



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1270 (Cy.90)

2005 No. 1270 (W.90)

CEFN GWLAD, CYMRU

COUNTRYSIDE, WALES

Rheoliadau Mynediad i Gefn
Gwlad (Dull Mynediad, Apelau
etc.) (Cymru) 2005

The Countryside Access (Means of
Access, Appeals etc.) (Wales)
Regulations 2005

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rhan I (adrannau 1 i 46) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf") yn gwneud darpariaeth ar gyfer mynediad i gefn gwlad.

Part I (sections 1 to 46) of the Countryside and Rights of Way Act 2000 ("the Act") makes provision for access to the countryside.

Mae adran 35 o'r Ddeddf yn ymwneud â chytundebau rhwng awdurdodau mynediad a pherchenogion a meddiannwyr tir o ran y dull mynediad i dir y mae hawl mynediad i'r cyhoedd o dan adran 2 o'r Ddeddf yn perthyn iddo ("tir mynediad").

Section 35 of the Act relates to agreements between access authorities and owners and occupiers of land with respect to the means of access to land over which there is a public right of access under section 2 of the Act ("access land").

Mae adran 36(3) o'r Ddeddf yn darparu y caiff yr awdurdod mynediad, os yw perchennog neu feddiannydd yn methu cydymffurfio ag unrhyw gyfyngiad mewn cytundeb o dan adran 35 o'r Ddeddf, roi i'r person y mae wedi ymrwymo i'r cytundeb gydag ef hysbysiad yn dweud wrtho am gyflawni gwaith i wneud iawn am dorri'r cyfyngiad.

Section 36(3) of the Act provides that, if an owner or occupier fails to observe any restriction in an agreement under section 35 of the Act, the access authority may give to the person with whom it has entered into the agreement notice to carry out works to remedy the breach of the restriction.

Mae adran 37 o'r Ddeddf yn galluogi awdurdod mynediad i gyflawni gwaith i ddarparu dull mynediad i dir mynediad os yw'r awdurdod wedi'i fodloni nad yw'n gallu dod i gytundeb o dan adran 35 o'r Ddeddf ar delerau rhesymol. Cyn cyflawni'r gwaith hwnnw, rhaid i'r awdurdod mynediad, o dan adran 37(1) o'r Ddeddf, hysbysu pob perchennog a phob meddiannydd fod yr awdurdod yn bwriadu cyflawni'r gwaith a bennir yn yr hysbysiad.

Section 37 of the Act enables an access authority to carry out works to provide means of access to access land where the authority is satisfied that it is unable to conclude on reasonable terms an agreement under section 35 of the Act. Before carrying out those works, the access authority must, under section 37(1) of the Act, give notice to all owners and occupiers that the authority intends to carry out the works specified in the notice.

Mae adran 38(1) o'r Ddeddf yn rhoi i'r perchennog a'r meddiannydd yr hawl i apelio yn erbyn hysbysiad o dan adran 36(3) neu 37(1) ac mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer camau cyntaf apêl o'r fath.

Section 38(1) of the Act gives the owner and occupier the right to appeal against a notice under section 36(3) or 37(1) and these Regulations make provision for the initial stages of such an appeal.

Mae rheoliad 3 yn galluogi ymdrin â chamau cyntaf apêl drwy ddulliau electronig.

Mae rheoliad 4 yn nodi'r dull y mae'n rhaid ei ddefnyddio wrth ddwyn apêl o dan adran 38(1), ac yn pennu cyfnod o amser yn gyfnod y mae'n rhaid dwyn apêl o'i fewn.

Mae rheoliadau 5 i 16 yn gwneud y diwygiadau angenrheidiol i Reoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) 2002 (O.S. 2002/1794) (Cy.169)-

- (a) i alluogi'r Rheoliadau hynny i fod yn gymwys i apêl a gaiff ei dwyn o dan adran 38(1) o'r Ddeddf yn ychwanegol at apelau eraill a gaiff eu dwyn o dan Ran I o'r Ddeddf; a
- (b) i'w gwneud yn glir beth yw'r gofynion hysbysu sy'n bod eisoes ac a geir yn rheoliad 6(2) o'r Rheoliadau hynny.

Regulation 3 enables the initial stages of an appeal to be dealt with by electronic means.

Regulation 4 sets out the manner in, and specifies the period of time within, which an appeal under section 38(1) must be brought.

Regulations 5 to 16 make the necessary amendments to the Countryside Access (Appeals Procedures) (Wales) Regulations 2002 (S.I. 2002/1794) (W.169), to-

- (a) enable those Regulations to apply to an appeal brought under section 38(1) of the Act in addition to other appeals brought under Part I of the Act; and
- (b) clarify the existing notice requirements in regulation 6(2) of those Regulations.

2005 Rhif 1270 (Cy.90)**2005 No. 1270 (W.90)****CEFN GWLAD, CYMRU****COUNTRYSIDE, WALES****Rheoliadau Mynediad i Gefn Gwlad (Dull Mynediad, Apelau etc.) (Cymru) 2005****The Countryside Access (Means of Access, Appeals etc.) (Wales) Regulations 2005***Wedi'u gwneud* 4 Mai 2005*Made* 4 May 2005*Yn dod i rym* 6 Mai 2005*Coming into force* 6 May 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 32, 38(6) a 44(2) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf")(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 32, 38(6) and 44(2) of the Countryside and Rights of Way Act 2000 ("the Act")(1), hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Mynediad i Gefn Gwlad (Dull Mynediad, Apelau etc.) (Cymru) 2005 a deuant i rym ar 6 Mai 2005.

1.-(1) The title of these Regulations is the Countryside Access (Means of Access, Appeals etc.) (Wales) Regulations 2005 and they come into force on 6 May 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn-

2.-(1) In these Regulations-

mae i "cyfathrebiad electronig" yr ystyr sydd i "*electronic communication*" yn adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(2);

"appeal form" ("*ffurflen apêl*") means the document, obtainable from the National Assembly, which must be completed by a person who wishes to bring an appeal under section 38(1) of the Act;

ystyr "cyfnod apelio" ("*appeal period*") yw'r cyfnod a bennir yn rheoliad 4(2) neu reoliad 4(3), yn ôl y digwydd;

"appeal land" ("*tir apêl*") means the land which is the subject of the appeal;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

"appeal period" ("*cyfnod apêl*") means the period specified in regulation 4(2) or, as the case may be, regulation 4(3);

mae "dogfen" ("*document*") yn cynnwys ffotograff, map neu blan;

"the Appeals Procedures Regulations" ("*y Rheoliadau Gweithdrefnau Apelau*") means the Countryside Access (Appeals Procedures) (Wales) Regulations 2002(2);

ystyr "fforwm mynediad lleol perthnasol" ("*relevant local access forum*") yw fforwm mynediad lleol a sefydlwyd o dan adran 94 o'r Ddeddf ar gyfer yr ardal lle y mae'r tir apêl wedi'i leoli;

"document" ("*dogfen*") includes a photograph, map or plan;

(1) 2000 p.37.

(2) 2000 p.7.

(1) 2000 c.37.

(2) S.I. 2002/1794 (W.169), as amended by S.I. 2003/142 (W.14) and S.I. 2005/1154 (W.71).

ystyr "ffurflen apêl" ("*appeal form*") yw'r ddogfen y gellir ei chael gan y Cynulliad Cenedlaethol, ac y mae'n rhaid i berson sy'n dymuno dwyn apêl o dan adran 38(1) o'r Ddeddf ei llenwi;

ystyr "Rheoliadau Gweithdrefnau Apelau" ("*Appeals Procedures Regulations*") yw Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) 2002(1); ac

ystyr "tir apêl" ("*appeal land*") yw'r tir sy'n destun yr apêl.

(2) Oni ddatgenir yn wahanol, mae i eiriau neu ymadroddion yn y Rheoliadau hyn yr ystyr a roddir iddynt yn y Ddeddf neu, os rhodddwyd ystyr gwahanol i'r geiriau a'r ymadroddion hynny yn y Rheoliadau Gweithdrefnau Apelau, yr ystyr sydd iddynt yn y Rheoliadau hynny.

Defnyddio dull cyfathrebu electronig

3.-(1) Caniateir bodloni unrhyw ofyniad a osodir o dan y Rheoliadau hyn am roi neu anfon hysbysiad neu ddogfen arall gan un person at berson arall drwy gyfathrebiad electronig-

- (a) os bydd defnyddio dull cyfathrebu o'r fath yn peri bod yr wybodaeth a geir yn yr hysbysiad hwnnw neu yn y ddogfen honno ar gael i'r person arall, mewn pob manylyn o bwys, fel y byddai'n ymddangos mewn hysbysiad neu ddogfen a roddir neu a anfonir ar ffurf brintiedig; a
- (b) os bydd y person arall wedi cydsynio i'r wybodaeth ddod i law drwy'r dull hwnnw.

(2) O dan baragraff (1), os defnyddir dull cyfathrebu electronig at ddibenion rhoi neu anfon hysbysiad neu ddogfen-

- (a) o ran cyfathrebiad electronig, bodlonir unrhyw ofyniad am i'r hysbysiad gael ei roi neu ei anfon neu i'r ddogfen gael ei rhoi neu ei hanfon erbyn amser penodol dim ond os bodlonir yr amodau a geir ym mharagraff (1) erbyn yr amser hwnnw; a
- (b) caniateir cydymffurfio ag unrhyw ofyniad am i fwy nag un o gopiâu gael eu hanfon ar unrhyw un adeg drwy anfon un cyfathrebiad o'r fath.

(3) At ddibenion paragraff (1)(a), ystyr "mewn pob manylyn o bwys" yw ym mhob manylyn sydd o bwys er mwyn atgynhyrchu'n union gynnwys yr wybodaeth fel y byddai'n ymddangos mewn hysbysiad a roddir neu a anfonir ar ffurf brintiedig.

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

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales; and

"relevant local access forum" ("*fforwm mynediad lleol perthnasol*") means the local access forum established under section 94 of the Act for the area in which the appeal land is situated.

(2) Unless otherwise stated, words or phrases in these Regulations have the meaning given to them in the Act or, where those words and phrases have been given a different meaning in the Appeals Procedures Regulations, in those Regulations.

Use of electronic communication

3.-(1) Any requirement imposed under these Regulations as to the giving or sending by one person to another of a notice or other document may be met by means of an electronic communication if the-

- (a) use of such a communication results in the information contained in that notice or document being available to the other person in all material respects as it would appear in a notice or document given or sent in printed form; and
- (b) other person has consented to the information being received by such means.

(2) Where, under paragraph (1), an electronic communication is used for the purposes of giving or sending a notice or document, any requirement for-

- (a) the notice or document to be given or sent by a particular time will be met in respect of an electronic communication only if the conditions mentioned in paragraph (1) are met by that time; and
- (b) more than one copy to be sent on any single occasion may be complied with by a single such communication.

(3) For the purposes of paragraph (1)(a), "in all material respects" means in all respects material to an exact reproduction of the content of the information as it would appear in a notice given or sent in printed form.

(1) O.S. 2002/1794 (Cy.169), fel y'i diwygiwyd gan O.S. 2003/142 (Cy.14) ac O.S. 2005/1154 (Cy.71).

(1) 2000 c.7.

Ym mha ddull ac o fewn pa gyfnod y mae'n rhaid dwyn apêl

4.-(1) Yn ddarostyngedig i baragraff (4), caniateir dwyn apêl gerbron y Cynulliad Cenedlaethol o dan adran 38(1) o'r Ddeddf (apelau yn erbyn hysbysiadau o dan adran 36(3) neu 37(1) o'r Ddeddf sy'n ymwneud â gwaith sy'n gysylltiedig â dull mynediad) dim ond os hysbysir y Cynulliad Cenedlaethol drwy anfon neu draddodi-

- (a) ffurflen apêl wedi'i llenwi i'r Cynulliad Cenedlaethol cyn diwedd y cyfnod apelio; a
- (b) copi o'r ffurflen apêl honno wedi'i llenwi i'r awdurdod mynediad yr un pryd ag yr anfonir neu y traddodir yr hysbysiad hwnnw i'r Cynulliad Cenedlaethol o dan is-baragraff (a).

(2) Os caiff apêl ei dwyn yn erbyn hysbysiad a roddir o dan adran 36(3) o'r Ddeddf, y cyfnod apelio yw'r cyfnod a bennir yn yr hysbysiad hwnnw yn gyfnod y mae'n ofynnol cyflawni'r gwaith a bennir yn yr hysbysiad hwnnw o'i fewn.

(3) Os caiff apêl ei dwyn yn erbyn hysbysiad a roddir o dan adran 37(1) o'r Ddeddf, y cyfnod apelio yw'r cyfnod a bennir yn yr hysbysiad hwnnw yn gyfnod y mae'r awdurdod mynediad yn bwriadu cyflawni'r gwaith a bennir yn yr hysbysiad hwnnw ar ôl iddo ddod i ben.

(4) Os yw person sy'n dymuno dwyn apêl yn anfon neu'n traddodi i'r Cynulliad Cenedlaethol hysbysiad ysgrifenedig o'r dymuniad hwnnw fel bod y Cynulliad Cenedlaethol yn ei gael cyn diwedd y cyfnod apelio, yna, ar yr amod bod y person yn anfon neu'n traddodi ffurflen apêl wedi'i llenwi i'r Cynulliad Cenedlaethol, a hynny o fewn unrhyw gyfnod pellach y gall y Cynulliad Cenedlaethol, yn ysgrifenedig, ei wneud yn ofynnol, rhaid ymdrin â'r ffurflen apêl honno fel pe bai wedi dod i law cyn diwedd y cyfnod apelio.

(5) Caniateir llenwi ffurflen apêl naill ai yn Saesneg neu yn Gymraeg, ond, os yw'r apelydd yn dymuno i'r apêl gael ei thrin yn gyfan gwbl neu'n rhannol drwy gyfrwng iaith ac eithrio iaith a ddefnyddiwyd wrth lenwi'r ffurflen apêl, dylai'r ffurflen apêl gynnwys cais i'r perwyl hwnnw, neu dylai fod cais i'r perwyl hwnnw gyda'r ffurflen.

Diwygio Rheoliadau Gweithdrefnau Apelau

5. Yn rheoliad 2(1) o Reoliadau Gweithdrefnau Apelau (Dehongli)-

- (a) yn y diffiniad o "apêl" ("*appel*"), dileer "38(3)" a rhodder "38(1)" yn ei le; a
- (b) yn y lle priodol yn nhrefn yr wyddor, mewnosoder-
"ystyr "fforwm mynediad lleol perthnasol"

Manner in, and period within, which an appeal is to be brought

4.-(1) Subject to paragraph (4), an appeal to the National Assembly under section 38(1) of the Act (appeals against notices under section 36(3) or 37(1) of the Act concerning works with respect to means of access) may only be brought if notice is given to the National Assembly by sending or delivering a-

- (a) completed appeal form to the National Assembly before the end of the appeal period; and
- (b) copy of that completed appeal form to the access authority at the same time as that notice is sent or delivered to the National Assembly under sub-paragraph (a).

(2) Where an appeal is brought against a notice given under section 36(3) of the Act, the appeal period is the period specified in that notice within which the works specified in that notice are required to be carried out.

(3) Where an appeal is brought against a notice given under section 37(1) of the Act, the appeal period is the period specified in that notice after which the access authority intends to carry out the works specified in that notice.

(4) If a person who wishes to bring an appeal sends or delivers to the National Assembly written notice of that wish so that it is received by the National Assembly before the end of the appeal period, then, provided that person sends or delivers to the National Assembly a completed appeal form within such further period as the National Assembly may, in writing, require, that appeal form is to be treated as if it had been received before the end of the appeal period.

(5) An appeal form may be completed in either the English language or the Welsh language, but, if the appellant wishes the appeal to be dealt with in whole or in part through the medium of a language other than that in which the appeal form has been completed, the appeal form should contain, or be accompanied by, a request to that effect.

Amendment of the Appeals Procedures Regulations

5. In regulation 2(1) of the Appeals Procedures Regulations (Interpretation)-

- (a) in the definition of "appeal" ("*apêl*"), delete "38(3)" and substitute "38(1)"; and
- (b) in the appropriate place in alphabetical order, insert-
"relevant local access forum" ("*fforwm mynediad*")

("relevant local access forum") yw'r fforwm mynediad lleol a sefydlwyd o dan adran 94 o'r Ddeddf ar gyfer yr ardal lle y mae'r tir sy'n destun yr apêl wedi'i leoli;" ac

(c) yn y diffiniad o "atebydd" ("respondent"), ar ôl "benderfyniad", mewnosoder " neu, yn achos apêl o dan adran 38(1) o'r Ddeddf, yr awdurdod mynediad y mae ei hysbysiad".

6. Dileer rheoliad 3 o Reoliadau Gweithdrefnau Apelau (Camau gan y Cynulliad Cenedlaethol pan ddaw ffurflen apêl i law) a rhodder yn ei le-

"3. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i ffurflen apêl wedi ei llenwi ddod i law,-

- (a) ac eithrio yn achos apêl o dan adran 38(1) o'r Ddeddf, anfon copi o'r ffurflen apêl at yr atebydd; a
- (b) yn achos apêl o dan adran 38(1) o'r Ddeddf, anfon holiadur at yr atebydd yn gofyn am yr wybodaeth sy'n ofynnol i'r Cynulliad Cenedlaethol ei chael i'w alluogi i ystyried yr apêl."

7. Ar ôl rheoliad 4(2) o Reoliadau Gweithdrefnau Apelau (Ymateb gan atebydd i apêl), mewnosoder-

"(3) Yn achos apêl o dan adran 38(1) o'r Ddeddf, rhaid i'r atebydd, yn ychwanegol at gydymffurfio â pharagraff (1), ac o fewn y cyfnod a bennir yn y paragraff hwnnw, sicrhau-

- (a) bod y Cynulliad Cenedlaethol yn cael-
 - (i) yr holiadur wedi'i lenwi a anfonodd y Cynulliad Cenedlaethol at yr atebydd o dan reoliad 3(b) (y mae'n rhaid bod y dyddiad pryd y'i hanfonir i'r Cynulliad Cenedlaethol wedi'i ddatgan arno) ynghyd â chopi o bob dogfen y cyfeirir ati ynddo,
 - (ii) enw a chyfeiriad unrhyw berson y rhoddwyd iddo gopi o hysbysiad o dan adran 37(3) o'r Ddeddf neu baragraff (3)(b),
 - (iii) enw a chyfeiriad unrhyw berson a wnaeth sylwadau i'r atebydd ynghylch penderfyniad yr atebydd y mae'r apêl yn ymwneud ag ef,
 - (iv) cyfeiriad y fforwm mynediad lleol perthnasol, a
 - (v) manylion ynghylch ar ba adegau ac ymhle y mae'r awdurdod mynediad yn bwriadu sicrhau bod y dogfennau ar gael i'w harchwilio; a
- (b) ei fod yn anfon copi o'r hysbysiad hwnnw at bob un o berchenogion a meddianwyr

lleol perthnasol") means the local access forum established under section 94 of the Act for the area in which the land which is the subject of the appeal is situated;" and

(c) in the definition of "respondent" ("yr atebydd"), after "decision", insert " or, in the case of an appeal under section 38(1) of the Act, the access authority whose notice".

6. Delete regulation 3 of the Appeals Procedures Regulations (Action by the National Assembly on receipt of an appeal form) and substitute-

"3. The National Assembly must, as soon as reasonably practicable after it receives a completed appeal form,-

- (a) except in the case of an appeal under section 38(1) of the Act, send a copy of the completed appeal form to the respondent; and
- (b) in the case of an appeal under section 38(1) of the Act, send a questionnaire to the respondent requesting the information required by the National Assembly to enable it to consider the appeal."

7. After regulation 4(2) of the Appeals Procedures Regulations (Response by a respondent to an appeal), insert-

"(3) In the case of an appeal under section 38(1) of the Act, the respondent must, in addition to complying with paragraph (1), and within the period specified in that paragraph, ensure that-

- (a) the National Assembly receives-
 - (i) the completed questionnaire which the National Assembly sent to the respondent under regulation 3(b) (which must state the date on which it is sent to the National Assembly) together with a copy of each document referred to in it,
 - (ii) the name and address of any person to whom a copy of a notice has been given under section 37(3) of the Act or paragraph (3)(b),
 - (iii) the name and address of any person who made representations to the respondent in respect of the respondent's decision to which the appeal relates,
 - (iv) the address of the relevant local access forum, and
 - (v) details of the times during, and places at, which the access authority intends to make documents available for inspection; and
- (b) it sends to every owner or occupier of the land (other than the person to whom a

y tir (ac eithrio'r person y rhoddwyd iddo hysbysiad o dan adran 36(3))."

8. Yn rheoliad 5 o Reoliadau Gweithdrefnau Apelau (Hysbysu partiön o'r weithdrefn apêl)-

(a) dileer paragraffau (2) a (3) a rhodder yn eu lle-
"(2) O ran hysbysiad o dan baragraff (1)-

(a) rhaid peidio â'i roi cyn pen cyfnod o 35 o ddiwrnodau yn cychwyn ar y dyddiad pryd yr anfonodd y Cynulliad Cenedlaethol gopi o'r ffurflen apêl wedi'i llenwi at yr atebydd yn unol â rheoliad 3; neu

(b) yn achos apêl o dan adran 6 o'r Ddeddf, rhaid peidio â'i roi cyn pen cyfnod o dri mis yn cychwyn ar y dyddiad y dyroddir y map dros dro y mae'r apêl yn ymwneud ag ef (os yw'r dyddiad y daw'r cyfnod hwn i ben yn ddiweddarach na'r dyddiad a bennir yn is-baragraff (a)); neu

(c) yn achos apêl o dan adran 38(1) o'r Ddeddf, rhaid ei roi cyn gynted ag y bo'n ymarferol bosibl ar ôl i'r Cynulliad Cenedlaethol gael gan yr atebydd y dogfennau a'r wybodaeth y mae'n ofynnol i'r atebydd eu darparu ar ei gyfer o dan reoliad 4.

(3) Rhaid bod dyddiad ar yr hysbysiad a roddir o dan baragraff (1) a rhaid iddo ddatgan-

(a) ym mhob achos, p'un a yw'r apêl i fod ar ffurf-

(i) ymchwiliad lleol,

(ii) gwrandawriad, neu

(iii) nac (a) na (b) a chan hynny caiff ei phenderfynu ar sail sylwadau ysgrifenedig; a

(b) yn achos apêl o dan adran 38(1) o'r Ddeddf-

(i) p'un a yw'r apêl yn ymwneud â hysbysiad a roddir o dan adran 36(3) neu 37(1) o'r Ddeddf, yn ôl y digwydd, a

(ii) ar ffurf disgrifiad beth yw'r gwaith a bennir yn yr hysbysiad hwnnw."

9.-(1) Yn rheoliad 6(1)(a) o Reoliadau Gweithdrefnau Apelau (Hysbysu'r cyhoedd), ar ôl "30(3)", mewnosoder-

" neu 38(1)".

(2) Ar ddiwedd rheoliad 6(1)(ch), dileer yr atalnod llawn a rhodder-

";

(d) yn achos apêl o dan adran 38(1) o'r Ddeddf, hysbysu-

notice under section 36(3) was given), a copy of that notice."

8. In regulation 5 of the Appeals Procedures Regulations (Notifying the parties of the appeal procedure)-

(a) delete paragraphs (2) and (3) and substitute-
"(2) Notice under paragraph (1)-

(a) must not be given before the expiry of 35 days from the date on which the National Assembly sent a copy of the completed appeal form to the respondent in accordance with regulation 3; or

(b) in the case of an appeal under section 6 of the Act, must not be given before the expiry of three months from the date of issue of the provisional map to which the appeal relates (if the expiry of this period is later than that specified in subparagraph (a)); or

(c) in the case of an appeal under section 38(1) of the Act, must be given as soon as practicable after the National Assembly receives from the respondent the documents and information the respondent is required to provide to it under regulation 4.

(3) The notice given under paragraph (1) must be dated and must state-

(a) in all cases, whether the appeal is to take the form of-

(i) a local inquiry,

(ii) a hearing, or

(iii) neither (a) nor (b) and will therefore be determined on the basis of written representations; and

(b) in the case of an appeal under section 38(1) of the Act-

(i) whether the appeal relates to a notice given under section 36(3) or, as the case may be, 37(1) of the Act, and

(ii) a description of the works specified in that notice."

9.-(1) In regulation 6(1)(a) of the Appeals Procedures Regulations (Notice to the public), after "30(3)", insert-

" or 38(1)".

(2) At the end of regulation 6(1)(d), delete the full stop and add-

";

(e) in the case of an appeal under section 38(1) of the Act, give notice to-

- (i) y fforwm mynediad lleol perthnasol,
- (ii) unrhyw berson y rhoddwyd iddo gopi o hysbysiad o dan adran 37(3) o'r Ddeddf neu reoliad 4(3)(b),
- (iii) unrhyw berson a wnaeth sylwadau i'r atebydd mewn cysylltiad â'r mater sy'n destun yr apêl, a
- (iv) unrhyw berson arall y mae'n briodol rhoi hysbysiad iddo ym marn y Cynulliad Cenedlaethol."

(3) Yn rheoliad 6(2),-

- (a) yn y frawddeg gyntaf, dileer "paragraff (1)(c) neu (1)(ch)" a rhodder "paragraff (1)(c), (ch) neu (d)" yn eu lle;
- (b) yn is-baragraff (a), ar ôl "apelydd", ychwaneger " ac, yn achos cyfeiriad o dan adran 29(2) o'r Ddeddf, neu apêl o dan adran 30(3) neu 38(1) o'r Ddeddf, enw'r atebydd;";
- (c) yn is-baragraff (e), ar ôl "paragraff (1)(a) neu (b)", ychwaneger "(pa un bynnag sydd gynharaf) neu, yn achos apêl o dan adran 38(1) o'r Ddeddf, y dyddiad yr anfonir yr hysbysiad yn unol â pharagraff (1)(c), (ch) neu (d)"; ac
- (ch) ar ddiwedd is-baragraff (g), dileer "ac" ac, ar ddiwedd is-baragraff (ng), dileer yr atalnod llawn a rhodder-

"; ac

- (h) yn achos apêl o dan adran 38(1) o'r Ddeddf-
- (i) p'un a yw'r apêl yn ymwneud â hysbysiad a roddwyd o dan adran 36(3) neu 37(1) o'r Ddeddf, yn ôl y digwydd, a
- (ii) ar ffurf disgrifiad beth yw'r gwaith a bennir yn yr hysbysiad hwnnw".

(4) Yn rheoliad 6(3), dileer "paragraff (1)(c)" a rhodder "paragraff (1)(c), (ch) neu (d)" yn ei le.

(5) Yn rheoliad 6(4), yn lle "neu a anfonir yn unol â pharagraff (1)(a), (b), (c) neu (ch)" rhodder "o dan baragraff (a) neu (b) neu a anfonir o dan baragraff (1)(c), (ch) neu (d)".

10. Yn rheoliad 9(2) o Reoliadau Gweithdrefnau Apelau (Penderfyniad ar apêl a benderfynir drwy gyfnwid sylwadau ysgrifenedig), ar ddiwedd is-baragraff (c), dileer "ac" ac, ar ddiwedd is-baragraff (ch), dileer yr atalnod llawn ac ychwaneger-

"; a

- (d) yn achos apêl o dan adran 38(1) o'r Ddeddf-
- (i) i bob person a hysbyswyd o dan adran 37(3) o'r Ddeddf neu reoliad 4(3)(b),

- (i) the relevant local access forum,
- (ii) any person to whom a copy of a notice has been given under section 37(3) of the Act or regulation 4(3)(b),
- (iii) any person who made representations to the respondent in relation to the matter which is the subject of the appeal, and
- (iv) any other person to whom the National Assembly considers it appropriate to give notice."

(3) In regulation 6(2),-

- (a) in the first sentence, delete "paragraph (1)(c) or (1)(d)" and substitute "paragraph (1)(c), (d) or (e)";
- (b) in sub-paragraph (a), after "appellant", add " and, in the case of a reference under section 29(2) of the Act, or an appeal under section 30(3) or 38(1) of the Act, the name of the respondent;";
- (c) in sub-paragraph (g), after "paragraph (1)(a) or (b)", add " (whichever is the earlier) or, in the case of an appeal under section 38(1) of the Act, sent in accordance with paragraph (1)(c), (d) or (e)"; and
- (d) at the end of sub-paragraph (j), delete "and" and, after sub-paragraph (k), delete the full stop and add-

"; and

- (l) in the case of an appeal under section 38(1) of the Act-
- (i) whether the appeal relates to a notice given under section 36(3) or, as the case may be, 37(1) of the Act, and
- (ii) a description of the works specified in that notice".

(4) In regulation 6(3), delete "paragraph (1)(c)" and substitute "paragraph (1)(c), (d) or (e)".

(5) In regulation 6(4), delete "or sent in accordance with paragraph (1)(a), (b), (c) or (d)" and substitute "under paragraph (a) or (b) or sent under paragraph (1)(c), (d) or (e)".

10. In regulation 9(2) of the Appeals Procedures Regulations (Decision on an appeal determined by an exchange of written representations), at the end of sub-paragraph (c), delete "and" and, at the end of sub-paragraph (d), delete the full stop and add-

"; and

- (e) in the case of an appeal under section 38(1) of the Act-
- (i) every person notified under section 37(3) of the Act or regulation 4(3)(b),

a

- (ii) i'r fforwm mynediad lleol perthnasol."

11. Yn rheoliad 12(1) o Reoliadau Gweithdrefnau Apelau (Dyddiad a hysbysiad y gwrandawriad)-

- (a) ar ddiwedd is-baragraff (c), dileer "a";
- (b) yn is-baragraff (ch), ar ôl "30(3)", ychwaneger " neu 38(1)";
- (c) ar ddiwedd is-baragraff (ch), dileer yr atalnod llawn ac ychwaneger-

"; a

(d) yn achos apêl o dan adran 38(1) o'r Ddeddf-

- (i) cyhoeddi hysbysiad o'r gwrandawriad ar wefan a gynhelir ganddo, a
- (ii) os yw'n barnu bod hynny'n angenrheidiol mewn achos penodol, ei gwneud yn ofynnol i'r atebydd-
 - (aa) heb fod yn llai na 2 wythnos cyn y dyddiad a bennir ar gyfer y gwrandawriad, gyhoeddi hysbysiad o'r gwrandawriad mewn un papur newydd neu fwy sy'n cylchredeg yn y gymdogaeth lle y mae'r tir wedi'i leoli, a
 - (bb) gosod hysbysiad o'r gwrandawriad yn gadarn ar y tir apêl neu ar wrthrych ar neu'n agos at y tir hwnnw a hynny yn y fath fodd fel ei fod yn hollol weladwy a darllenadwy gan aelodau o'r cyhoedd; a rhaid i'r atebydd beidio â symud yr hysbysiad oddi yno, neu beri iddo gael ei symud oddi yno am gyfnod, cyn y gwrandawriad, y gall y Cynulliad Cenedlaethol ei bennu."

12. Yn rheoliad 16(1) o Reoliadau Gweithdrefnau Apelau (Hysbysu'r penderfyniad), ar ddiwedd is-baragraff (c), ychwaneger-

"; ac

(ch) yn achos apêl o dan adran 38(1) o'r Ddeddf-

- (i) i bob person a hysbysir o dan adran 37(3) o'r Ddeddf neu reoliad 4(3)(b), a
- (ii) i'r fforwm mynediad lleol perthnasol."

13. Yn rheoliad 22(6) o Reoliadau Gweithdrefnau Apelau (Dyddiad a hysbysiad yr ymchwiliad)-

- (a) yn is-baragraff (a), ar ôl "30(3)", mewnosoder " neu 38(1)"; a

and

- (ii) the relevant local access forum."

11. In regulation 12(1) of the Appeals Procedures Regulations (Date and notification of hearing)-

- (a) at the end of sub-paragraph (c), delete "and";
- (b) in sub-paragraph (d), after "30(3)", add " or 38(1)";
- (c) at the end of sub-paragraph (d), delete the full stop and add-

"; and

(e) in the case of an appeal under section 38(1) of the Act-

- (i) publish a notice of the hearing on a website maintained by it, and
- (ii) if it considers it necessary in a particular case, require the respondent-
 - (aa) not less than 2 weeks before the date fixed for the hearing, to publish a notice of the hearing in one or more newspapers circulating in the locality in which the land is situated, and
 - (bb) to affix a notice of the hearing firmly to the appeal land or to some object on or near that land in such manner as to be readily visible to and legible by members of the public; and the respondent must not remove the notice, or cause it to be removed, for such period before the hearing as the National Assembly may specify."

12. In regulation 16(1) of the Appeals Procedures Regulations (Notification of decision), at the end of sub-paragraph (c), delete the full stop and add-

"; and

(d) in the case of an appeal under section 38(1) of the Act-

- (i) every person notified under section 37(3) of the Act or regulation 4(3)(b), and
- (ii) the relevant local access forum."

13. In regulation 22(6) of the Appeals Procedures Regulations (Date and notification of inquiry)-

- (a) in sub-paragraph (a), after "30(3)", insert " or 38(1)"; and

(b) ar ddiwedd is-baragraff (b), ychwaneger-

"; ac

(c) yn achos apêl o dan adran 38(1) o'r Ddeddf-

- (i) cyhoeddi hysbysiad o'r ymchwiliad ar wefan a gynhelir ganddo, a
- (ii) onid yw o'r farn nad oes angen hynny mewn achos penodol, ei gwneud yn ofynnol i'r atebydd-
 - (aa) heb fod yn llai na 2 wythnos cyn y dyddiad a bennir ar gyfer y gwrandawriad, gyhoeddi hysbysiad o'r gwrandawriad mewn un papur newydd neu fwy sy'n cylchredeg yn y gymdogaeth lle y mae'r tir wedi'i leoli, a
 - (bb) gosod hysbysiad o'r gwrandawriad yn gadarn ar y tir apêl neu ar wrthrych ar neu'n agos at y tir hwnnw a hynny yn y fath fodd fel ei fod yn hollol weladwy a darllenadwy gan aelodau o'r cyhoedd; a rhaid i'r atebydd beidio â symud yr hysbysiad oddi yno, neu beri iddo gael ei symud oddi yno am gyfnod, cyn y gwrandawriad, y gall y Cynulliad Cenedlaethol ei bennu."

14. Yn rheoliad 28(1) o Reoliadau Gweithdrefnau Apelau (Hysbysu'r penderfyniad), ar ddiwedd is-baragraff (c), dileer "ac" ac, ar ddiwedd is-baragraff (ch), dileer yr atalnod llawn ac ychwaneger-

"; a

(d) yn achos apêl o dan adran 38(1) o'r Ddeddf-

- (i) i bob person a hysbysir o dan adran 37(3) o'r Ddeddf neu reoliad 4(3)(b), a
- (ii) i'r fforwm mynediad lleol perthnasol."

15. Yn rheoliad 29(2) o Reoliadau Gweithdrefnau Apelau (Tynnu apêl yn ôl), ar ôl "rheoliad 5(1)", ychwaneger-

" ac, yn achos apêl o dan adran 38(1) o'r Ddeddf, i'r personau a'r cyrff a bennir ym mharagraff (3).

(3) Y canlynol yw'r personau a bennir at ddibenion paragraff (2)-

- (a) pob un o berchenogion neu feddianwyr eraill y tir apêl y mae Cynulliad Cenedlaethol Cymru yn gwybod ei gyfeiriad; a

(b) at the end of sub-paragraph (b), delete the full stop and add-

"; and

(c) in the case of an appeal under section 38(1) of the Act-

- (i) publish a notice of the inquiry on a website maintained by it, and
- (ii) unless it considers it unnecessary in a particular case, require the respondent-
 - (aa) not less than 2 weeks before the date fixed for the hearing, to publish a notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated, and
 - (bb) to affix a notice of the hearing firmly to the appeal land or to some object on or near that land in such manner as to be readily visible to and legible by members of the public; and the respondent must not remove the notice, or cause it to be removed, for such period before the inquiry as the National Assembly may specify."

14. In regulation 28(1) of the Appeals Procedures Regulations (Notification of decision), at the end of sub-paragraph (c), delete "and" and, at the end of sub-paragraph (d), delete the full stop and add-

"; and

(e) in the case of an appeal under section 38(1) of the Act-

- (i) every person notified under section 37(3) of the Act or regulation 4(3)(b), and
- (ii) the relevant local access forum."

15. In regulation 29(2) of the Appeals Procedures Regulations (Withdrawal of an appeal), after "regulation 5(1)", add-

" and, in the case of an appeal under section 38(1) of the Act, to the persons and bodies specified in paragraph (3).

(3) The persons specified for the purposes of paragraph (2) are-

- (a) every other owner or occupier of the appeal land whose address is known to the National Assembly for Wales; and

(b) y fforwm mynediad lleol, os yw'r Cynulliad Cenedlaethol yn gwybod ei gyfeiriad."

16. Yn rheoliad 36(b) o Reoliadau Gweithdrefnau Apelau (Cyhoeddi penderfyniadau ar apelau), ar ôl "30(3)", mewnosoder-

" neu 38(1)".

(b) where the address of the local access forum is known to the National Assembly, the local access forum."

16. In regulation 36(b) of the Appeals Procedures Regulations (Publication of decisions on appeals), after "30(3)", insert-

" or 38(1)".

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).

4 Mai 2005

4 May 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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