

# Wythfed adroddiad i'r Chweched Senedd o dan Reol Sefydlog 22.9

Ionawr 2024



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# Am y Pwyllgor

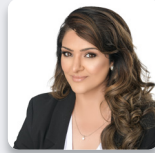
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Senedd Cymru  
**Y Pwyllgor Safonau Ymddygiad**

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## 1. Cyflwyniad

**1.** Nodir cylch gorchwyl y Pwyllgor Safonau Ymddygiad ("y Pwyllgor") yn Rheol Sefydlog 22.<sup>1</sup> Yn unol â'r swyddogaethau a nodir yn Rheol Sefydlog 22.2, mae'n rhaid i'r Pwyllgor:

*"mewn perthynas ag unrhyw gŵyn a gyfeirir ato gan y Comisiynydd Safonau...ymchwilio i'r gŵyn, cyflwyno adroddiad arni ac, os yw'n briodol, argymhell camau mewn perthynas â hi."*<sup>2</sup>

**2.** Paratowyd yr adroddiad hwn ar gyfer y Senedd yn unol â Rheol Sefydlog 22.9 a pharagraff 8.23 o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd<sup>3</sup> ("y Weithdrefn") ac mae'n ymwneud â chwyn a wnaed i'r Comisiynydd Safonau ("y Comisiynydd").

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<sup>1</sup>Rheolau Sefydlog

<sup>2</sup>Rheol Sefydlog 22.2(i)

<sup>3</sup>Gweithdrefn y Senedd ar gyfer ymdrin â chwynion yn erbyn Aelodau o'r Senedd

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## 2. Ystyried y gŵyn

- 3.** Gwnaed cwyn i'r Comisiynydd mewn perthynas â chyfres o drydariadau a bostiwyd gan Aelod o'r Senedd a oedd yn cyfeirio at newid y terfyn cyflymder cyffredinol ar ffyrdd cyfyngedig yng Nghymru o 30mya i 20mya fel terfyn cyflymder 'cyffredinol' ('blanket'), ac roedd hyn, yng ngolwg yr Achwynydd 'yn gwbl anwir' ("absolutely untruthful").
- 4.** Nododd yr Achwynydd ei farn bod yr Aelod, trwy drydar rhywbeth nad oedd yn wir, wedi torri Rheol 2 o'r Cod Ymddygiad.
- 5.** Cafodd y Comisiynydd sylwadau oddi wrth yr Aelod a'r Achwynydd cyn gwneud y gŵyn yn dderbyniadwy.
- 6.** Cyfarfu'r Pwyllgor ar 11 Rhagfyr 2023 i ystyried adroddiad y Comisiynydd a dod i'w gasgliad mewn perthynas â'r gŵyn hon.
- 7.** Mae'r Pwyllgor wedi cynnwys y rhannau perthnasol o adroddiad y Comisiynydd yn yr adroddiad hwn er mwyn sicrhau anhysbysrwydd y rhai sy'n ymwneud â'r gŵyn hon yn unol â'r Weithdrefn.
- 8.** Mae'r adroddiad hwn yn nodi manylion y gŵyn a thrafodaethau'r Pwyllgor wrth ddod i benderfyniad.
- 9.** Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw ac i'r Achwynydd.

### 3. Y broses o drafod Penderfyniad y Pwyllgor

- 10.** Bu'r Pwyllgor yn trafod a dorrodd yr Aelod Reol Sefydlog 22.1(i).
- 11.** Wrth ystyried a dorrwyd rheolau, adolygodd y Pwyllgor ganfyddiadau'r Comisiynydd fel y'u nodir yn ei adroddiad.
- 12.** Ni fanteisiodd yr Aelod ar y cyfle i wneud sylwadau ysgrifenedig neu lafar i'r Pwyllgor.
- 13.** Roedd canfyddiadau ffeithiol y Comisiynydd fel a ganlyn:

*1. Section 81 of the Road Traffic Regulation Act 1984 empowers the Welsh Ministers to increase or reduce the general speed limit of 30mph on restricted roads in Wales.*

*2. The Restricted Roads (20 mph Speed Limit) (Wales) Order 2022, which came into effect of 17 September 2023, was made in exercise of that power.*

*3. That Order reduced the general speed limit on restricted roads in Wales from 30mph to 20mph.*

*4. Approximately 30% of all roads in Wales are restricted roads.*

*5. Under section 82 of the Road Traffic Regulation Act 1984 local authorities in Wales are empowered to make orders exempting specified restricted roads from the reduction of the general speed limit to 20mph.*

*6. Where such an order is made the speed limit on the specified road remains at 30mph.*

*7. Orders under that section have been made in respect of approximately 3% of restricted roads on Wales.*

*8. On several occasions since 17 September 2023, the Member and a number of other politicians have referred to the new general speed limit as a 'blanket' speed limit.*

*9. Since that date there has been a vociferous and sometimes intemperate debate between those in favour and those*

*opposed to the reduction in the general speed limit on restricted roads.*

*10. In the course of that debate, it has been asserted on numerous occasions that the Member's description of the new speed limit as a blanket limit was untruthful.*

*11. The Member has rejected these assertions and has maintained that [the] description is correct.*

*12. On several occasions since 15 September 2023, the Member has made clear that their reference to a blanket limit was to a blanket limit on restricted roads.*

*13. The Member has never stated that the new general speed limit applied to all roads in Wales or to roads other than restricted roads.*

*14. The Member has on several occasions made clear that there were exceptions to the new general speed limit on restricted roads.*

**14.** Canfu'r Comisiynydd:

*"The Member contends that referring to the limit as a "blanket" limit was not the same as referring to it as a universal limit. [The Member] asserted that dictionary definitions support [this] contention and referred me to a number of dictionaries. Having considered the definitions provided I am unable to agree with the Member's interpretation. The Collins Dictionary definition, for example, is "applying to or covering a wide group or variety of people, conditions or situations." Significantly it does not say applying to or covering almost all of a large group etc. None of the other definitions provided suggest that 'blanket' means other than providing universal coverage. I am satisfied that the description of the new default speed limit on restricted roads as a "blanket" was imprecise and inaccurate. But being imprecise and inaccurate is not synonymous with being untruthful.*

*Untruthfulness, like dishonesty, requires some element of deceit, fraud or moral turpitude. Whilst all untruthful statements are imprecise and incorrect or not all imprecise and incorrect*

*statements are untruthful. Given the clear evidence, which the Complainant is deemed to have accepted, that "The Member has on several occasions made clear that there were exceptions to the new general speed limit on restricted roads" I cannot be satisfied that there was any element of deceit, fraud or moral turpitude. Accordingly, I am not satisfied that the conduct complained about was untruthful.*

*The Member also asserted that when [they] described it as a "blanket" limit [they were] expressing [an] opinion and that even if [their] opinion was incorrect [the] right to freedom of expression under Article 10 of ECHR protected [them]. As a politician commenting on a matter that was most certainly in the political arena the Member enjoyed an enhanced protection and could say things that included a "degree of the ... exaggerated ... that would be unacceptable outside that context." However, a distinction has to be drawn between statements of fact and comments on matters of public interest involving a value judgement. The enhanced protection does not normally apply to statements of fact. But the courts have made clear that "what amounts to a value judgement as opposed to fact will be generously construed in favour of the former; and even where something expressed is not a value judgement but a statement of fact that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it."*

*I am satisfied that the comments complained of should properly be regarded as involving a value judgement and that the Member ...was expressing [an] opinion about the 20mph default speed limit on restricted roads. I am satisfied that the Member believed, in my opinion incorrectly, that a restriction that applied to 97% of restricted roads could properly be described as a "blanket" limit and that [the Member] described the limit in that way in good faith. I am satisfied that due to ... enhanced protection under Article 10 of ECHR [the Member's] incorrect usage of the phrase has to be tolerated."*

**15.** Nododd y Pwyllgor ganfyddiad y Comisiynydd "...the description of the new default speed limit on restricted roads as a "blanket" was imprecise and inaccurate" a'r ffaith nad yw hyn yn gyfystyr â bod yn anwir.

**16.** Nododd y Pwyllgor sylwadau blaenorol y Comisiynydd ynghylch anonestrwydd<sup>4</sup> a lle mae'n 'gosod y bar' o ran torri'r Cod Ymddygiad sy'n ymwneud â'r egwyddor gonestrwydd. Yn ei adroddiad blaenorol, nododd y Pwyllgor ei fod yn cytuno â'r Comisiynydd bod y cysyniad cyfreithiol ehangach o onestrwydd yn fwy na datganiad anghywir neu ddiofal. Felly, yn niffyg tystiolaeth glir bod bwriad i gamarwain, cytunodd y Pwyllgor na chyrhaeddwyd y 'trothwy' y tro hwn.

Wedi ystyried y wybodaeth a oedd ar gael a'r holl sylwadau, cytunodd y Pwyllgor â chasgliad y Comisiynydd nad oedd y Cod Ymddygiad wedi cael ei dorri.

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<sup>4</sup> Gweler adroddiad y Pwyllgor – Seithfed Adroddiad i'r Chweched Senedd o dan Reol Sefydlog 22.9

## 4. Materion o Egwyddor Gyffredinol

**17.** Dyma'r ail adroddiad lle mae'r Pwyllgor wedi canfod na thorwyd y Cod Ymddygiad mewn perthynas ag Aelod a oedd wedi trydar rhywbeth anghywir. Yn seithfed adroddiad y Pwyllgor Safonau Ymddygiad i'r Chweched Senedd o dan Reol Sefydlog 22.9, nododd y Pwyllgor sylwadau'r Comisiynydd bod yn rhaid i ddatganiad sy'n torri egwyddor gonestrwydd y Cod fod yn anonest. Diffiniodd y Comisiynydd anonestrwydd fel a ganlyn:

*“Dishonesty is normally defined as including some element of deceit, fraud or moral turpitude. Whilst all dishonest statements are incorrect not all incorrect statements are dishonest.”*

**18.** Cytunodd y Pwyllgor â'r datganiad hwn, ac mae o'r farn ei fod yn berthnasol yn yr achos hwn. Heb y trothwy hwn, mae'n anodd trafod materion o bwys mewn ffordd agored a didwyll.

**19.** Fodd bynnag, mae'n ddyletswydd ar bob Aelod i gynnal y safonau uchel a ddisgwylir gennym fel cynrychiolwyr etholedig wrth drafod materion cyhoeddus, boed hynny ar y cyfryngau cymdeithasol neu yn rhywle arall. Mae hyn yn golygu y dylai Aelodau ofalu nad ydynt o fwriad yn gwneud datganiadau sy'n annelwig ac yn anghywir. Hoffai'r Pwyllgor atgoffa'r Aelodau bod cymorth ar gael i Aelodau o ran delio â'r cyfryngau cymdeithasol, a'u defnyddio yn y modd cywir. Dylid defnyddio hyn i osgoi materion fel y rhai a drafodwyd yn yr adroddiad rhag codi eto.