OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2022 Rhif 423 (Cy. 104)

2022 No. 423 (W. 104)

LLYWODRAETH LEOL, CYMRU

LOCAL GOVERNMENT, WALES

Rheoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) (Diwygio) 2022

The General Power of Competence (Commercial Purpose) (Conditions) (Wales) (Amendment) Regulations 2022

NODYN ESBONIADOL

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

Mae adran 24 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 ("y Ddeddf") yn rhoi pŵer cymhwysedd cyffredinol i brif gynghorau a chynghorau cymuned cymwys. Yn benodol, mae'r pŵer cymhwysedd cyffredinol yn rhoi i'r awdurdodau hynny bŵer i wneud pethau penodol at ddiben masnachol.

Mae'r pŵer i wneud pethau at ddiben masnachol yn ddarostyngedig i amodau a nodir yn adran 27 o'r Ddeddf. O dan adran 27(2), wrth arfer y pŵer cyffredinol at ddiben masnachol rhaid gwneud hynny drwy gyfrwng cwmni.

Mae adran 28(4) o'r Ddeddf yn darparu pŵer i Weinidogion Cymru i ddarparu, drwy reoliadau, y bydd arfer y pŵer cyffredinol yn ddarostyngedig i amodau ychwanegol.

Mae Rheoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) 2021 ("Rheoliadau 2021") yn rhagnodi'r amodau sydd i'w bodloni gan brif gyngor cyn arfer y pŵer cyffredinol at ddiben masnachol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 24 of the Local Government and Elections (Wales) Act 2021 ("the Act") confers a general power of competence on principal councils and eligible community councils. In particular, the general power of competence confers on those authorities a power to do certain things for a commercial purpose.

The power to do things for a commercial purpose is subject to conditions set out in section 27 of the Act. Under section 27(2), the exercise of the general power for a commercial purpose must be done through a company.

Section 28(4) of the Act provides a power for the Welsh Ministers to provide, by regulations, for the exercise of the general power to be subject to additional conditions.

The General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021 ("the 2021 Regulations") prescribe the conditions to be met by a principal council before exercising the general power for a commercial purpose.

Mae rheoliad 2 o'r Rheoliadau hyn yn diwygio rheoliad 1(2) o Reoliadau 2021 i gynnwys cynghorau cymuned cymwys o fewn ystyr "awdurdod". Effaith hyn yw estyn cymhwysiad Rheoliadau 2021 i gynghorau cymuned cymwys o 5 Mai 2022, sef y dyddiad y caniateir iddynt ddechrau arfer y pŵer cymhwysedd cyffredinol, gan gynnwys at ddiben masnachol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Democratiaeth Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Regulation 2 of these Regulations amends regulation 1(2) of the 2021 Regulations to include eligible community councils within the meaning of "authority". This has the effect of extending the application of the 2021 Regulations to eligible community councils from 5 May 2022 which is the date from which they may exercise the general power of competence, including for a commercial purpose.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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LLYWODRAETH LEOL, CYMRU

Rheoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) (Diwygio) 2022

Gwnaed	*4 Ebrill 2022*
Gosodwyd gerbron Senedd Cymru	*6 Ebrill 2022*
Yn dod i rym	*5 Mai 2022*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 28(4), (5)(b) a (6)(c) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021(**1**).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) (Diwygio) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 5 Mai 2022.

Diwygio Rheoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) 2021

2. Yn rheoliad 1(2) (enwi, cychwyn a dehongli) o Reoliadau'r Pŵer Cymhwysedd Cyffredinol (Diben Masnachol) (Amodau) (Cymru) 2021(**2**), yn y diffiniad o "awdurdod", ar y diwedd mewnosoder "neu gyngor cymuned cymwys o fewn ystyr adran 30(1) o Ddeddf 2021".

(**1**) 2021 dsc 1.
(**2**) O.S. 2021/1166 (Cy. 288).

WELSH STATUTORY INSTRUMENTS

2022 No. 423 (W. 104)

LOCAL GOVERNMENT, WALES

The General Power of Competence (Commercial Purpose) (Conditions) (Wales) (Amendment) Regulations 2022

Made	*4 April 2022*
Laid before Senedd Cymru	*6 April 2022*
Coming into force	*5 May 2022*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 28(4), (5)(b) and (6)(c) of the Local Government and Elections (Wales) Act 2021(**1**).

Title and commencement

1.—(1) The title of these Regulations is the General Power of Competence (Commercial Purpose) (Conditions) (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 5 May 2022.

Amendment of the General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021

2. In regulation 1(2) (title, commencement and interpretation) of the General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021(**2**), in the definition of "authority", at the end insert "or an eligible community council within the meaning of section 30(1) of the 2021 Act".

(**1**) 2021 asc 1.
(**2**) S.I. 2021/1166 (W. 288).

Rebecca Evans

Y Gweinidog Cyllid a Llywodraeth Leol, un o Weinidogion Cymru
4 Ebrill 2022

Minister for Finance and Local Government, one of the Welsh Ministers
4 April 2022

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