



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

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**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Awdurdodau Lleol
(Lwfansau i Aelodau) (Cymru)
2007**

**The Local Authorities (Allowances
for Members) (Wales) Regulations
2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adran 18 o Ddeddf Llywodraeth Leol a Thai 1989 yn darparu'r pŵer i'r Ysgrifennydd Gwladol i awdurdodi unrhyw awdurdod perthnasol a bennir mewn Rheoliadau i lunio cynllun, neu i'w gwneud yn ofynnol iddo lunio cynllun, yn darparu ar gyfer talu lwfans sylfaenol (ymhlith eraill) i gynghorwyr a lwfans cyfrifoldeb arbennig i gynghorwyr â chyfrifoldebau arbennig. Mae'r pŵer hwn bellach wedi'i freinio yng Nghynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

Section 18 of the Local Government and Housing Act 1989 provides the power for the Secretary of State to authorise or require any relevant authority specified in Regulations to make a scheme providing for the payment of (amongst others) a basic allowance to councillors and a special responsibility allowance to councillors with special responsibilities. This power is 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 rheoliadau mewn cysylltiad â lwfansau teithio a chynhaliaeth sy'n daladwy i aelodau o'r cyfryw awdurdodau perthnasol ag a ragnodir ac mewn cysylltiad â lwfansau sy'n daladwy i aelodau o'r cyfryw awdurdodau perthnasol ag a ragnodir am fynychu cynadleddau a chyfarfodydd. Mae adran 100 o Ddeddf 2000 hefyd yn darparu i Gynulliad Cenedlaethol Cymru wneud rheoliadau mewn cysylltiad ag ad-dalu treuliau a dynnwyd gan aelodau o awdurdodau o'r fath fel a ragnodir gan reoliadau.

Section 100 of the Local Government Act 2000 ("the 2000 Act") provides for the National Assembly for Wales to make Regulations with respect to travelling and subsistence allowances payable to members of such relevant authorities as may be prescribed and with respect to allowances payable to members of such relevant authorities as may be prescribed for attending conferences and meetings. Section 100 of the 2000 Act also provides for the National Assembly for Wales to make Regulations with respect to the reimbursement of expenses incurred by members of such authorities as may be prescribed by Regulations.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch talu lwfansau i aelodau o gynghorau sir a chynghorau bwrdeistref sirol ac awdurdodau tân ac achub yng Nghymru. Maent hefyd yn gwneud darpariaeth ynglŷn â thalu lwfansau i aelodau awdurdodau Parc Cenedlaethol ac ad-dalu rhai treuliau penodol a dynnwyd gan aelodau o'r fath.

These Regulations make provision about the payment of allowances to members of county and county borough councils and fire and rescue authorities in Wales. They also make provision about the payment of allowances to members of National Park authorities and the reimbursement of certain expenses incurred by such members.

Mae Rhan 2 o'r Rheoliadau hyn yn ei gwneud yn ofynnol i gynghorau sir a chynghorau bwrdeistref sirol yng Nghymru ("awdurdodau") wneud cynlluniau ar gyfer talu lwfansau i'w haelodau. Wrth wneud cynlluniau, mae'n ofynnol i awdurdodau wneud darpariaeth ar gyfer talu lwfans sylfaenol (rheoliad 7). Caiff cynllun hefyd ddarparu ar gyfer talu lwfans cyfrifoldeb arbennig (rheoliad 8) a lwfans gofal (rheoliad 9).

Rhaid i swm lwfans sylfaenol, lwfans cyfrifoldeb arbennig a lwfans gofal sy'n daladwy i aelod o awdurdod, yn ddarostyngedig i'r ddarpariaeth yn rheoliad 11 mewn perthynas â'r cyfnod cyn 31 Mawrth 2009 a darpariaethau ynghylch uwchraddio yn rheoliad 12, beidio â bod yn fwy na'r uchafsymiau a ragnodir ar gyfer y lwfansau hynny (ac yn achos lwfans cyfrifoldeb arbennig, beidio ag ymestyn y tu hwnt i'r cyfrifoldebau neu ddyletswyddau a ragnodir) mewn cysylltiad â'r awdurdod hwnnw gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol ("y Panel") o dan Ran 6 o'r Rheoliadau hyn (gweler rheoliadau 7(2), 8(3) a 9(3) yn y drefn honno).

Mae rheoliad 8(2) yn darparu na fydd lwfans cyfrifoldeb arbennig yn daladwy i fwy na hanner aelodau awdurdod.

Mae Rhan 2 o'r Rheoliadau hyn hefyd yn darparu bod yn rhaid i gynllun, mewn perthynas â lwfans sylfaenol, lwfans cyfrifoldeb arbennig a lwfans gofal, bennu bod yn rhaid i awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod, wrthod talu'r rhan o bob un o'r lwfansau sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu ddyletswyddau y mae'r aelod hwnnw wedi ei atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni (gweler rheoliadau 7(6), 8(6) a 9(4)).

Mae Rhan 3 o'r Rheoliadau hyn yn gwneud darpariaeth bellach ar gyfer cynlluniau i dalu lwfansau. Mae rheoliad 12(1) i (3) yn darparu y caiff cynllun wneud darpariaeth ar gyfer addasu lwfansau'n flynyddol. Rhaid i'r cyfryw addasiad gan awdurdod beidio â bod yn fwy na'r swm a ragnodir mewn cysylltiad â'r awdurdod hwnnw gan y Panel (neu wrth addasu rhaid cyfeirio at unrhyw fynegai a ragnodir gan y Panel) mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir gan y Panel.

O dan rheoliad 12(4) caiff cynllun ddarparu, pan fydd lwfansau wedi'u talu i aelod am gyfnod pan fydd yr aelod hwnnw (ymhlith eraill) wedi'i atal dros dro, y caiff yr awdurdod ei gwneud yn ofynnol i'r cyfryw ran o'r lwfans ag sy'n berthnasol i'r cyfnod pan fydd yr aelod wedi'i atal dros dro gael ei had-dalu i'r awdurdod.

Mae rheoliad 13 yn darparu bod yn rhaid i gynllun gynnwys darpariaeth i ganiatáu i aelod beidio â derbyn unrhyw ran o'r lwfans y mae gan yr aelod hwnnw hawl iddo o dan y cynllun.

Part 2 of these Regulations requires county and county borough councils in Wales ("authorities") to make schemes for the payment of allowances to their members. In making schemes, authorities are required to make provision for the payment of basic allowance (regulation 7). A scheme may also provide for the payment of special responsibility allowance (regulation 8) and care allowance (regulation 9).

The amount of basic allowance, special responsibility allowance and care allowance payable to a member of an authority must not, subject to the provision in regulation 11 concerning the period prior to 31 March 2009 and provisions concerning uprating in regulation 12, exceed the maximum amounts prescribed for those allowances (and in the case of special responsibility allowance extend beyond the responsibilities or duties prescribed) for that authority by the Independent Remuneration Panel for Wales ("the Panel") under Part 6 of these Regulations (and regulations 7(2), 8(3) and 9(3) refer respectively).

Regulation 8(2) provides that special responsibility allowance is not payable to more than half the members of an authority.

Part 2 of these Regulations also provides that, in relation to basic allowance, special responsibility allowance and care allowance, a scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as member, the part of each allowance payable to that member in respect of the responsibilities or duties from which the member is suspended must be withheld by the authority (and regulations 7(6), 8(6) and 9(4) refer).

Part 3 of these Regulations makes further provision for schemes for the payment of allowances. Regulation 12(1) to (3) provides that a scheme may make provision for an annual adjustment of allowances. Such an adjustment by an authority must not exceed the amount prescribed for that authority by the Panel (or must be made by reference to any index prescribed by the Panel) in an annual report or a supplementary report produced by the Panel.

Under regulation 12(4) a scheme may provide that where a payment of allowances has been made to a member for a period during which that member is (amongst others) suspended, the authority may require that such part of the allowance that relates to the period of suspension be repaid to the authority.

Regulation 13 provides that a scheme must contain a provision so as to allow a member to forgo any part of that member's entitlement to an allowance under the scheme.

Mae Rhan 4 o'r Rheoliadau hyn yn darparu bod awdurdodau'n talu lwfansau eraill. O dan reoliad 15, mae gan aelodau hawl i dderbyn lwfansau teithio a chynhaliath. O dan reoliad 16, caiff awdurdod ddarparu ar gyfer talu lwfans aelodau cyfetholedig i aelodau cyfetholedig sydd â chyfrifoldebau neu ddyletswyddau mewn cysylltiad â mynychu cynadleddau a chyfarfodydd fel a ragnodir gan y Panel.

Mae rheoliad 15(3) a rheoliad 16(6), yn y drefn honno, yn darparu bod yn rhaid i awdurdod, pan fydd aelod neu aelod cyfetholedig wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod neu'r aelod cyfetholedig hwnnw fel aelod neu aelod cyfetholedig, wrthod talu'r rhan o bob un o'r lwfansau sy'n daladwy i'r aelod neu'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod neu'r aelod cyfetholedig wedi ei atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

Rhaid i gyfraddau lwfansau teithio a chynhaliath sy'n daladwy gan awdurdod, yn ddarostyngedig i'r darpariaethau ynghylch uwchraddio yn rheoliad 20, beidio â bod yn fwy na'r uchafsymiau a ragnodir mewn cysylltiad â'r lwfansau hynny ar gyfer yr awdurdod hwnnw gan y Panel o dan Ran 6 o'r Rheoliadau hyn (gweler rheoliad 15(2)). Rhaid i swm lwfans aelodau cyfetholedig sy'n daladwy gan awdurdod, yn ddarostyngedig i'r darpariaeth yn rheoliad 19 mewn cysylltiad â'r cyfnod cyn 31 Mawrth 2009 a darpariaethau ynghylch uwchraddio yn rheoliad 20, beidio â bod yn fwy na'r uchafswm a ragnodir ar gyfer y lwfans hwnnw (nac ymestyn y tu hwnt i'r cyfrifoldebau a dyletswyddau a ragnodir) mewn cysylltiad â'r awdurdod hwnnw gan y Panel o dan Ran 6 o'r Rheoliadau hyn (gweler rheoliad 16(2)).

O dan reoliad 17 caiff aelod neu aelod cyfetholedig o awdurdod ddewis peidio â derbyn unrhyw ran o'r lwfansau y mae gan yr aelod hwnnw hawl iddynt ac sy'n daladwy o dan Ran 4 o'r Rheoliadau hyn.

Mae rheoliad 18 yn ei gwneud yn ofynnol i awdurdodau bennu terfyn amser mewn cysylltiad â hawlio lwfansau teithio a chynhaliath gan y person y maent yn daladwy iddo. Rhaid i hawliadau teithio a chynhaliath (ac eithrio hawliadau am deithio mewn cerbyd modur preifat) gael eu gwneud ar sail "gwirioneddol" a rhaid i dderbynebau perthnasol am dreuliau a dynnwyd fynd gyda hwy, yn ddarostyngedig i unrhyw ofyniad neu gyfyngiad y caiff awdurdod ei bennu.

Mae rheoliad 19 yn gwneud darpariaeth mewn perthynas â'r uchafswm o lwfans aelodau cyfetholedig sy'n daladwy yn y cyfnod cyn 31 Mawrth 2009.

Mae rheoliad 20 yn darparu y caiff awdurdod wneud darpariaeth ar gyfer addasu'n flynyddol lwfansau sy'n daladwy o dan Ran 4 o'r Rheoliadau hyn. Rhaid i'r cyfryw addasiad gan awdurdod beidio â bod yn fwy

Part 4 of these Regulations provides for the payment by authorities of other allowances. Under regulation 15, members are entitled to receive travelling and subsistence allowances. Under regulation 16, authorities may provide for the payment of a co-optees' allowance to co-opted members who have such responsibilities or duties in respect of attendance at conferences and meetings as are prescribed by the Panel.

Regulation 15(3) and regulation 16(6) provide, respectively, that where a member or co-opted member is suspended or partially suspended from that member's or co-opted member's responsibilities or duties as a member or co-opted member, the part of each allowance payable to that member or co-opted member in respect of the responsibilities or duties from which the member or co-opted member is suspended must be withheld by the authority.

The rates of travelling and subsistence allowances payable by an authority must not, subject to the provisions concerning uprating in regulation 20, exceed the maximum amounts prescribed for those allowances for that authority by the Panel under Part 6 of these Regulations (and regulation 15(2) refers). The amount of co-optees' allowance payable by an authority must not, subject to the provision in regulation 19 concerning the period prior to 31 March 2009 and provisions concerning uprating in regulation 20, exceed the maximum amount prescribed for that allowance (or extend beyond the responsibilities or duties prescribed) for that authority by the Panel under Part 6 of these regulations (and regulation 16(2) refers).

Under regulation 17 a member or co-opted member of an authority may elect to forgo any part of that member's entitlement to allowances payable under Part 4 of these Regulations.

Regulation 18 requires authorities to specify a time limit for the making of claims for travelling and subsistence allowances by the person to whom they are payable. Travelling 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.

Regulation 19 makes provision in respect of the maximum amount of co-optees' allowance payable in the period prior to 31 March 2009.

Regulation 20 provides that an authority may make provision for an annual adjustment of allowances payable under Part 4 of these Regulations. Such an adjustment by an authority must not exceed the amount

na'r swm a ragnodir mewn cysylltiad â'r awdurdod hwnnw gan y Panel (neu wrth addasu rhaid cyfeirio at unrhyw fynegai a ragnodir gan y Panel) mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir gan y Panel.

O dan reoliad 21 caiff awdurdod ddarparu, pan fydd lwfansau wedi'u talu o dan Ran 4 o'r Rheoliadau hyn i aelod am gyfnod pan fydd yr aelod hwnnw (ymhlith eraill) wedi'i atal dros dro, y caiff yr awdurdod ei gwneud yn ofynnol i'r cyfryw ran o'r lwfans ag sy'n berthnasol i'r cyfnod pan fydd yr aelod wedi'i atal dros dro gael ei had-dalu i'r awdurdod.

Mae Rhan 5 o'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â threfniadau gweinyddol. Mae rheoliad 22 yn darparu bod datganiad yn dweud nad yw'r hawlydd wedi gwneud ac na fydd yn gwneud unrhyw hawliad arall mewn cysylltiad â'r mater y mae'r hawliad yn ymwneud ag ef yn mynd gyda phob hawliad am lwfansau teithio a chynhaliath. Mae rheoliad 24 yn gwneud darpariaeth ar gyfer cofnodion o lwfansau ac ar gyfer sicrhau bod y cyfryw gofnodion ar gael i etholwr llywodraeth leol.

Mae rheoliad 25(1) a (2) yn gwneud darpariaeth ar gyfer cyhoeddi cynllun a chyhoeddi symiau a gaiff eu talu o dan y cynllun hwnnw. Mae rheoliad 25(3) yn gwneud darpariaeth ar gyfer cyhoeddi symiau a gaiff eu talu mewn cysylltiad â lwfansau sy'n daladwy o dan Ran 4 o'r Rheoliadau hyn.

Mae Rhan 6 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer y Panel. Mae rheoliad 26 yn ei gwneud yn ofynnol i Gynulliad Cenedlaethol Cymru benodi'r Panel. Mae rheoliad 27 yn darparu bod yn rhaid i gyfansoddiad y Panel fod fel a ganlyn: Cadeirydd ac Is-gadeirydd, ynghyd â thri aelod arall. Mae un aelod o'r Panel i'w benodi'n Gadeirydd gan Gynulliad Cenedlaethol Cymru. Mae rheoliad 28 yn darparu ar gyfer deiliadaeth swydd aelodau'r Panel ac mae rheoliad 29 yn gwneud darpariaeth mewn perthynas â chyfarfodydd y Panel.

Mae rheoliadau 30 a 31 yn darparu ar gyfer pleidleisio yng nghyfarfodydd y Panel a chworwm y Panel, yn y drefn honno. O dan reoliad 32 Cynulliad Cenedlaethol Cymru sydd i dalu'r treuliau a dynnir gan y Panel wrth iddo gyflawni ei swyddogaethau ac mae rheoliad 33 yn rhoi hawl i'r Panel i geisio gwybodaeth neu gyngor.

Mae rheoliad 34 yn ei gwneud yn ofynnol i'r Panel gynhyrchu adroddiad cychwynnol cyn 31 Gorffennaf 2008 (neu'r cyfryw ddyddiad diweddarach ag y byddo Cynulliad Cenedlaethol Cymru'n cytuno arno). Disgrifir y materion i'w rhagnodi yn yr adroddiad cychwynnol yn rheoliad 34(1) a (2).

Mae rheoliad 35 yn ei gwneud yn ofynnol i'r Panel gynhyrchu adroddiad blynyddol yn ystod y flwyddyn ariannol 1 Ebrill 2009 i 31 Mawrth 2010 (a beth bynnag erbyn 31 Rhagfyr 2009, neu'r cyfryw ddyddiad diweddarach ag y byddo Cynulliad Cenedlaethol

prescribed for that authority by the Panel (or must be made by reference to any index prescribed by the Panel) in an annual report or a supplementary report produced by the Panel.

Under regulation 21 an authority may provide that where a payment of allowances has been made under Part 4 of these Regulations to a member for a period during which that member is (amongst others) suspended, the authority may require that such part of the allowance that relates to the period of suspension be repaid to the authority.

Part 5 of these Regulations makes provision in respect of administrative arrangements. Regulation 22 provides for all claims for travelling and subsistence allowances 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. Regulation 24 makes provision for records of allowances and the availability of such records to a local government elector.

Regulation 25(1) and (2) makes provision for the publication of a scheme and the publication of sums paid under that scheme. Regulation 25(3) makes provision for the publication of sums paid in respect of allowances payable under Part 4 of these Regulations.

Part 6 of these Regulations makes provision for the Panel. Regulation 26 requires the National Assembly for Wales to appoint the Panel. Regulation 27 provides that the Panel must consist of a Chairperson and a Vice chairperson together with three other members. One member of the Panel is to be appointed as Chairperson by the National Assembly for Wales. Regulation 28 provides for the tenure of Panel members and regulation 29 makes provision in relation to meetings of the Panel.

Regulations 30 and 31 provide for voting at meetings of the Panel and the quorum of the Panel respectively. Under regulation 32 it is for the National Assembly for Wales to pay the expenses incurred by the Panel in carrying out its functions and regulation 33 entitles the Panel to seek information or advice.

Regulation 34 requires the Panel to produce an initial report before 31 July 2008 (or such later date as the National Assembly for Wales may agree). The matters to be prescribed in the initial report are described at regulation 34(1) and (2).

Regulation 35 requires the Panel to produce during the financial year 1 April 2009 to 31 March 2010 (and in any event by 31 December 2009, or such later date as the National Assembly for Wales may agree) and each financial year thereafter an annual report. The

Cymru'n cytuno arno) ac yn ystod pob blwyddyn ariannol ar ôl hynny. Disgrifir y materion i'w rhagnodi mewn adroddiad blynyddol yn rheoliad 35(1) a (2). Mae rheoliad 35(3)(a) yn ei gwneud yn orfodol i'r Panel, pan fydd yn cynhyrchu adroddiad blynyddol, roi sylw i unrhyw adroddiad atodol a gynhyrchwyd cyn yr adroddiad blynyddol hwnnw sy'n rhagnodi materion sydd ar y pryd yn gymwys i unrhyw awdurdod.

Mae rheoliad 36 yn rhoi hawl i'r Panel i gynhyrchu adroddiadau atodol y caniateir iddynt ragnodi o bryd i'w gilydd ac mewn perthynas ag un awdurdod neu fwy unrhyw un neu rai o'r materion y caiff y Panel eu rhagnodi yn yr adroddiad cychwynnol neu mewn adroddiad blynyddol.

Pan fydd yn cynhyrchu'r adroddiad cychwynnol, adroddiad blynyddol neu adroddiad atodol, mae'n orfodol i'r Panel ystyried unrhyw sylwadau a ddaw i law oddi wrth awdurdod mewn cysylltiad â swyddogaethau'r Panel o ran cynhyrchu'r cyfryw adroddiad (gweler rheoliadau 34(3), 35(3) a 36(2) yn y drefn honno).

Caiff y Panel hefyd wneud argymhellion ynghylch pa aelodau o awdurdod sydd i fod â hawl i bensiynau yn unol â Rheoliadau Cynllun Pensiwn Llywodraeth Leol 1997 (gweler rheoliad 37). Caiff y cyfryw argymhellion gan y Panel fod yn rhan o adroddiad cychwynnol y Panel neu o adroddiad atodol.

Mae rheoliad 39 yn gwneud darpariaeth ar gyfer rhoi cyhoeddusrwydd i adroddiadau'r Panel.

Mae Rhan 7 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diwygio Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002 ("Rheoliadau 2002").

Mae rheoliad 40(6) yn diwygio rheoliad 8(1) o Reoliadau 2002 (sy'n ymwneud â lwfans cyfrifoldeb arbennig) fel bod categorïau o gyfrifoldeb a ddisgrifir yn rheoliad 8(1) yn cynnwys cadeiryddion pwyllgorau trwyddedu ac is-gadeiryddion pwyllgorau trwyddedu (gweler is-baragraffau (ch) a (d) o reoliad 8(1), yn y drefn honno).

Mae rheoliad 40(7) yn rhoi rheoliad 8(2)(b), (c) ac (ch) newydd yn lle rheoliad 8(2)(b) o Reoliadau 2002. Pan fydd gan awdurdod lle y mae trefniadau gweithrediaeth neu drefniadau amgen ar waith fwy nag un dirprwy arweinydd cabinet neu fwy nag un is-gadeirydd bwrdd, caniateir dosrannu'r swm ychwanegol o ddeg y cant sy'n daladwy o ran lwfans cyfrifoldeb arbennig am y cyfryw gyfrifoldeb ymhlith y dirprwy arweinyddion neu'r is-gadeiryddion hynny.

Mae Rhan 7 o'r Rheoliadau hyn hefyd yn diwygio Rheoliadau 2002 fel bod yn rhaid, mewn cysylltiad â lwfans sylfaenol, lwfans cyfrifoldeb arbennig, lwfans presenoldeb, lwfans gofal a lwfans colled ariannol, i gynllun a wneir gan awdurdod (neu, fel y bo'n briodol,

matters to be prescribed in an annual report are described at regulation 35(1) and (2). Regulation 35(3)(a) obliges the Panel, in producing an annual report, to take account of any supplementary report produced prior to that annual report which prescribes matters which for the time being apply to any authority.

Regulation 36 entitles the Panel to produce supplementary reports which may prescribe from time to time and in relation to one or more authorities any of the matters that the Panel may prescribe in the initial report or in an annual report.

In producing the initial report, an annual report or a supplementary report, the Panel is obliged to consider any representations received from an authority in respect of the Panel's functions in producing such a report and regulations 34(3), 35(3) and 36(2) refer respectively.

The Panel may also make recommendations as to which members of an authority are to be entitled to pensions in accordance with the Local Government Pensions Scheme Regulations 1997 (and regulation 37 refers). Such Panel recommendations may form part of the Panel's initial report or a supplementary report.

Regulation 39 makes provision for publicising the reports of the Panel.

Part 7 of these Regulations makes provision for the amendment of the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 ("the 2002 Regulations").

Regulation 40(6) amends regulation 8(1) of the 2002 Regulations (which concerns special responsibility allowance) such that categories of responsibility described in regulation 8(1) include chairs of licensing committees and vice chairs of licensing committees (at sub-paragraphs (d) and (e) of regulation 8(1) respectively).

Regulation 40(7) substitutes a new regulation 8(2)(b), (c) and (d) for regulation 8(2)(b) of the 2002 Regulations. Where an authority operating executive arrangements or alternative arrangements has more than one deputy cabinet leader or more than one vice chair of a board, the additional sum of ten per cent payable by way of special responsibility allowance for such responsibility may be apportioned amongst those deputy leaders or vice chairs.

Part 7 of these Regulations also amends the 2002 Regulations such that in respect of basic allowance, special responsibility allowance, attendance allowance, care allowance and financial loss allowance, a scheme made by an authority (or, as

awdurdod Parc Cenedlaethol) bennu bod yn rhaid i'r awdurdod neu'r awdurdod Parc Cenedlaethol, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod, wrthod talu'r rhan o bob un o'r lwfansau sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu ddyletswyddau y mae'r aelod wedi ei atal rhag eu cyflawni pan fydd yr aelod wedi'i atal dros dro (gweler rheoliadau 40(5), 40(8), 40(10), 40(12) a 40(13) yn y drefn honno).

Mae rheoliad 40(15) yn mewnosod rheoliad 12A newydd yn Rheoliadau 2002 ac o dan y rheoliad hwn caiff cynllun ddarparu, pan fydd lwfansau wedi'u talu i aelod am gyfnod pan fydd yr aelod hwnnw (ymhlith eraill) wedi'i atal dros dro, y caiff yr awdurdod neu'r awdurdod Parc Cenedlaethol, fel y bo'n briodol, ei gwneud yn ofynnol bod y cyfryw ran o'r lwfans ag sy'n berthnasol i'r cyfnod pan fydd yr aelod wedi'i atal dros dro yn cael ei had-dalu i'r awdurdod.

Mae rheoliad 40(16) yn mewnosod rheoliad 12B newydd yn Rheoliadau 2002 sy'n darparu i ba raddau y mae'n rhaid i awdurdod Parc Cenedlaethol roi sylw i faterion a ragnodir yn un o adroddiadau'r Panel cyn iddo wneud cynllun neu ei ddiwygio neu bennu mynegai y gellid cyfeirio ato wrth addasu lwfansau.

Mae rheoliad 40(17) yn rhoi rheoliad 15(2) newydd yn Rheoliadau 2002 sy'n darparu i ba raddau y mae'n rhaid i awdurdod Parc Cenedlaethol roi sylw i faterion a ragnodir yn un o adroddiadau'r Panel cyn penderfynu cyfraddau lwfans teithio a chynhaliadaeth.

Mae rheoliad 40(18) yn mewnosod (ymhlith pethau eraill) rheoliad 15(4) a (5) newydd yn Rheoliadau 2002. Mae rheoliad newydd 15(4) a (5) yn ei gwneud yn ofynnol i awdurdodau bennu terfyn amser pan fydd raid gwneud hawliad am lwfansau teithio neu gynhaliadaeth.

Mae rheoliad 40(19) yn mewnosod rheoliad 15A newydd yn Rheoliadau 2002 sy'n darparu ar gyfer adennill lwfansau sy'n daladwy gan awdurdod o dan Ran IV o Rheoliadau 2002.

Mae rheoliad 40(20) yn mewnosod rheoliad 15B newydd yn Rheoliadau 2002 sy'n rhoi hawl i awdurdod Parc Cenedlaethol i dalu lwfans aelodau cyfetholedig i'w aelodau cyfetholedig. Gwneir hefyd ddarpariaeth ar gyfer cyfrifo'r uchafswm lwfans aelodau cyfetholedig sy'n daladwy gan awdurdod Parc Cenedlaethol ac ar gyfer addasu'n flynyddol lwfans aelodau cyfetholedig.

Diwygir Rheoliadau 2002 hefyd fel bod yn rhaid i'r awdurdod, mewn cysylltiad â lwfansau teithio a chynhaliadaeth a lwfans aelodau cyfetholedig (ymysg eraill) a phan fydd aelod neu aelod cyfetholedig o awdurdod Parc Cenedlaethol wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod neu'r aelod cyfetholedig hwnnw fel aelod neu aelod cyfetholedig, wrthod talu'r

appropriate, a National Park authority) must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as member, the part of each allowance payable to that member in respect of the responsibilities or duties from which the member is suspended must be withheld by the authority or National Park authority (and regulations 40(5), 40(8), 40(10), 40(12) and 40(13) refer respectively).

Regulation 40(15) inserts a new regulation 12A into the 2002 Regulations under which a scheme may provide that where a payment of allowances has been made to a member for a period during which that member is (amongst others) suspended, the authority or National Park authority, as appropriate, may require that such part of the allowance that relates to the period of suspension be repaid to the authority.

Regulation 40(16) inserts a new regulation 12B into the 2002 Regulations which provides for the extent to which a National Park authority must have regard to matters prescribed in a report of the Panel before making or amending a scheme or specifying an index by reference to which allowances may be adjusted.

Regulation 40(17) substitutes a new regulation 15(2) into the 2002 Regulations which provides for the extent to which a National Park authority must have regard to matters prescribed in a report of the Panel before determining rates of travel and subsistence allowances.

Regulation 40(18) inserts (amongst others) new regulation 15(4) and (5) into the 2002 Regulations. New regulation 15(4) and (5) requires authorities to specify a time limit within which a claim for travel or subsistence allowances must be made.

Regulation 40(19) inserts a new regulation 15A into the 2002 Regulations which provides for the recovery of allowances payable by an authority under Part IV of the 2002 Regulations.

Regulation 40(20) inserts a new regulation 15B into the 2002 Regulations which entitles a National Park authority to pay a co-optees' allowance to their co-opted members. Provision is also made for calculating the maximum amount of co-optees' allowance payable by a National Park authority and an annual adjustment of co-optees' allowance.

The 2002 Regulations are also amended such that (amongst others) in respect of travel and subsistence allowance and co-optees' allowance, where a member or co-opted member of a National Park authority is suspended or partially suspended from that member's or co-opted member's responsibilities or duties as member or co-opted member, the part of each allowance payable to that member or co-opted member

rhan o bob un o'r lwfansau sy'n daladwy i'r aelod neu'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfnod pan fydd yr aelod wedi'i atal dros dro (gweler rheoliadau 40(18) ac (20) yn y drefn honno).

Mae rheoliad 40(21) yn mewnosod Rhan IVA newydd yn Rheoliadau 2002 sy'n darparu i awdurdod Parc Cenedlaethol ad-dalu i aelod unrhyw arian a wariwyd gan yr aelod hwnnw mewn perthynas â threuliau a dynnwyd wrth drefnu ar gyfer gofal plant neu ddibynyddion.

Mae rheoliad 40(23) y diwygio rheoliad 19 o Reoliadau 2002 ac yn darparu i awdurdodau gyhoeddi'r cyfanswm a dalwyd mewn blwyddyn i bob aelod o ran lwfansau teithio a chynhaliaeth ac yn darparu i awdurdodau Parc Cenedlaethol gyhoeddi'r cyfanswm a dalwyd mewn blwyddyn mewn perthynas ag ad-dalu costau gofal.

Mae Rhan 8 o'r Rheoliadau hyn yn gwneud diwygiadau i Reoliadau Awdurdodau Lleol (Lwfansau i Aelodau Awdurdodau Tân) (Cymru) 2004 ("Rheoliadau 2004"). Mae rheoliad 41(5), (6) a (12) yn cywiro gwallau teipograffyddol yn nhestun Cymraeg rheoliadau 8, 10, 16 a 19 o Reoliadau 2004. Mae rheoliad 41(9) yn mewnosod rheoliad 15A newydd yn Rheoliadau 2004 sy'n gwneud darpariaeth ar gyfer talu lwfans aelodau cyfetholedig gan awdurdod tân ac achub i'w aelodau cyfetholedig. Mae'r rheoliad 15A newydd hwnnw'n darparu (ymhlith pethau eraill) bod yn rhaid i awdurdod tân ac achub, pan fydd aelod cyfetholedig o awdurdod tân ac achub wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau a dyletswyddau'r aelod cyfetholedig hwnnw fel aelod cyfetholedig, wrthod talu'r rhan o lwfans aelodau cyfetholedig sy'n daladwy i'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfnod pan fydd yr aelod wedi'i atal dros dro.

Mae rheoliad 41(11) yn diwygio rheoliad 17 o Reoliadau 2004 fel bod rhaid i awdurdod tân bennu terfyn amser pan fo rhaid gwneud hawliad am lwfansau teithio neu gynhaliaeth. Mae rheoliad 41(13) yn rhoi rheoliad 19(3) newydd yn Rheoliadau 2004 fel bod rhaid i awdurdod tân wneud trefniadau i gyhoeddi symiau a dalwyd mewn perthynas â lwfans gofal a lwfansau teithio a chynhaliaeth. Mae rheoliad 41(14) yn mewnosod 19(4) newydd yn Rheoliadau 2004 fel bod rhaid i awdurdod tân ar ôl diwedd pob blwyddyn wned trefniadau i gyhoeddi'r cyfanswm a dalwyd i bob aelod cyfetholedig mewn perthynas â lwfansau aelodau cyfetholedig.

Mae Rhan 9 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer dirymadau, arbedion ac addasiadau.

in respect of the period of suspension must be withheld by the authority (and regulations 40(18) and (20) refer respectively).

Regulation 40(21) inserts a new Part IVA into the 2002 Regulations which makes provision for a National Park authority to reimburse to a member any monies expended by that member in respect of expenses incurred in arranging for the care of children or dependants.

Regulation 40(23) amends regulation 19 of the 2002 Regulations and provides for the publication by authorities of the total sum paid in a year to each member in respect of travel and subsistence allowances and for the publication by National Park authorities of the total sum paid in a year to each member in respect of reimbursement of care expenses.

Part 8 of these Regulations makes amendments to the Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 ("the 2004 Regulations"). Regulation 41(5), (6) and (12) corrects typographical errors in the Welsh text of regulations 8, 10, 16 and 19 of the 2004 Regulations. Regulation 41(9) inserts a new regulation 15A into the 2004 Regulations which makes provision for the payment by a fire and rescue authority of a co-optees' allowance to its co-opted members. That new regulation 15A provides (amongst others) that where a co-opted member of a fire and rescue authority is suspended or partially suspended from that co-opted member's responsibilities or duties as co-opted member, the part of co-optees' allowance payable to that co-opted member in respect of the period of suspension must be withheld by the fire and rescue authority.

Regulation 41(11) amends regulation 17 of the 2004 Regulations such that a fire authority must specify a time limit within which a claim for travel and subsistence allowances must be made. Regulation 41(13) substitutes a new regulation 19(3) into the 2004 Regulations such that a fire authority must make arrangements for the publication of sums paid in respect of care allowance and travel and subsistence allowances. Regulation 41(14) inserts a new 19(4) into the 2004 Regulations such that after the end of each year a fire authority must make arrangements for the publication of the total sum paid to each co-opted member in respect of co-optees' allowance.

Part 9 of these Regulations makes provision for revocations, savings and modifications.

2007 Rhif 1086 (Cy.115)**2007 No. 1086 (W.115)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau'r Awdurdodau Lleol
(Lwfansau i Aelodau) (Cymru)
2007****The Local Authorities (Allowances
for Members) (Wales) Regulations
2007***Wedi'u gwneud* 28 Mawrth 2007
*Yn dod i rym yn unol â rheoliad 1(1)**Made* 28 March 2007
*Coming into force in accordance with
regulation 1(1)*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(2) ynghyd â'r pwerau a roddwyd iddo gan adrannau 100 a 105 o Ddeddf Llywodraeth Leol 2000(3), ac yntau wedi ymgynghori fel sy'n ofynnol gan adran 100(5) o Ddeddf Llywodraeth Leol 2000:

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by section 18 of the Local Government and Housing Act 1989(1) which are now vested in the National Assembly for Wales so far as exercisable in Wales(2) and the powers given to it by sections 100 and 105 of the Local Government Act 2000(3), having carried out such consultation as is required by section 100(5) of the Local Government Act 2000:

RHAN 1

Cyffredinol

PART 1

General

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) (Cymru) 2007 a daw'r Rheoliadau hyn i rym -

- (a) at ddibenion -
 - (i) y rheoliad hwn;
 - (ii) rheoliad 2;

Title, commencement and application

1.-(1) The title of these Regulations is the Local Authorities (Allowances for Members) (Wales) Regulations 2007 and these Regulations come into force on-

- (a) for the purposes of -
 - (i) this regulation;
 - (ii) regulation 2;

(1) 1989 p.42; diwygiwyd adran 18 gan Ddeddf yr Heddlu a Llysoedd Ynadon 1994 (p.29), Atodlen 4, paragraff 37; Deddf Addysg 1996 (p.56), Atodlen 37, paragraff 97; a Deddf Llywodraeth Leol 2000 (p.22), adran 99.

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

(3) 2000 p.22; yn rhinwedd adran 106(1) o Ddeddf Llywodraeth Leol 2000, mae adran 105 yn effeithiol, pan yw'n gymwys o ran Cymru, fel pe rhoddid yn lle unrhyw gyfeiriad at yr Ysgrifennydd Gwladol gyfeiriad at Gynulliad Cenedlaethol Cymru.

(1) 1989 c.42; section 18 was amended by the Police and Magistrates' Courts Act 1994 (c.29), Schedule 4, paragraph 37; the Education Act 1996 (c.56), Schedule 37, paragraph 97; and the Local Government Act 2000 (c.22), section 99.

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

(3) 2000 c.22; by virtue of section 106(1) of the Local Government Act 2000, section 105 has effect, in its application to Wales, as if for any reference to the Secretary of State there were substituted a reference to the National Assembly for Wales.

- (iii) Rhan 6;
- (iv) paragraffau (1), (5) i (8), (10) i (13), (15), (18), (19) a (21) i (23) o reoliad 40;
- (v) paragraffau (1), (5), (6) (7) ac (11) i (13) o reoliad 41; a
- (vi) rheoliad 43,

ar 1 Mehefin 2007; a

- (b) at bob diben arall, ar y diwrnod sydd bedwar mis ar ôl y diwrnod y mae'r adroddiad a gynhyrchwyd gan y Panel, yn unol â rheoliad 39(1), yn dod i law Cynulliad Cenedlaethol Cymru, yn unol â rheoliad 34.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "adroddiad atodol" ("*supplementary report*") yw adroddiad a gynhyrchir gan y Panel yn unol â rheoliad 36 o'r Rheoliadau hyn;

ystyr "adroddiad blynyddol" ("*annual report*") yw adroddiad a gynhyrchir gan y Panel yn unol â rheoliad 35 o'r Rheoliadau hyn;

ystyr "adroddiad cychwynnol" ("*initial report*") yw'r adroddiad a gynhyrchir gan y Panel yn unol â rheoliad 34;

mae "aelod" ("*member*") yn cynnwys, mewn perthynas â Rhannau 2 i 5 o'r Rheoliadau hyn ac oni fynegir yn benodol fel arall, aelod cyfetholedig, aelod o bwyllgor neu aelod o is-bwyllgor;

ystyr "aelod cyfetholedig" ("*co-opted member*") o ran awdurdod yw person nad yw'n aelod o'r awdurdod ond -

- (a) sy'n aelod o unrhyw un o bwyllgorau neu o is-bwyllgorau'r awdurdod; neu
- (b) sy'n aelod o unrhyw un o gyd-bwyllgorau neu o gyd-is-bwyllgorau'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;

ystyr "awdurdod" ("*authority*") yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr "awdurdod Parc Cenedlaethol" ("*National Park Authority*") yw awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995(1);

ystyr "awdurdod tân ac achub" ("*fire and rescue authority*") yw awdurdod tân ac achub a ffurfiwyd drwy gynllun o dan adran 2 o Ddeddf

(1) 1995 p.25.

- (iii) Part 6;
- (iv) paragraphs (1), (5) to (8), (10) to (13), (15), (18), (19) and (21) to (23) of regulation 40;
- (v) paragraphs (1), (5), (6), (7) and (11) to (13) of regulation 41; and
- (vi) regulation 43,

on 1 June 2007; and

- (b) for all other purposes, on the day that is four months after the day on which the National Assembly for Wales receives, in accordance with regulation 39(1), the report produced by the Panel under regulation 34.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations -

"the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972(1);

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

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002(2);

"alternative arrangements" ("*trefniadau amgen*") means arrangements for the discharge of the functions of an authority which are of a type described in section 32(1) of the 2000 Act;

"annual report" ("*adroddiad blynyddol*") means a report produced by the Panel in accordance with regulation 35 of these Regulations;

"approved duty" ("*dyletswydd a gymeradwywyd*") means -

- (a) attendance at a meeting of the authority or of any committee of the authority or of any body to which the authority makes appointments or nominations or of any committee of such a body;
- (b) attendance at a meeting of any association of authorities of which the authority is a member;
- (c) attendance at any other meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities;
- (d) a duty undertaken for the purpose of or in connection with the discharge of the functions of an executive where the authority is operating executive arrangements within the

(1) 1972 c.70.

(2) S.I. 2002/1895 (W.196).

Gwasanaethau Tân ac Achub 2004 neu drwy gynllun y mae adran 4 o'r Ddeddf honno'n gymwys iddo(1);

ystyr "blwyddyn" ("year") -

- (a) at ddibenion rheoliad 28(2), yw cyfnod o ddeuddeng mis;
- (b) at ddibenion rheoliad 29(1), yw unrhyw gyfnod o ddeuddeng mis yn dod i ben ar 31 Rhagfyr; ac
- (c) at bob diben arall -
 - (i) yw'r cyfnod sy'n dechrau ar y dyddiad y daw'r Rheoliadau hyn i rym yn unol â rheoliad 1(1)(b) ac sy'n dod i ben ar 31 Mawrth 2009; a
 - (ii) yw unrhyw gyfnod o 12 mis sy'n dod i ben ar 31 Mawrth ar ôl hynny;

ystyr "bwrdd" ("board") yw pwyllgor awdurdod a sefydlwyd o dan rheoliad 4 o Reoliadau Awdurdodau Lleol (Trefniadau Amgen) (Cymru) 2007(2);

ystyr "cynllun" ("scheme") yw cynllun talu lwfansau a wnaed yn unol â Rhannau 2 a 3 o'r Rheoliadau hyn;

ystyr "Deddf 1972" ("the 1972 Act") yw Deddf Llywodraeth Leol 1972(3);

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

ystyr "dyletswydd a gymeradwywyd" ("approved duty") yw -

- (a) presenoldeb mewn un o gyfarfodydd yr awdurdod neu o bwyllgorau'r awdurdod neu un o gyfarfodydd unrhyw gorff y mae'r awdurdod yn gwneud penodiadau neu enwebiadau iddo neu un o gyfarfodydd unrhyw un o bwyllgorau corff o'r fath;
- (b) presenoldeb mewn un o gyfarfodydd unrhyw gymdeithas awdurdodau y mae'r awdurdod yn aelod ohoni;
- (c) presenoldeb mewn unrhyw gyfarfod arall y mae'r awdurdod neu un o bwyllgorau'r awdurdod neu un o gyd-bwyllgorau'r awdurdod ynghyd ag un awdurdod arall neu fwy yn awdurdodi ei gynnal;
- (ch) dyletswydd yr ymgwymerir â hi at ddiben cyflawni swyddogaethau gweithrediaeth neu mewn cysylltiad â'u cyflawni pan fydd gan yr awdurdod ar waith drefniadau gweithredol o fewn ystyr Rhan II o Ddeddf 2000;
- (d) dyletswydd yr ymgwymerir â hi yn unol â rheol sefydlog sy'n ei gwneud yn ofynnol i aelod neu

meaning of Part II of the 2000 Act;

- (e) a duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened;
- (f) a duty undertaken in connection with the discharge of any function of the authority which empowers or requires the authority to inspect or authorise the inspection of premises;
- (g) attendance at any training or developmental event approved by the authority or its executive or board; and
- (h) any other duty approved by the authority, or any other duty of a class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees;

"authority" ("awdurdod") means a county council or a county borough council;

"basic allowance" ("lwfans sylfaenol") has the same meaning as in regulation 7 of these Regulations;

"board" ("bwrdd") means the committee of an authority established under regulation 4 of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007(1);

"care allowance" ("lwfans gofal") has the same meaning as in regulation 9 of these Regulations;

"committee" ("pwyllgor") includes a sub-committee;

"co-opted member" ("aelod cyfetholedig") means in relation to an authority a person who is not a member of the authority but who -

- (a) is a member of any committee or sub-committee of the authority; or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"co-optees' allowance" ("lwfans aelodau cyfetholedig") has the same meaning as in regulation 16 of these Regulations;

"executive" ("gweithrediaeth") means the executive of an authority in a form as specified in section 11(2) to (5) of the 2000 Act;

"executive arrangements" ("trefniadau gweithrediaeth") has the meaning given by section

(1) 2004 p.21.

(2) O.S. 2007/397 (Cy.43).

(3) 1972 p.70.

(1) S.I. 2007/397 (W. 43).

aelodau fod yn bresennol pan agorir dogfennau tendro;

- (dd) dyletswydd yr ymgymerir â hi mewn cysylltiad â chyflawni unrhyw un o swyddogaethau'r awdurdod sy'n rhoi pŵer i'r awdurdod neu'n ei gwneud yn ofynnol iddo arolygu mangreodded neu awdurdodi eu harolygu;
- (e) presenoldeb mewn unrhyw achlysur hyfforddi neu ddatblygu a gymeradwyir gan yr awdurdod neu gan weithrediaeth neu fwrdd yr awdurdod; ac
- (f) unrhyw ddyletswydd arall a gymeradwyir gan yr awdurdod, neu unrhyw ddyletswydd arall mewn dosbarth a gymeradwyir felly, a honno'n ddyletswydd yr ymgymerir â hi at ddiben cyflawni swyddogaethau'r awdurdod neu unrhyw un o'i bwyllgorau neu mewn cysylltiad â'u cyflawni;

ystyr "gweithrediaeth" ("*executive*") yw gweithrediaeth awdurdod ar ffurf a bennir yn adran 11(2) i (5) o Ddeddf 2000;

mae i'r ymadrodd "lwfans aelodau cyfetholedig" ("*co-optees' allowance*") yr ystyr sydd iddo yn rheoliad 16 o'r Rheoliadau hyn;

mae i'r ymadrodd "lwfans cyfrifoldeb arbennig" ("*special responsibility allowance*") yr ystyr sydd iddo yn rheoliad 8 o'r Rheoliadau hyn;

mae i'r ymadrodd "lwfans gofal" ("*care allowance*") yr ystyr sydd iddo yn rheoliad 9 o'r Rheoliadau hyn;

mae i'r ymadrodd "lwfans sylfaenol" ("*basic allowance*") yr ystyr sydd iddo yn rheoliad 7 o'r Rheoliadau hyn;

mae i'r ymadrodd "lwfans teithio a chynhaliaeth" ("*travelling and subsistence allowance*") yr ystyr sydd iddo yn rheoliad 15 o'r Rheoliadau hyn;

ystyr "Panel" ("*Panel*") yw'r panel a sefydlir yn unol â Rhan 6 o'r Rheoliadau hyn;

mae "pwyllgor" ("*committee*") yn cynnwys is-bwyllgor;

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol (Cymru) 2002(1));

ystyr "Rheoliadau Awdurdod Tân ac Achub" ("*Fire and Rescue Authority Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Awdurdodau Tân) (Cymru) 2004(2);

10(1) of the 2000 Act;

"fire and rescue authority" ("*awdurdod tân ac achub*") means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies(1);

"Fire and Rescue Authority Regulations" ("*Rheoliadau Awdurdod Tân ac Achub*") means the Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004(2);

"initial report" ("*adroddiad cychwynnol*") means the report produced by the Panel in accordance with regulation 34;

"member" ("*aelod*") includes in respect of Parts 2 to 5 of these Regulations and unless otherwise expressly stated a co-opted member and a member of a committee or sub-committee;

"National Park authority" ("*awdurdod Park Cenedlaethol*") means a National Park authority established under section 63 of the Environment Act 1995(3);

"Panel" ("*Panel*") means the panel established in accordance with Part 6 of these Regulations;

"proper officer" ("*swyddog priodol*") has the same meaning as in section 270(3) of the 1972 Act;

"scheme" ("*cynllun*") means a scheme for the payment of allowances made in accordance with Parts 2 and 3 of these Regulations;

"special responsibility allowance" ("*lwfans cyfrifoldeb arbennig*") has the same meaning as in regulation 8 of these Regulations;

"supplementary report" ("*adroddiad atodol*") means a report produced by the Panel in accordance with regulation 36 of these Regulations;

"travelling and subsistence allowances" ("*lwfansau teithio a chynhaliaeth*") has the same meaning as in regulation 15 of these Regulations; and

"year" ("*blwyddyn*") means-

- (a) for the purposes of regulation 28(2), a period of twelve months;
- (b) for the purposes of regulation 29(1), any period of twelve months ending on 31 December; and
- (c) for all other purposes -
- (i) the period beginning on the date of the coming into force of these Regulations in accordance with regulation 1(1)(b) and ending on 31 March 2009; and

(1) O.S. 2002/1895 (Cy.196).

(2) O.S. 2004/2555 (Cy.227) fel y'i diwygiwyd gan O.S. 2005/2929 (Cy.214).

(1) 2004 c.21.

(2) S.I. 2004/2555 (W.227) as amended by S.I. 2005/2929 (W.214).

(3) 1995 c.25.

mae i'r ymadrodd "swyddog priodol" yr ystyr sydd i "*proper officer*" yn adran 270(3) o Ddeddf 1972;

ystyr "trefniadau amgen" ("*alternative arrangements*") yw trefniadau ar gyfer cyflawni swyddogaethau awdurdod sy'n swyddogaethau o fath a ddisgrifir yn adran 32(1) o Ddeddf 2000; ac

mae i'r ymadrodd "trefniadau gweithrediaeth" yr ystyr a roddir i "*executive arrangements*" gan adran 10(1) o Ddeddf 2000.

Awdurdodau perthnasol rhagnodedig

3. Rhagnodir awdurdodau'n awdurdodau perthnasol at ddbenion adran 100(1)(b) ac (c) o Ddeddf 2000.

(ii) any period of 12 months ending on 31 March thereafter.

Prescribed relevant authorities

3. Authorities are prescribed as relevant authorities for the purposes of section 100(1)(b) and (c) of the 2000 Act.

RHAN 2

Cynlluniau Lwfansau Aelodau

Dehongli

4. Bydd tymor mewn swydd aelod awdurdod sy'n gynghorydd yn cychwyn ar y dyddiad y bydd yr aelod hwnnw'n gwneud datganiad i dderbyn y swydd honno o dan adran 83(1) o Ddeddf 1972.

Cynlluniau Lwfansau

5.-(1) Rhaid i awdurdod wneud cynllun yn unol â'r Rheoliadau hyn ar gyfer talu lwfansau mewn cysylltiad â phob blwyddyn.

(2) Pan ddirymir cynllun yn unol â rheoliad 6(1), rhaid i awdurdod, cyn i'r dirymiad gymryd effaith, wneud cynllun pellach ar gyfer y cyfnod sy'n cychwyn ar y dyddiad y bydd y dirymiad yn cymryd effaith.

Diwygio Cynlluniau

6.-(1) Caniateir diwygio neu ddirymu cynllun a wneir o dan y Rhan hon ar unrhyw adeg.

(2) Os yw diwygiad i'w wneud a hwnnw'n ddiwygiad sy'n effeithio ar lwfans sy'n daladwy am y flwyddyn y gwneir y diwygiad ynddi, caiff y cynllun ddarparu i'r hawl i'r cyfryw lwfans fod yn gymwys gydag effaith o ddechrau'r flwyddyn y gwneir y diwygiad ynddi, ac os yw'r diwygiad yn effeithio ar lwfans sylfaenol neu lwfans cyfrifoldeb arbennig mewn perthynas â phob un o'r cyfnodau -

- (a) yn cychwyn ar ddiwrnod cyntaf y flwyddyn ac yn gorffen ar y diwrnod cyn y diwrnod y bydd y diwygiad cyntaf yn y flwyddyn honno'n cymryd effaith, a
- (b) yn cychwyn ar y diwrnod y bydd diwygiad yn

PART 2

Schemes for Members' Allowances

Interpretation

4. The term of office of a member of an authority who is a councillor begins on the date on which that member makes a declaration of acceptance of that office under section 83(1) of the 1972 Act.

Allowances Schemes

5.-(1) An authority must make a scheme in accordance with these Regulations for the payment of allowances in respect of each year.

(2) When a scheme is revoked in accordance with regulation 6(1), an authority must before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect.

Amendment of Schemes

6.-(1) A scheme made under this Part may be amended or revoked at any time.

(2) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance to apply with effect from the beginning of the year in which the amendment is made and if the amendment affects basic allowance or special responsibility allowance in relation to each of the periods -

- (a) beginning with the first day of the year and ending with the day before that on which the first amendment in that year takes effect, and
- (b) beginning with the day on which an

cymryd effaith ac yn gorffen y diwrnod cyn y dyddiad y bydd y diwygiad nesaf yn cymryd effaith, neu (os nad oes un) ar ddiwrnod olaf y flwyddyn,

bydd yr hawl i'r cyfryw lwfans yn hawl i daliad o'r cyfryw gyfran o swm y lwfans o dan y cynllun fel y mae'n effeithiol yn ystod y cyfnod perthnasol ag sy'n cynrychioli nifer y dyddiau yn y cyfnod fel cyfran o nifer y dyddiau yn y flwyddyn.

Lwfansau sylfaenol

7.-(1) Rhaid i gynllun a wneir o dan y Rhan hon ddarparu ar gyfer talu lwfans ("lwfans sylfaenol") am bob blwyddyn y mae'r cynllun yn berthnasol iddi i bob aelod o'r awdurdod sy'n gynghorydd a rhaid i swm y cyfryw lwfans fod yr un swm i bob aelod o'r fath.

(2) O ran lwfans sylfaenol, ni chaniateir i swm y mae gan bob aelod awdurdod sy'n gynghorydd hawl iddo, yn ddarostyngedig i reoliad 11 a pharagraffau (1) i (3) o reoliad 12, fod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â'r awdurdod hwnnw -

- (a) ac eithrio pan fydd is-baragraff (b) yn gymwys, yn yr adroddiad cychwynnol yn unol â rheoliad 34(1)(b)(i);
- (b) mewn adroddiad atodol, y mae darpariaethau perthnasol yr adroddiad yn gymwys ar y pryd.

(3) Rhaid i gynllun ddarparu, pan fydd tymor mewn swydd aelod yn cychwyn neu'n gorffen ar ddyddiad ac eithrio dechrau neu ddiwedd y flwyddyn, y bydd hawl yr aelod hwnnw'n hawl i daliad o'r cyfryw gyfran o'r lwfans sylfaenol ag sy'n cynrychioli nifer y dyddiau y pery tymor mewn swydd yr aelod fel cynghorydd yn ystod y flwyddyn honno fel cyfran o nifer y dyddiau yn y flwyddyn honno.

(4) Os caiff cynllun ei ddiwygio fel a grybwyllir ym mharagraff (2) o reoliad 6 ac nad yw tymor mewn swydd aelod sy'n gynghorydd yn para trwy gydol y cyfan o'r cyfnod a grybwyllir yn is-baragraff (a) neu (b) o'r paragraff hwnnw, rhaid i'r cynllun ddarparu bod hawl unrhyw aelod o'r fath o dan y rheoliad hwn yn hawl i daliad o'r cyfryw gyfran o'r lwfans sylfaenol ag sy'n gymwys i bob cyfnod o'r fath ag sy'n cynrychioli nifer y dyddiau y pery tymor mewn swydd yr aelod yn y cyfnod hwnnw fel cyfran o nifer y dyddiau yn y cyfnod.

(5) Rhaid i gynllun a wneir o dan y Rhan hon ddarparu nad oes mwy nag un lwfans sylfaenol yn daladwy i aelod o awdurdod.

(6) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan honno o lwfans sylfaenol sy'n daladwy i'r

amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the last day of the year,

the entitlement to such an allowance is to payment of such proportion of the amount of the allowance under the scheme as it has effect during the relevant period as the number of days in the period bears to the number of days in the year.

Basic allowances

7.-(1) A scheme made under this Part must provide for the payment for each year to which the scheme relates of an allowance ("basic allowance") to each member of the authority who is a councillor and the amount of such allowance must be the same for each such member.

(2) The amount of entitlement in respect of each member of an authority who is a councillor by way of basic allowance must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that authority in-

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(i);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) A scheme must provide that, where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member is to be to payment of such proportion of the basic allowance as the number of days during which the member's term of office as a councillor subsists during that year bears to the number of days in that year.

(4) Where a scheme is amended as mentioned in paragraph (2) of regulation 6 and the term of office of a member who is a councillor does not subsist throughout the whole of a period mentioned in sub-paragraph (a) or (b) of that paragraph, the scheme must provide that the entitlement of any such member under this regulation is to payment of such proportion of the basic allowance applicable to each such period as represents the number of days the member's term in office subsists in that period as a proportion of the number of days in the period.

(5) A scheme made under this Part must provide that no more than one basic allowance is payable to a member of an authority.

(6) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to that member in respect of the responsibilities or duties from which that

aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu ddyletswyddau y mae'r aelod hwnnw wedi ei atal dros dro neu'n rhannol rhag eu cyflawni.

Lwfansau cyfrifoldeb arbennig

8.-(1) Yn ddarostyngedig i baragraffau (2) i (5) caiff cynllun a wneir o dan y Rhan hon ddarparu ar gyfer talu am bob blwyddyn y mae'r cynllun yn gysylltiedig â hi lwfans ("lwfans cyfrifoldeb arbennig") i'r cyfryw aelodau o'r awdurdod ag sy'n gynghorwyr ac sydd â'r cyfryw gyfrifoldebau arbennig mewn cysylltiad â'r awdurdod hwnnw ag -

- (a) a ragnodir gan y Panel mewn cysylltiad â'r awdurdod hwnnw
 - (i) yn yr adroddiad cychwynnol; neu
 - (ii) mewn unrhyw adroddiad atodol; a
- (b) a bennir yn y cynllun.

(2) Ni chaniateir talu lwfans cyfrifoldeb arbennig i fwy na hanner cant y cant o aelodau'r awdurdod (canran a gyfrifir drwy ddefnyddio cyfanswm nifer y seddau ar yr awdurdod a thrwy dalgrynnu i fyny nifer yr aelodau i'r rhif cyfan nesaf pan nad yw'r rhif, o gyfrifo'r ganran, yn rhif cyfan).

(3) Ni chaiff y swm y mae hawl iddo o ran cyfrifoldeb arbennig a hynny ar ffurf lwfans cyfrifoldeb arbennig sy'n daladwy gan awdurdod, yn ddarostyngedig i reoliad 11 a pharagraffau (1) i (3) o reoliad 12, fod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â'r cyfrifoldeb arbennig hwnnw ac â'r awdurdod hwnnw -

- (a) ac eithrio pan fydd is-baragraff (b) yn gymwys, yn yr adroddiad cychwynnol yn unol â rheoliad 34(1)(b)(ii);
- (b) mewn adroddiad atodol, y mae darpariaethau perthnasol yr adroddiad yn gymwys ar y pryd.

(4) Ni chaniateir i awdurdod dalu mwy nag un lwfans cyfrifoldeb arbennig i aelod sy'n un o gynghorwyr yr awdurdod hwnnw.

(5) Rhaid i unrhyw gynllun sy'n gwneud y cyfryw ddarpariaeth ag a grybwyllir ym mharagraff (1) ddarparu -

- (a) pan nad oes gan aelod, drwy gydol blwyddyn, unrhyw gyfrifoldebau arbennig o'r math sy'n rhoi i aelod hawl i lwfans cyfrifoldeb arbennig, bydd hawl yr aelod hwnnw yn hawl i daliad o'r cyfryw gyfran o'r lwfans hwnnw ag sy'n cynrychioli nifer y dyddiau pan fydd gan yr aelod hwnnw'r cyfryw gyfrifoldebau arbennig fel cyfran o nifer y dyddiau yn y flwyddyn honno; a
- (b) pan gaiff cynllun ei ddiwygio fel a grybwyllir ym mharagraff (2) o reoliad 6 ac nad oes gan aelod drwy gydol y cyfan o unrhyw gyfnod a grybwyllir yn is-baragraff (a) neu (b) o'r paragraff hwnnw unrhyw gyfrifoldebau

member is suspended or partially suspended must be withheld by the authority.

Special responsibility allowances

8.-(1) Subject to paragraphs (2) to (5), a scheme made under this Part may provide for the payment for each year to which the scheme relates of an allowance ("special responsibility allowance") to such members of the authority who are councillors as have such special responsibilities in relation to that authority as are -

- (a) prescribed by the Panel for that authority in
 - (i) the initial report; or
 - (ii) any supplementary report; and
- (b) specified in the scheme.

(2) A special responsibility allowance may not be paid to more than fifty per cent of the members of the authority (calculated using the total number of seats on the authority and by rounding up the number of members to the next whole number when in calculating the percentage the number is not a whole number).

(3) The amount of entitlement in respect of a special responsibility by way of special responsibility allowance payable by an authority must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that special responsibility and that authority in -

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(ii);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(4) An authority must not pay more than one special responsibility allowance to a member who is a councillor of that authority.

(5) Any scheme making such provision as is mentioned in paragraph (1) must provide that -

- (a) where a member does not have throughout a year any such special responsibilities as entitle a member to a special responsibility allowance, that member's entitlement is to be to payment of such proportion of that allowance as the number of days during which that member has such special responsibilities bears to the number of days in that year; and
- (b) where a scheme is amended as mentioned in paragraph (2) of regulation 6 and a member does not have throughout the whole of any period mentioned in sub-paragraph (a) or (b) of that paragraph any such special responsibilities

arbennig o'r fath sy'n rhoi i aelod hawl i lwfans cyfrifoldeb arbennig, bydd hawl yr aelod hwnnw yn hawl i daliad o'r cyfryw gyfran o'r lwfans sy'n gymwys i bob cyfnod o'r fath ag sy'n cynrychioli nifer y dyddiau y pery tymor mewn swydd yr aelod yn y cyfnod hwnnw fel cyfran o nifer y dyddiau yn y cyfnod.

(6) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans cyfrifoldeb arbennig sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu ddyletswyddau y mae'r aelod hwnnw wedi'i atal dros dro neu'n rhannol rhag eu cyflawni.

Lwfansau gofal

9.-(1) Yn ddarostyngedig i baragraff (2), caiff cynllun ddarparu ar gyfer talu i aelod o'r awdurdod sy'n gynghorydd lwfans ("lwfans gofal") mewn cysylltiad â'r cyfryw dreuliau y mae'n angenrheidiol eu tynnu wrth drefnu gofal i blant neu ddibynyddion er mwyn i'r aelod hwnnw gyflawni ei ddyletswyddau fel aelod.

(2) Rhaid i gynllun a wneir o dan y Rhan hon beidio â darparu ar gyfer talu -

- (a) lwfans gofal mewn cysylltiad ag unrhyw blentyn dros bymtheg oed neu ddibynnydd onid yw'r aelod yn bodloni'r awdurdod fod angen ar y plentyn neu'r dibynnydd oruchwyliaeth sydd wedi peri i'r aelod dynnu treuliau a oedd yn angenrheidiol mewn cysylltiad â gofalu am y plentyn neu'r dibynnydd hwnnw er mwyn i'r aelod hwnnw gyflawni ei ddyletswyddau fel aelod;
- (b) lwfans gofal i fwy nag un aelod o'r awdurdod mewn perthynas â gofalu am yr un plentyn neu ddibynnydd; neu
- (c) mwy nag un lwfans gofal i unrhyw aelod o'r awdurdod nad yw'n gallu dangos er boddhad rhesymol yr awdurdod fod yn rhaid i'r aelod wneud trefniadau ar wahân ar gyfer gofalu am wahanol blant neu ddibynyddion.

(3) Ni chaniateir i'r swm y mae gan aelod sy'n un o gynghorwyr awdurdod hawl iddo o ran lwfans gofal, yn ddarostyngedig i reoliad 11 a pharagraffau (1) i (3) o reoliad 12, fod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â'r awdurdod hwnnw-

- (a) ac eithrio pan fydd is-baragraff (b) yn gymwys, yn yr adroddiad cychwynnol yn unol â rheoliad 34(1)(b)(iii);
- (b) mewn adroddiad atodol, y mae darpariaethau perthnasol yr adroddiad yn gymwys ar y pryd.

(4) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod,

as entitle a member to a special responsibility allowance that member's entitlement is to payment of such proportion of the allowance applicable to each such period as represents the number of days the member's term in office subsists in that period as a proportion of the number of days in the period.

(6) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.

Care allowances

9.-(1) Subject to paragraph (2), a scheme may provide for the payment to a member of the authority who is a councillor of an allowance ("care allowance") in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member's duties as a member.

(2) A scheme made under this Part must not provide for the payment of -

- (a) a care allowance in respect of any child over the age of fifteen years or dependant unless the member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of that members duties as a member;
- (b) a care allowance to more than one member of the authority in relation to the care of the same child or dependant; or
- (c) more than one care allowance to any member of the authority who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.

(3) The amount of entitlement in respect of a member who is a councillor of an authority by way of care allowance must not, subject to regulation 11 and paragraphs (1) to (3) of regulation 12, exceed the amount prescribed by the Panel for that authority in-

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(iii);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(4) A scheme must specify that where a member is

pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans gofal sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu ddyletswyddau y mae'r aelod hwnnw wedi ei atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

RHAN 3

Cynlluniau - Darpariaeth Bellach

Swm y lwfansau

10. Rhaid i gynllun bennu mewn cysylltiad ag unrhyw flwyddyn y mae'n ymwneud â hi -

- (a) swm y lwfans sylfaenol neu ffordd o ganfod y swm; a
- (b) swm y lwfans cyfrifoldeb arbennig neu ffordd o ganfod y swm a, phan fydd gwahanol symiau'n gymwys i wahanol gyfrifoldebau, y swm sy'n gymwys i bob un, neu ffordd o ganfod y swm.

11. At ddibenion y cyfnod sy'n dechrau ar y dyddiad y daw'r Rheoliadau hyn i rym yn unol â rheoliad 1(1)(b) ac sy'n dod i ben ar 31 Mawrth 2009 ("y flwyddyn gyntaf"), rhaid i swm yr hawliad ar gyfer-

- (a) lwfans sylfaenol;
- (b) lwfans cyfrifoldeb arbennig; ac
- (c) lwfans gofal,

sy'n daladwy gan awdurdod, beidio â bod yn uwch na'r cyfryw gyfran o'r uchafswm sy'n daladwy ar gyfer pob un o'r lwfansau hynny fel a ragnodir gan y Panel ag sy'n cyfateb i nifer y dyddiau yn y flwyddyn gyntaf fel cyfran o nifer y dyddiau yn y cyfnod o ddeuddeng mis sy'n dod i ben ar 31 Mawrth 2009.

12.-(1) Yn ddarostyngedig i baragraffau (2) a (3) caiff cynllun wneud darpariaeth ar gyfer addasu lwfansau'n flynyddol.

(2) Yn ddarostyngedig i baragraff (3), o ran addasiad blynyddol i lwfans sy'n daladwy gan awdurdod am unrhyw flwyddyn-

- (a) Rhaid iddo beidio â bod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â-
 - (i) y lwfans hwnnw;
 - (ii) yr awdurdod hwnnw; a
 - (iii) y flwyddyn honno,

mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir yn unol â rheoliad 35 neu reoliad 36 yn y drefn honno; a

suspended or partially suspended from that member's responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of care allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.

PART 3

Schemes - Further Provision

Amount of allowances

10. A scheme must specify in respect of any year to which it relates -

- (a) the amount or a means to ascertain the amount of the basic allowance; and
- (b) the amount or a means to ascertain the amount of special responsibility allowance and, where different amounts apply to different responsibilities, the amount or means to ascertain the amount applicable to each.

11. For the purposes of the period beginning on the date of the coming into force of these regulations in accordance with regulation 1(1)(b) and ending 31 March 2009 ("the first year"), the amount of entitlement of -

- (a) basic allowance;
- (b) special responsibility allowance; and
- (c) care allowance,

payable by an authority must not exceed such proportion of the maximum amount payable by way of each of those allowances as prescribed by the Panel as the number of days in the first year bears to the number of days in the period of twelve months ending 31 March 2009.

12.-(1) Subject to paragraphs (2) and (3), a scheme may make provision for an annual adjustment of allowances.

(2) Subject to paragraph (3), an annual adjustment to an allowance payable by an authority for any year -

- (a) must not exceed the amount prescribed by the Panel for -
 - (i) that allowance;
 - (ii) that authority; and
 - (iii) that year,

in an annual report or a supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36; and

- (b) ni chaniateir ei wneud ond drwy gyfeirio at fynegai os yw'r Panel wedi rhagnodi bod y cyfryw fynegai i'w ddefnyddio at y diben hwnnw-
 - (i) mewn perthynas â'r lwfans hwnnw;
 - (ii) gan yr awdurdod hwnnw; a
 - (iii) mewn cysylltiad â'r flwyddyn honno,

mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir yn unol â rheoliad 35 neu 36 yn y drefn honno.

(3) Os bydd i'r Panel gynhyrchu adroddiad atodol sy'n rhagnodi materion a ddisgrifir ym mharagraff (2)(a) neu (b), caiff awdurdod y mae'r adroddiad hwnnw'n gymwys iddo-

- (a) ar gyfer y flwyddyn y mae'r adroddiad atodol yn ymwneud â hi; a
- (b) mewn perthynas â'r materion a ragnodir felly,

addasu lwfansau sy'n daladwy ganddo am y flwyddyn honno, er y gallai'r awdurdod fod wedi addasu'r lwfansau o dan baragraff (1) o ganlyniad i adroddiad blynyddol cynharach a gynhyrchwyd gan y Panel mewn cysylltiad â'r flwyddyn honno.

(4) Caiff cynllun ddarparu, pan fydd unrhyw lwfans wedi'i dalu eisoes mewn cysylltiad ag unrhyw gyfnod pan fydd yr aelod dan sylw-

- (a) wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno;
- (b) yn peidio â bod yn aelod o awdurdod; neu
- (c) heb fod â hawl mewn unrhyw ffordd arall i dderbyn y lwfans mewn cysylltiad â'r cyfnod hwnnw,

y caiff yr awdurdod ei gwneud yn ofynnol i'r cyfryw ran o'r lwfans ag sy'n berthnasol i unrhyw gyfnod o'r fath gael ei had-dalu i'r awdurdod.

Dewis i beidio â derbyn lwfansau

13. Rhaid i gynllun ddarparu y caiff aelod, o anfon hysbysiad ysgrifenedig at swyddog priodol yr awdurdod, ddewis peidio â derbyn unrhyw ran o lwfans y mae gan yr aelod hwnnw hawl iddo o dan y cynllun.

Taliadau

14. Caiff cynllun ddarparu bod taliadau o ran lwfansau i'w gwneud ar y cyfryw adegau ag a fyddo wedi'u pennu ynddo, a chaniateir pennu gwahanol adegau ar gyfer gwahanol lwfansau.

- (b) may only be made by reference to an index if the Panel has prescribed that such an index be used for that purpose -
 - (i) in relation to that allowance;
 - (ii) by that authority; and
 - (iii) for that year,

in an annual report or a supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36.

(3) In the event that the Panel produces a supplementary report which prescribes matters described in paragraph (2)(a) or (b), an authority to which that report applies may -

- (a) for the year to which the supplementary report relates; and
- (b) in relation to the matters so prescribed,

make an adjustment of allowances payable by it for that year, notwithstanding that the authority may have made an adjustment of allowances under paragraph (1) in consequence of an earlier annual report produced by the Panel for that year.

(4) A scheme may provide that where payment of any allowance has already been made in respect of any period during which the member concerned -

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

Elections to forgo allowances

13. A scheme must provide that a member may, by notice in writing to the proper officer of the authority, elect to forgo any part of that member's entitlement to an allowance under the scheme.

Payments

14. A scheme may provide for payments of allowances to be made at such times as may be specified in it, and different times may be specified for different allowances.

RHAN 4

Lwfansau Eraill

Lwfans teithio a chynhaliaeth

15.-(1) Yn ddarostyngedig i baragraff (2) mae gan aelod hawl i dderbyn taliadau lwfansau teithio a chynhaliaeth ar gyfraddau a benderfynir bob blwyddyn gan yr awdurdod pan fydd gwariant ar deithio neu gynhaliaeth yn cael ei dynnu o raid gan yr aelod hwnnw wrth iddo gyflawni dyletswydd a gymeradwydd fel aelod o'r awdurdod.

(2) Rhaid i gyfraddau lwfans a benderfynir gan awdurdod am flwyddyn o dan baragraff (1), yn ddarostyngedig i reoliad 20, beidio â bod yn fwy na'r cyfraddau lwfansau teithio a chynhaliaeth a ragnodir gan y Panel mewn cysylltiad â'r awdurdod hwnnw-

- (a) ac eithrio pan fydd is-baragraff (b) yn gymwys, yn yr adroddiad cychwynnol yn unol â rheoliad 34(1)(b)(iv) a (v);
- (b) mewn adroddiad atodol, y mae darpariaethau perthnasol yr adroddiad yn gymwys ar y pryd.

(3) Pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno, rhaid i awdurdod wrthod talu lwfansau teithio a chynhaliaeth sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod hwnnw wedi ei atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

Lwfans aelodau cyfetholedig

16.-(1) Yn ddarostyngedig i baragraff (2), caiff awdurdod ddarparu bod lwfans am bob blwyddyn yn cael ei dalu i aelod cyfetholedig sydd â chyfrifoldebau neu ddyletswyddau mewn cysylltiad â mynychu cynadleddau a chyfarfodydd fel a ragnodir gan y Panel.

(2) Rhaid i'r swm y mae gan aelod cyfetholedig hawl iddo o ran lwfans aelodau cyfetholedig, yn ddarostyngedig i reoliadau 19 a 20, beidio â bod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â'r awdurdod hwnnw-

- (a) ac eithrio pan fydd is-baragraff (b) yn gymwys, yn yr adroddiad cychwynnol yn unol â rheoliad 34(1)(b)(vi);
- (b) mewn adroddiad atodol, y mae darpariaethau perthnasol yr adroddiad yn gymwys ar y pryd.

(3) Yn ddarostyngedig i baragraff (2) a rheoliad 20 caiff awdurdod addasu swm yr hawl i lwfans aelodau cyfetholedig am flwyddyn ar unrhyw adeg yn y flwyddyn honno.

(4) Pan fo awdurdod yn gwneud addasiad o'r fath, boed yn unol â rheoliad 20 neu fel arall, caiff yr

PART 4

Other Allowances

Travelling and subsistence allowances

15.-(1) Subject to paragraph (2), a member is entitled to receive payments by way of travelling and subsistence allowances at rates determined each year by the authority where expenditure on travel 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 allowances determined for a year by an authority under paragraph (1) must not, subject to regulation 20, exceed the rates for travelling and subsistence allowances prescribed by the Panel for that authority in-

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(iv) and (v);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) Where a member is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, travelling and subsistence allowances payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority.

Co-optees' allowance

16.-(1) Subject to paragraph (2), an authority may provide for the payment of an allowance for each year to a co-opted member who has such responsibilities or duties in respect of attendance at conferences or meetings as are prescribed by the Panel.

(2) The amount of entitlement in respect of a co-opted member by way of co-optees' allowance must not, subject to regulations 19 and 20, exceed the amount prescribed by the Panel for that authority in -

- (a) other than where sub-paragraph (b) applies, the initial report in pursuance of regulation 34(1)(b)(vi);
- (b) a supplementary report, the relevant provisions of which for the time being apply.

(3) Subject to paragraph (2) and regulation 20 an authority may amend the amount of entitlement of co-optees' allowance for a year at any time in that year.

(4) Where an authority makes such an amendment, whether in pursuance of regulation 20 or otherwise,

awdurdod hwnnw ddarparu bod swm yr hawl i lwfans aelod cyfetholedig fel y'i addaswyd i fod yn gymwys gydag effaith o ddechrau'r flwyddyn y gwneir yr addasiad ynddi.

(5) Os rhan yn unig o flwyddyn yw tymor mewn swydd aelod cyfetholedig, bydd hawl yr aelod cyfetholedig hwnnw'n hawl i daliad o'r cyfryw gyfran o lwfans aelodau cyfetholedig ag sy'n cynrychioli nifer y dyddiau y mae'r aelod cyfetholedig yn dal y swydd yn ystod y flwyddyn fel cyfran o nifer y dyddiau yn y flwyddyn honno.

(6) Pan fydd aelod cyfetholedig wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod cyfetholedig hwnnw fel aelod cyfetholedig o awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu reoliadau a wneir o dan y Rhan honno, rhaid i'r awdurdod wrthod talu unrhyw lwfans aelodau cyfetholedig sy'n daladwy i'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod cyfetholedig hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

Dewis peidio â derbyn lwfansau o dan Ran 4

17.-(1) Caiff aelod, o anfon hysbysiad ysgrifenedig at swyddog priodol yr awdurdod, ddewis peidio â derbyn yr hyn y mae gan yr aelod hwnnw hawl iddo neu unrhyw ran o lwfansau teithio a chynhaliath y mae gan yr aelod hwnnw hawl iddynt.

(2) Caiff aelod cyfetholedig, o anfon hysbysiad ysgrifenedig at swyddog priodol yr awdurdod, ddewis peidio â derbyn yr hyn y mae gan yr aelod cyfetholedig hwnnw hawl iddo neu unrhyw ran o lwfans aelodau cyfetholedig y mae gan yr aelod hwnnw hawl iddo.

Hawliadau

18.-(1) Rhaid i awdurdod bennu o fewn pa gyfnod o amser, yn cychwyn ar y dyddiad y mae hawl i lwfansau teithio neu gynhaliath yn cychwyn, y mae'n rhaid i'r person y mae'r lwfansau hynny'n daladwy iddo hawlio'r cyfryw lwfansau.

(2) Rhaid i dderbynebau priodol sy'n profi treuliau gwirioneddol, yn ddarostyngedig i unrhyw ofyniad neu gyfyngiad y caiff awdurdod benderfynu arno, fynd gydag unrhyw hawliad am dalu lwfans teithio neu gynhaliath yn unol â'r Rheoliadau hyn (ac eithrio hawliadau am deithio mewn cerbyd modur preifat).

(3) Nid oes dim ym mharagraff (1) yn rhwystro awdurdod rhag gwneud taliad pan na chaiff y lwfans ei hawlio o fewn y cyfnod a bennir felly.

Darpariaeth bellach ar gyfer lwfansau o dan Ran 4

19. At ddibenion y cyfnod sy'n dechrau ar y dyddiad

that authority may provide for the amount of entitlement to co-optees' allowance as amended to apply with effect from the beginning of the year in which the amendment is made.

(5) Where the term of office of a co-opted member comprises part only of a year the entitlement of that co-opted member is to payment of such proportion of co-optees' allowance as the number of days on which that office is held during the year bears to the number of days in that year.

(6) Where a co-opted member is suspended or partially suspended from that co-opted member's responsibilities or duties as a co-opted member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to that co-opted member in respect of the responsibilities or duties from which that co-opted member is suspended or partially suspended must be withheld by the authority.

Elections to forgo allowances under Part 4

17.-(1) A member may, by notice in writing given to the proper officer of the authority, elect to forgo that member's entitlement or any part of that member's entitlement to travelling and subsistence allowances.

(2) A co-opted member may, by notice in writing given to the proper officer of the authority, elect to forgo that co-opted member's entitlement or any part of that co-opted member's entitlement to co-optees' allowance.

Claims

18.-(1) An authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowances arises during which a claim for those allowances must be made by the person to whom those allowances are payable.

(2) Any claim for payment of travelling or subsistence allowance 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.

(3) Nothing in paragraph (1) prevents an authority from making a payment where the allowance is not claimed within the period so specified.

Further provision for allowances under Part 4

19. For the purposes of the period beginning on the

y daw'r Rheoliadau hyn i rym yn unol â rheoliad 1(1)(b) ac sy'n dod i ben ar 31 Mawrth 2009 ("y flwyddyn gyntaf"), rhaid i swm yr hawliad mewn cysylltiad â lwfans aelodau cyfetholedig sy'n daladwy gan awdurdod beidio â bod yn uwch na'r cyfryw gyfran o'r uchafswm sy'n daladwy ar gyfer pob un o'r lwfansau hynny fel a ragnodir gan y Panel ag sy'n cyfateb i nifer y dyddiau yn y flwyddyn gyntaf fel cyfran o nifer y dyddiau yn y cyfnod o ddeuddeng mis sy'n dod i ben ar 31 Mawrth 2009.

20. -(1) Yn ddarostyngedig i baragraffau (2) a (3) caiff awdurdod wneud darpariaeth ar gyfer addasu'n flynyddol lwfansau sy'n daladwy o dan y Rhan hon.

(2) Yn ddarostyngedig i baragraff (3), o ran addasiad gan awdurdod yn flynyddol i lwfans sy'n daladwy o dan y Rhan hon am unrhyw flwyddyn -

- (a) rhaid iddo beidio â bod yn fwy na'r swm a ragnodir gan y Panel mewn cysylltiad â -
 - (i) y lwfans hwnnw;
 - (ii) yr awdurdod hwnnw; a
 - (iii) y flwyddyn honno,

mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir yn unol â rheoliad 35 neu reoliad 36, yn y drefn honno;

- (b) ni chaniateir ei wneud ond drwy gyfeirio at fynegai os yw'r Panel wedi rhagnodi bod mynegai o'r fath i'w ddefnyddio at y diben hwnnw -
 - (i) mewn perthynas â'r lwfans hwnnw;
 - (ii) gan yr awdurdod hwnnw; a
 - (iii) mewn cysylltiad â'r flwyddyn honno,

mewn adroddiad blynyddol neu adroddiad atodol a gynhyrchir yn unol â rheoliad 35 neu reoliad 36, yn y drefn honno.

(3) Os bydd i'r Panel gynhyrchu adroddiad atodol sy'n rhagnodi materion a ddisgrifir ym mharagraff (2)(a) neu (b), caiff awdurdod y mae'r adroddiad hwnnw'n gymwys iddo-

- (a) mewn cysylltiad â'r flwyddyn y mae'r adroddiad atodol yn ymwneud â hi; a
- (b) mewn perthynas â materion a ragnodwyd,

addasu lwfansau sy'n daladwy ganddo am y flwyddyn honno, er y gallai'r awdurdod fod wedi addasu lwfansau o dan baragraff (1) o ganlyniad i adroddiad blynyddol cynharach a gynhyrchwyd gan y Panel mewn cysylltiad â'r flwyddyn honno.

21. Caiff awdurdod ddarparu, pan fydd lwfans eisoes wedi'i dalu o dan y Rhan hon mewn cysylltiad ag unrhyw gyfnod pan fydd yr aelod dan sylw -

- (a) wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod yn

date of the coming into force of these Regulations in accordance with regulation 1(1)(b) and ending on 31 March 2009 ("the first year"), the amount of entitlement in respect of co-optees' allowance payable by an authority must not exceed such proportion of the maximum amount of that allowance as prescribed by the Panel as the number of days in the first year bears to the number of days in the period of twelve months ending 31 March 2009.

20.-(1) Subject to paragraphs (2) and (3), an authority may make provision for an annual adjustment of allowances payable under this Part.

(2) Subject to paragraph (3), an authority's annual adjustment to an allowance payable under this Part and for any year -

- (a) must not exceed the amount prescribed by the Panel for -
 - (i) that allowance;
 - (ii) that authority; and
 - (iii) that year,

in an annual report or a supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36;

- (b) may only be made by reference to an index if the Panel has prescribed that such an index be used for that purpose -
 - (i) in relation to that allowance;
 - (ii) by that authority; and
 - (iii) for that year,

in an annual report or supplementary report produced in pursuance of, respectively, regulation 35 or regulation 36.

(3) In the event that the Panel produces a supplementary report which prescribes matters described in paragraph (2)(a) or (b), an authority to which that report applies may-

- (a) for the year to which the supplementary report relates; and
- (b) in relation to the matters so prescribed,

make an adjustment of allowances payable by it for that year, notwithstanding that the authority may have made an adjustment of allowances under paragraph (1) in consequence of an earlier annual report produced by the Panel for that year.

21. An authority may provide that where payment of an allowance under this Part has already been made in respect of any period during which the member concerned -

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the 2000

unol â Rhan III o Ddeddf 2000 neu reoliadau a wneir o dan y Rhan honno;

- (b) yn peidio â bod yn aelod o'r awdurdod; neu
- (c) heb fod â hawl mewn unrhyw ffordd i dderbyn y lwfans mewn cysylltiad â'r cyfnod hwnnw,

y caiff yr awdurdod ei gwneud yn ofynnol bod y cyfryw ran o'r lwfans ag sy'n berthnasol i unrhyw gyfnod o'r fath yn cael ei had-dalu i'r awdurdod.

Act or regulations made under that Part;

- (b) ceases to be a member of the authority; or
- (c) is in any way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

RHAN 5

Trefniadau Gweinyddol

Osgoi dyblygu

22.-(1) Rhaid i hawliad am daliad o ran lwfans teithio neu lwfans cynhaliaeth gynnwys datganiad wedi'i lofnodi gan yr aelod, neu rhaid anfon y cyfryw ddatganiad gyda'r hawliad, a rhaid datgan yn y datganiad nad yw'r aelod wedi gwneud ac na fydd yn gwneud unrhyw hawliad arall mewn cysylltiad â'r mater y mae'r hawliad yn ymwneud ag ef.

(2) Ni chaniateir gwneud unrhyw daliad i berson o dan unrhyw ddarpariaeth yn adran 176 o Ddeddf 1972 mewn cysylltiad â mater y mae taliad wedi'i wneud mewn cysylltiad ag ef i'r person hwnnw yn unol ag unrhyw un o ddarpariaethau cynllun o dan Ran 2 o'r Rheoliadau hyn.

Talu lwfansau

23. Rhaid i unrhyw daliad o ran lwfans teithio neu lwfans cynhaliaeth i aelod o banel apêl a gyfansoddir yn unol â rheoliadau o dan adran 94 o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) gael ei wneud gan yr awdurdod sy'n cynnal yr ysgol neu'r ysgolion y cyfansoddiwyd y panel apêl mewn perthynas â hi neu â hwy.

Cofnodion o lwfansau

24.-(1) Rhaid i awdurdod gadw cofnod o'r taliadau y mae'n eu gwneud yn unol â'r Rheoliadau hyn neu ag unrhyw gynllun a wneir yn unol â hwy.

- (2) Rhaid i gofnod o'r fath -
 - (a) pennu enw'r derbynnydd a swm a natur pob taliad; a
 - (b) bod ar gael, ar bob adeg resymol, i'w archwilio (yn ddi-dâl) gan unrhyw etholwr llywodraeth leol (o fewn yr ystyr yn adran 270(1) o Ddeddf 1972) yn ardal yr awdurdod.

PART 5

Administrative Arrangements

Avoidance of duplication

22.-(1) A claim for a payment by way of travelling allowance or subsistence allowance must 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 may 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 any provision of a scheme under Part 2 of these Regulations.

Paying allowances

23. Any payment by way of travelling allowance or subsistence allowance to a member of an appeal panel constituted in accordance with regulations under section 94 of the School Standards and Framework Act 1998(1) must be paid by the authority which maintains the school or schools in relation to which the appeal panel is constituted.

Records of allowances

24.-(1) An authority must keep a record of the payments made by it in accordance with these Regulations or any scheme made pursuant to them.

- (2) Such record must -
 - (a) specify the name of the recipient and the amount and nature of each payment; and
 - (b) be 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.

(1) 1998 p.31; diwygiwyd adran 94 gan Ddeddf Addysg 2002 (p.31), adran 51, gweler Rheoliadau Addysg (Trefniadau Apelau Derbyn) (Cymru) 2005 (O.S. 2005/1398) (Cy.112).

(1) 1998 c.31; section 94 was amended by the Education Act 2002 (c.31), section 51, see the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398) (W.112).

(3) Caiff person y mae ganddo hawl i archwilio cofnod o dan baragraff (2) wneud copi o unrhyw rhan ohono o dalu'r cyfryw ffi resymol ag y byddo'r awdurdod yn gofyn amdani.

Cyhoeddusrwydd

25.-(1) Rhaid i awdurdod, cyn gynted ag y bo'n ymarferol ar ôl gwneud neu ddiwygio unrhyw gynllun a wneir yn unol â'r Rheoliadau hyn, wneud trefniadau i'w gyhoeddi o fewn ardal yr awdurdod.

(2) Cyn gynted ag y bo'n ymarferol ar ôl diwedd blwyddyn y mae'r cynllun yn ymwneud â hi, rhaid i awdurdod wneud trefniadau ar gyfer cyhoeddi o fewn ardal yr awdurdod y cyfanswm a dalwyd ganddo yn y flwyddyn honno o dan y cynllun i bob aelod sy'n gynghorydd mewn cysylltiad â phob un o'r canlynol-

- (a) lwfans sylfaenol;
- (b) lwfans cyfrifoldeb arbennig; ac
- (c) lwfans gofal.

(3) Cyn gynted ag y bo'n ymarferol ar ôl diwedd blwyddyn, rhaid i awdurdod wneud trefniadau ar gyfer cyhoeddi o fewn ardal yr awdurdod y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob un o'r aelodau mewn cysylltiad â'r canlynol-

- (a) lwfans teithio
- (b) lwfans cynhaliath; ac
- (c) lwfans aelodau cyfetholedig.

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

Publicity

25.-(1) An authority must, as soon as practicable after the making or amendment of any scheme made pursuant to these Regulations, make arrangements for its publication within the authority's area.

(2) As soon as practicable after the end of a year to which a scheme relates, an authority must make arrangements for the publication within the authority's area of the total sum paid by it in that year under the scheme to each member who is a councillor in respect of each of the following-

- (a) basic allowance;
- (b) special responsibility allowance; and
- (c) care allowance.

(3) As soon as practicable after the end of a year, an authority must 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 the following-

- (a) travelling allowance;
- (b) subsistence allowance; and
- (c) co-optees' allowance.

RHAN 6

Panel Annibynnol Cymru ar Gydabyddiaeth
Ariannol

Sefydlu'r Panel

26. Rhaid i Gynulliad Cenedlaethol Cymru benodi panel parhaol a'i enw fydd Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol.

Aelodaeth y Panel

27.-(1) Rhaid i gyfansoddiad y Panel a benodir o dan reoliad 26 fod fel a ganlyn: Cadeirydd ac Is-gadeirydd, ynghyd â thri aelod arall.

(2) Mae Cynulliad Cenedlaethol Cymru i benodi un aelod o'r Panel yn Gadeirydd y Panel.

(3) Nid yw unrhyw berson i fod yn aelod o'r Panel os yw wedi'i anghymwysu yn rhinwedd paragraff (4).

(4) Mae'r personau a ganlyn wedi'u hanghymwysu rhag bod yn aelodau o'r Panel -

- (a) aelod o Gynulliad Cenedlaethol Cymru, o Dy'r Cyffredin, o Dy'r Arglwyddi, o Senedd Ewrop,

PART 6

The Independent Remuneration Panel for Wales

Establishment of the Panel

26. The National Assembly for Wales must appoint a permanent panel known as the Independent Remuneration Panel for Wales.

Membership of the Panel

27.-(1) The Panel appointed under regulation 26 must consist of a Chairperson and a Vice-chairperson, together with three other members.

(2) The National Assembly for Wales is to appoint one member of the Panel as Chairperson of the Panel.

(3) No person is to be a member of the Panel if that person is disqualified by virtue of paragraph (4).

(4) The following persons are disqualified from membership of the Panel -

- (a) a member of the National Assembly for Wales, the House of Commons, the House of Lords,

o awdurdod, o gyngor tref neu gyngor cymuned; neu

- (b) person sydd wedi'i anghymwyso(1) rhag bod yn aelod o awdurdod neu rhag cael ei wneud yn aelod o awdurdod ac eithrio fel swyddog yng nghyflogaeth awdurdod.

Deiliadaeth swydd aelodau'r Panel

28.-(1) Rhaid i berson a benodir yn aelod o'r Panel ddal swydd ac ymadael â swydd yn unol ag amodau'r offeryn sy'n penodi'r person hwnnw i'r swydd honno fel a benderfynir gan Gynulliad Cenedlaethol Cymru.

(2) Yn ddarostyngedig i baragraff (3) ni chaniateir i unrhyw berson gael ei benodi'n aelod o'r Panel am gyfnod hwy na phedair blynedd.

(3) Bydd person sy'n peidio â bod yn aelod o'r Panel yn gynwys i'w ailbenodi.

(4) Mae aelod a benodir i sedd sy'n digwydd bod yn wag i wasanaethu yn y swydd honno hyd y dyddiad y byddai tymor mewn swydd y person yr etholir yr aelod hwnnw yn ei le wedi dod i ben.

Cyfarfodydd y Panel

29.-(1) Yn ddarostyngedig i baragraff (2), rhaid i'r Panel gyfarfod unwaith y flwyddyn o leiaf.

(2) Rhaid i gyfarfod cyntaf y Panel gael ei gynnal o fewn cyfnod o chwe wythnos sy'n cychwyn ar ddyddiad yr offerynnau sy'n penodi personau'n aelodau o'r Panel (neu ar y cyfryw ddyddiad diweddarach ag y byddo Cynulliad Cenedlaethol Cymru yn cytuno arno).

(3) Yng nghyfarfod cyntaf y Panel, neu pan fydd swydd Is-gadeirydd yn digwydd bod yn wag, rhaid i aelodau'r Panel ethol un o'u plith (ac eithrio'r Cadeirydd) i fod yn Is-gadeirydd y Panel.

(4) Yn ddarostyngedig i baragraff (5), y Cadeirydd sydd i lywyddu yng nghyfarfodydd y Panel.

(5) Os bydd y Cadeirydd yn absennol o un o gyfarfodydd y Panel, Is-gadeirydd y Panel sydd i lywyddu.

(6) Mae Cadeirydd neu Is-gadeirydd i ddal y cyfryw swydd hyd oni ddaw tymor mewn swydd y person hwnnw fel aelod i ben.

(7) Yn ddarostyngedig i unrhyw ddarpariaethau a wneir gan y Rheoliadau hyn, caiff aelodau'r Panel reoleiddio'i gweithdrefn eu hunain.

Pleidleisio

30.-(1) Rhaid i gwestiwn sydd i'w benderfynu gan y

the European Parliament, an authority, a town or community council; or

- (b) a person who is disqualified from(1) being or becoming a member of an authority other than as an officer in the employment of an authority.

Tenure of Panel members

28.-(1) A person appointed as a member of the Panel must hold and vacate office in accordance with the terms of the instrument appointing that person to that office as determined by the National Assembly for Wales.

(2) Subject to paragraph (3), no person may be appointed as a member of the Panel for a period exceeding four years.

(3) A person who ceases to be a member of the Panel is eligible for re-appointment.

(4) A member appointed to fill a casual vacancy is to serve in that office until the date upon which the term of office of the person in whose place that member is elected would have expired.

Meetings of the Panel

29.-(1) Subject to paragraph (2), the Panel must meet at least once a year.

(2) The first meeting of the Panel must be held within the period of six weeks beginning with the date of the instruments appointing persons as members of the Panel (or such later date as the National Assembly for Wales may agree).

(3) At the first meeting of the Panel, or where a casual vacancy occurs in the office of Vice-chairperson, the members of the Panel must elect one of their number (other than the Chairperson) to be Vice-chairperson of the Panel.

(4) Subject to paragraph (5), the Chairperson is to preside at meetings of the Panel.

(5) If the Chairperson is absent from a meeting of the Panel, the Vice-chairperson of the Panel is to preside.

(6) A Chairperson or Vice-chairperson is to hold such office until that person's term of office as member comes to an end.

(7) Subject to any provisions made by these Regulations, the members of the Panel may regulate their own procedure.

Voting

30.-(1) A question to be decided by the Panel must be

(1) *Gweler* adran 80 o Ddeddf Llywodraeth Leol 1972 (p.70) ac adrannau 79 a 83(11) o Ddeddf Llywodraeth Leol 2000 (p.22).

(1) *See* section 80 of the Local Government Act 1972 (c.70) and sections 79 and 83(11) of the Local Government Act 2000 (c.22).

Panel gael ei benderfynu gan fwyafrif y pleidleisiau a gaiff eu bwrw gan yr aelodau sy'n bresennol yn y cyfarfod ac sy'n pleidleisio ar y cwestiwn.

(2) Os bydd nifer y pleidleisiau'n gyfartal, bydd y person sy'n llywyddu cyfarfod y Panel i gael ail bleidlais neu bleidlais fwrw.

Cworwm

31. Cworwm o dri fydd i'r Panel a rhaid iddynt gynnwys-

- (a) y Cadeirydd; neu
- (b) yr Is-gadeirydd.

Gweinyddu

32.-(1) Rhaid i Gynulliad Cenedlaethol Cymru dalu'r treuliau a dynnir gan y Panel wrth iddo gyflawni'i swyddogaethau a chaiff dalu aelodau'r Panel y cyfryw lwfansau neu dreuliau ag y byddo'n penderfynu arnynt.

(2) Rhaid i Gynulliad Cenedlaethol Cymru sicrhau bod cefnogaeth weinyddol briodol ar gael i'r Panel.

33. Caiff y Panel, wrth iddo gyflawni'i swyddogaethau o dan y Rheoliadau hyn, geisio gwybodaeth neu gyngor gan unrhyw gorff neu berson.

Yr Adroddiad Cychwynnol

34.-(1) Rhaid i'r Panel gynhyrchu adroddiad ("yr adroddiad cychwynnol") sy'n rhagnodi mewn perthynas â phob awdurdod -

- (a) y cyfrifoldebau neu ddyletswyddau y caniateir talu -
 - (i) lwfans cyfrifoldeb arbennig; a
 - (ii) lwfans aelodau cyfetholedig,

mewn cysylltiad â hwy; a

- (b) yr uchafsymiau sy'n daladwy o ran -
 - (i) lwfans sylfaenol;
 - (ii) lwfans cyfrifoldeb arbennig;
 - (iii) lwfans gofal;
 - (iv) lwfans teithio;
 - (v) lwfans cynhaliaeth; a
 - (vi) lwfans aelodau cyfetholedig.

(2) At ddibenion yr adroddiad cychwynnol, caiff y Panel -

- (a) rhagnodi uchafsymiau gwahanol mewn perthynas ag awdurdodau gwahanol, a
- (b) mewn perthynas â -
 - (i) lwfans cyfrifoldeb arbennig; a
 - (ii) lwfans aelodau cyfetholedig,

decided by a majority of the votes cast by the members present at the meeting and voting thereon.

(2) In the case of an equality of votes, the person presiding at the meeting of the Panel is to have a second or casting vote.

Quorum

31. The quorum of the Panel is three and must include -

- (a) the Chairperson; or
- (b) the Vice-chairperson.

Administration

32.-(1) The National Assembly for Wales must pay the expenses incurred by the Panel in carrying out its functions and may pay the members of the Panel such allowances or expenses as it may determine.

(2) The National Assembly for Wales must make available to the Panel appropriate administrative support.

33. The Panel may, in the performance of its functions under these Regulations, seek information or advice from any body or person.

Initial Report

34.-(1) The Panel must produce a report ("the initial report") which prescribes in relation to each authority -

- (a) the responsibilities or duties in respect of which -
 - (i) special responsibility allowance; and
 - (ii) co-optees' allowance,

may be payable; and

- (b) the maximum amounts payable by way of -
 - (i) basic allowance;
 - (ii) special responsibility allowance;
 - (iii) care allowance;
 - (iv) travelling allowance;
 - (v) subsistence allowance; and
 - (vi) co-optees' allowance.

(2) For the purposes of the initial report, the Panel may -

- (a) prescribe different maximum amounts in relation to different authorities, and
- (b) in relation to -
 - (i) special responsibility allowance; and
 - (ii) co-optees' allowance,

rhagnodi uchafsymiau gwahanol mewn cysylltiad â chyfrifoldebau neu ddyletswyddau gwahanol.

(3) Wrth gynhyrchu'r adroddiad cychwynnol, rhaid i'r Panel ystyried unrhyw sylw a ddaw i law oddi wrth awdurdod mewn cysylltiad ag arfer swyddogaethau'r Panel o dan y rheoliad hwn.

(4) Rhaid i'r Panel gynhyrchu'r adroddiad cychwynnol cyn 31 Gorffennaf 2008 (neu'r cyfryw ddyddiad diweddarach ag y byddo Cynulliad Cenedlaethol Cymru yn cytuno arno).

Adroddiadau Blynyddol

35.-(1) Yn ddarostyngedig i baragraffau (4) a (5), rhaid i'r Panel gynhyrchu adroddiad ym mhob blwyddyn ("adroddiad blynyddol") sy'n rhagnodi mewn perthynas â phob awdurdod -

- (a) uchafswm yr addasiad blynyddol y caniateir ei wneud gan yr awdurdod hwnnw mewn perthynas â'r flwyddyn ganlynol -
 - (i) i lwfans sylfaenol;
 - (ii) i lwfans cyfrifoldeb arbennig;
 - (iii) i lwfans gofal;
 - (iv) i lwfans teithio
 - (v) i lwfans cynhaliaeth; a
 - (vi) i lwfans aelodau cyfetholedig.
- (b) mynegai y caniateir i'r awdurdod hwnnw addasu'n flynyddol, drwy gyfeirio ato, un neu fwy o'r lwfansau a grybwyllir ym mharagraff (a)(i) i (vi) mewn perthynas â'r flwyddyn ganlynol.

(2) At ddibenion -

- (a) paragraff (1)(a), caiff y Panel ragnodi uchafsymiau gwahanol mewn cysylltiad ag addasiadau blynyddol ar gyfer awdurdodau gwahanol; a
- (b) paragraff (1)(b), caiff y Panel ragnodi mynegeion gwahanol ar gyfer awdurdodau gwahanol.

(3) Wrth gynhyrchu adroddiad blynyddol, rhaid i'r Panel-

- (a) gymryd i ystyriaeth unrhyw adroddiad atodol a gynhyrchwyd gan y Panel cyn yr adroddiad blynyddol hwnnw ac sy'n rhagnodi materion sydd ar y pryd yn gymwys i unrhyw awdurdod; a
- (b) ystyried unrhyw sylw a ddaw i law oddi wrth awdurdod mewn cysylltiad ag arfer swyddogaethau'r Panel o dan y rheoliad hwn.

(4) Yn ddarostyngedig i baragraff (5), rhaid i'r Panel gynhyrchu pob adroddiad blynyddol erbyn 31 Rhagfyr yn y flwyddyn cyn y flwyddyn y mae'r adroddiad hwnnw'n ymwneud â hi.

prescribe different maximum amounts for different responsibilities or duties.

(3) In producing the initial report, the Panel must consider any representation received from an authority in respect of the exercise of the Panel's functions under this regulation.

(4) The Panel must produce the initial report before 31 July 2008 (or such later date as the National Assembly for Wales may agree).

Annual Reports

35.-(1) Subject to paragraphs (4) and (5) the Panel must produce a report in every year ("an annual report") which prescribes in relation to each authority -

- (a) the maximum annual adjustment that may be made by that authority in relation to the following year to -
 - (i) basic allowance;
 - (ii) special responsibility allowance;
 - (iii) care allowance;
 - (iv) travelling allowance;
 - (v) subsistence allowance; and
 - (vi) co-optees' allowance.
- (b) an index by reference to which one or more of the allowances referred to in paragraph (a)(i) to (vi) may be adjusted annually by that authority in relation to the following year.

(2) For the purposes of -

- (a) paragraff (1)(a), the Panel may prescribe different maximum annual adjustments for different authorities; and
- (b) paragraff (1)(b), the Panel may prescribe different indices for different authorities.

(3) In producing an annual report, the Panel must-

- (a) take account of any supplementary report produced by the Panel prior to that annual report which prescribes matters which for the time being apply to any authority; and
- (b) consider any representation received from an authority in respect of the exercise of the Panel's functions under this regulation.

(4) Subject to paragraph (5), each annual report must be produced by the Panel by 31 December in the year prior to the year to which that report relates.

(5) Rhaid i'r Panel gynhyrchu'r adroddiad blynyddol cyntaf yn ystod y flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2010 a beth bynnag cyn 31 Rhagfyr 2009 (neu'r cyfryw ddyddiad diweddarach ag y byddo Cynulliad Cenedlaethol Cymru'n cytuno arno).

Adroddiadau Atodol

36.-(1) Heb ragfarnu rheoliadau 34 neu 35, caiff y Panel ar unrhyw adeg ar ôl cynhyrchu'r adroddiad cychwynnol, ac o bryd i'w gilydd ar ôl hynny, gynhyrchu adroddiad ("adroddiad atodol") yn rhagnodi mewn perthynas ag un awdurdod neu fwy unrhyw un neu rai o'r materion y caiff y Panel eu rhagnodi yn unol â rheoliadau 34 a 35.

(2) Wrth benderfynu p'un ai i gynhyrchu adroddiad atodol ai peidio ac, os bydd wedi penderfynu gwneud hynny, wrth gynhyrchu adroddiad atodol, rhaid i'r Panel ystyried unrhyw sylw a ddaw i law oddi wrth awdurdod mewn cysylltiad ag arfer swyddogaethau'r Panel o dan y rheoliad hwn.

Pensiynau

37.-(1) Caiff y Panel wneud argymhellion ynghylch pa aelodau o awdurdod sydd i fod â hawl i bensiynau yn unol â Rheoliadau Cynllun Pensiwn Llywodraeth Leol 1997(1).

(2) Wrth arfer ei swyddogaethau o dan baragraff (1), caiff y Panel wneud argymhellion gwahanol mewn perthynas â phob un o'r awdurdodau y mae'n arfer y swyddogaethau hynny mewn cysylltiad ag ef.

(3) Caiff argymhellion o dan baragraff (1) fod yn rhan o adroddiad a gynhyrchir gan y Panel yn unol â rheoliadau 34 neu 36.

38.-(1) Caiff awdurdod -

- (a) penderfynu pa aelodau o'r awdurdod sydd â hawl i bensiynau'n unol â Rheoliadau Cynllun Pensiwn Llywodraeth Leol 1997; a
- (b) darparu mewn cysylltiad â'r aelodau hynny y cyfeirir atynt yn is-baragraff (a) yr ymdrinnir â lwfans sylfaenol a lwfans cyfrifoldeb arbennig fel symiau y mae pensiynau'n daladwy mewn cysylltiad â hwy.

(2) Rhaid i awdurdod wrth iddo wneud unrhyw benderfyniad yn unol â'r rheoliad hwn wneud hynny ddim ond mewn cysylltiad ag aelod a argymhellwyd gan y Panel fel aelod cymwys i gael y cyfryw hawl o dan reoliad 37.

(5) The first annual report must be produced by the Panel during the financial year ending on 31 March 2010 and in any event before 31 December 2009 (or such later date as the National Assembly for Wales may agree).

Supplementary Reports

36.-(1) Without prejudice to regulations 34 or 35, the Panel may at any time after the production of the initial report, and from time to time thereafter, produce a report ("a supplementary report") which prescribes in relation to one or more authorities any of the matters that may be prescribed by the Panel in pursuance of regulations 34 and 35.

(2) In determining whether to produce a supplementary report and, if having determined to do so, in producing a supplementary report, the Panel must consider any representation received from an authority in respect of the exercise of the Panel's functions under this regulation.

Pensions

37.-(1) The Panel may make recommendations as to which members of an authority are to be entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997(1).

(2) In exercising its functions under paragraph (1), the Panel may make different recommendations in relation to each authority in respect of which it exercises those functions.

(3) Recommendations under paragraph (1) may form part of a report produced by the Panel in pursuance of regulations 34 or 36.

38.-(1) An authority may -

- (a) determine which members of the authority are entitled to pensions in accordance with the Local Government Pension Scheme Regulations 1997; and
- (b) provide in respect of those members referred to in sub-paragraph (a) that basic allowance and special responsibility allowance are treated as amounts in respect of which pensions are payable.

(2) An authority must in making any determination in accordance with this regulation only do so in respect of a member who has been recommended by the Panel as eligible for such entitlement under regulation 37.

(1) O.S. 1997/1612, fel y'i diwygiwyd gan O.S. 1997/1613, O.S. 1998/1238, O.S. 1999/1212, O.S. 1999/3438, O.S. 2000/3025, O.S. 2001/3649, O.S. 2001/770, O.S. 2001/1481, O.S. 2001/2401, O.S. 2002/206, O.S. 2002/819, O.S. 2003/2249. Gwnaed diwygiadau eraill nad ydynt yn berthnasol i Gymru.

(1) S.I. 1997/1612, as amended by S.I. 1997/1613, S.I. 1998/1238, S.I. 1999/1212, S.I. 1999/3438, S.I. 2000/3025, S.I. 2001/3649, S.I. 2001/770, S.I. 2001/1481, S.I. 2001/2401, S.I. 2002/206, S.I. 2002/819, S.I. 2003/2249. There are other amendments which are not relevant to Wales.

Cyhoeddusrwydd i Adroddiadau'r Panel

39.-(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r Panel gynhyrchu adroddiad o dan reoliad 34, 35 neu 36, rhaid i'r Panel anfon yr adroddiad hwnnw ymlaen i Gynulliad Cenedlaethol Cymru.

(2) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i adroddiad a gynhyrchwyd gan y Panel o dan reoliad 34 neu 35 ddod i law Cynulliad Cenedlaethol Cymru, rhaid i Gynulliad Cenedlaethol Cymru anfon copi o'r adroddiad hwnnw at

- (a) pob awdurdod;
- (b) pob awdurdod Parc Cenedlaethol; ac
- (c) pob awdurdod tân ac achub.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r adroddiad a gynhyrchwyd gan y Panel o dan reoliad 36 ddod i law Cynulliad Cenedlaethol Cymru, rhaid i Gynulliad Cenedlaethol Cymru anfon copi o'r adroddiad at -

- (a) yr awdurdod y mae'r adroddiad hwnnw'n ymwneud ag ef;
- (b) unrhyw awdurdod Parc Cenedlaethol y mae'r awdurdod hwnnw o fewn ei ardal; ac
- (c) yr awdurdod tân ac achub y mae'r awdurdod hwnnw o fewn ei ardal.

(4) Rhaid i Gynulliad Cenedlaethol Cymru -

- (a) cyhoeddi manylion adroddiad a ddaw i law o dan baragraff (1) mewn un papur newydd neu fwy sydd â chylchrediad trwy Gymru gyfan;
- (b) os yr adroddiad cychwynnol neu os adroddiad blynyddol yw'r adroddiad a ddaw i law o dan baragraff (1), gynnwys yn y cyhoeddiad o dan is-baragraff (a) ddatganiad yn dweud y bydd copiâu o'r adroddiad ar gael i aelodau'r cyhoedd ym mhrif swyddfeydd yr awdurdodau ar y cyfryw adegau ag y byddo'r awdurdodau hynny'n eu pennu;
- (c) os adroddiad atodol yw'r adroddiad a ddaw i law o dan baragraff (1), gynnwys yn y cyhoeddiad o dan is-baragraff (a) ddatganiad -
 - (i) yn dweud y bydd copiâu o'r adroddiad hwnnw ar gael i aelodau o'r cyhoedd ym mhrif swyddfeydd yr awdurdod neu'r awdurdodau y mae'r adroddiad yn ymwneud ag ef neu â hwy ar y cyfryw adegau ag y byddo'r awdurdodau hynny'n eu pennu; a
 - (ii) yn pennu'r awdurdod neu'r awdurdodau y mae'r adroddiad yn ymwneud ag ef neu â hwy.

(5) Rhaid i bob awdurdod sicrhau, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i un o adroddiadau'r Panel o dan baragraff (2) neu (3) ddod i law -

- (a) bod copiâu ar gael i'w harchwilio gan aelodau'r

Publicity for Panel Reports

39.-(1) As soon as reasonably practicable after the Panel has produced a report under regulation 34, 35 or 36, the Panel must forward that report to the National Assembly for Wales.

(2) As soon as practicable after the National Assembly for Wales receives a report produced by the Panel under regulation 34 or 35, the National Assembly for Wales must send a copy of that report to every -

- (a) authority;
- (b) National Park authority; and
- (c) fire and rescue authority.

(3) As soon as practicable after the National Assembly for Wales receives a report produced by the Panel under regulation 36, the National Assembly for Wales must send a copy of the report to -

- (a) the authority to which that report relates;
- (b) any National Park authority within whose area that authority lies; and
- (c) the fire and rescue authority within whose area that authority lies.

(4) The National Assembly for Wales must -

- (a) publish the details of a report received under paragraph (1) in one or more newspapers circulating throughout Wales;
- (b) where the report received under paragraph (1) is the initial report or an annual report, include in the publication under sub-paragraph (a) a statement that copies of the report will be available at the principal offices of the authorities to members of the public at such times as may be specified by those authorities;
- (c) where the report received under paragraph (1) is a supplementary report, include in the publication under sub-paragraph (a) a statement -
 - (i) that copies of that report will be available to members of the public at the principal offices of the authority or authorities to which the report relates at such times as may be specified by those authorities; and
 - (ii) specifying the authority or authorities to which the report relates.

(5) Each authority must ensure that as soon as reasonably practicable after receiving a report of the Panel under paragraph (2) or (3) -

- (a) copies are available for inspection by members

cyhoedd ym mhrif swyddfa'r awdurdod ar y cyfryw adegau rhesymol ag y byddo'r awdurdod yn eu pennu; a

- (b) bod copi'n cael ei gyflenwi i unrhyw berson sy'n gofyn amdano ac sy'n talu i'r awdurdod y cyfryw ffi resymol ag y byddo'r awdurdod yn penderfynu arni.

RHAN 7

Diwygiadau i Reoliadau 2002

40.-(1) Diwygir Rheoliadau 2002 fel a ganlyn.

(2) Yn rheoliad 2 -

(a) mewnosoder yn y lle priodol-

"ystyr "aelod cyfetholedig" ("*co-opted member*") mewn perthynas ag awdurdod Parc Cenedlaethol yw person nad yw'n aelod o'r awdurdod Parc Cenedlaethol ond-

- (a) sy'n aelod o unrhyw un o bwyllgorau neu o is-bwyllgorau'r awdurdod Parc Cenedlaethol; neu
- (b) sy'n aelod o unrhyw un o gyd-bwyllgorau neu o gyd-is-bwyllgorau'r awdurdod Parc Cenedlaethol, ac sy'n cynrychioli'r awdurdod Parc Cenedlaethol arno

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;"

(b) yn lle'r diffiniad o "aelod" ("*member*"), rhodder -

"oni fynegir yn benodol fel arall, mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig ac aelod o bwyllgor neu o is-bwyllgor;" ac

(c) mewnosoder yn y lle priodol-

"ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) (Cymru) 2007;"

(3) Yn rheoliad 3, yn lle "adran 100(1)(b)", rhodder "adran 100(1)(b), (c) a (d)".

(4) Yn rheoliad 6, mewnosoder ar ddechrau paragraff (1), "Yn ddarostyngedig i reoliad 12B,".

(5) Ar ôl rheoliad 7(4), mewnosoder-

"(5) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans

of the public at the principal office of the authority at such reasonable times as the authority may specify; and

- (b) a copy is supplied to any person who requests it and who pays the authority such reasonable fee as the authority may determine.

PART 7

Amendments to the 2002 Regulations

40.-(1) The 2002 Regulations are amended as follows.

(2) In regulation 2 -

(a) in the appropriate place, insert-

""co-opted member" ("*aelod cyfetholedig*") means in relation to a National Park authority a person who is not a member of the National Park authority but who-

- (a) is a member of any committee or sub-committee of the National Park authority; or
- (b) is a member of, and represents the National Park authority on, any joint committee or joint sub-committee of the National Park authority

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;"

(b) for the definition of "member" ("*aelod*"), substitute -

""member" ("*aelod*") includes, unless otherwise expressly stated, a co-opted member and a member of a committee or sub-committee;" and

(c) in the appropriate place insert -

""the 2007 Regulations" ("*Rheoliadau 2007*") means the Local Authorities (Allowances for Members) (Wales) Regulations 2007;"

(3) In regulation 3, for "section 100(1)(b)", substitute "section 100 (1)(b),(c) and (d)".

(4) In regulation 6, insert at the start of paragraph (1), "Subject to regulation 12B,".

(5) After regulation 7(4), insert -

"(5) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to that member in respect of the responsibilities or

sylfaenol sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y bydd yr aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(6) Yn rheoliad 8(1)-

- (a) yn is-baragraff (ch) mewnosoder "cadeiryddion pwyllgorau trwyddedu," ar ôl "pwyllgorau cynllunio,"; a
- (b) yn is-baragraff (d) mewnosoder "is-gadeiryddion pwyllgorau trwyddedu," ar ôl "pwyllgorau cynllunio,".

(7) Yn lle rheoliad 8(2)(b), rhodder -

"(b)Caiff lwfans cyfrifoldeb arbennig sy'n daladwy i ddirprwy arweinydd cabinet awdurdod lle y mae trefniadau gweithrediaeth ar waith, a hynny ar ffurf gweithrediaeth arweinydd a chabinet, gynnwys swm hafal i ddim mwy na deg y cant o'r lwfans cyfrifoldeb arbennig sy'n daladwy i aelod o gabinet yr awdurdod hwnnw (heb gynnwys lwfans cyfrifoldeb arbennig sy'n daladwy i arweinydd yr awdurdod hwnnw).

(c) Caiff lwfans cyfrifoldeb arbennig sy'n daladwy i is-gadeirydd bwrdd awdurdod lle y mae trefniadau amgen ar waith gynnwys swm hafal i ddim mwy na deg y cant o'r lwfans cyfrifoldeb arbennig sy'n daladwy i aelod o fwrdd yr awdurdod hwnnw (heb gynnwys lwfans cyfrifoldeb arbennig sy'n daladwy i gadeirydd bwrdd yr awdurdod hwnnw).

(ch)Os oes gan yr awdurdod o dan sylw, at ddibenion is-baragraffau (b) ac (c), -

- (i) mwy nag un dirprwy arweinydd (yn achos awdurdod lle y mae trefniadau gweithrediaeth ar waith); neu
- (ii) mwy nag un is-gadeirydd (yn achos awdurdod lle y mae trefniadau amgen ar waith),

caiff yr awdurdod hwnnw ddsrannu'r swm y cyfeirir ato yn yr is-baragraffau hynny ymhlith y dirprwy arweinyddion neu'r is-gadeiryddion hynny."

(8) Ar ôl rheoliad 8(3), mewnosoder-

"(4) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans cyfrifoldeb arbennig sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r

duties from which that member is suspended or partially suspended must be withheld by the authority."

(6) In regulation 8(1) -

- (a) in sub-paragraph (d) insert "chairs of licensing committees," after "planning committees,"; and
- (b) in sub-paragraph (e) insert "vice-chairs of licensing committees," after "planning committees,".

(7) For regulation 8(2)(b), substitute -

"(b)A special responsibility allowance payable to a deputy leader of the cabinet of an authority operating executive arrangements which take the form of a leader and cabinet executive may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the cabinet of that authority (excluding special responsibility allowance payable to the leader of that authority).

(c) A special responsibility allowance payable to a vice chair of the board of an authority operating alternative arrangements may include a sum equal to no more than ten per cent of the special responsibility allowance payable to a member of the board of that authority (excluding special responsibility allowance payable to the chair of the board of that authority).

(d) Where, for the purposes of sub-paragraphs (b) and (c), the authority in question has-

- (i) more than one deputy leader (in the case of an authority operating executive arrangements); or
- (ii) more than one vice chair (in the case of an authority operating alternative arrangements),

that authority may apportion the sum referred to in those sub-paragraphs between those deputy leaders or vice chairs."

(8) After regulation 8(3), insert -

"(4) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of special responsibility allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be

dyletswyddau y bydd yr aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(9) Hepgorer rheoliad 9(4)(a).

(10) Ar ôl rheoliad 9(4), mewnosoder-

"(5) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod Parc Cenedlaethol, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod Parc Cenedlaethol yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans presenoldeb sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y bydd yr aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(11) Yn rheoliad 10(2), hepgorer is-baragraff (a).

(12) Ar ôl rheoliad 10(2), mewnosoder -

"(3) Rhaid i gynllun bennu bod yn rhaid i'r cyngor sir neu'r cyngor bwrdeistref sirol, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r cyngor sir neu'r cyngor bwrdeistref sirol yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans gofal sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau a'r dyletswyddau y bydd yr aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(13) Yn lle rheoliad 11 rhodder-

"**11.**-(1) Rhaid i gynllun a wneir o dan y Rhan hon ddarparu bod unrhyw aelod o awdurdod nad yw'n gynghorydd i gael hawl i dderbyn taliad o ran lwfans colled ariannol, hynny yw taliad nad yw'n fwy na swm unrhyw enillion a gollir o raid neu unrhyw dreuliau ychwanegol (ac eithrio treuliau mewn perthynas â theithio neu gynhaliaeth) a dynnir o raid wrth gyflawni dyletswydd a gymeradwywyd fel aelod o'r awdurdod.

(2) Rhaid i gynllun bennu bod yn rhaid i'r awdurdod, pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, wrthod talu'r rhan o lwfans colled ariannol sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y bydd yr aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(14) Ym mharagraff (1) o reoliad 11 -

(a) yn lle "Rhaid i gynllun", rhodder "Caiff cynllun"; a

withheld by the authority."

(9) Omit regulation 9(4)(a).

(10) After regulation 9(4), insert -

"(5) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of the National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of attendance allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the National Park authority."

(11) In regulation 10(2), omit sub-paragraph (a).

(12) After regulation 10(2), insert -

"(3) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of the county or county borough council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of care allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the county or county borough council."

(13) For regulation 11, substitute -

"**11.**-(1) A scheme made under this Part shall provide that any member of an authority who is not a councillor shall be entitled to receive a payment by way of financial loss allowance, that is to say a payment which does not exceed the amount of any loss of earnings necessarily suffered or any additional expenses (other than expenses in relation to travel or subsistence) necessarily incurred in the performance of an approved duty as a member of the authority.

(2) A scheme must specify that where a member is suspended or partially suspended from that member's responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of financial loss allowance payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority."

(14) In paragraph (1) of regulation 11 -

(a) for "this Part shall", substitute "this Part may"; and

(b) yn lle "nad yw'n gynghorydd", rhodder "nad yw'n un o gynghorwyr nac yn un o aelodau cyfetholedig yr awdurdod hwnnw".

(15) Ar ôl rheoliad 12, mewnosoder -

"12A. Caiff cynllun ddarparu, pan fydd unrhyw lwfans wedi'i dalu eisoes mewn cysylltiad ag unrhyw gyfnod pan fydd yr aelod dan sylw -

- (a) wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno;
- (b) yn peidio â bod yn aelod o'r awdurdod; neu
- (c) heb fod â hawl mewn unrhyw ffordd arall i dderbyn y lwfans mewn cysylltiad â'r cyfnod hwnnw,

y caiff yr awdurdod ei gwneud yn ofynnol bod y cyfryw ran o'r lwfans ag sy'n berthnasol i unrhyw gyfnod o'r fath yn cael ei had-dalu i'r awdurdod."

(16) Ar ôl rheoliad 12A, mewnosoder-

"12B.-(1) Cyn bydd awdurdod Parc Cenedlaethol yn gwneud neu'n diwygio cynllun, rhaid i'r awdurdod Parc Cenedlaethol hwnnw roi sylw i'r materion a ragnodir mewn unrhyw adroddiad a lunnir gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol o dan Ran 6 o Reoliadau 2007, i'r graddau y mae'r materion hynny'n berthnasol i lwfansau sy'n daladwy gan yr awdurdod hwnnw o dan gynllun, a'r rheini'n faterion sydd am y tro yn gymwys mewn perthynas ag unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol hwnnw sy'n gynghorydd."

(2) Cyn bydd awdurdod Parc Cenedlaethol yn pennu mynegai yn unol â rheoliad 12(2), rhaid i'r awdurdod Parc Cenedlaethol hwnnw roi sylw i'r materion a ragnodir mewn unrhyw adroddiad a lunnir gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol o dan Ran 6 o Reoliadau 2007, i'r graddau y mae'r materion hynny'n ymwneud â mynegai y caniateir addasu lwfansau o gyfeirio ato, a'r rheini'n faterion sydd am y tro yn gymwys i unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol sy'n gynghorydd."

(17) Yn lle rheoliad 15(2), rhodder-

"(2) Cyn bydd awdurdod Parc Cenedlaethol yn penderfynu cyfraddau lwfans o dan baragraff (1), rhaid i'r awdurdod Parc Cenedlaethol hwnnw roi sylw i'r materion a ragnodir mewn unrhyw adroddiad a lunnir gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol o dan Ran 6 o Reoliadau 2007, i'r graddau y mae'r materion hynny'n berthnasol i lwfans teithio a lwfans

(b) for "who is not a councillor", substitute "who is neither a councillor nor a co-opted member of that authority".

(15) After regulation 12, insert -

"12A. A scheme may provide that where payment of any allowance has already been made in respect of any period during which the member concerned -

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority."

(16) After regulation 12A, insert -

"12B.-(1) Before a National Park authority makes or amends a scheme, that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to allowances payable by that authority under a scheme, which for the time being apply in relation to any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(2) Before a National Park authority specifies an index in pursuance of regulation 12(2), that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to an index by reference to which allowances may be adjusted, which for the time being apply to any county council or county borough council by which any member of the National Park authority who is a councillor is nominated."

(17) For regulation 15(2), substitute -

"(2) Before a National Park authority determines the rates of allowance under paragraph (1), that National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to travel and subsistence allowances, which for the time being apply in relation to any

cynhaliaeth, a'r rheini'n faterion sydd am y tro yn gymwys mewn perthynas ag unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol sy'n gynghorydd."

(18) Ar ôl rheoliad 15(3), mewnosoder -

"(4) Rhaid i awdurdod bennu o fewn pa gyfnod o amser, yn cychwyn ar y dyddiad y mae hawl i gael lwfans teithio neu lwfans cynhaliaeth yn dechrau, y mae'n rhaid i'r person y mae'r lwfans yn daladwy iddo hawlio'r cyfryw lwfans.

(5) Nid oes dim ym mharagraff (4) yn rhwystro awdurdod rhag gwneud taliad pan na chaiff y lwfans ei hawlio o fewn y cyfnod a bennir felly.

(6) Pan fydd aelod wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, rhaid i'r awdurdod wrthod talu lwfans teithio a lwfans cynhaliaeth sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni."

(19) Ar ôl rheoliad 15, mewnosoder -

"**15A.** Caiff awdurdod ddarparu, pan fydd lwfans eisoes wedi'i dalu o dan y Rhan hon mewn cysylltiad ag unrhyw gyfnod pan fydd yr aelod dan sylw -

- (a) wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod yn unol â Rhan III o Ddeddf 2000 neu â rheoliadau a wneir o dan y Rhan honno;
- (b) yn peidio â bod yn aelod o'r awdurdod; neu
- (c) heb fod â hawl mewn unrhyw ffordd i dderbyn y lwfans mewn cysylltiad â'r cyfnod hwnnw,

y caiff yr awdurdod ei gwneud yn ofynnol bod y cyfryw ran o'r lwfans ag sy'n berthnasol i unrhyw gyfnod o'r fath yn cael ei had-dalu i'r awdurdod."

(20) Ar ôl rheoliad 15A, mewnosoder-

"**15B.**-(1) Yn ddarostyngedig i baragraffau (2) i (7), caiff awdurdod Parc Cenedlaethol ddarparu ar gyfer talu lwfans am bob blwyddyn i aelod cyfetholedig mewn cysylltiad â mynychu cynadleddau a chyfarfodydd (lwfans aelodau cyfetholedig).

(2) Wrth benderfynu mewn cysylltiad â pha gyfrifoldebau neu ddyletswyddau y caniateir talu lwfans aelodau cyfetholedig, rhaid i awdurdod Parc Cenedlaethol roi sylw i faterion a ragnodir mewn unrhyw adroddiad a lunnir gan Banel

county council or county borough council by which any member of the National Park authority who is a councillor is nominated."

(18) After regulation 15(3), insert -

"(4) An authority must specify a time limit from the date on which an entitlement to travel or subsistence allowances arises during which a claim for such allowance must be made by the person to whom the allowance is payable.

(5) Nothing in paragraph (4) prevents an authority from making a payment where the allowance is not claimed within the period so specified.

(6) Where a member is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, travel and subsistence allowances payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority."

(19) After regulation 15, insert -

"**15A.** An authority may provide that where payment of an allowance under this Part has already been made in respect of any period during which the member concerned -

- (a) is suspended or partially suspended from that member's responsibilities or duties as a member in accordance with Part III of the 2000 Act or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority."

(20) After regulation 15A, insert -

"**15B.**-(1) Subject to paragraphs (2) to (7), a National Park authority may provide for the payment of an allowance for each year to a co-opted member in respect of attendance at conferences and meetings (co-optees' allowance).

(2) In determining the responsibilities or duties in respect of which co-optees' allowance may be payable, a National Park authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel

Annibynnol Cymru ar Gydnabyddiaeth Ariannol o dan Ran 6 o Reoliadau 2007, i'r graddau y mae'r materion hynny'n ymwneud â'r cyfrifoldebau neu'r dyletswyddau y caniateir talu lwfans aelodau cyfetholedig mewn cysylltiad â hwy, a'r rheini'n faterion sydd am y tro yn gymwys i unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol sy'n gynghorydd.

(3) Rhaid i swm lwfans aelodau cyfetholedig sy'n daladwy i aelod cyfetholedig gan awdurdod Parc Cenedlaethol am flwyddyn beidio â bod yn fwy na'r swm sy'n hafal i gyfartaledd pob lwfans aelodau cyfetholedig (os o gwbl) sy'n daladwy yn y flwyddyn honno o dan Reoliadau 2007 gan unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol hwnnw sy'n gynghorydd.

(4) Yn ddarostyngedig i baragraff (5) caiff awdurdod Parc Cenedlaethol wneud darpariaeth i addasu'n flynyddol lwfans aelodau cyfetholedig.

(5) Rhaid i addasiad blynyddol o lwfans aelodau cyfetholedig gan awdurdod Parc Cenedlaethol beidio â bod yn fwy na'r swm sy'n hafal i gyfartaledd pob addasiad blynyddol (os o gwbl) a wneir yn y flwyddyn honno o dan Reoliadau 2007 gan unrhyw gyngor sir neu gyngor bwrdeistref sirol sy'n enwebu unrhyw aelod o'r awdurdod Parc Cenedlaethol hwnnw sy'n gynghorydd.

(6) Os rhan yn unig o flwyddyn yw tymor mewn swydd aelod cyfetholedig, bydd hawl yr aelod hwnnw'n hawl i daliad o'r cyfryw gyfran o lwfans aelodau cyfetholedig ag sy'n cynrychioli nifer y dyddiau y mae'r aelod cyfetholedig yn dal y swydd yn ystod y flwyddyn fel cyfran o nifer y dyddiau yn y flwyddyn honno.

(7) Pan fydd aelod cyfetholedig wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod cyfetholedig hwnnw fel aelod cyfetholedig o awdurdod Parc Cenedlaethol yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, rhaid i'r awdurdod Parc Cenedlaethol wrthod talu unrhyw lwfans aelodau cyfetholedig sy'n daladwy i'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod cyfetholedig hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

15C.-(1) Yn ddarostyngedig i reoliad 15B(3) a (5), caiff awdurdod Parc Cenedlaethol addasu swm lwfans aelodau cyfetholedig sy'n daladwy am flwyddyn, a hynny ar unrhyw adeg yn y flwyddyn honno.

(2) Pan fo awdurdod Parc Cenedlaethol yn gwneud y cyfryw addasiad, p'un ai'n unol â rheoliad 15B(5) neu fel arall, caiff yr awdurdod Parc Cenedlaethol hwnnw ddarparu bod yr hawl i gael lwfans aelodau cyfetholedig fel y'i haddasir i

for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to the responsibilities or duties in respect of which co-optees' allowance may be payable, which for the time being apply to any county council or county borough council by which any member of the National Park authority who is a councillor is nominated.

(3) The amount of co-optees' allowance payable to a co-opted member by a National Park authority for a year must not exceed the amount which equals the average of all (if any) co-optees' allowance payable in that year under the 2007 Regulations by any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(4) Subject to paragraph (5) a National Park authority may make provision for an annual adjustment of co-optees' allowance.

(5) An annual adjustment of co-optees' allowance by a National Park authority must not exceed the amount which equals the average of all (if any) annual adjustments made in that year under the 2007 Regulations by any county council or county borough council by which any member of that National Park authority who is a councillor is nominated.

(6) Where the term of office of a co-opted member comprises part only of a year, the entitlement of that member is to payment of such proportion of co-optees' allowance as the number of days on which that office is held during the year bears to the number of days in that year.

(7) Where a co-opted member is suspended or partially suspended from that co-opted members' responsibilities or duties as a co-opted member of a National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to that co-opted member in respect of the responsibilities or duties from which that co-opted member is suspended or partially suspended shall be withheld by the National Park authority.

15C.-(1) Subject to regulation 15B(3) and (5), a National Park authority may amend the amount of co-optees' allowance payable for a year at any time in that year.

(2) Where a National Park authority makes such an amendment, whether in pursuance of regulation 15B(5) or otherwise, that National Park authority may provide for the entitlement to co-optees' allowance as amended to apply with effect from

fod yn gymwys gydag effaith o ddechrau'r flwyddyn y gwneir yr addasiad ynddi."

(21) Ar ôl Rhan IV ("Lwfansau Eraill") mewnosoder -

"RHAN IVA

Ad-dalu Treuliau

15CH.-(1) Caiff awdurdod Parc Cenedlaethol ad-dalu i aelod o'r awdurdod hwnnw sy'n gynghorydd unrhyw arian a gaiff ei wario gan yr aelod hwnnw mewn cysylltiad â threuliau y mae'n angenrheidiol iddo eu tynnu wrth drefnu ar gyfer gofalu am blant neu ddibynyddion er mwyn iddo gyflawni dyletswyddau'r aelod hwnnw fel aelod.

(2) Rhaid i awdurdod Parc Cenedlaethol beidio ag ad-dalu arian a gaiff ei wario gan aelod -

- (a) mewn cysylltiad ag unrhyw blentyn sy'n fwy na phymtheng mlwydd oed neu unrhyw ddibynnydd onid yw'r awdurdod Parc Cenedlaethol hwnnw'n fodlon bod angen goruchwyllo'r plentyn neu'r dibynnydd a bod hynny wedi peri i'r aelod dynnu treuliau a oedd yn angenrheidiol er mwyn iddo gyflawni dyletswyddau'r aelod hwnnw fel aelod;
- (b) os yw'r awdurdod hwnnw i ad-dalu arian a gaiff ei wario gan aelod arall o'r awdurdod hwnnw sy'n gynghorydd mewn cysylltiad â'r cyfryw dreuliau ar gyfer yr un plentyn neu ddibynnydd.

(3) Pan fydd aelod awdurdod Parc Cenedlaethol yn gwneud trefniadau ar wahân ar gyfer gofalu am wahanol blant neu ddibynyddion rhaid i'r awdurdod Parc Cenedlaethol beidio ag ad-dalu arian a gaiff ei wario mewn cysylltiad â threuliau ar gyfer trefnu'r cyfryw ofal onid yw'r awdurdod Parc Cenedlaethol hwnnw'n fodlon bod yn rhaid i'r aelod wneud y cyfryw drefniadau ar wahân.

(4) Pan fydd aelod o awdurdod Parc Cenedlaethol wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod o'r awdurdod Parc Cenedlaethol yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, rhaid i'r awdurdod Parc Cenedlaethol wrthod ad-dalu unrhyw dreuliau gofal sy'n daladwy i'r aelod hwnnw mewn cysylltiad â'r cyfrifoldebau neu'r dyletswyddau y mae'r aelod hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag eu cyflawni.

(5) Caiff awdurdod Parc Cenedlaethol ddarparu, pan fydd treuliau gofal eisoes wedi'u had-dalu o dan y Rhan hon mewn cysylltiad ag unrhyw gyfnod pan fydd yr aelod o dan sylw -

- (a) wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod hwnnw fel aelod

the beginning of the year in which the amendment is made."

(21) After Part IV ("other Allowances") insert -

"PART IVA

Reimbursement of Expenses

15D.-(1) A National Park authority may reimburse to a member of that authority who is a councillor any monies expended by that member in respect of expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member's duties as a member.

(2) A National Park authority must not reimburse monies expended by a member -

- (a) in respect of any child over the age of fifteen years or dependant unless that National Park authority is satisfied that the child or dependant required supervision which has caused the member to incur expenses that were necessary in the carrying out of that member's duties as a member;
- (b) if that authority is to reimburse monies expended by another member of that authority who is a councillor in respect of such expenses for the same child or dependant.

(3) Where a member of a National Park authority makes separate arrangements for the care of different children or dependants the National Park authority must not reimburse monies expended in respect of expenses of arranging such care unless that National Park authority is satisfied that the member must make such separate arrangements.

(4) Where a member of a National Park authority is suspended or partially suspended from that member's responsibilities or duties as a member of the National Park authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any reimbursement of care expenses payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the National Park authority.

(5) A National Park authority may provide that where reimbursement of care expenses under this Part has already been made in respect of any period during which the member concerned -

- (a) is suspended or partially suspended from that member's responsibilities or duties as member in accordance with Part III of the

yn unol â Rhan III o Ddeddf 2000 neu â rheoliadau a wneir o dan y Rhan honno;

(b) yn peidio â bod yn aelod o'r awdurdod Parc Cenedlaethol; neu

(c) heb fod â hawl mewn unrhyw ffordd i dderbyn yr ad-daliad o dreuliau gofal mewn cysylltiad â'r cyfnod hwnnw,

y caiff yr awdurdod Parc Cenedlaethol ei gwneud yn ofynnol bod y cyfryw ran o'r ad-daliad o dreuliau gofal ag sy'n berthnasol i unrhyw gyfnod o'r fath yn cael ei had-dalu i'r awdurdod Parc Cenedlaethol."

(22) Yn rheoliad 17, yn lle "o dan baragraff 1 neu 2 o Atodlen 24 i Ddeddf Safonau a Fframwaith Ysgolion 1998", rhodder "yn unol â rheoliadau o dan adran 94 o Ddeddf Safonau a Fframwaith Ysgolion 1998".

(23) Ar ôl rheoliad 19(2), mewnosoder -

"(3) Cyn gynted ag y bo'n ymarferol ar ôl diwedd blwyddyn, rhaid i awdurdod wneud trefniadau ar gyfer cyhoeddi o fewn ei ardal y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod mewn cysylltiad â lwfans teithio a lwfans cynhaliath.

(4) Cyn gynted ag y bo'n ymarferol ar ôl diwedd blwyddyn, rhaid i awdurdod Parc Cenedlaethol wneud trefniadau ar gyfer cyhoeddi o fewn ei ardal y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod sy'n gynghorydd mewn cysylltiad ag ad-dalu treuliau gofal."

(24) Ar ôl rheoliad 19(4), mewnosoder -

"(5) Cyn gynted ag y bo'n ymarferol ar ôl diwedd blwyddyn, rhaid i awdurdod Parc Cenedlaethol wneud trefniadau ar gyfer cyhoeddi o fewn ei ardal y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod mewn cysylltiad â lwfans aelodau cyfetholedig."

RHAN 8

Diwygiadau i'r Rheoliadau Awdurdod Tân ac Achub

41.-(1) Diwygir y Rheoliadau Awdurdod Tân ac Achub fel a ganlyn.

(2) Yn rheoliad 2 -

(a) yn lle'r diffiniad o "Rheoliadau 2002", rhodder -

"ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) (Cymru) 2007";

2000 Act or regulations made under that Part;

(b) ceases to be a member of the National Park authority; or

(c) is in anyway not entitled to receive the reimbursement of care expenses in respect of that period,

the National Park authority may require that such part of the reimbursement of care expenses as relates to any such period be repaid to the National Park authority."

(22) In regulation 17, for "under paragraph 1 or 2 of Schedule 24 to the Schools Standards and Framework Act 1998", substitute "in accordance with regulations under section 94 of the Schools Standards and Framework Act 1998".

(23) After regulation 19(2), insert -

"(3) As soon as practicable after the end of a year, an authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member in respect of travel allowance and subsistence allowance.

(4) As soon as practicable after the end of a year, a National Park authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member who is a councillor in respect of reimbursement of care expenses."

(24) After regulation 19(4), insert -

"(5) As soon as practicable after the end of a year a National Park authority must make arrangements for the publication within its area of the total sum paid by it in that year to each member in respect of co-optees' allowance."

PART 8

Amendments to the Fire and Rescue Authority Regulations

41.-(1) The Fire and Rescue Authority Regulations are amended as follows.

(2) In regulation 2 -

(a) for the definition of "2002 Regulations", substitute -

""2007 Regulations" ("*Rheoliadau 2007*") means the Local Authorities (Allowances for Members) (Wales) Regulations 2007";

(b) mewnosoder yn y lle priodol-

"ystyr "aelod cyfetholedig" ("*co-opted member*") mewn perthynas ag awdurdod tân yw person nad yw'n aelod o'r awdurdod tân ond -

(a) sy'n aelod o unrhyw un o bwyllgorau neu o is-bwyllgorau'r awdurdod tân; neu

(b) sy'n aelod o unrhyw un o gyd-bwyllgorau neu o gyd-is-bwyllgorau'r awdurdod tân, ac sy'n cynrychioli'r awdurdod tân arno,

ac sydd â hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;" ac

(c) yn y diffiniad o "aelod", yn lle "a pharagraff (2) o reoliad 15" rhodder ", paragraff (2) o reoliad 15 a rheoliad 15A".

(3) Yn rheoliad 3, yn lle "adran 100(1)(b) a (d)", rhodder "adran 100(1)(b), (c) a (d)".

(4) Yn rheoliad 6(3)(a) a (b), yn lle "Reoliadau 2002" rhodder "Reoliadau 2007".

(5) Yn nhestun Cymraeg rheoliad 8(4), yn is-baragraffau (a) a (b) hepgorer "ar gyfer y flwyddyn sy'n gorffen ar 31 Mawrth 2006".

(6) Yn nhestun Cymraeg rheoliadau 8(6), 10(a) ac 16(a) yn lle "gyfrifoldebau a'i ddyletswyddau", rhodder "gyfrifoldebau neu ei ddyletswyddau".

(7) Yn rheoliad 13(2), hepgorer is-baragraff (a).

(8) Yn rheoliad 14(2), yn lle "Reoliadau 2002" rhodder "Reoliadau 2007".

(9) Ar ôl rheoliad 15, mewnosoder -

"15A.(1) Yn ddarostyngedig i baragraffau (2) i (7), caiff awdurdod tân ddarparu ar gyfer talu lwfans am bob blwyddyn i aelod cyfetholedig mewn cysylltiad â mynychu cynadleddau a chyfarfodydd (lwfans aelodau cyfetholedig).

(2) Wrth benderfynu mewn cysylltiad â pha gyfrifoldebau neu ddyletswyddau y caniateir talu lwfans aelodau cyfetholedig, rhaid i awdurdod tân roi sylw i'r materion a ragnodir mewn unrhyw adroddiad a lunnir gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol o dan Ran 6 o Reoliadau 2007, i'r graddau y mae'r materion hynny'n ymwneud â chyfrifoldebau neu ddyletswyddau y caniateir talu lwfans aelodau cyfetholedig mewn cysylltiad â hwy, a'r rheini'n faterion sydd am y tro yn gymwys i unrhyw un neu rai o awdurdodau cyfansoddol yr awdurdod tân hwnnw.

(3) Rhaid i swm y lwfans aelodau cyfetholedig sy'n daladwy i aelod cyfetholedig gan awdurdod tân am flwyddyn beidio â bod yn fwy na'r swm sy'n hafal i gyfartaledd pob lwfans aelodau cyfetholedig (os o gwbl) sy'n daladwy gan awdurdodau cyfansoddol yr awdurdod tân hwnnw yn y flwyddyn honno o dan Reoliadau 2007.

(b) in the appropriate place, insert -

""co-opted member" ("*aelod cyfetholedig*") means in relation to a fire authority a person who is not a member of the fire authority but who -

(a) is a member of any committee or sub-committee of the fire authority; or

(b) is a member of, and represents the fire authority on, any joint committee or joint sub-committee of the fire authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;" and

(c) in the definition of "member", for "and paragraph (2) of regulation 15" substitute ", paragraph (2) of regulation 15 and regulation 15A".

(3) In regulation 3, for "section 100(1)(b) and (d)" substitute "section 100(1)(b), (c) and (d)".

(4) In regulation 6(3)(a) and (b), for "2002 Regulations" substitute "2007 Regulations".

(5) In the Welsh text of regulation 8(4), in subparagraphs (a) and (b) omit "ar gyfer y flwyddyn sy'n gorffen ar 31 Mawrth 2006".

(6) In the Welsh text of regulations 8(6), 10(a) and 16(a), for "gyfrifoldebau a'i ddyletswyddau", substitute "gyfrifoldebau neu ei ddyletswyddau".

(7) In regulation 13(2), omit sub-paragraph (a).

(8) In regulation 14(2), for "2002 Regulations" substitute "2007 Regulations".

(9) After regulation 15, insert -

"15A.(1) Subject to paragraphs (2) to (7), a fire authority may provide for the payment of an allowance for each year to a co-opted member in respect of attendance at conferences and meetings (co-optees' allowance).

(2) In determining the responsibilities or duties in respect of which co-optees' allowance may be payable, a fire authority must have regard to the matters prescribed in any report produced by the Independent Remuneration Panel for Wales under Part 6 of the 2007 Regulations, in so far as those matters relate to the responsibilities or duties in respect of which co-optees' allowance may be payable, which for the time being apply to any of that fire authority's constituent authorities.

(3) The amount of co-optees' allowance payable to a co-opted member by a fire authority for a year must not exceed the amount which equals the average of all (if any) co-optees' allowances payable by that fire authority's constituent authorities in that year under the 2007 Regulations.

(4) Yn ddarostyngedig i baragraff (5) caiff awdurdod tân wneud darpariaeth i addasu'n flynyddol lwfans aelodau cyfetholedig.

(5) Rhaid i addasiad blynyddol o lwfans aelodau cyfetholedig gan awdurdod tân beidio â bod yn fwy na'r swm sy'n hafal i gyfartaledd pob addasiad blynyddol (os o gwbl) a wneir gan awdurdodau cyfansoddol yr awdurdod tân hwnnw i lwfansau aelodau cyfetholedig sy'n daladwy gan yr awdurdodau hynny yn y flwyddyn honno o dan Reoliadau 2007.

(6) Os rhan yn unig o flwyddyn yw tymor mewn swydd aelod cyfetholedig, bydd hawl yr aelod cyfetholedig hwnnw'n hawl i daliad o'r cyfryw gyfran o lwfans aelodau cyfetholedig sy'n daladwy i'r aelod cyfetholedig hwnnw ag sy'n cynrychioli nifer y dyddiau y mae'r aelod cyfetholedig yn dal y swydd honno yn ystod y flwyddyn fel cyfran o nifer y dyddiau yn y flwyddyn honno.

(7) Pan fydd aelod cyfetholedig wedi'i atal dros dro neu'n rhannol ei atal dros dro rhag cyflawni cyfrifoldebau neu ddyletswyddau'r aelod cyfetholedig hwnnw fel aelod cyfetholedig o awdurdod tân yn unol â Rhan III o Ddeddf Llywodraeth Leol 2000 neu â rheoliadau a wneir o dan y Rhan honno, rhaid i'r awdurdod tân wrthod talu unrhyw lwfans aelodau cyfetholedig sy'n daladwy i'r aelod cyfetholedig hwnnw mewn cysylltiad â'r cyfnod pan fo'r aelod cyfetholedig hwnnw wedi'i atal dros dro neu'n rhannol ei atal dros dro.

15B.-(1) Yn ddarostyngedig i reoliad 15A(3) a (5), caiff awdurdod tân addasu swm y lwfans aelodau cyfetholedig sy'n daladwy am flwyddyn, a hynny ar unrhyw adeg yn y flwyddyn honno.

(2) Pan fydd awdurdod tân yn gwneud y cyfryw addasiad, p'un ai'n unol â rheoliad 15A(5) neu fel arall, caiff yr awdurdod tân hwnnw ddarparu bod yr hawl i gael lwfans aelodau cyfetholedig fel y'i haddasir i fod yn gymwys gydag effaith o ddechrau'r flwyddyn y gwneir yr addasiad ynddi."

(10) Yn rheoliad 16 -

(a) yn lle "aelod dan sylw", rhodder "aelod neu aelod cyfetholedig dan sylw"; a

(b) ym mharagraff (a) -

(i) yn lle "o'i gyfrifoldebau neu ei ddyletswyddau", rhodder "o gyfrifoldebau neu ddyletswyddau'r aelod neu'r aelod cyfetholedig hwnnw";

(ii) yn lle "aelod, cadeirydd", rhodder "aelod, aelod cyfetholedig, cadeirydd"; a

(iii) ym mharagraff (b), ar ôl "aelod" mewnosoder "neu aelod cyfetholedig".

(11) Ar ôl rheoliad 17(2), mewnosoder -

(4) Subject to paragraph (5) a fire authority may make provision for an annual adjustment of co-optees' allowance.

(5) An annual adjustment of co-optees' allowance by a fire authority must not exceed the amount which equals the average of all (if any) annual adjustments made by that fire authority's constituent authorities to co-optees' allowance payable by those authorities in that year under the 2007 Regulations.

(6) Where the term of office of a co-opted member comprises part only of a year, the entitlement of that co-opted member is to payment of such proportion of co-optees' allowance payable to that co-opted member as the number of days on which that office is held during the year bears to the number of days in that year.

(7) Where a co-opted member is suspended or partially suspended from that co-opted members' responsibilities or duties as a co-opted member of a fire authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to that co-opted member in respect of the period for which that co-opted member is suspended or partially suspended must be withheld by the fire authority.

15B.-(1) Subject to regulation 15A(3) and (5), a fire authority may amend the amount of co-optees' allowance payable for a year at any time in that year.

(2) Where a fire authority makes such an amendment, whether in pursuance of regulation 15A(5) or otherwise, that fire authority may provide for the entitlement to co-optees' allowance as amended to apply with effect from the beginning of the year within which the amendment is made."

(10) In regulation 16 -

(a) for "member concerned", substitute "member or co-opted member concerned"; and

(b) in paragraph (a) -

(i) for "member's responsibilities", substitute "member's or co-opted member's responsibilities";

(ii) for "member, chairperson", substitute "member, co-opted member, chairperson"; and

(iii) in paragraph (b), after "member" insert "or co-opted member".

(11) After regulation 17(2), insert -

"(3) Rhaid i awdurdod tân bennu o fewn pa gyfnod o amser, yn cychwyn ar y dyddiad y mae hawl i gael lwfans teithio neu lwfans cynhaliath yn dechrau, y mae'n rhaid i'r person y mae'r lwfans yn daladwy iddo hawlio'r cyfryw lwfans.

(4) Nid oes dim ym mharagraff (3) yn rhwystro awdurdod rhag gwneud taliad pan na chaiff y lwfans ei hawlio o fewn y cyfnod a bennir felly."

(12) Yn nhestun Cymraeg rheoliad 19(1), ar ôl "bob awdurdod", mewnosoder "tân".

(13) Yn lle rheoliad 19(3), rhodder -

"(3) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn, rhaid i bob awdurdod tân wneud trefniadau ar gyfer cyhoeddi o fewn ardal yr awdurdod tân y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod mewn cysylltiad â-

- (a) lwfans gofal;
- (b) lwfans teithio; a
- (c) lwfans cynhaliath."

(14) Ar ôl rheoliad 19(3), mewnosoder -

"(4) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn, rhaid i bob awdurdod tân wneud trefniadau ar gyfer cyhoeddi o fewn ardal yr awdurdod tân y cyfanswm a dalwyd ganddo yn y flwyddyn honno i bob aelod cyfetholedig mewn cysylltiad â lwfans aelodau cyfetholedig."

"(3) A fire authority shall specify a time limit from the date on which an entitlement to travel allowance or subsistence allowance arises during which a claim for such allowance must be made by the person to whom the allowance is payable.

(4) Nothing in paragraph (3) shall prevent an authority from making a payment where the allowance is not claimed within the period so specified."

(12) In the Welsh text of regulation 19(1), after "bob awdurdod", insert "tân".

(13) For regulation 19(3), substitute -

"(3) As soon as practicable after the end of each year, every fire authority shall make arrangements for the publication within the fire authority's area of the total sum paid by it in that year to each member in respect of -

- (a) care allowance;
- (b) travel allowance; and
- (c) subsistence allowance."

(14) After regulation 19(3), insert -

"(4) As soon as practicable after the end of each year, every fire authority shall make arrangements for the publication within the fire authority's area of the total sum paid by it in that year to each co-opted member in respect of co-optees' allowance."

RHAN 9

Dirymiadau ac arbedion

Dirymiadau, arbedion ac addasiadau

42. -(1) Mae Rheoliadau 2002 i barhau i fod yn effeithiol heb ragfarnu adran 16 o Ddeddf Dehongli 1978(1) mewn perthynas â hawlio lwfansau neu daliadau eraill mewn cysylltiad â dyletswyddau a gyflawnir cyn y dyddiad y daw'r Rheoliadau hyn i rym yn unol â rheoliad 1(1)(b).

(2) Yn ddarostyngedig i baragraff (1) dirymir drwy hyn Reoliadau 2002 ac eithrio i'r graddau y maent yn gymwys i -

- (a) awdurdodau Parciau Cenedlaethol; a
- (b) Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau) 1991(2).

(3) Ni fydd adrannau 174, 175 a 177 o Ddeddf 1972 yn gymwys i awdurdodau.

(1) 1978 p.30.

(2) Dirymwyd O.S.1991/351 gan O.S. 2002/1895 ac eithrio i'r graddau y mae'n ymwneud â hawlio lwfansau neu daliadau eraill mewn cysylltiad â dyletswyddau a gyflawnwyd cyn 1 Ebrill 2002.

PART 9

Revocations and savings

Revocations, savings and modifications

42.-(1) The 2002 Regulations are to continue to have effect without prejudice to section 16 of the Interpretation Act 1978(1) in relation to claims made for allowances or other payments in respect of duties performed before the date on which these Regulations come into force in accordance with regulation 1(1)(b).

(2) Subject to paragraph (1) the 2002 Regulations are hereby revoked save in so far as they apply to -

- (a) National Park authorities; and
- (b) the Local Authorities (Members' Allowances) Regulations 1991(2).

(3) Sections 174, 175 and 177 of the 1972 Act do not apply to authorities.

(1) 1978 c.30.

(2) S.I. 1991/351 was revoked by S.I. 2002/1895 save in so far as it relates to claims made for allowances or other payments in respect of duties performed before 1 April 2002.

(4) Wrth ei chymhwyso i awdurdodau bydd is-adran (2) o adran 176 o Ddeddf 1972 yn effeithiol fel pe bai'r cyfeiriad at adran 174 o Ddeddf 1972 yn gyfeiriad at y Rheoliadau hyn ac fel pe bai'r cyfeiriad at ddyletswydd a gymeradwywyd yn gyfeiriad at y term hwnnw fel y'i diffinnir yn y Rheoliadau hyn.

43. Dirymir drwy hyn Reoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol) (Pensiynau) (Cymru) 2003(1).

(4) In its application to authorities sub-section (2) of section 176 to the 1972 Act shall have effect as if the reference to section 174 of the 1972 Act was a reference to these Regulations and as if the reference to an approved duty was a reference to that term as defined in these Regulations.

43. The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003(1) are hereby revoked.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

28 Mawrth 2007

28 March 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) O.S. 2003/2963 (Cy.280).

(2) 1998 p.38.

(1) S.I. 2003/2963 (W.280).

(2) 1998 c.38.

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