



Mesur Llywodraeth Leol (Cymru) 2011

2011 mccc 4

RHAN 7

CYMUNEDAU A CHYNGHORAU CYMUNED

PENNOD 1

CYFARFODYDD CYMUNEDOL A PHLEIDLEISIO CYMUNEDOL

88 Cynnull cyfarfodydd cymunedol gan etholwyr llywodraeth leol

(1) Diwygir paragraff 30 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 fel a ganlyn—

(a) yn lle is-baragraff (1) rhodder—

“(1) Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.”;

(b) yn is-baragraff (2), yn lle “any community meeting” rhodder “a community meeting convened under sub-paragraph (1) above”;

(c) yn is-baragraffau (3) a (4), yn lle “a community meeting” rhodder “a community meeting convened under sub-paragraph (1) above”;

(d) yn is-baragraff (3), yn lle “any of the matters mentioned in section 29B(4) of this Act” rhodder “the existence of the community council or the grouping of the community with other communities”;

(e) ar ddiwedd y paragraff, mewnosoder—

“(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

(2) Ar ôl paragraff 30 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30A A community meeting may also be convened at any time by not less than—
- (a) 10% of the local government electors for the community, or
 - (b) 50 of the electors (if 10% of the electors exceeds 50 electors).”.

89 Hysbysiad am gyfarfod cymunedol a gafodd ei gynnull gan etholwyr llywodraeth leol

Ar ôl paragraff 30A o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“30B (1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—

- (a) in a case where there is a community council for the community, to the community council, or
- (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.

(2) The notice must contain—

- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
- (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
- (c) the business which is proposed to be transacted at the meeting;
- (d) the proposed time and place at which the meeting is to be held.

(3) The notice must—

- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
- (b) where it is given under sub-paragraph (1)(b) above, be—
 - (i) in writing (but not in an electronic form), or
 - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.

(4) In sub-paragraph (2) above—

- (a) “address” means the individual’s qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;
- (b) “signature” means—
 - (i) where a notice is in writing, an individual’s signature or, if the individual cannot give a signature, a signature given on the individual’s behalf by a duly authorised individual

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- who, in giving that signature, declares that he or she is so authorised;
- (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual’s name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
- (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.”.

90 Y cyfleuster ar gyfer darparu hysbysïadau electronig am gynnull cyfarfodydd cymunedol

Ar ôl paragraff 30B o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30C (1) A principal council must provide a facility so that notices under paragraph 30B(1)(b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice; and
- (b) the other technical requirements to be met by and in relation to an electronic notice.”.

91 Camau gweithredu ar ôl cael hysbysiad am gynnull cyfarfod cymunedol

Ar ôl paragraff 30C o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30D (1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—
- (a) whether the group of individuals to whom the notice relates is comprised of—
- (i) at least 50 local government electors for the community in question, or

- (ii) at least 10% of the local government electors for the community in question, and
 - (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
 - (b) the notice meets the requirements of paragraph 30B above,
- the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6) (a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.”

92 Hysbysiad cyhoeddus am gyfarfod cymunedol

Ar ôl paragraff 30D o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “30E (1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.

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- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
 - (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.”.

93 Galw am bleidleisio cymunedol

Yn lle is-baragraff (4) o baragraff 34 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless—
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
 - (b) the electors demanding a poll constitute not less than—
 - (i) 10% of the local government electors for the community, or
 - (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).”.

94 Hysbysiad sydd i'w roi gan y swyddog canlyniadau ar ôl cymryd pleidlais o ganlyniad i gyfarfod cymunedol

Ar ôl paragraff 38 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “38A (1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.
 - (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—
 - (a) the question posed by the poll, and
 - (b) the fact that that a majority of those voting were in favour of that question.
 - (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.

- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

95 Penderfyniad swyddog monitro o ran y cyngor y mae'r pleidleisio'n ymwneud â'i swyddogaethau

- (1) Ar ôl paragraff 38A o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“38B (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer’s opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.

- (2) Those descriptions are—
 - (a) a question which relates only to the functions of the principal council,
 - (b) a question which relates only to the functions of a community council for the relevant community,
 - (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.
- (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).
- (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2) (b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).
- (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—
 - (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
 - (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (6) A notice required to be given by this paragraph must—

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- (a) be given in writing,
- (b) be given as soon as is reasonably practicable after the date of determination, and
- (c) include the monitoring officer’s reasons for the determination to which the notice relates.”.

(2) Ar ôl is-adran (8A) o adran 5 o Ddeddf Llywodraeth Leol a Thai 1989 (dynodi gan swyddog monitro ac adroddiadau ganddo) mewnosoder y canlynol—

“(8B) Any reference in this section to the duties of a monitoring officer imposed by this section, or to the duties of a monitoring officer under this section, shall include a reference to duties conferred on a monitoring officer by paragraph 38B of Schedule 12 to the Local Government Act 1972 (duties of monitoring officer for principal council in Wales in relation to polls consequent on community meetings).”.

96 Ystyried canlyniad pleidleisio cymunedol gan gyngor cymuned

Ar ôl paragraff 26 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “26A (1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
- (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.
- (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.”.

97 Y camau gweithredu sydd i'w cymryd yn dilyn ystyriaeth gan gyngor cymuned o ganlyniadau pleidleisio cymunedol penodol

Ar ôl paragraff 29 o Atodlen 12 i Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “29A (1) This paragraph applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
 - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and
 - (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.

- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
 - (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
 - (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.
- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
 - (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
 - (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—

“anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6) (a) below;

“relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;

“relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.”.

98 Prif gyngor yn ystyried canlyniad pleidleisio cymunedol

Ar ôl adran 33A o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

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“33B Principal council’s response to a community poll

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council’s functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
 - (a) to exercise the council’s functions in accordance with the question in relation to which the poll was taken;
 - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
 - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;
 - (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
 - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
 - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.”.

99 Prif gyngor yn egluro'i ymateb i bleidleisio cymunedol

Ar ôl adran 33B o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“33C Principal council’s explanation of its response to a community poll

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—

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- (a) describes what action the council has taken in response to the community poll to which the notice relates; and
 - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
- (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
 - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with sub-paragraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.”.

PENNOD 2

TREFNIADAETH CYMUNEDAU A'U CYNGHORAU

100 Diddymu darpariaethau presennol ynghylch sefydlu a diddymu cyngorau cymuned etc

Hepgorer adrannau 28 i 29B o Ddeddf Llywodraeth Leol 1972.

101 Pŵer cyfarfod cymunedol i wneud cais am orchymyn i sefydlu cyngor cymuned

Ar ôl adran 27 o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27A Power of community meeting to apply for an order establishing a community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.

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- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

102 Gorchmynion i sefydlu cynghorau cymuned ar wahân ar gyfer cymunedau

Ar ôl adran 27A o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27B Orders establishing separate community councils for communities

- (1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27A are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless—
 - (a) the community is separated from the group, or
 - (b) the group is dissolved,by the order, or by an order under section 27J or section 27L below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to

the principal council to be necessary for the alteration of the group's community council.”.

103 Pŵer cyfarfod cymunedol i wneud cais am orchymyn i ddiddymu ei gyngor cymuned ar wahân

Ar ôl adran 27B o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27C Power of community meeting to apply for an order dissolving its separate community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

104 Gorchmynion i ddiddymu cynghorau cymuned ar wahân ar gyfer cymunedau

Ar ôl adran 27C o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27D Orders dissolving separate community councils for communities

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27C are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for.”.

105 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn grwpio ei gymuned ynghyd â chymunedau eraill o dan gyngor cymuned cyffredin

Ar ôl adran 27D o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27E Power of community meeting to apply for an order grouping its community with other communities under a common community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.
- (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

106 Gorchmynion yn grwpio cymuned ynghyd â chymunedau eraill o dan gyngor cymuned cyffredin

Ar ôl adran 27E o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27F Orders grouping a community with other communities under a common community council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community

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with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.

- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27E are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
 - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
 - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

107 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn ychwanegu ei gymuned at grŵp o gymunedau a chanddynt gyngor cyffredin

Ar ôl adran 27F o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27G Power of community meeting to apply for an order adding its community to a group of communities with a common council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.

Statws This is the original version (as it was originally enacted).

- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than—
 - (a) 10% of the local government electors for the community, or
 - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).
- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

108 Gorchmynion yn ychwanegu cymuned at grŵp o gymunedau a chanddynt gyngor cyffredin

Ar ôl adran 27G o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27H Orders adding a community to a group of communities with a common council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27G are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.

- (5) The order shall—
- (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
 - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) The order may provide for any necessary adaptations of this Act in relation to the group of communities.”.

109 Pŵer cyngor dros grŵp o gymunedau i wneud cais am orchymyn yn diddymu'r grŵp

Ar ôl adran 27H o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27I Power of council for a group of communities to apply for an order dissolving the group

- (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.
- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

110 Gorchmynion yn diddymu grŵp o gymunedau

Ar ôl adran 27I o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27J Orders dissolving a group of communities

- (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether is it satisfied that—
 - (a) the conditions in section 27I are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the People Act 1983.”.

111 Pŵer cyfarfod cymunedol i wneud cais am orchymyn yn gwahanu cymuned oddi wrth grŵp o gymunedau

Ar ôl adran 27J o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27K Power of community meeting to apply for an order separating community from a group of communities

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.
- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
 - (a) 30% of the local government electors for the community, or
 - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).

- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.”.

112 Gorchmynion yn gwahanu cymuned oddi wrth grŵp o gymunedau

Ar ôl adran 27K o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27L Orders separating a community from a group of communities

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether it is satisfied that—
 - (a) the conditions in section 27K are met, and
 - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the People Act 1983.”.

113 Pŵer Gweinidogion Cymru i newid trothwy pleidleisio mewn cysylltiad â threfniadaeth cynghorau cymuned

Ar ôl adran 27L o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils

- (1) The Welsh Ministers may by order amend the following provisions of this Act—
 - (a) section 27A(3) and (6);
 - (b) section 27C(3) and (6);
 - (c) section 27E(3) and (6);
 - (d) section 27G(3), (4), (6) and (7);
 - (e) section 27I(3) and (6);
 - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
 - (a) principal councils in Wales or a body representative of such councils, and

Statws This is the original version (as it was originally enacted).

- (b) community councils in Wales or a body representative of such councils.
- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (1) 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.”.

114 Trefniadaeth cymunedau a'u cynghorau: diwygiadau canlyniadol

- (1) Diwygir Deddf Llywodraeth Leol 1972 fel a ganlyn—
 - (a) yn adran 30(5), yn lle “under section 28, 29 or 29A” rhodder “referred to in section 27B, 27D, 27F, 27H, 27J or 27L”;
 - (b) yn adran 31—
 - (i) yn y pennawd, yn lle “27 to 29” rhodder “27A to 27L”;
 - (ii) yn isadran (1), yn lle “28, 29 or 29A” rhodder “27B, 27D, 27F, 27H, 27J or 27L”;
 - (c) yn adran 255(1), yn lle “28, 29 or 29A” rhodder “27B, 27D, 27F, 27H, 27J or 27L”.

115 Darpariaeth drosiannol

Nid yw adrannau 88(1)(d) ac (e), 100 i 112, ac adran 114 (“darpariaethau Pennod 2”) yn gymwys mewn perthynas â'r canlynol—

- (a) cais a wneir o dan adran 28, 29 neu 29A o Ddeddf Llywodraeth Leol 1972 cyn y dyddiad y daw darpariaethau Pennod 2 i rym; a
- (b) cais a wneir ar ôl y dyddiad hwnnw ond y cynhaliwyd pleidlais fel y cyfeirir ati yn adran 29B(4) cyn y dyddiad y daw darpariaethau Pennod 2 i rym.

PENNOD 3

CYFETHOL AELODAU O GYNGHORAU CYMUNED

116 Gofyniad am hysbysiad cyhoeddus pan fo seddau gwag aelodau cynghorau cymuned i'w llenwi drwy gyfethol

- (1) Mae'r adran hon yn gymwys i'r swyddogaethau a ganlyn—
 - (a) pŵer aelodau cyngor cymuned o dan adran 21(2)(a) o Ddeddf Cynrychiolaeth y Bobl 1985 i gyfethol person i lenwi sedd wag yn aelodaeth y cyngor (y pŵer i gyfethol os nad oes digon o enwebiadau i lenwi seddau gwag y cynhelir etholiad mewn cysylltiad â hwy);
 - (b) unrhyw un neu ragor o bwerau neu ddyletswyddau cyngor cymuned o dan reolau a wnaed o dan adran 36(2) o Ddeddf Cynrychiolaeth y Bobl 1983 i gyfethol person i lenwi sedd wag achlysurol yn aelodaeth y cyngor.
- (2) Rhaid peidio ag arfer swyddogaeth y mae'r adran hon yn gymwys iddi onid oes hysbysiad cyhoeddus wedi ei roi am y sedd wag neu'r seddau gwag o dan sylw.
- (3) Rhaid i'r hysbysiad cyhoeddus gael ei roi—

- (a) yn achos y pŵer i gyfethol y cyfeirir ato yn isadran (1)(a), gan unrhyw un o aelodau'r cyngor cymuned a awdurdodwyd at y diben hwnnw gan fwyafrif o'r aelodau eraill;
 - (b) yn achos y pŵer neu'r ddyletswydd i gyfethol y cyfeirir atynt yn is-adran (1)(b), gan y cyngor cymuned.
- (4) Mae adran 232 o Ddeddf Llywodraeth Leol 1972 (hysbysiadau cyhoeddus) yn gymwys ar gyfer rhoi hysbysiad cyhoeddus gan aelod o gyngor cymuned o dan is-adran (3)(a) fel y mae'n gymwys i roi hysbysiad cyhoeddus gan gyngor cymuned o dan is-adran (3)(b).
- (5) Rhaid i'r hysbysiad cyhoeddus gynnwys—
- (a) manylion cyswllt unigolyn y gellir cael gwybodaeth bellach ganddo am y sedd wag neu'r seddau gwag o dan sylw, ac am y broses o ddethol person ar gyfer ei gyfethol;
 - (b) unrhyw wybodaeth arall—
 - (i) yn achos hysbysiad o dan isadran (3)(a), y mae aelodau'r cyngor cymuned o'r farn ei bod yn briodol, a
 - (ii) yn achos hysbysiad o dan isadran (3)(b), y mae'r cyngor cymuned o'r farn ei bod yn briodol, ac
 - (c) unrhyw wybodaeth arall y mae'n ofynnol ei chynnwys yn yr hysbysiad gan unrhyw reoliadau a wnaed gan Weinidogion Cymru.

117 Canllawiau ynghylch rhoi hysbysiad cyhoeddus am gyfethol

- (1) Wrth iddynt arfer swyddogaethau o dan is-adrannau (2) i (5) o adran 116, rhaid i aelodau cyngor cymuned a chyngor cymuned roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (2) Mae'r cyfeiriad at swyddogaethau yn is-adran (1) yn cynnwys cyfeiriad at swyddogaethau o dan adran 232 o Ddeddf Llywodraeth Leol 1972 mewn perthynas â hysbysiad y mae'n ofynnol ei roi o dan adran 116(2).

PENNOD 4

PENODI CYNRYCHIOLWYR IEUENCTID CYMUNEDOL

118 Penodi cynrychiolwyr ieuenctid cymunedol gan gynghorau cymuned

- (1) Caiff cyngor cymuned benodi dim mwy na dau unigolyn i weithredu ar unrhyw un adeg fel cynrychiolwyr ieuenctid cymunedol (ond mae hyn yn ddarostyngedig i adran 119).
- (2) At ddibenion is-adran (1) unigolyn yw “cynrychiolydd ieuenctid cymunedol”—
 - (a) sydd dros 15 oed ond heb gyrraedd 26 oed, a
 - (b) y mae'r cyngor cymuned o'r farn ei fod yn addas i weithredu fel cynrychiolydd cymunedol, sydd i gynrychioli buddiannau'r unigolion hynny sy'n byw, yn gweithio neu'n cael addysg neu hyfforddiant yn ardal y gymuned ac sydd heb gyrraedd 26 oed.
- (3) Mae cynrychiolydd ieuenctid i ddal swydd a'i gadael yn unol â thelerau penodi'r cynrychiolydd.

- (4) Ond bydd penodiad cynrychiolydd ieuenctid yn dod i ben os bydd y cynrychiolydd yn cyrraedd 26 oed.

119 Gofynion hysbysu mewn cysylltiad â phenodi cynrychiolydd ieuenctid

- (1) Ni chaniateir i gyngor cymuned benodi unigolyn yn gynrychiolydd ieuenctid cymunedol o dan adran 118 onid yw'r cyngor wedi cydymffurfio â gofynion yr adran hon.
- (2) Rhaid i'r cyngor roi hysbysiad cyhoeddus am ei fwriad i benodi cynrychiolydd ieuenctid cymunedol.
- (3) Pan fydd adran 232 o Ddeddf Llywodraeth Leol 1972 yn gymwys ar gyfer rhoi hysbysiad o dan yr adran hon bydd yn cael effaith yn ddarostyngedig i'r addasiadau a geir yn is-adrannau (4) a (5).
- (4) Yr addasiad cyntaf yw bod yr is-baragraffau canlynol yn cael eu rhoi yn lle is-adran (1)(b) o adran 232—
- “(b) by giving the notice to the head teacher and proprietor of any school any part of whose premises is situated within the area of the community or communities for which the community council is established;
 - (c) by giving the notice to the principal and governing body of any institution within the further or higher education sector any part of whose premises is situated within the area of the community or communities for which the community council is established; and
 - (d) in such other manner, if any, as appears to the community council to be desirable for ensuring that as many individuals as possible who may be eligible for appointment as community youth representatives are aware that the council intends to appoint such a representative.”.
- (5) Yr ail addasiad yw bod yr is-adrannau canlynol yn cael eu mewnosod ar ddiwedd adran 232—
- “(3) Where a term used in paragraph (b) or (c) of subsection (1) is defined by the Education Act 1996, that definition shall apply for the purposes of those paragraphs.
 - (4) The reference in subsection (1)(c) to the principal or governing body of an institution includes a reference to a person with functions that are similar to those of a principal or governing body.”.
- (6) Rhaid i'r hysbysiad cyhoeddus gynnwys—
- (a) manylion cyswllt unigolyn y gellir cael gwybodaeth bellach ganddo am y penodiad ac am y broses o ddeddf person ar gyfer ei benodi;
 - (b) unrhyw wybodaeth arall y mae'r cyngor cymuned o'r farn ei bod yn briodol; ac
 - (c) unrhyw wybodaeth arall y mae'n ofynnol ei chynnwys yn yr hysbysiad gan unrhyw reoliadau a wnaed gan Weinidogion Cymru.

120 Canllawiau ynghylch penodi cynrychiolwyr ieuenctid cymunedol

- (1) Wrth iddynt arfer swyddogaethau o dan adrannau 118 a 119, rhaid i gyngor cymuned roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

- (2) Mae'r cyfeiriad at swyddogaethau yn is-adran (1) yn cynnwys cyfeiriad at swyddogaethau o dan adran 232 o Ddeddf Llywodraeth Leol 1972 fel y mae'n gymwys mewn perthynas â hysbysiad y mae'n ofynnol ei roi o dan adran 119(2) o'r Mesur hwn.

121 Effaith penodiad yn gynrychiolydd ieuentid cymunedol

Nid yw cynrychiolydd ieuentid cymunedol yn aelod o'r cyngor cymuned a benododd y cynrychiolydd, ond caiff Gweinidogion Cymru drwy reoliadau ddarparu fod cynrychiolydd ieuentid cymunedol i'w drin at ddibenion rhagnodedig yn aelod o'r cyngor a benododd y cynrychiolydd.

PENNOD 5

CADW ARDALOEDD CYMUNEDOL A THREFNIADAU ETHOLIADOL O DAN ADOLYGIAD

122 Adroddiadau am gyflawni swyddogaeth prif gyngor o gadw ardaloedd cymunedol o dan adolygiad

Ar ôl adran 55(2) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “(2A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of their area under review for the purpose described in subsection (2).
- (2B) The council must send a copy of any report published under subsection (2A) to the Welsh Commission.
- (2C) The first report under subsection (2A) must be published within four years of the day on which that subsection comes into force.
- (2D) Further reports must be published within fifteen years of the date on which the last report under subsection (2A) was published.”.

123 Adroddiadau am gyflawni swyddogaeth prif gyngor o gadw trefniadau etholiadol ar gyfer cymunedau o dan adolygiad

Ar ôl adran 57(4) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “(4A) Each Welsh principal council must, every fifteen years, publish a report which describes what the council has done in the previous fifteen years in order to discharge its duty to keep the whole of the area under review for the purpose described in subsection (4).
- (4B) The council must send a copy of any report published under subsection (4A) to the Welsh Commission.
- (4C) The first report under subsection (4A) must be published within four years of the day on which that subsection comes into force.
- (4D) Further reports must be published within fifteen years of the date on which the last report under subsection (4A) was published.”.

124 Arfer swyddogaethau gan Gomisiwn Ffiniau Llywodraeth Leol i Gymru ar ran prif gynghorau

Ar ôl adran 57 o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

“57A Exercise of functions by the Welsh Commission on behalf of principal councils

- (1) Arrangements may be made between the Welsh Commission and a principal council in Wales under which the Commission exercises, to whatever extent and subject to whatever terms the parties may agree, all or any of the functions of the principal council referred to in subsection (2).
- (2) The functions are—
 - (a) the principal council’s function of keeping under review the whole of their area for the purpose specified in section 55(2) or the purpose specified in section 57(4);
 - (b) the principal council’s function of considering requests specified in section 55(2) or section 57(4).”.

125 Y symiau sy'n daladwy mewn cysylltiad ag arolygiadau a gynhaliwyd gan Gomisiwn Ffiniau Llywodraeth Leol i Gymru

Ar ôl adran 56(4) o Ddeddf Llywodraeth Leol 1972 mewnosoder y canlynol—

- “(4A) A direction given to the Welsh Commission under subsection (4) may require the principal council to pay to the Commission such sum as is specified, or calculated according to a formula contained, in the direction.
- (4B) Any dispute as to the sum payable under the direction is to be determined by the Welsh Ministers.
- (4C) Any sum payable under a direction under subsection (4) is to be recoverable as a debt due to the Welsh Commission.”.

PENNOD 6

PWERAU CYNGHORAU CYMUNED I HYBU LLESIANT

126 Pwerau cynghorau cymuned i hybu llesiant

- (1) Yn adran 1 o Ddeddf Llywodraeth Leol 2000 (ystyr “local authority” yn Rhan 1 o'r Ddeddf honno), ar ddiwedd is-adran (1)(b) mewnosoder “or a community council”.
- (2) Yn adran 2 o'r Ddeddf honno (hybu llesiant), mewnosoder y canlynol ar ôl is-adran (3B)—

“(3C) The community strategy for the area of a community council is the strategy referred to in subsection (3B) that is published by the county council or county borough council in whose area lies the community or communities for which the community council is established.”.
- (3) Yn adran 5 o'r Ddeddf honno (y pŵer i ddiwygio neu ddiddymu deddfiadau), mewnosoder y canlynol ar ôl is-adran (6)—

Statws This is the original version (as it was originally enacted).

“(7) The reference to local authorities in subsection (1) does not include community councils.”.

127 Addasiadau i ddeddfiadau sy'n atal neu'n rhwystro cyngor cymuned rhag arfer ei bwerau llesiant

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud addasiadau i unrhyw ddeddfiad os ydynt o'r farn bod y deddfiad yn atal neu'n rhwystro'r cyngorau cymuned rhag arfer eu pwerau o dan adran 2(1) o Ddeddf Llywodraeth Leol 2000 (hybu llesiant).
- (2) Caniateir arfer y pŵer o dan is-adran (1)—
 - (a) mewn perthynas â phob cyngor cymuned,
 - (b) mewn perthynas â chynghorau cymuned neilltuol, neu
 - (c) mewn perthynas â disgrifiadau neilltuol o gyngor cymuned.
- (3) Mae'r pŵer o dan is-adran (1) yn cynnwys pŵer i wneud addasiadau i ddeddfiad am gyfnod neilltuol.

128 Darpariaeth drosiannol

- (1) Mae'r adran hon yn gymwys i gyngor cymuned hyd oni fydd yr awdurdod lleol y lleolir y cyngor cymuned yn ei ardal wedi cyhoeddi strategaeth gymunedol o dan adran 39(4) o Fesur Llywodraeth Leol (Cymru) 2009.
- (2) Pan fo'r adran hon yn gymwys i gyngor cymuned, mae'r cyfeiriad yn adran 2(3C) o Ddeddf Llywodraeth Leol 2000 at y strategaeth gymunedol ar gyfer ardal y cyngor cymuned i'w ddarllen fel cyfeiriad at strategaeth gymunedol y cyngor sir neu'r cyngor bwrdeistref sirol o dan adran 4 o'r Ddeddf honno.

PENNOD 7

GRANTIAU I GYNGHORAU CYMUNED

129 Pŵer Gweinidogion Cymru i dalu grantiau i gynghorau cymuned

- (1) Caiff Gweinidogion Cymru dalu grant i gyngor cymuned tuag at wariant a dynnir ganddo neu sydd i'w dynnu ganddo.
- (2) Mae swm grant o dan yr adran hon a'r dull o'i dalu i fod yn swm ac yn ddull a benderfynir gan Weinidogion Cymru.
- (3) Caniateir talu grant o dan yr adran hon o dan yr amodau hynny a benderfynir gan y person sy'n ei dalu.
- (4) Caiff amodau o dan is-adran (3) gynnwys y canlynol (ond heb fod yn gyfyngedig iddynt)—
 - (a) darpariaeth o ran defnyddio'r grant;
 - (b) darpariaeth o ran yr amgylchiadau y mae'n rhaid ad-dalu oddi tanynt y grant cyfan neu ran ohono.

PENNOD 8

CYTUNDEBAU SIARTER ENGHREIFFTIOL RHWNG AWDURDODAU LLEOL A CHYNGHORAU CYMUNED

130 Y pŵer i osod cytundeb siarter enghreifftiol

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud darpariaeth yn gosod cytundeb siarter enghreifftiol rhwng awdurdod lleol a chyngor cymuned ar gyfer cymuned neu gymunedau yn ei ardal.
- (2) Yn is-adran (1), ystyr “cytundeb siarter enghreifftiol rhwng awdurdod lleol a chyngor cymuned” yw disgrifiad o'r ffordd y gellir arfer eu swyddogaethau at ddibenion cynnal a gwella cydweithrediad rhyngddynt.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud drwy orchymyn o dan is-adran (1) yn cynnwys darpariaeth (ond heb fod yn gyfyngedig iddi)—
 - (a) sy'n nodi'r ffordd y mae swyddogaethau penodedig, neu agweddau ar swyddogaethau o'r fath, i'w harfer;
 - (b) sy'n nodi swyddogaethau penodedig, neu agweddau ar swyddogaethau o'r fath, y mae'r awdurdod lleol a'r cyngor cymuned i geisio cytundeb mewn cysylltiad â hwy o ran sut y maent i'w harfer;
 - (c) sy'n nodi swyddogaethau penodedig sydd i'w harfer drwy gyfeirio at egwyddorion penodedig.
- (4) Yn yr adran hon ac yn adran 131, mae cyfeiriad at arfer swyddogaethau yn cynnwys cyfeiriad at wneud unrhyw beth y bwriedir iddo hwyluso arfer swyddogaethau, neu sy'n gydnaws neu'n gysylltiedig ag arfer y swyddogaethau.

131 Cyfarwyddiadau sy'n gwneud mabwysiadu cytundeb siarter enghreifftiol yn ofynnol

- (1) Caiff Gweinidogion Cymru, drwy gyfarwyddyd, ei gwneud yn ofynnol i awdurdod lleol a chyngor cymuned ar gyfer cymuned neu gymunedau yn ardal yr awdurdod fabwysiadu cytundeb siarter enghreifftiol a osodir mewn gorchymyn o dan adran 130(1).
- (2) Yn is-adran (1), ystyr “mabwysiadu” yw penderfynu, yn unol ag unrhyw weithdrefn a bennir yn y cyfarwyddyd, arfer swyddogaethau, neu geisio cytundeb ynghylch sut i arfer swyddogaethau, yn unol â'r canlynol—
 - (a) holl ddarpariaethau'r cytundeb siarter enghreifftiol, neu
 - (b) y darpariaethau hynny a bennir yn y cyfarwyddyd.
- (3) Caiff cyfarwyddyd o dan is-adran (1)—
 - (a) ymwneud â'r holl gynghorau cymuned ar gyfer cymunedau yn ardal yr awdurdod lleol, neu ag unrhyw un neu ragor ohonynt, a
 - (b) os yw'r cyfarwyddyd yn ymwneud â mwy nag un cyngor cymuned, wneud darpariaeth wahanol mewn perthynas â chynghorau gwahanol.
- (4) Gellir gorfodi cyfarwyddyd o dan is-adran (1) drwy orchymyn mynnu ar gais Gweinidogion Cymru.

132 Canllawiau ynghylch cytundebau siarter enghreifftiol

Rhaid i awdurdod lleol a chyngor cymuned, wrth weithredu o dan gyfarwyddyd o dan adran 131(1), roi sylw i ganllawiau a roddwyd gan Weinidogion Cymru.

133 Ymgynghori

- (1) Rhaid i Weinidogion Cymru, cyn gwneud gorchymyn o dan adran 130(1), ymgynghori—
 - (a) ag unrhyw gyrff sy'n gynrychioliadol o awdurdodau lleol a chynghorau cymuned ac y mae Gweinidogion Cymru o'r farn ei bod yn briodol ymgynghori â hwy, a
 - (b) ag unrhyw bersonau eraill y mae Gweinidogion Cymru o'r farn ei bod yn briodol ymgynghori â hwy.
- (2) Rhaid i Weinidogion Cymru, cyn rhoi cyfarwyddyd o dan adran 131(1), ymgynghori â'r awdurdod a'r cyngor y mae'r cyfarwyddyd yn ymwneud â hwy.

PENNOD 9

CYNLLUNIAU AR GYFER ACHREDU ANSAWDD MEWN LLYWODRAETH GYMUNEDOL

134 Cynlluniau ar gyfer achredu ansawdd mewn llywodraeth gymunedol

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu ar gyfer cynllun y caiff Gweinidogion Cymru roi achrediad i gyngor cymuned oddi tano neu, os yw'r rheoliadau'n gwneud hynny'n ofynnol, y mae'n rhaid i Weinidogion Cymru roi achrediad i gyngor cymuned oddi tano—
 - (a) os bydd Gweinidogion Cymru wedi eu bodloni bod y meini prawf a osodwyd yn y rheoliadau wedi eu bodloni mewn perthynas â chyngor (gweler adran 135),
 - (b) os bydd Gweinidogion Cymru wedi eu bodloni bod cyngor wedi gwneud cais dilys am achrediad (gweler adran 136), ac
 - (c) os talwyd y ffi (os oes ffi) sy'n ofynnol i Weinidogion Cymru (gweler adran 137).
- (2) Cyfeirir at achrediad o dan is-adran (1) yn y Bennod hon fel achrediad ansawdd mewn llywodraeth gymunedol.

135 Achredu ansawdd mewn llywodraeth gymunedol: meini prawf

- (1) Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau osod meini prawf sydd i'w bodloni pan wneir cais am achrediad ansawdd mewn llywodraeth gymunedol.
- (2) Mae'r meini prawf y caniateir eu gosod yn cynnwys meini prawf ynghylch y materion a ganlyn (ond heb fod yn gyfyngedig iddynt)—
 - (a) canran aelodau'r cyngor sy'n ddeiliaid swydd yn rhinwedd cael eu hethol fel a nodir yn adran 35(1) o Ddeddf Llywodraeth Leol 1972 (ethol cynghorwyr cymunedol);

- (b) cymwysterau swyddogion y cyngor a hyfforddiant ar eu cyfer;
- (c) hyfforddiant i aelodau'r cyngor a chynrychiolwyr ieuenctid cymunedol;
- (d) pa mor aml y cynhelir cyfarfodydd y cyngor a'r cyhoeddusrwydd a roddir i gyfarfodydd (cyn ac ar ôl iddynt gael eu cynnal);
- (e) rhoi rhan i bersonau yng ngwaith y cyngor cymuned;
- (f) annog personau i wella llesiant y gymuned neu'r cymunedau y sefydlwyd y cyngor ar ei chyfer neu ar eu cyfer;
- (g) adroddiadau blynyddol;
- (h) cyfrifon.

136 Achredu ansawdd mewn llywodraeth gymunedol: ceisiadau

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau osod gofynion sydd i'w bodloni er mwyn gwneud cais dilys ar gyfer achrediad ansawdd mewn llywodraeth gymunedol.

137 Achredu ansawdd mewn llywodraeth gymunedol: ffioedd

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), caiff y rheoliadau ragnodi ffi y mae ceisydd am achrediad ansawdd mewn llywodraeth gymunedol i'w thalu.

138 Achredu ansawdd mewn llywodraeth gymunedol: tynnu achrediad yn ôl

Os bydd Gweinidogion Cymru'n gwneud rheoliadau o dan adran 134(1), rhaid i'r rheoliadau ddarparu ar gyfer—

- (a) adolygu achrediadau ansawdd mewn llywodraeth gymunedol, a
- (b) y sail dros dynnu achrediad ansawdd mewn llywodraeth gymunedol yn ôl a'r broses o dynnu achrediad yn ôl.

139 Ceisiadau am achredu ansawdd mewn llywodraeth gymunedol: dirprwyo swyddogaethau

- (1) Caiff Gweinidogion Cymru wneud trefniadau gydag unrhyw berson y mae'r person hwnnw, yn unol â thelerau'r trefniadau, i arfer oddi tanynt swyddogaethau Gweinidogion Cymru o dan reoliadau a wneir o dan adran 134(1).
- (2) Os gwneir trefniadau o'r fath, mae adran 134(1)(c) i gael effaith fel y bo unrhyw ffi sy'n ofynnol, i'w thalu i'r person y gwneir y trefniadau gydag ef.

140 Achredu ansawdd mewn llywodraeth gymunedol: canlyniadau

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud addasiadau i unrhyw ddeddfiad sy'n gosod unrhyw rywmedigaeth ar gyngor cymuned neu mewn cysylltiad ag ef fel y bo'r rhwymedigaeth, yn achos cyngor y mae achrediad ansawdd mewn llywodraeth gymunedol mewn grym mewn cysylltiad ag ef—
 - (a) yn cael ei datgymhwyso, neu
 - (b) yn cael ei haddasu fel ei bod yn haws cydymffurfio â hi .
- (2) Caiff Gweinidogion Cymru drwy reoliadau wneud addasiadau i unrhyw ddeddfiad sy'n rhoi pŵer i gyngor cymuned neu mewn cysylltiad ag ef fel, yn achos cyngor nad

oes achrediad ansawdd mewn llywodraeth gymunedol mewn grym mewn cysylltiad ag ef—

- (a) na chaniateir i'r pŵer gael ei arfer, neu
- (b) mai dim ond os bodlonir amodau rhagnodedig y caniateir arfer y pŵer.