



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2001 Rhif 2286 (Cy. 174 )**

**2001 No. 2286 (W. 174 )**

**LLYWODRAETH LEOL,  
CYMRU**

**LOCAL GOVERNMENT,  
WALES**

**Gorchymyn Comisiynydd Lleol  
yng Nghymru (Ymchwiliadau  
Safonau) 2001**

**The Local Commissioner in Wales  
(Standards Investigations) Order  
2001**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn.)*

*(This note is not part of the Order)*

O dan adran 70 o Ddeddf Llywodraeth Leol 2000 (Deddf 2000), caiff Cynulliad Cenedlaethol Cymru wneud darpariaeth mewn perthynas ag ymchwiliadau safonau o dan adran 69 o'r Ddeddf honno gan Gomisiynydd Lleol yng Nghymru. Ymwneud y mae'r ymchwiliadau hyn ag ymddygiad aelodau neu aelodau cyfetholedig o awdurdod perthnasol yng Nghymru os oes honiad wedi'i wneud neu os gallai fod yna achos o fethu ag ymdrin â chod ymddygiad awdurdod.

The National Assembly for Wales may, under section 70 of the Local Government Act 2000 (the 2000 Act), make provision with respect to standards investigations under section 69 of that Act by a Local Commissioner in Wales. These investigations concern the conduct of members or co-opted members of a relevant authority in Wales where an allegation has been made or there may be a case of a failure to deal with an authority's code of conduct.

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer cymhwyso adrannau 60 (Cynnal ymchwiliadau), 61 (Y weithdrefn mewn perthynas ag ymchwiliadau), 62 (Ymchwiliadau: darpariaethau pellach) a 63 (Cyfyngiadau ar ddatgelu gwybodaeth) at ymchwiliadau safonau. Mae'n cymhwyso'r adrannau hyn (gydag addasiadau mewn rhai achosion) at waith Comisiynydd Lleol yng Nghymru.

This Order makes provision for the application of sections 60 (Conduct of investigations), 61 (Procedure in respect of investigations), 62 (Investigations: further provisions) and 63 (Restrictions on disclosure of information) to standards investigations. It applies those sections (in some instances with modifications) to the work of a Local Commissioner in Wales.

Mae Erthygl 2 (drwy gyfeirio at Atodlen 1 o'r Gorchymyn) yn cymhwyso adrannau 60(1), (4) a (5), 61, 62(1), (2), (3), (5), (6), (8), (9), (10) ac (11) a 63(3) o Ddeddf 2000 at ymchwiliadau Comisiynydd o dan adran 69.

Article 2 (by reference to Schedule 1 of the Order) applies sections 60(1), (4) and (5), 61, 62(1), (2), (3), (5), (6), (8), (9), (10) and (11) and 63(3) of the 2000 Act to a Commissioner's investigations under section 69.

Mae Erthygl 3 (drwy gyfeirio at Atodlen 2 i'r Gorchymyn) yn cymhwyso adrannau 60(6), 62(4) a 63(2) at ymchwiliadau Comisiynydd o dan adran 69 yn y ffurf wedi'i haddasu a restrir yn Atodlen 2. Mae'r

Article 3, (by reference to Schedule 2 to the Order) applies sections 60(6), 62(4) and 63(2) to a Commissioner's investigations under section 69 in the modified form listed in Schedule 2. The modifications

addasiadau'n ymwneud â sut y caiff y darpariaethau eu cymhwyso at Gymru.

Mae Erthygl 4, drwy addasu darpariaethau adran 32(2) o Ddeddf Llywodraeth Leol 1974, sy'n gysylltiedig â datgeliadau gan Gomisiynydd Lleol, yn datgymhwyso'r adran honno mewn perthynas ag ymchwiliad safonau o dan adran 69 o Ddeddf 2000.

Yn rhinwedd Erthygl 5, mae braint absoliwt, at ddibenion y gyfraith ddifenwi, yn cael ei hestyn i ddatganiadau personau a ddynodir gan Gomisiynydd Lleol mewn perthynas â swyddogaethau o dan Ran III o Ddeddf 2000.

address the application of the provisions to Wales.

Article 4, by modification of the provisions in section 32(2) of the Local Government Act 1974, related to disclosure by a Local Commissioner, disappplies that section in respect of standards investigations under section 69 of the 2000 Act.

By virtue of Article 5 absolute privilege, for the purposes of the law of defamation, is extended to the statements of persons designated by a Local Commissioner in relation to functions under Part III of the 2000 Act.

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yng Nghymru (Ymchwiliadau  
Safonau) 2001****The Local Commissioner in Wales  
(Standards Investigations) Order  
2001**

*Wedi'i wneud* 21 Mehefin 2001  
*Yn dod i rym* 28 Gorffennaf 2001

*Made* 21st June 2001  
*Coming into force* 28th July 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 70(1) o Ddeddf Llywodraeth Leol 2000(a).

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by section 70(1) and (2) of the Local Government Act 2000(a).

**Enwi, cychwyn, cymhwyso a dehongli****Name, commencement, application and interpretation**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Comisiynydd Lleol yng Nghymru (Ymchwiliadau Safonau) 2001 a daw i rym ar 28 Gorffennaf 2001.

1.-(1) The name of this Order is the Local Commissioner in Wales (Standards Investigations) Order 2001 and it shall come into force on 28th July 2001.

(2) Mae'r Gorchymyn hwn yn gymwys yng Nghymru yn unig.

(2) This Order applies in Wales only.

(3) Yn y Gorchymyn hwn -

(3) In this Order -

ystyr "Deddf 1974" (*"the 1974 Act"*) yw Deddf Llywodraeth Leol 1974(b),

"the 1974 Act" (*"Deddf 1974"*) means the Local Government Act 1974(b),

ystyr "Deddf 2000" (*"the 2000 Act"*) yw Deddf Llywodraeth Leol 2000.

"the 2000 Act" (*"Deddf 2000"*) means the Local Government Act 2000.

**Cymhwyso darpariaethau Deddf 2000****Application of provisions of the 2000 Act**

2. At ddibenion ymchwiliadau o dan adran 69 o Ddeddf 2000, bydd darpariaethau'r Ddeddf honno fel y'u rhestrir yn Atodlen 1 i'r Gorchymyn hwn yn gymwys fel pe bai unrhyw gyfeiriad yn y darpariaethau hynny-

2. For the purposes of investigations under section 69 of the 2000 Act the provisions of that Act as listed in Schedule 1 to this Order shall apply as if any reference in those provisions to -

- (a) at swyddog safonau moesegol yn gyfeiriad at Gomisiynydd Lleol yng Nghymru;
- (b) at Fwrdd Safonau Lloegr yn gyfeiriad at y Comisiwn dros Weinyddu Lleol yng Nghymru;
- (c) at Loegr yn gyfeiriad at Gymru;

- (a) an ethical standards officer were a reference to a Local Commissioner in Wales;
- (b) the Standards Board for England were a reference to the Commission for Local Administration in Wales;
- (c) England were a reference to Wales;

(a) 2000 p.22.  
(b) 1974 p.7.

(a) 2000 c.22.  
(b) 1974 c.7.

- (ch) at adran 59 yn gyfeiriad at adran 69; a  
(d) at yr Ysgrifennydd Gwladol yn gyfeiriad at Gynulliad Cenedlaethol Cymru.

### **Cymhwyso darpariaethau yn Neddf 2000 gydag addasiadau**

3. At ddibenion ymchwiliadau o dan adran 69 o Ddeddf 2000, bydd darpariaethau'r Ddeddf honno fel y'u rhestrir yn Atodlen 2 i'r Gorchymyn hwn yn gymwys yn ddarostyngedig i'r addasiadau a welir yn yr Atodlen honno.

### **Cymhwyso darpariaethau yn Neddf 1974 gydag addasiadau**

4. At ddibenion ymchwiliadau o dan adran 69 o Ddeddf 2000, bydd darpariaethau Deddf 1974 fel y'u rhestrir yn Atodlen 3 i'r Gorchymyn hwn yn gymwys yn ddarostyngedig i'r addasiadau a welir yn yr Atodlen honno.

### **Y Gyfraith Ddifenwi**

5.-(1) At ddibenion y gyfraith ddifenwi, bydd gan unrhyw ddatganiad (boed mewn ysgrifen neu ar lafar) a wneir gan swyddog dynodedig mewn cysylltiad ag arfer swyddogaethau o dan Ran III o Ddeddf 2000 fraint absoliwt.

(2) Ystyr "swyddog dynodedig" ym mharagraff (1) yw unrhyw berson a ddynodwyd yn ysgrifenedig gan Gomisiynydd Lleol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

21 Mehefin 2001

Llywydd y Cynulliad Cenedlaethol

- (d) section 59 were a reference to section 69; and  
(e) the Secretary of State were a reference to the National Assembly for Wales.

### **Application of provisions in the 2000 Act with modifications**

3. For the purposes of investigations under section 69 of the 2000 Act the provisions of that Act as listed in Schedule 2 to this Order shall apply subject to the modifications shown in that Schedule.

### **Application of provisions in the 1974 Act with modifications**

4. For the purposes of investigations under section 69 of the 2000 Act the provisions of the 1974 Act as listed in Schedule 3 to this Order shall apply subject to the modifications shown in that Schedule.

### **Law of Defamation**

5.-(1) For the purposes of the law of defamation, any statement (whether written or oral) made by a designated officer in connection with the exercise of functions under Part III of the 2000 Act shall be absolutely privileged.

(2) "designated officer" in paragraph (1) means any person designated in writing by a Local Commissioner.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

21st June 2001

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38.

## Atodlen 1

## Schedule 1

<b>Cymhwyso Darpariaethau Deddf 2000</b>		<b>Application of Provisions of the 2000 Act</b>	
<b>Yr adran neu'r paragraff</b>	<b>Y pwnc</b>	<b>Section or paragraph</b>	<b>Subject Matter</b>
adran 60(1), (4) a (5)	Ymchwilio	section 60(1), (4) and (5)	Investigation
adran 61	Y weithdrefn mewn perthynas ag ymchwiliadau	section 61	Procedure in respect of investigations
adran 62(1), (2), (3), (5), (6), (8), (9), (10), (11)	Darpariaethau pellach mewn perthynas ag ymchwiliadau	section 62(1), (2), (3), (5), (6), (8), (9), (10), (11)	Further provisions with regard to investigations
adran 63(3)	Cyfngiadau ar datgelu gwybodaeth	section 63(3)	Restrictions on disclosure of information

## Atodlen 2

## Schedule 2

**Cymhwyso Darpariaethau yn Neddf 2000 gydag Addasiadau****Application of Provisions in the 2000 Act with modifications****Adran 60(6)****Section 60(6)****1.****1.**

Bydd adran 60(6) o Ddeddf 2000 (Cynnal Ymchwiliadau) yn gymwys fel pe bai -

Section 60(6) of the 2000 Act (Conduct of Investigations) shall apply as if -

- (a) y geiriau "an ethical standards officer" wedi'u disodli gan y geiriau "a Local Commissioner in Wales"; a
- (b) y geiriau "or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule." wedi'u disodli gan y geiriau "paragraph 1(1) and (2) of Schedule 4 of the Local Government Act 1974."

- (a) the words "an ethical standards officer" were replaced by the words "a Local Commissioner in Wales"; and
- (b) the words "or paragraph 3(2) of Schedule 4 or any breach falling within paragraph 3(3) of that Schedule." were replaced by the words "paragraph 1(1) and (2) of Schedule 4 of the Local Government Act 1974."

**Adran 62(4)****Section 62(4)****2.****2.**

Bydd Adran 62(4) o Ddeddf 2000 (Ymchwiliadau: darpariaethau pellach) yn gymwys fel pe bai -

Section 62(4) of the 2000 Act (Investigations: further provisions) shall apply as if -

- (a) y geiriau "An ethical standards officer" wedi'u disodli gan y geiriau "A Local Commissioner in Wales"; a
- (b) y geiriau "the National Assembly for Wales or" wedi'u mewnosod ar ôl "the authority concerned and" ym mharagraff (a).

- (a) the words "An ethical standards officer" were replaced by the words "A Local Commissioner in Wales"; and
- (b) in paragraph (a) the words "the National Assembly for Wales or" were inserted after "the authority concerned and".

**Adran 63(2)****Section 63(2)****3.****3.**

Bydd adran 63(2) o Ddeddf 2000 (Cyfyngiadau ar ddatgelu gwybodaeth) yn gymwys fel pe bai -

Section 63(2) of the 2000 Act (Restrictions on disclosure of information) shall apply as if -

- (a) y geiriau "The Secretary of State" wedi'u disodli gan y geiriau "The National Assembly for Wales";
- (b) y gair "England" wedi'i ddisodli gan y gair "Wales";
- (c) y geiriau "any ethical standards officer" wedi'u disodli gan y geiriau "a Local Commissioner in Wales"; ac
- (ch) y geiriau "his or (as the case may be)" wedi'u dileu.

- (a) the words "The Secretary of State" were replaced by the words "The National Assembly for Wales";
- (b) the word "England" were replaced by the word "Wales";
- (c) the words "any ethical standards officer" were replaced by the words "a Local Commissioner in Wales"; and
- (d) the words "his or (as the case may be)" were deleted.

**Atodlen 3**

**Schedule 3**

**Cymhwysio Darpariaethau yn Neddf 2000 gydag addasiadau**

**Application of Provisions in the 1974 Act with modifications**

**Adran 32(2)**

Bydd adran 32(2) o Ddeddf 1974 (Y gyfraith ddifenwi a datgelu gwybodaeth) yn gymwys fel pe bai'r is-baragraff canlynol wedi'i ychwanegu -

"(d) for the purposes of the investigation and of any report to be made under section 69 of the Local Government Act 2000."

**Section 32(2)**

Section 32(2) of the 1974 Act (Law of defamation and disclosure of information) shall apply as if there were added the following sub-paragraph -

"(d) for the purposes of the investigation and of any report to be made under section 69 of the Local Government Act 2000."

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