



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 3240 (Cy.282)

2004 No. 3240 (W.282)

TIR, CYMRU

LAND, WALES

**YMDDYGIAD
GWRTHGYMDEITHASOL,
CYMRU**

**ANTI-SOCIAL
BEHAVIOUR,
WALES**

**Rheoliadau Gwrychoedd neu
Berthi Uchel (Apelau) (Cymru)
2004**

**The High Hedges (Appeals)
(Wales) Regulations
2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae Rhan 8 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 ("y Ddeddf") yn rhoi'r pŵer i awdurdodau lleol i ymdrin â chwynion ynghylch gwrychoedd neu berthi uchel sy'n effeithio'n andwyol ar y mwynhad a gaiff cymydog o'i eiddo.

Part 8 of the Anti-social Behaviour Act 2003 ("the Act") gives local authorities the power to deal with complaints about high hedges which are having an adverse effect on a neighbour's enjoyment of his or her property.

Caiff perchennog neu feddiannydd eiddo domestig (yr "achwynydd") wneud cwyn ar y sail bod uchder gwrych neu berth sydd wedi'u lleoli ar dir y mae person arall yn berchen arno neu'n ei feddiannu yn effeithio'n andwyol ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo. Rhaid gwneud cwyn i'r awdurdod lleol y mae'r tir y mae'r gwrych neu'r berth wedi'u lleoli arno yn ei ardal a rhaid amgáu gyda'r gŵyn ffi a bennir gan yr awdurdod lleol (yn ddarostyngedig i uchafswm a bennir gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), mewn perthynas â gwrychoedd neu berthi sydd wedi'u lleoli yng Nghymru).

A complaint may be made by the owner or occupier of a domestic property (the "complainant") on the grounds that his or her reasonable enjoyment of the property is being adversely affected by the height of a hedge situated on land owned or occupied by another person. A complaint must be made to the local authority in whose area the land on which the hedge is situated lies and the complaint must be accompanied by a fee determined by the local authority (subject to a maximum amount prescribed, in relation to hedges situated in Wales, by the National Assembly for Wales ("the National Assembly")).

Mae adran 71 o'r Ddeddf yn nodi'r amrywiol hawliau i apelio yn erbyn penderfyniadau awdurdod lleol o dan adran 68 o'r Ddeddf (gweithdrefn ar gyfer ymdrin â chwynion) ac o dan adran 70 o'r Ddeddf (tynnu'n ôl, hepgor neu lacio hysbysiaid adfer) ac yn erbyn unrhyw hysbysiad adfer a ddyroddir gan yr awdurdod

Section 71 of the Act sets out the various rights of appeal against a local authority's decisions under section 68 of the Act (procedure for dealing with complaints) and under section 70 of the Act (withdrawal, waiver or relaxation of remedial notices)

lleol. Mewn perthynas â gwrychoedd neu berthi sydd wedi'u lleoli yng Nghymru, rhaid gwneud apêl i'r Cynulliad Cenedlaethol ("yr awdurdod apelau").

Yn ei swyddogaeth fel yr awdurdod apelau mewn perthynas â gwrychoedd neu berthi sydd wedi'u lleoli yng Nghymru, mae adran 72 o'r Ddeddf yn rhoi i'r Cynulliad Cenedlaethol y pŵer i wneud rheoliadau-

- (a) i ddarparu gweithdrefn ar gyfer ymdrin ag apelau o dan Ran 8 o'r Ddeddf (gan gynnwys pennu ar ba seiliau y caniateir i apelau gael eu gwneud);
- (b) i benodi person arall i wrando ar apelau a phenderfynu arnynt ("person penodedig"); ac
- (c) i fynnu bod person penodedig yn cyflawni holl swyddogaethau'r Cynulliad Cenedlaethol neu unrhyw rai ohonynt mewn perthynas ag apelau o'r fath.

Caiff y Cynulliad Cenedlaethol ganiatáu neu wrthod apêl, yn llwyr neu'n rhannol. Os bydd y Cynulliad Cenedlaethol yn caniatáu apêl, caiff ddiddymu neu amrywio'r hysbysiad adfer y mae'r apêl yn berthnasol iddo a chaiff hefyd ddyroddi hysbysiad adfer os bydd yr awdurdod lleol, pan oedd yn ymdrin â'r gŵyn wreiddiol, wedi penderfynu peidio â gwneud hynny. Ni waeth beth fydd ei benderfyniad ar yr apêl, caiff y Cynulliad Cenedlaethol gywiro unrhyw ddiffyg, camgymeriad neu gamddisgrifiad yn yr hysbysiad adfer gwreiddiol os yw o'r farn na fydd hynny'n peri anghyfiawnder.

and against any remedial notice issued by the local authority. In relation to hedges situated in Wales, an appeal must be made to the National Assembly ("the appeal authority").

In its capacity as the appeal authority in relation to hedges situated in Wales, section 72 of the Act gives the National Assembly the power to make regulations to-

- (a) provide the procedure for dealing with appeals under Part 8 of the Act (including specifying the grounds on which appeals may be made);
- (b) appoint another person to hear and determine appeals (an "appointed person"); and
- (c) require an appointed person to carry out all or any of the National Assembly's functions in relation to such appeals.

The National Assembly may allow or dismiss an appeal, completely or in part. If the National Assembly allows an appeal, it may quash or vary the remedial notice to which the appeal relates and may also issue a remedial notice where the local authority decided not to do so when it dealt with the original complaint. Whatever its decision on an appeal, the National Assembly may correct any defect, error or misdescription in the original remedial notice if it considers no injustice will be caused in doing so.

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*Wedi'u gwneud**8 Rhagfyr 2004**Made**8 December 2004**Yn dod i rym**31 Rhagfyr 2004**Coming into force**31 December 2004*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adran 72 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 ("y Ddeddf")(a), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by section 72 of the Anti-social Behaviour Act 2003 ("the Act")(a), hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwrychoedd neu Berthi Uchel (Apelau) (Cymru) 2004 a deuant i rym ar 31 Rhagfyr 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i apelau a wneir i'r Cynulliad Cenedlaethol o dan adran 71 o'r Ddeddf mewn perthynas â gwrychoedd neu berthi sydd wedi'u lleoli yng Nghymru.

Citation, commencement and application

1.-(1) These Regulations may be cited as the High Hedges (Appeals) (Wales) Regulations 2004 and come into force on 31 December 2004.

(2) These Regulations apply to appeals made to the National Assembly under section 71 of the Act in relation to hedges situated in Wales.

Dehongli

2. Yn y Rheoliadau hyn-

ystyr "apêl" ("*appeal*") yw apêl o dan adran 71 o'r Ddeddf;

ystyr "dyddiad cychwyn" ("*starting date*") mewn perthynas ag apêl, yw'r dyddiad y rhoddir hysbysiad ohono gan y Cynulliad Cenedlaethol o dan reoliad 10;

ystyr "ffurflen apêl" ("*appeal form*") yw dogfen ar ffurf yr un a gyflenwir gan y Cynulliad Cenedlaethol at ddibenion rheithdrefn o dan y Rheoliadau hyn neu ddogfen sy'n cynnwys yr holl wybodaeth y mae'r ffurflen honno'n ei gwneud yn ofynnol;

Interpretation

2. In these Regulations-

"appeal" ("*apêl*") means an appeal under section 71 of the Act;

"appeal form" ("*ffurflen apêl*") means a document in the form supplied by the National Assembly for the purpose of proceedings under these Regulations or a document containing all the information required by that form;

"appointed person" ("*person penodedig*") means a person appointed under section 72(3) of the Act;

"the parties" ("*y partiön*") means-
(a) the appellants;

(a) 2003 p.38.

(a) 2003 c.38.

ystyr "holiadur" ("questionnaire") yw dogfen ar ffurf yr un a gyflenwir gan y Cynulliad Cenedlaethol at ddibenion rheithdrefn o dan y Rheoliadau hyn neu ddogfen sy'n cynnwys yr holl wybodaeth y mae'r ffurflen honno'n ei gwneud yn ofynnol;

ystyr "y partïon" ("*the parties*") yw-

- (a) yr apelydd;
- (b) yr awdurdod perthnasol;
- (c) pob person arall sy'n achwynydd mewn perthynas â'r gŵyn y rhoddwyd hysbysiad adfer mewn cysylltiad â hi; ac
- (ch) pob perchennog neu feddiannydd y tir y mae'r gwrych neu'r berth uchel wedi'u lleoli arno;

ystyr "person penodedig" ("*appointed person*") yw person a benodwyd o dan adran 72(3) o'r Ddeddf; ac

ystyr "terfynau amser perthnasol" ("*relevant time limits*") yw'r terfynau amser a ragnodir yn y Rheoliadau hyn neu, os bydd y Cynulliad Cenedlaethol wedi arfer ei bŵer o dan reoliad 22, unrhyw derfyn amser diweddarach sydd wedi'i benderfynu o dan y rheoliad hwnnw.

Seiliau dros apelio yn erbyn dyroddi hysbysiadau adfer

3.-(1) Gellir gwneud apêl o dan adran 71(1)(a) o'r Ddeddf yn erbyn dyroddi hysbysiad adfer gan yr awdurdod perthnasol ar y sail-

- (a) nad yw uchder y gwrych neu'r berth uchel a bennir yn yr hysbysiad adfer yn effeithio'n andwyol ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir felly;
- (b) na ddylid cymryd unrhyw gamau mewn perthynas â'r gwrych neu'r berth uchel a bennir yn yr hysbysiad adfer i wneud iawn am yr effaith andwyol ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir felly neu i atal ailadrodd yr effaith andwyol honno;
- (c) bod y camau a bennir yn yr hysbysiad adfer yn fwy na'r hyn sydd ei angen i wneud iawn am effaith andwyol y gwrych neu'r berth uchel neu i atal ailadrodd yr effaith andwyol honno; neu
- (ch) bod y cyfnod a bennir yn yr hysbysiad adfer ar gyfer cymryd y camau a bennir felly yn llai na'r cyfnod y dylid yn rhesymol ei ganiatáu.

(2) Gellir gwneud apêl o dan adran 71(1)(a) o'r Ddeddf gan achwynydd mewn perthynas â hysbysiad adfer a ddyroddwyd gan yr awdurdod perthnasol ar y sail bod y camau a bennir yn yr hysbysiad adfer yn annigonol i wneud iawn am effaith andwyol y gwrych neu'r berth uchel ar y mwynhad rhesymol a gaiff yr

- (b) the relevant authority;
- (c) every other person who is a complainant in relation to the complaint by reference to which a remedial notice was given; and
- (d) every owner or occupier of the land on which the high hedge is situated;

"questionnaire" ("*holiadur*") means a document in the form supplied by the National Assembly for the purpose of proceedings under these Regulations or a document containing all the information required by that form;

"relevant time limits" ("*terfynau amser perthnasol*") means the time limits prescribed by these Regulations or, where the National Assembly has exercised its power under regulation 22, any such later time limit as has been determined under that regulation; and

"starting date" ("*dyddiad cychwyn*") means, in relation to an appeal, the date notified by the National Assembly under regulation 10.

Grounds of appeal against the issue of remedial notices

3.-(1) An appeal under section 71(1)(a) of the Act against the issue of a remedial notice by the relevant authority may be made on the grounds that-

- (a) the height of the high hedge specified in the remedial notice is not adversely affecting the complainant's reasonable enjoyment of the domestic property so specified;
- (b) no action should be taken in relation to the high hedge specified in the remedial notice to remedy the adverse effect on the complainant's reasonable enjoyment of the domestic property so specified or to prevent that adverse effect recurring;
- (c) the action specified in the remedial notice exceeds what is necessary to remedy the adverse effect of the high hedge or to prevent that adverse effect recurring; or
- (d) the period specified in the remedial notice to carry out the action so specified falls short of what should reasonably be allowed.

(2) An appeal under section 71(1)(a) of the Act by a complainant in relation to the issue of a remedial notice by the relevant authority may be made on the ground that the action specified in the remedial notice is insufficient to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of

achwynydd o'r eiddo domestig a bennir felly neu i atal ailadrodd yr effaith andwyol.

Seiliau dros apelio yn erbyn tynnu'n ôl, hepgor neu lacio hysbysiad adfer

4.-(1) Cyhyd ag y bodlonir yr amodau a bennir ym mharagraff (2), gellir gwneud apêl o dan adran 71(1)(b) neu (c) o'r Ddeddf yn erbyn tynnu'n ôl hysbysiad adfer, neu hepgor neu lacio ei ofynion, a hynny ar unrhyw un o'r seiliau a bennir ym mharagraff (3).

(2) Dyma'r amodau y cyfeirir atynt ym mharagraff (1)-

- (a) nad yw'r awdurdod perthnasol wedi dyroddi hysbysiad adfer arall mewn perthynas â'r un gwrych neu berth uchel; a
- (b) na chydysniodd y person sy'n dymuno apelio â thynnu'n ôl yr hysbysiad adfer neu (yn ôl y digwydd) â hepgor neu lacio gofynion yr hysbysiad hwnnw.

(3) Dyma'r seiliau y cyfeirir atynt ym mharagraff (1) -

- (a) na fu unrhyw newid sylweddol mewn amgylchiadau ers gwneud y gŵ yn, y dyroddwyd yr hysbysiad adfer mewn cysylltiad â hi, sef newid a fyddai'n cyfiawnhau tynnu'n ôl yr hysbysiad adfer neu (yn ôl y digwydd) hepgor neu lacio ei ofynion;
- (b) bod gofynion yr hysbysiad adfer, fel y maent wedi'u hepgor neu wedi'u llacio, yn annigonol i wneud iawn am effaith andwyol y gwrych neu'r berth uchel ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir yn yr hysbysiad adfer neu i atal ailadrodd yr effaith andwyol honno; neu
- (c) yn achos apêl gan berchennog neu feddiannydd y tir cyfagos, bod gofynion yr hysbysiad adfer, fel y maent wedi'u hepgor neu wedi'u llacio, yn fwy na'r hyn sy'n angenrheidiol i wneud iawn am effaith andwyol y gwrych neu'r berth uchel ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir yn yr hysbysiad neu i atal ailadrodd yr effaith andwyol honno.

Seiliau dros apelio pan fo'r awdurdod perthnasol yn penderfynu na ddylai cwyn fynd yn ei blaen

5. Gall apêl gan achwynydd o dan adran 71(3) o'r Ddeddf (pan na fydd yr awdurdod perthnasol yn penderfynu'r naill neu'r llall o'r materion a bennir yn adran 68(3) o'r Ddeddf, neu'r ddau ohonynt, o blaid yr achwynydd) gael ei gwneud ar y sail bod uchder y gwrych neu'r berth uchel a bennir yn y gŵ yn yn effeithio'n andwyol ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir felly ac y dylid cymryd camau gyda'r bwriad o wneud iawn am effaith andwyol y gwrych neu'r berth uchel a bennir yn y

the domestic property so specified or to prevent recurrence of the adverse effect.

Grounds of appeal against the withdrawal, waiver or relaxation of remedial notice

4.-(1) An appeal under section 71(1)(b) or (c) of the Act against the withdrawal of a remedial notice, or the waiver or relaxation of its requirements, may, provided the conditions specified in paragraph (2) are satisfied, be made on any of the grounds specified in paragraph (3).

(2) The conditions referred to in paragraph (1) are that the-

- (a) relevant authority has not issued another remedial notice in respect of the same high hedge; and
- (b) person wishing to appeal did not consent to the withdrawal of the remedial notice or (as the case may be) the waiver or relaxation of its requirements.

(3) The grounds referred to in paragraph (1) are that-

- (a) there has been no material change in circumstances since the complaint by reference to which the remedial notice was issued which would justify the withdrawal of the remedial notice or (as the case may be) the waiver or relaxation of its requirements;
- (b) the requirements of the remedial notice, as waived or relaxed, are insufficient to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of the domestic property specified in the remedial notice or to prevent recurrence of that adverse effect; or
- (c) in the case of an appeal by an owner or occupier of the neighbouring land, the requirements of the remedial notice, as waived or relaxed, exceed what is necessary to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of the domestic property specified in the notice or to prevent the recurrence of that adverse effect.

Grounds of appeal where the relevant authority decides that a complaint should not proceed

5. An appeal by a complainant under section 71(3) of the Act (where the relevant authority decides either or both of the matters specified in section 68(3) of the Act otherwise than in the complainant's favour) may be made on the ground that the height of the high hedge specified in the complaint is adversely affecting the complainant's reasonable enjoyment of the domestic property so specified and action should be taken with a view to remedying the adverse effect of the high hedge specified in the complaint on the complainant's

gwyn ar y mwynhad rhesymol a gaiff yr achwynydd o'r eiddo domestig a bennir felly neu o atal ailadrodd yr effaith honno.

Penderfynu ar apelau gan y Cynulliad Cenedlaethol

6.-(1) Wrth ystyried apêl, mae gan y Cynulliad Cenedlaethol, neu unrhyw berson a benodir ganddo o dan adran 72(3) o'r Ddeddf i wrando'r apêl a'i phenderfynu ar ei ran, hawl i ystyried unrhyw dystiolaeth neu unrhyw fater arall ni waeth a oedd y dystiolaeth honno neu'r mater arall hwnnw heb eu hystyried gan yr awdurdod perthnasol neu nad oedd modd iddo eu hystyried pan ddaeth i'r penderfyniad y mae'r apêl yn berthnasol iddo.

(2) Rhaid i'r person sy'n gwneud yr apêl gadarnhau sail neu seiliau'r apêl ac, os yw'r person hwnnw yn methu gwneud hynny, rhaid i'r apêl gael ei gwrthod.

Penodi person penodedig a dirymu ei benodiad

7.-(1) Rhaid i benodiad o dan adran 72(3) o'r Ddeddf fod yn ysgrifenedig a chaniateir iddo-

- (a) ymwneud ag unrhyw apêl neu fater penodol a bennir yn y penodiad neu ag apelau neu faterion o ddisgrifiad a bennir felly;
- (b) darparu bod unrhyw swyddogaeth y mae'n ymwneud â hi yn arferadwy gan y person penodedig naill ai'n ddiamod neu'n ddarostyngedig i gyflawni unrhyw amodau a bennir yn y penodiad; ac
- (c) cael ei ddirymu ar unrhyw adeg gan yr awdurdod apelau, drwy roi hysbysiad ysgrifenedig i'r person penodedig, mewn perthynas ag unrhyw apêl neu fater nad ydynt wedi'u penderfynu gan y person penodedig cyn yr amser hwnnw.

(2) Mae gan berson penodedig, mewn perthynas ag unrhyw apêl neu fater y mae'r penodiad yn ymwneud â hwy, yr un pwerau a dyletswyddau â'r awdurdod apelau, ac eithrio unrhyw swyddogaeth o ran-

- (a) gwneud rheoliadau;
- (b) cynnal gwrandawriad; neu
- (c) penodi person er mwyn-
 - (i) galluogi personau i fod yn bresennol mewn gwrandawriad a gynhelir gan y person a benodir felly a chymryd rhan ynddo, neu
 - (ii) cyfeirio unrhyw gwestiwn neu fater at y person hwnnw.

(3) Pan fo'r awdurdod apelau, o dan baragraff (1)(c), yn dirymu penodiad mewn perthynas ag unrhyw apêl neu fater, rhaid i'r awdurdod apelau, onid yw'n bwriadu penderfynu'r apêl neu'r mater ei hun, benodi person arall i benderfynu'r apêl neu'r mater yn ei le.

reasonable enjoyment of the domestic property so specified or preventing its recurrence.

Determination of appeals by the National Assembly

6.-(1) When considering an appeal, the National Assembly, or any person appointed by it under section 72(3) of the Act to hear and determine the appeal on its behalf, is entitled to consider any evidence or other matter irrespective of whether such evidence or matter was not, or was not able to be, considered by the relevant authority when it reached the decision to which the appeal relates.

(2) The appellant must establish the ground or grounds of the appeal and, if that person fails to do so, the appeal must be dismissed.

Appointment, and revocation of the appointment, of an appointed person

7.-(1) An appointment under section 72(3) of the Act must be in writing and may-

- (a) relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;
- (b) provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and
- (c) by notice in writing given to the appointed person, be revoked at any time by the appeal authority in respect of any appeal or matter which has not been determined by the appointed person before that time.

(2) An appointed person has, in relation to any appeal or matter to which the appointment relates, the same powers and duties as the appeal authority, other than any function of-

- (a) making regulations;
- (b) holding a hearing; or
- (c) appointing a person for the purpose of-
 - (i) enabling persons to attend and take part in a hearing conducted by the person so appointed, or
 - (ii) referring any question or matter to that person.

(3) Where, under paragraph (1)(c), the appeal authority revokes an appointment in respect of any appeal or matter, the appeal authority must, unless it proposes to determine the appeal or matter itself, appoint another person to determine the appeal or matter instead.

(4) Pan gaiff penodiad newydd ei wneud, rhaid i'r broses o ystyried yr apêl neu'r mater, neu unrhyw wrandawriad mewn cysylltiad â'r penodiad, gael ei dechrau o'r newydd; ond, os dyna'r sefyllfa, nid oes hawl gan neb i wneud sylwadau newydd neu i addasu neu dynnu'n ôl unrhyw sylwadau a wnaed eisoes.

(5) Rhaid i unrhyw beth sydd wedi'i wneud neu sydd heb ei wneud gan berson penodedig wrth iddo arfer, neu honni arfer, unrhyw swyddogaeth y mae'r penodiad yn ymwneud â hi neu mewn cysylltiad ag arfer neu honni arfer y swyddogaeth honno, gael ei drin i bob pwrpas fel rhywbeth sydd wedi'i wneud neu heb ei wneud gan yr awdurdod apelau, ac eithrio i'r graddau y mae'r weithred honno neu'r anwaith hwnnw yn ymwneud-

- (a) â chymaint o unrhyw gontract a wnaed rhwng yr awdurdod apelau a'r person penodedig ag sy'n ymwneud ag arfer y swyddogaeth; neu
- (b) ag unrhyw achos troseddol sydd wedi'i ddwyn mewn perthynas ag unrhyw beth a gafodd ei wneud neu na chafodd ei wneud fel a grybwyllir yn y paragraff hwn.

Hysbysiad o Apêl

8.-(1) Rhaid i berson sy'n dymuno apelio roi hysbysiad o'r apêl honno i'r Cynulliad Cenedlaethol drwy anfon i'r Cynulliad Cenedlaethol, fel y daw i law o fewn y cyfnod a bennir yn adran 71(4) o'r Ddeddf, y ffurflen apêl ynghyd â chopi o unrhyw ddogfennau ategol.

(2) Rhaid i'r apelydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny, anfon at yr awdurdod perthnasol gopi o'r ffurflen apêl ac unrhyw ddogfennau eraill y cyfeirir atynt ym mharagraff (1).

Gwybodaeth Gychwynnol

9. Rhaid i'r awdurdod perthnasol, pan gaiff hysbysiad o apêl o dan reoliad 8, roi gwybod ar unwaith i'r Cynulliad Cenedlaethol a'r apelydd-

- (a) beth yw enw a chyfeiriad pob person, ar wahân i'r apelydd, sy'n bartion i'r apêl; a
- (b) a yw'n dymuno bod yr apêl yn cael ei phenderfynu drwy gyfnodid sylwadau ysgrifenedig neu ar ôl cynnal gwrandawriad.

Dyddiad Cychwyn

10. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n ymarferol -

- (a) ar ôl iddo gael yr hysbysiad o apêl a roddwyd yn unol â rheoliad 8 a'r wybodaeth gychwynnol o dan reoliad 9, hysbysu'r partion-

(4) Where a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, must be begun afresh; but, where this is the case, no person is entitled to make fresh representations or to modify or withdraw any representations already made.

(5) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates is to be treated for all purposes as done or omitted to be done by the appeal authority, except to the extent that such action or omission relates to-

- (a) so much of any contract made between the appeal authority and the appointed person as relates to the exercise of the function; or
- (b) any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in this paragraph.

Notice of Appeal

8.-(1) A person who wishes to appeal must give notice of that appeal to the National Assembly by sending to the National Assembly, so as to be received within the period specified in section 71(4) of the Act, the appeal form together with a copy of any supporting documents.

(2) The appellant must, as soon as is reasonably practicable thereafter, send to the relevant authority, a copy of the appeal form and any other documents referred to in paragraph (1).

Preliminary Information

9. The relevant authority must, on receipt of a notice of appeal under regulation 8, forthwith inform the National Assembly and the appellant-

- (a) of the name and address of all persons, other than the appellant, who are parties to the appeal; and
- (b) whether it wishes the appeal to be determined by an exchange of written representations or following the holding of a hearing.

Starting Date

10. The National Assembly must, as soon as practicable after-

- (a) receipt of the notice of appeal given in accordance with regulation 8 and the preliminary information under regulation 9, notify the parties-

- (i) o'r rhif cyfeirnod a ddyrannwyd i'r apêl,
 - (ii) a yw'r apêl i gael ei phenderfynu drwy gyfnewid sylwadau ysgrifenedig neu, pan fo naill ai'r apelydd neu'r awdurdod perthnasol (neu'r ddau) wedi gofyn am hynny, ar ôl cynnal gwrandawriad, a
 - (iii) o'r cyfeiriad y mae gohebiaeth ysgrifenedig i'r Cynulliad Cenedlaethol ynghylch yr apêl i'w hanfon iddo; a
- (b) ar ôl iddo gael digon o wybodaeth i'w alluogi i ystyried yr apêl, hysbysu'r partïon o'r dyddiad cychwyn.

- (i) of the reference number allocated to the appeal,
 - (ii) whether the appeal is to be determined by an exchange of written representations or, where either the appellant or the relevant authority (or both) has so requested, following the holding of a hearing, and
 - (iii) of the address to which written communications to the National Assembly about the appeal are to be sent; and
- (b) receipt of sufficient information to enable it to entertain the appeal, notify the parties of the starting date.

Hysbysiad i bersonau â buddiant

11.-(1) Rhaid i'r awdurdod perthnasol roi hysbysiad o'r apêl o fewn 2 wythnos i'r dyddiad cychwyn i unrhyw bersonau, ac eithrio'r partïon, sydd wedi gwneud sylwadau i'r awdurdod perthnasol ynghylch y penderfyniad y mae'r apêl yn ymwneud ag ef.

- (2) Rhaid i hysbysiad o dan baragraff (1)-
- (a) nodi enw'r apelydd a chyfeiriad y tir lle y mae'r gwrych neu'r berth uchel y mae'r apêl yn ymwneud â hwy wedi'u lleoli;
 - (b) nodi'r materion yr hysbyswyd y partïon ohonynt gan y Cynulliad Cenedlaethol o dan reoliad 10;
 - (c) disgrifio natur yr apêl a'r seiliau dros wneud yr apêl;
 - (ch) datgan y bydd copiâu o unrhyw sylwadau sydd wedi'u gwneud gan unrhyw berson y crybwyllir ei enw ym mharagraff (1) o'r rheoliad hwn yn cael eu hanfon i'r Cynulliad Cenedlaethol ac at bob un o'r partïon;
 - (d) datgan y caniateir anfon sylwadau ysgrifenedig ychwanegol i'r Cynulliad Cenedlaethol fel y byddant yn dod i law o fewn 6 wythnos i'r dyddiad cychwyn, a phan fo sylwadau o'r fath yn cael eu hanfon, ei bod yn ofynnol anfon tri chopi ohonynt;
 - (dd) datgan y bydd unrhyw sylwadau o'r fath yn cael eu hystyried gan y Cynulliad Cenedlaethol pan fydd yn penderfynu ar yr apêl oni fydd unrhyw berson yn eu tynnu'n ôl o fewn 6 wythnos i'r dyddiad cychwyn; ac
 - (e) datgan y weithdrefn sydd i'w defnyddio i benderfynu ar yr apêl.

(3) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n ymarferol ar ôl iddo eu cael, anfon copi o unrhyw sylwadau ychwanegol a gyflwynwyd o dan baragraff (2)(d) at bob un o'r partïon.

Notice to interested persons

11.-(1) The relevant authority must give notice of the appeal within 2 weeks of the starting date to any persons, other than the parties, who have made representations to the relevant authority about the decision to which the appeal relates.

- (2) A notice under paragraph (1) must-
- (a) state the name of the appellant and the address of the land where the high hedge to which the appeal relates is situated;
 - (b) set out the matters notified by the National Assembly to the parties under regulation 10;
 - (c) describe the nature of the appeal and the grounds on which it has been made;
 - (d) state that copies of any representations made by any person mentioned in paragraph (1) of this regulation will be sent to the National Assembly and to each of the parties;
 - (e) state that further written representations may be sent to the National Assembly so as to be received within 6 weeks of the starting date and that, where such representations are sent, three copies are required to be sent;
 - (f) state that any such representations will be considered by the National Assembly when determining the appeal unless any person withdraws them within 6 weeks of the starting date; and
 - (g) state the procedure which is to be used to determine the appeal.

(3) The National Assembly must send a copy of any further representations it receives under paragraph (2)(e) to each of the parties as soon as practicable after receiving them.

Holiadur

12.-(1) Rhaid i'r awdurdod perthnasol anfon y canlynol i'r Cynulliad Cenedlaethol, ac anfon copi ohonynt at bob un o'r partïon eraill, fel y byddant yn dod i law yn y naill achos a'r llall o fewn 2 wythnos i'r dyddiad cychwyn -

- (a) holiadur wedi'i gwblhau; a
- (b) copi o bob un o'r dogfennau y cyfeirir atynt ynddo.

(2) Rhaid i'r holiadur ddatgan y dyddiad y cafodd ei anfon i'r Cynulliad Cenedlaethol.

Cyfnewid tystiolaeth

13.-(1) Mae'r rheoliad hwn yn gymwys pan fydd apêl i fod i gael ei phenderfynu drwy sylwadau ysgrifenedig neu ar ôl cynnal gwrandawriad ac, yn ychwanegol, pan fydd apêl i fod i gael ei phenderfynu-

- (a) drwy sylwadau ysgrifenedig, mae rheoliadau 14 a 19 i 22 yn gymwys;
- (b) ar ôl cynnal gwrandawriad, mae rheoliadau 15 i 22 yn gymwys.

(2) Os bydd unrhyw un o'r partïon yn dymuno cyflwyno unrhyw sylwadau yn ychwanegol at-

- (a) yr hysbysiad o apêl ac unrhyw ddogfennau sy'n ategol iddo; neu
- (b) yr holiadur ac unrhyw ddogfennau a gyflwynir gydag ef,

rhaid i'r parti hwnnw anfon tri chopi o'r sylwadau ychwanegol hynny i'r Cynulliad Cenedlaethol fel y byddant yn dod i law o fewn 6 wythnos i'r dyddiad cychwyn a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n ymarferol ar ôl iddynt ddod i law, anfon copi o unrhyw sylwadau ychwanegol at bob un o'r partïon eraill.

(3) Os bydd unrhyw barti yn dymuno gwneud sylwadau ar unrhyw sylwadau gan unrhyw barti arall, neu ar unrhyw sylwadau a wnaed yn unol â rheoliad 11(2)(d), rhaid i'r parti hwnnw anfon tri chopi o'r rhain i'r Cynulliad Cenedlaethol, fel y byddant yn dod i law o fewn 9 wythnos i'r dyddiad cychwyn.

(4) Caiff y Cynulliad Cenedlaethol anwybyddu unrhyw wybodaeth ychwanegol gan unrhyw un o'r partïon nad yw wedi'i chael o fewn 9 wythnos i'r dyddiad cychwyn oni wnaeth y Cynulliad Cenedlaethol ofyn am yr wybodaeth ychwanegol honno a bod y Cynulliad Cenedlaethol yn cael yr wybodaeth honno y gofynnodd amdani o fewn y cyfnod a bennodd yn ysgrifenedig pan wnaeth y cais.

Questionnaire

12.-(1) The relevant authority must send to the National Assembly, and copy to each of the other parties, in each case so as to be received within 2 weeks of the starting date, a-

- (a) completed questionnaire; and
- (b) copy of each of the documents referred to in it.

(2) The questionnaire must state the date on which it was sent to the National Assembly.

Exchange of evidence

13.-(1) This regulation applies where an appeal is to be determined by written representations or following the holding of a hearing and, additionally, where an appeal is to be determined-

- (a) by written representations, regulations 14 and 19 to 22 apply;
- (b) following the holding of a hearing, regulations 15 to 22 apply.

(2) If any of the parties wish to make any representations further to the-

- (a) notice of appeal and any documents supporting it; or
- (b) questionnaire and any documents submitted with it,

that party must send three copies of those further representations to the National Assembly so as to be received within 6 weeks of the starting date and the National Assembly must, as soon as practicable after receipt, send a copy of any further representations to each of the other parties.

(3) If any of the parties wish to comment on any other party's representations, or on any representations made pursuant to regulation 11(2)(e), that party must send three copies of these to the National Assembly so as to be received within 9 weeks of the starting date.

(4) The National Assembly may disregard further information received from any of the parties which it has not received within 9 weeks of the starting date unless the National Assembly has requested the further information and the information so requested is received by the National Assembly within such period as it specified in writing when it made the request.

Apelau a benderfynir drwy gyfnewid sylwadau ysgrifenedig

14.-(1) Caiff y Cynulliad Cenedlaethol, ar ôl diwedd unrhyw derfynau amser erbyn pryd y mae'n ofynnol neu y caniateir i unrhyw gam gael ei gymryd yn unol â'r Rheoliadau hyn, ac ar ôl rhoi i'r apelydd a'r awdurdod perthnasol hysbysiad ysgrifenedig o'i fwriad i wneud hynny, fynd rhagddo i benderfynu ar yr apêl drwy gymryd i ystyriaeth ddim ond y sylwadau a'r dogfennau eraill hynny a gyflwynwyd i'r Cynulliad Cenedlaethol o fewn y terfynau amser perthnasol.

(2) Caiff y Cynulliad Cenedlaethol fynd rhagddo i benderfynu ar apêl, drwy gymryd i ystyriaeth ddim ond y sylwadau ysgrifenedig hynny a gafwyd o fewn y terfynau amser perthnasol.

(3) Caiff y Cynulliad Cenedlaethol, ar ôl hysbysu'r partiön o'i fwriad i wneud hynny, fynd rhagddo i benderfynu ar apêl, er nad oes unrhyw sylwadau ysgrifenedig wedi'u gwneud o fewn y terfynau amser perthnasol, os ymddengys i'r Cynulliad Cenedlaethol fod ganddo ddigon o ddeunydd ger ei fron i'w alluogi i ddod i benderfyniad ar rinweddau'r achos.

Apelau a benderfynir ar ôl cynnal gwrandawriad

15.-(1) Rhaid i'r Cynulliad Cenedlaethol wneud y canlynol-

- (a) cyn gynted ag y bo'n ymarferol, hysbysu'r awdurdod perthnasol yn ysgrifenedig fod rhaid i'r awdurdod perthnasol hysbysu'r partiön, ac unrhyw berson arall y mae wedi'i hysbysu yn unol â rheoliad 11, o enw'r person penodedig a fydd yn cynnal y gwrandawriad;
- (b) cyn gynted ag y bo'n ymarferol, ar ôl unrhyw newid o ran pwy yw'r person penodedig, hysbysu'r awdurdod perthnasol yn ysgrifenedig fod rhaid i'r awdurdod perthnasol hysbysu'r personau hynny y mae ganddynt hawl i gael eu hysbysu yn unol ag is-baragraff (a) o'r newid hwnnw, ac eithrio os nad yw'n rhesymol ymarferol gwneud hynny cyn bod y gwrandawriad yn cael ei gynnal, ac os nad ydyw, rhaid cyhoeddi enw'r person penodedig a'r ffaith ei fod wedi'i benodi ar ddechrau'r gwrandawriad; ac
- (c) oni chytunir ar gyfnod hysbysu llai gyda'r partiön, sicrhau bod yr awdurdod perthnasol yn rhoi hysbysiad ysgrifenedig nad yw'n llai na 4 wythnos i'r personau a hysbysir yn unol ag is-baragraff (a) o'r dyddiad, yr amser a'r lle a drefnwyd ar gyfer y gwrandawriad.

(2) Rhaid i bob hysbysiad o wrandawriad a roddir yn unol â pharagraff (1)(c) gynnwys-

- (a) datganiad o ddyddiad, amser a lle'r gwrandawriad ac o'r pwerau sy'n galluogi'r Cynulliad Cenedlaethol i benderfynu'r apêl o

Appeals determined by an exchange of written representations

14.-(1) The National Assembly may, after the expiration of any time limits within which any step is required or permitted to be taken in accordance with these Regulations, and after giving to the appellant and the relevant authority written notice of its intention to do so, proceed to a decision on the appeal by taking into account only such representations and other documents as have been submitted to the National Assembly within the relevant time limits.

(2) The National Assembly may proceed to a decision on an appeal, taking into account only such written representations as have been received within the relevant time limits.

(3) The National Assembly may, after giving the parties notice of its intention to do so, proceed to a decision on an appeal, notwithstanding that no written representations have been made within the relevant time limits, if it appears to the National Assembly that it has sufficient material to enable it to reach a decision on the merits of the case.

Appeals determined following the holding of a hearing

15.-(1) The National Assembly must-

- (a) as soon as practicable, inform the relevant authority in writing that the relevant authority must notify the parties, and any other person to whom it has given notice in accordance with regulation 11, of the name of the appointed person who will conduct the hearing;
- (b) as soon as practicable after any change in the identity of the appointed person, inform the relevant authority in writing that the relevant authority must give notification of that change to those persons entitled to be notified in accordance with sub-paragraph (a), unless it is not reasonably practicable to do so before the hearing is held, in which case the name of the appointed person and the fact of that person's appointment must be announced at the commencement of the hearing; and
- (c) unless a lesser period of notice is agreed with the parties, ensure that the relevant authority gives not less than 4 weeks' written notice to the persons notified in accordance with sub-paragraph (a) of the date, time and place fixed for the hearing.

(2) Every notice of a hearing given in accordance with paragraph (1)(c) must contain-

- (a) a statement of the date, time and place of the hearing and of the powers enabling the National Assembly to determine the appeal in

dan sylw;

- (b) disgrifiad ysgrifenedig o'r tir sy'n ddigonol i ddynodi ei leoliad a'i hyd a'i led;
- (c) disgrifiad byr o bwnc yr apêl; ac
- (ch) manylion ynghylch ble a phryd y gellir archwilio copïau o'r dogfennau sy'n berthnasol i'r apêl.

(3) Er gwaethaf paragraff (1), caiff y Cynulliad Cenedlaethol amrywio'r dyddiad a bennwyd ar gyfer cynnal y gwrandawriad, p'un a yw'r dyddiad fel y'i hamrywiwyd o fewn y cyfnod sydd fel arall yn ofynnol gan y paragraff hwnnw neu beidio; ac mae paragraff (1)(c) yn gymwys i amrywiad ar ddyddiad fel yr oedd yn gymwys i'r dyddiad a bennwyd yn wreiddiol.

(4) Caiff y Cynulliad Cenedlaethol amrywio'r amser neu'r lle a bennwyd ar gyfer cynnal y gwrandawriad a rhaid iddo roi'r rhybudd sy'n ymddangos yn rhesymol iddo am unrhyw amrywiad.

Hawl i fod yn bresennol mewn gwrandawriad a chymryd rhan ynddo

16. Mae gan y partiön hawl i fod yn bresennol a chymryd rhan mewn gwrandawriad, a gall y person penodedig ganiatáu i unrhyw bersonau eraill wneud hynny (naill ai ar eu rhan eu hunain neu ar ran unrhyw berson arall).

Y weithdrefn mewn gwrandawriad

17.-(1) Oni ddarperir fel arall yn y Rheoliadau hyn, caiff y person penodedig benderfynu'r weithdrefn mewn gwrandawriad.

(2) Mae gwrandawriad i fod ar ffurf trafodaeth sy'n cael ei llywio gan y person penodedig ac ni ddylid caniatáu croesholi onid yw'r person penodedig yn credu ei fod yn angenrheidiol i sicrhau archwiliad priodol o'r pynciau sy'n berthnasol i'r apêl.

(3) Ar ddechrau'r gwrandawriad, rhaid i'r person penodedig nodi'r pynciau y mae'n ymddangos i'r person penodedig mai hwy yw'r prif bynciau i'w hystyried yn y gwrandawriad ac unrhyw faterion y mae angen i'r person penodedig gael esboniad pellach arnynt gan unrhyw berson a chanddo hawl neu ganiatâd i gymryd rhan.

(4) Nid oes dim ym mharagraff (3) i atal unrhyw berson sydd â hawl neu ganiatâd i gymryd rhan yn y gwrandawriad rhag cyfeirio at bynciau y mae'n barnu eu bod yn berthnasol ar gyfer ystyried yr apêl ond nad oeddent yn bynciau a nodwyd gan y person penodedig yn unol â'r paragraff hwnnw.

(5) Yn ddarostyngedig i'r darpariaethau sydd wedi'u cynnwys yn y rheoliad hwn, caiff person sydd â hawl i gymryd rhan mewn gwrandawriad, alw tystiolaeth ond, fel arall, bydd galw tystiolaeth yn dibynnu ar ddisgresiwn y person penodedig.

question;

- (b) a written description of the land sufficient to identify its location and extent;
- (c) a brief description of the subject matter of the appeal; and
- (d) details of where and when copies of documents relevant to the appeal may be inspected.

(3) Notwithstanding paragraph (1), the National Assembly may vary the date fixed for the holding of the hearing, whether or not the date as varied is within the period otherwise required by that paragraph; and paragraph (1)(c) applies to a variation of a date as it applied to the date originally fixed.

(4) The National Assembly may vary the time or place fixed for the holding of the hearing and must give such notice of any variation as appears to it to be reasonable.

Rights of attendance at, and participation in, a hearing

16. The parties are entitled to attend and take part in a hearing and the appointed person may permit any other persons to do so (whether on their own behalf or on behalf of any other person).

Procedure at a hearing

17.-(1) Except as otherwise provided in these Regulations, the appointed person may determine the procedure at a hearing.

(2) A hearing is to take the form of a discussion led by the appointed person and cross-examination is not to be permitted unless the appointed person considers that it is required to ensure proper examination of the issues relevant to the appeal.

(3) At the start of the hearing, the appointed person must identify the issues which appear to the appointed person to be the main issues to be considered at the hearing and any matters on which the appointed person requires further explanation from any person entitled or permitted to take part.

(4) Nothing in paragraph (3) is to preclude any person entitled or permitted to take part in the hearing from referring to issues which they consider relevant to the consideration of the appeal but which were not issues identified by the appointed person pursuant to that paragraph.

(5) A person entitled to take part in a hearing may, subject to the provisions contained in this regulation, call evidence, but the calling of evidence is otherwise at the appointed person's discretion.

(6) Caiff y person penodedig wrthod caniatáu i dystiolaeth lafar gael ei rhoi neu i unrhyw fater arall y mae'r person penodedig yn barnu ei fod yn amherthnasol neu'n ailadroddus, gael ei gyflwyno ond, os bydd y person penodedig yn gwrthod caniatáu i dystiolaeth lafar gael ei rhoi, caiff y person sy'n dymuno rhoi'r dystiolaeth gyflwyno unrhyw dystiolaeth neu fater arall yn ysgrifenedig i'r person penodedig cyn diwedd y gwrandawriad.

(7) Caiff y person penodedig-

- (a) ei gwneud yn ofynnol i unrhyw berson sy'n bresennol mewn gwrandawriad neu sy'n cymryd rhan ynddo ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd neu ddim ond caniatáu i'r person hwnnw ddychwelyd o dan yr amodau a bennir gan y person penodedig,

ond caiff unrhyw berson o'r fath gyflwyno unrhyw dystiolaeth neu fater arall yn ysgrifenedig i'r person penodedig cyn diwedd y gwrandawriad.

(8) Caiff y person penodedig ganiatáu i unrhyw berson newid datganiad neu ychwanegu ato i'r graddau y bo hynny'n angenrheidiol at ddibenion y gwrandawriad, ond rhaid i'r person penodedig (drwy ohirio'r gwrandawriad os bydd angen) roi cyfle digonol i bob person arall sydd â hawl i gymryd rhan yn y gwrandawriad, ac sydd mewn gwirionedd yn cymryd rhan ynddo, ystyried unrhyw fater newydd neu ddogfen newydd.

(9) Caiff y person penodedig fwrw ymlaen â gwrandawriad yn absenoldeb unrhyw berson a chanddo hawl neu ganiatâd i gymryd rhan ynddo.

(10) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw neu dystiolaeth ysgrifenedig neu unrhyw ddogfen ysgrifenedig arall a ddaeth i law'r person penodedig oddi wrth unrhyw berson cyn dechrau'r gwrandawriad neu yn ystod y gwrandawriad ar yr amod bod y person penodedig yn eu datgelu yn y gwrandawriad.

(11) Caiff y person penodedig o dro i dro ohirio gwrandawriad ac, os cyhoeddir dyddiad, amser a lle'r gwrandawriad gohiriedig yn y gwrandawriad cyn y gohiriad, ni fydd yn ofynnol cael unrhyw hysbysiad pellach.

Penderfyniad ar ôl cynnal gwrandawriad

18.-(1) Caiff y person penodedig anwybyddu unrhyw sylwadau, tystiolaeth neu ddogfennau ysgrifenedig eraill sy'n dod i law ar ôl diwedd y gwrandawriad.

(6) The appointed person may refuse to permit the giving of oral evidence or the presentation of any other matter which the appointed person considers to be irrelevant or repetitious but, where the appointed person refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit any evidence or other matter in writing to the appointed person before the close of the hearing.

(7) The appointed person may-

- (a) require any person attending or taking part in a hearing who, in the opinion of the appointed person, is behaving in a disruptive manner to leave; and
- (b) refuse to permit that person to return or permit that person to return only on such conditions as the appointed person may specify,

but any such person may submit any evidence or other matter in writing to the appointed person before the close of the hearing.

(8) The appointed person may allow any person to alter or add to a statement so far as may be necessary for the purposes of the hearing, but the appointed person must (if necessary by adjourning the hearing) give every other person entitled to, and who does, take part in the hearing an adequate opportunity of considering any fresh matter or document.

(9) The appointed person may proceed with a hearing in the absence of any person entitled or permitted to take part in it.

(10) The appointed person may take into account any written representation or evidence or any other document which the appointed person has received from any person before a hearing opens or during the hearing provided that the appointed person discloses it at the hearing.

(11) The appointed person may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice is required.

Decision following the holding of a hearing

18.-(1) The appointed person may disregard any written representations, evidence or other documents received after the hearing has closed.

(2) Os bydd y person penodedig, ar ôl diwedd y gwrandawriad, yn bwriadu cymryd i ystyriaeth unrhyw dystiolaeth newydd neu unrhyw fater newydd o ffaith (nad yw'n fater o bolisi'r Cynulliad Cenedlaethol) na chafodd ei godi yn y gwrandawriad ac y mae'r person penodedig yn credu ei fod yn berthnasol i'r penderfyniad, rhaid i'r person penodedig beidio â gwneud hynny heb yn gyntaf-

- (a) hysbysu'r personau sydd â hawl i gymryd rhan yn y gwrandawriad (p'un a gwnaethant hynny neu beidio) o'r mater o dan sylw; a
- (b) rhoi cyfle iddynt wneud sylwadau ysgrifenedig neu ofyn am ailagor y gwrandawriad,

ar yr amod bod y Cynulliad Cenedlaethol yn cael y sylwadau ysgrifenedig hynny neu'r cais am ailagor y gwrandawriad o fewn 3 wythnos i ddyddiad yr hysbysiad.

(3) Caiff person penodedig beri bod gwrandawriad yn cael ei ailagor a rhaid iddo wneud hynny os gofynnir iddo ei wneud gan yr apelydd neu'r atebydd o dan yr amgylchiadau, ac o fewn y cyfnod a grybwyllir ym mharagraff (2); ac os bydd gwrandawriad yn cael ei ailagor-

- (a) rhaid i'r person penodedig anfon at y personau sydd â hawl i gymryd rhan yn y gwrandawriad, ac a gymerodd rhan ynddo, ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach amdanynt; a
- (b) mae rheoliad 15(1)(c) yn gymwys fel pe bai'r cyfeiriadau at wrandawriad yn gyfeiriadau at wrandawriad a ailagorwyd.

Tynnu apêl yn ôl

19.-(1) Caiff yr apelydd dynnu apêl yn ôl drwy roi hysbysiad ysgrifenedig i'r Cynulliad Cenedlaethol.

(2) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddo gael hysbysiad o dynnu apêl yn ôl, hysbysu'r awdurdod perthnasol o'r ffaith honno; a chyn gynted ag y bo'n ymarferol ar ôl cael hysbysiad o'r fath, rhaid i'r awdurdod perthnasol roi gwybod i'r partïon ac unrhyw bersonau eraill a gyflwynodd sylwadau o dan reoliad 11.

Arolygu safleoedd

20.-(1) Caiff y person penodedig arolygu'r tir ar unrhyw adeg heb rywun yn gwmni iddo a heb hysbysu'r apelydd na'r atebydd o'i fwriad i wneud hynny.

- (2) Yn ystod, neu ar ôl diwedd, gwrandawriad-
 - (a) caiff y person penodedig, ar ôl iddo gyhoeddi yn ystod y gwrandawriad y dyddiad a'r amser y bwriedir gwneud yr arolygiad, arolygu'r tir yng nghwmni'r partïon ac unrhyw berson arall y

(2) If, after the close of the hearing, the appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of National Assembly policy) which was not raised at the hearing and which the appointed person considers to be material to the decision, the appointed person must not do so without first-

- (a) notifying persons entitled to take part in the hearing (whether or not they did so) of the matter in question; and
- (b) affording them an opportunity of making written representations or of asking for the re-opening of the hearing,

provided such written representations are, or request to re-open the hearing is, received by the National Assembly within 3 weeks of the date of the notification.

(3) An appointed person may cause a hearing to be re-opened and must do so if asked by the appellant or the respondent in the circumstances, and within the period, mentioned in paragraph (2); and where a hearing is re-opened-

- (a) the appointed person must send to the persons entitled to, and who did, take part in the hearing a written statement of the matters with respect to which further evidence is invited; and
- (b) regulation 15(1)(c) applies as if the references to a hearing were references to a re-opened hearing.

Withdrawal of an appeal

19.-(1) The appellant may withdraw an appeal by giving notice in writing to the National Assembly.

(2) The National Assembly must, as soon as reasonably practicable after receiving notice of withdrawal of an appeal, give notice of that fact to the relevant authority; and, as soon as practicable after receiving such notice, the relevant authority must inform the parties and any other persons who made representations under regulation 11.

Site inspections

20.-(1) The appointed person may at any time make an unaccompanied inspection of the land without giving notice of an intention to do so to the appellant or the respondent.

- (2) During, or after the close of, a hearing, the appointed person-
 - (a) may, after announcing during the hearing the date and time at which the inspection is proposed to be made, inspect the land in the company of the parties and any other person

rhoddwyd caniatâd iddo fod yn bresennol a chymryd rhan yn y gwrandawriad; a

- (b) rhaid i'r person penodedig wneud arolygiad o'r fath os gofynnir iddo ei wneud gan y partïon cyn neu yn ystod gwrandawriad.

(3) Os yw apêl yn cael ei phenderfynu drwy sylwadau ysgrifenedig-

- (a) caiff y person penodedig, ar ôl iddo roi rhybudd rhesymol mewn ysgrifen i'r partïon o'i fwriad i wneud hynny, arolygu'r tir yng nghwmni'r partïon ac unrhyw berson arall y mae'r arolygydd yn credu y byddai'n rhesymol ei wahodd; a
- (b) rhaid i'r person penodedig wneud arolygiad o'r fath, os gofynnir iddo ei wneud gan y partïon, cyn iddo wneud penderfyniad.

(4) Rhaid i apelydd gymryd y camau sy'n rhesymol o fewn pŵer yr apelydd er mwyn galluogi'r person penodedig i gael mynediad i'r tir sydd i'w arolygu.

(5) Nid yw'n ofynnol i'r person penodedig ohirio arolygiad o'r math y cyfeirir ato ym mharagraff (2) neu (3) os na fydd unrhyw berson a grybwyllir yn y paragraffau hynny yn bresennol ar yr amser penodedig.

Hysbysu o benderfyniad ar apêl

21.-(1) Rhaid rhoi hysbysiad ysgrifenedig o benderfyniad y Cynulliad Cenedlaethol neu, yn ôl y digwydd, o benderfyniad y person penodedig, a'r rhesymau dros y penderfyniad, i'r personau canlynol -

- (a) y partïon;
- (b) unrhyw berson sydd, ar ôl cymryd rhan yn y gwrandawriad, wedi gofyn am gael ei hysbysu o'r penderfyniad; ac
- (c) unrhyw berson arall y rhoddwyd hysbysiad iddo yn unol â rheoliad 11 ac sydd wedi gofyn am gael ei hysbysu o'r penderfyniad.

(2) Caiff unrhyw berson a chanddo hawl i gael ei hysbysu o'r penderfyniad o dan baragraff (1) wneud cais i'r Cynulliad Cenedlaethol, yn ysgrifenedig, am gael cyfle i fwrw golwg dros unrhyw ddogfennau a restrir yn yr hysbysiad a rhaid i'r Cynulliad Cenedlaethol roi'r cyfle hwnnw i'r person hwnnw.

(3) Rhaid i unrhyw berson sy'n gwneud cais o dan baragraff (2) sicrhau bod y Cynulliad Cenedlaethol yn ei gael o fewn 6 wythnos i ddyddiad y penderfyniad ar yr apêl.

(4) Mae'r penderfyniad yr hysbysir y partïon ohono o dan baragraff (1) yn rhwymo'r partïon.

Caniatáu mwy o amser

22. Caiff y Cynulliad Cenedlaethol benderfynu bod terfynau amser sy'n ddiweddarach na'r rhai a ragnodir

who has been permitted to attend and take part in the hearing; and

- (b) must make such an inspection if so requested by the parties before or during a hearing.

(3) If an appeal is being determined by written representations, the appointed person-

- (a) may, after giving to the parties reasonable notice in writing of an intention to do so, inspect the land in the company of the parties and any other person whom the inspector considers it reasonable to be invited; and
- (b) must make such an inspection if so requested by the parties before the appointed person makes a decision.

(4) An appellant must take such steps as are reasonably within the appellant's power to enable the appointed person to obtain access to the land to be inspected.

(5) The appointed person is not required to defer an inspection of the kind referred to in paragraph (2) or (3) where any person mentioned in those paragraphs is not present at the time appointed.

Notification of decision of appeal

21.-(1) The decision, and the reasons for the decision, of the National Assembly or, as the case may be, the appointed person, must be notified in writing to-

- (a) the parties;
- (b) any person who, having taken part in the hearing, has asked to be notified of the decision; and
- (c) any other person to whom notice was given in accordance with regulation 11 and who has asked to be notified of the decision.

(2) Any person entitled to be notified of the decision under paragraph (1) may apply to the National Assembly, in writing, for an opportunity to inspect any documents listed in the notification and the National Assembly must afford that person that opportunity.

(3) Any person making an application under paragraph (2) must ensure that it is received by the National Assembly within 6 weeks of the date of the decision on the appeal.

(4) The decision notified to the parties under paragraph (1) is binding on the parties.

Allowing further time

22. The National Assembly may determine that later time limits than those prescribed by the Regulations

yn y Rheoliadau i fod yn gymwys a rhaid iddo roi hysbysiad ysgrifenedig o unrhyw benderfyniad o'r fath i bob un o'r partïon.

are to apply and must give notice in writing of any such determination to each of the parties.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

8 Rhagfyr 2004

8 December 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

2004 Rhif 3240 (Cy.282)

TIR, CYMRU

**YMDDYGIAD
GWRTHGYMDEITHASOL,
CYMRU**

Rheoliadau Gwrychoedd neu
Berthi Uchel (Apelau) (Cymru)
2004

2004 No. 3240 (W.282)

LAND, WALES

**ANTI-SOCIAL
BEHAVIOUR,
WALES**

The High Hedges (Appeals)
(Wales) Regulations
2004

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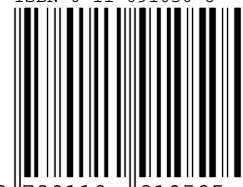
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