

OFFERYNNAU STATUDOL CYMRU

2020 No. 442

Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020

RHAN 4

Addasu gofynion ynglŷn â mynediad i'r cyhoedd

Mynediad i gyfarfodydd awdurdodau lleol penodol ac at ddogfennau perthynol

21.—(1) Mae Rhan 5A(1) o Ddeddf 1972 yn cael effaith fel y nodir yn y rheoliad hwn mewn perthynas â chyfarfod o awdurdod lleol y mae'r Rhan honno yn gymwys iddo (yn rhinwedd unrhyw ddeddfiad), a gynhelir cyn diwedd 30 Ebrill 2021.

(2) Mae adran 100A i'w darllen fel pe bai—

- (a) is-adran (1) wedi ei hepgor;
- (b) ym mhob un o is-adrannau (2) a (4), “Where a meeting is open to the public,” wedi ei fewnosod ar y dechrau;
- (c) yn is-adran (5), “the meeting is not to be open” wedi ei roi yn lle “this section does not require the meeting to be open”;
- (d) yn is-adran (6)—
 - (i) y canlynol wedi ei roi yn lle paragraff (a)—

“(a) public notice of the time of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be given by publishing it electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable;”;

(ii) paragraff (c) wedi ei hepgor.

(3) Mae adran 100B i'w darllen fel pe bai—

- (a) yn is-adran (1), “published electronically” wedi ei roi yn lle “open to inspection by members of the public at the offices of the council”;
- (b) yn is-adran (2), y canlynol wedi ei roi yn lle “items during which, in his opinion, the meeting is likely not to be open to the public”,
“—
 - (a) if the meeting is to be open to the public, items during which, in the proper officer's opinion, the meeting is likely not to be open to the public by virtue of section 100A(2) or (4), or
 - (b) if the meeting is not to be open to the public other than by virtue of section 100A(2) or (4), items during which, in the proper officer's opinion,

it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.”;

(c) yn is-adran (3)—

- (i) “published electronically” wedi ei roi yn lle “open to inspection”;
- (ii) “so published” wedi ei roi yn lle “so open”;
- (iii) ym mharagraff (a), “published electronically as soon as reasonably practicable” wedi ei roi yn lle “open to inspection from the time the meeting is convened”;
- (iv) y canlynol wedi ei roi yn lle paragraff (b)—
 - “(b) where an item is added to an agenda which has been published electronically, the item (or the revised agenda), and any report for the meeting relating to the item, must be published electronically when the item is added to the agenda.”;
- (v) “published electronically” wedi ei roi yn lle “open to inspection by the public”;

(d) yn is-adran (4)(a)—

- (i) “published electronically in pursuance of subsection (1) above” wedi ei roi yn lle “open to inspection by members of the public in pursuance of subsection (1) above for”;
- (ii) “as soon as reasonably practicable” wedi ei roi yn lle “from the time the meeting is convened”;

(e) yn is-adran (5)—

- (i) “published electronically” wedi ei roi yn lle “open to inspection by the public”;
- (ii) ym mharagraff (b), “, or would be likely, by virtue of section 100A(4)” wedi ei roi ar ôl “are likely”;

(f) is-adrannau (6) i (8) wedi eu hepgor.

(4) Mae Rhan 5A i’w darllen fel pe bai’r canlynol wedi ei roi yn lle adran 100C—

“100C Inspection of minutes and other documents after meetings

(1) Subsections (2) and (3) apply in relation to a meeting of a principal council held before the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(2) Until the expiration of the period of six years beginning with the date of a meeting of a principal council to which this subsection applies, a copy of the following documents must, so far as reasonably practicable, be supplied on request to a member of the public—

- (a) the minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
- (b) where applicable, a summary under subsection (2) of this section as it had effect immediately before the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 came into force,
- (c) the agenda for the meeting, and
- (d) so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(3) A principal council may charge a reasonable fee for providing a document under subsection (2).

(4) Subsections (5) to (9) apply in relation to a meeting of a principal council held after the coming into force of the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020.

(5) As soon as reasonably practicable after a meeting of a principal council to which this subsection applies, and in any event before the end of the period of five working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interests;
- (c) any decisions taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

(6) The following documents are to be published electronically as soon as reasonably practicable after a meeting of a principal council to which this subsection applies—

- (a) the minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information;
- (b) where applicable, a summary under subsection (9) below;
- (c) the final agenda for the meeting (if not already published electronically under section 100B);
- (d) so much of any report for the meeting as does not relate to an item during which the meeting was not open to the public (if not already published electronically under section 100B).

(7) Anything published electronically under this section or section 100B must remain accessible electronically by members of the public.

(8) In subsections (5)(c) and (6)(a) and (d), references to a period when, or during which, a meeting was not open to the public are, if the meeting was not open to the public other than by virtue of section 100A(2) or (4), references to a period when, or during which, in the proper officer's opinion, it is likely the meeting would not have been open to the public by virtue of section 100A(2) or (4), had section 100A(1) applied.

(9) Where, in consequence of the exclusion of parts of the minutes which disclose exempt information, a document to be published under subsection (6)(a) does not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, the proper officer must make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.”

(5) Mae Rhan 5A i'w darllen fel pe bai adran 100D wedi ei hepgor; ond rhaid i'r prif gyngor gadw'r papurau cefndir ar gyfer adroddiad ar gyfer cyfarfod (o fewn ystyr yr adran honno) am gyfnod o bedair blynedd o leiaf gan ddechrau ar ddyddiad y cyfarfod y maent yn ymwneud ag ef.

(6) Yn adran 100E, mae is-adran (2) i'w darllen fel pe bai—

- (a) “100C” wedi ei roi yn lle “100D”;
- (b) ym mharagraff (a), “published electronically on the website of every constituent council” wedi ei roi yn lle'r geiriau o “given by posting it” hyd at y diwedd;
- (c) paragraffau (b) ac (c) wedi eu hepgor.

(7) Mae adran 100F i'w darllen fel pe bai—

- (a) yn is-adran (1), “so far as reasonably practicable be supplied on request to” wedi ei roi yn lle “be open to inspection by”;
- (b) “supplied” wedi ei roi yn lle pob cyfeiriad arall at “open to inspection”.

- (8) Mae adran 100H i’w darllen fel pe bai—
- (a) yn is-adran (1), “section 100G to be open to inspection is to be open to inspection at all reasonable hours and without payment” wedi ei roi yn lle’r geiriau o “any provision of this Part” hyd at y diwedd;
 - (b) yn is-adran (2), “section 100G” wedi ei roi yn lle “any provision of this Part”;
 - (c) y canlynol wedi ei fewnosod ar ôl is-adran (3)—
“(3A) Provisions in this Part which require the publication or supply of documents do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a principal council, nothing done in pursuance of those provisions shall constitute an infringement of the copyright.”;
 - (d) is-adran (4) wedi ei hepgor;
 - (e) yn is-adran (5), “is published electronically or supplied to a member of the public in accordance with this Part,” wedi ei roi yn lle paragraffau (a) a (b);
 - (f) yn is-adran (6), paragraffau (b), (c) ac (e) wedi eu hepgor;
 - (g) yn is-adran (7), “or otherwise access” wedi ei fewnosod ar ôl “inspect”.
- (9) Mae adran 100J(3) i’w darllen fel pe bai “, (cd), (d), (f)” wedi ei hepgor.

Gwybodaeth Cychwyn

II Rhl. 21 mewn grym ar 22.4.2020, gweler [rhl. 1\(3\)](#)

Newidiadau i ddeddfwriaeth:

Mae newidiadau yn dal heb eu gwneud i Rheoliadau Awdurdodau Lleol (Coronafeirws) (Cyfarfodydd) (Cymru) 2020. Mae unrhyw newidiadau sydd wedi cael eu gwneud yn barod gan y tîm yn ymddangos yn y cynnwys a chyfeirir atynt gydag anodiadau.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. inserted by [S.I. 2020/653 reg. 5\(2\)](#)
- reg. 9(3) inserted by [S.I. 2020/653 reg. 2](#)
- reg. 24 inserted by [S.I. 2020/653 reg. 3](#)
- reg. 25 inserted by [S.I. 2020/653 reg. 4](#)
- reg. 26 inserted by [S.I. 2020/653 reg. 5\(1\)\(b\)](#)