



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 665 (Cy. 182)

2016 No. 665 (W. 182)

**PYSGODFEYDD MÔR,
CYMRU**

SEA FISHERIES, WALES

Rheoliadau Cronfa'r Môr a
Physgodfeydd Ewrop (Grantiau)
(Cymru) 2016

The European Maritime and
Fisheries Fund (Grants) (Wales)
Regulations 2016

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Yng Nghymru, bydd y Rheoliadau hyn yn gymwys i'r rhaglen weithredol a sefydlwyd o dan Reoliad (EU) Rhif 508/2014 Senedd Ewrop a'r Cyngor dyddiedig 15 Mai 2014 ar Gronfa'r Môr a Physgodfeydd Ewrop ("Rheoliad 508/2014") a Rheoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n gosod darpariaethau cyffredin ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant, Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a Chronfa'r Môr a Physgodfeydd Ewrop. Mae'r Rheoliadau hyn yn darparu y caiff Gweinidogion Cymru wneud taliadau at ddibenion Teitl V o Reoliad 508/2014. Bydd y Rheoliadau hyn yn rheoleiddio'r rhaglenni a weinyddir gan Weiniogion Cymru mewn perthynas â Chymru.

In Wales, these Regulations will apply to the operational programme established under Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund ("Regulation 508/2014") and Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund. These Regulations provide that the Welsh Ministers may make payments for the purposes of Title V of Regulation 508/2014. These Regulations will regulate the programmes that are administered by the Welsh Ministers in relation to Wales.

Mae'r Rheoliadau hyn yn ychwanegu at deddfwriaeth yr Undeb Ewropeidd a restrir yn yr Atodlen i'r Rheoliadau ("deddfwriaeth yr UE"). Mae darpariaethau deddfwriaeth yr UE yn gymwys yn uniongyrchol ac yn cael effaith uniongyrchol mewn Aelod-wladwriaeth. Mae'r Rheoliadau hyn yn darparu fframwaith cyfreithiol domestig ar gyfer gweithredu deddfwriaeth yr UE yng Nghymru.

These Regulations supplement the European Union legislation listed in the Schedule to the Regulations ("the EU legislation"). The provisions in the EU legislation are directly applicable and have direct effect in a member State. These Regulations provide a domestic legal framework for the operation of the EU legislation in Wales.

Mae'r Rheoliadau hyn yn darparu pŵer i Weinidogion Cymru gymeradwyo ceisiadau i gael cymorth ariannol (rheoliad 4) a thalu cymorth ariannol (rheoliad 3) mewn cysylltiad â gweithrediad a gymeradwywyd. Ystyr "gweithrediad" yw prosiect, contract, gweithred neu grŵp o brosiectau sydd ar gyfer unrhyw rai o'r dibenion a bennir yn Nheitl V o Reoliad 508/2014 ac sy'n gymwys i gael cymorth o Gronfa'r Môr a Physgodfeydd Ewrop. Ystyr "gweithrediad a gymeradwywyd" yw gweithrediad y mae Gweinidogion Cymru, mewn ysgrifen, wedi ei gymeradwyo i gael cymorth ariannol. Mae'r Rheoliadau hefyd yn pennu o dan ba amgylchiadau y caniateir dirymu cymeradwyaeth a roddwyd i weithrediad, ac atal neu adennill cymorth ariannol a dalwyd i fuddiolwr mewn perthynas â'r gweithrediad hwnnw (rheoliad 11).

Mae'r Rheoliadau hyn yn darparu pwerau mynediad ac arolygu i bersonau awdurdodedig mewn perthynas â mangre y mae gweithrediad a gymeradwywyd yn ymwneud â hi, neu y credir y deuir o hyd i ddogfennau ynddi sy'n ymwneud â gweithrediad a gymeradwywyd (rheoliadau 8 a 9) (diffinnir "person awdurdodedig" yn rheoliad 2). Mae'r Rheoliadau yn ei gwneud yn ofynnol hefyd fod buddiolwyr sy'n cael cymorth ariannol yn cadw cofnodion ynglŷn â gweithrediad a gymeradwywyd am gyfnod penodedig (rheoliad 10), yn cyflenwi y cyfryw wybodaeth sy'n ofynnol gan Weinidogion Cymru ynglŷn â gweithrediad a gymeradwywyd (rheoliad 6) ac yn cynorthwyo person awdurdodedig sy'n arfer ei bwerau o dan reoliad 9. Cyn gwneud unrhyw daliadau o gymorth ariannol, caniateir ei gwneud yn ofynnol ddangos tystiolaeth fod gwariant wedi ei dynnu'n briodol (rheoliad 7).

Mae rheoliad 12 yn caniatáu i Weinidogion Cymru hawlio llog ar symiau sy'n ddyledus iddynt. Mae rheoliad 13 yn darparu bod symiau sy'n daladwy i Weinidogion Cymru yn adenilladwy fel dyled.

Mae'r Rheoliadau hyn yn creu trosedd (rheoliad 14) o wneud datganiadau anwir gan wybod hynny neu yn ddi-hid, rhwystro yn fwriadol berson awdurdodedig rhag gweithredu i gyflawni'r Rheoliadau hyn, a methu (heb esgus rhesymol) â chadw cofnodion perthnasol am y cyfnod sy'n ofynnol o dan reoliad 10.

Mae rheoliad 15 yn gymwys i droseddau a gyflawnir gan gorff corfforaethol, partneriaeth neu gymdeithas anghorfforedig arall. Mae rheoliad 16 yn ei gwneud yn ofynnol fod buddiolwr yn rhoi ymgymeriad os yw Gweinidogion Cymru yn tybio bod hynny'n briodol.

These Regulations provide the Welsh Ministers with the power to approve applications for the receipt of financial assistance (regulation 4) and to pay financial assistance (regulation 3) in connection with an approved operation. An "operation" means a project, contract, action or group of projects which is for any of the purposes specified in Title V of Regulation 508/2014 and is eligible for assistance from the European Maritime and Fisheries Fund. An "approved operation" means an operation which the Welsh Ministers have approved in writing for the receipt of financial assistance. The Regulations also set out the circumstances in which approval of an operation may be revoked and financial assistance paid to a beneficiary, in respect of that operation, may be withheld or recovered (regulation 11).

These Regulations provide powers of entry and inspection to authorised persons in relation to premises to which an approved operation relates or where it is believed that documents relating to an approved operation are to be found (regulations 8 and 9) ("authorised person" is defined in regulation 2). The Regulations also require beneficiaries of financial assistance to keep records relating to an approved operation for a certain period (regulation 10), to supply such information relating to the approved operation as the Welsh Ministers may require (regulation 6) and to assist an authorised person in the exercise of their powers under regulation 9. Evidence that expenditure has been properly incurred may be required before payments of financial assistance are made (regulation 7).

Regulation 12 allows the Welsh Ministers to demand interest on sums due to them. Regulation 13 provides that sums payable to the Welsh Ministers are recoverable as a debt.

These Regulations make it an offence (regulation 14) to knowingly or recklessly make false statements, intentionally obstruct an authorised person acting in the execution of these Regulations and to fail (without reasonable excuse) to keep relevant records for the required period under regulation 10.

Regulation 15 applies to offences committed by a body corporate, partnership or other unincorporated association. Regulation 16 requires a beneficiary to give an undertaking if the Welsh Ministers consider this appropriate.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn yng Nghymru. Gellir cael copi ohono oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**The European Maritime and
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Regulations 2016**

Gwnaed 22 Mehefin 2016

Made 22 June 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Mehefin 2016

Laid before the National Assembly for Wales
24 June 2016

Yn dod i rym 20 Gorffennaf 2016

Coming into force 20 July 2016

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 i'r Ddeddf honno(3).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(3).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972. Mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau yn y Rheoliadau hyn at bob un o offerynnau'r UE gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972. It appears to the Welsh Ministers that it is expedient for the references in these Regulations to all EU instruments to be construed as references to those instruments as amended from time to time.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cronfa'r Môr a Physgodfeydd Ewrop (Grantiau) (Cymru) 2016.

Title, application and commencement

1.—(1) The title of these Regulations is the European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016.

(1) O.S. 2010/2690.

(2) 1972 p.68 Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(3) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006.

(1) S.I. 2010/2690.

(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac yn dod i rym ar 20 Gorffennaf 2016.

Dehongli

2.—(1) Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu'n wahanol—

ystyr “buddiolwr” (“*beneficiary*”) yw person y mae cymorth ariannol wedi'i roi iddo neu berson sydd wedi ymgymryd ag ymrwymadau person o'r fath;

ystyr “y Comisiwn” (“*the Commission*”) yw Comisiwn yr Undeb Ewropeaidd;

ystyr “cymorth ariannol” (“*financial assistance*”) yw swm a dalwyd neu sy'n daladwy o dan y Rheoliadau hyn;

ystyr “cymorth yr UE” (“*EU assistance*”) yw cymorth o Gronfa'r Môr a Physgodfeydd Ewrop a roddwyd yn unol â Rheoliad 508/2014;

ystyr “deddfwriaeth yr UE” (“*the EU legislation*”) yw'r offerynnau a restrir yn yr Atodlen;

ystyr “gweithrediad” (“*operation*”) yw prosiect, contract, gweithred neu grŵp o brosiectau sydd:

(a) at unrhyw un o'r dibenion a bennir yn Nheitl V o Reoliad 508/2014; a

(b) sy'n gymwys i gael cymorth yr UE;

ystyr “gweithrediad a gymeradwywyd” (“*approved operation*”) yw gweithrediad a gymeradwywyd mewn ysgrifen gan Weinidogion Cymru i gael cymorth ariannol o dan reoliad 4, ac mae “cymeradwyo” (“*approve*”) a “cymeradwyaeth” (“*approval*”) i'w dehongli'n unol â hynny;

mae “mangre” (“*premises*”) yn cynnwys unrhyw lestr, lle, cerbyd, ôl-gerbyd neu gynhwysydd;

ystyr “person awdurdodedig” (“*authorised person*”) yw person a awdurdodwyd gan Weinidogion Cymru at ddibenion y Rheoliadau hyn, ac mae'n cynnwys unrhyw swyddog y Comisiwn a benodwyd yn briodol ac sy'n mynd gyda'r person awdurdodedig hwnnw;

ystyr “Rheoliad 508/2014” (“*Regulation 508/2014*”) yw Rheoliad (EU) Rhif 508/2014 Senedd Ewrop a'r Cyngor dyddiedig 15 Mai 2014 ar Gronfa'r Môr a Physgodfeydd Ewrop(1).

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at offeryn yr UE yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

(2) These Regulations apply in relation to Wales and come into force on 20 July 2016.

Interpretation

2.—(1) In these Regulations, unless the context requires otherwise—

“approved operation” (“*gweithrediad a gymeradwywyd*”) means an operation which the Welsh Ministers have approved in writing for the receipt of financial assistance under regulation 4, and “approve” (“*cymeradwyo*”) and “approval” (“*cymeradwyaeth*”) are to be construed accordingly;

“authorised person” (“*person awdurdodedig*”) means a person authorised by the Welsh Ministers for the purposes of these Regulations, and includes any duly appointed official of the Commission who accompanies such an authorised person;

“beneficiary” (“*buddiolwr*”) means a person who has been granted financial assistance or a person who has taken over the commitments of such a person;

“the Commission” (“*y Comisiwn*”) means the Commission of the European Union;

“EU assistance” (“*cymorth yr UE*”) means assistance from the European Maritime and Fisheries Fund granted pursuant to Regulation 508/2014;

“the EU legislation” (“*deddfwriaeth yr UE*”) means the instruments listed in the Schedule;

“financial assistance” (“*cymorth ariannol*”) means an amount paid or payable under these Regulations;

“operation” (“*gweithrediad*”) means a project, contract, action or group of projects which:

(a) is for any of the purposes specified in Title V of Regulation 508/2014; and

(b) is eligible for EU assistance;

“premises” (“*mangre*”) includes any vessel, place, vehicle, trailer or container;

“Regulation 508/2014” (“*Rheoliad 508/2014*”) means Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund(1).

(2) Any reference in these Regulations to an EU instrument is a reference to that instrument as amended from time to time.

(1) OJ Rhif L 149, 20.05.2014, t. 1.

(1) OJ No L 149, 20.05.2014, p. 1.

Cymorth ariannol

3.—(1) Caiff Gweinidogion Cymru dalu cymorth ariannol i fuddiolwr mewn cysylltiad â gweithrediad a gymeradwywyd.

(2) Pan fo Gweinidogion Cymru yn gwneud taliadau o gymorth ariannol, cânt wneud y cyfryw daliadau—

- (a) ar y cyfryw adeg, neu yn y cyfryw randaliadau fesul pa bynnag gyfnod neu ar ba bynnag adegau y tybiant yn briodol; a
- (b) yn ddarostyngedig i ba bynnag amodau ynglŷn â thalu a bennir ganddynt.

Cymeradwyo gweithrediadau

4.—(1) Rhaid i gais am gymeradwyo gweithrediad—

- (a) cael ei wneud yn y cyfryw ffurf ac ar y cyfryw amser sy'n ofynnol gan Weinidogion Cymru; a
- (b) cynnwys y cyfryw wybodaeth sy'n ofynnol gan Weinidogion Cymru.

(2) Caiff Gweinidogion Cymru gymeradwyo'r gweithrediad, ac os felly, cânt wneud y gymeradwyaeth yn ddarostyngedig i ba bynnag amodau a bennir ganddynt.

(3) Caiff Gweinidogion Cymru amrywio cymeradwyaeth drwy amrywio unrhyw amod y mae'r gymeradwyaeth yn ddarostyngedig iddo, neu drwy osod amodau.

(4) Cyn amrywio cymeradwyaeth, rhaid i Weinidogion Cymru—

- (a) rhoi i'r buddiolwr hysbysiad ysgrifenedig eu bod yn bwriadu gwneud hynny ynghyd â datganiad o'r rhesymau;
- (b) rhoi cyfle i'r buddiolwr gyflwyno sylwadau ysgrifenedig o fewn y cyfryw amser (a bennir yn yr hysbysiad o dan is-baragraff (a)) a ystyrir yn rhesymol gan Weinidogion Cymru; ac
- (c) ystyried y sylwadau hynny.

Hysbysebu cymorth ariannol a hawliadau

5.—Rhaid i Weinidogion Cymru hysbysebu'r cymorth ariannol sydd ar gael, a darparu ffurflenni cais a nodiadau cyfarwyddyd ar gyfer cwblhau ceisiadau.

Darparu gwybodaeth

6.—(1) Rhaid i fuddiolwr ddarparu i Weinidogion Cymru y cyfryw wybodaeth am weithrediad a gymeradwywyd, sy'n ofynnol gan Weinidogion Cymru.

Financial assistance

3.—(1) The Welsh Ministers may pay financial assistance to a beneficiary in connection with an approved operation.

(2) Where the Welsh Ministers make payments of financial assistance, they may make such payments—

- (a) at such a time, or by such instalments at such intervals or times, as they think fit; and
- (b) subject to such conditions relating to payment as they may determine.

Approval of application

4.—(1) An application for approval of an operation must—

- (a) be made in such form and at such time as the Welsh Ministers may require; and
- (b) contain such information as the Welsh Ministers may require.

(2) The Welsh Ministers may approve the operation, and if so, may make the approval subject to such conditions as they may determine.

(3) The Welsh Ministers may vary an approval by varying any condition to which it is subject, or imposing conditions.

(4) Before varying an approval the Welsh Ministers must—

- (a) give the beneficiary notice in writing that they propose to do so with a statement of reasons;
- (b) give the beneficiary an opportunity to make written representations within such time (set out in the notice under sub-paragraph (a)) as the Welsh Ministers consider reasonable; and
- (c) consider any representations made.

Advertisement of financial assistance and claims

5.—The Welsh Ministers must advertise the financial assistance available, and provide application forms and guidance notes for completing applications.

Provision of information

6.—(1) A beneficiary must supply to the Welsh Ministers such information about an approved operation as the Welsh Ministers may require.

(2) Pan fo Gweinidogion Cymru yn ei gwneud yn ofynnol i ddarparu gwybodaeth o dan baragraff (1), rhaid i'r buddiolwr ddarparu'r wybodaeth honno o fewn pa bynnag gyfnod a bennir gan Weinidogion Cymru.

Tystiolaeth o wariant neu weithredu

7.—(1) Ni chaiff Gweinidogion Cymru wneud unrhyw daliadau o gymorth ariannol oni fodlonir hwy fod y gwariant a dynnwyd gan fuddiolwr yn briodol, neu oni fodlonir hwy fod y buddiolwr wedi cyflawni unrhyw weithredoedd sy'n angenrheidiol mewn perthynas â'r gweithrediad a gymeradwywyd.

(2) At ddibenion paragraff (1), caiff y buddiolwr ddarparu tystiolaeth foddhaol i Weinidogion Cymru fod swm y gwariant yr hawlir cymorth ariannol ar ei gyfer wedi ei dynnu gan y buddiolwr.

Pwerau mynediad

8.—(1) Caiff person awdurdodedig, ar bob adeg resymol ac ar ôl dangos ei awdurdod i wneud hynny, os gofynnir iddo, fynd i mewn i unrhyw fangre, ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat—

- (a) y mae gweithrediad a gymeradwywyd yn ymwneud â hi, neu
- (b) y mae gan y person awdurdodedig sail resymol dros gredu y deuid o hyd i ddogfennau ynddi sy'n ymwneud â gweithrediad a gymeradwywyd,

at unrhyw un o'r dibenion a grybwyllir ym mharagraff (2).

(2) Y dibenion hynny yw—

- (a) gwirio cywirdeb unrhyw wybodaeth a ddarparwyd gan fuddiolwr ynglŷn â'r gweithrediad a gymeradwywyd;
- (b) canfod a oes unrhyw gymorth ariannol yn daladwy neu y gellir ei adennill, neu ganfod pa swm o gymorth ariannol o'r fath sy'n daladwy neu y gellir ei adennill;
- (c) canfod a oes trosedd o dan y Rheoliadau hyn wedi ei chyflawni neu'n cael ei chyflawni;
- (d) canfod rywfodd arall a yw cymorth yr UE yn cael ei ddefnyddio'n effeithlon ac yn gywir; ac
- (e) penderfynu a ddigwyddodd unrhyw fethiant i gydymffurfio â'r Rheoliadau hyn neu ddeddfwriaeth yr UE.

(3) Nid yw paragraff (1) yn effeithio ar unrhyw hawl mynediad a roddir gan warrant a ddyroddwyd yn unol â pharagraff (4).

(2) Where the Welsh Ministers require information under paragraph (1), the beneficiary must supply that information within such period as the Welsh Ministers may determine.

Evidence of expenditure or action

7.—(1) The Welsh Ministers may not make any payments of financial assistance unless they are satisfied that a beneficiary has properly incurred expenditure or has carried out any necessary actions relating to the approved operation.

(2) For the purposes of paragraph (1), satisfactory evidence that the amount of expenditure for which financial assistance is claimed has been incurred may be supplied by the beneficiary to the Welsh Ministers.

Powers of entry

8.—(1) An authorised person may, at all reasonable times and on production, if so required, of their authority to do so, enter any premises, other than premises which are used wholly or mainly as a private dwelling—

- (a) to which an approved operation relates, or
- (b) on which the authorised person has reasonable grounds to believe that documents relating to an approved operation are to be found,

for any of the purposes mentioned in paragraph (2).

(2) Those purposes are—

- (a) verifying the accuracy of any information provided by a beneficiary relating to the approved operation;
- (b) ascertaining whether any financial assistance is payable or recoverable or the amount of such financial assistance that is payable or recoverable;
- (c) ascertaining whether an offence under these Regulations has been or is being committed;
- (d) otherwise ascertaining whether EU assistance is being efficiently and correctly used; and
- (e) determining whether there has been non-compliance with these Regulations or the EU legislation.

(3) Paragraph (1) does not affect any right of entry conferred by a warrant issued in accordance with paragraph (4).

(4) Caiff ynad heddwch, drwy warant lofnodedig, roi caniatâd i berson awdurdodedig fynd i mewn i unrhyw fangre (gan gynnwys mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat) a hynny, pan fo angen, gan ddefnyddio grym rhesymol, os bodlonir yr ynad, ar sail tystiolaeth ysgrifenedig a roddwyd ar lw—

- (a) bod sail resymol i berson awdurdodedig fynd i mewn i'r fangre at unrhyw ddiben a grybwyllir ym mharagraff (2); a
- (b) y bodlonir un o'r amodau ym mharagraff (5).

(5) Yr amodau yw—

- (a) bod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod heb warant, ac
 - (i) hysbysiad o'r bwriad i wneud cais am warant wedi ei gyflwyno i'r meddiannydd, neu
 - (ii) na chyflwynwyd hysbysiad o'r fath i'r meddiannydd oherwydd byddai cyflwyno hysbysiad o'r fath yn tansailio diben neu effeithiolrwydd y mynediad;
- (b) bod gofyn mynd i mewn ar frys; neu
- (c) bod y fangre'n wag, neu'r meddiannydd yn absennol dros dro.

(6) Mae gwarant yn ddilys am dri mis o'r dyddiad y'i dyroddir.

(7) Caiff person awdurdodedig sy'n mynd i mewn i unrhyw fangre yn rhinwedd y rheoliad hwn fynd â pha bynnag bersonau eraill gydag ef, a ystyrir gan y person awdurdodedig yn angenrheidiol at unrhyw ddiben a grybwyllir ym mharagraff (2).

(8) Rhaid i berson awdurdodedig sy'n mynd i mewn i unrhyw fangre wag adael y fangre honno wedi ei diogelu mor effeithiol ag yr oedd cyn iddo fynd i mewn iddi.

Pwerau person awdurdodedig

9.—(1) Caiff person awdurdodedig sydd wedi mynd i mewn i unrhyw fangre yn rhinwedd rheoliad 8—

- (a) arolygu'r fangre ac unrhyw ddogfen, cofnod neu gyfarpar sydd ynddi ac y byddai'n rhesymol i'r person hwnnw gredu ei bod, neu ei fod, yn ymwneud â'r gweithrediad;
- (b) ei gwneud yn ofynnol fod y buddiolwr, neu unrhyw gyflogai, gwas neu asiant i'r buddiolwr, yn dangos unrhyw ddogfen neu gofnod, neu'n darparu unrhyw wybodaeth ychwanegol, sydd ym meddiant y person hwnnw neu o dan ei reolaeth ac sy'n ymwneud â'r gweithrediad;

(4) A justice of the peace may by signed warrant permit an authorised person to enter any premises (including premises which are used wholly or mainly as a private dwelling), if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there are reasonable grounds for an authorised person to enter the premises for any purpose mentioned in paragraph (2); and
- (b) one of the conditions in paragraph (5) is met.

(5) The conditions are that—

- (a) entry to the premises has been refused, or is likely to be refused without a warrant, and
 - (i) notice of the intention to apply for a warrant has been served on the occupier, or
 - (ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;
- (b) entry is required urgently; or
- (c) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant is valid for three months from the date of issue.

(7) An authorised person entering any premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (2).

(8) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

Powers of an authorised person

9.—(1) An authorised person who has entered any premises by virtue of regulation 8 may—

- (a) inspect the premises and any document, record or equipment thereon which that person reasonably believes relates to the operation;
- (b) require the beneficiary, or any employee, servant or agent of the beneficiary, to produce any document, record or supply any additional information in that person's possession or under their control relating to the operation;

- (c) pan gedwir unrhyw ddogfen, cofnod neu wybodaeth y cyfeirir ati neu ato yn is-baragraff (b) drwy gyfrwng cyfrifiadur, mynd at ac arolygu unrhyw gyfrifiadur ac unrhyw offer neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r ddogfen neu'r wybodaeth honno neu â'r cofnod hwnnw;
- (d) ei gwneud yn ofynnol ddangos i'r person awdurdodedig gopïau o unrhyw ddogfen, cofnod neu wybodaeth, neu ddedolion ohonynt, sy'n ymwneud â'r gweithrediad;
- (e) cymryd, a chadw am gyfnod rhesymol, unrhyw ddogfen, cofnod neu wybodaeth sy'n ymwneud â'r gweithrediad pan fo gan y person awdurdodedig reswm dros gredu y gallai fod angen y ddogfen neu'r wybodaeth honno, neu'r cofnod hwnnw, fel tystiolaeth mewn achos cyfreithiol o dan y Rheoliadau hyn, a phan gedwir unrhyw ddogfen o'r fath drwy gyfrwng cyfrifiadur, ei gwneud yn ofynnol ei chynhyrchu mewn ffurf sydd yn caniatáu ei chludo ymaith ac yn ei gwneud yn weladwy a darllenadwy.

(2) Rhaid i fuddiolwr, neu unrhyw gyflogai, gwas neu asiant buddiolwr, roi pob cymorth rhesymol i berson awdurdodedig mewn perthynas â'r materion a grybwyllir yn y rheoliad hwn.

(3) Mae paragraffau (1) a (4) yn gymwys mewn perthynas â pherson y cyfeirir ato yn rheoliad 8(7) pan fo'r person hwnnw yn gweithredu o dan gyfarwyddyd person awdurdodedig, fel pe bai'r person hwnnw yn berson awdurdodedig.

(4) Ni fydd person awdurdodedig yn atebol mewn unrhyw achos cyfreithiol am unrhyw beth a wneir drwy arfer honedig o'r pwerau a roddwyd i'r person awdurdodedig yn rhinwedd rheoliadau 8 ac 9, os bodlonir y llys fod y weithred wedi'i gwneud yn ddiwyll, bod sail resymol dros ei gwneud a'i bod wedi ei gwneud gyda medrusrwydd a gofal rhesymol.

(5) Yn y rheoliad hwn, ystyr "y gweithrediad" ("*the operation*") yw'r gweithrediad a gymeradwywyd y ceisiwyd mynediad i'r fangre yn ei gylch yn unol â rheoliad 8.

Cadw cofnodion

10.—(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i fuddiolwr gadw unrhyw anfoneb, cyfrif neu ddogfen arall ynglŷn â gweithrediad a gymeradwywyd tan ddiwedd chwe blynedd ar ôl y taliad diwethaf o gymorth ariannol a wneir iddo yn unol â'r Rheoliadau hyn mewn perthynas â gweithrediad a gymeradwywyd.

- (c) where any document, record or information referred to in sub-paragraph (b) is kept by means of a computer, have access to and inspect any computer and any associated apparatus or material which is or has been used in connection with that document, record or information;
- (d) require that copies of, or extracts from, any document, record or information relating to the operation be produced to the authorised person;
- (e) remove and retain for a reasonable period any document, record or information relating to the operation which the authorised person has reason to believe may be required as evidence in proceedings under these Regulations and, where any such document is kept by means of a computer, require it to be produced in a form in which it may be taken away and in which it is visible and legible.

(2) A beneficiary or any employee, servant or agent of a beneficiary must render all reasonable assistance to an authorised person in relation to the matters mentioned in this regulation.

(3) Paragraphs (1) and (4) apply in relation to a person referred to in regulation 8(7) when such person is acting under the instruction of an authorised person, as if such person were an authorised person.

(4) An authorised person is not liable in any proceedings for anything done in purported exercise of the powers conferred on the authorised person by virtue of regulation 8 and 9 if the court is satisfied that the act was done in good faith, that there were reasonable grounds for doing it and that it was done with reasonable skill and care.

(5) In this regulation, "the operation" ("*y gweithrediad*") means the approved operation in relation to which entry onto premises has been sought pursuant to regulation 8.

Record keeping

10.—(1) Subject to paragraphs (2) and (3), a beneficiary must retain any invoice, account or other document relating to an approved operation until the end of six years after the last payment of financial assistance made to the beneficiary pursuant to these Regulations relating to an approved operation.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas ag unrhyw ddogfen a gymerir ymaith gan unrhyw berson a awdurdodwyd yn gyfreithlon i'w chymryd ymaith.

(3) Pan fo buddiolwr, yng nghwrs arferol busnes, yn trosglwyddo'r fersiwn wreiddiol o unrhyw ddogfen y cyfeirir ati ym mharagraff (1) i berson arall, rhaid i'r buddiolwr gadw copi o'r ddogfen honno tan ddiwedd y cyfnod a bennir ym mharagraff (1).

Pwerau adennill etc.

11.—(1) Caiff Gweinidogion Cymru arfer y pwerau a bennir ym mharagraff (2) pan fodlonir hwy, o ran gweithrediad a gymeradwywyd—

- (a) na chydymffurfiwyd, yn gyfan gwbl neu'n rhannol, ag unrhyw amod y cyfeirir ato yn rheoliad 3 neu 4;
- (b) nad oedd y cais a gymeradwywyd felly o dan reoliad 4 (neu unrhyw ran ohono) yn gais (neu'n rhan) yr oedd y buddiolwr yn gymwys i'w wneud;
- (c) bod y buddiolwr neu gyflogai, gwas neu asiant y buddiolwr—
 - (i) wedi methu â chydymffurfio ag unrhyw ofyniad o dan reoliad 6, 9(1)(b), 9(1)(d) neu 9(2); neu
 - (ii) wedi rhoi gwybodaeth am unrhyw fater perthnasol ynglŷn â rhoi'r gymeradwyaeth, sy'n anwir neu'n gamarweiniol mewn modd perthnasol;
- (d) bod y gweithrediad a gymeradwywyd wedi ei gychwyn cyn y dyddiad y rhoes Gweinidogion Cymru ganiatâd ysgrifenedig i hynny ddigwydd;
- (e) na chydymffurfiwyd ag unrhyw ymgymeriadau a roddwyd gan y buddiolwr o dan reoliad 16;
- (f) bod y buddiolwr wedi methu â chydymffurfio â rheoliad 10;
- (g) bod natur, graddfa, costau neu amseriad y gweithrediad a gymeradwywyd wedi newid mewn modd sylweddol;
- (h) nad oedd neu nad yw'r gweithrediad a gymeradwywyd yn cael ei gyflawni'n briodol;
- (i) bod y gweithrediad a gymeradwywyd wedi cael ei ohirio, neu yn cael ei ohirio, yn afresymol, neu'n annhebygol o gael ei gwblhau;
- (j) bod y cymorth ariannol yn dyblygu neu y byddai'n dyblygu cymorth a ddarparwyd neu sydd i'w ddarparu o arian a roddwyd ar gael gan—

(2) Paragraph (1) does not apply in relation to any document removed by any person lawfully authorised to remove it.

(3) Where, in the normal course of business, a beneficiary transfers the original of any document referred to in paragraph (1) to another person, the beneficiary must retain a copy of that document until the end of the period specified in paragraph (1).

Powers of recovery etc.

11.—(1) The Welsh Ministers may exercise the powers specified in paragraph (2) where they are satisfied, as regards an approved operation, that—

- (a) any condition referred to in regulation 3 or 4 has not been complied with in whole or in part;
- (b) the application so approved under regulation 4 (or any part of it) was not an application (or part) which the beneficiary was eligible to make;
- (c) the beneficiary or an employee, servant or agent of the beneficiary has—
 - (i) failed to comply with any requirement under regulation 6, 9(1)(b), 9(1)(d) or 9(2); or
 - (ii) given information on any matter relevant to the giving of the approval which is false or misleading in a material respect;
- (d) the approved operation was commenced before the date on which the Welsh Ministers gave written permission to do so;
- (e) any undertakings given by the beneficiary under regulation 16 have not been complied with;
- (f) the beneficiary has failed to comply with regulation 10;
- (g) there is a material change in the nature, scale, costs or timing of the approved operation;
- (h) the approved operation has not been or is not being properly carried out;
- (i) the approved operation has been or is being unreasonably delayed or is unlikely to be completed;
- (j) the financial assistance duplicates or would duplicate assistance provided or to be provided out of monies made available by—

- (i) yr Undeb Ewropeaidd,
- (ii) Gweinidogion Cymru, neu
- (iii) corff sy'n arfer swyddogaethau cyhoeddus yn y Deyrnas Unedig;
- (k) bod y buddiolwr wedi torri unrhyw ofyniad y mae'r buddiolwr yn ddarostyngedig iddo o dan y Rheoliadau hyn neu o dan ddeddfwriaeth yr UE; neu
- (l) bod y gweithrediad a gymeradwywyd yn ddarostyngedig i gosbau sy'n gymwys o dan ddeddfwriaeth yr UE.

(2) Y pwerau a roddir gan baragraff (1) yw'r canlynol—

- (a) dirymu'r gymeradwyaeth o'r gweithrediad yn gyfan gwbl neu'n rhannol;
- (b) lleihau neu atal unrhyw gymorth ariannol mewn cysylltiad â'r gweithrediad a gymeradwywyd;
- (c) adennill, ar archiad, y cyfan neu unrhyw ran o unrhyw gymorth ariannol a dalwyd eisoes i'r buddiolwr.

(3) Pan fo'r Comisiwn wedi penderfynu lleihau neu atal cymorth dros dro, caiff Gweinidogion Cymru arfer y pwerau y cyfeirir atynt ym mharagraff (2).

(4) At ddibenion paragraff (1)(j), mae swm yn dyblygu cymorth ariannol os telir ef, neu os byddai'n cael ei dalu, at unrhyw un o'r un dibenion.

Adennill llog

12.—(1) Pan fo Gweinidogion Cymru yn arfer y pwerau a roddir gan reoliad 11(2)(c), cânt hefyd, ar archiad, adennill llog ar y swm sydd i'w adennill, yn ôl y gyfradd o un pwynt canran uwchlaw cyfradd sylfaenol Banc Lloegr mewn cysylltiad â phob diwrnod o'r cyfnod o'r diwrnod y rhoddwyd y cymorth ariannol tan y diwrnod yr adennillir y swm gan Weinidogion Cymru.

(2) Ym mharagraff (1), ystyr "cyfradd sylfaenol Banc Lloegr" ("*Bank of England base rate*") yw—

- (a) ac eithrio pan fo is-baragraff (b) yn gymwys, y gyfradd a gyhoeddir o bryd i'w gilydd gan Bwyllgor Polisi Ariannol Banc Lloegr fel y gyfradd fasnachu swyddogol, sef y gyfradd y mae'r Banc yn fodlon ymuno arni mewn trafodion i ddarparu hylifedd byrdymor yn y marchnadoedd arian; neu

- (i) the European Union,
- (ii) the Welsh Ministers, or
- (iii) a body exercising public functions within the United Kingdom;
- (k) the beneficiary is in breach of any requirement to which they are subject under these Regulations or under the EU legislation; or
- (l) the approved operation is subject to penalties applicable under the EU legislation.

(2) The powers conferred by paragraph (1) are to—

- (a) revoke the approval of the operation in whole or in part;
- (b) reduce or withhold any financial assistance in respect of the approved operation;
- (c) recover on demand the whole or any part of any financial assistance already paid to the beneficiary.

(3) Where the Commission has decided to reduce or suspend assistance, the Welsh Ministers may exercise the powers referred to in paragraph (2).

(4) For the purposes of paragraph (1)(j), a sum duplicates financial assistance if it is, or would be, paid for any of the same purposes.

Recovery of interest

12.—(1) Where the Welsh Ministers exercise the powers conferred by regulation 11(2)(c), they may also recover, on demand, interest on the sum to be recovered at the rate of one percentage point above the Bank of England base rate in respect of each day of the period from the day on which the financial assistance was granted until the day on which the Welsh Ministers recover the amount.

(2) In paragraph (1), "Bank of England base rate" ("*cyfradd sylfaenol Banc Lloegr*") means—

- (a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or

- (b) os oes gorchymyn mewn grym o dan adran 19 (pwerau wrth gefn) o Ddeddf Banc Lloegr 1998(1), unrhyw gyfradd gyfwerth a bennir gan y Trysorlys o dan yr adran honno.

(3) Mewn unrhyw achos cyfreithiol sy'n ymwneud â'r rheoliad hwn, bernir bod tystysgrif Gweinidogion Cymru sy'n datgan y gyfradd sylfaenol Banc Lloegr a oedd yn gymwys yn ystod cyfnod a bennir yn y dystysgrif yn dystiolaeth derfynol o'r gyfradd a oedd yn gymwys yn ystod y cyfnod penodedig, os yw'r dystysgrif yn datgan hefyd fod Banc Lloegr wedi hysbysu Gweinidogion Cymru o'r gyfradd honno.

Symiau sy'n daladwy i Weindogion Cymru yn adenilladwy fel dyled

13. Mewn unrhyw achos pan fo swm i gael ei dalu i Weindogion Cymru yn rhinwedd y Rheoliadau hyn (neu yn rhinwedd camau a gymerir o dan y Rheoliadau hyn), mae'r swm hwnnw yn adenilladwy fel dyled.

Troseddau a chosbau

14.—(1) Mae person yn euog o drosedd—

- (a) os yw'r person hwnnw yn gwneud datganiad sy'n anwir neu'n gamarweiniol mewn manylyn perthnasol gan wybod hynny, neu'n ddi-hid, er mwyn cael cymorth ariannol o dan y Rheoliadau hyn iddo'i hun neu i unrhyw berson arall;
- (b) os yw'r person hwnnw yn gwneud datganiad sy'n anwir neu'n gamarweiniol mewn manylyn perthnasol gan wybod hynny, neu'n ddi-hid, mewn perthynas ag arfer, gan Weindogion Cymru, y pwerau a bennir yn rheoliad 11(2);
- (c) os yw'r person hwnnw yn methu, heb esgus rhesymol, â chydymffurfio â gofyniad a osodir gan neu o dan reoliad 9(1)(b), 9(1)(d) neu reoliad 10; neu
- (d) os yw'r person hwnnw yn rhwystro'n fwiadol berson awdurdodedig (neu berson sy'n mynd gyda pherson awdurdodedig ac yn gweithredu o dan ei gyfarwyddyd) sy'n gweithredu i roi'r Rheoliadau hyn ar waith.

(2) Mae person sy'n euog o drosedd o dan baragraff (1)(a) neu (b) yn agored—

- (a) o'i gollfarnu'n ddiannod, i ddirwy, neu i'w garcharu am gyfnod na fydd yn hwy na thri mis, neu'r ddau; neu

- (b) if an order under section 19 (reserve powers) of the Bank of England Act 1998(1) is in force, any equivalent rate determined by the Treasury under that section.

(3) In any proceedings relating to this regulation, a certificate of the Welsh Ministers stating the Bank of England base rate applicable during a period specified in the certificate is deemed to be conclusive evidence of the rate applicable in the specified period if the certificate also states that the Bank of England notified the Welsh Ministers of that rate.

Sums payable to the Welsh Ministers to be recoverable as a debt

13. In any case where an amount falls to be paid to the Welsh Ministers by virtue of these Regulations (or by virtue of action taken under these Regulations), such amount is recoverable as a debt.

Offences and penalties

14.—(1) A person is guilty of an offence if—

- (a) for the purposes of obtaining financial assistance under these Regulations for themselves or for any other person, that person knowingly or recklessly makes a statement which is false or misleading in a material particular;
- (b) in relation to the exercise by the Welsh Ministers of the powers specified in regulation 11(2), that person knowingly or recklessly makes a statement which is false or misleading in a material particular;
- (c) without reasonable excuse, that person fails to comply with a requirement imposed by or under regulation 9(1)(b), 9(1)(d) or regulation 10; or
- (d) that person intentionally obstructs an authorised person (or a person accompanying and acting under the instruction of an authorised person) acting in the execution of these Regulations.

(2) A person guilty of an offence under paragraph (1)(a) or (b) is liable—

- (a) on summary conviction, to a fine or to imprisonment for a term not exceeding three months, or both; or

(1) 1998 p. 11.

(1) 1998 c. 11.

(b) o'i gollfarnu ar ddiad, i ddirwy, neu i'w garcharu am gyfnod na fydd yn hwy na dwy flynedd, neu'r ddau.

(3) Mae person sy'n euog o drosedd o dan baragraff (1)(c) neu (d) yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

(4) Yn ddarostyngedig i baragraff (5), caniateir cychwyn achos cyfreithiol am drosedd o dan baragraff (1)(c) neu (d) o fewn y cyfnod o chwe mis o'r dyddiad y bydd tystiolaeth, sy'n ddigonol ym marn yr erlynydd i gyfiawnhau'r achos cyfreithiol, yn dod yn hysbys i'r erlynydd.

(5) Ni chaniateir cychwyn unrhyw achos cyfreithiol am drosedd o dan baragraff (1)(c) neu (d) fwy na thair blynedd ar ôl cyflawni'r drosedd.

(6) Pan ddygir achos cyfreithiol at ddibenion paragraff (4)—

(a) bydd tystysgrif a lofnodwyd gan neu ar ran yr erlynydd ac yn datgan ar ba ddyddiad y daeth tystiolaeth a oedd yn ddigonol ym marn yr erlynydd i gyfiawnhau dwyn yr achos cyfreithiol, yn hysbys i'r erlynydd, yn dystiolaeth derfynol o'r ffaith honno;

(b) bernir bod tystysgrif, sy'n datgan y mater hwnnw ac yn honni ei bod wedi ei llofnodi felly, wedi ei llofnodi felly, oni phrofir i'r gwrthwyneb.

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(3) A person guilty of an offence under paragraph (1)(c) or (d) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(4) Proceedings for an offence under paragraph (1)(c) or (d) may, subject to paragraph (5), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor's knowledge.

(5) No proceedings for an offence under paragraph (1)(c) or (d) may be commenced more than three years after the date of the commission of the offence.

(6) Where proceedings are instituted for the purposes of paragraph (4)—

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient, in the opinion of the prosecutor, to justify the proceedings came to their knowledge is conclusive evidence of that fact;

(b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Troseddau corfforaethol, troseddau partneriaeth a throseddau cymdeithas anghorfforedig

15.—(1) Pan—

(a) cyflawnir trosedd o dan y Rheoliadau hyn gan gorff corfforaethol neu bartneriaeth neu gymdeithas anghorfforedig arall; a

(b) profir bod y drosedd wedi ei chyflawni gyda chydysyniad neu ymoddefiad, neu'n briodoladwy i unrhyw esgeulustod ar ran, unigolyn perthnasol (gan gynnwys person sy'n honni gweithredu yn rhinwedd swydd unigolyn perthnasol),

mae'r unigolyn perthnasol yn ogystal â'r corff corfforaethol, partneriaeth neu gymdeithas anghorfforedig, yn euog o'r drosedd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(2) Ym mharagraff (1), ystyr "unigolyn perthnasol" ("*relevant individual*") yw—

(a) mewn perthynas â chorff corfforaethol—

(i) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff hwnnw;

(ii) os aelodau'r corff sy'n rheoli ei faterion, aelod;

Corporate, partnership and unincorporated association offences

15.—(1) Where—

(a) an offence under these Regulations has been committed by a body corporate or a partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual (including a person purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" ("*unigolyn perthnasol*") means—

(a) in relation to a body corporate—

(i) a director, manager, secretary or other similar officer of the body;

(ii) where the affairs of the body are managed by its members, a member;

- (b) mewn perthynas â phartneriaeth, partner;
- (c) mewn perthynas â chymdeithas anghorfforedig, person sy'n ymwneud â rheolaeth neu reoli'r gymdeithas.

(3) Caniateir dwyn achos cyfreithiol am drosedd dan y Rheoliadau hyn, yr honnir iddi gael ei chyflawni gan bartneriaeth neu gymdeithas anghorfforedig, yn erbyn y bartneriaeth neu'r gymdeithas yn enw'r bartneriaeth neu'r gymdeithas.

(4) At ddibenion achosion cyfreithiol yn unol â pharagraff (3), mae'r darpariaethau canlynol yn gymwys fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforaethol—

- (a) rheolau llys sy'n ymwneud â chyflwyno dogfennau;
- (b) adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1); ac
- (c) Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2).

(5) Mae dirwy a osodir ar bartneriaeth neu gymdeithas anghorfforedig yn dilyn collfarn am drosedd o dan y Rheoliadau hyn i'w thalu allan o gronfeydd y bartneriaeth neu'r gymdeithas anghorfforedig.

Ymgymeriadau

16. Caiff Gweinidogion Cymru ei gwneud yn ofynnol fod buddiolwr yn rhoi pa bynnag ymgymeriadau a ystyrir yn briodol gan Weinidogion Cymru yn yr achos dan sylw.

Dirymiad a darpariaethau trosiannol

17.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Cronfa Pysgodfeydd Ewrop (Grantiau) (Cymru) 2009(3) (“Rheoliadau 2009”) wedi eu dirymu.

(2) Nid yw paragraff (1) yn cael effaith ar barhau i gymhwyso Rheoliadau 2009 mewn cysylltiad â cheisiadau a gafwyd gan Weinidogion Cymru cyn 31 Rhagfyr 2015.

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- (1) 1925 p. 86. Diddymwyd is-adrannau (1), (2) a (5) gan Ddeddf Llysoedd Ynadon 1952 (p. 55), adran 132 ac Atodlen 6; diwygiwyd is-adran (3) gan Ddeddf Llysoedd 1971 (p. 23), adran 56(1) ac Atodlen 8, Rhan 2, paragraff 19; diwygiwyd is-adran (4) gan Ddeddf Llysoedd 2003 (p. 39), adran 109(1) a (3), Atodlen 8, paragraff 71 ac Atodlen 10.
 - (2) 1980 p. 43. Diddymwyd paragraff 2(a) o Atodlen 3 gan Ddeddf Cyfiawnder Troseddol 2003 (p. 44), adrannau 41 a 332, Atodlen 3, Rhan 2, paragraff 51(1) ac (13)(a), ac Atodlen 37, Rhan 4. Diddymwyd paragraff 5 gan Ddeddf Cyfiawnder Troseddol 1991 (p. 53), adrannau 25(2) a 101(2) ac Atodlen 13; diwygiwyd paragraff 6 gan Ddeddf Cyfiawnder Troseddol 2003, adran 41, Atodlen 3, Rhan 2, paragraff 51(1) ac (13)(b).
 - (3) O.S. 2009/360 (Cy. 35).

- (b) in relation to a partnership, a partner;
- (c) in relation to an unincorporated association, a person who is concerned in the management or control of the association.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purpose of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(1); and
- (c) Schedule 3 to the Magistrates' Courts Act 1980(2).

(5) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or unincorporated association.

Undertakings

16. The Welsh Ministers may require a beneficiary to give such undertakings as the Welsh Ministers consider appropriate to the case.

Revocation and transitional provisions

17.—(1) Subject to paragraph (2) the European Fisheries Fund (Grants) (Wales) Regulations 2009(3) (“the 2009 Regulations”) are revoked.

(2) Paragraph (1) does not affect the continuing application of the 2009 Regulations in respect of applications received by the Welsh Ministers before 31 December 2015.

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- (1) 1925 c. 86. Subsections (1), (2) and (5) were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10.
 - (2) 1980 c. 43. Paragraph 2(a) of Schedule 3 was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4. Paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b).
 - (3) S.I. 2009/360 (W. 35).

Lesley Griffiths
Ysgrifennydd y Cabinet dros yr Amgylchedd a
Materion Gwledig, un o Weinidogion Cymru

22 Mehefin 2016

Lesley Griffiths
Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers

22 June 2016

DEDDFWRIAETH YR UE

1. Rheoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n gosod darpariaethau cyffredin ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant, Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a Chronfa'r Môr a Physgodfeydd Ewrop ac yn gosod darpariaethau cyffredinol ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant a Chronfa'r Môr a Physgodfeydd Ewrop ac yn diddymu Rheoliad y Cyngor (EC) Rhif 1083/2006(1).

2. Rheoliad (EU) Rhif 1379/2013 Senedd Ewrop a'r Cyngor dyddiedig 11 Rhagfyr 2013 ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a dyframaethu, sy'n diwygio Rheoliadau y Cyngor (EC) Rhif 1184/2006 ac (EC) Rhif 1224/2009 ac yn diddymu Rheoliad y Cyngor (EC) Rhif 104/2000(2).

3. Rheoliad (EU) Rhif 1380/2013 Senedd Ewrop a'r Cyngor dyddiedig 11 Rhagfyr 2013 ar y Polisi Pysgodfeydd Cyffredin, sy'n diwygio Rheoliadau y Cyngor (EC) Rhif 1954/2003 ac (EC) Rhif 1224/2009 ac yn diddymu Rheoliadau y Cyngor (EC) Rhif 2371/2002 ac (EC) Rhif 639/2004 a Phenderfyniad y Cyngor 2004/585/EC(3).

4. Rheoliad (EU) Rhif 508/2014 Senedd Ewrop a'r Cyngor dyddiedig 15 Mai 2014 ar Gronfa'r Môr a Physgodfeydd Ewrop ac yn diddymu Rheoliadau y Cyngor (EC) Rhif 2328/2003, (EC) Rhif 861/2006, (EC) Rhif 1198/2006 ac (EC) Rhif 791/2007 a Rheoliad (EU) Rhif 1255/2011 Senedd Ewrop a'r Cyngor(4).

5. Rheoliad Gweithredu'r Comisiwn (EU) Rhif 772/2014 dyddiedig 14 Gorffennaf 2014, sy'n gosod y rheolau ar ddwyyster y cymorth cyhoeddus sydd i'w gymhwyso i gyfanswm y gwariant cymwys ar weithrediadau penodol a gyllidir o dan Gronfa'r Môr a Physgodfeydd Ewrop(5).

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- (1) OJ Rhif L 347, 20.12.2013, t. 320.
 (2) OJ Rhif L 354, 28.12.2013, t. 1, a ddiwygiwyd gan Reoliad (EU) 2015/812, OJ Rhif L 133, 29.05.2015, t. 1.
 (3) OJ Rhif L 354, 28.12.2013, t. 22, a ddiwygiwyd gan Reoliad (EU) 2015/812, OJ Rhif L 133, 29.05.2015, t.1.
 (4) OJ Rhif L 149, 20.05.2014, t. 1.
 (5) OJ Rhif L 209, 16.07.2014, t. 47.

THE EU LEGISLATION

1. Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006(1).

2. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000(2).

3. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC(3).

4. Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council(4).

5. Commission Implementing Regulation (EU) No 772/2014 of 14 July 2014 laying down the rules on intensity of public aid to be applied to the total eligible expenditure of certain operations financed under the European Maritime and Fisheries Fund(5).

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- (1) OJ No L 347, 20.12.2013, p. 320.
 (2) OJ No L 354, 28.12.2013, p. 1, amended by Regulation (EU) 2015/812, OJ No L133, 29.05.2015, p. 1.
 (3) OJ No L 354, 28.12.2013, p. 22, amended by Regulation (EU) 2015/812, OJ No L133, 29.05.2015, p. 1.
 (4) OJ No L 149, 20.05.2014, p. 1.
 (5) OJ No L 209, 16.07.2014, p. 47.

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2016 No. 665 (W. 182)

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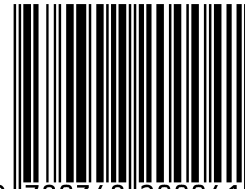
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Fisheries Fund (Grants) (Wales)
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W201606239 06/2016 19585

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ISBN 978-0-348-20004-1



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