



## CYNULLIAD CENEDLAETHOL CYMRU

## NATIONAL ASSEMBLY FOR WALES

### OFFERYNNAU STATUDOL

### STATUTORY INSTRUMENTS

**2002 Rhif 1794 (Cy.169)**

**2002 No. 1794 (W.169)**

## CEFN GWLAD, CYMRU

## COUNTRYSIDE, WALES

Rheoliadau Mynediad i Gefn  
Gwlad (Gweithdrefnau Apelau)  
(Cymru) 2002

The Countryside Access (Appeals  
Procedures) (Wales) Regulations  
2002

### NODYN ESBONIADOL

### EXPLANATORY NOTE

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

*(This note is not part of the Regulations)*

O dan adrannau 11, 32 a 38 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf"), mae'r pŵer gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i wneud rheoliadau i ddarparu gweithdrefnau i'w dilyn wrth benderfynu apelau sy'n cael eu dwyn o dan Ran I o'r Ddeddf.

Under sections 11, 32 and 38 of the Countryside and Rights of Way Act 2000 ("the Act"), the National Assembly for Wales ("the National Assembly") has the power to make regulations to provide the procedures to be followed in determining appeals brought under Part I of the Act.

Ar y dechrau bydd y Rheoliadau hyn yn effeithiol mewn perthynas ag apelau sy'n cael eu dwyn o dan adran 6 o'r Ddeddf (apelau gan bersonau yn erbyn dangos tir, y mae ganddynt fuddiant ynddo, ar fap dros dro fel tir agored neu dir comin cofrestredig).

These Regulations will initially have effect in relation to appeals brought under section 6 of the Act (appeals by persons against the showing of land, in which they have an interest, on a provisional map as open country or registered common land).

Bwriedir y bydd y Rheoliadau hyn hefyd yn ffurfio sail y gweithdrefnau sydd i'w defnyddio wrth benderfynu apelau eraill a gaiff eu dwyn o dan Ran I o'r Ddeddf, gan gynnwys y rhai o dan adran 30 o'r Ddeddf (apêl yn erbyn penderfyniad awdurdod os yw'r awdurdod hwnnw wedi penderfynu peidio caniatáu cais am gyfarwyddyd o dan adran 24 neu 25 o'r Ddeddf neu os yw wedi gweithredu mewn modd nad yw'n unol â'r sylwadau a wnaed o dan adran 27(5) o'r Ddeddf) a'r rhai o dan adran 38 o'r Ddeddf (apêl gan berson y rhoddwyd hysbysiad iddo gan awdurdod o dan adran 36(3) neu 37(1) o'r Ddeddf, neu apêl gan unrhyw berchennog neu feddiannydd arall o'r tir yr effeithir arno gan hysbysiad o'r fath yn erbyn caniatáu hysbysiad o'r fath).

It is intended that these Regulations will also form the basis of the procedures to be used in determining other appeals brought under Part I of the Act, including those under section 30 of the Act (an appeal against a decision of an authority where that authority has decided not to grant an application for a direction under section 24 or 25 of the Act or has acted otherwise than in accordance with representations made under section 27(5) of the Act) and those under section 38 of the Act (an appeal by a person to whom a notice has been given by an authority under section 36(3) or 37(1) of the Act, or an appeal by any other owner or occupier of the land affected by such notice, against the giving of such notice).

Yn y Rheoliadau hyn:

In these Regulations:

Mae Rhan II (rheoliadau 3 i 6) yn nodi'r gweithdrefnau cychwynnol a fydd yn effeithiol p'un a benderfynir yr apêl drwy gyfnewid sylwadau

Part II (regulations 3 to 6) sets out the initial procedures which will have effect irrespective of whether the appeal is to be determined by exchange of

ysgrifenedig neu ar ôl gwrandawriad neu ymchwiliad lleol cyhoeddus. Mae'r gweithdrefnau cychwynnol hyn yn ei gwneud yn ofynnol i'r person sy'n dwyn yr apêl ("yr apelydd"), a'r person y mae ei benderfyniad wedi rhoi bodolaeth i'r apêl ("yr atebydd"), ddarparu gwybodaeth benodedig i'r Cynulliad Cenedlaethol ac maent yn ei gwneud yn ofynnol i gyhoeddi'r hysbysiadau yn y wasg leol, ac anfon yr hysbysiadau i bersonau a chyrrff penodedig y mae ganddynt fuddiant mewn apelau o'r fath, gan roi gwybodaeth ynghylch yr apêl.

Mae Rhan III (rheoliadau 7 i 9) yn darparu'r gweithdrefnau i'w dilyn pan fydd parti i apêl wedi dewis bod yr apêl yn cael ei phenderfynu drwy gyfnewid sylwadau ysgrifenedig. Mae'n ofynnol i'r prif bartïon i'r apêl gyfnewid tystiolaeth cyn i'r person a benodir gan y Cynulliad Cenedlaethol i benderfynu'r apêl wneud ei benderfyniad a hysbysu'r personau a bennir yn rheoliad 9 o'r penderfyniad hwnnw.

Mae Rhan IV (rheoliadau 10 i 16) yn darparu'r gweithdrefnau i'w dilyn pan fydd parti i apêl wedi dewis y penderfynnir apêl ar ôl gwrandawriad. Bydd angen i'r prif bartïon i'r apêl gyfnewid tystiolaeth yn yr un modd ag y mae angen gan Ran III o'r Rheoliadau ac yna penodir person gan y Cynulliad Cenedlaethol i benderfynu'r apêl drwy gynnal gwrandawriad. Mae'r Rheoliadau'n darparu i'r prif bartïon i'r apêl, a'r cyhoedd, gael eu hysbysu o'r dyddiad, yr amser a'r lle a drefnwyd ar gyfer y gwrandawriad a phennu'r personau fydd â hawl i fod yn bresennol, a chymryd rhan, a'r weithdrefn i'w dilyn yn y gwrandawriad. Ar ôl i'r gwrandawriad ddod i ben, bydd y person a benodir gan y Cynulliad Cenedlaethol i benderfynu'r apêl yn gwneud ei benderfyniad ac yn hysbysu'r personau a bennir yn rheoliad 16 o'r penderfyniad hwnnw.

Mae Rhan V (rheoliadau 17 i 28) yn darparu'r gweithdrefnau i'w dilyn pan fydd parti i apêl wedi dewis i apêl gael ei phenderfynu ar ôl ymchwiliad lleol cyhoeddus. Pan fydd ymchwiliad i'w gynnal, mae'r Rheoliadau'n darparu i gyfarfod cyn-ymchwiliad gael ei gynnal os disgwylir i'r prif ymchwiliad bara am 8 diwrnod neu fwy neu os ystyrir bod angen cyfarfod cyn-ymchwiliad beth bynnag. Mae'n ofynnol i'r prif bartïon i'r apêl gyfnewid datganiadau achos a gall personau eraill â diddordeb hefyd gyflwyno sylwadau i'r Cynulliad Cenedlaethol. Mae'r Rheoliadau yn ei gwneud yn ofynnol i'r person a benodir gan y Cynulliad Cenedlaethol i gynnal yr ymchwiliad drefnu amserlen ar gyfer yr ymchwiliad a bod hysbysiad o'r dyddiad, amser a lle'r ymchwiliad yn cael ei gyhoeddi. Mae'r Rheoliadau yn pennu'r personau fydd â hawl i fod yn bresennol, a chymryd rhan, mewn ymchwiliad ac yn nodi pynciau gweithdrefnol eraill mewn perthynas â chynnal yr ymchwiliad. Ar ôl i'r ymchwiliad ddod i ben, bydd y person a benodwyd i benderfynu'r apêl yn gwneud ei benderfyniad ac yn hysbysu'r personau a bennir yn rheoliad 28 o'r penderfyniad hwnnw.

written representations or following a hearing or public local inquiry. These initial procedures require the person bringing the appeal ("the appellant"), and the person whose decision has given rise to the appeal ("the respondent"), to provide specified information to the National Assembly and require the publication of notices in the local press, and the sending of notices to persons and specified organisations who have an interest in such appeals, giving information relating to the appeal.

Part III (regulations 7 to 9) provides the procedures to be followed where a party to an appeal has chosen to have the appeal determined through an exchange of written representations. The main parties to the appeal are required to exchange evidence before the person appointed by the National Assembly to determine the appeal will make the decision and notify the persons specified in regulation 9 of that decision.

Part IV (regulations 10 to 16) provides the procedures to be followed where a party to an appeal has chosen for the appeal to be determined following a hearing. The main parties to the appeal will be required to exchange evidence in the same way as is required by Part III of the Regulations and a person will then be appointed by the National Assembly to determine the appeal by conducting a hearing. The Regulations provide for the main parties to the appeal, and the public, to be notified of the date, time and place fixed for the hearing and specify the persons entitled to attend, and take part, and the procedure to be followed at a hearing. After the hearing has been brought to a close, the person appointed by the National Assembly to determine the appeal will make the decision and notify the persons specified in regulation 16 of that decision.

Part V (regulations 17 to 28) provides the procedures to be followed where a party to an appeal has chosen for the appeal to be determined following a public local inquiry. Where an inquiry is to be held, the Regulations provide for a pre-inquiry meeting to be held if the main inquiry is either expected to last for 8 days or more or a pre-inquiry meeting is nevertheless considered necessary. The main parties to the appeal are required to exchange statements of case and other interested persons may also submit representations to the National Assembly. The Regulations require the person appointed by the National Assembly to hold the inquiry to arrange a timetable for the inquiry and require notice of the date, time and place of the inquiry to be publicised. The Regulations specify the persons entitled to attend, and take part, at an inquiry and set out other procedural issues relating to the conduct of an inquiry. After the inquiry has been brought to a close, the person appointed to determine the appeal will make the decision and notify the persons specified in regulation 28 of that decision.

Mae Rhan VI (rheoliadau 29 i 36) yn nodi materion amrywiol, gan gynnwys yr hawl i'r apelydd dynnu apêl yn ôl, pwerau'r Cynulliad Cenedlaethol i newid y dull y mae apêl yn cael ei chynnal, penodi person ("aseswr") i gynorthwyo'r person a benodwyd i benderfynu apêl a chynnal gwrandawriad neu ymchwiliad ar y cyd pan fydd pynciau sy'n gyffredin i fwy nag un apêl yn cael eu dwyn o dan Ran I o'r Ddeddf, pŵer i'r person a benodwyd i benderfynu apêl i ymweld â'r tir sy'n destun yr apêl a'i archwilio, pŵer i ddefnyddio dulliau electronig o gyfathrebu gan y partïon a gofyniad bod y Cynulliad Cenedlaethol yn cyhoeddi'r penderfyniadau a wneir mewn apelau a ddygir o dan Ran I o'r Ddeddf ar ei wefan.

Part VI (regulations 29 to 36) sets out miscellaneous matters, including the right for the appellant to withdraw an appeal, powers for the National Assembly to change the way an appeal may be conducted, to appoint a person ("an assessor") to assist the person appointed to determine an appeal and to hold a joint hearing or inquiry where there are issues common to more than one appeal brought under Part I of the Act, a power for the person appointed to determine an appeal to visit and inspect the land which is the subject of the appeal, a power for electronic means of communication to be used by the parties and a requirement for the National Assembly to publish decisions made on appeals brought under Part I of the Act on its website.

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(Cymru) 2002

The Countryside Access (Appeals  
Procedures) (Wales) Regulations  
2002

*Wedi'u gwneud* 9 Gorffennaf 2002

*Made* 9th July 2002

*Yn dod i rym* 1 Awst 2002

*Coming into force* 1st August 2002

TREFN Y RHEOLIADAU

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Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adrannau 11, 32, 38(6) a 44 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(a), drwy hyn yn gwneud y Rheoliadau canlynol:

Rhan I  
CYFFREDINOL

**Enwi, cychwyn a chymhwysio**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Mynediad i Gefn Gwlad (Gweithdrefnau Apelau) (Cymru) 2002 a deuant i rym ar 1 Awst 2002.

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

**Dehongli**

2.-(1) Yn y Rheoliadau hyn, bydd i eiriau neu ymadroddion yr ystyr a roddir iddynt yn y Ddeddf ac:

ystyr "apelydd" ("*appellant*") yw person sy'n dwyn apêl ac, os bydd dau berson neu fwy yn ymuno i ddwyn apêl, mae'n cyfeirio at y personau ar y cyd;

ystyr "apêl" ("*appel*") yw apêl a wneir i'r Cynulliad Cenedlaethol o dan adrannau 6(1), 30(3) neu 38(3) o'r Ddeddf;

ystyr "asesydd" ("*assessor*") yw person a benodir gan y Cynulliad Cenedlaethol o dan baragraff 4(3) o Atodlen 3 i'r Ddeddf;

ystyr "yr atebydd" ("*the respondent*") yw'r person y mae ei benderfyniad yn destun yr apêl;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Cefn Gwlad Cymru;

ystyr "y Ddeddf" ("*the Act*") yw Ddeddf Cefn Gwlad a Hawliau Tramwy 2000;

ystyr "cyfarfod cyn-ymchwiliad" ("*pre-inquiry meeting*") yw cyfarfod a gynhelir cyn ymchwiliad i ystyried yr hyn a ellir ei wneud er mwyn sicrhau bod yr ymchwiliad yn cael ei gynnal yn effeithiol ac yn gyflym ac, os cynhelir dau neu fwy o'r cyfarfodydd hynny, mae cyfeiriad at gyfarfod cyn-ymchwiliad yn dod i ben yn gyfeiriad at y cyfarfod terfynol yn dod i ben;

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by sections 11, 32, 38(6) and 44 of the Countryside and Rights of Way Act 2000(a), hereby makes the following Regulations:

Part I  
GENERAL

**Citation, commencement and application**

1.-(1) These Regulations may be cited as the Countryside Access (Appeals Procedures) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

(2) These Regulations apply to Wales.

**Interpretation**

2.-(1) In these Regulations, words or phrases shall have the meaning given to them by the Act and:

"the Act" ("*y Ddeddf*") means the Countryside and Rights of Way Act 2000;

"appeal" ("*apêl*") means an appeal to the National Assembly under sections 6(1), 30(3) or 38(3) of the Act;

"appeal form" ("*ffurflen apêl*") means the document through which an appeal is brought;

"appellant" ("*apelydd*") means a person who brings an appeal and, where two or more persons join in bringing an appeal, refers to all those persons jointly;

"appointed person" ("*person penodedig*") means a person appointed by the National Assembly under section 8 of the Act;

"assessor" ("*asesydd*") means a person appointed by the National Assembly under paragraph 4(3) of Schedule 3 to the Act;

"conclusive map" ("*map terfynol*") means a map issued by the Council in conclusive form under section 9 of the Act;

"the Council" ("*y Cyngor*") means the Countryside Council for Wales;

"electronic form" ("*ffurf electronig*") means a form capable of being stored on, transmitted to and from, and read by means of a computer;

(a) 2000 p.37. Mae adran 45(1) yn diffinio "regulations" yn Rhan 1 o'r Ddeddf (mewn Perthynas â Chymru) fel rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru.

(a) 2000 c.37. Section 45(1) defines "regulations" in Part 1 of the Act (as respects Wales) as regulations made by the National Assembly for Wales.

ystyr "datganiad amlinellol" ("*outline statement*") yw datganiad yn amlinellu'r achos y mae person yn dymuno ei gyflwyno mewn perthynas ag apêl;

ystyr "datganiad o achos" ("*statement of case*") yw datganiad ysgrifenedig sy'n cynnwys manylion llawn o'r achos y mae person yn bwriadu ei gyflwyno mewn perthynas ag apêl, rhestr o ddogfennau y mae'r parti hwnnw yn bwriadu dibynnu arno ac o unrhyw ddogfennau a/neu fapiau y mae'r Cynulliad Cenedlaethol yn barnu bod angen gofyn i'r person hwnnw eu darparu;

mae i "dyddiad cychwyn" ("*starting date*") yr ystyr a roddir iddo yn rheoliad 5(4);

mae cyfeiriadau at "fuddiant" ("*interest*") mewn tir i'w dehongli yn unol ag adran 45(1) o'r Ddeddf;

ystyr "ffurf ddarllenadwy" ("*legible form*"), mewn perthynas â dogfen a anfonir drwy gyfrwng cyfathrebu electronig, yw ffurf sy'n ei gwneud hi'n bosibl i ddarllen dogfen ar sgrin cyfrifiadur ynddi;

ystyr "ffurf electronig" ("*electronic form*") yw ffurf y gellir ei storio ar gyfrifiadur, ei throsglwyddo i gyfrifiadur neu oddi wrtho, a'i darllen drwy ddefnyddio cyfrifiadur;

ystyr "ffurflen apêl" ("*appeal form*") yw dogfen y dygir apêl drwyddi;

ystyr "map dros dro" ("*provisional map*") yw map a ddyroddir gan y Cyngor mewn ffurf dros dro o dan adran 5(d) neu 5(e) o'r Ddeddf;

ystyr "map terfynol" ("*conclusive map*") yw map a ddyroddir gan y Cyngor mewn ffurf derfynol o dan adran 9 o'r Ddeddf;

mae "person" ("*person*") a "phersonau" ("*persons*") yn cynnwys unigolion, corfforaethau a chyrff nad ydynt wedi'u hymgorffori;

ystyr "person â diddordeb" ("*interested person*") yw person (heblaw'r apelydd neu'r atebydd) sydd wedi gwneud sylwadau i'r Cynulliad Cenedlaethol mewn perthynas ag apêl, onid yw'n ymddangos i'r Cynulliad Cenedlaethol bod y sylw penodol wedi'i wneud yn wacsaw neu'n flinderus;

ystyr "person penodedig" ("*appointed person*") yw person a benodir gan y Cynulliad Cenedlaethol o dan adran 8 o'r Ddeddf;

ystyr "personau â hawl i gymryd rhan" ("*persons entitled to take part*") yw'r personau hynny a bennir felly yn rheoliadau 13 a 23, fel y bo'n briodol;

ystyr "Rheoliadau Mapiâu Dros Dro" ("*the Provisional Maps Regulations*") yw Rheoliadau Mynediad i Gefn Gwlad (Mapiâu Dros Dro a Mapiâu Terfynol) (Cymru) 2002(a);

"inquiry" ("*ymchwiliad*") means a public local inquiry;

references to an "interest" ("*buddiant*") in land are to be interpreted in accordance with section 45(1) of the Act;

"interested person" ("*personau â diddordeb*") means a person (other than an appellant or a respondent) who has made representations to the National Assembly in relation to an appeal, unless it appears to the National Assembly that the representation in question was made frivolously or vexatiously;

"legible form" ("*ffurf ddarllenadwy*") means, in relation to a document sent by means of an electronic communication, a form in which it is capable of being read on a computer screen;

"open country" ("*tir agored*") has the meaning given by section 1(2) of the Act;

"outline statement" ("*datganiad amlinellol*") means a statement outlining the case which a person wishes to put forward in relation to an appeal;

"person" ("*person*") and "persons" ("*personau*") include individuals, corporations and unincorporated bodies;

"persons entitled to take part" ("*personau â hawl i gymryd rhan*") means those persons specified as such in regulations 13 and 23, as appropriate;

"pre-inquiry meeting" ("*cyfarfod cyn-ymchwiliad*") means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously and, where two or more such meetings are held, reference to the conclusion of a pre-inquiry meeting is a reference to the conclusion of the final meeting;

"provisional map" ("*map dros dro*") means a map issued by the Council in provisional form under section 5(d) or 5(e) of the Act;

"the Provisional Maps Regulations" ("*Rheoliadau Mapiâu Dros Dro*") means the Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002(a);

"registered common land" ("*tir comin cofrestredig*") has the meaning given by section 1(3) of the Act;

"relevant time limits" ("*terfynau amser perthnasol*") means the time limits set by these Regulations or, where the National Assembly has exercised its power under regulation 31 to extend the time prescribed by these Regulations, those limits as so extended;

"the respondent" ("*yr atebydd*") means the person whose decision is the subject of the appeal;

ystyr "terfynau amser perthnasol" ("*relevant time limits*") yw'r terfynau amser a bennir gan y Rheoliadau hyn neu, os yw'r Cynulliad Cenedlaethol wedi arfer ei bŵer o dan reoliad 31 i estyn yr amser a ragnodir gan y Rheoliadau hyn, y terfynau hynny fel y'u hestynnwyd;

ystyr "tir adran 4(2)" ("*section 4(2) land*") yw'r tir comin cofrestredig a'r tir agored y mae'n ofynnol i'r Cyngor baratoi mapiau yn unol ag adran 4(2) o'r Ddeddf mewn perthynas ag ef;

mae i "tir agored" yr ystyr a roddir i "open country" gan adran 1(2) o'r Ddeddf;

mae i "tir comin cofrestredig" yr ystyr a roddir i "registered common land" yn adran 1(3) o'r Ddeddf;

ystyr "ymchwiliad" ("*inquiry*") yw ymchwiliad lleol cyhoeddus.

(2) Yn y Rheoliadau hyn, oni phennir fel arall, mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn ac mae unrhyw gyfeiriad mewn rheoliad at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad hwnnw.

(3) Wrth gyfrifo unrhyw gyfnod sy'n cael ei ddatgan yn y Rheoliadau hyn yn gyfnod sy'n dechrau ar ddyddiad penodol, nid yw'r dyddiad hwnnw i'w gynnwys ac os yw'r diwrnod neu'r diwrnod olaf y mae'n ofynnol gwneud rhywbeth arno o dan y Rheoliadau hyn, neu'n unol â hwy, yn ddydd Sul, yn ddydd Nadolig, yn ddydd Gwener y Groglith, yn ŵyl banc neu'n ddiwrnod sydd wedi'i bennu ar gyfer diolchgarwch neu alar cyhoeddus, bernir bod y gofyniad yn ymwneud â thrannoeth nad yw'n un o'r dyddiau uchod.

"section 4(2) land" ("*tir adran 4(2)*") means the registered common land and open country in respect of which the Council is required to prepare maps in accordance with section 4(2) of the Act;

"starting date" ("*dyddiad cychwyn*") has the meaning given in regulation 5(4); and

"statement of case" ("*datganiad o achos*") means a written statement containing full particulars of the case which a person proposes to put forward in relation to an appeal, a list of documents which that party intends to rely on and any documents and/or maps which the National Assembly considers it necessary to request that person to provide.

(2) In these Regulations, unless otherwise specified, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(3) In reckoning any period which is expressed in these Regulations to be a period from a given date, that date is to be excluded and, where the day or the last day on which anything is required by, or in pursuance with, these Regulations to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement shall be deemed to relate to the first day thereafter which is not one of the days before-mentioned.

## Rhan II

### CYFNODAU CYCHWYNNOL YR APELAU

#### **Camau gan y Cynulliad Cenedlaethol pan ddaw ffurflen apêl i law**

3. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol resymol ar ôl iddo gael ffurflen apêl wedi'i chwblhau, anfon copi ohoni at yr atebydd.

#### **Ymateb gan atebydd i apêl**

4. -(1) Rhaid i'r atebydd, o fewn 14 diwrnod ar ôl iddo gael ffurflen apêl oddi wrth y Cynulliad Cenedlaethol, anfon at y Cynulliad Cenedlaethol ac at yr apelydd:

- (a) datganiad sy'n cynnwys rhywbeth i ddangos a fydd yn gwrthwynebu'r apêl ac, os felly, ei seiliau dros wneud hynny;

## Part II

### INITIAL STAGES OF APPEALS

#### **Action by the National Assembly on receipt of an appeal form**

3. The National Assembly must, as soon as reasonably practicable after it receives a completed appeal form, send a copy of it to the respondent.

#### **Response by a respondent to an appeal**

4. -(1) The respondent must, within 14 days of receiving from the National Assembly a copy of an appeal form, send to the National Assembly and to the appellant:

- (a) a statement containing an indication as to whether it will oppose the appeal and, if so, its grounds for doing so;



- (b) copïau o unrhyw ohebiaeth berthnasol rhwng yr apelydd a'r atebydd;
- (c) mewn achos o apêl o dan adran 6 o'r Ddeddf, copi o ddarn o fap sy'n dangos y rhan honno o'r map dros dro y mae'n berthnasol iddi;
- (ch) copïau o unrhyw sylwadau a wnaed i'r atebydd gan unrhyw berson heblaw'r apelydd mewn perthynas â phenderfyniad ar ran yr atebydd y mae'r apêl yn berthnasol iddi; a
- (d) unrhyw wybodaeth bellach y mae'r Cynulliad Cenedlaethol yn gofyn am ei darparu.

(2) Pan fydd yr atebydd wedi cydymffurfio â gofynion paragraff (1), rhaid i'r atebydd, cyn i'r cyfnod perthnasol a bennir yn rheoliad 5(2) ddirwyn i ben, anfon at y Cynulliad Cenedlaethol ac at yr apelydd:

- (a) datganiad yn cadarnhau a fydd yn gwrthwynebu'r apêl;
- (b) datganiad a ydyw'n dymuno cael gwrandawriad gan berson a benodir gan y Cynulliad Cenedlaethol mewn cysylltiad â'r apêl (yn hytrach na bod yr apêl yn cael ei phenderfynu ar sail sylwadau ysgrifenedig) ac, os felly, a yw'n dymuno cael gwrandawriad mewn ymchwiliad lleol neu, ar y llaw arall, mewn gwrandawriad, ac
- (c) unrhyw wybodaeth bellach y mae'r Cynulliad Cenedlaethol yn gofyn am ei darparu.

### Hysbysu'r partïon o'r weithdrefn apêl

5. -(1) Rhaid i'r Cynulliad Cenedlaethol, heb fod yn gynt na diwedd y cyfnod a bennir ym mharagraff (2), roi hysbysiad i'r apelydd ac i'r atebydd o'r ffurf y mae'r apêl i'w chymryd.

(2) Rhaid peidio â rhoi hysbysiad o dan baragraff (1):

- (a) cyn bod 21 diwrnod yn dirwyn i ben o'r dyddiad a bennir yn yr hysbysiad neu'r hysbysadau a roddwyd neu a gyhoeddwyd o dan reoliad 6(1) neu (b) fel y dyddiad erbyn pryd y gellid gwneud sylwadau i'r Cynulliad Cenedlaethol; neu
- (b) yn achos apêl o dan adran 6 o'r Ddeddf, ar ôl i dri mis ddirwyn i ben o ddyddiad dyroddir map dros dro y mae'r apêl yn berthnasol iddo,

p'un bynnag yw'r diweddaraf.

(3) Rhaid bod yr hysbysiad a roddir o dan baragraff (1) wedi'i ddyddio a rhaid iddo ddatgan a yw'r apêl i gymryd ffurf;

- (a) ymchwiliad lleol;
- (b) gwrandawriad; neu
- (c) nid (a) na (b), a chan hynny caiff ei

- (b) copies of any relevant correspondence between the appellant and the respondent;
- (c) in the case of an appeal under section 6 of the Act, a copy of an extract showing that part of the provisional map to which it relates;
- (d) copies of any representations made to the respondent by any person other than the appellant in respect of the decision on the part of the respondent to which the appeal relates; and
- (e) any further information required by the National Assembly to be provided.

(2) Where the respondent has complied with the requirements of paragraph (1), the respondent must, before the expiry of the relevant period specified in regulation 5(2), send to the National Assembly and to the appellant:

- (a) a statement confirming whether they will oppose the appeal;
- (b) a statement as to whether they wish to be heard by a person appointed by the National Assembly in connection with the appeal (rather than the appeal be determined on the basis of written representations) and, if so, whether they wish to be heard at a local inquiry or, alternatively, at a hearing; and
- (c) any further information required by the National Assembly to be provided.

### Notifying the parties of the appeal procedure

5. -(1) The National Assembly must, no earlier than the end of the period specified in paragraph (2), give notice to the appellant and to the respondent of the form which the appeal is to take.

(2) Notice under paragraph (1) must not be given before:

- (a) the expiry of 21 days from the date specified in the notice or notices given or published under regulation 6(1)(a) or (b) as being the date by which representations to the National Assembly could be made; or
- (b) in the case of an appeal under section 6 of the Act, the expiry of three months from the date of issue of the provisional map to which the appeal relates,

whichever is the later.

(3) The notice given under paragraph (1) must be dated and must state whether the appeal is to take the form of:

- (a) a local inquiry;
- (b) a hearing; or
- (c) neither (a) nor (b), and will therefore be

phenderfynu ar sail sylwadau ysgrifenedig.

(4) Y dyddiad y rhoddir yr hysbysiad o dan baragraff (1) yw'r "dyddiad cychwyn" at ddibenion y Rheoliadau hyn mewn perthynas â'r apêl y mae'n cyfeirio ati a rhaid i'r hysbysiad gynnwys datganiad i'r perwyl hwnnw.

(5) Os yw'r apêl i gymryd ffurf ymchwiliad lleol, ac mae'r Cynulliad Cenedlaethol yn bwriadu cynnal cyfarfod cyn-ymchwiliad, rhaid i'r hysbysiad a roddir o dan baragraff (1) hefyd gydymffurfio â gofynion rheoliad 18(2)(a).

### Hysbysu'r cyhoedd

6. -(1) Rhaid i'r Cynulliad Cenedlaethol, ar yr un adeg y mae'n rhoi hysbysiad i'r apelydd ac i'r atebydd o dan reoliad 5(1), neu cyn gynted ag y mae'n ymarferol wedyn:

- (a) cyhoeddi hysbysiad o'r apêl mewn o leiaf un papur newydd dyddiol sy'n cylchredeg drwy'r rhan gyfan honno o Gymru sy'n cynnwys yr ardal mae'r apêl yn ymwneud â hi ac mewn unrhyw bapurau newydd neu gyhoeddiadau eraill sy'n cylchredeg yn y rhan honno o Gymru y gwêl y Cynulliad yn dda; a
- (b) os yw'n ymarferol, cyhoeddi hysbysiad o'r apêl ar wefan a gynhelir gan neu ar ran y Cynulliad Cenedlaethol; ac
- (c) mewn achos o apêl o dan adran 6 o'r Ddeddf, anfon hysbysiad o'r apêl at y cyrff a restrir yn Atodlen 1 i Reoliadau'r Mapiau Dros Dro.

(2) Rhaid i hysbysiad a gyhoeddir o dan baragraff (1)(a) neu (b) neu a anfonir o dan baragraff (1)(c) gael ei dyddio a rhaid datgan:

- (a) enw'r apelydd;
- (b) digon o wybodaeth i adnabod y tir y dygwyd yr apêl mewn perthynas ag ef;
- (c) os yw'r apêl yn cael ei dwyn o dan adran 6 o'r Ddeddf, ar ba rai o'r seiliau a bennir yn adran 6(3) o'r Ddeddf y mae'n cael ei dwyn;
- (ch) y cyfeirnod a ddyrannwyd i'r apêl;
- (d) y dyddiad cychwyn;
- (dd) y dulliau y mae aelodau o'r cyhoedd yn gallu archwilio, a gael copïau o'r dogfennau sy'n ymwneud â'r apêl;
- (e) y gellir gwneud sylwadau sy'n ymwneud â'r apêl, a gaiff fod naill ai yn Gymraeg neu yn Saesneg, yn ysgrifenedig neu mewn ffurf electronig i'r Cynulliad Cenedlaethol erbyn y dyddiad hwnnw a bennir yn yr hysbysiad, a rhaid i'r dyddiad hwnnw beidio â bod yn gynharach na 6 wythnos ar ôl y dyddiad y cyhoeddir yr hysbysiad yn unol â pharagraff (1)(a) neu (b), ac y bydd copïau o'r sylwadau

determined on the basis of written representations.

(4) The date of the notice given under paragraph (1) is the "starting date" for the purposes of these Regulations in relation to the appeal to which it refers and the notice must contain a statement to that effect.

(5) If the appeal is to take the form of a local inquiry, and the National Assembly intends to hold a pre-inquiry meeting, the notice given under paragraph (1) must also comply with the requirements of regulation 18(2)(a).

### Notice to the public

6. -(1) The National Assembly must, at the same time as it gives notice to the appellant and to the respondent under regulation 5(1), or as soon as practicable thereafter:

- (a) publish notice of the appeal in at least one daily newspaper circulating throughout that part of Wales which includes the land to which the appeal relates and in such other newspapers or publications circulating in that part of Wales as the National Assembly thinks fit; and
- (b) where practicable, publish notice of the appeal on a web-site maintained by or on behalf of the National Assembly; and
- (c) in the case of an appeal under section 6 of the Act, send notice of the appeal to the organisations listed in Schedule 1 to the Provisional Maps Regulations.

(2) A notice published under paragraph (1)(a) or (b) or sent under paragraph (1)(c) must be dated and must state:

- (a) the name of the appellant;
- (b) sufficient information to identify the land in respect of which the appeal has been brought;
- (c) if the appeal is brought under section 6 of the Act, on which of the grounds specified in section 6(3) it has been brought;
- (d) the reference number allocated to the appeal;
- (e) the starting date;
- (f) the means by which members of the public may inspect, and take a copy of, documents relating to the appeal;
- (g) that representations, which may be made either in the English language or the Welsh language, relating to the appeal may be made in writing or in electronic form to the National Assembly by such date as is specified in the notice, which must not be earlier than 6 weeks after the date on which the notice is published in accordance with paragraph (1)(a) or (b), and that copies of such representations will be provided to the

hynny yn cael eu darparu i'r apelydd ac i'r atebydd;

- (f) y cyfeiriad y mae unrhyw gyfathrebiad ysgrifenedig at y Cynulliad Cenedlaethol i gael ei anfon iddo;
- (ff) p'un a ydyw'r apêl i gymryd ffurf ymchwiliad lleol neu wrandawriad neu os yw i gael ei phenderfynu ar sail sylwadau ysgrifenedig;
- (g) os yw'r apêl i gymryd ffurf ymchwiliad lleol, y bydd person sy'n gwneud sylwadau yn unol â pharagraff (2)(g) yn cael ei hysbysu o ddyddiad a lle'r ymchwiliad a chaiff fod yn bresennol yn yr ymchwiliad, ond y caniateir iddo gymryd rhan yn yr ymchwiliad yn unig gyda chaniatâd y person a benodwyd i'w gynnal; ac
- (ng) os yw'r apêl i gymryd ffurf gwrandawriad, y bydd y person sy'n gwneud sylwadau yn unol â pharagraff 2(g) yn cael ei hysbysu o ddyddiad a lle'r gwrandawriad ond y caniateir iddo fod yn bresennol a chymryd rhan yn y gwrandawriad yn unig gyda chaniatâd y person a benodwyd i'w gynnal.

(3) Os yw'r apêl i gymryd ffurf ymchwiliad lleol, a bod y Cynulliad Cenedlaethol yn bwriadu cynnal cyfarfod cyn-ymchwiliad, rhaid i'r hysbysiad a gyhoeddir o dan baragraff 1(a) neu (b) neu a anfonir o dan baragraff 1(c) hefyd gydymffurfio â gofynion rheoliad 18(2)(b).

(4) Caiff unrhyw hysbysiad a gyhoeddir neu a anfonir yn unol â pharagraff (1)(a), (b) neu (c), yn ychwanegol at yr wybodaeth sy'n ofynnol ei chynnwys yn yr hysbysiad hwnnw gan y rheoliad hwn, gynnwys gwybodaeth bellach o'r fath y gwêl y Cynulliad Cenedlaethol yn dda.

appellant and to the respondent;

- (h) the address to which written communications to the National Assembly are to be sent;
- (i) whether the appeal is to take the form of a local inquiry or a hearing or is to be determined on the basis of written representations;
- (j) if the appeal is to take the form of a local inquiry, that a person who makes representations in accordance with paragraph (2)(g) will be notified of the date and place of the inquiry and may attend, but will only be permitted to take part in, the inquiry with the permission of the person appointed to conduct it; and
- (k) if the appeal is to take the form of a hearing, that a person who makes representations in accordance with paragraph (2)(g) will be notified of the date and place of the hearing but will only be permitted to attend and take part in the hearing with the permission of the person appointed to conduct it.

(3) If the appeal is to take the form of a local inquiry, and the National Assembly intends to hold a pre-inquiry meeting, the notice published under paragraph (1)(a) or (b) or sent under paragraph (1)(c) must also comply with the requirements of regulation 18(2)(b).

(4) Any notice published or sent in accordance with paragraph (1)(a), (b) or (c) may, in addition to such information as is required to be included in such a notice by this regulation, include such further information as the National Assembly shall think fit.

### Rhan III

#### APELAU A BENDERFYNNIR AR SAIL SYLWADAU YSGRIFENEDIG

##### Cymhwysiad

7. Mae rheoliadau 8 a 9 yn gymwys i apelau sydd i'w penderfynu ar sail sylwadau ysgrifenedig.

##### Cyfnewid tystiolaeth

8. -(1) Yn ychwanegol at unrhyw ddogfennau a anfonwyd eisoes at y Cynulliad Cenedlaethol gan yr apelydd yn unol â rheoliad 6 o Reoliadau Mapiau Dros Dro (mewn achos o apêl o dan adran 6 o'r Ddeddf), a chan yr atebydd yn unol â rheoliad 4 o'r Rheoliadau hyn, rhaid i'r apelydd a'r atebydd, o fewn 6 wythnos o'r dyddiad cychwyn, anfon at y Cynulliad Cenedlaethol ddau gopi o unrhyw sylwadau ysgrifenedig pellach neu

### Part III

#### APEALS DETERMINED ON THE BASIS OF WRITTEN REPRESENTATIONS

##### Application

7. Regulations 8 and 9 apply to appeals which are to be determined on the basis of written representations.

##### Exchange of evidence

8. -(1) In addition to any documents already sent to the National Assembly by the appellant in accordance with regulation 6 of the Provisional Maps Regulations (in the case of an appeal under section 6 of the Act), and by the respondent in accordance with regulation 4 of these Regulations, the appellant and the respondent must, within 6 weeks of the starting date, send to the National Assembly two copies of any further written

ddogfennau eraill y maent yn dymuno dibynnu arnynt, neu, os nad ydynt yn dymuno dibynnu ar unrhyw sylwadau pellach o'r fath neu ddogfennau eraill, hysbysiad i'r perwyl hwnnw.

(2) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl cael unrhyw sylwadau pellach, dogfennau eraill neu hysbysiadau yn unol â pharagraff (1), anfon copi o'r sylwadau, y dogfennau neu'r hysbysiadau hynny at yr apelydd neu'r atebydd, fel y bo'n briodol.

(3) Rhaid i'r apelydd a'r atebydd, o fewn 9 wythnos o'r dyddiad cychwyn, anfon at y Cynulliad Cenedlaethol ddau gopi o unrhyw sylwadau pellach, dogfennau eraill neu hysbysiadau y maent yn dymuno dibynnu arnynt, neu os nad ydynt yn dymuno dibynnu ar unrhyw sylwadau pellach neu ddogfennau eraill, hysbysiad i'r perwyl hwnnw.

(4) Pan fydd sylwadau wedi'u gwneud i'r Cynulliad Cenedlaethol gan unrhyw un heblaw'r apelydd neu'r atebydd, rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl cael y sylwadau hynny, anfon copi ohonynt at yr apelydd a'r atebydd, a rhaid iddynt, os ydynt yn dymuno cyflwyno unrhyw sylwadau ar y sylwadau hynny i'r Cynulliad Cenedlaethol, anfon dau gopi o'u sylwadau i'r Cynulliad Cenedlaethol o fewn 9 wythnos o'r dyddiad cychwyn.

(5) Caiff y Cynulliad Cenedlaethol, mewn achos penodol, wahodd yr apelydd a'r atebydd i anfon at y Cynulliad Cenedlaethol ac at ei gilydd, o fewn yr amser rhesymol hwnnw y gall ei bennu, sylwadau pellach neu ddogfennau eraill y mae o'r farn eu bod yn angenrheidiol er mwyn galluogi'r apêl i gael ei phenderfynu.

### **Penderfyniad ar apêl a benderfynir drwy gyfnewid sylwadau ysgrifenedig**

9. -(1) Caiff y person penodedig, ar ôl i unrhyw derfynau amser ddirwyn i ben erbyn pryd y mae'n ofynnol neu y caniateir i'r apelydd neu'r atebydd gymryd unrhyw gam yn unol â'r Rheoliadau hyn, ac ar ôl rhoi i'r apelydd a'r atebydd hysbysiad ysgrifenedig o'i fwriad i wneud hynny, fynd rhagddo i benderfynu'r apêl drwy gymryd i ystyriaeth y sylwadau a'r dogfennau eraill hynny a gyflwynwyd i'r Cynulliad Cenedlaethol o fewn y terfynau amser perthnasol.

(2) Rhaid i'r Cynulliad Cenedlaethol hysbysu ei benderfyniad ar apêl, a'i resymau dros ddod i'r penderfyniad hwnnw, yn ysgrifenedig:

- (a) i'r apelydd;
- (b) i'r atebydd;
- (c) i unrhyw berson â diddordeb; ac
- (ch) i unrhyw berson arall sydd wedi gofyn am gael ei hysbysu o'r penderfyniad y mae'r Cynulliad Cenedlaethol yn ystyried y mae'n rhesymol ei hysbysu.

representations or other documents on which they wish to rely or, if they do not wish to rely on any such further representations or other documents, a notice to that effect.

(2) The National Assembly must, as soon as practicable after receiving any further representations, other documents or notices pursuant to paragraph (1), send a copy of those representations, documents or notices to the appellant or the respondent, as appropriate.

(3) The appellant and the respondent must, within 9 weeks of the starting date, send to the National Assembly two copies of any further representations, other documents or notices on which they wish to rely or, if they do not wish to rely on any such further representations or other documents, a notice to that effect.

(4) Where representations have been made to the National Assembly by anyone other than the appellant and the respondent, the National Assembly must, as soon as practicable after receiving those representations, send a copy of them to the appellant, and to the respondent, who must, if they wish to submit any comments on those representations to the National Assembly, send two copies of their comments to the National Assembly within 9 weeks of the starting date.

(5) The National Assembly may, in a particular case, invite the appellant and the respondent to send to the National Assembly and to each other, within such reasonable time as it may specify, such further representations or other documents as it believes are necessary in order to enable the appeal to be determined.

### **Decision on an appeal determined by an exchange of written representations**

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

(2) The National Assembly must notify the decision on an appeal, and its reasons for reaching that decision, in writing to:

- (a) the appellant;
- (b) the respondent;
- (c) any interested person; and
- (d) any other person who has asked to be notified of the decision whom the National Assembly considers it reasonable to notify.

APELAU A BENDERFYNIR AR ÔL  
GWRANDAWIAD

**Cymhwysiad**

10. Mae rheoliadau 11 i 16 yn gymwys i apelau sydd i'w penderfynu ar ôl gwrandawriad.

**Cyfnewid tystiolaeth**

11. Mae rheoliad 8 i'w gymhwyso i apêl sydd i'w phenderfynu ar ôl gwrandawriad fel y mae i apêl sydd i'w phenderfynu ar sail sylwadau ysgrifenedig.

**Dyddiad a hysbysiad gwrandawriad**

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

- (a) cyn gynted ag y mae'n ymarferol, hysbysu'r apelydd, yr atebydd, unrhyw berson sydd wedi gwneud sylwadau mewn perthynas â'r apêl ac unrhyw berson arall y gwêl yn dda, o enw'r person penodedig a fydd yn cynnal y gwrandawriad;
- (b) cyn gynted ag y mae'n ymarferol ar ôl unrhyw newid yn hunaniaeth y person penodedig, rhoi hysbysiad o'r newid hwnnw i'r personau sydd â hawl i gael eu hysbysu yn unol ag is-baragraff (a), onid nad yw'n rhesymol ymarferol i wneud hynny cyn cynnal y gwrandawriad, ac os felly rhaid datgan enw'r person penodedig a'r ffaith bod y person hwnnw wedi'i benodi ar ddechrau'r gwrandawriad;
- (c) oni fydd y Cynulliad Cenedlaethol yn cytuno ar gyfnod llai o hysbysiad gyda'r apelydd a'r atebydd, rhoi hysbysiad ysgrifenedig heb fod yn llai na 4 wythnos i'r apelydd, yr atebydd, unrhyw berson â diddordeb a phersonau eraill y gwêl yn dda o'r dyddiad, amser a'r lle a drefnwyd ar gyfer y gwrandawriad; a
- (ch) heb fod yn llai na 2 wythnos cyn y dyddiad a bennir i gynnal y gwrandawriad, cyhoeddi hysbysiad o'r gwrandawriad yn un neu fwy o'r papurau newydd sy'n cylchredeg yn yr ardal y lleolir y tir ynddi.

(2) Rhaid i bob hysbysiad o wrandawriad a roddir yn unol â pharagraff (1)(c) neu a gyhoeddir yn unol â pharagraff (1)(ch) gynnwys:

- (a) datganiad o ddyddiad, amser a lle'r gwrandawriad ac o'r pwerau sy'n galluogi'r Cynulliad Cenedlaethol i benderfynu'r apêl o dan sylw;
- (b) disgrifiad ysgrifenedig o'r tir sy'n ddigonol i ddynodi ei leoliad a'i hyd a'i led;
- (c) disgrifiad byr o destun yr apêl; ac

APPEALS DETERMINED FOLLOWING A  
HEARING

**Application**

10. Regulations 11 to 16 apply to appeals which are to be determined following a hearing.

**Exchange of evidence**

11. Regulation 8 is to apply to an appeal to be determined following a hearing as it does to an appeal to be determined on the basis of written representations.

**Date and notification of a hearing**

12. -(1) The National Assembly must:

- (a) as soon as practicable, notify the appellant, the respondent, any person who has made representations in relation to the appeal and any other person as it thinks fit, of the name of the appointed person who will conduct the hearing;
- (b) as soon as practicable after any change in the identity of the appointed person, give notification of that change to those persons entitled to be notified in accordance with subparagraph (a), unless it is not reasonably practicable to do so before the hearing is held, in which case the name of the appointed person and the fact of that person's appointment must be announced at the commencement of the hearing;
- (c) unless the National Assembly agrees a lesser period of notice with the appellant and the respondent, give not less than 4 weeks' written notice to the appellant, the respondent, any interested person and such other persons as it thinks fit of the date, time and place fixed for the hearing; and
- (d) not less than 2 weeks before the date fixed for the holding of a hearing, publish a notice of the hearing in one or more newspapers circulating in the locality in which the land is situated.

(2) Every notice of a hearing given in accordance with paragraph (1)(c) or published in accordance with paragraph (1)(d) must contain:

- (a) a statement of the date, time and place of the hearing and of the powers enabling the National Assembly to determine the appeal in question;
- (b) a written description of the land sufficient to identify its location and extent;
- (c) a brief description of the subject matter of the appeal; and

(ch) manylion ynghylch ble a phryd y gellir archwilio copïau o'r dogfennau perthnasol i'r apêl.

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

(4) Caiff y Cynulliad Cenedlaethol amrywio'r amser neu'r lle a bennwyd ar gyfer cynnal y gwrandawriad a rhaid rhoi hysbysiad o unrhyw amrwyriad fel y gwêl yn rhesymol.

### **Hawl i fod yn bresennol mewn gwrandawriad a chymryd rhan ynddo**

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

### **Y weithdrefn mewn gwrandawriad**

14. -(1) Ac eithrio unrhyw ddarpariaeth arall yn y Rheoliadau hyn, caiff y person penodedig benderfynu'r weithdrefn mewn gwrandawriad.

(2) Mae gwrandawriad i gymryd ffurf trafodaeth sy'n cael ei llywio gan y person penodedig ac ni chaniateir croesholi onid yw'r person penodedig yn ystyried ei fod yn ofynnol i sicrhau archwiliad priodol o'r pynciau sy'n berthnasol i'r apêl.

(3) Rhaid i berson penodedig sy'n ystyried bod croesholi'n ofynnol o dan paragraff (2) ystyried, ar ôl ymgynghori â'r apelydd a'r atebydd, a ddylid cau'r gwrandawriad a chynnal ymchwiliad yn ei le.

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

(5) Nid oes dim ym mharagraff (4) i atal unrhyw berson y mae ganddo hawl neu y caniateir iddo gymryd rhan yn y gwrandawriad rhag cyfeirio at bynciau y mae'n ystyried eu bod yn berthnasol wrth ystyried yr apêl ond nad oeddent yn bynciau â nodwyd gan y person penodedig yn unol â'r paragraff hwnnw.

(6) Caiff person sydd â hawl i gymryd rhan mewn gwrandawriad, yn ddarostyngedig i'r paragraffau blaenorol ac i baragraffau (7) ac (8), alw tystiolaeth ond, fel arall bydd galw tystiolaeth yn fater disgrisiwn y person penodedig.

(d) details of where and when copies of documents relevant to the appeal may be inspected.

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

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

### **Rights of attendance at and participation in a hearing**

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

### **Procedure at a hearing**

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

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

(3) An appointed person who considers that cross-examination is required under paragraph (2) must consider, after consulting the appellant and the respondent, whether the hearing should be closed and an inquiry held instead.

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

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

(6) A person entitled to take part in a hearing may, subject to the foregoing and paragraphs (7) and (8), call evidence but, the calling of evidence is otherwise to be at the appointed person's discretion.

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

(8) Caiff y person penodedig:

- (a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan neu sy'n bresennol mewn gwrandawriad a sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar i adael, a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd neu ganiatáu i'r person ddychwelyd yn unig o dan yr amodau hynny y gall y person penodedig eu pennu,

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

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

(10) Caiff y person penodedig fwrw ymlaen â'r gwrandawriad yn absenoldeb unrhyw berson sydd â hawl i gymryd rhan ynddo.

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

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

### **Penderfyniad ar ôl gwrandawriad**

**15.** -(1) Caiff y person penodedig anwybyddu unrhyw sylwadau, tystiolaeth neu ddogfennau eraill a ddaeth i law ar ôl i'r gwrandawriad gau.

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

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

(8) The appointed person may:

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

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

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

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

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

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

### **Decision after a hearing**

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

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

- (a) hysbysu'r personau y mae ganddynt hawl i gymryd rhan yn y gwrandawriad (p'un a oeddent yn bresennol yn y gwrandawriad neu beidio) o'r mater o dan sylw, a
- (b) rhoi cyfle iddynt wneud sylwadau ysgrifenedig neu ofyn am ailagor y gwrandawriad,

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

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

- (a) rhaid i'r person penodedig anfon at y personau y mae ganddynt hawl i gymryd rhan yn y gwrandawriad ac a gymerodd rhan ynddo ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach yn eu cylch; a
- (b) mae rheoliad 12(1)(c) a (ch) i fod yn gymwys fel pe bai'r cyfeiriadau at wrandawriad yn gyfeiriadau at wrandawriad a ailagorwyd.

### Hysbysu'r penderfyniad

**16.** -(1) Rhaid hysbysu penderfyniad y person penodedig a'r rhesymau amdano yn ysgrifenedig:

- (a) i'r apelydd;
- (b) i'r atebydd;
- (c) i unrhyw berson arall a gymerodd ran yn y gwrandawriad a gofyn am gael ei hysbysu o'r penderfyniad.

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

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

### Rhan V

#### APELAU A BENDERFYNIR AR ÔL YMCHWILIAD CYHOEDDUS LLEOL

### Cymhwysiad

**17.** Mae rheoliadau 18 i 28 yn gymwys i apelau sydd i'w penderfynu yn dilyn ymchwiliad cyhoeddus lleol.

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

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

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

- (a) the appointed person must send to the persons entitled to take part in the hearing and who took part in it a written statement of the matters with respect to which further evidence is invited; and
- (b) regulation 12(1)(c) and (d) are to apply as if the references to a hearing were references to a re-opened hearing.

### Notification of decision

**16.** -(1) The decision of the appointed person, and the reasons for it, must be notified in writing to:

- (a) the appellant;
- (b) the respondent;
- (c) any other person who, having taken part in the hearing, has asked to be notified of the decision.

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

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

### Part V

#### APEALS DETERMINED FOLLOWING A PUBLIC LOCAL INQUIRY

### Application

**17.** Regulations 18 to 28 apply to appeals which are to be determined following a public local inquiry.



## **Y weithdrefn pan fydd y Cynulliad Cenedlaethol yn peri bod cyfarfod cyn-ymchwiliad yn cael ei gynnal**

**18.** -(1) Rhaid i'r Cynulliad Cenedlaethol gynnal cyfarfod cyn-ymchwiliad:

- (a) os yw'n disgwyl y bydd ymchwiliad yn para am 8 diwrnod neu fwy, onid yw o'r farn bod cyfarfod o'r fath yn ddiangen;
- (b) o ran ymchwiliadau byrrach, os yw'n ymddangos eu bod yn angenrheidiol.

(2) Os bydd y Cynulliad Cenedlaethol yn penderfynu cynnal cyfarfod cyn-ymchwiliad:

- (a) rhaid i'r Cynulliad Cenedlaethol anfon gyda'r hysbysiad y mae'n ei roi yn unol â rheoliad 5(1) neu gynnwys ynddo:
  - (i) hysbysiad o'i fwriad i gynnal cyfarfod cyn-ymchwiliad; a
  - (ii) datganiad o'r materion y mae'n benodol yn dymuno cael gwybodaeth amdanynt at ddibenion ei ystyriaethau ar yr apêl o dan sylw;
- (b) rhaid i'r Cynulliad Cenedlaethol gynnwys yn yr hysbysiad y mae'n ei gyhoeddi yn unol â rheoliad 6(1)(a) neu (b) neu y mae'n ei anfon yn unol â rheoliad 6(1)(c), hysbysiad o'i fwriad i gynnal cyfarfod cyn-ymchwiliad a datganiad o'r materion y cyfeirir atynt ym mharagraff (2)(a)(ii); ac
- (c) rhaid i'r apelydd â'r ateb ydd ill dau anfon dau gopi o'u datganiad amlinellol at y Cynulliad Cenedlaethol o fewn 8 wythnos o'r dyddiad cychwyn.

(3) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o ddatganiad amlinellol yr ateb ydd at yr apelydd a datganiad amlinellol yr apelydd at yr ateb ydd.

(4) Caiff y Cynulliad Cenedlaethol, yn ysgrifenedig, ei gwneud yn ofynnol i unrhyw bersonau â diddordeb sydd wedi ei hysbysu o fwriad neu ddymuniad i gymryd rhan yn yr ymchwiliad anfon datganiad amlinellol ato, at yr apelydd ac at yr ateb ydd, a rhaid i'r personau hynny â diddordeb sicrhau bod datganiad o'r fath yn dod i law'r Cynulliad Cenedlaethol, yr apelydd a'r ateb ydd o fewn 4 wythnos i ddyddiad gofyniad ysgrifenedig y Cynulliad Cenedlaethol.

(5) Rhaid cynnal y cyfarfod cyn-ymchwiliad (neu, os oes mwy nag un, y cyfarfod cyn-ymchwiliad cyntaf) o fewn 16 wythnos o'r dyddiad cychwyn.

(6) Rhaid i'r Cynulliad Cenedlaethol roi hysbysiad heb fod yn llai na 3 wythnos o'r cyfarfod cyn-ymchwiliad i'r apelydd, yr ateb ydd, i unrhyw berson â diddordeb y gwyddys ar ddyddiad yr hysbysiad ei fod yn dymuno cymryd rhan yn yr ymchwiliad ac i unrhyw berson arall y mae'n ymddangos i'r Cynulliad Cenedlaethol y byddai ei bresenoldeb yn ddymunol, a

## **Procedure where the National Assembly causes a pre-inquiry meeting to be held**

**18.** -(1) The National Assembly must hold a pre-inquiry meeting:

- (a) if it expects an inquiry to last for 8 days or more, unless it considers such a meeting to be unnecessary;
- (b) in respect of shorter inquiries, if it appears to it to be necessary.

(2) Where the National Assembly decides to hold a pre-inquiry meeting:

- (a) the National Assembly must send with or include in the notice it gives in accordance with regulation 5(1):
  - (i) notice of its intention to hold a pre-inquiry meeting; and
  - (ii) a statement of the matters about which it particularly wishes to be informed for the purposes of its consideration of the appeal in question;
- (b) the National Assembly must include in the notice it publishes in accordance with regulation 6(1)(a) or (b) or sends in accordance with regulation 6(1)(c), notice of its intention to hold a pre-inquiry meeting and a statement of the matters referred to in paragraph (2)(a)(ii); and
- (c) the appellant and the respondent must each send two copies of their outline statement to the National Assembly within 8 weeks of the starting date.

(3) The National Assembly must, as soon as practicable after receipt, send a copy of the outline statement of the respondent to the appellant and that of the appellant to the respondent.

(4) The National Assembly may, in writing, require any interested persons who have notified it of an intention or a wish to take part in the inquiry to send an outline statement to it, to the appellant and to the respondent, and those interested persons must ensure that such statement is received by the National Assembly, the appellant and the respondent within 4 weeks of the date of the National Assembly's written requirement.

(5) The pre-inquiry meeting (or, where there is more than one, the first pre-inquiry meeting) must be held within 16 weeks of the starting date.

(6) The National Assembly must give not less than 3 weeks' written notice of the pre-inquiry meeting to the appellant, the respondent, any interested person known at the date of the notice to wish to take part in the inquiry and any other person whose presence at the pre-inquiry meeting appears to the National Assembly to be desirable, and it must, in relation to notification

rhaiddo, mewn perthynas â hysbysiad o'r cyfarfod cyn-ymchwiliad, gymryd un neu fwy o'r camau a bennir, mewn perthynas â'r ymchwiliad, yn rheoliad 22(6).

(7) O ran y person penodedig:

- (a) mae i lywyddu yn y cyfarfod cyn-ymchwiliad;
- (b) mae i benderfynu'r materion sydd i'w trafod a'r weithdrefn sydd i'w dilyn;
- (c) caiff ei gwneud yn ofynnol i unrhyw berson sy'n bresennol yn y cyfarfod cyn-ymchwiliad, sydd ym marn y person penodedig yn ymddwyn mewn dull aflonyddgar i ymadael; ac
- (ch) caiff wrthod caniatáu i'r person hwnnw ddychwelyd neu bod yn bresennol mewn unrhyw gyfarfod cyn-ymchwiliad pellach, neu ganiatáu i'r person hwnnw ddychwelyd neu fod yn bresennol yn unig o dan yr amodau y caiff y person penodedig eu pennu.

(8) Os cafodd cyfarfod cyn-ymchwiliad ei gynnal yn unol â pharagraff (1), caiff y person penodedig gynnal cyfarfod cyn-ymchwiliad pellach a rhaid iddo drefnu rhoi hysbysiad o'r cyfarfod cyn-ymchwiliad pellach y mae'n ymddangos ei fod yn angenrheidiol i'r person penodedig; ac mae paragraff (7) i fod yn gymwys i gyfarfod cyn-ymchwiliad pellach o'r fath.

(9) Os bydd y Cynulliad Cenedlaethol yn gofyn am wybodaeth bellach oddi wrth yr apelydd neu'r atebydd mewn cyfarfod cyn-ymchwiliad, rhaid i'r person y gofynnir am yr wybodaeth oddi wrtho sicrhau bod dau gopi o'r wybodaeth honno yn dod i law'r Cynulliad Cenedlaethol a bod copi wedi dod i law unrhyw berson â diddordeb y gall y person penodedig ei gwneud yn ofynnol bod copi yn cael ei roi iddo, o fewn 4 wythnos ar ôl i'r cyfarfod cyn-ymchwiliad ddod i ben a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o'r wybodaeth bellach a gafwyd oddi wrth yr apelydd at yr atebydd a chopi o'r wybodaeth bellach a gafwyd oddi wrth yr atebydd at yr apelydd.

#### **Cael datganiadau o achos a.y.y.b.**

19. -(1) Rhaid i'r atebydd sicrhau:

- (a) o fewn 6 wythnos o'r dyddiad cychwyn; neu
- (b) os cynhelir cyfarfod cyn-ymchwiliad yn unol â rheoliad 18, o fewn 4 wythnos i'r cyfarfod cyn-ymchwiliad hwnnw ddod i ben,

bod dau gopi o ddatganiad o achos yr atebydd wedi dod i law'r Cynulliad Cenedlaethol a bod copi o'r datganiad o achos hwnnw wedi dod i law unrhyw berson â diddordeb y bydd y Cynulliad Cenedlaethol yn ei gwneud hi'n ofynnol bod copi o'r datganiad o achos hwnnw'n cael ei roi iddo.

(2) Rhaid i'r atebydd, yn ei ddatganiad o achos, gynnwys manylion o'r lle a'r amserau y rhoddir cyfle i

of the pre-inquiry meeting, take one or more of the steps specified, in relation to the inquiry, in regulation 22(6).

(7) The appointed person:

- (a) is to preside at the pre-inquiry meeting;
- (b) is to determine the matters to be discussed and the procedure to be followed;
- (c) may require any person present at the pre-inquiry meeting who, in the opinion of the appointed person, is behaving in a disruptive manner to leave; and
- (d) may refuse to permit that person to return or to attend any further pre-inquiry meeting, or may permit that person to return or attend only on such conditions as the appointed person may specify.

(8) Where a pre-inquiry meeting has been held pursuant to paragraph (1), the appointed person may hold a further pre-inquiry meeting and must arrange for such notice to be given of a further pre-inquiry meeting as appears to the appointed person to be necessary; and paragraph (7) is to apply to such a further pre-inquiry meeting.

(9) If the National Assembly requests any further information from the appellant or the respondent at the pre-inquiry meeting, the person from whom the further information has been requested must ensure that two copies of that information have been received by the National Assembly and a copy has been received by any interested person to whom the appointed person may require a copy to be supplied, within 4 weeks of the conclusion of the pre-inquiry meeting and the National Assembly must, as soon as practicable after receipt, send a copy of the further information received from the appellant to the respondent and a copy of the further information received from the respondent to the appellant.

#### **Receipt of statements of case etc.**

19. -(1) The respondent must ensure that within:

- (a) 6 weeks of the starting date; or
- (b) where a pre-inquiry meeting is held pursuant to regulation 18, 4 weeks of the conclusion of that pre-inquiry meeting,

two copies of the respondent's statement of case have been received by the National Assembly and a copy of that statement of case has been received by any interested person to whom the National Assembly may require a copy of that statement of case to be supplied.

(2) The respondent must include, in its statement of case, details of the place where, and times at which, the

archwilio a chymryd copiâu o'r dogfennau y cyfeirir atynt ym mharagraff (12) isod.

(3) Rhaid i'r apelydd sicrhau:

- (a) o fewn 6 wythnos o'r dyddiad cychwyn; neu
- (b) os cynhelir cyfarfod cyn-ymchwiliad yn unol â rheoliad 18, o fewn 4 wythnos i'r cyfarfod cyn-ymchwiliad hwnnw ddod i ben,

bod dau gopi o ddatganiad o achos yr apelydd wedi dod i law'r Cynulliad Cenedlaethol a bod copi o'r datganiad o achos hwnnw wedi dod i law unrhyw berson â diddordeb y bydd y Cynulliad Cenedlaethol yn ei gwneud hi'n ofynnol bod copi o'r datganiad o achos hwnnw'n cael ei roi iddo.

(4) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o ddatganiad o achos yr atebydd at yr apelydd a chopi o ddatganiad yr apelydd at yr atebydd.

(5) Caiff yr apelydd a'r atebydd, yn ysgrifenedig, ei gwneud yn ofynnol i'r llall anfon copi ato o unrhyw ddogfen, neu ran berthnasol o unrhyw ddogfen, y cyfeirir ati yn y rhestr o ddogfennau a gynhwysir yn natganiad o achos y llall; a rhaid anfon unrhyw ddogfen felly, neu ran berthnasol ohoni, cyn gynted ag y mae'n ymarferol, at y parti a ofynnodd amdani.

(6) Caiff y Cynulliad Cenedlaethol, yn ysgrifenedig, ei gwneud yn ofynnol i unrhyw berson arall, sydd wedi ei hysbysu o ddymuniad i geisio caniatâd y person penodedig i gymryd rhan yn yr ymchwiliad, anfon:

- (a) tri chopi o'i ddatganiad o achos ato o fewn 4 wythnos ar ôl gofyn amdano; a
- (b) copi o'i ddatganiad o achos i unrhyw berson â diddordeb a bennwyd,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o bob datganiad o achos o'r fath at yr apelydd ac at yr atebydd.

(7) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol;

- (a) anfon at berson y gofynnodd am ddatganiad o achos oddi wrtho yn unol â pharagraff (6) gopi o ddatganiad o achos yr apelydd a'r atebydd; a
- (b) hysbysu'r person hwnnw o enw a chyfeiriad pob person y mae'n ofynnol anfon datganiad o achos y person hwnnw ato.

(8) Caiff y Cynulliad Cenedlaethol yn ysgrifenedig ei gwneud yn ofynnol i unrhyw berson, sydd wedi anfon datganiad o achos ato yn unol â'r rheoliad hwn, roi unrhyw wybodaeth bellach ynghylch y materion a gynhwysir yn y datganiad o achos y caiff eu pennu a chaiff bennu'r amser erbyn pryd mae'n rhaid i'r wybodaeth ddod i law.

opportunity to inspect and take copies of the documents referred to in paragraph (12) below is to be afforded.

(3) The appellant must ensure that within:

- (a) 6 weeks of the starting date; or
- (b) where a pre-inquiry meeting is held pursuant to regulation 18, 4 weeks of the conclusion of that pre-inquiry meeting,

two copies of the appellant's statement of case have been received by the National Assembly and a copy of that statement of case has been received by any interested person to whom the National Assembly may require a copy of that statement of case to be supplied.

(4) The National Assembly must, as soon as practicable after receipt, send a copy of the respondent's statement of case to the appellant and a copy of the appellant's statement of case to the respondent.

(5) The appellant and the respondent may, in writing, each require the other to send them a copy of any document, or the relevant part of any document, referred to in the list of documents comprised in the other's statement of case; and any such document, or relevant part, must be sent, as soon as practicable, to the party who required it.

(6) The National Assembly may, in writing, require any other person, who has notified it of a wish to seek the appointed person's permission to take part in the inquiry, to send:

- (a) three copies of their statement of case to it within 4 weeks of being so required; and
- (b) a copy of their statement of case to any specified interested person,

and the National Assembly must, as soon as practicable after receipt, send a copy of each such statement of case to the appellant and the respondent.

(7) The National Assembly must, as soon as practicable;

- (a) send to a person from whom it requires a statement of case in accordance with paragraph (6) a copy of the statements of case of the appellant and the respondent; and
- (b) inform that person of the name and address of every person to whom that person's statement of case is required to be sent.

(8) The National Assembly may in writing require any person, who has sent to it a statement of case in accordance with this regulation, to provide such further information about the matters contained in the statement of case as it may specify and may specify the time within which the information shall be received by it.

(9) Os gofynnir i'r atebydd neu'r apelydd roi gwybodaeth bellach, rhaid iddynt sicrhau:

- (a) bod dau gopi o'r wybodaeth honno'n ysgrifenedig wedi dod i law'r Cynulliad Cenedlaethol, o fewn yr amser a bennwyd; a
- (b) bod copi wedi dod i law unrhyw berson â diddordeb y bydd y Cynulliad Cenedlaethol yn ei gwneud hi'n ofynnol ei roi iddo o fewn yr amser a bennwyd,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl iddo ddod i law, anfon copi at yr apelydd o'r wybodaeth bellach a gafwyd oddi wrth yr atebydd ac anfon copi at yr atebydd o'r wybodaeth bellach a gafwyd oddi wrth yr apelydd.

(10) Rhaid i unrhyw berson arall y mae'n ofynnol iddo roi gwybodaeth bellach sicrhau:

- (a) bod tri chopi o'r wybodaeth honno yn ysgrifenedig wedi dod i law'r Cynulliad Cenedlaethol o fewn yr amser penodedig; a
- (b) bod copi wedi dod i law unrhyw berson â diddordeb y gall fod y Cynulliad Cenedlaethol wedi ei wneud yn ofynnol i'w rhoi o fewn yr amser penodedig,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o'r wybodaeth bellach at yr atebydd ac at yr apelydd.

(11) Rhaid i unrhyw berson heblaw'r apelydd sy'n anfon datganiad o achos at y Cynulliad Cenedlaethol anfon gydag ef gopi:

- (a) o unrhyw ddogfen; neu
- (b) o ran berthnasol o unrhyw ddogfen,

y cyfeirir ati yn y rhestr a gynhwysir yn y datganiad hwnnw, onid oes copi o'r ddogfen neu ran o'r ddogfen o dan sylw eisoes ar gael i'w harchwilio yn unol â pharagraff (12).

(12) Rhaid i'r atebydd roi cyfle rhesymol i unrhyw berson sy'n gofyn amdano i archwilio a, lle bo'n ymarferol, wneud copïau:

- (a) o unrhyw ddatganiad o achos, sylwadau ysgrifenedig, gwybodaeth neu ddogfen arall yr anfonwyd copi ohonynt at yr atebydd yn unol â'r rheoliad hwn; a
- (b) o ddatganiad o achos yr atebydd ynghyd â chopi o unrhyw ddogfen, neu ran berthnasol o unrhyw ddogfen, y cyfeirir ati yn y rhestr a gynhwysir yn y datganiad hwnnw, ac unrhyw sylwadau ysgrifenedig, gwybodaeth neu ddogfennau eraill a anfonwyd gan yr atebydd yn unol â'r rheoliad hwn.

(13) Os bydd yr atebydd neu'r apelydd yn dymuno gwneud sylw ar ddatganiad o achos y llall rhaid iddynt sicrhau o fewn 9 wythnos i'r dyddiad cychwyn:

- (a) bod dau gopi o'i sylwadau ysgrifenedig wedi

(9) Where the respondent or appellant is required to provide further information, they shall ensure that:

- (a) two copies of that information in writing have been received by the National Assembly, within such time as is specified; and
- (b) a copy has been received by any interested person to whom the National Assembly may require it to be supplied within such time as is specified,

and the National Assembly must, as soon as practicable after receipt, send to the appellant a copy of the further information received from the respondent and send to the respondent a copy of the further information received from the appellant.

(10) Any other person required to provide further information must ensure that:

- (a) three copies of that information in writing have been received by the National Assembly, within the specified time; and
- (b) a copy has been received by any interested person to whom the National Assembly may require it to be supplied within the specified time,

and the National Assembly must, as soon as practicable after receipt, send a copy of the further information to the respondent and the appellant.

(11) Any person other than the appellant who sends a statement of case to the National Assembly must send with it a copy of:

- (a) any document; or
- (b) the relevant part of any document,

referred to in the list comprised in that statement, unless a copy of the document or part of the document in question is already available for inspection pursuant to paragraph (12).

(12) The respondent must afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of:

- (a) any statement of case, written comments, information or other document a copy of which has been sent to the respondent in accordance with this regulation; and
- (b) the respondent's statement of case together with a copy of any document, or the relevant part of any document, referred to in the list comprised in that statement, and any written comments, information or other documents sent by the respondent pursuant to this regulation.

(13) If the respondent or the appellant wish to comment on the other's statement of case they must ensure that within 9 weeks of the starting date:

- (a) two copies of their written comments have

dod i law'r Cynulliad Cenedlaethol; a

- (b) bod copi o'i sylwadau ysgrifenedig wedi dod i law unrhyw berson â diddordeb y bydd y Cynulliad Cenedlaethol wedi'i gwneud hi'n ofynnol ei fod yn ei gael,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o'r sylwadau ysgrifenedig a gafwyd oddi wrth yr apelydd at yr atebydd a chopi o sylwadau ysgrifenedig a gafwyd oddi wrth yr atebydd at yr apelydd.

(14) Rhaid i unrhyw berson sy'n anfon datganiad o achos at y Cynulliad Cenedlaethol o dan y rheoliad hwn ac sy'n dymuno gwneud sylw ar ddatganiad o achos unrhyw berson arall, sicrhau heb fod yn llai na 4 wythnos cyn y dyddiad a bennwyd ar gyfer cynnal yr ymchwiliad:

- (a) bod tri chopi o sylwadau ysgrifenedig y person hwnnw wedi dod i law'r Cynulliad Cenedlaethol; a
- (b) bod copi o'r sylwadau ysgrifenedig hynny wedi dod i law unrhyw berson â diddordeb y bydd y Cynulliad Cenedlaethol wedi'i gwneud hi'n ofynnol iddo ei gael,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl ei gael, anfon copi o'r sylwadau ysgrifenedig at yr apelydd ac at yr atebydd.

(15) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl eu cael, anfon at y person penodedig unrhyw ddatganiad o achos, dogfen neu wybodaeth bellach neu sylwadau ysgrifenedig a anfonwyd ato yn unol â'r rheoliad hwn ac a ddaeth i'w law o fewn y cyfnod perthnasol, os o gwbl, a bennir yn y rheoliad hwn.

### **Pŵer pellach y person penodedig i gynnal cyfarfodydd cyn-ymchwiliad**

**20.** -(1) Os na chynhelir cyfarfod cyn-ymchwiliad yn unol â rheoliad 18, caiff y person penodedig gynnal un os yw'r person penodedig yn meddwl ei fod yn angenrheidiol.

(2) Rhaid i berson penodedig roi hysbysiad ysgrifenedig heb fod yn llai na 2 wythnos o gyfarfod cyn-ymchwiliad sydd i'w gynnal o dan baragraff (1):

- (a) i'r apelydd;
- (b) i'r atebydd;
- (c) i unrhyw berson y gwyddys ar ddyddiad yr hysbysiad fod ganddo hawl i gymryd rhan yn yr ymchwiliad; ac
- (ch) i unrhyw berson arall y mae'n ymddangos iddo fod ei bresenoldeb yn y cyfarfod cyn-ymchwiliad yn ddymunol.

(3) Mae rheoliad 18(7) yn gymwys i gyfarfod cyn-ymchwiliad a gynhelir o dan y rheoliad hwn.

been received by the National Assembly; and

- (b) a copy of their written comments has been received by any interested person to whom the National Assembly may require them to be supplied,

and the National Assembly must, as soon as practicable after receipt, send a copy of the written comments received from the appellant to the respondent and a copy of the written comments received from the respondent to the appellant.

(14) Any person, who sends a statement of case to the National Assembly under this regulation and who wishes to comment on another person's statement of case, must ensure that not less than 4 weeks before the date fixed for the holding of the inquiry:

- (a) three copies of that person's written comments have been received by the National Assembly; and
- (b) a copy of those written comments has been received by any interested person to whom the National Assembly may require them to be supplied,

and the National Assembly must, as soon as practicable after receipt, send a copy of the written comments to the appellant and the respondent.

(15) The National Assembly must, as soon as practicable after receipt, send to the appointed person any statement of case, document or further information or written comments sent to it in accordance with this regulation and received by it within the relevant period, if any, specified in this regulation.

### **Further power of appointed person to hold pre-inquiry meetings**

**20.** -(1) Where no pre-inquiry meeting is held pursuant to regulation 18, an appointed person may hold one if the appointed person thinks it necessary.

(2) An appointed person must give not less than 2 weeks' written notice of a pre-inquiry meeting to be held under paragraph (1) to:

- (a) the appellant;
- (b) the respondent;
- (c) any person known at the date of the notice to be entitled to take part in the inquiry; and
- (d) any other person whose presence at the pre-inquiry meeting appears to him to be desirable.

(3) Regulation 18(7) applies to a pre-inquiry meeting held under this regulation.

## Amserlen yr ymchwiliad

21. -(1) Rhaid i berson penodedig drefnu amserlen ar gyfer y gweithdrefnau mewn ymchwiliad, neu ran o ymchwiliad:

- (a) os cynhelir y cyfarfod cyn-ymchwiliad yn unol â rheoliad 18; neu
- (b) os yw'n ymddangos i'r Cynulliad Cenedlaethol ei bod yn debygol y bydd yr ymchwiliad yn para am wyth diwrnod neu fwy.

(2) Caiff y person penodedig drefnu amserlen ar gyfer y gweithdrefnau mewn unrhyw ymchwiliad arall, neu ran o ymchwiliad arall, a chaiff ar unrhyw adeg, amrywio'r amserlen a drefnwyd o dan y paragraff hwn, neu'r paragraff blaenorol.

(3) Caiff y person penodedig bennu mewn amserlen a drefnir yn unol â'r rheoliad hwn ddyddiad y mae'n rhaid i unrhyw broflen dystiolaeth a chrynodeb a anfonnir yn unol â rheoliad 24(1) ddod i law'r Cynulliad Cenedlaethol.

## Dyddiad a hysbysiad yr ymchwiliad

22. -(1) Rhaid i'r dyddiad a bennir gan y Cynulliad Cenedlaethol ar gyfer cynnal ymchwiliad, onid yw'n ystyried bod y dyddiad hwnnw'n anymarferol, beidio â bod yn hwyrach na:

- (a) 22 wythnos ar ôl y dyddiad cychwyn; neu
- (b) mewn achos lle cynhelir cyfarfod cyn-ymchwiliad yn unol â rheoliad 18, 8 wythnos ar ôl i'r cyfarfod hwnnw ddod i ben.

(2) Os bydd y Cynulliad Cenedlaethol yn ystyried ei bod yn anymarferol i bennu dyddiad yn unol â pharagraff (1), rhaid i'r dyddiad a bennir fod y dyddiad cynharaf ar ôl diwedd y cyfnod perthnasol a grybwyllir yn y paragraff hwnnw y mae'n ystyried ei fod yn ymarferol.

(3) Oni fydd y Cynulliad Cenedlaethol yn cytuno ar gyfnod o hysbysiad llai gyda'r apelydd a'r ateblydd, rhaid iddo roi hysbysiad ysgrifenedig heb fod yn llai na 4 wythnos, o'r dyddiad, amser a'r lle a bennir ganddo i gynnal ymchwiliad i bob person y mae ganddo hawl i gymryd rhan yn yr ymchwiliad.

(4) Caiff y Cynulliad Cenedlaethol amrywio'r dyddiad a bennir i gynnal ymchwiliad, p'un a ydyw'r dyddiad fel y'i hamrywiwyd o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (1) neu beidio; a bydd paragraff (3) yn gymwys i'r dyddiad a amrywiwyd fel y mae'n gymwys i'r dyddiad a bennwyd yn wreiddiol.

(5) Caiff y Cynulliad Cenedlaethol amrywio'r amser neu'r lle ar gyfer cynnal ymchwiliad a rhaid iddo roi hysbysiad o unrhyw amrywiad y mae'n ymddangos iddo ei fod yn rhesymol.

(6) Rhaid i'r Cynulliad Cenedlaethol gymryd un neu fwy o'r camau canlynol:

## Inquiry timetable

21. -(1) The appointed person must arrange a timetable for the proceedings at, or at part of, an inquiry where:

- (a) a pre-inquiry meeting is held pursuant to regulation 18; or
- (b) it appears to the National Assembly likely that an inquiry will last for 8 days or more.

(2) The appointed person may arrange a timetable for the proceedings at, or at part of, any other inquiry and may, at any time, vary the timetable arranged under this, or the preceding, paragraph.

(3) The appointed person may specify in a timetable arranged pursuant to this regulation a date by which any proof of evidence and summary sent in accordance with regulation 24(1) must be received by the National Assembly.

## Date and notification of inquiry

22. -(1) The date fixed by the National Assembly for the holding of an inquiry must, unless it considers such a date impracticable, be not later than -

- (a) 22 weeks after the starting date; or
- (b) in a case where a pre-inquiry meeting is held pursuant to regulation 18, 8 weeks after the conclusion of that meeting.

(2) Where the National Assembly considers it impracticable to fix a date in accordance with paragraph (1), the date fixed must be the earliest date after the end of the relevant period mentioned in that paragraph which it considers to be practicable.

(3) Unless the National Assembly agrees a lesser period of notice with the appellant and the respondent, it must give not less than 4 weeks' written notice of the date, time and place fixed by it for the holding of an inquiry to every person entitled to take part in the inquiry.

(4) The National Assembly may vary the date fixed for the holding of an inquiry, whether or not the date as varied is within the relevant period mentioned in paragraph (1); and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

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

(6) The National Assembly must take one or more of the following steps:

- (a) heb fod yn llai na 2 wythnos cyn y dyddiad a bennwyd ar gyfer cynnal yr ymchwiliad, gyhoeddi hysbysiad o'r ymchwiliad yn un neu fwy o'r papurau newydd sy'n cylchredeg yn yr ardal y lleolir y tir ynddi;
- (b) anfon hysbysiad o'r ymchwiliad at y personau hynny neu'r dosbarthiadau o bersonau y gall eu pennu, o fewn y cyfnod a all bennu.

(7) Rhaid i bob hysbysiad o ymchwiliad a gyhoeddir neu a anfonir yn unol â pharagraph (6),

- (a) cynnwys datganiad clir o'r dyddiad, amser a lle'r ymchwiliad ac o'r pwerau sy'n galluogi'r Cynulliad Cenedlaethol i benderfynu'r cais neu'r apêl o dan sylw;
- (b) cynnwys disgrifiad ysgrifenedig o'r tir sy'n ddigonol i alluogi adnabod lleoliad a hyd a lled y tir yn fras;
- (c) disgrifio'n gryno destun yr apêl; ac
- (ch) rhoi manylion o lle a phryd y gellir archwilio copïau o ddatganiad o achos yr atebudd ac unrhyw ddogfennau a anfonwyd gan yr atebudd ac a gopïwyd i'r atebudd yn unol â rheoliad 19.

### **Hawl i fod yn bresennol ac i gymryd rhan mewn ymchwiliad**

**23.** -(1) Dyma'r personau sydd â hawl i gymryd rhan mewn ymchwiliad:

- (a) yr apelydd;
- (b) yr atebudd; ac
- (c) unrhyw swyddog o unrhyw awdurdod lleol neu awdurdod parc cenedlaethol y mae eu hardal yn cynnwys tir y mae'r apêl yn berthnasol iddo.

(2) Caiff y person penodedig ganiatáu i unrhyw berson arall gymryd rhan mewn ymchwiliad.

(3) Caiff unrhyw berson sydd â hawl i gymryd rhan mewn ymchwiliad neu y caniateir iddo wneud hynny ar ei ran ei hun neu gael ei gynrychioli gan unrhyw berson arall.

### **Proflenni tystiolaeth**

**24.** -(1) Rhaid i unrhyw berson sydd â hawl i gymryd rhan mewn ymchwiliad sy'n bwriadu rhoi, neu'n bwriadu galw ar berson arall i roi, tystiolaeth yn yr ymchwiliad drwy ddarllen proflen dystiolaeth:

- (a) anfon dau gopi, yn achos yr atebudd neu'r apelydd, neu dri chopi yn achos unrhyw berson arall, o'r broflen dystiolaeth ynghyd ag unrhyw grynodedb ysgrifenedig, at y Cynulliad Cenedlaethol; a
- (b) ar yr un pryd anfon copïau o'r rhain at unrhyw berson â diddordeb y gall fod y Cynulliad

- (a) not less than 2 weeks before the date fixed for the holding of an inquiry, to publish a notice of the inquiry in one or more newspapers circulating in the locality in which the land is situated;
- (b) to send a notice of the inquiry to such persons or classes of persons as it may specify, within such period as it may specify.

(7) Every notice of inquiry published or sent pursuant to paragraph (6), must:

- (a) contain a clear statement of the date, time and place of the inquiry and of the powers enabling the National Assembly to determine the application or appeal in question;
- (b) contain a written description of the land sufficient to enable the approximate location and extent of the land to be identified;
- (c) briefly describe the subject matter of the appeal; and
- (d) provide details of where and when copies of the respondent's statement of case and any documents sent by and copied to the respondent pursuant to regulation 19 may be inspected.

### **Rights of attendance at and participation in an inquiry**

**23.** -(1) The persons entitled to take part in an inquiry are:

- (a) the appellant;
- (b) the respondent; and
- (c) any officer of any local authority or National Park authority whose area includes land to which the appeal relates.

(2) The appointed person may permit any other person to take part in an inquiry.

(3) Any person entitled or permitted to take part in an inquiry may do so on his own behalf or be represented by any other person.

### **Proofs of evidence**

**24.** -(1) Any person entitled to take part in an inquiry who proposes to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence, must:

- (a) send two copies, in the case of the respondent and the appellant, or three copies in the case of any other person, of the proof of evidence together with any written summary, to the National Assembly; and
- (b) simultaneously send copies of these to any interested person to whom the National

Cenedlaethol wedi'i gwneud yn ofynnol iddynt eu cael,

a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl eu cael, anfon copi o bob proflen dystiolaeth ynghyd â chrynodeb at yr atebydd a'r apelydd.

(2) Nid oes angen crynodeb ysgrifenedig os yw'r broflen dystiolaeth y bwriedir ei darllen yn cynnwys dim mwy na 1,500 o eiriau.

(3) Rhaid i'r broflen dystiolaeth ac unrhyw grynodeb ddod i law'r Cynulliad Cenedlaethol heb fod yn hwyrach na:

- (a) 4 wythnos cyn y dyddiad a bennir i gynnal yr ymchwiliad; neu
- (b) os cafodd yr amserlen ei threfnu'n unol â rheoliad 21 sy'n pennu dyddiad erbyn pryd mae'n rhaid i broflen dystiolaeth ac unrhyw grynodeb ddod i law'r Cynulliad Cenedlaethol, y dyddiad hwnnw.

(4) Rhaid i'r Cynulliad Cenedlaethol anfon at y person penodedig, cyn gynted ag y mae'n ymarferol ar ôl ei gael, unrhyw broflen dystiolaeth ynghyd â chrynodeb a anfonwyd ato yn unol â'r rheoliad hwn ac a gafodd o fewn y cyfnod perthnasol a bennir yn y rheoliad hwn.

(5) Os rhoddir crynodeb ysgrifenedig yn unol â pharagraff (1), dim ond y crynodeb hwnnw gaiff ei ddarllen yn yr ymchwiliad, oni fydd y person penodedig yn caniatáu neu'n mynnu fel arall.

(6) Rhaid i unrhyw berson y mae'r rheoliad hwn yn ei gwneud yn ofynnol i anfon copiâu o broflen dystiolaeth at y Cynulliad Cenedlaethol anfon gyda hwy yr un nifer o gopïau o'r cyfan, neu o'r rhan berthnasol, o unrhyw ddogfen y cyfeirir ati yn y broflen dystiolaeth, onid oes copi o'r ddogfen neu ran o'r ddogfen o dan sylw eisoes ar gael i'w harchwilio yn unol â rheoliad 19(12).

(7) Rhaid i'r atebydd roi cyfle rhesymol i unrhyw berson sy'n gofyn amdano i archwilio ac, os yw'n ymarferol, gymryd copiâu o unrhyw ddogfen a anfonwyd at yr atebydd neu oddi wrtho yn unol â'r rheoliad hwn.

### **Datganiad o dir cyffredin**

**25.** -(1) Rhaid i'r atebydd a'r apelydd:

- (a) baratoi gyda'i gilydd ddatganiad cytûn o dir cyffredin; a
- (b) sicrhau bod y Cynulliad Cenedlaethol ac unrhyw berson arall â diddordeb y bydd y Cynulliad Cenedlaethol yn ei gwneud hi'n ofynnol bod copi yn cael ei anfon ato yn cael copi ohono heb fod yn llai na 4 wythnos cyn y dyddiad a bennwyd ar gyfer cynnal yr ymchwiliad.

Assembly may require them to be supplied,

and the National Assembly must, as soon as practicable after receipt, send a copy of each proof of evidence together with any summary to the respondent and the appellant.

(2) No written summary is required where the proof of evidence proposed to be read contains no more than 1,500 words.

(3) The proof of evidence and any summary must be received by the National Assembly no later than:

- (a) 4 weeks before the date fixed for the holding of the inquiry; or
- (b) where a timetable has been arranged pursuant to regulation 21 which specifies a date by which the proof of evidence and any summary must be received by the National Assembly, that date.

(4) The National Assembly must send to the appointed person, as soon as practicable after receipt, any proof of evidence together with any summary sent to it in accordance with this regulation and received by it within the relevant period specified in this Regulation.

(5) Where a written summary is provided in accordance with paragraph (1), only that summary shall be read at the inquiry, unless the appointed person permits or requires otherwise.

(6) Any person required by this regulation to send copies of a proof of evidence to the National Assembly must send with them the same number of copies of the whole, or the relevant part, of any document referred to in the proof of evidence, unless a copy of the document or part of the document in question is already available for inspection pursuant to regulation 19(12).

(7) The respondent must afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any document sent to or by the respondent in accordance with this regulation.

### **Statement of common ground**

**25.** -(1) The respondent and the appellant must:

- (a) together prepare an agreed statement of common ground; and
- (b) ensure that the National Assembly and any interested person to whom the National Assembly may require a copy to be supplied receive a copy of it not less than 4 weeks before the date fixed for the holding of the inquiry.



(2) Rhaid i'r atebydd roi i unrhyw berson sy'n gofyn am hynny gyfle rhesymol i archwilio, a lle bo'n ymarferol, gymryd copiâu o'r datganiad o dir cyffredin a anfonwyd at y Cynulliad Cenedlaethol.

### **Y weithdrefn mewn ymchwiliad**

**26.** -(1) Oni ddarperir fel arall yn y Rheoliadau hyn, y person penodedig sydd i benderfynu'r weithdrefn mewn ymchwiliad.

(2) Ar ddechrau'r ymchwiliad rhaid i'r person penodedig nodi'r pynciau sydd, ym marn y person penodedig, yn brif bynciau i'w hystyried yn yr ymchwiliad ac unrhyw faterion y mae'r person penodedig yn gofyn am esboniad pellach yn eu cylch oddi wrth y personau sydd â hawl neu a ganiateir i gymryd rhan.

(3) Nid oes dim ym mharagraff (2) i atal unrhyw berson sydd â hawl neu a ganiateir i gymryd rhan rhag cyfeirio at bynciau y maent hwy yn eu hystyried sy'n berthnasol ar gyfer ystyried y cais neu'r apêl ond nad oeddent yn bynciau a nodwyd gan y person penodedig yn unol â'r paragraff hwnnw.

(4) Oni fydd y person penodedig mewn achos penodedig yn penderfynu fel arall, yr atebydd sydd i ddechrau a'r apelydd sydd i gael hawl i ateb yn derfynol; ac mae'r personau eraill sydd â hawl neu a ganiateir i gymryd rhan i'w clywed yn y drefn honno y bydd y person penodedig yn penderfynu arni.

(5) Bydd gan berson sydd â hawl i gymryd rhan mewn ymchwiliad yr hawl i alw tystiolaeth a bydd gan yr apelydd, yr atebydd, ac unrhyw berson â diddordeb yr hawl i groesholi personau sy'n rhoi tystiolaeth, ond, yn ddarostyngedig i'r uchod a pharagraffau (6) a (7), bydd galw tystiolaeth a chroesholi personau sy'n rhoi tystiolaeth fel arall yn ôl disgrisiwn y person penodedig.

(6) Caiff y person penodedig wrthod caniatáu:

- (a) rhoi neu ddangos tystiolaeth;
- (b) croesholi personau sy'n rhoi tystiolaeth; neu
- (c) cyflwyno unrhyw fater arall,

y mae'r person penodedig o'r farn eu bod yn amherthnasol neu'n ailadroddus; ond os yw'r person penodedig yn gwrthod caniatáu i dystiolaeth lafar gael ei rhoi, caiff y person sy'n dymuno rhoi tystiolaeth gyflwyno i'r person penodedig unrhyw dystiolaeth neu fater arall yn ysgrifenedig cyn i'r ymchwiliad gau.

(7) Os bydd person yn rhoi tystiolaeth mewn ymchwiliad drwy ddarllen proflen dystiolaeth yn unol â rheoliad 24(5):

- (a) rhaid trin y broflen dystiolaeth y cyfeirir ati yn rheoliad 24(1) fel un wedi'i chyflwyno mewn tystiolaeth, onid yw'r person y gofynwyd iddo ddarparu'r crynodeb yn dymuno dibynnu ar

(2) The respondent must afford to any person who so requests, a reasonable opportunity to inspect, and where practicable, take copies of the statement of common ground sent to the National Assembly.

### **Procedure at inquiry**

**26.** -(1) Except as otherwise provided in these Regulations, the appointed person is to determine the procedure at an inquiry.

(2) At the start of the inquiry the appointed person must identify the issues which are, in the opinion of the appointed person, the main issues to be considered at the inquiry and any matters on which the appointed person requires further explanation from the persons entitled or permitted to take part.

(3) Nothing in paragraph (2) is to preclude any person entitled or permitted to take part from referring to issues which they consider relevant to the consideration of the application or appeal but which were not issues identified by the appointed person pursuant to that paragraph.

(4) Unless in any particular case the appointed person otherwise determines, the respondent is to begin and the appellant is to have the right of final reply; and the other persons entitled or permitted to take part are to be heard in such order as the appointed person may determine.

(5) A person entitled to take part in an inquiry is to be entitled to call evidence and the appellant, the respondent and any interested person is to be entitled to cross-examine persons giving evidence, but, subject to the foregoing and paragraphs (6) and (7), the calling of evidence and the cross-examination of persons giving evidence is otherwise to be at the discretion of the appointed person.

(6) The appointed person may refuse to permit the:

- (a) giving or production of evidence;
- (b) cross-examination of persons giving evidence; or
- (c) presentation of any other matter,

which the appointed person considers to be irrelevant or repetitious; but where the appointed person refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to the appointed person any evidence or other matter in writing before the close of the inquiry.

(7) Where a person gives evidence at an inquiry by reading a summary of a proof of evidence in accordance with regulation 24(5):

- (a) the proof of evidence referred to in regulation 24(1) must be treated as tendered in evidence, unless the person required to provide the summary wishes to rely on the contents of that

gynnwys y crynodeb hwnnw'n unig a'i fod yn hysbysu'r person penodedig o'r ffaith honno; neu

- (b) y mae'r person y cynhwysir ei dystiolaeth yn y broflen dystiolaeth wedyn yn agored i gael ei groesholi arni i'r un graddau â phe bai'n dystiolaeth yr oedd y person hwnnw wedi'i rhoi ar lafar.

(8) Caiff y person penodedig gyfarwyddo bod cyfleusterau'n cael eu rhoi i unrhyw berson sy'n cymryd rhan yn yr ymchwiliad i gymryd neu gael copïau o dystiolaeth ddogfennol sy'n agored i archwiliad gan y cyhoedd.

(9) Caiff y person penodedig:

- (a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan mewn ymchwiliad neu sy'n bresennol ynddo, sydd ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar i ymadael; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu
- (c) caniatáu i'r person hwnnw ddychwelyd o dan yr amodau hynny'n unig y caiff y person penodedig eu pennu,

ond caiff y cyfryw berson gyflwyno i'r person penodedig unrhyw dystiolaeth neu fater arall yn ysgrifenedig cyn i'r ymchwiliad gau.

(10) Caiff y person penodedig ganiatáu i unrhyw berson newid neu ychwanegu at ddatganiad o achos a gafwyd gan y Cynulliad Cenedlaethol neu gan y person penodedig o dan reoliad 19 i'r graddau y bo angen at ddibenion yr ymchwiliad, ond rhaid i'r person penodedig (drwy ohirio'r ymchwiliad os oes angen) roi i bob person arall sydd â hawl i gymryd rhan ac sydd mewn gwirionedd yn cymryd rhan yn yr ymchwiliad gyfle digonol i ystyried unrhyw fater neu ddogfen o'r newydd.

(11) Caiff y person penodedig fwrw ymlaen ag ymchwiliad yn absenoldeb unrhyw berson sydd â hawl i gymryd rhan ynddo.

(12) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw neu dystiolaeth ysgrifenedig neu unrhyw ddogfen arall a gafwyd oddi wrth unrhyw berson cyn i'r ymchwiliad agor neu yn ystod yr ymchwiliad ar yr amod bod y person penodedig yn ei ddangos yn yr ymchwiliad.

(13) Caiff y person penodedig o dro i dro ohirio ymchwiliad ac, os cyhoeddir y dyddiad, amser a lle'r ymchwiliad gohiriedig yn yr ymchwiliad cyn y gohiriad, ni fydd angen hysbysiad pellach.

(14) O ran unrhyw ymchwiliad y mae'r Cynulliad Cenedlaethol yn disgwyl y bydd yn para am 8 diwrnod neu fwy, rhaid i unrhyw berson sy'n cymryd rhan yn yr ymchwiliad ac sy'n cyflwyno dadleuon terfynol, ddarparu, cyn i'r ymchwiliad gau, gopi o'r dadleuon

summary alone and notifies the appointed person of that fact; and

- (b) the person whose evidence the proof of evidence contains is then to be subject to cross-examination on it to the same extent as if it were evidence that person had given orally.

(8) The appointed person may direct that facilities are to be afforded to any person taking part in an inquiry to take or obtain copies of documentary evidence open to public inspection.

(9) The appointed person may:

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

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

(10) The appointed person may allow any person to alter or add to a statement of case received by the National Assembly or by the appointed person under regulation 19 so far as may be necessary for the purposes of the inquiry, but the appointed person must (if necessary by adjourning the inquiry) give every other person entitled to take part and who is actually taking part in the inquiry an adequate opportunity of considering any fresh matter or document.

(11) The appointed person may proceed with an inquiry in the absence of any person entitled to take part in it.

(12) The appointed person may take into account any written representation or evidence or any other document received from any person before an inquiry opens or during the inquiry provided that the appointed person discloses it at the inquiry.

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

(14) In respect of any inquiry that the National Assembly expects to last for 8 or more days, any person who takes part in the inquiry and makes closing submissions, must by the close of the inquiry provide the appointed person with a copy of those closing

hynny yn ysgrifenedig i'r person penodedig.

### **Penderfyniad ar ôl ymchwiliad**

27. -(1) Os cafodd asesydd ei benodi, caiff yr asesydd wneud adroddiad yn ysgrifenedig i'r person penodedig mewn perthynas â'r materion y penodwyd yr asesydd i gynghori arnynt.

(2) Wrth wneud penderfyniad mewn perthynas â'r apêl, caiff y person penodedig anwybyddu unrhyw sylwadau ysgrifenedig, neu dystiolaeth neu unrhyw ddogfen a ddaeth i law ar ôl i'r ymchwiliad gau.

(3) Os bydd y person penodedig, ar ôl i'r ymchwiliad gau, yn bwriadu cymryd i ystyriaeth unrhyw dystiolaeth newydd neu unrhyw fater o ffaith newydd (nad yw'n fater o bolisi'r llywodraeth) na chafodd ei godi yn yr ymchwiliad ac y mae'r person penodedig o'r farn ei fod o bwys i'r penderfyniad, rhaid i'r person penodedig beidio â dod i benderfyniad heb yn gyntaf:

- (a) hysbysu'r personau sydd â hawl i gymryd rhan yn yr ymchwiliad ac a gymerodd rhan ynddo o'r mater o dan sylw; a
- (b) rhoi cyfle iddynt wneud sylwadau ysgrifenedig i'r person penodedig neu iddynt ofyn am ailagor yr ymchwiliad,

a byddant yn sicrhau bod sylwadau ysgrifenedig o'r fath neu gais i ailagor yr ymchwiliad yn dod i law'r person penodedig o fewn 3 wythnos o ddyddiad yr hysbysiad.

(4) Caiff person penodedig beri bod ymchwiliad yn cael ei ailagor a rhaid iddo wneud hynny os gofynnir iddo gan yr apelydd neu'r atebydd yn yr amgylchiadau ac o fewn y cyfnod a grybwyllir ym mharagraff (3); ac os ailagorir ymchwiliad:

- (a) rhaid i'r person penodedig anfon at y personau sydd â hawl i gymryd rhan yn yr ymchwiliad ac a gymerodd rhan ynddo mewn gwirionedd ddatganiad ysgrifenedig o'r materion y gwahoddir dystiolaeth bellach yn eu cylch; a
- (b) mae rheoliad 22(3) i (7) yn gymwys fel pe bai cyfeiriadau at ymchwiliad yn gyfeiriadau at ymchwiliad a ailagorwyd.

### **Hysbysu'r penderfyniad**

28. -(1) Rhaid rhoi hysbysiad ysgrifenedig o benderfyniad y person penodedig a'r rhesymau amdano:

- (a) i'r apelydd;
- (b) i'r atebydd;
- (c) i unrhyw berson arall sydd â hawl i gymryd rhan yn yr ymchwiliad ac a gymerodd ran ynddo; ac
- (ch) i unrhyw berson arall a gymerodd ran yn yr ymchwiliad ac a ofynnodd am gael ei hysbysu o'r penderfyniad.

submissions in writing.

### **Decision after an inquiry**

27. -(1) Where an assessor has been appointed, the assessor may make a report in writing to the appointed person in respect of the matters on which the assessor was appointed to advise.

(2) When making a decision in relation to the appeal, the appointed person may disregard any written representations, or evidence or any other document received after the inquiry has closed.

(3) If, after the close of the inquiry, an appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of government policy) which was not raised at the inquiry and which the appointed person considers to be material to the decision, the appointed person must not come to a decision without first:

- (a) notifying persons entitled to take part in the inquiry who took part in it of the matter in question; and
- (b) affording them an opportunity of making written representations to the appointed person or of asking for the re-opening of the inquiry,

and they shall ensure that such written representations or request to re-open the inquiry are received by the appointed person within 3 weeks of the date of the notification.

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

- (a) the appointed person must send to the persons entitled to take part in the inquiry and who actually took part in it a written statement of the matters with respect to which further evidence is invited; and
- (b) regulation 22(3) to (7) applies as if the references to an inquiry were references to a re-opened inquiry.

### **Notification of decision**

28. -(1) The decision of the appointed person and the reasons for it, must be notified in writing to:

- (a) the appellant;
- (b) the respondent;
- (c) any other persons entitled to take part in the inquiry who did take part; and
- (d) any other person who, having taken part in the inquiry, has asked to be notified of the decision.

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

(3) Rhaid i unrhyw berson sy'n gwneud cais o dan baragraff (2) sicrhau ei fod yn dod i law'r Cynulliad Cenedlaethol o fewn 6 wythnos o ddyddiad y penderfyniad.

## Rhan VI AMRYWIOL

### Tynnu apêl yn ôl

**29.** -(1) Caiff yr apelydd dynnu apêl yn ôl drwy roi hysbysiad ysgrifenedig i'r Cynulliad Cenedlaethol o'i ddymuniad i wneud hynny.

(2) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n rhesymol ar ôl cael hysbysiad o dynnu apêl yn ôl, roi hysbysiad o'r ffaith honno i bob un o'r personau y rhoddwyd hysbysiad iddynt o dan reoliad 5(1).

### Newid yn ffurf apêl

**30.** Os yw'n ymddangos ar unrhyw adeg i'r Cynulliad Cenedlaethol ei bod yn fwy priodol fod apêl yn cael ei phenderfynu mewn dull sy'n wahanol i'r ffurf a hysbyswyd o dan reoliad 5, caiff benderfynu bod apêl i barhau mewn ffurf heblaw'r un a hysbyswyd a chaiff roi unrhyw ganllawiau canlyniadol o ran y weithdrefn sydd i'w chymhwyso mewn perthynas â'r apêl, gan gynnwys nodi unrhyw gamau y mae gofyn eu cymryd gan y partïon o dan y Rheoliadau hyn ac y bernir eu bod eisoes wedi eu cymryd ac amrywio yn ôl yr angen yr amser o fewn pryd y caiff unrhyw gam o'r fath na chymerwyd ef eisoes ei gymryd.

### Gweithdrefnau pellach neu wahanol

**31.** Caiff y Cynulliad Cenedlaethol, os yw'r amgylchiadau sy'n berthnasol i'r apêl benodol yn ei gwneud yn angenrheidiol, ei gwneud yn ofynnol i unrhyw gamau penodedig gael eu cymryd, naill ai yn ychwanegol at y rhai a ragnodwyd gan y rheoliadau hyn neu yn eu lle, a gall estyn yr amser a ragnodwyd gan y Rheoliadau hyn, neu sy'n ofynnol fel arall o dan y Rheoliadau hyn, ar gyfer cymryd unrhyw gamau ond rhaid iddo, cyn gwneud hynny, oni chyfyngir yr effaith i estyniad amser, ymgynghori â'r apelydd a'r atebydd a chaiff ymgynghori ag unrhyw berson â diddordeb a rhaid iddo ystyried y sylwadau a wneir gan unrhyw berson yr ymgynghorir ag ef ynghylch pa mor ddymunol yw'r gofyniad hwnnw.

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

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

## Part VI MISCELLANEOUS

### Withdrawal of an appeal

**29.** -(1) The appellant may withdraw an appeal by giving notice in writing to the National Assembly of a wish to do so.

(2) The National Assembly must, as soon as reasonably practicable after receiving notice of withdrawal of an appeal, give notice of that fact to all those persons to whom a notice was given under regulation 5(1).

### Change to the form of an appeal

**30.** If at any time it appears to the National Assembly that it is more appropriate that the appeal should be determined in a way which is different from the form which was notified under regulation 5, it may determine that the appeal is to continue in a form other than that notified and may give any consequential guidance as to the procedure to be applied in relation to the appeal, including identifying any steps which are required to be taken by the parties under these Regulations which are to be deemed to have already been taken and varying as necessary the time within which any such step which has not already been taken.

### Further or different procedures

**31.** The National Assembly may, if the circumstances relating to a particular appeal make it necessary, require any specified steps to be taken, either in addition to, or in substitution for, those prescribed by these Regulations and may extend the time prescribed by these Regulations, or otherwise required under these Regulations, for the taking of any step but must, before doing so, unless the effect is limited to an extension of time, consult the appellant and the respondent and may consult any interested person and must consider the representations made by any person consulted as to the desirability of such a requirement.

## Hysbysiad o benodiad asesydd

32. Os bydd y Cynulliad Cenedlaethol yn arfer ei hawl o dan baragraff 4(3) o Atodlen 3 i'r Ddeddf i benodi asesydd i gynorthwyo person penodedig i benderfynu apêl, rhaid iddo hysbysu'r apelydd, yr atebydd ac unrhyw berson â diddordeb o enw'r asesydd a'r materion y penodwyd yr asesydd i gynghori'r person penodedig arnynt.

## Archwiliadau safle

33. -(1) Caiff y person penodedig ar unrhyw adeg wneud archwiliad o'r tir heb fod yng nghwmni neb a heb roi hysbysiad o fwriad i wneud hynny i'r apelydd nac i'r atebydd.

(2) Yn ystod ymchwiliad neu wrandawriad neu ar ôl i'r ymchwiliad neu'r gwrandawriad gau, o ran y person penodedig:

- (a) caiff, ar ôl cyhoeddi yn ystod yr ymchwiliad neu'r gwrandawriad ddyddiad ac amser y bwriedir gwneud yr archwiliad, archwilio'r tir yng nghwmni'r apelydd, yr atebydd ac unrhyw berson â diddordeb; a
- (b) rhaid iddo wneud archwiliad o'r fath os gofynnir iddo wneud hynny gan yr apelydd neu'r atebydd cyn neu yn ystod yr ymchwiliad neu wrandawriad.

(3) Os penderfynir apêl ar sail sylwadau ysgrifenedig, o ran y person penodedig:

- (a) caiff, ar ôl rhoi hysbysiad rhesymol ysgrifenedig i'r apelydd ac i'r atebydd o fwriad i wneud hynny, archwilio'r tir yng nghwmni'r apelydd, yr atebydd ac unrhyw berson â diddordeb; a
- (b) rhaid iddo wneud archwiliad o'r fath os gofynnir iddo gan yr apelydd neu'r atebydd cyn bod y person penodedig yn gwneud ei benderfyniad.

(4) Rhaid i'r apelydd gymryd y camau hynny sy'n rhesymol o fewn gallu'r apelydd i alluogi'r person penodedig i gael mynediad i'r tir sydd i'w archwilio.

(5) Nid yw'r person penodedig yn cael ei rwymo i ohirio archwiliad o'r math y cyfeirir ato ym mharagraffau (2) neu (3) os na fydd unrhyw berson y cyfeirir atynt yn y paragraffau hynny yn bresennol ar yr amser penodedig.

## Gwrandawriadau neu ymchwiliadau ar y cyd

34. Os bydd dwy apêl neu fwy yn codi pwnc neu bynciau cyffredin neu, yn achos apelau o dan adran 6 o'r Ddeddf, yn ymwneud â'r un map dros dro, caiff y Cynulliad Cenedlaethol gynnal gwrandawriad neu ymchwiliad ar y cyd mewn perthynas â'r apelau hynny os yw o'r farn ei bod yn ddymunol i wneud hynny ac, mewn achos o'r fath, rhaid i'r Cynulliad Cenedlaethol

## Notification of appointment of an assessor

32. Where the National Assembly exercises its power under paragraph 4(3) of Schedule 3 to the Act to appoint an assessor to assist an appointed person in the determination of an appeal, it must notify the appellant, the respondent and any interested person of the name of the assessor and the matters on which the assessor has been appointed to advise the appointed person.

## Site inspections

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

(2) During an inquiry or hearing or after the close of an inquiry or hearing, the appointed person:

- (a) may, after announcing during the inquiry or hearing the date and time at which the inspection is proposed to be made, inspect the land in the company of the appellant, the respondent and any interested person; and
- (b) must make such an inspection if so requested by the appellant or the respondent before or during an inquiry or hearing.

(3) If an appeal is being determined on the basis of written representations, the appointed person:

- (a) may, after giving the appellant and the respondent reasonable notice in writing of an intention to do so, inspect the land in the company of the appellant, the respondent and any interested person; and
- (b) must make such an inspection if so requested by the appellant or the respondent before the appointed person makes a decision.

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

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

## Joint hearings or inquiries

34. Where two or more appeals give rise to a common issue or issues or, in the case of appeals under section 6 of the Act, relate to the same provisional map, the National Assembly may hold a joint hearing or inquiry relating to those appeals if in its opinion it is desirable to do so and, in such a case, the National Assembly must exercise its powers under regulation 31

arfer ei bwerau o dan reoliad 31 gyda'r bwriad o addasu darpariaethau'r Rheoliadau hyn i'r graddau hynny sy'n angenrheidiol o ganlyniad i'r penderfyniad i gynnal gwrandawriad neu ymchwiliad ar y cyd.

### **Defnyddio cyfathrebu electronig**

**35.** -(1) Caiff unrhyw ddogfen y mae'n ofynnol neu yr awdurdoddir iddi gael ei hanfon gan un person at un arall o dan ddarpariaethau'r Rheoliadau hyn, fel dull amgen i unrhyw ddull arall, gael ei hanfon trwy gyfrwng cyfathrebu electronig, ar yr amod bod gan y person sy'n anfon y ddogfen seiliau rhesymol dros gredu y bydd y ddogfen yn dod i sylw'r person yr anfonir hi iddo, mewn ffurf ddarllenadwy, o fewn amser rhesymol.

(2) Os oes gofyniad, o dan y Rheoliadau hyn, bod copi o ddatganiad, sylw, hysbysiad neu ddogfen arall yn cael ei anfon at y Cynulliad Cenedlaethol yna, os anfonir y copi hwnnw mewn ffurf electronig, dylid anwybyddu unrhyw ofyniad pellach bod mwy nag un copi i gael ei anfon.

### **Cyhoeddi penderfyniadau ar apelau o dan adran 6 o'r Ddeddf**

**36.** Rhaid i'r Cynulliad Cenedlaethol, onid yw'n rhesymol anymarferol i wneud hynny, gyhoeddi ar wefan y rhyngwyd y mae'n ei chynnal hysbysiad o bob penderfyniad a wneir o dan y Rheoliadau hyn mewn perthynas ag apêl o dan adran 6 o'r Ddeddf a pharhau i wneud hynny hyd nes y dyroddir y map terfynol y mae'r apêl yn berthnasol iddo.

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

9 Gorffennaf 2002

Dirprwy Lywydd y Cynulliad Cenedlaethol

with a view to modifying the provisions of these Regulations to such extent as is necessary in consequence of the decision to hold a joint hearing or inquiry.

### **Use of electronic communication**

**35.** -(1) Any document required or authorised to be sent by one person to another under the provisions of these Regulations may, as an alternative to any other method, be sent by means of an electronic communication, provided the person who sends the document has reasonable grounds for believing that the document will come to the attention of the person to whom it is sent, in legible form, within a reasonable time.

(2) Where, under these Regulations, there is a requirement that a copy of a statement, representation, notice or other document should be sent to the National Assembly then, if that copy is sent in electronic form, any further requirement that more than one copy should be sent is to be disregarded.

### **Publication of decisions on appeals under section 6 of the Act**

**36.** The National Assembly must, unless it is not reasonably practicable to do so, publish on an internet web-site which it maintains notice of every decision made under these Regulations in relation to an appeal under section 6 of the Act and continue to do so until the conclusive map to which the appeal relates is issued.

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

9th July 2002

*John Marek*

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.