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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2007 Rhif 2900 (Cy.251)**

**2007 No. 2900 (W.251)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

Rheoliadau Rhaglenni Datblygu  
Gwledig a Chynlluniau  
Cymorthdaliadau a Grantiau  
Amaethyddol (Apelau) (Cymru)  
(Diwygio) 2007

The Rural Development  
Programmes and Agricultural  
Subsidies and Grants Schemes  
(Appeals) (Wales) (Amendment)  
Regulations 2007

**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 diwygio Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006 (O.S. 2006/3343) (Cy.304). Mae'r diwygiadau yn egluro diffiniad "buddiolwr" (yn rheoliad 2(1) o Reoliadau 2006), diweddarau cyfeiriadau at ddeddfwriaeth y Gymuned (rheoliad 2(1) o Reoliadau 2006 a'r Atodlen iddynt), darparu bod y cyfeiriadau at ddeddfwriaeth y Gymuned yn gyfeiriadau at y ddeddfwriaeth honno fel y'i diwygir o bryd i'w gilydd (rheoliad 2(2) o Reoliadau 2006), darparu bod Gweinidogion Cymru yn cael gwneud taliadau drwy grwpiau lleol (rheoliad 3(3) o Reoliadau 2006), egluro pwerau arolygwyr (rheoliad 7(2) a (3) o Reoliadau 2006) a gwneud mân newidiadau i'r darpariaethau trosiannol (rheoliad 14(3) o Reoliadau 2006).

These Regulations amend the Rural Development Programmes (Wales) Regulations 2006 (S.I. 2006/3343) (W.304). The amendments clarify the definition of "beneficiary" (in regulation 2(1) of the 2006 Regulations), update references to Community legislation (regulation 2(1) of and the Schedule to the 2006 Regulations), provide that references to Community legislation are references to that legislation as amended from time to time (regulation 2(2) of the 2006 Regulations), provide that Welsh Ministers may make payments through local groups (regulation 3(3) of the 2006 Regulations), clarify inspectors' powers (regulation 7(2) and (3) of the 2006 Regulations) and make minor changes to the transitional provisions (regulation 14(3) of the 2006 Regulations).

Mae'r Rheoliadau hyn hefyd yn diwygio Rheoliadau Cynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) 2006 (O.S. 2006/3342) (Cy.303). Mae'r diwygiadau yn diweddarau cyfeiriadau at ddeddfwriaeth y Gymuned (rheoliad 2(2) o Reoliadau 2006 a'r Atodlen iddynt).

These Regulations also amend the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006 (S.I. 2006/3342) (W.303). The amendments update references to Community legislation (regulation 2(2) of and the Schedule to the 2006 Regulations).

**2007 Rhif 2900 (Cy.251)**

**AMAETHYDDIAETH, CYMRU**

**Rheoliadau Rhaglenni Datblygu  
Gwledig a Chynlluniau  
Cymorthdaliadau a Grantiau  
Amaethyddol (Apelau) (Cymru)  
(Diwygio) 2007**

*Gwnaed* 3 Hydref 2007

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 4 Hydref 2007

*Yn dod i rym* 1 Tachwedd 2007

Mae Gweinidogion Cymru, a hwythau wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddynt, yn gwneud yn Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Rhaglenni Datblygu Gwledig a Chynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) (Diwygio) 2007 a deuant i rym ar 1 Tachwedd 2007.

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

**Diwygio Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006**

2.-(1) Diwygier Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) 2006(3) yn unol â'r rheoliad hwn.

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(1) O.S. 2005/2766. Yn rhinwedd adrannau 59(1) a 162 o Ddeddf Llywodraeth Cymru (2006 p.32) a pharagraffau 28 a 30 o Atodlen 11 iddi, mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn yn arferadwy gan Weinidogion Cymru.

(2) 1972 p.68.

(3) O.S. 2006/3343 (Cy.304).

**2007 No. 2900 (W.251)**

**AGRICULTURE, WALES**

**The Rural Development  
Programmes and Agricultural  
Subsidies and Grants Schemes  
(Appeals) (Wales) (Amendment)  
Regulations 2007**

*Made* 3 October 2007

*Laid before the National  
Assembly for Wales* 4 October 2007

*Coming into force* 1 November 2007

The Welsh Ministers 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 them, make the following Regulations:

**Title, commencement and application**

1.-(1) The title of these Regulations is the Rural Development Programmes and Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2007 and they come into force on 1 November 2007.

(2) These Regulations apply in relation to Wales.

**Amendments to the Rural Development Programmes (Wales) Regulations 2006**

2.-(1) The Rural Development Programmes (Wales) Regulations 2006(3) are amended in accordance with this regulation.

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(1) S.I. 2005/2766. By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32), functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(2) 1972 c.68.

(3) S.I. 2006/3343 (W.304).

- (2) Yn rheoliad 2-
- (a) yn y diffiniad o "buddiolwr" ym mharagraff (1), ar ôl "iddo" mewnosoder "neu berson sydd wedi cymryd drosodd ymrwymadau'r cyfryw berson",
  - (b) ar ôl paragraff (1), mewnosoder "(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at offeryn Cymunedol yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd."
- (3) Yn rheoliad 3, ar ôl paragraff (2), mewnosoder-
- "(3) Caiff Gweinidogion Cymru wneud trefniadau gyda grwp a ddedolwyd i weithredu strategaeth ddatblygu leol yn unol ag Erthygl 37 o Reoliad y Comisiwn 1974/2006, er mwyn i'r grwp hwnnw wneud taliadau o gymorth ariannol ar ran Gweinidogion Cymru ac er mwyn i'r grwp hwnnw arfer pwerau adennill yn unol â rheoliad 9".
- (4) Yn rheoliad 7(2), ar ôl paragraff (d) mewnosoder-
- "(dd) darparu adroddiad rheoli yn unol ag Erthygl 13 o Reoliad y Comisiwn 1975/2006; a
  - (e) penderfynu a fu diffyg cydymffurfiaeth ai peidio."
- (5) Yn rheoliad 7(3), ar ôl paragraff (d) mewnosoder-
- "(dd) os yw'n angenrheidiol at ddibenion paragraff (2)-
  - (i) arolygu a chyfrif da byw ar y tir, a
  - (ii) ei gwneud yn ofynnol i'r ceisydd neu i'r buddiolwr, neu i unrhyw gyflogai, gwas neu asiant i'r buddiolwr hwnnw, drefnu ar gyfer casglu'r da byw hynny, eu rhoi mewn lloc a'u diogelu."
- (6) Yn rheoliad 14(3)-
- (a) yn is-baragraff (b) ar ôl y geiriau "y telir cymorth ar eu cyfer) mewnosoder "a rheoliad 16(5) (gwrthod ac adennill cymorth, terfynu a gwahardd)",
  - (b) dileer is-baragraff (c),
  - (c) yn is-baragraff (ch), ar ôl "iddynt" dileer "." a mewnosoder "; a",
  - (ch) ar ôl is-baragraff (ch) mewnosoder-
  - "(d)rheoliad 16(6) (Pwerau'r Cynulliad i adennill etc.) o Reoliadau Grant Menter Ffermydd a Grant Gwella Ffermydd (Cymru) 2001(1)."
- (7) Mae paragraff (6)(b) yn adnewyddu'r ddarpariaeth y cyfeirir ati yn rheoliad 14(3)(c) i'r
- (2) In regulation 2-
- (a) in the definition of "beneficiary" in paragraph (1), after "assistance" insert "or a person who has taken over the commitments of such a person",
  - (b) after paragraph (1), insert "(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time."
- (3) In regulation 3, after paragraph (2), insert-
- "(3) The Welsh Ministers may enter into arrangements with a group which has been selected to implement a local development strategy in accordance with Article 37 of Commission Regulation 1974/2006, for that group to make payments of financial assistance on behalf of the Welsh Ministers and for that group to exercise powers of recovery in accordance with regulation 9".
- (4) In regulation 7(2), after paragraph (e) insert-
- "(f) providing a control report in accordance with Article 13 of Commission Regulation 1975/2006; and
  - (g) determining whether there has been a non-compliance."
- (5) In regulation 7(3), after paragraph (e) insert-
- "(f) if necessary for the purposes of paragraph (2)-
  - (i) inspect and count livestock on the land, and
  - (ii) require the applicant or beneficiary, or any employee, servant or agent of such beneficiary, to arrange for the collection, penning and securing of such livestock."
- (6) In regulation 14(3)-
- (a) in sub-paragraph (b) after the words "for which aid is paid)" insert "and regulation 16 (5) (withholding and recovery of aid, termination and exclusion)",
  - (b) delete sub-paragraph (c),
  - (c) in sub-paragraph (d), after "2006" delete "." and insert "; and",
  - (d) after sub-paragraph (d) insert-
  - "(e) regulation 16(6) (Assembly's powers of recovery etc.) of the Farm Enterprise Grant and Farm Improvement Grant (Wales) Regulations 2001(1)."
- (7) Paragraph (6)(b) revives the provision referred to in regulation 14(3)(c) to the extent that the continued

graddau bod parhau i weithredu'r ddarpariaeth honno'n cael ei arbed gan reoliad 14(2).

(8) Ym mharagraff 2 o'r Atodlen, yn lle "1689" rhodder "1698".

(9) Yn yr Atodlen, ar ôl paragraff (7), ychwaneger-

"8. Rheoliad y Comisiwn (EC) Rhif 1975/2006 dyddiedig 23 Rhagfyr 2006 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1698/2005 o ran gweithredu gweithdrefnau rheoli yn ogystal â thrawsgydymffurfio o ran mesurau cefnogi datblygu gwledig.

9. Rheoliad y Comisiwn (EC) Rhif 1974/2006 dyddiedig 23 Rhagfyr 2006 sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1698/2005 ar gefnogaeth i ddatblygu gwledig gan Gronfa Amaethyddiaeth Ewrop ar gyfer Datblygu Gwledig (EAFRD)."

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

3.-(1) Diwygier Rheoliadau Cynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) 2006(1) yn unol â'r rheoliad hwn.

(2) Yn rheoliad 2, ar ôl paragraff (1), mewnosoder-

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

(3) Yn yr Atodlen, ar ôl paragraff (10), ychwaneger-

"11. Rheoliad y Comisiwn (EC) Rhif 1975/2006 dyddiedig 23 Rhagfyr 2006 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1698/2005 o ran gweithredu gweithdrefnau rheoli yn ogystal â thrawsgydymffurfio o ran mesurau cefnogi datblygu gwledig.

12. Rheoliad y Comisiwn (EC) Rhif 1974/2006 dyddiedig 23 Rhagfyr 2006 sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1698/2005 ar gefnogaeth i ddatblygu gwledig gan Gronfa Amaethyddiaeth Ewrop ar gyfer Datblygu Gwledig (EAFRD)."

operation of that provision is saved by regulation 14(2).

(8) In paragraph 2 of the Schedule, for "1689" substitute "1698".

(9) In the Schedule, after paragraph (7), add-

"8. Commission Regulation (EC) No. 1975/2006 of 23 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No. 1698/2005 as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures.

9. Commission Regulation (EC) No. 1974/2006 of 23 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)."

### **Amendments to the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006**

3.-(1) The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(1) are amended in accordance with this regulation.

(2) In regulation 2, after paragraph (1), insert-

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

(3) In the Schedule, after paragraph (10), add-

"11. Commission Regulation (EC) No. 1975/2006 of 23 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No. 1698/2005 as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures.

12. Commission Regulation (EC) No. 1974/2006 of 23 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)."

*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o Minister for Rural Affairs, one of the Welsh Ministers  
Weinidogion Cymru

3 Hydref 2007

3 October 2007

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