



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1154 (Cy.71)

2005 No. 1154 (W.71)

CEFN GWLAD, CYMRU

COUNTRYSIDE, WALES

**Rheoliadau Mynediad i Gefn
Gwlad (Gweithdrefnau Apelau)
(Cymru) (Diwygio) 2005**

**The Countryside Access (Appeals
Procedures) (Wales) (Amendment)
Regulations 2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

O dan Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf"), mae'r pŵer gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i wneud rheoliadau i nodi'r gweithdrefnau sydd i'w dilyn wrth benderfynu apelau sy'n cael eu dwyn o dan Ran I o'r Ddeddf. Cafodd Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) 2002 (O.S. 2002/1794) (Cy.169) ("y Rheoliadau Gweithdrefnau Apelau") eu gwneud yng Ngorffennaf 2002 i nodi'r gweithdrefnau hynny.

Under the Countryside and Rights of Way Act 2000 ("the Act"), the National Assembly for Wales ("the National Assembly") has the power to make regulations to set out the procedures to be followed in determining appeals brought under Part I of the Act. The Countryside Access (Appeals Procedures) (Wales) Regulations 2002 (S.I. 2002/1794) (W.169) ("the Appeals Procedures Regulations") were made in July 2002 to set out such procedures.

Mae'r Rheoliadau newydd hyn yn diwygio'r Rheoliadau Gweithdrefnau Apelau drwy fewnosod yn y Rheoliadau hynny Ran VA newydd a thrwy wneud y mân ddiwygiadau canlyniadol sy'n angenrheidiol i alluogi darpariaethau eraill y Rheoliadau Gweithdrefnau Apelau i fod yn gymwys i apêl yn erbyn penderfyniad awdurdod perthnasol i beidio â gweithredu yn unol â chais am gyfarwyddyd o dan adran 25(1)(a) o'r Ddeddf, pan fo'n briodol.

These new Regulations amend the Appeals Procedures Regulations by inserting into those Regulations a new Part VA and by making the necessary minor consequential amendments to enable the other provisions of the Appeals Procedures Regulations to apply to an appeal against a decision of a relevant authority not to act in accordance with an application for a direction under section 25(1)(a) of the Act, where appropriate.

Mae'r darpariaethau newydd-

The new provisions-

- (a) yn cyflwyno gweithdrefn garlam ar gyfer penderfynu apêl a ddygwyd gan berson a gyflwynodd gais i'r awdurdod perthnasol (Cyngor Cefn Gwlad Cymru neu, yn ôl y digwydd, yr Awdurdod Parc Cenedlaethol perthnasol) am gyfarwyddyd sy'n caniatáu gwahardd mynediad i dir neu gyfyngu ar y mynediad hwnnw at ddibenion atal tân (adran 25(1)(a) o'r Ddeddf) a phenderfynodd yr

- (a) introduce a fast-track procedure for the determination of an appeal brought by a person who applied to the relevant authority (the Countryside Council for Wales or, as the case may be, the relevant National Park authority) for a direction permitting the exclusion or restriction of access to land for the purposes of fire prevention (section 25(1)(a) of the Act) and the relevant authority decided not to give

awdurdod perthnasol beidio â rhoi'r cyfarwyddyd y cyflwynwyd cais amdano; a

- (b) ei gwneud yn bosibl i wrandawriad gael ei gynnal pan fydd y Cynulliad Cenedlaethol wedi cael yr wybodaeth ragarweiniol berthnasol oddi wrth y partïon i ganiatáu i'r apêl fynd yn ei blaen.

the direction applied for; and

- (b) enable a hearing to be held once the National Assembly has received the relevant preliminary information from the parties to enable the appeal to proceed.

2005 Rhif 1154 (Cy.71)**2005 No. 1154 (W.71)****CEFN GWLAD, CYMRU****COUNTRYSIDE, WALES****Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) (Diwygio) 2005****The Countryside Access (Appeals Procedures) (Wales) (Amendment) Regulations 2005***Wedi'u gwneud**12 Ebrill 2005**Made**12 April 2005**Yn dod i rym**29 Ebrill 2005**Coming into force**29 April 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 32 a 44 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf")(1), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 32 and 44 of the Countryside and Rights of Way Act 2000 ("the Act")(1), hereby makes the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli**Citation, commencement, application and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) (Diwygio) 2005 a deuant i rym ar 29 Ebrill 2005.

1.-(1) These Regulations may be cited as the Countryside Access (Appeals Procedures) (Wales) (Amendment) Regulations 2005 and come into force on 29 April 2005.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

(3) Yn y Rheoliadau hyn, bydd i eiriau neu ymadroddion yr ystyr a roddir iddynt yn Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) 2002 (y cyfeirir atynt yn y Rheoliadau hyn fel "y Rheoliadau")(2) a'r ystyr a roddir i'r geiriau neu'r ymadroddion Saesneg cyfatebol yn y Ddeddf.

(3) In these Regulations, words or phrases have the meaning given to them in the Act and in the Countryside Access (Appeals Procedures) (Wales) Regulations 2002 (referred to in these Regulations as "the Regulations")(2).

Diwygio'r Rheoliadau i ddarparu penderfyniad carlam ar apêl o dan adran 25(1)(a)**Amendment of the Regulations to provide a fast-track determination of a section 25(1)(a) appeal**

2.-(1) Dileer rheoliad 1(2) o'r Rheoliadau ac yn ei le rhodder-

2.-(1) Delete regulation 1(2) of the Regulations and substitute-

"(2) Yn ddarostyngedig i baragraff (3), mae'r Rheoliadau hyn yn gymwys i apêl yng Nghymru.

"(2) Subject to paragraph (3), these Regulations apply to an appeal in Wales.

(3) Dim ond i apêl o dan adran 25(1)(a) y mae Rhan VA o'r Rheoliadau hyn yn gymwys.

(3) Part VA of these Regulations only applies to a section 25(1)(a) appeal.

(4) Mae Rhannau I, VA a VI o'r Rheoliadau hyn yn gymwys i apêl o dan adran 25(1)(a) yng Nghymru; ac, at ddibenion apêl o dan adran 25(1)(a), mae cyfeiriad at "apêl" yn Rhannau I a'r VI o'r Rheoliadau hyn i'w ddarllen fel cyfeiriad at apêl o dan adran 25(1)(a)."

(4) Parts I, VA and VI of these Regulations apply to a section 25(1)(a) appeal in Wales; and, for the purposes of a section 25(1)(a) appeal, a reference to an "appeal" in Parts I and VI of these Regulations is to be read as a reference to a section 25(1)(a) appeal."

(1) 2000 p.37.

(1) 2000 c.37.

(2) O.S. 2002/1794 (Cy.169), fel y'i diwygiwyd gan O.S. 2003/142 (Cy.14).

(2) S.I. 2002/1794 (W.169), as amended by S.I. 2003/142 (W.14).

(2) Yn rheoliad 2(1) o'r Rheoliadau, ar ôl y diffiniad o-

(a) "yr atebydd", ychwaneger-

"mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Deddf Cyfathrebu Electronig 2000;"(1); a

(b) "apêl", ychwaneger-

"ystyr "apêl o dan adran 25(1)(a)" ("section 25(1)(a) appeal") yw apêl o dan adran 30(3) o'r Ddeddf yn erbyn penderfyniad awdurdod perthnasol i beidio â gweithredu yn unol â chais am gyfarwyddyd o dan adran 25(1)(a) o'r Ddeddf;"

3. Ar ôl rheoliad 28 o'r Rheoliadau (Hysbysu'r penderfyniad), mewnosoder-

"RHAN VA

APÊL YN ERBYN PENDERFYNIAD AWDURDOD PERTHNASOL I BEIDIO Â GWEITHREDU YN UNOL Â CHAIS AM GYFARWYDDYD O DAN ADRAN 25(1)(a) O'R DDEDDF

28A. Mae'r Rhan hon yn gymwys i apêl o dan adran 25(1)(a) oni bai bod y Cynulliad Cenedlaethol yn penderfynu neu'n mynnu fel arall yn unol â'r Rheoliadau hyn.

28B.-(1) Rhaid i'r Cynulliad Cenedlaethol, ar y diwrnod y mae'n cael ffurflen apêl wedi'i chwblhau gan yr apelydd (neu ar y diwrnod gwaith cyntaf ar ôl hynny os yw'r Cynulliad Cenedlaethol yn ei gael ar ddiwrnod nad yw'n ddiwrnod gwaith), anfon copi o'r ffurflen honno, ynghyd â manylion am y weithdrefn sydd i'w dilyn wrth benderfynu'r apêl, i-

- (a) yr awdurdod perthnasol;
- (b) yr awdurdod mynediad (os yw'n wahanol i'r awdurdod perthnasol); ac
- (c) fforwm mynediad lleol a sefydlwyd o dan adran 94 o'r Ddeddf y mae'r ardal y mae'n gweithredu ynddi yn cynnwys y tir y mae apêl yn ymwneud ag ef,

drwy gyfathrebiad electronig neu drosglwyddiad ffacsimili, ac eithrio, pan nad yw'n rhesymol ymarferol i'r Cynulliad Cenedlaethol gydymffurfio â'r gofyniad hwn o fewn yr amser penodedig, rhaid iddo wneud hynny cyn gynted ag y bo'n rhesymol ymarferol wedyn.

(2) Pan fo awdurdod perthnasol yn cael ffurflen a anfonwyd iddo yn unol â pharagraff (1), rhaid iddo nodi ei ddatganiad o achos a'i anfon (neu, os drwy gwblhau'r rhan berthnasol o'r ffurflen y nodwyd y datganiad o achos, anfon y ffurflen wedi'i chwblhau), i'r Cynulliad Cenedlaethol drwy

(1) 2000 p.7.

(2) In regulation 2(1) of the Regulations, after the definition of-

(a) "the Council", add-

""electronic communication" ("cyfathrebiad electronig") has the meaning given in section 15(1) of the Electronic Communications Act 2000;"(1); and

(b) "section 4(2) land", add-

""section 25(1)(a) appeal" ("apêl o dan adran 25(1)(a)") means an appeal under section 30(3) of the Act against a decision of a relevant authority not to act in accordance with an application for a direction under section 25(1)(a) of the Act;"

3. After regulation 28 of the Regulations (Notification of decision), insert-

"PART VA

APEAL AGAINST DECISION OF A RELEVANT AUTHORITY NOT TO ACT IN ACCORDANCE WITH AN APPLICATION FOR A DIRECTION UNDER SECTION 25(1)(a) OF THE ACT

28A. This Part applies to a section 25(1)(a) appeal unless the National Assembly determines or requires otherwise in accordance with these Regulations.

28B.-(1) The National Assembly must, on the day on which it receives a completed appeal form from the appellant (or on the first working day thereafter where the National Assembly receives it on a day which is not a working day), send a copy of that form, together with details of the procedure to be followed in the determination of the appeal, to-

- (a) the relevant authority;
- (b) the access authority (if different to the relevant authority); and
- (c) a local access forum established under section 94 of the Act whose area of operation includes the land to which an appeal relates,

by electronic communication or facsimile transmission, except that, where it is not reasonably practicable for the National Assembly to comply with this requirement within the specified time, it must do so as soon as reasonably practicable thereafter.

(2) Where a relevant authority receives a form sent to it pursuant to paragraph (1), it must set out its statement of case and send it (or, if the statement of case has been set out by completing the relevant section of the form, send the completed form) to the National Assembly by

(1) 2000 c.7.

gyfathrebiad electronig neu drosglwyddiad ffacsimili erbyn diwedd yr ail ddiwrnod gwaith ar ôl y diwrnod y daeth y ffurflen i law'r awdurdod perthnasol.

Trefnu gwrandawriad a hysbysu ohono

28C. Rhaid i'r Cynulliad Cenedlaethol, cyn diwedd y diwrnod gwaith nesaf ar ôl y diwrnod y mae'n cael datganiad o achos yr awdurdod perthnasol yn unol â rheoliad 28B(2) neu, pan nad yw'n rhesymol ymarferol i wneud hynny, cyn gynted ag y bo'n rhesymol ymarferol wedyn-

- (a) gwneud trefniadau priodol i gynnal gwrandawriad;
- (b) hysbysu'r apelydd a'r awdurdod perthnasol o ddyddiad, amser a lle'r gwrandawriad drwy alwad ffôn, cyfathrebiad electronig, neges ffacsimili neu bost dosbarth cyntaf; ac
- (c) sicrhau, ac eithrio os nad yw'n rhesymol ymarferol i wneud hynny, fod yr wybodaeth y cyfeiriwyd ati ym mharagraff (b), ynghyd â chopi o'r ffurflen apêl sydd wedi'i chwblhau (a datganiad o achos yr awdurdod perthnasol, os yw'n ddogfen ar wahân), ar gael i'w harchwilio ar wefan a gynhelir gan y Cynulliad Cenedlaethol hyd nes bod yr apêl wedi'i phenderfynu.

Bod yn bresennol mewn gwrandawriad a chymryd rhan ynddo

28D.-(1) Y personau sydd â hawl i gymryd rhan yn y gwrandawriad yw'r apelydd a'r awdurdod perthnasol.

(2) Caiff y person penodedig ganiatáu i unrhyw berson arall fod yn bresennol yn y gwrandawriad, neu gymryd rhan ynddo.

(3) Caiff unrhyw berson a chanddo hawl neu ganiatâd i fod yn bresennol yn y gwrandawriad, neu i gymryd rhan ynddo, wneud hynny'n bersonol neu gael unrhyw berson arall i'w gynrychioli.

Y weithdrefn mewn gwrandawriad

28E.-(1) Yn ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn, y person penodedig fydd yn penderfynu'r weithdrefn mewn gwrandawriad.

(2) Mae gwrandawriad i fod ar ffurf trafodaeth sy'n cael ei harwain gan y person penodedig ac ni chaniateir croesholi oni fydd y person penodedig yn barnu ei fod yn angenrheidiol er mwyn sicrhau archwiliad trylwyr o'r prif bynciau.

(3) Ar ddechrau'r gwrandawriad, rhaid i'r person penodedig, ar ôl iddo gyhoeddi enw'r person penodedig a'r ffaith bod y person penodedig wedi'i benodi, ac ar ôl iddo ei gwneud yn ofynnol i'r awdurdod perthnasol lofnodi'r ffurflen apêl sydd wedi'i chwblhau (a'i datganiad o achos, os yw'n

electronic communication or facsimile transmission before the end of the second working day after the day on which the form was received by the relevant authority.

Arrangement and notification of hearing

28C. The National Assembly must, before the end of the next working day after the day on which it receives the relevant authority's statement of case pursuant to regulation 28B(2) or, where it is not reasonably practicable to do so, as soon as reasonably practicable thereafter-

- (a) make appropriate arrangements for a hearing to be held;
- (b) by telephone, electronic communication, facsimile transmission or first class post, notify the appellant and the relevant authority of the date, time and place of the hearing; and
- (c) unless it is not reasonably practicable to do so, ensure that the information referred to in paragraph (b), together with a copy of the completed appeal form (and the relevant authority's statement of case, if separate), is available for inspection on a website maintained by National Assembly until the appeal is determined.

Attendance and participation at a hearing

28D.-(1) The persons entitled to take part in the hearing are the appellant and the relevant authority.

(2) The appointed person may permit any other person to attend, or take part in, the hearing.

(3) Any person entitled or permitted to attend, or take part in, the hearing may do so in person or be represented by any other person.

Procedure at hearing

28E.-(1) Subject to the following provisions of this regulation, the appointed person will determine the procedure at a hearing.

(2) A hearing will take the form of a discussion led by the appointed person and cross-examination will not be permitted unless the appointed person considers it necessary to ensure a thorough examination of the main issues.

(3) At the start of the hearing, the appointed person, after announcing the appointed person's name and the fact of the appointed person's appointment, and requiring the relevant authority to sign the completed appeal form (and its statement of case, if separate) must identify what,

ddogfen ar wahân) nodi beth, ym marn y person penodedig, yw'r prif bynciau sydd i'w hystyried yn y gwrandawriad ac unrhyw faterion y mae ar y person penodedig angen cael esboniad pellach arnynt oddi wrth unrhyw berson sy'n cymryd rhan yn y gwrandawriad; ond ni fydd hyn yn atal pynciau eraill rhag cael eu hychwanegu i'w hystyried yn ystod y gwrandawriad nac yn atal unrhyw berson sy'n cymryd rhan yn y gwrandawriad rhag cyfeirio at bynciau y mae'r person hwnnw yn barnu eu bod yn berthnasol i'r broses o ystyried yr apêl ond nad oeddent yn bynciau a nodwyd fel y cyfryw gan y person penodedig.

(4) Bydd gan yr apelydd a'r awdurdod perthnasol hawl i roi tystiolaeth lafar, neu i alw person arall i'w rhoi; a chaiff unrhyw berson arall roi, neu alw person arall i roi, tystiolaeth lafar os caniateir iddo wneud hynny gan berson penodedig yn ôl disgrisiwn y person penodedig.

(5) Er gwaethaf unrhyw hawl neu ganiatâd o'r fath a bennir ym mharagraff (4), caiff y person penodedig, ar unrhyw bryd yn ystod y trafodion wrthod caniatáu i berson roi tystiolaeth neu gyflwyno unrhyw fater arall y mae'r person penodedig yn barnu ei bod neu ei fod yn amherthnasol neu'n ailadroddus.

(6) Pan fo'r person penodedig yn gwrthod caniatáu i dystiolaeth lafar gael ei rhoi, caiff y person sy'n dymuno rhoi tystiolaeth, neu alw unrhyw berson arall i'w rhoi, gyflwyno i'r person penodedig unrhyw dystiolaeth neu fater arall yn ysgrifenedig cyn diwedd y gwrandawriad.

(7) Caiff y person penodedig ei gwneud yn ofynnol i unrhyw berson sy'n bresennol yn y gwrandawriad, neu sy'n cymryd rhan ynddo, ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael â'r gwrandawriad; a chaiff y person penodedig wrthod 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-

- (a) bwrw ymlaen â gwrandawriad yn absenoldeb unrhyw berson a chanddo hawl i gymryd rhan ynddo;
- (b) cymryd i ystyriaeth unrhyw sylwad neu dystiolaeth ysgrifenedig, neu unrhyw ddogfen 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. ac
- (c) gohirio gwrandawriad ar unrhyw bryd; ac, os cyhoeddir dyddiad, amser a lle'r gwrandawriad gohiredig yn y gwrandawriad cyn y gohiriad, ni fydd yn ofynnol cael unrhyw hysbysiad pellach.

in the appointed person's opinion, are the main issues to be considered at the hearing and any matters on which the appointed person requires further explanation from any person taking part in the hearing; but this will not preclude the addition in the course of the hearing of other issues for consideration or prevent any person taking part in the hearing from referring to issues which that person considers relevant to the consideration of the appeal but which were not issues so identified by the appointed person.

(4) The appellant and the relevant authority will be entitled to give, or to call another person to give, oral evidence; and any other person may give, or call another person to give, oral evidence if so permitted by an appointed person at the appointed person's discretion.

(5) Notwithstanding any such entitlement or permission specified in paragraph (4), the appointed person may, at any stage in the proceedings refuse to permit the giving of evidence or presentation of any other matter which the appointed person considers to be irrelevant or repetitious.

(6) Where the appointed person refuses to permit the giving of oral evidence, the person wishing to give, or call any other person to give, evidence may submit to the appointed person any evidence or other matter in writing before the close of the hearing.

(7) The appointed person may require any person attending, or taking part in, the hearing who, in the appointed person's opinion, is behaving in a disruptive manner to leave the hearing; and the appointed person may 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 to the appointed person any evidence or other matter in writing before the close of the hearing.

(8) The appointed person may-

- (a) proceed with a hearing in the absence of any person entitled to take part in it;
- (b) take into account any written representation or evidence, or any other document received by the appointed person, from any person before a hearing opens or during the hearing provided the appointed person discloses it in the hearing; and
- (c) at any 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.

Hysbysu o benderfyniad - apelau sy'n cael eu penderfynu gan y Cynulliad Cenedlaethol

28F. Pan fo gwrandawriad wedi'i gynnal at ddibenion apêl sy'n cael ei phenderfynu gan y Cynulliad Cenedlaethol, rhaid i'r Cynulliad Cenedlaethol, cyn pen tri diwrnod gwaith ar ôl diwedd y gwrandawriad, hysbysu'r apelydd, yr awdurdod perthnasol ac unrhyw berson arall a gymerodd ran yn y gwrandawriad o'i benderfyniad ar yr apêl drwy anfon atynt gopi o'r ffurflen apêl ddiwygiedig (a datganiad o achos yr awdurdod perthnasol, os yw'n ddogfen ar wahân) a phenderfyniad y Cynulliad Cenedlaethol wedi'i arnodi ar y copi hwnnw.

Hysbysu o benderfyniad - apelau sy'n cael eu penderfynu gan berson penodedig

28G.-(1) Pan fo gwrandawriad wedi'i gynnal at ddibenion apêl y mae'r pŵer i benderfynu'r apêl wedi'i ddirprwyo gan y Cynulliad Cenedlaethol i berson penodedig, rhaid i'r person penodedig -

- (a) ac eithrio os nad yw'n rhesymol ymarferol iddo wneud hynny, gyhoeddi'r penderfyniad ar y apêl ar ddiwedd y gwrandawriad; a
- (b) cyn pen dau ddiwrnod gwaith ar ôl diwedd y gwrandawriad, hysbysu'r apelydd, yr awdurdod perthnasol, y Cynulliad Cenedlaethol ac unrhyw berson arall a gymerodd ran yn y gwrandawriad o'i benderfyniad ar yr apêl drwy anfon atynt gopi o'r ffurflen apêl ddiwygiedig (a datganiad o achos yr awdurdod perthnasol, os yw'n ddogfen ar wahân) a phenderfyniad y person penodedig wedi'i arnodi ar y copi hwnnw.

(2) Cyn gynted â phosibl ar ôl iddo gael ei hysbysu o dan baragraff (1), rhaid i'r Cynulliad Cenedlaethol sicrhau bod copi o'r ffurflen apêl ddiwygiedig (a datganiad o achos yr awdurdod perthnasol, os yw'n ddogfen ar wahân) ar gael i'w harchwilio ar y wefan a gynhelir neu a awdurdodir gan Gynulliad Cenedlaethol Cymru am gyfnod o 3 mis."

4. Yn rheoliad 30 o'r Rheoliadau (Newid yn ffurf apêl), ar ôl "reoliad 5", ychwaneger "neu Ran VA".

5. Yn rheoliad 31 o'r Rheoliadau (Gweithdrefnau pellach neu wahanol), ar ôl "estyniad o amser", ychwaneger "neu fod yr apêl yn apêl o dan adran 25(1)(a)".

Notification of decision - appeals determined by the National Assembly

28F. Where a hearing has been held for the purposes of an appeal determined by the National Assembly, it must, within 3 working days of the close of the hearing, notify its decision on the appeal to the appellant, the relevant authority, the National Assembly and any other person who took part in the hearing by sending to them a copy of the amended appeal form (and the relevant authority's statement of case, if separate) with the National Assembly's decision endorsed on it.

Notification of decision - appeals determined by an appointed person

28G.-(1) Where a hearing has been held for the purposes of an appeal in respect of which the power to determine the appeal has been delegated by the National Assembly to an appointed person, the appointed person must-

- (a) unless it is not reasonably practicable to do so, announce the decision on the appeal at the close of the hearing; and
- (b) within two working days of the close of the hearing, notify the decision on the appeal to the appellant, the relevant authority, the National Assembly and any other person who took part in the hearing, by sending to them a copy of the amended appeal form (and the relevant authority's statement of case, if separate) with the appointed person's decision endorsed on it.

(2) The National Assembly must ensure that, as soon as practicable after it has been notified under paragraph (1), a copy of the appeal form (and the relevant authority's statement of case, if separate) is made available for inspection on the website maintained or endorsed by the National Assembly for Wales for a period of 3 months."

4. In regulation 30 of the Regulations (Change to the form of an appeal), after "regulation 5", add " or Part VA".

5. In regulation 31 of the Regulations (Further or different procedures), after "extension of time", add " or the appeal is a section 25(1)(a) appeal,".

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

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

12 Ebrill 2005

12 April 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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