

# Y Pedwerydd adroddiad ar bymtheg i'r Chweched Senedd o dan Reol Sefydlog 22.9

Ionawr 2025



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# Y Pedwerydd adroddiad ar bymtheg i'r Chweched Senedd o dan Reol Sefydlog 22.9

Ionawr 2025



# Am y Pwyllgor

Sefydlwyd y Pwyllgor ar 23 Mehefin 2021. Ceir ei gylch gwaith yn:  
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Aelodau cyfredol y Pwyllgor:



**Cadeirydd y Pwyllgor:**  
**Hannah Blythyn AS**  
Llafur Cymru



**Mick Antoniw AS**  
Llafur Cymru



**Peredur Owen Griffiths AS**  
Plaid Cymru



**Samuel Kurtz AS**  
Ceidwadwyr Cymreig

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## Argymhellion

**Recommendation 1.** Mae'r Pwyllgor yn argymhell i'r Senedd, yn unol â pharagraff 8.22(a) o'r Weithdrefn, bod achos o dorri'r Cod wedi'i ganfod ond nad oes angen cymryd rhagor o gamau.....Tudalen 9

## 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, 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 yn erbyn Andrew RT Davies AS.

**3.** Mae adroddiad y Comisiynydd Safonau ("y Comisiynydd") ar ei ymchwiliad i'r gŵyn wedi'i atodi yn Atodiad A. Mae'n nodi manylion y gŵyn a chasgliadau ymchwiliad ffurfiol y Comisiynydd.

**4.** Mae'r adroddiad hwn yn nodi manylion am y gŵyn a thrafodaethau'r Pwyllgor wrth ddod i benderfyniad.

**5.** Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw ac i'r Achwynydd.

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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

**6.** Daeth cwyn i law'r Comisiynydd am fethiant yr Aelod i ddatgan buddiant perthnasol fel perchennog fferm, wrth ofyn cwestiwn llafar yn y Cyfarfod Llawn ar 13 Tachwedd 2024 ar effaith cyllideb 2024 ar berchnogion ffermydd yng Nghymru.

**7.** Wrth asesu'r gŵyn, roedd y Comisiynydd o'r farn mai Rheol Sefydlog 13.8A (Datgan Buddiannau Perthnasol) oedd y mwyaf perthnasol:

**13.8A** Cyn cymryd rhan mewn unrhyw drafodion yn y cyfarfod llawn, rhaid i Aelod ddatgan unrhyw fuddiant, boed yn ariannol neu fel arall, sydd gan yr Aelod, neu hyd y gŵyr yr Aelod, sydd gan aelod o'i deulu, neu y mae'r Aelod neu aelod o'i deulu yn disgwyl ei gael sy'n berthnasol i'r trafodion hynny, ac y gellid ystyried yn rhesymol gan eraill ei fod yn dylanwadu ar gyfraniad yr Aelod.

**8.** Cyfarfu'r Pwyllgor ar 10 Rhagfyr 2024 a 14 Ionawr 2025 i ystyried adroddiad y Comisiynydd a dod i'w gasgliad mewn perthynas â'r gŵyn hon.

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

9. Bu'r Pwyllgor yn trafod p'un a dorrodd yr Aelod Reol Sefydlog 22.2(i).<sup>4</sup>
10. Wrth drafod a fu achos o dorri'r Cod, adolygodd y Pwyllgor ganfyddiadau'r Comisiynydd fel y'u nodir yn ei adroddiad. Clywodd y Pwyllgor hefyd dystiolaeth lafar bellach gan y Comisiynydd yn ei gyfarfod ar 14 Ionawr.
11. Ni fanteisiodd yr Aelod ar y cyfle i wneud sylwadau ysgrifenedig neu lafar i'r Pwyllgor.

#### Penderfyniad y Pwyllgor

12. Nododd y Pwyllgor fod yr Aelod yn derbyn ei fod yn bartner mewn busnes ffermio ac nad oedd wedi datgan buddiant cyn gofyn ei gwestiwn. Fel y cyfeiriwyd ato yn adroddiad y Comisiynydd, ystyriwyd mai penderfyniad yr Aelod i beidio â datgan oedd hyn, yn hytrach nag amryfusedd.
13. Nododd y Pwyllgor fod y Comisiynydd wedi dweud:

*"... [I have] no doubt that the admitted fact that the Member was a partner in a farming business might reasonably be thought by some to have influenced his contribution to the discussion on 13 November."*

14. Roedd y Pwyllgor o'r farn bod adroddiad y Comisiynydd yn glir iawn yn ei gasgliad, ac nad oes unrhyw amwysedd yn y Rheol Sefydlog. Felly, rydym yn dod i'r casgliad bod yr Aelod wedi methu â chydymffurfio â'r gofyniad i ddatgan buddiant perthnasol.

Casgliad y Pwyllgor yw bod Andrew RT Davies wedi methu â chydymffurfio â Rheol Sefydlog 13.8A.

#### Argymhelliad y Pwyllgor

15. Mae'r Pwyllgor o'r farn bod methu â chydymffurfio â'r Rheolau Sefydlog yn fater difrifol. Mae methu â datgan buddiant perthnasol wrth siarad yn y Cyfarfod Llawn yn achosi problemau, gan fod y Pwyllgor yn credu bod tryloywder yn egwyddor bwysig y dylai pob Aelod weithio i'w chynnal. Mae enw da Senedd

<sup>4</sup> Rheol Sefydlog 22.2(i)

Cymru, a ffydd a hyder y cyhoedd yn y sefydliad, yn dibynnu ar allu'r Aelodau i ddangos uniondeb ac arweinyddiaeth drwy eu gweithredoedd.

**16.** Mae'r Comisiynydd Safonau a'r Pwyllgor wedi ymdrin â nifer o gwynion yn ymwneud â'r Aelod yn ystod y Chweched Senedd, ac mae pob un ohonynt o natur gymharol fach. Mae torri'r Cod dro ar ôl tro, hyd yn oed o natur fach, yn peri pryder i'r Pwyllgor hwn ac yn awgrymu bod y penderfyniadau y mae'n eu gwneud yn cael eu diystyru. Pe byddai'r Pwyllgor yn canfod bod yr Aelod wedi torri'r Cod Ymddygiad yn y dyfodol, bydd cyfanswm yr achosion o dorri'r Cod gan yr Aelod yn cael eu hystyried, sy'n debygol o arwain at argymell sancsiwn sy'n adlewyrchu cyfanswm yr achosion o dorri'r Cod.

**17.** Y tro hwn, roedd y Pwyllgor yn fodlon bod yr eglurhad a ddarparwyd gan yr Aelod dros beidio â datgan o ganlyniad i gamddechongli yn hytrach na cheisio celu buddiant yn bwrpasol. Fodd bynnag, hoffem dynnu sylw at y ddyletswydd sydd ar Aelodau i ofyn am gyngor ar fuddiannau, sydd ar gael yn rhwydd gan y Cofrestrwydd Buddiannau Aelodau drwy Swyddfa Gyflwyno'r Senedd.

**18.** Er ein bod o'r farn bod yr Aelod wedi methu â chydymffurfio â'r Rheolau Sefydlog, nid ydym yn ystyried bod angen unrhyw gamau pellach.

**Recommendation 1.** Mae'r Pwyllgor yn argymell i'r Senedd, yn unol â pharagraff 8.22(a) o'r Weithdrefn, bod achos o dorri'r Cod wedi'i ganfod ond nad oes angen cymryd rhagor o gamau.

## 4. Gwersi a ddysgwyd o'r gŵyn hon

- 19.** Mae'n ofynnol i Aelodau o'r Senedd ddatgan buddiannau cofrestradwy a pherthnasol. Er bod y buddiannau wedi'u categorio'n wahanol, y diben y tu ôl i'r ddau yw sicrhau tryloywder ynghylch cyfraniadau'r Aelodau.
- 20.** Hoffai'r Pwyllgor atgoffa'r Aelodau o bwysigrwydd ystyried Rheolau Sefydlog 13.8A a 17.24A cyn siarad yn y Cyfarfod Llawn neu mewn Pwyllgor ar unrhyw eitem y gallai fod ganddynt fuddiant perthnasol ynddi. Fel y nodir yn y canllawiau, dylai'r datganiad roi digon o wybodaeth i alluogi'r gwrandäwr i ddeall natur y buddiant sy'n cael ei ddatgan; nid yw'n ddigon dweud 'Mae gennyf fuddiant yn y mater sy'n cael ei drafod'. Rhaid i aelodau fod yn onest wrth benderfynu pryd i ddatgan buddiant. Dylai Aelodau ystyried a yw eu buddiant yn rhywbeth y gallai unrhyw un sy'n gwyllo ei ystyried yn rhesymol fel buddiant perthnasol, ac ni ddylent gymryd yn ganiataol bod pobl y tu allan i'r Senedd yn ymwybodol o'u buddiannau.
- 21.** Mae'r holl faterion a godir ar lawr y Senedd yn dod o dan ofynion y Rheolau Sefydlog hynny. Nid yw'r ffaith bod mater wedi'i gadw'n ôl yn golygu nad yw'r gofyniad i Aelodau ddatgan buddiannau yn berthnasol.
- 22.** Mewn gohebiaeth â'r Comisiynydd, mae'r Aelod yn gwneud cymariaethau â threthi eraill megis treth incwm ac yswiriant gwladol. Mae trethiant cyffredinol a materion eraill sy'n effeithio ar bob Aelod yn llawer llai tebygol o gael eu hystyried yn rhesymol i fod wedi dylanwadu ar gyfraniad Aelod unigol, na threthiant a pholisïau eraill sy'n effeithio ar rai Aelodau yn unig.
- 23.** Mae'r Pwyllgor yn gwneud gwaith ar gofrestru a datgan buddiannau a bydd yn sicrhau bod ystyriaethau o'r fath yn cael eu nodi'n glir yn y canllawiau. Gellir gofyn am gyngor pellach gan y Cofrestrydd Buddiannau Aelodau drwy Swyddfa Gyflwyno'r Senedd.

# Atodiad A – Adroddiad gan y Comisiynydd Safonau (Saesneg yn unig)

## REPORT

by

### SENEDD COMMISSIONER FOR STANDARDS

of the investigation of a complaint against

**ANDREW R T DAVIES MS**

#### **1. Introduction**

1.1 On 13 November 2024 Miles Pateman (“the Complainant”) submitted a complaint to me about the conduct of Andrew R T Davies MS (“the Member”).<sup>1</sup> In it he complained that during plenary 13 November 2024 when “*asking a question (OQ61855e) about the impact of the 2024 budget on farm owners in Wales, Mr Davies (“the Member”) failed to disclose that he himself is a farm owner.*” I have considered the complaint in accordance with the Procedure for Dealing with Complaints against Members of the Senedd (“the Procedure”).

1.2 As required by paragraph 7.4(e) of that Procedure the complaint and all the evidence I relied upon in forming my opinion are given in the footnote references.

#### **2. The investigation**

2.1 On 18 November I told both parties that I was obtaining legal advice before deciding the admissibility of the complaint. On 19 and 20 November I told the parties that, having considered that advice, I was satisfied that whilst the conduct complained of could not amount to a breach of Standing Order 2.6 (Declaration of Registerable Interests) it could, if proved, amount to a breach of Standing Order 13.8A (Declaration of Relevant Interests). I also told them that I had decided that the complaint was admissible insofar as it related to a breach of that Standing Order and that I had started my investigation of it. I offered the Member a meeting to discuss the procedure I intended to follow and posed him four questions including whether there was any further information he wished to provide to assist me in my investigation.<sup>2 3</sup>

2.2 The Member responded the same day<sup>4</sup>. On 22 November I wrote to the Member seeking an explanation of matters in his response “*together with any other evidence or information you wish me to consider before completing my investigation.*”<sup>5</sup> The Member responded on 26 November.<sup>6</sup>

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<sup>1</sup> [Complaint](#)

<sup>2</sup> [Letter Commissioner – Complainant 19 November 2024](#)

<sup>3</sup> [Letter Commissioner – Member 20 November 2024](#)

<sup>4</sup> [Letter Member – Commissioner 20 November 2024](#)

<sup>5</sup> [Letter Commissioner – Member 22 November 2024](#)

<sup>6</sup> [Letter Member – Commissioner 26 November 2024](#)

2.3 Having considered the complaint and all the information provided by the Member I was satisfied that no further investigation was required.

2.4 On 27 November I sent both parties a copy of my findings of fact and told them that they had until 4 December to submit written corrections or representations about them. I made clear that in the absence of corrections or representations the facts would be deemed admitted.<sup>7 8</sup> Neither party submitted corrections or representations.

### **3. Findings of Fact**

I found the following facts established –

1. On 13 November 2024 the Member was a partner in a farming business, namely, T J Davies and Sons.
2. On that date the Member took part in plenary proceedings concerning his OQ 61855 ‘What assessment has the Cabinet Secretary made of the impact on Welsh agriculture of the UK Government autumn budget’.
3. The Member did not declare a relevant interest before or whilst taking part in those proceedings.

### **4. Consideration**

4.1 Standing Order 13 .8A provides –

*“Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member’s contribution.”*

4.2 It follows that it is irrelevant whether the interest in question was financial, whether it did in fact influence the Member’s contribution to proceedings or whether the interest was public knowledge. All that is required is that the Member had an interest which was relevant to the proceedings and that it might reasonably have been thought by others to influence that Member’s contribution.

4.3 In his letter of 20 November, the Member accepted that on 13 November he was a partner in a farming business and that he did not declare an interest before taking part in the plenary proceedings relating to his oral question about the impact on the UK Government budget on farm owners in Wales. He said that he had considered whether he should declare an interest but had decided not to because the *proceedings “related to a national issue that was not the responsibility of the Senedd, and that it affected the entire community rather than applying particularly to*

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<sup>7</sup> [Letter Commissioner – Complainant 27 November 2024](#)

<sup>8</sup> [Letter Commissioner – Member 27 November 2024](#)

me.” He contended that there was *“a long established practice that members (sic) do not typically declare an interest in plenary if matters are not particular to them.”* He also questioned whether I should be dealing with the complaint stating *“Furthermore, the questioning was undertaken in plenary and it is my understanding that the interpretation of Standing Orders falls under the jurisdiction of the Presiding Officer.”*

- 4.4 In his letter of 26 November, the Member sought to make a distinction between the lack of a declaration on 13 November and the declaration of interest made on his behalf when tabling WQ94922 and by him in plenary on 20 February 2024. He contended that the debate on that date and the subject of the Written Question related to a devolved matter whereas the proceedings on 13 November concerned a reserved matter. He also said *“It is no secret that I am a farmer and it is something I discuss publicly frequently. I have spoken publicly about the impacts of the proposed changes to agricultural property relief will have on all farmers, including our farm in the Vale of Glamorgan. It is not something that I have ever tried to conceal. If it is deemed appropriate, I will gladly ask for the Record of proceedings to be updated to include a referenced to my role as a farmer.”*
- 4.5 I have given careful consideration to all the representations made by the Member. The legal advice I obtained confirmed my view that I was entitled to consider complaints about an alleged failure to declare an interest in plenary. This was confirmed in the Advice Note to Members: Declaring an Interest issued on 26 November where it is stated *“The Llywydd is also unable to rule on whether a Member should have declared a relevant interest or not. Under the Members’ code of conduct, alleged breaches of these Standing Orders can be referred to the Senedd Commissioner for Standards for investigation.* It is clear from the text of paragraph 3 of the Code of Conduct that whilst normally the conduct of Members during plenary will be dealt with by the Llywydd that is not always the case. I rejected the Members contention that should not deal with this complaint.
- 4.6 I also rejected the Member’s representations that it was not necessary for him to declare an interest because the proceedings were about a reserved matter and that there is *“a long established practice of Members not declaring an interest in plenary if matters under discussion are not particular to them”*. There is no substance to these representations which would appear to be based on a misunderstanding of the clear difference between the requirement to declare a financial interests under Standing Orders 2.6 and 2.7 and the requirement to declare a relevant interest under Standing Oder 13.8A.
- 4.7 I accept that the Member’s partnership in a farming business is properly declared as required by Standing Order 2.6 and that it is probable that few were disadvantaged by him not declaring an interest on 13 November. Whilst that might be considered a mitigating factor it has, as noted above, no relevance to the issue of whether the Member failed to comply with Standing Order 13.8A.

4.8 I have no doubt that the admitted fact that the Member was a partner in a farming business might reasonably be thought by some to have influenced his contribution to the discussion on 13 November. Whilst Standing Order 13.8A makes clear that it is for Members to decide if they have an interest that should be declared. This was not an instance of an oversight by the Member. He considered whether he was required to declare an interest and decided that he did not. I find it most surprising that an experienced Member could have made that decision. The long-standing advice, repeated by me during at least two awareness sessions attended by the Member, is that if in doubt Member's should err on the side of declaring an interest. I note also, that one of the example declarations given at paragraph 110 of the Guidance for Members on registration, declaration and recording of financial and other interests is *"I am a farmer with interests in land and animals which would be affected by the scheme."*

## 5. *Opinion*

It is my opinion that during plenary on 13 November 2024 the Member failed to declare a relevant interest, namely that he was a partner in a farming business, and so failed to comply with Standing Order 13.8A.

Douglas Bain CBE TD  
Senedd Commissioner for Standards

5 December 2024