OFFERYNNAU STATUDOL CYMRU

2019 Rhif 115 (Cy. 29)

YMADAEL Â'R UNDEB EWROPEAIDD, CYMRU

CYNRYCHIOLAETH Y BOBL, CYMRU

LLYWODRAETH LEOL, CYMRU

Rheoliadau Etholiadau (Cymru) (Diwygio) (Ymadael â'r UE) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan adran 11 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 a pharagraff 1(1) o Atodlen 2 iddi, er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i ddeddfwriaeth ynghylch etholiadau llywodraeth leol. Mae Rhan 1 yn diwygio deddfwriaeth sylfaenol ac mae Rhan 2 yn diwygio is-ddeddfwriaeth.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2019 No. 115 (W. 29)

EXITING THE EUROPEAN UNION, WALES

REPRESENTATION OF THE PEOPLE, WALES

LOCAL GOVERNMENT, WALES

The Elections (Wales) (Amendment) (EU Exit) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 11 of, and paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to local government elections legislation. Part 1 amends primary legislation and Part 2 amends subordinate legislation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 115 (Cy. 29)

YMADAEL Â’R UNDEB EWROPEAIDD, CYMRU

CYNRYCHIOLAETH Y BOBL, CYMRU

LLYWODRAETH LEOL, CYMRU

Rheoliadau Etholiadau (Cymru) (Diwygio) (Ymadael â’r UE) 2019

Gofynion sifftio wedi eu bodloni 7 Ionawr 2019

Gwnaed 24 Ionawr 2019

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 28 Ionawr 2019

Yn dod i rym yn unol â rheoliad 1

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**) (sy’n ymwneud â’r weithdrefn graffu briodol ar gyfer y Rheoliadau hyn) wedi eu bodloni.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 11 o’r Ddeddf honno a pharagraff 1(1) o Atodlen 2 iddi.

(**1**) 2018 p. 16.

WELSH STATUTORY INSTRUMENTS

2019 No. 115 (W. 29)

EXITING THE EUROPEAN UNION, WALES

REPRESENTATION OF THE PEOPLE, WALES

LOCAL GOVERNMENT, WALES

The Elections (Wales) (Amendment) (EU Exit) Regulations 2019

Sift requirements satisfied 7 January 2019

Made 24 January 2019

Laid before the National Assembly for Wales 28 January 2019

Coming into force in accordance with regulation 1

The requirements of paragraph 4(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(**1**) (relating to the appropriate scrutiny procedure for these Regulations) have been satisfied.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 11 of, and paragraph 1(1) of Schedule 2 to, that Act.

(**1**) 2018 c. 16.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Etholiadau (Cymru) (Diwygio) (Ymadael â'r UE) 2019 a deuant i rym ar y diwrnod ymadael(**1**).

Title and commencement

1. The title of these Regulations is the Elections (Wales) (Amendment) (EU Exit) Regulations 2019 and they come into force on exit day(**1**).

RHAN 1

Diwygiad i ddeddfwriaeth sylfaenol

Diwygio Mesur Llywodraeth Leol (Cymru) 2011

2. Yn Atodlen 2 i Fesur Llywodraeth Leol (Cymru) 2011(**2**) (aelodaeth o Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol), hepgorer paragraff 1(4)(d).

PART 1

Amendment to primary legislation

Amendment to the Local Government (Wales) Measure 2011

2. In Schedule 2 to the Local Government (Wales) Measure 2011(**2**) (membership of the Independent Remuneration Panel for Wales), omit paragraph 1(4)(d).

RHAN 2

Diwygiadau i is-ddeddfwriaeth

Diwygio Rheoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2007

3. Yn Rhan Ch o Atodlen 1 (swyddogaethau nad ydynt i fod yn gyfrifoldeb i weithrediaeth awdurdod) i Reoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2007(**3**), hepgorer paragraff 7.

Diwygio Rheoliadau Awdurdodau Lleol (Cynnal Refferenda) (Cymru) 2008

4.—(1) Mae Rheoliadau Awdurdodau Lleol (Cynnal Refferenda) (Cymru) 2008(**4**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), hepgorer y diffiniadau o "etholiad Senedd Ewrop" ("*European Parliamentary election*") ac "etholiad cyffredinol Senedd Ewrop" ("*European Parliamentary general election*")(**5**).

PART 2

Amendments to subordinate legislation

Amendment to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

3. In Part D of Schedule 1 (functions not to be the responsibility of an authority's executive) to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(**3**), omit paragraph 7.

Amendment to the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008

4.—(1) The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008(**4**) are amended as follows.

(2) In regulation 2(1), omit the definitions of "European Parliamentary election" ("*etholiad Senedd Ewrop*") and "European Parliamentary general election" ("*etholiad cyffredinol Senedd Ewrop*")(**5**).

(**1**) Diffinnir "exit day" yn adran 20(1) i (5) (dehongli) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.
(**2**) 2011 mccc 4.
(**3**) O.S. 2007/399 (Cy. 45).
(**4**) O.S. 2008/1848 (Cy. 177).
(**5**) Rhaid dehongli'r diffiniadau yn unol ag adran 27(1) o Ddeddf Cynrychiolaeth y Bobl 1985 (p. 50). Diwygiwyd adran 27(1) gan adran 3 o Ddeddf y Cymunedau Ewropeaidd (Diwygio) 1986 (p. 58) o ganlyniad i ailenwi Cynulliad Ewrop yn Senedd Ewrop.

(**1**) "Exit day" is defined in section 20(1) to (5) (interpretation) of the European Union (Withdrawal) Act 2018.
(**2**) 2011 nawm 4.
(**3**) S.I. 2007/399 (W. 45).
(**4**) S.I. 2008/1848 (W. 177).
(**5**) The definitions must be construed in accordance with section 27(1) of the Representation of the People Act 1985 (c. 50). Section 27(1) was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) in consequence of the European Assembly being renamed the European Parliament.

(3) Yn Nhabl 5 (Rheoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001(**1**)) o Atodlen 4 (cymhwyso, gydag addasiadau, deddfau ac is-ddeddfwriaeth), yn y rhes sy'n darparu ar gyfer addasu Atodlen 3, Ffurf E(**2**)—

(a) yn lle "Yn lle "European Parliamentary electoral region" rhodder "Referendum voting area…"." rhodder "Ar ôl "Local government electoral area(s)" mewnosoder "Referendum voting area…".";

(b) yn lle "hyd at "electoral region]]"" rhodder "hyd at "electoral area]]"".

(3) In Table 5 (The Representation of the People (England and Wales) Regulations 2001(**1**)) of Schedule 4 (application, with modifications, of acts and subordinate legislation), in the row providing for the modification of Schedule 3, Form E(**2**)—

(a) for "For "European Parliamentary electoral region" substitute "Referendum voting area…"." substitute "After "Local government electoral area(s)" insert "Referendum voting area…".";

(b) for "to "electoral region]]"" substitute "to "electoral area]]"".

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
24 Ionawr 2019

Minister for Housing and Local Government, one of the Welsh Ministers
24 January 2019

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(**1**) O.S. 2001/341.
(**2**) Diwygiwyd Atodlen 3, Ffurf E o Reoliadau Cynrychiolaeth y Bobl (Cymru a Lloegr) 2001 gan baragraff 1(7)(b) o Atodlen 8 i Orchymyn Deddf Partneriaeth Sifil 2004 (Diwygiadau i Is-ddeddfwriaeth) 2005 (O.S. 2005/2114) a Rhan 2 o Atodlen 1 i Reoliadau Etholiadau Senedd Ewrop Etc. (Darpariaethau Diddymu, Dirymu, Diwygio ac Arbed) (Y Deyrnas Unedig a Gibraltar) (Ymadael â'r UE) 2018 (O.S. 2018/1310).

(**1**) S.I. 2001/341.
(**2**) Schedule 3, Form E of the Representation of the People (England and Wales) Regulations 2001 was amended by paragraph 1(7)(b) of Schedule 8 to the Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 (S.I. 2005/2114) and Part 2 of Schedule 1 to the European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310).

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