



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 895 (Cy.115)

2003 No. 895 (W.115)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cynghorau
Cymuned) (Cymru)
2003

The Local Authorities (Allowances
for Members of Community
Councils) (Wales) Regulations
2003

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae adrannau 173, 175, 177 a 178 o Ddeddf Llywodraeth Leol 1972 ("Deddf 1972") yn darparu pwerau, yn eu trefn, i'r Ysgrifennydd Gwladol wneud y canlynol:

Sections 173, 175, 177 and 178 of the Local Government Act 1972 ("the 1972 Act") provide powers, respectively, for the Secretary of State to:

- rhagnodi swm mewn perthynas â lwfans presenoldeb neu lwfans colled ariannol sy'n daladwy am gyflawni dyletswydd wedi'i chymeradwyo;
- rhagnodi corff y mae adran 175 (Lwfansau ar gyfer mynd i gynadleddau a chyfarfodydd) yn gymwys iddo;
- pennu dyletswyddau mewn perthynas ag aelod corff at ddibenion diffinio "*approved duty*" yn adrannau 173 i 176 o Ddeddf 1972;
- gwneud rheoliadau ynghylch y dull y mae adrannau 173 i 176 o Ddeddf 1972 i'w gweinyddu.

- prescribe an amount in respect of an attendance allowance or a financial loss allowance payable for the performance of an approved duty;
- prescribe a body to which section 175 (Allowances for attending conferences and meetings) applies;
- specify duties in relation to a member of a body for the purpose of the definition of "*approved duty*" in sections 173 to 176 of the 1972 Act;
- make regulations as to the manner in which sections 173 to 176 of the 1972 Act are to be administered.

Mae'r pwerau hyn bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

These powers are now vested in the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

Mae adran 100 o Ddeddf Llywodraeth Leol 2000 ("Deddf 2000") yn darparu i Gynulliad Cenedlaethol Cymru wneud darpariaeth, drwy reoliadau, o ran lwfansau sy'n daladwy i aelodau o gynghorau cymuned a lwfansau teithio a chynhaliaeth sy'n daladwy i aelodau awdurdodau y gall eu rhagnodi.

Section 100 of the Local Government Act 2000 ("the 2000 Act") provides for the National Assembly for Wales to make provision, by regulations, with respect to allowances payable to members of community councils and travelling and subsistence allowances payable to members of authorities which it may prescribe.

Mae Rheoliad 3 yn rhagnodi cynghorau cymuned yn awdurdodau perthnasol at ddibenion adran 100(1) o Ddeddf 2000.

Mae Rheoliad 5 yn rhagnodi £32.46 at ddibenion adran 173(1) o Ddeddf 1972 (Lwfans presenoldeb) fel y mwyafswm sy'n daladwy am unrhyw gyfnod nad yw'n fwy na 24 awr ac yn cyfyngu nifer y taliadau hynny i un mewn unrhyw gyfnod o 24 awr.

Gwaherddir talu lwfans presenoldeb hefyd pan fo gan aelod yr hawl i lwfans colled ariannol (yn unol ag adran 173 o Ddeddf 1972) neu pan fyddai'r taliad hwnnw'n groes i unrhyw ddeddfiad.

Mae Rheoliad 6 yn rhagnodi symiau at ddibenion adran 173(4) o Ddeddf 1972 (Lwfans colled ariannol):

- (a) £30.05 am gyfnod nad yw'n fwy na phedair awr;
- (b) £60.11 am gyfnod sy'n fwy na phedair awr ond nad yw'n fwy na phedair awr ar hugain;
- (c) £60.11 plws y swm hwnnw sy'n daladwy o dan (a) neu (b) fel y bo'n briodol am gyfnod sy'n fwy na phedair awr ar hugain.

Mae Rheoliad 7 yn ei gwneud yn ofynnol (a hynny'n ddarostyngedig i Reoliadau 5 a 6) i awdurdodau wneud darpariaeth mewn perthynas â lwfansau o dan Ran II ar gyfer addasu'n flynyddol y lwfansau hynny (a fydd yn effeithiol o 1 Ebrill ym mhob blwyddyn) drwy gyfeirio at y ffigur a gyhoeddir ar gyfer y flwyddyn flaenorol yn y mynegai i'r Cyflog Cyfartalog i Wrywod Nad Ydynt yn Gweithio â Dwylo yn yr Archwiliad Enillion Newydd a gyhoeddir yn flynyddol gan y Swyddfa Ystadegau Gwladol.

Mae Rheoliad 8 yn darparu i aelod ddewis peidio â derbyn unrhyw ran o'r hyn y mae ganddo hawl iddo o dan y Rheoliadau hyn.

Mae Rheoliad 9 yn nodi'r dyletswyddau hynny sy'n "ddyletswyddau wedi'u cymeradwyo" at ddibenion adrannau 173 i 176 o Ddeddf 1972.

Mae Rheoliad 10 yn gosod cyfyngiadau ariannol ar lwfansau o dan adran 175 o Ddeddf 1972 (lwfansau ar gyfer mynd i gynadleddau a chyfarfodydd) drwy gyfyngu ar yr uchafswm sy'n daladwy i £32.46 am unrhyw gyfnod nad yw'n fwy na phedair awr ar hugain.

Mae Rheoliad 11 yn darparu ar gyfer talu costau teithio neu gynhaliaeth i aelodau, ar gyfraddau y penderfynir arnynt bob blwyddyn. Mae'r cyfraddau hynny i'w cysylltu â'r cyfraddau sy'n daladwy i Aelodau Cynulliad Cenedlaethol Cymru i'r graddau na fyddant yn fwy na'r cyfraddau a geir gan Aelodau'r Cynulliad. Eithriad i hyn yw pan fo'r cyfraddau y mae awdurdod yn eu talu yn fwy, ar y diwrnod cyn i'r Rheoliadau hyn ddod i rym, na chyfradd y lwfans cyfatebol sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru. Mewn amgylchiadau o'r fath,

Regulation 3 prescribes community councils as relevant authorities for the purposes of section 100(1) of the 2000 Act.

Regulation 5 prescribes £32.46 for the purposes of section 173(1) of the 1972 Act (Attendance allowance) as the maximum sum payable for any period not exceeding 24 hours and limits the number of such payments in any 24 hours to one.

The payment of attendance allowance is also prohibited where a member is entitled to financial loss allowance (in accordance with section 173 of the 1972 Act) or where such a payment would be contrary to any enactment.

Regulation 6 prescribes amounts for the purposes of section 173(4) of the 1972 Act (Financial loss allowance):

- (a) £30.05 for a period not exceeding four hours;
- (b) £60.11 for a period exceeding four hours but not exceeding twenty four hours;
- (c) £60.11 plus such amount as is payable under (a) or (b) as appropriate for a period exceeding twenty-four hours.

Regulation 7 requires (subject to Regulations 5 and 6) authorities to make provision in relation to allowances under Part II for an annual adjustment of those allowances (effective from 1st April in each year) by reference to the figure published for the previous year for the Average Male Non-Manual Wage for Wales index in the New Earnings Survey published annually by the Office of National Statistics.

Regulation 8 provides for a member to choose to forgo any part of their entitlement under these Regulations.

Regulation 9 sets out those duties which amount to an "approved duty" for the purposes of sections 173 to 176 of the 1972 Act.

Regulation 10 places financial restrictions on allowances under section 175 of the 1972 Act (allowances for attending conferences and meetings) by limiting the maximum sum payable to £32.46 for any period not exceeding twenty four hours.

Regulation 11 provides for payment of travel or subsistence to members, at rates to be determined each year. Those rates are to be linked to rates payable to Members of the National Assembly for Wales in so far as they shall not exceed rates received by Assembly Members. The exception to this is where on the day before the coming into force of these Regulations the rates paid by an authority are in excess of the rate of the equivalent allowance payable to members of the National Assembly for Wales. In such circumstances the rates paid by the authority may continue at that

caiff y cyfraddau a delir gan yr awdurdod barhau ar y lefel honno ond ni cheir eu cynyddu hyd nes y bydd y lwfans cyfatebol sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru yn fwy na'r lwfans a delir gan yr awdurdod. Mae hawliadau teithio a chynhaliath (ac eithrio hawliadau sy'n berthnasol i deithio mewn cerbyd modur) i'w gwneud ar sail "wirioneddol" a rhaid bod derbynebaw perthnasol yn cyd-fynd â hwy am y costau a dynnwyd, yn ddarostyngedig i unrhyw ofyniad neu derfyn y penderfynir arnynt gan awdurdod. Ni all aelod hawlio lwfansau o dan Reoliad 11 pan gyflawnir unrhyw ddyletswydd wedi'i chymeradwyo o fewn eu cymuned neu ardal eu cyngor cymuned fel y bo'n briodol.

Mae Rheoliad 12 yn darparu bod datganiad i gyd-fynd â phob hawliad a wneir am lwfans presenoldeb, lwfans teithio, lwfans cynhaliath neu lwfans colled ariannol nad yw'r hawlydd wedi nac yn bwriadu gwneud unrhyw hawliad arall mewn perthynas â'r mater y mae'r hawliad yn berthnasol iddo. Mae hefyd yn atal taliadau o dan adran 176 o Ddeddf 1972 os gwneir taliadau o dan y Rheoliadau hyn.

Mae Rheoliad 13 yn ei gwneud yn ofynnol i bob awdurdod gadw cofnod o unrhyw daliadau a wneir yn unol â'r Rheoliadau hyn, gan roi manylion am y derbynnydd a natur y taliad. Dylai'r wybodaeth honno fod ar gael i'w harchwilio (yn ddi-dâl) gan unrhyw etholwr llywodraeth leol. Gellir cael copïau o'r wybodaeth drwy dalu ffi resymol i'r awdurdod.

Yn unol â Rheoliad 14, cyn gynted ag y bydd yn ymarferol ar ôl diwedd blwyddyn ariannol rhaid i bob awdurdod gyhoeddi manylion o'r cyfanswm a dalwyd i bob aelod o dan y Rheoliadau hyn mewn perthynas â lwfans presenoldeb a sylfaenol a lwfans colled ariannol.

Mae Rheoliad 15 yn darparu bod Rheoliadau Awdurdodau Lleol (Lwfansau Aelodau) 1991 ("Rheoliadau 1991") a Rheoliadau Awdurdodau Lleol (Lwfansau Aelodau) (Diwygio) (Cymru) 2001 ("Rheoliadau 2001") yn parhau i gael effaith mewn perthynas â hawliadau am ddyletswyddau a ddyddiwyd cyn 1 Ebrill 2003. Yn ddarostyngedig i ddarpariaethau penodol yn y Rheoliadau hyn dirymir Rheoliadau 1991 a 2001. Mae Rheoliad 15 yn datgymhwyso adran 174 o Ddeddf 1972 fel y mae'n gymwys i Gymru.

level but shall not be increased until the equivalent allowance payable to members of the National Assembly for Wales is greater than that paid by the authority. Travel and subsistence claims (except claims relating to travel by private motor vehicle) are to be made on an "actual" basis and must be accompanied by relevant receipts for expenditure incurred, subject to any requirement or limitation determined by an authority. A member cannot claim allowances under Regulation 11 where any approved duty is performed within their community or community council area as appropriate.

Regulation 12 provides for all claims made for attendance allowance, travel allowance, subsistence allowance or financial loss allowance to be accompanied by a statement that the claimant has not and will not make any other claim in respect of the matter to which the claim relates. It also prevents payments under section 176 of the 1972 Act where payments are made under these Regulations.

Regulation 13 requires every authority to keep a record of any payments made in accordance with these Regulations, giving details of the recipient and the nature of the payment. That information should be available for inspection (free of charge) by any local government elector. Copies of the information may be obtained for payment of a reasonable fee to an authority.

In accordance with Regulation 14 as soon as practicable after the end of a financial year each authority shall publish details of the total sum paid under these Regulations to each member in respect of attendance basic allowance and financial loss allowance.

Regulation 15 provides that the Local Authorities (Members' Allowances) Regulations 1991 ("the 1991 Regulations") and the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001 ("the 2001 Regulations") continue to have effect in relation to claims for duties predating 1st April 2003. Subject to certain provisions in these Regulations the 1991 and 2001 Regulations are revoked. Regulation 15 disapplies section 174 of the 1972 Act in its application to Wales.

2003 Rhif 895 (Cy.115)**2003 No. 895 (W.115)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cynghorau
Cymuned) (Cymru)
2003****The Local Authorities (Allowances
for Members of Community
Councils) (Wales) Regulations
2003***Wedi'u gwneud* 26 Mawrth 2003*Made* 26th March 2003*Yn dod i rym* 1 Ebrill 2003*Coming into force* 1st April 2003

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 173(1), (2) a (4), 175(1A), 177(1)(c), 177(2), 178(1) a 270(1) o Ddeddf Llywodraeth Leol 1972(a) sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(b) a'r pwerau a roddwyd iddo gan adrannau 100(1), (4), (5), (6) a (7) a 105(2) o Ddeddf Llywodraeth Leol 2000(c)(ar ôl ymgynghori â'r cynrychiolwyr llywodraeth leol hynny a'r personau eraill y mae'n barnu bod angen ymgynghori â hwy).

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by sections 173(1), (2) and (4), 175(1A), 177(1)(c), 177(2), 178(1) and 270(1) of the Local Government Act 1972(a) which are now vested in the National Assembly for Wales so far as exercisable in Wales(b) and the powers given to it by sections 100(1),(4),(5),(6) and (7) and 105(2) of the Local Government Act 2000(c)(having consulted such representatives of local government and such other persons as it considers necessary).

RHAN I**PART I****Cyffredinol****General****Enw, cychwyn a chymhwyso****Name, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Cymuned) (Cymru) 2003 a deuant i rym ar 1 Ebrill 2003.

1.-(1) The name of these Regulations is the Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 and they shall come into force on 1st April 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(2) These Regulations apply to Wales only.

Dehongli**Interpretation****2. Yn y Rheoliadau hyn -****2. In these Regulations -**

ystyr "awdurdod" ("*authority*") yw cyngor cymuned;

"the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972;

ystyr "blwyddyn" ("*year*") yw deuddeng mis sy'n dod i ben ar 31 Mawrth;

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

(a) 1972 p.70.

(a) 1972 c.70.

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 2000 p.22.

(c) 2000 c.22.

ystyr "Deddf 1972" ("*the 1972 Act*") yw Deddf Llywodraeth Leol 1972;

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

ystyr "Rheoliadau 1991" ("*the 1991 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau Aelodau) 1991 fel y'u diwygiwyd(a);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau Aelodau) (Diwygio) (Cymru) 2001(b).

"the 1991 Regulations" ("*Rheoliadau 1991*") means the Local Authorities (Members Allowances) Regulations 1991 as amended(a);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001(b);

"authority" ("*awdurdod*") means a community council;

"year" ("*blwyddyn*") means the twelve months ending with 31st March.

Cyrfif ac awdurdodau perthnasol a ragnodwyd

3. Rhagnodir Cynghorau Cymuned yn awdurdodau perthnasol at ddibenion adran 100(1)(b) o Ddeddf 2000.

RHAN II

Lwfansau Cynghorwyr

Dehongli

4. -(1) Dehonglir cyfeiriadau yn y Rhan hon at aelod o awdurdod sy'n gynghorydd fel cyfeiriadau at aelod etholedig o awdurdod a dehonglir cyfeiriadau at aelod nad yw'n gynghorydd fel cyfeiriadau at aelod sy'n aelod cyfetholedig o awdurdod.

(2) At ddibenion y Rhan hon bydd cyfnod swydd aelod o awdurdod sydd yn gynghorydd yn dechrau ar y dyddiad y mae'r aelod hwnnw'n gwneud datganiad ei fod yn derbyn y swydd honno o dan adran 83(4) o Ddeddf 1972.

Lwfansau presenoldeb

5.-(1) Y swm a ragnodwyd at ddibenion adran 173(1) o Ddeddf 1972 (Lwfans presenoldeb) yw £32.46 am unrhyw gyfnod nad yw'n fwy na 24 awr ac i'r diben hwn mae cyfnod o 24 awr yn dechrau am 3am.

(2) Ni fydd gan aelod hawl i daliad o fwy nag un lwfans presenoldeb mewn perthynas ag unrhyw gyfnod o 24 awr.

(3) Ni fydd gan aelod hawl i daliad o lwfans presenoldeb-

(a) o ran dyletswydd wedi'i chymeradwyo y mae gan yr aelod hwnnw hawl i daliad lwfans colled ariannol mewn perthynas â hi o dan adran 173 o Ddeddf 1972; neu

(b) pe bai taliad o'r fath yn groes i ddarpariaeth a

(a) O.S. 1991/351, a ddiwygiwyd gan Reoliadau Awdurdodau Lleol (Lwfansau Aelodau) (Diwygio) (Cymru) 2001 (O.S. 2001/2781 (Cy.234)).

(b) O.S. 2001/2781 (Cy.234).

Prescribed bodies and relevant authorities

3. Community Councils are prescribed as relevant authorities for the purposes of section 100(1)(b) of the 2000 Act.

PART II

Councillors' Allowances

Interpretation

4.-(1) References in this Part to a member of an authority who is a councillor shall be construed as references to an elected member of an authority and references to a member who is not a councillor shall be construed as references to a member who is a co-opted member of an authority.

(2) For the purposes of this Part the term of office of a member of an authority who is a councillor shall begin on the date on which that member makes a declaration of acceptance of that office under section 83(4) of the 1972 Act.

Attendance allowances

5.-(1) The amount prescribed for the purpose of section 173(1) of the 1972 Act (Attendance allowance) is £32.46 for any period not exceeding 24 hours and for this purpose a period of 24 hours shall begin at 3am.

(2) A member shall not be entitled to payment of more than one attendance allowance in respect of any period of 24 hours.

(3) A member shall not be entitled to payment of an attendance allowance-

(a) in respect of an approved duty in relation to which that member is entitled to payment of a financial loss allowance under section 173 of the 1972 Act; or

(b) if such payment would be contrary to a

(a) S.I. 1991/351 amended by the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001 (S.I. 2001/2781 (W.234)).

(b) S.I. 2001/2781 (W.234).

wneir drwy neu o dan unrhyw ddeddfiad.

provision made by or under any enactment.

Lwfans colled ariannol

6. Y swm a ragnodir at ddibenion adran 173(4) o Ddeddf 1972 (lwfans colled ariannol) yw -

- (a) am gyfnod nad yw'n fwy na 4 awr, £30.05;
- (b) am gyfnod sy'n fwy na 4 awr ond nad yw'n fwy na 24 awr, £60.11;
- (c) am gyfnod sydd yn fwy na 24 awr, y cyfanswm o £60.11 a'r swm hwnnw a bennir yn is-baragraff (a) neu (b) fel y bo'n briodol i nifer yr oriau y mae'r cyfnod yn fwy na 24 awr.

RHAN III

Lwfansau - Darpariaeth Bellach

Swm y lwfansau a.y.y.b.

7. Mewn perthynas â lwfansau o dan Ran II rhaid i awdurdod ddarparu, yn ddarostyngedig i Reoliadau 5 a 6, ar gyfer addasu'r lwfansau hynny'n flynyddol o 1 Ebrill ym mhob blwyddyn a hynny'n hafal i'r ffigur a gyhoeddir ar gyfer y flwyddyn flaenorol fel y cynnydd canrannol (os o gwbl) yn y mynegai i'r Cyflog Cyfartalog i Wrywod Nad Ydynt yn Gweithio â Dwylo yn yr Archwiliad Enillion Newydd a gyhoeddir yn flynyddol gan y Swyddfa Ystadegau Gwladol.

Dewisiadau

8. Caiff aelod, drwy hysbysiad ysgrifenedig a roddir i swyddog priodol yr awdurdod, ddewis peidio â derbyn unrhyw ran o hawl yr aelod hwnnw i gael lwfans o dan y Rheoliadau hyn.

RHAN IV

Lwfansau Eraill

Diffiniad o "dyletswydd wedi'i chymeradwyo"

9.-(1) Yn ddarostyngedig i'r dyletswyddau a eithrir gan baragraff (2), at ddibenion adrannau 173, 175 a 176 o Ddeddf 1972 ystyr "dyletswydd wedi'i chymeradwyo" yw -

- (a) unrhyw rai o'r dyletswyddau canlynol -
 - (i) presenoldeb mewn cyfarfod o'r awdurdod neu o unrhyw bwyllgor neu is-bwyllgor o'r awdurdod neu o unrhyw gorff arall y mae'r awdurdod yn penodi neu'n enwebu iddo, neu o unrhyw bwyllgor neu is-bwyllgor o gorff o'r fath;
 - (ii) presenoldeb mewn unrhyw gyfarfod arall yr awdurdodir ei gynnal gan yr awdurdod, neu bwyllgor neu is-bwyllgor o'r awdurdod, neu gyd-bwyllgor o'r awdurdod ac un awdurdod arall neu fwy, neu is-

Financial loss allowance

6. The amount prescribed for the purposes of section 173(4) of the 1972 Act (financial loss allowance) is -

- (a) for a period not exceeding 4 hours, £30.05;
- (b) for a period exceeding 4 hours but not exceeding 24 hours, £60.11;
- (c) for a period exceeding 24 hours, the aggregate of £60.11 and such amount specified in subparagraph (a) or (b) as is appropriate to the number of hours by which the period exceeds 24 hours.

PART III

Allowances - Further Provision

Amount of allowances etc.

7. In relation to allowances under Part II an authority shall subject to Regulations 5 and 6 make provision for an annual adjustment of those allowances from 1st April each year equal to the figure published for the previous year as the percentage increase (if any) for the Average Male Non-Manual Wage for Wales index in the New Earnings Survey published by the Office of National Statistics.

Elections

8. A member may, by notice in writing given to the proper officer of the authority, elect to forgo any part of that member's entitlement to an allowance under these Regulations.

PART IV

Other Allowances

Definition of "approved duty"

9.-(1) Subject to the duties excluded by paragraph (2), for the purposes of sections 173, 175 and 176 of the 1972 Act "approved duty" means -

- (a) any of the following duties -
 - (i) attendance at a meeting of the authority or of any committee or sub-committee of the authority or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (ii) attendance at any other meeting the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities,

bwyllgor o gyd-bwyllgor o'r fath, ar yr amod -

- (aa) os yw'r awdurdod wedi'i rannu yn ddau grŵp gwleidyddol neu fwy, y mae'n gyfarfod y gwahodddwyd aelodau o ddau grŵp o'r fath o leiaf iddo, neu
 - (bb) os na rannwyd yr awdurdod yn y fath fodd, y mae'n gyfarfod y gwahodddwyd o leiaf ddau aelod o'r awdurdod iddo;
 - (iii) presenoldeb mewn cyfarfod o unrhyw gymdeithas o awdurdodau y mae'r awdurdod yn aelod ohono; a
 - (iv) presenoldeb mewn unrhyw ddigwyddiad hyfforddi neu ddatblygu a gymeradwywyd gan yr awdurdod.
- (b) unrhyw ddyletswyddau yr ymgwymerir â hwy ar ran yr awdurdod -
- (i) yn unol ag unrhyw Reol Sefydlog sy'n ei gwneud yn ofynnol i aelod neu aelodau fod yn bresennol pan fydd dogfennau tendro yn cael eu hagar;
 - (ii) mewn cysylltiad â chyflawni unrhyw swyddogaeth yr awdurdod a roddwyd gan neu o dan unrhyw ddeddfiad ac sy'n rhoi'r pŵer i'r awdurdod, neu'n ei gwneud yn ofynnol iddo, archwilio neu awdurdodi archwiliad o dir ac adeiladau; ac
 - (c) unrhyw ddyletswydd arall a gymeradwyir gan yr awdurdod, neu unrhyw ddyletswydd arall o ddosbarth a gymeradwyir felly, yr ymgwymerir â hi at ddibenion cyflawni swyddogaethau'r awdurdod neu unrhyw un o'i bwyllgorau neu is-bwyllgorau, neu mewn cysylltiad â chyflawni swyddogaethau o'r fath.

(2) Y dyletswyddau a eithrir gan y paragraff hwn yw'r dyletswyddau hynny y mae aelod yn derbyn tâl amdanynt heblaw o dan Ran II.

Lwfansau i fynd i gynadleddau a chyfarfodydd - cyfyngiadau ariannol ar lwfansau o dan adran 175 o Ddeddf 1972

10. Rhaid i unrhyw daliad o lwfans o dan adran 175 o Ddeddf 1972 sydd o natur lwfans presenoldeb (heblaw taliad o'r fath i aelod sydd yn gynghorydd gan awdurdod y mae Rhan II o'r Rheoliadau hyn yn gymwys iddo) beidio â bod yn fwy na £32.46 am unrhyw gyfnod nad yw'n fwy na 24 awr ac i'r diben hwn mae cyfnod o 24 awr yn dechrau am 3am.

Lwfansau teithio a chynhaliath

11.-(1) Yn ddarostyngedig i baragraff (2), bydd gan aelod hawl i gael taliadau drwy lwfans teithio neu lwfans cynhaliath ar gyfraddau y penderfynir arnynt bob blwyddyn gan yr awdurdod pan fydd gwariant ar

or a sub-committee of such a joint committee, provided that -

- (aa) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (bb) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (iii) attendance at a meeting of any association of authorities of which the authority is a member; and
 - (iv) attendance at any training or developmental event approved by the authority.
- (b) any duties undertaken on behalf of the authority -
- (i) in pursuance of any Standing Order requiring a member or members to be present while tender documents are opened;
 - (ii) in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
 - (c) any other duty approved by an authority, or any duty of a class so approved, for the purpose of, or in connection with the discharge of its functions, or any of its committees or sub-committees.

(2) The duties excluded by this paragraph are those in respect of which the member receives remuneration otherwise than under Part II.

Allowances for attending conferences and meetings - financial restrictions on allowances under section 175 of the 1972 Act

10. Any payment of an allowance under section 175 of the 1972 Act in the nature of an attendance allowance (other than such a payment by an authority to which Part II of these Regulations applies to a member who is a councillor) shall not exceed £32.46 for any period not exceeding 24 hours and for this purpose a period of 24 hours shall begin at 3am.

Travel and subsistence allowances

11.-(1) Subject to paragraph (2), a member shall be entitled to receive payments by way of travel allowance or subsistence allowance at rates determined each year by the authority where expenditure on travel

deithio neu gynhaliath yn cael ei dynnu o raid gan yr aelod hwnnw wrth iddo gyflawni dyletswydd wedi'i chymeradwyo fel aelod o'r awdurdod.

(2) Ni fydd cyfraddau'r lwfans a benderfynir am flwyddyn o dan baragraff (1) ar gyfer teithio mewn car modur preifat yn fwy na chyfraddau'r lwfansau cyfatebol am y flwyddyn honno sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru ar yr amod, os bydd cyfradd unrhyw lwfans o'r fath ar y diwrnod yn union cyn y diwrnod y daw'r Rheoliadau hyn i rym eisoes yn fwy na chyfradd y lwfans cyfatebol sy'n daladwy am y flwyddyn honno i aelodau Cynulliad Cenedlaethol Cymru, caiff cyfradd y lwfans hwnnw barhau ar y lefel honno ond ni chaiff ei chynyddu hyd nes y bydd cyfradd y lwfans cyfatebol sy'n daladwy i aelodau Cynulliad Cenedlaethol Cymru yn fwy na'r hyn a delir gan yr awdurdod.

(3) Rhaid i dderbynebau priodol gyd-fynd ag unrhyw hawliad am daliad lwfansau teithio a chynhaliath yn unol â'r Rheoliadau hyn (gan eithrio hawliadau am deithio mewn cerbyd modur preifat) sy'n profi treuliau gwirioneddol, yn ddarostyngedig i unrhyw ofyniad neu gyfyngiad y gall awdurdod benderfynu arnynt.

(4) Ni fydd gan aelod yr hawl i unrhyw daliad o dan y Rheoliad hwn mewn perthynas â chyflawni, fel aelod o'r fath, ddyletswydd wedi'i chymeradwyo o fewn y gymuned, neu yn achos cymuned sy'n un o grŵp o dan yngor cymuned, o fewn ardal y grŵp hwnnw.

RHAN V

Trefniadau Gweinyddol

Osgoi dyblygu

12.-(1) Rhaid i hawliad am daliad drwy lwfans presenoldeb, lwfans colled ariannol, lwfansau ar gyfer mynd i gynadleddau a chyfarfodydd, lwfansau teithio a lwfansau cynhaliath gynnwys datganiad, neu fod datganiad yn cyd-fynd â'r hawliad, wedi'i lofnodi gan yr aelod nad yw wedi gwneud ac na fydd yn gwneud unrhyw hawliad arall mewn perthynas â'r mater y mae'r hawliad yn ymwneud ag ef.

(2) Ni wneir taliad i berson o dan unrhyw ddarpariaeth o adran 176 o Ddeddf 1972 mewn perthynas â mater y gwnaed taliad yn ei gylch i'r person hwnnw yn unol â'r Rheoliadau hyn.

(3) Ni fydd gan berson sydd, yn y cyfnod a grybwyllir yn rheoliad 5 neu reoliad 6 -

- (a) yn cyflawni dyletswydd wedi'i chymeradwyo neu ddyletswyddau wedi'u cymeradwyo fel aelod o fwy nag un corff,
- (b) yn cyflawni dwy ddyletswydd wedi'i chymeradwyo neu fwy i'r un corff, neu
- (c) â hawl i lwfans o dan adran 173 o Ddeddf 1972 ac i daliad o lwfans gymharol o dan unrhyw

or subsistence is necessarily incurred by that member in the performance of an approved duty as a member of the authority.

(2) The rates of allowance determined for a year under paragraph (1) for travel by means of a private motor vehicle shall not exceed the rates of the equivalent allowances payable for that year to members of the National Assembly for Wales provided that, where the rate of any such allowance on the day immediately before the day on which these Regulations come into force is already in excess of the rate of the equivalent allowance payable for that year to members of the National Assembly for Wales, the rate of that allowance may continue at that level but shall not be increased until the rate of the equivalent allowance payable to members of the National Assembly for Wales is greater than that paid by the authority.

(3) Any claim for payment of travel and subsistence allowances in accordance with these Regulations (excluding claims for travel by means of a private motor vehicle) shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that an authority may determine.

(4) A member shall not be entitled to any payment under this Regulation in respect of the performance as such a member of an approved duty within the community, or in the case of a community grouped under a community council, the area of that group.

PART V

Administrative Arrangements

Avoidance of duplication

12.-(1) A claim for a payment by way of attendance allowance, financial loss allowance, allowances for attending conferences and meetings, travel allowance and subsistence allowance shall include, or be accompanied by, a statement signed by the member that the member has not made and will not make any other claim in respect of the matter to which the claim relates.

(2) No payment shall be made to a person under any provision of section 176 of the 1972 Act in respect of a matter as regards which a payment has been made to that person pursuant to these Regulations.

(3) A person who, in a period mentioned in regulation 5 or regulation 6 -

- (a) performs an approved duty or approved duties as a member of more than one body,
- (b) performs two or more approved duties for the same body, or
- (c) is entitled to an allowance under section 173 of the 1972 Act and to a payment of a comparable

ddeddfiad arall,

yr hawl i daliadau o dan yr adran honno sydd yn eu cyfanswm yn fwy na'r swm a ragnodir gan reoliadau 5 neu 6 fel y bo'n briodol am y cyfnod hwnnw.

(4) Caiff corff sy'n talu lwfans o dan adran 173 o Ddeddf 1972 i berson am ddyletswydd wedi'i chymeradwyo fel y'i disgrifir ym mharagraff (3) ostwng swm y lwfans hwnnw gan swm unrhyw lwfans arall o dan adran 173 neu unrhyw lwfans cymharol o dan unrhyw ddeddfiad a delir gan gorff arall.

Cofnodion o'r lwfansau

13.-(1) Rhaid i bob awdurdod gadw cofnod o daliadau a wneir ganddo yn unol â'r Rheoliadau hyn.

(2) Rhaid i gofnod o'r fath nodi enw'r derbynnydd a swm a natur pob taliad a rhaid trefnu ei fod ar gael, ar bob adeg resymol, i'w archwilio (yn ddi-dâl) gan unrhyw etholwr llywodraeth leol (o fewn ystyr "*local government elector*" yn adran 270(1) o Ddeddf 1972) yn ardal yr awdurdod.

(3) Caiff person sydd â hawl i archwilio cofnod o dan baragraff (2) ofyn am gopi o unrhyw ran ohono ar ôl talu ffi resymol a all fod yn ofynnol gan yr awdurdod.

Cyhoeddusrwydd

14. Cyn gynted ag y bydd yn ymarferol ar ôl diwedd blwyddyn ariannol, rhaid i bob awdurdod wneud trefniadau i gyhoeddi o fewn ardal yr awdurdod y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod mewn perthynas â lwfans presenoldeb a lwfans colled ariannol.

RHAN VI

Dirymiadau ac arbedion

Dirymiadau ac arbedion

15.-(1) Bydd Rheoliadau 1991 a Rheoliadau 2001 yn parhau i gael effaith heb ragfarn i adran 16 o Ddeddf Dehongli 1978(a), mewn perthynas â hawliadau a wneir am lwfansau neu daliadau eraill mewn perthynas â dyletswyddau a gyflawnwyd cyn 1 Ebrill 2003.

(2) Yn ddarostyngedig i baragraff (1) dirymir Rheoliadau 1991 a Rheoliadau 2001 drwy hyn i'r graddau yr oeddent yn gymwys i gynghorau cymuned.

(3) Ni fydd adran 174 o Ddeddf 1972 yn gymwys i gynghorau cymuned.

allowance under any other enactment,

shall not be entitled to payments under that section which in total exceed the amount prescribed by regulations 5 or 6 as appropriate for that period.

(4) A body paying an allowance under section 173 of the 1972 Act to a person for an approved duty as described in paragraph (3) may reduce the amount of that allowance by the amount of any other allowance under section 173 or any comparable allowance under any enactment paid by another body.

Records of allowances

13.-(1) Every authority shall keep a record of the payments made by it in accordance with these Regulations.

(2) Such record shall specify the name of the recipient and the amount and nature of each payment and shall be kept available, at all reasonable times, for inspection (free of charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority.

(3) A person who is entitled to inspect a record under paragraph (2) may request a copy of any part of it upon payment of such reasonable fee as may be required by the authority.

Publicity

14. As soon as practicable after the end of a financial year every authority shall make arrangements for the publication within the authority's area of the total sum paid by it in that year to each member in respect of attendance allowance and financial loss allowance.

PART VI

Revocations and savings

Revocations and savings

15.-(1) The 1991 Regulations and the 2001 Regulations shall continue to have effect without prejudice to section 16 of the Interpretation Act 1978(a), in relation to claims made for allowances or other payments in respect of duties performed before 1st April 2003.

(2) Subject to paragraph (1) the 1991 Regulations and the 2001 Regulations are hereby revoked in so far as they applied to community councils.

(3) Section 174 of the 1972 Act shall not apply to community councils.

(a) 1978 p. 30.

(a) 1978 c. 30.

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

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

26 Mawrth 2003

26th March 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

OFFERYNNAU STATUDOL

2003 Rhif 895 (Cy.115)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau Cynghorau
Cymuned) (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 895 (W.115)

**LOCAL GOVERNMENT,
WALES**

The Local Authorities (Allowances
for Members of Community
Councils) (Wales) Regulations
2003

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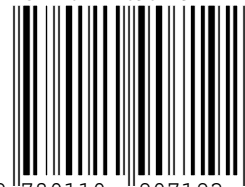
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