



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 2369 (Cy.203)

**PYSGODFEYDD MÔR,
CYMRU**

Y DIWYDIANT PYSGOD MÔR

Cynllun Cychod Pysgota (Darlledu
Data Gweithgareddau Pysgota yn
Electronig) (Cymru) 2010

NODYN ESBONIADOL

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

Mae'r Cynllun hwn, a wnaed gyda chymeradwyaeth y Trysorlys, yn darparu ar gyfer talu grantiau fel cyfraniad tuag at gost prynu neu gyflenwi meddalwedd sy'n angenrheidiol i gofnodi ac i ddarlledu'n electronig ddata gweithgareddau pysgota yn unol ag—

- (a) Rheoliad y Cyngor (EC) Rhif 1966/2006 ar 21 Rhagfyr 2006 ar gofnodi ac adrodd yn electronig am weithgareddau pysgota ac ar ddulliau synhwyro o bell;
- (b) Rheoliad y Comisiwn (EC) Rhif 1077/2008 ar 3 Tachwedd 2008 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1966/2006 ar gofnodi ac adrodd yn electronig am weithgareddau pysgota ac ar ddulliau synhwyro o bell ac sy'n diddymu Rheoliad (EC) Rhif 1566/2007; ac
- (c) Rheoliad y Cyngor (EC) Rhif 1224/2009 ar 20 Tachwedd 2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin, ac sy'n diwygio Rheoliadau (EC) Rhif 847/96, (EC) Rhif 2371/2002, (EC) Rhif 811/2004, (EC) Rhif 768/2005, (EC) Rhif 2115/2005, (EC) Rhif 2166/2005, (EC) Rhif 388/2006, (EC) Rhif 509/2007, (EC) Rhif 676/2007, (EC) Rhif 1098/2007, (EC) Rhif 1300/2008, (EC) Rhif 1342/2008 ac yn diddymu Rheoliadau (EEC) Rhif 2847/93, (EC) Rhif 1627/94 ac (EC) Rhif 1966/2006.

WELSH STATUTORY
INSTRUMENTS

2010 No. 2369(W.203)

**SEA FISHERIES,
WALES**

SEA FISH INDUSTRY

The Fishing Boats (Electronic
Transmission of Fishing Activities
Data) (Wales) Scheme 2010

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme, made with the approval of the Treasury, provides for the payment of grants as a contribution towards the cost of purchase or supply of software necessary to record and electronically transmit fishing activities data in accordance with—

- (a) Council Regulation (EC) No. 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing;
- (b) Commission Regulation (EC) No. 1077/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing and repealing Regulation (EC) No. 1566/2007; and
- (c) Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.

Yn Rhan 2, mae paragraff 3 yn darparu ar gyfer rhestrau cyhoeddiedig o feddalwedd a gymeradwywyd ac o gyflenwyr a gymeradwywyd, paragraff 4 yn pennu'r meini prawf cymhwystra ar gyfer grant, paragraff 5 yn ymwneud â thalu grant, a pharagraff 6 yn ymwneud â swm y grant.

Yn Rhan 3, mae paragraff 7 yn darparu ar gyfer rhoi gwahoddiadau i ymgeisio am grant, paragraff 8 yn ymwneud â gwneud cais am grant, a pharagraff 9 yn ymwneud â dyfarnu ar geisiadau am grant, gan gynnwys y pŵer i osod amodau ynghlwm wrth unrhyw gais a gymeradwyir a gofynion parthed rhoi hysbysiad. Mae paragraff 10 yn darparu ar gyfer adolygu dyfarniad i wrthod cais neu ddyfarniad i osod amodau ynghlwm wrth unrhyw gais a gymeradwyir.

Yn Rhan 4, mae paragraff 11 yn darparu ar gyfer dirymu, dal yn ôl ac adennill grant mewn amgylchiadau penodol ac mae paragraff 12 yn galluogi talu llog ar symiau a adenillir.

Ni pharatowyd asesiad effaith rheoleiddiol mewn perthynas â'r offeryn hwn gan na ragwelir y bydd yn cael unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

In Part 2, paragraph 3 provides for published lists of approved software and approved suppliers, paragraph 4 specifies the eligibility criteria for the grant, paragraph 5 deals with payment of grant and paragraph 6 deals with the amount of grant.

In Part 3, paragraph 7 provides for making invitations to apply for grant, paragraph 8 deals with the making of an application for grant, paragraph 9 provides for the determination of applications for grant, including the power to attach conditions to any approval and requirements as to notification. Paragraph 10 provides for the review of a determination to refuse an application or a determination to attach a condition to an approval of an application.

In Part 4, paragraph 11 provides for the revocation, withholding and recovery of grant in certain circumstances and paragraph 12 enables interest to be payable on sums which are recovered.

A regulatory impact assessment has not been produced in relation to this instrument as no impact on the private or voluntary sectors is foreseen.

2010 Rhif 2369 (Cy.203)

**PYSGODFEYDD MÔR,
CYMRU**

Y DIWYDIANT PYSGOD MÔR

Cynllun Cychod Pysgota
(Darlledu Data Gweithgareddau
Pysgota yn Electronig) (Cymru)
2010

Gwnaed 28 Medi 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 28 Medi 2010

Yn dod i rym 20 Hydref 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 15(1) a (2) o Ddeddf Pysgodfeydd 1981(1), ac sydd bellach wedi'u breinio ynddynt hwy(2), yn gwneud y Cynllun a ganlyn gyda chymeradwyaeth y Trysorlys.

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Cynllun hwn yw Cynllun Cychod Pysgota (Darlledu Data Gweithgareddau Pysgota yn Electronig) (Cymru) 2010 a daw i rym ar 20 Hydref 2010.

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- (1) 1981 p.29. *Gweler* adran 18(1) am y diffiniad o "the Ministers". Diwygiwyd adrannau 15(2) ac 18(1) gan O.S. 1999/1820, Atodlen 2, paragraff 68(1), (2) a (3).
- (2) Yn rhinwedd erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, ac Atodlen 1 iddo (O.S. 1999/672) trosglwyddwyd y swyddogaethau sy'n arferadwy o dan adran 15 o Ddeddf 1981 i Gynulliad Cenedlaethol Cymru (fel y'i cyfansoddwyd o dan Ddeddf Llywodraeth Cymru 1998 (p.38)) i'r graddau y maent yn arferadwy o ran Cymru. Trosglwyddwyd y swyddogaethau hynny o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32). Mae gofynion cymeradwyaeth y Trysorlys o dan adran 15 o Ddeddf 1981 yn parhau'n effeithlon.

2010 No. 2369 (W.203)

**SEA FISHERIES,
WALES**

SEA FISH INDUSTRY

The Fishing Boats (Electronic
Transmission of Fishing Activities
Data) (Wales) Scheme 2010

Made 28 September 2010

*Laid before the National
Assembly for Wales* 28 September 2010

Coming into force 20 October 2010

The Welsh Ministers, in exercise of the powers conferred by section 15(1) and (2) of the Fisheries Act 1981(1), and now vested in them(2), make the following Scheme with the approval of the Treasury.

PART 1

Preliminary

Title, commencement and application

1.–(1) The title of this Scheme is the Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010 and it comes into force on 20 October 2010.

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- (1) 1981 c.29. *See* section 18(1) for the definition of "the Ministers". Sections 15(2) and 18(1) were amended by S.I. 1999/1820, Schedule 2, paragraph 68(1), (2) and (3).
- (2) By virtue of article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 15 of the 1981 Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c.38)) in so far as exercisable in relation to Wales. Those functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). The Treasury approval requirements under section 15 of the 1981 Act continue in effect.

(2) Mae'r Cynllun hwn yn gymwys o ran Cymru.

Dehongli

2.–(1) Yn y Cynllun hwn–

ystyr "cais" ("*application*") yw cais am grant o dan y Cynllun hwn ac mae "ceisydd" ("*applicant*") i'w ddehongli'n unol â hynny;

ystyr "cwch pysgota Cymreig cymwys" ("*eligible Welsh fishing boat*") yw cwch pysgota–

- (a) sydd wedi'i gofrestru yn y Deyrnas Unedig o dan Ran 2 o Ddeddf Llongau Masnach 1995(1);
- (b) sydd â'i borthladd gweinyddu yng Nghymru ar ddyddiad gwneud y cais am grant; ac
- (c) sy'n mesur 15 o fetrau neu fwy o hyd yn gyfan gwbl;

ystyr "cyflenwr a gymeradwywyd" ("*approved supplier*") yw cyflenwr a bennir mewn rhestr a gyhoeddwyd gan Weinidogion Cymru o dan baragraff 3(1) mewn cysylltiad â'r feddalwedd a gymeradwywyd;

mae i "Cymru" yr ystyr a roddir i "Wales" yn adran 158 o Ddeddf Llywodraeth Cymru 2006(2);

ystyr "data gweithgareddau pysgota" ("*fishing activities data*") yw data'r llyfr log, data'r datganiad trawslwytho a data'r datganiad glanio y mae'n ofynnol o dan y Rheoliad UE ei gofnodi a'i ddarlledu drwy ddull electronig;

ystyr "y dyddiad cau" ("*the closing date*") yw'r dyddiad hwnnw y dichon Gweinidogion Cymru ei bennu a'i gyhoeddi o bryd i'w gilydd fel y dyddiad y mae'n rhaid cyflwyno cais am grant arno neu o'i flaen;

ystyr "grant" ("*grant*") yw grant o dan y Cynllun hwn;

ystyr "meddalwedd a gymeradwywyd" ("*approved software*") yw meddalwedd a bennir mewn rhestr a gyhoeddwyd gan Weinidogion Cymru o dan baragraff 3(1);

ystyr "porthladd gweinyddu" ("*port of administration*") yw'r porthladd y dyroddir ohono'r drwydded a roddir mewn cysylltiad â chwch pysgota o dan adran 4 o Ddeddf Pysgod Môr (Cadwraeth) 1967(3); ac

(2) This Scheme applies in relation to Wales.

Interpretation

2.–(1) In this Scheme–

"application" ("*cais*") means an application for a grant under this Scheme and "applicant" ("*ceisydd*") is to be construed accordingly;

"approved software" ("*meddalwedd a gymeradwywyd*") means software specified in a list published by the Welsh Ministers under paragraph 3(1);

"approved supplier" ("*cyflenwr a gymeradwywyd*") means a supplier specified in a list published by the Welsh Ministers under paragraph 3(1) in respect of the approved software;

"the closing date" ("*y dyddiad cau*") means such date as the Welsh Ministers may from time to time determine and publish as the date on or before which an application for grant must be lodged;

"eligible Welsh fishing boat" ("*cwch pysgota Cymreig cymwys*") means a fishing boat which–

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(1);
- (b) has its port of administration in Wales at the date of the application for grant; and
- (c) measures 15 metres or more overall in length;

"the EU Regulation" ("*y Rheoliad UE*") means–

- (a) until 31 December 2010, the provisions relating to recording and transmission of fishing activities data set out in–
 - (i) Articles 1 to 3 of Council Regulation (EC) No. 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing(2); and
 - (ii) Chapter 2 of Commission Regulation (EC) No. 1077/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing and repealing Regulation (EC) No. 1566/2007(3);
- (b) on and after 1 January 2011, the provisions relating to recording and transmission of fishing activities data set out in Section 1 of

(1) 1995 p. 21.

(2) 2006 p. 32.

(3) 1967 p. 84.

(1) 1995 c. 21.

(2) OJ No L409, 30.12.2006, p. 1

(3) OJ No L295, 4.11.2008, p. 3.

ystyr "y Rheoliad UE" ("*the EU Regulation*") yw—

- (a) tan 31 Rhagfyr 2010, y darpariaethau sy'n ymwneud â chofnodi a darlledu data gweithgareddau pysgota a osodir yn—
- (i) Erthyglau 1 i 3 o Reoliad y Cyngor (EC) Rhif 1966/2006 ar 21 Rhagfyr 2006 ar gofnodi ac adrodd yn electronig am weithgareddau pysgota ac ar ddulliau synhwyro o bell⁽¹⁾; a
- (ii) Pennod 2 o Reoliad y Comisiwn (EC) Rhif 1077/2008 ar 3 Tachwedd 2008 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1966/2006 ar gofnodi ac adrodd yn electronig am weithgareddau pysgota ac ar ddulliau synhwyro o bell ac sy'n diddymu Rheoliad (EC) Rhif 1566/2007⁽²⁾;
- (b) ar 1 Ionawr 2011 ac wedi hynny, y darpariaethau sy'n ymwneud â chofnodi a darlledu data gweithgareddau pysgota a osodir yn Adran 1 o Bennod 1 o Deitl 4 o Reoliad y Cyngor (EC) Rhif 1224/2009 ar 20 Tachwedd 2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin, ac sy'n diwygio Rheoliadau (EC) Rhif 847/96, (EC) Rhif 2371/2002, (EC) Rhif 811/2004, (EC) Rhif 768/2005, (EC) Rhif 2115/2005, (EC) Rhif 2166/2005, (EC) Rhif 388/2006, (EC) Rhif 509/2007, (EC) Rhif 676/2007, (EC) Rhif 1098/2007, (EC) Rhif 1300/2008, (EC) Rhif 1342/2008 ac yn diddymu Rheoliadau (EEC) Rhif 2847/93, (EC) Rhif 1627/94 ac (EC) Rhif 1966/2006⁽³⁾.

(2) Ystyr unrhyw rwymedigaeth ar Weinidogion Cymru i gyhoeddi deunydd o dan y Cynllun hwn yw rhwymedigaeth i beri bod y deunydd hwnnw ar gael mewn modd a fydd yn sicrhau ei bod yn weddol debygol y bydd y rheini sy'n gymwys am grant yn ei weld.

Chapter 1 of Title 4 of Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁽¹⁾;

"fishing activities data" ("*data gweithgareddau pysgota*") means the logbook data, transhipment declaration data and landing declaration data required under the EU Regulation to be recorded and transmitted by electronic means;

"grant" ("*grant*") means a grant under this Scheme;

"port of administration" ("*porthladd gweinyddu*") means the port from which the licence granted in respect of a fishing boat under section 4 of the Sea Fish (Conservation) Act 1967⁽²⁾ is issued; and

"Wales" ("*Cymru*") has the meaning given in section 158 of the Government of Wales Act 2006⁽³⁾.

(2) Any obligation of the Welsh Ministers to publish material under this Scheme means an obligation to make that material available in a manner that will ensure it is reasonably likely to be seen by those eligible for a grant.

(1) OJ Rhif L409, 30.12.2006, t. 1.

(2) OJ Rhif L295, 4.11.2008, t. 3.

(3) OJ Rhif L343, 22.12.2009, t. 1.

(1) OJ No L343, 22.12.2009, p. 1.

(2) 1967 c. 84.

(3) 2006 c. 32.

RHAN 2

Grant ar gyfer meddalwedd a gymeradwywyd

Meddalwedd a gymeradwywyd a chyflenwyr a gymeradwywyd

3.–(1) Rhaid i Weinidogion Cymru gyhoeddi rhestr sy'n pennu–

- (a) meddalwedd sy'n gallu–
 - (i) cofnodi data gweithgareddau pysgota'n electronig; a
 - (ii) darlledu data gweithgareddau pysgota'n electronig yn y ffurf ofynnol; a
- (b) cyflenwyr y feddalwedd honno.

(2) Yn y paragraff hwn, ystyr "y ffurf ofynnol" ("*required format*") yw ffurf a bennir ac a gyhoeddir gan Weinidogion Cymru at ddibenion y Rheoliad UE.

Cymhwystra am grant

4.–(1) Caiff person wneud cais, yn unol â darpariaethau'r Cynllun hwn, i Weinidogion Cymru am grant, os yw'r person hwnnw–

- (a) yn feistr, yn berchennog neu'n siartwr cwch pysgota Cymreig cymwys; a
- (b) wedi prynu meddalwedd a gymeradwywyd gan gyflenwr a gymeradwywyd, neu wedi comisiynu cyflenwr a gymeradwywyd i gyflenwi meddalwedd a gymeradwywyd, i'w defnyddio ar y cwch hwnnw.

(2) Yn y paragraff hwn, mae "meistr" ("*master*") yn cynnwys y person y mae'r cwch pysgota dan ei ofal am y tro.

Talu grant

5.–(1) Caiff Gweinidogion Cymru dalu unrhyw grant, neu unrhyw ran ohono, wedi i'r cais gael ei gymeradwyo o dan baragraff 9(1) a bod Gweinidogion Cymru wedi'u bodloni–

- (a) bod y cyflenwr a gymeradwywyd wedi cyflenwi'r feddalwedd a gymeradwywyd i'r ceisydd a bod y feddalwedd wedi'i gosod yn y cwch pysgota Cymreig cymwys;
- (b) bod y ceisydd wedi defnyddio'r feddalwedd a gymeradwywyd i gofnodi ac i ddarlledu'n electronig ddata gweithgareddau pysgota yn unol â'r Rheoliad UE; ac
- (c) bod cydymffurfio wedi bod ag unrhyw amod ar gyfer talu'r grant neu unrhyw ran ohono.

(2) Caiff Gweinidogion Cymru–

- (a) talu'r grant i'r ceisydd neu'n uniongyrchol i'r cyflenwr a gymeradwywyd ar ran y ceisydd;

PART 2

Grant for approved software

Approved software and approved suppliers

3.–(1) The Welsh Ministers must publish a list specifying–

- (a) software that is capable of–
 - (i) electronically recording fishing activities data; and
 - (ii) electronically transmitting fishing activities data in the required format; and
- (b) the suppliers of that software.

(2) In this paragraph, "required format" ("y ffurf ofynnol") means a format determined and published by the Welsh Ministers for the purposes of the EU Regulation.

Eligibility for grant

4.–(1) A person may apply, in accordance with the provisions of this Scheme, to the Welsh Ministers for a grant, if the person–

- (a) is the master, owner or charterer of an eligible Welsh fishing boat; and
- (b) has purchased from an approved supplier, or has commissioned an approved supplier to supply, approved software for use on that boat.

(2) In this paragraph, "master" ("*meistr*") includes the person for the time being in charge of the fishing boat.

Payment of grant

5.–(1) The Welsh Ministers may make payment of a grant, or of any part of it, after the application has been approved under paragraph 9(1) and the Welsh Ministers are satisfied that–

- (a) the approved supplier has supplied the applicant with the approved software and the software has been installed in the eligible Welsh fishing boat;
- (b) the applicant has successfully used the approved software to electronically record and transmit fishing activities data in accordance with the EU Regulation; and
- (c) any condition for payment of the grant, or of any part of it, has been complied with.

(2) The Welsh Ministers may–

- (a) make payment of grant to the applicant or direct to the approved supplier on behalf of the applicant;

- (b) talu'r grant ar y fath adeg, neu drwy'r fath randaliadau ar y fath ysbeidiau neu adegau, ag y dichon Gweinidogion Cymru bennu; ac
- (c) rhoi un grant yn unig mewn cysylltiad ag unrhyw gwch pysgota Cymreig cymwys.

Swm y grant

6. O ran swm y grant—

- (a) rhaid iddo beidio â bod yn fwy na chost prynu neu gyflenwi'r feddalwedd a gymeradwywyd; a
- (b) caiff fod yn swm llai o faint bynnag a bennir gan Weinidogion Cymru.

- (b) make payment of grant at such time, or by such instalments at such intervals or times, as the Welsh Ministers may determine; and
- (c) make only one grant in respect of any eligible Welsh fishing boat.

Amount of grant

6. The amount of the grant—

- (a) must not exceed the cost of purchase or supply of the approved software; and
- (b) may be such lesser amount as determined by the Welsh Ministers.

RHAN 3

Ceisiadau am grant

Gwahoddiad i geisio am grant

7.—(1) Caiff Gweinidogion Cymru o bryd i'w gilydd gyhoeddi gwahoddiad i wneud ceisiadau am grant.

(2) Rhaid i wahoddiad gynnwys—

- (a) manylion meddalwedd a gymeradwywyd a chyflenwyr a gymeradwywyd;
- (b) manylion yr amodau cymhwystra am grant;
- (c) gofynion ffurf y cais a'r dull o'i wneud;
- (ch) unrhyw ofynion ar gyfer darparu dogfennau, gwybodaeth ac ymgymeriadau i gefnogi'r cais; a
- (d) y dyddiad cau ar gyfer gwneud cais.

Ceisiadau

8.—(1) Rhaid i gais am grant gael ei wneud yn ysgrifenedig i Weinidogion Cymru yn unol â gofynion y gwahoddiad a wnaed o dan baragraff 7(1).

(2) Ac eithrio fel y darperir yn is-baragraff (3), rhaid i Weinidogion Cymru fod wedi cael cais ar y dyddiad cau neu cyn hynny.

(3) Caiff Gweinidogion Cymru dderbyn cais ar ôl y dyddiad cau os ydynt wedi'u bodloni—

- (a) bod amodau penodol y ceisydd yn peri ei bod yn afresymol disgwyl i'r cais gael ei wneud erbyn y dyddiad cau; a
- (b) bod y dyddiad erbyn pryd y gwneir y cais mor fuan ag y gellir yn rhesymol ei ddisgwyl.

(4) Caiff Gweinidogion Cymru, cyn dyfarnu ar unrhyw gais, ei gwneud yn ofynnol i'r ceisydd ddarparu gwybodaeth ychwanegol.

PART 3

Applications for grant

Invitation to apply for grant

7.—(1) The Welsh Ministers may from time to time publish an invitation for applications for grant.

(2) An invitation must contain—

- (a) details of approved software and approved suppliers;
- (b) details of the conditions of eligibility for a grant;
- (c) requirements as to the form and manner of making an application;
- (d) any requirements for providing documents, information and undertakings in support of the application; and
- (e) the closing date for making an application.

Applications

8.—(1) An application for a grant must be made in writing to the Welsh Ministers in accordance with the requirements of the invitation made under paragraph 7(1).

(2) Save as provided in sub-paragraph (3), an application must be received by the Welsh Ministers on or before the closing date.

(3) The Welsh Ministers may accept an application after the closing date if satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to be made by the closing date; and
- (b) the date by which the application is made is as early as can reasonably be expected.

(4) The Welsh Ministers may, before determining any application, require the applicant to provide additional information.

Dyfarnu ar gais

9.–(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad cau, neu ar ôl cael unrhyw wybodaeth bellach y gofynnwyd amdani yn unol â pharagraff 8(4), rhaid i Weinidogion Cymru—

- (a) nodi a chymeradwyo, yn ddarostyngedig i'r fath amodau ag a ystyrir yn briodol ganddynt, y ceisiadau hynny a wnaed yn unol â gwahoddiad a wnaed o dan baragraff 7(1) sy'n bodloni darpariaethau'r Cynllun hwn; a
- (b) gwrthod unrhyw geisiadau eraill.

(2) Rhaid i Weinidogion Cymru wrthod cais os ydynt o'r farn bod porthladd gweinyddu'r cwch pysgota wedi cael ei newid i borthladd yng Nghymru gyda'r prif bwrpas o sicrhau bod y cwch pysgota yn gwch pysgota Cymreig cymwys at ddibenion y Cynllun hwn.

(3) Pan fo Gweinidogion Cymru yn cymeradwyo cais o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd yn ysgrifenedig o'r gymeradwyaeth honno ac o unrhyw amodau y mae'n ddarostyngedig iddynt.

(4) Pan fo Gweinidogion Cymru yn gwrthod cais o dan is-baragraffau (1)(b) neu (2), neu'n cymeradwyo cais yn ddarostyngedig i unrhyw amod o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd yn ysgrifenedig—

- (a) o'r rhesymau dros y gwrthodiad hwnnw neu dros osod yr amod; a
- (b) o'r hawl i wneud cais am adolygiad o dan baragraff 10.

Adolygu dyfarniad

10.–(1) Pan fo Gweinidogion Cymru yn gwrthod cais o dan baragraffau 9(1)(b) neu 9(2), neu'n cymeradwyo cais yn ddarostyngedig i unrhyw amod o dan is-baragraff 9(1)(a), caiff y person a ymgeisiodd am y grant wneud cais i Weinidogion Cymru, yn unol â darpariaethau'r paragraff hwn, am adolygiad o'r dyfarniad hwnnw.

(2) Rhaid i Weinidogion Cymru fod wedi cael cais am adolygiad o dan y paragraff hwn ar ddyddiad heb fod yn ddiweddarach na 6 mis o ddyddiad y dyfarniad perthnasol o dan baragraffau 9(1) neu 9(2).

(3) Rhaid i gais am adolygiad o dan y paragraff hwn fod yn ysgrifenedig a rhaid iddo nodi—

- (a) enw a chyfeiriad y person sy'n gwneud y cais am yr adolygiad, ac os nad y person hwnnw yw'r person a enwir yn y dyfarniad, enw a chyfeiriad y person a enwir yn y dyfarniad ac ar ba sail y mae'r person yn ceisio adolygiad;
- (b) pa ddyfarniad o eiddo Gweinidogion Cymru sydd i'w adolygu a dyddiad y dyfarniad hwnnw;

Determination of application

9.–(1) As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 8(4), the Welsh Ministers must—

- (a) identify and approve, subject to such conditions as they consider appropriate, those applications made in pursuance of an invitation made under paragraph 7(1) which satisfy the provisions of this Scheme; and
- (b) reject any other applications.

(2) The Welsh Ministers must reject an application if they are of the opinion that the port of administration of the fishing boat has been changed to a port in Wales for the primary purpose of ensuring that the fishing boat is an eligible Welsh fishing boat for the purposes of this Scheme.

(3) Where the Welsh Ministers approve an application under sub-paragraph (1)(a), they must notify the applicant in writing of that approval and any conditions to which it is subject.

(4) Where the Welsh Ministers reject an application under sub-paragraphs (1)(b) or (2), or approve an application subject to any condition under sub-paragraph (1)(a), they must notify the applicant in writing of—

- (a) the reasons for that rejection or the imposition of the condition; and
- (b) the right to apply for a review under paragraph 10.

Review of determination

10.–(1) Where the Welsh Ministers reject an application under paragraphs 9(1)(b) or 9(2), or approve an application subject to any condition under sub-paragraph 9(1)(a), the person who applied for grant may apply to the Welsh Ministers, in accordance with the provisions of this paragraph, for a review of that determination.

(2) An application for a review under this paragraph must be received by the Welsh Ministers on a date no later than 6 months from the date of the relevant determination under paragraphs 9(1) or 9(2).

(3) An application for review under this paragraph must be in writing and specify—

- (a) the name and address of the person applying for the review and, where that person is not the person named in the determination, the name and address of the person named in the determination and the basis upon which the person is seeking review;
- (b) the determination of the Welsh Ministers which is to be reviewed and its date;

- (c) manylion y sail y ceisir yr adolygiad arno; ac
- (ch) y newid a geisir i'r dyfarniad.

(4) Caniateir gwneud cais o dan y paragraff hwn drwy'r post neu drwy ffacs neu ddull arall o gyfathrebiad electronig y mae modd ei atgynhyrchu.

(5) Pan wneir cais o dan y paragraff hwn, rhaid i Weinidogion Cymru adolygu'r dyfarniad a nodir ynddo a dod i benderfyniad terfynol arno a hysbysu'n ysgrifenedig y person sy'n gwneud y cais am yr adolygiad o'r penderfyniad hwnnw a'r rhesymau drosto.

(6) Wrth adolygu dyfarniad caiff Gweinidogion Cymru—

- (a) ystyried unrhyw ddogfen neu dystiolaeth arall a gyflwynwyd gan y ceisydd (p'un ai a oedd y ddogfen neu'r dystiolaeth honno ar gael ar yr adeg y gwnaed y dyfarniad ai peidio);
- (b) gwahodd y ceisydd i ddarparu'r fath wybodaeth bellach sy'n berthnasol i'r adolygiad a ystyrir ganddynt ei fod yn briodol; ac
- (c) rhoi cyfle i'r ceisydd roi dystiolaeth a gwneud sylwadau yn bersonol neu drwy gynrychiolydd.

RHAN 4

Dirymu, dal yn ôl ac adennill grant

Dirymu, dal yn ôl ac adennill grant

11.—(1) Os ymddengys i Weinidogion Cymru, ar unrhyw adeg wedi iddynt gymeradwyo cais o dan baragraff 9(1)(a)—

- (a) bod unrhyw amod a osodwyd o dan y paragraff hwnnw wedi cael ei dorri neu bod diffyg cydymffurfriad ag ef; neu
- (b) bod y ceisydd wedi cyflawni tramgwydd o dan adran 17 o Ddeddf Pysgodfeydd 1981 neu y dichon ei fod wedi gwneud hynny(1),

cânt ddirymu'r gymeradwyaeth i'r cais hwnnw, neu ddal y grant yn ôl, neu ddal unrhyw ran ohono'n ôl, mewn perthynas â'r cais ac os gwnaed unrhyw daliad grant, cânt adennill oddi wrth y ceisydd ar hawliad, swm sy'n cyfateb i'r cyfan neu unrhyw ran o'r taliad a wnaed felly, heb ystyried a wnaed y taliad grant yn uniongyrchol i'r ceisydd neu i'r cyflenwr a gymeradwywyd ar ran y ceisydd yn rhinwedd paragraff 5(2)(a).

(2) Cyn dirymu cymeradwyaeth neu ddal yn ôl unrhyw grant neu wneud hawliad yn rhinwedd is-baragraff (1), rhaid i Weinidogion Cymru—

- (c) details of the grounds upon which review is sought; and
- (d) the change sought to the determination.

(4) An application made under this paragraph may be made by post or by fax or other means of electronic communication which is capable of reproduction.

(5) Where an application is made under this paragraph, the Welsh Ministers must review the determination which is specified in it, reach a final decision and notify in writing the person applying for the review of that decision and the reasons for it.

(6) In reviewing a determination the Welsh Ministers may—

- (a) consider any document or other evidence produced by the applicant (whether or not that document or evidence was available at the time of the determination);
- (b) invite the applicant to provide such further information relevant to the review as they consider appropriate; and
- (c) give the applicant an opportunity to give evidence and to make representations in person or through a representative.

PART 4

Revocation, withholding and recovery of grant

Revocation, withholding and recovery of grant

11.—(1) If at any time after the Welsh Ministers have approved an application under paragraph 9(1)(a), it appears to them—

- (a) that any condition imposed under that paragraph has been breached or has not been complied with; or
- (b) the applicant has committed or may have committed an offence under section 17 of the Fisheries Act 1981(1),

they may revoke the approval of such application or withhold the grant, or any part of the grant, in respect of the application and, where any payment of grant has been made, may recover from the applicant on demand an amount equal to the whole or any part of the payment which has been so made, irrespective of whether payment of grant was made to the applicant direct or to the approved supplier on the applicant's behalf by virtue of paragraph 5(2)(a).

(2) Before revoking an approval or withholding any grant or making a demand by virtue of sub-paragraph (1), the Welsh Ministers must—

(1) 1981 p.29.

(1) 1981 c.29.

- (a) roi eglurhad ysgrifenedig i'r ceisydd o'r rhesymau dros y cam y bwriedir ei gymryd;
- (b) rhoi cyfle i'r ceisydd wneud sylwadau ysgrifenedig o fewn unrhyw amser y mae Gweinidogion Cymru yn ystyried yn rhesymol; ac
- (c) ystyried unrhyw sylwadau o'r fath.

Llog

12.–(1) Pan fo Gweinidogion Cymru yn penderfynu adennill swm ar gais yn unol â pharagraff 11(1), cânt, yn ychwanegol, adennill llog ar y swm hwnnw ar gyfradd o 1% uwchben LIBOR wedi'i gyfrifo yn ddyddiol am y cyfnod sy'n dechrau gyda'r diwrnod ar ôl hwnnw y talwyd y swm arno ac sy'n gorffen ar y diwrnod yr adennillir y swm arno.

(2) Yn y paragraff hwn, ystyr "LIBOR" ("LIBOR"), mewn cysylltiad ag unrhyw ddiwrnod, yw cyfradd sterling dri-misol Llundain a gynigir rhwng banciau sydd mewn grym ar y diwrnod hwnnw wedi'i dalgrynnu os oes angen at ddau bwynt degol.

(3) Mewn unrhyw achos ar gyfer adennill o dan y Cynllun hwn, bydd tystysgrif a ddyroddir gan Weinidogion Cymru yn datgan beth yw'r LIBOR sy'n gymwys ar gyfer unrhyw ddiwrnod yn dystiolaeth ddiwrthbrawf o'r LIBOR o dan sylw os yw'r dystysgrif hefyd yn datgan bod Banc Lloegr wedi hysbysu Gweinidogion Cymru o'r LIBOR o dan sylw.

- (a) give the applicant a written explanation of the reasons for the step proposed to be taken;
- (b) afford the applicant the opportunity of making written representations within such time as the Welsh Ministers consider reasonable; and
- (c) consider any such representations.

Interest

12.–(1) Where the Welsh Ministers decide to recover on demand an amount in accordance with paragraph 11(1), they may, in addition, recover interest on that amount at a rate of 1% above LIBOR calculated on a daily basis for the period beginning with the day following that on which the amount was paid and ending on the day on which the amount is recovered.

(2) In this paragraph "LIBOR" ("LIBOR"), in relation to any day, means the sterling three-month London inter-bank offered rate in force for that day rounded if necessary to two decimal places.

(3) In any proceedings for recovery under this Scheme, a certificate issued by the Welsh Ministers stating the LIBOR applicable for any day is conclusive evidence of the LIBOR in question if the certificate also states that the Bank of England notified the Welsh Ministers of the LIBOR in question.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

28 Medi 2010

28 September 2010

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**PYSGODFEYDD MÔR,
CYMRU**

Y DIWYDIANT PYSGOD MÔR

Cynllun Cychod Pysgota (Darlledu
Data Gweithgareddau Pysgota yn
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2010 No. 2369 (W.203)

**SEA FISHERIES,
WALES**

SEA FISH INDUSTRY

The Fishing Boats (Electronic
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Data) (Wales) Scheme 2010