Deddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026

2026 dsc 9

Senedd Cymru (Member Accountability and Elections) Act 2026

2026 asc 9

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Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026

Deddf gan Senedd Cymru i ddarparu ar gyfer adalw Aelodau o'r Senedd; i'w gwneud yn ofynnol bod Pwyllgor Safonau Ymddygiad o'r Senedd yn bodoli sy'n cynnwys aelodau nad ydynt yn Aelodau o'r Senedd; i awdurdodi Comisiynydd Safonau y Senedd i gynnal ymchwiliadau ar ysgogiad y Comisiynydd; i ddiwygio pŵer Gweinidogion Cymru i wneud darpariaeth drwy orchymyn ynghylch rhedeg etholiadau Senedd Cymru; ac at ddibenion cysylltiedig.

[27 Ebrill 2026]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

RHAN 1

ADALW AELODAU O'R SENEDD

Cyflwyniad

1 Trosolwg

(1) Mae'r Rhan hon yn darparu ar gyfer adalw Aelodau o'r Senedd drwy bôl adalw.

(2) Cynhelir pôl adalw ynghylch pa un a ddylai Aelod o'r Senedd gael ei ddiswyddo neu ei gadw fel aelod o Senedd Cymru.

(3) Os canlyniad y pôl adalw yw bod Aelod o'r Senedd i'w ddiswyddo, daw sedd yr aelod yn wag (gweler adrannau 12 a 13).

(4) Gweler adran 11 o Ddeddf Llywodraeth Cymru 2006 (p. 32) am ddarpariaeth ynghylch canlyniadau aelodaeth o Senedd Cymru yn dod yn wag.

Cychwyn pôl adalw

2 Sut y mae Aelod o'r Senedd yn dod yn destun pôl adalw

(1) Mae Aelod o'r Senedd yn dod yn destun pôl adalw os yw—

Senedd Cymru (Member Accountability and Elections) Act 2026

An Act of Senedd Cymru to provide for the recall of Members of the Senedd; to require the existence of a Standards of Conduct Committee of the Senedd that includes members who are not Members of the Senedd; to authorise the Senedd Commissioner for Standards to conduct investigations on the Commissioner's initiative; to amend the power of the Welsh Ministers to make provision by order about the conduct of Senedd Cymru elections; and for connected purposes.

[27 April 2026]

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

RECALL OF MEMBERS OF THE SENEDD

Introduction

1 Overview

(1) This Part provides for the recall of Members of the Senedd by recall poll.

(2) A recall poll is a poll held on whether a Member of the Senedd should be removed or retained as a member of Senedd Cymru.

(3) If the outcome of a recall poll is that a Member of the Senedd is to be removed, the member's seat becomes vacant (see sections 12 and 13).

(4) See section 11 of the Government of Wales Act 2006 (c. 32) for provision about the consequences of a vacancy in membership of Senedd Cymru.

Initiating a recall poll

2 How a Member of the Senedd becomes subject to a recall poll

(1) A Member of the Senedd becomes subject to a recall poll if—

(a) digwyddiad sbardun A neu ddigwyddiad sbardun B wedi digwydd mewn perthynas â'r Aelod o'r Senedd, a

(b) y Llywydd yn rhoi hysbysiad o'r ffaith honno o dan adran 6.

(2) Digwyddiad sbardun A yw bod yr Aelod o'r Senedd, ar ôl dod yn Aelod o'r Senedd, yn cael ei euogfarnu yn y Deyrnas Unedig o drosedd y mae'r aelod yn cael ei ddedfrydu neu ei orchymyn i gael ei garcharu neu ei gadw'n gaeth yn ei chylch.

(3) Mae adrannau 3 a 4 yn cynnwys rhagor ynghylch digwyddiad sbardun A.

(4) Digwyddiad sbardun B yw bod Senedd Cymru yn penderfynu gwneud yr Aelod o'r Senedd yn destun pôl adalw yn dilyn adroddiad gan y Pwyllgor Safonau Ymddygiad yn argymell gwneud yr aelod yn destun pôl adalw.

(5) Mae adran 5 yn cynnwys rhagor ynghylch digwyddiad sbardun B.

(6) Nid yw'r ddarpariaeth a wneir gan neu o dan y Ddeddf hon mewn perthynas â phôl adalw yn effeithio ar y ffyrdd eraill y gall sedd Aelod o'r Senedd ddod yn wag.

3 Digwyddiad sbardun A: ystyr termau allweddol

(1) Yn adran 2(2) (digwyddiad sbardun A)—

(a) mae'r cyfeiriad at drosedd yn cynnwys trosedd a gyflawnwyd cyn i'r Aelod o'r Senedd ddod yn Aelod o'r Senedd a throsedd a gyflawnwyd cyn y diwrnod y mae adran 2 yn dod i rym, ond

(b) nid yw'r cyfeiriad at Aelod o'r Senedd yn cael ei euogfarnu o drosedd ond yn gyfeiriad at Aelod o'r Senedd yn cael ei euogfarnu o drosedd ar neu ar ôl y diwrnod y mae adran 2 yn dod i rym.

(2) Mewn perthynas â'r cyfeiriad yn adran 2(2) at Aelod o'r Senedd yn cael ei ddedfrydu neu ei orchymyn—

(a) mae'n cynnwys yr Aelod o'r Senedd yn cael ei ddedfrydu neu ei orchymyn pan fo'r ddedfryd neu'r gorchymyn yn ohiriedig,

(b) nid yw'n cynnwys yr Aelod o'r Senedd yn cael ei remandio yn y ddalfa, ac

(c) nid yw'n cynnwys yr Aelod o'r Senedd yn cael ei awdurdodi i gael ei gadw'n gaeth o dan ddeddfwriaeth iechyd meddwl os nad oes dedfryd neu orchymyn ar gyfer carcharu neu gadw'n gaeth heblaw o dan y ddeddfwriaeth honno.

(3) Ystyr "deddfwriaeth iechyd meddwl" yw—

(a) Deddf Iechyd Meddwl 1983 (p. 20),

(b) Rhan 6 neu adran 200(2)(b) o Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995 (p. 46), neu

(c) Gorchymyn Iechyd Meddwl (Gogledd Iwerddon) 1986 (O.S. 1986/595 (G.I. 4)).

(4) At ddibenion y Ddeddf hon, yr adeg y mae person yn dod yn Aelod o'r Senedd yw pan ddatgenir bod yr aelod wedi ei ddychwelyd ar ddechrau tymor swydd presennol yr aelod.

(a) trigger event A or trigger event B has occurred in relation to the Member of the Senedd, and

(b) the Presiding Officer gives notice of that fact under section 6.

(2) Trigger event A is that the Member of the Senedd, after becoming a Member of the Senedd, is convicted in the United Kingdom of an offence for which the member is sentenced or ordered to be imprisoned or detained.

(3) Sections 3 and 4 contain more about trigger event A.

(4) Trigger event B is that Senedd Cymru resolves to submit the Member of the Senedd to a recall poll following a report from the Standards of Conduct Committee recommending submission of the member to a recall poll.

(5) Section 5 contains more about trigger event B.

(6) The provision made by or under this Act in relation to a recall poll does not affect other ways in which a Member of the Senedd's seat may be vacated.

3 Trigger event A: meaning of key terms

(1) In section 2(2) (trigger event A)—

(a) the reference to an offence includes an offence committed before the Member of the Senedd became a Member of the Senedd and an offence committed before the day on which section 2 comes into force, but

(b) the reference to a Member of the Senedd being convicted of an offence is only to a Member of the Senedd being convicted of an offence on or after the day on which section 2 comes into force.

(2) The reference in section 2(2) to a Member of the Senedd being sentenced or ordered—

(a) includes the Member of the Senedd being sentenced or ordered where the sentence or order is suspended,

(b) does not include the Member of the Senedd being remanded in custody, and

(c) does not include the Member of the Senedd being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.

(3) "Mental health legislation" means—

(a) the Mental Health Act 1983 (c. 20),

(b) Part 6 or section 200(2)(b) of the Criminal Procedure (Scotland) Act 1995 (c. 46), or

(c) the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

(4) For the purposes of this Act, the time at which a person becomes a Member of the Senedd is when the member is declared to be returned at the beginning of the member's current term of office.

4 Digwyddiad sbardun A: y llysoedd i hysbysu'r Llywydd

(1) Mae'r adran hon yn gymwys os yw Aelod o'r Senedd, ar ôl dod yn Aelod o'r Senedd, yn cael ei euogfarnu o drosedd yng Nghymru a Lloegr a'i ddedfrydu neu ei orchymyn i gael ei garcharu neu ei gadw'n gaeth o fewn ystyr adran 2(2) (gweler adran 3).

(2) Rhaid i'r llys sy'n gosod y ddedfryd neu'r gorchymyn mewn perthynas â'r euogfarn hysbysu'r Llywydd am yr euogfarn ac am y ddedfryd neu'r gorchymyn.

(3) Mae is-adran (4) yn gymwys mewn achos pan ddygir apêl mewn cysylltiad â'r euogfarn, y ddedfryd neu'r gorchymyn (gan gynnwys o lys sy'n penderfynu'r apêl honno neu'n ei gwaredu fel arall).

(4) Os yw'r euogfarn, y ddedfryd neu'r gorchymyn yn cael ei gwrthdroi neu ei wrthdroi ar apêl, rhaid i'r llys y dygwyd yr apêl iddo neu y'i hanfonwyd iddo gan lys arall hysbysu'r Llywydd am y ffaith honno.

(5) Mewn perthynas â chyfeiriadau at apêl yn yr adran hon—

(a) maent yn gyfeiriadau at apêl i lys yng Nghymru a Lloegr (gan gynnwys y Goruchaf Lys);

(b) maent yn cynnwys cais (ac yn unol â hynny mae cyfeiriadau at apêl yn cael ei dwyn yn cynnwys cais yn cael ei wneud);

(c) nid ydynt yn cynnwys atgyfeiriad o dan Ran 2 o Ddeddf Apêl Droseddol 1995 (p. 35) (y Comisiwn Adolygu Achosion Troseddol).

(6) Mae cyfeiriadau yn yr adran hon at benderfynu apêl, pan fo'r llys y dygir yr apêl iddo yn anfon y mater i lys arall, yn gyfeiriadau at waredu'r achos gan y llys arall hwnnw.

(7) Yn yr adran hon, ystyr "ei gwrthdroi neu ei wrthdroi ar apêl" yw—

(a) mewn perthynas ag euogfarn, nad oes euogfarn mwyach at ddibenion adran 2(2);

(b) mewn perthynas â dedfryd neu orchymyn—

(i) y'i hamrywir fel nad yw mwyach yn ddedfryd neu'n orchymyn bod yr Aelod o'r Senedd i gael ei garcharu neu ei gadw'n gaeth o fewn ystyr adran 2(2);

(ii) y'i disodlir gan ddedfryd neu orchymyn arall nad yw'n ddedfryd neu'n orchymyn bod yr Aelod o'r Senedd i gael ei garcharu neu ei gadw'n gaeth o fewn ystyr adran 2(2).

(8) Nid yw'n ofynnol i lys hysbysu'r Llywydd o dan yr adran hon os yw sedd yr Aelod o'r Senedd, ar unrhyw adeg ers cymhwysiad yr adran, wedi dod yn wag.

5 Digwyddiad sbardun B: canllawiau adalw

(1) Ni chaiff y Pwyllgor Safonau Ymddygiad argymell gwneud Aelod o'r Senedd yn destun pôl adalw oni bai bod canllawiau wedi eu dyroddi yn unol â'r adran hon ynghylch y materion sydd i'w hystyried gan y Pwyllgor wrth ystyried a ddylid argymell gwneud Aelod o'r Senedd yn destun pôl adalw ("canllawiau adalw").

(2) Cyn i'r Pwyllgor Safonau Ymddygiad argymell gwneud Aelod o'r Senedd yn destun pôl adalw, rhaid i'r Pwyllgor roi sylw i'r canllawiau adalw.

4 Trigger event A: courts to notify the Presiding Officer

(1) This section applies if a Member of the Senedd, after becoming a Member of the Senedd, is convicted of an offence in England and Wales and sentenced or ordered to be imprisoned or detained within the meaning of section 2(2) (see section 3).

(2) The court that imposes the sentence or order in relation to the conviction must notify the Presiding Officer of the conviction and of the sentence or order.

(3) Subsection (4) applies in a case in which an appeal is brought in respect of the conviction, sentence or order (including from a court that determines or otherwise disposes of such an appeal).

(4) If the conviction, sentence or order is overturned on appeal, the court to which the appeal was brought or remitted by another court must notify the Presiding Officer of that fact.

(5) References in this section to an appeal—

(a) are to an appeal to a court in England and Wales (including the Supreme Court);

(b) include an application (and accordingly references to an appeal being brought include an application being made);

(c) do not include a reference under Part 2 of the Criminal Appeal Act 1995 (c. 35) (the Criminal Cases Review Commission).

(6) References in this section to the determination of an appeal are, where the court to which the appeal is brought remits the matter to another court, to the disposal of the proceedings by that other court.

(7) In this section, "overturned on appeal" means—

(a) in relation to a conviction, that there is no longer a conviction for the purposes of section 2(2);

(b) in relation to a sentence or order—

(i) varied so that it is no longer a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of section 2(2);

(ii) replaced with another sentence or order that is not a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of section 2(2).

(8) A court is not required under this section to notify the Presiding Officer if, at any time since the application of the section, the Member of the Senedd's seat has been vacated.

5 Trigger event B: recall guidance

(1) The Standards of Conduct Committee may not recommend submission of a Member of the Senedd to a recall poll unless guidance has been issued in accordance with this section about the matters to be taken into account by the Committee when considering whether to recommend submitting a Member of the Senedd to a recall poll ("recall guidance").

(2) Before the Standards of Conduct Committee recommends submission of a Member of the Senedd to a recall poll, the Committee must have regard to the recall guidance.

(3) Os nad oes unrhyw ganllawiau adalw wedi eu dyroddi o dan yr adran hon, rhaid i'r Pwyllgor Safonau Ymddygiad lunio canllawiau adalw drafft a chynnal ymgynghoriad cyhoeddus ar y drafft.

(4) Yn dilyn ymgynghoriad cyhoeddus o dan is-adran (3), rhaid i'r Pwyllgor Safonau Ymddygiad osod copi o'r canllawiau adalw drafft (gydag addasiadau neu hebddynt) gerbron Senedd Cymru.

(5) Os oes canllawiau adalw wedi eu dyroddi o dan yr adran hon, caiff y Pwyllgor Safonau Ymddygiad lunio canllawiau adalw drafft i'w disodli.

(6) Cyn dyroddi canllawiau adalw sy'n disodli canllawiau sydd wedi eu dyroddi, rhaid i'r Pwyllgor Safonau Ymddygiad gynnal ymgynghoriad cyhoeddus ar ddrafft o'r canllawiau.

(7) Os yw'r Pwyllgor Safonau Ymddygiad yn dymuno bwrw ymlaen â'r drafft (gydag addasiadau neu hebddynt) yn dilyn ymgynghoriad cyhoeddus o dan is-adran (3), rhaid iddo osod copi o'r drafft gerbron Senedd Cymru.

(8) Mewn perthynas â'r Pwyllgor Safonau Ymddygiad—

(a) ni chaiff ddyroddi canllawiau adalw oni bai bod drafft o'r canllawiau wedi ei gymeradwyo drwy benderfyniad gan Senedd Cymru, a

(b) rhaid iddo ddyroddi canllawiau adalw os yw drafft o'r canllawiau wedi ei gymeradwyo drwy benderfyniad gan Senedd Cymru.

(9) Rhaid i'r Pwyllgor Safonau Ymddygiad ddwyn unrhyw ymgynghoriad cyhoeddus o dan yr adran hon i sylw—

(a) pob Aelod o'r Senedd, a

(b) Comisiynydd Safonau y Senedd.

(10) Wrth lunio canllawiau adalw, rhaid i'r Pwyllgor Safonau Ymddygiad ystyried cynnwys yn y canllawiau enghreifftiau o ymddygiad neu fathau o ymddygiad a allai olygu bod y Pwyllgor yn argymell gwneud Aelod o'r Senedd yn destun pôl adalw.

(11) Mae canllawiau adalw a ddyroddir yn unol â'r adran hon yn cael effaith (ac yn parhau i gael effaith pan fo Senedd Cymru yn cael ei diddymu) hyd nes y bônt yn cael eu disodli yn unol â'r adran hon.

Dyddiad pôl adalw a hysbysiad

6 Dyletswydd y Llywydd i bennu dyddiad ar gyfer pôl adalw a rhoi hysbysiad o ddigwyddiad sbardun

(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl dod yn ymwybodol bod digwyddiad sbardun wedi digwydd mewn perthynas ag Aelod o'r Senedd, rhaid i'r Llywydd—

(a) pennu'r dyddiad ar gyfer y pôl adalw yn unol ag is-adran (4), a

(b) hysbysu'r swyddog canlyniadau etholaethol dros etholaeth Senedd yr aelod yn unol ag is-adran (5).

(2) Ond nid yw is-adran (1) yn gymwys pe bai'n ei gwneud yn ofynnol i'r Llywydd bennu dyddiad ar gyfer y pôl adalw ar adeg—

(a) o fewn y cyfnod o 6 mis sy'n dod i ben â'r diwrnod y byddai'r pôl yn etholiad cyffredinol cyffredin nesaf Senedd Cymru yn cael ei gynnal (gan ddiystyru adran 4 o Ddeddf Llywodraeth Cymru 2006 (p. 32) ("Deddf 2006")),

(3) If no recall guidance has been issued under this section, the Standards of Conduct Committee must prepare draft recall guidance and carry out a public consultation on the draft.

(4) Following public consultation under subsection (3), the Standards of Conduct Committee must lay before Senedd Cymru a copy of the draft recall guidance (with or without modifications).

(5) If recall guidance has been issued under this section, the Standards of Conduct Committee may prepare draft recall guidance to replace it.

(6) Before issuing replacement recall guidance, the Standards of Conduct Committee must carry out a public consultation on a draft of the guidance.

(7) If the Standards of Conduct Committee wish to proceed with the draft (with or without modifications) following public consultation under subsection (3), it must lay a copy of the draft before Senedd Cymru.

(8) The Standards of Conduct Committee—

(a) may not issue recall guidance unless a draft of the guidance has been approved by resolution of Senedd Cymru, and

(b) must issue recall guidance if a draft of the guidance has been approved by resolution of Senedd Cymru.

(9) The Standards of Conduct Committee must bring any public consultation under this section to the attention of—

(a) each Member of the Senedd, and

(b) the Senedd Commissioner for Standards.

(10) In preparing recall guidance, the Standards of Conduct Committee must consider including in the guidance examples of conduct or types of conduct that may result in the Committee recommending submission of a Member of the Senedd to a recall poll.

(11) Recall guidance issued in accordance with this section has effect (and continues to have effect on dissolution of Senedd Cymru) until it is replaced in accordance with this section.

Date of recall poll and notice

6 Presiding Officer's duty to fix date for recall poll and give notice of trigger event

(1) As soon as reasonably practicable after becoming aware that a trigger event has occurred in relation to a Member of the Senedd, the Presiding Officer must—

(a) fix the date for the recall poll in accordance with subsection (4), and

(b) notify the constituency returning officer for the member's Senedd constituency in accordance with subsection (5).

(2) But subsection (1) does not apply if it would require the Presiding Officer to fix a date for the recall poll at a time—

(a) within the period of 6 months ending with the day on which the poll at the next ordinary general election of Senedd Cymru would be held (disregarding section 4 of the Government of Wales Act 2006 (c. 32) ("the 2006 Act")),

(b) ar ôl y diwrnod y byddai'r pôl yn etholiad cyffredinol cyffredin nesaf Senedd Cymru yn cael ei gynnal (gan ddiystyru adran 4 o Ddeddf 2006),

(c) pan fydd yr Aelod o'r Senedd eisoes yn destun pôl adalw, neu

(d) pan fydd sedd yr Aelod o'r Senedd eisoes wedi dod yn wag.

(3) At ddibenion is-adran (2)(c), mae Aelod o'r Senedd "yn destun pôl adalw" yn ystod y cyfnod sy'n dechrau â rhoi hysbysiad o dan yr adran hon mewn perthynas â'r Aelod o'r Senedd ac yn dod i ben ag—

(a) y swyddog canlyniadau etholaethol yn cael hysbysiad o dan adran 8(5) (terfynu pôl adalw yn gynnar) mewn perthynas â'r pôl adalw o dan sylw, neu

(b) y swyddog canlyniadau etholaethol yn cyhoeddi canlyniad pôl adalw yn unol ag adran 12(2).

(4) Rhaid i'r dyddiad a bennir ar gyfer y pôl adalw fod o fewn y cyfnod o dri mis sy'n dechrau â'r diwrnod y mae'r Llywydd yn rhoi hysbysiad o dan yr adran hon.

(5) Rhaid i hysbysiad o dan yr adran hon bennu—

(a) enw'r Aelod o'r Senedd y mae'r digwyddiad sbardun wedi digwydd mewn cysylltiad ag ef,

(b) y dyddiad y'i rhoddir,

(c) pa un o'r ddau fath o ddigwyddiad sbardun sydd wedi digwydd mewn perthynas â'r Aelod o'r Senedd,

(d) gwybodaeth am y digwyddiad sbardun sydd wedi digwydd mewn perthynas â'r Aelod o'r Senedd yn unol ag unrhyw ddarpariaeth a wneir drwy reoliadau o dan adran 11, ac

(e) y dyddiad a bennwyd ar gyfer y pôl adalw.

(6) At ddibenion y Ddeddf hon, mae hysbysiad o dan yr adran hon—

(a) i'w drin fel pe bai'n cael ei roi ar y dyddiad a bennir ynddo o dan is-adran (5)(b), a

(b) i'w drin fel pe bai'r swyddog canlyniadau etholaethol yn ei gael ar y diwrnod gwaith cyntaf ar ôl y diwrnod y'i rhoddir.

(7) Mae cyfeiriadau yn y Ddeddf hon at "hysbysiad y Llywydd" yn gyfeiriadau at hysbysiad o dan yr adran hon.

7 Hysbysiad cyhoeddus o bôl adalw

(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad yn unol ag adran 6, rhaid i swyddog canlyniadau etholaethol roi hysbysiad cyhoeddus o'r pôl adalw yn unol ag unrhyw ddarpariaeth a wneir drwy reoliadau o dan adran 11.

(2) Yn ogystal, rhaid i'r swyddog canlyniadau etholaethol anfon hysbysiad o'r pôl adalw yn unol ag unrhyw ddarpariaeth a wneir drwy reoliadau o dan adran 11—

(a) at unrhyw ddisgrifiadau o bersonau sydd wedi eu cofrestru yn y cofrestrau o etholwyr llywodraeth leol ar gyfer yr ardaloedd o fewn yr etholaeth Senedd sydd i'w pennu yn y rheoliadau hynny, a

(b) at unrhyw ddisgrifiadau eraill o bersonau a bennir yn y rheoliadau hynny.

(b) after the day on which the poll at the next ordinary general election of Senedd Cymru would be held (disregarding section 4 of the 2006 Act),

(c) when the Member of the Senedd is already subject to a recall poll, or

(d) when the Member of the Senedd's seat has already been vacated.

(3) For the purposes of subsection (2)(c), a Member of the Senedd is "subject to a recall poll" during the period beginning with the giving of a notice under this section in relation to the Member of the Senedd and ending with—

(a) the receipt by the constituency returning officer of a notice under section 8(5) (early termination of recall poll) in relation to the recall poll in question, or

(b) the constituency returning officer declaring the result of a recall poll in accordance with section 12(2).

(4) The date fixed for the recall poll must fall within the period of three months beginning with the day the Presiding Officer gives notice under this section.

(5) A notice under this section must specify—

(a) the name of the Member of the Senedd in respect of whom the trigger event has occurred,

(b) the date on which it is given,

(c) which of the two kinds of trigger event have occurred in relation to the Member of the Senedd,

(d) information about the trigger event that has occurred in relation to the Member of the Senedd in accordance with any provision made by regulations under section 11, and

(e) the date fixed for the recall poll.

(6) For the purposes of this Act, a notice under this section—

(a) is to be treated as given on the date specified in it under subsection (5)(b), and

(b) is to be treated as received by the constituency returning officer on the first working day after the day on which it is given.

(7) References in this Act to a "Presiding Officer's notice" are to a notice under this section.

7 Public notice of recall poll

(1) As soon as reasonably practicable after receiving a notice in accordance with section 6, a constituency returning officer must give public notice of the recall poll in accordance with any provision made by regulations under section 11.

(2) In addition, the constituency returning officer must send a notice of the recall poll in accordance with any provision made by regulations under section 11—

(a) to such descriptions of persons registered in the registers of local government electors for the areas within the Senedd constituency as are to be specified in such regulations, and

(b) to such other descriptions of persons as may be specified in such regulations.

(3) Rhaid i reoliadau o dan adran 11 ei gwneud yn ofynnol i'r hysbysiad gynnwys gwybodaeth am y digwyddiad sbardun sydd wedi digwydd mewn perthynas â'r Aelod o'r Senedd.

Terfynu pôl adalw yn gynnar

8 Terfynu pôl adalw yn gynnar

(1) Mae'r adran hon yn gymwys os bydd unrhyw un o ddigwyddiadau terfynu cynnar A, B neu C yn digwydd ar unrhyw adeg ar ôl i hysbysiad y Llywydd gael ei roi ond cyn i ganlyniad y pôl adalw gael ei gyhoeddi yn unol ag adran 12(2).

(2) Digwyddiad terfynu cynnar A yw bod y Llywydd wedi cynnig diwrnod ar gyfer cynnal pôl mewn etholiad cyffredinol eithriadol yn unol ag adran 5(1) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) Digwyddiad terfynu cynnar B yw bod sedd yr Aelod o'r Senedd yn dod yn wag.

(4) Digwyddiad terfynu cynnar C yw, mewn achos pan ddigwyddodd digwyddiad sbardun A mewn perthynas â'r Aelod o'r Senedd, fod yr euogfarn, y ddedfryd neu'r gorchymyn o dan sylw yn cael ei gwrthdroi neu ei wrthdroi ar apêl (o fewn ystyr adran 4(7)).

(5) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl dod yn ymwybodol bod yr adran hon yn gymwys, rhaid i'r Llywydd hysbysu'r swyddog canlyniadau etholaethol ar gyfer etholaeth Senedd yr Aelod o'r Senedd sy'n destun y pôl adalw fod yr adran yn gymwys, gan bennu pa un o'r digwyddiadau terfynu cynnar sydd wedi digwydd.

(6) Pan fo swyddog canlyniadau etholaethol yn cael hysbysiad o dan is-adran (5), nid oes unrhyw gamau pellach i'w cymryd o dan neu yn rhinwedd y Ddeddf hon mewn perthynas â'r broses sy'n ymwneud â'r pôl adalw ac eithrio—

(a) y camau sy'n ofynnol o dan is-adran (7), a

(b) unrhyw gamau a allai fod yn ofynnol neu a ganiateir gan reoliadau o dan adran 11 mewn perthynas â therfynu'r broses honno.

(7) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad o dan is-adran (5), rhaid i'r swyddog canlyniadau etholaethol—

(a) cymryd unrhyw gamau y mae'r swyddog yn ystyried eu bod yn angenrheidiol i derfynu'r broses sy'n ymwneud â'r pôl adalw, a

(b) rhoi hysbysiad cyhoeddus bod y broses honno wedi ei therfynu yn unol ag unrhyw ddarpariaeth a wneir drwy reoliadau o dan adran 11.

(8) Ac eithrio mewn achos pan fo'r adran hon yn gymwys yn rhinwedd digwyddiad terfynu cynnar A a bod Senedd Cymru wedi ei diddymu, rhaid i'r Llywydd osod unrhyw hysbysiad a roddir o dan is-adran (5) gerbron Senedd Cymru.

Yr etholfraint

9 Hawlogaeth i bleidleisio mewn pôl adalw

Y personau a chanddynt hawlogaeth i bleidleisio mewn pôl adalw yw'r rhai, ar ddiwrnod y pôl—

(a) y byddai ganddynt hawlogaeth i bleidleisio fel etholwyr mewn etholiad cyffredinol o Aelodau o'r Senedd, a

(3) Regulations under section 11 must require the notice to contain information about the trigger event that has occurred in relation to the Member of the Senedd.

Early termination of recall poll

8 Early termination of a recall poll

(1) This section applies if any of the early termination events A, B or C occur at any time after the Presiding Officer's notice is given but before the result of the recall poll is declared in accordance with section 12(2).

(2) Early termination event A is that the Presiding Officer has proposed a day for the holding of a poll at an extraordinary general election in accordance with section 5(1) of the Government of Wales Act 2006 (c. 32).

(3) Early termination event B is that the Member of the Senedd's seat is vacated.

(4) Early termination event C is that, in a case in which trigger event A occurred in relation to the Member of the Senedd, the conviction, sentence or order in question is overturned on appeal (within the meaning of section 4(7)).

(5) As soon as reasonably practicable after becoming aware that this section applies, the Presiding Officer must notify the constituency returning officer for the Senedd constituency of the Member of the Senedd subject to the recall poll that the section applies, specifying which of the early termination events has occurred.

(6) On a constituency returning officer receiving a notice under subsection (5), no further action is to be taken under or by virtue of this Act in relation to the process relating to the recall poll except—

(a) the action required under subsection (7), and

(b) any action which may be required or permitted by regulations under section 11 in relation to the termination of that process.

(7) As soon as reasonably practicable after receiving a notice under subsection (5), the constituency returning officer must—

(a) take such steps as the officer considers necessary to terminate the process relating to the recall poll, and

(b) give a public notice of the termination of that process in accordance with any provision made by regulations under section 11.

(8) Except in a case where this section applies by virtue of early termination event A and Senedd Cymru has been dissolved, the Presiding Officer must lay before Senedd Cymru any notice given under subsection (5).

Franchise

9 Entitlement to vote in a recall poll

The persons entitled to vote in a recall poll are those who on the day of the poll—

(a) would be entitled to vote as electors at a general election of Members of the Senedd, and

(b) sydd wedi eu cofrestru mewn cofrestr o etholwyr llywodraeth leol mewn cyfeiriad o fewn etholaeth Senedd yr Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo.

Rhedeg pôl adalw

10 Polau adalw i'w rhedeg drwy bleidlais gudd

(1) Rhaid rhedeg pôl adalw drwy bleidlais gudd.

(2) Rhaid i bob papur pleidleisio fod wedi ei ysgrifennu yn Gymraeg ac yn Saesneg.

(3) Y cwestiwn y mae rhaid iddo ymddangos ar y papurau pleidleisio yw—

"A ddylid diswyddo neu gadw [*mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo*] fel aelod o Senedd Cymru?

Should *[mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo]* be removed or retained as a member of Senedd Cymru (the Welsh Parliament)?"

(4) Y cyntaf o'r ddau ateb posibl i'r cwestiwn hwnnw y mae rhaid iddo ymddangos ar y papurau pleidleisio yw—

"Diswyddo [*mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo*] fel aelod o Senedd Cymru.

Remove [*mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo*] as a member of Senedd Cymru."

(5) Yr ail o'r ddau ateb posibl i'r cwestiwn hwnnw y mae rhaid iddo ymddangos ar y papurau pleidleisio yw—

"Cadw [*mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo*] fel aelod o Senedd Cymru.

Retain [*mewnosoder enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo*] as a member of Senedd Cymru."

(6) Mae'r gofynion yn is-adrannau (3) i (5) yn ddarostyngedig i fewnosod enw'r Aelod o'r Senedd y mae'r pôl adalw yn gymwys iddo yn y mannau a gyfarwyddir yn y cwestiwn a'r atebion.

11 Rheoliadau ynghylch polau adalw

(1) Caiff Gweinidogion Cymru drwy reoliadau wneud—

(a) darpariaeth ynghylch rhedeg pôl adalw;

(b) darpariaeth ynghylch cwestiynu pôl adalw a chanlyniadau afreoleidd-dra;

(c) darpariaeth bellach ynghylch rhoi, anfon, danfon neu gael hysbysiadau neu ddogfennau eraill o dan y Ddeddf hon.

(2) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (1)(a) yn cynnwys, ymhlith pethau eraill, ddarpariaeth—

(a) ynghylch cofrestru etholwyr;

(b) ynghylch gosod terfynau ar dreuliau a rhoddion ymgyrchu mewn pôl adalw;

(c) ar gyfer cyfuno polau.

(b) are registered in a register of local government electors at an address within the Senedd constituency of the Member of the Senedd to whom the recall poll applies.

Conduct of recall poll

10 Recall polls to be conducted by ballot

(1) A recall poll must be conducted by ballot.

(2) Each ballot paper must be written in Welsh and English.

(3) The question that must appear on the ballot papers is—

"A ddylid diswyddo neu gadw *[insert the name of Member of the Senedd to whom the recall poll applies]* fel aelod o Senedd Cymru?

Should *[insert the name of Member of the Senedd to whom the recall poll applies]* be removed or retained as a member of Senedd Cymru (the Welsh Parliament)?"

(4) The first of the two alternative answers to that question that must appear on the ballot papers is—

"Diswyddo *[insert the name of Member of the Senedd to whom the recall poll applies]* fel aelod o Senedd Cymru.

Remove *[insert the name of Member of the Senedd to whom the recall poll applies]* as a member of Senedd Cymru."

(5) The second of the two alternative answers to that question that must appear on the ballot papers is—

"Cadw *[insert the name of Member of the Senedd to whom the recall poll applies]* fel aelod o Senedd Cymru.

Retain *[insert the name of Member of the Senedd to whom the recall poll applies]* as a member of Senedd Cymru."

(6) The requirements in subsections (3) to (5) are subject to the name of the Member of the Senedd to whom the recall poll applies being inserted in the places directed in the question and answers.

11 Regulations about recall polls

(1) The Welsh Ministers may by regulations make—

(a) provision about the conduct of a recall poll;

(b) provision about the questioning of a recall poll and the consequences of irregularities;

(c) further provision about the giving, sending, delivery or receipt of notices or other documents under this Act.

(2) The provision that may be made under subsection (1)(a) includes, among other things, provision—

(a) about the registration of electors;

(b) about the limitation of recall poll campaign expenses and donations;

(c) for the combination of polls.

(3) Caiff rheoliadau o dan is-adran (1)—

(a) cymhwyso neu ymgorffori, gydag addasiadau neu eithriadau neu hebddynt, unrhyw ddarpariaeth a wneir gan neu o dan—

(i) Deddfau Cynrychiolaeth y Bobl,

(ii) gorchymyn a wneir o dan adran 13 o Ddeddf Llywodraeth Cymru 2006 (p. 32),

(iii) Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41), neu

(iv) unrhyw ddeddfiad arall sy'n ymwneud ag etholiadau neu refferenda;

(b) rhoi pŵer neu ddyletswydd i unrhyw berson (gan gynnwys pŵer neu ddyletswydd i wneud is-ddeddfwriaeth);

(c) creu troseddau;

(d) gwneud darpariaeth wahanol at ddibenion gwahanol;

(e) gwneud darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth ganlyniadol, darpariaeth drosiannol neu ddarpariaeth arbed;

(f) diwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon).

(4) Ni chaiff rheoliadau o dan is-adran (1) gynnwys darpariaeth y byddai'r canlynol yn ofynnol ar ei chyfer—

(a) cydsyniad y Gweinidog priodol o dan baragraff 8(1)(a) neu (c), 10 neu 11 o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 (p. 32) pe bai'r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru, oni bai y byddai'r cydsyniad yn ofynnol mewn cysylltiad â pherson a bennir yn is-adran (5);

(b) ymgynghori â'r Gweinidog priodol o dan baragraff 11(2) o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 (p. 32) pe bai'r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru, oni bai y byddai ymgynghori yn ofynnol mewn cysylltiad â'r Arglwydd Ganghellor neu'r Trysorlys.

(5) Y personau yw—

(a) y llysoedd;

(b) yr Arglwydd Brif Ustus a deiliaid swyddi barnwrol eraill;

(c) yr Arglwydd Ganghellor;

(d) y Pwyllgor Rheolau Trefniadaeth Sifil;

(e) y Cyfarwyddwr Erlyniadau Cyhoeddus neu unrhyw erlynydd y Goron arall;

(f) cwnstabl;

(g) person sydd wedi ei ddynodi o dan adran 38 o Ddeddf Diwygio'r Heddlu 2002 (p. 30) yn swyddog cymorth cymunedol neu'n wirfoddolwr cymorth cymunedol;

(h) y Comisiwn Etholiadol;

(i) y Trysorlys.

(6) Cyn gwneud unrhyw reoliadau o dan is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn Etholiadol.

(3) Regulations under subsection (1) may—

(a) apply or incorporate, with or without modifications or exceptions, any provision made by or under—

(i) the Representation of the People Acts,

(ii) an order made under section 13 of the Government of Wales Act 2006 (c. 32),

(iii) the Political Parties, Elections and Referendums Act 2000 (c. 41), or

(iv) any other enactment relating to elections or referendums;

(b) confer a power or duty on any person (including a power or duty to make subordinate legislation);

(c) create criminal offences;

(d) make different provision for different purposes;

(e) make supplementary, incidental, consequential, transitional or saving provision;

(f) amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).

(4) Regulations under subsection (1) may not include provision that would require—

(a) the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru, unless the consent would be required in respect of a person specified in subsection (5);

(b) consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru, unless consultation would be required in respect of the Lord Chancellor or the Treasury.

(5) The persons are—

(a) the courts;

(b) the Lord Chief Justice and other judicial office holders;

(c) the Lord Chancellor;

(d) the Civil Procedure Rules Committee;

(e) the Director of Public Prosecutions or any other Crown prosecutor;

(f) a constable;

(g) a person designated under section 38 of the Police Reform Act 2002 (c. 30) as a community support officer or community support volunteer;

(h) the Electoral Commission;

(i) the Treasury.

(6) Before making any regulations under subsection (1), the Welsh Ministers must consult the Electoral Commission.

(7) Ni chaniateir gwneud unrhyw ddarpariaeth mewn rheoliadau a wneir o dan is-adran (1) sydd—

(a) yn pennu'r hyn sydd i'w drin neu'r hyn nad yw i'w drin fel traul neu rodd ymgyrchu mewn pôl adalw sy'n ddarostyngedig i derfynau at ddibenion y rheoliadau hynny, neu

(b) yn gosod y terfynau sy'n gymwys i dreuliau neu roddion ymgyrchu mewn pôl adalw,

ond gyda chydsyniad y Comisiwn Etholiadol.

(8) Ond nid yw is-adran (7) yn gymwys pan fo Gweinidogion Cymru yn ystyried bod amrywio terfyn o fath a grybwyllir yn is-adran (7)(b) ac a osodir mewn rheoliadau a wneir o dan is-adran (1) yn hwylus o ganlyniad i newid yng ngwerth arian.

(9) Rhaid i'r pŵer i wneud rheoliadau o dan is-adran (1) gael ei arfer drwy offeryn statudol Cymreig.

(10) Mae rheoliadau o dan is-adran (1) yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd.

Canlyniad pôl adalw

12 Canlyniad pôl adalw

(1) Mae'r adran hon yn gymwys oni bai bod y swyddog canlyniadau etholaethol wedi cael hysbysiad o dan adran 8(5) (terfynu proses ar gyfer pôl adalw yn gynnar).

(2) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r pleidleisio mewn pôl adalw ddod i ben, rhaid i'r swyddog canlyniadau etholaethol, yn unol ag unrhyw reoliadau o dan adran 11—

(a) pennu canlyniad y pôl adalw,

(b) cyhoeddi canlyniad y pôl adalw,

(c) yn dibynnu ar ganlyniad y pôl adalw, ddatgan bod yr Aelod o'r Senedd sy'n destun y pôl adalw naill ai—

(i) wedi ei ddiswyddo fel Aelod o Senedd Cymru, neu

(ii) yn cael ei gadw fel Aelod o Senedd Cymru, a

(d) hysbysu'r Llywydd yn ysgrifenedig am ganlyniad y pôl adalw a'r datganiad.

(3) At ddibenion is-adran (2)(c), mae Aelod o'r Senedd sy'n destun pôl adalw—

(a) wedi ei ddiswyddo fel Aelod o Senedd Cymru os bwriwyd y mwyafrif o'r pleidleisiau o blaid yr ateb ar y papur pleidleisio a nodir yn adran 10(4);

(b) yn cael ei gadw fel Aelod o Senedd Cymru os bwriwyd y mwyafrif o'r pleidleisiau o blaid yr ateb ar y papur pleidleisio a nodir yn adran 10(5) neu os bwriwyd nifer cyfartal o bleidleisiau o blaid y naill ateb a'r llall ar y papur pleidleisio.

(4) Rhaid i'r Llywydd osod unrhyw hysbysiad a geir o dan is-adran (2) gerbron Senedd Cymru.

13 Effaith datganiad bod Aelod o'r Senedd wedi ei ddiswyddo

(1) Os yw'r swyddog canlyniadau etholaethol yn datgan o dan adran 12(2) fod yr Aelod o'r Senedd sy'n destun y pôl adalw wedi ei ddiswyddo fel Aelod o Senedd Cymru, daw sedd yr aelod yn wag pan wneir y datganiad hwnnw.

(7) Any provision in regulations made under subsection (1) that—

(a) specifies what is or is not to be treated as a recall poll campaign expense or donation subject to limits for the purposes of those regulations, or

(b) sets the limits applying to recall poll campaign expenses or donations,

may only be made with the consent of the Electoral Commission.

(8) But subsection (7) does not apply where the Welsh Ministers consider that varying a limit of a kind mentioned in subsection (7)(b) and set in regulations made under subsection (1) is expedient in consequence of a change in the value of money.

(9) The power to make regulations under subsection (1) must be exercised by Welsh statutory instrument.

(10) Regulations under subsection (1) are subject to the Senedd approval procedure.

Outcome of recall poll

12 Outcome of a recall poll

(1) This section applies unless the constituency returning officer has received a notice under section 8(5) (early termination of recall poll process).

(2) As soon as reasonably practicable after the end of voting in a recall poll, the constituency returning officer must, in accordance with any regulations under section 11—

(a) determine the result of the recall poll,

(b) announce the result of the recall poll,

(c) depending on the result of the recall poll, declare that the Member of the Senedd subject to the recall poll—

(i) is removed as a member of Senedd Cymru, or

(ii) is retained as a member of Senedd Cymru, and

(d) notify the Presiding Officer in writing of the result of the recall poll and the declaration.

(3) For the purposes of subsection (2)(c), a Member of the Senedd subject to a recall poll—

(a) is removed as a member of Senedd Cymru if the majority of votes were cast in favour of the answer on the ballot paper set out in section 10(4);

(b) is retained as a member of Senedd Cymru if the majority of votes were cast in favour of the answer on the ballot paper set out section 10(5) or an equal number of votes were cast in favour of each of the answers on the ballot paper.

(4) The Presiding Officer must lay before Senedd Cymru any notice received under subsection (2).

13 Effect of declaration that a Member of the Senedd is removed

(1) If the constituency returning officer declares under section 12(2) that the Member of the Senedd subject to the recall poll is removed as a member of Senedd Cymru, the member's seat becomes vacant on the making of that declaration.

(2) Nid yw is-adran (1) yn gymwys os yw'r sedd eisoes wedi dod yn wag.

(3) Mae is-adran (1) yn ddarostyngedig i unrhyw reoliadau o dan adran 11 ynghylch cwestiynu canlyniad pôl adalw.

(4) Nid yw'r ffaith bod sedd aelod yn dod yn wag o dan is-adran (1) yn effeithio ar ddilysrwydd unrhyw drafodion gan Senedd Cymru sy'n digwydd cyn i'r Llywydd gael ei hysbysu o dan adran 12(2)(d).

14 Nid effeithir ar ddilysrwydd pôl adalw gan annilysrwydd yn nhrafodion y Senedd

Nid effeithir ar ddilysrwydd pôl adalw a gynhelir o ganlyniad i'r ffaith bod digwyddiad sbardun B wedi digwydd gan unrhyw annilysrwydd yn nhrafodion Senedd Cymru sy'n gysylltiedig ag—

(a) y digwyddiad sbardun, gan gynnwys trafodion unrhyw bwyllgor neu is-bwyllgor sy'n gysylltiedig â'r adroddiad oddi wrth y Pwyllgor Safonau Ymddygiad sy'n argymell gwneud yr aelod yn destun pôl adalw, neu

(b) dyroddi canllawiau adalw o dan adran 5.

Swyddogaethau swyddogion

15 Swyddogaethau swyddogion canlyniadau etholaethol

(1) Mewn perthynas â phôl adalw mewn etholaeth Senedd, dyletswydd gyffredinol y swyddog canlyniadau etholaethol yw gwneud unrhyw beth sy'n angenrheidiol er mwyn rhedeg y pôl adalw yn effeithiol yn unol â'r Ddeddf hon a rheoliadau a wneir odani.

(2) Caiff swyddog canlyniadau etholaethol benodi un neu ragor o ddirprwyon i gyflawni unrhyw un neu ragor neu bob un o swyddogaethau'r swyddog o dan neu yn rhinwedd y Ddeddf hon.

(3) Rhaid i bob cyngor sir neu gyngor bwrdeistref sirol y mae ei ardal yn gyfan gwbl neu'n rhannol o fewn yr etholaeth Senedd y mae pôl adalw yn gymwys iddi roi gwasanaethau ei swyddogion ar gael i'r swyddog canlyniadau etholaethol at ddiben cynorthwyo'r swyddog canlyniadau etholaethol i gyflawni swyddogaethau'r swyddog o dan neu yn rhinwedd y Ddeddf hon.

(4) Yn y Ddeddf hon, ystyr "swyddog canlyniadau etholaethol", mewn perthynas ag etholaeth Senedd, yw'r person a ddynodir yn swyddog canlyniadau ar gyfer yr etholaeth yn unol â gorchymyn o dan adran 13 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (pŵer Gweinidogion Cymru i wneud darpariaeth ynghylch etholiadau etc.).

Cyffredinol

16 Dehongli Rhan 1

Yn y Rhan hon—

ystyr "digwyddiad sbardun" ("*trigger event*") yw digwyddiad o'r math a ddisgrifir yn is-adran (2) neu (4) o adran 2;

ystyr "digwyddiad sbardun A" ("*trigger event A*") yw digwyddiad o'r math a ddisgrifir yn adran 2(2);

(2) Subsection (1) does not apply if the seat has already been vacated.

(3) Subsection (1) is subject to any regulations under section 11 about questioning the outcome of a recall poll.

(4) The validity of any Senedd Cymru proceedings that take place before the Presiding Officer is notified under section 12(2)(d) are not affected by a member's seat becoming vacant under subsection (1).

14 Validity of recall poll not affected by invalidity in Senedd proceedings

The validity of a recall poll held as a result of an occurrence of trigger event B is not affected by any invalidity in Senedd Cymru proceedings connected with—

(a) the trigger event, including proceedings of any committee or sub-committee connected with the report from the Standards of Conduct Committee recommending submission of the member to a recall poll, or

(b) the issuing of recall guidance under section 5.

Functions of officers

15 Functions of constituency returning officers

(1) In relation to a recall poll in a Senedd constituency, it is the constituency returning officer's general duty to do anything necessary for effectually conducting the recall poll in accordance with this Act and regulations made under it.

(2) A constituency returning officer may appoint one or more deputies to perform any or all of the officer's functions under or by virtue of this Act.

(3) Each county or county borough council whose area falls wholly or partly within the Senedd constituency to which a recall poll applies must place the services of its officers at the disposal of the constituency returning officer for the purpose of assisting the constituency returning officer in the performance of the officer's functions under or by virtue of this Act.

(4) In this Act, "constituency returning officer", in relation to a Senedd constituency, means the person designated as the returning officer for the constituency in accordance with an order under section 13 of the Government of Wales Act 2006 (c. 32) (power of the Welsh Ministers to make provision about elections etc.).

General

16 Interpretation of Part 1

In this Part—

"overturned on appeal" ("*ei gwrthdroi neu ei wrthdroi ar apêl*") has the meaning given by section 4(7);

"Presiding Officer" ("*Llywydd*") means the Presiding Officer of Senedd Cymru elected in accordance with section 25 of the Government of Wales Act 2006 (c. 32);

ystyr "digwyddiad sbardun B" ("*trigger event B*") yw digwyddiad o'r math a ddisgrifir yn adran 2(4);

mae i "ei gwrthdroi neu ei wrthdroi ar apêl" ("*overturned on appeal*") yr ystyr a roddir gan adran 4(7);

ystyr "etholaeth Senedd" ("*Senedd constituency*") yw etholaeth y darperir ar ei chyfer mewn rheoliadau a wneir o dan adran 49J o Ddeddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4);

mae i "hysbysiad y Llywydd" ("*Presiding Officer's notice*") yr ystyr a roddir gan adran 6(7);

ystyr "Llywydd" ("*Presiding Officer*") yw Llywydd Senedd Cymru a etholir yn unol ag adran 25 o Ddeddf Llywodraeth Cymru 2006 (p. 32);

mae i "pôl adalw" ("*recall poll*") yr ystyr a roddir gan adran 1(2);

ystyr "Pwyllgor Safonau Ymddygiad" ("*Standards of Conduct Committee*") yw'r pwyllgor o Senedd Cymru y mae rhaid ei sefydlu yn rhinwedd adran 30A o Ddeddf Llywodraeth Cymru 2006 (p. 32) (a fewnosodir gan adran 18 o'r Ddeddf hon).

17 Darpariaeth ganlyniadol sy'n ymwneud â Rhan 1

Mae Rhan 1 o'r Atodlen i'r Ddeddf hon yn gwneud darpariaeth ganlyniadol sy'n ymwneud â'r Rhan hon.

RHAN 2

SAFONAU YMDDYGIAD AELODAU O'R SENEDD

Safonau Ymddygiad

18 Pwyllgor Safonau Ymddygiad

(1) Mae Deddf Llywodraeth Cymru 2006 (p. 32) wedi ei diwygio gan is-adrannau (2) a (3).

(2) Yn adran 28 (pwyllgorau ac is-bwyllgorau)—

(a) yn is-adran (1)(b), hepgorer "power to appoint";

(b) yn is-adran (2), ar ôl "Member of the Senedd" mewnosoder ", except the members of the Standards of Conduct Committee or a sub-committee of the Standards of Conduct Committee".

(3) Ar ôl adran 30 (Pwyllgor Archwilio) mewnosoder—

"30A Standards of Conduct Committee

(1) The committees of the Senedd must include one to be known as the Standards of Conduct Committee or Pwyllgor Safonau Ymddygiad or by such other name as the Senedd may determine; and, if the Senedd makes such a determination, references to the committee in—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

"Presiding Officer's notice" ("*hysbysiad y Llywydd*") has the meaning given by section 6(7);

"recall poll" ("*pôl adalw*") has the meaning given by section 1(2);

"Senedd constituency" ("*etholaeth Senedd*") means a constituency provided for in regulations made under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4);

"Standards of Conduct Committee" ("*Pwyllgor Safonau Ymddygiad*") means the committee of Senedd Cymru that must be established by virtue of section 30A of the Government of Wales Act 2006 (c. 32) (inserted by section 18 of this Act);

"trigger event" ("*digwyddiad sbardun*") means an event of the kind described in subsection (2) or (4) of section 2;

"trigger event A" ("*digwyddiad sbardun A*") means an event of the kind described in section 2(2);

"trigger event B" ("*digwyddiad sbardun B*") means an event of the kind described in section 2(4).

17 Consequential provision relating to Part 1

Part 1 of the Schedule to this Act makes consequential provision relating to this Part.

PART 2

STANDARDS OF CONDUCT OF MEMBERS OF THE SENEDD

Standards of Conduct

18 Standards of Conduct Committee

(1) The Government of Wales Act 2006 (c. 32) is amended by subsections (2) and (3).

(2) In section 28 (committees and sub-committees)—

(a) in subsection (1)(b), omit "power to appoint";

(b) in subsection (2), after "Member of the Senedd" insert ", except the members of the Standards of Conduct Committee or a sub-committee of the Standards of Conduct Committee".

(3) After section 30 (Audit Committee) insert—

"30A Standards of Conduct Committee

(1) The committees of the Senedd must include one to be known as the Standards of Conduct Committee or Pwyllgor Safonau Ymddygiad or by such other name as the Senedd may determine; and, if the Senedd makes such a determination, references to the committee in—

(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

(b) any other instrument or document,

have effect accordingly.

(2) The Standards of Conduct Committee is to have functions relating to the standards of conduct of Members of the Senedd specified by the standing orders; and the standing orders may specify that it has other functions.

(3) The Standards of Conduct Committee is to have the number of members specified by the standing orders.

(4) The standing orders must provide for the membership of the Standards of Conduct Committee to include one or more lay members.

(5) In this section and in section 30B, "lay member" means a member who is not a Member of the Senedd.

(6) The standing orders may include provision—

(a) for excluding from the proceedings of the Standards of Conduct Committee, or a sub-committee of the Committee, a member of the committee or sub-committee who is a lay member;

(b) for the membership of sub-committees of the Standards of Conduct Committee, which may include provision for members of sub-committees who are not appointed by, nor members of, the Committee;

(c) for sub-committees of the Standards of Conduct Committee that are composed entirely of one or more lay members for the purpose of carrying out appeals or reviews of Committee or sub-committee proceedings concerning the conduct of Members of the Senedd.

(7) The standing orders must provide for—

(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and

(b) the number of lay members and other members required for proceedings to be quorate,

in Committee or sub-committee proceedings concerning the conduct of a Member of the Senedd.

(8) The standing orders may provide for—

(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and

(b) the number of lay members and other members required for proceedings to be quorate,

in Committee or sub-committee proceedings concerning other matters, subject to subsection (9).

(9) The standing orders may not allow lay members of the Committee to participate or vote as a member in Committee or sub-committee proceedings concerning the scrutiny of legislation.

(b) any other instrument or document,

have effect accordingly.

(2) The Standards of Conduct Committee is to have functions relating to the standards of conduct of Members of the Senedd specified by the standing orders; and the standing orders may specify that it has other functions.

(3) The Standards of Conduct Committee is to have the number of members specified by the standing orders.

(4) The standing orders must provide for the membership of the Standards of Conduct Committee to include one or more lay members.

(5) In this section and in section 30B, "lay member" means a member who is not a Member of the Senedd.

(6) The standing orders may include provision—

(a) for excluding from the proceedings of the Standards of Conduct Committee, or a sub-committee of the Committee, a member of the committee or sub-committee who is a lay member;

(b) for the membership of sub-committees of the Standards of Conduct Committee, which may include provision for members of sub-committees who are not appointed by, nor members of, the Committee;

(c) for sub-committees of the Standards of Conduct Committee that are composed entirely of one or more lay members for the purpose of carrying out appeals or reviews of Committee or sub-committee proceedings concerning the conduct of Members of the Senedd.

(7) The standing orders must provide for—

(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and

(b) the number of lay members and other members required for proceedings to be quorate,

in Committee or sub-committee proceedings concerning the conduct of a Member of the Senedd.

(8) The standing orders may provide for—

(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and

(b) the number of lay members and other members required for proceedings to be quorate,

in Committee or sub-committee proceedings concerning other matters, subject to subsection (9).

(9) The standing orders may not allow lay members of the Committee to participate or vote as a member in Committee or sub-committee proceedings concerning the scrutiny of legislation.

(10) Subsection (7) does not apply to sub-committees of the kind described in subsection (6)(c).

30B Lay members of the Standards of Conduct Committee etc.

(1) Standing orders may not provide for there to be more lay members of the Standards of Conduct Committee ("the Committee") than members who are Members of the Senedd.

(2) Lay members must be appointed by resolution of Senedd Cymru.

(3) A motion for a resolution under subsection (2) may only be tabled with the consent of the Presiding Officer and in accordance with any provision made by standing orders.

(4) The person who is the subject of the motion must have been selected on merit on the basis of fair and open competition in accordance with arrangements made by standing orders.

(5) An appointment of a lay member is to be—

(a) for a fixed term not exceeding 6 years, which may end after the expected date of the next ordinary general election of the Senedd;

(b) on such other terms and conditions as may be made under arrangements made by standing orders.

(6) If provision is made in standing orders for a sub-committee of the kind described in section 30A(6)(c), at least one person appointed as a lay member is to be legally qualified; but this does not require each sub-committee of that kind to include a legally qualified person.

(7) A person is legally qualified for the purposes of subsection (6) if the person has a general qualification within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990 (c. 41).

(8) A person is disqualified from appointment as a lay member if that person—

(a) holds an office specified in subsection (9), or

(b) has at any time held an office that is specified in any of paragraphs (a) to (h) of subsection (9).

(9) The offices are—

(a) Member of the Senedd;

(b) member of the House of Commons;

(c) member of the House of Lords;

(d) member of the Scottish Parliament;

(e) member of the Northern Ireland Assembly;

(f) Counsel General, where the person holding the office is not also a Member of the Senedd;

(10) Subsection (7) does not apply to sub-committees of the kind described in subsection (6)(c).

30B Lay members of the Standards of Conduct Committee etc.

(1) Standing orders may not provide for there to be more lay members of the Standards of Conduct Committee ("the Committee") than members who are Members of the Senedd.

(2) Lay members must be appointed by resolution of Senedd Cymru.

(3) A motion for a resolution under subsection (2) may only be tabled with the consent of the Presiding Officer and in accordance with any provision made by standing orders.

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(a) for a fixed term not exceeding 6 years, which may end after the expected date of the next ordinary general election of the Senedd;

(b) on such other terms and conditions as may be made under arrangements made by standing orders.

(6) If provision is made in standing orders for a sub-committee of the kind described in section 30A(6)(c), at least one person appointed as a lay member is to be legally qualified; but this does not require each sub-committee of that kind to include a legally qualified person.

(7) A person is legally qualified for the purposes of subsection (6) if the person has a general qualification within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990 (c. 41).

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(a) holds an office specified in subsection (9), or

(b) has at any time held an office that is specified in any of paragraphs (a) to (h) of subsection (9).

(9) The offices are—

(a) Member of the Senedd;

(b) member of the House of Commons;

(c) member of the House of Lords;

(d) member of the Scottish Parliament;

(e) member of the Northern Ireland Assembly;

(f) Counsel General, where the person holding the office is not also a Member of the Senedd;

(g) police and crime commissioner for a police area in Wales or England;

(h) member of the council of a county or county borough in Wales;

(i) member of the council of a community in Wales;

(j) the disqualifying offices in the second column of the table in Part 2 of Schedule 1A, except the judicial offices.

(10) A person may not be appointed to serve more than 2 terms of office as a lay member (whether or not the terms of office are consecutive).

(11) A person who is a lay member ceases to be a lay member if the person—

(a) is a candidate in a Senedd general election when the period for notice of withdrawal of candidature ends and has not given such notice before the end of the period, or

(b) becomes disqualified from appointment as a lay member under subsection (8).

(12) A lay member—

(a) may resign by giving notice to the Committee;

(b) may be removed by resolution of the Senedd, if the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.

(13) A motion for a resolution under subsection (12)(b) may only be tabled with the consent of the Presiding Officer and in accordance with any provision made by standing orders.

(14) Standing orders must make provision for the investigation and adjudication of complaints about misconduct by lay members.

(15) The Senedd Commission may pay to lay members such remuneration and allowances as the Commission may determine.

(16) In this section "lay member" includes—

(a) a lay member of the Committee, and

(b) a lay member of a sub-committee of the Committee who is not a member of the Committee."

(4) Hyd 7 Tachwedd 2027, mae adran 30A(4) a (7) ac adran 30B(14) o Ddeddf Llywodraeth Cymru 2006 (p. 32) (fel y'u mewnosodir gan is-adran (3)) yn cael effaith fel a ganlyn—

(a) yn adran 30A(4), mae'r cyfeiriad at "must" i'w ddehongli fel cyfeiriad at "may", a

(b) nid yw'r dyletswyddau yn adran 30A(7) ac adran 30B(14) yn gymwys oni bai bod darpariaeth yn cael ei gwneud o dan adran 30A(4) i'r aelodaeth o'r Pwyllgor Safonau Ymddygiad gynnwys un neu ragor o aelodau lleyg.

19 Adroddiad ar gymhwyso cod ymddygiad i ymddygiad pan oedd Aelod o'r Senedd yn ymgeisydd mewn etholiad

(1) Rhaid i'r Llywydd gyflwyno cynnig sy'n cydymffurfio ag is-adran (2)—

(g) police and crime commissioner for a police area in Wales or England;

(h) member of the council of a county or county borough in Wales;

(i) member of the council of a community in Wales;

(j) the disqualifying offices in the second column of the table in Part 2 of Schedule 1A, except the judicial offices.

(10) A person may not be appointed to serve more than 2 terms of office as a lay member (whether or not the terms of office are consecutive).

(11) A person who is a lay member ceases to be a lay member if the person—

(a) is a candidate in a Senedd general election when the period for notice of withdrawal of candidature ends and has not given such notice before the end of the period, or

(b) becomes disqualified from appointment as a lay member under subsection (8).

(12) A lay member—

(a) may resign by giving notice to the Committee;

(b) may be removed by resolution of the Senedd, if the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.

(13) A motion for a resolution under subsection (12)(b) may only be tabled with the consent of the Presiding Officer and in accordance with any provision made by standing orders.

(14) Standing orders must make provision for the investigation and adjudication of complaints about misconduct by lay members.

(15) The Senedd Commission may pay to lay members such remuneration and allowances as the Commission may determine.

(16) In this section "lay member" includes—

(a) a lay member of the Committee, and

(b) a lay member of a sub-committee of the Committee who is not a member of the Committee."

(4) Until 7 November 2027, section 30A(4) and (7) and section 30B(14) of the Government of Wales Act 2006 (c. 32) (as inserted by subsection (3)) have effect as follows—

(a) in section 30A(4), the reference to "must" is to be interpreted as a reference to "may", and

(b) the duties in section 30A(7) and section 30B(14) do not apply unless provision is made under section 30A(4) for the membership of the Standards of Conduct Committee to include one or more lay members.

19 Report on applying code of conduct to conduct while a candidate in an election

(1) The Presiding Officer must table a motion that complies with subsection (2)—

(a) cyn gynted ag y bo'n ymarferol ar ôl cyfarfod cyntaf Senedd Cymru yn dilyn deddfu'r Ddeddf hon, a

(b) mewn unrhyw achos, yn ddim hwyrach na chwe mis ar ôl cyfarfod cyntaf y Senedd yn dilyn deddfu'r Ddeddf hon.

(2) Rhaid i'r cynnig gynnig—

(a) naill ai—

(i) bod y Senedd yn sefydlu pwyllgor i gynnal ymchwiliad i'r mater a ddisgrifir yn is-adran (3), neu

(ii) bod pwyllgor o'r Senedd a enwir yn y cynnig yn cynnal yr ymchwiliad i'r mater a ddisgrifir yn is-adran (3);

(b) bod rhaid i'r pwyllgor gwblhau adroddiad ar yr ymchwiliad a'i osod gerbron y Senedd.

(3) Y mater yw a ddylai cod ymddygiad ar gyfer Aelodau o'r Senedd fod yn gymwys ac, os felly, sut y dylai fod yn gymwys i ymddygiad Aelod o'r Senedd mewn perthynas â chyfnod pan oedd yr aelod yn ymgeisydd mewn etholiad i'r Senedd (pa un a oedd yr aelod yn dal swydd fel Aelod o'r Senedd ar y pryd ai peidio).

(4) Mae is-adran (5) yn gymwys os yw, yn dilyn ymchwiliad i'r mater a ddisgrifir yn is-adran (3) gan bwyllgor yn unol â chynnig a osodir yn unol ag is-adran (1), adroddiad ar yr ymchwiliad yn cael ei osod gerbron y Senedd gan y pwyllgor.

(5) Os yw'r is-adran hon yn gymwys, rhaid i Weinidogion Cymru osod datganiad gerbron y Senedd sy'n nodi ymateb Gweinidogion Cymru i'r adroddiad a grybwyllir yn is-adran (4).

(6) Yn yr adran hon, ystyr "Llywydd" yw Llywydd Senedd Cymru a etholir yn unol ag adran 25 o Ddeddf Llywodraeth Cymru 2006 (p. 32).

Comisiynydd Safonau y Senedd

20 Pŵer Comisiynydd Safonau y Senedd i ymchwilio ar ei ysgogiad ei hun

(1) Mae Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 (mccc 4) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl adran 10 (ymchwilio gan y Comisiynydd i gwynion) mewnosoder—

"10A Pŵer y Comisiynydd i ymchwilio ar ei ysgogiad ei hun

(1) Caiff y Comisiynydd ymchwilio i ymddygiad Aelod o'r Senedd os—

(a) oes gan y Comisiynydd sail resymol dros amau bod ymddygiad yr aelod, ar adeg berthnasol, wedi methu â chydymffurfio â gofyniad mewn darpariaeth berthnasol, a

(b) yw'r Comisiynydd yn fodlon bod unrhyw amodau eraill y mae rhaid eu bodloni cyn dechrau ymchwiliad y caniateir eu rhagnodi yn y Rheolau Sefydlog neu mewn rheolau a grybwyllir yn is-adran (3)(b) wedi eu bodloni (er enghraifft rheolau sy'n gosod terfynau amser ar gyfer dechrau ymchwiliad neu reolau ynghylch y gofynion o ran tystiolaeth).

(a) as soon as practicable after the first meeting of Senedd Cymru following the enactment of this Act, and

(b) in any event, no later than six months after the first meeting of the Senedd following the enactment of this Act.

(2) The motion must propose—

(a) either that—

(i) the Senedd establish a committee to carry out an inquiry into the matter described in subsection (3), or

(ii) a Senedd committee named in the motion carries out the inquiry into the matter described in subsection (3);

(b) that a report of the inquiry must be completed by the committee and laid before the Senedd.

(3) The matter is the question of whether and, if so, how a code of conduct for Members of the Senedd should apply to the conduct of a Member of the Senedd in relation to a period when the member was a candidate at a Senedd election (whether or not the member was holding office as a Member of the Senedd at the time).

(4) Subsection (5) applies if, following an inquiry into the matter described in subsection (3) by a committee pursuant to a motion tabled in accordance with subsection (1), a report on the inquiry is laid before the Senedd by the committee.

(5) If this subsection applies, the Welsh Ministers must lay before the Senedd a statement that sets out the Welsh Ministers' response to the report mentioned in subsection (4).

(6) In this section, "Presiding Officer" means the Presiding Officer of Senedd Cymru elected in accordance with section 25 of the Government of Wales Act 2006 (c. 32).

Senedd Commissioner for Standards

20 Power of the Senedd Commissioner for Standards to investigate on own initiative

(1) The National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4) is amended as follows.

(2) After section 10 (investigation of complaints by the Commissioner) insert—

"10A Power of the Commissioner to investigate on own initiative

(1) The Commissioner may investigate the conduct of a Member of the Senedd if the Commissioner—

(a) has reasonable grounds for suspecting that the conduct of the member has, at a relevant time, failed to comply with a requirement of a relevant provision, and

(b) is satisfied that any other conditions that must be met before commencing an investigation that may be prescribed in Standing Orders or rules mentioned in subsection (3)(b) are met (for example rules setting time-limits for commencing an investigation or rules about evidence requirements).

(2) Os yw'r Comisiynydd yn ymchwilio i ymddygiad Aelod o'r Senedd o dan yr adran hon, rhaid i'r Comisiynydd, yn ddarostyngedig i is-adran (5), gyflwyno adroddiad i'r Senedd ar ganlyniad yr ymchwiliad.

(3) Rhaid i'r Comisiynydd gynnal unrhyw ymchwiliad o dan is-adran (1) ac adrodd o dan is-adran (2) yn unol ag—

(a) darpariaethau'r Rheolau Sefydlog, a

(b) unrhyw reolau sy'n ymwneud ag ymchwiliadau a gynhelir o dan yr adran hon sydd wedi'u mabwysiadu gan y Senedd o dan y Rheolau Sefydlog.

(4) Yn ddarostyngedig i is-adran (3), mater i'r Comisiynydd yw penderfynu pryd a sut y dylid cynnal ymchwiliad a chyflwyno adroddiad ar ei ganlyniad.

(5) O dan unrhyw amgylchiadau a ragnodir gan reolau y cyfeirir atynt yn is-adran (3)(b), caiff y Comisiynydd derfynu ymchwiliad sy'n cael ei gynnal o dan yr adran hon heb gyflwyno adroddiad arno i'r Senedd.

(6) Os yw'r Comisiynydd yn terfynu ymchwiliad o dan is-adran (5), rhaid i'r Comisiynydd hysbysu'r Aelod o'r Senedd o dan sylw mewn ysgrifen, gan roi'r rhesymau dros derfynu'r ymchwiliad.

(7) Ni chaiff adroddiad gan y Comisiynydd i'r Senedd ar ganlyniad ymchwiliad o dan yr adran hon gynnwys unrhyw argymhelliad ynghylch pa sancsiwn a ddylai gael ei orfodi ar yr Aelod o'r Senedd o dan sylw, os dylai unrhyw sancsiwn gael ei orfodi o gwbl.

(8) Os caiff y Comisiynydd wybod, wrth gynnal ymchwiliad o dan yr adran hon, am unrhyw amgylchiadau sy'n codi materion o egwyddor neu o arfer cyffredinol sy'n berthnasol i swyddogaethau'r Clerc o dan adran 138 o'r Ddeddf (y Clerc i fod yn brif swyddog cyfrifyddu i'r Comisiwn), rhaid i'r Comisiynydd fynegi'r amgylchiadau hynny mewn ysgrifen i'r Clerc.

(9) Rhaid i'r Rheolau Sefydlog wneud darpariaeth ar gyfer ymchwiliadau o dan yr adran hon.

(10) Yn yr adran hon, ystyr "adeg berthnasol" yw adeg pan oedd y gofyniad o dan sylw mewn grym ond mae'n amherthnasol pa un a honnir bod yr ymddygiad o dan sylw wedi digwydd cyn neu ar ôl i'r adran hon ddod i rym."

21 Comisiynydd Safonau y Senedd: cymhwystra

(1) Mae Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 (mccc 4) wedi ei ddiwygio fel a ganlyn.

(2) Yn adran 1(3) (personau nad ydynt yn gymwys i'w penodi'n Gomisiynydd)—

(a) ym mharagraff (b) hepgorer "yn ystod y cyfnod o 2 flynedd cyn y dyddiad y mae'r penodiad i ddod i rym";

(b) ar ôl paragraff (b) mewnosoder—

"(ba) yn aelod, neu wedi bod yn aelod ar unrhyw adeg, o—

(2) If the Commissioner investigates the conduct of a Member of the Senedd under this section, the Commissioner must, subject to subsection (5), report to the Senedd on the outcome of the investigation.

(3) The Commissioner must conduct any investigation under subsection (1) and report under subsection (2) in accordance with—

(a) the provisions of the Standing Orders, and

(b) any rules relating to investigations conducted under this section which have been adopted by the Senedd under Standing Orders.

(4) Subject to subsection (3), it is for the Commissioner to decide when and how to carry out an investigation and to report on its outcome.

(5) The Commissioner may, in such circumstances as may be prescribed by rules referred to in subsection (3)(b), discontinue an investigation being carried out under this section without reporting on it to the Senedd.

(6) If the Commissioner discontinues an investigation under subsection (5), the Commissioner must notify the Member of the Senedd in question in writing, giving reasons for discontinuing the investigation.

(7) A report by the Commissioner to the Senedd on the outcome of an investigation under this section may not include any recommendation as to what sanction, if any, should be imposed on the Member of the Senedd in question.

(8) If, in the course of carrying out an investigation under this section, the Commissioner becomes aware of any circumstances which give rise to issues of principle or of general practice relevant to the Clerk's functions under section 138 of the Act (Clerk to be the principal accounting officer for the Commission), the Commissioner must communicate those circumstances in writing to the Clerk.

(9) Standing Orders must make provision for investigations under this section.

(10) In this section, a "relevant time" means a time when the requirement in question was in force but it is irrelevant whether the conduct in question is alleged to have taken place before or after this section comes into force."

21 Senedd Commissioner for Standards: eligibility

(1) The National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4) is amended as follows.

(2) In section 1(3) (persons not eligible to be appointed as Commissioner)—

(a) in paragraph (b) omit "during the period of 2 years prior to the date when the appointment is to take effect";

(b) after paragraph (b) insert—

"(ba) is a member, or has been a member at any time, of—

(i) Tŷ'r Cyffredin,

(ii) Tŷ'r Arglwyddi,

(iii) Senedd yr Alban,

(iv) Cynulliad Gogledd Iwerddon,

(bb) yn dal neu wedi dal ar unrhyw adeg swydd comisiynydd heddlu a throseddu ar gyfer ardal heddlu yng Nghymru neu Loegr,

(bc) yn aelod, neu wedi bod yn aelod ar unrhyw adeg, o'r cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru,

(bd) yn aelod, neu wedi bod yn aelod ar unrhyw adeg yn ystod y cyfnod o 2 flynedd cyn y dyddiad y mae'r penodiad i ddod i rym, o'r cyngor ar gyfer cymuned yng Nghymru,";

(c) ym mharagraff (e) hepgorer "neu";

(d) ar ôl paragraff (f) mewnosoder—

"(g) yn cael ei gymryd ymlaen gan Aelod o'r Senedd o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau mewn cysylltiad â chyflawni swyddogaethau'r aelod,

(h) wedi ei gymryd ymlaen gan Aelod o'r Senedd, o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau mewn cysylltiad â chyflawni swyddogaethau'r aelod ar unrhyw adeg yn ystod y cyfnod o 2 flynedd cyn y dyddiad y mae'r penodiad i ddod i rym,

(i) yn cael ei gymryd ymlaen gan blaid wleidyddol gofrestredig o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau, neu

(j) wedi ei gymryd ymlaen gan blaid wleidyddol gofrestredig o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau ar unrhyw adeg yn ystod y cyfnod o 2 flynedd cyn y dyddiad y mae'r penodiad i ddod i rym."

(3) Yn adran 1(8) (penodiad Comisiynydd yn dod i ben)—

(a) o flaen paragraff (b) mewnosoder—

"(aa) yn dod yn aelod o—

(i) Tŷ'r Cyffredin,

(ii) Tŷ'r Arglwyddi,

(iii) Senedd yr Alban,

(iv) Cynulliad Gogledd Iwerddon, neu

(v) y cyngor ar gyfer sir, bwrdeistref sirol neu gymuned yng Nghymru,

(ab) yn dod yn gomisiynydd heddlu a throseddu ar gyfer ardal heddlu yng Nghymru neu Loegr,";

(i) the House of Commons,

(ii) the House of Lords,

(iii) the Scottish Parliament,

(iv) the Northern Ireland Assembly,

(bb) holds or has held at any time the office of police and crime commissioner for a police area in Wales or England,

(bc) is a member, or has been a member at any time, of the council of a county or county borough in Wales,

(bd) is a member, or has been a member at any time during the period of 2 years prior to the date when the appointment is to take effect, of the council of a community in Wales,";

(c) in paragraph (e) omit "or";

(d) after paragraph (f) insert—

"(g) is engaged by a Member of the Senedd under a contract of service or a contract for services in connection with the carrying out of the member's functions,

(h) has been engaged by a Member of the Senedd, under a contract of service or a contract for services in connection with the carrying out of the member's functions at any time during the period of 2 years prior to the date when the appointment is to take effect,

(i) is engaged by a registered political party under a contract of service or a contract for services, or

(j) has been engaged by a registered political party under a contract of service or a contract for services at any time during the period of 2 years prior to the date when the appointment is to take effect."

(3) In section 1(8) (ceasing to be appointed as Commissioner)—

(a) before paragraph (b) insert—

"(aa) becomes a member of—

(i) the House of Commons,

(ii) the House of Lords,

(iii) the Scottish Parliament,

(iv) the Northern Ireland Assembly, or

(v) the council of a county, county borough or community in Wales,

(ab) becomes a police and crime commissioner for a police area in Wales or England,";

(b) ym mharagraff (b), hepgorer "neu" yn yr ail le y mae'n digwydd;

(c) ar ôl paragraff (c) mewnosoder—

"(d) yn cael ei gymryd ymlaen gan Aelod o'r Senedd o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau mewn cysylltiad â chyflawni swyddogaethau'r aelod, neu

(e) yn cael ei gymryd ymlaen gan blaid wleidyddol gofrestredig o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau."

(4) Ar ôl adran 1(8) (penodiad Comisiynydd yn dod i ben) mewnosoder—

"(9) Yn yr adran hon, ystyr "plaid wleidyddol gofrestredig" yw plaid a gofrestrwyd o dan Ran 2 o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41)."

22 Comisiynydd Safonau y Senedd: ymchwiliadau

(1) Mae Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 (mccc 4) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl adran 10A (pŵer y Comisiynydd i ymchwilio ar ei ysgogiad ei hun) (a fewnosodir gan adran 20 o'r Ddeddf hon) mewnosoder—

"10B Cyhoeddi gwybodaeth ynghylch ymchwiliadau

(1) Caiff y Comisiynydd gyhoeddi gwybodaeth sy'n—

(a) cadarnhau bod ymchwiliad y mae'r adran hon yn gymwys iddo yn cael ei gynnal;

(b) enwi'r Aelod o'r Senedd sy'n destun yr ymchwiliad;

(c) disgrifio mewn termau cyffredinol y mater yr ymchwilir iddo;

(d) cadarnhau bod ymchwiliad wedi dod i ben, wedi ei atal dros dro neu wedi ei ailagor.

(2) Mae'r adran hon yn gymwys i—

(a) ymchwiliad o dan adran 10 y bydd y Comisiynydd yn cyflwyno adroddiad arno i'r Senedd ar ganlyniad yr ymchwiliad, a

(b) ymchwiliad o dan adran 10A.

(3) Ni chaiff gwybodaeth a gyhoeddir o dan yr adran hon gynnwys—

(a) enw'r person a wnaeth y gŵyn neu wybodaeth a fyddai'n galluogi'r person i gael ei enwi,

(b) unrhyw dystiolaeth a gafwyd gan y Comisiynydd yn ystod yr ymchwiliad, nac

(c) unrhyw farn, casgliad neu ddynodiad ynghylch a oes sail i'r gŵyn.

(4) Cyn cyhoeddi gwybodaeth o dan yr adran hon, rhaid i'r Comisiynydd roi sylw i—

(b) in paragraph (b), omit "or" in the second place it occurs;

(c) after paragraph (c) insert—

"(d) is engaged by a Member of the Senedd under a contract of service or a contract for services in connection with the carrying out of the member's functions, or

(e) is engaged by a registered political party under a contract of service or a contract for services."

(4) After section 1(8) (ceasing to be appointed as Commissioner) insert—

"(9) In this section, "registered political party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41)."

22 Senedd Commissioner for Standards: investigations

(1) The National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4) is amended as follows.

(2) After section 10A (power of the Commissioner to investigate on own initiative) (inserted by section 20 of this Act) insert—

"10B Publication of information about investigations

(1) The Commissioner may publish information—

(a) confirming that an investigation to which this section applies is being conducted;

(b) identifying the Member of the Senedd who is the subject of the investigation;

(c) describing in general terms the matter under investigation;

(d) confirming that an investigation has been concluded, suspended or re-opened.

(2) This section applies to—

(a) an investigation under section 10 on which the Commissioner will report to the Senedd on the outcome of the investigation, and

(b) an investigation under section 10A.

(3) Information published under this section must not include—

(a) the identity of the person who made the complaint or information that would allow the person to be identified,

(b) any evidence obtained by the Commissioner in the course of the investigation, or

(c) any opinion, inference or indication as to whether the complaint is well-founded.

(4) Before publishing information under this section, the Commissioner must have regard to—

(a) yr angen am degwch,

(b) yr angen i osgoi rhagfarnu unrhyw ymchwiliad troseddol neu achos troseddol, ac

(c) yr angen i osgoi niwed i unrhyw berson.

(5) Caiff y Rheolau Sefydlog neu reolau sy'n ymwneud ag ystyried cwynion yn erbyn Aelodau o'r Senedd sydd wedi eu mabwysiadu gan y Senedd o dan y Rheolau Sefydlog bennu categorïau o ymchwiliad na chaniateir cyhoeddi gwybodaeth mewn cysylltiad â hwy o dan yr adran hon.

(6) Nid oes unrhyw beth yn yr adran hon yn cyfyngu ar unrhyw bŵer arall sydd gan y Comisiynydd i gyhoeddi neu ddatgelu fel arall wybodaeth."

(3) Yn adran 11 (pŵer i alw am dystion a dogfennau)—

(a) yn y pennawd, yn lle "dystion a dogfennau" rhodder "dystiolaeth";

(b) yn is-adran (1)—

(i) ym mharagraff (a), hepgorer "neu";

(ii) ym mharagraff (b), ar ôl "reolaeth" mewnosoder "neu

(c) rhoi tystiolaeth i'r Comisiynydd mewn ysgrifen, wedi ei gwirhau drwy ddatganiad o wirionedd,";

(c) ar ôl is-adran (1) mewnosoder—

"(1A) Mae'r pŵer o dan is-adran (1)(a) yn cynnwys y pŵer i'w gwneud yn ofynnol i berson ddod gerbron y Comisiynydd—

(a) yn bersonol,

(b) drwy gyswllt fideo byw, neu

(c) drwy gyswllt sain byw."

(4) Yn adran 12 (tystion a dogfennau: hysbysu)—

(a) yn y pennawd, yn lle "Tystion a dogfennau" rhodder "Tystiolaeth";

(b) o flaen is-adran (1), mewnosoder—

"(A1) Yr unig fodd i ofyniad o dan adran 11(1)(a) gael ei orfodi ar berson yw i'r Comisiynydd roi i'r person hysbysiad mewn ysgrifen sy'n pennu—

(a) yr amser a'r dyddiad y mae'r person i ddod gerbron y Comisiynydd,

(b) os yw'r Comisiynydd yn ei gwneud yn ofynnol bod yn bresennol yn bersonol, ym mha le y mae'n ofynnol bod yn bresennol,

(c) os yw'r Comisiynydd yn ei gwneud yn ofynnol bod yn bresennol drwy gyswllt fideo byw neu gyswllt sain byw, fanylion sut y gall y person gymryd rhan yn y cyswllt fideo byw neu'r cyswllt sain byw, a

(a) the interests of fairness,

(b) the need to avoid prejudice to any criminal investigation or proceedings, and

(c) the need to avoid harm to any person.

(5) The Standing Orders or rules relating to the consideration of complaints against Members of the Senedd which have been adopted by the Senedd under the Standing Orders may specify categories of investigation in respect of which information must not be published under this section.

(6) Nothing in this section limits any other power of the Commissioner to publish or otherwise disclose information."

(3) In section 11 (power to call for witnesses and documents)—

(a) in the heading, for "witnesses and documents" substitute "evidence";

(b) in subsection (1)—

(i) in paragraph (a), omit "or";

(ii) in paragraph (b), after "person" insert "or

(c) to give evidence to the Commissioner in writing, verified by a statement of truth,";

(c) after subsection (1) insert—

"(1A) The power under subsection (1)(a) includes the power to require a person to attend before the Commissioner—

(a) in person,

(b) through a live video link, or

(c) through a live audio link."

(4) In section 12 (witnesses and documents: notice)—

(a) in the heading, for "Witnesses and documents" substitute "Evidence";

(b) before subsection (1), insert—

"(A1) A requirement under section 11(1)(a) may only be imposed on a person by the Commissioner giving the person notice in writing specifying—

(a) the time and date on which the person is to attend before the Commissioner,

(b) if the Commissioner requires attendance in person, the place at which attendance is required,

(c) if the Commissioner requires attendance through a live video link or a live audio link, details of how the person may take part in the live video link or live audio link, and

(d) y pynciau penodol y mae'n ofynnol i'r person roi tystiolaeth yn eu cylch."

(c) yn is-adran (1)—

(i) yn lle "11" rhodder "11(1)(b)";

(ii) hepgorer paragraff (a);

(d) ar ôl is-adran (1) mewnosoder—

"(1A) Yr unig fodd i ofyniad o dan adran 11(1)(c) gael ei orfodi ar berson yw i'r Comisiynydd roi hysbysiad mewn ysgrifen i'r person sy'n pennu—

(a) ar ba ddyddiad y mae rhaid rhoi'r dystiolaeth,

(b) i ba gyfeiriad y caniateir anfon y dystiolaeth (pa un ai â llaw, drwy'r post neu yn electronig),

(c) y pynciau penodol y mae'n ofynnol i'r person roi tystiolaeth yn eu cylch neu'r cwestiynau penodol y mae rhaid i'r person eu hateb yn y dystiolaeth, a

(d) y gofyniad i wirhau'r dystiolaeth drwy ddatganiad o wirionedd.";

(e) hepgorer is-adrannau (2) a (3);

(f) ar ôl is-adran (1A) (fel y'i mewnosodir gan baragraff (d)) mewnosoder—

"(2) Caniateir rhoi hysbysiad o dan yr adran hon drwy—

(a) ei roi â llaw i'r person,

(b) ei adael yng nghyfeiriad priodol y person,

(c) ei anfon drwy'r post at y person yn y cyfeiriad hwnnw, neu

(d) ei anfon drwy e-bost i gyfeiriad e-bost y person.

(3) Rhoddir hysbysiad yn unol ag is-adran (2)(a)—

(a) os yw'r person yn gorff corfforaethol, drwy ei roi â llaw i un o swyddogion y corff,

(b) os yw'r person yn bartneriaeth, drwy ei roi â llaw i bartner, neu

(c) os yw'r person yn gymdeithas anghorfforedig ac eithrio partneriaeth, drwy ei roi â llaw i aelod o gorff llywodraethu'r gymdeithas.

(4) At ddibenion is-adran (2)(b) ac (c), cyfeiriad priodol person yw—

(a) yn achos corff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff yn y Deyrnas Unedig;

(b) yn achos partneriaeth, cyfeiriad prif swyddfa'r bartneriaeth yn y Deyrnas Unedig;

(c) mewn unrhyw achos arall, cyfeiriad hysbys diwethaf y person (pa un ai preswylfa'r person neu fan lle yr oedd y person yn cynnal busnes neu'n cael ei gyflogi) neu, os yw'r person wedi darparu cyfeiriad lle caniateir rhoi hysbysiad o dan yr adran hon, y cyfeiriad hwnnw.

(d) the particular subjects on which the person is required to give evidence."

(c) in subsection (1)—

(i) for "11" substitute "11(1)(b)";

(ii) omit paragraph (a);

(d) after subsection (1) insert—

"(1A) A requirement under section 11(1)(c) may only be imposed on a person by the Commissioner giving the person notice in writing specifying—

(a) the date on which the evidence must be given,

(b) the address to which the evidence may be sent (whether by hand, by post or electronically),

(c) the particular subjects on which the person is required to give evidence or the specific questions the person must answer in the evidence, and

(d) the requirement to verify the evidence by a statement of truth.";

(e) omit subsections (2) and (3);

(f) after subsection (1A) (as inserted by paragraph (d)) insert—

"(2) Notice under this section may be given by—

(a) handing it to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at that address, or

(d) sending it by email to the person's email address.

(3) Notice is given in accordance with subsection (2)(a)—

(a) if the person is a body corporate, by handing it to an officer of the body,

(b) if the person is a partnership, by handing it to a partner, or

(c) if the person is an unincorporated association other than a partnership, by handing it to a member of the governing body of the association.

(4) For the purposes of subsection (2)(b) and (c), the proper address of a person is—

(a) in the case of a body corporate, the address of the body's registered or principal office in the United Kingdom;

(b) in the case of a partnership, the address of the principal office of the partnership in the United Kingdom;

(c) in any other case, the last known address of the person (whether of the person's residence or of a place where the person carried on business or is employed) or, if the person has provided an address at which notice may be given under this section, that address.

(5) At ddibenion is-adran (2)(d)—

(a) cyfeiriad e-bost person yw—

(i) unrhyw gyfeiriad e-bost a gyhoeddir am y tro gan y person hwnnw fel y cyfeiriad ar gyfer cysylltu â'r person hwnnw, neu

(ii) os nad oes cyfeiriad a gyhoeddir o'r fath, unrhyw gyfeiriad e-bost y mae'r person wedi cytuno i gael hysbysiad ynddo o dan yr adran hon;

(b) mae hysbysiad a anfonir drwy e-bost yn cael ei drin fel pe bai wedi ei roi 48 o oriau ar ôl iddo gael ei anfon, oni phrofir i'r gwrthwyneb.

(6) Yn yr adran hon—

ystyr "swyddog" ("*officer*"), mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff;

ystyr "wedi cytuno" ("*agreed*") yw wedi cytuno mewn ysgrifen."

(5) Yn adran 13 (llwon a chadarnhadau)—

(a) daw'r geiriau "unrhyw berson sy'n rhoi tystiolaeth i'r Comisiynydd, a" yn is-baragraff (i);

(b) ar ôl is-baragraff (i) mewnosoder—

"(ii) unrhyw berson sy'n gweithredu fel cyfieithydd neu ddehonglydd mewn cysylltiad â thystiolaeth a roddir i'r Comisiynydd, a".

(6) Yn adran 15 (tramgwyddau)—

(a) yn is-adran (1)—

(i) ym mharagraff (a), ar ôl "hysbysiad," mewnosoder "neu";

(ii) hepgorer paragraffau (c) a (d);

(b) ar ôl is-adran (1) mewnosoder—

"(1A) Mae person y dyroddwyd hysbysiad iddo o dan adran 12(1) yn cyflawni tramgwydd os yw'r person hwnnw—

(a) yn gwrthod neu'n methu heb esgus rhesymol â chyflwyno unrhyw ddogfen y mae'n ofynnol ei chyflwyno o dan yr hysbysiad, neu

(b) yn mynd ati'n fwriadol i newid, atal, celu neu ddinistrio unrhyw ddogfen o'r fath.

(1B) Mae person y rhoddwyd hysbysiad iddo o dan adran 12(1A) yn cyflawni tramgwydd os yw'r person hwnnw—

(a) yn gwrthod neu'n methu heb esgus rhesymol â rhoi tystiolaeth ynghylch y pynciau a bennir yn yr hysbysiad,

(5) For the purposes of subsection (2)(d)—

(a) a person's email address is—

(i) any email address published for the time being by that person as an address for contacting that person, or

(ii) if there is no such published address, any email address at which the person has agreed to receive notice under this section;

(b) a notice sent by email is treated as given 48 hours after it was sent, unless the contrary is proved.

(6) In this section—

"agreed" ("*wedi cytuno*") means agreed in writing;

"officer" ("*swyddog*"), in relation to a body corporate, means a director, manager, secretary or other similar officer of the body."

(5) In section 13 (oaths and affirmations)—

(a) the words "any person giving evidence to the Commissioner, and" become sub-paragraph (i);

(b) after sub-paragraph (i) insert—

"(ii) any person acting as a translator or interpreter in connection with evidence given to the Commissioner, and".

(6) In section 15 (offences)—

(a) in subsection (1)—

(i) in paragraph (a), after "notice," insert "or";

(ii) omit paragraphs (c) and (d);

(b) after subsection (1) insert—

"(1A) A person to whom a notice has been issued under section 12(1) commits an offence if that person—

(a) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or

(b) intentionally alters, suppresses, conceals or destroys any such document.

(1B) A person to whom a notice has been given under section 12(1A) commits an offence if that person refuses or fails without reasonable excuse—

(a) to give evidence concerning the subjects specified in the notice,

(b) yn gwrthod neu'n methu heb esgus rhesymol ag ateb unrhyw gwestiwn yn yr hysbysiad, neu

(c) yn gwrthod neu'n methu heb esgus rhesymol â gwirhau'r dystiolaeth â datganiad o wirionedd."

(c) yn is-adran (2), yn lle "is-adran (1)" rhodder "is-adrannau (1), (1A) ac (1B)";

(d) yn is-adran (4), yn lle "(1)(a), (b) neu (c) neu o dan is-adran" rhodder "(1), (1A), (1B) neu";

(e) ym mharagraff 5(a), hepgorer "heb fod yn uwch na lefel 5 ar y raddfa safonol".

(7) Yn adran 20(1) (dehongli), yn y lleoedd priodol mewnosoder—

"ystyr "cyswllt fideo byw" ("*live video link*"), mewn perthynas â rhoi tystiolaeth i'r Comisiynydd, yw cyswllt teledu byw neu drefniant arall sy'n galluogi'r person sy'n rhoi tystiolaeth, y Comisiynydd ac unrhyw berson arall sy'n cymryd rhan yn yr achos i weld a chlywed ei gilydd;";

"ystyr "cyswllt sain byw" ("*live audio link*"), mewn perthynas â rhoi tystiolaeth i'r Comisiynydd, yw cyswllt ffôn byw neu drefniant arall sy'n galluogi'r person sy'n rhoi tystiolaeth, y Comisiynydd ac unrhyw berson arall sy'n cymryd rhan yn yr achos i glywed ei gilydd;"

Cyffredinol

23 Mân ddarpariaeth a darpariaeth ganlyniadol sy'n ymwneud â Rhan 2

Mae Rhan 2 o'r Atodlen i'r Ddeddf hon yn gwneud mân ddarpariaeth a darpariaeth ganlyniadol sy'n ymwneud â'r Rhan hon.

RHAN 3

RHEDEG ETHOLIADAU SENEDD CYMRU

24 Pŵer Gweinidogion Cymru i wneud darpariaeth ynghylch etholiadau'r Senedd etc.

(1) Mae adran 13 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (pŵer Gweinidogion Cymru i wneud darpariaeth ynghylch etholiadau etc.) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (2)(c), hepgorer "(and the creation of criminal offences in connection with the limitation of such expenses)".

(3) Ar ôl is-adran (2) mewnosoder—

"(2A) The Welsh Ministers must make provision, of the kind that may be made under subsection (1)(a), prohibiting the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate.

(2B) The provision required by subsection (2A) may include, in particular, provision—

(a) about what is or is not a "statement of fact";

(b) to answer any question in the notice, or

(c) to verify the evidence with a statement of truth."

(c) in subsection (2), for "Subsection (1) is" substitute "Subsections (1), (1A) and (1B) are";

(d) in subsection (4), for "(1)(a), (b) or (c) or under subsection" substitute "(1), (1A), (1B) or";

(e) in paragraph (5)(a), omit "not exceeding level 5 on the standard scale".

(7) In section 20(1) (interpretation), in the appropriate places insert—

""live audio link" ("*cyswllt sain byw*"), in relation to the giving of evidence to the Commissioner, means a live telephone link or other arrangement which enables the person giving evidence, the Commissioner and any other person participating in the proceedings to hear one another;";

""live video link" ("*cyswllt fideo byw*"), in relation to the giving of evidence to the Commissioner, means a live television link or other arrangement which enables the person giving evidence, the Commissioner and any other person participating in the proceedings to see and hear one another;".

General

23 Minor and consequential provision relating to Part 2

Part 2 of the Schedule to this Act makes minor and consequential provision relating to this Part.

PART 3

CONDUCT OF SENEDD CYMRU ELECTIONS

24 Power of the Welsh Ministers to make provision about Senedd elections etc.

(1) Section 13 of the Government of Wales Act 2006 (c. 32) (power of the Welsh Ministers to make provision about elections etc.) is amended as follows.

(2) In subsection (2)(c), omit "(and the creation of criminal offences in connection with the limitation of such expenses)".

(3) After subsection (2) insert—

"(2A) The Welsh Ministers must make provision, of the kind that may be made under subsection (1)(a), prohibiting the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate.

(2B) The provision required by subsection (2A) may include, in particular, provision—

(a) about what is or is not a statement of fact;

(b) prohibiting false statements only or both false and misleading statements;

(c) specifying the period in which any prohibition has effect;

(d) prohibiting false or misleading statements of fact relating to matters specified in the order or matters more generally;

(e) prohibiting false or misleading statements of fact made or published by persons or categories of person specified in the order or any person;

(f) prohibiting the making or publishing of false or misleading statements knowingly or recklessly;

(g) specifying exemptions or exceptions to any prohibition."

(4) Ar ôl is-adran (4) mewnosoder—

"(4A) For the avoidance of doubt, an order under this section may—

(a) confer a power or duty on any person (including a power or duty to make subordinate legislation);

(b) create criminal offences."

RHAN 4

CYFFREDINOL

25 Pŵer i wneud darpariaeth ganlyniadol a darpariaeth drosiannol etc.

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud—

(a) darpariaeth sy'n ddeilliadol neu'n atodol i unrhyw ddarpariaeth yn y Ddeddf hon, neu sy'n ganlyniadol ar unrhyw ddarpariaeth yn y Ddeddf hon;

(b) darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad ag unrhyw ddarpariaeth yn y Ddeddf hon.

(2) Caiff rheoliadau o dan is-adran (1)—

(a) diwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon);

(b) gwneud darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol.

(3) Rhaid i'r pŵer i wneud rheoliadau o dan is-adran (1) gael ei arfer drwy offeryn statudol Cymreig.

(4) Os yw rheoliadau o dan is-adran (1) yn diwygio, yn diddymu neu'n addasu fel arall ddarpariaeth mewn Deddf gan Senedd y Deyrnas Unedig neu Ddeddf neu Fesur gan Senedd Cymru, maent yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd.

(5) Mae rheoliadau o dan is-adran (1) nad yw is-adran (4) yn gymwys iddynt yn ddarostyngedig i weithdrefn annilysu'r Senedd.

(b) prohibiting false statements only or both false and misleading statements;

(c) specifying the period in which any prohibition has effect;

(d) prohibiting false or misleading statements of fact relating to matters specified in the order or matters generally;

(e) prohibiting false or misleading statements of fact made or published by persons or categories of person specified in the order or any person;

(f) prohibiting the making or publishing of false or misleading statements knowingly or recklessly;

(g) specifying exemptions or exceptions to any prohibition."

(4) After subsection (4) insert—

"(4A) For the avoidance of doubt, an order under this section may—

(a) confer a power or duty on any person (including a power or duty to make subordinate legislation);

(b) create criminal offences."

PART 4

GENERAL

25 Power to make consequential and transitional provision etc

(1) The Welsh Ministers may, by regulations, make—

(a) provision that is incidental or supplementary to, or consequential on, any provision of this Act;

(b) transitional or saving provision in connection with any provision of this Act.

(2) Regulations under subsection (1) may—

(a) amend, modify, repeal or revoke any enactment (including an enactment contained in this Act);

(b) make different provision for different purposes or different areas.

(3) The power to make regulations under subsection (1) must be exercised by Welsh statutory instrument.

(4) If regulations under subsection (1) amend, repeal or otherwise modify a provision of an Act of Parliament or an Act or Measure of Senedd Cymru, they are subject to the Senedd approval procedure.

(5) Regulations under subsection (1) to which subsection (4) does not apply are subject to the Senedd annulment procedure.

26 Dod i rym

(1) Daw darpariaethau Rhan 2 (gan gynnwys Rhan 2 o'r Atodlen i'r Ddeddf hon) a'r Rhan hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

(2) Daw darpariaethau Rhan 3 i rym ar ddiwedd y cyfnod o ddau fis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

(3) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol Cymreig.

(4) Caiff gorchymyn o dan is-adran (3)—

(a) pennu diwrnodau gwahanol at ddibenion gwahanol;

(b) gwneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth i rym a ddygir i rym drwy'r gorchymyn.

27 Enw byr

Caniateir cyfeirio at y Ddeddf hon fel—

(a) Deddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026, neu

(b) Senedd Cymru (Member Accountability and Elections) Act 2026.

26 Coming into force

(1) The provisions of Part 2 (including Part 2 of the Schedule to this Act) and this Part come into force on the day after the day on which this Act receives Royal Assent.

(2) The provisions of Part 3 come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent.

(3) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by Welsh statutory instrument.

(4) An order under subsection (3) may—

(a) appoint different days for different purposes;

(b) make transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

27 Short title

This Act may be referred to as—

(a) the Senedd Cymru (Member Accountability and Elections) Act 2026, or

(b) Deddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026.

ATODLEN

(a gyflwynir gan adrannau 17 a 23)

MÂN DDARPARIAETH A DARPARIAETH GANLYNIADOL

RHAN 1

DARPARIAETH GANLYNIADOL SY'N YMWNEUD Â RHAN 1

Deddf Cynrychiolaeth y Bobl 1983 (p. 2)

1 (1) Mae Deddf Cynrychiolaeth y Bobl 1983 wedi ei diwygio fel a ganlyn.

(2) Yn adran 13(1A) (cyhoeddi cofrestrau), ar ôl "election" mewnosoder "or recall poll".

(3) Yn adran 13AB (gwneud newidiadau i gofrestrau: dyddiadau cyhoeddi interim)—

(a) yn is-adran (1)(b), ar ôl "election" mewnosoder "or recall poll";

(b) yn is-adran (4), ar ôl "election" mewnosoder "or recall poll";

(c) yn is-adran (5)—

(i) ar ôl "is" mewnosoder "—in respect of an election,";

(ii) daw'r geiriau o "in respect of an election," (a fewnosodir gan is-baragraff (i)) hyd at y diwedd yn baragraff (a);

(iii) ar ôl paragraff (a) mewnosoder—

"(b) in respect of a recall poll, the 19th day before the date of the recall poll.";

(d) yn is-adran (8), ar ôl paragraff (d) mewnosoder—

"(da) recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;".

(4) Yn adran 13B (gwneud newidiadau i gofrestrau: etholiadau sydd yn yr arfaeth)—

(a) yn y pennawd, ar ôl "elections" mewnosoder "etc.";

(b) yn is-adran (1), ar ôl "election", yn y ddau le, mewnosoder "or recall poll";

(c) yn is-adran (2)—

(i) ym mharagraff (a), ar ôl "election" mewnosoder "or recall poll";

(ii) ym mharagraff (b), ar ôl "election" mewnosoder "or recall poll";

(d) yn is-adran (3A)—

(i) ym mharagraff (a), ar ôl "election" mewnosoder "or recall poll";

(ii) ym mharagraff (b)(i), ar ôl "election" mewnosoder "or recall poll";

(e) yn is-adran (3C)—

(i) ym mharagraff (a), ar ôl "election" mewnosoder "or recall poll";

(ii) ym mharagraff (c)(i), ar ôl "election" mewnosoder "or recall poll";

(f) ar ôl is-adran (4) mewnosoder—

SCHEDULE

(introduced by sections 17 and 23)

MINOR AND CONSEQUENTIAL PROVISION

PART 1

CONSEQUENTIAL PROVISION RELATING TO PART 1

Representation of the People Act 1983 (c. 2)

1 (1) The Representation of the People Act 1983 is amended as follows.

(2) In section 13(1A) (publication of registers), after "election" insert "or recall poll".

(3) In section 13AB (alteration of registers: interim publication dates)—

(a) in subsection (1)(b), after "election" insert "or recall poll";

(b) in subsection (4), after "election" insert "or recall poll";

(c) in subsection (5)—

(i) after "is" insert "—in respect of an election,";

(ii) the words from "in respect of an election," (inserted by sub-paragraph (i)) to the end become paragraph (a);

(iii) after paragraph (a) insert—

"(b) in respect of a recall poll, the 19th day before the date of the recall poll.";

(d) in subsection (8), after paragraph (d) insert—

"(da) recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;".

(4) In section 13B (alteration of registers: pending elections)—

(a) in the heading, after "elections" insert "etc.";

(b) in subsection (1), after "election", in both places, insert "or recall poll";

(c) in subsection (2)—

(i) in paragraph (a), after "election" insert "or recall poll";

(ii) in paragraph (b), after "election" insert "or recall poll";

(d) in subsection (3A)—

(i) in paragraph (a), after "election" insert "or recall poll";

(ii) in paragraph (b)(i), after "election" insert "or recall poll";

(e) in subsection (3C)—

(i) in paragraph (a), after "election" insert "or recall poll";

(ii) in paragraph (c)(i), after "election" insert "or recall poll";

(f) after subsection (4) insert—

"(4A) This section applies to recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026.";

(g) yn is-adran (5)—

(i) yn y diffiniad o "the appropriate publication date", ar ôl "election" mewnosoder "or recall poll";

(ii) yn ""the relevant election area"" a'r diffiniad sy'n dilyn, ar ôl "election", ym mhob lle y mae'n ymddangos, mewnosoder "or recall poll";

(h) yn is-adran (6)—

(i) ym mharagraff (a), hepgorer "and";

(ii) ar ôl paragraff (b) mewnosoder—

"(c) the reference in subsection (3) to—

(i) "any election" included "any recall poll", and

(ii) "electoral area" included "recall poll area"."

(5) Ar ôl adran 13BC (addasu cofrestrau: deiseb adalw) mewnosoder—

"13BCA Alteration of registers: recall polls

(1) Sections 13AB and 13B cease to apply in respect of a recall poll if and when public notice of the early termination of the poll is given in accordance with section 8(7)(b) of the Senedd Cymru (Member Accountability and Elections) Act 2026.

(2) But if, at the time when that public notice is given—

(a) the registration officer is under a duty under section 13AB or section 13B to issue a notice, but

(b) has not yet issued the notice,

the registration officer remains under that duty to issue the notice at the time at which it would have been required to be issued if subsection (1) had not applied."

Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41)

2 (1) Mae Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 wedi ei diwygio fel a ganlyn.

(2) Yn adran 5A (darpariaeth bellach ynghylch adroddiadau ar etholiadau Cymreig)—

(a) yn y pennawd, ar ôl "elections" mewnosoder "and recall polls";

(b) ar ôl is-adran (1) mewnosoder—

"(1A) After a recall poll has been held, the Electoral Commission must prepare and publish a report (in such manner as the Commission may determine) on the administration of the recall poll after the Presiding Officer gave notice under section 6 of the Senedd Cymru (Member Accountability and Elections) Act 2026 in relation to the poll.";

(c) yn is-adran (2)(b), ar ôl "(1)" mewnosoder "or (1A)";

"(4A) This section applies to recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026.";

(g) in subsection (5)—

(i) in the definition of "the appropriate publication date", after "election" insert "or recall poll";

(ii) in ""the relevant election area"" and the definition that follows, after "election", in each place it appears, insert "or recall poll";

(h) in subsection (6)—

(i) in paragraph (a), omit "and";

(ii) after paragraph (b) insert—

"(c) the reference in subsection (3) to—

(i) "any election" included "any recall poll", and

(ii) "electoral area" included "recall poll area"."

(5) After section 13BC (alteration of registers: recall petition) insert—

"13BCA Alteration of registers: recall polls

(1) Sections 13AB and 13B cease to apply in respect of a recall poll if and when public notice of the early termination of the poll is given in accordance with section 8(7)(b) of the Senedd Cymru (Member Accountability and Elections) Act 2026.

(2) But if, at the time when that public notice is given—

(a) the registration officer is under a duty under section 13AB or section 13B to issue a notice, but

(b) has not yet issued the notice,

the registration officer remains under that duty to issue the notice at the time at which it would have been required to be issued if subsection (1) had not applied."

Political Parties, Elections and Referendums Act 2000 (c. 41)

2 (1) The Political Parties, Elections and Referendums Act 2000 is amended as follows.

(2) In section 5A (further provision about reports on Welsh elections)—

(a) in the heading, after "elections" insert "and recall polls";

(b) after subsection (1) insert—

"(1A) After a recall poll has been held, the Electoral Commission must prepare and publish a report (in such manner as the Commission may determine) on the administration of the recall poll after the Presiding Officer gave notice under section 6 of the Senedd Cymru (Member Accountability and Elections) Act 2026 in relation to the poll.";

(c) in subsection (2)(b), after "(1)" insert "or (1A)";

(d) yn is-adran (4), yn y diffiniad o "returning officer", ym mharagraff (a) ar ôl "election" mewnosoder "or recall poll".

(3) Yn adran 6ZA(2) (adolygiadau o faterion etholiadol datganoledig yng Nghymru)—

(a) ar ôl paragraff (d) mewnosoder—

"(da) recall polls;";

(b) ym mharagraff (e)—

(i) yn lle "and referendums" rhodder ", referendums and recall polls";

(ii) yn lle "(d)" rhodder "(da)".

(4) Yn adran 6A(1) (presenoldeb cynrychiolwyr y Comisiwn mewn etholiadau etc.), ar ôl paragraff (c) mewnosoder—

"(d) proceedings relating to a recall poll which are the responsibility of the returning officer for the poll."

(5) Yn adran 6C(1) (sylwedyddion achrededig: unigolion), ar ôl "section 6A" mewnosoder ", a recall poll".

(6) Yn adran 6D(1) (sylwedyddion achrededig: sefydliadau), ar ôl "section 6A" mewnosoder ", a recall poll".

(7) Yn adran 6E(4) (presenoldeb ac ymddygiad sylwedyddion)—

(a) ar ôl paragraff (b) mewnosoder—

"(ba) in the case of any other proceedings at a recall poll, the returning officer;";

(b) ym mharagraff (d), ar ôl "(b)" mewnosoder ", (ba)".

(8) Yn adran 6G (cod ymarfer ar bresenoldeb sylwedyddion mewn etholiadau datganoledig yng Nghymru)—

(a) yn y pennawd, ar ôl "elections" mewnosoder "and other polls";

(b) yn is-adran (1), ar ôl "elections" mewnosoder "and other polls";

(c) yn is-adran (2), ar ôl paragraff (c) mewnosoder—

"(d) recall polls.";

(d) yn is-adran (3)(e), ar ôl "election" mewnosoder "or recall poll".

(9) Yn adran 9AA(2) (safonau perfformiad ar gyfer etholiadau a refferenda datganoledig yng Nghymru)—

(a) yn y pennawd, yn lle "referendums" rhodder "other polls";

(b) ar ôl paragraff (b) mewnosoder—

"(ba) returning officers in the administration of recall polls;".

(10) Yn adran 9B (datganiadau ac adroddiadau ar safonau perfformiad)—

(a) yn is-adran (2)(b), yn lle "or referendums (or both)" rhodder ", referendums or recall polls (or any combination of them)";

(b) yn is-adran (5)(c), yn lle "or referendums (or both)" rhodder ", referendums or recall polls (or any combination of them)".

(d) in subsection (4), in the definition of "returning officer", in paragraph (a) after "election" insert "or recall poll".

(3) In section 6ZA(2) (reviews of devolved electoral matters in Wales)—

(a) after paragraph (d) insert—

"(da) recall polls;";

(b) in paragraph (e)—

(i) for "and referendums" substitute ", referendums and recall polls";

(ii) for "(d)" substitute "(da)".

(4) In section 6A(1) (attendance of representatives of Commission at elections etc.), after paragraph (c) insert—

"(d) proceedings relating to a recall poll which are the responsibility of the returning officer for the poll."

(5) In section 6C(1) (accredited observers: individuals), after "section 6A" insert ", a recall poll".

(6) In section 6D(1) (accredited observers: organisations), after "section 6A" insert ", a recall poll".

(7) In section 6E(4) (attendance and conduct of observers)—

(a) after paragraph (b) insert—

"(ba) in the case of any other proceedings at a recall poll, the returning officer;";

(b) in paragraph (d), after "(b)" insert ", (ba)".

(8) In section 6G (code of practice on attendance of observers at devolved elections in Wales)—

(a) in the heading, after "elections" insert "and other polls";

(b) in subsection (1), after "elections" insert "and other polls";

(c) in subsection (2), after paragraph (c) insert—

"(d) recall polls.";

(d) in subsection (3)(e), after "election" insert "or recall poll".

(9) In section 9AA(2) (performance standards for devolved elections and referendums in Wales)—

(a) in the heading, for "referendums" substitute "other polls";

(b) after paragraph (b) insert—

"(ba) returning officers in the administration of recall polls;".

(10) In section 9B (returns and reports on performance standards)—

(a) in subsection (2)(b), for "or referendums (or both)" substitute ", referendums or recall polls (or any combination of them)";

(b) in subsection (5)(c), for "or referendums (or both)" substitute ", referendums or recall polls (or any combination of them)".

(11) Yn adran 10(3)(a) (rhoi cyngor a chymorth), ar ôl paragraff (ii) mewnosoder—

"(iia) returning officers at recall polls,".

(12) Yn adran 21 (dehongli Rhan 1), ar ôl is-adran (2) mewnosoder—

"(3) In this Part—

"recall poll" means a recall poll under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;

"returning officer", in relation to a recall poll, has the same meaning as "constituency returning officer" in Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026."

Deddf Llywodraeth Cymru 2006 (p. 32)

3 Yn adran 41 o Ddeddf Llywodraeth Cymru 2006 (achosion gan y Senedd neu yn ei herbyn etc.)—

(a) yn is-adran (1)—

(i) ar ôl "Senedd" (y tro cyntaf y mae'n ymddangos) mewnosoder "or a committee or sub-committee of the Senedd";

(ii) ar ôl "Senedd" (y trydydd tro y mae'n ymddangos) mewnosoder "or the committee or sub-committee of the Senedd (as the case may be)";

(b) yn is-adran (3), ar ôl "Senedd" mewnosoder "or a committee or sub-committee of the Senedd".

Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 (dccc 4)

4 (1) Mae Deddf Comisiwn Democratiaeth a Ffiniau Cymru etc. 2013 wedi ei diwygio fel a ganlyn.

(2) Yn adran 20A(4) (swyddogaethau gweinyddu etholiadol), ar ôl paragraff (a) mewnosoder—

"(aa) polau adalw;".

(3) Yn adran 20B(1) (cyfarwyddiadau i swyddogion canlyniadau), ar ôl paragraff (b) mewnosoder—

"(ba) â pholau adalw yn gyffredinol,

(bb) â phôl adalw penodol,".

(4) Yn adran 20C(1) (cyfarwyddiadau i swyddogion cofrestru etholiadol), ar ôl paragraff (a) mewnosoder—

"(ba) â phôl adalw penodol,".

(5) Yn adran 20I (dehongli), ar ôl y diffiniad o "etholiadau llywodraeth leol" mewnosoder—

"ystyr "pôl adalw" ("*recall poll*") yw pôl adalw o dan Ran 1 o Ddeddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026;".

(11) In section 10(3)(a) (giving of advice and assistance), after sub-paragraph (ii) insert—

"(iia) returning officers at recall polls,".

(12) In section 21 (interpretation of Part 1), after subsection (2) insert—

"(3) In this Part—

"recall poll" means a recall poll under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;

"returning officer", in relation to a recall poll, has the same meaning as "constituency returning officer" in Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026."

Government of Wales Act 2006 (c. 32)

3 In section 41 of the Government of Wales Act 2006 (proceedings by or against Senedd etc.)—

(a) in subsection (1)—

(i) after "Senedd" (the first time it appears) insert "or a committee or sub-committee of the Senedd";

(ii) after "Senedd" (the third time it appears) insert "or the committee or sub-committee of the Senedd (as the case may be)";

(b) in subsection (3), after "Senedd" insert "or a committee or sub-committee of the Senedd".

Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4)

4 (1) The Democracy and Boundary Commission Cymru etc. Act 2013 is amended as follows.

(2) In section 20A(4) (electoral administrations functions), after paragraph (a) insert—

"(aa) recall polls;".

(3) In section 20B(1) (directions to returning officers), after paragraph (b) insert—

"(ba) recall polls generally,

(bb) a particular recall poll,".

(4) In section 20C(1) (directions to electoral registration officers), after paragraph (a) insert—

"(ba) a particular recall poll,".

(5) In section 20I (interpretation), after the definition of "local government elections" insert—

"recall poll" ("*pôl adalw*") means a recall poll under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;".

(6) Yn adran 49J(8) (gweithredu adroddiad terfynol gan Weinidogion Cymru), ar ôl "Aelod o'r Senedd i Senedd Cymru," mewnosoder "cynnal neu redeg pôl adalw o dan Ddeddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026,".

RHAN 2

MÂN DDARPARIAETH A DARPARIAETH GANLYNIADOL SY'N YMWNEUD Â RHAN 2

Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 (mccc 4)

5 (1) Mae Mesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009 wedi ei ddiwygio fel a ganlyn.

(2) Yn adran 4 (penodi Comisiynydd Dros Dro), yn is-adran (4)(c), yn lle "adran 1(8)(a), (b) a (c)" rhodder "adran 1(8)".

(3) Yn adran 6 (swyddogaethau'r Comisiynydd), yn is-adran (1)—

(a) ar ôl paragraff (b) mewnosoder—

"(ba) derbyn unrhyw atgyfeiriad gan Aelod o'r Senedd ynghylch a yw, ar adeg berthnasol, ymddygiad yr aelod ei hun wedi methu â chydymffurfio ag un o ofynion darpariaeth berthnasol,

(bb) ymchwilio i unrhyw atgyfeiriad o'r fath yn unol â darpariaethau'r Mesur hwn,";

(b) ym mharagraff (c), yn lle "o'r fath" rhodder "o dan baragraff (b) neu (bb)";

(c) ym mharagraff (d), yn lle "y mae paragraff (a) yn gymwys iddynt" rhodder "ac atgyfeiriadau o dan y Mesur hwn ac am weithdrefnau ynglŷn ag ymchwilio i ymddygiad o dan adran 10A";

(d) ym mharagraff (e), yn lle "adran 7" rhodder "adrannau 7 a 10A".

(4) Yn adran 7 (swyddogaethau eraill y Comisiynydd), ym mharagraff (b) hepgorer "i gwynion".

(5) Ym mhennawd adran 9, yn y testun Cymraeg, yn lle "gyfeirio" rhodder "atgyfeirio".

(6) Yn adran 10 (ymchwilio gan y Comisiynydd i gwynion)—

(a) yn y pennawd, ar ôl "i gwynion" mewnosoder "a hunanatgyfeiriadau gan Aelodau o'r Senedd";

(b) yn is-adran (1)—

(i) ar ôl "ymchwilio i gwynion" mewnosoder" a hunanatgyfeiriadau gan Aelodau o'r Senedd";

(ii) ym mharagraff (b), ar ôl "Aelodau o'r Senedd" mewnosoder ", neu hunanatgyfeiriadau ganddynt,";

(c) ar ôl is-adran (1) mewnosoder—

(6) In section 49J(8) (implementation of final report by the Welsh Ministers), after "Member of the Senedd to Senedd Cymru," insert "the holding or conduct of a recall poll under the Senedd Cymru (Member Accountability and Elections) Act 2026,".

PART 2

MINOR AND CONSEQUENTIAL PROVISION RELATING TO PART 2

The National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4)

5 (1) The National Assembly for Wales Commissioner for Standards Measure 2009 is amended as follows.

(2) In section 4 (appointment of an Acting Commissioner), in subsection (4)(c), for "section 1(8)(a), (b) and (c)" substitute "section 1(8)".

(3) In section 6 (functions of the Commissioner), in subsection (1)—

(a) after paragraph (b) insert—

"(ba) to receive any referral by a Member of the Senedd as to whether, at a relevant time, the member's own conduct failed to comply with a requirement of a relevant provision,

(bb) to investigate any such referral in accordance with the provisions of this Measure,";

(b) in paragraph (c), for "such investigation" substitute "investigation under paragraph (b) or (bb)";

(c) in paragraph (d), for "to which paragraph (a) applies" substitute "and referrals under this Measure and about procedures for investigating conduct under section 10A";

(d) in paragraph (e), for "section 7" substitute "sections 7 and 10A".

(4) In section 7 (further functions of the Commissioner), in paragraph (b) omit "complaints".

(5) In the heading of section 9, in the Welsh text, for "gyfeirio" substitute "atgyfeirio".

(6) In section 10 (investigation of complaints by the Commissioner)—

(a) in the heading, for "of complaints by the Commissioner" substitute "by the Commissioner of complaints and self-referrals by Members of the Senedd";

(b) in subsection (1)—

(i) after "investigate complaints" insert "and self-referrals by Members of the Senedd";

(ii) in paragraph (b), after "against" insert ", or self-referrals by,";

(c) after subsection (1) insert—

"(1A) Caiff y rheolau a grybwyllir yn is-adran (1)(b) ragnodi amodau y mae rhaid i'r Comisiynydd fod yn fodlon eu bod wedi'u bodloni cyn i'r Comisiynydd gynnal ymchwiliad o dan yr adran hon (er enghraifft, darpariaeth ynghylch ffurf a chynnwys cwyn neu hunanatgyfeiriad gan Aelod o'r Senedd, gosod terfynau amser ar gyfer dechrau ymchwiliad neu reolau ynghylch y gofynion o ran tystiolaeth).";

(d) yn is-adran (3)—

(i) ar ôl "wrthod cwyn" mewnosoder "neu hunanatgyfeiriad gan Aelod o'r Senedd";

(ii) ar ôl "ac" mewnosoder ", yn achos cwyn";

(e) yn is-adran (5) ar ôl "gynnal ymchwiliad" mewnosoder "o dan yr adran hon";

(f) ar ôl is-adran (5) mewnosoder—

"(6) Rhaid i'r Rheolau Sefydlog wneud darpariaeth ar gyfer ymchwiliadau o dan yr adran hon."

(7) Yn adran 16(1) (cyfyngiadau ar ddatgelu gwybodaeth)—

(a) daw'r geiriau "datgelu unrhyw wybodaeth" hyd at y diwedd yn baragraff (a);

(b) ar ôl paragraff (a) mewnosoder—

"(b) datgelu unrhyw wybodaeth a roddir iddynt neu a sicrheir ganddynt yn ystod ymchwiliad o dan adran 10A, neu at ddibenion yr ymchwiliad hwnnw."

(8) Yn adran 19 (adroddiad blynyddol), yn is-adran (4), yn y testun Saesneg--

(a) yn y geiriau o flaen paragraff (a), yn lle "Committee on Standards of Conduct" rhodder "Standards of Conduct Committee";

(b) ym mharagraff (b), yn lle "which such information" rhodder "with such information".

(9) Yn adran 20 (dehongli)—

(a) yn is-adran (1), yn y testun Cymraeg—

(i) yn lle'r diffiniad o "y Pwyllgor Safonau Ymddygiad" rhodder—

"ystyr "y Pwyllgor Safonau Ymddygiad" ("*the Standards of Conduct Committee*") yw'r pwyllgor o'r Senedd y mae rhaid ei sefydlu yn rhinwedd adran 30A o'r Ddeddf;";

(ii) yn y lleoedd priodol, mewnosoder—

"mae i "adeg berthnasol" ("*relevant time*") yr ystyr a roddir gan adran 6(2), ac eithrio yn adran 10A;";

"mae i "darpariaeth berthnasol" ("*relevant provision*") yr ystyr a roddir gan adran 6(3);";

(b) yn is-adran (2), yn y testun Saesneg, yn lle "Committee on Standards of Conduct" rhodder "Standards of Conduct Committee".

"(1A) The rules mentioned in subsection (1)(b) may prescribe conditions which the Commissioner must be satisfied are met before the Commissioner conducts an investigation under this section (for example, provision about form and contents of a complaint or self-referral by a Member of the Senedd, setting time-limits for commencing an investigation or rules about evidence requirements).";

(d) in subsection (3)—

(i) after "dismiss a complaint" insert "or self-referral by a Member of the Senedd";

(ii) after "and" insert ", in the case of a complaint,";

(e) in subsection (5), after "carrying out an investigation" insert "under this section";

(f) after subsection (5) insert—

"(6) Standing Orders must make provision for investigations under this section."

(7) In section 16(1) (restriction on disclosure of information)—

(a) the words "disclose any information" to the end become paragraph (a);

(b) after paragraph (a) insert—

"(b) disclose any information which is furnished to or obtained by them in the course of, or for the purposes of, an investigation under section 10A."

(8) In section 19 (annual report), in subsection (4), in the English text—

(a) in the words before paragraph (a), for "Committee on Standards of Conduct" substitute "Standards of Conduct Committee";

(b) in paragraph (b), for "which such information" substitute "with such information".

(9) In section 20 (interpretation)—

(a) in subsection (1), in the English text—

(i) omit the definition of "the Committee on Standards of Conduct";

(ii) in the appropriate places, insert—

""relevant provision" ("*darpariaeth berthnasol*") has the meaning given by section 6(3);";

""relevant time" ("*adeg berthnasol*") has the meaning given by section 6(2), except in section 10A;";

"the Standards of Conduct Committee" ("*y Pwyllgor Safonau Ymddygiad*") means the committee of the Senedd that must be established by virtue of section 30A of the Act;";

(b) in subsection (2), in the English text, for "Committee on Standards of Conduct" substitute "Standards of Conduct Committee".

Mesur y Gymraeg (Cymru) 2011 (mccc 1)

6 Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (personau sy'n agored i orfod cydymffurfio â safonau: cyrff cyhoeddus etc.), yn y tabl, o dan y pennawd "Cyffredinol", yn y lle priodol, mewnosoder—

"Comisiynydd Safonau y Senedd ("*The Senedd Commissioner for Standards*")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion"

Rheoliadau Safonau'r Gymraeg (Rhif 2) 2016

7 Yn Atodlen 6 i Reoliadau Safonau'r Gymraeg (Rhif 2) 2016 (O.S. 2016/182) (Cy. 76), yn y lle priodol mewnosoder—

"Comisiynydd Safonau y Senedd ("*the Senedd Commissioner for Standards*")".

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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 y Brenin ar gyfer Cymru.

Welsh Language (Wales) Measure 2011 (nawm 1)

6 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to comply with standards: public bodies etc.), in the table, under the heading "General", in the appropriate place, insert—

"The Senedd Commissioner for Standards ("*Comisiynydd Safonau y Senedd*")	Service delivery standards Policy making standards Operational standards Record keeping standards"

Welsh Language Standards (No. 2) Regulations 2016

7 In Schedule 6 to the Welsh Language Standards (No. 2) Regulations 2016 (S.I. 2016/182) (W. 76), at the appropriate place insert—

"the Senedd Commissioner for Standards ("*Comisiynydd Safonau y Senedd*")".

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