



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 1508 (Cy.157)

2004 No. 1508 (W.157)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Gorchymyn Etholiadau Lleol
(Datganiad Derbyn Swydd)
(Cymru) 2004**

**The Local Elections (Declaration
of Acceptance of Office) (Wales)
Order 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhagnodi'r ffurfiau ar ddatganiad derbyn swydd ar gyfer aelodau a meiri etholedig cynghorau sir a chynghorau bwrdeistref sirol yng Nghymru yn unol ag adran 83 o Ddeddf Llywodraeth Leol 1972. Mae'r Gorchymyn hwn yn gymwys pa un a yw'r cyngor wedi mabwysiadu cod ymddygiad o dan Ddeddf Llywodraeth Leol 2000 ai peidio.

This Order prescribes the forms of declaration of acceptance of office for members and elected mayors of county and county borough councils and members of community councils in Wales in accordance with section 83 of the Local Government Act 1972. This Order applies whether or not the council has adopted a code of conduct under the Local Government Act 2000.

Mae erthygl 3 yn darparu, pan gaiff darpariaethau gorfodol cod ymddygiad enghreifftiol sy'n gymwys i gyngor eu mabwysiadu neu eu cymhwyso iddo, bod rhaid i ffurf y datganiad derbyn swydd fod ar y ffurf a ragnodir naill ai yn Atodlen 1 neu yn Atodlen 2 i'r Gorchymyn hwn, neu ar ffurf ac iddi effaith debyg.

Article 3 provides that where the mandatory provision of a model code of conduct applicable to a council are adopted or applied to it, the form of declaration of acceptance of office shall be the form prescribed in either Schedule 1 or Schedule 2 to this Order, or a form to the like effect.

Mae erthygl 4 yn dirymu, ar 1 Medi 2004, bedwar gorchymyn blaenorol a wnaed o dan adran 83(1) a (4) o Ddeddf Llywodraeth Leol 1972, adran 31(7) o Ddeddf Llywodraeth Leol a Thai 1989, adrannau 26(3), 27(4) a (5) o Ddeddf yr Iaith Gymraeg 1993, ac adran 52(2) o Ddeddf Llywodraeth Leol 2000, a oedd yn cynnwys ymrwymiad i barchu'r Cod Cenedlaethol Ymddygiad Llywodraeth Leol. Mae Rhan III o Ddeddf Llywodraeth Leol 2000 yn rhoi codau ymddygiad a wnaed o dan y Ddeddf honno yn lle'r Cod hwnnw.

Article 4 revokes, on 1 September 2004, four previous orders made under section 83(1) and (4) of the Local Government Act 1972, section 31(7) of the Local Government and Housing Act 1989, sections 26(3), 27(4) and (5) of the Welsh Language Act 1993, and section 52(2) of the Local Government Act 2000, which included an undertaking to observe the National Code of Local Government Conduct. Part III of the Local Government Act 2000 replaces that Code with codes of conduct made under that Act.

Mae'r ddwy Atodlen i'r Gorchymyn yn rhagnodi'r ffurfiau Saesneg a Chymraeg ar y datganiad sy'n cynnwys gosodiad bod y rhai sy'n gwneud y datganiad yn ymrwymo i barchu cod ymddygiad eu hawdurdod.

The two Schedules to the Order prescribe the forms of the declaration in English and Welsh which include a statement that those making the declaration undertake to observe their authority's code of conduct.

Pan fydd sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru yn mabwysiadu, am y tro cyntaf, god ymddygiad sy'n ofynnol gan adran 51 o Ddeddf Llywodraeth Leol 2000, rhaid i holl aelodau ac aelodau cyfetholedig yr awdurdodau hyn, yn ychwanegol at y datganiad a ragnodwyd yn y gorchymyn hwn, roi ymrwymiad ysgrifenedig i'w hawdurdodau y byddant yn parchu'r cod ymddygiad.

When a county, county borough council or community council in Wales adopts a code of conduct for the first time as required by section 51 of the Local Government Act 2000, all members and co-opted members of these authorities must in addition to the declaration prescribed in this order, give a written undertaking to their authorities that they will observe the code of conduct.

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Wedi'i wneud 15 Mehefin 2004
Yn dod i rym 1 Medi 2004

Made 15 June 2004
Coming into force 1 September 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 83(1) a (4) o Ddeddf Llywodraeth Leol 1972(a), adran 26(3) o Ddeddf yr Iaith Gymraeg 1993(b), ac adran 52(2) o Ddeddf Llywodraeth Leol 2000(c), ac a freinir ynddo bellach i'r graddau y maent yn arferadwy yng Nghymru(ch), drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers given to the Secretary of State by sections 83(1) and (4) of the Local Government Act 1972(a), section 26(3) of the Welsh Language Act 1993(b), and section 52(2) of the Local Government Act 2000(c), which are now vested in it in so far as exercisable in Wales(d), hereby makes the following Order:

Enwi, cychwyn a chymhwysio

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Etholiadau Lleol (Datganiad Derbyn Swydd) (Cymru) 2004, a daw i rym ar 1 Medi 2004.

(2) Mae'r Gorchymyn hwn yn gymwys i bob awdurdod yng Nghymru.

Name, commencement and application

1.-(1) This Order may be called the Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004, and shall come into force on 1 September 2004.

(2) This Order applies to each authority in Wales.

Dehongli

2. Yn y Gorchymyn hwn -

ystyr "awdurdod" ("*authority*") yw-

- (a) cyngor sir,
- (b) cyngor bwrdeistref sirol, ac
- (c) cyngor cymuned.

Interpretation

2. In this Order -

"authority" ("*awdurdod*") means -

- (a) a county council,
- (b) a county borough council, and
- (c) a community council.

Ffurf ar ddatganiad derbyn swydd

3. Pan fydd awdurdod wedi mabwysiadu darpariaethau gorfodol cod ymddygiad enghreifftiol a wnaed o dan adran 50(2) o Deddf Llywodraeth Leol

Form of declaration of acceptance of office

3. Where an authority has adopted the mandatory provisions of a model code of conduct made under section 50(2) of the Local Government Act 2000 that is

(a) 1972 p.70.

(b) 1993 p.38.

(c) 2000 p.22.

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

(a) 1972 c.70.

(b) 1993 c.38.

(c) 2000 c.22.

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

2000 ac sy'n gymwys i'r cyngor hwnnw, neu pan fydd darpariaethau gorfodol cod o'r fath yn gymwys i aelodau'r cyngor hwnnw yn unol ag adran 51(5)(b) o'r Ddeddf honno, rhaid i ddatganiad derbyn swydd -

- (a) aelod; a
- (b) maer etholedig,

fod naill ai ar y ffurf Saesneg a geir yn Atodlen 1 i'r Gorchymyn hwn neu ar y ffurf Gymraeg a geir yn Atodlen 2, neu ar ffurf ac iddi effaith debyg.

Dirymu gorchmynion

4. Dirymir y gorchmynion canlynol ar 1 Medi 2004 -

- (a) Gorchymyn Etholiadau Lleol (Prif Ardaloedd) (Datganiad Derbyn Swydd) 1990(a);
- (b) Gorchymyn Etholiadau Lleol (Plwyfi a Chymunedau) (Datganiad Derbyn Swydd) 1990(b);
- (c) Gorchymyn Etholiadau Lleol (Datganiad Derbyn Swydd) (Ffurflenni Cymraeg) 1991(c); a
- (ch) Gorchymyn Etholiadau Lleol (Datganiad Derbyn Swydd) (Diwygio) (Cymru) 2001(ch).

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

15 Mehefin 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

-
- (a) O.S. 1990/932.
 - (b) O.S. 1990/2473.
 - (c) O.S. 1991/1169.
 - (ch) O.S. 2001/2963 (Cy. 245).
 - (d) 1998 p.38.

applicable to that council, or the mandatory provisions of such a code apply to the members of that council pursuant to section 51(5)(b) of that Act, the declaration of acceptance of office of -

- (a) a member; and
- (b) an elected mayor,

shall be either in the English form set out in Schedule 1 to this Order or the Welsh form set out in Schedule 2, or a form to the like effect.

Revocation of orders

4. The following orders shall be revoked on 1 September 2004 -

- (a) the Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990(a);
- (b) the Local Elections (Parishes and Communities) (Declaration of Acceptance of Office) Order 1990(b);
- (c) the Local Elections (Declaration of Acceptance of Office) (Welsh Forms) Order 1991(c); and
- (d) the Local Elections (Declaration of Acceptance of Office) (Amendment) (Wales) Order 2001(d).

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

15 June 2004

The Deputy Presiding Officer of the National Assembly

-
- (a) S.I. 1990/932.
 - (b) S.I. 1990/2473.
 - (c) S.I. 1991/1169.
 - (d) S.I. 2001/2963 (W. 245).
 - (e) 1998 c.38.

ATODLEN 1 SCHEDULE 1

Erthygl 3

Article 3

Declaration of Acceptance of Office

I [(1)] having been elected to the office of [(2)] of [(3)] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code for the time being as to the conduct which is expected of members of [(4)] and which may be revised from time to time.

Signed ; Date ;

This declaration was made and signed before me,

Signed

Proper officer of the council (5).

(1) Insert the name of the person making the declaration.

(2) Insert "member" or "Mayor" as appropriate.

(3) and (4) Insert the name of the authority of which the person making the declaration is a member or mayor.

(5) Where the declaration is made before another person authorised by section 83(3) or (4) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

ATODLEN 2 SCHEDULE 2

Erthygl 4

Article 4

Datganiad Derbyn Swydd

Yr wyf i [(1)], a minnau wedi fy ethol i swydd [(2)] [(3)], yn datgan fy mod yn cymryd arnaf fy hun y swydd honno, ac y byddaf yn cyflawni dyletswyddau'r swydd yn briodol ac yn ffyddlon hyd eithaf fy marn a'm gallu.

Yr wyf yn ymrwymo i barchu'r cod ymddygiad a ddisgwylir oddi wrth aelodau ac sy'n bodoli am y tro ac a allai gael ei adolygu o dro i dro [(4)].

Llofnodwyd ; Dyddiad ;

Cafodd y datganiad hwn ei wneud a'i lofnodi ger fy mron,

Llofnodwyd:

Swyddog priodol y cyngor (5).

(1) Mewnosoder enw'r person sy'n gwneud y datganiad.

(2) Mewnosoder "aelod" neu "Maer" fel y bo'n briodol.

(3) a (4) Mewnosoder enw'r awdurdod y mae'r person sy'n gwneud y datganiad yn aelod ohono neu'n faer yr awdurdod.

(5) Pan wneir y datganiad gerbron person arall a awdurdodwyd gan adran 83(3) neu (4) o Ddeddf Llywodraeth Leol 1972, dylid datgan, yn lle hynny, yn rhinwedd pa swydd y mae'r person hwnnw'n derbyn y datganiad.

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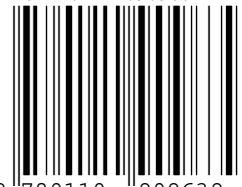
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