Deddf Deddfwriaeth (Gweithdrefn, Cyhoeddi a Diddymiadau) (Cymru) 2025

2025 dsc 3

Nodiadau Esboniadol

Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

2025 asc 3

Explanatory Notes

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DEDDF DEDDFWRIAETH (GWEITHDREFN, CYHOEDDI A DIDDYMIADAU) (CYMRU) 2025

NODIADAU ESBONIADOL

CYFLWYNIAD

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Deddf Deddfwriaeth (Gweithdrefn, Cyhoeddi a Diddymiadau) (Cymru) 2025 a basiwyd gan Senedd Cymru ar 20 Mai 2025 ac a gafodd y Cydsyniad Brenhinol ar 10 Gorffennaf 2025. Fe'u lluniwyd gan Swyddfa Cwnsleriaid Deddfwriaethol Llywodraeth Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Ddeddf. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Ddeddf ond nid ydynt yn rhan ohoni.

CRYNODEB A CHEFNDIR

2. Diben y Ddeddf yw:

    a. rhoi'r canlynol at ei gilydd a'u ffurfioli:

        i. y trefniadau gweithdrefnol ar gyfer gwneud is-ddeddfwriaeth Cymru, a

        ii. y gofynion o ran cyhoeddi Deddfau Senedd Cymru ac offerynnau statudol Cymreig, ac is-ddeddfwriaeth arall nas gwneir drwy offeryn statudol.

    b. gwella hygyrchedd cyfraith Cymru drwy:

        i. diddymu, diwygio a datgymhwyso fel arall o ran Cymru ddeddfiadau nad ydynt o ddefnyddioldeb ymarferol neu o fudd mwyach;

        ii. gwneud diwygiadau i Ddeddf Deddfwriaeth (Cymru) 2019.

3. Ymgynghorodd Llywodraeth Cymru ar Fil drafft yn ymwneud â diddymiadau ym mis Hydref 2022, ac ystyriwyd yr ymatebion i'r ymgynghoriad hwnnw wrth ddatblygu'r Ddeddf.

4. Mae'r Ddeddf yn rhan o raglen ehangach Llywodraeth Cymru i wneud cyfraith Cymru yn fwy hygyrch ac i egluro a symleiddio gweithrediad deddfwriaeth Cymru.

LEGISLATION (PROCEDURE, PUBLICATION AND REPEALS) (WALES) ACT 2025

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 that was passed by Senedd Cymru on 20 May 2025 and received Royal Assent on 10 July 2025. They have been prepared by the Office of the Legislative Counsel of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

SUMMARY AND BACKGROUND

2. The purpose of the Act is to:

    a. bring together and formalise:

        i. the procedural arrangements for making Welsh subordinate legislation, and

        ii. the requirements for publishing Acts of Senedd Cymru and Welsh statutory instruments, and other subordinate legislation that is not made by statutory instrument.

    b. improve the accessibility of Welsh law by:

        i. repealing, amending and otherwise disapplying in relation to Wales enactments that are no longer of practical utility or benefit;

        ii. making amendments to the Legislation (Wales) Act 2019.

3. The Welsh Government consulted on a draft Bill relating to repeals in October 2022, the responses to which were considered in developing the Act.

4. The Act forms part of the Welsh Government's wider programme of improving the accessibility of Welsh law and clarifying and simplifying the operation of Welsh legislation.

SYLWEBAETH AR YR ADRANNAU

RHAN 1 – Y WEITHDREFN AR GYFER GWNEUD IS-DDEDDFWRIAETH CYMRU

5. Mae Rhan 1 o'r Ddeddf yn diwygio Deddf Deddfwriaeth (Cymru) 2019 (dccc 4) ('Deddf 2019') i wneud darpariaeth ynghylch gweithdrefnau yn y Senedd ar gyfer gwneud is-ddeddfwriaeth Cymru. Mae Rhan 2 o'r Ddeddf yn diwygio Deddf 2019 i wneud darpariaeth ynghylch cyhoeddi a chadw deddfwriaeth Cymru. Ar hyn o bryd mae Deddf 2019 yn gwneud darpariaeth ynghylch dehongli a gweithredu deddfwriaeth Cymru yn ogystal â gosod dyletswyddau ar y Cwnsler Cyffredinol a Gweinidogion Cymru i wneud cyfraith Cymru yn fwy hygyrch.

6. Mae Rhan 1 o'r Ddeddf yn diwygio Deddf 2019 drwy fewnosod Rhan 2A newydd (ac Atodlenni 1A, 1B ac 1C). Mae Rhan 2A newydd o Ddeddf 2019 yn rhoi'r cysyniad o "offeryn statudol Cymreig" ar sail statudol; mae hefyd yn nodi ac yn enwi mathau penodol o weithdrefnau y mae angen i is-ddeddfwriaeth Cymru y mae'n ofynnol ei gwneud drwy offeryn statudol eu dilyn yn y Senedd.

7. Ar ôl i Ran 2A newydd ddod i rym, os yw deddfiad (megis Deddf gan Senedd Cymru neu Ddeddf gan Senedd y DU, ond gweler Atodlen 1 i Ddeddf 2019 ar gyfer y diffiniad o "deddfiad") yn darparu bod darn penodol o is-ddeddfwriaeth o'r fath yn ddarostyngedig i weithdrefn benodol a enwir yn Rhan 2A, bydd gofynion y weithdrefn honno yn gymwys i'r broses o wneud yr is-ddeddfwriaeth honno. Mae hyn yn golygu y bydd modd i ddeddfiadau gymhwyso'r gweithdrefnau penodol a nodir yn Rhan 2A heb orfod disgrifio manylion y gweithdrefnau hynny bob tro.

8. Mae Rhan 2A hefyd yn gwneud darpariaeth mewn cysylltiad ag is-ddeddfwriaeth newydd Cymru sydd i'w gwneud o dan ddeddfiadau a ddeddfwyd neu a wnaed cyn i Ran 2A ddod i rym. Mewn achosion o'r fath, bydd y rhan fwyaf o is-ddeddfwriaeth bellach yn cael ei gwneud fel offeryn statudol Cymreig (yn hytrach nag fel offeryn statudol o fewn ystyr adran 1 o Ddeddf Offerynnau Statudol 1946 (p. 36)). Bydd yn ddarostyngedig i un o'r gweithdrefnau yn y Senedd a nodir yn Rhan 2A, er nad oedd y deddfiad y gwneir yr is-ddeddfwriaeth odano yn defnyddio un o'r termau a ddefnyddir i ddisgrifio'r weithdrefn honno.

9. Mae offerynnau a wneir gan Weinidogion Cymru yn gweithredu ar y cyd ag, er enghraifft, Ysgrifennydd Gwladol yn Llywodraeth y DU, neu offerynnau a wneir fel Gorchmynion yn y Cyfrin Gyngor, yn ddarostyngedig i fersiynau addasedig o'r gweithdrefnau newydd yn y Senedd.

10. Mae Rhan 1 o'r Ddeddf hefyd yn diwygio Deddf Priffyrdd 1980 (p. 66) a Deddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27) fel nad yw'n ofynnol gwneud gorchmynion traffig ffyrdd dros dro drwy offeryn statudol (neu offeryn statudol Cymreig) mwyach.

Adran 1 – Rhan 2A newydd o Ddeddf Deddfwriaeth (Cymru) 2019

11. Mae'r adran hon yn diwygio Deddf 2019 drwy fewnosod Rhan 2A newydd a thair Atodlen newydd. Mae Rhan 2A newydd yn cynnwys adrannau 37A i 37H ac Atodlenni 1A, 1B ac 1C, y mae gwybodaeth amdanynt wedi ei nodi isod.

COMMENTARY ON SECTIONS

PART 1 – PROCEDURE FOR MAKING WELSH SUBORDINATE LEGISLATION

5. Part 1 of the Act amends the Legislation (Wales) Act 2019 (anaw 4) ('the 2019 Act') to make provision about Senedd procedures for making Welsh subordinate legislation. Part 2 of the Act amends the 2019 Act to make provision about the publication and preservation of Welsh legislation. The 2019 Act currently makes provision about the interpretation and operation of Welsh legislation as well as placing duties upon the Counsel General and the Welsh Ministers to improve the accessibility of Welsh law.

6. Part 1 of the Act amends the 2019 Act by inserting a new Part 2A (and Schedules 1A, 1B and 1C). New Part 2A of the 2019 Act places on a statutory basis the concept of a "Welsh statutory instrument"; it also sets out and gives a name to certain types of procedure that Welsh subordinate legislation required to be made by statutory instrument is required to follow in the Senedd.

7. After new Part 2A comes into effect, if an enactment (such as an Act of Senedd Cymru or an Act of the UK Parliament, but see Schedule 1 to the 2019 Act for the definition of "enactment") provides that a particular piece of such subordinate legislation is subject to a particular procedure named in Part 2A, the requirements of that procedure will apply to the making of that subordinate legislation. This means that enactments will be able to apply the named procedures set out in Part 2A without having to describe the detail of those procedures each time.

8. Part 2A also makes provision in respect of new Welsh subordinate legislation to be made under enactments that were enacted or made before Part 2A comes into effect. In such cases most subordinate legislation will now be made as a Welsh statutory instrument (rather than as a statutory instrument within the meaning of section 1 of the Statutory Instruments Act 1946 (c. 36)). It will be subject to one of the Senedd procedures set out in Part 2A, even though the enactment the subordinate legislation is made under did not use one of the terms used to describe that procedure.

9. Instruments that are made by the Welsh Ministers acting with, for example, a Secretary of State in the UK Government, or instruments made as Orders in Council, are subject to modified versions of the new Senedd procedures.

10. Part 1 of the Act also amends the Highways Act 1980 (c. 66) and the Road Traffic Regulation Act 1984 (c. 27) to no longer require temporary road traffic orders to be made by statutory instrument (or Welsh statutory instrument).

Section 1 – New Part 2A of the Legislation (Wales) Act 2019

11. This section amends the 2019 Act by inserting a new Part 2A and three new Schedules. New Part 2A contains sections 37A to 37H and Schedules 1A, 1B and 1C, information on which is set out below.

Adran 37A – Offerynnau statudol Cymreig

12. Mae adran 37A yn cynnwys y diffiniad o "offeryn statudol Cymreig". Mae'n ddogfen sy'n cynnwys "is-ddeddfwriaeth Cymru". Mae'r term "is-ddeddfwriaeth" ei hun wedi ei ddiffinio yn Atodlen 1 i Ddeddf 2019 ac mae'n golygu pethau fel gorchmynion, rheoliadau a rheolau. Fodd bynnag, er mwyn sicrhau bod pethau o'r fath yn dod o fewn ystyr y term "is-ddeddfwriaeth Cymru", rhaid i'r ddeddfwriaeth gael ei gwneud gan Weinidogion Cymru neu awdurdod Cymreig datganoledig. Diben y gofyniad hwn yw os yw Gweinidogion Cymru yn gweithredu ar y cyd â pherson arall nad yw'n awdurdod Cymreig datganoledig i wneud yr is-ddeddfwriaeth (er enghraifft, Ysgrifennydd Gwladol), yna bydd yr offeryn sy'n deillio o hynny'n parhau i gael ei wneud fel offeryn statudol. Yn yr un modd, byddai Gorchymyn yn y Cyfrin Gyngor a wneir o ran Cymru yn unig yn parhau i gael ei wneud fel offeryn statudol.

13. Mae Deddf Llywodraeth Cymru 2006 (p. 32) ('Deddf 2006') yn darparu ystyr "Gweinidogion Cymru" (gweler adran 48). Fodd bynnag, at ddibenion diffinio "offeryn statudol Cymreig" mae'r term "Gweinidogion Cymru" yn cynnwys Cynulliad Cenedlaethol Cymru a sefydlwyd o dan Ddeddf Llywodraeth Cymru 1998 (p. 38) (gweler adran 37A(4)). O dan Ddeddf 1998 roedd gan y Cynulliad Cenedlaethol hwnnw rychwant o bwerau i wneud is-ddeddfwriaeth, y trosglwyddwyd y rhan fwyaf ohonynt wedyn i Weinidogion Cymru gan Ddeddf 2006. Mae rhoi offerynnau sy'n cynnwys is-ddeddfwriaeth a wnaed gan y Cynulliad Cenedlaethol hwnnw yn y diffiniad o "offeryn statudol Cymreig" yn berthnasol i rai o'r darpariaethau ynghylch offerynnau statudol Cymreig yn Rhan 2B newydd o Ddeddf 2019, ond nid i'r darpariaethau gweithdrefnol yn Rhan 2A.

14. Mae Deddf 2006 hefyd yn diffinio "awdurdod Cymreig datganoledig" (gweler adran 157A). Mae awdurdod Cymreig datganoledig yn cynnwys cyrff fel Tribiwnlys y Gymraeg.

15. Un o effeithiau adran 37A yw y daw'r holl offerynnau statudol presennol a wnaed gan Weinidogion Cymru neu awdurdod Cymreig datganoledig, pan na wnaed y ddeddfwriaeth ar y cyd â pherson arall, yn offerynnau statudol Cymreig. Er na fydd prin ddim newid yn ymarferol o ganlyniad i hyn, mae'n rhoi sail statudol i'r dosbarthiad yr oedd Argraffydd Deddfau Seneddol y Brenin wedi bod yn ei ddefnyddio i nodi offerynnau statudol a wnaed gan Weinidogion Cymru (a chan Gynulliad Cenedlaethol Cymru cyn hynny) ers 1999.

16. Effaith arall yw na fydd Deddf Offerynnau Statudol 1946 (p. 36) ('Deddf 1946') yn gymwys mwyach i'r offerynnau presennol sy'n dod o fewn y diffiniad o "offeryn statudol Cymreig" (nac offerynnau statudol Cymreig yn y dyfodol, o ran hynny), ond yn hytrach bydd Rhan 2B newydd o Ddeddf 2019 yn gymwys iddynt. Mae paragraff 1 o Atodlen 3 i'r Ddeddf yn datgymhwyso Deddf 1946 i offerynnau a wneir gan Weinidogion Cymru.

17. Mae gofynion presennol i Weinidogion Cymru ac awdurdodau Cymreig datganoledig wneud darnau penodol o is-ddeddfwriaeth fel offeryn statudol wedi eu 'trosi' yn ofynion i wneud y ddeddfwriaeth honno fel offeryn statudol Cymreig. Dyma effaith adran 37H ac Atodlen 1A (gweler isod).

Section 37A – Welsh statutory instruments

12. Section 37A contains the definition of a "Welsh statutory instrument". It is a document that contains "Welsh subordinate legislation". The term "subordinate legislation" by itself is defined in Schedule 1 to the 2019 Act and means things such as orders, regulations and rules. However, for such things to fall within the meaning of the term "Welsh subordinate legislation" the legislation must be made by the Welsh Ministers or a devolved Welsh authority. This requirement means that if the Welsh Ministers are acting with another person who is not a devolved Welsh authority to make the subordinate legislation (for example, a Secretary of State) then the resulting instrument will continue to be made as a statutory instrument. Similarly, an Order in Council made solely in relation to Wales would continue to be made as a statutory instrument.

13. The Government of Wales Act 2006 (c. 32) ('the 2006 Act') provides the meaning of the "Welsh Ministers" (see section 48). However, for the purposes of defining a "Welsh statutory instrument" the term "Welsh Ministers" includes the National Assembly for Wales established under the Government of Wales Act 1998 (c. 38) (see section 37A(4)). Under the 1998 Act that National Assembly had a range of powers to make subordinate legislation, most of which were then transferred to the Welsh Ministers by the 2006 Act. The inclusion of instruments containing subordinate legislation made by that National Assembly in the definition of "Welsh statutory instrument" is relevant to some of the provisions about Welsh statutory instruments in the new Part 2B of the 2019 Act, but not to the procedural provisions in Part 2A.

14. The 2006 Act also defines "devolved Welsh authority" (see section 157A). A devolved Welsh authority includes bodies such as the Welsh Language Tribunal.

15. One of the effects of section 37A is that all existing statutory instruments that have been made by the Welsh Ministers or a devolved Welsh authority, where they have not made the legislation with another person, will become Welsh statutory instruments. Although in practice this changes very little, it places on a statutory footing the classification that the King's Printer of Acts of Parliament had been using to identify statutory instruments made by the Welsh Ministers (and previously the National Assembly for Wales) since 1999.

16. Another effect is that the Statutory Instruments Act 1946 (c. 36) ('the 1946 Act') will no longer apply to the existing instruments that fall within the definition of "Welsh statutory instrument" (or indeed future Welsh statutory instruments), but instead new Part 2B in the 2019 Act will apply. Paragraph 1 of Schedule 3 to the Act disapplies the 1946 Act to instruments made by the Welsh Ministers.

17. Existing requirements for the Welsh Ministers and devolved Welsh authorities to make particular pieces of subordinate legislation as a statutory instrument are 'converted' to requirements to make that legislation as a Welsh statutory instrument. This is the effect of section 37H and Schedule 1A (see below).

18. Yn hytrach na darparu bod darn penodol o is-ddeddfwriaeth i'w wneud fel "offeryn statudol" (gan fod yn ddarostyngedig i ofynion Deddf 1946), bydd Deddfau Senedd Cymru yn y dyfodol yn darparu bod y darn penodol hwnnw o is-ddeddfwriaeth i'w wneud fel "offeryn statudol Cymreig". Bydd yr offeryn hwn wedyn yn ddarostyngedig i'r agweddau perthnasol ar Ran 2B o ran rhifo, cyhoeddi a chadw offerynnau o'r fath. Os bydd Deddf gan Senedd y DU yn y dyfodol yn rhoi pwerau i Weinidogion Cymru neu awdurdod Cymreig datganoledig arall i wneud is-ddeddfwriaeth (i'w harfer wrth weithredu ar eu pennau eu hunain yn hytrach na, dyweder, ar y cyd ag Ysgrifennydd Gwladol), dylai'r Deddfau hynny hefyd ddarparu y gwneir yr is-ddeddfwriaeth fel "offeryn statudol Cymreig".

Adran 37B – Dehongli

19. Mae'r adran hon yn nodi ystyr y term "awdurdod cyfrifol" a ddefnyddir yn Rhan 2A a Rhan 2B. Mae'n golygu'r corff neu'r person a wnaeth yr is-ddeddfwriaeth o dan sylw, ac eithrio yn achos is-ddeddfwriaeth a gadarnhawyd neu a gymeradwywyd hefyd gan Weinidogion Cymru, y Prif Weinidog neu'r Cwnsler Cyffredinol. Mewn achos o'r fath yr "awdurdod cyfrifol" yw Gweinidogion Cymru.

20. Mae gan berson sy'n "awdurdod cyfrifol" swyddogaethau penodol o dan y ddwy Ran. Er enghraifft, os yw darn penodol o is-ddeddfwriaeth a wneir gan Weinidogion Cymru yn ddarostyngedig i "gweithdrefn annilysu'r Senedd" ac yn cael ei annilysu, rhaid i Weinidogion Cymru (fel yr "awdurdod cyfrifol" ar gyfer y ddeddfwriaeth honno) ddirymu'r is-ddeddfwriaeth (gweler adran 37E(4)).

21. Fel enghraifft arall, o dan adran 37N rhaid i'r awdurdod cyfrifol ar gyfer offeryn statudol Cymreig anfon copi ardystiedig o'r offeryn hwnnw i Lyfrgell Genedlaethol Cymru (fel y gellir ei gadw) ac at Argraffydd y Brenin ar gyfer Cymru (felly gellir ei gyhoeddi).

22. Mae'r adran hon hefyd yn egluro sut y mae penderfyniad gan yr awdurdod cyfrifol i ddosbarthu offeryn statudol Cymreig yn "offeryn lleol" i'w wneud. Mae offerynnau lleol yn tueddu i fod yn gymwys i ardal benodol neu unigolion neu bersonau penodol yn unig, ac felly maent yn annhebygol o fod yn gymwys yn gyffredinol neu o ddiddordeb cyffredinol. Nid oes angen gosod offerynnau lleol gerbron y Senedd (o dan adran 37F) na'u hanfon i Lyfrgell Genedlaethol Cymru i'w cadw (o dan adran 37N).

Adran 37C – Gweithdrefn gymeradwyo'r Senedd

23. Mae adran 37C yn diffinio'r hyn y mae'n ei olygu pan fo deddfiad yn darparu bod is-ddeddfwriaeth sydd i'w gwneud fel offeryn statudol Cymreig yn ddarostyngedig i "gweithdrefn gymeradwyo'r Senedd".

24. Ni ellir ond gwneud is-ddeddfwriaeth o'r fath os yw drafft o'r offeryn statudol Cymreig wedi ei osod gerbron y Senedd ac wedi ei gymeradwyo ganddi wedyn. Mae'r Senedd yn cymeradwyo offerynnau drwy benderfyniad (yn yr achos hwn, penderfyniad yn dilyn dadl yn y Cyfarfod Llawn).

25. Mae adran 12A newydd o Ddeddf 2019 yn egluro'r hyn a olygir gan osod dogfen gerbron Senedd Cymru (gweler hefyd baragraff 215 isod).

18. Instead of providing that a particular piece of subordinate legislation is to be made as a "statutory instrument" (and attract the requirements of the 1946 Act), future Acts of the Senedd will provide that particular piece of subordinate legislation is to be made as a "Welsh statutory instrument". This will then attract the relevant aspects of Part 2B as to the numbering, publication and preservation of such instruments. If a future Act of the UK Parliament confers powers on the Welsh Ministers or another devolved Welsh authority to make subordinate legislation (to be exercised acting alone rather than, say, jointly with a Secretary of State), those Acts should also provide it will be made as a "Welsh statutory instrument".

Section 37B – Interpretation

19. This section sets out the meaning of the term "responsible authority" that is used in both Parts 2A and 2B. It means the body or person who made the subordinate legislation in question, except in the case of subordinate legislation that was also confirmed or approved by the Welsh Ministers, the First Minister or the Counsel General. In such a case the "responsible authority" is the Welsh Ministers.

20. A person who is a "responsible authority" has certain functions under both Parts. For example, if a particular piece of subordinate legislation made by the Welsh Ministers is subject to "Senedd annulment procedure" and is annulled, the Welsh Ministers (as the "responsible authority" for that legislation) must revoke the subordinate legislation (see section 37E(4)).

21. As another example, under section 37N the responsible authority for a Welsh statutory instrument must send a certified copy of that instrument to the National Library of Wales (so it may be preserved) and to the King's Printer for Wales (so it may be published).

22. This section also explains how a decision by the responsible authority to classify a Welsh statutory instrument as a "local instrument" is to be made. Local instruments tend to be limited in their application to a particular area or particular individuals or persons and therefore are unlikely to be of general application or interest. Local instruments do not need to be laid before the Senedd (under section 37F) or sent to the National Library of Wales for preservation (under section 37N).

Section 37C – Senedd approval procedure

23. Section 37C defines what it means when an enactment provides that subordinate legislation that is to be made as a Welsh statutory instrument is subject to the "Senedd approval procedure".

24. Such subordinate legislation can only be made if a draft of the Welsh statutory instrument has been laid before the Senedd and subsequently approved by it. Approval is by way of a resolution (in this case, a decision following debate in Plenary).

25. New section 12A of the 2019 Act explains what is meant by laying a document before Senedd Cymru (see also paragraph 215 below).

26. Ar gyfer cymhwyso'r weithdrefn hon i is-ddeddfwriaeth newydd a wneir gan awdurdod cyfrifol o dan ddeddfiadau a wnaed neu a ddeddfwyd cyn i Ran 2A ddod i rym, gweler adran 37H ac Atodlen 1A. Ar gyfer is-ddeddfwriaeth o'r fath a wneir gan Weinidogion Cymru yn gweithredu ar y cyd â pherson arall (nid awdurdod Cymreig datganoledig) neu is-ddeddfwriaeth a wneir fel Gorchymyn yn y Cyfrin Gyngor, gweler Atodlenni 1B ac 1C yn y drefn honno.

Adran 37D – Gweithdrefn gadarnhau'r Senedd

27. Mae adran 37D yn diffinio'r hyn a olygir pan fydd deddfiad yn darparu bod is-ddeddfwriaeth sydd i'w gwneud fel offeryn statudol Cymreig yn ddarostyngedig i "gweithdrefn gadarnhau'r Senedd".

28. Mae'r weithdrefn hon yn cyfateb i'r hyn a elwir y weithdrefn gadarnhaol 'gwnaed' a welir mewn deddfwriaeth bresennol benodol. Mae seneddau (gan gynnwys Senedd Cymru) wedi pasio deddfwriaeth sy'n caniatáu i is-ddeddfwriaeth gael ei gwneud o dan y weithdrefn hon pan ddisgwylir y byddai angen i'r sawl sy'n gwneud yr is-ddeddfwriaeth gymryd camau brys. Fodd bynnag, mae angen i gamau o'r fath gael eu cadarnhau gan y ddeddfwrfa er mwyn i'r trefniadau hynny ddod yn barhaol, er enghraifft, mewn perthynas ag argyfwng diogelu iechyd fel pandemig y coronafeirws a gafwyd yn ddiweddar, neu i newid trothwyon treth neu eithriadau treth yn gyflym.

29. Caiff is-ddeddfwriaeth a wneir yn ddarostyngedig i weithdrefn gadarnhau'r Senedd ei gwneud gan y person sydd â'r pŵer i wneud y ddeddfwriaeth. Yna caiff yr offeryn statudol Cymreig ei osod gerbron y Senedd, cyn gynted â phosibl ar ôl i'r is-ddeddfwriaeth gael ei gwneud. Ni chaiff yr is-ddeddfwriaeth barhau i gael effaith na dod i rym ar unrhyw adeg yn y dyfodol, oni bai bod y Senedd yn ei chadarnhau wedyn drwy benderfyniad.

30. Bydd deddfiadau sy'n rhagnodi bod darn penodol o is-ddeddfwriaeth i'w wneud drwy weithdrefn gadarnhau'r Senedd fel arfer hefyd yn rhagnodi'r adeg erbyn pryd y mae rhaid i'r Senedd fod wedi cadarnhau'r is-ddeddfwriaeth. Fel arall, caiff y deddfiad bennu digwyddiad penodol erbyn pryd y mae rhaid i'r Senedd fod wedi ei chadarnhau. Er enghraifft, caiff y deddfiad ragnodi bod rhaid i'r Senedd fod wedi cadarnhau'r is-ddeddfwriaeth o fewn 28 o ddiwrnodau i'w gwneud, heb gyfrif unrhyw adeg pan fo'r Senedd ar doriad neu wedi ei diddymu. Neu, i roi enghraifft arall, gallai'r deddfiad ragnodi bod rhaid i'r Senedd fod wedi cadarnhau'r is-ddeddfwriaeth cyn y gellir pasio penderfyniad cyllideb.

31. Mae is-ddeddfwriaeth a wneir o dan weithdrefn gadarnhau'r Senedd, felly, yn peidio â chael effaith os nad yw'r Senedd yn ei chadarnhau am nad yw'n cytuno y dylai'r is-ddeddfwriaeth barhau (ni chaiff y penderfyniad ei basio), neu os yw'r cyfnod o amser y mae'n gallu aros mewn grym ynddo wedi dod i ben, neu os yw'r sefyllfa sy'n ymwneud â'r digwyddiad a ragnodwyd yn digwydd (sy'n golygu na ellir gofyn i'r Senedd ei chadarnhau).

26. For the application of this procedure to new subordinate legislation made by a responsible authority under enactments that were made or enacted before Part 2A comes into effect, see section 37H and Schedule 1A. For such subordinate legislation made by the Welsh Minsters acting with another person (not a devolved Welsh authority) or as an Order in Council, see Schedules 1B and 1C respectively.

Section 37D – Senedd confirmation procedure

27. Section 37D defines what is meant when an enactment provides that subordinate legislation that is to be made as a Welsh statutory instrument is subject to the "Senedd confirmation procedure".

28. This procedure is the equivalent of the so-called 'made affirmative' procedure found in certain existing legislation. Parliaments (including Senedd Cymru) have enacted legislation which permits subordinate legislation to be made under this procedure where there is an expectation that the maker of the subordinate legislation would need to take urgent action, but such action needs to be confirmed by the legislature for those arrangements to become permanent. For example, in relation to a health protection emergency such as the recent coronavirus pandemic or to swiftly make changes to tax thresholds or exemptions.

29. Subordinate legislation made subject to the Senedd confirmation procedure is made by the person who has the power to make the legislation and the Welsh statutory instrument is then laid before the Senedd, as soon as possible after the subordinate legislation is made. The subordinate legislation cannot continue to have effect or come into force at a future point, unless the Senedd subsequently confirms it through a resolution.

30. Enactments that prescribe that a particular piece of subordinate legislation is to be made by the Senedd confirmation procedure will usually also prescribe the point in time by which confirmation of the Senedd must be given. Alternatively, the enactment may specify a particular event by which confirmation of the Senedd must be given. For example, the enactment may prescribe that confirmation of the Senedd must be given within 28 days of the subordinate legislation being made, not counting any time when the Senedd is in recess or dissolved. Or, by way of further example, the enactment could prescribe that the Senedd must give its confirmation before a budget resolution is passed.

31. Subordinate legislation made under the Senedd confirmation procedure therefore ceases to have effect if the Senedd does not confirm it because it does not agree that the subordinate legislation should continue (the resolution is not passed) or the passage of time for which it can remain in force expires or the situation relating to the prescribed event occurs (meaning the Senedd cannot be asked to confirm it).

32. Mae is-adran (4) yn darparu pan fo'r is-ddeddfwriaeth yn peidio â chael effaith, os nad yw eisoes mewn grym ni fydd yn dod i rym (ac os yw mewn grym yn rhannol ni fydd yn dod i rym yn llawn). Pan oedd yr is-ddeddfwriaeth eisoes mewn grym neu mewn grym yn rhannol ar yr adeg y peidiodd â chael effaith, ni ellir gwneud dim byd pellach odani na dibynnu ar ddim byd pellach odani. Yna, rhaid i'r awdurdod cyfrifol, drwy orchymyn a wneir o dan adran 37D(4)(c), ei ddirymu. Bydd dirymu yn helpu i osgoi dryswch i ddarllenwyr y ddeddfwriaeth yn y dyfodol, a allai fod heb sylweddoli fel arall nad yw'r is-ddeddfwriaeth yn cael effaith mwyach. Rhaid gosod y gorchymyn sy'n dirymu'r is-ddeddfwriaeth gerbron y Senedd yn unol ag adran 37F a rhaid iddo gael ei wneud drwy offeryn statudol Cymreig.

33. Pan fo is-ddeddfwriaeth yn peidio â chael effaith, mae unrhyw beth a wnaed odani yn parhau'n ddilys a gellir gwneud is-ddeddfwriaeth bellach o hyd (gweler is-adran (5)).

34. Mae adran 12A newydd o Ddeddf 2019 yn egluro'r hyn a olygir gan osod dogfen gerbron Senedd Cymru (gweler hefyd baragraff 215 isod).

35. Ar gyfer cymhwyso'r weithdrefn hon i is-ddeddfwriaeth newydd a wneir gan awdurdod cyfrifol o dan ddeddfiadau a wnaed neu a ddeddfwyd cyn i Ran 2A ddod i rym, gweler adran 37H ac Atodlen 1A. Ar gyfer is-ddeddfwriaeth o'r fath a wneir gan Weinidogion Cymru yn gweithredu ar y cyd â pherson arall (nid awdurdod Cymreig datganoledig) gweler Atodlen 1B.

Adran 37E – Gweithdrefn annilysu'r Senedd

36. Mae adran 37E yn diffinio'r hyn a olygir pan fydd deddfiad yn darparu bod is-ddeddfwriaeth sydd i'w gwneud fel offeryn statudol Cymreig yn ddarostyngedig i "gweithdrefn annilysu'r Senedd".

37. O dan y weithdrefn hon caiff y ddeddfwriaeth ei gwneud gan y person sydd â'r pŵer i'w gwneud, caiff ei gosod gerbron y Senedd a daw i rym. Fodd bynnag, os bydd y Senedd yn penderfynu, cyn diwedd 40 niwrnod sy'n dechrau â'r dyddiad y gosodwyd yr is-ddeddfwriaeth ger ei bron, na ddylai'r ddeddfwriaeth barhau mewn effaith, nid yw'r ddeddfwriaeth yn cael effaith mwyach.

38. Felly mae adran 37E yn darparu:

    a. bod rhaid gosod yr is-ddeddfwriaeth gerbron y Senedd cyn gynted ag y bo'n ymarferol ar ôl iddi gael ei gwneud (is-adran (2)). At hynny, dylid ei gosod o leiaf 21 o ddiwrnodau cyn iddi ddod i rym. Os daw i rym lai na 21 o ddiwrnodau ar ôl iddi gael ei gosod, yna rhaid i'r awdurdod cyfrifol ysgrifennu at Lywydd y Senedd i egluro pam (gweler is-adrannau (6) a (7)).

    b. gan ddechrau â'r dyddiad y gosodwyd yr is-ddeddfwriaeth, fod gan y Senedd 40 niwrnod i ystyried a yw'n dymuno penderfynu y dylid annilysu'r ddeddfwriaeth (is-adran (3)). Yn ymarferol byddai hyn yn golygu bod Aelod o'r Senedd yn gosod gerbron y Senedd gynnig y dylid annilysu'r ddeddfwriaeth, bod y Senedd yn cynnal dadl ar y cynnig hwn a bod mwyafrif yr aelodau sy'n pleidleisio yn cytuno â'r cynnig.

32. Subsection (4) provides that where the subordinate legislation ceases to have effect, if it is not already in force it will not come into force (and if it is partly in force it will not fully come into force). Where the subordinate legislation was already in force or partly in force at the point it ceased to have effect, nothing further can be done or relied upon under it. The responsible authority must, by an order made under section 37D(4)(c) then revoke it. Revocation will help to avoid confusion for future readers of the legislation who may not otherwise realise the subordinate legislation no longer has effect. The order that revokes the subordinate legislation must laid before the Senedd in accordance with section 37F and be made by Welsh statutory instrument.

33. Where subordinate legislation ceases to have effect, anything that was done under it remains valid and further subordinate legislation can still be made (see subsection (5)).

34. New section 12A of the 2019 Act explains what is meant by laying a document before Senedd Cymru (see also paragraph 215 below).

35. For the application of this procedure to new subordinate legislation made by a responsible authority under enactments that were made or enacted before Part 2A comes into effect, see section 37H and Schedule 1A. For such subordinate legislation made by the Welsh Minsters acting with another person (not a devolved Welsh authority) see Schedule 1B.

Section 37E – Senedd annulment procedure

36. Section 37E defines what is meant when an enactment provides that subordinate legislation that is to be made as a Welsh statutory instrument is subject to the "Senedd annulment procedure".

37. Under this procedure the legislation is made by the person with the power to make it, laid before the Senedd and comes into force. However, if the Senedd decides (through a resolution), before the end of 40 days beginning with the date on which the subordinate legislation was laid before it, that the legislation should not continue in effect, the legislation no longer has effect.

38. As such section 37E provides that:

    a. the subordinate legislation must be laid before the Senedd as soon as practicable after it is made (subsection (2)). Furthermore, it should be laid at least 21 days before it comes into force. If it comes into force in less than 21 days after being laid, then the responsible authority must write to the Senedd's Presiding Officer, known as the Llywydd, to explain why (see subsections (6) and (7)).

    b. beginning with the date on which the subordinate legislation was laid, the Senedd has 40 days in which to consider whether it wishes to resolve that the legislation be annulled (subsection (3)). In practice this would mean a Member of the Senedd laying a motion before the Senedd that the legislation be annulled, this being debated by the Senedd and a majority of voting members agreeing with the motion.

c. os yw'r is-ddeddfwriaeth wedi ei hannilysu, fod is-adran (4) yn darparu os nad yw eisoes mewn grym na fydd yn dod i rym, neu os yw mewn grym yn rhannol na fydd yn dod i rym yn llawn; neu pan oedd yr is-ddeddfwriaeth eisoes mewn grym (neu mewn grym yn rhannol) ar yr adeg neu wedi ei hannilysu, na chaniateir gwneud dim byd pellach odani na dibynnu ar ddim byd pellach odani. Yna rhaid i'r awdurdod cyfrifol, drwy orchymyn, ddirymu'r is-ddeddfwriaeth. Rhaid gosod y gorchymyn hwnnw gerbron y Senedd yn unol ag adran 37F a rhaid iddo gael ei wneud drwy offeryn statudol Cymreig.

d. pan fo is-ddeddfwriaeth wedi ei hannilysu, fod unrhyw beth a wnaed odani yn parhau'n ddilys, ac y caniateir gwneud is-ddeddfwriaeth bellach o hyd (is-adran (5)).

39. Mae'r cyfnodau o 21 o ddiwrnodau a 40 niwrnod yn yr adran hon i'w cyfrifo gan anwybyddu unrhyw amser pan fydd y Senedd ar doriad am fwy na phedwar diwrnod neu wedi ei diddymu (is-adran (8)).

40. Mae adran 12A newydd o Ddeddf 2019 yn egluro'r hyn a olygir gan osod dogfen gerbron Senedd Cymru (gweler hefyd baragraff 215 isod).

41. Ar gyfer cymhwyso'r weithdrefn hon i is-ddeddfwriaeth newydd a wneir gan awdurdod cyfrifol o dan ddeddfiadau a wnaed neu a ddeddfwyd cyn i Ran 2A ddod i rym, gweler adran 37H ac Atodlen 1A. Ar gyfer is-ddeddfwriaeth o'r fath a wneir gan Weinidogion Cymru yn gweithredu ar y cyd â pherson arall (nid awdurdod Cymreig datganoledig) neu is-ddeddfwriaeth a wneir fel Gorchymyn yn y Cyfrin Gyngor, gweler Atodlenni 1B ac 1C yn y drefn honno.

Adran 37F – Offerynnau statudol Cymreig eraill sydd i'w gosod gerbron Senedd Cymru

42. Mae adran 37F yn darparu sefyllfa 'ddiofyn' ar gyfer yr hyn sydd i ddigwydd mewn perthynas â'r holl is-ddeddfwriaeth a wneir drwy offeryn statudol Cymreig nad yw'n ddarostyngedig i un o'r gweithdrefnau a nodir yn adrannau 37C, 37D neu 37E. Mewn achosion o'r fath, rhaid ei gosod gerbron y Senedd.

43. Rhaid gosod yr offeryn gerbron y Senedd cyn gynted ag y bo'n ymarferol ar ôl iddo gael ei wneud. Os yw hynny ar ôl i'r is-ddeddfwriaeth ddod i rym, rhaid i'r awdurdod cyfrifol egluro i'r Llywydd, yn ysgrifenedig, pam na osodwyd yr is-ddeddfwriaeth cyn iddi ddod i rym (is-adrannau (4) a (5)).

44. Mae adran 12A newydd o Ddeddf 2019 yn egluro'r hyn a olygir gan osod dogfen gerbron Senedd Cymru (gweler hefyd baragraff 215 isod).

45. Er bod adran 37F yn darparu'r sefyllfa ddiofyn hon, yn rhinwedd is-adran (2) nid yw'n cynnwys is-ddeddfwriaeth a wneir mewn offeryn statudol Cymreig sydd wedi ei ddosbarthu'n offeryn lleol gan yr awdurdod cyfrifol (gweler adran 37B(4) ynghylch hynny), nac offeryn a wneir o dan weithdrefn arbennig y Senedd (gweler is-adran (6) a Rheol Sefydlog 28 y Senedd ynghylch hynny) nac offeryn a wneir o dan ddeddfiad a restrir mewn rheoliadau'r dyfodol a wneir gan Weinidogion Cymru o dan adran 37F(2)(c). Rhaid i unrhyw reoliadau o'r fath gael eu gwneud yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd a nodir yn adran 37C (gweler adran 43 o Ddeddf 2019, fel y'i hamnewidiwyd gan Atodlen 3 i'r Ddeddf hon).

c. if the subordinate legislation is annulled, if it is not already in force it will not come into force or if it is partly in force it will not come fully into force (subsection (4)); or where the subordinate legislation was already in force (or partly in force) at the point or it was annulled, nothing further can be done or relied upon under it. The responsible authority must, by order, then revoke the subordinate legislation. That order must be laid before the Senedd in accordance with section 37F and must be made by Welsh statutory instrument.

d. where subordinate legislation is annulled, anything that was done under it remains valid and further subordinate legislation can still be made (subsection (5)).

39. The periods of 21 and 40 days in this section are to be calculated ignoring any time that the Senedd is in recess for more than four days or is dissolved (subsection (8)).

40. New section 12A of the 2019 Act explains what is meant by laying a document before Senedd Cymru (see also paragraph 215 below).

41. For the application of this procedure to new subordinate legislation made by a responsible authority under enactments that were made or enacted before Part 2A comes into effect, see section 37H and Schedule 1A. For such subordinate legislation made by the Welsh Minsters acting with another person (not a devolved Welsh authority) or as an Order in Council, see Schedules 1B and 1C respectively.

Section 37F – Other Welsh statutory instruments to be laid before Senedd Cymru

42. Section 37F provides a 'default' position for what is to happen in relation to all subordinate legislation made by Welsh statutory instrument that is not subject to one of the procedures set out in sections 37C, 37D or 37E. In such cases it must be laid before the Senedd.

43. The instrument must be laid before the Senedd as soon as practicable after it is made. If that is after the subordinate legislation has come into force the responsible authority must explain to the Llywydd, in writing, why the subordinate legislation was not laid before it came into force (subsections (4) and (5)).

44. New section 12A of the 2019 Act explains what is meant by laying a document before Senedd Cymru (see also paragraph 215 below).

45. Although section 37F provides this default provision, by virtue of subsection (2) it does not include subordinate legislation made in a Welsh statutory instrument that has been classified by the responsible authority as a local instrument (for which see section 37B(4)), one made under the special Senedd procedure (for which see subsection (6) and the Senedd's Standing Order 28) or one made under an enactment listed in future regulations made by the Welsh Ministers under section 37F(2)(c). Any such regulations must be made subject to the Senedd approval procedure set out in section 37C (see section 43 of the 2019 Act, as substituted by Schedule 3 of this Act).

46. Ar gyfer cymhwyso'r gofyniad hwn i is-ddeddfwriaeth newydd a wneir gan awdurdod cyfrifol o dan ddeddfiadau a wnaed neu a ddeddfwyd cyn i Ran 2A ddod i rym, gweler adran 37H ac Atodlen 1A. Ar gyfer is-ddeddfwriaeth o'r fath a wneir gan Weinidogion Cymru yn gweithredu ar y cyd â pherson arall (nid awdurdod Cymreig datganoledig) neu is-ddeddfwriaeth a wneir fel Gorchymyn yn y Cyfrin Gyngor, gweler Atodlenni 1B ac 1C yn y drefn honno. Mae hyn yn golygu, mewn achosion pan na fyddai wedi bod yn ofynnol gosod is-ddeddfwriaeth a wneir drwy offeryn statudol (neu fel offeryn statudol Cymreig bellach) gerbron y Senedd, y bydd yr is-ddeddfwriaeth bellach yn cael ei gosod.

47. Y canlyniad yw y bydd yr holl is-ddeddfwriaeth a wneir drwy offeryn statudol Cymreig (yn ogystal ag offerynnau statudol penodol a Gorchmynion yn y Cyfrin Gyngor) ac nad yw'n ddarostyngedig i weithdrefn yn y Senedd, oni bai bod is-adran (2) neu'r hyn sy'n cyfateb iddi yn yr Atodlen berthnasol yn gymwys, yn cael ei gosod gerbron y Senedd.

Adran 37G – Cyfuno is-ddeddfwriaeth sy'n ddarostyngedig i weithdrefnau gwahanol yn y Senedd

48. Mae adran 37G yn gwneud darpariaeth ynghylch cyfuno mewn un offeryn statudol Cymreig is-ddeddfwriaeth a wneir gan awdurdod cyfrifol drwy ddefnyddio pwerau gwahanol y mae gweithdrefnau gwahanol yn y Senedd yn gymwys iddynt. Mae'n sicrhau bod yr offeryn yn ddarostyngedig i'r weithdrefn lymaf o'r gweithdrefnau a fyddai fel arall yn gymwys. Er enghraifft, os yw offeryn statudol yn cynnwys rhai darpariaethau a fyddai'n ddarostyngedig i weithdrefn gymeradwyo'r Senedd a rhai darpariaethau a fyddai'n ddarostyngedig i weithdrefn annilysu'r Senedd, mae'r adran hon yn golygu bod gweithdrefn gymeradwyo'r Senedd yn gymwys i'r offeryn cyfan (ac nad yw gweithdrefn annilysu'r Senedd yn gymwys).

49. Mae llawer o Ddeddfau eisoes yn ystyried cyfuno, mewn un offeryn, is-ddeddfwriaeth a wneir o dan bwerau gwahanol o fewn yr un Ddeddf, hyd yn oed pan fyddai'r pwerau hynny fel arfer yn ddarostyngedig i weithdrefnau gwahanol. Er enghraifft, caiff Deddf ddarparu bod unrhyw offeryn sy'n cynnwys rheoliadau o dan bwerau penodol yn y Ddeddf yn ddarostyngedig (neu y byddai'n cael ei ddarllen fel pe bai'n ddarostyngedig) i weithdrefn gymeradwyo'r Senedd (pa un a yw hefyd yn cynnwys rheoliadau o dan bwerau eraill ai peidio), a bod gweithdrefn annilysu'r Senedd yn gymwys i unrhyw offeryn arall sy'n cynnwys rheoliadau o dan y Ddeddf (h.y. unrhyw offeryn nad yw'n cynnwys rheoliadau o dan y pwerau sy'n ddarostyngedig i weithdrefn gymeradwyo'r Senedd).

50. Fodd bynnag, nid yw darpariaethau ynghylch gweithdrefnau yn y Senedd ar gyfer offerynnau statudol Cymreig bob amser yn ymdrin â'r mater hwn, ac fel arfer nid ydynt yn darparu ar gyfer cyfuno yn yr un offeryn ddarpariaethau sy'n ddarostyngedig i weithdrefnau gwahanol a wneir o dan Ddeddfau gwahanol. Diben adran 37G yw hwyluso cyfuno mewn un offeryn statudol ddarpariaethau sy'n ddarostyngedig i weithdrefnau gwahanol, pa un a ydynt wedi eu gwneud o dan bwerau yn yr un Ddeddf neu mewn Deddfau gwahanol, ac er mwyn osgoi unrhyw drafferthion gweithdrefnol a fyddai'n deillio o gyfuno darpariaethau yn y ffordd hon.

46. For the application of this requirement to new subordinate legislation made by a responsible authority under enactments that were made or enacted before Part 2A comes into effect, see section 37H and Schedule 1A. For such subordinate legislation made by the Welsh Minsters acting with another person (not a devolved Welsh authority) or as an Order in Council, see Schedules 1B and 1C respectively. In such cases, this will mean that in cases where subordinate legislation made by statutory instrument (or now as a Welsh statutory instrument) would not have had to be laid before the Senedd, it will now be laid.

47. The result is that all subordinate legislation made by Welsh statutory instrument (as well as certain statutory instruments and Orders in Council) and not subject to a Senedd procedure will, unless subsection (2) or its equivalent in the relevant Schedule applies, be laid before the Senedd.

Section 37G – Combining subordinate legislation subject to different Senedd procedures

48. Section 37G makes provision about the combination in a single Welsh statutory instrument of subordinate legislation made by a responsible authority using different powers to which different Senedd procedures apply. It ensures that the instrument is subject to the most stringent of the procedures that would otherwise apply. For example, if a statutory instrument contains some provisions that would attract the Senedd approval procedure and some provisions that would attract the Senedd annulment procedure, this section means that the Senedd approval procedure applies to the whole instrument (and that the Senedd annulment procedure does not apply).

49. Many Acts already contemplate the combination in a single instrument of subordinate legislation made under different powers within the same Act, even where those powers would normally attract different procedures. For example, an Act may provide that any instrument containing regulations under certain powers in the Act would be subject to (or read as being subject to) the Senedd approval procedure (whether or not it also contains regulations under other powers), and that the Senedd annulment procedure applies to any other instrument containing regulations under the Act (i.e. any instrument that does not contain regulations under the powers that attract the Senedd approval procedure).

50. However, provisions about Senedd procedure for Welsh statutory instruments do not always deal with this issue, and they do not usually cater for the combination in the same instrument of provisions subject to different procedures that are made under different Acts. The purpose of section 37G is to facilitate the combination in a single statutory instrument of provisions that are subject to different procedures, whether they are made under powers in the same Act or different Acts, and to avoid any procedural difficulties that would be caused by combining provisions in this way.

51. Mae is-adran (2) yn cyflawni hyn drwy ddarparu, pan fyddai mwy nag un weithdrefn yn y Senedd yn gymwys, mai dim ond pa un bynnag o'r gweithdrefnau hynny a grybwyllir gyntaf yn is-adran (3) sy'n gymwys. Mae is-adran (3) wedyn yn rhestru'r mathau gwahanol o weithdrefnau yn y Senedd mewn trefn ddisgynnol gan ddechrau â'r weithdrefn lymaf, sef gweithdrefn gymeradwyo'r Senedd ym mharagraff (a), a chan gorffen â dim gweithdrefn ym mharagraff (d).

52. Mae is-adran (4) yn ei gwneud yn glir nad yw gwneud is-ddeddfwriaeth mewn offeryn statudol cyfun y mae'r adran hon yn gymwys iddo yn atal yr awdurdod cyfrifol rhag gwneud is-ddeddfwriaeth mewn offerynnau ar wahân yn y dyfodol, nac yn effeithio ar y weithdrefn sy'n gymwys i'r is-ddeddfwriaeth sydd wedi ei chynnwys mewn unrhyw offerynnau ar wahân a wneir ganddynt. Er enghraifft, os yw rheoliadau o dan bŵer a fyddai fel arfer yn ddarostyngedig i weithdrefn annilysu'r Senedd wedi cael eu cynnwys mewn offeryn statudol Cymreig sy'n ddarostyngedig i weithdrefn gymeradwyo'r Senedd, caiff Gweinidogion Cymru wneud rheoliadau pellach o dan y pŵer hwnnw mewn offeryn statudol Cymreig ar wahân sy'n ddarostyngedig i weithdrefn annilysu'r Senedd.

53. Adran 40 o Ddeddf 2019 fu'r adran hon yn wreiddiol, ond mae wedi ei hailddatgan yn Neddf 2019 fel adran 37G a'i haddasu er mwyn:

    a. yn gyntaf, adlewyrchu'r gweithdrefnau symlach a chodeiddiedig yn y Senedd,
    b. yn ail, estyn y pŵer fel ei fod ar gael i bob awdurdod cyfrifol sy'n cael gwneud offeryn statudol Cymreig yn lle bod ar gael i Weinidogion Cymru yn unig, ac
    c. yn drydydd, adlewyrchu'r ffaith na fydd angen gosod y rhan fwyaf o offerynnau statudol Cymreig gerbron y Senedd.

54. Mae'r pŵer i gyfuno is-ddeddfwriaeth sy'n ddarostyngedig i weithdrefnau gwahanol yn y Senedd yn berthnasol i ddeddfwriaeth a wneir o dan ddeddfiadau yn y dyfodol yn ogystal â deddfwriaeth a wneir o dan ddeddfiadau cyn-gychwyn (yn rhinwedd adran 37H ac Atodlen 1A).

Adran 37H – Cymhwyso'r Rhan hon mewn amgylchiadau gwahanol

55. Mae Adran 37H yn cyflwyno Atodlenni 1A, 1B ac 1C sy'n cymhwyso'r darpariaethau yn Rhan 2A (gydag addasiadau mewn rhai achosion) i is-ddeddfwriaeth a wneir o dan ddeddfiadau presennol a rhai'r dyfodol mewn amgylchiadau penodol.

Atodlen 1A - Cymhwyso Rhan 2A i ddeddfiadau cyn-gychwyn

56. Mae'r Atodlen hon yn cymhwyso darpariaethau Rhan 2A i is-ddeddfwriaeth Cymru a wneir drwy offeryn statudol o dan "ddeddfiadau cyn-gychwyn", sef deddfiadau a ddeddfwyd neu a wnaed cyn i Ran 2A ddod i rym.

57. Mae Atodlen 1A yn cael yr effaith, pan fo pwerau presennol Gweinidogion Cymru neu awdurdod Cymreig datganoledig yn darparu bod is-ddeddfwriaeth a wneir o dan y pwerau hynny i'w gwneud fel "offeryn statudol" (o fewn yr ystyr a roddir i "statutory instrument" gan adran 1 o Ddeddf 1946), y caiff ei gwneud fel offeryn statudol Cymreig yn lle hynny. Mae Atodlen 1A hefyd yn darparu, pan fo deddfiad presennol yn rhagnodi gweithdrefn benodol sydd i'w defnyddio i wneud is-ddeddfwriaeth, y gwneir yr is-ddeddfwriaeth gan ddefnyddio un o'r gweithdrefnau codeiddiedig newydd a nodir yn adran 37C, 37D neu 37E yn lle hynny. Pan nad yw deddfiad presennol yn rhagnodi gweithdrefn, rhaid gosod yr offeryn statudol

51. Subsection (2) achieves this by providing that, where more than one Senedd procedure would apply, it is only whichever of those procedures is mentioned first in subsection (3) that applies. Subsection (3) then lists the different types of Senedd procedure from the most stringent to the least stringent, starting with the Senedd approval procedure in paragraph (a) and ending with no procedure in paragraph (d).

52. Subsection (4) makes clear that making subordinate legislation in a combined statutory instrument to which this section applies does not prevent the responsible authority making subordinate legislation in separate instruments in the future, or affect the procedure that applies to the subordinate legislation contained in any separate instruments they make. For example, if regulations under a power that would normally attract the Senedd annulment procedure have been included in a Welsh statutory instrument that is subject to the Senedd approval procedure, the Welsh Ministers may make further regulations under that power in a separate Welsh statutory instrument that is subject to the Senedd annulment procedure.

53. This section was originally section 40 of the 2019 Act, but has been restated within the 2019 Act as section 37G and modified to:

    a. firstly, reflect the simplified and codified Senedd procedures,

    b. secondly, extend the power from simply being available to the Welsh Ministers to all responsible authorities who may make a Welsh statutory instrument, and

    c. thirdly, reflect the fact that most Welsh statutory instruments will not require to be laid before the Senedd.

54. The power to combine subordinate legislation subject to different Senedd procedures applies both to legislation made under future enactments as well as to legislation made under pre-commencement enactments (by virtue of section 37H and Schedule 1A).

Section 37H – Application of this Part in different circumstances

55. Section 37H introduces Schedules 1A, 1B and 1C that apply the provisions in Part 2A (in some cases with modifications) to subordinate legislation made under existing and future enactments in particular circumstances.

Schedule 1A - Application of Part 2A to pre-commencement enactments

56. This Schedule applies the provisions of Part 2A to Welsh subordinate legislation made by statutory instrument under "pre-commencement enactments", in other words enactments that were enacted or made before Part 2A comes into effect.

57. Schedule 1A has the effect that where existing powers of the Welsh Ministers or a devolved Welsh authority provide that subordinate legislation made under those powers is to be made as a "statutory instrument" (within the meaning given by section 1 of the 1946 Act), it will instead be made as a Welsh statutory instrument. Schedule 1A also provides that where an existing enactment prescribes a particular procedure by which subordinate legislation is to be made, the procedure will instead be one of the new codified procedures set out in section 37C, 37D or 37E. Where an existing enactment does not prescribe a procedure, the Welsh statutory instrument containing

Cymreig sy'n cynnwys yr is-ddeddfwriaeth o dan adran 37F. Mae hyn wedi ei grynhoi yn Nhabl A isod:

Tabl A – Effaith Atodlen 1A ar ddeddfiadau cyn-gychwyn

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1A
Caiff drafft o'r offeryn statudol sy'n cynnwys yr is-ddeddfwriaeth ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol drafft*') – gweler paragraff 3(1)(a) o Atodlen 1A	Gwneir is-ddeddfwriaeth fel offeryn statudol Cymreig o dan weithdrefn gymeradwyo'r Senedd – paragraff 3(2) o Atodlen 1A
Gwneir yr is-ddeddfwriaeth ond ni chaiff ddod i rym oni bai bod yr offeryn statudol sy'n ei chynnwys yn cael ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol*') – gweler paragraff 3(1)(b) o Atodlen 1A	
Gwneir yr is-ddeddfwriaeth ond mae'n peidio â chael effaith oni bai bod yr offeryn statudol sy'n ei chynnwys yn cael ei gymeradwyo drwy benderfyniad gan Senedd Cymru cyn — (a) diwedd cyfnod a bennir yn y deddfiad, neu (b) digwyddiad a bennir yn y deddfiad (gelwir hwn yn offeryn '*cadarnhaol gwnaed*') – gweler paragraff 4(1) o Atodlen 1A	Gwneir is-ddeddfwriaeth fel offeryn statudol Cymreig o dan weithdrefn gadarnhau'r Senedd – gweler paragraff 4(2) o Atodlen 1A
Gwneir yr is-ddeddfwriaeth fel offeryn statudol ond mae'n ddarostyngedig i'w hannilysu yn unol â phenderfyniad gan Senedd Cymru (gelwir hwn yn offeryn '*negyddol*') – gweler paragraff 5(1)(a) o Atodlen 1A	Gwneir is-ddeddfwriaeth fel offeryn statudol Cymreig o dan weithdrefn annilysu'r Senedd – gweler paragraff 5(2) o Atodlen 1A
Caniateir gosod yr offeryn statudol gerbron Senedd Cymru ar ffurf ddrafft ond ni chaniateir gwneud yr is-ddeddfwriaeth os yw Senedd Cymru yn penderfynu na ddylid ei gwneud o fewn 40 niwrnod i'w gosod (gelwir hwn yn offeryn '*negyddol drafft*') – gweler paragraff 5(1)(b) o Atodlen 1A	

the subordinate legislation must be laid under section 37F. This is summarised in Table A below:

Table A – Effect of Schedule 1A on pre-commencement enactments

Pre-commencement enactment provisions	Effect of Schedule 1A
A draft of the statutory instrument containing the subordinate legislation is laid before, and approved by resolution of, Senedd Cymru (known as a '*draft affirmative*' instrument) – see paragraph 3(1)(a) of Schedule 1A	Subordinate legislation is made as a Welsh statutory instrument under the Senedd approval procedure – paragraph 3(2) of Schedule 1A
The subordinate legislation is made but cannot come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru (known as an '*affirmative*' instrument) – see paragraph 3(1)(b) of Schedule 1A	
The subordinate legislation is made but ceases to have effect unless the statutory instrument containing it is approved by resolution of Senedd Cymru before— (a) the end of a period specified in the enactment, or (b) an event specified in the enactment occurs (known as a '*made affirmative*' instrument) – see paragraph 4(1) of Schedule 1A	Subordinate legislation is made as a Welsh statutory instrument under the Senedd confirmation procedure – see paragraph 4(2) of Schedule 1A
The subordinate legislation is made as a statutory instrument but is subject to annulment in pursuance of a resolution of Senedd Cymru (known as a '*negative*' instrument) – see paragraph 5(1)(a) of Schedule 1A	Subordinate legislation is made as a Welsh statutory instrument under the Senedd annulment procedure – see paragraph 5(2) of Schedule 1A
The statutory instrument may be laid before Senedd Cymru in draft but the subordinate legislation cannot be made if Senedd Cymru resolves that it should not be made within 40 days of it being laid (known as a '*draft negative*' instrument) – see paragraph 5(1)(b) of Schedule 1A	

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1A
Nid yw'r is-ddeddfwriaeth yn ddarostyngedig i unrhyw weithdrefn ond rhaid gosod yr offeryn statudol sy'n ei chynnwys gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn ond fe'i gosodir*') – gweler paragraff 6(1) o Atodlen 1A	Caiff is-ddeddfwriaeth ei gwneud fel offeryn statudol Cymreig a'i gosod gerbron y Senedd – gweler paragraff 6(2), a noder yr eithriadau ym mharagraff 6(3), o Atodlen 1A
Nid yw'r is-ddeddfwriaeth yn ddarostyngedig i unrhyw weithdrefn ac nid yw'n ofynnol gosod yr offeryn statudol gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn*') – gweler paragraff 6(1) o Atodlen 1A	

58. Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio deddfiadau i adlewyrchu effaith Atodlen 1A (gweler paragraff 7 o'r Atodlen hon). Gellid defnyddio hyn, er enghraifft, i roi yn lle cyfeiriadau presennol at offerynnau sy'n "ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru", gyfeiriad at yr offeryn statudol Cymreig yn cael ei wneud "o dan weithdrefn annilysu'r Senedd".

Atodlen 1B – Cymhwyso Rhan 2A i ddeddfwriaeth ar y cyd neu ddeddfwriaeth gyfansawdd

59. Mae'r Atodlen hon yn cymhwyso darpariaethau Rhan 2A i is-ddeddfwriaeth a wneir gan Weinidogion Cymru a pherson arall (heblaw awdurdod Cymreig datganoledig) drwy offeryn statudol. Mae rhai deddfiadau yn ei gwneud yn ofynnol i Weinidogion Cymru wneud is-ddeddfwriaeth ar y cyd â pherson arall, er enghraifft Ysgrifennydd Gwladol (gelwir yr offeryn sy'n deillio o hyn yn "offeryn ar y cyd"). Weithiau gall Gweinidogion Cymru ac Ysgrifennydd Gwladol ddewis arfer eu pwerau i wneud is-ddeddfwriaeth mewn un offeryn (gelwir hwn yn "offeryn cyfansawdd"). Mae Atodlen 1B yn cymhwyso Rhan 2A i offerynnau ar y cyd neu offerynnau cyfansawdd a wneir o dan ddeddfiadau "cyn-gychwyn" ac "ôl-gychwyn", sef deddfiadau a ddeddfwyd neu a wnaed cyn ac ar ôl i Ran 2A ddod i rym.

60. Mewn perthynas â deddfiadau cyn-gychwyn, effaith Atodlen 1B yw y bydd yr is-ddeddfwriaeth yn parhau i gael ei gwneud fel "offeryn statudol" (yn hytrach nag fel offeryn statudol Cymreig), ond pan fo deddfiad presennol yn rhagnodi gweithdrefn benodol sydd i'w defnyddio i wneud is-ddeddfwriaeth, y weithdrefn yn lle hynny fydd fel fersiwn addasedig o un o'r gweithdrefnau newydd a nodir yn adrannau 37C, 37D neu 37E. Pan nad yw deddfiad presennol yn rhagnodi gweithdrefn, rhaid gosod yr offeryn statudol sy'n cynnwys yr is-ddeddfwriaeth o dan adran 37F addasedig. Mae hyn wedi ei grynhoi yn Nhabl B isod:

Pre-commencement enactment provisions	Effect of Schedule 1A
The subordinate legislation is not subject to any procedure but the statutory instrument containing it must be laid before the Senedd (known as '*no procedure but laid*') – see paragraph 6(1) of Schedule 1A	Subordinate legislation is made as a Welsh statutory instrument and laid before the Senedd – see paragraph 6(2), and note exceptions at paragraph 6(3), of Schedule 1A
The subordinate legislation is not subject to any procedure and no requirement to lay the statutory instrument before the Senedd (known as '*no procedure*') – see paragraph 6(1) of Schedule 1A	

58. The Welsh Ministers may, by regulations, amend enactments to reflect the effect of Schedule 1A (see paragraph 7 of this Schedule). This could be used, for example, to replace existing references to "instruments being subject to annulment in pursuance of a resolution of Senedd Cymru", with a reference to the Welsh statutory instrument being made "under the Senedd annulment procedure".

Schedule 1B - Application of Part 2A to joint or composite legislation

59. This Schedule applies the provisions of Part 2A to subordinate legislation made by the Welsh Ministers and another person (other than a devolved Welsh authority) by statutory instrument. Some enactments require the Welsh Ministers to make subordinate legislation jointly with another person, for example a Secretary of State (the result is known as a "joint instrument"). Sometimes the Welsh Ministers and Secretary of State may choose to exercise their powers to make subordinate legislation in a single instrument (this is known as a "composite instrument"). Schedule 1B applies Part 2A to joint or composite instruments made under "pre-" and "post-commencement enactments", in other words enactments that were enacted or made before and after Part 2A comes into force.

60. In relation to pre-commencement enactments Schedule 1B has the effect that the subordinate legislation will continue to be made as a "statutory instrument" (rather than as a Welsh statutory instrument) but that where an existing enactment prescribes a particular procedure by which subordinate legislation is to be made, the procedure will instead be a modified version of one of the new procedures set out in sections 37C, 37D or 37E. Where an existing enactment does not prescribe a procedure, the statutory instrument containing the subordinate legislation must be laid under a modified section 37F. This is summarised in Table B below:

Tabl B – Effaith Atodlen 1B ar gyfer deddfiadau cyn-gychwyn (offerynnau ar y cyd neu offerynnau cyfansawdd)

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1B
Caiff drafft o'r offeryn statudol sy'n cynnwys yr is-ddeddfwriaeth ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol drafft*') – gweler paragraff 3(1)(a) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn gymeradwyo addasedig y Senedd a nodir ym mharagraff 12 o Atodlen 1B
Gwneir yr is-ddeddfwriaeth ond ni chaiff ddod i rym oni bai bod yr offeryn statudol sy'n ei chynnwys yn cael ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol*') – gweler paragraff 3(1)(b) o Atodlen 1B	
Gwneir yr is-ddeddfwriaeth ond mae'n peidio â chael effaith oni bai bod yr offeryn statudol sy'n ei chynnwys yn cael ei gymeradwyo drwy benderfyniad gan Senedd Cymru cyn — (a) diwedd cyfnod a bennir yn y deddfiad, neu (b) digwyddiad a bennir yn y deddfiad (gelwir hwn yn offeryn '*cadarnhaol gwnaed*') – gweler paragraff 4(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn gadarnhau addasedig y Senedd a nodir ym mharagraff 13 o Atodlen 1B
Gwneir yr is-ddeddfwriaeth fel offeryn statudol ond mae'n ddarostyngedig i'w hannilysu yn unol â phenderfyniad gan Senedd Cymru (gelwir hwn yn offeryn '*negyddol*') – gweler paragraff 5(1)(a) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn annilysu addasedig y Senedd a nodir ym mharagraff 14 o Atodlen 1B
Caniateir gosod yr offeryn statudol gerbron Senedd Cymru ar ffurf ddrafft ond ni chaniateir gwneud yr is-ddeddfwriaeth os yw Senedd Cymru yn penderfynu na ddylid ei gwneud o fewn 40 niwrnod i'w gosod (gelwir hwn yn offeryn '*negyddol drafft*') – gweler paragraff 5(1)(b) o Atodlen 1B	
Nid yw'r is-ddeddfwriaeth yn ddarostyngedig i unrhyw weithdrefn ond rhaid gosod yr offeryn statudol sy'n ei chynnwys gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn ond fe'i gosodir*') – gweler paragraff 6(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol ac fe'i gosodir gerbron y Senedd o dan adran 37F fel y'i haddesir (gweler paragraff 15 o Atodlen 1B)

Table B – Effect of Schedule 1B for pre-commencement enactments (joint or composite instruments)

Pre-commencement enactment provisions	Effect of Schedule 1B
A draft of the statutory instrument containing the subordinate legislation is laid before, and approved by resolution of, Senedd Cymru (known as a '*draft affirmative*' instrument) – see paragraph 3(1)(a) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd approval procedure set out at paragraph 12 of Schedule 1B
The subordinate legislation is made but cannot come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru (known as an '*affirmative*' instrument) – see paragraph 3(1)(b) of Schedule 1B	
The subordinate legislation is made but ceases to have effect unless the statutory instrument containing it is approved by resolution of Senedd Cymru before— (a) the end of a period specified in the enactment, or (b) an event specified in the enactment occurs (known as a '*made affirmative*' instrument) – see paragraph 4(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd confirmation procedure set out at paragraph 13 of Schedule 1B
The subordinate legislation is made as a statutory instrument but is subject to annulment in pursuance of a resolution of Senedd Cymru (known as a '*negative*' instrument) – see paragraph 5(1)(a) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd annulment procedure set out at paragraph 14 of Schedule 1B
The statutory instrument may be laid before Senedd Cymru in draft but the subordinate legislation cannot be made if Senedd Cymru resolves that it should not be made within 40 days of it being laid (known as a '*draft negative*' instrument) – see paragraph 5(1)(b) of Schedule 1B	
The subordinate legislation is not subject to any procedure but the statutory instrument containing it must be laid before the Senedd (known as '*no procedure but laid*') – see paragraph 6(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument and laid before the Senedd under section 37F as modified (see paragraph 15 of Schedule 1B)

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1B
Nid yw'r is-ddeddfwriaeth yn ddarostyngedig i unrhyw weithdrefn ac nid yw'n ofynnol gosod yr offeryn statudol gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn*') – gweler paragraff 6(1) o Atodlen 1B	

61. Mewn perthynas â deddfiadau ôl-gychwyn, gwneir yr is-ddeddfwriaeth fel "offeryn statudol" (yn hytrach nag fel offeryn statudol Cymreig) ac os yw'r deddfiad yn rhagnodi gweithdrefn yn y Senedd (mewn cysylltiad â phwerau Gweinidogion Cymru i wneud is-ddeddfwriaeth), gwneir yr is-ddeddfwriaeth o dan fersiwn addasedig o adran 37C, 37D neu 37E yn y drefn honno (neu fe'i gosodir o dan adran 37F addasedig). Mae hyn wedi ei grynhoi yn Nhabl C isod:

Tabl C – Effaith Atodlen 1B ar gyfer deddfiadau ôl-gychwyn (offerynnau ar y cyd neu offerynnau cyfansawdd)

Darpariaethau deddfiad ôl-gychwyn	Effaith Atodlen 1B
Is-ddeddfwriaeth sy'n ddarostyngedig i "gweithdrefn gymeradwyo'r Senedd" – gweler paragraff 8(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn gymeradwyo addasedig y Senedd a nodir ym mharagraff 12 o Atodlen 1B
Is-ddeddfwriaeth sy'n ddarostyngedig i "gweithdrefn gadarnhau'r Senedd" – gweler paragraff 9(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn gadarnhau addasedig y Senedd a nodir ym mharagraff 13 o Atodlen 1B
Is-ddeddfwriaeth sy'n ddarostyngedig i "gweithdrefn annilysu'r Senedd" – gweler paragraff 10(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn annilysu addasedig y Senedd a nodir ym mharagraff 14 o Atodlen 1B
Nid yw'r is-ddeddfwriaeth yn ddarostyngedig i weithdrefn yn y Senedd – gweler paragraff 11(1) o Atodlen 1B	Gwneir is-ddeddfwriaeth fel offeryn statudol ac fe'i gosodir gerbron y Senedd o dan adran 37F fel y'i haddesir (gweler paragraff 15 o Atodlen 1B)

62. Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio deddfiadau er mwyn gwneud darpariaeth i adlewyrchu effaith Atodlen 1B (gweler paragraff 16 o'r Atodlen hon).

Pre-commencement enactment provisions	Effect of Schedule 1B
The subordinate legislation is not subject to any procedure and there is no requirement to lay the statutory instrument before the Senedd (known as '*no procedure*') – see paragraph 6(1) of Schedule 1B	

61. In relation to post-commencement enactments the subordinate legislation will be made as a "statutory instrument" (rather than as a Welsh statutory instrument) and if the enactment prescribes a Senedd procedure (in respect of the powers of the Welsh Ministers to make subordinate legislation), the subordinate legislation will be made under a modified version of section 37C, 37D or 37E respectively (or laid under modified section 37F). This is summarised in Table C below:

Table C – Effect of Schedule 1B for post-commencement enactments (joint or composite instruments)

Post-commencement enactment provisions	Effect of Schedule 1B
Subordinate legislation subject to "Senedd approval procedure" – see paragraph 8(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd approval procedure set out at paragraph 12 of Schedule 1B
Subordinate legislation subject to "Senedd confirmation procedure" – see paragraph 9(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd confirmation procedure set out at paragraph 13 of Schedule 1B
Subordinate legislation subject to "Senedd annulment procedure" – see paragraph 10(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument under the modified Senedd annulment procedure set out at paragraph 14 of Schedule 1B
The subordinate legislation is not subject to a Senedd procedure – see paragraph 11(1) of Schedule 1B	Subordinate legislation is made as a statutory instrument and laid before the Senedd under section 37F as modified (see paragraph 15 of Schedule 1B)

62. The Welsh Ministers may, by regulations, amend enactments to make provision to reflect the effect of Schedule 1B (see paragraph 16 of this Schedule).

Atodlen 1C – Cymhwyso Rhan 2A i Orchmynion yn y Cyfrin Gyngor

63. Mae'r Atodlen hon yn cymhwyso darpariaethau Rhan 2A i is-ddeddfwriaeth a wneir fel Gorchymyn yn y Cyfrin Gyngor pan fydd rhaid gosod yr offeryn statudol gerbron y Senedd. Mae Atodlen 1C yn cymhwyso Rhan 2A i Orchmynion yn y Cyfrin Gyngor a wneir o dan ddeddfiadau "cyn-gychwyn" ac "ôl-gychwyn", sef deddfiadau a ddeddfwyd neu a wnaed cyn ac ar ôl i Ran 2A ddod i rym.

64. Mewn perthynas â deddfiadau cyn-gychwyn, mae Atodlen 1C yn sicrhau y bydd y Gorchymyn yn y Cyfrin Gyngor yn parhau i gael ei wneud fel "offeryn statudol" (yn hytrach nag fel offeryn statudol Cymreig), ond pan fo deddfiad presennol yn rhagnodi gweithdrefn benodol sydd i'w defnyddio i wneud y Gorchymyn yn y Cyfrin Gyngor, y weithdrefn yn lle hynny fydd fersiwn addasedig o naill ai gweithdrefn gymeradwyo'r Senedd (adran 37C) neu weithdrefn annilysu'r Senedd (adran 37E). Pan na fo deddfiad presennol yn rhagnodi gweithdrefn yn y Senedd, rhaid gosod y Gorchymyn yn y Cyfrin Gyngor o dan adran 37F addasedig. Mae hyn wedi ei grynhoi yn Nhabl D isod:

Tabl D – Effaith Atodlen 1C ar gyfer deddfiadau cyn-gychwyn (Gorchmynion yn y Cyfrin Gyngor)

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1C
Caiff drafft o'r offeryn statudol sy'n cynnwys y Gorchymyn yn y Cyfrin Gyngor ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol drafft*') – gweler paragraff 3(1)(a) o Atodlen 1C	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn gymeradwyo addasedig y Senedd a nodir ym mharagraff 10 o Atodlen 1C
Caniateir gwneud y Gorchymyn yn y Cyfrin Gyngor ond ni chaiff ddod i rym oni bai bod yr offeryn statudol sy'n ei gynnwys yn cael ei osod gerbron Senedd Cymru a'i gymeradwyo ganddi drwy benderfyniad (gelwir hwn yn offeryn '*cadarnhaol*') – gweler paragraff 3(1)(b) o Atodlen 1C	
Gwneir y Gorchymyn yn y Cyfrin Gyngor fel offeryn statudol ond mae'n ddarostyngedig i'w annilysu yn unol â phenderfyniad gan Senedd Cymru (gelwir hwn yn offeryn '*negyddol*') – gweler paragraff 4(1) o Atodlen 1C	Gwneir is-ddeddfwriaeth fel offeryn statudol o dan weithdrefn annilysu addasedig y Senedd a nodir ym mharagraff 11 o Atodlen 1C

Schedule 1C - Application of Part 2A to Orders in Council

63. This Schedule applies the provisions of Part 2A to subordinate legislation made as an Order in Council when the statutory instrument must be laid before the Senedd. Schedule 1C applies Part 2A to Orders in Council made under "pre-" and "post-commencement enactments", in other words enactments that were enacted or made before and after Part 2A comes into force.

64. In relation to pre-commencement enactments Schedule 1C ensures that the Order in Council will continue to be made as a "statutory instrument" (rather than as a Welsh statutory instrument) but that where an existing enactment prescribes a particular procedure by which the Order in Council is to be made, the procedure will instead be a modified version of either the Senedd approval procedure (section 37C) or the Senedd annulment procedure (section 37E). Where an existing enactment does not prescribe a Senedd procedure, the Order in Council must be laid under a modified section 37F. This is summarised in Table D below:

Table D – Effect of Schedule 1C for pre-commencement enactments (Orders in Council)

Pre-commencement enactment provisions	Effect of Schedule 1C
A draft of the statutory instrument containing the Order in Council is laid before, and approved by resolution of, Senedd Cymru (known as a '*draft affirmative*' instrument) – see paragraph 3(1)(a) of Schedule 1C	Subordinate legislation is made as a statutory instrument under the modified Senedd approval procedure set out at paragraph 10 of Schedule 1C
The Order in Council may be made but cannot come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru (known as an '*affirmative*' instrument) – see paragraph 3(1)(b) of Schedule 1C	
The Order in Council is made as a statutory instrument but is subject to annulment in pursuance of a resolution of Senedd Cymru (known as a '*negative*' instrument) – see paragraph 4(1) of Schedule 1C	Subordinate legislation is made as a statutory instrument under the modified Senedd annulment procedure set out at paragraph 11 of Schedule 1C

Darpariaethau deddfiad cyn-gychwyn	Effaith Atodlen 1C
Nid yw'r Gorchymyn yn y Cyfrin Gyngor yn ddarostyngedig i unrhyw weithdrefn ond rhaid gosod yr offeryn statudol sy'n ei gynnwys gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn ond fe'i gosodir*') – gweler paragraff 5(1) o Atodlen 1C	Gwneir is-ddeddfwriaeth fel offeryn statudol ac fe'i gosodir gerbron y Senedd o dan adran 37F fel y'i haddesir (gweler paragraff 12 o Atodlen 1C)
Nid yw'r Gorchymyn yn y Cyfrin Gyngor yn ddarostyngedig i unrhyw weithdrefn ac nid yw'n ofynnol gosod yr offeryn statudol gerbron y Senedd (gelwir hyn yn '*dim gweithdrefn*') – gweler paragraff 5(2) o Atodlen 1C	

65. Mewn perthynas â deddfiadau ôl-gychwyn, gwneir y Gorchymyn yn y Cyfrin Gyngor fel "offeryn statudol" (yn hytrach nag fel offeryn statudol Cymreig) a phan fo deddfiad yn rhagnodi gweithdrefn yn y Senedd, mae Atodlen 1C yn addasu adrannau 37C, 37E a 37F yn unol â hynny. Mae hyn wedi ei grynhoi yn Nhabl E isod:

Tabl E – Effaith Atodlen 1C ar gyfer deddfiadau ôl-gychwyn (Gorchmynion yn y Cyfrin Gyngor)

Darpariaethau deddfiad ôl-gychwyn	Effaith Atodlen 1C
Gorchymyn yn y Cyfrin Gyngor sy'n ddarostyngedig i "gweithdrefn gymeradwyo'r Senedd" – gweler paragraff 7(1) o Atodlen 1C	Gorchymyn yn y Cyfrin Gyngor a wneir fel offeryn statudol o dan weithdrefn gymeradwyo addasedig y Senedd a nodir ym mharagraff 10 o Atodlen 1C
Gorchymyn yn y Cyfrin Gyngor sy'n ddarostyngedig i "gweithdrefn annilysu'r Senedd" – gweler paragraff 8(1) o Atodlen 1C	Gorchymyn yn y Cyfrin Gyngor a wneir fel offeryn statudol o dan weithdrefn annilysu addasedig y Senedd a nodir ym mharagraff 11 o Atodlen 1C
Nid yw'r Gorchymyn yn y Cyfrin Gyngor yn ddarostyngedig i unrhyw weithdrefn ond rhaid gosod yr offeryn statudol sy'n ei gynnwys gerbron y Senedd – gweler paragraff 9(1) o Atodlen 1C	Gorchymyn yn y Cyfrin Gyngor a wneir fel offeryn statudol ac a osodir gerbron y Senedd o dan adran 37F fel y'i haddesir (gweler paragraff 12 o Atodlen 1C)
Nid yw'r Gorchymyn yn y Cyfrin Gyngor yn ddarostyngedig i unrhyw weithdrefn ac nid yw'n ofynnol gosod yr offeryn statudol gerbron y Senedd – gweler paragraff 9(2) o Atodlen 1C	

Pre-commencement enactment provisions	Effect of Schedule 1C
The Order in Council is not subject to any procedure but the statutory instrument containing it must be laid before the Senedd (known as '*no procedure but laid*') – see paragraph 5(1) of Schedule 1C	Subordinate legislation is made as a statutory instrument and laid before the Senedd under section 37F as modified (see paragraph 12 of Schedule 1C)
The Order in Council is not subject to any procedure and there is no requirement to lay the statutory instrument before the Senedd (known as '*no procedure*') – see paragraph 5(2) of Schedule 1C	

65. In relation to post-commencement enactments the Order in Council will be made as a "statutory instrument" (rather than as a Welsh statutory instrument) and where an enactment prescribes a Senedd procedure Schedule 1C modifies sections 37C, 37E and 37F accordingly. This is summarised in Table E below:

Table E – Effect of Schedule 1C for post-commencement enactments (Orders in Council)

Post-commencement enactment provisions	Effect of Schedule 1C
Order in Council subject to "Senedd approval procedure" – see paragraph 7(1) of Schedule 1C	Order in Council made as a statutory instrument under the modified Senedd approval procedure set out at paragraph 10 of Schedule 1C
Order in Council subject to "Senedd annulment procedure" – see paragraph 8(1) of Schedule 1C	Order in Council made as a statutory instrument under the modified Senedd annulment procedure set out at paragraph 11 of Schedule 1C
The Order in Council is not subject to any procedure but the statutory instrument containing it must be laid before the Senedd – see paragraph 9(1) of Schedule 1C	Order in Council made as a statutory instrument and laid before the Senedd under section 37F as modified (see paragraph 12 of Schedule 1C)
The Order in Council is not subject to any procedure and there is no requirement to lay the statutory instrument before the Senedd – see paragraph 9(2) of Schedule 1C	

66. Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio deddfiadau i adlewyrchu effaith Atodlen 1C (gweler paragraff 13 o'r Atodlen hon).

Adran 2 – Dim gofyniad i wneud gorchmynion traffig ffyrdd drwy offeryn statudol Cymreig

67. Mae adran 2 yn diwygio Deddf Priffyrdd 1980 (p. 66) a Deddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27) fel nad yw'n ofynnol gwneud rhai gorchmynion traffig ffyrdd penodol drwy offeryn statudol Cymreig (neu offeryn statudol) mwyach.

68. Mae'r gorchmynion hyn yn lleol eu natur, hynny yw, maent yn gymwys i ffordd benodol, neu ran ohoni, at ddiben penodol ac am gyfnod penodol. Nid ydynt yn gymwys yn ehangach nac o ddiddordeb ehangach. Er enghraifft, caniateir eu defnyddio i gau ffordd i alluogi cynnal digwyddiad. I roi enghraifft arall, gellid defnyddio gorchmynion o'r fath hefyd i ostwng dros dro'r terfyn cyflymder uchaf a ganiateir ar ffordd neu ffyrdd penodol tra bo gwaith atgyweirio yn cael ei wneud.

69. Ar hyn o bryd mae Llywodraeth Cymru yn cyhoeddi'r holl orchmynion traffig ffyrdd o'r fath ar ei gwefan (www.llyw.cymru), ar y cyd ag is-ddeddfwriaeth arall y gellir ei defnyddio at ddibenion tebyg ond nad yw'n ofynnol ei gwneud fel offeryn statudol.

70. Nid yw'r diwygiadau hyn i Ddeddf Priffyrdd 1980 a Deddf Rheoleiddio Traffig Ffyrdd 1984 yn gymwys i orchmynion nac is-ddeddfwriaeth arall sy'n gymwys yn gyffredinol ac o ddiddordeb cyffredinol (neu nad ydynt dros dro) – byddai is-ddeddfwriaeth o'r fath, yn rhinwedd Rhan 2A newydd o Ddeddf 2019, yn cael ei gwneud fel offeryn statudol Cymreig.

RHAN 2 – CYHOEDDI ETC. DDEDDFWRIAETH CYMRU

Adran 3 – Rhan 2B newydd o Ddeddf Deddfwriaeth (Cymru) 2019

71. Mae Rhan 2 o'r Ddeddf yn cynnwys adran 3, sy'n diwygio Deddf 2019 drwy fewnosod Rhan 2B newydd. Mae'r Rhan newydd hon yn ymdrin â chyhoeddi, cadw, rhifo a dosbarthu Deddfau Senedd Cymru, offerynnau statudol Cymreig ac is-ddeddfwriaeth arall a wneir gan Weinidogion Cymru (nid fel offeryn statudol Cymreig). Mae Rhan 2B newydd yn cynnwys adrannau 37I i 37Z2, y mae gwybodaeth amdanynt wedi ei nodi isod.

Adran 37I – Argraffydd y Brenin ar gyfer Cymru

72. Mae hanes cyhoeddi deddfwriaeth ym Mhrydain ac yna'r Deyrnas Unedig yn ymestyn yn ôl i'r 18fed ganrif. Sefydlwyd Llyfrfa Ei Fawrhydi (HMSO) yn 1786. Mae'n dal hawlfraint y Goron, a hon yw argraffydd a chyhoeddwr swyddogol pob Deddf gan Senedd y Deyrnas Unedig ers 1889. Rhwng 2003 a 2006, bu HMSO yn un o bedwar corff llywodraeth a ddaeth at ei gilydd i ffurfio'r Archifau Gwladol, yr archif llywodraeth swyddogol ar gyfer Cymru, Lloegr a'r Deyrnas Unedig.

73. Erbyn hyn, mae cyhoeddi holl ddeddfwriaeth y DU yn rhan hanfodol o gylch gwaith Ceidwad y Cofnodion Cyhoeddus (yn rhinwedd ei swydd fel Argraffydd Deddfau Seneddol y Brenin ac Argraffydd Llywodraeth Gogledd Iwerddon) ac Argraffydd y Brenin ar gyfer yr Alban. Y Ceidwad hefyd yw Rheolwr HMSO a Phrif Weithredwr yr Archifau Gwladol. Nid yw'r ddeddfwriaeth bresennol yn sôn am rôl Argraffydd y Brenin o ran cyhoeddi deddfwriaeth Cymru, ond yn ymarferol mae hyn hefyd yn cael ei wneud gan ac ar ran Argraffydd y Brenin.

66. The Welsh Ministers may, by regulations, amend enactments to reflect the effect of Schedule 1C (see paragraph 13 of this Schedule).

Section 2 – Road traffic orders not required to be made by Welsh statutory instrument

67. Section 2 amends the Highways Act 1980 (c. 66) and the Road Traffic Regulation Act 1984 (c. 27) to no longer require certain road traffic orders to be made by Welsh statutory instrument (or statutory instrument).

68. These orders are localised in nature, in other words they apply to a particular road, or part thereof, for a particular purpose and for a specified duration. They are not of wider application or interest. They may, for example, be used to close a road to enable an event to be held. By way of further example, such orders could also be used to temporarily reduce the maximum permitted speed limit on a particular road or roads whilst repair works are undertaken.

69. The Welsh Government currently publishes all such road traffic orders on its website (www.gov.wales), alongside other subordinate legislation that can be used for similar purposes but is already not required to be made as a statutory instrument.

70. These amendments to the Highways Act 1980 and the Road Traffic Regulation Act 1984 do not apply to orders and other subordinate legislation that are of general application and interest (or not temporary) – such subordinate legislation would, by virtue of new Part 2A of the 2019 Act, be made as a Welsh statutory instrument.

PART 2 – PUBLICATION ETC. OF WELSH LEGISLATION

Section 3 – New Part 2B of the Legislation (Wales) Act 2019

71. Part 2 of the Act consists of section 3, which amends the 2019 Act by inserting a new Part 2B. This new Part deals with the publication, preservation, numbering and classification of Acts of Senedd Cymru, Welsh statutory instruments and other subordinate legislation made by the Welsh Ministers (not as a Welsh statutory instrument). New Part 2B contains sections 37I to 37Z2, information on which is set out below.

Section 37I – The King's Printer for Wales

72. The history of publishing legislation in Britain and subsequently the United Kingdom reaches back into the 18th century. His Majesty's Stationery Office (HMSO) was founded in 1786. It is the holder of Crown copyright and has been the official printer and publisher of all Acts of Parliament since 1889. Between 2003 and 2006, HMSO was one of four government bodies that came together to form The National Archives, the official government archive for Wales, England and the United Kingdom.

73. Publishing all UK legislation today is a core part of the remit of the Keeper of Public Records (in his capacity as the King's Printer of Acts of Parliament and Government Printer of Northern Ireland) and the King's Printer for Scotland. The Keeper is also the Controller of HMSO and the Chief Executive of The National Archives. The existing legislation is silent on the King's Printer's role in the publishing of Welsh legislation, but in practice this is also undertaken by and on behalf of the King's Printer.

74. Caiff y fersiynau gwreiddiol (fel y'u deddfwyd) a fersiynau diwygiedig o ddeddfwriaeth eu cyhoeddi ar wefan legislation.gov.uk gan Reolwr HMSO ac o dan ei awdurdod. Rheolir y wefan gan yr Archifau Gwladol sydd hefyd yn gyfrifol am y Gazette, sef cofnod cyhoeddus swyddogol y DU. Rheolir y Gazette gan The Stationery Office, o dan oruchwyliaeth yr Archifau Gwladol.

75. Mae Rhan 2B yn gwneud darpariaeth i ffurfioli'r broses ar gyfer cyhoeddi deddfwriaeth Cymru drwy roi swyddogaethau i Argraffydd y Brenin ar gyfer Cymru. Mae swyddogaethau Argraffydd y Brenin ar gyfer Cymru i gyhoeddi Deddfau Senedd Cymru, offerynnau statudol Cymreig a dogfennau cysylltiedig i'w harfer gan Argraffydd Deddfau Seneddol y Brenin.

Cadw a chyhoeddi Deddfau Senedd Cymru

76. Cychwynnwyd darpariaethau Deddfau'r Cynulliad (y Senedd erbyn hyn) yn Rhan 4 o Ddeddf 2006 ar 5 Mai 2011 gan *Orchymyn Deddf Llywodraeth Cymru 2006 (Cychwyn Darpariaethau Deddfau'r Cynulliad, Darpariaethau Trosiannol ac Arbed ac Addasiadau) 2011* (O.S. 2011/1011 (Cy. 250) (C. 42)). Diwygiodd y Gorchymyn hwnnw adran 115 o Ddeddf 2006 hefyd i wneud darpariaeth ar gyfer cadw'r Breinlythyrau a'r Deddfau a chopïau ardystiedig o brintiau swyddogol o Ddeddfau, ac ar gyfer rhifo Deddfau. Mae'r darpariaethau ynghylch Deddfau Senedd Cymru a fewnosodwyd gan y Gorchymyn bellach wedi eu hailddatgan yn Neddf 2019 fel adrannau 37J i 37M (ac mae paragraff 5 o Atodlen 3 i'r Ddeddf yn diddymu'r darpariaethau hynny o adran 115 o Ddeddf 2006).

Adran 37J – Rhifo Deddfau Senedd Cymru

77. Mae adran 37J yn ymdrin â rhifo Deddfau Senedd Cymru drwy ailddatgan effaith adrannau 115(5A) a (5B) o Ddeddf 2006. At hynny, mae'n ei gwneud yn glir am y tro cyntaf sut y penderfynir y rhagddodiad a'r rhif ar gyfer Deddf gan Senedd Cymru. Sefydlwyd y dull presennol o rifo Deddfau gan Senedd y DU yn 1962, gan gymryd lle'r system o gyfeirio at Ddeddfau yn ôl sesiwn a phennod, am fod pobl gweld y system honno'n anghyfleus. Roedd y trefniadau ar gyfer rhifo Mesurau Cynulliad Cenedlaethol Cymru yn defnyddio system rifo debyg i'r trefniadau presennol ar gyfer Deddfau gan Senedd y DU (gan ddefnyddio'r rhagddodiad "mccc"); parhawyd â hyn pan ddechreuodd Deddfau gan y Cynulliad Cenedlaethol (ond gan ddefnyddio'r rhagddodiad "dccc"), ac erbyn hyn defnyddir y rhagddodiad "dsc" i ddynodi Deddfau Senedd Cymru.

Adran 37K – Printiau swyddogol a chopïau ardystiedig o Ddeddfau Senedd Cymru

78. Y cam cyntaf yn y broses o gyhoeddi a lledaenu darn o ddeddfwriaeth yw llunio'r testun sydd i'w gyhoeddi. Rhaid i hwn fod yn gofnod awdurdodol o'r ddeddfwriaeth. Y cofnod awdurdodol o Ddeddf gan y Senedd yw'r "print swyddogol" sy'n cael ei greu o dan adran 115(5C) o Ddeddf 2006 ar hyn o bryd, ond a gaiff ei greu yn y dyfodol o dan adran 37K, sydd hefyd yn ymgorffori'r gofynion a nodir ar hyn o bryd yn adrannau 115(5D) a (5E) o Ddeddf 2006.

74. The original (as enacted) and revised versions of legislation on the legislation.gov.uk website are published by and under the authority of the Controller of HMSO. The website is managed by The National Archives who are also responsible for The Gazette, the UK's official public record. The Gazette is managed by The Stationery Office, under the superintendence of The National Archives.

75. Part 2B makes provision to formalise the process for publishing Welsh legislation by conferring functions on a King's Printer for Wales. The functions of the King's Printer for Wales to publish Acts of Senedd Cymru, Welsh statutory instruments and related documents are to be exercised by the King's Printer of Acts of Parliament.

Preservation and publication of Acts of Senedd Cymru

76. The Assembly (now Senedd) Act provisions in Part 4 of the 2006 Act were commenced on 5 May 2011 by the *Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011* (S.I. 2011/1011 (W. 250) (C. 42)). That Order also amended section 115 of the 2006 Act to make provision for the preservation of the Letters Patent and Acts, certified copies of official prints of Acts and numbering of Acts. The provisions about Acts of the Senedd that were inserted by the Order are now restated in the 2019 Act as sections 37J to 37M (and paragraph 5 of Schedule 3 to the Act repeals those provisions from section 115 of the 2006 Act).

Section 37J – Numbering of Acts of Senedd Cymru

77. Section 37J deals with the numbering of Acts of Senedd Cymru by restating the effect of sections 115(5A) and (5B) of the 2006 Act. Additionally, it makes clear for the first time how the prefix and number of an Act of Senedd Cymru is determined. The current method of numbering Acts of the UK Parliament was established in 1962 and replaced the system of citing Acts by session and chapter, which was considered inconvenient. The arrangements for numbering Measures of the National Assembly for Wales adopted a similar numbering convention to the current arrangements for Acts of Parliament (using the prefix "nawm"); this was continued when Acts of the National Assembly for Wales began (but using the prefix "anaw") and now the prefix "asc" is used to denote Acts of Senedd Cymru.

Section 37K – Official prints and certified copies of Acts of Senedd Cymru

78. The process of publishing and promulgating a piece of legislation begins with the production of the text that is to be published. This must be an authoritative record of the legislation. The authoritative record of an Act of the Senedd is the "official print" that is created currently under section 115(5C) of the 2006 Act, but in future will be done so under section 37K, which also incorporates the requirements currently set out in sections 115(5D) and (5E) of the 2006 Act.

79. O ganlyniad, mae'r print swyddogol o Ddeddf gan y Senedd yn cynnwys testun y Bil a basiwyd gan y Senedd ac a gafodd y Cydsyniad Brenhinol, yn ogystal â'r dyddiad a'r flwyddyn pan roddwyd hysbysiad o'r Cydsyniad hwnnw i Glerc y Senedd, y rhagddodiad "dsc" a'r rhif. Mae'r Clerc yn gwneud copi o'r print swyddogol o'r Ddeddf ac yn ei ardystio'n gopi gwir (a gaiff ei alw wedyn y "copi ardystiedig o'r print swyddogol"). Caiff y print swyddogol ei anfon i Lyfrgell Genedlaethol Cymru, gweler isod, a chaiff y copi ardystiedig ei anfon at Argraffydd y Brenin ar gyfer Cymru.

Adran 37L – Cadw Deddfau Senedd Cymru

80. Ers 2011, mae adran 115(4A) a (5E) o Ddeddf 2006 wedi ei gwneud yn ofynnol anfon y Breinlythyrau a'r print gwreiddiol o bob Deddf i Lyfrgell Genedlaethol Cymru. Effaith hyn yw sicrhau y caiff y cofnodion pwysig hyn eu cadw'n barhaol.

81. Parheir â'r gofyniad hwn i anfon y printiau gwreiddiol o Ddeddfau Senedd Cymru yn adran 37L. Mae'r gofyniad presennol ar gyfer y Breinlythyrau yn aros yn adran 115(4A) o Ddeddf 2006.

Adran 37M – Cyhoeddi Deddfau Senedd Cymru

82. Cyn y Ddeddf hon, nid oedd unrhyw rwymedigaeth benodol ar Argraffydd y Brenin i gyhoeddi Deddfau Senedd Cymru. Mae adran 37M yn ei gwneud yn glir bod rhaid i Argraffydd y Brenin ar gyfer Cymru gyhoeddi'r copi ardystiedig o'r print swyddogol o Ddeddf, a rhaid iddo hefyd gyhoeddi dogfennau sy'n gysylltiedig â'r Ddeddf os bydd Clerc y Senedd neu Weinidogion Cymru yn gofyn iddo wneud hynny. Disgwylir y bydd dogfennau o'r fath yn cynnwys Nodiadau Esboniadol, ac ar gyfer Deddfau cydgrynhoi byddant yn cynnwys tablau tarddiadau a thrawsleoli a nodiadau drafftwyr; ond gallant hefyd gynnwys asesiadau effaith neu ddeunyddiau eraill yn y dyfodol.

83. Mae is-adran (3) yn cydnabod bod y rhan fwyaf o bobl yn edrych ar ddeddfwriaeth ar-lein yn hytrach nag mewn print erbyn hyn. Ar hyn o bryd mae holl Ddeddfau Senedd Cymru a Mesurau Cynulliad Cenedlaethol Cymru ar gael ar wefan legislation.gov.uk. Gellir defnyddio'r adnodd hwn am ddim ac mae'r holl gynnwys arno ar gael o dan y Drwydded Llywodraeth Agored (oni nodir fel arall). O ganlyniad anogir defnyddwyr i ddefnyddio ac ailddefnyddio'r wybodaeth yn rhydd ac mewn modd hyblyg, gyda nifer bach o amodau yn unig. Mae rhagor o wybodaeth ar gael yn: www.nationalarchives.gov.uk/doc/open-government-licence/version/3/.

84. Caiff Argraffydd y Brenin ar gyfer Cymru hefyd argraffu a gwerthu copïau o Ddeddfau Senedd Cymru a rhaid iddo ddarparu copïau print ar gais os telir unrhyw daliadau am wneud hynny (gweler adran 37Y).

Cadw a chyhoeddi offerynnau statudol Cymreig

85. Cyn i'r Ddeddf hon ddod i rym, mae is-ddeddfwriaeth y mae'n ofynnol ei gwneud fel "offeryn statudol" yn ddarostyngedig i'r gofynion o ran rhifo, dosbarthu a chyhoeddi a nodir yn Neddf 1946 a Rheoliadau Offerynnau Statudol 1947 (O.S. 1948/1) ('Rheoliadau 1947'). Mae Deddf 1946 yn gymwys i Weinidogion Cymru, ac i offerynnau a wneir ganddynt, yn rhinwedd adrannau 1(1A) ac 11A o'r Ddeddf honno.

79. As a result the official print of an Act of the Senedd contains not just the text of the Bill that was passed by the Senedd and received Royal Assent, but also the date on and year in which such Assent was notified to the Clerk of the Senedd, the "asc" prefix and number. The Clerk makes a copy of the official print of the Act and certifies it as a true copy (which then becomes known as the "certified copy of the official print"). The official print is sent to the National Library of Wales, see below, and the certified copy is sent to the King's Printer for Wales.

Section 37L – Preservation of Acts of Senedd Cymru

80. Since 2011, section 115(4A) and (5E) of the 2006 Act have required that the Letters Patent and original print of every Act be sent to the National Library of Wales. This has the effect of creating a permanent preservation of these important records.

81. This requirement to send the original prints of Acts of Senedd Cymru is continued in section 37L. The existing requirement for the Letters Patent remains in section 115(4A) of the 2006 Act.

Section 37M – Publication of Acts of Senedd Cymru

82. Prior to this Act there was no express obligation upon the King's Printer to publish Acts of Senedd Cymru. Section 37M makes clear that the King's Printer for Wales must publish the certified copy of the official print of an Act, and must also publish documents related to the Act if asked to do so by either the Clerk of the Senedd or the Welsh Ministers. It is expected that such documents will include Explanatory Notes, and that for consolidation Acts they will include tables of origins and destinations and drafters' notes; but they could in the future also include impact assessments or other materials.

83. Subsection (3) recognises that most people access legislation online rather than in print now. At present all Acts of the Senedd and Measures of the National Assembly for Wales are available on the legislation.gov.uk website. This is free to access and all the content on there is available under the Open Government Licence (unless where stated). This means that users are encouraged to use and re-use the information freely and flexibly, with only a few conditions. More information is available at: www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

84. The King's Printer for Wales may also print and sell copies of Acts of Senedd Cymru and must provide printed copies on request if any charges for doing so are paid (see section 37Y).

Preservation and publication of Welsh statutory instruments

85. Prior to the coming into force of this Act, subordinate legislation that is required to be made as a "statutory instrument" attracts the numbering, classification and publication requirements set out in the 1946 Act and the Statutory Instruments Regulations 1947 (S.I. 1948/1) ('the 1947 Regulations'). The 1946 Act applies to the Welsh Ministers, and instruments made by them, by virtue of sections 1(1A) and 11A of that Act.

86. O ganlyniad i Ran 1 o'r Ddeddf hon, bydd is-ddeddfwriaeth a wneir gan awdurdod cyfrifol (gweler adran 37B), sy'n cynnwys Gweinidogion Cymru, yn cael ei gwneud fel offeryn statudol Cymreig, yn hytrach nag fel offeryn statudol y mae Deddf 1946 yn gymwys iddo. Mae'r gofynion o ran rhifo, dosbarthu, cyhoeddi a chadw offerynnau statudol Cymreig wedi eu nodi yn adrannau 37N i 37S newydd o Ddeddf 2019, a ddisgrifir isod.

Adran 37N – Fersiynau swyddogol a chopïau ardystiedig o offerynnau statudol Cymreig

87. Yn yr un modd ag ar gyfer Deddfau Senedd Cymru, y cam cyntaf yn y broses o gyhoeddi a lledaenu offeryn statudol Cymreig yw llunio'r testun sydd i'w gyhoeddi. Rhaid i hwn fod yn gofnod awdurdodol o'r ddeddfwriaeth. Yn achos Deddfau Senedd Cymru, ar hyn o bryd, mae dogfen ffisegol y mae rhaid i'r Clerc ysgrifennu gwybodaeth benodol arni (gweler adran 37K(2)). Nid yw hyn yn wir o reidrwydd yn achos offerynnau statudol Cymreig, y caniateir eu gwneud yn electronig ac felly mae'r ystyriaethau ar gyfer sicrhau bod cofnod awdurdodol ychydig yn wahanol.

88. Mae adran 37N(1) yn ei gwneud yn ofynnol i'r awdurdod cyfrifol wneud copïau ardystiedig o'r offeryn a wnaed: anfonir un copi ardystiedig i Lyfrgell Genedlaethol Cymru ac anfonir copi ardystiedig arall at Argraffydd y Brenin ar gyfer Cymru. Mae is-adran (3)(b) yn darparu y caiff copi ardystiedig fod ar ffurf electronig. Yr unig eithriad i'r rheol hon yw os yw'r offeryn statudol Cymreig wedi ei ddosbarthu'n offeryn lleol (gweler adran 37B ynghylch hynny); mewn achos o'r fath nid anfonir copi ardystiedig o'r offeryn i Lyfrgell Genedlaethol Cymru (is-adran (4)). Caiff offerynnau lleol eu hanfon at Argraffydd y Brenin ar gyfer Cymru o hyd er mwyn sicrhau y bodlonir y gofynion cyhoeddi yn adran 37Q.

89. Wrth anfon copi ardystiedig o offeryn statudol Cymreig at Argraffydd y Brenin ar gyfer Cymru, mae'n ofynnol i'r awdurdod cyfrifol hefyd ddarparu'r wybodaeth a nodir yn adran 37N(2). Caiff yr wybodaeth hon ei defnyddio yn ei thro i fodloni'r gofynion cyhoeddi ar gyfer offerynnau statudol Cymreig.

Adran 37O – Cadw offerynnau statudol Cymreig

90. Er mwyn cyflwyno cysondeb â Deddfau Senedd Cymru a sicrhau bod cofnodion pwysig yn cael eu cadw'n barhaol, mae adran 37O yn ei gwneud yn ofynnol i Lyfrgell Genedlaethol Cymru ddal a rhoi ar gael y copïau ardystiedig o offerynnau statudol Cymreig sy'n dod i'w llaw gan yr awdurdod cyfrifol.

Adran 37P – Rhifo a dosbarthu offerynnau statudol Cymreig

91. Mae adran 37P yn nodi sut y mae rhaid i Argraffydd y Brenin ar gyfer Cymru rifo offerynnau statudol Cymreig. Yr effaith yw y caiff offerynnau o'r fath eu rhifo'n olynol ar gyfer pob blwyddyn galendr (gan ddechrau â rhif 1). Mae hyn yn dilyn y dull a ddefnyddir ar hyn o bryd ar gyfer offerynnau statudol a deddfwriaeth arall (gan gynnwys Deddfau Senedd Cymru, offerynnau statudol Albanaidd, Rheolau Statudol Gogledd Iwerddon, etc.)

86. As a result of Part 1 of this Act, subordinate legislation made by a responsible authority (see section 37B), which includes the Welsh Ministers, will be made as a Welsh statutory instrument, rather than as a statutory instrument to which the 1946 Act applies. The requirements for numbering, classifying, publishing and preserving Welsh statutory instruments are set out in new sections 37N to 37S of the 2019 Act, which are described below.

Section 37N – Official versions and certified copies of Welsh statutory instruments

87. In the same way as for Acts of Senedd Cymru, the process of publishing and promulgating a Welsh statutory instrument begins with the production of the text that is to be published. This must be an authoritative record of the legislation. With Acts of the Senedd, at present, there is a physical document upon which the Clerk must write certain information (see section 37K(2)). This is not necessarily the case with Welsh statutory instruments, which may be made electronically and as such the considerations for ensuring there is an authoritative record differ slightly.

88. Section 37N(1) requires the responsible authority to make certified copies of the instrument that has been made: one certified copy is sent to the National Library for Wales and a further certified copy is sent to the King's Printer for Wales. Subsection (3)(b) provides that a certified copy may be in electronic form. The only exception to this rule is if the Welsh statutory instrument has been classified as a local instrument (for which see section 37B); in such a case a certified copy of the instrument is not sent to the National Library of Wales (subsection (4)). Local instruments are still sent to the King's Printer for Wales to enable the publication requirements of section 37Q to be met.

89. When sending a certified copy of a Welsh statutory instrument to the King's Printer for Wales, the responsible authority is required to also provide the information set out in section 37N(2). This information will in turn be used to meet the publication requirements for Welsh statutory instruments.

Section 37O – Preservation of Welsh statutory instruments

90. To bring consistency with Acts of Senedd Cymru and ensure there is permanent preservation of important records, section 37O requires the National Library of Wales to hold and make available the certified copies of Welsh statutory instruments it receives from the responsible authority.

Section 37P – Numbering and classification of Welsh statutory instruments

91. Section 37P sets out the way the King's Printer for Wales must number Welsh statutory instruments. The effect is that for each calendar year such instruments will be consecutively numbered (starting from number 1). This follows the approach currently adopted for statutory instruments and other legislation (including Acts of the Senedd, Scottish statutory instruments, Northern Ireland Statutory Rules, etc.)

92. Mae is-adran (3) yn caniatáu i Argraffydd y Brenin ar gyfer Cymru ddefnyddio is-rif yn ogystal â'r rhif o'r gyfres o offerynnau statudol Cymreig. Dechreuodd yr arfer o ddefnyddio is-rifau ar gyfer offerynnau a rifwyd o dan Ddeddf 1946 a Rheoliadau 1947 yn y 1950au, ac mae wedi datblygu dros amser. Er enghraifft, rhoddir is-rif gydag "C" o'i flaen i orchmynion cychwyn neu reoliadau cychwyn. Mae offerynnau statudol sydd wedi eu gwneud ers 1999 gan Gynulliad Cenedlaethol Cymru (yn wreiddiol) a chan Weinidogion Cymru (wedi hynny) wedi eu nodi drwy roi is-rifau iddynt gyda "Cy." (yn Gymraeg) neu "W." (yn Saesneg) o'u blaenau. Yn ymarferol, nid yw'n debygol y bydd angen rhifau o'r fath yn y dyfodol gan y bydd yr holl offerynnau hynny yn cael eu gwneud fel offerynnau statudol Cymreig, a'u rhifo o dan y gyfres o offerynnau statudol Cymreig.

Adran 37Q – Cyhoeddi offerynnau statudol Cymreig

93. Mae adran 37Q yn parhau â'r rhwymedigaethau a sefydlwyd o dan Reoliadau 1947 ar gyfer cyhoeddi offerynnau statudol ac yn sicrhau bod rhaid i Argraffydd y Brenin ar gyfer Cymru gyhoeddi offerynnau statudol Cymreig. Rhaid i Argraffydd y Brenin ar gyfer Cymru hefyd gyhoeddi dogfennau sy'n gysylltiedig ag offeryn os bydd yr awdurdod cyfrifol yn gofyn iddo wneud hynny. Ar hyn o bryd, caiff offerynnau statudol eu cyhoeddi ar ffurf sy'n cynnwys y Nodyn Esboniadol i'r offeryn, a'r disgwyl yw y bydd hyn yn parhau. Fodd bynnag, gallai dogfennau ychwanegol gynnwys mapiau sy'n ymwneud ag offeryn, asesiadau effaith neu ddeunyddiau eraill.

94. Mae is-adran (2) yn nodi gwybodaeth benodol y mae rhaid ei chynnwys gyda'r is-ddeddfwriaeth pan fydd Argraffydd y Brenin yn cyhoeddi'r offeryn statudol Cymreig. Er bod y dyddiad y gwnaed yr offeryn fel arfer yn cael ei gynnwys ar ddiwedd yr offeryn (o dan enw'r person a wnaeth yr is-ddeddfwriaeth), mae hefyd i'w weld fel arfer ar flaen y ddogfen mewn nodyn defnyddiol o dan yr enw. At hyn, mae is-adran (2)(e) hefyd yn ei gwneud yn ofynnol i Argraffydd y Brenin gynnwys y dyddiad neu'r dyddiadau y daw'r offeryn i rym, neu ddisgrifiad o sut y daw'r offeryn i rym. Mae'r gofyniad hwn yn adlewyrchu'r ffaith y caiff darpariaethau gwahanol yn yr is-ddeddfwriaeth ddod i rym ar adegau gwahanol a chânt fod yn gysylltiedig â digwyddiadau neu drefniadau penodol. Mae hefyd yn golygu, pan fo'r sefyllfa'n gymhleth, y caiff y nodyn enwi'r darpariaethau yn yr offeryn sy'n pennu pryd y bydd yn dod i rym (er enghraifft, drwy nodi bod yr offeryn yn dod i rym "yn unol â rheoliad 1"), yn hytrach na gorfod nodi manylion y darpariaethau hynny'n llawn.

95. Gan adlewyrchu'r trefniadau ar gyfer cyhoeddi Deddfau Senedd Cymru, mae is-adran (4) yn cydnabod bod y rhan fwyaf o bobl yn edrych ar ddeddfwriaeth ar-lein yn hytrach nag mewn print. Caiff Argraffydd y Brenin ar gyfer Cymru hefyd argraffu a gwerthu copïau o offerynnau statudol Cymreig (gweler adran 37Y).

92. Subsection (3) permits the King's Printer for Wales to also use a subsidiary number alongside the number from the series of Welsh statutory instruments. The use of subsidiary numbers for instruments numbered under the 1946 Act and 1947 Regulations is a practice that began in the 1950s and has developed over time. For example, a subsidiary number prefixed by a "C" is applied to commencement orders or regulations. Statutory instruments made since 1999 by (originally) the National Assembly for Wales and (subsequently) the Welsh Ministers have been identified by giving them subsidiary numbers prefixed by "W." (in English) or "Cy." (in Welsh). In practice such numbering will likely not be required in future because all of those instruments will be made as, and numbered under the series of, Welsh statutory instruments.

Section 37Q – Publication of Welsh statutory instruments

93. Section 37Q continues the obligations established under the 1947 Regulations for the publication of statutory instruments and ensures that the King's Printer for Wales must publish Welsh statutory instruments. The King's Printer for Wales must also publish documents related to an instrument if asked to do so by the responsible authority. The current form in which statutory instruments are published includes the Explanatory Note to the instrument, and this is expected to continue. However, additional documents could include maps relating to an instrument, impact assessments or other materials.

94. Subsection (2) sets out certain information that must be included with the subordinate legislation when the King's Printer publishes the Welsh statutory instrument. Although the date the instrument was made is usually included at the end of the instrument (under the name of the person who made the subordinate legislation), it is also usually included at the front of the document in a helpful note under the title. Alongside this, subsection (2)(e) also requires the King's Printer to include the date or dates the instrument comes into force, or a description of how the instrument will come into force. This formulation reflects the position that different provisions of the subordinate legislation may come into force at different times and may be linked to specific events or arrangements. It also means that, where the position is complicated, the note may identify the provisions of the instrument that determine when it will come into force (for example, by saying that the instrument comes into force "in accordance with regulation 1"), rather than having to set out the details of those provisions in full.

95. Mirroring the arrangements for publishing Acts of the Senedd, subsection (4) recognises that most people access legislation online rather than in print. The King's Printer for Wales may also print and sell copies of Welsh statutory instruments (see section 37Y).

Adran 37R – Cyhoeddi offerynnau statudol Cymreig sy'n ddarostyngedig i weithdrefn gadarnhau'r Senedd

96. Pan fo is-ddeddfwriaeth yn ddarostyngedig i weithdrefn gadarnhau'r Senedd (gweler adran 37D a pharagraffau 28 i 36 uchod ynghylch hynny), mae adran 37R yn ei gwneud yn ofynnol i'r awdurdod cyfrifol hysbysu Argraffydd y Brenin ar gyfer Cymru os yw'r is-ddeddfwriaeth wedi ei chadarnhau gan y Senedd neu wedi peidio â chael effaith (os nas cadarnhawyd). Bydd hyn yn galluogi Argraffydd y Brenin ar gyfer Cymru i gynnwys gwybodaeth am y cadarnhad gyda'r offeryn cyhoeddedig. Pan nad yw offeryn wedi ei gadarnhau gan y Senedd, mae adran 37E(4)(c) yn ei gwneud yn ofynnol i'r awdurdod cyfrifol ddirymu'r is-ddeddfwriaeth. Yn ymarferol, cofnodir y dirymiad hwn yn erbyn y fersiwn ar-lein o'r offeryn cyhoeddedig.

Adran 37S – Achos am drosedd o dan offeryn statudol Cymreig nas cyhoeddwyd: amddiffyniad

97. Mae adran 3(2) o Ddeddf 1946 yn darparu amddiffyniad i achos am drosedd o dorri offeryn statudol, os nad oedd yr offeryn hwnnw wedi ei gyhoeddi gan Argraffydd y Brenin ar yr adeg pan gyflawnwyd y drosedd. Ystyriodd Cyd-bwyllgor Senedd y DU ar Offerynnau Statudol y ddarpariaeth hon yn ei adroddiad *Transparency and Accountability in Subordinate Legislation*,[1] gan nodi:

> *The Committee believes that this provision – which represents a significant exception to the principle that ignorance of the law is no excuse – illustrates the importance attached by Parliament to prompt publication of law once made, and the inherent unfairness of expecting citizens to comply with law that has not been published.*

98. Mae adran 37S yn gwneud darpariaeth debyg mewn cysylltiad ag is-ddeddfwriaeth sydd wedi ei chynnwys mewn offeryn statudol Cymreig, er ar ffurf fwy modern.

99. Mae adran 37W (gweler isod ynghylch hynny) yn ei gwneud yn ofynnol i Argraffydd y Brenin ar gyfer Cymru gyhoeddi'r dyddiad y cyhoeddwyd pob offeryn statudol Cymreig. Caniateir defnyddio hyn mewn achos pan fydd angen cadarnhau pryd y cyhoeddwyd offeryn am y tro cyntaf gan Argraffydd y Brenin ar gyfer Cymru (gweler adran 37X).

Adran 37T – Offerynnau statudol Cymreig drafft

100. Er bod copïau o rai offerynnau statudol drafft, offerynnau statudol Albanaidd drafft a rheolau statudol drafft Gogledd Iwerddon yn cael eu cyhoeddi ar-lein yn www.legislation.gov.uk, nid yw Gweinidogion Cymru fel arfer yn gofyn am gyhoeddi yno ddrafftiau o offerynnau statudol y maent yn bwriadu eu gwneud. Y rheswm am hyn yw bod yr holl offerynnau statudol drafft sy'n ddarostyngedig i'w cymeradwyo gan y Senedd cyn y gellir eu gwneud yn cael eu cyhoeddi ar wefan y Senedd ei hun (www.senedd.cymru). Mae hon yn darparu cofnod cynhwysfawr o offerynnau drafft, gyda gwefan legislation.gov.uk yn darparu cofnod llawn o'r holl offerynnau statudol a wnaed.

[1] Adroddiad Arbennig Cyntaf Sesiwn 2017–19 (2018), Papur Tŷ'r Arglwyddi Rhif 151; Papur Tŷ'r Cyffredin Rhif 1158

Section 37R – Publication of Welsh statutory instruments subject to Senedd confirmation procedure

96. When subordinate legislation is subject to the Senedd confirmation procedure (for which see section 37D and paragraphs 28 to 36 above), section 37R requires the responsible authority to notify the King's Printer for Wales if the subordinate legislation has been confirmed by the Senedd or has ceased to have effect (if not confirmed). This will enable the King's Printer for Wales to include information regarding the confirmation with the published instrument. Where an instrument has not been confirmed by the Senedd, section 37E(4)(c) requires the responsible authority to revoke the subordinate legislation. In practice this revocation will be recorded against the online version of the published instrument.

Section 37S – Proceedings for offence under unpublished Welsh statutory instrument: defence

97. Section 3(2) of the 1946 Act provides a defence to proceedings for an offence of contravening a statutory instrument, if that instrument had not been published by the King's Printer at the time of the offence. The UK Parliament's Joint Committee on Statutory Instruments considered this provision in their report *Transparency and Accountability in Subordinate Legislation*[1], noting:

> *The Committee believes that this provision – which represents a significant exception to the principle that ignorance of the law is no excuse – illustrates the importance attached by Parliament to prompt publication of law once made, and the inherent unfairness of expecting citizens to comply with law that has not been published.*

98. Section 37S makes similar provision in respect of subordinate legislation contained within a Welsh statutory instrument, albeit in a more modern form.

99. Section 37W (for which see below) requires the King's Printer for Wales to publish the date on which each Welsh statutory instrument was published. This may be used in proceedings when it is necessary to establish when an instrument was first published by the King's Printer for Wales (see section 37X).

Section 37T – Draft Welsh statutory instruments

100. Although copies of certain draft statutory instruments, Scottish statutory instruments and Northern Ireland statutory rules are published online at www.legislation.gov.uk, the Welsh Ministers do not usually ask for drafts of statutory instruments they intend to make to be published there. This is because all draft statutory instruments that are subject to the approval of the Senedd before they can be made are published on the Senedd's own website (www.senedd.wales). This provides a comprehensive record of draft instruments, with the legislation.gov.uk website providing a full record of all made statutory instruments.

[1] First Special Report of Session 2017–19 (2018), HL Paper No.151; HC Paper No.1158

101. Serch hynny, mae adran 37T yn darparu, os yw'r awdurdod cyfrifol yn gofyn i Argraffydd y Brenin ar gyfer Cymru gyhoeddi offeryn statudol Cymreig drafft, fod rhaid i Argraffydd y Brenin ar gyfer Cymru gyhoeddi hwn ar-lein. Gallai Gweinidogion Cymru, er enghraifft, ofyn i offeryn drafft penodol gael ei gyhoeddi os ystyriwyd bod hyn yn briodol. O dan adran 37Y caiff Argraffydd y Brenin argraffu a gwerthu copïau caled o offeryn statudol Cymreig drafft (ond nid yw'n ofynnol iddo wneud hynny).

Adran 37U – Cyhoeddi effeithiau deddfwriaeth

102. O dan reoliad 10 o Reoliadau 1947 rhaid i'r Ysgrifennydd Gwladol "beri cynhyrchu" dogfen brint a elwir y "rhifyn blynyddol". Mae rheoliad 10 hefyd yn ei gwneud yn ofynnol i Argraffydd Deddfau Seneddol y Brenin ac HMSO argraffu a chyhoeddi'r rhifyn blynyddol. Mae'r rhifyn blynyddol yn cynnwys (ac yn unol â rheoliad 10(d)) dablau yn dangos yr effaith y mae unrhyw ddiwygiadau a wneir i ddeddfiadau presennol gan yr offerynnau statudol yn y rhifyn blynyddol hwnnw (sef, yr offerynnau statudol a wnaed yn y flwyddyn galendr y mae'r rhifyn blynyddol yn ymwneud â hi) yn ei chael ar y deddfiadau hynny.

103. Mae'r wefan a gynhelir gan yr Archifau Gwladol (ar ran Argraffydd Deddfau Seneddol y Brenin), www.legislation.gov.uk, yn rhoi'r rhan fwyaf o fathau o ddeddfwriaeth a'u dogfennau esboniadol cysylltiedig (ond nid pob un) ar gael am ddim. Mae hyn yn cynnwys offerynnau statudol a wneir gan Weinidogion Cymru (a chan Gynulliad Cenedlaethol Cymru cyn hynny), Deddfau Senedd Cymru a Mesurau'r Cynulliad Cenedlaethol.

104. Ar y cyd â chopïau o ddeddfiadau fel y'u gwnaed neu fel y'u deddfwyd, mae'r wefan hefyd yn cyhoeddi fersiynau o'r deddfiadau ar 'ffurf ddiwygiedig'. Mae 'diwygiedig' yn y cyd-destun hwn yn golygu bod diwygiadau a wnaed gan ddeddfwriaeth ddilynol wedi eu hymgorffori yn y testun a ddangosir ar-lein. Ar gyfer pob deddfiad, mae'r wefan hefyd yn cynnwys tabl yn rhestru pob diwygiad y mae'r deddfiad yn ei wneud i ddeddfwriaeth gynharach, a thabl yn rhestru pob diwygiad y mae'r ddeddfwriaeth ddilynol honno'n ei wneud i'r deddfiad ac yn dangos tarddiad y diwygiad.

105. Felly, mae Adran 37U yn ei gwneud yn ofynnol i Argraffydd y Brenin ar gyfer Cymru gyhoeddi ar-lein dablau'n dangos yr effeithiau y mae Deddfau Senedd Cymru neu offerynnau statudol Cymreig yn eu cael ar ddeddfiadau. Yn ymarferol, caiff yr wybodaeth hon ei chyhoeddi ar wefan legislation.gov.uk (mae'n ymddangos ar hyn o bryd o dan y tab "Rhagor o Adnoddau" ar gyfer Deddf neu offeryn).

Adran 37V – Cyhoeddi deddfwriaeth Cymru fel y'i diwygiwyd

106. Fel y nodwyd uchod mae gwefan legislation.gov.uk yn cyhoeddi deddfwriaeth ar 'ffurf ddiwygiedig'. Mae hyn yn golygu bod diwygiadau a wneir i ddeddfwriaeth gan ddeddfwriaeth ddilynol yn ymddangos wedi eu hymgorffori yn y testun. Mewn geiriau eraill, caiff y ddeddfwriaeth ei chyhoeddi ar ffurf wedi ei diweddaru.

101. Nonetheless, section 37T provides that if the responsible authority asks the King's Printer for Wales to publish a draft Welsh statutory instrument, the King's Printer for Wales must publish this online. The Welsh Ministers could, for example, ask for a particular draft instrument to be published if this was considered appropriate. Under section 37Y the King's Printer may print and sell hard copies of a draft Welsh statutory instrument (but is not required to do so).

Section 37U – Publication of effects of legislation

102. Under regulation 10 of the 1947 Regulations the Secretary of State must "cause to be prepared" a printed document known as the "annual edition". Regulation 10 also requires the King's Printer of Acts of Parliament and HMSO to print and publish the annual edition. Within the annual edition (and in accordance with regulation 10(d)) there are to be tables showing the effect on existing enactments of any amendments made to them, by the statutory instruments included in that annual edition (namely, the statutory instruments that have been made in the calendar year to which the annual edition relates).

103. The website operated by The National Archives (on behalf of the King's Printer of Acts of Parliament), www.legislation.gov.uk, provides access without charge to most (but not all) types of legislation and their accompanying explanatory documents. This includes statutory instruments made by the Welsh Ministers (and previously the National Assembly for Wales), Acts of the Senedd and Measures of the National Assembly.

104. Alongside copies of enactments as they were made or enacted, the website also publishes versions of the enactments in 'revised form'. 'Revised' in this context means that amendments made by subsequent legislation are incorporated into the text shown online. For each enactment, the website also includes a table listing each amendment that the enactment makes to earlier legislation, and a table listing each amendment that subsequent legislation makes to the enactment and showing the derivation of the amendment.

105. Section 37U therefore requires the King's Printer for Wales to publish online tables showing the effects made to enactments by Acts of the Senedd or Welsh statutory instruments. In practice this information will be published on the legislation.gov.uk website (currently this is shown on the "More Resources" tab of an Act or instrument).

Section 37V – Publication of Welsh legislation as amended

106. As noted above the legislation.gov.uk website publishes legislation in 'revised form'. This means that amendments made to legislation by subsequent legislation are shown as incorporated into the text. In other words, the legislation is published in up-to-date form.

107. Cafodd ychydig o ddeddfwriaeth ar ffurf ddiwygiedig ei rhoi ar gael ar-lein i'r cyhoedd am y tro cyntaf ym mis Rhagfyr 2006 ar Gronfa Ddata Cyfraith Statud y DU. Ym mis Gorffennaf 2010, lansiwyd gwefan legislation.gov.uk, gan ymgorffori'r ddeddfwriaeth ddiwygiedig o'r Gronfa Ddata Cyfraith Statud a'r ddeddfwriaeth 'fel y'i deddfwyd' o wefan Swyddfa Gwybodaeth y Sector Cyhoeddus (neu OPSI). Defnyddiwyd nifer o wahanol ffynonellau i greu'r cofnodion o ddeddfwriaeth ddiwygiedig, ac am nifer o flynyddoedd bu ymdrechion yn canolbwyntio ar ymgorffori diwygiadau i ddeddfwriaeth sylfaenol, fel bod Deddfau'r bedair ddeddfwrfa yn y Deyrnas ar ffurf ddiwygiedig yn cael eu rhoi ar gael. Yn fwy diweddar mae gwaith wedi bod yn mynd rhagddo i roi offerynnau statudol ar gael hefyd ar ffurf ddiwygiedig. Yn ogystal ag adlewyrchu diwygiadau newydd i offerynnau statudol ar wefan legislation.gov.uk, mae gwaith hefyd yn cael ei wneud ar ôl-groniad tebyg o ddiwygiadau sydd eisoes wedi eu gwneud.

108. Mae Adran 37V yn ei gwneud yn ofynnol i Argraffydd y Brenin ar gyfer Cymru gyhoeddi, ar-lein, ddeddfwriaeth Cymru fel y'i diwygiwyd gan unrhyw ddeddfiad arall. Yn ymarferol, y ddeddfwriaeth hon fydd y ffurf ddiwygiedig ar Ddeddfau Senedd Cymru, Mesurau'r Cynulliad ac offerynnau statudol Cymreig, sy'n cael eu rhoi ar gael ar wefan legislation.gov.uk. Gwneir hyn "i'r graddau y bo'n ymarferol" o'r adeg y daw diwygiad i rym. Bydd y graddau y mae hyn yn ymarferol yn dibynnu ar sawl ffactor, gan gynnwys yr amser rhwng deddfu neu wneud y ddeddfwriaeth sy'n rhoi effaith i'r newid a'r adeg y daw i rym, swm (cyffredinol) y ddeddfwriaeth a gyhoeddir yn ystod y cyfnod hwnnw, cymhlethdod y darpariaethau a'r graddau y bydd angen dangos diwygiadau hŷn hefyd er mwyn i ddeddfiad fod wedi ei diweddaru.

Adran 37W – Cofnod o ddeddfwriaeth Cymru

109. Mae adran 37W yn ei gwneud yn ofynnol i Argraffydd y Brenin gynnal a chadw a chyhoeddi cofnod ar-lein o wybodaeth sylfaenol ynghylch pob Deddf gan Senedd Cymru a phob offeryn statudol Cymreig. Mae hyn yn cynnwys y dyddiad y cyhoeddwyd pob un. Yn ymarferol y dyddiad hwn yw'r dyddiad y'i cyhoeddwyd am y tro cyntaf (gwybodaeth sy'n angenrheidiol er mwyn penderfynu a all yr amddiffyniad yn adran 37S o ran deddfwriaeth nas cyhoeddwyd fod yn berthnasol), ynghyd â dyddiadau unrhyw gyhoeddiad ychwanegol ar ôl hynny.

Adran 37Y – Argraffu a gwerthu deddfwriaeth Cymru a dogfennau cysylltiedig

110. Mae adran 37Y yn darparu i Argraffydd y Brenin ar gyfer Cymru argraffu a gwerthu deddfwriaeth Cymru a dogfennau sy'n gysylltiedig â deddfwriaeth Cymru. Mae hyn yn cynnwys deddfwriaeth sydd eisoes wedi ei deddfu neu wedi ei gwneud gan Weinidogion Cymru, Senedd Cymru a Chynulliad Cenedlaethol Cymru gynt. Mae hefyd yn darparu'r sylfaen ddeddfwriaethol ar gyfer argraffu a gwerthu deddfiadau yn y dyfodol (Deddfau Senedd Cymru ac offerynnau statudol Cymreig).

107. A limited amount of legislation in revised form was first made available online to the public in December 2006 on the UK Statute Law Database. In July 2010, the legislation.gov.uk website was launched, incorporating both the revised legislation content from the Statute Law Database and the 'as enacted' legislation from the website of the Office of Public Sector Information (known as OPSI). Several sources were used to build the revised legislation records and for a number of years efforts were concentrated on incorporating amendments to primary legislation, so that Acts of the four UK legislatures in revised form are made available. More recently work has been underway to also make statutory instruments available in revised form. As well as reflecting new amendments to statutory instruments on the legislation.gov.uk website, a similar backlog of amendments previously made is also being worked through.

108. Section 37V requires the King's Printer for Wales to publish, online, Welsh legislation as it has been amended by any other enactment. In practice, this will be the revised form of Acts of the Senedd, Assembly Measures and Welsh statutory instruments, made available on the legislation.gov.uk website. This is to be done "so far as practicable" from the time an amendment comes into force. The extent to which this is practicable will depend on a number of factors, including the time between the legislation effecting the change being enacted or made and it coming into force, the (overall) amount of legislation that is published during that period, the complexity of the provisions and the extent to which older amendments also need to be reflected in order for an enactment to be up-to-date.

Section 37W – Record of Welsh legislation

109. Section 37W requires the King's Printer to maintain and publish an online record of basic information regarding each Act of the Senedd and Welsh statutory instrument. This includes the date upon which each was published. In practice this will be the date it was first published (information that is necessary to establish whether the defence of non-publication at section 37S may be relevant), together with the subsequent dates of any additional publication.

Section 37Y – Printing and selling Welsh legislation and related documents

110. Section 37Y provides for the King's Printer for Wales to print and sell Welsh legislation and documents associated with Welsh legislation. This includes legislation that has already been enacted or made by the Welsh Ministers, Senedd Cymru and formerly the National Assembly for Wales. It also provides the legislative basis for the printing and sale of future enactments (Acts of the Senedd and Welsh statutory instruments).

111. Yn unol â Deddf Llyfrgelloedd Adneuo Cyfreithiol 2003 (p. 28), ar hyn o bryd mae Llyfrgell Genedlaethol Cymru a'r llyfrgelloedd adneuo cyfreithiol eraill[2] yn cael copïau o bob offeryn statudol print a wneir gan Weinidogion Cymru (sef, yr holl offerynnau nad ydynt wedi eu dosbarthu'n offerynnau lleol) a chopi o bob Deddf gan Senedd Cymru. Darperir y rhain iddynt ar ran Argraffydd y Brenin. Bydd y trefniant hwn yn parhau ac ni fydd adran 37Y na Rhan 2B yn ehangach yn effeithio arno.

Adran 37Z – Gweinidogion Cymru i gyhoeddi is-ddeddfwriaeth nas gwneir drwy offeryn statudol

112. O bryd i'w gilydd gwneir darpariaeth mewn Deddf gan Senedd Cymru ynghylch cyhoeddi is-ddeddfwriaeth nad yw ar ffurf offeryn statudol. Er enghraifft, o dan adran 15 o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016, rhaid i Weinidogion Cymru gyhoeddi unrhyw gyfarwyddydau cyffredinol a roddir ganddynt i Awdurdod Cyllid Cymru. Yn yr un modd, mae adran 19 o Ddeddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020 yn gwneud darpariaeth ar gyfer cyhoeddi Cod Ymarfer.

113. Fodd bynnag, yn ehangach, nid oes unrhyw ofynion cyffredinol ar Weinidogion Cymru i gyhoeddi is-ddeddfwriaeth a wneir ganddynt pan nad yw ar ffurf offeryn statudol (neu offeryn statudol Cymreig). Yn ymarferol, cyhoeddir y rhan fwyaf o is-ddeddfwriaeth nad yw ar ffurf offeryn statudol ar wefan Llywodraeth Cymru: www.llyw.cymru.

114. Serch hynny, mae'r Cwnsler Cyffredinol a Gweinidogion Cymru, yn eu rhaglen i wneud cyfraith Cymru yn fwy hygyrch (*Dyfodol Cyfraith Cymru* (diwygiwyd 2023), Llywodraeth Cymru), wedi ymrwymo i wella'r trefniadau ar gyfer cyhoeddi is-ddeddfwriaeth. Mae adran 37Z yn gosod dyletswydd ar Weinidogion Cymru i rifo, dosbarthu a chyhoeddi ar-lein yr holl is-ddeddfwriaeth a wneir ganddynt pan nad yw ar ffurf offeryn statudol Cymreig.

115. Nid yw adran 37Z yn rhoi manylion am y trefniadau ar gyfer rhifo a dosbarthu is-ddeddfwriaeth, ond yn lle hynny mae adran (2) yn ei gwneud yn ofynnol i Weinidogion Cymru lunio a chyhoeddi penderfyniad ar y trefniadau hyn.

Adran 37Z1 – Cyfeiriadau at offerynnau statudol Cymreig

116. Mae adran 37Z1 yn gwneud darpariaeth ynghylch sut y caniateir cyfeirio at offeryn statudol Cymreig (neu sut y caniateir 'enwi' offeryn, pan fo'r cyfeiriad mewn deddfwriaeth arall). Yn gyntaf, mae'n darparu y caniateir cyfeirio at yr offeryn statudol Cymreig yn ôl ei enw yn Gymraeg neu yn Saesneg. Mae pob offeryn statudol ar hyn o bryd yn cynnwys darpariaeth (fel arfer yn y rheoliad cyntaf, y rheol gyntaf neu'r erthygl gyntaf yn yr is-ddeddfwriaeth) ynghylch enw'r offeryn. Fodd bynnag, gellir dadlau na ddaw'r ddarpariaeth honno i rym tan y dyddiad a bennir yn y ddarpariaeth gychwyn. Felly dilëir unrhyw amwysedd ynghylch a ganiateir cyfeirio at yr offeryn yn ôl ei enw cyn i'r ddarpariaeth honno fod mewn grym, ac yn lle hynny mae adran 37Z1 yn sicrhau y caniateir cyfeirio at yr offeryn yn ôl ei enw o'r eiliad y'i gwneir.

[2] Y Llyfrgell Brydeinig, Llyfrgell Genedlaethol yr Alban a llyfrgelloedd Prifysgol Rhydychen a Phrifysgol Caergrawnt a Choleg y Drindod Dulyn: gweler adran 14 o Ddeddf 2003.

111. In accordance with the Legal Deposit Libraries Act 2003 (c. 28), the National Library of Wales and the other legal deposit libraries[2] currently receive copies of each printed statutory instrument made by the Welsh Ministers (in other words, all instruments that have not been classified as local instruments) and a copy of each Act of the Senedd. These are provided to them on behalf of the King's Printer. This arrangement will continue and is unaffected by section 37Y or Part 2B more widely.

Section 37Z – Welsh Ministers to publish subordinate legislation not made by statutory instrument

112. Occasionally provision is made in an Act of the Senedd regarding the publication of subordinate legislation that is not in the form of a statutory instrument. For example, under section 15 of the Tax Collection and Management (Wales) Act 2016, the Welsh Ministers must publish any general directions they give the Welsh Revenue Authority. Similarly, section 19 of Health and Social Care (Quality and Engagement) (Wales) Act 2020 makes provision for the publication of a Code of Practice.

113. More widely though there are no overarching requirements upon the Welsh Ministers to publish subordinate legislation made by them when it is not in the form of a statutory instrument (or Welsh statutory instrument). In practice most subordinate legislation not in the form of a statutory instrument is published on the Welsh Government's website: www.gov.wales

114. Nonetheless the Counsel General and Welsh Ministers have, in their programme to improve the accessibility of Welsh law (*The Future of Welsh Law* (revised 2023), Welsh Government), committed to strengthen the publication arrangements for subordinate legislation. Section 37Z places a duty on the Welsh Ministers to number, classify and publish online all subordinate legislation made by them when it is not in the form of a Welsh statutory instrument.

115. Section 37Z does not detail the arrangements for numbering and classification of subordinate legislation, but instead at subsection (2) requires the Welsh Ministers to prepare and publish a determination on these arrangements.

Section 37Z1 – References to Welsh statutory instruments

116. Section 37Z1 makes provision about how a Welsh statutory instrument may be referred to (this is sometimes known as 'cited' when the reference is in other legislation). Firstly it provides the Welsh statutory instrument may be referred to by its title in either Welsh or English. All statutory instruments currently include provision (usually in the first regulation, rule or article of the subordinate legislation) about the name of the instrument. Arguably however that provision does not come into force until the date specified in the commencement provision. Therefore any ambiguity as to whether the instrument may be referred to by its title before that provision is in force is removed and instead section 37Z1 ensures the instrument may be referred to by its title from the moment it is made.

[2] The British Library, the National Library of Scotland and the libraries of Oxford and Cambridge Universities and Trinity College Dublin: see section 14 of the 2003 Act.

117. Mae Adran 37Z1 hefyd yn darparu y caniateir cyfeirio at offeryn statudol Cymreig yn ôl ei rhagddodiad, blwyddyn a rhif. Yr enghraifft a roddir yn adran 37Z1 yw "O.S.C. 2026/1". Nid oes gofyniad na disgwyliad bod unrhyw is-rif a roddir i'r offeryn (gweler adran 37P(3)) yn ffurfio rhan o'r cyfeirnod y caniateir ei ddefnyddio wrth gyfeirio at offeryn.

Adran 37Z2 – Argraffydd y Brenin ar gyfer Cymru: dirprwyo swyddogaethau

118. Mae adran 37Z2 yn ei gwneud yn glir y caiff Argraffydd y Brenin ar gyfer Cymru ddirprwyo unrhyw un neu ragor o'r swyddogaethau a roddir iddo gan Ran 2B (wrth barhau i fod yn gyfrifol am gyflawni'r swyddogaethau, ac mae unrhyw beth a wneir gan y person y dirprwyir iddo i'w drin fel pe bai wedi ei wneud gan Argraffydd y Brenin ar gyfer Cymru).

119. Mae Adran 37Z2 yn galluogi Argraffydd y Brenin ar gyfer Cymru i gontractio allan y gwaith o argraffu a gwerthu offerynnau statudol Cymreig, er enghraifft, fel y'i gwneir ar hyn o bryd mewn perthynas ag offerynnau statudol.

RHAN 3 – DIDDYMIADAU I DDEDDFWRIAETH CYMRU

Adran 4 – Diddymiadau a diwygiadau cysylltiedig

Atodlen 1 – Diddymiadau a diwygiadau cysylltiedig

120. Mae Atodlen 1 (a gyflwynir gan adran 4) yn cynnwys diddymiadau o ddeddfiadau amrywiol a diwygiadau iddynt.

Rhan 1 – Byrddau Datblygu Gwledig

121. Nod Rhan 3 o Ddeddf Amaethyddiaeth 1967 ('Deddf 1967') oedd hyrwyddo defnydd gwell o diroedd mynydd, a rhoddodd bwerau i Weinidogion i sefydlu Byrddau Datblygu Gwledig a allai lunio rhaglenni i ymdrin â'r *"special problems … of rural areas of hills and uplands, and the special needs of such areas"* (adran 45(1)). Mae Atodlen 5 i Ddeddf 1967 yn rhagnodi'r mecanwaith ar gyfer sefydlu Bwrdd o'r fath a'i gyfansoddiad. Mae swyddogaethau sefydlu Byrddau Datblygu Gwledig o ran Cymru bellach wedi eu trosglwyddo i Weinidogion Cymru.

122. Nid oes Byrddau Datblygu Gwledig wedi eu sefydlu o ran Cymru o dan Ddeddf 1967.

123. Mae paragraff 1 o'r Atodlen hon i'r Ddeddf yn diwygio Deddf 1967 er mwyn datgymhwyso darpariaethau yn Rhan 3 o'r Ddeddf honno o ran Cymru, gan gynnwys diwygio'r darpariaethau dehongli perthnasol i hepgor cyfeiriadau at Gymru na fyddai eu hangen mwyach. Mae Atodlen 5 i Ddeddf 1967 yn cael ei chyflwyno gan adran 45(5) o'r Ddeddf honno. Gan na fydd yn bosibl sefydlu Bwrdd Datblygu Gwledig ar gyfer ardal yng Nghymru mwyach, ni fydd Atodlen 5 yn gymwys yng Nghymru.

124. Mae'r Ddeddf hefyd yn gwneud diwygiadau canlyniadol i Ddeddf Llywodraeth Leol (Cymru) 1994 ac i Atodlen 3A i Ddeddf 2006.

117. Section 37Z1 also provides the Welsh statutory instrument may be referred to by its prefix, year and number. The example given in section 37Z1 is "W.S.I. 2026/1". There is no requirement or expectation that any subsidiary number applied to the instrument (see section 37P(3)) forms part of the reference by which an instrument may be referred.

Section 37Z2 – The King's Printer for Wales: delegation of functions

118. Section 37Z2 makes clear the King's Printer for Wales may delegate any of the functions conferred on him by Part 2B (whilst remaining responsible for carrying out the functions and anything done by the delegate is to be treated as if done by the King's Printer for Wales).

119. Section 37Z2 enables the King's Printer for Wales to contract out the printing and selling of Welsh statutory instruments, for example, as is done currently in relation to statutory instruments.

PART 3 – REPEALS OF WELSH LEGISLATION

Section 4 – Repeals and connected amendments

Schedule 1 – Repeals and connected amendments

120. Schedule 1 (introduced by section 4) contains repeals and amendments of various enactments.

Part 1 – Rural Development Boards

121. The aim of Part 3 of the Agriculture Act 1967 ('the 1967 Act') was to promote the better use of hill lands and provided Ministers with powers to set up Rural Development Boards that could draw up programmes to deal with the "*special problems … of rural areas of hills and uplands, and the special needs of such areas*" (section 45(1)). Schedule 5 to the 1967 Act prescribes the mechanism for establishing such a Board and its constitution. The functions of establishing Rural Development Boards in relation to Wales now sit with the Welsh Ministers.

122. No Rural Development Boards have been established in relation to Wales under the 1967 Act.

123. Paragraph 1 of this Schedule to the Act amends the 1967 Act to disapply provisions in Part 3 of that Act in relation to Wales, including amending the relevant interpretation provisions to remove references to Wales that would no longer be required. Schedule 5 to the 1967 Act is introduced by section 45(5) of that Act. As it will no longer be possible to establish a Rural Development Board for an area in Wales, Schedule 5 will not apply in Wales.

124. The Act also makes consequential amendments to the Local Government (Wales) Act 1994 and to Schedule 3A to the 2006 Act.

Rhan 2 – Ardaloedd parthau menter

125. Cyflwynodd Deddf Llywodraeth Leol, Cynllunio a Thir 1980 ('Deddf 1980') bwerau i sefydlu 'parthau menter' i weld sut y gallai llacio rheolaeth gynllunio, esemptio rhag ardrethi annomestig a chymhellion cyllidol penodol eraill helpu i adfywio ardaloedd trefol adfeiliedig a diffaith. Yn y degawdau canlynol, gwnaed tua 35 o orchmynion, gan ddynodi rhyngddynt ychydig dros 100 parth. O'r rheini, dynododd pedwar gorchymyn 15 parth yng Nghymru.[3]

126. Mae paragraff 4 o'r Atodlen hon i'r Ddeddf yn diwygio Atodlen 32 i Ddeddf 1980 er mwyn datgymhwyso'r darpariaethau hyn o ran Cymru. Effaith hyn yw dileu pŵer Gweinidogion Cymru i ddynodi parthau menter. Mae'r Ddeddf hefyd yn gwneud diwygiadau canlyniadol i Ddeddf Llywodraeth Leol (Cymru) 1994 a Deddf Cartrefi Symudol (Cymru) 2013.

127. Darparwyd ar gyfer ail fath o barth menter wedyn yn Neddf Lwfansau Cyfalaf 2001, fel y'i diwygiwyd gan Ddeddf Cyllid 2012; nod y rhain yw annog twf economaidd a buddsoddiad. Mae wyth parth menter yn weithredol yng Nghymru ar hyn o bryd, pob un yn arbenigo mewn sector busnes penodol. Nid yw'r Ddeddf yn effeithio ar yr ail fath hwn o barth menter.

Rhan 3 – Ymddiriedolaethau gweithredu tai

128. Mae Rhan 3 o Ddeddf Tai 1988 ('Deddf 1988') yn gwneud darpariaeth ynghylch 'ardaloedd ymddiriedolaethau gweithredu tai'. Mae'r rhain yn ardaloedd lle y mae Gweinidogion Cymru (neu yn Lloegr, yr Ysgrifennydd Gwladol) yn ystyried y gallai amodau byw trigolion lleol, yr amodau cymdeithasol a'r amgylchedd cyffredinol gael eu gwella drwy sefydlu ymddiriedolaeth gweithredu tai. Rhwng 1991 a 1994, dynodwyd chwe ardal yn ardaloedd ymddiriedolaethau gweithredu tai, a phob un ohonynt yn Lloegr. Nid oes yr un ardal ymddiriedolaeth gweithredu tai wedi ei dynodi yng Nghymru.

129. Gellid dynodi ymddiriedolaeth o'r fath yn awdurdod cynllunio lleol yn ei hardal (o dan adran 8 o Ddeddf Cynllunio Gwlad a Thref 1990). Ni ddynodwyd yr un o'r ymddiriedolaethau yn awdurdod cynllunio lleol. Cafodd pob un o'r ymddiriedolaethau a sefydlwyd ar gyfer ardaloedd yn Lloegr eu dirwyn i ben ar wahanol ddyddiadau rhwng 1999 a 2005.

130. Mae paragraff 7 o'r Atodlen hon i'r Ddeddf yn diwygio Rhan 3 o Ddeddf 1988 fel na fydd yn gymwys o ran Cymru. Bydd hyn yn golygu na ellir sefydlu ymddiriedolaethau gweithredu tai ond ar gyfer ardaloedd yn Lloegr, ac na allant ond arfer swyddogaethau mewn ardaloedd yn Lloegr. O ganlyniad i'r newidiadau arfaethedig i Ddeddf 1988, mae angen diwygiadau i Ddeddfau amrywiol eraill.

[3] Abertawe (o dan O.S. 1981/757), 13 ar lannau Dyfrffordd Aberdaugleddau (O.S. 1984/443 ac O.S. 1984/444) a Chwm Tawe Isaf (O.S. 1985/137).

Part 2 – Enterprise zone areas

125. The Local Government, Planning and Land Act 1980 ('the 1980 Act') introduced powers to establish 'enterprise zones' to see how the relaxation of planning control, exemption from non-domestic rates and certain other fiscal incentives could help with the regeneration of run-down and derelict urban areas. In the following decades, some 35 orders were made, between them designating just over 100 zones. Of those, four orders designated 15 zones in Wales[3].

126. Paragraph 4 of this Schedule to the Act amends Schedule 32 to the 1980 Act to disapply these provisions in relation to Wales. This has the effect of removing the Welsh Ministers' power to designate enterprise zones. The Act also makes consequential amendments to the Local Government (Wales) Act 1994 and Mobile Homes (Wales) Act 2013.

127. A second type of enterprise zone was subsequently provided for in the Capital Allowances Act 2001, as amended by the Finance Act 2012; these aim to encourage economic growth and investment. There are currently eight enterprise zones operational in Wales, each specialising in a specific business sector. The Act does not affect this second type of enterprise zone.

Part 3 – Housing action trusts

128. Part 3 of the Housing Act 1988 ('the 1988 Act') makes provision about 'housing action trust areas'. These are areas where the Welsh Ministers (or in England, the Secretary of State) consider that living conditions of local residents, social conditions and general environment could be improved by the creation of a housing action trust. Between 1991 and 1994 six areas were designated housing action trust areas, all of which were in England. No housing action trust areas have been designated in Wales.

129. Such a trust could be designated as the local planning authority in its area (under section 8 of the Town and Country Planning Act 1990). None of the trusts were designated a local planning authority. All of the trusts established for areas in England were wound up at various dates between 1999 and 2005.

130. Paragraph 7 of this Schedule to the Act amends Part 3 of the 1988 Act so that it does not apply in relation to Wales. This will mean that housing action trusts can only be established for, and exercise functions in, areas in England. In consequence of the proposed changes to the 1988 Act, amendments are required to various other Acts.

[3] Swansea (under S.I. 1981/757), 13 on the shores of the Milford Haven Waterway (S.I. 1984/443 and S.I. 1984/444) and the Lower Swansea Valley (S.I. 1985/137).

Rhan 4 – Cynlluniau lleol, cynlluniau strwythur a chynlluniau datblygu unedol

131. Mae'r system gynllunio yng Nghymru yn un 'sy'n cael ei harwain gan gynlluniau datblygu', sy'n golygu mai cynlluniau datblygu yw'r man cychwyn wrth wneud penderfyniadau cynllunio. Pan fydd cynllun datblygu wedi cael ei fabwysiadu, bydd penderfyniadau ar geisiadau cynllunio'n cael eu gwneud yn unol â'r cynllun datblygu, oni bai bod ystyriaethau perthnasol eraill yn nodi fel arall. Mae'r system cynlluniau datblygu yng Nghymru yn cynnwys tair haen gyda chynlluniau'n cael eu llunio ar lefel genedlaethol, ranbarthol a lleol.

132. Arferai'r ddeddfwriaeth sylfaenol ynghylch llunio cynlluniau datblygu fod yn Rhan 2 o Ddeddf Cynllunio Gwlad a Thref 1990 ('Deddf 1990'). Roedd Rhan 2 yn darparu, yn gyffredinol, y dylai fod cynllun strwythur (wedi ei lunio fel arfer gan y cyngor ar gyfer sir gyfan) a chyfres o gynlluniau lleol (pob un wedi ei lunio gan y cyngor dosbarth perthnasol, gan gwmpasu'r cyfan neu ran o'i ardal) ar gyfer pob ardal. Mewn achosion lle roedd system un haen o gynghorau bwrdeistref, darparai Deddf 1990 hefyd ar gyfer cynlluniau datblygu unedol (CDUau). Pan gyflwynwyd y system un haen bresennol o lywodraeth leol yng Nghymru o dan Ddeddf Llywodraeth Leol (Cymru) 1994 ('Deddf 1994'), roedd yn ofynnol i'r awdurdodau unedol newydd lunio CDUau ar gyfer eu hardaloedd.

133. Wedi hynny, cyflwynodd Rhan 6 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ('Deddf 2004') Gynllun Gofodol Cymru, sef cynllun newydd ar gyfer Cymru gyfan, a oedd i'w lunio gan Gynulliad Cenedlaethol Cymru (fel yr oedd ar y pryd). Cyflwynodd ofyniad hefyd i awdurdodau cynllunio lleol lunio cynlluniau datblygu lleol (CDLlau) a fyddai, o'u mabwysiadu, yn cymryd lle cynlluniau a fabwysiadwyd o dan y systemau blaenorol.

134. Diwygiodd Deddf Cynllunio (Cymru) 2015 Ddeddf 2004 drwy gyflwyno Fframwaith Datblygu Cenedlaethol Cymru (FfDC), a ddaeth yn rhan o'r cynllun datblygu gan gymryd lle Cynllun Gofodol Cymru (o 24 Chwefror 2021). Roedd hefyd yn darparu ar gyfer llunio cynlluniau datblygu strategol (CDSau) ar lefel ranbarthol, gyda Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 yn ei gwneud yn ofynnol i gyd-bwyllgorau corfforedig eu llunio.

135. Yn ei hanfod felly, bu'r dilyniant dros amser fel a ganlyn: cynlluniau lleol/cynlluniau strwythur (hyd at 1996); CDUau (1996-2005); CDLlau, CDSau ac FfDC (o 2005 ymlaen). Bob tro y mae'r system wedi newid mae'r ddeddfwriaeth ddiwygio wedi darparu ar gyfer trefniadau trosiannol. Roedd y trefniadau hyn yn rhoi cyfle i awdurdodau sydd wrthi'n llunio cynlluniau o dan un system i barhau i wneud hynny, gan symud ymlaen i'r system newydd pan fydd yr hen gynllun wedi ei gwblhau. Pan ddaeth Deddf 2004 i rym, roedd rhai awdurdodau yng Nghymru yn dal i fod â chynlluniau lleol neu gynlluniau strwythur a berthynai i'r system a fodolai cyn 1996 yn ogystal â rhai oedd â CDUau a berthynai i'r system a fodolai cyn 2004.

Part 4 – Local plans, structure plans and unitary development plans

131. The planning system in Wales is 'development plan-led', which means development plans are the starting point when making planning decisions. Once a development plan has been adopted, decisions on planning applications are made in accordance with the development plan, unless other material considerations indicate otherwise. The development plan system in Wales is made up of three tiers with plans prepared at national, regional and local levels.

132. The primary legislation on the formulation of development plans used to be in Part 2 of the Town and Country Planning Act 1990 ('the 1990 Act'). Part 2 provided that generally there should be for each area a structure plan (usually prepared by the council for a whole county) and a series of local plans (each prepared by the relevant district council, covering all or part of its area). The 1990 Act also provided, where there was a single-tier system of borough councils, for unitary development plans (UDPs). When the current single-tier system of local government was introduced in Wales under the Local Government (Wales) Act 1994 ('the 1994 Act'), the new unitary authorities were required to prepare UDPs for their areas.

133. Part 6 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') then introduced for Wales a new nation-wide Wales Spatial Plan, to be prepared by the (then) National Assembly for Wales. It also introduced a requirement for local planning authorities to produce local development plans (LDPs) that, when adopted, would replace plans adopted under the previous systems.

134. The Planning (Wales) Act 2015 amended the 2004 Act by introducing the National Development Framework for Wales (NDF), which became part of the development plan and replaced the Wales Spatial Plan (as of 24 February 2021). It also provided for strategic development plans (SDPs) to be produced at a regional level, with the Local Government and Elections (Wales) Act 2021 requiring their production by corporate joint committees.

135. Essentially therefore the progression over time has been local/structure plans (up to 1996); UDPs (1996 to 2005); LDPs, SDPs and the NDF (2005 onwards). Each time the system has changed the amending legislation has provided for transitional arrangements. These allowed authorities preparing plans under one system to continue to do that and only move to the new system once the old plan had been completed. When the 2004 Act came into force there were still authorities in Wales with local or structure plans under the pre-1996 system as well as those with UDPs under the pre-2004 system.

136. Diwygiodd Deddf 1994 Ran 2 o Ddeddf 1990 i gymhwyso'r darpariaethau ynghylch CDUau i Gymru, ac i ddarparu ar gyfer trefniadau trosiannol ynghylch statws cynlluniau lleol a chynlluniau strwythur hyd nes y bo awdurdodau wedi mabwysiadu CDUau. Mabwysiadwyd yr CDU olaf yng Nghymru yn 2011, ac felly mae'r darpariaethau trosiannol bellach wedi eu disbyddu a gellir eu diddymu. Mae'r Ddeddf felly yn hepgor:

    a. Rhan 1A o Atodlen 2 i Ddeddf 1990: a

    b. adran 20(2) a (3)(b) ac (c) o Ddeddf 1994 ynghyd â Rhannau 2 a 3 o Atodlen 5 a pharagraffau 16 a 17 o Atodlen 17 iddi.

137. Dygwyd darpariaethau Deddf 2004 i rym gan Orchymyn Deddf Cynllunio a Phrynu Gorfodol 2004 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2005,[4] gan roi effaith i CDLlau a chan ddiddymu Rhan 2 o Ddeddf 1990. Roedd Gorchymyn 2005 yn cynnwys darpariaethau a oedd yn diogelu effaith cynlluniau presennol yn ystod y cyfnod trosiannol cyn i bob awdurdod cynllunio lleol fabwysiadu ei CDLl. Gwnaeth adran 204 o Ddeddf Cynllunio 2008 ddarpariaethau trosiannol pellach i sicrhau bod y weithdrefn hysbysiad malltod yn parhau i fod yn gymwys i dir yr oedd cynlluniau a fabwysiadwyd o dan y systemau blaenorol yn effeithio arno. I'r graddau yr oeddent yn gymwys i ardaloedd a oedd yn dal i fod â chynlluniau lleol neu gynlluniau strwythur pan ddaeth Deddf 2004 i rym, nid oes angen y darpariaethau trosiannol hyn mwyach; mae'r Ddeddf yn diwygio Gorchymyn 2005 ac adran 204 o Ddeddf Cynllunio 2008 i'w dileu.

138. Mae'r Ddeddf hefyd yn hepgor adran 186 o Ddeddf Cynllunio 2008 (ym mharagraff 20(2) o'r Atodlen hon i'r Ddeddf), nad yw erioed wedi ei dwyn i rym. Mae'n ymwneud â phwerau'r Uchel Lys mewn perthynas â heriau cyfreithiol i CDUau a fabwysiadwyd o dan Ran 2 o Ddeddf 1990. Byddai rhaid i heriau cyfreithiol i CDUau fod wedi eu dwyn o fewn ychydig wythnosau ar ôl eu mabwysiadu, roedd unrhyw obaith o her o'r fath wedi diflannu erbyn 2012.

Rhan 5 – Polisïau ynni mewn cynlluniau datblygu

139. Nod Deddf Cynllunio ac Ynni 2008 ('Deddf 2008'), Bil Aelodau Preifat yn wreiddiol, oedd annog microgynhyrchu ac adeiladau sy'n defnyddio ynni yn fwy effeithlon, yn hytrach na chyflwyno gofyniad ar gyrff i weithredu rhwymedigaethau newydd. Ystyriodd Comisiwn y Gyfraith a ddylid nodi darpariaethau o'r fath mewn canllawiau "*am eu bod yn annog a chaniatáu cynnwys polisïau o'r fath, yn hytrach na gosod unrhyw rwymedigaethau llymach ar awdurdodau cynllunio.*"[5]

[4] O.S. 2005/2847.

[5] Comisiwn y Gyfraith (2020) *Cyfraith Cynllunio yng Nghymru* (Law Com 383), ym mharagraff 6.13.

136. The 1994 Act made amendments to Part 2 of the 1990 Act to apply the provisions about UDPs to Wales, and to provide for transitional arrangements about the status of local and structure plans until authorities adopted UDPs. The last UDP in Wales was adopted in 2011, and therefore those transitional provisions are spent and can be repealed. The Act therefore omits:

    a. Part 1A of Schedule 2 to the 1990 Act; and

    b. section 20(2) and (3)(b) and (c) together with Parts 2 and 3 of Schedule 5 and paragraphs 16 and 17 of Schedule 17 to the 1994 Act.

137. The Planning and Compulsory Purchase Act 2004 (Commencement No 6, Transitional Provisions and Savings) Order 2005[4] brought into force provisions of the 2004 Act giving effect to LDPs and repealing Part 2 of the 1990 Act. The 2005 Order included provisions preserving the effect of existing plans during the transitional period before each local planning authority had adopted its LDP. Section 204 of the Planning Act 2008 made further transitional provisions to ensure that the blight notice procedure continued to apply to land affected by plans adopted under the previous systems. So far as they applied to areas that still had local or structure plans when the 2004 Act came into force, these transitional provisions are no longer needed; the Act amends the 2005 Order and section 204 of the Planning Act 2008 to remove them.

138. The Act also omits section 186 of the Planning Act 2008 (at paragraph 20(2) of this Schedule to the Act), which has never been brought into force. It relates to the powers of the High Court in relation to legal challenges to UDPs adopted under Part 2 of the 1990 Act. Legal challenges to UDPs would have to have been brought within a matter of weeks after their adoption, so any prospect of such a challenge had disappeared by 2012.

Part 5 – Energy policies in development plans

139. The aim of the Planning and Energy Act 2008 ('the 2008 Act'), originally a Private Members Bill, was to encourage micro-generation and more energy efficient buildings, rather than to introduce a requirement for bodies to implement new obligations. The Law Commission considered whether such provisions should be set out in guidance *"as they encourage and permit the inclusion of such policies, rather than to impose any stricter obligations on planning authorities."*[5]

[4] S.I. 2005/2847.

[5] Law Commission (2020) *Planning Law in Wales* (Law Com 383), at paragraph 6.13.

140. Mae Polisi Cynllunio Cymru (sy'n amlinellu polisïau cynllunio defnydd tir Llywodraeth Cymru) yn nodi bod y materion hyn yn ystyriaethau penodol wrth lunio cynlluniau datblygu strategol a chynlluniau datblygu lleol. Mae Polisi Cynllunio Cymru yn amlinellu disgwyliadau Llywodraeth Cymru mewn perthynas ag awdurdodau cynllunio o ran:

    a. pennu polisïau i ddatblygiadau ddefnyddio ynni o ffynonellau adnewyddadwy a charbon isel lleol;

    b. cynnwys polisïau i bennu safonau effeithlonrwydd ynni sy'n rhagori ar y gofynion mewn rheoliadau adeiladu ar gyfer safleoedd datblygu strategol.[6]

141. Ychydig o wahaniaeth sydd o safbwynt effaith polisi rhwng nodau Deddf 2008 a'r hyn sydd wedi ei nodi ym Mholisi Cynllunio Cymru. Fodd bynnag, oherwydd bod rhaid i awdurdodau cynllunio a chyd-bwyllgorau corfforedig roi sylw i'r polisïau ym Mholisi Cynllunio Cymru, mae hyn yn gosod mwy o ofyniad arnynt na Deddf 2008 drwy ei gwneud yn ofynnol iddynt roi sylw i'r materion hyn wrth lunio eu cynlluniau datblygu lleol a'u cynlluniau datblygu strategol.

142. Mae Rhan 5 o'r Atodlen hon i'r Ddeddf yn diwygio Deddf 2008 fel na fydd yn gymwys mwyach o ran Cymru ac mae'n gwneud diwygiadau canlyniadol i Ddeddf Cynllunio (Cymru) 2015 a Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.

Rhan 6 – Y drosedd o symud ymaith bridd heb gydsyniad

143. Bwriedid i Ddeddf Tir Amaethyddol (Symud Ymaith Bridd Arwyneb) 1953 ('Deddf 1953') ymdrin â'r broblem bod uwchbridd yn cael ei dynnu ymaith oddi ar dir amaethyddol, er budd masnachol, gan adael tir na ellir ei drin ymhellach. O dan adran 1, mae'n drosedd tynnu ymaith fwy na phum llathen giwbig (sef 3.822 metr ciwbig) o bridd o dir amaethyddol mewn unrhyw gyfnod o dri mis gyda'r bwriad o'i werthu, ond dim ond pan fo gweithgaredd o'r fath yn gyfystyr â "datblygiad" o dan Ddeddf Cynllunio Gwlad a Thref 1990 ('Deddf 1990')[7] ac na chafwyd caniatâd cynllunio ar ei gyfer. Gellir erlyn person sy'n cyflawni trosedd o dan Ddeddf 1953 ac, ar euogfarn ddiannod, ei gosbi drwy ddirwy o hyd at Lefel 3 neu hyd yn oed drwy gyfnod o garchar[8] (gweler adran 2), ond dim ond gyda chydsyniad y Twrnai Cyffredinol neu'r Cyfarwyddwr Erlyniadau Cyhoeddus (gweler adran 3) y gellir dwyn erlyniad.[9]

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[6] Llywodraeth Cymru (2021) *Polisi Cynllunio Cymru* (rhifyn 11), paragraffau 5.9.11 a 5.8.5 yn eu trefn.

[7] Deddf Cynllunio Gwlad a Thref 1947 yn wreiddiol, ond fe'i diwygiwyd wedi hynny i Ddeddf 1990 gan Ddeddf Cynllunio (Diwygiadau Canlyniadol) 1990.

[8] Bydd Deddf Cyfiawnder Troseddol 2003 yn diwygio Deddf 1953 er mwyn diddymu'r atebolrwydd i gyfnod o garchar (gweler paragraff 34 o Atodlen 34 i'r Ddeddf honno a Rhan 9 o Atodlen 37 iddi), ond nid yw'r diwygiad hwnnw wedi ei ddwyn i rym eto.

[9] Argymhellodd Comisiwn y Gyfraith y dylid dileu'r gofyniad i gael cydsyniad i erlyn (gweler paragraff 6.58 o *Consents to Prosecution* (1998) (Law Com 255)). Nid yw'r argymhelliad hwn wedi ei weithredu hyd yma.

140. Planning Policy Wales (which sets out the land use planning policies of the Welsh Government) states that these matters are specific considerations for the preparation of strategic development plan and a local development plan. Planning Policy Wales sets out the Welsh Government's expectations in relation to planning authorities for:

    a. setting policies for development to use energy from local renewable and low carbon sources;

    b. including policies to set energy efficiency standards to exceed the requirements in building regulations for strategic development sites[6].

141. There is little difference in policy effect between the aims behind the 2008 Act and what is set out in Planning Policy Wales. However, planning authorities and corporate joint committees must have regard to the policies in Planning Policy Wales, so this places a greater requirement on them than the 2008 Act by requiring them to have regard to these matters in preparing their local development plans and strategic development plans.

142. Part 5 of this Schedule to the Act amends the 2008 Act so that it will no longer apply in relation to Wales and makes consequential amendments to the Planning (Wales) Act 2015 and the Local Government and Elections (Wales) Act 2021.

Part 6 – Offence of removal of soil without consent

143. The Agricultural Land (Removal of Surface Soil) Act 1953 ('the 1953 Act') was intended to tackle the problem of topsoil being stripped off agricultural land, for commercial gain, leaving the land unable to be used for further cultivation. Under section 1 it is an offence to remove more than five cubic yards (which is 3.822 cubic metres) of soil from agricultural land in any three-month period with a view to sale, but only where such an activity constitutes "development" under the Town and Country Planning Act 1990[7] ('the 1990 Act') and has not received planning permission. A person committing an offence under the 1953 Act can be prosecuted and, on summary conviction, punished by a fine of up to Level 3 or even by imprisonment[8] (see section 2), but a prosecution can only be brought with the consent of the Attorney-General or the Director of Public Prosecutions (see section 3)[9].

[6] Welsh Government (2021) *Planning Policy Wales* (ed 11), paragraphs 5.9.11 and 5.8.5 respectively

[7] Originally it was the Town and Country Planning Act 1947, but this was subsequently amended to the 1990 Act by the Planning (Consequential Amendments) Act 1990.

[8] The Criminal Justice Act 2003 will amend the 1953 Act to abolish the liability to imprisonment (see paragraph 34 of Schedule 34 and Part 9 of Schedule 37 to that Act), but that amendment has not yet been brought into force.

[9] The Law Commission recommended the abolition of the requirement for consent to be obtained for prosecution (see para 6.58 of *Consents to Prosecution* (1998) (Law Com 255). This recommendation has not yet been implemented.

144. Pan fo person yn ymgymryd â datblygiad heb ganiatâd cynllunio, gall yr awdurdod cynllunio perthnasol ymdrin â hyn drwy gymryd camau gorfodi o dan Ddeddf 1990. Gall torri camau gorfodi arwain at erlyniad o dan Ddeddf 1990 a gall euogfarn arwain at ddirwy ddiderfyn, ond nid cyfnod o garchar. Cafodd y pwerau i atal datblygu anawdurdodedig yn gyflym eu cyflwyno'n wreiddiol yn Neddf Cynllunio Gwlad a Thref 1968, gan gael effaith o 1 Ionawr 1969. Deellir mai ychydig iawn o erlyniadau, os o gwbl, sydd wedi eu dwyn o dan Ddeddf 1953 ers 1969. Yn ddi-os, yr arfer heddiw yw mynd i'r afael ag achosion o dorri'r gofynion ar gyfer caniatâd cynllunio drwy Ddeddf 1990.

145. O ganlyniad, i'r graddau y mae'n gymwys yng Nghymru, nid yw Deddf 1953 o ddefnyddioldeb ymarferol mwyach. Mae'r Ddeddf felly yn datgymhwyso Deddf 1953 mewn perthynas â thir yng Nghymru.

Rhan 7 – Mesur Diogelwch Tân Domestig (Cymru) 2011

146. Mae Mesur Diogelwch Tân Domestig (Cymru) 2011 ('Mesur 2011') yn darparu y caiff Gweinidogion Cymru wneud systemau llethu tân awtomatig – y cyfeirir atynt yn gyffredin fel systemau chwistrellu – yn orfodol ym mhob preswylfa newydd a phreswylfa wedi ei throsi.

147. Yn dilyn ymgynghoriad yn 2012 ar weithredu Mesur 2011 a throsglwyddo'r system rheoli adeiladu (yn enwedig y Rheoliadau Adeiladu) i Weinidogion Cymru, dim ond adran 1 o Fesur 2011 a ddygwyd i rym.[10] Mae'r ffaith nad yw darpariaethau gorfodi'r Mesur wedi eu dwyn i rym yn golygu, fel y mae pethau ar hyn o bryd, nad oes iddo effaith ymarferol. Dim ond i raddau cyfyngedig y cafodd adran 1 ei dwyn i rym, ac nid yw'n gymwys i amrywiaeth o adeiladau, gan gynnwys adeiladau rhestredig, adeiladau mewn ardaloedd cadwraeth, ac adeiladau gydag amser defnyddio a gynlluniwyd o ddwy flynedd neu lai.[11]

148. Mae adran 1(3)(b) o Fesur 2011 yn nodi nad yw'n gymwys "*os yw rheoliadau adeiladu sy'n gosod gofynion o ran darparu systemau llethu tân awtomatig yn gymwys i'r gwaith hwnnw neu os y byddai'n gymwys oni bai am gyfarwyddyd o dan adran 8 o Ddeddf [Adeiladu] 1984 sy'n hepgor gofynion o'r fath.*" Mae rheoliad 37A o Reoliadau Adeiladu 2010 yn ei gwneud yn ofynnol darparu systemau llethu tân awtomatig mewn adeiladau penodol ac mae adran 6 o Fesur 2011 yn nodi'r preswylfeydd y mae'n gymwys iddynt.

149. Yn ymarferol, mae'r gofynion ynghylch gosod systemau llethu tân wedi eu nodi yn y Rheoliadau Adeiladu ac yn cael eu gorfodi drwyddynt. Mae paragraff 26 o'r Atodlen hon i'r Ddeddf felly yn diddymu Mesur 2011 yn llawn.

Rhan 8 – Ad-drefnu llywodraeth leol

150. Mae pob un o'r 22 o gynghorau yng Nghymru yn awdurdodau unedol o ganlyniad i Ddeddf Llywodraeth Leol (Cymru) 1994 ('Deddf 1994') a ddiddymodd yr wyth sir a'r 37 o ddosbarthau llywodraeth leol a oedd wedi eu ffurfio ym 1974.

[10] Mae hyn yn ychwanegol at bwerau gwneud rheoliadau, etc. a ddaeth i rym drannoeth y diwrnod y cafwyd y Cydsyniad Brenhinol.
[11] Erthygl 2(3) o O.S. 2013/2727.

144. Where a person is undertaking development without planning permission, it can be dealt with by the relevant planning authority by undertaking enforcement action under the 1990 Act. Breaches of enforcement action can result in prosecution under the 1990 Act and conviction may result in an unlimited fine, but not imprisonment. Powers to quickly stop unauthorised development were originally introduced in the Town and Country Planning Act 1968, with effect from 1 January 1969. It is understood that very few, if any, prosecutions have been brought under the 1953 Act since 1969. Certainly, practice today is to tackle breaches of the requirements for planning permission through the 1990 Act.

145. As a result, the 1953 Act, so far as it applies in Wales, is no longer of any practical utility. The Act therefore disapplies the 1953 Act in relation to land in Wales.

Part 7 – Domestic Fire Safety (Wales) Measure 2011

146. The Domestic Fire Safety (Wales) Measure 2011 ('the 2011 Measure') provides that the Welsh Ministers may make automatic fire suppression systems – commonly referred to as sprinkler systems – compulsory in all new and converted residences.

147. Following consultation in 2012 on implementation of the 2011 Measure and the transfer of the system of building control (most notably the Building Regulations) to the Welsh Ministers, only section 1 of the 2011 Measure was brought into force[10]. The fact that the enforcement provisions of the Measure have not been brought into force mean that, as things stand, it has no practical effect. Section 1 was only brought into force to a limited extent, and does not apply to a range of buildings, including listed buildings, buildings in conservation areas, and buildings with a planned time of use of two years or less.[11]

148. Section 1(3)(b) of the 2011 Measure states that it does not apply *"if building regulations imposing requirements as to the provision of automatic fire suppression systems apply to that work, or would apply but for a direction under section 8 of the [Building Act 1984] dispensing with such requirements"*. Regulation 37A of the Building Regulations 2010 requires that automatic fire suppression systems are provided in certain buildings while section 6 of the 2011 Measure sets out the residences to which it applies.

149. In practice, the requirements around the installation of fire suppression systems are set out in, and enforced through, the Building Regulations. Paragraph 26 of this Schedule to the Act therefore repeals the 2011 Measure in full.

Part 8 – Reorganisation of local government

150. All 22 Welsh councils are unitary authorities as a result of the Local Government (Wales) Act 1994 ('the 1994 Act') that abolished the eight local government counties and 37 districts that had been formed in 1974.

[10] This is in addition to regulation-making powers, etc. that were brought into force on the day after Royal Assent.

[11] Art 2(3) of S.I. 2013/2727.

151. Mae'r Ddeddf yn mynd i'r afael â phedwar mater sy'n ymwneud ag ad-drefnu llywodraeth leol yng Nghymru:

a. Pwyllgorau gwasanaethau cymdeithasol – mae adran 101(10A) o Ddeddf Llywodraeth Leol 1972 ('Deddf 1972'), a oedd yn gwneud darpariaeth mewn perthynas â phwyllgorau gwasanaethau cymdeithasol, yn croesgyfeirio at ddarpariaeth a ddiddymwyd gan Ddeddf Plant 2004 ac fe ddylai hithau hefyd fod wedi ei diddymu bryd hynny. Felly, mae'r Ddeddf yn hepgor adran 101(10A) o Ddeddf 1972, a'r ddarpariaeth yn Neddf 1994 a oedd yn wreiddiol yn mewnosod is-adran (10A) yn adran 101 o Ddeddf 1972.

b. Corff Gweddilliol Cymru – sefydlodd Deddf 1994 Gorff Gweddilliol Cymru i ddal asedau awdurdodau wedi eu diddymu nad oedd modd eu trosglwyddo'n hawdd i awdurdod newydd fel rhan o ad-drefnu llywodraeth leol yng Nghymru o dan Ddeddf 1994. Roedd y Corff Gweddilliol wedi cael gwared ar yr asedau hynny erbyn 1998, ac mae'r Corff ei hun wedi ei ddiddymu ers hynny,[12] felly mae'r darpariaethau hyn bellach wedi eu disbyddu. Mae paragraff 29 o'r Atodlen hon i'r Ddeddf yn hepgor y darpariaethau a ddisbyddwyd yn Neddf 1994 ac mae paragraffu 30 i 37 yn hepgor cyfeiriadau at y Corff Gweddilliol yn:

i. Deddf Rhenti 1977;
ii. Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982;
iii. Deddf Tai 1988;
iv. Deddf Cynllunio Gwlad a Thref 1990;
v. Deddf Cyllid Llywodraeth Leol 1992;
vi. Deddf yr Amgylchedd 1995;
vii. Deddf Tai 1996; ac
viii. Deddf Llywodraeth Cymru 1998.

c. Darpariaeth drosiannol o dan Ddeddf 1994 – mae darpariaethau trosiannol sydd wedi eu disbyddu yn Neddf 1994 a diwygiad i'r darpariaethau hynny yn Neddf Llywodraeth Leol 2003 wedi eu hepgor.

d. Cynlluniau datganoli a chydweithio – o dan Ran 3 o Ddeddf 1994 gallai prif gynghorau newydd sefydlu pwyllgorau ardal i gyflawni swyddogaethau'r cyngor drwy gyfrwng 'cynllun datganoli', a gallai'r Ysgrifennydd Gwladol roi cyfarwyddydau penodol mewn perthynas â threfniadau cydweithio a gwybodaeth gysylltiedig i brif gynghorau. Roedd rhaid i geisiadau am gynlluniau datganoli gael eu gwneud erbyn 1 Ionawr 1996 (a'u cymeradwyo gan yr Ysgrifennydd Gwladol heb fod yn hwyrach na 1 Gorffennaf 1996), a dim ond hyd at 31 Mawrth 1999 y gallai'r Ysgrifennydd Gwladol wneud cyfarwyddydau cydweithio – felly mae pob un o'r trefniadau hyn bellach wedi eu disbyddu.[13] Mae'r Ddeddf felly yn hepgor Rhan 3 o Ddeddf 1994 ac yn gwneud diwygiad canlyniadol i Ddeddf Addysg 1996.

[12] Gweler Gorchymyn Corff Gweddilliol Cymru (Dirwyn i Ben) 1998 (O.S. 1998/2859).
[13] Darperir bellach ar gyfer trefniadau cyfatebol, mewn perthynas â Chyd-bwyllgorau Corfforedig, gan Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.

151. The Act deals with four matters associated with the reorganisation of local government in Wales:

a. Social services committees - section 101(10A) of the Local Government Act 1972 ('the 1972 Act'), which made provision in relation to social services committees, cross-refers to a provision that was repealed by the Children's Act 2004 and should also have been repealed at that time. The Act therefore omits section 101(10A) of the 1972 Act, and the provision in the 1994 Act that originally inserted subsection (10A) into section 101 of the 1972 Act.

b. Residuary Body for Wales – the 1994 Act established the Residuary Body for Wales to hold the assets of abolished authorities that could not easily be transferred to a new authority as part of the 1994 Act reorganisation of local government in Wales. The Residuary Body disposed of those assets by 1998, and the Body itself has since been abolished[12], so these provisions are now spent. Paragraph 29 of this Schedule to the Act omits the spent provisions in the 1994 Act and paragraphs 30 to 37 omits references to the Residuary Body in the:

i. Rent Act 1977;
ii. Local Government (Miscellaneous Provisions) Act 1982;
iii. Housing Act 1988;
iv. Town and Country Planning Act 1990;
v. Local Government Finance Act 1992;
vi. Environment Act 1995;
vii. Housing Act 1996; and the
viii. Government of Wales Act 1998.

c. Transitional provision under the 1994 Act – spent transitional provisions in the 1994 Act and an amendment of those provision in the Local Government Act 2003 are omitted.

d. Decentralisation schemes and joint working – under Part 3 of the 1994 Act new principal councils could establish area committees to discharge functions of the council by way of a 'decentralisation scheme', and the Secretary of State could give certain directions relating to joint working arrangements and related information to principal councils. Applications for decentralisation schemes had to be made by 1 January 1996 (and approved by the Secretary of State no later than 1 July 1996), and joint working directions could only be made by the Secretary of State until 31 March 1999 – so each of these arrangements is now spent.[13] The Act therefore omits Part 3 of the 1994 Act and makes a consequential amendment to the Education Act 1996.

[12] See the Residuary Body for Wales (Winding Up) Order 1998 (SI 1998/2859)

[13] Equivalent arrangements are now provided for, in respect of Corporate Joint Committees, by the Local Government and Elections (Wales) Act 2021.

Rhan 9 – Datganiadau o anghenion addysgol arbennig

152. Mae adran 5 o Ddeddf Personau Anabl (Gwasanaethau, Ymgynghori a Chynrychioli) 1986 ('Deddf 1986') yn gwneud darpariaeth mewn cysylltiad â phersonau ag anabledd sy'n gadael addysg lawnamser pan fônt o dan bedair ar bymtheg mlwydd ac wyth mis oed ac sydd yn flaenorol wedi cael datganiad o anghenion addysgol arbennig (a oedd y system yng Nghymru, ond nid honno yw'r system mwyach) neu gynllun addysg, iechyd a gofal (sef y system yn Lloegr).

153. Nid yw adran 5 o Ddeddf 1986 yn cael unrhyw effaith o ran sylwedd yng Nghymru mwyach. Diddymodd Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 i bob pwrpas, o ran Cymru, y darpariaethau yn Neddf Addysg 1996 a oedd yn ymwneud â datganiadau o anghenion addysgol arbennig, a rhoi system newydd yn eu lle. Nid oes unrhyw bobl yng Nghymru sydd â datganiadau o dan Ddeddf 1996 mwyach, nac o dan systemau hŷn a nodir yn Neddfau Addysg 1981 a 1993. O ganlyniad, nid yw'r cyfeiriadau amrywiol yn adran 5 at ddatganiadau o anghenion addysgol arbennig yn cael unrhyw effaith ystyrlon yng Nghymru.

154. Mae'r system asesu yn adran 5 hefyd wedi ei disodli gan ddatblygiadau cyfreithiol eraill yng Nghymru. Mae'r adran honno yn ei gwneud yn ofynnol i awdurdod lleol sydd wedi ei hysbysu am ymadawiad y person ag addysg lawnamser asesu angen y person am wasanaethau gan yr awdurdod o dan "y deddfiadau lles". Mae adran 5 hefyd yn cynnwys dyletswyddau hysbysu. Yng Nghymru, ystyr "y deddfiadau lles" yw Rhannau 4 a 6 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ('Deddf 2014').

155. Mae Deddf 2014 yn gosod dyletswyddau ar awdurdodau lleol i asesu anghenion oedolion a phlant pan fo'n ymddangos y gall fod angen gofal a chymorth ar yr oedolion a'r plant hynny. Mae adran 19 o'r Ddeddf honno yn cynnwys y ddyletswydd mewn perthynas ag oedolion ac mae adran 21 yn cynnwys y ddyletswydd mewn perthynas â phlant.

156. Mae'r dyletswyddau asesu hyn yn gymwys yn ehangach na'r dyletswyddau asesu yn adran 5 o Ddeddf 1986, gan nad ydynt wedi eu cyfyngu i bersonau ag anableddau sydd wedi cael datganiad o anghenion arbennig ac sydd o dan oedran penodol. Caiff sefyllfa arbennig plant ag anableddau ei chydnabod yn benodol gan adran 21 o Ddeddf 2014, gan fod rhaid i asesiad o dan yr adran honno ddechrau â'r rhagdybiaeth bod angen gofal a chymorth ar blant ag anableddau (gweler adran 21(7)). Mae'r Cod Ymarfer sy'n ymwneud ag asesu anghenion unigolion o dan Ddeddf 2014[14] yn nodi proses ar gyfer asesu anghenion unigolion o ran gofal a chymorth a phroses adolygu ac ailasesu a fydd yn gymwys i asesiadau.

[14] Llywodraeth Cymru (2015) *Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru). Cod Ymarfer Rhan 3 (asesu anghenion unigolion).*

Part 9 – Statements of special educational needs

152. Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 ('the 1986 Act') makes provision in respect of people with a disability leaving full-time education under the age of nineteen years and eight months where they have previously received a statement of special educational needs (which was, but no longer is, the system in Wales) or an education, health and care plan (which is the system in England).

153. Section 5 of the 1986 Act no longer has any substantive effect in Wales. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 effectively repealed, in relation to Wales, the provisions in the Education Act 1996 concerning statements of special educational needs, and replaced them with a new system. There are no longer any people in Wales with statements under the 1996 Act, or under older systems set out in the Education Acts of 1981 and 1993. As a result, the various references in section 5 to statements of special education needs do not have any meaningful effect in Wales.

154. The assessment system in section 5 has also been superseded by other legal developments in Wales. That section requires a local authority that has been notified about the person's departure from full-time education to assess the person's need for services from the authority under "the welfare enactments". Section 5 also contains notification duties. In Wales, "the welfare enactments" means Parts 4 and 6 of the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act').

155. The 2014 Act places duties on local authorities to assess the needs of adults and children where it appears those adults or children may need care and support. Section 19 of that Act contains the duty relating to adults and section 21 contains the duty relating to children.

156. These assessment duties apply more widely than the assessment duties in section 5 of the 1986 Act, as they are not limited to persons with disabilities who have received a statement of special needs and who are under a certain age. The special position of children with disabilities is specifically recognised by section 21 of the 2014 Act, as an assessment under that section must start from the presumption that children with disabilities need care and support (see section 21(7)). The Code of Practice relating to assessing the needs of individuals under the 2014 Act[14] sets out a process for assessing the needs of an individual for care and support and a process of review and re-assessment that will apply to assessments.

[14] Welsh Government (2015) *Social Services and Well-being (Wales) Act. Part 3 Code of Practice (assessing the needs of individuals)*.

157. Pan fo asesiad o anghenion person wedi ei gynnal o dan adran 19 neu adran 21 o Ddeddf 2014, bydd Rhan 4 o'r Ddeddf honno a rheoliadau a wneir odani yn pennu'r camau nesaf. Mae Rhan 6 o Ddeddf 2014 yn ymdrin â dyletswyddau awdurdod lleol tuag at blentyn sydd yn ei ofal neu sy'n cael ei letya ganddo.

158. Mae'r Ddeddf yn diwygio adran 5 o Ddeddf 1986 i gyfyngu'n benodol ar gymhwysiad yr adran honno i Loegr ac i ddileu cyfeiriadau diangen at y Cynulliad Cenedlaethol, ac mae'n gwneud diwygiadau canlyniadol cysylltiedig.

Rhan 10 – Byrddau Cynllunio Parciau Cenedlaethol

159. Mae tri Pharc Cenedlaethol yng Nghymru: Arfordir Penfro (Pembrokeshire Coast), Bannau Brycheiniog (Brecon Beacons) ac Eryri (Snowdonia). Mae'r rhain, a'r 10 yn Lloegr, wedi eu dynodi o dan Ran 2 o Ddeddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949. Ers i'r Parciau Cenedlaethol yng Nghymru gael eu dynodi gyntaf yn y 1950au, mae nifer o newidiadau wedi bod i'r trefniadau gweinyddol ar gyfer rheoli'r Parciau, gan gynnwys y rhai a wnaed gan Ddeddf Cefn Gwlad 1968, Deddf Llywodraeth Leol 1972, Deddf Llywodraeth Leol (Cymru) 1994 a Deddf yr Amgylchedd 1995 ('Deddf 1995'). Cyn y newidiadau a wnaed gan Ddeddf 1995, roedd gan bob Parc Cenedlaethol yng Nghymru Bwyllgor Parc Cenedlaethol.[15] Roedd hefyd bwerau i sefydlu byrddau cydgynllunio neu fyrddau cynllunio arbennig ar gyfer Parciau Cenedlaethol,[16] ond nid oedd y pwerau hynny wedi eu defnyddio yng Nghymru.

160. Rhoddodd adran 63 o Ddeddf 1995 y pŵer i'r Ysgrifennydd Gwladol i wneud gorchymyn yn sefydlu awdurdod Parc Cenedlaethol lle roedd awdurdod yn bodoli eisoes ar gyfer Parc Cenedlaethol neu mewn cysylltiad â dynodi ardal yn Barc Cenedlaethol newydd. Ystyr awdurdod a oedd yn bodoli eisoes yn y cyd-destun hwn oedd bwrdd cydgynllunio, bwrdd cynllunio arbennig neu Bwyllgor Parc Cenedlaethol. Sefydlodd Gorchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995[17] ('Gorchymyn 1995') awdurdodau Parciau Cenedlaethol ar gyfer y Parciau yng Nghymru, gan gael effaith o 23 Tachwedd 1995 ymlaen. Ysgwyddodd yr awdurdodau eu swyddogaethau o sylwedd, a pheidiodd y Pwyllgorau Parciau Cenedlaethol â bodoli, ar 1 Ebrill 1996.

161. Mae adran 64 o Ddeddf 1995, sy'n gymwys i Gymru yn unig, yn ymwneud yn bennaf â'r pontio o fyrddau cydgynllunio neu fyrddau cynllunio arbennig i awdurdodau Parciau Cenedlaethol. Roedd is-adrannau (1) i (5) yn ymdrin â'r sefyllfa pan oedd bwrdd eisoes wedi ei sefydlu ar gyfer Parc Cenedlaethol, ond ni chawsant unrhyw effaith erioed gan na sefydlwyd byrddau o'r fath yng Nghymru erioed. Mae'r Ddeddf felly yn diddymu'r darpariaethau hyn, gan eu bod yn ddiangen.

[15] Sefydlwyd o dan baragraff 5 o Atodlen 17 i Ddeddf Llywodraeth Leol 1972.
[16] Ym mharagraffau 1 i 3A o Atodlen 17 i Ddeddf Llywodraeth Leol 1972 ac adran 2 o Ddeddf Cynllunio Gwlad a Thref 1990.
[17] 1995/2803.

157. When an assessment of a person's needs has been carried out under section 19 or section 21 of the 2014 Act, Part 4 of that Act and regulations made under it govern the next steps. Part 6 of the 2014 Act deals with the duties of a local authority towards a child who is in its care or accommodated by it.

158. The Act amends section 5 of the 1986 Act to expressly restrict its application to England and remove redundant references to the National Assembly, and makes related consequential amendments.

Part 10 – National Park Planning Boards

159. There are three National Parks in Wales: Brecon Beacons (Bannau Brycheiniog), Pembrokeshire Coast (Arfordir Penfro) and Snowdonia (Eryri). These, and the 10 in England, are designated under Part 2 of the National Parks and Access to the Countryside Act 1949. Since the National Parks in Wales were first designated in the 1950s, there have been several changes to the administrative arrangements for managing the Parks, including those made by the Countryside Act 1968, Local Government Act 1972, Local Government (Wales) Act 1994 and the Environment Act 1995 ('the 1995 Act'). Before the changes made by the 1995 Act, each National Park in Wales had a National Park Committee[15]. There were also powers to establish joint planning boards or special planning boards for National Parks[16], but those powers had not been used in Wales.

160. Section 63 of the 1995 Act gave the Secretary of State the power to make an order establishing a National Park authority where there was an existing authority for a National Park or in connection with designating an area as a new National Park. An existing authority in this context meant a joint or special planning board or a National Park Committee. The National Park Authorities (Wales) Order 1995[17] ('the 1995 Order') established National Park authorities for the Parks in Wales with effect from 23 November 1995. The authorities assumed their substantive functions, and the National Park Committees ceased to exist on 1 April 1996.

161. Section 64 of the 1995 Act, which only applies to Wales, is mainly about the transition from joint or special planning boards to National Park authorities. Subsections (1) to (5) dealt with the situation where a board had already been established for a National Park, but they never had any effect because no such boards were ever established in Wales. The Act therefore repeals these provisions, as they are redundant.

[15] Established under paragraph 5 of Schedule 17 to the Local Government Act 1972.
[16] In paragraphs 1 to 3A of Schedule 17 to the Local Government Act 1972 and section 2 of the Town and Country Planning Act 1990.
[17] 1995/2803

162. Roedd adran 64(6) a (7) yn ymdrin â'r sefyllfa pan oedd camau wedi eu cymryd tuag at sefydlu bwrdd ond na chwblhawyd y gwaith, a phan oedd awdurdod Parc Cenedlaethol yn lle hynny i gael ei sefydlu cyn 31 Mawrth 1997. Mae'r Ddeddf felly yn diddymu'r is-adrannau hynny, gan y byddent wedi bod yn gymwys i bethau a wnaed yn ystod cyfnod a ddaeth i ben amser maith yn ôl ac sydd bellach wedi eu disbyddu.

163. Roedd is-adran (9) o adran 64 yn diffinio termau a ddefnyddiwyd yn is-adrannau (1) i (7), ac roedd adran 75(2) yn gwneud darpariaeth ar gyfer gorchmynion o dan adran 64. Mae'r Ddeddf felly yn diddymu'r darpariaethau hyn hefyd, na fyddant yn arferadwy mwyach pan fydd y pwerau o sylwedd wedi eu diddymu.

164. Yn adran 65 o Ddeddf 1995, mae is-adran (3) yn gwneud darpariaeth ynghylch swyddogaethau awdurdod Parc Cenedlaethol yn ystod unrhyw gyfnod rhwng sefydlu'r awdurdod a phan ddaw'r awdurdod yn awdurdod cynllunio lleol. Roedd is-adran (4) yn addasu is-adran (3) ar gyfer Cymru, ond dim ond mewn perthynas â phethau a wnaed cyn 1 Ebrill 1996. Mae is-adran (4) bellach wedi ei disbyddu ac mae hefyd wedi ei diddymu.

165. Mae'r diffiniad o "existing authority" yn adran 79(1) yn cynnwys cyfeiriadau at bwerau i sefydlu byrddau cydgynllunio a byrddau cynllunio arbennig ar gyfer Parciau Cenedlaethol yng Nghymru nas defnyddiwyd erioed ac nad ydynt ar gael mwyach. Mae'r Ddeddf felly yn diddymu'r darpariaethau hyn gan eu bod yn ddiangen.

166. Yn Atodlen 7 i Ddeddf 1995, mae paragraff 14(2)(b) a 14(4) yn cyfeirio at bethau a wnaed gan fwrdd cydgynllunio neu fwrdd cynllunio arbennig ar gyfer Parc Cenedlaethol yng Nghymru. Mae'r Ddeddf yn diddymu'r darpariaethau hyn gan na chawsant effaith erioed ac na allant gael unrhyw effaith mwyach.

167. Yn Atodlen 10 i Ddeddf 1995, roedd paragraff 30 yn diwygio darpariaeth yn Atodlen 8 i Ddeddf Trydan 1989. Diwygiwyd y ddarpariaeth honno yn ogystal gan baragraff 22 o Atodlen 6 i Ddeddf Llywodraeth Leol (Cymru) 1994 ('diwygiad 1994'), nad oedd mewn grym pan ddeddfwyd Deddf 1995. Roedd paragraff 30 o Atodlen 10 felly yn cynnwys diwygiadau gwahanol ar gyfer sefyllfaoedd pan oedd yn dod i rym cyn diwygiad 1994, ar ei ôl neu ar yr un pryd ag ef. Mewn gwirionedd, daeth paragraff 30 i rym cyn diwygiad 1994, felly nid oedd erioed angen y diwygiadau ar gyfer y sefyllfaoedd eraill.[18] Mae'r Ddeddf felly yn diddymu'r darpariaethau hyn, sydd wedi eu cynnwys ym mharagraff 30(4) a (5) o Atodlen 10.

168. Yn Atodlen 23 i Ddeddf 1995, darpariaethau trosiannol oedd paragraffau 7, 11 a 15 ar gyfer achosion pan oedd byrddau cydgynllunio a byrddau cynllunio arbennig wedi eu sefydlu ar gyfer Parciau Cenedlaethol yng Nghymru. Ni chafodd y paragraffau hynny eu dwyn i rym. Ni chododd y sefyllfa yr oeddent yn gymwys iddi, a hyd yn oed pe bai wedi codi byddai'r paragraffau bellach wedi eu disbyddu, felly mae'r Ddeddf yn eu diddymu.

[18] Cafodd paragraff 30 ei ddwyn i rym gan erthygl 2(1) o O.S. 1995/2950 ar 23 Tachwedd 1995; cafodd diwygiad 1994 ei ddwyn i rym gan erthygl 3 o O.S. 1996/396 ar 1 Ebrill 1996.

162. Section 64(6) and (7) dealt with the situation where steps had been taken towards establishing a board but had not been concluded, and where a National Park authority was instead to be established before 31 March 1997. The Act therefore repeals those subsections, since they would have applied to things done during a period that ended long ago and are now spent.

163. Subsection (9) of section 64 defined terms used in subsections (1) to (7), and section 75(2) made provision for orders under section 64. The Act therefore also repeals these provisions, which become obsolete on the repeal of the substantive powers.

164. In section 65 of the 1995 Act, subsection (3) makes provision about the functions of a National Park authority during any period between the authority being established and becoming a local planning authority. Subsection (4) modified subsection (3) for Wales, but only in relation to things done before 1 April 1996. Subsection (4) is now spent and is also repealed.

165. The definition of an "existing authority" in section 79(1) contains references to powers to establish joint and special planning boards for National Parks in Wales that were never used and are no longer available. The Act therefore repeals these provisions as they are redundant.

166. In Schedule 7 to the 1995 Act, paragraph 14(2)(b) and 14(4) refer to things done by a joint or special planning board for a National Park in Wales. The Act repeals these provisions as they never had any effect and can no longer have any effect.

167. In Schedule 10 to the 1995 Act, paragraph 30 amended a provision in Schedule 8 to the Electricity Act 1989. That provision was also amended by paragraph 22 of Schedule 6 to the Local Government (Wales) Act 1994 ('the 1994 amendment'), which was not in force when the 1995 Act was enacted. Paragraph 30 of Schedule 10 therefore contained different amendments for the situations where it came into force before, after or at the same time as the 1994 amendment. In fact, paragraph 30 came into force before the 1994 amendment, so the amendments for the other situations were never needed[18]. The Act therefore repeals these provisions, contained in paragraph 30(4) and (5) of Schedule 10.

168. In Schedule 23 to the 1995 Act, paragraphs 7, 11 and 15 were transitional provisions for cases where joint and special planning boards had been established for National Parks in Wales. Those paragraphs were not brought into force. The situation to which they applied never arose, and even if it had arisen the paragraphs would now be spent, so the Act repeals them.

[18] Paragraph 30 was brought into force by article 2(1) of SI 1995/2950 on 23 November 1995; the 1994 amendment was brought into force by article 3 of SI 1996/396 on 1 April 1996.

Rhan 11 – Awdurdod Datblygu Cymru

169. Sefydlwyd Awdurdod Datblygu Cymru o dan Ddeddf Awdurdod Datblygu Cymru 1975 ac roedd yn gyfrifol am annog datblygu busnes a buddsoddi yng Nghymru, clirio tir diffaith ac annog twf busnesau lleol. Cynyddodd Deddf Awdurdod Datblygu Cymru 1997 derfynau ariannol Awdurdod Datblygu Cymru.

170. Diddymwyd Awdurdod Datblygu Cymru yn 2006 a throsglwyddwyd ei swyddogaethau i Weinidogion Cymru.[19] Llywodraeth Cymru sydd bellach yn gyfrifol am gefnogi ac annog datblygu busnes a buddsoddi yng Nghymru.

171. Mae Deddf Awdurdod Datblygu Cymru 1997 yn ddiangen, ac felly mae paragraff 48 o'r Atodlen hon i'r Ddeddf yn diddymu'r Ddeddf honno.

172. Cynyddodd Deddf Diwydiant 1979 ('Deddf 1979') derfynau benthyca'r Bwrdd Menter Cenedlaethol, Awdurdod Datblygu'r Alban ac Awdurdod Datblygu Cymru. Ynghyd ag Awdurdod Datblygu Cymru, mae'r ddau gorff arall wedi peidio â bodoli hefyd. Mae Deddf 1979 wedi ei diddymu eisoes i'r graddau y mae'n gymwys i'r Bwrdd Menter Cenedlaethol ac Awdurdod Datblygu'r Alban. Dim ond mewn perthynas ag Awdurdod Datblygu Cymru y mae'n parhau i fod heb ei diddymu. Gan nad yw'r corff hwn yn bodoli mwyach, nid yw Deddf 1979 yn arferadwy mwyach. Mae paragraff 46 o'r Atodlen hon i'r Ddeddf felly hefyd yn diddymu Deddf 1979.

173. Mae'r Ddeddf yn diwygio Deddf Diwydiant 1980, a ddeddfwyd i leihau pwerau Awdurdod Datblygu Cymru, Awdurdod Datblygu'r Alban a'r Bwrdd Menter Cenedlaethol. Roedd y tri chorff hyn i beidio â dal cyfranddaliadau mewn cwmnïau, yn unol â pholisi'r Llywodraeth (bryd hynny) o grebachu'r sector cyhoeddus. Mae darpariaethau Deddf Diwydiant 1980 a ddiddymir gan y Ddeddf yn cynnwys diwygiadau i ddeddfiadau eraill sydd i gyd yn ddiangen bellach.

174. Mae'r Ddeddf hefyd (ym mharagraff 49) yn diwygio Deddf Llywodraeth Cymru 1998 ('Deddf 1998') mewn perthynas â diddymu Awdurdod Datblygu Cymru:

    a. yn gyntaf, drwy hepgor darpariaethau diangen o Ran 1 o Atodlen 14 i'r Ddeddf honno a oedd wedi diwygio Deddf Awdurdod Datblygu Cymru 1975;

    b. yn ail, drwy hepgor darpariaethau a ddisbyddwyd o Ran 2 o Atodlen 14 a oedd yn diwygio deddfiadau eraill mewn perthynas ag Awdurdod Datblygu Cymru.

Rhan 12 – Bwrdd Datblygu Cymru Wledig

175. Drwy Ddeddf Datblygu Cymru Wledig 1976 ('Deddf 1976'), y bwriad oedd hyrwyddo lles economaidd a chymdeithasol pobl mewn ardaloedd gwledig yng Nghymru, yn enwedig lles y Canolbarth. Sefydlodd Deddf 1976 Fwrdd Datblygu Cymru Wledig a gymerodd drosodd waith Corfforaeth Datblygu Canolbarth Cymru a'r Comisiwn Datblygu, ymysg materion eraill.

[19] Rhoddwyd effaith i'r trosglwyddiad hwn gan Orchymyn Awdurdod Datblygu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu) 2005 (O.S. 2005/3226), ac yna i Weinidogion Cymru drwy Ddeddf Llywodraeth Cymru 2006.

Part 11 – Welsh Development Agency

169. The Welsh Development Agency (WDA) was established under the Welsh Development Agency Act 1975 and was responsible for encouraging business development and investment in Wales, clearing derelict land and encouraging the growth of local businesses. The Welsh Development Agency Act 1997 increased the financial limits of the WDA.

170. The WDA was abolished in 2006 and its functions were transferred to the Welsh Ministers[19] and the Welsh Government is now responsible for supporting and encouraging business development and investment in Wales.

171. The Welsh Development Agency Act 1997 is redundant, and therefore paragraph 48 of this Schedule to the Act repeals that Act.

172. The Industry Act 1979 ('the 1979 Act') raised the borrowing limits of the National Enterprise Board, the Scottish Development Agency and the WDA. Along with the WDA, the other two bodies have also ceased to exist. The 1979 Act has been repealed already insofar as it applies to the National Enterprise Board and the Scottish Development Agency. It remains unrepealed only in relation to the WDA. Since this body no longer exists, the 1979 Act is also now obsolete. Paragraph 46 of this Schedule to the Act therefore also repeals the 1979 Act.

173. The Act amends the Industry Act 1980, which was enacted to reduce the powers of the WDA, the Scottish Development Agency and the National Enterprise Board. These three bodies were to cease to hold shares in companies, in accordance with the (then) Government's policy of shrinking the public sector. The provisions of the Industry Act 1980 repealed by the Act contain amendments of other enactments that are all now redundant.

174. The Act also (at paragraph 49) amends the Government of Wales Act 1998 ('the 1998 Act') in relation to the abolition of the WDA:

    a. firstly, omitting redundant provisions from Part 1 of Schedule 14 to that Act that had amended the Welsh Development Agency Act 1975;

    b. secondly, omitting spent provisions from Part 2 of Schedule 14 that amended other enactments in relation to the WDA.

Part 12 – Development Board for Rural Wales

175. Through the Development of Rural Wales Act 1976 ('the 1976 Act') it was intended that the economic and social wellbeing of the people of rural Wales would be promoted, particularly the welfare of mid-Wales. The 1976 Act established the Development Board for Rural Wales that, amongst other matters, took over the work of the Mid-Wales Development Corporation and the Development Commission.

[19] This transfer was effected by the Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (SI 2005/3226), and subsequently to the Welsh Ministers through the Government of Wales Act 2006

176. Mae'r mwyafrif o ddarpariaethau Deddf 1976 wedi eu diddymu eisoes (yn bennaf gan Ddeddf 1998), gan adael adrannau 23, 26 a 35 yn unig. Peidiodd Bwrdd Datblygu Cymru Wledig â bodoli yn 1998, ac felly ystyrir bod y darpariaethau hyn sy'n weddill bellach wedi eu disbyddu. Felly, ymddengys yn briodol eu dileu o'r llyfr statud, ynghyd â'r darpariaethau yn Neddf 1998 a ddiddymodd y Bwrdd Datblygu.

177. Mae paragraff 50 o'r Atodlen felly yn diddymu Deddf 1976 (sydd â'r effaith o ddiddymu'r darpariaethau olaf sy'n weddill) ac mae paragraff 51 yn diwygio Deddf 1998 er mwyn:

a. hepgor adrannau 129(1), 130(1) a (3) i (5), 131(2) i (4) ac adran 133, sy'n ymwneud â'r Bwrdd Datblygu yn dod i ben;

b. diwygio adran 154 i ddileu'r cyfeiriadau diangen at adrannau 130 a 133; ac

c. hepgor y diwygiadau sydd bellach wedi eu disbyddu a wnaed gan Ddeddf 1998 i Ddeddf y Comisiynydd Seneddol 1967 a Deddf 1976.

Rhan 13 – Awdurdod Tir Cymru

178. Sefydlwyd Awdurdod Tir Cymru yn 1976 o dan Ddeddf Tir Comin 1975. Ei rôl oedd prynu tir ar ran Llywodraeth y DU ar gyfer datblygu diwydiannol neu fathau eraill o ddatblygu er mwyn annog twf economaidd. Trosglwyddwyd ei swyddogaethau ar gyfer Cymru i Awdurdod Datblygu Cymru yn 1998 ac yna fe'i diddymwyd. Trosglwyddwyd swyddogaethau Awdurdod Datblygu Cymru wedyn i Weinidogion Cymru ar ôl i Awdurdod Datblygu Cymru gael ei ddiddymu.

179. Cafodd swyddogaethau Awdurdod Tir Cymru eu trosglwyddo, a pheidiodd â gweithredu, drwy Ddeddf 1998. Nid oes angen rhai o'r darpariaethau yn Neddf 1998 mwyach. Felly, mae paragraff 52 o Atodlen 1 yn diwygio'r Ddeddf honno oherwydd:

a. daeth adran 134 â gweithrediad yr Awdurdod Tir i ben a chan fod hynny bellach wedi digwydd mae'r ddarpariaeth hon wedi ei disbyddu ac mae felly wedi ei hepgor;

b. mae adran 135(1) yn disgrifio cysylltiad rhwng adrannau 134 a 135. Mae'r Ddeddf yn hepgor hyn oherwydd y gallai fod yn gamarweiniol unwaith y mae adran 134 wedi ei hepgor;

c. roedd adran 136 yn gwneud darpariaeth ynghylch trosglwyddo staff, eiddo, etc. o Awdurdod Tir Cymru i Awdurdod Datblygu Cymru. Yn awr bod Awdurdod Tir Cymru ac Awdurdod Datblygu Cymru ill dau wedi peidio â bodoli, mae'r rhan fwyaf o'r adran wedi ei disbyddu. Mae'r Ddeddf felly yn hepgor adran 136(1) a (3) i (5). Mae adran 136(2) wedi ei chadw gan ei bod yn darparu cymorth o ran dangos tystiolaeth o drosglwyddiadau eiddo;

d. mae adran 137 yn ymdrin ag arbedion a darpariaethau trosiannol. Mae'r croesgyfeiriad at adran 134 yn is-adran (1) wedi ei hepgor gan fod y Ddeddf yn diddymu adran 134, ac mae is-adrannau (2) i (4) yn ddarpariaethau trosiannol a ddisbyddwyd y gellir eu hepgor hefyd bellach;

176. Most of the provisions of the 1976 Act are already repealed (mostly by the 1998 Act'), leaving only sections 23, 26 and 35. As the Development Board for Rural Wales ceased to exist in 1998, these last remaining provisions are now spent. It therefore appears appropriate to remove them from the statute book, together with the provisions in the 1998 Act that abolished the Development Board.

177. Paragraph 50 of this Schedule therefore repeals the 1976 Act (which has the effect of repealing the last remaining provisions) and paragraph 51 amends the 1998 Act to:

a. omit sections 129(1), 130(1) and (3) to (5), 131(2) to (4) and section 133, which relate to the cessation of the Development Board;

b. amend section 154 to remove the redundant references to sections 130 and 133; and

c. omit now spent amendments made by the 1998 Act to the Parliamentary Commissioner Act 1967 and the 1976 Act.

Part 13 – Land Authority for Wales

178. The Land Authority for Wales was established in 1976 under the Common Land Act 1975. Its role was to buy land on behalf of the UK Government for industrial or other forms of development to encourage economic growth. Its functions for Wales were transferred to the WDA in 1998 and then it was abolished. The functions of the WDA were subsequently transferred to the Welsh Ministers following the abolition of the WDA.

179. The transfer of its functions and the cessation of the operation of the Land Authority for Wales was achieved through the 1998 Act. Some of the provisions in the 1998 Act are no longer required. Therefore paragraph 52 of Schedule 1 amends that Act because:

a. section 134 ended the operation of the Land Authority and as that has now happened this provision is spent and is therefore omitted;

b. section 135(1) describes a connection between sections 134 and 135. The Act omits this as it has the potential to mislead once section 134 is omitted;

c. section 136 made provision about the transfer of staff, property, etc. from the Land Authority for Wales to the WDA. Now that the Land Authority for Wales and WDA have both ceased to exist, most of the section is spent. The Act therefore omits section 136(1) and (3) to (5). Section 136(2) is retained as it provides assistance in establishing evidence of property transfers;

d. section 137 deals with savings and transitional provisions. The cross-reference to section 134 in subsection (1) is omitted as the Act is repealing section 134, and subsections (2) to (4) are spent transitional provisions that can now also be omitted;

e. roedd adran 139 yn rhoi pŵer i'r Ysgrifennydd Gwladol i gyfarwyddo bod yr Awdurdod Tir yn peidio â bodoli. Mae'r pŵer hwn wedi ei arfer[20] ac felly mae'r adran hon wedi ei disbyddu. Mae'r Ddeddf yn hepgor yr adran hon; ac

f. arferodd yr Ysgrifennydd Gwladol y pŵer o dan adran 139 (Diddymu etc.) i gyfarwyddo bod Awdurdod Tir Cymru yn peidio â bodoli felly mae'r adran hon wedi ei disbyddu ac mae wedi ei hepgor. Mae'r cyfeiriadau at adran 139(3) yn adran 154 o Ddeddf 1998 (sy'n gwneud darpariaeth ynghylch sut y caniateir arfer gorchmynion a chyfarwyddydau o dan y Ddeddf) hefyd wedi eu hepgor, yn ogystal â chyfeiriadau at bwerau yn adran 136(4).

Rhan 14 – Diwygio Atodlen 9 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981

180. Yn gyffredinol, rheolir rhywogaethau estron goresgynnol gan ddefnyddio pwerau o dan Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 ('Deddf 1981'). Mae Atodlen 9 i Ddeddf 1981 yn rhestru rhywogaethau estron goresgynnol penodol o blanhigion ac anifeiliaid sydd wedi ymsefydlu yn y gwyllt ym Mhrydain Fawr, ond y mae'r gyfraith yn ceisio eu hatal rhag lledaenu ymhellach. Mae adran 14(1) o Ddeddf 1981 yn ei gwneud yn drosedd i ryddhau neu i ganiatáu i ddianc i'r gwyllt unrhyw anifail nad yw'n breswylydd fel arfer ym Mhrydain Fawr ac nad yw'n ymwelydd rheolaidd â Phrydain Fawr mewn cyflwr gwyllt, neu sydd wedi ei restru yn Rhan 1, 1A neu 1B o Atodlen 9 i Ddeddf 1981. Mae hefyd yn drosedd o dan adran 14(2) i blannu neu i beri tyfu fel arall yn y gwyllt unrhyw blanhigyn a restrir yn Rhan 2 o Atodlen 9 i Ddeddf 1981.

181. Mae pwerau ychwanegol ar gael o dan Reoliad Rhywogaethau Estron Goresgynnol 1143/2014 (y 'rheoliad a ddargedwir', h.y. fersiwn cyfraith yr UE a ddargedwir o Reoliad (EU) Rhif 1143/2014 Senedd Ewrop a'r Cyngor o 22 Hydref 2014 ar atal a rheoli cyflwyno a lledaenu rhywogaethau estron goresgynnol) a Gorchymyn Rhywogaethau Estron Goresgynnol (Gorfodi a Thrwyddedu) 2019 (O.S. 2019/527) ('Gorchymyn 2019') i helpu i reoli rhywogaethau goresgynnol yr ystyrir eu bod yn peri risg uwch (a elwir yn "rhywogaethau o bryder i'r Undeb" o dan Reoliad yr UE neu'n "rhywogaethau o bryder arbennig" o dan y rheoliad a ddargedwir).

182. Mae'r rheoliad a ddargedwir yn gosod cyfyngiadau llym ar unrhyw beth yn y rhestr o rywogaethau o bryder arbennig. Mae'r rhain yn rhywogaethau o anifeiliaid a phlanhigion y mae eu heffeithiau niweidiol posibl ledled Prydain Fawr yn golygu bod angen gweithredu ar y cyd. Mae'r cyfyngiadau ar y rhywogaethau hyn yn golygu na chaniateir yn fwriadol eu mewnforio, eu cadw, eu bridio, eu cludo, eu gwerthu na'u rhyddhau i'r amgylchedd. Mae Gorchymyn 2019 yn darparu ar gyfer y gyfundrefn orfodi ar gyfer y rheoliad a ddargedwir.

[20] Gweler Gorchymyn Awdurdod Tir Cymru (Diddymu) 1999 (O.S. 1999/372).

e. section 139 provided a power to the Secretary of State to direct the Land Authority ceased to exist. This power has been exercised[20] and therefore this section is spent. It is omitted by the Act; and

f. the Secretary of State exercised the power under section 139 (Abolition etc.) to direct that the Land Authority for Wales ceased to exist so this section is spent and is omitted. The references to section 139(3) in section 154 of the 1998 Act (which makes provision regarding how orders and directions under the Act may be exercised) are also omitted, as are references to powers in section 136(4).

Part 14 – Amendment of Schedule 9 to the Wildlife and Countryside Act 1981

180. Invasive non-native species are generally managed using powers under the Wildlife and Countryside Act 1981 ('the 1981 Act'). Schedule 9 to the 1981 Act lists certain plant and animal invasive non-native species that have become established in the wild in Great Britain, but that the law seeks to prevent spreading further. Section 14(1) of the 1981 Act makes it an offence to release or allow to escape into the wild any animal that is not ordinarily resident in Great Britain and is not a regular visitor to Great Britain in a wild state, or that is listed in Part 1, 1A or 1B of Schedule 9 to the 1981 Act. It is also an offence under section 14(2) to plant or otherwise cause to grow in the wild any plant listed in Part 2 of Schedule 9 to the 1981 Act.

181. Additional powers are available under the Invasive Alien Species Regulation 1143/2014 (the 'retained regulation', i.e. the retained EU law version of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species) and the Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527) ('the 2019 Order') to help manage invasive species that are considered higher risk (known as "species of Union concern" under the EU Regulation or "species of special concern" under the retained regulation).

182. The retained regulation imposes strict restrictions on anything in the list of "species of special concern". These are species of animals and plants whose potential adverse impacts across Great Britain are such that concerted action is required. The restrictions on these species mean they cannot be intentionally imported, kept, bred, transported, sold, or released into the environment. The 2019 Order provides for the enforcement regime for the retained regulation.

[20] see the Land Authority for Wales (Abolition) Order 1999 (SI 1999/372)

183. Cafodd rhai rhywogaethau estron goresgynnol a oedd yn cael eu rheoli gynt o dan Ddeddf 1981 eu dileu o Atodlen 9 yn 2019 i gael eu rheoleiddio o dan y Rheoliad Rhywogaethau Estron Goresgynnol. Roedd hyn at ddibenion cysondeb, gan sicrhau na fyddai troseddau tebyg yn gorgyffwrdd a chan leihau'r posibilrwydd o ddryswch ymhlith defnyddwyr y ddeddfwriaeth. Roedd Atodlen 4 i Orchymyn 2019 yn cynnwys darpariaeth i ddileu rhywogaethau o Atodlen 9 i Ddeddf 1981 sydd hefyd yn rhywogaethau o bryder arbennig. Cafodd y troseddau yn adran 14 o Ddeddf 1981 sy'n ymwneud â rhyddhau'r rhywogaethau hyn neu ganiatáu iddynt ddianc i'r gwyllt eu hailadrodd yng Ngorchymyn 2019 i sicrhau na fyddai llai o ddiogelwch.

184. Ym mis Gorffennaf 2019 diweddarodd Rheoliad Gweithredu'r Comisiwn (UE) 2019/1262 y rhestr o rywogaethau o bryder i'r Undeb, gan gynnwys ychwanegu tair rhywogaeth sydd hefyd wedi eu rhestru yn Atodlen 9 i Ddeddf 1981 (sef llyngyren ledog Seland Newydd (*arthurdendyus triangulatus*, a elwir hefyd yn *artiposthia triangulata*), swilyn tagell-goch (*lepomis gibbosus*) a salfinia enfawr (*salvinia molesta*)).

185. Yn 2021 cyflwynodd Defra Orchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 9) (Lloegr) 2021 (O.S. 2021/236) ('Gorchymyn 2021') i ddileu'r tair rhywogaeth hyn o Atodlen 9 i Ddeddf 1981 o ran Lloegr, fel eu bod ond yn cael eu rheoleiddio o dan y Rheoliad Rhywogaethau Estron Goresgynnol. Nid oes unrhyw ddarpariaeth dacluso debyg wedi ei gwneud o ran Cymru hyd yma, sy'n golygu bod y rhywogaethau hyn wedi eu rhestru yn Atodlen 9 i Ddeddf 1981 ac yn cael eu rheoleiddio gan y Rheoliad Rhywogaethau Estron Goresgynnol.

186. Mae paragraff 53 o'r Atodlen hon i'r Ddeddf bellach yn diwygio Atodlen 9 i Ddeddf 1981 i ddileu'r tair rhywogaeth o ran Cymru.

Rhan 15 – Hawliau tramwy cyhoeddus sydd heb eu cofnodi

187. Cafodd Deddf Cefn Gwlad a Hawliau Tramwy 2000 ('Deddf 2000') ei deddfu, yn rhannol, i wella mynediad cyhoeddus i gefn gwlad agored a thir comin cofrestredig wrth gydnabod buddiannau dilys y rhai sy'n berchen ar y tir o dan sylw ac yn ei reoli, gan gynnwys drwy ddiwygio'r gyfraith sy'n ymwneud â hawliau tramwy.

188. Nid yw adrannau 53 i 56 o Ddeddf 2000 erioed wedi eu cychwyn gan Weinidogion Cymru ac felly nid ydynt mewn grym o ran Cymru. Maent yn rhagnodi dyddiad terfynol (1 Ionawr 2026) ar gyfer cofnodi llwybrau troed a llwybrau ceffylau a grëwyd cyn 1949 (gyda rhai eithriadau) mewn mapiau diffiniol.[21] Mae'r darpariaethau'n darparu y byddai hawliau tramwy cyhoeddus dros lwybrau troed a llwybrau ceffylau o'r fath nad ydynt wedi eu cofnodi erbyn y dyddiad terfynol yn cael eu diddymu. Mae adran 56 o Ddeddf 2000 yn darparu y gellir estyn y dyddiad terfynol o ran Cymru drwy reoliadau a wneir gan Weinidogion Cymru. Nid oes unrhyw reoliadau o'r fath wedi eu gwneud gan Weinidogion Cymru gan nad yw adrannau 53 i 56 erioed wedi eu dwyn i rym.

[21] Mae'n ofynnol i awdurdodau arolygu (ystyr hyn yng Nghymru yw'r 22 o gynghorau sir a chynghorau bwrdeistref sirol) lunio eu map(iau) a datganiad(au) diffiniol a'u hadolygu'n barhaus. Mae'r rhain yn ffurfio'r cofnod cyfreithiol o hawliau tramwy cyhoeddus yn eu hardal. Am ragor o wybodaeth am fapiau a datganiadau diffiniol gweler Cyfoeth Naturiol Cymru / Map a Datganiad Diffiniol

183. Some invasive non-native species formerly controlled under the 1981 Act were removed in 2019 from Schedule 9 to be regulated under the Invasive Alien Species Regulation. This was for the purposes of consistency, preventing overlap of similar offences and reducing the potential for confusion amongst users of the legislation. Schedule 4 to the 2019 Order included provision to remove species from Schedule 9 to the 1981 Act that are also species of special concern. The offences within section 14 of 1981 Act relating to release or allowing the escape of these species into the wild were replicated in the 2019 Order to ensure there was no reduction in protection.

184. In July 2019 Commission Implementing Regulation (EU) 2019/1262 updated the list of species of Union concern including the addition of three species that are also listed in Schedule 9 to the 1981 Act (New Zealand flatworm (*arthurdendyus triangulatus*, which is also known as *artiposthia triangulata*), pumpkinseed (*lepomis gibbosus*) and giant salvinia (*salvinia molesta*)).

185. In 2021 Defra introduced the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England) Order 2021 (S.I. 2021/236) ('the 2021 Order') to remove these three species from Schedule 9 to the 1981 Act in relation to England, so that they were only regulated under the Invasive Alien Species Regulation. No similar tidying up provision has been made in relation to Wales to date, which means these species are listed in Schedule 9 to the 1981 Act and regulated by the Invasive Alien Species Regulation.

186. Paragraph 53 of this Schedule to the Act now amends Schedule 9 to the 1981 Act to remove the three species in relation to Wales.

Part 15 – Unrecorded public rights of way

187. The Countryside and Rights of Way Act 2000 ('the 2000 Act') was enacted, in part, to improve public access to the open countryside and registered common land while recognising the legitimate interests of those who own and manage the land concerned, including by amending the law relating to rights of way.

188. Sections 53 to 56 of the 2000 Act have never been commenced by the Welsh Ministers and are therefore not in force in relation to Wales. They prescribe a cut-off date (1 January 2026) for the recording on definitive maps[21] of footpaths and bridleways created before 1949 (with certain exceptions). The provisions provide that public rights of way over such footpaths and bridleways that have not been recorded by the cut-off date would be extinguished. Section 56 of the 2000 Act provides that the cut-off date can be extended in relation to Wales by regulations made by the Welsh Ministers. No such regulations have been made by the Welsh Ministers as sections 53 to 56 have never been brought into force.

[21] Surveying authorities (in Wales this means the 22 county and county borough councils) are required to prepare and keep under review their definitive map and statement(s). These form the legal record of public rights of way in their area. For more information on definitive maps and statements see Natural Resources Wales / Definitive Map and Statement

189. Mae Deddf Bywyd Gwyllt a Chefn Gwlad 1981 ('Deddf 1981') yn ei gwneud yn ofynnol, ymhlith pethau eraill, i fapiau a datganiadau diffiniol gael eu hadolygu'n barhaus. Caiff yr awdurdod arolygu ar gyfer ardal wneud, drwy orchymyn, unrhyw addasiadau i fap a datganiad diffiniol y mae'n ystyried eu bod yn ofynnol. Pe bai paragraff 4 o Atodlen 5 i Ddeddf 2000 mewn grym byddai'n mewnosod adran newydd 54A yn Neddf 1981, a byddai'r adran honno'n atal awdurdod arolygu rhag gwneud gorchymyn ar ôl y dyddiad terfynol (1 Ionawr 2026) a fyddai'n addasu map a datganiad diffiniol at ddiben cofnodi cilffordd sy'n agored i bob traffig (a elwir yn "BOAT"), ac eithrio pan fo'r BOAT wedi ei gofnodi yn lle unrhyw ffordd arall sydd eisoes wedi ei chofnodi yn y map a'r datganiad. Gan nad yw paragraff 4 o Atodlen 5 i Ddeddf 2000 wedi ei ddwyn i rym o ran Cymru, nid yw adran newydd 54A o Ddeddf 1981 mewn grym ychwaith. Felly nid oes dyddiad terfynol i awdurdodau arolygu i wneud gorchmynion ar gyfer cynnwys BOATau mewn mapiau a datganiadau diffiniol.

190. Ers 2001 mae Llywodraeth Cymru wedi bod yn gweithredu darpariaethau o dan Ddeddf 2000, ond mae darpariaethau penodol nad ydynt wedi eu gweithredu eto, yn enwedig y rhai nad ydynt yn berthnasol mwyach neu nad ydynt yn cael eu hystyried yn gydnaws â blaenoriaethau Llywodraeth Cymru ar gyfer mynediad. Mae'r rhain yn cynnwys darpariaethau nad ydynt yn angenrheidiol mwyach neu sy'n ddwys o ran adnoddau ar gyfer awdurdodau lleol.

191. Mae paragraff 54 o'r Atodlen hon felly'n diwygio adrannau 53, 54, 55 a 56 o Ddeddf 2000, fel y bydd y darpariaethau hynny'n gymwys i dir yn Lloegr yn unig. Felly, ni fydd dyddiad terfynol erbyn pryd y mae rhaid cynnwys llwybrau troed hanesyddol a llwybrau ceffylau hanesyddol yng Nghymru mewn mapiau diffiniol, nac ar gyfer dileu hawliau tramwy penodol yng Nghymru nad ydynt wedi eu hawlio erbyn y dyddiad terfynol. Dyma'r sefyllfa bresennol yn y gyfraith (gan nad yw darpariaethau Deddf 2000 wedi eu cychwyn) ac mae'r newid a wneir gan y Ddeddf hon yn dileu'r posibilrwydd y bydd y sefyllfa bresennol yn newid heb wneud darpariaeth ddeddfwriaethol newydd.

192. Mae paragraff 55 o'r Atodlen hon yn diwygio paragraff 4 o Atodlen 5 i Ddeddf 2000, fel y byddai adran newydd 54A o Ddeddf 1981 (os caiff ei dwyn i rym) yn gymwys i dir yn Lloegr yn unig. Felly, ni fydd dyddiad terfynol erbyn pryd y mae rhaid cynnwys BOATau yng Nghymru mewn mapiau a datganiadau diffiniol.

Rhan 16 – Diwygiadau amrywiol sy'n ymwneud â Deddf Llywodraeth Cymru 1998

193. Darparodd Deddf 1998 ar gyfer sefydlu Cynulliad Cenedlaethol Cymru. Yn wahanol i'r trefniadau datganoli a roddwyd ar waith ar yr un pryd yn yr Alban a Gogledd Iwerddon, nid oedd Deddf 1998 yn darparu ar gyfer gwahanu'r ddeddfwrfa a'r weithrediaeth. Yn hytrach, sefydlwyd y Cynulliad Cenedlaethol fel un corff corfforedig, a oedd yn arfer ei swyddogaethau ar ran y Goron. Golygai hyn mai un sefydliad, y Cynulliad Cenedlaethol, oedd yn gyfrifol am gyflawni swyddogaethau deddfwriaethol a gweithredol.

194. Ysgwyddodd y Cynulliad y pwerau a'r dyletswyddau statudol yr oedd Ysgrifennydd Gwladol Cymru wedi eu harfer yn y gorffennol. Gwnaed darpariaeth i Orchmynion yn y Cyfrin Gyngor drosglwyddo'r cyfrifoldebau gweithredol hyn gan fwyaf i'r Cynulliad a rhoddodd Deddfau Seneddol dilynol bwerau ychwanegol i'r Cynulliad.

189. The Wildlife and Countryside Act 1981 ('the 1981 Act') requires, among other things, that definitive maps and statements be kept under review. The surveying authority for an area may make, by order, such modifications to a definitive map and statement as it considers are required. If paragraph 4 of Schedule 5 to the 2000 Act were in force it would insert a new section 54A into the 1981 Act, and that section would prevent a surveying authority making an order after the cut-off date (1 January 2026) that modified a definitive map and statement for the purpose of recording a byway open to all traffic (known as a "BOAT"), except where the BOAT is recorded in the place of any other way already recorded in the map and statement. As paragraph 4 of Schedule 5 to the 2000 Act has not been brought into force in relation to Wales, new section 54A of the 1981 Act is also not in force. As such there is no cut-off date for surveying authorities to make orders for the inclusion of BOATs on definitive maps and statements.

190. Since 2001 the Welsh Government has been implementing provisions under the 2000 Act, but certain provisions have yet to be implemented, particularly those that are no longer pertinent or considered in keeping with the Welsh Government's priorities for access. These include provisions that are no longer necessary or are resource intensive for local authorities.

191. Paragraph 54 of this Schedule therefore amends sections 53, 54, 55 and 56 of the 2000 Act, so those provisions apply to land in England only. Therefore there will not be a cut-off date by which historic footpaths and bridleways in Wales must be included on definitive maps, nor for the extinguishment of certain rights of way in Wales that have not been claimed by the cut-off date. This is the current position in law (as the 2000 Act provisions have not been commenced) and the change made by this Act removes the prospect of the current position changing without new legislative provision being made.

192. Paragraph 55 of this Schedule amends paragraph 4 of Schedule 5 to the 2000 Act, so that new section 54A of the 1981 Act (if brought into force) would apply to land in England only. Therefore, there will not be a cut-off date by which BOATs in Wales must be included on definitive maps and statements.

Part 16 – Miscellaneous amendments relating to the Government of Wales Act 1998

193. The 1998 Act provided for the establishment of the National Assembly for Wales. Unlike the devolution arrangements put in place at the same time in Scotland and Northern Ireland, the 1998 Act did not provide for a separation between the legislature and the executive. Instead, the National Assembly was established as a single corporate body, which exercised its functions on behalf of the Crown. This meant that one organisation, the National Assembly, was responsible for discharging both legislative and executive functions.

194. The Assembly assumed the statutory powers and duties that the Secretary of State for Wales had previously exercised. Provision was made for Orders in Council to transfer these mostly executive responsibilities to the Assembly and subsequent Acts of Parliament conferred additional powers on the Assembly.

195. Ni allai'r Cynulliad ond gwneud is-ddeddfwriaeth, fel gorchmynion a rheoliadau, mewn meysydd datganoledig. Ni allai wneud deddfwriaeth sylfaenol i Gymru. Senedd y DU oedd yn gyfrifol am hynny o hyd mewn meysydd datganoledig a meysydd a gadwyd yn ôl.

196. Ym mis Mehefin 2005, cyhoeddodd Ysgrifennydd Gwladol Cymru Bapur Gwyn, *Trefn Lywodraethu Well i Gymru*,[22] a oedd yn cynnwys cynigion i wahanu'n ffurfiol ganghennau gweithredol a deddfwriaethol y Cynulliad, diwygio'r trefniadau etholiadol presennol a chynyddu pwerau deddfu'r Cynulliad. Rhoddodd Deddf 2006 effaith i'r amcanion polisi eang yng nghynigion y Papur Gwyn. Er iddi ddiddymu'r rhan fwyaf o Ddeddf 1998, roedd darpariaethau penodol yn parhau i fod mewn grym.

197. Fel y nodir mewn mannau eraill yn y Nodiadau Esboniadol hyn, mae'r Ddeddf yn gwneud nifer o newidiadau i'r darpariaethau sy'n weddill o Ddeddf 1998. Mae Rhan 16 o'r Atodlen hon i'r Ddeddf hefyd yn gwneud nifer o ddiwygiadau amrywiol i Ddeddf 1998 i ddileu cyfeiriadau at gyrff darfodedig, dileu darpariaethau trosiannol a ddisbyddwyd, diweddaru cyfeiriadau penodol at gyrff eraill a dileu diwygiadau penodol a wnaed gan Ddeddf 1998 i ddeddfiadau eraill gan nad oes angen y rhain mwyach o ganlyniad i ddiddymiadau ac amnewidiadau gan Ddeddfau diweddarach. Yn benodol:

a. Diwygio cyrff cyhoeddus eraill yng Nghymru:
    i. mae adran 28 o Ddeddf 1998 yn darparu pŵer i Weinidogion Cymru i orchymyn trosglwyddo un neu ragor o'r swyddogaethau sydd gan gyrff a restrir yn Atodlen 4 i Ddeddf 1998. Mae adran 28 wedi ei diwygio felly i ddileu cyfeiriad at Ran 2 o Atodlen 4, oherwydd y darparwyd ar gyfer pwyllgorau cynghori i Gymru gan Ddeddf y Gwasanaeth Iechyd Gwladol 1977, a ddiddymwyd o 1 Mawrth 2007 ymlaen. Mae Rhan 2 o Atodlen 4 ei hun hefyd wedi ei hepgor, a hynny am yr un rheswm.
    ii. Mae Rhan 1 o Atodlen 4 i Ddeddf 1998 wedi ei diwygio i hepgor cyrff cyhoeddus nad ydynt yn bodoli mwyach neu, yn achos y cyfeiriad at Gyngor Gofal Cymru, i adlewyrchu enw newydd y corff hwnnw, sef Gofal Cymdeithasol Cymru.[23]

b. Mae Atodlen 10 i Ddeddf 1998 yn gwneud diwygiadau canlyniadol i Ddeddf Comisiynwyr y Gwasanaeth Iechyd 1993. Mae'r rhan fwyaf o'r diwygiadau hyn wedi eu disodli, a bydd y Ddeddf yn eu hepgor.

[22] Ar gael yn: https://www.gov.uk/government/publications/better-governance-for-wales.

[23] Mae adran 67(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 yn darparu bod adran 54 o Ddeddf Safonau Gofal 2000 wedi ei diddymu. Mae adran 67(2) yn darparu bod y corff corfforedig o'r enw Cyngor Gofal Cymru (a sefydlwyd gan adran 54) i barhau mewn bodolaeth; mae adran 67(3) yn darparu ei fod i'w ailenwi ac mai ei enw fydd Gofal Cymdeithasol Cymru.

195. The Assembly could only make secondary legislation, such as orders and regulations, in devolved areas. It could not make primary legislation for Wales, which remained the UK Parliament's responsibility in both devolved and reserved areas.

196. In June 2005, the Secretary of State for Wales published a White Paper, *Better Governance for Wales*[22], which included proposals to effect a formal separation between the executive and legislative branches of the Assembly, reform existing electoral arrangements and increase the legislative powers of the Assembly. The 2006 Act gave effect to the broad policy objectives contained in the White Paper proposals. Although it repealed the majority of the 1998 Act, certain provisions continued to be in force.

197. As noted elsewhere in these Explanatory Notes the Act makes several changes to the remaining provisions of the 1998 Act. Part 16 of this Schedule to the Act also makes a number of miscellaneous amendments to the 1998 Act to remove references to obsolete bodies, remove spent transitional provisions, update certain references to other bodies and remove certain amendments that the 1998 Act made to other enactments because these are no longer needed as a result of repeals and substitutions by later Acts. In particular:

a. Reform of other Welsh public bodies:
    i. section 28 of the 1998 Act provides a power to the Welsh Ministers to order the transfer of one or more of the functions of bodies listed in Schedule 4 to the 1998 Act. Section 28 is therefore amended to remove reference to Part 2 of Schedule 4, because advisory committees for Wales were provided for by the National Health Service Act 1977, which was repealed with effect from 1 March 2007. Part 2 of Schedule 4 itself is also omitted, for the same reason.
    ii. Part 1 of Schedule 4 to the 1998 Act is amended to omit public bodies that no longer exist or, in the case of the reference to the Care Council for Wales, to reflect the change in name of that body to Social Care Wales[23].

b. Schedule 10 to the 1998 Act makes consequential amendments to the Health Service Commissioners Act 1993. Most of these amendments have been superseded, and the Act will omit them.

[22] Available at: https://www.gov.uk/government/publications/better-governance-for-wales

[23] Section 67(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 provides that section 54 of the Care Standards Act 2000 is repealed. Section 67(2) provides that the body corporate called the Care Council for Wales (established by section 54) is to continue in existence; section 67(3) provides that it is to be renamed, and is to be known as, Social Care Wales.

c. Mae Atodlen 12 i Ddeddf 1998 yn ymdrin â mân ddiwygiadau a diwygiadau canlyniadol i ddeddfwriaeth sy'n ymwneud â Deddf Archwilio Cyhoeddus (Cymru) 2004:

   i. mae'r diwygiad i baragraff 17 gan y Ddeddf yn hepgor darpariaeth sy'n diwygio Deddf Llywodraeth Leol 1974 oherwydd bod y ddarpariaeth ddiwygiedig yn y Ddeddf honno wedi ei diddymu gan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005;
   ii. cafodd y geiriau a fewnosodwyd gan baragraff 22 yn adran 134(3) o Ddeddf Iechyd Meddwl 1983 eu hamnewid gan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005, ac felly mae paragraffau 21 a 22 wedi eu hepgor;
   iii. yn yr un modd, cafodd y geiriau a fewnosodwyd gan baragraff 36(b) eu hamnewid gan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 a gellir yn awr eu hepgor.

d. Mae Atodlen 16 i Ddeddf 1998 yn ymdrin â diwygiadau sy'n codi o ganlyniad i ddiddymu Tai Cymru. Mae'r Ddeddf yn hepgor:
   i. paragraff 1 gan ei fod yn diwygio Deddf Cymdeithasau Cyfeillgar a Diwydiannol a Darbodus 1968 a ddiddymwyd gan Ddeddf Cymdeithasau Cydweithredol a Chymdeithasau Budd Cymunedol 2014;
   ii. paragraff 12 gan ei fod yn diwygio adran 157(4) o Ddeddf Tai 1985 ond hepgorwyd yr is-adran hon yn rhinwedd Deddf Tai 2004;
   iii. paragraffau 56 a 57 gan eu bod yn diwygio Deddf Treth Incwm a Threth Gorfforaeth 1988. Diddymwyd darpariaethau perthnasol Deddf 1988 gan Ddeddf Treth Gorfforaeth 2010;
   iv. paragraff 68 gan ei fod yn diwygio Deddf Tai 1988 ond hepgorwyd y ddarpariaeth berthnasol gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018;
   v. paragraff 84 gan ei fod yn diwygio adran 9 o Ddeddf Tai 1996 ond amnewidiwyd yr adran honno gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018;
   vi. paragraff 96 gan ei fod yn diwygio darpariaethau amrywiol yn Atodlen 1 i Ddeddf Tai 1996, sydd ers hynny wedi eu hamnewid neu eu diddymu;
   vii. paragraffau 98 i 100 gan eu bod yn diwygio Deddf y Comisiwn Archwilio 1998. Diddymwyd y Ddeddf honno gan Ddeddf Archwilio ac Atebolrwydd Lleol 2014.

198. Mae paragraff 57 o'r Atodlen hon i'r Ddeddf hefyd yn diddymu paragraffau penodol yn Atodlen 10 i Ddeddf 2006. Roedd y paragraffau hynny'n diwygio Deddf 1998 i ddarparu ar gyfer trosglwyddo swyddogaethau penodol mewn perthynas â choedwigaeth a'r amgylchedd o'r Cynulliad Cenedlaethol (fel yr oedd ar y pryd) i Weinidogion Cymru. Daeth y swyddogaethau hynny i ben pan gafodd Corff Adnoddau Naturiol Cymru ei greu, a diddymwyd darpariaethau sylfaenol Deddf 1998.[24] Felly mae'r darpariaethau sy'n cael eu hepgor gan y Ddeddf wedi eu disbyddu.

[24] Gweler Gorchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755) a Gorchymyn Corff Adnoddau Naturiol Cymru (Darpariaeth Ganlyniadol) 2013 (O.S. 2013/1821).

c. Schedule 12 to the 1998 Act deals with minor and consequential amendments to legislation relating to the Public Audit (Wales) Act 2004:

   i. the amendment by the Act to paragraph 17 omits provision amending the Local Government Act 1974 because the amended provision in that Act was repealed by the Public Services Ombudsman (Wales) Act 2005;
   ii. the words inserted by paragraph 22 into section 134(3) of the Mental Health Act 1983 were substituted by Public Services Ombudsman (Wales) Act 2005, and paragraphs 21 and 22 are therefore omitted;
   iii. similarly, the words inserted by paragraph 36(b) were substituted by the Public Services Ombudsman (Wales) Act 2005 and can now be omitted.

d. Schedule 16 to the 1998 Act deals with amendments that arise in consequence of the abolition of Housing for Wales. The Act omits:
   i. paragraph 1 because it amends the Friendly and Industrial and Provident Societies Act 1968, which was repealed by the Co-operative and Community Benefit Societies Act 2014;
   ii. paragraph 12 because it amends section 157(4) of the Housing Act 1985 but this subsection was omitted by virtue of the Housing Act 2004;
   iii. paragraphs 56 and 57 because they amend the Income and Corporation Taxes Act 1988. The relevant provisions of the 1988 Act were repealed by the Corporation Tax Act 2010;
   iv. paragraph 68 because it amends the Housing Act 1988 but the relevant provision was omitted by the Regulation of Registered Social Landlords (Wales) Act 2018;
   v. paragraph 84 because it amends section 9 of the Housing Act 1996 but this was substituted by the Regulation of Registered Social Landlords (Wales) Act 2018;
   vi. paragraph 96 because it amends various provisions in Schedule 1 to the Housing Act 1996, which have since been substituted or repealed.
   vii. paragraphs 98 to 100 because they amend the Audit Commission Act 1998. That Act was repealed by the Local Audit and Accountability Act 2014.

198. Paragraph 57 of this Schedule to the Act also repeals certain paragraphs in Schedule 10 to the 2006 Act. Those paragraphs amended the 1998 Act to provide for the transfer of certain functions in relation to forestry and the environment from the (then) National Assembly to the Welsh Ministers. Those functions subsequently fell away upon the creation of the Natural Resources Body for Wales, and the underlying provisions of the 1998 Act were repealed[24]. The provisions being omitted by the Act are therefore spent.

[24] See the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) and the Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821)

Rhan 17 – Darpariaeth drosiannol mewn perthynas â Deddf Llywodraeth Cymru 2006

199. O dan Ddeddf 2006, trosglwyddwyd pwerau a swyddogaethau'r Cynulliad, gan gynnwys y pŵer i wneud is-ddeddfwriaeth, i Weinidogion Cymru, a ddaeth yn atebol i'r Cynulliad.

200. Creodd Deddf 2006 system ar gyfer rhoi'r gallu i'r Cynulliad i basio Mesurau Cynulliad mewn 20 o feysydd diffiniedig drwy Orchmynion Cymhwysedd Deddfwriaethol, yr oedd angen cydsyniad dau Dŷ Senedd y DU ac Ysgrifennydd Gwladol Cymru ar eu cyfer.

201. Rhoddodd hefyd y pŵer i'r Cynulliad i wneud Deddfau, yn amodol ar refferendwm. Cynhaliwyd y refferendwm hwn yn 2011 ac, yn dilyn canlyniad cadarnhaol i'r refferendwm, ysgwyddodd y Cynulliad bwerau newydd i basio deddfwriaeth sylfaenol (Deddfau gan y Cynulliad Cenedlaethol) heb fod angen cydsyniad Senedd y DU mewn meysydd penodedig.

202. Trosglwyddodd Deddf Cymru 2014 bwerau pellach i Gynulliad Cenedlaethol Cymru, a gwnaeth Deddf Cymru 2017 wedi hynny newidiadau pellach i Ddeddf 2006 a Deddf Cymru 2014, yn benodol newid o fodel "rhoi pwerau" i fodel "cadw pwerau" ar gyfer datganoli yng Nghymru. Ar 6 Mai 2020 daeth Cynulliad Cenedlaethol Cymru yn "Senedd Cymru" neu "Llywodraeth Cymru" yn sgil newidiadau a gyflwynwyd gan adran 2 o Ddeddf Senedd ac Etholiadau (Cymru) 2020.

203. Yn ogystal â'r diwygiadau i Ddeddf 2006 sydd eisoes wedi eu nodi yn y Nodiadau Esboniadol hyn, mae Rhan 16 o'r Atodlen hon i'r Ddeddf yn gwneud newidiadau i Atodlen 11 i Ddeddf 2006. Mae Atodlen 11 yn cynnwys darpariaethau trosiannol i ymdrin â throsglwyddo ym mis Mai 2007, pan gynhaliwyd etholiad cyntaf y Cynulliad ar ôl Deddf 2006, o'r gyfundrefn gyfreithiol a llywodraethol a grëwyd gan Ddeddf 1998 i'r gyfundrefn a nodwyd yn Neddf 2006. Mae'n nodi darpariaethau manwl sy'n ymdrin â'r trefniadau angenrheidiol i sicrhau trosi effeithiol. Gan fod y trosi wedi digwydd nid oes angen llawer o'r darpariaethau hynny mwyach, a bydd y Ddeddf yn dileu'r rhain o'r llyfr statud.

204. Mae'r diwygiadau i Atodlen 11 yn diwygio:

a. Paragraffau 3 i 7 (sy'n ymdrin ag etholiadau) –
   i. mae paragraff 3 yn darparu i ddyddiad cyfarfod cyntaf y Cynulliad Cenedlaethol a ddychwelir ar ôl etholiad 2007 gael ei osod drwy orchymyn a wneir gan yr 'hen Gynulliad' (a oedd wedi ei gyfansoddi o dan Ddeddf 1998). Mae hyn wedi ei ddisbyddu yn awr bod y cyfarfod cyntaf ar ôl etholiad 2007 wedi ei gynnal;
   ii. mae paragraff 4 yn darparu i ddyddiad etholiad cyffredinol cyffredin cyntaf Cymru a gynhelir ar ôl 2007 gael ei gyfrifo drwy gyfeirio at etholiad 2007, a gafodd yr effaith o sicrhau y byddai'r etholiad cyffredinol nesaf yn cael ei gynnal yn 2011. Mae hyn wedi ei ddisbyddu yn awr bod etholiad 2011 wedi ei gynnal;
   iii. mae paragraffau 5 a 6 wedi eu disbyddu hefyd gan eu bod yn diwygio adrannau 5 a 7 o Ddeddf 1998, a gafodd ill dwy eu diddymu gan Atodlen 12 i Ddeddf 2006;

Part 17 – Transitional provision relating to the Government of Wales Act 2006

199. Under the 2006 Act, the powers and functions of the Assembly, including the power to make subordinate legislation, were transferred to the Welsh Ministers, who became accountable to the Assembly.

200. The 2006 Act created a system for granting the Assembly the ability to pass Assembly Measures in 20 defined areas through Legislative Competence Orders, which required the consent of both Houses of Parliament and the Secretary of State for Wales.

201. It also granted the Assembly the power to make Acts, subject to a referendum. This referendum was held in 2011 and, following the affirmative referendum result, the Assembly assumed new powers to pass primary legislation (Acts of the National Assembly for Wales) without recourse to Parliament in specified areas.

202. The Wales Act 2014 transferred further powers to the National Assembly for Wales, and the subsequent Wales Act 2017 made further changes to the 2006 Act and the Wales Act 2014, notably moving from a "conferred" to a "reserved" model of devolution in Wales. On 6 May 2020 the National Assembly for Wales became "Senedd Cymru" or "the Welsh Parliament" following changes introduced by section 2 of the Senedd and Elections (Wales) Act 2020.

203. Over and above the amendments to the 2006 Act that have already been set out in these Explanatory Notes, Part 16 of this Schedule to the Act makes changes to Schedule 11 to the 2006 Act. Schedule 11 contains transitional provisions to cover the transfer in May 2007, when the first Assembly election took place after the 2006 Act, from the legal and governmental regime created by the 1998 Act to the regime set out in the 2006 Act. It sets out detailed provisions dealing with the arrangements necessary to ensure an effective transition. As the transition has happened a number of those provisions are no longer required, and the Act will remove these from the statute book.

204. The amendments to Schedule 11 are to:

a. Paragraphs 3 to 7 (dealing with elections) –
    i. paragraph 3 provides for the date of the first meeting of the National Assembly returned after the 2007 election to be set by order made by the 'old Assembly' (which had been constituted under the 1998 Act). This is spent now that the first meeting after the 2007 election has taken place;
    ii. paragraph 4 provides for the date of the first ordinary Welsh general election held after 2007 to be calculated by reference to the 2007 election, which had the effect that the next general election would be held in 2011. This is spent now that the 2011 election has taken place;
    iii. paragraphs 5 and 6 are also spent because they amended sections 5 and 7 of the 1998 Act, which were both repealed by Schedule 12 to the 2006 Act;

iv. mae paragraff 7 wedi ei ddisbyddu gan ei fod yn addasu adran 11 o Ddeddf 2006 tan yr etholiad cyffredinol cyntaf a chan ei fod yn ymwneud ag is-etholiadau'r Senedd cyn etholiad 2011.

b. Paragraff 9, a oedd yn gwneud darpariaeth drosiannol ynghylch cyfnod swydd Aelodau'r Cynulliad a ddychwelwyd yn etholiad 2007 ac sydd felly bellach wedi ei ddisbyddu.

c. Paragraff 11, sy'n anghymwyso Arglwydd Apêl Sefydlog rhag bod yn aelod o'r Senedd. Barnwyr oedd Arglwyddi Apêl Sefydlog, neu Arglwyddi'r Gyfraith, a benodid o dan Ddeddf Awdurdodaeth Apeliadau 1876, sydd bellach wedi ei diddymu, i Bwyllgor Apeliadol Tŷ'r Arglwyddi. Roeddent yn arfer swyddogaethau barnwrol Tŷ'r Arglwyddi, a oedd yn cynnwys gweithredu fel y llys apêl uchaf ar gyfer y mwyafrif o faterion domestig. Collodd Tŷ'r Arglwyddi ei swyddogaethau barnwrol pan sefydlwyd Goruchaf Lys y Deyrnas Unedig ym mis Hydref 2009. Daeth Arglwyddi Apêl Sefydlog a oedd yn eu swyddi ar y pryd yn farnwyr Goruchaf Lys y Deyrnas Unedig yn awtomatig.[25] Mae adran 16 o Ddeddf 2006 (fel y'i diwygiwyd gan Ddeddf Senedd ac Etholiadau (Cymru) 2020) yn anghymhwyso'r deiliaid swyddi a nodir yn y tabl yn Rhan 2 o Atodlen 1A i Ddeddf 2006 rhag bod yn Aelod o'r Senedd a rhag bod yn ymgeisydd i fod yn Aelod o'r Senedd. Mae'r rhain yn cynnwys deiliaid swyddi barnwrol penodol gan gynnwys Ustusiaid y Goruchaf Lys. Felly, nid oes angen paragraff 11 mwyach.

d. Paragraffau 14 i 19 – mae'r rhain yn ddarpariaethau a ddisbyddwyd sy'n ymwneud â threfniadau ar ôl etholiad cyffredinol 2007 y Cynulliad Cenedlaethol, a'r "cyfnod cychwynnol", hynny yw, y cyfnod sy'n dechrau ar ddechrau diwrnod pleidleisio 2007 (pan fyddai pob aelod o'r Cynulliad presennol, gan gynnwys Gweinidogion y Cynulliad, fel arfer yn peidio â gallu arfer y swyddogaethau hynny) ac sy'n gorffen pan benodir Prif Weinidog.
   i. Roedd paragraff 14 yn sicrhau bod y Cynulliad (a gyfansoddwyd o dan Ddeddf 2006) yn gyfrifol am gyhoeddi gwybodaeth am gydnabyddiaeth ariannol aelodau'r Cynulliad mewn perthynas â blwyddyn ariannol 2006-07 (h.y. yn ymwneud â blwyddyn olaf yr 'hen Gynulliad' a'i aelodau).
   ii. Roedd paragraff 15 yn sicrhau bod penderfyniad a wnaed o dan adran 34A o Ddeddf 1998, a oedd mewn grym yn union cyn diddymu'r adran honno, yn parhau i gael effaith mewn perthynas â'r Cynulliad.
   iii. Roedd paragraff 16 yn sicrhau bod cynnal etholiad 2007 yn sbarduno dyletswydd y Cynulliad i ethol Llywydd a Dirprwy Lywydd.
   iv. Roedd paragraff 17 yn sicrhau bod y person a oedd yn Glerc yr 'hen' Gynulliad yn dod yn Glerc y Cynulliad at ddiben swyddogaethau o dan Ddeddf 2006.
   v. Roedd paragraff 18 yn darparu bod paragraffau 5 a 6 o Atodlen 2 (sy'n awdurdodi Comisiwn y Cynulliad i hyrwyddo ymwybyddiaeth o'r system etholiadol a'r llywodraeth ddatganoledig naill ai'n uniongyrchol neu drwy gymorth ariannol i'r Comisiwn Etholiadol) yn cael effaith hyd ddiwedd y cyfnod cychwynnol fel pe bai'r cyfeiriad at Gomisiwn y Cynulliad yn gyfeiriad at yr 'hen Gynulliad'.

[25] Gweler adran 24 o Ddeddf Diwygio Cyfansoddiadol 2005.

iv. paragraph 7 is spent because it modified section 11 of the 2006 Act until the first general election and related to Senedd by-elections before the 2011 election.

b. Paragraph 9, which made transitional provision about the term of office of Assembly Members returned at the 2007 election and is therefore now spent.

c. Paragraph 11 disqualifies a Lord of Appeal in Ordinary from being a member of the Senedd. Lords of Appeal in Ordinary, or Law Lords, were judges appointed under the now-repealed Appellate Jurisdiction Act 1876 to the Appellate Committee of the House of Lords. They exercised the House of Lords' judicial functions, which included acting as the highest court of appeal for most domestic matters. The House of Lords lost its judicial functions on the establishment of the Supreme Court of the United Kingdom in October 2009. Lords of Appeal in Ordinary then in office automatically became judges of the Supreme Court of the United Kingdom[25]. Section 16 of the 2006 Act (as amended by the Senedd and Elections (Wales) Act 2020) disqualifies the office holders set out in the table in Part 2 of Schedule 1A to the 2006 Act from being a Member of the Senedd and from being a candidate to be a Member of the Senedd. These include the holders of certain judicial offices including a Justice of the Supreme Court. Paragraph 11 is therefore no longer required.

d. Paragraphs 14 to 19 – these are spent provisions relating to arrangements following the 2007 general election to the National Assembly, and the 'initial period'. That is, the period beginning at the start of polling day 2007 (when all members of the existing Assembly, including Assembly Ministers, would normally cease to be able to exercise those functions) and ending with the appointment of a First Minister.
    i. Paragraph 14 ensured that the Assembly (constituted under the 2006 Act) was responsible for publication of information about remuneration of Assembly members in relation to the financial year 2006-07 (i.e. relating to the last year of the 'old Assembly' and its members).
    ii. Paragraph 15 ensured that a determination made under section 34A of the 1998 Act, which was in force immediately before the repeal of that section, continued to have effect in relation to the Assembly.
    iii. Paragraph 16 ensured that the holding of the 2007 election triggered the duty of the Assembly to elect a Presiding Officer and Deputy Presiding Officer.
    iv. Paragraph 17 ensured that the person who was the Clerk to the 'old' Assembly became the Clerk of the Assembly for the purpose of functions under the 2006 Act.
    v. Paragraph 18 provided that paragraphs 5 and 6 of Schedule 2 (which authorise the Assembly Commission to promote awareness of the election system and devolved government either directly or by financial support for the Electoral Commission) have effect until the end of the initial period as if the reference to the Assembly Commission were a reference to the 'old Assembly'.

[25] see section 24 of the Constitutional Reform Act 2005

vi. Roedd paragraff 19 yn sicrhau, hyd ddiwedd y cyfnod cychwynnol, pe bai Ei Mawrhydi yn gwneud Gorchymyn yn y Cyfrin Gyngor o dan baragraff 12(1) o Atodlen 2 yn darparu i Gomisiwn y Cynulliad gael ei drin fel corff y Goron at ddibenion deddfiad, na chaniateir annilysu'r offeryn statudol sy'n cynnwys y Gorchymyn ond gan y naill neu'r llall o ddau Dŷ Senedd y DU.

e. Paragraffau 22 i 25, a oedd yn sicrhau y gallai swyddogaethau llywodraethol yr 'hen Gynulliad' barhau i gael eu harfer yn ystod y cyfnod cychwynnol. Maent wedi eu disbyddu gan eu bod yn gwneud darpariaeth ynghylch aelodaeth a swyddogaethau'r Cynulliad a gyfansoddwyd gan Ddeddf 1998 yn ystod y cyfnod cychwynnol, a ddaeth i ben ar 25 Mai 2007.

f. Paragraff 28(1) a oedd yn darparu ar gyfer parhad pwerau a roddwyd i'r 'hen Gynulliad' i weithredu darnau penodol o ddeddfwriaeth Ewropeaidd. Nid oes ei angen mwyach oherwydd Deddf yr Undeb Ewropeaidd (Ymadael) 2018.

g. Paragraff 29 sy'n cyfeirio at yr enwebiad cyntaf ar gyfer Prif Weinidog mewn cysylltiad â'r tymor Cynulliad ar ôl cynnal y bleidlais yn etholiad 2007. Mae'r ddarpariaeth hon bellach wedi ei disbyddu.

h. Paragraffau 35(3) a 35(4), sy'n ymdrin â gweithdrefnau ar gyfer gwneud is-ddeddfwriaeth. Maent wedi eu diwygio i ddileu cyfeiriadau at bwerau i wneud is-ddeddfwriaeth sydd wedi eu diddymu.

i. Paragraffau 50 a 51, sy'n ymdrin â'r broses ar gyfer gwneud Gorchmynion Cymhwysedd Deddfwriaethol. Mae'r pŵer i wneud Gorchmynion Cymhwysedd Deddfwriaethol wedi ei ddiddymu.

j. Paragraffau 53, 53A a 53B, sy'n ddarpariaethau a ddisbyddwyd sy'n ymwneud â thaliadau i Gronfa Gyfunol Cymru.

k. Paragraffau 54, 55, 56, 58, 59, 62 a 63, sy'n cynnwys addasiadau sy'n gymwys tan ddiwedd y cyfnod cychwynnol yn unig. Daeth y cyfnod hwnnw i ben ar 27 Mai 2007.

l. Paragraffau 60 a 61, sy'n addasu darpariaethau o ran eu cymhwyso ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2007 yn unig. Maent felly wedi eu disbyddu.

m. Paragraffau 64, 64B, 64C, 64F a 64G, sy'n ddarpariaethau am gyfnod penodol yn ymwneud ag Archwilydd Cyffredinol Cymru ac Ombwdsmon Gwasanaethau Cyhoeddus Cymru ac sydd wedi eu disbyddu.

n. Paragraff 65 sy'n gwneud darpariaeth angenrheidiol ar gyfer y cyfnod cyn i adran 27(1) o Ddeddf Cyfiawnder (Gogledd Iwerddon) 2002 ddod i rym. Mae wedi ei ddisbyddu gan fod adran 27 o'r Ddeddf honno wedi dod i rym ar 12 Ebrill 2010.

vi. Paragraph 19 ensured that, until the end of the initial period, if Her Majesty made an Order in Council under paragraph 12(1) of Schedule 2 providing for the Assembly Commission to be treated as a Crown body for the purposes of an enactment, the statutory instrument containing the Order may be annulled only by either House of Parliament.

e. Paragraphs 22 to 25, which ensured that governmental functions of the 'old Assembly' could continue to be exercised during the initial period. These are spent because they make provision about membership and functions of the Assembly constituted by the 1998 Act during "the initial period", which ended on 25 May 2007.

f. Paragraph 28(1), which provided for the continuation of powers conferred upon the "old Assembly" to implement certain European legislation. This is no longer required because of the European Union (Withdrawal) Act 2018.

g. Paragraph 29, which refers to the first nomination of the First Minister in respect of the Assembly term following the holding of the poll at the 2007 election. This provision is now spent.

h. Paragraphs 35(3) and 35(4), which deal with procedures for making subordinate legislation and are amended to remove references to subordinate legislation-making powers that have been repealed.

i. Paragraphs 50 and 51, which deal with the process for making Legislative Competence Orders. The power to make Legislative Competence Orders has been repealed.

j. Paragraphs 53, 53A and 53B, which are spent provisions relating to payments into the Welsh Consolidated Fund.

k. Paragraphs 54, 55, 56, 58, 59, 62 and 63, which contain modifications that apply only to the end of the initial period, which ended on 27 May 2007.

l. Paragraphs 60 and 61, which modify provisions in their application for only the financial year beginning on 1 April 2007, so they are spent.

m. Paragraphs 64, 64B, 64C, 64F and 64G, provisions relating to the Auditor General and Public Services Ombudsman for Wales, which are time-limited and spent.

n. Paragraph 65 makes provision necessary for the period before the coming into force of section 27(1) the Justice (Northern Ireland) Act 2002. This is spent because section 27 of that Act came into force on 12 April 2010.

o. Paragraffau 66 a 67 sy'n gwneud darpariaeth angenrheidiol ar gyfer y cyfnod cyn i adran 23(1) o Ddeddf Diwygio Cyfansoddiadol 2005 ddod i rym. Maent wedi eu disbyddu gan fod adran 23(1) o'r Ddeddf honno wedi dod i rym ar 1 Hydref 2009.

205. Mae'r Ddeddf hefyd yn diddymu paragraff 10 o Atodlen 3 i Ddeddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 gan nad oedd ond yn gymwys yn ystod y cyfnod cychwynnol, o fewn ystyr "the initial period" yn Neddf 2006, a ddaeth i ben ar 25 Mai 2007. Mae'r ddarpariaeth wedi ei disbyddu gan fod y cyfnod cychwynnol wedi dod i ben.

206. O ganlyniad i'r diwygiadau a wnaed i Dabl 2 ym mharagraff 35 o Atodlen 11, mae'r Ddeddf hefyd yn diddymu paragraff (c) o baragraff 22 o'r Atodlen i Fesur Dysgu a Sgiliau (Cymru) 2009.

Rhan 18 – Deddf Etholiadau Cymru (Coronafeirws) 2021

207. Cafodd Deddf Etholiadau Cymru (Coronafeirws) 2021 ('Deddf 2021') ei deddfu i ddarparu y byddai mesurau'n ymwneud â diogelu yn erbyn y coronafeirws yn gymwys i etholiadau Senedd Cymru a'r etholiadau llywodraeth leol a oedd i'w cynnal yn 2021.

208. Roedd Deddf 2021 yn gwneud darpariaeth a oedd yn ei gwneud yn bosibl gohirio etholiad cyffredinol Senedd Cymru a drefnwyd ar gyfer 6 Mai 2021. Dim ond drwy gynnig gan y Prif Weinidog yn nodi ei fod o'r farn bod gohirio'r etholiad yn angenrheidiol neu'n hwylus am resymau'n ymwneud â'r coronafeirws y byddai modd ysgogi'r weithdrefn ar gyfer gohirio. Wedi hynny, byddai'r cynnig yn ddarostyngedig i wahanol brosesau cyn iddo gael ei wrthod neu ei gymeradwyo gan y Senedd. Ni chafodd y pwerau hyn eu harfer, a chynhaliwyd yr etholiad cyffredinol, fel y trefnwyd ar 6 Mai 2021.

209. Roedd Deddf 2021 hefyd yn gwneud darpariaeth a oedd yn ei gwneud yn bosibl gohirio, hyd at 5 Tachwedd 2021 (ond heb fod yn hwyrach na'r dyddiad hwn), is-etholiadau'r Senedd neu lywodraeth leol ar gyfer swyddi gwag a allai fod wedi codi. Ni chafodd y pwerau hynny eu harfer, ac ni chafodd unrhyw is-etholiadau eu gohirio o dan y Ddeddf.

210. Nid oedd Deddf 2021 ond yn gymwys i'r etholiad cyffredinol cyffredin a gynhaliwyd yn 2021, ac nid yw'n berthnasol i unrhyw etholiadau wedi hynny i Senedd Cymru. Ymhellach i hyn, nid yw'r Ddeddf yn caniatáu gohirio is-etholiadau y tu hwnt i 5 Tachwedd 2021. Felly, mae'r Ddeddf bellach wedi ei disbyddu yn llwyr.

211. Felly, mae paragraff 60 o'r Atodlen hon i'r Ddeddf yn diddymu Deddf 2021 yn llawn.

Rhan 19 – Cyllid Llywodraeth Leol

212. Mae Rhan 2 o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 ('Deddf 2024') yn gwneud diwygiadau i Ddeddf Cyllid Llywodraeth Leol 1992 ('Deddf 1992') mewn perthynas â'r dreth gyngor.

o. Paragraphs 66 and 67 make provision necessary for the period before the coming into force of section 23(1) of the Constitutional Reform Act 2005. These are spent because section 23(1) of that Act came into force on 1 October 2009.

205. The Act also repeals paragraph 10 of Schedule 3 to the National Health Service (Consequential Provisions) Act 2006 because it applied only during the initial period, within the meaning of the 2006 Act, which ended on 25 May 2007. The provision is spent as the initial period has ended.

206. In consequence of the amendments made to Table 2 in paragraph 35 of Schedule 11, the Act also repeals paragraph (c) of paragraph 22 of the Schedule to Learning and Skills (Wales) Measure 2009.

Part 18 – Welsh Elections (Coronavirus) Act 2021

207. The Welsh Elections (Coronavirus) Act 2021 ('the 2021 Act') was enacted to provide for measures relating to protection against coronavirus to apply to Senedd Cymru elections and local government elections due to be held in 2021.

208. The 2021 Act made provision enabling the postponement of the Senedd Cymru general election scheduled for 6 May 2021. The procedure for postponement could only be activated by a proposal of the First Minister setting out that he considered the postponement to be necessary or expedient for reasons relating to coronavirus. The proposal would then be subject to various processes before it would be rejected or approved by the Senedd. These powers were not exercised, and the general election took place, as scheduled on 6 May 2021.

209. The 2021 Act also made provision enabling Senedd or local government by-elections for vacancies that might have arisen to be postponed up to (but not later than) 5 November 2021. Those powers were not exercised, and no by-elections were postponed under the Act.

210. The 2021 Act only applied to the ordinary general election held in 2021 and does not apply to any subsequent elections to Senedd Cymru. Further the Act does not permit by-elections to be postponed past 5 November 2021. Therefore, the Act is now entirely spent.

211. Paragraph 60 of this Schedule to the Act therefore repeals the 2021 Act in full.

Part 19 – Local Government Finance

212. Part 2 of the Local Government Finance (Wales) Act 2024 ('the 2024 Act') makes amendments to the Local Government Finance Act 1992 ('the 1992 Act') in relation to council tax.

213. Fel y'i cyflwynwyd yn wreiddiol yn y Senedd roedd y Bil (sef Ddeddf 2024 erbyn hyn) yn ceisio, yn adran 20 ddrafft, newid y trefniadau yn adrannau 12A, 12B a 38 o Ddeddf 1992 ar gyfer cyhoeddi hysbysiadau gan awdurdodau bilio'r dreth gyngor. Mae Deddf 1992 yn ei gwneud yn ofynnol i awdurdodau bilio gyhoeddi hysbysiadau sy'n ymwneud â lefelau'r dreth gyngor neu bremiymau'r dreth gyngor mewn papurau newydd. Roedd adran 20 o'r Bil yn cynnig rhoi, yn lle'r gofynion hynny, ofyniad i gyhoeddi'r un wybodaeth yn electronig ac i wneud trefniadau eraill addas am fynediad i unigolion nad ydynt yn gallu manteisio ar wybodaeth ar-lein.

214. Nid oedd y Senedd yn cytuno ag adran 20 ddrafft, ac yn nhrafodion Cyfnod 3, pleidleisiodd i ddileu'r adran ddrafft honno o'r Bil.

215. Roedd adran 16 ddrafft o'r Bil yn rhoi trosolwg o Ran 2, ac yn is-adran (8) roedd yn cynnwys trosolwg o adran 20 ddrafft. Pan hepgorodd y Senedd adran 20 ddrafft, ni wnaed diwygiad canlyniadol i ddileu adran 16(8) ddrafft. O'r herwydd mae adran 16(8) o Ddeddf 2024 yn parhau i gyfeirio at ddarpariaeth nad yw yn y Ddeddf ac at ddiwygiadau a wneir i Ddeddf 1992. Mae hyn yn ddiangen ac nid yw o fudd i ddarllenydd Deddf 2024 nac, yn ehangach, yn helpu i sicrhau bod y gyfraith yn glir.

216. Mae paragraff 61 o'r Atodlen hon i'r Ddeddf bellach yn hepgor adran 16(8) o Ddeddf 2024 ac yn ailrifo is-adran (9) yn is-adran (8) er mwyn osgoi dryswch pellach i ddarllenydd Deddf 2024.

RHAN 4 – CYFFREDINOL

Adran 5 – Craffu ar ôl deddfu

217. Mae'r adran hon yn mewnosod adran 42A newydd yn Neddf 2019. Effaith yr adran newydd honno yw ei gwneud yn ofynnol i'r Cwnsler Cyffredinol gynnal adolygiad o ddwy flynedd gyntaf gweithrediad Rhannau 2A a 2B newydd o Ddeddf 2019, a gosod adroddiad ar y canfyddiadau gerbron y Senedd. Mae'n ofynnol ymgynghori â'r Llywydd, Clerc y Senedd a phersonau eraill â buddiant fel rhan o'r adolygiad.

Adran 6 – Gweithgareddau i wella hygyrchedd cyfraith Cymru

218. Mae adran 6 o'r Ddeddf hon yn diwygio adran 2 o Ddeddf 2019. Mae'r adran honno yn ei gwneud yn ofynnol i Weinidogion Cymru a'r Cwnsler Cyffredinol ddatblygu rhaglen o waith a gynlluniwyd i wella hygyrchedd cyfraith Cymru ym mhob un o dymhorau'r Senedd.

219. Er mai mater i Weinidogion Cymru a'r Cwnsler Cyffredinol yw cynnwys penodol rhaglen, mae adran 2(3) yn ei gwneud yn ofynnol i bob rhaglen wneud darpariaeth i gydgrynhoi a chodeiddio cyfraith Cymru, cynnal y gyfraith sydd wedi ei chodeiddio, hybu ymwybyddiaeth a dealltwriaeth o gyfraith Cymru, a hwyluso defnydd o'r Gymraeg.

213. As originally introduced into the Senedd the Bill (which became the 2024 Act) sought, at draft section 20, to change the arrangements in sections 12A, 12B and 38 of the 1992 Act for the publication of notices by council tax billing authorities. The 1992 Act requires billing authorities to publish notices relating to council tax levels or council tax premiums in newspapers. Section 20 of the Bill proposed replacing those requirements with a requirement to publish the same information electronically and make suitable alternative arrangements for access by individuals who are unable to access information online.

214. The Senedd did not agree with draft section 20, and at Stage 3 proceedings, voted to remove that draft section from the Bill.

215. Draft section 16 of the Bill provided an overview of Part 2, and at subsection (8) included an overview of draft section 20. When the Senedd omitted draft section 20 a consequential amendment to remove draft section 16(8) was not made. As such section 16(8) in the 2024 Act continues to refer to a provision not in the Act and amendments being made to the 1992 Act. This is unnecessary and does not benefit the reader of the 2024 Act or, more widely, support clarity of the law.

216. Paragraph 61 of this Schedule to the Act now omits section 16(8) of the 2024 Act and renumbers subsection (9) as subsection (8) to further avoid confusion for a reader of the 2024 Act.

PART 4 – GENERAL

Section 5 – Post-legislative scrutiny

217. This section inserts a new section 42A into the 2019 Act. That new section has the effect of requiring the Counsel General to undertake a review of the first two years of operation of new Parts 2A and 2B of the 2019 Act, and lay a report on the findings before the Senedd. Consultation with the Llywydd, the Clerk of the Senedd and other persons with an interest is required as part of the review.

Section 6 – Activities to improve accessibility of Welsh law

218. Section 6 of this Act amends section 2 of the 2019 Act. That section requires the Welsh Ministers and the Counsel General to develop a programme of work designed to improve the accessibility of Welsh law in each Senedd term.

219. Although the specific content of a programme is a matter for the Welsh Ministers and the Counsel General, section 2(3) requires each programme to make provision to consolidate and codify Welsh law, maintain codified law, promote awareness and understanding of Welsh law, and to facilitate use of the Welsh language.

220. Mae'r diwygiad a wneir gan adran 6 o'r Ddeddf hon i adran 2(3) o Ddeddf 2019 yn golygu bod rhaid i bob rhaglen hefyd wneud darpariaeth sy'n cywiro unrhyw wallau a datrys unrhyw amwysedd yng nghyfraith Cymru. Mae adran 2(7) o Ddeddf 2019 yn ei gwneud yn ofynnol i'r Cwnsler Cyffredinol wneud adroddiad blynyddol i Senedd Cymru ar gynnydd yn erbyn y rhaglen. Unwaith bod y diwygiad a wneir i adran 2(3) o Ddeddf 2019 mewn grym, bydd angen i adroddiadau yn y dyfodol gynnwys diweddariadau ar y mesurau sydd wedi eu cymryd i gywiro unrhyw wallau neu ddatrys amwysedd. Hyd yma mae adroddiadau'r Cwnsler Cyffredinol wedi bod yn bapurau ysgrifenedig a gyhoeddwyd ar wefan Llywodraeth Cymru, ond fel y'i nodir yn y Nodiadau Esboniadol i Ddeddf 2019, gellid gwneud yr adroddiad fel datganiad i'r Senedd.

Adran 7 – Mân ddiwygiadau i Ddeddf Deddfwriaeth (Cymru) 2019
Atodlen 2 – Mân ddiwygiadau i Ddeddf Deddfwriaeth (Cymru) 2019

221. Mae Atodlen 2, a gyflwynir gan adran 7, yn cynnwys mân ddiwygiadau i Ran 2 o Ddeddf 2019.

222. Mae Rhan 2 o Ddeddf 2019 yn gwneud darpariaeth ynghylch dehongli a gweithredu deddfwriaeth a wneir gan y Senedd neu o dan bwerau a roddir ganddi, ac is-ddeddfwriaeth arall a wneir gan Weinidogion Cymru ac awdurdodau Cymreig datganoledig eraill.

223. Mae paragraff 2 o'r Atodlen hon yn diwygio adran 3 o Ddeddf 2019. Mae adran 3 yn nodi'r ddeddfwriaeth y mae Rhan 2 o Ddeddf 2019 yn gymwys iddi, sef, y Ddeddf ei hun a Deddfau Senedd Cymru a ddeddfir ac is-offerynnau Cymreig a wneir ar ôl 1 Ionawr 2020. Mae'r diwygiadau a wneir i adran 3 yn ei gwneud yn glir bod Rhan 2 yn gymwys i'r is-ddeddfwriaeth mewn is-offeryn Cymreig (sy'n adlewyrchu'r dull a fabwysiedir yn Rhannau 2A a 2B newydd o Ddeddf 2019).

224. Mae paragraff 3 o'r Atodlen hon yn mewnosod adran 12A newydd (Ystyr cyfeiriadau at osod dogfennau gerbron Senedd Cymru) yn Rhan 2 o Ddeddf 2019. Y cam cyntaf mewn rheolaeth seneddol yw'r gofyniad i osod dogfen gerbron senedd (yng Nghymru, mae hyn yn golygu gosod dogfen gerbron Senedd Cymru). Y Senedd sy'n cael penderfynu'r hyn y mae gosod yn ei olygu, ac mae rheolau a gweithdrefnau'r Senedd wedi eu nodi yn ei Rheolau Sefydlog. O'r herwydd mae adran 12A newydd yn ei gwneud yn glir, pan fo Deddf gan Senedd Cymru neu is-offeryn Cymreig yn ei gwneud yn ofynnol gosod dogfen gerbron y Senedd, yna mae hynny'n golygu cymryd y camau a bennir yn Rheolau Sefydlog y Senedd mewn perthynas â gosod dogfennau (gweler, er enghraifft, Reol Sefydlog 15).

220. The amendment made by section 6 of this Act to section 2(3) of the 2019 Act means that each programme must also make provision correcting any errors and resolving any ambiguities in Welsh law. Section 2(7) of the 2019 Act requires the Counsel General to make an annual report to Senedd Cymru on progress against the programme. Once the amendment made to section 2(3) of the 2019 Act is in force, future reports will need to include updates on the measures taken on correcting any errors or resolving ambiguities. To date the Counsel General's reports have been written papers published on the Welsh Government's website, but as noted in the Explanatory Notes to the 2019 Act, the report could be made as a statement to the Senedd.

Section 7 – Minor amendments to the Legislation (Wales) Act 2019
Schedule 2 – Minor amendments to the Legislation (Wales) Act 2019

221. Schedule 2 – which is introduced by section 7 – contains minor amendments to Part 2 of the 2019 Act.

222. Part 2 of the 2019 Act makes provision about the interpretation and operation of legislation made by the Senedd or under powers it has conferred, and other subordinate legislation made by the Welsh Ministers and other devolved Welsh authorities.

223. Paragraph 2 of this Schedule amends section 3 of the 2019 Act. Section 3 sets out the legislation to which Part 2 of the 2019 Act applies: namely, to the Act itself and to Senedd Acts that are enacted and Welsh subordinate instruments that are made after 1 January 2020. The amendments made to section 3 make clear that Part 2 applies to the subordinate legislation contained within a Welsh subordinate instrument (reflecting the approach taken in new Parts 2A and 2B of the 2019 Act).

224. Paragraph 3 of this Schedule inserts a new section 12A (Meaning of references to laying documents before Senedd Cymru) into Part 2 of the 2019 Act. The first step in parliamentary control is the requirement that a document be laid before a parliament (in Wales, this means laying before Senedd Cymru). What constitutes laying must be a matter for the decision *of* the Senedd and the Senedd's rules and procedures are laid out in its Standing Orders. As such new section 12A makes clear that where an Act of the Senedd or Welsh subordinate instrument requires a document to be laid before the Senedd, then that means taking the actions specified in the Senedd's Standing Orders in relation to laying (see for example, Standing Order 15).

225. Mae adran 16 o Ddeddf 2019 yn darparu y caniateir, mewn amgylchiadau penodol, arfer pwerau a dyletswyddau o dan ddarpariaethau Deddfau Senedd Cymru ac is-offerynnau Cymreig cyn i'r darpariaethau hynny ddod i rym. Mae paragraff 4 o'r Atodlen hon i'r Ddeddf yn diwygio adran 16 mewn dwy ffordd:

    a. yn gyntaf, i fynd i'r afael ag anhawster ymarferol sydd wedi deillio o effaith adran 16(1)(a) bresennol, sy'n eithrio o gwmpas yr adran bwerau a dyletswyddau os yw'r darpariaethau sy'n eu rhoi neu'n eu gosod i gael eu dwyn i rym drwy orchymyn neu reoliadau. Mae hyn yn golygu bod rhaid cychwyn darpariaethau ar wahân at ddibenion gallu gwneud is-ddeddfwriaeth cyn y daw'r darpariaethau i rym at ddibenion eraill, gan arwain at wneud nifer o orchmynion cychwyn sy'n gallu bod yn gymhleth. Mae is-adran (1)(a) newydd yn mynd i'r afael â hyn ac yn estyn adran 16 i gwmpasu'r holl bwerau sydd i'w dwyn i rym drwy orchymyn neu reoliadau, nid yn unig y pwerau i wneud is-ddeddfwriaeth. At hynny, mae is-adran (3A) newydd yn sicrhau y gellir gwneud is-ddeddfwriaeth cyn y daw'r pŵer i wneud yr is-ddeddfwriaeth i rym cyhyd â naill ai:
        i. na ddaw'r is-ddeddfwriaeth i rym cyn bod y pŵer ei hun mewn grym, neu
        ii. os daw'r is-ddeddfwriaeth i rym cyn y pŵer, ei bod yn angenrheidiol neu'n hwylus iddi wneud hynny at ddiben rhoi effaith lawn i'r Ddeddf (neu ddarpariaeth yn y Ddeddf) pan ddaw i rym.

    b. yn ail, i sicrhau nad oes dim amheuaeth bod adran 16 yn awdurdodi arfer pŵer neu ddyletswydd ymlaen llaw pan fo Deddf ddiwygio neu is-offeryn diwygio yn mewnosod y pŵer neu'r ddyletswydd mewn deddfiad arall, ac i'w gwneud yn glir mewn achos o'r fath fod y dibenion a'r darpariaethau eraill sy'n berthnasol i'r pŵer neu'r ddyletswydd yn cynnwys rhai'r Ddeddf ddiwygio neu'r offeryn diwygio yn ogystal â rhai'r deddfiad sy'n cael ei ddiwygio (is-adrannau newydd (6) a (7)).

226. Mae paragraffau 5 i 7 o'r Atodlen hon i'r Ddeddf yn dwyn "Mesurau gan Eglwys Loegr" o fewn ystyr "deddfiad" at ddibenion adrannau 21, 25 a 32 i 35 o Ddeddf 2019. Deddfwriaeth yw Mesurau gan Eglwys Loegr (sef Mesurau gan Gynulliad Eglwys Loegr neu gan Synod Cyffredinol Eglwys Loegr), sy'n ymwneud â gweinyddiaeth a threfniant Eglwys Loegr. Maent yn cael yr un effaith â Deddf gan Senedd y DU a chânt hefyd roi pwerau i wneud is-ddeddfwriaeth (gweler Deddf Cynulliad Eglwys Loegr (Pwerau) 1919 (p. 76)). Ni chaiff yr Eglwys yng Nghymru wneud deddfwriaeth o'r math hwn, ond weithiau mae Mesurau gan Eglwys Loegr yn berthnasol i ran o Gymru, yn enwedig am fod 18 o blwyfi Eglwys Loegr y mae rhan ohonynt yng Nghymru. Felly gall fod angen i Ddeddfau Senedd Cymru neu is-offerynnau Cymreig gyfeirio at Fesurau gan Eglwys Loegr neu eu diwygio. Mae'r diwygiadau i Ddeddf 2019 ym mharagraffau 5 i 7 yn sicrhau bod cyfeiriadau at Fesurau gan Eglwys Loegr a diwygiadau iddynt yn cael yr un effaith â chyfeiriadau at ddeddfiadau eraill a diwygiadau iddynt.

225. Section 16 of the 2019 Act provides that powers and duties under provisions of Acts of the Senedd and Welsh subordinate instruments may in certain circumstances be exercised before those provisions come into force. Paragraph 4 of this Schedule to the Act amends section 16 in two respects:

a. firstly, to address a practical difficulty that has arisen from the effect of current section 16(1)(a), which excludes powers and duties from the scope of the section if the provisions conferring or imposing them are to be brought into force by order or regulations. This means that provisions have to be commenced separately for the purposes of being able to make subordinate legislation in anticipation of the provisions coming into force for other purposes, leading to multiple and sometimes complex commencement orders being made. Substituted subsection (1)(a) addresses this and extends section 16 to cover all powers that are to be brought into force by order or regulations, not just powers to make subordinate legislation. Additionally new subsection (3A) ensures that subordinate legislation can be made ahead of the power to make it coming into force so long as either:
    i. it does not come into force before the power itself is in force, or
    ii. if it does come into force before the power, it is necessary or expedient for it to do so for the purpose of giving full effect to the Act (or a provision of it) when it does come into force.

b. secondly, to put beyond doubt that section 16 authorises the anticipatory exercise of a power or duty where an amending Act or subordinate instrument inserts the power or duty into another enactment, and to make clear that in such a case the purposes and other provisions that are relevant to the power or duty include those of both the amending Act or instrument and the enactment that it amends (new subsections (6) and (7)).

226. Paragraphs 5 to 7 of this Schedule to the Act bring "Church Measures" within the meaning of "enactment" for the purposes of sections 21, 25 and 32 to 35 of the 2019 Act. Church Measures (or more fully, Measures of the Church Assembly or of the General Synod of the Church of England) are legislation relating to the administration and organisation of the Church. They have the same effect as an Act of Parliament and may also confer powers to make subordinate legislation (see the Church of England Assembly (Powers) Act 1919 (c. 76)). The Church in Wales cannot make legislation of this kind, but Church Measures are sometimes relevant to part of Wales, in particular because there are 18 Church of England parishes partly in Wales. It may therefore be necessary for Acts of the Senedd or Welsh subordinate instruments to refer to Church Measures or amend them. The amendments to the 2019 Act in paragraphs 5 to 7 ensure that references and amendments to Church Measures have the same effect as references and amendments to other enactments.

227. Mae paragraff 8 o'r Atodlen hon yn diwygio adran 35 o Ddeddf 2019. Mae adran 35(3) yn darparu bod is-ddeddfwriaeth a wneir o dan ddarpariaethau sydd wedi eu diddymu a'u hailddeddfu (er enghraifft wrth gydgrynhoi'r gyfraith) i gael effaith fel pe bai wedi ei gwneud o dan y darpariaethau a ailddeddfwyd. Mae adran 28 yn creu'r sefyllfa ddiofyn bod is-ddeddfwriaeth a wneir o dan Ddeddf gan Senedd Cymru yn rhwymo'r Goron i'r graddau y mae'r Ddeddf yn ei galluogi i wneud hynny, sy'n wahanol i'r sefyllfa ddiofyn ar gyfer is-ddeddfwriaeth nad yw Rhan 2 o Ddeddf 2019 yn gymwys iddi. Nod y diwygiad ym mharagraff 6 yw ymdrin â'r sefyllfa pan fo is-ddeddfwriaeth nad oedd adran 28 yn gymwys iddi yn wreiddiol yn cael effaith bellach o dan adran 35(3) fel pe bai wedi ei gwneud o dan Ddeddf gan Senedd Cymru. Mae'n ei gwneud yn glir nad yw adran 35(3) yn golygu bod adran 28 yn gymwys i is-ddeddfwriaeth nad oedd yn gymwys iddi yn flaenorol (a allai newid pa un a yw'r is-ddeddfwriaeth yn rhwymo'r Goron).

228. Yn olaf, mae paragraff 9 o'r Atodlen hon yn diwygio adran 36 o Ddeddf 2019. Effaith adran 36 yw sicrhau bod cyfeiriadau at Ddeddf yn ôl ei henw byr yn parhau'n ddilys, hyd yn oed ar ôl i'r Ddeddf gael ei diddymu. Mae is-adran (2) newydd yn gwneud darpariaeth gyfatebol yn sicrhau bod cyfeiriadau at is-offerynnau Cymreig yn ôl eu henwau yn parhau'n ddilys, hyd yn oed pan fydd yr offerynnau hynny wedi eu dirymu.

Adran 8 – Diwygiadau canlyniadol
Atodlen 3 – Diwygiadau canlyniadol

229. Mae Atodlen 3 yn cynnwys diwygiadau amrywiol i ddeddfiadau presennol sy'n angenrheidiol o ganlyniad i Rannau 2A a 2B newydd o Ddeddf 2019. Mae hyn yn cynnwys mân ddiwygiadau pellach i Ddeddf 2019 ei hun.

Adran 9 – Dod i rym

230. Mae adran 9 yn gwneud darpariaeth ynghylch pryd a sut y daw'r Ddeddf i rym.

231. Mae'r adran hon yn darparu i adrannau 2, 4 a 7, ynghyd ag Atodlenni 1 a 2, ddod i rym ddeufis ar ôl y Cydsyniad Brenhinol (sef, ar 10 Medi 2025). Fodd bynnag, mae hyn yn ddarostyngedig i adran 9(3). Mae paragraff 22(2) o Atodlen 1 i'r Ddeddf hon yn diwygio adran 1(1) o Ddeddf Cynllunio ac Ynni 2008, sydd hefyd wedi ei diwygio gan baragraff 29(2) o Atodlen 8 i Ddeddf Ffyniant Bro ac Adfywio 2023, nad yw mewn grym eto[26]. Ni fydd angen y diwygiad i adran 1(1) ym mharagraff 22(2)(a)(i) o Atodlen 1 i'r Ddeddf hon ond pan fydd diwygiad Deddf 2023 mewn grym. Felly, er mwyn i'r ddeddfwriaeth weithio'n gywir, mae adran 7(3) o'r Ddeddf hon yn darparu na fydd y diwygiad a wneir gan baragraff 22(2)(a)(i) ond yn dod i rym gyda gweddill Atodlen 1 os yw diwygiad Deddf 2023 eisoes mewn grym bryd hynny. Fel arall, daw'r diwygiad a wneir gan y Ddeddf i rym ar yr un pryd â diwygiad Deddf 2023.

232. Daeth yr adran hon (adran 9) ac adran 10 i rym ar 11 Gorffennaf 2025, drannoeth y diwrnod y cafodd y Ddeddf y Cydsyniad Brenhinol.

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[26] Mae'r diwygiadau yn Atodlen 8 i Ddeddf 2023 yn ymwneud â Phennod 2 o Ran 3 o'r Ddeddf honno, sy'n cyflwyno system cynllun datblygu newydd yn Lloegr. Mae Llywodraeth y DU wedi nodi ei bod yn bwriadu gweithredu'r system newydd o haf neu hydref 2025: gweler ymgynghoriad y Weinyddiaeth Tai, Cymunedau a Llywodraeth Leol, "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" (30 Gorffennaf 2024), Pennod 12, paragraff 11.

227. Paragraph 8 of this Schedule amends section 35 of the 2019 Act. Section 35(3) provides that subordinate legislation made under provisions that have been repealed and re-enacted (for example in a consolidation of law) is to have effect as if made under the re-enacted provisions. Section 28 creates the default position that subordinate legislation made under an Act of Senedd Cymru binds the Crown so far as the Act enables it to do so, which is different from the default position for subordinate legislation to which Part 2 of the 2019 Act does not apply. The amendment in paragraph 6 is aimed at the situation where subordinate legislation to which section 28 did not originally apply now has effect under section 35(3) as if it had been made under an Act of the Senedd. It clarifies that section 35(3) does not cause section 28 to apply to subordinate legislation to which it did not previously apply (which could change whether the subordinate legislation binds the Crown).

228. Finally, paragraph 9 of this Schedule amends section 36 of the 2019 Act. Section 36 has the effect of preserving the validity of references to an Act by its short title even after the Act has been repealed. New subsection (2) makes equivalent provision preserving the validity of references to Welsh subordinate instruments by their titles even when those instruments have been revoked.

Section 8 – Consequential amendments
Schedule 3 – Consequential amendments

229. Schedule 3 contains various amendments to existing enactments that are necessary in consequence of new Parts 2A and 2B of the 2019 Act. This includes further minor amendments to the 2019 Act itself.

Section 9 – Coming into force

230. Section 9 makes provision about when and how the Act comes into force.

231. This section provides for sections 2, 4 and 7, together with Schedules 1 and 2, to come into force two months after Royal Assent (in other words, on 10 September 2025). However, this is subject to section 9(3). Paragraph 22(2) of Schedule 1 to this Act amends section 1(1) of the Planning and Energy Act 2008, which is also amended by paragraph 29(2) of Schedule 8 to the Levelling-up and Regeneration Act 2023, which is not yet in force[26]. The amendment to section 1(1) in paragraph 22(2)(a)(i) of Schedule 1 of this Act will only be needed once the 2023 Act amendment is in force. Therefore, for the legislation to work correctly, section 7(3) of this Act provides that the amendment made by paragraph 22(2)(a)(i) will only come into force with the rest of Schedule 1 if the 2023 Act amendment is already in force at that time. Otherwise, the amendment made by the Act will come into force at the same time as the 2023 Act amendment.

232. This section (section 9) and section 10 came into force on 11 July 2025, the day after the Act received Royal Assent.

[26] The amendments in Schedule 8 to the 2023 Act relate to Chapter 2 of Part 3 of that Act, which introduce a new development plan system in England. The UK Government has said that it intends to implement the new system "from summer or autumn 2025": see Ministry of Housing, Communities and Local Government consultation, "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" (30 July 2024), Chapter 12, paragraph 11.

233. Caiff y darpariaethau sy'n weddill yn y Ddeddf eu dwyn i rym drwy un neu ragor o orchmynion sydd i'w gwneud gan Weinidogion Cymru. Disgwylir y bydd y gorchymyn yn dwyn Rhannau 1 a 2 i rym yn llawn ar ddechrau blwyddyn galendr, fel bod modd canfod o'r flwyddyn sydd wedi ei chynnwys yn enw offeryn pa un a yw'n offeryn statudol Cymreig sydd wedi ei wneud yn unol â Rhan 2A o Ddeddf 2019 (a bod y gofynion rhifo a chyhoeddi yn Rhan 2B o Ddeddf 2019 yn gymwys iddo), ai'n offeryn statudol y mae Deddf 1946 yn gymwys iddo. Bydd hefyd yn sicrhau nad oes blwyddyn pan fydd dwy gyfres wahanol o offerynnau sydd wedi eu gwneud gan Weinidogion Cymru (offerynnau statudol sy'n rhan o'r gyfres o offerynnau statudol y DU, ac offerynnau statudol Cymreig sy'n rhan o'r gyfres o offerynnau statudol Cymreig). Felly bydd y gyfres gyntaf a chyfresi dilynol o offerynnau statudol Cymreig yn dechrau ar ddechrau blwyddyn galendr ac yn cynnwys blynyddoedd llawn.

234. Disgwylir hefyd y caiff adran 5 ei dwyn i rym ar yr un pryd â Rhannau 1 a 2, ac y caiff adran 6 ei dwyn i rym ar gyfer dechrau'r Senedd nesaf (ym mis Mai 2026).

Adran 10 – Enw byr

235. Mae adran 10 yn nodi enw byr y Ddeddf, y gellir ei ddefnyddio wrth enwi'r Ddeddf ac wrth gyfeirio ati. Caniateir defnyddio naill ai enw Cymraeg neu enw Saesneg y Ddeddf, gan gynnwys fel cyfeiriad mewn deddfiadau eraill.

COFNOD Y TRAFODION YN Y SENEDD

236. Mae'r tabl canlynol yn nodi'r dyddiadau ar gyfer pob cyfnod o hynt y Ddeddf drwy'r Senedd. Mae Cofnod y Trafodion a rhagor o wybodaeth am hynt y Ddeddf hon ar gael ar wefan Senedd Cymru yn: **Bil Deddfwriaeth (Gweithdrefn, Cyhoeddi a Diddymiadau) (Cymru)**

Cyfnod	**Dyddiad**
Cyflwyno	21 Hydref 2024
Cyfnod 1 – Dadl	4 Mawrth 2025
Cyfnod 2 – Pwyllgor Craffu – ystyried y gwelliannau	31 Mawrth 2025
Cyfnod 3 – Dadl yn y Cyfarfod Llawn – ystyried y gwelliannau	13 Mai 2025
Cyfnod 4 – cymeradwyo gan y Senedd	20 Mai 2025
Y Cydsyniad Brenhinol	10 Gorffennaf 2025

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

233. The remaining provisions of the Act will be brought into force by one or more orders to be made by the Welsh Ministers. It is expected that the order will bring Parts 1 and 2 fully into force at the start of a calendar year, so that it is possible to tell from the year included in the title of an instrument whether it is a Welsh statutory instrument made in accordance with Part 2A of the 2019 Act (and the numbering and publication requirements of Part 2B of the 2019 Act apply to it) or a statutory instrument to which the 1946 Act applies. It will also ensure there is not a year in which there are two different series of instruments made by the Welsh Ministers (statutory instruments forming part of the series of UK statutory instruments, and Welsh statutory instruments forming part of the Welsh statutory instrument series). As such the first and subsequent series of Welsh statutory instruments will each begin at the start of a calendar year and will cover complete years.

234. It is also expected that section 5 will be brought into force at the same time as Parts 1 and 2, and that section 6 will be brought into force for the start of the next Senedd (in May 2026).

Section 10 – Short title

235. Section 10 sets out the short title of the Act, by which it may be known and referred. Either the Welsh or the English language title of the Act may be used, including as a citation in other enactments.

RECORD OF PROCEEDINGS IN THE SENEDD

236. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on Senedd Cymru's website at: **Legislation (Procedure, Publication and Repeals) (Wales) Bill**.

Stage	Date
Introduced	21 October 2024
Stage 1 – Debate	4 March 2025
Stage 2 Scrutiny Committee – consideration of amendments	31 March 2025
Stage 3 Plenary – consideration of amendments	13 May 2025
Stage 4 – approval by the Senedd	20 May 2025
Royal Assent	10 July 2025

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