for a notice or document to be in writing does not prevent this section from applying in relation to it.
- (9) A requirement for the Commissioner to give a notice or other document to a person does not apply if the Commissioner thinks that it is not practicable to give that notice or document to that person in accordance with subsection (4).
- (10) The Welsh Ministers may by order make provision about the date upon which a notice or document is deemed to have been given.

153 Interpretation of this Measure

- (1) In this Measure –
- “Advisory Panel” (“*Panel Cyngهوري*”) means the Advisory Panel to the Welsh Language Commissioner (see Part 3);
 - “Commissioner” (“*Comisiynydd*”) means the Welsh Language Commissioner (see Part 2);
 - “Deputy Commissioner” (“*Dirprwy Gomisiynydd*”) means the Deputy Welsh Language Commissioner (see section 12);
 - “enactment” (“*deddfiad*”) includes an Assembly Measure, an Act of the Assembly, subordinate legislation and any future enactment;
 - “President” (“*Llywydd*”) means the President of the Welsh Language Tribunal (see Part 7);
 - “Tribunal” (“*Tribiwnlys*”) means the Welsh Language Tribunal (see Part 7);
 - “Tribunal Rules” (“*Rheolau'r Tribiwnlys*”) means Welsh Language Tribunal Rules (see Part 7).
- (2) In this Measure references to the Commissioner's staff are to be construed in accordance with section 12(2).

154 Darpariaeth drosiannol a darpariaeth ganlyniadol etc

- (1) Caiff Gweinidogion Cymru wneud y cyfryw ddarpariaeth drosiannol, darpariaeth ddarfodol, darpariaeth ganlyniadol, darpariaeth arbed, darpariaeth gysylltiedig, a darpariaeth arall ag y mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol neu'n briodol mewn cysylltiad â'r Mesur hwn neu i roi llwyr effaith iddo.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud o dan yr adran hon yn cynnwys darpariaeth sy'n diwygio, diddymu neu fel arall yn addasu deddfiad, ond heb fod yn gyfyngedig i hynny.

155 Rhychwant

- (1) Mae'r Mesur hwn yn rhychwantu Cymru a Lloegr yn unig.
- (2) Ond mae hynny'n ddarostyngedig i is-adran (3).
- (3) Yr un yw rhychwant diddymiad i ddarpariaeth yn Neddf yr Iaith Gymraeg 1993 â rhychwant y ddarpariaeth a gaiff ei diddymu.

156 Cychwyn

- (1) Daw'r darpariaethau canlynol i rym ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor—
 - (a) Rhan 1;
 - (b) y Rhan hon.
- (2) Yn ddarostyngedig i is-adran (1), daw'r Mesur hwn i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy orchymyn.

157 Enw byr

Enw'r Mesur hwn yw Mesur y Gymraeg (Cymru) 2011.

154 Transitional and consequential provision etc

- (1) The Welsh Ministers may, by order, make such transitional, transitory, consequential, saving, incidental and other provision as they think necessary or appropriate in connection with, or to give full effect to, this Measure.
- (2) The provision that may be made under this section includes, but is not limited to, provision that amends, repeals or otherwise modifies an enactment.

155 Extent

- (1) This Measure extends to England and Wales only.
- (2) But that is subject to subsection (3).
- (3) A repeal of a provision of the Welsh Language Act 1993 has the same extent as the provision repealed.

156 Commencement

- (1) The following provisions come into force on the day on which this Measure is approved by Her Majesty in Council—
 - (a) Part 1;
 - (b) this Part.
- (2) Subject to subsection (1), this Measure comes into force in accordance with provision made by the Welsh Ministers by order.

157 Short title

This Measure may be cited as the Welsh Language (Wales) Measure 2011.

ATODLEN 1
(a gyflwynwyd gan adran 2)
COMISIYNYDD Y GYMRAEG
RHAN 1
STATWS ETC

Statws

- 1 (1) Mae'r Comisiynydd yn gorfforaeth undyn.
- (2) Nid yw'r Comisiynydd i'w ystyried yn was neu'n asiant i'r Goron neu'n un sy'n mwynhau unrhyw statws, imiwnedd na braint sydd gan y Goron.
- (3) Nid yw eiddo'r Comisiynydd i'w ystyried yn eiddo'r Goron neu'n eiddo sy'n cael ei ddal gan neu ar ran y Goron.
- (4) Wrth arfer swyddogaethau mewn perthynas â'r Comisiynydd, rhaid i Weinidogion Cymru roi ystyriaeth i'r ffaith ei bod yn ddymunol sicrhau bod y Comisiynydd o dan gyn lleied o gyfyngiadau ag y bo'n rhesymol bosibl wrth iddo benderfynu –
 - (a) ar ei weithgareddau,
 - (b) ar ei amserlenni, ac
 - (c) ar ei flaenoriaethau.

Dilysrwydd gweithredoedd

- 2 (1) Nid effeithir ar ddilysrwydd gweithred person fel Comisiynydd gan ddiffyg ym mhenodiad –
 - (a) y person hwnnw, neu
 - (b) unrhyw aelod o'r Panel Cyngori.
- (2) Nid effeithir ar ddilysrwydd gweithred person sy'n arfer swyddogaethau'r Comisiynydd gan ddiffyg ym mhenodiad –
 - (a) y person hwnnw,
 - (b) y Comisiynydd, neu
 - (c) unrhyw aelod o'r Panel Cyngori.

SCHEDULE 1
(introduced by section 2)

THE WELSH LANGUAGE COMMISSIONER

PART 1

STATUS ETC

Status

- 1 (1) The Commissioner is a corporation sole.
- (2) The Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (3) The Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (4) When exercising functions in relation to the Commissioner, the Welsh Ministers must have regard to the fact that it is desirable to ensure that the Commissioner is under as few constraints as reasonably possible in determining his or her –
 - (a) activities,
 - (b) timetables, and
 - (c) priorities.

Validity of acts

- 2 (1) The validity of an act of a person as Commissioner is not affected by a defect in the appointment of –
 - (a) that person, or
 - (b) any member of the Advisory Panel.
- (2) The validity of an act of a person exercising functions of the Commissioner is not affected by a defect in the appointment of –
 - (a) that person,
 - (b) the Commissioner, or
 - (c) any member of the Advisory Panel.

RHAN 2

PENODI

Penodi

- 3 (1) Pan fydd Prif Weinidog Cymru'n penodi'r Comisiynydd –
- (a) rhaid iddo gydymffurfio â rheoliadau penodi (gweler paragraff 7),
 - (b) rhaid iddo roi sylw i'r argymhellion a wnaed gan y panel dethol ynglŷn â'r penodiad (gweler paragraff 7), ac
 - (c) caiff ystyried barn unrhyw bersonau eraill y mae'n briodol ymgynghori â hwy yn nhyb Prif Weinidog Cymru.
- (2) Ni chaiff Prif Weinidog Cymru benodi person yn Gomisiynydd –
- (a) os yw'r person wedi ei anghymhwysu rhag bod yn Gomisiynydd ar sail cyflogaeth (gweler paragraff 13), neu
 - (b) os cafodd y person hwnnw ei benodi'n Gomisiynydd o'r blaen.
- (3) Mae'r farn y caiff Prif Weinidog Cymru ei hystyried o dan is-baragraff (1)(c) yn cynnwys barn y canlynol, ond heb fod yn gyfyngedig i hynny –
- (a) Cynulliad Cenedlaethol Cymru,
 - (b) pwyllgorau'r Cynulliad Cenedlaethol, ac
 - (c) aelodau'r Cynulliad Cenedlaethol.

Tâl cydnabyddiaeth, lwfansau a phensiynau

- 4 (1) Caiff Gweinidogion Cymru dalu tâl cydnabyddiaeth i'r Comisiynydd.
- (2) Caiff Gweinidogion Cymru dalu lwfansau (gan gynnwys lwfansau teithio a lwfansau cynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i'r Comisiynydd.
- (3) Caiff Gweinidogion Cymru dalu –
- (a) pensiynau i bersonau a fu'n Gomisiynydd neu mewn cysylltiad â hwy, a
 - (b) symiau ar gyfer darparu pensiynau, neu tuag at ddarparu pensiynau, i bersonau a fu'n Gomisiynydd, neu mewn cysylltiad â hwy.

Telerau penodi

- 5 (1) Mae'r Comisiynydd yn dal ei swydd yn ddarostyngedig i delerau ei benodiad.
- (2) Ond mae hynny'n ddarostyngedig i ddarpariaethau eraill yn yr Atodlen hon.
- (3) Rhaid i delerau penodi'r Comisiynydd ddarparu ei fod yn dal y swydd yn llawnamser.

Cyfnod y penodiad

- 6 (1) Mae person a benodir yn Gomisiynydd yn dal y swydd (yn rhinwedd y penodiad hwnnw) am 7 mlynedd.
- (2) Ond mae hynny'n ddarostyngedig i Ran 3 o'r Atodlen hon.

PART 2

APPOINTMENT

Appointment

- 3 (1) In appointing the Commissioner, the First Minister –
- (a) must comply with appointment regulations (see paragraph 7),
 - (b) must take account of the recommendations made by the selection panel in relation to the appointment (see paragraph 7), and
 - (c) may take into account the views of any other persons whom the First Minister thinks it is appropriate to consult.
- (2) The First Minister may not appoint a person to be Commissioner if the person –
- (a) is disqualified from being Commissioner on grounds of employment (see paragraph 13), or
 - (b) has already been appointed as Commissioner.
- (3) The views which the First Minister may take into account under sub-paragraph (1)(c) include, but are not limited to, the views of –
- (a) the National Assembly for Wales,
 - (b) committees of the National Assembly, and
 - (c) members of the National Assembly.

Remuneration, allowances and pensions

- 4 (1) The Welsh Ministers may pay remuneration to the Commissioner.
- (2) The Welsh Ministers may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the Commissioner.
- (3) The Welsh Ministers may pay –
- (a) pensions to, or in respect of, persons who have been Commissioner, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been Commissioner.

Terms of appointment

- 5 (1) The Commissioner holds office subject to the terms of his or her appointment.
- (2) But that is subject to the other provisions of this Schedule.
- (3) The terms of the Commissioner's appointment must provide for him or her to hold office on a full-time basis.

Duration of appointment

- 6 (1) A person appointed as Commissioner holds the office (by virtue of that appointment) for 7 years.
- (2) But that is subject to Part 3 of this Schedule.

Rheoliadau penodi

- 7 (1) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch penodi'r Comisiynydd ("rheoliadau penodi").
- (2) Rhaid i'r rheoliadau penodi wneud darpariaeth ar gyfer sefydlu panel o bersonau ("panel dethol") sydd i wneud y canlynol—
- (a) cyf-weld ymgeiswyr ar gyfer penodi Comisiynydd, a
 - (b) gwneud argymhellion i Brif Weinidog Cymru ynglŷn â'r penodiad.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud mewn rheoliadau penodi'n cynnwys darpariaeth o'r math y cyfeirir ato yn is-baragraffau (4) i (7), ond nid yw'n gyfyngedig i hynny.
- (4) Caiff rheoliadau penodi wneud darpariaeth ynghylch yr egwyddorion sydd i'w dilyn wrth benodi'r Comisiynydd.
- (5) Caiff rheoliadau penodi ddarparu ynghylch—
- (a) gwybodaeth o'r Gymraeg a hyfedredd ynddi, a
 - (b) gwybodaeth a phrofiad o'r materion y mae gan y Comisiynydd swyddogaethau mewn cysylltiad â hwy,
- sef gwybodaeth, hyfedredd a phrofiad o'r math y mae'n rhaid i'r Comisiynydd feddu arno.
- (6) Caiff rheoliadau penodi—
- (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus, neu
 - (b) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath.
- (7) Caiff rheoliadau penodi roi swyddogaethau i Weinidogion Cymru neu i Brif Weinidog Cymru (yn ogystal ag i unrhyw berson arall), gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn.

Dirprwyo swyddogaethau penodi etc

- 8 (1) Caiff Prif Weinidog Cymru drwy orchymyn—
- (a) darparu bod Gweinidogion Cymru'n arfer—
 - (i) swyddogaeth Prif Weinidog Cymru o benodi'r Comisiynydd, a
 - (ii) unrhyw un neu rai neu'r oll o swyddogaethau eraill Prif Weinidog Cymru sy'n ymwneud â'r Comisiynydd, a
 - (b) gwneud darpariaeth arall gysylltiedig sy'n briodol yn nhyb Prif Weinidog Cymru.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn o dan y paragraff hwn yn cynnwys darpariaeth sy'n diwygio neu'n addasu'r Mesur hwn fel arall, ond nid yw'n gyfyngedig i hynny.

Appointment regulations

- 7 (1) The Welsh Ministers must, by regulations, make provision about the appointment of the Commissioner (“appointment regulations”).
- (2) Appointment regulations must make provision for the establishment of a panel of persons (a “selection panel”) who are to—
- (a) interview candidates for appointment as Commissioner, and
 - (b) make recommendations to the First Minister in relation to the appointment.
- (3) The provision that may be made in appointment regulations includes, but is not limited to, provision of the kind referred to in sub-paragraphs (4) to (7).
- (4) Appointment regulations may make provision about principles to be followed in appointing the Commissioner.
- (5) Appointment regulations may make provision about—
- (a) the knowledge of, and proficiency in, the Welsh language, and
 - (b) the knowledge and experience of the matters in respect of which the Commissioner has functions,
- which the Commissioner must have.
- (6) Appointment regulations may—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make other provision relating to any such code.
- (7) Appointment regulations may confer functions on the Welsh Ministers or First Minister (as well as on any other person), including functions involving the exercise of a discretion.

Delegation of appointment functions etc

- 8 (1) The First Minister may, by order—
- (a) provide for the Welsh Ministers to exercise—
 - (i) the First Minister's function of appointing the Commissioner, and
 - (ii) any or all of the First Minister's other functions that relate to the Commissioner, and
 - (b) make such other related provision as the First Minister thinks appropriate.
- (2) The provision that may be made in an order under this paragraph includes, but is not limited to, provision amending or otherwise modifying this Measure.

RHAN 3

TERFYNU PENODIAD

Ymddiswyddo

- 9 Caiff y Comisiynydd ymddiswyddo os yw'n rhoi hysbysiad ysgrifenedig o'i fwriad i wneud hynny i Brif Weinidog Cymru heb fod yn llai na 3 mis cyn ymddiswyddo.

Anghymhwysu

- 10 Mae person yn peidio â bod yn Gomisiynydd os yw'n cael ei anghymhwysu rhag bod yn Gomisiynydd ar sail cyflogaeth.

Diswyddo

- 11 Caiff Prif Weinidog Cymru ddiswyddo'r Comisiynydd os yw Prif Weinidog Cymru wedi ei fodloni o ran y Comisiynydd—
- (a) nad yw'n ffit i barhau fel Comisiynydd, neu
 - (b) nad yw'n gallu neu nad yw'n fodlon arfer swyddogaethau'r Comisiynydd.

Taliadau pan fydd yn peidio â dal y swydd

- 12 Caiff Gweinidogion Cymru wneud taliad i berson sy'n peidio â dal swydd Comisiynydd os yw'n ymddangos i Weinidogion Cymru fod amgylchiadau arbennig yn ei gwneud hi'n iawn i'r person gael y taliad yn iawndal.

RHAN 4

ANGHYMHWYSO RHAG BOD YN GOMISIYNYDD

- 13 Mae person yn cael ei anghymhwysu rhag bod yn Gomisiynydd ar sail cyflogaeth os yw'r person—
- (a) yn Aelod Seneddol;
 - (b) yn Aelod o Gynulliad Cenedlaethol Cymru;
 - (c) yn aelod o gyngor sir, o gyngor bwrdeistref sirol neu o gyngor cymuned yng Nghymru;
 - (d) yn aelod o'r Tribiwnlys;
 - (e) yn aelod o'r Panel Cyngori;
 - (f) yn berson sy'n cael ei gyflogi gan berson sy'n dod o fewn Atodlen 5 neu Atodlen 7, neu sy'n cyngori'r person hwnnw;
 - (g) yn aelod o staff y Comisiynydd.

PART 3

END OF APPOINTMENT

Resignation

- 9 The Commissioner may resign from office if he or she gives the First Minister not less than 3 months' notice in writing of his or her intention to do so.

Disqualification

- 10 A person ceases to be Commissioner if the person is disqualified from being Commissioner on grounds of employment.

Dismissal

- 11 The First Minister may dismiss the Commissioner if the First Minister is satisfied that the Commissioner –
- (a) is unfit to continue as Commissioner, or
 - (b) is unable or unwilling to exercise the Commissioner's functions.

Payments on ceasing to hold office

- 12 The Welsh Ministers may make a payment to a person who ceases to hold the office of Commissioner if it appears to the Welsh Ministers that there are special circumstances which make it right that the person should receive the payment in compensation.

PART 4

DISQUALIFICATION FROM BEING COMMISSIONER

- 13 A person is disqualified from being Commissioner on grounds of employment if the person is –
- (a) a Member of Parliament;
 - (b) a Member of the National Assembly for Wales;
 - (c) a member of a county council, a county borough council or a community council in Wales;
 - (d) a member of the Tribunal;
 - (e) a member of the Advisory Panel;
 - (f) a person who is employed by, or advises, a person who is within Schedule 5 or Schedule 7;
 - (g) a member of the Commissioner's staff.

RHAN 5

MATERION ARIANNOL

Taliadau gan Weinidogion Cymru

- 14 Caiff Gweinidogion Cymru dalu i'r Comisiynydd y symiau, ar yr adegau ac ar y telerau (os oes telerau) sy'n briodol yn eu tyb hwy mewn cysylltiad â gwariant a dynnir wrth gyflawni swyddogaethau'r Comisiynydd.

Blwyddyn ariannol

- 15 (1) Blwyddyn ariannol gyntaf y Comisiynydd yw'r cyfnod sy'n dechrau ar y diwrnod cychwyn ac sy'n dod i ben—
- (a) y 31 Mawrth canlynol (os 1 Ebrill yw'r diwrnod cychwyn), neu
 - (b) yr ail 31 Mawrth canlynol (os nad 1 Ebrill yw'r diwrnod cychwyn).
- (2) Yn ddarostyngedig i hynny, blwyddyn ariannol y Comisiynydd yw'r cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.
- (3) Yn y paragraff hwn ystyr “diwrnod cychwyn” yw'r diwrnod y daw adran 2 i rym.

Swyddog cyfrifyddu

- 16 (1) Y Comisiynydd yw'r swyddog cyfrifyddu ar gyfer swyddfa'r Comisiynydd.
- (2) Mae gan y swyddog cyfrifyddu, o ran cyfrifon a chyllid swyddfa'r Comisiynydd, y cyfrifoldebau a bennir o bryd i'w gilydd gan y Trysorlys.
- (3) Yn y paragraff hwn mae cyfeiriadau at gyfrifoldebau yn cynnwys, ymysg pethau eraill—
- (a) cyfrifoldebau o ran llofnodi cyfrifon,
 - (b) cyfrifoldebau am briodoldeb a rheoleidd-dra cyllid y Comisiynydd, ac
 - (c) cyfrifoldebau am ddarbodaeth, effeithlonrwydd ac effeithiolrwydd wrth ddefnyddio adnoddau'r Comisiynydd.
- (4) Mae'r cyfrifoldebau y caniateir eu pennu o dan y paragraff hwn yn cynnwys, ymysg pethau eraill, gyfrifoldebau sy'n ddyledus i'r canlynol—
- (a) Cynulliad Cenedlaethol Cymru, Gweinidogion Cymru neu Bwyllgor Cyfrifon Cyhoeddus Cynulliad Cenedlaethol Cymru, neu
 - (b) Tŷ'r Cyffredin neu Bwyllgor Cyfrifon Cyhoeddus y Tŷ hwnnw.
- (5) Os gofynnir iddo wneud hynny gan Bwyllgor Cyfrifon Cyhoeddus Tŷ'r Cyffredin (“y Pwyllgor Seneddol”), caiff Pwyllgor Cyfrifon Cyhoeddus Cynulliad Cenedlaethol Cymru—
- (a) cymryd tystiolaeth gan y swyddog cyfrifyddu ar ran y Pwyllgor Seneddol,
 - (b) cyflwyno adroddiad i'r Pwyllgor Seneddol ar y dystiolaeth a gymerwyd, ac
 - (c) trosglwyddo'r dystiolaeth a gymerwyd i'r Pwyllgor Seneddol.
- (6) Mae adran 13 o Ddeddf Archwiliadau Cenedlaethol 1983 (dehongli cyfeiriadau at Bwyllgor Cyfrifon Cyhoeddus Tŷ'r Cyffredin) yn gymwys at ddibenion y Mesur hwn yn yr un modd ag y mae'n gymwys at ddibenion y Ddeddf honno.

PART 5

FINANCIAL MATTERS

Payments by the Welsh Ministers

- 14 The Welsh Ministers may pay the Commissioner such amounts, at such times and on such conditions (if any), as they think appropriate in respect of expenditure incurred in carrying out the functions of Commissioner.

Financial year

- 15 (1) The Commissioner's first financial year is the period that begins with the commencement day and ends with—
- (a) the following 31 March (if the commencement day is 1 April), or
 - (b) the second following 31 March (if the commencement day is not 1 April).
- (2) Subject to that, the Commissioner's financial year is the period of 12 months ending with 31 March.
- (3) In this paragraph “commencement day” means the day when section 2 comes into force.

Accounting officer

- 16 (1) The Commissioner is the accounting officer for the office of the Commissioner.
- (2) The accounting officer has, in relation to the accounts and the finances of the office of the Commissioner, the responsibilities which are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include, amongst other things—
- (a) responsibilities in relation to the signing of accounts,
 - (b) responsibilities for the propriety and regularity of the finances of the Commissioner, and
 - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commissioner are used.
- (4) The responsibilities which may be specified under this paragraph include, amongst other things, responsibilities owed to—
- (a) the National Assembly for Wales, the Welsh Ministers or the Public Accounts Committee of the National Assembly, or
 - (b) the House of Commons or the Committee of Public Accounts of that House.
- (5) If requested to do so by the Committee of Public Accounts of the House of Commons (“the Parliamentary Committee”), the Public Accounts Committee of the National Assembly for Wales may—
- (a) take evidence on behalf of the Parliamentary Committee from the accounting officer,
 - (b) report to the Parliamentary Committee on the evidence taken, and
 - (c) transmit to the Parliamentary Committee the evidence taken.
- (6) Section 13 of the National Audit Act 1983 (interpretation of references to the House of Commons Committee of Public Accounts) applies for the purposes of this Measure as it applies for the purposes of that Act.

- (7) Yn y paragraff hwn ystyr “swyddfa'r Comisiynydd” yw'r Comisiynydd a staff y Comisiynydd.

Amcangyfrifon

- 17 (1) Ar gyfer pob blwyddyn ariannol ac eithrio'r un gyntaf, rhaid i'r Comisiynydd lunio amcangyfrif o incwm a gwariant swyddfa'r Comisiynydd.
- (2) Rhaid i'r Comisiynydd gyflwyno'r amcangyfrif i Weinidogion Cymru o leiaf bum mis cyn dechrau'r flwyddyn ariannol y mae'n ymwneud â hi.
- (3) Rhaid i Weinidogion Cymru archwilio amcangyfrif a gyflwynir iddynt yn unol â'r paragraff hwn ac yna rhaid iddynt osod yr amcangyfrif gerbron Cynulliad Cenedlaethol Cymru gyda'r addasiadau (os oes rhai) sy'n briodol yn eu tyb hwy.
- (4) Yn is-baragraff (1) ystyr “swyddfa'r Comisiynydd” yw'r Comisiynydd a staff y Comisiynydd.

Cyfrifon

- 18 (1) Rhaid i'r Comisiynydd—
- (a) cadw cofnodion cyfrifyddol priodol, a
- (b) llunio cyfrifon o ran pob blwyddyn ariannol yn unol â chyfarwyddiadau a roddir, gyda chydysyniad y Trysorlys, gan Weinidogion Cymru.
- (2) Mae'r cyfarwyddiadau y caiff Gweinidogion Cymru eu rhoi o dan y paragraff hwn yn cynnwys, ymysg pethau eraill, gyfarwyddiadau o ran—
- (a) yr wybodaeth sydd i'w chynnwys yn y cyfrifon a'r modd y mae'r cyfrifon i'w cyflwyno;
- (b) y dulliau a'r egwyddorion y mae'r cyfrifon i'w llunio yn unol â hwy;
- (c) gwybodaeth ychwanegol (os o gwbl) sydd i fynd gyda'r cyfrifon.

Archwilio

- 19 (1) Rhaid i'r Comisiynydd gyflwyno'r cyfrifon a luniwyd ar gyfer blwyddyn ariannol i Archwilydd Cyffredinol Cymru heb fod yn hwyrach na 31 Awst yn y flwyddyn ariannol ganlynol.
- (2) Rhaid i Archwilydd Cyffredinol Cymru—
- (a) archwilio ac ardystio pob set o gyfrifon a gyflwynir o dan y paragraff hwn, ac adrodd arnynt, a
- (b) heb fod yn hwyrach na phedwar mis ar ôl i'r cyfrifon gael eu cyflwyno, osod copi ohonynt gerbron Cynulliad Cenedlaethol Cymru fel y cawsant eu hardystio ganddo, ynghyd â'i adroddiad arnynt.
- (3) Rhaid i Archwilydd Cyffredinol Cymru, ymysg pethau eraill, wrth archwilio'r cyfrifon a gyflwynir o dan y paragraff hwn, ei fodloni ei hun fod y gwariant y mae'r cyfrifon yn ymwneud ag ef wedi cael ei dynnu'n gyfreithiol ac yn unol â'r awdurdod sy'n ei lywodraethu.

- (7) In this paragraph “office of the Commissioner” means the Commissioner and the Commissioner's staff.

Estimates

- 17 (1) For each financial year other than the first, the Commissioner must prepare an estimate of the income and expenses of the Commissioner's office.
- (2) The Commissioner must submit the estimate to the Welsh Ministers at least five months before the beginning of the financial year to which it relates.
- (3) The Welsh Ministers must examine an estimate submitted to them in accordance with this paragraph and must then lay the estimate before the National Assembly for Wales with the modifications (if any) they think appropriate.
- (4) In sub-paragraph (1) “Commissioner's office” means the Commissioner and the Commissioner's staff.

Accounts

- 18 (1) The Commissioner must –
- (a) keep proper accounting records, and
 - (b) prepare accounts in respect of each financial year in accordance with directions given, with the consent of the Treasury, by the Welsh Ministers.
- (2) The directions which the Welsh Ministers may give under this paragraph include, amongst other things, directions as to –
- (a) the information to be contained in the accounts and the manner in which the accounts are to be presented;
 - (b) the methods and principles in accordance with which the accounts are to be prepared;
 - (c) additional information (if any) that is to accompany the accounts.

Audit

- 19 (1) The Commissioner must submit the accounts prepared for a financial year to the Auditor General for Wales no later than 31 August in the following financial year.
- (2) The Auditor General for Wales must –
- (a) examine, certify and report on each set of accounts submitted under this paragraph, and
 - (b) no later than four months after the accounts are submitted, lay before the National Assembly for Wales a copy of them as certified by him or her together with his or her report on them.
- (3) In examining accounts submitted under this paragraph, the Auditor General for Wales must, amongst other things, satisfy him or herself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

Archwilio'r defnydd o adnoddau

- 20 (1) Caiff Archwilydd Cyffredinol Cymru archwilio darbodaeth, effeithlonrwydd ac effeithiolrwydd y defnydd a wnaed o adnoddau wrth i swyddogaethau'r Comisiynydd gael eu cyflawni.
- (2) Nid yw is-baragraff (1) i'w ddehongli fel pe bai'n rhoi hawl i Archwilydd Cyffredinol Cymru gwestiynu teilyngdod amcanion polisi'r Comisiynydd.
- (3) Wrth benderfynu sut i arfer y swyddogaethau o dan y paragraff hwn, rhaid i Archwilydd Cyffredinol Cymru ystyried barn Pwyllgor Cyfrifon Cyhoeddus Cynulliad Cenedlaethol Cymru o ran yr archwiliadau y dylai eu cyflawni.
- (4) Caiff Archwilydd Cyffredinol Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad o ganlyniadau unrhyw archwiliad a gyflawnwyd o dan y paragraff hwn.

RHAN 6

CYFFREDINOL

Dehongli

21 Yn yr Atodlen hon—

mae i "panel dethol" ("*selection panel*") yr ystyr a roddir ym mharagraff 7;

ystyr "rheoliadau penodi" ("*appointment regulations*") yw rheoliadau a wneir o dan baragraff 7.

Examinations into the use of resources

- 20 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging the Commissioner's functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Commissioner.
- (3) In determining how to exercise the functions under this paragraph, the Auditor General for Wales must take into account the views of the Public Accounts Committee of the National Assembly for Wales as to the examinations which he or she should carry out.
- (4) The Auditor General for Wales may lay before the National Assembly for Wales a report of the results of any examination carried out under this paragraph.

PART 6

GENERAL

Interpretation

21 In this Schedule—

"appointment regulations" (*"rheoliadau penodi"*) means regulations made under paragraph 7;

"selection panel" (*"panel dethol"*) has the meaning given in paragraph 7.

ATODLEN 2
(a gyflwynwyd gan adran 7)

YMHOLIADAU GAN Y COMISIYNYDD

Cyflwyniad

1 Mae'r Atodlen hon yn gymwys i ymholiadau o dan adran 7.

Cylch gorchwyl

- 2 Cyn cynnal ymholiad, rhaid i'r Comisiynydd baratoi cylch gorchwyl i'r ymholiad.
- 3 (1) Mae'r paragraff hwn yn gymwys os yw'r cylch gorchwyl yn ymwneud â pherson penodol neu gategori o berson.
- (2) Rhaid i'r cylch gorchwyl bennu'r person hwnnw neu'r categori o berson.
- (3) Cyn setlo'r cylch gorchwyl, rhaid i'r Comisiynydd –
- (a) hysbysu pob person perthnasol o'r cylch gorchwyl arfaethedig,
 - (b) rhoi cyfle i bob person perthnasol gyflwyno sylwadau am y cylch gorchwyl arfaethedig, ac
 - (c) ystyried unrhyw sylwadau a gyflwynir.
- (4) Ar ôl setlo'r cylch gorchwyl (ac yntau wedi cydymffurfio ag is-baragraff (3)), rhaid i'r Comisiynydd –
- (a) cyhoeddi cylch gorchwyl yr ymholiad mewn modd sydd yn nhyb y Comisiynydd yn debygol o ddwyn yr ymholiad i sylw personau y mae a wnelo'r ymholiad â hwy, neu sy'n debygol o fod yn bersonau a chanddynt fuddiant ynddo, a
 - (b) hysbysu'r canlynol am y cylch gorchwyl –
 - (i) pob person perthnasol, a
 - (ii) Gweinidogion Cymru.
- (5) Yn y paragraff hwn ystyr “person perthnasol” yw –
- (a) person a bennir yng nghylch gorchwyl ymholiad, a
 - (b) o ran categori o bersonau a bennir yng nghylch gorchwyl ymholiad, pob person y mae'r Comisiynydd o'r farn ei fod yn dod o fewn y categori hwnnw.
- 4 (1) Mae'r paragraff hwn yn gymwys os nad yw'r cylch gorchwyl yn ymwneud â pherson penodol neu gategori o berson.
- (2) Rhaid i'r Comisiynydd –
- (a) cyhoeddi cylch gorchwyl yr ymholiad mewn modd sy'n debygol yn nhyb y Comisiynydd o ddwyn yr ymholiad i sylw personau y mae a wnelo'r ymholiad â hwy neu sy'n debygol o fod yn bersonau a chanddynt fuddiant ynddo, a
 - (b) hysbysu Gweinidogion Cymru am y cylch gorchwyl.

SCHEDULE 2
(*introduced by section 7*)

INQUIRIES BY THE COMMISSIONER

Introduction

1 This Schedule applies to inquiries under section 7.

Terms of reference

2 Before conducting an inquiry, the Commissioner must prepare the terms of reference of the inquiry.

3 (1) This paragraph applies if the terms of reference relate to a particular person or category of person.

(2) The terms of reference must specify that person or category of person.

(3) Before settling the terms of reference, the Commissioner must—

(a) give each relevant person notice of the proposed terms,

(b) give each relevant person an opportunity to make representations about the proposed terms, and

(c) consider any representations made.

(4) After settling the terms of reference (having complied with sub-paragraph (3)), the Commissioner must—

(a) publish the terms of reference of the inquiry in a manner that the Commissioner thinks is likely to bring the inquiry to the attention of persons whom it concerns or who are likely to be interested in it, and

(b) give notice of the terms of reference to—

(i) each relevant person, and

(ii) the Welsh Ministers.

(5) In this paragraph “relevant person” means—

(a) a person specified in the terms of reference of an inquiry, and

(b) in relation to a category of persons specified in the terms of reference of an inquiry, each person whom the Commissioner considers to fall within that category.

4 (1) This paragraph applies if the terms of reference do not relate to a particular person or category of person.

(2) The Commissioner must—

(a) publish the terms of reference of the inquiry in a manner that the Commissioner thinks is likely to bring the inquiry to the attention of persons whom it concerns or who are likely to be interested in it, and

(b) give notice of the terms of reference to the Welsh Ministers.

- 5 Mae paragraff 3 neu 4 yn gymwys i unrhyw newid yn y cylch gorchwyl fel y byddai'r paragraff yn gymwys pe byddai'r newid yn y cylch gorchwyl yn gyfystyr â pharatoi'r cylch gorchwyl hwnnw.

Sylwadau

- 6 (1) Rhaid i'r Comisiynydd wneud trefniadau ar gyfer rhoi cyfle i bersonau wneud sylwadau mewn perthynas ag ymholiadau.
- (2) Rhaid i'r trefniadau roi cyfle i'r personau canlynol wneud sylwadau yn ystod ymholiad—
- (a) pob person—
- (i) a bennir yn y cylch gorchwyl, neu
- (ii) sy'n dod o fewn categori o berson a bennir yn y cylch gorchwyl, a
- (b) Gweinidogion Cymru.
- (3) Caiff trefniadau o dan y paragraff hwn gynnwys trefniadau ar gyfer sylwadau llafar ymysg pethau eraill.
- 7 (1) Rhaid i'r Comisiynydd ystyried sylwadau a wneir mewn perthynas ag ymholiad—
- (a) gan berson—
- (i) a bennir yn y cylch gorchwyl, neu
- (ii) sy'n dod o fewn categori o berson a bennir yn y cylch gorchwyl, neu
- (b) gan gynghorydd cyfreithiol sy'n gweithredu ar ran person sy'n dod o fewn paragraff (a)(i) neu (ii), neu
- (c) gan Weinidogion Cymru.
- (2) Rhaid i'r Comisiynydd ystyried sylwadau a wneir mewn perthynas ag ymholiad gan unrhyw berson arall, onid yw'n briodol, yn nhyb y Comisiynydd, i wrthod gwneud hynny.
- (3) Os yw'r Comisiynydd yn gwrthod ystyried sylwadau a gyflwynir mewn perthynas ag ymholiad, rhaid iddo roi hysbysiad ysgrifenedig am y canlynol i'r person a gyflwynodd y sylwadau—
- (a) y penderfyniad i wrthod ystyried y sylwadau, a
- (b) y rhesymau dros y penderfyniad.
- (4) Yn y paragraff hwn ystyr "cynghorydd cyfreithiol" yw—
- (a) person sydd, at ddibenion Deddf Gwasanaethau Cyfreithiol 2007, yn berson awdurdodedig, neu'n gyfreithiwr Ewropeaidd sy'n berson esempt yn rhinwedd paragraff 7 o Atodlen 3 i'r Ddeddf honno, mewn perthynas â gweithgaredd sy'n golygu arfer hawl i ymddangos mewn achos neu ymladd achos (o fewn ystyr y Ddeddf honno), a
- (b) adfocad neu gyfreithiwr yn yr Alban.

Adroddiadau ar ymholiadau

- 8 (1) Rhaid i'r Comisiynydd lunio adroddiad o'i ganfyddiadau ar unrhyw ymholiad.

- 5 Paragraph 3 or 4 applies to any change in the terms of reference as the paragraph would apply if the change in the terms were the preparation of those terms.

Representations

- 6 (1) The Commissioner must make arrangements for giving persons an opportunity to make representations in relation to inquiries.
- (2) The arrangements must give the following persons an opportunity to make representations in the course of an inquiry –
- (a) each person who –
 - (i) is specified in the terms of reference, or
 - (ii) falls within a category of person specified in the terms of reference, and
 - (b) the Welsh Ministers.
- (3) Arrangements under this paragraph may, amongst other things, include arrangements for oral representations.
- 7 (1) The Commissioner must consider representations made in relation to an inquiry by –
- (a) a person who –
 - (i) is specified in the terms of reference, or
 - (ii) falls within a category of person specified in the terms of reference, or
 - (b) a legal adviser who is acting on behalf of a person falling within paragraph (a)(i) or (ii), or
 - (c) the Welsh Ministers.
- (2) The Commissioner must consider representations made in relation to an inquiry by any other person, unless the Commissioner thinks it is appropriate to refuse to do so.
- (3) If the Commissioner refuses to consider representations made in relation to an inquiry, he or she must give the person who made the representations written notice of –
- (a) the decision to refuse to consider the representations, and
 - (b) the reasons for the decision.
- (4) In this paragraph “legal adviser” means –
- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person, or a European lawyer who is an exempt person by virtue of paragraph 7 of Schedule 3 to that Act, in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), and
 - (b) an advocate or solicitor in Scotland.

Reports on inquiries

- 8 (1) The Commissioner must prepare a report of his or her findings on any inquiry.

-
- (2) Ni chaniateir i'r adroddiad—
 - (a) ei gwneud yn hysbys beth yw'r methiant i gydymffurfio â gofyniad perthnasol (o fewn ystyr Rhan 5) gan berson y mae'n hysbys pwy ydyw, neu y gall fod yn hysbys pwy ydyw, yn rhinwedd yr adroddiad, neu
 - (b) cyfeirio fel arall at weithgareddau person y mae'n hysbys pwy ydyw, neu y gall fod yn hysbys pwy ydyw, yn rhinwedd yr adroddiad, oni bai bod y Comisiynydd o'r farn—
 - (i) na fyddai'r cyfeiriad yn niweidio'r person, neu
 - (ii) bod y cyfeiriad yn angenrheidiol er mwyn i'r adroddiad adlewyrchu canlyniadau'r ymholiad yn ddigonol (gan ystyried cylch gorchwyl yr ymholiad).
 - (3) Rhaid i'r Comisiynydd anfon drafft o'r adroddiad at Weinidogion Cymru.
 - (4) Os yw'r cylch gorchwyl yn pennu person penodol neu gategori o berson, rhaid i'r Comisiynydd hefyd anfon drafft o'r adroddiad at bob person perthnasol.
 - (5) Rhaid i'r Comisiynydd—
 - (a) rhoi cyfle i Weinidogion Cymru, ac i unrhyw berson arall yr anfonir drafft o adroddiad ato, i wneud sylwadau am yr adroddiad drafft, a
 - (b) ystyried unrhyw sylwadau a wneir.
 - (6) Ar ôl setlo'r adroddiad (ac yntau wedi cydymffurfio ag is-baragraff (5)), rhaid i'r Comisiynydd ei gyhoeddi.
 - (7) Nid yw'r paragraff hwn yn effeithio ar gymhwyso Deddf Diogelu Data 1998 i'r Comisiynydd.
 - (8) Yn y paragraff hwn mae i "person perthnasol" yr un ystyr ag a roddir ym mharagraff 3.

-
- (2) The report must not—
 - (a) identify a failure to comply with a relevant requirement (within the meaning of Part 5) by a person who is, or may be, identified by virtue of the report, or
 - (b) otherwise refer to the activities of a person who is, or may be, identified by virtue of the report, unless the Commissioner thinks that the reference—
 - (i) will not cause the person harm, or
 - (ii) is necessary for the report to adequately reflect the results of the inquiry (having regard to its terms of reference).
 - (3) The Commissioner must send a draft of the report to the Welsh Ministers.
 - (4) If the terms of reference specify a particular person or category of person, the Commissioner must also send a draft of the report to each relevant person.
 - (5) The Commissioner must—
 - (a) give the Welsh Ministers, and any other person to whom a draft of a report is sent, an opportunity to make representations about the draft report, and
 - (b) consider any representations made.
 - (6) After settling the report (having complied with sub-paragraph (5)), the Commissioner must publish it.
 - (7) This paragraph does not affect the application of the Data Protection Act 1998 to the Commissioner.
 - (8) In this paragraph “relevant person” has the same meaning as in paragraph 3.

ATODLEN 3
(a gyflwynwyd gan adran 21)

DIWYGIADAU YNGLŶN Â GWEITHIO AR Y CYD A GWEITHIO'N GYFOCHROG

Deddf Safonau Gofal 2000

- 1 Diwygier Deddf Safonau Gofal 2000 fel a ganlyn.
- 2 Yn adran 75ZA (Comisiynydd Plant Cymru: gweithio gyda Chomisiynydd Pobl Hŷn Cymru)–
 - (a) yn y teitl, yn lle “the Commissioner for Older People in Wales” rhodder “other Commissioners”;
 - (b) yn is-adran (1), ar ôl “Wales” mewnosoder “or the Welsh Language Commissioner”;
 - (c) yn is-adran (2), ar ôl “Wales” mewnosoder “, or may inform the Welsh Language Commissioner,”;
 - (d) yn is-adran (3)–
 - (i) ar ôl “must” mewnosoder “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (ii) ym mharagraffau (a) a (b), ar ôl “Wales” mewnosoder “or the Welsh Language Commissioner”;
 - (e) yn is-adran (4), ar ôl “Wales” mewnosoder “or the Welsh Language Commissioner”;
 - (f) yn is-adran (5)–
 - (i) ar ôl “must” mewnosoder “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (ii) yn lle “the Commissioner for Older People in Wales” rhodder “that Commissioner”.
- 3 Yn adran 76 (swyddogaethau pellach) yn is-adran (5), ar ôl paragraff (b) mewnosoder–
 - (c) provide that the Commissioner may make a joint report with the Welsh Language Commissioner where they have exercised their respective functions under this Act and the Welsh Language (Wales) Measure 2011 in relation to the same matters.”

Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005

- 4 Diwygier Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 fel a ganlyn.
- 5 Yn adran 25A (gweithio ar y cyd gyda Chomisiynydd Pobl Hŷn Cymru)–
 - (a) yn y teitl, yn lle “the Commissioner for Older People in Wales” rhodder “other Commissioners”;

SCHEDULE 3
(introduced by section 21)

AMENDMENTS ABOUT JOINT AND COLLABORATIVE WORKING

Care Standards Act 2000

- 1 Amend the Care Standards Act 2000 as follows.
- 2 In section 75ZA (Children's Commissioner for Wales: working with the Commissioner for Older People in Wales) –
 - (a) in the title, for “the Commissioner for Older People in Wales” substitute “other Commissioners”;
 - (b) in subsection (1), after “Wales” insert “or the Welsh Language Commissioner”;
 - (c) in subsection (2), after “Wales” insert “, or may inform the Welsh Language Commissioner,”;
 - (d) in subsection (3) –
 - (i) after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (ii) in paragraphs (a) and (b), after “Wales” insert “or the Welsh Language Commissioner”;
 - (e) in subsection (4), after “Wales” insert “or the Welsh Language Commissioner”;
 - (f) in subsection (5) –
 - (i) after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (ii) for “the Commissioner for Older People in Wales” substitute “that Commissioner”.
- 3 In section 76 (further functions) in subsection (5), after paragraph (b) insert –
 - “(c) provide that the Commissioner may make a joint report with the Welsh Language Commissioner where they have exercised their respective functions under this Act and the Welsh Language (Wales) Measure 2011 in relation to the same matters.”

Public Services Ombudsman (Wales) Act 2005

- 4 Amend the Public Services Ombudsman (Wales) Act 2005 as follows.
- 5 In section 25A (working jointly with Commissioner for Older People in Wales) –
 - (a) in the title, for “the Commissioner for Older People in Wales” substitute “other Commissioners”;

- (b) yn is-adran (1)(b), ar ôl "Wales" mewnosoder "or the Welsh Language Commissioner";
 - (c) yn is-adran (2), ar ôl "must" mewnosoder "(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)".
- 6 Yn adran 25B (gweithio'n gyfochrog â Chomisiynydd Pobl Hŷn Cymru) –
- (a) yn y teitl, yn lle "the Commissioner for Older People in Wales" rhodder "other Commissioners";
 - (b) yn is-adran (1), yn lle "the Commissioner" rhodder "the Commissioner for Older People in Wales or the Welsh Language Commissioner";
 - (c) yn is-adran (2), ar ôl "must" mewnosoder "(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)";
 - (d) yn is-adran (3), ar ôl "must" mewnosoder "(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)";
 - (e) yn is-adran (5), ar ôl "must" mewnosoder "(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)";
 - (f) hepgorer is-adran (6).

Deddf Comisiynydd Pobl Hŷn (Cymru) 2006

- 7 Diwygier Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 fel a ganlyn.
- 8 Yn adran 15 (adroddiadau yn dilyn cyflawni swyddogaethau penodol), yn is-adran (3), ar ôl paragraff (d) mewnosoder –
- “(e) provide that the Commissioner may make a joint report with the Welsh Language Commissioner where they have discharged their respective functions under this Act and the Welsh Language (Wales) Measure 2011 in relation to the same matters.”.
- 9 Yn adran 17 (gweithio'n gyfochrog ag ombwdsmyn eraill) –
- (a) yn is-adran (2), yn lle "must" rhodder "may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)";
 - (b) yn is-adran (3), yn lle "must" rhodder "may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)";
 - (c) yn is-adran (5), yn lle "must" rhodder "may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)";
 - (d) yn is-adran (6), ar ôl paragraff (b) mewnosoder –
 - “(c) the Welsh Language Commissioner.”

- (b) in subsection (1)(b), after “Wales” insert “or the Welsh Language Commissioner”;
 - (c) in subsection (2), after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”.
- 6 In section 25B (working collaboratively with the Commissioner for Older People in Wales)–
- (a) in the title, for “the Commissioner for Older People in Wales” substitute “other Commissioners”;
 - (b) in subsection (1), for “the Commissioner” substitute “the Commissioner for Older People in Wales or the Welsh Language Commissioner”;
 - (c) in subsection (2), after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (d) in subsection (3), after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (e) in subsection (5), after “must” insert “(as respects the Commissioner for Older People in Wales) or may (as respects the Welsh Language Commissioner)”;
 - (f) omit subsection (6).

Commissioner for Older People (Wales) Act 2006

- 7 Amend the Commissioner for Older People (Wales) Act 2006 as follows.
- 8 In section 15 (reports following discharge of particular functions), in subsection (3), after paragraph (d) insert –
- “(e) provide that the Commissioner may make a joint report with the Welsh Language Commissioner where they have discharged their respective functions under this Act and the Welsh Language (Wales) Measure 2011 in relation to the same matters.”.
- 9 In section 17 (working collaboratively with other ombudsmen)–
- (a) in subsection (2), for “must” substitute “may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)”;
 - (b) in subsection (3), for “must” substitute “may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)”;
 - (c) in subsection (5), for “must” substitute “may (as respects the Welsh Language Commissioner) or must (as respects another Ombudsman)”;
 - (d) in subsection (6), after paragraph (b) insert –
 - “(c) the Welsh Language Commissioner.”

ATODLEN 4
(a gyflwynwyd gan adran 23)

AELODAU'R PANEL CYNGHORI

RHAN 1

PENODI

Penodi

- 1 (1) Pan fydd Gweinidogion Cymru'n penodi aelod o'r Panel Cyngori rhaid iddynt gydymffurfio â rheoliadau penodi (gweler paragraff 5).
- (2) Ni chaiff Gweinidogion Cymru benodi person yn aelod o'r Panel Cyngori os yw'r person wedi ei anghymhwysu rhag bod yn aelod o'r Panel Cyngori ar sail cyflogaeth.

Tâl cydnabyddiaeth, lwfansau a phensiynau

- 2 (1) Caiff Gweinidogion Cymru dalu tâl cydnabyddiaeth i aelodau'r Panel Cyngori.
- (2) Caiff Gweinidogion Cymru dalu lwfansau (gan gynnwys lwfansau teithio a lwfansau cynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i aelodau'r Panel Cyngori.
- (3) Caiff Gweinidogion Cymru dalu –
 - (a) pensiynau i bersonau a fu'n aelodau o'r Panel Cyngori, neu mewn cysylltiad â hwy, a
 - (b) symiau ar gyfer darparu pensiynau, neu tuag at ddarparu pensiynau, i bersonau a fu'n aelodau o'r Panel Cyngori, neu mewn cysylltiad â hwy.

Telerau penodi

- 3 (1) Mae aelod o'r Panel Cyngori yn dal ei swydd yn ddarostyngedig i delerau ei benodiad.
- (2) Ond mae hynny'n ddarostyngedig i ddarpariaethau eraill yr Atodlen hon.

Cyfnod y penodiad

- 4 (1) Mae person a benodir yn aelod o'r Panel Cyngori yn dal ei swydd (yn rhinwedd y penodiad hwnnw) am 3 blynedd.
- (2) Ond mae hynny'n ddarostyngedig i Ran 2 o'r Atodlen hon.

Rheoliadau Penodi

- 5 (1) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch penodi aelodau o'r Panel Cyngori ("rheoliadau penodi").
- (2) Mae'r ddarpariaeth y caniateir ei gwneud mewn rheoliadau penodi yn cynnwys darpariaeth o'r math y cyfeirir ato yn is-baragraffau (3) i (6), ond nid yw'n gyfyngedig iddi.
- (3) Caiff rheoliadau penodi wneud darpariaeth ynghylch yr egwyddorion sydd i'w dilyn wrth benodi aelod o'r Panel Cyngori.
- (4) Caiff rheoliadau penodi wneud darpariaeth ynghylch –

SCHEDULE 4
(introduced by section 23)

MEMBERS OF THE ADVISORY PANEL

PART 1

APPOINTMENT

Appointment

- 1 (1) In appointing a member of the Advisory Panel, the Welsh Ministers must comply with appointment regulations (see paragraph 5).
- (2) The Welsh Ministers may not appoint a person to be a member of the Advisory Panel if the person is disqualified from being a member of the Advisory Panel on grounds of employment.

Remuneration, allowances and pensions

- 2 (1) The Welsh Ministers may pay remuneration to the members of the Advisory Panel.
- (2) The Welsh Ministers may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the members of the Advisory Panel.
- (3) The Welsh Ministers may pay –
 - (a) pensions to, or in respect of, persons who have been members of the Advisory Panel, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Advisory Panel.

Terms of appointment

- 3 (1) A member of the Advisory Panel holds office subject to the terms of his or her appointment.
- (2) But that is subject to the other provisions of this Schedule.

Duration of appointment

- 4 (1) A person appointed as a member of the Advisory Panel holds office (by virtue of that appointment) for 3 years.
- (2) But that is subject to Part 2 of this Schedule.

Appointment regulations

- 5 (1) The Welsh Ministers must, by regulations, make provision about the appointment of members of the Advisory Panel ("appointment regulations").
- (2) The provision that may be made in appointment regulations includes, but is not limited to, provision of the kind referred to in sub-paragraphs (3) to (6).
- (3) Appointment regulations may make provision about principles to be followed in appointing members of the Advisory Panel.
- (4) Appointment regulations may make provision about –

- (a) gwybodaeth o'r Gymraeg, a hyfedredd ynddi, a
 - (b) gwybodaeth a phrofiad –
 - (i) o'r materion y mae gan y Comisiynydd swyddogaethau yn eu cylch, a
 - (ii) o unrhyw fater arall sy'n berthnasol i unrhyw beth sy'n dod i ran y Comisiynydd i'w wneud,
- sef gwybodaeth, hyfedredd a phrofiad o'r math y mae'n rhaid i aelod o'r Panel Cyngori feddu arno.
- (5) Caiff rheoliadau penodi –
 - (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus, neu
 - (b) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath.
 - (6) Caiff rheoliadau penodi roi swyddogaethau i Weinidogion Cymru (yn ogystal ag i unrhyw berson arall), gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn.

RHAN 2

TERFYNU PENODIAD

Ymddiswyddo

- 6 Caiff aelod o'r Panel Cyngori ymddiswyddo os yw'n rhoi hysbysiad ysgrifenedig o'i fwriad i wneud hynny i Weinidogion Cymru heb fod yn llai na 2 fis cyn ymddiswyddo.

Anghymhwyso rhag bod yn aelod

- 7 Mae person yn peidio â bod yn aelod o'r Panel Cyngori os yw'r person yn cael ei anghymhwyso rhag bod yn aelod o'r Panel Cyngori ar sail cyflogaeth.

Diswyddo

- 8 (1) Caiff Gweinidogion Cymru ddiswyddo aelod o'r Panel Cyngori os yw Gweinidogion Cymru wedi eu bodloni –
 - (a) nad yw'r person yn ffit i barhau yn aelod o'r Panel Cyngori, neu
 - (b) nad yw'r person yn gallu neu'n fodlon gweithredu fel aelod o'r Panel Cyngori.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r Comisiynydd cyn diswyddo aelod o'r Panel Cyngori.

Taliadau pan fo rhywun yn peidio â dal swydd

- 9 Caiff Gweinidogion Cymru dalu person sy'n peidio â bod yn aelod o'r Panel Cyngori os yw'n ymddangos i Weinidogion Cymru bod amgylchiadau arbennig yn ei gwneud hi'n iawn i'r person gael taliad yn iawndal.

- (a) the knowledge of, and proficiency in, the Welsh language, and
- (b) the knowledge and experience of—
 - (i) the matters in respect of which the Commissioner has functions, and
 - (ii) any other matters relevant to anything that falls to be done by the Commissioner,

which a member of the Advisory Panel must have.

- (5) Appointment regulations may—
 - (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make any other provision relating to any such code.
- (6) Appointment regulations may confer functions on the Welsh Ministers (as well as on any other person), including functions involving the exercise of a discretion.

PART 2

END OF APPOINTMENT

Resignation

- 6 A member of the Advisory Panel may resign from office if he or she gives the Welsh Ministers not less than 2 months' notice in writing of his or her intention to do so.

Disqualification from membership

- 7 A person ceases to be a member of the Advisory Panel if the person is disqualified from being a member of the Advisory Panel on grounds of employment.

Dismissal

- 8 (1) The Welsh Ministers may dismiss a member of the Advisory Panel if the Welsh Ministers are satisfied that the person—
 - (a) is unfit to continue as a member of the Advisory Panel, or
 - (b) is unable or unwilling to act as a member of the Advisory Panel.
- (2) The Welsh Ministers must consult the Commissioner before dismissing a member of the Advisory Panel.

Payments on ceasing to hold office

- 9 The Welsh Ministers may make a payment to a person who ceases to be a member of the Advisory Panel if it appears to the Welsh Ministers that there are special circumstances which make it right that the person should receive the payment in compensation.

RHAN 3

ANGHYMHWYSO

Anghymhwyso ar sail cyflogaeth

- 10 Mae person yn cael ei anghymhwysu rhag bod yn aelod o'r Panel Cyngori ar sail cyflogaeth os yw'r person—
- (a) yn Aelod Seneddol;
 - (b) yn Aelod o Gynulliad Cenedlaethol Cymru;
 - (c) yn aelod o Dribiwnlys y Gymraeg;
 - (d) yn aelod o staff y Comisiynydd.

RHAN 4

CYFFREDINOL

Dehongli

- 11 Yn yr Atodlen hon ystyr “rheoliadau penodi” yw rheoliadau a wneir o dan baragraff 5.

PART 3

DISQUALIFICATION

Disqualification on grounds of employment

- 10 A person is disqualified from being a member of the Advisory Panel on grounds of employment if the person is –
- (a) a Member of Parliament;
 - (b) a Member of the National Assembly for Wales;
 - (c) a member of the Welsh Language Tribunal;
 - (d) a member of the Commissioner's staff.

PART 4

GENERAL

Interpretation

- 11 In this Schedule “appointment regulations” means regulations made under paragraph 5.

ATODLEN 5
(a gyflwynwyd gan adran 33)

Y CATEGORïAU O BERSON Y CANIATEIR EU HYCHWANEGU AT ATODLEN 6

Colofn 1 Cofnod	Colofn 2 Person/Categori
(1)	Awdurdodau cyhoeddus.
(2)	Personau sy'n darparu gwasanaethau i'r cyhoedd ac a gafodd eu sefydlu drwy ddeddfiad.
(3)	<p>Personau wedi eu sefydlu drwy offeryn uchelfreiniol –</p> <ul style="list-style-type: none"> (a) i hybu dysg a gwybodaeth drwy addysgu neu ymchwilio neu drwy ddatblygu neu ddyfarnu cymwysterau, (b) i gasglu neu ddiogelu gwybodaeth gofnodedig, neu wrthrychau a phethau sy'n hybu dealltwriaeth, neu ddarparu mynediad at yr wybodaeth honno neu at y gwrthrychau a'r pethau hynny, (c) i gefnogi, gwella, neu hybu treftadaeth, diwylliant, chwaraeon neu weithgareddau hamdden, neu ddarparu mynediad atynt, (d) sy'n ymgymryd â hybu gwybodaeth ehangach am Gymru a chynrychioli buddiannau Cymru mewn gwledydd eraill, neu (e) sy'n ymgymryd â bancio canolog.
(4)	Personau y mae swyddogaethau darparu gwasanaethau i'r cyhoedd wedi eu rhoi iddynt neu wedi eu gosod arnynt drwy ddeddfiad.
(5)	<p>Personau sy'n darparu gwasanaethau i'r cyhoedd ac sy'n derbyn cyfanswm o £400,000 neu fwy o arian cyhoeddus mewn blwyddyn ariannol –</p> <ul style="list-style-type: none"> (a) pan fo'r person hwnnw wedi cael arian cyhoeddus hefyd mewn blwyddyn ariannol flaenorol, neu (b) pan fo penderfyniad wedi ei wneud y bydd yn cael arian cyhoeddus mewn blwyddyn ariannol ddilynol.
(6)	Personau sy'n goruchwylio rheoleiddiad proffesiwn, diwydiant neu gylch cyffelyb arall o weithgaredd.
(7)	Darparwyr tai cymdeithasol.
(8)	Personau sy'n cydsynio i gael eu pennu yn Atodlen 6.

SCHEDULE 5
(introduced by section 33)

CATEGORIES OF PERSON THAT MAY BE ADDED TO SCHEDULE 6

Column 1 Entry	Column 2 Person/Category
(1)	Public authorities.
(2)	Persons providing services to the public established by an enactment.
(3)	Persons established by prerogative instrument – <ul style="list-style-type: none"> (a) to advance learning and knowledge by teaching or research or by developing or awarding qualifications, (b) to collect, preserve or provide access to recorded knowledge or to objects and things which further understanding, (c) to support, improve, promote or provide access to heritage, culture, sport or recreational activities, (d) engaged in promoting a wider knowledge and representing the interests of Wales to other countries, or (e) engaged in central banking.
(4)	Persons upon whom functions of providing services to the public are conferred or imposed by an enactment.
(5)	Persons providing services to the public who receive public money amounting to £400,000 or more in a financial year, where – <ul style="list-style-type: none"> (a) that person also received public money in a previous financial year, or (b) a decision has been made that that person will receive public money in a subsequent financial year.
(6)	Persons overseeing the regulation of a profession, industry or other similar sphere of activity.
(7)	Providers of social housing.
(8)	Persons who consent to being specified in Schedule 6.

Cofnod (5): diwygio drwy orchymyn

- 1 (1) Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio cofnod (5) yn y tabl drwy gyfnewid y swm perthnasol am unrhyw swm arall heb fod yn llai na £400,000.
- (2) Yn is-baragraff (1), ystyr “swm perthnasol” yw'r cyfanswm o arian cyhoeddus sydd o bryd i'w gilydd wedi ei nodi yng nghofnod (5) yn y tabl.

Cofnod (8): dehongli etc

- 2 At ddibenion cofnod (8) yn y tabl—
 - (a) ystyr “cydsyniad” mewn perthynas â pherson yw cydsyniad ysgrifenedig a roddir i Weinidogion Cymru gan y person;
 - (b) caniateir tynnu cydsyniad yn ôl, ond dim ond os yw Gweinidogion Cymru yn cytuno i hynny.

Dehongli

- 3 Yn yr Atodlen hon—
 - ystyr “arian cyhoeddus” (“*public money*”) yw—
 - (a) arian y perir ei fod ar gael yn uniongyrchol neu'n anuniongyrchol drwy—
 - (i) Cynulliad Cenedlaethol Cymru;
 - (ii) Gweinidogion Cymru;
 - (iii) Senedd y DU;
 - (iv) Gweinidogion y Goron; neu
 - (v) un neu ragor o sefydliadau'r Undeb Ewropeaidd;
 - (b) arian a ddarperir yn rhinwedd unrhyw ddeddfiad;
- ystyr “awdurdod cyhoeddus” yw pob awdurdod cyhoeddus sy'n dod o fewn ystyr “*public authority*” yn adran 6 o Ddeddf Hawliau Dynol 1998.

Entry (5): amendment by order

- 1 (1) The Welsh Ministers may, by order, amend entry (5) in the table by replacing the relevant amount with any other amount that is not less than £400,000.
- (2) In sub-paragraph (1), “relevant amount” means the amount of public money that is for the time being specified in entry (5) in the table.

Entry (8): interpretation etc

- 2 For the purposes of entry (8) in the table –
 - (a) “consent”, in relation to a person, means consent in writing given to the Welsh Ministers by the person;
 - (b) consent may be withdrawn, but only with the agreement of the Welsh Ministers.

Interpretation

- 3 In this Schedule –
 - “public authority” (“*awdurdod cyhoeddus*”) means each public authority within the meaning of section 6 of the Human Rights Act 1998;
 - “public money” (“*arian cyhoeddus*”) means –
 - (a) moneys made available directly or indirectly by –
 - (i) the National Assembly for Wales;
 - (ii) the Welsh Ministers;
 - (iii) Parliament;
 - (iv) Ministers of the Crown; or
 - (v) an institution of the European Union;
 - (b) moneys provided by virtue of any enactment.

ATODLEN 6
(a gyflwynwyd gan adran 33)

CYRFF CYHOEDDUS ETC: SAFONAU

Colofn 1 Person/Categori	Colofn 2 Safonau cymwysadwy
LLYWODRAETH	
Gweinidogion Cymru (<i>"The Welsh Ministers"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau hybu Safonau cadw cofnodion
Gweinidogion y Goron (<i>"Ministers of the Crown"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Adrannau'r Llywodraeth (<i>"Government departments"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Personau sy'n arfer, ar ran y Goron, swyddogaethau a roddir gan neu o dan Ddeddf neu Fesur (<i>"Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
LLYWODRAETH LEOL ETC	
Cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru (<i>"County borough councils and county councils in Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau hybu Safonau cadw cofnodion
Cynghorau cymuned (<i>"Community councils"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

SCHEDULE 6
(introduced by section 33)

PUBLIC BODIES ETC: STANDARDS

Column 1 Person/Category	Column 2 Potentially applicable standards
GOVERNMENT	
The Welsh Ministers (<i>"Gweinidogion Cymru"</i>)	Service delivery standards Policy making standards Operational standards Promotion standards Record keeping standards
Ministers of the Crown (<i>"Gweinidogion y Goron"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Government departments (<i>"Adrannau'r Llywodraeth"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure (<i>"Personau sy'n arfer, ar ran y Goron, swyddogaethau a roddir gan neu o dan Ddeddf neu Fesur"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
LOCAL GOVERNMENT ETC	
County borough councils and county councils in Wales (<i>"Cynghorau sir a chynghorau burdeistref sirol yng Nghymru"</i>)	Service delivery standards Policy making standards Operational standards Promotion standards Record keeping standards
Community councils (<i>"Cynghorau cymuned"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Cyd-bwyllgorau awdurdodau lleol (" <i>Local authority joint committees</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyd-fyrddau awdurdodau lleol (" <i>Local authority joint boards</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Byrddau Iechyd Lleol (" <i>Local Health Boards</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cynghorau Iechyd Cymuned (" <i>Community Health Councils</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Ymddiriedolaethau Gwasanaeth Iechyd Gwladol (" <i>National Health Service Trusts</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdodau Iechyd Arbennig (" <i>Special Health Authorities</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdodau Parciau Cenedlaethol (" <i>National Park Authorities</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau hybu Safonau cadw cofnodion
Awdurdodau'r Heddlu (" <i>Police Authorities</i> ")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

Local authority joint committees (<i>"Cyd-bwyllgorau awdurdodau lleol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Local authority joint boards (<i>"Cyd-fyrddau awdurdodau lleol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Local Health Boards (<i>"Byrddau Iechyd Lleol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Community Health Councils (<i>"Cynghorau Iechyd Cymuned"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
National Health Service Trusts (<i>"Ymddiriedolaethau Gwasanaeth Iechyd Gwladol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Special Health Authorities (<i>"Awdurdodau Iechyd Arbennig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
National Park Authorities (<i>"Awdurdodau Parciau Cenedlaethol"</i>)	Service delivery standards Policy making standards Operational standards Promotion standards Record keeping standards
Police Authorities (<i>"Awdurdodau'r Heddlu"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Ymddiriedolaethau Prawf (<i>"Probation Trusts"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdodau Tân ac Achub (<i>"Fire and Rescue Authorities"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Darparwyr Tai Cymdeithasol (<i>"Providers of Social Housing"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
CYFFREDINOL	
Amgueddfa Genedlaethol Cymru (<i>"The National Museum of Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Archwilydd Cyffredinol Cymru (<i>"The Auditor General for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Yr Asiantaeth Genedlaethol er Gwella Plismona (<i>"The National Policing Improvement Agency"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Asiantaeth Sicrwydd Ansawdd Addysg Uwch (<i>"The Quality Assurance Agency for Higher Education"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

Probation Trusts (<i>"Ymddiriedolaethau Prawf"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Fire and Rescue Authorities (<i>"Awdurdodau Tân ac Achub"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Providers of Social Housing (<i>"Darparwyr Tai Cymdeithasol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
GENERAL	
Aberystwyth University (<i>"Prifysgol Aberystwyth"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Agricultural Land Tribunal (Wales) (<i>"Tribiwnlys Tir Amaethyddol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Agriculture and Horticulture Development Board (<i>"Bwrdd Datblygu Amaethyddiaeth a Garddwriaeth"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Alcohol Education and Research Fund (<i>"Cronfa Addysgu ac Ymchwilio Alcohol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Asiantaeth yr Amgylchedd (<i>"The Environment Agency"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Athrofa Prifysgol Cymru, Caerdydd (<i>"The University of Wales Institute, Cardiff"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Yr Awdurdod Asesu Clinigol Cenedlaethol (<i>"National Clinical Assessment Service"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Yr Awdurdod Digolledu am Anafiadau Troseddol (<i>"The Criminal Injuries Compensation Authority"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdod Gwasanaethau Ariannol (<i>"The Financial Services Authority"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdod Gweithredu'r Gemau Olympaidd (<i>"The Olympic Delivery Authority"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Awdurdod y Diwydiant Diogelwch (<i>"The Security Industry Authority"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Banc Lloegr (<i>"The Bank of England"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The Arts Council of Wales (<i>"Cyngor Celfyddydau Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Arts and Humanities Research Council (<i>"Y Cyngor Ymchwil i'r Celfyddydau a'r Dyniaethau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Auditor General for Wales (<i>"Archwilydd Cyffredinol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Bangor University (<i>"Prifysgol Bangor"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Bank of England (<i>"Banc Lloegr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Big Lottery Fund (<i>"Y Gronfa Loteri Fawr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Biotechnology and Biological Sciences Research Council (<i>"Cyngor Ymchwil Biotechnoleg a Gwyddorau Biolegol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The British Broadcasting Corporation (<i>"Y Gorfforaeth Ddarlledu Brydeinig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Y Brifysgol Agored (<i>"The Open University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Buddsoddwyr mewn Pobl y DU (<i>"Investors in People UK"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Bwrdd Cyfiawnder Ieuenctid Cymru a Lloegr (<i>"The Youth Justice Board for England and Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Bwrdd Datblygu Amaethyddiaeth a Garddwriaeth (<i>"The Agriculture and Horticulture Development Board"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Bwrdd Dyfrffyrdd Prydain (<i>"The British Waterways Board"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Bwrdd Hyfforddi'r Diwydiant Adeiladu Peiriannol (<i>"The Engineering Construction Industry Training Board"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Bwrdd Marchnata Gwlân Prydain (<i>"The British Wool Marketing Board"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Canolfan Mileniwm Cymru (<i>"Wales Millennium Centre"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The British Council (<i>"Y Cyngor Prydeinig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The British Waterways Board (<i>"Bwrdd Dyfrffyrdd Prydain"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The British Wool Marketing Board (<i>"Bwrdd Marchnata Gwlân Prydain"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Carbon Trust (<i>"Yr Ymddiriedolaeth Garbon"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Cardiff University (<i>"Prifysgol Caerdydd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Care Council for Wales (<i>"Cyngor Gofal Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Charities Commission for England and Wales (<i>"Comisiwn Elusennau Cymru a Lloegr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Child Maintenance and Enforcement Commission (<i>"Comisiwn Trefnu a Gorfodi Cynhaliaeth Plant"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

<p>Coleg Brenhinol Cerdd a Drama Cymru Cyfyngedig (<i>"The Royal Welsh College of Music and Drama Limited"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Colegau Cymru Cyfyngedig (<i>"Colleges Wales Limited"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Comisiwn Brenhinol Henebion Cymru (<i>"The Royal Commission on the Ancient and Historical Monuments of Wales"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Comisiwn Cwynion Annibynnol yr Heddlu (<i>"The Independent Police Complaints Commission"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Comisiwn Cydraddoldeb a Hawliau Dynol (<i>"The Commission for Equality and Human Rights"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Y Comisiwn Cystadlu (<i>"The Competition Commission"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Y Comisiwn Datblygu Cynaliadwy (<i>"The Sustainable Development Commission"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>
<p>Comisiwn Elusennau Cymru a Lloegr (<i>"Charities Commission for England and Wales"</i>)</p>	<p>Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion</p>

The Children's Commissioner for Wales (<i>"Comisiynydd Plant Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Colleges Wales Limited (<i>"Colegau Cymru Cyfyngedig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Commission for Equality and Human Rights (<i>"Comisiwn Cydraddoldeb a Hawliau Dynol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Commissioner for Older People in Wales (<i>"Comisiynydd Pobl Hŷn Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Community Development Foundation (<i>"Sefydliad Datblygu Cymunedol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Competition Commission (<i>"Y Comisiwn Cystadlu"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Consumer Council for Water (<i>"Y Cyngor Defnyddwyr Dŵr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Consumer Focus (<i>"Llais Defnyddwyr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Y Comisiwn Etholiadol (<i>"The Electoral Commission"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiwn Ffiniau Llywodraeth Leol i Gymru (<i>"The Local Government Boundary Commission for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiwn Gwasanaethau Cyfreithiol (<i>"The Legal Services Commission"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Comisiwn Hapchwarae (<i>"The Gambling Commission"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiwn Trefnu a Gorfodi Cynhالياeth Plant (<i>"The Child Maintenance and Enforcement Commission"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiwn y DU dros Gyflogaeth a Sgiliau (<i>"The UK Commission For Employment and Skills"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiwn y Loteri Genedlaethol (<i>"The National Lottery Commission"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiynydd Plant Cymru (<i>"The Children's Commissioner for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

<p>The Council for Healthcare Regulatory Excellence <i>("Cyngor Rhagoriaeth Rheoleiddio Gofal Iechyd")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Countryside Council for Wales <i>("Cyngor Cefn Gwlad Cymru")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Criminal Injuries Compensation Authority <i>("Yr Awdurdod Digolledu am Anafiadau Troseddol")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Disabled Persons Transport Advisory Committee <i>("Pwyllgor Ymgynghorol Trafnidiaeth i'r Anabl")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Economic and Social Research Council <i>("Y Cyngor Ymchwil Economaidd a Chymdeithasol")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Electoral Commission <i>("Y Comisiwn Etholiadol")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Energy Saving Trust Limited <i>("Yr Ymddiriedolaeth Arbed Ynni Cyfyngedig")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Engineering and Physical Sciences Research Council <i>("Cyngor Ymchwil Peirianneg a Gwyddorau Ffisegol")</i></p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>

Comisiynydd Pobl Hŷn Cymru (<i>"The Commissioner for Older People in Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Comisiynydd y Gronfa Gymdeithasol (<i>"The Social Fund Commissioner"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Corfforaethau addysg bellach (<i>"Further education corporations"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Corfforaethau addysg uwch (<i>"Higher education corporations"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cronfa Addysgu ac Ymchwilio Alcohol (<i>"The Alcohol Education and Research Fund"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cronfa Goffa'r Dreftadaeth Genedlaethol (<i>"National Heritage Memorial Fund"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cronfeydd Byw'n Annibynnol (<i>"The Independent Living Funds"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cwmni Benthyciadau Myfyrwyr Cyfyngedig (<i>"Student Loans Company Limited"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

<p>The Engineering Construction Industry Training Board (<i>"Bwrdd Hyfforddi'r Diwydiant Adeiladu Peiriannol"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Environment Agency (<i>"Asiantaeth yr Amgylchedd"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>Finance Wales plc (<i>"Cyllid Cymru ccc"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Financial Services Authority (<i>"Awdurdod Gwasanaethau Ariannol"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>Further education corporations (<i>"Corfforaethau addysg bellach"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The Gambling Commission (<i>"Y Comisiwn Hapchwarae"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The General Chiropractic Council (<i>"Y Cyngor Ceiropractig Cyffredinol"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>
<p>The General Dental Council (<i>"Y Cyngor Deintyddol Cyffredinol"</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards</p>

Cyllid Cymru ccc (<i>"Finance Wales plc"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cymdeithas Fferyllol Frenhinol Prydain Fawr (<i>"The Royal Pharmaceutical Society of Great Britain"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cymdeithas Llywodraeth Leol Cymru (<i>"The Welsh Local Government Association"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngorau Sgiliau Sector (<i>"The Sector Skills Councils"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Addysgu Cyffredinol Cymru (<i>"The General Teaching Council for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Cefn Gwlad Cymru (<i>"The Countryside Council for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Ceiropractig Cyffredinol (<i>"The General Chiropractic Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Celfyddydau Cymru (<i>"The Arts Council of Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The General Medical Council (<i>"Y Cyngor Meddygol Cyffredinol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The General Optical Council (<i>"Y Cyngor Optegol Cyffredinol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The General Osteopathic Council (<i>"Y Cyngor Osteopathig Cyffredinol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The General Teaching Council for Wales (<i>"Cyngor Addysgu Cyffredinol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Glyndŵr University (<i>"Prifysgol Glyndŵr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The governing bodies of schools (<i>"Cyrff llywodraethu ysgolion"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Health, Education and Social Care Chamber (<i>"Y Siambr Iechyd, Addysg a Gofal Cymdeithasol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Health Professions Council (<i>"Y Cyngor Proffesiynau Iechyd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg (<i>"The Science and Technology Facilities Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Cyllido Addysg Uwch Cymru (<i>"The Higher Education Funding Council for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Chwaraeon Cymru (<i>"The Sports Council for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Chwaraeon y DU (<i>"The UK Sports Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Defnyddwyr Dŵr (<i>"The Consumer Council for Water"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Deintyddol Cyffredinol (<i>"The General Dental Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Ffilm y DU (<i>"UK Film Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Gofal Cymru (<i>"The Care Council for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

Higher education corporations (<i>"Corfforaethau addysg uwch"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Higher Education Funding Council for Wales (<i>"Cyngor Cyllido Addysg Uwch Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Hybu Cig Cymru - Meat Promotion Wales	Service delivery standards Policy making standards Operational standards Record keeping standards
The Independent Living Funds (<i>"Y Cronfeydd Byw'n Annibynnol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Independent Police Complaints Commission (<i>"Comisiwn Cwynion Annibynnol yr Heddlu"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Information Commissioner's Office (<i>"Swyddfa'r Comisiynydd Gwybodaeth"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Investors in People UK (<i>"Buddsoddwyr mewn Pobl y DU"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Legal Services Commission (<i>"Comisiwn Gwasanaethau Cyfreithiol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Cyngor Gweithredu Gwirfoddol Cymru (<i>"Wales Council for Voluntary Action"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Llyfrau Cymru (<i>"The Welsh Books Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Meddygol Cyffredinol (<i>"The General Medical Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Nyrsio a Bydwreigiaeth (<i>"The Nursing and Midwifery Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Optegol Cyffredinol (<i>"The General Optical Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Osteopathig Cyffredinol (<i>"The General Osteopathic Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Proffesiynau Iechyd (<i>"The Health Professions Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Prydeinig (<i>"The British Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The Local Government Boundary Commission for Wales (<i>"Comisiwn Ffiniau Llywodraeth Leol i Gymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Local Government Data Unit-Wales (<i>"Uned Ddata Llywodraeth Leol - Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Medical Research Council (<i>"Y Cyngor Ymchwil Meddygol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Mental Health Review Tribunal for Wales (<i>"Tribiwnlys Adolygiad Iechyd Meddwl Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Motability	Service delivery standards Policy making standards Operational standards Record keeping standards
National Botanic Garden of Wales (<i>"Gardd Fotaneg Genedlaethol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
National Clinical Assessment Service (<i>"Yr Awdurdod Asesu Clinigol Cenedlaethol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
National Endowment for Science, Technology and the Arts (<i>"Y Gwaddol Cenedlaethol ar gyfer Gwyddoniaeth, Technoleg a'r Celfyddydau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Cyngor Rhagoriaeth Rheoleiddio Gofal Iechyd (<i>"The Council for Healthcare Regulatory Excellence"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Ymchwil Biotechnoleg a Gwyddorau Biolegol (<i>"The Biotechnology and Biological Sciences Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Ymchwil Economaidd a Chymdeithasol (<i>"The Economic and Social Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Ymchwil Meddygol (<i>"The Medical Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Ymchwil Peirianeg a Gwyddorau Ffisegol (<i>"The Engineering and Physical Sciences Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyngor Ymchwil yr Amgylchedd Naturiol (<i>"The Natural Environment Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Cyngor Ymchwil i'r Celfyddydau a'r Dyniaethau (<i>"The Arts and Humanities Research Council"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Cyrff llywodraethu ysgolion (<i>"The governing bodies of schools"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

National Heritage Memorial Fund (<i>"Cronfa Goffa'r Dreftadaeth Genedlaethol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
National Institute for Health and Clinical Excellence (<i>"Sefydliad Cenedlaethol dros Iechyd a Rhagoriaeth Glinigol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The National Library of Wales (<i>"Llyfrgell Genedlaethol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The National Lottery Commission (<i>"Comisiwn y Loteri Genedlaethol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The National Museum of Wales (<i>"Amgueddfa Genedlaethol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The National Policing Improvement Agency (<i>"Yr Asiantaeth Genedlaethol er Gwella Plismona"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The National Theatre of Wales	Service delivery standards Policy making standards Operational standards Record keeping standards
The Natural Environment Research Council (<i>"Cyngor Ymchwil yr Amgylchedd Naturiol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Darparwyr gwasanaethau gyrfaedd (<i>"Providers of career services"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Ffocws ar Deithwyr (<i>"Passenger Focus"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Gardd Fotaneg Genedlaethol Cymru (<i>"National Botanic Garden of Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Gorfforaeth Ddarlledu Brydeinig (<i>"The British Broadcasting Corporation"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Gronfa Loteri Fawr (<i>"The Big Lottery Fund"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Grŵp y Post Brenhinol ccc (<i>"Royal Mail Group plc"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Gwaddol Cenedlaethol ar gyfer Gwyddoniaeth, Technoleg a'r Celfyddydau (<i>"National Endowment for Science, Technology and the Arts"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Gwasanaeth Cynghori ar Bensiynau (<i>"The Pensions Advisory Service"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

NIACE	Service delivery standards Policy making standards Operational standards Record keeping standards
The Nursing and Midwifery Council (<i>"Y Cyngor Nyrsio a Bydwreigiaeth"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Office of Communications (<i>"Y Swyddfa Gyfathrebiadau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Office of Rail Regulation (<i>"Swyddfa Rheoleiddio'r Rheilffyrdd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Olympic Delivery Authority (<i>"Awdurdod Gweithredu'r Gemau Olympaidd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Open University (<i>"Y Brifysgol Agored"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Passenger Focus (<i>"Ffocws ar Deithwyr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Pensions Advisory Service (<i>"Gwasanaeth Cynghori ar Bensiynau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Gwasanaeth Derbyn y Prifysgolion a'r Colegau (<i>"Universities and Colleges Admission Service"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Gwasanaeth Tribiwnlys Prasio Cymru (<i>"The Valuation Tribunal Service for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Hybu Cig Cymru - Meat Promotion Wales	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Llais Defnyddwyr (<i>"Consumer Focus"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Llyfrgell Genedlaethol Cymru (<i>"The National Library of Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Motability	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
The National Theatre of Wales	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
NIACE	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The Pensions Ombudsman (<i>"Yr Ombwdsmon Pensiynau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Pensions Regulator (<i>"Y Rheoleiddiwr Pensiynau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Providers of career services (<i>"Darparwyr gwasanaethau gyrfaedd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Quality Assurance Agency for Higher Education (<i>"Asiantaeth Sicrwydd Ansawdd Addysg Uwch"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Rent Assessment Panel for Wales (<i>"Panel Asesu Rhenti i Gymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Residential Property Tribunal Wales (<i>"Tribiwnlys Eiddo Preswyl Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Royal Commission on the Ancient and Historical Monuments of Wales (<i>"Comisiwn Brenhinol Henebion Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Royal Mail Group plc (<i>"Grŵp y Post Brenhinol ccc"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Yr Ombwdsmon Pensiynau (<i>"The Pensions Ombudsman"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Opera Cenedlaethol Cymru Cyfyngedig (<i>"Welsh National Opera Limited"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Panel Asesu Rhenti i Gymru (<i>"The Rent Assessment Panel for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Abertawe (<i>"Swansea University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Aberystwyth (<i>"Aberystwyth University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Bangor (<i>"Bangor University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Caerdydd (<i>"Cardiff University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Cymru (<i>"The University of Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The Royal Pharmaceutical Society of Great Britain (<i>"Cymdeithas Fferyllol Frenhinol Prydain Fawr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Royal Welsh College of Music and Drama Limited (<i>"Coleg Brenhinol Cerdd a Drama Cymru Cyfyngedig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Sector Skills Councils (<i>"Y Cynghorau Sgiliau Sector"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Security Industry Authority (<i>"Awdurdod y Diwydiant Diogelwch"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Sianel 4 Cymru	Service delivery standards Policy making standards Operational standards Record keeping standards
The Science and Technology Facilities Council (<i>"Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Social Fund Commissioner (<i>"Comisiynydd y Gronfa Gymdeithasol"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Special Educational Needs Tribunal for Wales (<i>"Tribiwnlys Anghenion Addysgol Arbennig Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Prifysgol Cymru, Casnewydd (<i>"The University of Wales, Newport"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Cymru: y Drindod Dewi Sant (<i>"University of Wales: Trinity St David"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Glyndŵr (<i>"Glyndŵr University"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Prifysgol Morgannwg (<i>"University of Glamorgan"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Pwyllgor Ymgynghorol Trafnidiaeth i'r Anabl (<i>"The Disabled Persons Transport Advisory Committee"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Rheoleiddiwr Pensiynau (<i>"The Pensions Regulator"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Sefydliad Cenedlaethol dros Iechyd a Rhagoriaeth Glinigol (<i>"National Institute for Health and Clinical Excellence"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Sefydliad Datblygu Cymunedol (<i>"The Community Development Foundation"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The Sports Council for Wales (" <i>Cyngor Chwaraeon Cymru</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
Student Loans Company Limited (" <i>Cwmni Benthyciadau Myfyrwyr Cyfyngedig</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
The Sustainable Development Commission (" <i>Y Comisiwn Datblygu Cynaliadwy</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
Swansea University (" <i>Prifysgol Abertawe</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
Theatr Genedlaethol Cymru	Service delivery standards Policy making standards Operational standards Record keeping standards
UFI Ltd (" <i>UFI Cyf</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
The UK Commission For Employment and Skills (" <i>Comisiwn y DU dros Gyflogaeth a Sgiliau</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards
UK Film Council (" <i>Cyngor Ffilm y DU</i> ")	Service delivery standards Policy making standards Operational standards Record keeping standards

Y Siambr Iechyd, Addysg a Gofal Cymdeithasol (<i>"The Health, Education and Social Care Chamber"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Sianel 4 Cymru	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Y Swyddfa Gyfathrebiadau (<i>"The Office of Communications"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Swyddfa Rheoleiddio'r Rheilffyrdd (<i>"The Office of Rail Regulation"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Swyddfa'r Comisiynydd Gwybodaeth (<i>"The Information Commissioner's Office"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Theatr Genedlaethol Cymru	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Tribiwnlys Adolygiad Iechyd Meddwl Cymru (<i>"The Mental Health Review Tribunal for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Tribiwnlys Anghenion Addysgol Arbennig Cymru (<i>"The Special Educational Needs Tribunal for Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

The UK Sports Council (<i>"Cyngor Chwaraeon y DU"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Universities and Colleges Admission Service (<i>"Gwasanaeth Derbyn y Prifysgolion a'r Colegau"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
University of Glamorgan (<i>"Prifysgol Morgannwg"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The University of Wales (<i>"Prifysgol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The University of Wales Institute, Cardiff (<i>"Athrofa Prifysgol Cymru, Caerdydd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The University of Wales, Newport (<i>"Prifysgol Cymru, Casnewydd"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
University of Wales: Trinity St David (<i>"Prifysgol Cymru: Y Drindod Dewi Sant"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Valuation Tribunal Service for Wales (<i>"Gwasanaeth Tribiwnlys Prisio Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Tribiwnlys Eiddo Preswyl Cymru (<i>"The Residential Property Tribunal Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Tribiwnlys Tir Amaethyddol Cymru (<i>"Agricultural Land Tribunal (Wales)"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
UFI Cyf (<i>"UFI Ltd"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Uned Ddata Llywodraeth Leol - Cymru (<i>"The Local Government Data Unit-Wales"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Yr Ymddiriedolaeth Arbed Ynni Cyfyngedig (<i>"The Energy Saving Trust Limited"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion
Yr Ymddiriedolaeth Garbon (<i>"The Carbon Trust"</i>)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion

Wales Council for Voluntary Action (<i>"Cyngor Gweithredu Gwirfoddol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Wales Millennium Centre (<i>"Canolfan Mileniwm Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Welsh Books Council (<i>"Cyngor Llyfrau Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Welsh Local Government Association (<i>"Cymdeithas Llywodraeth Leol Cymru"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
Welsh National Opera Limited (<i>"Opera Cenedlaethol Cymru Cyfyngedig"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards
The Youth Justice Board for England and Wales (<i>"Bwrdd Cyfiawnder Ieuencid Cymru a Lloegr"</i>)	Service delivery standards Policy making standards Operational standards Record keeping standards

Dehongli etc

- 1 Mae'r tabl yn cael effaith yn ddarostyngedig i'r darpariaethau canlynol –
- (a) nid yw'r cofnod sy'n ymwneud ag adrannau'r llywodraeth yn cynnwys unrhyw beth sy'n dod o fewn y cofnod sy'n ymwneud â Gweinidogion y Goron;
 - (b) nid yw'r cofnod sy'n ymwneud â phersonau sy'n arfer swyddogaethau ar ran y Goron yn cynnwys unrhyw berson sy'n dod o fewn unrhyw gofnod arall.
- 2 Yn yr Atodlen hon –
- ystyr “Awdurdod Iechyd Arbennig” (*“Special Health Authority”*) yw awdurdod iechyd arbennig a sefydlwyd o dan adran 28 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- ystyr “Awdurdod Tân ac Achub” (*“Fire and Rescue Authority”*) yw awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004, neu gynllun y mae adran 4 o'r Ddeddf honno'n gymwys iddo;
- ystyr “Bwrdd Iechyd Lleol” (*“Local Health Board”*) yw bwrdd iechyd lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- ystyr “corff llywodraethu ysgolion” (*“governing body of a school”*) yw corff llywodraethu ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol neu ysgol arbennig gymunedol neu ysgol arbennig sefydledig o fewn ystyr Deddf Safonau a Fframwaith Ysgolion 1998, fel y'i hamnewidiwyd gan adran 140(1) a pharagraff 50 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998;
- ystyr “corfforaeth addysg bellach” (*“further education corporation”*) yw corfforaeth addysg bellach a sefydlwyd o dan adran 15 neu 16 o Ddeddf Addysg Bellach ac Uwch 1992;
- ystyr “corfforaeth addysg uwch” (*“higher education corporation”*) yw corfforaeth addysg uwch a sefydlwyd o dan adran 121 neu 122 o Ddeddf Diwygio Addysg 1988;
- ystyr “cyd-bwyllgor awdurdod lleol” (*“local authority joint committee”*) yw cyd-bwyllgor o ddau neu ragor o'r canlynol –
- (a) cynghorau sir,
 - (b) cynghorau bwrdeistref sirol, neu
 - (c) cynghorau cymuned;
- ystyr “cyd-fwrdd awdurdod lleol” (*“local authority joint board”*) yw cyd-fwrdd, a dau neu ragor o'r canlynol yw ei aelodau –
- (a) cynghorau sir,
 - (b) cynghorau bwrdeistref sirol, neu
 - (c) cynghorau cymuned;
- ystyr “Cyngor Iechyd Cymuned” (*“Community Health Council”*) yw cyngor iechyd cymuned a sefydlwyd o dan adran 182 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

Interpretation etc

- 1 The table has effect subject to the following provisions—
- (a) the entry relating to government departments does not include anything that is within the entry relating to Ministers of the Crown;
 - (b) the entry relating to persons exercising functions on behalf of the Crown does not include any person that is within any other entry.
- 2 In this Schedule—
- “Act” (*“Deddf”*) means an Act of Parliament or an Act of the National Assembly of Wales;
- “Agricultural Land Tribunal (Wales)” (*“Tribiwnlys Tir Amaethyddol Cymru”*) means the agricultural land tribunal established for Wales by the Agricultural Land Tribunals (Areas) Order 1982;
- “Community Health Council” (*“Cyngor Iechyd Cymuned”*) means a community health council established under section 182 of the National Health Service (Wales) Act 2006;
- “Consumer Focus” (*“Llais Defnyddwyr”*) means the National Consumer Council established under section 1 of the Consumers, Estate Agents and Redress Act 2007;
- “Fire and Rescue Authority” (*“Awdurdod Tân ac Achub”*) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies;
- “further education corporation” (*“corfforaeth addysg bellach”*) means a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992;
- “governing body of a school” (*“corff llywodraethu ysgolion”*) means a governing body of a community, foundation or voluntary school or a community or foundation special school within the meaning of the School Standards and Framework Act 1998, as substituted by section 140(1) and paragraph 50 of Schedule 30 of the School Standards and Framework Act 1998;
- “higher education corporation” (*“corfforaeth addysg uwch”*) means a higher education corporation established under section 121 or 122 of the Education Reform Act 1988;
- “local authority joint board” (*“cyd-fwrdd awdurdod lleol”*) means a joint board of which the members are two or more of following—
- (a) county councils,
 - (b) county borough councils, or
 - (c) community councils;
- “local authority joint committee” (*“cyd-bwyllgor awdurdod lleol”*) means a joint committee of two or more of following—
- (a) county councils,
 - (b) county borough councils, or
 - (c) community councils;

ystyr "darparwr gwasanaethau gyrfaedd" (*"provider of career services"*) yw person y mae Ysgrifennydd Gwladol Cymru wedi gwneud trefniadau gydag ef (heb fod yn drefniadau sydd wedi dod i ben) o dan adran 10 o Ddeddf Cyflogaeth a Hyfforddiant 1973 (darparu gwasanaethau gyrfaedd);

ystyr "Deddf" (*"Act"*) yw Deddf Senedd y DU neu Ddeddf Cynulliad Cenedlaethol Cymru;

ystyr "Ffocws ar Deithwyr" (*"Passenger Focus"*) yw'r Cyngor Teithwyr Rheilffyrdd a sefydlwyd o dan Ddeddf Rheilffyrdd 2005;

mae "Gweinidog y Goron" (*"Minister of the Crown"*) yn cynnwys y Trysorlys;

ystyr "Llais Defnyddwyr" (*"Consumer Focus"*) yw'r Cyngor Defnyddwyr Cenedlaethol a sefydlwyd o dan adran 1 o Ddeddf Defnyddwyr, Gwerthwyr Tai a Gwneud Iawn am Gamweddau 2007;

ystyr "Tribiwnlys Tir Amaethyddol Cymru" (*"Agricultural Land Tribunal (Wales)"*) yw'r tribiwnlys tir amaethyddol a sefydlwyd ar gyfer Cymru gan Orchymyn Tribiwnlysoedd Tir Amaethyddol (Ardaloedd) 1982;

ystyr "Ymddiriedolaeth y Gwasanaeth Iechyd Gwladol" (*"National Health Service Trust"*) yw un o ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol a gyfansoddwyd o dan Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

“Local Health Board” (*“Bwrdd Iechyd Lleol”*) means a local health board established under section 11 of the National Health Service (Wales) Act 2006;

“Minister of the Crown” (*“Gweinidog y Goron”*) includes the Treasury;

“National Health Service Trust” (*“Ymddiriedolaeth y Gwasanaeth Iechyd Gwladol”*) means a National Health Service trust constituted under the National Health Service Act 2006 or the National Health Service (Wales) Act 2006;

“Passenger Focus” (*“Ffocws ar Deithwyr”*) means the Rail Passengers' Council established under the Railways Act 2005;

“provider of career services” (*“darparwr gwasanaethau gyrfaedd”*) means a person with whom the Secretary of State for Wales has made arrangements (not being arrangements which have been terminated) under section 10 of the Employment and Training Act 1973 (provision of career services);

“Special Health Authority” (*“Awdurdod Iechyd Arbennig”*) means a special health authority established under section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006.

ATODLEN 7
(a gyflwynwyd gan adran 33)

Y CATEGORïAU O BERSON Y CANIATEIR EU HYCHWANEGU AT ATODLEN 8

Colofn 1 Cofnod	Colofn 2 Disgrifiad o'r person	Colofn 3 Gwasanaeth(au) sydd ar gael
(1)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau nwy, dŵr neu drydan (gan gynnwys cyflenwi neu ddosbarthu).	(a) Gwasanaethau nwy, dŵr neu drydan (gan gynnwys cyflenwi neu ddosbarthu). (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(2)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau carthffosiaeth (gan gynnwys gwaredu carthion).	(a) Gwasanaethau carthffosiaeth (gan gynnwys gwaredu carthion). (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(3)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau post neu swyddfeydd post.	(a) Gwasanaethau post neu wasanaethau swyddfeydd post. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(4)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau telathrebu.	(a) Gwasanaethau telathrebu. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(5)	Personau neilltuedig sy'n darparu i'r cyhoedd addysg, hyfforddiant (lle y mae'r darparwr yn derbyn arian cyhoeddus i'w ddarparu), neu gyfarwyddyd gyrfaoedd.	(a) Addysg, hyfforddiant (lle y mae'r darparwr yn derbyn arian cyhoeddus i'w ddarparu), neu gyfarwyddyd gyrfaoedd. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).

SCHEDULE 7
(introduced by section 33)

CATEGORIES OF PERSON THAT MAY BE ADDED TO SCHEDULE 8

Column 1 Entry	Column 2 Description of person	Column 3 Available service(s)
(1)	Qualifying persons who provide the public with gas, water or electricity services (including supply or distribution).	(a) Gas, water or electricity services (including supply or distribution). (b) Other services which relate to services within paragraph (a).
(2)	Qualifying persons who provide the public with sewerage services (including disposal of sewage).	(a) Sewerage services (including disposal of sewage). (b) Other services which relate to services within paragraph (a).
(3)	Qualifying persons who provide the public with postal services or post offices.	(a) Postal services or post office services. (b) Other services which relate to services within paragraph (a).
(4)	Qualifying persons who provide the public with telecommunication services.	(a) Telecommunication services. (b) Other services which relate to services within paragraph (a).
(5)	Qualifying persons who provide the public with education, training (where the provider receives public money for its provision), or career guidance.	(a) Education, training (where the provider receives public money for its provision), or career guidance. (b) Other services which relate to services within paragraph (a).

(6)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau sy'n annog, yn galluogi neu'n cynorthwyo cymryd rhan mewn addysg, hyfforddiant neu gyfarwyddyd gyrfaoedd.	(a) Gwasanaethau i annog, i alluogi neu i gynorthwyo cymryd rhan mewn addysg, hyfforddiant neu gyfarwyddyd gyrfaoedd. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(7)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau bysiau neu wasanaethau rheilffyrdd.	(a) Gwasanaethau bysiau neu wasanaethau rheilffyrdd. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(8)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau i ddatblygu neu i ddyfarnu cymwysterau addysgol neu alwedigaethol.	(a) Gwasanaethau i ddatblygu neu i ddyfarnu cymwysterau addysgol neu alwedigaethol. (b) Gwasanaethau eraill sy'n gysylltiedig â gwasanaethau ym mharagraff (a).
(9)	Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau sy'n gysylltiedig ag unrhyw wasanaeth sylfaenol.	Gwasanaethau sy'n gysylltiedig ag unrhyw wasanaeth sylfaenol.
(10)	Personau neilltuedig sy'n darparu gwasanaethau i'r cyhoedd o dan gytundeb, neu'n unol â threfniadau, a wnaed gydag awdurdod cyhoeddus.	Gwasanaethau a ddarperir i'r cyhoedd o dan y cytundeb, neu'n unol â'r trefniadau, a wnaed gyda'r awdurdod cyhoeddus.

Gwasanaethau a ddarperir mewn siopau: eithriadau

- 1 (1) Nid yw cyfeiriadau yn y tabl at "wasanaethau cysylltiedig" yn cynnwys gwasanaethau a ddarparir mewn siopau onid yw'r gwasanaethau hynny –
 - (a) yn wasanaethau cownteri swyddfa'r post, neu
 - (b) yn wasanaethau gwerthu tocynnau neu ddarparu amserlenni ar gyfer gwasanaethau bysiau a gwasanaethau rheilffyrdd.
- (2) At y diben hwnnw, y canlynol yw'r cyfeiriadau yn y tabl at wasanaethau cysylltiedig –
 - (a) yng ngholofn (3) ym mhob un o resi (1) i (8) yn y tabl, y cyfeiriadau ym mharagraff (b) bob tro at wasanaethau eraill, a
 - (b) yng ngholofnau (2) a (3) yn rhes (9) yn y tabl, y cyfeiriadau at wasanaethau sy'n gysylltiedig ag unrhyw wasanaeth sylfaenol.

Dehongli

2 Yn yr Atodlen hon –

ystyr "arian cyhoeddus" ("public money") yw –

- (a) arian y perir ei fod ar gael yn uniongyrchol neu'n anuniongyrchol drwy –

(6)	Qualifying persons who provide the public with services to encourage, enable or assist participation in education, training or career guidance.	(a) Services to encourage, enable or assist participation in education, training or career guidance. (b) Other services which relate to services within paragraph (a).
(7)	Qualifying persons who provide the public with bus or railway services.	(a) Bus or railway services. (b) Other services which relate to services within paragraph (a).
(8)	Qualifying persons who provide the public with services to develop or award educational or vocational qualifications.	(a) Services to develop or award educational or vocational qualifications. (b) Other services which relate to services within paragraph (a).
(9)	Qualifying persons who provide the public with services which relate to any primary service.	Services which relate to any primary service.
(10)	Qualifying persons who provide services to the public under an agreement, or in accordance with arrangements, made with a public authority.	Services to the public provided under the agreement, or in accordance with the arrangements, made with the public authority.

Services provided in shops: exclusions

- 1 (1) The references in the table to “related services” do not include services provided in shops, unless those services are –
- (a) post office counter services, or
 - (b) the sale of tickets or the provision of timetables for bus and railway services.
- (2) For that purpose, the references in the table to related services are –
- (a) in column (3) of each of rows (1) to (8) of the table, the references in each paragraph (b) to other services, and
 - (b) in columns (2) and (3) of row (9) of the table, the references to services which relate to any primary service.

Interpretation

- 2 In this Schedule –

“bus services” (“*gwasanaethau bysiau*”) means a scheduled service, by public service vehicle (within the meaning of section 1 of the Public Passenger Vehicles Act 1981), for the carriage of passengers at separate fares, other than a service –

- (i) Cynulliad Cenedlaethol Cymru;
- (ii) Gweinidogion Cymru;
- (iii) Senedd y DU;
- (iv) Gweinidogion y Goron; neu
- (v) un neu ragor o sefydliadau'r Undeb Ewropeaidd;

(b) arian a ddarperir yn rhinwedd unrhyw ddeddfiad;

ystyr "awdurdod cyhoeddus" yw pob awdurdod cyhoeddus sy'n dod o fewn ystyr "public authority" yn adran 6 o Ddeddf Hawliau Dynol 1998;

ystyr "gwasanaethau bysiau" ("*bus services*") yw gwasanaeth rheolaidd â cherbyd gwasanaeth cyhoeddus (o fewn ystyr adran 1 o Ddeddf Cerbydau Cyhoeddus i Deithwyr 1981) i gludo teithwyr am brisiau tocyn ar wahân, ac eithrio gwasanaeth—

- (a) y mae capasiti cyfan y cerbyd ar gyfer y gwasanaeth hwnnw wedi ei brynu gan siartrwr at ei ddefnydd ei hun neu i'w ailwerthu;
- (b) sy'n daith neu'n drip a drefnwyd yn breifat gan unrhyw berson sy'n gweithio'n annibynnol ar weithredwr y cerbyd; neu
- (c) lle y mae'r teithwyr yn teithio gyda'i gilydd ar daith, gyda seibiannau neu hebddynt, a ph'un ai ar yr un diwrnod ai peidio, o un neu fwy o leoedd i un neu fwy o leoedd ac yn ôl;

ystyr "gwasanaeth sylfaenol" ("*primary service*") yw gwasanaeth sy'n dod o fewn paragraff (a) yng nghlofn (3) o unrhyw un neu ragor o resi (1) i (8);

ystyr "gwasanaethau post" ("*postal services*") yw'r gwasanaeth o gludo llythyrau, parseli, pcedi neu bethau eraill o un man i fan arall drwy'r post a'r gwasanaethau cysylltiedig o dderbyn, casglu, sortio a danfon y cyfryw bethau;

ystyr "gwasanaethau telathrebu" ("*telecommunications service*") yw unrhyw wasanaeth sy'n cynnwys darparu mynediad at, neu gyfleusterau i wneud defnydd o, unrhyw system sy'n bod (boed yn gyfan gwbl neu'n rhannol yn y Deyrnas Unedig neu mewn man arall) at y diben o hwyluso trosglwyddo cyfathrebiadau drwy unrhyw fodd sy'n golygu defnyddio ynni trydanol, magnetig neu electromagnetig (gan gynnwys y cyfarpar a geir yn y system), ond nid yw'n cynnwys darlledu, y radio na'r teledu;

ystyr "person neilltuedig" ("*qualifying person*") yw person nad yw o fewn Atodlen 6;

ystyr "siop" ("*shop*") yw unrhyw fangre, a masnach neu fusnes gwerthu nwyddau yw'r brif fasnach neu'r prif fusnes sy'n cael ei chynnal neu ei gynnal yno.

- (a) for which the whole capacity of the vehicle has been purchased by a charterer for the charterer's own use or for resale;
- (b) which is a journey or trip organised privately by any person acting independently of the vehicle operator; or
- (c) on which the passengers travel together on a journey, with or without breaks and whether or not on the same day, from one or more places to one or more places and back;

“postal services” (“*gwasanaethau post*”) means the service of conveying letters, parcels, packets or other articles from one place to another by post and the incidental services of receiving, collecting, sorting and delivering such articles;

“primary service” (“*gwasanaeth sylfaenol*”) means a service within paragraph (a) in column (3) of any of rows (1) to (8) in the table;

“public authority” (“*awdurdod cyhoeddus*”) means each public authority within the meaning of section 6 of the Human Rights Act 1998;

“public money” (“*arian cyhoeddus*”) means –

- (a) moneys made available directly or indirectly by –
 - (i) the National Assembly for Wales;
 - (ii) the Welsh Ministers;
 - (iii) Parliament;
 - (iv) Ministers of the Crown; or
 - (v) an institution of the European Union;
- (b) moneys provided by virtue of any enactment;

“qualifying person” (“*person neilltuedig*”) means a person who is not within Schedule 6;

“shop” (“*siop*”) means any premises where the sale of goods is the principal trade or business carried on;

“telecommunications service” (“*gwasanaethau telathrebu*”) means any service that consists of providing access to, or facilities for making use of, any system which exists (whether wholly or partly in the United Kingdom or elsewhere) for the purpose of facilitating the transmission of communications by any means involving the use of electrical, magnetic or electro-magnetic energy (including the apparatus comprised in the system), but does not include broadcasting, radio, or television.

ATODLEN 8

(cyflwynwyd gan adran 33)

CYRFF ERAILL: SAFONAU

Colofn 1 Person/Categori	Colofn 2 Gwasanaeth(au) penodedig
Personau neilltuedig sy'n gyflenwyr nwy trwyddedig.	Cyflenwi nwy i'r cyhoedd o dan y drwydded nwy berthnasol.
Personau neilltuedig sydd, yn rhinwedd penodiad o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991, neu yn rhinwedd amrywio'r penodiad hwnnw o dan adran 7 o'r Ddeddf honno, yn ymgwymerwyr dŵr dros Gymru gyfan neu unrhyw ran ohoni.	Gwasanaethau a ddarperir i'r cyhoedd wrth arfer swyddogaethau ymgwymerwr dŵr ar gyfer Cymru gyfan neu unrhyw ran ohoni.
Personau neilltuedig sydd, yn rhinwedd penodiad o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991, neu yn rhinwedd amrywio'r penodiad hwnnw o dan adran 7 o'r Ddeddf honno, yn ymgwymerwyr carthffosiaeth ar gyfer Cymru gyfan neu unrhyw ran ohoni.	Gwasanaethau a ddarperir i'r cyhoedd wrth arfer swyddogaethau ymgwymerwr carthffosiaeth ar gyfer Cymru gyfan neu unrhyw ran ohoni.
Personau neilltuedig sy'n gyflenwyr trydan trwyddedig.	Cyflenwi trydan i'r cyhoedd o dan drwydded drydan berthnasol.
Personau neilltuedig sy'n darparu swyddfeydd post i'r cyhoedd.	Darparu swyddfeydd post i'r cyhoedd.
Personau neilltuedig, ac eithrio cyrff di-elw, sy'n darparu gwasanaethau post i'r cyhoedd.	Darparu gwasanaethau post i'r cyhoedd.
Personau neilltuedig sy'n darparu gwasanaethau telathrebu i'r cyhoedd.	Darparu gwasanaethau telathrebu i'r cyhoedd.
Personau neilltuedig sy'n darparu gwasanaethau bysiau i'r cyhoedd.	Darparu gwasanaethau bysiau i'r cyhoedd.

SCHEDULE 8
(introduced by section 33)

OTHER BODIES: STANDARDS

Column 1 Person/Category	Column 2 Specified service(s)
Qualifying persons who are licensed gas suppliers.	Supply of gas to the public under the relevant gas licence.
Qualifying persons who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are water undertakers for the whole or any part of Wales.	Services provided to the public in the exercise of the functions of water undertaker for the whole or any part of Wales.
Qualifying persons who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are sewerage undertakers for the whole or any part of Wales.	Services provided to the public in the exercise of the functions of sewerage undertaker for the whole or any part of Wales.
Qualifying persons who are licensed electricity suppliers.	Supply of electricity to the public under the relevant electricity licence.
Qualifying persons who provide the public with post offices.	Providing the public with post offices.
Qualifying persons, other than not for profit organisations, who provide the public with postal services.	Providing the public with postal services.
Qualifying persons who provide the public with telecommunications services.	Providing the public with telecommunications services.
Qualifying persons who provide the public with bus services.	Providing the public with bus services.

<p>Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau rheilffyrdd i deithwyr.</p>	<p>Darparu i'r cyhoedd wasanaethau rheilffyrdd i deithwyr.</p>
<p>Personau neilltuedig sy'n darparu addysg, hyfforddiant (lle y mae'r darparwr yn derbyn arian cyhoeddus i'w ddarparu), neu gyfarwyddyd gyrfaoedd i'r cyhoedd.</p>	<p>Darparu addysg, hyfforddiant (lle y mae'r darparwr yn derbyn arian cyhoeddus i'w ddarparu), neu gyfarwyddyd gyrfaoedd i'r cyhoedd.</p>
<p>Personau neilltuedig sy'n darparu i'r cyhoedd wasanaethau sy'n annog, yn galluogi neu'n cynorthwyo cymryd rhan mewn addysg, hyfforddiant neu gyfarwyddyd gyrfaoedd.</p>	<p>Darparu i'r cyhoedd wasanaethau i annog, i alluogi neu i gynorthwyo cymryd rhan mewn addysg, hyfforddiant neu gyfarwyddyd gyrfaoedd.</p>
<p>Personau neilltuedig sy'n darparu gwasanaethau datblygu neu ddyfarnu cymwysterau addysgol neu alwedigaethol i'r cyhoedd.</p>	<p>Darparu gwasanaethau datblygu neu ddyfarnu cymwysterau addysgol neu alwedigaethol i'r cyhoedd.</p>
<p>Personau neilltuedig sy'n darparu gwasanaethau i'r cyhoedd ("y gwasanaethau cysylltiedig") sy'n gysylltiedig â gwasanaeth sy'n dod o fewn colofn (2) mewn unrhyw un neu ragor o'r cofnodion blaenorol yn y tabl hwn (y "gwasanaeth sylfaenol"), p'un ai hwy yw'r personau sy'n darparu'r gwasanaeth sylfaenol ai peidio.</p>	<p>Darparu'r gwasanaethau cysylltiedig i'r cyhoedd.</p>
<p>Personau neilltuedig sy'n darparu gwasanaethau i'r cyhoedd o dan gytundeb, neu'n unol â threfniadau, a wnaed gyda –</p> <ul style="list-style-type: none"> (a) Gweinidogion Cymru, (b) un o Weinidogion y Goron, (c) un o adrannau'r llywodraeth, (d) person sy'n arfer ar ran y Goron swyddogaethau a roddwyd gan Ddeddf neu Fesur neu o dan Ddeddf neu Fesur, neu (e) cyngor bwrdeistref sirol neu gyngor sir yng Nghymru. 	<p>Darparu gwasanaethau i'r cyhoedd o dan y cytundeb, neu'n unol â'r trefniadau hynny.</p>

Qualifying persons who provide the public with passenger railway services.	Providing the public with passenger railway services.
Qualifying persons who provide the public with education, training (where the provider receives public money for its provision), or career guidance.	Providing the public with education, training (where the provider receives public money for its provision), or career guidance.
Qualifying persons who provide the public with services to encourage, enable or assist participation in education, training or career guidance.	Providing the public with services to encourage, enable or assist participation in education, training or career guidance.
Qualifying persons who provide the public with services to develop or award educational or vocational qualifications.	Providing the public with services to develop or award educational or vocational qualifications.
Qualifying persons who provide the public with services (the "related services") which relate to a service that is within column (2) of any of the preceding entries in this table (the "primary service"), whether or not they are the persons providing the primary service.	Providing the public with the related services.
<p>Qualifying persons who provide services to the public under an agreement, or in accordance with arrangements, made with—</p> <ul style="list-style-type: none"> (a) the Welsh Ministers, (b) a Minister of the Crown, (c) a government department, (d) a person exercising on behalf of the Crown functions conferred by or under an Act or Measure, or (e) a county borough or county council in Wales. 	Providing services to the public under that agreement, or in accordance with those arrangements.

Dehongli

- 1 (1) Mae i ymadroddion a ddefnyddir yn yr Atodlen hon ac yn Atodlen 7 (ac eithrio "gwasanaeth cysylltiedig" a "gwasanaeth sylfaenol") yr un ystyron yn yr Atodlen hon ag yn Atodlen 7.
- (2) Ond mae hynny'n ddarostyngedig i ddarpariaethau canlynol yr Atodlen hon.
- 2 Mae cyfeiriadau at ddarparu gwasanaeth i'r cyhoedd yn cynnwys y canlynol (ond heb fod wedi eu cyfyngu i hynny) –
- (a) darparu'r gwasanaeth i'r cyhoedd yn gyffredinol neu i aelodau penodol o'r cyhoedd, a
 - (b) darparu'r gwasanaeth at unrhyw ddiben (boed at ddiben domestig, busnes neu ddiben arall).

Nwy

- 3 Yn yr Atodlen hon –
- ystyr "cyflenwr nwy trwyddedig" ("*licensed gas supplier*") yw deiliad trwydded nwy berthnasol;
- ystyr "trwydded nwy berthnasol" ("*relevant gas licence*") yw trwydded o dan adran 7A o Ddeddf Nwy 1986.

Trydan

- 4 Yn yr Atodlen hon –
- ystyr "cyflenwr trydan trwyddedig" ("*licensed electricity supplier*") yw deiliad trwydded drydan berthnasol;
- ystyr "trwydded drydan berthnasol" ("*relevant electricity licence*") yw trwydded o dan adran 6(1)(d) o Ddeddf Trydan 1989.

Gwasanaethau post

- 5 Yn yr Atodlen hon ystyr "corff di-elw" yw person neu gorff arall –
- (a) nad yw wedi ei gyfansoddi at ddibenion gwneud elw, neu
 - (b) y mae'n ofynnol iddo (ar ôl iddo dalu alldaliadau) gymhwyso'r cyfan o'i incwm, ac unrhyw gyfalaf y mae'n ei wario, at ddibenion elusennol neu gyhoeddus.

Rheilffyrdd

- 6 Yn yr Atodlen hon mae'r ymadrodd "gwasanaethau rheilffyrdd i deithwyr" yn cynnwys gwasanaethau i deithwyr a ddarperir ar reilffyrdd trên bach neu reilffyrdd dreftadaeth (ond nid yw wedi ei gyfyngu iddynt).

Gwasanaethau cysylltiedig

- 7 Yn yr Atodlen hon nid yw'r cyfeiriadau at "wasanaethau cysylltiedig" yn cynnwys gwasanaethau a ddarperir mewn siopau, onid yw'r gwasanaethau hynny –
- (a) yn wasanaethau cownteri swyddfa'r post, neu
 - (b) yn wasanaethau gwerthu tocynnau neu ddarparu amserlenni ar gyfer gwasanaethau bysiau neu wasanaethau rheilffyrdd.

Interpretation

- 1 (1) Expressions used in this Schedule and in Schedule 7 (apart from “related service” and “primary service”) have the same meanings in this Schedule as in Schedule 7.
- (2) But that is subject to the following provisions of this Schedule.
- 2 References to the provision of a service to the public include (but are not limited to) –
- (a) provision of the service to the public in general or to particular members of the public, and
 - (b) provision of the service for any purpose (whether it is a domestic, business or other purpose).

Gas

- 3 In this Schedule –
- “licensed gas supplier” (“*cyflenwr nwy trwyddedig*”) means the holder of a relevant gas licence;
- “relevant gas licence” (“*trwydded nwy berthnasol*”) means a licence under section 7A of the Gas Act 1986.

Electricity

- 4 In this Schedule –
- “licensed electricity supplier” (“*cyflenwr trydan trwyddedig*”) means the holder of a relevant electricity licence;
- “relevant electricity licence” (“*trwydded drydan berthnasol*”) means a licence under section 6(1)(d) of the Electricity Act 1989.

Postal services

- 5 In this Schedule “not for profit organisation” means a person or other body that –
- (a) is not constituted for the purpose of making a profit, or
 - (b) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes.

Railways

- 6 In this Schedule “passenger railway services” includes (but is not limited to) passenger services provided on a narrow gauge or heritage railway.

Related services

- 7 In this Schedule the references to “related services” do not include services provided in shops, unless those services are –
- (a) post office counter services, or
 - (b) the sale of tickets or the provision of timetables for bus and railway services.

ATODLEN 9
(a gyflwynwyd gan adran 42)

GWEITHGAREDDAU Y MAE'N RHAIID PENNU SAFONAU CYFLENWI
GWASANAETHAU MEWN PERTHYNAS Â HWY

Dyma'r gweithgareddau y cyfeirir atynt yn adran 42(2) –

gohebiaeth;

galwadau ffôn;

llinellau cymorth a chanolfannau galwadau;

cyfarfodydd personol;

cyfarfodydd cyhoeddus;

cyhoeddusrwydd a hysbysebu;

arddangosfeydd cyhoeddus;

cyhoeddiadau;

ffurflenni;

gwefannau a gwasanaethau ar-lein;

arwyddion;

derbyn ymwelwyr;

hysbysiadau swyddogol;

dyfarnu grantiau;

dyfarnu contractau;

codi ymwybyddiaeth o'r gwasanaethau Cymraeg sydd ar gael.

SCHEDULE 9
(introduced by section 42)

ACTIVITIES IN RELATION TO WHICH SERVICE DELIVERY STANDARDS MUST BE
SPECIFIED

These are the activities referred to in section 42(2) –

- correspondence;
- telephone calls;
- help-lines and call-centres;
- personal meetings;
- public meetings;
- publicity and advertising;
- public exhibitions;
- publications;
- forms;
- websites and online services;
- signage;
- reception of visitors;
- official notices;
- awarding grants;
- awarding contracts;
- raising awareness of Welsh language services that are available.

ATODLEN 10
(*cyflwynwyd gan adran 71*)

YMCHWILIAD Y COMISIYNYDD I FETHIANT I GYDYMFFURFIO Â SAFONAU ETC

RHAN 1

CYFFREDINOL

Cyflwyniad

1 Mae'r Atodlen hon yn gymwys i ymchwiliadau o dan adran 71.

Cylch gorchwyl

- 2 (1) Cyn cynnal ymchwiliad, rhaid i'r Comisiynydd baratoi cylch gorchwyl yr ymchwiliad.
- (2) Rhaid i'r cylch gorchwyl bennu –
- (a) y person yr ymchwilir iddo (“D”),
 - (b) y methiant a amheuir i gydymffurfio â gofyniad perthnasol.
- (3) Cyn setlo'r cylch gorchwyl, rhaid i'r Comisiynydd –
- (a) rhoi hysbysiad am y cylch gorchwyl arfaethedig –
 - (i) i D, a
 - (ii) i unrhyw berson arall a chanddo fuddiant,
 - (b) rhoi cyfle i bob person y rhoddir hysbysiad iddo ynghylch y cylch gorchwyl arfaethedig i wneud sylwadau ynghylch y cylch gorchwyl arfaethedig, ac
 - (c) ystyried unrhyw sylwadau a wneir.
- (4) Ar ôl setlo'r cylch gorchwyl (ac yntau wedi cydymffurfio ag is-baragraff (3)), rhaid i'r Comisiynydd –
- (a) cyhoeddi cylch gorchwyl yr ymchwiliad mewn modd sy'n debygol, yn nhyb y Comisiynydd, o ddwyn yr ymchwiliad i sylw personau y mae a wnelo'r ymchwiliad â hwy neu bersonau sy'n debygol o fod yn bersonau a chanddynt fuddiant ynddo, a
 - (b) hysbysu'r canlynol am y cylch gorchwyl –
 - (i) D, a
 - (ii) unrhyw berson arall a chanddo fuddiant.
- (5) Mae'r paragraff hwn yn gymwys i unrhyw newid yn y cylch gorchwyl fel y byddai'r paragraff yn gymwys pe byddai'r newid yn y cylch gorchwyl yn gyfystyr â pharatoi'r cylch gorchwyl hwnnw.

Sylwadau

- 3 (1) Rhaid i'r Comisiynydd wneud trefniadau ar gyfer rhoi cyfle i bersonau i wneud sylwadau mewn perthynas ag ymchwiliadau.
- (2) Rhaid i'r trefniadau roi cyfle i'r personau canlynol i wneud sylwadau yn ystod ymchwiliad –

SCHEDULE 10
(introduced by section 71)

COMMISSIONER'S INVESTIGATION OF FAILURE TO COMPLY WITH STANDARDS
ETC

PART 1

GENERAL

Introduction

1 This Schedule applies to investigations under section 71.

Terms of reference

- 2 (1) Before conducting an investigation, the Commissioner must prepare the terms of reference of the investigation.
- (2) The terms of reference must specify –
- (a) the person who is being investigated (“D”),
 - (b) the suspected failure to comply with a relevant requirement.
- (3) Before settling the terms of reference, the Commissioner must –
- (a) give notice of the proposed terms to –
 - (i) D, and
 - (ii) any other interested person,
 - (b) give each person who is given notice of the proposed terms an opportunity to make representations about the proposed terms, and
 - (c) consider any representations made.
- (4) After settling the terms of reference (having complied with sub-paragraph (3)), the Commissioner must –
- (a) publish the terms of reference of the investigation in a manner that the Commissioner thinks is likely to bring the investigation to the attention of persons whom it concerns or who are likely to be interested in it, and
 - (b) give notice of the terms of reference to –
 - (i) D, and
 - (ii) any other interested person.
- (5) This paragraph applies to any change in the terms of reference as the paragraph would apply if the change in the terms were the preparation of those terms.

Representations

- 3 (1) The Commissioner must make arrangements for giving persons an opportunity to make representations in relation to investigations.
- (2) The arrangements must give the following persons an opportunity to make representations in the course of an investigation –

- (a) D, a
 - (b) unrhyw berson arall a chanddo fuddiant.
 - (3) Caiff trefniadau o dan y paragraff hwn gynnwys, ymhlith pethau eraill, drefniadau ar gyfer sylwadau llafar.
- 4 (1) Rhaid i'r Comisiynydd ystyried sylwadau a wneir mewn perthynas ag ymchwiliad –
- (a) gan D, neu
 - (b) gan gynghorydd cyfreithiol sy'n gweithredu ar ran D.
- (2) Rhaid i'r Comisiynydd ystyried sylwadau a wneir mewn perthynas ag ymchwiliad gan unrhyw berson arall onid yw'n briodol, yn nhyb y Comisiynydd, i wrthod gwneud hynny.
- (3) Os yw'r Comisiynydd yn gwrthod ystyried sylwadau a wneir mewn perthynas ag ymchwiliad, rhaid iddo roi hysbysiad ysgrifenedig am y canlynol i'r person a wnaeth y sylwadau –
- (a) y penderfyniad i wrthod ystyried y sylwadau, a
 - (b) y rhesymau dros y penderfyniad.
- (4) Yn y paragraff hwn ystyr “cynghorydd cyfreithiol” yw –
- (a) person sydd, at ddibenion Deddf y Gwasanaethau Cyfreithiol 2007, yn berson awdurdodedig, neu'n gyfreithiwr Ewropeaidd sy'n berson esempt yn rhinwedd paragraff 7 o Atodlen 3 i'r Ddeddf honno, mewn perthynas â gweithgaredd sy'n golygu arfer hawl i ymddangos mewn achos neu ymladd achos (o fewn ystyr y Ddeddf honno), neu
 - (b) adfocad neu gyfreithiwr yn yr Alban.

RHAN 2

GWYBODAETH, DOGFENNAU A THYSTIOLAETH LAFAR

Hysbysiadau tystiolaeth

- 5 (1) Yn ystod ymchwiliad, caiff y Comisiynydd roi hysbysiad tystiolaeth i berson (A).
- (2) Yn y Mesur hwn, ystyr “hysbysiad tystiolaeth” yw hysbysiad sy'n ei gwneud yn ofynnol i A wneud un neu ragor o'r canlynol –
- (a) darparu gwybodaeth sydd ym meddiant A;
 - (b) cyflwyno dogfennau sydd ym meddiant A;
 - (c) rhoi tystiolaeth lafar.
- (3) Caiff hysbysiad o dan y paragraff hwn gynnwys darpariaeth ynghylch –
- (a) y ffurf ar wybodaeth, ar ddogfennau neu ar dystiolaeth;
 - (b) amseru unrhyw beth sydd i'w wneud yn unol â'r hysbysiad.

-
- (a) D, and
 - (b) any other interested person.
 - (3) Arrangements under this paragraph may, amongst other things, include arrangements for oral representations.
- 4 (1) The Commissioner must consider representations made in relation to an investigation by—
- (a) D, or
 - (b) a legal adviser who is acting on behalf of D.
- (2) The Commissioner must consider representations made in relation to an investigation by any other person, unless the Commissioner thinks it is appropriate to refuse to do so.
- (3) If the Commissioner refuses to consider representations made in relation to an investigation, he or she must give the person who made the representations written notice of—
- (a) the decision to refuse to consider the representations, and
 - (b) the reasons for the decision.
- (4) In this paragraph “legal adviser” means—
- (a) a person who, for the purposes of the Legal Services Act 2007, is an authorised person, or a European lawyer who is an exempt person by virtue of paragraph 7 of Schedule 3 to that Act, in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act), or
 - (b) an advocate or solicitor in Scotland.

PART 2

INFORMATION, DOCUMENTS AND ORAL EVIDENCE

Evidence notices

- 5 (1) In the course of an investigation, the Commissioner may give a person (A) an evidence notice.
- (2) In this Measure, “evidence notice” means a notice that requires A to do one or more of the following—
- (a) to provide information in A's possession;
 - (b) to produce documents in A's possession;
 - (c) to give oral evidence.
- (3) A notice under this paragraph may include provision about—
- (a) the form of information, documents or evidence;
 - (b) the timing of anything to be done in accordance with the notice.

- (4) Ni chaniateir i hysbysiad o dan y paragraff hwn ei gwneud yn ofynnol i A wneud unrhyw beth na allai A gael ei orfodi i'w wneud mewn achos gerbron yr Uchel Lys.
- (5) Rhaid i hysbysiad o dan y paragraff hwn hysbysu A—
- (a) beth fydd y canlyniadau os na fydd A yn cydymffurfio â'r hysbysiad; a
 - (b) am yr hawl i apelio o dan baragraff 9.
- 6 (1) Mae'r paragraff hwn yn gymwys os bydd person (B), yn ystod ymchwiliad—
- (a) yn darparu gwybodaeth,
 - (b) yn cyflwyno dogfennau, neu
 - (c) yn rhoi tystiolaeth lafar.
- (2) Caiff y Comisiynydd, os gwêl yn dda, dalu i B—
- (a) symiau mewn cysylltiad â threuliau a dynnwyd yn briodol gan B, a
 - (b) lwfansau yn iawndal am i B golli amser.
- (3) Mae unrhyw daliad i B i'w wneud—
- (a) yn unol â graddfeydd y caniateir eu pennu gan y Comisiynydd, a
 - (b) yn ddarostyngedig i amodau y caniateir eu pennu gan y Comisiynydd.

Cyfrinachedd etc

- 7 O ran hysbysiad o dan baragraff 5—
- (a) ni chaniateir i'r hysbysiad ei gwneud yn ofynnol i berson ddarparu gwybodaeth y gwaherddir i'r person ei datgelu yn rhinwedd deddfiad, a
 - (b) ni chaniateir i'r hysbysiad ei gwneud yn ofynnol i berson wneud unrhyw beth na allai'r person hwnnw gael ei orfodi i'w wneud mewn achos gerbron yr Uchel Lys.
- 8 (1) Rhaid i A ddiystyru hysbysiad a roddir o dan baragraff 5, a rhaid iddo hysbysu'r Comisiynydd fod A yn ei ddiystyru, i'r graddau y mae A o'r farn y byddai'n ofynnol i A—
- (a) datgelu gwybodaeth sensitif o fewn ystyr paragraff 4 o Atodlen 3 i Ddeddf y Gwasanaethau Cudd-wybodaeth 1994 (Y Pwyllgor Cudd-wybodaeth a Diogelwch),
 - (b) datgelu gwybodaeth a allai arwain at wybod pwy yw cyflogai neu asiant gwasanaeth cudd-wybodaeth (ac eithrio un y mae eisoes yn hysbys i'r Comisiynydd pwy ydyw),
 - (c) datgelu gwybodaeth a allai ddarparu manylion prosesau a ddefnyddir i recriwtio, dewis neu hyfforddi cyflogeion neu asiantau gwasanaeth cudd-wybodaeth,
 - (d) datgelu gwybodaeth a allai ddarparu manylion gwybodaeth sy'n dod o fewn unrhyw un neu ragor o baragraffau (a) i (c) neu na ellir yn ymarferol eu gwahanu oddi wrth yr wybodaeth honno, neu
 - (e) datgelu gwybodaeth sy'n ymwneud â gwasanaeth cudd-wybodaeth ac a fyddai'n niweidiol i fuddiannau diogelwch gwladol.
- (2) Yn is-baragraff (1) ystyr "gwasanaeth cudd-wybodaeth" yw—

-
- (4) A notice under this paragraph may not require A to do anything that A could not be compelled to do in proceedings before the High Court.
 - (5) A notice under this paragraph must inform A of—
 - (a) the consequences if A does not comply with the notice; and
 - (b) the right of appeal under paragraph 9.
- 6 (1) This paragraph applies if, in the course of an investigation, a person (B)—
- (a) provides information,
 - (b) produces documents, or
 - (c) gives oral evidence.
- (2) The Commissioner may, if he or she thinks fit, pay to B—
- (a) sums in respect of expenses properly incurred by B, and
 - (b) allowances by way of compensation for loss of B's time.
- (3) Any payment to B is to be made—
- (a) in accordance with such scales as may be determined by the Commissioner, and
 - (b) subject to such conditions as may be determined by the Commissioner.

Confidentiality etc

- 7 A notice under paragraph 5—
- (a) may not require a person to provide information that the person is prohibited from disclosing by virtue of an enactment, and
 - (b) may not require a person to do anything that the person could not be compelled to do in proceedings before the High Court.
- 8 (1) A must disregard a notice given under paragraph 5, and must notify the Commissioner that A is disregarding it, in so far as A thinks it would require A—
- (a) to disclose sensitive information within the meaning of paragraph 4 of Schedule 3 to the Intelligence Services Act 1994 (Intelligence and Security Committee),
 - (b) to disclose information which might lead to the identification of an employee or agent of an intelligence service (other than one whose identity is already known to the Commissioner),
 - (c) to disclose information which might provide details of processes used in recruiting, selecting or training employees or agents of an intelligence service,
 - (d) to disclose information which might provide details of, or cannot practicably be separated from, information falling within any of paragraphs (a) to (c), or
 - (e) to make a disclosure of information relating to an intelligence service which would prejudice the interests of national security.
- (2) In sub-paragraph (1) “intelligence service” means—

- (a) y Gwasanaeth Diogelwch,
 - (b) y Gwasanaeth Cudd-wybodaeth Cyfrinachol, ac
 - (c) Pencadlys Cyfathrebu'r Llywodraeth.
- (3) Os bydd A yn hysbysu'r Comisiynydd o dan is-baragraff (1) uchod –
- (a) nid yw paragraffau 9 a 10 yn gymwys mewn perthynas â'r rhan honno o'r hysbysiad o dan baragraff 5 y mae'r hysbysiad o dan is-baragraff (1) uchod yn ymwneud â hi,
 - (b) caiff y Comisiynydd wneud cais i'r tribiwnlys a sefydlwyd gan adran 65 o Ddeddf Rheoleiddio Pwerau Ymchwilio 2000 am orchymyn sy'n ei gwneud yn ofynnol i'r person gymryd y camau y gellir eu pennu yn y gorchymyn i gydymffurfio â'r hysbysiad,
 - (c) bydd darpariaethau canlynol y Ddeddf honno yn gymwys mewn perthynas ag achosion o dan y paragraff hwn fel y maent yn gymwys mewn perthynas ag achosion o dan y Ddeddf honno (gydag unrhyw addasiadau angenrheidiol) –
 - (i) adran 67(7), (8) a (10) i (12) (dyfarniad),
 - (ii) adran 68 (gweithdrefn), a
 - (iii) adran 69 (rheolau), a
 - (d) rhaid i'r tribiwnlys a sefydlwyd gan adran 65 o'r Ddeddf honno ddyfarnu achosion o dan y paragraff hwn drwy ystyried barn A yn unol â'r egwyddorion a gâi eu cymhwyso gan lys ar gais am adolygiad barnwrol ar roi'r hysbysiad.
- (4) Os daw gwybodaeth neu ddogfennau i law'r Comisiynydd oddi wrth wasanaeth cudd-wybodaeth neu'n ymwneud â gwasanaeth cudd-wybodaeth mewn ymateb i hysbysiad o dan baragraff 5, rhaid i'r Comisiynydd storio a defnyddio'r wybodaeth neu'r dogfennau'n unol ag unrhyw drefniadau a bennir gan yr Ysgrifennydd Gwladol.

Apelau

- 9 Caiff A wneud cais i'r Tribiwnlys i ddileu'r hysbysiad o dan baragraff 5 ar y sail bod gofyniad a osodir gan yr hysbysiad –
- (a) yn ddiangen o ystyried pwrpas yr ymchwiliad, neu
 - (b) yn afresymol neu'n anghymesur mewn modd arall.
- 10 Caiff A wneud cais i'r Tribiwnlys i ddileu'r hysbysiad o dan baragraff 5 ar y sail bod y gofyniad a osodir gan yr hysbysiad yn annymunol am resymau diogelwch gwladol, ac eithrio am y rheswm y byddai'n gofyn am ddatgelu gwybodaeth o'r math y mae paragraff 8(1) yn gymwys iddo.

Gorfodi

- 11 (1) Mae'r paragraff hwn yn gymwys os yw'r Comisiynydd o'r farn bod A –
- (a) wedi methu heb esgus rhesymol â chydymffurfio â hysbysiad o dan baragraff 5, neu
 - (b) yn debygol o fethu heb esgus rhesymol â chydymffurfio â hysbysiad o dan baragraff 5.
- (2) Caiff y Comisiynydd wneud cais i lys sirol am orchymyn yn ei gwneud yn ofynnol i A gymryd y camau y gellir eu pennu yn y gorchymyn i gydymffurfio â'r hysbysiad.

- (a) the Security Service,
 - (b) the Secret Intelligence Service, and
 - (c) the Government Communications Headquarters.
- (3) If A notifies the Commissioner under sub-paragraph (1) above—
- (a) paragraphs 9 and 10 do not apply in relation to that part of the notice under paragraph 5 to which the notice under sub-paragraph (1) above relates,
 - (b) the Commissioner may apply to the tribunal established by section 65 of the Regulation of Investigatory Powers Act 2000 for an order requiring the person to take such steps as may be specified in the order to comply with the notice,
 - (c) the following provisions of that Act are to apply in relation to proceedings under this paragraph as they apply in relation to proceedings under that Act (with any necessary modifications)—
 - (i) section 67(7), (8) and (10) to (12) (determination),
 - (ii) section 68 (procedure), and
 - (iii) section 69 (rules), and
 - (d) the tribunal established by section 65 of that Act must determine proceedings under this paragraph by considering the opinion of A in accordance with the principles that would be applied by a court on an application for judicial review of the giving of the notice.
- (4) Where the Commissioner receives information or documents from or relating to an intelligence service in response to a notice under paragraph 5, the Commissioner must store and use the information or documents in accordance with any arrangements specified by the Secretary of State.

Appeals

- 9 A may apply to the Tribunal to have the notice under paragraph 5 cancelled on the grounds that a requirement imposed by the notice is—
- (a) unnecessary having regard to the purpose of the investigation, or
 - (b) otherwise unreasonable or disproportionate.
- 10 A may apply to the Tribunal to have the notice under paragraph 5 cancelled on the grounds that the requirement imposed by the notice is undesirable for reasons of national security, other than for the reason that it would require a disclosure of a kind to which paragraph 8(1) applies.

Enforcement

- 11 (1) This paragraph applies where the Commissioner thinks that A—
- (a) has failed without reasonable excuse to comply with a notice under paragraph 5, or
 - (b) is likely to fail without reasonable excuse to comply with a notice under paragraph 5.
- (2) The Commissioner may apply to a county court for an order requiring A to take such steps as may be specified in the order to comply with the notice.

RHAN 3

PŴER I FYND I MEWN AC I ARCHWILIO

Pŵer i fynd i mewn ac i archwilio

- 12 (1) Caiff y Comisiynydd, neu unrhyw berson a awdurdodir gan y Comisiynydd, fynd i mewn i fangre a'i harchwilio os bydd mynd i mewn ac archwilio'n angenrheidiol at ddibenion ymchwiliad yn nhyb y Comisiynydd neu'r person awdurdodedig.
- (2) Ond mae hynny'n ddarostyngedig i is-baragraffau (3) a (4).
- (3) Nid yw'r paragraff hwn yn awdurdodi mynd i mewn—
 - (a) i annedd, neu
 - (b) i fangre nad yw o dan reolaeth y person yr ymchwilir iddo.
- (4) Nid yw'r paragraff hwn yn awdurdodi mynd i mewn i fangre ar adeg benodol os yw'n afresymol mynd i mewn ar yr adeg honno.

PART 3

POWER OF ENTRY AND INSPECTION

Power of entry and inspection

- 12 (1) The Commissioner, or any person authorised by the Commissioner, may enter and inspect premises if the Commissioner or the authorised person thinks that the entry and inspection is necessary for the purposes of an investigation.
- (2) But that is subject to sub-paragraphs (3) and (4).
- (3) This paragraph does not authorise entry to—
 - (a) a dwelling, or
 - (b) premises that are not under the control of the person being investigated.
- (4) This paragraph does not authorise entry to premises at a particular time if entry at that time is unreasonable.

ATODLEN 11

(a gyflwynwyd gan adran 120)

TRIBIWNLYS Y GYMRAEG

RHAN 1

NIFER AELODAU'R TRIBIWNLYS

Aelodau wedi ymgymhwyso yn y gyfraith

- 1 (1) Rhaid i Weinidogion Cymru o bryd i'w gilydd ddyfarnu nifer yr aelodau sydd wedi ymgymhwyso yn y gyfraith y mae'r Tribiwnlys i'w cael.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r Llywydd cyn pennu'r nifer hwnnw.
- (3) I'r graddau y mae'n ymarferol gwneud hynny, rhaid i Weinidogion Cymru sicrhau bod nifer y personau sy'n gwasanaethu fel aelodau o'r Tribiwnlys ac sydd wedi ymgymhwyso yn y gyfraith yn hafal i'r nifer a bennir o dan y paragraff hwn.

Aelodau lleyg

- 2 (1) Rhaid i Weinidogion Cymru o bryd i'w gilydd bennu nifer yr aelodau lleyg y mae'r Tribiwnlys i'w cael.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r Llywydd cyn pennu'r nifer hwnnw.
- (3) I'r graddau y mae'n ymarferol gwneud hynny, rhaid i Weinidogion Cymru sicrhau bod nifer y personau sy'n gwasanaethu fel aelodau lleyg o'r Tribiwnlys yn hafal i'r nifer a bennir o dan y paragraff hwn.

RHAN 2

PENODI

Y Llywydd

- 3 (1) Dim ond os yw'r person yn bodloni'r canlynol y caiff Gweinidogion Cymru benodi person yn Llywydd –
 - (a) yr amod cymhwystra penodiad barnwrol ar sail 10 mlynedd, a
 - (b) unrhyw amodau eraill sy'n gymwys i'r penodiad ac a bennir yn y rheoliadau penodi.
- (2) Ond ni chaiff Gweinidogion Cymru benodi person yn Llywydd os yw'r person –
 - (a) wedi ei anghymhwyso rhag bod yn aelod o'r Tribiwnlys ar sail cyflogaeth neu anaddasrwydd, neu
 - (b) wedi ei anghymhwyso rhag ei benodi'n Llywydd ar sail oedran, penodiad blaenorol neu ddiswyddiad blaenorol.
- (3) Mae Rhan 2 o Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007 yn gymwys ar gyfer dyfarnu a yw person yn bodloni'r amod cymhwystra penodiad barnwrol ar sail 10 mlynedd fel pe bai'r paragraff hwn yn ddarpariaeth statudol (o fewn ystyr adran 50 o'r Ddeddf honno).

SCHEDULE 11
(*introduced by section 120*)

THE WELSH LANGUAGE TRIBUNAL

PART 1

NUMBER OF MEMBERS OF THE TRIBUNAL

Legally-qualified members

- 1 (1) The Welsh Ministers must from time to time determine the number of legally-qualified members which the Tribunal is to have.
- (2) The Welsh Ministers must consult the President before determining that number.
- (3) So far as it is practicable to do so, the Welsh Ministers must secure that the number of persons serving as legally-qualified members of the Tribunal is equal to the number determined under this paragraph.

Lay members

- 2 (1) The Welsh Ministers must from time to time determine the number of lay members which the Tribunal is to have.
- (2) The Welsh Ministers must consult the President before determining that number.
- (3) So far as it is practicable to do so, the Welsh Ministers must secure that the number of persons serving as lay members of the Tribunal is equal to the number determined under this paragraph.

PART 2

APPOINTMENT

The President

- 3 (1) The Welsh Ministers may appoint a person to be President only if the person satisfies –
 - (a) the judicial-appointment eligibility condition on a 10-year basis, and
 - (b) any other conditions applicable to the appointment that are specified in appointment regulations.
- (2) But the Welsh Ministers may not appoint a person to be President if the person is –
 - (a) disqualified from membership of the Tribunal on grounds of employment or unsuitability, or
 - (b) disqualified from appointment as President on grounds of age, previous appointment or previous dismissal.
- (3) Part 2 of the Tribunals, Courts and Enforcement Act 2007 applies for determining whether a person satisfies the judicial-appointment eligibility condition on a 10-year basis as if this paragraph were a statutory provision (within the meaning of section 50 of that Act).

Aelodau wedi ymgymhwyso yn y gyfraith

- 4 (1) Dim ond os yw person yn bodloni'r canlynol y caiff Gweinidogion Cymru benodi person yn aelod wedi ymgymhwyso yn y gyfraith –
- (a) yr amod cymhwystra penodiad barnwrol ar sail 5 mlynedd,
 - (b) unrhyw amodau eraill sy'n gymwys i'r penodiad ac a bennir yn y rheoliadau penodi.
- (2) Ond ni chaiff Gweinidogion Cymru benodi person yn aelod wedi ymgymhwyso yn y gyfraith os yw'r person –
- (a) wedi ei anghymhwyso rhag bod yn aelod o'r Tribiwnlys ar sail cyflogaeth neu anaddasrwydd, neu
 - (b) wedi ei anghymhwyso rhag ei benodi yn aelod wedi ymgymhwyso yn y gyfraith ar sail oedran, penodiad blaenorol neu ddiswyddiad blaenorol.
- (3) Mae Rhan 2 o Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007 yn gymwys ar gyfer dyfarnu a yw person yn bodloni'r amod cymhwystra penodiad barnwrol ar sail 5 mlynedd fel pe bai'r paragraff hwn yn ddarpariaeth statudol (o fewn ystyr adran 50 o'r Ddeddf honno).

Aelodau lleyg

- 5 (1) Dim ond os yw person yn bodloni unrhyw amodau sy'n gymwys i'r penodiad a bennir mewn rheoliadau penodi y caiff Gweinidogion Cymru benodi person yn aelod lleyg.
- (2) Ond ni chaiff Gweinidogion Cymru benodi person yn aelod lleyg –
- (a) os yw'r person wedi ei anghymhwyso rhag bod yn aelod o'r Tribiwnlys ar sail cyflogaeth neu anaddasrwydd,
 - (b) os yw'r person wedi ei anghymhwyso rhag ei benodi'n aelod lleyg ar sail oedran, penodiad blaenorol neu ddiswyddiad blaenorol, neu
 - (c) os gellid penodi'r person yn aelod o'r Tribiwnlys sydd wedi ymgymhwyso yn y gyfraith.

Tâl cydnabyddiaeth etc

- 6 (1) Caiff Gweinidogion Cymru dalu tâl cydnabyddiaeth i aelodau'r Tribiwnlys.
- (2) Caiff Gweinidogion Cymru dalu lwfansau (gan gynnwys lwfansau teithio a lwfansau cynhaliaeth, ond heb fod yn gyfyngedig iddynt) ac arian rhodd i aelodau'r Tribiwnlys.
- (3) Caiff Gweinidogion Cymru dalu –
- (a) pensiynau i bersonau a fu'n aelodau o'r Tribiwnlys, neu mewn cysylltiad â hwy, a
 - (b) symiau ar gyfer darparu pensiynau, neu tuag at ddarparu pensiynau, i bersonau a fu'n aelodau o'r Tribiwnlys, neu mewn cysylltiad â hwy.

Telerau penodi

- 7 (1) Mae aelod o'r Tribiwnlys yn dal ei swydd yn ddarostyngedig i delerau ei benodiad.
- (2) Ond mae hynny'n ddarostyngedig i ddarpariaethau eraill yr Atodlen hon.

Legally-qualified members

- 4 (1) The Welsh Ministers may appoint a person to be a legally-qualified member only if the person satisfies –
- (a) the judicial-appointment eligibility condition on a 5-year basis,
 - (b) any other conditions applicable to the appointment that are specified in appointment regulations.
- (2) But the Welsh Ministers may not appoint a person to be a legally-qualified member if the person is –
- (a) disqualified from membership of the Tribunal on grounds of employment or unsuitability, or
 - (b) disqualified from appointment as a legally-qualified member on grounds of age, previous appointment or previous dismissal.
- (3) Part 2 of the Tribunals, Courts and Enforcement Act 2007 applies for determining whether a person satisfies the judicial-appointment eligibility condition on a 5-year basis as if this paragraph were a statutory provision (within the meaning of section 50 of that Act).

Lay members

- 5 (1) The Welsh Ministers may appoint a person to be a lay member only if the person satisfies any conditions applicable to the appointment that are specified in appointment regulations.
- (2) But the Welsh Ministers may not appoint a person to be a lay member if the person –
- (a) is disqualified from membership of the Tribunal on grounds of employment or unsuitability,
 - (b) is disqualified from appointment as a lay member on grounds of age, previous appointment or previous dismissal, or
 - (c) may be appointed as a legally-qualified member of the Tribunal.

Remuneration etc

- 6 (1) The Welsh Ministers may pay remuneration to the members of the Tribunal.
- (2) The Welsh Ministers may pay allowances (including, but not limited to, travelling and subsistence allowances) and gratuities to the members of the Tribunal.
- (3) The Welsh Ministers may pay –
- (a) pensions to, or in respect of, persons who have been members of the Tribunal, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Tribunal.

Terms of appointment

- 7 (1) A member of the Tribunal holds office subject to the terms of his or her appointment.
- (2) But that is subject to the other provisions of this Schedule.

Cyfnod y penodiad

- 8 (1) Mae person a benodir yn aelod o'r Tribiwnlys yn aelod (yn rhinwedd y penodiad hwnnw) am 5 mlynedd.
- (2) Ond, os yw'n angenrheidiol neu'n hwylus yn nhyb Gweinidogion Cymru, caiff Gweinidogion Cymru benodi person yn aelod wedi ymgymhwyso yn y gyfraith neu'n aelod lleig o'r Tribiwnlys am gyfnod sy'n llai na 5 mlynedd.
- (3) Mae'r paragraff hwn yn ddarostyngedig i Ran 3 o'r Atodlen hon.

Rheoliadau penodi

- 9 (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch penodi aelodau'r Tribiwnlys ("rheoliadau penodi").
- (2) Caiff rheoliadau penodi, ymysg pethau eraill, wneud darpariaeth ynghylch unrhyw un neu ragor o'r materion canlynol –
- (a) yr egwyddorion i'w dilyn wrth wneud unrhyw benodiad i'r Tribiwnlys;
- (b) gwybodaeth o'r Gymraeg a hyfedredd ynddi y mae'n rhaid i aelodau'r Tribiwnlys feddu arnynt.
- (3) Caiff rheoliadau penodi, ymysg pethau eraill –
- (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus, neu
- (b) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath.
- (4) Caiff rheoliadau penodi, ymysg pethau eraill, roi swyddogaethau i Weinidogion Cymru (yn ogystal ag i unrhyw berson arall), gan gynnwys swyddogaethau sy'n ymwneud ag arfer disgresiwn.

RHAN 3

TERFYNU PENODIAD

Ymddiswyddo

- 10 (1) Caiff y Llywydd ymddiswyddo o'r Tribiwnlys os yw'n rhoi hysbysiad ysgrifenedig o'i fwriad i wneud hynny i Weinidogion Cymru heb fod yn llai na 3 mis cyn ymddiswyddo.
- (2) Caiff aelod wedi ymgymhwyso yn y gyfraith neu aelod lleig o'r Tribiwnlys ymddiswyddo o'r Tribiwnlys os yw'n rhoi hysbysiad ysgrifenedig o'i fwriad i wneud hynny i Weinidogion Cymru heb fod yn llai na 2 fis cyn ymddiswyddo.

Anghymhwyso rhag bod yn aelod

- 11 Mae person yn peidio â bod yn aelod o'r Tribiwnlys os yw'r person yn cael ei anghymhwyso rhag bod yn aelod o'r Tribiwnlys ar sail cyflogaeth neu anaddasrwydd.

Diswyddo

- 12 (1) Caiff Gweinidogion Cymru ddiswyddo aelod o'r Tribiwnlys os yw Gweinidogion Cymru wedi eu bodloni –
- (a) nad yw'r person hwnnw'n ffit i barhau fel aelod o'r Tribiwnlys, neu

Duration of appointment

- 8 (1) A person appointed to be a member of the Tribunal is a member (by virtue of that appointment) for 5 years.
- (2) But, if the Welsh Ministers think it necessary or expedient, they may appoint a person to be a legally-qualified or lay member of the Tribunal for a period of less than 5 years.
- (3) This paragraph is subject to Part 3 of this Schedule.

Appointment regulations

- 9 (1) The Welsh Ministers may, by regulations, make provision about the appointment of members of the Tribunal (“appointment regulations”).
- (2) Appointment regulations may, amongst other things, make provision about any of the following matters—
- (a) principles to be followed in making any appointment to the Tribunal;
 - (b) the knowledge of, and proficiency in, the Welsh language which the members of the Tribunal must have.
- (3) Appointment regulations may, amongst other things—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make other provision relating to any such code.
- (4) Appointment regulations may, amongst other things, confer functions on the Welsh Ministers (as well as on any other person), including functions involving the exercise of a discretion.

PART 3

END OF APPOINTMENT

Resignation

- 10 (1) The President may resign from the Tribunal if he or she gives the Welsh Ministers not less than 3 months' notice in writing of his or her intention to do so.
- (2) A legally-qualified or lay member of the Tribunal may resign from the Tribunal if he or she gives the Welsh Ministers not less than 2 months' notice in writing of his or her intention to do so.

Disqualification from membership

- 11 A person ceases to be a member of the Tribunal if the person is disqualified from membership of the Tribunal on grounds of employment or unsuitability.

Dismissal

- 12 (1) The Welsh Ministers may dismiss a member of the Tribunal if the Welsh Ministers are satisfied that he or she—
- (a) is unfit to continue as a member of the Tribunal, or

- (b) nad yw'r person hwnnw'n gallu neu'n fodlon arfer ei ddyletswyddau fel aelod o'r Tribiwnlys.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r Llywydd cyn diswyddo unrhyw aelod arall o'r Tribiwnlys.

RHAN 4

ANGHYMHWYSO RHAG BOD YN AELOD NEU RHAG CAEL EI BENODI

Anghymhwysu rhag bod yn aelod: cyflogaeth

- 13 (1) Mae person yn cael ei anghymhwysu rhag bod yn aelod o'r Tribiwnlys ar sail cyflogaeth—
- (a) os yw'r person yn Aelod Seneddol;
 - (b) os yw'r person yn Aelod o Gynulliad Cenedlaethol Cymru;
 - (c) os yw'r person yn aelod o staff Llywodraeth Cynulliad Cymru;
 - (d) os yw'r person yn aelod o staff Comisiwn Cynulliad Cenedlaethol Cymru;
 - (e) os ef yw'r Comisiynydd;
 - (f) os ef yw'r Dirprwy Gomisiynydd;
 - (g) os yw'r person yn unrhyw aelod arall o staff y Comisiynydd; neu
 - (h) os yw'r person yn briod â pherson, neu'n bartner sifil i berson, sy'n dod o fewn paragraff (e), (f) neu (g).

Anghymhwysu rhag bod yn aelod: anaddasrwydd

- 14 (1) Mae person wedi ei anghymhwysu rhag bod yn aelod o'r Tribiwnlys ar sail anaddasrwydd os yw'r person—
- (a) wedi ei ddyfarnu'n fethdalwr ac yn parhau i fod yn fethdalwr;
 - (b) wedi cael gorchymyn rhyddhad o ddyled (o fewn ystyr Rhan VIIA o Ddeddf Ansolfedd 1986), a bod y cyfnod moratoriwm o dan y gorchymyn hwnnw'n parhau;
 - (c) wedi gwneud trefniant gyda'i gredydwyr a bod y trefniant yn parhau i fod mewn grym;
 - (d) wedi ei gollfarnu yn y Deyrnas Unedig, Ynysoedd y Sianel neu ar Ynys Manaw o unrhyw dramgwydd a'i fod wedi cael dedfryd o garchar (boed yn ataliedig neu beidio) am gyfnod heb fod yn llai na thri mis heb gael yr opsiwn o ddirwy;
 - (e) wedi ei anghymhwysu rhag bod yn aelod o gyngor bwrdeistref sirol neu gyngor sir yng Nghymru; neu
 - (f) wedi ei anghymhwysu rhag bod yn gyfarwyddwr cwmni.
- (2) At ddibenion is-baragraff (1)(a) mae person yn parhau i fod yn fethdalwr—
- (a) hyd oni chaiff y person ei ryddhau o fethdaliad, neu
 - (b) hyd oni chaiff y gorchymyn methdalw a wnaed yn erbyn y person hwnnw ei ddiddymu.

- (b) is unable or unwilling to exercise his or her duties as a member of the Tribunal.
- (2) The Welsh Ministers must consult the President before dismissing any other member of the Tribunal.

PART 4

DISQUALIFICATION FROM MEMBERSHIP OR APPOINTMENT

Disqualification from membership: employment

- 13 (1) A person is disqualified from membership of the Tribunal on grounds of employment if the person is –
- (a) a Member of Parliament;
 - (b) a Member of the National Assembly for Wales;
 - (c) a member of the staff of the Welsh Assembly Government;
 - (d) a member of the staff of the National Assembly for Wales Commission;
 - (e) the Commissioner;
 - (f) the Deputy Commissioner;
 - (g) any other member of the staff of the Commissioner; or
 - (h) the husband or wife or civil partner of a person falling within paragraph (e), (f) or (g).

Disqualification from membership: unsuitability

- 14 (1) A person is disqualified from membership of the Tribunal on grounds of unsuitability if the person –
- (a) has been adjudged bankrupt and remains bankrupt;
 - (b) has been granted a debt relief order (within the meaning of Part VIIA of the Insolvency Act 1986), and the moratorium period under that order is continuing;
 - (c) has made an arrangement with his or her creditors and the arrangement remains in force;
 - (d) has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine has been imposed;
 - (e) is disqualified from being a member of a county borough council or county council in Wales; or
 - (f) is disqualified from being a director of a company.
- (2) For the purposes of sub-paragraph (1)(a) a person remains bankrupt until such time as –
- (a) the person is discharged from bankruptcy, or
 - (b) the bankruptcy order made against that person is annulled.

- (3) At ddibenion is-baragraff (1)(c) mae trefniant person gyda'i gredydwy'r yn parhau i fod mewn grym –
- (a) hyd onid yw'r person yn talu ei ddyledion yn llawn, neu
 - (b) os yw'n hwyrach, hyd ddiwedd y cyfnod o bum mlynedd sy'n dechrau ar y diwrnod y mae telerau'r trefniant yn cael eu cyflawni.
- (4) Os bydd y cwestiwn a yw person wedi ei anghymhwysu rhag bod yn aelod o'r Tribiwnlys ar sail anaddasrwydd yn codi mewn perthynas â phenodi person yn aelod o'r Tribiwnlys, mae unrhyw gollfarn a gafodd y person hwnnw fwy na phum mlynedd cyn dyddiad y penodiad i'w diystyru.

Anghymhwysu rhag penodi: oedran

- 15 Mae person wedi ei anghymhwysu rhag cael ei benodi'n Llywydd neu'n aelod wedi ymgymhwysu yn y gyfraith neu'n aelod lleig o'r Tribiwnlys os yw'r person eisoes wedi cyrraedd 70 oed ar ddyddiad y penodiad.

Anghymhwysu rhag penodi: penodiad blaenorol

- 16 (1) Mae person wedi ei anghymhwysu rhag cael ei benodi'n Llywydd ar sail penodiad blaenorol os yw'r person eisoes wedi ei benodi'n Llywydd am gyfnod o ddeng mlynedd neu fwy (boed mewn penodiadau olynol neu heb fod yn olynol).
- (2) Mae person wedi ei anghymhwysu rhag cael ei benodi'n aelod o'r Tribiwnlys wedi ymgymhwysu yn y gyfraith ar sail penodiad blaenorol os yw'r person eisoes wedi ei benodi'n aelod wedi ymgymhwysu yn y gyfraith am gyfnod o ddeng mlynedd neu fwy (boed mewn penodiadau olynol neu heb fod yn olynol).
- (3) Mae person wedi ei anghymhwysu rhag cael ei benodi'n aelod lleig ar sail penodiad blaenorol os yw'r person eisoes wedi ei benodi'n aelod lleig am gyfnod o ddeng mlynedd neu fwy (boed mewn penodiadau olynol neu heb fod yn olynol).

Anghymhwysu rhag penodi: diswyddiad blaenorol o swydd

- 17 Mae person wedi ei anghymhwysu rhag cael ei benodi'n Llywydd neu'n aelod wedi ymgymhwysu yn y gyfraith neu'n aelod lleig o'r Tribiwnlys ar sail diswyddiad blaenorol os yw Gweinidogion Cymru wedi diswyddo'r person o'r Tribiwnlys yn flaenorol o dan baragraff 12.

RHAN 5

CYFFREDINOL

Dehongli

- 18 Yn yr Atodlen hon ystyr "rheoliadau penodi" yw rheoliadau a wneir o dan baragraff 9.

- (3) For the purposes of sub-paragraph (1)(c) an arrangement with a person's creditors remains in force until—
 - (a) the person pays his or her debts in full, or
 - (b) if later, the end of the period of five years beginning with the day on which the terms of the arrangement are fulfilled.
- (4) If the question of whether a person is disqualified from membership of the Tribunal on grounds of unsuitability arises in relation to the appointment of the person to be a member of the Tribunal, any conviction which that person received more than five years before the date of the appointment is to be disregarded.

Disqualification from appointment: age

- 15 A person is disqualified from appointment as President or as a legally-qualified or lay member of the Tribunal if the person has already reached the age of 70 at the date of the appointment.

Disqualification from appointment: previous appointment

- 16 (1) A person is disqualified from appointment as President on grounds of previous appointment if the person has already been President for a period of 10 years or more (whether in consecutive or non-consecutive appointments).
- (2) A person is disqualified from appointment as a legally-qualified member of the Tribunal on grounds of previous appointment if the person has already been a legally-qualified member for a period of 10 years or more (whether in consecutive or non-consecutive appointments).
- (3) A person is disqualified from appointment as a lay member of the Tribunal on grounds of previous appointment if the person has already been a lay member for a period of 10 years or more (whether in consecutive or non-consecutive appointments).

Disqualification from appointment: previous dismissal from office

- 17 A person is disqualified from appointment as President or as a legally-qualified or lay member of the Tribunal on grounds of previous dismissal if the Welsh Ministers have previously dismissed the person from the Tribunal under paragraph 12.

PART 5

GENERAL

Interpretation

- 18 In this Schedule “appointment regulations” means regulations made under paragraph 9.

ATODLEN 12

(a gyflwynwyd gan adran 146)

DIDDYMU BWRDD YR IAITH GYMRAEG: DARPARIAETH ARALL

Staff y Bwrdd

- 1 (1) Caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth ar gyfer trosglwyddo staff y Bwrdd –
 - (a) i'r Comisiynydd, neu
 - (b) i Lywodraeth Cynulliad Cymru.
- (2) O ran contract cyflogaeth person a drosglwyddir yn rhinwedd y paragraff hwn –
 - (a) nid yw'n cael ei derfynu gan y trosglwyddo, a
 - (b) mae'n cael effaith o'r dyddiad trosglwyddo fel pe byddai wedi ei wneud yn wreiddiol rhwng y person a drosglwyddir a'r trosglwyddai.
- (3) Heb ragfarnu is-baragraff (2) –
 - (a) os trosglwyddir person i'w gyflogi gan y Comisiynydd –
 - (i) trosglwyddir holl hawliau, pwerau, dyletswyddau a rhwymedigaethau'r Bwrdd o dan contract cyflogaeth y person ac mewn cysylltiad â'i contract i'r Comisiynydd ar y dyddiad trosglwyddo, a
 - (ii) mae unrhyw beth a wnaed cyn y dyddiad hwnnw gan y Bwrdd neu mewn perthynas ag ef mewn cysylltiad â'r person neu â'r contract i'w drin o'r dyddiad hwnnw ymlaen fel pe byddai wedi ei wneud gan y Comisiynydd neu mewn perthynas ag ef,
 - (b) os trosglwyddir person i'w gyflogi gan Lywodraeth Cynulliad Cymru –
 - (i) trosglwyddir holl hawliau, pwerau, dyletswyddau a rhwymedigaethau'r Bwrdd o dan contract cyflogaeth y person ac mewn cysylltiad â'i contract i Weinidogion Cymru ar y dyddiad trosglwyddo, a
 - (ii) mae unrhyw beth a wnaed cyn y dyddiad hwnnw gan y Bwrdd neu mewn perthynas ag ef mewn cysylltiad â'r person neu â'r contract i'w drin o'r dyddiad hwnnw ymlaen fel pe byddai wedi ei wneud gan Weinidogion Cymru neu mewn perthynas â hwy.
- (4) Os trosglwyddir person yn rhinwedd y paragraff hwn, mae cyfnod cyflogaeth y person hwnnw gyda'r Bwrdd yn union cyn y dyddiad trosglwyddo –
 - (a) yn cyfrif fel cyfnod o gyflogaeth fel aelod o staff y trosglwyddai, a
 - (b) i'w drin fel cyflogaeth ddi-dor fel aelod o staff y trosglwyddai at ddibenion adran 218(3) o Ddeddf Hawliau Cyflogaeth 1996.
- (5) Ni throsglwyddir contract cyflogaeth (neu'r hawliau, pwerau, dyletswyddau a'r rhwymedigaethau oddi tano neu mewn cysylltiad ag ef) o dan y paragraff hwn os yw'r cyflogai'n gwrthwynebu trosglwyddo ac yn hysbysu'r Bwrdd neu'r trosglwyddai ei fod yn gwrthwynebu.

SCHEDULE 12
(introduced by section 146)

ABOLITION OF WELSH LANGUAGE BOARD: OTHER PROVISION

Staff of the Board

- 1 (1) The Welsh Ministers may, by order, make provision for staff of the Board to be transferred to—
 - (a) the Commissioner, or
 - (b) the Welsh Assembly Government.
- (2) The contract of employment of a person transferred by virtue of this paragraph—
 - (a) is not terminated by the transfer, and
 - (b) has effect from the date of the transfer as if originally made between the transferred person and the transferee.
- (3) Without prejudice to sub-paragraph (2)—
 - (a) where a person is transferred to the employment of the Commissioner—
 - (i) all the rights, powers, duties and liabilities of the Board under or in connection with the person's contract of employment are transferred to the Commissioner on the date of the transfer, and
 - (ii) anything done before that date by or in relation to the Board in respect of the person or the contract is to be treated from that date as having been done by or in relation to the Commissioner,
 - (b) where a person is transferred to the employment of the Welsh Assembly Government—
 - (i) all the rights, powers, duties and liabilities of the Board under or in connection with the person's contract of employment are transferred to the Welsh Ministers on the date of the transfer, and
 - (ii) anything done before that date by or in relation to the Board in respect of the person or the contract is to be treated from that date as having been done by or in relation to the Welsh Ministers.
- (4) Where a person is transferred by virtue of this paragraph, that person's period of employment with the Board immediately before the transfer date—
 - (a) counts as a period of employment as a member of the staff of the transferee, and
 - (b) is to be treated as continuous employment as a member of the staff of the transferee for the purposes of section 218(3) of the Employment Rights Act 1996.
- (5) A contract of employment (or the rights, powers, duties and liabilities under or in connection with it) is not transferred under this paragraph if the employee objects to the transfer and informs the Board or the transferee of that objection.

- (6) Os yw'r cyflogai'n hysbysu'r Bwrdd neu'r trosglwyddai ei fod yn gwrthwynebu o dan is-baragraff (5) –
- (a) terfynir y contract cyflogaeth yn union cyn y dyddiad pryd y byddai'r trosglwyddo'n digwydd, ond
 - (b) nid yw'r cyflogai'n cael ei drin, at unrhyw bwrpas, fel pe bai wedi ei ddiswyddo gan y Bwrdd.
- (7) Nid oes dim yn y paragraff hwn yn effeithio ar unrhyw hawl sydd gan berson a drosglwyddir i derfynu ei contract cyflogaeth os gwneir newid sylweddol (ac eithrio newid cyflogwr) sy'n niweidiol i'r person o ran ei amodau gwaith.
- (8) Caniateir gwneud darpariaeth o dan is-baragraff (1) mewn cysylltiad â phob person a gyflogir gan y Bwrdd, unrhyw ddsbarth o berson neu berson o unrhyw ddisgrifiad, neu unrhyw berson unigol.
- (9) Yn y paragraff hwn mae “trosglwyddai” yn cyfeirio at y cyflogwr y trosglwyddir neu y trosglwyddid y person o dan y paragraff hwn i'w gyflogi ganddo.

Eiddo, hawliau a rhwymedigaethau'r Bwrdd

- 2 (1) Heb ragfarnu paragraff 1, caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth ynghylch eiddo, hawliau a rhwymedigaethau'r Bwrdd.
- (2) Mae'r pŵer a roddir gan is-baragraff (1) yn cynnwys pŵer i wneud darpariaeth ar gyfer y canlynol, ond heb fod yn gyfyngedig i hynny –
- (a) trosglwyddo eiddo, hawliau a rhwymedigaethau –
 - (i) i'r Comisiynydd, neu
 - (ii) i Weinidogion Cymru;
 - (b) trosglwyddo eiddo, hawliau neu rwymedigaethau'r Bwrdd i gael effaith yn ddarostyngedig i eithriadau neu neilltuadau;
 - (c) trosglwyddo eiddo, hawliau neu rwymedigaethau i gael effaith er gwaethaf unrhyw ddarpariaeth (beth bynnag ei natur) a fyddai fel arall yn atal neu'n cyfyngu ar y trosglwyddo;
 - (d) creu buddiannau yn eiddo'r Bwrdd neu eiddo a drosglwyddir oddi wrth y Bwrdd, neu hawliau dros yr eiddo hwnnw;
 - (e) creu hawliau a rhwymedigaethau –
 - (i) rhwng y Bwrdd a'r Comisiynydd, neu
 - (ii) rhwng y Bwrdd a Gweinidogion Cymru.
- (3) Yn y paragraff hwn –
- mae “eiddo” (“*property*”) yn cynnwys eiddo a leolir y tu allan i'r Deyrnas Unedig;
- mae “hawliau a rhwymedigaethau” (“*rights and liabilities*”) yn cynnwys hawliau a rhwymedigaethau sy'n deillio mewn modd arall ac eithrio o dan gyfraith Cymru a Lloegr.

- (6) If the employee informs the Board or the transferee of an objection under sub-paragraph (5) –
 - (a) the contract of employment is terminated immediately before the date the transfer would occur, but
 - (b) the employee is not treated, for any purpose, as having been dismissed by the Board.
- (7) Nothing in this paragraph affects any right of a person transferred to terminate his or her contract of employment if (apart from the change of employer) a substantial change is made to the person's detriment in his or her working conditions.
- (8) Provision may be made under sub-paragraph (1) in respect of all persons employed by the Board, any class or description of person, or any individual person.
- (9) In this paragraph “transferee” refers to the employer to whom the person is or would be transferred under this paragraph.

Property, rights and liabilities of the Board

- 2 (1) Without prejudice to paragraph 1, the Welsh Ministers may, by order, make provision about the property, rights and liabilities of the Board.
- (2) The power conferred by sub-paragraph (1) includes, but is not limited to, power to make provision for –
 - (a) property, rights and liabilities to be transferred to –
 - (i) the Commissioner, or
 - (ii) the Welsh Ministers;
 - (b) transfers of property, rights or liabilities of the Board to have effect subject to exceptions or reservations;
 - (c) transfers of property, rights or liabilities to have effect in spite of any provision (of whatever nature) which would otherwise prevent or restrict the transfer;
 - (d) the creation of interests in, or rights over, property of the Board or property transferred from the Board;
 - (e) the creation of rights and liabilities –
 - (i) between the Board and the Commissioner, or
 - (ii) between the Board and the Welsh Ministers.
- (3) In this paragraph –

“property” (*“eiddo”*) includes property situated outside the United Kingdom;

“rights and liabilities” (*“hawliau a rhwymedigaethau”*) includes rights and liabilities arising otherwise than under the law of England and Wales.

Addasu Deddf 1993 mewn perthynas a swyddogaethau a drosglwyddir i Weinidogion Cymru

- 3 Os trosglwyddir y swyddogaethau a roddwyd i'r Bwrdd gan adran 3 o Ddeddf 1993 i Weinidogion Cymru (boed yn lle trosglwyddo'r swyddogaethau i'r Comisiynydd neu'n ychwanegol at wneud hynny), nid yw darpariaethau canlynol Deddf 1993 yn gymwys i'r swyddogaethau yn y modd y maent yn arferadwy gan Weinidogion Cymru –
- (a) adran 3(2)(a);
 - (b) adran 3(3) a (4);
 - (c) adran 4(1).

Cyfeiriadau at y Bwrdd

- 4 Mae unrhyw gyfeiriad at y Bwrdd yn Neddf 1993 i'w ddehongli –
- (a) i'r graddau y mae'n ymwneud ag un o swyddogaethau'r Bwrdd a drosglwyddir i'r Comisiynydd, fel pe bai'n gyfeiriad, neu'n cynnwys cyfeiriad, at y Comisiynydd; a
 - (b) i'r graddau y mae'n ymwneud ag un o swyddogaethau'r Bwrdd a drosglwyddir i Weinidogion Cymru, fel pe bai'n gyfeiriad, neu'n cynnwys cyfeiriad, at Weinidogion Cymru.

Parhad achosion cyfreithiol, dilysrwydd gweithredoedd etc

- 5 (1) Caiff unrhyw beth (gan gynnwys achosion cyfreithiol) sy'n ymwneud ag –
- (a) swyddogaeth a drosglwyddwyd, neu
 - (b) eiddo, hawliau neu rwymedigaethau a drosglwyddwyd,
- ac sydd yn y broses o gael ei wneud gan y Bwrdd neu mewn perthynas ag ef yn union cyn adeg y trosglwyddo, ei barhau gan y trosglwyddai neu mewn perthynas ag ef.
- (2) Mae unrhyw beth a wnaed gan y Bwrdd neu mewn perthynas ag ef at y dibenion canlynol, neu mewn cysylltiad â'r canlynol –
- (a) swyddogaeth a drosglwyddwyd, neu
 - (b) eiddo, hawliau neu rwymedigaethau a drosglwyddwyd,
- ac sy'n effeithiol yn union cyn adeg y trosglwyddo, yn effeithiol ar ôl y trosglwyddo fel pe bai wedi ei wneud gan y trosglwyddai neu mewn perthynas ag ef.
- (3) Mewn unrhyw offerynnau, contractau neu achosion cyfreithiol sy'n ymwneud ag –
- (a) swyddogaeth a drosglwyddwyd, neu
 - (b) eiddo, hawliau neu rwymedigaethau a drosglwyddwyd,
- ac sy'n cael eu gwneud neu eu cychwyn cyn adeg y trosglwyddo, rhodder y trosglwyddai yn lle'r Bwrdd.
- (4) Nid yw'r paragraff hwn yn gymwys mewn perthynas â hawliau a rhwymedigaethau o dan contract cyflogaeth aelod o staff y Bwrdd.
- (5) Yn y paragraff hwn –
- ystyr “adeg y trosglwyddo” (“*transfer time*”), mewn perthynas â swyddogaeth a drosglwyddwyd, neu eiddo, hawliau neu rwymedigaethau a drosglwyddwyd, yw adeg trosglwyddo'r swyddogaeth, neu'r eiddo, neu'r hawliau neu'r rhwymedigaethau;

Modification of 1993 Act in relation to functions transferred to Welsh Ministers

- 3 If the functions conferred on the Board by section 3 of the 1993 Act are transferred to the Welsh Ministers (whether instead of, or in addition to, the functions being transferred to the Commissioner), the following provisions of the 1993 Act do not apply to the functions as they are exercisable by the Welsh Ministers –
- (a) section 3(2)(a);
 - (b) section 3(3) and (4);
 - (c) section 4(1).

References to the Board

- 4 Any reference to the Board in the 1993 Act is to be construed –
- (a) so far as it relates to a function of the Board that is transferred to the Commissioner, as being, or including, a reference to the Commissioner; and
 - (b) so far as it relates to a function of the Board that is transferred to the Welsh Ministers, as being, or including, a reference to the Welsh Ministers.

Continuation of legal proceedings, validity of acts etc

- 5 (1) Anything (including legal proceedings) which relates to –
- (a) a transferred function, or
 - (b) transferred property, rights or liabilities,
- and which is in the process of being done by, or in relation to, the Board immediately before the transfer time may be continued by, or in relation to, the transferee.
- (2) Anything which was done by, or in relation to, the Board for the purpose of, or in connection with –
- (a) a transferred function, or
 - (b) transferred property, rights or liabilities,
- and which is in effect immediately before the transfer time, has effect after the transfer as if done by, or in relation to, the transferee.
- (3) In any instruments, contracts or legal proceedings which relate to –
- (a) a transferred function, or
 - (b) transferred property, rights or liabilities,
- and which are made or commenced before the transfer time, the transferee is substituted for the Board.
- (4) This paragraph does not apply in relation to rights and liabilities under a contract of employment of a member of the staff of the Board.
- (5) In this paragraph –
- “transfer time” (“*adeg y trosglwyddo*”), in relation to a transferred function, or transferred property, rights or liabilities, means the time of the transfer of the function, or property, rights or liabilities;

ystyr “eiddo, hawliau neu rwymedigaethau a drosglwyddwyd” (“*transferred property, rights or liabilities*”) yw eiddo, hawliau neu rwymedigaethau'r Bwrdd a drosglwyddwyd i'r Comisiynydd neu i Weinidogion Cymru o dan Mesur hwn;

ystyr “swyddogaeth a drosglwyddwyd” (“*transferred function*”) yw un o swyddogaethau'r Bwrdd a drosglwyddwyd i'r Comisiynydd neu i Weinidogion Cymru o dan Mesur hwn.

Dehongli

6 Yn yr Atodlen hon—

mae i “y Bwrdd” (“*Board*”) yr ystyr a roddir yn adran 147(5);

mae i “Deddf 1993” (“*1993 Act*”) yr ystyr a roddir yn adran 147(5).

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“transferred function” (“*swyddogaeth a drosglwyddwyd*”) means a function of the Board transferred to the Commissioner or Welsh Ministers under this Measure;

“transferred property, rights or liabilities” (“*eiddo, hawliau neu rwymedigaethau a drosglwyddwyd*”) means property, rights or liabilities of the Board transferred to the Commissioner or Welsh Ministers under this Measure.

Interpretation

6 In this Schedule –

“1993 Act” (“*Deddf 1993*”) has the meaning given in section 147(5);

“Board” (“*y Bwrdd*”) has the meaning given in section 147(5).

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