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OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 2141 (Cy.190)

2008 No. 2141 (W.190)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Llaeth Ysgol (Cymru)
2008**

**The School Milk (Wales)
Regulations 2008**

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, sy'n dod i rym ar 1 Medi 2008 yn rhoi ar waith fesurau mewn perthynas ag Erthygl 102 o Reoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac sy'n ymwneud â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (Rheoliad Sengl CMO)(1).

These Regulations, which come into force on 1 September 2008 implement measures in respect of Article 102 of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(1).

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Llaeth Ysgol (Cymru) 2001(2).

These Regulations revoke and replace the School Milk (Wales) Regulations 2001(2).

Yn y Rheoliadau hyn mae cyfeiriadau at Reoliad y Cyngor (EC) Rhif 1234/2007 ac at Reoliad y Comisiwn (EC) Rhif 657/2008(3) sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1234/2007 ynghylch cymorth Cymunedol am gyflenwi llaeth a chynhyrchion llaeth penodol i ddisgyblion mewn sefydliadau addysgol (OJ Rhif L 183, 11.7.08, t.17) yn gyfeiriadau at y Rheoliadau hynny fel y'i diwygiwyd o bryd i'w gilydd.

In these Regulations references to Council Regulation (EC) No 1234/2007 and to Commission Regulation (EC) No 657/2008(3) laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments (OJ No L 183, 11.7.08, p.17) are references to those Regulations as amended from time to time.

Caiff Gweinidogion Cymru roi cymorth gwladol (sy'n cydategu cymorth y Gymuned Ewropeaidd) mewn cysylltiad â chyflenwi llaeth a chynhyrchion llaeth penodol i ddisgyblion mewn sefydliadau addysgol (rheoliad 3(1)).

The Welsh Ministers may grant national aid (supplementing Community aid) in connection with the supply of milk and certain milk products to pupils in educational establishments (regulation 3(1)).

Caiff Gweinidogion Cymru bennu math neu ddosbarthiad sefydliadau addysgol neu gynhyrchion llaeth y ceir talu cymorth gwladol mewn cysylltiad â hwy (rheoliad 3(2)).

The Welsh Ministers may determine the type or class of educational establishment or milk products in relation to which national aid may be paid (regulation 3(2)).

(1) OJ Rhif L 299, 16.11.07, t.1.

(2) O.S. 2001/275 (Cy.11).

(3) OJ Rhif L 183, 11.07.08, t.17.

(1) OJ No L 299, 16.11.07, p.1.

(2) S.I. 2001/275 (W.11).

(3) OJ No L 183, 11.07.08, p.17.

Rhaid i gymorth gwladol a roddir gan Weinidogion Cymru fod yn ddarostyngedig i'r un rheolau a'r un gofynion ac amodau ag sy'n gymwys i gymorth y Gymuned o dan Erthygl 102(1) o Reoliad y Cyngor ac sydd i'w cael yn Rheoliad y Comisiwn (EC) Rhif 657/2008 (rheoliad 4(2)).

Os rhoddir cymorth gwladol mewn cysylltiad â chyflenwi llaeth cyflawn neu laeth hanner sgim, â chyflas neu heb gyflas, i ddisgyblion cynradd heblaw'r rhai sy'n derbyn addysg feithrin neu'r rhai sydd yng nghyfnod allweddol 2, caiff cyfanswm y cymorth hwnnw fod yn swm sy'n ddigonol i dalu unrhyw gost a fuasai fel arall yn gorfod cael ei thalu gan y disgyblion hynny neu eu rhieni neu eu gwarcheidwaid mewn amgylchiadau lle nad yw cymorth Cymunedol yn talu'n llawn am gost cyflenwi'r cynnyrch hwnnw (rheoliad 5).

National aid granted by the Welsh Ministers must be subject to the same rules, requirements and conditions that apply to Community aid under Article 102(1) of the Council Regulation and which are contained in the Commission Regulation (EC) No 657/2008 (regulation 4(2)).

Where national aid is granted in connection with the supply of flavoured or unflavoured, whole or semi skimmed milk to primary pupils other than those receiving nursery education or those in key stage 2, that aid may amount to a sum sufficient for the purposes of defraying any cost that would otherwise have to be borne by those pupils or their parents or guardians in circumstances where Community aid does not fully meet the cost of supplying that product (regulation 5).

2008 Rhif 2141 (Cy.190)

AMAETHYDDIAETH, CYMRU

**Rheoliadau Llaeth Ysgol (Cymru)
2008**

Gwnaed 5 Awst 2008

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Awst 2008

Yn dod i rym 1 Medi 2008

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

Mae'r Rheoliadau hyn yn darparu at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac fe ymddengys i Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriadau yn y Rheoliadau hyn at—

- (a) Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac sy'n ymwneud â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (Rheoliad Sengl CMO)(3), a
- (b) Rheoliad y Comisiwn (EC) Rhif 657/2008 sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1234/2007 ynghylch cymorth Cymunedol am gyflenwi llaeth a chynhyrchion llaeth penodol i ddisgyblion mewn sefydliadau addysgol(4)

fel cyfeiriad at y Rheoliad hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

(1) Yn rhinwedd adran 59(1) o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi, mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru.

(2) 1972 p. 68. Mae Gweinidogion Cymru wedi'u dynodi mewn perthynas â materion sydd wedi'u pennu yn Atodlen 3 i Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 2006 (O.S. 2005/2766).

(3) OJ Rhif L 299, 16.11.07, t.1; a ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 361/2008 (OJ Rhif L 121, 7.05.08, t 1).

(4) OJ Rhif L 183, 11.07.08, t.17.

2008 No. 2141(W.190)

AGRICULTURE, WALES

**The School Milk (Wales)
Regulations 2008**

Made 5 August 2008

Laid before the National Assembly for Wales
11 August 2008

Coming into force 1 September 2008

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

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references in these Regulations to—

- (a) Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(3), and
- (b) Commission Regulation (EC) No 657/2008 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments(4)

to be construed as a reference to that Regulation as amended from time to time.

(1) By virtue of section 59(1) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

(2) 1972 c. 68. The Welsh Ministers are designated in relation to matters specified in Schedule 3 to the European Communities (Designation) (No.3) Order 2006 (S.I. 2005/2766).

(3) OJ No L 299, 16.11.07, p.1; last amended by Council Regulation (EC) No 361/2008 (OJ No. L 121, 7.05.08, p 1).

(4) OJ No L 183, 11.07.08, p.17.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1A o Atodlen 2 iddi(1).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llaeth Ysgol (Cymru) 2008 a deuant i rym ar 1 Medi 2008.

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

Dehongli

2.—(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall—

mae i “addysg feithrin” yr ystyr a roddir i “*nursery education*” o Ddeddf Safonau a Fframwaith Ysgolion 1998(2);

mae i “addysg gynradd” yr ystyr a roddir i “*primary education*” gan adran 2(1) o Ddeddf 1996;

ystyr “*ceisydd*” (“*claimant*”) yw sefydliad addysgol cymwys neu awdurdod addysg lleol neu unrhyw gyflenwydd neu gymdeithas sy'n ceisio cymorth Cymunedol neu gymorth gwladol mewn perthynas â chynhyrchion llaeth cymwys ar ran sefydliad addysgol cymwys neu awdurdod addysg lleol;

ystyr “*cost cyflenwi*” (“*cost of supply*”) mewn perthynas â chynhyrchion llaeth cymwys yw cost eu prynu ac yn ychwanegol swm y mae'n Gweinidogion Cymru yn rhesymol ystyried ei fod yn ddigonol i dalu costau caffael a gweinyddu cyflenwi'r cynhyrchion llaeth hynny;

ystyr “*y costau gweddillol*” (“*the residual costs*”) yw'r costau cyflenwi, a dynnir gan brynwr mewn cysylltiad â chyflenwi cynhyrchion llaeth cymwys i sefydliad addysgol cymwys, llai unrhyw gymorth Cymunedol a chymorth gwladol a all gael ei roi mewn perthynas â'r cyflenwi hwnnw;

mae i “*cyfnod allweddol 2*” yr ystyr a roddir i “*key stage 2*” gan adran 355 o Ddeddf 1996;

ystyr “*cymorth Cymunedol*” (“*Community aid*”) yw cymorth Cymunedol a roddwyd yn unol ag Erthygl 102(1) o Reoliad y Cyngor ac yn unol â Rheoliad y Comisiwn;

ystyr “*cymorth gwladol*” (“*national aid*”) yw cymorth a roddir gan Weinidogion Cymru o dan y Rheoliadau hyn yn unol ag Erthygl 102(2) o Reoliad y Cyngor;

(1) Mewnosodwyd gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoliadol 2006 (p. 51).

(2) 1998 p. 31.

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

Title, commencement and application

1.—(1) The title of these Regulations is the School Milk (Wales) Regulations 2008 and they come into force on 1 September 2008.

(2) These Regulations apply in relation to Wales.

Interpretation

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

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“claimant” (“*ceisydd*”) means a qualifying educational establishment or local education authority or any supplier or organisation which claims Community or national aid in respect of qualifying milk products on behalf of a qualifying educational establishment or local education authority;

“Community aid” (“*cymorth Cymunedol*”) means Community aid granted pursuant to Article 102(1) of the Council Regulation and in accordance with the Commission Regulation;

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) No 1234/2007 on the common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(3) as amended from time to time;

“the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Regulation (EC) No 657/2008 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments(4), as amended from time to time;

“the Community rules” (“*y rheolau Cymunedol*”) means the rules concerning the provision of subsidised milk and milk products to pupils attending educational establishments, laid down by the Council Regulation and the Commission Regulation;

(1) Inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) 1996 c. 56.

(3) OJ No. L 299, 16.11.07, p.1; last amended by Council Regulation (EC) No. 361/2008 (OJ No L 121, 7.05.08, p.1).

(4) OJ No L 183, 11.07.08, p.17.

ystyr “cynhyrchion llaeth cymwys” (“*qualifying milk products*”) yw’r llaeth a’r cynhyrchion llaeth a restrir yn Atodiad 1 i Reoliad y Comisiwn fel cynhyrchion sy’n gymwys ar gyfer cymorth Cymunedol;

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Addysg 1996(1);

ystyr “disgyblion cymwys” (“*eligible pupils*”) yw disgyblion sy’n derbyn addysg gynradd heblaw’r rhai sydd yng nghyfnod allweddol 2 neu’r rhai sy’n derbyn addysg feithrin;

ystyr “y rheolau Cymunedol” (“*the Community rules*”) yw’r rheolau ynghylch darparu llaeth a chynhyrchion llaeth cymorthdaledig i ddisgyblion sy’n mynychu sefydliadau addysgol, a osodir gan Reoliad y Cyngor a Rheoliad y Comisiwn;

ystyr “Rheoliad y Comisiwn” (“*the Commission Regulation*”) yw Rheoliad y Comisiwn (EC) Rhif 657/2008 sy’n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) 1234/2007 ynghylch cymorth Cymunedol am gyflenwi llaeth a chynhyrchion llaeth penodol i ddisgyblion mewn sefydliadau addysgol(2), fel y’i diwygiwyd o bryd i’w gilydd;

ystyr “Rheoliad y Cyngor” (“*the Council Regulation*”) yw Rheoliad y Cyngor (EC) Rhif 1234/2007 sy’n ymwneud â threfniadaeth gyffredin o farchnadoedd amaethyddol ac ar ddarpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (Rheoliad Sengl CMO)(3) fel y’i diwygiwyd o bryd i’w gilydd;

ystyr “sefydliad addysgol cymwys” (“*qualifying educational establishment*”) yw sefydliad addysgol y cyfeirir ato yn Erthygl 2 o Reoliad y Comisiwn; ac

ystyr “yr hyn sy’n gyfwerth â llaeth” (“*milk equivalent*”) yw’r swm a bennir yn Erthygl 5(2) o Reoliad y Comisiwn fel swm sy’n cynrychioli’r cynnwys sy’n gyfwerth â llaeth mewn cynhyrchion llaeth penodol.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad â rhif yn gyfeiriad at y rheoliad sy’n dwyn y rhif hwnnw yn y Rheoliadau hyn.

Rhoi cymorth gwladol

3.—(1) Yn ddarostyngedig i reoliad 4 caiff Gweinidogion Cymru roi cymorth gwladol mewn cysylltiad â chyflenwi cynhyrchion llaeth cymwys i ddisgyblion mewn sefydliadau addysgol.

(1) 1996 p. 56.

(2) OJ Rhif L 183, 11.07.08, t.17

(3) OJ Rhif L 299, 16.11.07, t.1; a ddiwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 361/2008 (OJ Rhif L 121, 7.05.08, t.1).

“cost of supply” (“*cost cyflenwi*”) in relation to qualifying milk products means the cost of purchase plus an amount which the Welsh Ministers reasonably considers to be sufficient for the purposes of defraying the cost of procuring and administering the supply of those milk products;

“eligible pupils” (“*disgyblion cymwys*”) means pupils receiving primary education other than those in key stage 2 or those receiving nursery education;

“key stage 2” (“*cyfnod allweddol 2*”) has the meaning given to it by section 355 of the 1996 Act;

“milk equivalent” (“*yr hyn sy’n gyfwerth a llaeth*”) means the amount specified in Article 5(2) of the Commission Regulation as representing the equivalent milk content of certain milk products;

“national aid” (“*cymorth gwladol*”) means aid granted by the Welsh Ministers under these Regulations pursuant to Article 102(2) of the Council Regulation;

“nursery education” (“*addysg feithrin*”) has the meaning given to it by section 117 of the School Standards and Framework Act 1998(1);

“primary education” (“*addysg gynradd*”) has the meaning given to it by section 2(1) of the 1996 Act;

“qualifying educational establishment” (“*sefydliad addysgol cymwys*”) means an educational establishment referred to in Article 2 of the Commission Regulation;

“qualifying milk products” (“*cynhyrchion llaeth cymwys*”) means the milk and milk products listed in Annex 1 to the Commission Regulation as products eligible for Community aid; and

“the residual costs” (“*y costau gweddilliol*”) means the costs of supply, incurred by a purchaser in connection with the supply of qualifying milk products to a qualifying educational establishment, less any Community aid and national aid that may be granted in respect of that supply.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Grant of national aid

3.—(1) Subject to regulation 4, the Welsh Ministers may grant national aid in connection with the supply of qualifying milk products to pupils in educational establishments.

(1) 1998 c. 31.

(2) At ddibenion paragraff (1), caiff Gweinidogion Cymru bennu math neu ddosbarthiad sefydliadau addysgol cymwys neu gynhyrchion llaeth cymwys y ceir talu cymorth gwladol mewn perthynas â hwy, drwy gyfeirio at unrhyw set o amgylchiadau sy'n briodol yn nhyb Gweinidogion Cymru.

(3) Yn ddarostyngedig i baragraff (2), mae'r darpariaethau a ganlyn o Reoliad y Comisiwn yn gymwys mewn perthynas â chymorth gwladol megis petai yn gymorth Cymunedol—

- (a) Erthygl 2 (buddiolwyr);
- (b) Erthyglau 3(1) a 3(4) (cynhyrchion llaeth cymwys);
- (c) Erthygl 5(4), yr is-baragraff cyntaf (nid yw llaeth a chynhyrchion llaeth a ddefnyddir wrth baratoi prydau i gael cymorth);
- (ch) Erthygl 8 (amodau cyffredinol ar gyfer cymeradwyaeth),
- (d) Erthygl 9 (amodau penodol ar gyfer cymeradwyo ymgeiswyr penodol);
- (dd) Erthygl 10 (atal cymeradwyaeth dros dro a'i dynnu'n ôl);
- (e) Erthygl 11 (ceisiadau am daliadau);
- (f) Erthygl 12 (talau cymorth);
- (ff) Erthygl 14 (monitro prisiau);
- (g) Erthygl 15 (rheolaethau a sancsiynau).

Amodau sy'n gymwys ar gyfer rhoi cymorth gwladol

4.—(1) Rhaid i gymorth gwladol o dan reoliad 3 gael ei roi yn ddarostyngedig i'r amodau a bennir ym mharagraff (2).

(2) Yr amodau y cyfeirir atynt ym mharagraff (1) yw—

- (a) bod ceisyddion wedi'u cofrestru neu wedi'u cymeradwyo gan Weinidogion Cymru at ddibenion hawlio cymorth Cymunedol;
- (b) bod Gweinidogion Cymru wedi'u bodloni bod ceisydd a sefydliad addysgol cymwys (os dynt yn wahanol), yn cydymffurfio, ac wedi cydymffurfio, â'r rheolau Cymunedol ac ag unrhyw rwymedigaethau neu ofynion eraill a all fod Gweinidogion Cymru wedi eu hysbysu hwy ohonynt;
- (c) ar gyfer unrhyw sefydliad addysgol cymwys, mai mwyafswm y cynhyrchion llaeth cymwys y ceir rhoi cymorth gwladol mewn perthynas ag ef yw 0.25 litr o laeth neu'r hyn sy'n gyfwerth â llaeth, yn ôl y digwydd, am bob disgybl ar gofrestr yr ysgol, am bob diwrnod ysgol;

(2) For the purposes of paragraph (1), the Welsh Ministers may determine the type or class of qualifying educational establishments or qualifying milk products in relation to which national aid may be paid, by reference to any set of circumstances the Welsh Ministers think fit.

(3) Subject to paragraph (2), the following provisions of the Commission Regulation apply in relation to national aid as if it were Community aid—

- (a) Article 2 (beneficiaries);
- (b) Articles 3(1) and 3(4) (eligible milk products);
- (c) Article 5(4), first sub-paragraph (milk and milk products used in preparation of meals not to benefit from aid);
- (d) Article 8 (general conditions for approval),
- (e) Article 9 (specific conditions for the approval of certain applicants);
- (f) Article 10 (suspension and withdrawal of approval);
- (g) Article 11 (payment applications);
- (h) Article 12 (payment of aid);
- (i) Article 14 (price monitoring);
- (j) Article 15 (controls and sanctions).

Conditions applying to grant of national aid

4.—(1) National aid under regulation 3 must be granted subject to the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are—

- (a) that claimants are registered or approved by the Welsh Ministers for the purpose of claiming Community aid;
- (b) that the Welsh Ministers are satisfied that a claimant and a qualifying educational establishment (if different), are complying, and have complied, with the Community rules and with any other obligations or requirements that may have been notified to them by the Welsh Ministers;
- (c) that for any qualifying educational establishment, the maximum quantity of qualifying milk products in respect of which national aid may be granted must be 0.25 litres of milk or milk equivalent as the case may be, per pupil on the school roll, per school day;

Cymorth gwladol ychwanegol i ddisgyblion cymwys

5. Pan roddir cymorth gwladol mewn cysylltiad â chyflenwi cynnyrch llaeth cymwys sydd naill ai â chyflas neu hebddo, yn llaeth cyflawn neu'n laeth hanner sgim, i ddisgyblion cymwys, caiff y swm a roddir felly fod yn swm digonol i dalu'r costau gweddilliol a fuasai fel arall yn cael eu talu gan y disgyblion neu eu rhieni neu eu gwarcheidwaid mewn perthynas â'r chyflenwi hwnnw.

Talu cymorth gwladol

6. Rhaid i gymorth gwladol a roddir gan Weinidogion Cymru yn unol â rheoliad 3 gael ei dalu i geisyddion gan yr Asiantaeth Taliadau Gwledig sy'n gweithredu fel asiant Gweinidogion Cymru(1).

Dal cymorth gwladol yn ôl a'i adennill

7.—(1) Caiff Gweinidogion Cymru o hawlio hynny ddal yn ôl neu adennill oddi ar unrhyw geisydd y cyfan neu unrhyw ran o unrhyw gymorth Cymunedol neu gymorth gwladol a roddwyd o dan y Rheoliadau hyn os ydynt wedi'u bodloni nad yw'r ceisydd neu sefydliad addysgol cymwys y mae ceisydd wedi gwneud cais mewn perthynas ag ef yn cydymffurfio neu nad yw wedi cydymffurfio ag unrhyw un o'r amodau a bennir yn rheoliad 4(2).

(2) Cyn cymryd unrhyw gamau o dan baragraff (1), rhaid i Weinidogion Cymru—

- (a) roi rhesymau ysgrifenedig i'r ceisydd dros y camau y bwriada Gweinidogion Cymru eu cymryd;
- (b) rhoi cyfle i'r ceisydd wneud sylwadau ysgrifenedig o fewn y fath gyfnod o amser a ystyrir yn rhesymol gan Weinidogion Cymru; ac
- (c) ystyried unrhyw sylwadau o'r fath.

(3) Mae unrhyw arian sy'n ddyledus i Weinidogion Cymru yn rhinwedd y Rheoliadau hyn yn adenilladwy fel dyled.

Y gyfradd gyfnewid gymwysadwy

8.—(1) At ddibenion cyfrifo cymorth gwladol mewn sterling, rhaid i Weinidogion Cymru bennu'r gyfradd gyfnewid rhwng sterling a'r ewro sydd i'w chymhwyso at gyfrifiad o'r fath ac, yn ddarostyngedig i baragraff (2) cânt ddiwygio'r gyfradd honno o dro i dro.

(1) Mae Gweinidogion Cymru wedi gwneud trefniadau gyda'r Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig i'r Asiantaeth Taliadau Gwledig wneud taliadau cymorth gwladol ar ran Gweinidogion Cymru yn unol ag adran 83 o Ddeddf Llywodraeth Cymru 2006.

Additional national aid for eligible pupils

5. Where national aid is granted in connection with the supply of a qualifying milk product which is either flavoured or unflavoured, whole or semi skimmed milk, to eligible pupils, the amount so granted, may be an amount sufficient to defray the residual costs that would otherwise be borne by such pupils or their parents or guardians in respect of that supply.

Payment of national aid

6. National aid granted by the Welsh Ministers pursuant to regulation 3 must be paid to claimants by the Rural Payments Agency acting as the agent of the Welsh Ministers(1).

Withholding and recovery of Community aid or national aid

7.—(1) The Welsh Ministers may on demand withhold or recover from a claimant the whole or any part of any Community or national aid granted under these Regulations where they are satisfied that the claimant or a qualifying educational establishment in respect of which a claim has been made by a claimant, is not complying or has not complied with any of the conditions specified in regulation 4(2).

(2) Before taking action under paragraph (1), the Welsh Ministers must—

- (a) give the claimant written reasons for the action the Welsh Ministers propose to take;
- (b) afford the claimant the opportunity to make written representations within such time as the Welsh Ministers considers reasonable; and
- (c) consider any such representations.

(3) Any money due to the Welsh Ministers under or by virtue of these Regulations is recoverable as a debt.

Applicable exchange rate

8.—(1) For the purposes of calculating national aid in sterling, the Welsh Ministers must determine and may, subject to paragraph (2), periodically revise, the sterling/euro rate of exchange to be applied to the calculation.

(1) The Welsh Ministers have entered into arrangements with the Secretary of State for Environment, Food and Rural Affairs for the Rural Payments Agency to make national aid payments on behalf of the Welsh Ministers pursuant to section 83 of the Government of Wales Act 2006.

(2) Cyn unrhyw ddiwygiad arfaethedig ar y gyfradd gyfnewid rhwng sterling a'r ewro yn unol â pharagraff (1), rhaid i Weinidogion Cymru roi o leiaf 14 niwrnod o hysbysiad ysgrifenedig i geisyddion am y gyfradd ddiwygiedig sydd i'w chymhwyso.

Dirymu

9. Mae Rheoliadau Llaeth Ysgol (Cymru) 2001(1) yn cael eu dirymu.

(2) Prior to any proposed revision of the sterling/euro rate of exchange in accordance with paragraph (1), the Welsh Ministers must provide claimants with at least 14 days written notice of the revised rate to be applied.

Revocations

9. The School Milk (Wales) Regulations 2001(1) are revoked.

John Griffiths

O dan awdurdod y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Under authority of the Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

5 Awst 2008

5 August 2008

(1) O.S. 2001/275 (Cy. 11).

(1) S.I. 2001/275 (W. 11).

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