

**CYNULLIAD CENEDLAETHOL CYMRU****NATIONAL ASSEMBLY FOR WALES****OFFERYNNAU STATUDOL****STATUTORY INSTRUMENTS****2006 Rhif 3342 (Cy.303)****2006 No. 3342 (W.303)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES**

**Rheoliadau Cynlluniau
Cymorthdaliadau a Grantiau
Amaethyddol (Apelau) (Cymru)
2006**

**The Agricultural Subsidies and
Grants Schemes (Appeals) (Wales)
Regulations
2006**

NODYN ESBONIADOL**EXPLANATORY NOTE**

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn galluogi Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i sefydlu gweithdrefn apelio i ffermwyr sy'n gwrthwynebu ei benderfyniadau mewn cysylltiad â chyllido elfennau penodol o'r polisi amaethyddol cyffredin a chynlluniau sy'n gysylltiedig ag ef.

These Regulations enable the National Assembly for Wales ("the National Assembly") to establish an appeals procedure for farmers who dispute decisions taken by it in connection with the funding of certain elements of the common agricultural policy and schemes related to it.

Mae rheoliad 2 yn cynnwys darpariaethau dehongli ac, yn benodol, mae'n gosod y ddeddfwriaeth Gymunedol berthnasol y dichon y gweithdrefnau apelau fod yn gymwys iddynt.

Regulation 2 contains interpretation provisions and, in particular, sets out the relevant Community legislation in relation to which the appeals procedures may apply.

Mae rheoliad 3 yn galluogi'r Cynulliad i sefydlu un neu fwy o weithdrefnau apelau. Mae'n darparu y caiff unrhyw weithdrefn apelau a sefydlir yn y modd hwn fod ar ffurf cyflwyniadau llafar neu ysgrifenedig i bersonau a benodir gan y Cynulliad Cenedlaethol gyda'r bwriad iddynt wneud argymhelliad i'r Cynulliad Cenedlaethol ar sut y dylid penderfynu'n derfynol ar y mater; ac y caiff y Cynulliad dalu taliadau a lwfansau i unrhyw berson o'r fath a benodir ac i godi ffi (heb fod yn uwch na £100), o ran costau'r weithdrefn.

Regulation 3 empowers the Assembly to establish one or more appeals procedures. It provides that: any appeal procedure so established may take the form of oral or written submission to persons appointed by the National Assembly with a view to such persons making a recommendation to the National Assembly as to how the matter should be finally determined; and that the Assembly may pay remuneration and allowances to any such persons appointed and to charge a fee (not exceeding £100), in respect of the costs of the procedure.

Mae rheoliad 4 a 5, yn eu tro, yn diwygio a dirymu deddfwriaeth gynharach, er mwyn galluogi i'r drefn apelau a sefydlir o dan y Rheoliadau hyn gael ei hymestyn i faterion oedd yn ddarostyngedig i'r ddeddfwriaeth honno.

Regulations 4 and 5, respectively, amend and revoke earlier legislation, so as to enable any appeals procedure established under these Regulations to be extended to matters that were subject to that legislation.

Paratowyd arfarniad rheoliadol mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau ohono gan Adran Amgylchedd. Cynllunio a Chefn Gwlad, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

A regulatory appraisal has been prepared in respect of these Regulations. Copies of this can be obtained from the National Assembly for Wales, Department of Environment, Planning and Countryside, Cathays Park, Cardiff, CF10 3NQ

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AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

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2006*Wedi'u gwneud**13 Rhagfyr 2006**Made**13 December 2006**Yn dod i rym**1 Ionawr 2007**Coming into force**1 January 2007*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran 2(2) a enwyd, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales being designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by the said section 2(2), makes the following Regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) 2006 a deuant i rym ar 1 Ionawr 2007.

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

Title, commencement and application

1.-(1) The title of these Regulations is the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006 and they come into force on 1 January 2007.

(2) These Regulations apply in relation to Wales.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

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

ystyr "y ddeddfwriaeth Gymunedol" ("*Community legislation*") yw'r offerynnau hynny a restrir yn yr Atodlen; ac

ystyr "penderfyniad perthnasol" ("*a relevant determination*") yw unrhyw benderfyniad gan y Cynulliad Cenedlaethol mewn perthynas â chymorth ariannol a hawliadau am gymorth ariannol yn unol â ddeddfwriaeth Gymunedol neu mewn cysylltiad â'r ddeddfwriaeth honno ac â'r ddeddfwriaeth a ddyfynnir yn rheoliad 4 (a) i (i) o'r Rheoliadau hyn.

Interpretation

2.-(1) In these Regulations -

"Community legislation" ("*y ddeddfwriaeth Gymunedol*") means those instruments listed in the Schedule;

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

"a relevant determination" ("*penderfyniad perthnasol*") means any determination of the National Assembly in respect of financial assistance and claims for financial assistance pursuant to, or in connection with, the Community legislation, and the legislation cited in regulation 4 (a) to (m) of these Regulations.

(1) O.S 2005/2766.

(2) 1972 p.68.

(1) S.I 2005/2766.

(2) 1972 c.68.

Darparu gweithdrefn apelio

3.-(1) Caiff y Cynulliad Cenedlaethol sefydlu gweithdrefn neu weithdrefnau er mwyn ystyried penderfyniad perthnasol ymhellach, a hynny ar ran y Cynulliad Cenedlaethol, a bydd y weithdrefn honno neu'r gweithdrefnau hynny yn gweithio fel apêl yn erbyn y penderfyniad perthnasol dan sylw.

(2) Caiff unrhyw weithdrefn a sefydlir yn unol â pharagraff (1) osod unrhyw ddyddiadau cau y mae'r Cynulliad Cenedlaethol yn eu hystyried yn angenrheidiol er mwyn ei gwneud yn ofynnol i ffermwr gyflwyno iddo wybodaeth a dogfennau sy'n gymwys ac i roi hysbysiad o'i fwriad i apelio yn erbyn penderfyniad perthnasol.

(3) Caiff unrhyw weithdrefn a sefydlir o dan baragraff (1) ddarparu ar gyfer apelio ar lafar neu'n ysgrifenedig i'r personau hynny y caiff y Cynulliad Cenedlaethol eu penodi at y diben hwnnw (heb fod mwy na thri ohonynt), gyda'r bwriad eu bod yn llunio adroddiad o'u casgliadau a'u hargymhellion o ran sut y dylai'r Cynulliad Cenedlaethol benderfynu ar yr apêl.

(4) Pan fo'r Cynulliad Cenedlaethol yn sefydlu unrhyw weithdrefn o'r fath a grybwyllir ym mharagraff (3), caiff-

- (a) talu i'r personau a benodir felly unrhyw dâl am eu swyddogaethau o dan y weithdrefn honno, ac unrhyw lwfansau teithio a lwfansau eraill, y bydd y Cynulliad yn eu pennu; a
- (b) codi ar unrhyw berson yr ystyrir ei apêl o dan y weithdrefn a sefydlwyd felly unrhyw ffi (heb fod yn fwy na £100) y bydd y Cynulliad Cenedlaethol yn ei bennu.

Diwygio

4.-(1) Dileer y darpariaethau a ganlyn -

- (a) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Uwchdiroedd Cymru - Estyniad) 1987(1);
- (b) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Y Preseli) 1994(2);
- (c) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Bryniau Clwyd) 1994(3);
- (ch) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Maesyfed) 1993(4);

(1) O.S. 1987/2026.

(2) O.S. 1994/239.

(3) O.S. 1994/238.

(4) O.S. 1993/1211.

Provision of appeals procedure

3.-(1) The National Assembly may establish one or more procedures for the further consideration on its behalf of a relevant determination, such procedure or procedures operating by way of appeal from the relevant determination in question.

(2) Any procedure established pursuant to paragraph (1) may impose such deadlines as the National Assembly requires for the purposes of requiring a farmer to submit to it applicable information and documentation and notice of his or her intention to appeal against a relevant determination.

(3) Any procedure established under paragraph (1) may provide for an oral or written appeal to such persons (not exceeding three) as the National Assembly may appoint for that purpose, with a view to such persons making a report of their conclusions and making recommendations to the National Assembly as to the manner in which it determines the appeal.

(4) When the National Assembly establishes any such procedure as is mentioned in paragraph (3), it may-

- (a) pay to the persons so appointed such remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and
- (b) charge any person whose appeal is considered under a procedure so established such fee (not exceeding £100) as the National Assembly may determine.

Amendments

4.-(1) The following provisions are deleted-

- (a) Article 5(b) of the Environmentally Sensitive Areas (Cambrian Mountains - Extension) Designation Order 1987(1);
- (b) Article 5(b) of the Environmentally Sensitive Areas (Preseli) Designation Order 1994(2);
- (c) Article 5(b) of the Environmentally Sensitive Areas (Clwydian Range) Designation Order 1994(3);
- (d) Article 5(b) of the Environmentally Sensitive Areas (Radnor) Designation Order 1993(4);

(1) S.I 1987/2026.

(2) S.I 1994/239.

(3) S.I 1994/238.

(4) S.I 1993/1211.

- (d) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Ynys Môn) 1993**(1)**;
- (dd) Erthygl 5(b) o Orchymyn Dynodi Ardaloedd sy'n Sensitif yn Amgylcheddol (Penrhyn Llŷn) 1987**(2)**;
- (e) Rheoliad 10(5) o Reoliadau Cynefinoedd (Coetir Llydanddail) (Cymru) 1994**(3)**;
- (f) Rheoliad 10(5) o Reoliadau Cynefinoedd (Lleiniâu Arfordirol) (Cymru) 1994**(4)**;
- (ff) Rheoliad 10(5) o Reoliadau Cynefinoedd (Gwelltiroedd Cyfoethog eu Rhywogaethau) (Cymru) 1994**(5)**;
- (g) Rheoliad 10(5) o Reoliadau Cynefinoedd (Ymylon Dŵr) (Cymru) 1994**(6)**;
- (ng) Paragraff 14(6) o Gynllun Premiwm Coetir Fferm 1997**(7)**;
- (h) Paragraff 14(3) o'r Cynllun Coetir Fferm 1988**(8)**;
- (i) Paragraff 14(3) o'r Cynllun Coetir Fferm 1992**(9)**;
- (j) Y geiriau "Cynllun Tir Mynydd " yn yr Atodlen i Reoliadau Cymorthdaliadau Amaethyddol (Apelau) (Cymru) 2001**(10)**.
- (e) Article 5(b) of the Environmentally Sensitive Areas (Ynys Môn) Designation Order 1993**(1)**;
- (f) Article 5(b) of the Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987**(2)**;
- (g) Regulation 10(5) of the Habitat (Broadleaved Woodland) (Wales) Regulations 1994**(3)**;
- (h) Regulation 10(5) of the Habitat (Coastal Belt) (Wales) Regulations 1994**(4)**;
- (i) Regulation 10(5) of the Habitat (Species-Rich Grassland) (Wales) Regulations 1994**(5)**;
- (j) Regulation 10(5) of the Habitat (Water Fringe) (Wales) Regulations 1994**(6)**;
- (k) Paragraph 14(6) of the Farm Woodland Premium Scheme 1997**(7)**;
- (l) Paragraph 14(3) of the Farm Woodland Scheme 1988**(8)**;
- (m) Paragraph 14(3) of the Farm Woodland Scheme 1992**(9)**;
- (n) The words "Tir Mynydd Scheme" in the Schedule to the Agricultural Subsidies (Appeals) (Wales) Regulations 2001 **(10)**.

Dirymiadau

5. Dirymir Rheoliadau Cynllun y Taliad Sengl ac Amrywiol Gynlluniau Cymorth Uniongyrchol (Apelau) (Cymru) 2004**(11)** drwy hyn.

Revocations

5. The Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004**(11)** are revoked.

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- (1) O.S. 1993/1210.
 - (2) O.S. 1987/2027.
 - (3) O.S. 1994/3099.
 - (4) O.S. 1994/3101.
 - (5) O.S. 1994/3102.
 - (6) O.S. 1994/3100.
 - (7) O.S. 1997/829.
 - (8) O.S. 1988/1291.
 - (9) O.S. 1992/905.
 - (10) O.S. 2001/2537 (Cy.212).
 - (11) O.S. 2004/2919 (Cy.258).

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- (1) S.I 1993/1210.
 - (2) S.I 1987/2027.
 - (3) S.I 1994/3099.
 - (4) S.I 1994/3101.
 - (5) S.I 1994/3102.
 - (6) S.I 1994/3100.
 - (7) S.I 1997/829.
 - (8) S.I 1988/1291.
 - (9) S.I 1992/905.
 - (10) S.I 2001/2537 (W.212)
 - (11) S.I 2004/2919 (W.258).

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

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

13 December 2006

13 Rhagfyr 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

YSTYR "Y DDEDDFWRIAETH
GYMUNEDOL"

1. Rheoliad y Cyngor (EC) Rhif 1083/2006 dyddiedig 11 Gorffennaf 2006 yn gosod darpariaethau cyffredinol Cronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop a'r Gronfa Gydlyniant ac yn diddymu Rheoliad (EC) 1260/1999.

2. Rheoliad y Cyngor (EC) Rhif 1698/2005 dyddiedig 20 Medi 2005 ar gefnogi datblygiad gwledig gan Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig (EAFRD).

3. Rheoliad y Cyngor (EC) Rhif 1290/2005 dyddiedig 21 Mehefin 2005 ar gyllido'r polisi amaethyddol cyffredin.

4. Rheoliad y Comisiwn (EC) Rhif 796/2004 dyddiedig 21 Ebrill 2004 yn gosod rheolau manwl ar gyfer traws-gydymffurfio, modiwlleiddio a'r system integredig gweinyddu a rheoli y darperir ar eu cyfer yn Rheoliad y Cyngor Rhif 1782/2003 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr.

5. Rheoliad y Cyngor (EC) Rhif 795/2004 dyddiedig 21 Ebrill 2004 yn gosod rheolau manwl ar gyfer gweithredu cynllun y taliad sengl y darperir ar ei gyfer yn Rheoliad y Cyngor Rhif 1782/2003 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr.

6. Rheoliad y Cyngor (EC) Rhif 1782/2003 dyddiedig 29 Medi 2003 sy'n sefydlu rheolau cyffredin ar gyfer cynlluniau cymorth uniongyrchol o dan y polisi amaethyddol cyffredin ac yn sefydlu cynlluniau cymorth penodol i ffermwyr ac yn diwygio Rheoliadau (EEC) Rhif 2019/93, (EC) Rhif 1452/2001, (EC) Rhif 1453/2001, (EC) Rhif 1454/2001, (EC) Rhif 1868/94, (EC) Rhif 1251/1999, (EC) Rhif 1254/1999, (EC) Rhif 1673/2000, (EEC) Rhif 2358/71 ac (EC) Rhif 2529/2001.

7. Rheoliad y Cyngor (EC) Rhif 1257/1999 dyddiedig 17 Mai 1999 ar gymorth ar gyfer cefnogi datblygu gwledig gan Gronfa Cyfarwyddo a Gwarantu Amaethyddiaeth Ewrop (EAGGF) ac yn diwygio a diddymu Rheoliadau penodol.

8. Rheoliad y Comisiwn (EC) Rhif 1973/2004 dyddiedig 29 Hydref 2004 yn gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor 1782/2004 parthed y cynlluniau cymorth y darperir ar eu cyfer yn nheitlau IV a IVa o'r Rheoliad hwnnw a'r defnydd o dir sydd wedi ei neilltuo ar gyfer cynhyrchu defnyddiau crai.

MEANING OF "COMMUNITY
LEGISLATION"

1. Council Regulation (EC) No. 1083/2006 of 11 July 2006 laying down the general provisions of the European regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) 1260/1999.

2. Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

3. Council Regulation (EC) No. 1290/2005 of 21 June 2005 on the financing of the common agricultural policy.

4. Commission Regulation (EC) No. 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

5. Council Regulation (EC) No. 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

6. Council Regulation (EC) No. 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) No. 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001.

7. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.

8. Commission Regulation (EC) No. 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation 1782/2004 as regards the support schemes provided for in titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials.

9. Rheoliad y Cyngor (EEC) 2078/92 dyddiedig 30 Mehefin 1992 ar ddulliau cynhyrchu amaethyddol sy'n gydnaws â gofynion diogelu'r amgylchedd a chynhaliaeth cefn gwlad.

10. Rheoliad y Comisiwn (EC) 817/2004 dyddiedig 29 Ebrill 2004 yn gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor 1257/1999 ar gymorth ar gyfer datblygu gwledig gan Gronfa Cyfarwyddo a Gwarantu Amaethyddiaeth Ewrop.

9. Council Regulation (EEC) 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

10. Commission Regulation (EC) 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation 1257/1999 on support for rural development from the European Agricultural and Guarantee Fund.

OFFERYNNAU STATUDOL

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