CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 1510 (Cy.159)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004

NODYN ESBONIADOL

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

Sefydlodd Rhan III o Ddeddf Llywodraeth Leol 2000 ("y Ddeddf") fframwaith moesegol newydd ar gyfer llywodraeth leol yng Nghymru. Mae adran 50(2) o'r Ddeddf yn darparu y caiff Cynulliad Cenedlaethol Cymru, drwy Orchymyn, gyhoeddi cod enghreifftiol o ran yr ymddygiad a ddisgwylir oddi wrth aelodau ac aelodau cyfetholedig awdurdodau perthnasol yng Nghymru. Cynghorau sir a chynghorau bwrdeistref sirol, cynghorau cymuned, awdurdodau tân ac awdurdodau Parciau Cenedlaethol yw'r awdurdodau perthnasol, ond nid felly awdurdodau heddlu. Mae'n rhaid i God Ymddygiad a gyhoeddir gan Gynulliad Cenedlaethol Cymru o dan adran 50(2) o'r Ddeddf fod yn gyson â'r egwyddorion a bennir gan Gynulliad Cenedlaethol Cymru o dan adran 49(2) o'r Ddeddf.

Rhagnodwyd Cod Ymddygiad Enghreifftiol i aelodau awdurdodau perthnasol gan Orchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001 ("Gorchymyn 2001") a wnaed o dan adran 50(2).

Mae'r Gorchymyn hwn yn diwygio Gorchymyn 2001, drwy fewnosod Erthygl 4 newydd sy'n datgymhwyso darpariaethau statudol presennol sy'n ymwneud â Chod Cenedlaethol Ymddygiad Llywodraeth Leol yng Nghymru.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 1510 (W.159)

LOCAL GOVERNMENT, WALES

The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004

EXPLANATORY NOTE

(This note is not part of the Order)

Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales. Section 50(2) of the Act provides that the National Assembly for Wales may by Order issue a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. The relevant authorities are county and county borough councils, community councils, fire authorities and National Park authorities but not police authorities. A Code of Conduct issued by the National Assembly for Wales under section 50(2) of the Act must be consistent with the principles specified by the National Assembly for Wales under section 49(2) of the Act.

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001 ("the 2001 Order") made under section 50(2) of the Act prescribed a Model Code of Conduct for members of relevant authorities.

This Order amends the 2001 Order, by inserting a new Article 4 which disapplies existing statutory provisions relating to (among others) the National Code of Local Government Conduct in Wales.

OFFERYNNAU STATUDOL

2004 Rhif 1510 (Cy.159)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004

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

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 50(2), 50(4), 81(2), 81(3) a 105(2), (3) a (4) o Ddeddf Llywodraeth Leol 2000(**a**), ac ar ôl iddo ymgynghori fel sy'n ofynnol yn rhinwedd adran 50(5) o'r Ddeddf honno a chael ei fodloni bod y Gorchymyn hwn yn gyson â'r egwyddorion a bennir am y tro mewn gorchymyn o dan adran 49(2) o'r Ddeddf honno(**b**), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi a chychwyn

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004 a daw i rym ar 1 Medi 2004.

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

Dehongli

2. Yn y Gorchymyn hwn -

ystyr "Gorchymyn 2001" ("*the 2001 Order*") yw Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) 2001(**c**).

Diwygio Gorchymyn 2001

3. Ar ôl Erthygl 3 o Orchymyn 2001 mewnosoder -

(a) 2000 p.22.

(b) Gorchymyn Ymddygiad Aelodau (Egwyddorion) (Cymru) 2001 (O.S. 2001/2276) (Cy.166)).

(c) O.S. 2001/2289 (Cy.177) (fel y'i diwygiwyd gan O.S. 2004/163 (Cy.18)).

STATUTORY INSTRUMENTS

2004 No. 1510 (W.159)

LOCAL GOVERNMENT, WALES

The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004

Made	*15 June 2004*
Coming into force	*1 September 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 50(2), 50(4), 81(2), 81(3) and 105(2), (3) and (4) of the Local Government Act 2000(**a**), having carried out such consultation as is required by virtue of section 50(5) of that Act, and being satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(2) of that Act(**b**) hereby makes the following Order:

Name and commencement

1.-(1) This Order is called the Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004 and shall come into force on 1 September 2004.

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

Interpretation

2. In this Order -

"the 2001 Order" ("*Gorchymyn 2001*") means the Conduct of Members (Model Code of Conduct) (Wales) Order 2001(**c**).

Amendment to the 2001 Order

3. After Article 3 of the 2001 Order insert -

(a) 2000 c.22.

(b) The Conduct of Members (Principles) (Wales) Order 2001 (S.I. 2001/2276) (W.166)).

(c) S.I. 2001/2289 (W.177) (as amended by S.I. 2004/163 (W.18)).

"Darpariaethau i'w datgymhwyso

4.-(1) Os bydd awdurdod perthnasol, ac yntau'n sir, yn fwrdeistref sirol, yn gyngor cymuned neu'n awdurdod tân, wedi mabwysiadu cod ymddygiad neu os bydd cod o'r fath yn gymwys iddo, rhaid i'r canlynol, pan fyddant yn gymwys i'r awdurdod perthnasol, gael eu datgymhwyso mewn perthynas â'r awdurdod hwnnw -

(a) adrannau 94 i 98 a 105 o Ddeddf Llywodraeth Leol 1972(**a**);

(b) adran 30(3A) o Ddeddf Llywodraeth Leol 1974(**b**);

(c) unrhyw reoliadau a wnaed neu god a gyhoeddwyd o dan adrannau 19 ac 31 o Ddeddf Llywodraeth Leol a Thai 1989(**c**).

(2) Os bydd awdurdod perthnasol, ac yntau'n awdurdod Parc Cenedlaethol, wedi mabwysiadu cod ymddygiad neu os bydd cod ymddygiad o'r fath yn gymwys iddo, rhaid i'r canlynol, pan fyddant yn gymwys i'r awdurdod perthnasol, gael eu datgymhwyso mewn perthynas â'r awdurdod hwnnw -

(a) paragraffau 9 a 10 o Atodlen 7 i Ddeddf yr Amgylchedd 1995; a

(b) adrannau 19 a 31 o Ddeddf Llywodraeth Leol a Thai 1989.

(3) Rhaid i adran 16(1) o Ddeddf Dehongli 1978(**ch**) fod yn gymwys i ddatgymhwysiad o dan baragraff (1) neu (2) uchod fel pe bai'n ddiddymiad, gan Ddeddf, o ddeddfiad".

"Provisions to be disapplied

4.-(1) Where a relevant authority which is a county, county borough or community council or fire authority has adopted a code of conduct or such a code applies to it, the following shall, where applicable to the relevant authority, be disapplied as respects that authority -

(a) sections 94 to 98 and 105 of the Local Government Act 1972(**a**);

(b) section 30(3A) of the Local Government Act 1974(**b**);

(c) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989(**c**).

(2) Where a relevant authority which is a National Park authority has adopted a code of conduct or such a code applies to it, the following shall, where applicable to the relevant authority be disapplied as respects that authority -

(a) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995; and

(b) sections 19 and 31 of the Local Government and Housing Act 1989.

(3) Section 16(1) of the Interpretation Act 1978(**d**) shall apply to a disapplication under paragraph (1) or (2) above as if it were a repeal, by an Act, of an enactment.".

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

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

15 Mehefin 2004

15 June 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(a) 1972 p.70.

(b) 1974 p.7.

(c) 1989 p.42.

(ch) 1978 p.30.

(d) 1998 p.38.

(a) 1972 c.70.

(b) 1974 c.7.

(c) 1989 c.42.

(d) 1978 c.30.

(e) 1998 c.38.

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LLYWODRAETH LEOL, CYMRU

LOCAL GOVERNMENT, WALES

Gorchymyn Ymddygiad Aelodau (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) (Rhif 2) 2004

The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No. 2) Order 2004

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