

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 9 Chwefror 2021
Tabled on 9 February 2021

Bil Etholiadau Cymru (Coronafeirws) Welsh Elections (Coronavirus) Bill

Julie James

1

Page 5, after line 36, insert a new section –

[] Orders and rules on the conduct of elections to be held in 2021

- (1) Subsection (3) applies to a statutory instrument containing an order under section 13(1) (a) of the 2006 Act (power to make an order as to the conduct of Senedd elections) that contains provision that applies –
 - (a) only to the 2021 election, or
 - (b) only to an election under section 10 of the 2006 Act to fill a vacant constituency member seat the poll for which is to be held before 6 November 2021.
- (2) Subsection (3) applies to a statutory instrument containing rules under section 36A of the Representation of the People Act 1983 (c. 2) (power to make rules in relation to the conduct of elections of councillors for local government areas in Wales) that apply only to an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales the poll for which is to be held before 6 November 2021.
- (3) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (4) But if –
 - (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (3) before the expiry of the period of 28 days mentioned in that subsection, and
 - (b) the motion is not passed,the instrument ceases to have effect at the end of the day on which the vote takes place.



- (5) In calculating any period of 28 days for the purposes of subsection (4), no account is to be taken of any period during which Senedd Cymru is –
 - (a) dissolved, or
 - (b) in recess for more than 4 days.
- (6) Subsections (3) and (4) do not –
 - (a) affect anything done in reliance on the order or rules before they ceased to have effect, or
 - (b) prevent the making of a new order or new rules.’.

Tudalen 5, ar ôl llinell 39, mewnosoder adran newydd –

[] Gorchmynion a rheolau ynglŷn â chynnal etholiadau yn 2021

- (1) Mae is-adran (3) yn gymwys i offeryn statudol sy’n cynnwys gorchymyn o dan adran 13(1)(a) o Ddeddf 2006 (pŵer i wneud gorchymyn o ran cynnal etholiadau’r Senedd) sy’n cynnwys darpariaeth –
 - (a) nad yw ond yn gymwys i etholiad 2021, neu
 - (b) nad yw ond yn gymwys i etholiad o dan adran 10 o Ddeddf 2006 i lenwi sedd wag aelod etholaethol y mae’r pŵl ar ei gyfer i’w gynnal cyn 6 Tachwedd 2021.
- (2) Mae is-adran (3) yn gymwys i offeryn statudol sy’n cynnwys rheolau o dan adran 36A o Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2) (pŵer i wneud rheolau mewn perthynas â chynnal etholiadau cynghorwyr ar gyfer ardaloedd llywodraeth leol yng Nghymru) nad ydynt ond yn gymwys i etholiad i lenwi swydd cynghorydd sy’n digwydd dod yn wag mewn cyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru y mae’r pŵl ar ei gyfer i’w gynnal cyn 6 Tachwedd 2021.
- (3) Rhaid i offeryn statudol y mae’r is-adran hon yn gymwys iddo gael ei osod gerbron Senedd Cymru ac mae’n peidio â chael effaith pan fo 28 o ddiwrnodau sy’n dechrau â’r diwrnod y’i gwneir yn dod i ben, oni bai bod Senedd Cymru yn ei gymeradwyo drwy benderfyniad cyn i’r cyfnod hwnnw ddod i ben.
- (4) Ond –
 - (a) os yw Senedd Cymru yn pleidleisio ar gynnig ar gyfer penderfyniad i gymeradwyo offeryn statudol a osodir o dan is-adran (3) cyn i’r cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno ddod i ben, a
 - (b) os na chaiff y cynnig ei basio,mae’r offeryn yn peidio â chael effaith ar ddiwedd y diwrnod y mae’r bleidlais yn digwydd.
- (5) Wrth gyfrifo unrhyw gyfnod o 28 o ddiwrnodau at ddibenion is-adran (4), rhaid diystyru unrhyw gyfnod pan fo Senedd Cymru –
 - (a) wedi ei diddymu, neu
 - (b) ar doriad am fwy na 4 diwrnod.
- (6) Nid yw is-adrannau (3) a (4) –



- (a) yn effeithio ar unrhyw beth a wneir drwy ddibynnu ar y rheolau neu'r gorchymyn cyn iddynt neu cyn iddo beidio â chael effaith, nac
- (b) yn atal gwneud rheolau newydd neu orchymyn newydd.'

Julie James

2

Section 10, page 6, line 4, after 'Act', insert –

', but subsection (7) of that section (Senedd Cymru procedure) is subject to section [*section to be inserted by amendment 1*].

- (1) This Act does not affect the power of the Welsh Ministers to make rules under section 36 or section 36A of the Representation of the People Act 1983 (c. 2), but section 36A(10) (Senedd Cymru procedure) is subject to section [*section to be inserted by amendment 1*].

Adran 10, tudalen 6, llinell 4, ar ôl '2006', mewnosoder –

', ond mae is-adran (7) o'r adran honno (gweithdrefn Senedd Cymru) yn ddarostyngedig i adran [*yr adran sy'n cael ei mewnosod gan welliant 1*].

- (2) Nid yw'r Ddeddf hon yn effeithio ar bŵer Gweinidogion Cymru i wneud rheolau o dan adran 36 neu adran 36A o Ddeddf Cynrychiolaeth y Bobl 1983 (p. 2), ond mae adran 36A(10) (gweithdrefn Senedd Cymru) yn ddarostyngedig i adran [*yr adran sy'n cael ei mewnosod gan welliant 1*].

Gareth Bennett

3

Gyda chefnogaeth / Supported by: Mark Reckless

Section 5, page 2, line 7, after 'so', insert –

', and

- (b) the poll for the ordinary election of police and crime commissioners for police areas in Wales due to take place on 6 May 2021 is postponed'.

Adran 5, tudalen 2, llinell 7, ar ôl 'hynny', mewnosoder –

', a

- (b) os caiff y pŵl ar gyfer etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu yng Nghymru y bwriedir ei gynnal ar 6 Mai 2021 ei ohirio'.

Gareth Bennett

4

Gyda chefnogaeth / Supported by: Mark Reckless

Section 5, page 2, after line 29, insert –

- '(9) In paragraph (*paragraph to be inserted by amendment 3*), "ordinary election of police and crime commissioners for police areas" has the meaning given in section 50 of the Police Reform and Social Responsibility Act 2011 (c. 13).'



Adran 5, tudalen 2, ar ôl llinell 29, mewnosoder –

- (9) Ym mharagraff (*y paragraff sy'n cael ei fewnosod gan welliant 3*), mae i "etholiad arferol comisiynwyr heddlu a throseddu ar gyfer ardaloedd heddlu" yr ystyr a roddir i "ordinary election of police and crime commissioners for police areas" yn adran 50 o Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13).'

Mark Isherwood

5

Section 5, page 2, line 20, leave out '5 November' and insert '26 August'.

Adran 5, tudalen 2, llinell 20, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

6

Section 5, page 2, after line 29, insert –

- (9) The Welsh Ministers must set out in regulations the criteria to be used by the First Minister for determining whether it is necessary or appropriate to postpone the poll for the 2021 election for a reason relating to coronavirus under subsection (1).
- (10) Regulations must be published before the end of the period of 14 days beginning with the day on which this Act receives Royal Assent.
- (11) A statutory instrument containing regulations under subsection [(*first subsection to be inserted by this amendment*)] may not be made unless a draft of the instrument has been laid before, and approved by, a resolution of Senedd Cymru.'

Adran 5, tudalen 2, ar ôl llinell 29, mewnosoder –

- (9) Rhaid i Weinidogion Cymru nodi mewn rheoliadau y meini prawf sydd i'w defnyddio gan y Prif Weinidog ar gyfer penderfynu a yw'n angenrheidiol neu'n briodol gohirio'r pŵl ar gyfer etholiad 2021 am reswm sy'n ymwneud â'r coronafeirws o dan is-adran (1).
- (10) Rhaid i reoliadau gael eu cyhoeddi cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (11) Ni chaniateir i offeryn statudol sy'n cynnwys rheoliadau o dan is-adran [(*yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn*)] gael ei wneud oni bai bod drafft o'r offeryn wedi'i osod gerbron Senedd Cymru a'i gymeradwyo drwy benderfyniad ganddi.'

Mark Isherwood

7

Section 5, page 2, after line 29, insert –

- (9) The Welsh Ministers must publish the criteria to be used by the First Minister for determining whether it is necessary or appropriate to postpone the poll for the 2021 election for a reason relating to coronavirus under subsection (1).
- (10) The criteria must be published before the end of the period of 14 days beginning with the day on which this Act receives Royal Assent.'



Adran 5, tudalen 2, ar ôl llinell 29, mewnosoder –

- '(9) Rhaid i Weinidogion Cymru gyhoeddi'r meini prawf sydd i'w defnyddio gan y Prif Weinidog ar gyfer penderfynu a yw'n angenrheidiol neu'n briodol gohirio'r pŵl ar gyfer etholiad 2021 am reswm sy'n ymwneud â'r coronafeirws o dan is-adran (1).
- (10) Rhaid i'r meini prawf gael eu cyhoeddi cyn diwedd y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.'

Mark Isherwood

8

Page 2, line 31, leave out section 6.

Tudalen 2, llinell 31, hepgorer adran 6.

Mark Isherwood

9

Section 7, page 4, line 6, leave out '5 November' and insert '26 August'.

Adran 7, tudalen 4, llinell 7, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

10

Section 8, page 4, line 25, leave out '5 November' and insert '26 August'.

Adran 8, tudalen 4, llinell 27, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

11

Section 9, page 5, line 2, leave out '5 November' and insert '26 August'.

Adran 9, tudalen 5, llinell 2, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

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Section 9, page 5, line 6, leave out '5 November' and insert '26 August'.

Adran 9, tudalen 5, llinell 6, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

13

Section 9, page 5, line 7, leave out '5 November' and insert '26 August'.

Adran 9, tudalen 5, llinell 7, hepgorer '5 Tachwedd' a mewnosoder '26 Awst'.

Mark Isherwood

14

Section 11, page 6, line 35, after 'made', insert –



, and

- (c) the application is accompanied by an NHS isolation note from the applicant’.

Adran 11, tudalen 6, llinell 35, ar ôl ‘made’, mewnosoder –

, and

- (c) the application is accompanied by an NHS isolation note from the applicant’.

Rhun ap Iorwerth

15

Page 1, after line 33, insert a new section –

[] Guidance on exercise of functions in the pre-election period

- (1) The First Minister must publish guidance about the exercise of the functions of the First Minister, the Welsh Ministers and the Counsel General during the pre-election period for the 2021 election.
- (2) The First Minister, the Welsh Ministers and the Counsel General must have regard to the guidance.
- (3) The First Minister must determine the pre-election period for the 2021 election for the purpose of this section.
- (4) The period determined must include the period of 30 days ending with the day fixed for the holding of the poll for the 2021 election.
- (5) The guidance must be published before the end of the period of 14 days beginning with the day on which this Act receives Royal Assent.’.

Tudalen 1, ar ôl llinell 33, mewnosoder adran newydd –

[] Canllawiau ar arfer swyddogaethau yn y cyfnod cyn yr etholiad

- (1) Rhaid i’r Prif Weinidog gyhoeddi canllawiau ynghylch arfer swyddogaethau’r Prif Weinidog, Gweinidogion Cymru a’r Cwnsler Cyffredinol yn ystod y cyfnod cyn yr etholiad ar gyfer etholiad 2021.
- (2) Rhaid i’r Prif Weinidog, Gweinidogion Cymru a’r Cwnsler Cyffredinol roi sylw i’r canllawiau.
- (3) Rhaid i’r Prif Weinidog benderfynu ar y cyfnod cyn yr etholiad ar gyfer etholiad 2021 at ddiben yr adran hon.
- (4) Rhaid i’r cyfnod y penderfynir arno gynnwys y cyfnod o 30 o ddiwrnodau sy’n dod i ben â’r diwrnod a bennir ar gyfer cynnal y pŵl ar gyfer etholiad 2021.
- (5) Rhaid i’r canllawiau gael eu cyhoeddi cyn diwedd y cyfnod o 14 o ddiwrnodau sy’n dechrau â’r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.’.



Rhun ap Iorwerth

16

Section 5, page 2, after line 27, insert –

- ‘() The First Minister must lay a statement before Senedd Cymru on or before 24 March 2021 setting out whether or not the First Minister intends to exercise the power in subsection (1).
- () If the First Minister does not intend to exercise the power, the statement must set out –
 - (a) the reasons for not exercising the power, and
 - (b) whether, in the First Minister’s view, a full and fair election campaign can be conducted by all persons seeking election in the 2021 election which does not disadvantage any person eligible to vote in that election.
- () Any intention expressed in the statement under subsection [(*first subsection to be inserted by this amendment*)] does not affect the exercise of the power in subsection (1).’.

Adran 5, tudalen 2, ar ôl llinell 27, mewnosoder –

- ‘() Rhaid i’r Prif Weinidog osod datganiad gerbron Senedd Cymru ar neu cyn 24 Mawrth 2021 sy’n nodi pa un a yw’r Prif Weinidog yn bwriadu arfer y pŵer yn is-adran (1) ai peidio.
- () Os nad yw’r Prif Weinidog yn bwriadu arfer y pŵer, rhaid i’r datganiad nodi –
 - (a) y rhesymau dros beidio ag arfer y pŵer, a
 - (b) a ellir cynnal ymgyrch etholiadol lawn a theg, ym marn y Prif Weinidog, gan bob person sy’n ceisio cael ei ethol yn etholiad 2021 nad yw’n rhoi unrhyw berson sy’n gymwys i bleidleisio yn yr etholiad hwnnw o dan anfantais.
- () Nid yw unrhyw fwriad a fynegir yn y datganiad o dan is-adran [(*yr is-adran gyntaf sy’n cael ei mewnosod gan y gwelliant hwn*)] yn effeithio ar arfer y pŵer yn is-adran (1).’.

Rhun ap Iorwerth

17

Page 4, after line 15, insert a new section –

‘[] Guidance on election campaigning

- (1) The Welsh Ministers must issue guidance to persons undertaking election campaigning activities for the purpose of an election specified in subsection (2) about how they may undertake those activities in accordance with enactments imposing restrictions relating to the control of coronavirus.
- (2) The elections are –
 - (a) the 2021 election;
 - (b) an election to be held before 6 November 2021 under section 10 of the 2006 Act to fill a vacant constituency member seat;
 - (c) an election to be held before 6 November 2021 to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.



- (3) The duty in subsection (1) only applies if, and so far as, restrictions imposed by an enactment affect election campaigning activities for the purpose of an election specified in subsection (2).’.

Tudalen 4, ar ôl llinell 17, mewnosoder adran newydd –

[] Canllawiau ar ymgyrchu etholiadol

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau i bersonau sy’n ymgymryd â gweithgareddau ymgyrchu etholiadol at ddiben etholiad a bennir yn is-adran (2) ynghylch sut y cânt ymgymryd â’r gweithgareddau hynny yn unol â deddfiadau sy’n gosod cyfyngiadau sy’n ymwneud â rheoli’r coronafeirws.
- (2) Yr etholiadau yw –
 - (a) etholiad 2021;
 - (b) etholiad sydd i’w gynnal cyn 6 Tachwedd 2021 o dan adran 10 o Ddeddf 2006 i lenwi sedd wag aelod etholaethol;
 - (c) etholiad sydd i’w gynnal cyn 6 Tachwedd 2021 i lenwi swydd cynghorydd sy’n digwydd dod yn wag mewn cyngor sir, cyngor bwrdeistref sirol neu gyngor cymuned yng Nghymru.
- (3) Nid yw’r ddyletswydd yn is-adran (1) yn gymwys ond os yw cyfyngiadau a osodir gan ddeddfiad yn effeithio ar weithgareddau ymgyrchu etholiadol at ddiben etholiad a bennir yn is-adran (2) ac ond i’r graddau y mae’r cyfyngiadau hynny yn effeithio ar y gweithgareddau hynny.’.

