



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 643 (Cy. 149)

2017 No. 643 (W. 149)

**HENEBION HYNAFOL,
CYMRU**

**ANCIENT MONUMENTS,
WALES**

Rheoliadau Henebion Cofrestredig
(Adolygu Penderfyniadau
Cofrestru) (Cymru) 2017

The Scheduled Monuments
(Review of Scheduling Decisions)
(Wales) Regulations 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn sy'n berthnasol i adolygiadau a gynhelir gan Weinidogion Cymru mewn perthynas â'u penderfyniad i gynnwys heneb ar y gofrestr o henebion a lunnir ac a gynhelir ganddynt o dan adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979; neu, yn achos heneb a nodir ar y gofrestr honno drwy gyfeirio at fap a gynhelir gan Weinidogion Cymru, i wneud diwygiad sy'n ychwanegu at yr arwynebedd a ddangosir ar gyfer heneb ar y map hwnnw.

Maent yn cynnwys, yn benodol, ddarpariaeth mewn perthynas â'r materion a ganlyn—

— Y dosbarthiadau o adolygiadau sydd i'w penderfynu gan berson penodedig yn hytrach na Gweinidogion Cymru, sail yr adolygiad, gofynion gweithdrefnol sy'n berthnasol i wneud cais a gofynion cysylltiedig (Rhan 2);

— Darpariaeth weithdrefnol sy'n berthnasol i'r graddau y cynhelir adolygiad ar sail sylwadau ysgrifenedig (Rhan 3);

— Darpariaeth weithdrefnol sy'n berthnasol i'r graddau y cynhelir adolygiad drwy wrandawriad (Rhan 4);

— Darpariaeth weithdrefnol sy'n berthnasol i'r graddau y cynhelir adolygiad drwy ymchwiliad lleol cyhoeddus (Rhan 5);

— Materion atodol (Rhan 6);

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the procedure relevant to reviews carried out by the Welsh Ministers in relation to their decision to include a monument in the schedule of monuments compiled and maintained by them under section 1 of the Ancient Monuments and Archaeological Areas Act 1979; or, in the case of a monument which is identified in that schedule by reference to a map maintained by the Welsh Ministers, to make an amendment which adds to the area shown for a monument on that map.

They include, in particular, provision in relation to the following matters—

— The classes of review to be decided by an appointed person instead of the Welsh Ministers, the grounds for review, procedural requirements relevant to the making of an application and associated requirements (Part 2);

— Procedural provision relevant to the extent that a review is carried out on the basis of written representations (Part 3);

— Procedural provision relevant to the extent that a review is carried out by means of a hearing (Part 4);

— Procedural provision relevant to the extent that a review is carried out by means of a public local inquiry (Part 5);

— Supplementary matters (Part 6);

— Darpariaeth weithdrefnol sy'n berthnasol i wneud penderfyniad ar adolygiad (Rhan 7); a

— Darpariaeth ynghylch costau a all fod yn ofynnol i'w talu mewn cysylltiad ag adolygiad (Rhan 8).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Mae'r Asesiad Effaith a luniwyd ar gyfer Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 yn berthnasol ac ar gael oddi wrth: Gwasanaethau'r Amgylchedd Hanesyddol (Cadw), Llywodraeth Cymru, Plas Carew, Caerdydd, CF15 7QQ ac ar wefan Llywodraeth Cymru ar www.cymru.gov.uk.

— Procedural provision relevant to the making of a decision on a review (Part 7); and

— Provision about costs that may be required to be paid in connection with a review (Part 8).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations. The Impact Assessment prepared for the Historic Environment (Wales) Act 2016 is relevant and is available from Historic Environment Services (Cadw), Welsh Government, Plas Carew, Cardiff, CF15 7QQ and on the Welsh Government's website at www.wales.gov.uk.

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Cofrestru) (Cymru) 2017**

**The Scheduled Monuments
(Review of Scheduling Decisions)
(Wales) Regulations 2017**

Gwnaed 4 Mai 2017
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 8 Mai 2017
Yn dod i rym 31 Mai 2017

Made 4 May 2017
Laid before the National Assembly for Wales 8 May 2017
Coming into force 31 May 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 1AE o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979(1), ac Atodlen A2 iddi, a'r pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 60 o'r Ddeddf honno ac sydd bellach yn arferadwy gan Weinidogion Cymru(2), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by section 1AE of, and Schedule A2 to, the Ancient Monuments and Archaeological Areas Act 1979(1), and the powers conferred on the Secretary of State by section 60 of that Act and now exercisable by the Welsh Ministers(2), make the following Regulations:

RHAN 1

Rhagarweiniol

PART 1

Preliminary

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Henebion Cofrestredig (Adolygu Penderfyniadau Cofrestru) (Cymru) 2017 a deuant i rym ar 31 Mai 2017.

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

Title, commencement and application

1.—(1) The title of these Regulations is the Scheduled Monuments (Review of Scheduling Decisions) (Wales) Regulations 2017 and they come into force on 31 May 2017.

(2) These Regulations apply to Wales.

(1) 1979 p. 46; mewnosodwyd adran 1AE gan adran 3 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 (decc 4) ("Deddf 2016"). Mewnosodwyd Atodlen A2 gan Atodlen 1 i'r Ddeddf honno.
(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

(1) 1979 c. 46; section 1AE was inserted by section 3 of the Historic Environment (Wales) Act 2016 (anaw 4) ("the 2016 Act"). Schedule A2 was inserted by Schedule 1 to that Act.
(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “adolygiad” (“*review*”) yw adolygiad a gynhelir gan Weinidogion Cymru o dan adran 1AE o Ddeddf 1979;

ystyr “ceisydd” (“*applicant*”) yw perchennog neu feddiannydd yr heneb sy’n gwneud cais am adolygiad;

mae i “datganiad Gweinidogion Cymru ar yr adolygiad” (“*the Welsh Ministers’ review statement*”) yr ystyr a roddir yn rheoliad 8(1);

mae i “datganiad ymchwiliad” (“*inquiry statement*”) yr ystyr a roddir yn rheoliad 17(1)(a);

ystyr “Deddf 1979” (“*the 1979 Act*”) yw Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979;

mae i “dyddiad dechrau” (“*starting date*”) yr ystyr a roddir yn rheoliad 6(1)(a);

ystyr “gwrandawriad” (“*hearing*”) yw gwrandawriad a gynhelir o dan adran 1AE(5)(b) o Ddeddf 1979 (adolygu penderfyniadau ar ddiwygiadau penodol sy’n ymwneud â’r Gofrestr);

ystyr “materion penodedig” (“*specified matters*”), mewn perthynas ag adolygiad a gynhelir drwy wrandawriad neu ymchwiliad, yw’r materion a bennir gan y person penodedig i gael eu hystyried yn y gwrandawriad neu’r ymchwiliad;

ystyr “person â buddiant” (“*interested person*”) yw unrhyw berson, ac eithrio’r ceisydd, a hysbysir neu yr ymgynghorir ag ef o dan adran 1AA o Ddeddf 1979 (dyletswydd i ymgynghori ar ddiwygiadau penodol sy’n ymwneud â’r Gofrestr)(1) ynghylch cynnig Gweinidogion Cymru i—

(a) cynnwys yr heneb y mae adolygiad yn ymwneud â hi ar y Gofrestr; neu

(b) gwneud diwygiad perthnasol o’r math a ddisgrifir yn adran 1AA(5)(a) o Ddeddf 1979 i’r heneb ar y Gofrestr;

ystyr “person penodedig” (“*appointed person*”) yw person a benodir gan Weinidogion Cymru o dan baragraff 1 o Atodlen A2 i Ddeddf 1979(2);

ystyr “ymchwiliad” (“*inquiry*”) yw ymchwiliad lleol cyhoeddus a gynhelir o dan adran 1AE(5)(a) o Ddeddf 1979.

Interpretation

2. In these Regulations—

“the 1979 Act” (“*Deddf 1979*”) means the Ancient Monuments and Archaeological Areas Act 1979;

“applicant” (“*ceisydd*”) means the owner or occupier of the monument making an application for a review;

“appointed person” (“*person penodedig*”) means a person appointed by the Welsh Ministers under paragraph 1 of Schedule A2 to the 1979 Act(1);

“hearing” (“*gwrandawriad*”) means a hearing held under section 1AE(5)(b) of the 1979 Act (review of decisions on certain amendments relating to the Schedule);

“inquiry” (“*ymchwiliad*”) means a public local inquiry held under section 1AE(5)(a) of the 1979 Act;

“inquiry statement” (“*datganiad ymchwiliad*”) has the meaning given in regulation 17(1)(a);

“interested person” (“*person â buddiant*”) means any person, other than the applicant, notified or consulted under section 1AA of the 1979 Act (duty to consult on certain amendments relating to the Schedule)(2) about the Welsh Ministers’ proposal to—

(a) include the monument to which a review relates in the Schedule; or

(b) make a material amendment of the kind described in section 1AA(5)(a) of the 1979 Act to the monument in the Schedule;

“review” (“*adolygiad*”) means a review carried out by the Welsh Ministers under section 1AE of the 1979 Act;

“specified matters” (“*materion penodedig*”) are, in relation to a review carried out by means of a hearing or an inquiry, the matters as specified by the appointed person to be considered at the hearing or inquiry;

“starting date” (“*dyddiad dechrau*”) has the meaning given in regulation 6(1)(a);

“the Welsh Ministers’ review statement” (“*datganiad Gweinidogion Cymru ar yr adolygiad*”) has the meaning given in regulation 8(1).

(1) Mewnosodwyd Atodlen A2 gan adran 3 (3) o Ddeddf 2016, ac Atodlen 1 iddi.

(2) Mewnosodwyd Atodlen 1 gan Atodlen 1 i Ddeddf 2016.

(1) Schedule A2 was inserted by section 3(3) of, and Schedule 1 to, the 2016 Act.

(2) Section 1AA was inserted by section 3 of the 2016 Act.

RHAN 2

Y Weithdrefn Gychwynnol: Penderfyniadau gan berson penodedig, sail adolygiad a cheisiadau am adolygiad

Dosbarthiadau o adolygiadau i'w penderfynu gan berson penodedig

3.—(1) Mae adolygiad y gwneir cais amdano ar y naill neu'r llall o'r seiliau a nodir yn rheoliad 4 wedi ei ragnodi fel dosbarth o adolygiadau at ddibenion paragraff 1(1) o Atodlen A2 i Ddeddf 1979.

(2) Mae'r penderfyniad ar adolygiad sy'n perthyn i'r dosbarth a grybwyllir ym mharagraff (1) i'w wneud gan berson penodedig.

Sail adolygiad

4. Ni chaniateir gwneud cais am adolygiad ac eithrio ar y sail—

- (a) nad yw'r heneb y mae'r adolygiad yn ymwneud â hi yn heneb o bwysigrwydd cenedlaethol; neu
- (b) bod diwygiad perthnasol o'r math a ddisgrifir yn adran 1AA(5)(a) o Ddeddf 1979 mewn perthynas â'r heneb ar y Gofrestr yn amhriodol.

Ceisiadau am adolygiad

5.—(1) Rhaid gwneud cais am adolygiad i Weinidogion Cymru yn unol â'r rheoliad hwn.

(2) Rhaid i gais—

- (a) fod ar y ffurf a gyhoeddir gan Weinidogion Cymru (neu ffurf y mae ei heffaith yn sylweddol debyg iddi), gan gynnwys—
 - (i) enw'r heneb y mae'r cais yn ymwneud â hi;
 - (ii) cyfeiriad yr heneb neu ddisgrifiad o leoliad y tir y mae'r heneb wedi ei lleoli arno;
 - (iii) enw a chyfeiriad y ceisydd;
 - (iv) datganiad yn cadarnhau pa un a yw'r ceisydd yn berchennog neu'n feddiannydd yr heneb;
 - (v) enw a chyfeiriad cynrychiolydd y ceisydd (os oes un) a chadarnhad o ran pa un a ddylid anfon unrhyw hysbysiad neu ohebiaeth arall y mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i'w hanfon at y ceisydd, at y cynrychiolydd yn hytrach na'r ceisydd;

PART 2

Initial Procedure: Decisions by appointed person, grounds for review and applications for review

Classes of review to be decided by an appointed person

3.—(1) A review applied for on either of the grounds set out in regulation 4 is prescribed as a class of review for the purposes of paragraph 1(1) of Schedule A2 to the 1979 Act.

(2) The decision on a review belonging to the class mentioned in paragraph (1) is to be made by an appointed person.

Grounds for review

4. An application for a review may not be made otherwise than on the ground that—

- (a) the monument to which it relates is not of national importance; or
- (b) a material amendment of the kind described in section 1AA(5)(a) of the 1979 Act in relation to the monument in the Schedule is inappropriate.

Applications for review

5.—(1) An application for a review must be made to the Welsh Ministers in accordance with this regulation.

(2) An application must consist of—

- (a) the form published by the Welsh Ministers (or a form substantially to the like effect), including—
 - (i) the name of the monument to which the application relates;
 - (ii) the address of the monument or a description of the location of the land on which it is situated;
 - (iii) the name and address of the applicant;
 - (iv) a statement confirming whether the applicant is an owner or an occupier of the monument;
 - (v) the name and address of the representative of the applicant (if any) and confirmation as to whether any notice or other correspondence which is required by these Regulations to be sent to the applicant should be sent to the representative instead of the applicant;

- (vi) datganiad yn nodi manylion llawn sail yr adolygiad, gan gynnwys yr holl faterion y mae'r ceisydd yn bwriadu eu codi yn ystod yr adolygiad ac y mae'r ceisydd yn ystyried y dylai'r person penodedig eu hystyried wrth gynnal yr adolygiad;
 - (vii) datganiad o ran drwy ba un o'r dulliau (neu gyfuniad o ddulliau) a grybwyllir yn adran 1AE(5) o Ddeddf 1979 y mae'r ceisydd yn ystyried y dylid cynnal yr adolygiad; a
- (b) cynnwys y canlynol—
- (i) yr holl ddogfennau, deunyddiau a thystiolaeth y mae'r ceisydd yn bwriadu dibynnu arnynt yn ystod yr adolygiad;
 - (ii) copi o'r hysbysiad a gyflwynir gan Weinidogion Cymru mewn perthynas â'r heneb o dan adran 1AE(2) o Ddeddf 1979;
 - (iii) pan na fo'r ceisydd yn berchennog yr heneb ond bod perchennog yn hysbys i'r ceisydd, tystysgrif yn cadarnhau bod perchennog yr heneb wedi ei hysbysu ynghylch bwriad y ceisydd i ofyn am yr adolygiad;
 - (iv) pan na fo'r ceisydd yn berchennog yr heneb ac nad oes perchennog yn hysbys i'r ceisydd, tystysgrif lofnodedig yn cadarnhau bod y ceisydd wedi cymryd pob cam rhesymol i gael gwybod pwy yw unrhyw berchennog o'r fath ond wedi methu â gwneud hynny.

(3) Rhaid gwneud cais o fewn y cyfnod o 12 wythnos sy'n dechrau â'r dyddiad y cyflwynwyd hysbysiad i berchennog neu feddiannydd yr heneb o dan adran 1AE(2) o Ddeddf 1979.

Hysbysiad ynghylch cael cais am adolygiad a gofynion cysylltiedig

6.—(1) Rhaid i'r person penodedig cyn gynted ag y bo'n ymarferol ar ôl cael cais yn unol â rheoliad 5 roi gwybod i'r ceisydd a Gweinidogion Cymru yn ysgrifenedig am—

- (a) dyddiad dechrau'r adolygiad (“y dyddiad dechrau”);
- (b) y rhif cyfeirnod a ddyrennir i'r adolygiad; ac
- (c) y cyfeiriad y mae cyfathrebiadau ysgrifenedig ynghylch yr adolygiad i'w hanfon iddo.

- (vi) a statement setting out the full particulars of the grounds for the review, including all the matters which the applicant intends to raise in the course of the review and which the applicant considers the appointed person should take into account in carrying out the review;
- (vii) a statement as to which of the ways (or combination of ways) mentioned in section 1AE(5) of the 1979 Act the applicant considers the review should be carried out; and

(b) the following—

- (i) all documents, materials and evidence which the applicant intends to rely on in the course of the review;
- (ii) a copy of the notice served by the Welsh Ministers in relation to the monument under section 1AE(2) of the 1979 Act;
- (iii) where the applicant is not an owner of the monument but an owner is known to the applicant, a certificate confirming that the owner of the monument has been informed of the applicant's intention to request the review;
- (iv) where the applicant is not an owner of the monument and an owner is not known to the applicant, a signed certificate confirming that the applicant has taken all reasonable steps to identify any such owner but has been unable to do so.

(3) An application must be made within the period of 12 weeks beginning with the date on which notice was served on an owner or occupier of the monument under section 1AE(2) of the 1979 Act.

Notification of receipt of application for review and related requirements

6.—(1) The appointed person must as soon as practicable after receiving an application in accordance with regulation 5 advise the applicant and the Welsh Ministers in writing of—

- (a) the date on which the review is to begin (“the starting date”);
- (b) the reference number allocated to the review; and
- (c) the address to which written communications about the review are to be sent.

(2) Rhaid i Weinidogion Cymru o fewn y cyfnod o dri diwrnod gwaith sy'n dechrau â'r diwrnod y cawsant hysbysiad o dan baragraff (1) anfon at y ceisydd a'r person penodedig gopi o unrhyw sylwadau a gyflwynwyd yn flaenorol i Weinidogion Cymru o dan adran 1AA o Ddeddf 1979 gan unrhyw berson â buddiant.

(3) Yn y rheoliad hwn ystyr "diwrnod gwaith" yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ddydd Nadolig, yn Ddydd Gwener y Groglith nac yn wyl y banc.

Hysbysiad i bersonau â buddiant a phersonau eraill

7.—(1) Rhaid i'r person penodedig cyn gynted ag y bo'n ymarferol ar ôl diwedd y cyfnod y cyfeirir ato yn rheoliad 6(2) roi hysbysiad ysgrifenedig am yr adolygiad i—

- (a) pob person â buddiant; a
- (b) unrhyw berson neu gorff arall y mae'r person penodedig yn ystyried eu bod yn briodol.

(2) Rhaid i hysbysiad o dan baragraff (1)—

- (a) datgan enw'r ceisydd a chyfeiriad yr heneb y mae'r adolygiad yn ymwneud â hi;
- (b) nodi'r materion yr hysbyswyd y ceisydd amdanynt o dan reoliad 6(1);
- (c) cadarnhau bod copïau o unrhyw sylwadau a gyflwynwyd yn flaenorol i Weinidogion Cymru o dan adran 1AA o Ddeddf 1979 gan unrhyw berson â buddiant wedi eu hanfon at y ceisydd gan Weinidogion Cymru;
- (d) datgan y bydd unrhyw sylwadau o'r fath yn cael eu hystyried gan y person penodedig wrth wneud penderfyniad ar yr adolygiad;
- (e) datgan y caniateir cyflwyno sylwadau ysgrifenedig pellach i'r person penodedig yn unol â rheoliad 9(2); ac
- (f) datgan sut y gellir gweld copi o'r cais am adolygiad a'r dogfennau eraill sy'n gysylltiedig â'r adolygiad.

Datganiad Gweinidogion Cymru ar yr adolygiad

8.—(1) Rhaid i Weinidogion Cymru, o fewn y cyfnod o bedair wythnos sy'n dechrau ar y dyddiad dechrau, anfon at y ceisydd a'r person penodedig ddatganiad yn nodi'r holl faterion y mae Gweinidogion Cymru yn bwriadu eu codi yn ystod yr adolygiad ac y maent yn ystyried y dylai'r person penodedig eu hystyried wrth gynnal yr adolygiad ("datganiad Gweinidogion Cymru ar yr adolygiad").

(2) The Welsh Ministers must within the period of three working days beginning with the day on which they received notification under paragraph (1) send to the applicant and the appointed person a copy of any representation previously made to the Welsh Ministers under section 1AA of the 1979 Act by any interested person.

(3) In this regulation "working day" means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

Notice to interested persons and others

7.—(1) The appointed person must as soon as practicable after the expiration of the period referred to in regulation 6(2) give written notice of the review to—

- (a) each interested person; and
- (b) any other person or body that the appointed person considers appropriate.

(2) A notice under paragraph (1) must—

- (a) state the name of the applicant and the address of the monument to which the review relates;
- (b) set out the matters notified to the applicant under regulation 6(1);
- (c) confirm that copies of any representations previously made to the Welsh Ministers under section 1AA of the 1979 Act by any interested person have been sent to the applicant by the Welsh Ministers;
- (d) state that any such representations will be considered by the appointed person when making a decision on the review;
- (e) state that further written representations may be made to the appointed person in accordance with regulation 9(2); and
- (f) state how a copy of the application for review and other documents related to the review may be inspected.

Welsh Ministers' review statement

8.—(1) The Welsh Ministers must, within the period of four weeks beginning on the starting date, send to the applicant and the appointed person a statement setting out all the matters which the Welsh Ministers intend to raise in the course of the review and which they consider should be taken into account by the appointed person in carrying out the review ("the Welsh Ministers' review statement").

(2) Rhaid i ddatganiad Gweinidogion Cymru ar yr adolygiad ddod gyda'r holl ddogfennau, deunyddiau a thystiolaeth y mae Gweinidogion Cymru yn bwriadu dibynnu arnynt yn ystod yr adolygiad.

(3) Yn ddarostyngedig i baragraff (5), rhaid i'r ceisydd anfon at y person penodedig ddau gopi o unrhyw sylwadaethau ysgrifenedig sydd ganddynt ynghylch datganiad Gweinidogion Cymru ar yr adolygiad fel eu bod yn dod i law o fewn y cyfnod o chwe wythnos sy'n dechrau ar y dyddiad dechrau.

(4) Pan anfonir sylwadaethau ysgrifenedig at y person penodedig o dan baragraff (3) neu (5), rhaid i'r person penodedig, cyn gynted ag y bo'n ymarferol ar ôl eu cael, anfon copi o unrhyw sylwadaethau o'r fath at Weiniogion Cymru.

(5) Mae'r gofyniad ym mharagraff (3) i'w ddehongli fel pe bai'n caniatáu anfon un copi yn unig o unrhyw sylwadaethau ysgrifenedig at ddiben bodloni'r gofyniad hwnnw mewn unrhyw achos pan fo'r ceisydd yn dewis anfon y sylwadaethau drwy dull cyfathrebu electronig.

(2) The Welsh Ministers' review statement must be accompanied by all documents, materials and evidence which the Welsh Ministers intend to rely on in the course of the review.

(3) Subject to paragraph (5), the applicant must send to the appointed person two copies of any written comments they have about the Welsh Ministers' review statement so as to be received within the period of six weeks beginning on the starting date.

(4) Where written comments are sent to the appointed person under paragraph (3) or (5), the appointed person must, as soon as practicable after receipt, send a copy of any such comments to the Welsh Ministers.

(5) The requirement in paragraph (3) is to be construed as permitting the sending of only a single copy of any written comments for the purpose of satisfying that requirement in any case where the applicant elects to send the comments by means of electronic communications.

RHAN 3

Sylwadau ysgrifenedig

Y weithdrefn sylwadau ysgrifenedig

9.—(1) Yn ddarostyngedig i baragraff (2), bernir at ddibenion adran 1AE(5)(c) o Ddeddf 1979 bod y dogfennau a ganlyn yn ffurfio sylwadau ysgrifenedig y personau a ganlyn mewn perthynas â'r adolygiad—

- (a) yn achos y ceisydd—
 - (i) cais a wnaed yn unol â rheoliad 5; a
 - (ii) unrhyw sylwadaethau ysgrifenedig a wnaed o dan reoliad 8(3);
- (b) yn achos Gweinidogion Cymru, datganiad Gweinidogion Cymru ar yr adolygiad a'r dogfennau, y deunyddiau a'r dystiolaeth sy'n dod gyda'r datganiad;
- (c) yn achos person â buddiant, unrhyw sylwadau ysgrifenedig a gyflwynwyd yn flaenorol o dan adran 1AE o Ddeddf 1979 gan y person hwnnw;
- (d) yn achos unrhyw berson neu gorff y rhoddwyd hysbysiad iddo o dan reoliad 7(1)(b), unrhyw sylwadau ysgrifenedig a gyflwynwyd yn flaenorol gan y fath berson neu gorff ynghylch cynnig Gweinidogion Cymru i—
 - (i) cynnwys yr heneb y mae adolygiad yn ymwneud â hi ar y Gofrestr; neu

PART 3

Written representations

Written representations procedure

9.—(1) Subject to paragraph (2), the following documents will be deemed for the purposes of section 1AE(5)(c) of the 1979 Act to comprise the following persons' written representations in relation to the review—

- (a) in the case of the applicant—
 - (i) an application made in accordance with regulation 5; and
 - (ii) any written comments made under regulation 8(3);
- (b) in the case of the Welsh Ministers, the Welsh Ministers' review statement and accompanying documents, materials and evidence;
- (c) in the case of an interested person, any written representations previously made under section 1AE of the 1979 Act by that person;
- (d) in the case of any person or body given notice under regulation 7(1)(b), any written representations previously made by such person or body about the Welsh Ministers' proposal to—
 - (i) include the monument to which a review relates in the Schedule; or

- (ii) gwneud diwygiad perthnasol o'r math a ddisgrifir yn adran 1AA(5)(a) o Ddeddf 1979 mewn perthynas â'r heneb ar y Gofrestr.

(2) Caiff person â buddiant neu unrhyw berson neu gorff y rhoddir hysbysiad iddo o dan reoliad 7(1)(b), yn ogystal â'r sylwadau y cyfeirir atynt ym mharagraff (1)(c) neu (d) (yn ôl y digwydd), gyflwyno sylwadau ysgrifenedig pellach o dan adran 1AE(5)(c) o Ddeddf 1979, a phan fo'n gwneud hynny rhaid iddo anfon tri copi o'r fath sylwadau at y person penodedig o fewn y cyfnod o bedair wythnos sy'n dechrau ar y dyddiad dechrau.

(3) Rhaid i'r person penodedig, cyn gynted ag y bo'n ymarferol ar ôl cael unrhyw sylwadau a gyflwynir o dan baragraff (2), anfon copi o'r fath sylwadau at y ceisydd ac at Weinidogion Cymru.

(4) Rhaid i'r ceisydd a Gweinidogion Cymru anfon at y person penodedig ddau gopi o unrhyw sylwadaethau ysgrifenedig sydd ganddynt ynghylch unrhyw sylwadau a gyflwynwyd o dan baragraff (1)(c), (d) neu (2) fel eu bod yn dod i law o fewn y cyfnod o chwe wythnos sy'n dechrau ar y dyddiad dechrau.

(5) Pan fo'r person penodedig wedi cael unrhyw sylwadaethau ysgrifenedig yn unol â pharagraff (4), rhaid i'r person penodedig—

- (a) yn achos unrhyw sylwadaethau o'r fath a geir oddi wrth y ceisydd, anfon copi at Weinidogion Cymru; a
- (b) yn achos unrhyw sylwadaethau o'r fath a geir oddi wrth Weinidogion Cymru, anfon copi at y ceisydd.

Pan fo paragraffau (2) i (4) yn gosod gofyniad ar unrhyw berson neu unrhyw gorff i anfon mwy nag un copi o unrhyw sylwadau ysgrifenedig neu sylwadaethau ysgrifenedig (yn ôl y digwydd) at unrhyw berson arall neu i unrhyw gorff arall, mae'r fath ofyniad i'w ddehongli fel pe bai'n caniatáu anfon un fersiwn yn unig o'r ddogfen honno at ddiben bodloni'r gofyniad hwnnw mewn unrhyw achos pan fo'r person y gosodir y gofyniad arno yn dewis anfon y sylwadau neu'r sylwadaethau drwy ddull cyfathrebu electronig.

Penodi asesydd

10. Pan fo asesydd yn cael ei benodi o dan baragraff 4(1)(b) o Atodlen A2 i Ddeddf 1979 (penderfyniadau ar adolygiadau gan berson a benodir gan Weinidogion Cymru), rhaid i'r person penodedig hysbysu'r ceisydd a Gweinidogion Cymru yn ysgrifenedig ynghylch y penodiad, enw'r person a benodir a'r materion y bydd yn rhoi cyngor arnynt.

- (ii) make a material amendment of the kind described in section 1AA(5)(a) of the 1979 Act in relation to the monument in the Schedule.

(2) An interested person or any person or body given notice under regulation 7(1)(b) may, in addition to the representations referred to in paragraph (1)(c) or (d) (whichever the case may be), make further written representations under section 1AE(5)(c) of the 1979 Act, and where doing so must send three copies of such representations to the appointed person within the period of four weeks beginning on the starting date.

(3) The appointed person must, as soon as practicable after receipt of any representations made under paragraph (2), send a copy of such representations to the applicant and the Welsh Ministers.

(4) The applicant and the Welsh Ministers must send to the appointed person two copies of any written comments they have about any representations made under paragraph (1)(c), (d) or (2) so as to be received within the period of six weeks beginning on the starting date.

(5) Where the appointed person has received any written comments in accordance with paragraph (4), the appointed person must—

- (a) in the case of any such comments received from the applicant, send a copy to the Welsh Ministers; and
- (b) in the case of any such comments received from the Welsh Ministers, send a copy to the applicant.

(6) Where paragraphs (2) to (4) impose a requirement on any person or body to send more than a single copy of any written representations or comments (whichever the case may be) to any other person or body, such requirement is to be construed as permitting the sending of only a single version of that document for the purpose of satisfying that requirement in any case where the person upon whom the requirement is imposed elects to send the representations or comments by means of electronic communications.

Appointment of assessor

10. Where an assessor is appointed under paragraph 4(1)(b) of Schedule A2 to the 1979 Act (decisions on reviews by person appointed by Welsh Ministers), the appointed person must notify in writing the applicant and the Welsh Ministers of the appointment, the name of the person appointed and the matters on which they will advise.

RHAN 4

Gwrandawiadau

Hysbysiad ynghylch gwrandawriad, materion penodedig ac ymddangosiadau gerbron gwrandawriad

11.—(1) Pan fo'r person penodedig yn penderfynu bod adolygiad i'w gynnal drwy wrandawriad, rhaid iddo roi hysbysiad ysgrifenedig i'r perwyl hwnnw i—

- (a) y ceisydd;
- (b) Gweinidogion Cymru; ac
- (c) unrhyw berson neu gorff arall y mae'r person penodedig yn ystyried eu bod yn briodol.

(2) Rhaid i'r hysbysiad a roddir o dan baragraff (1) nodi'r materion penodedig, ond nid yw cynnwys y fath faterion yn yr hysbysiad yn atal y person penodedig rhag caniatáu ystyried y fath faterion eraill y mae'n ystyried eu bod yn briodol.

(3) Y personau sydd â'r hawl i ymddangos yn y gwrandawriad yw'r rheini y cyfeirir atynt ym mharagraff (1)(a) i (c).

(4) Mae presenoldeb unrhyw berson nad oes ganddo'r hawl i ymddangos yn y gwrandawriad yn ddarostyngedig i ddisgresiwn y person penodedig.

Dyddiad gwrandawriad a hysbysiad ynghylch gwrandawriad

12.—(1) Rhaid i'r person penodedig bennu'r dyddiad, yr amser a'r lle y cynhelir y gwrandawriad (a chaiff eu hamrywio wedi hynny).

(2) Yn ddarostyngedig i reoliad 13(10), rhaid i'r person penodedig roi i'r personau hynny sydd â'r hawl i ymddangos yn y gwrandawriad nid llai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle a bennir ar gyfer cynnal y gwrandawriad (ac unrhyw amrywiad dilynol iddynt).

Y weithdrefn mewn gwrandawriad

13.—(1) Ac eithrio fel y darperir fel arall yn y Rhan hon, mae'r weithdrefn mewn gwrandawriad i fod fel y'i pennir gan y person penodedig.

(2) Rhaid i'r person penodedig ddatgan ar gychwyn y gwrandawriad y weithdrefn y bwriedir ei mabwysiadu.

(3) Caiff unrhyw berson sydd â'r hawl i ymddangos yn y gwrandawriad gael ei gynrychioli gan berson arall yn lle hynny.

PART 4

Hearings

Notice of hearing, specified matters and appearances at hearing

11.—(1) Where the appointed person decides that a review is to be carried out by means of a hearing, they must give written notice to that effect to—

- (a) the applicant;
- (b) the Welsh Ministers; and
- (c) any other person or body that the appointed person considers appropriate.

(2) The notice given under paragraph (1) must set out the specified matters, but the inclusion of such matters in the notice does not prevent the appointed person from allowing the consideration of such other matters as they consider appropriate.

(3) The persons entitled to appear at the hearing are those referred to in paragraph (1)(a) to (c).

(4) The attendance at the hearing of any person who is not entitled to appear is subject to the discretion of the appointed person.

Date and notification of hearing

12.—(1) The appointed person must determine (and may subsequently vary) the date, time and place at which the hearing is to be held.

(2) Subject to regulation 13(10), the appointed person must give to those persons entitled to appear at the hearing not less than four weeks notice of the date, time and place fixed for the holding of the hearing (and any subsequent variation thereof).

Procedure at hearing

13.—(1) Except as otherwise provided in this Part, the procedure at a hearing is to be as the appointed person determines.

(2) The appointed person must state at the commencement of the hearing the procedure that they propose to adopt.

(3) Any person entitled to appear at the hearing may instead be represented by another person.

(4) Pan fo gan ddau neu ragor o bersonau fuddiant tebyg yn y materion sy'n cael eu hystyried yn y gwrandawriad, caiff y person penodedig ganiatáu i un neu ragor o bersonau ymddangos ar ran rhai o'r personau sydd â buddiant o'r fath, neu ar ran yr holl bersonau sydd â buddiant o'r fath.

(5) Caiff y person penodedig wrthod caniatáu rhoi unrhyw dystiolaeth y mae'n ei hystyried yn amherthnasol neu'n ailadroddus.

(6) Caiff y person penodedig fwrw ymlaen â gwrandawriad yn absenoldeb unrhyw berson sydd â'r hawl i ymddangos yn y gwrandawriad.

(7) Caiff y person penodedig—

- (a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan mewn gwrandawriad neu sy'n bresennol ynddo ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu
- (c) ond caniatáu i'r person hwnnw ddychwelyd o dan y fath amodau a bennir gan y person penodedig,

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

(8) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw neu dystiolaeth neu unrhyw ddogfen arall a geir gan unrhyw berson cyn dechrau'r gwrandawriad neu yn ystod y gwrandawriad ar yr amod bod y person penodedig yn datgelu hynny yn y gwrandawriad.

(9) Caiff y person penodedig o dro i dro ohirio'r gwrandawriad ac—

- (a) pan gyhoeddir y dyddiad, yr amser a'r lle y mae'r gwrandawriad i aildechrau cyn y gohiriad, rhaid iddo, cyn gynted ag y bo'n ymarferol, gymryd camau rhesymol i roi hysbysiad o'r dyddiad, yr amser a'r lle hwnnw i unrhyw berson sydd â'r hawl i ymddangos yn y gwrandawriad a oedd yn absennol ar adeg y cyhoeddiad; neu
- (b) pan na fo'r dyddiad, yr amser na'r lle y mae'r gwrandawriad i aildechrau yn cael eu cyhoeddi cyn y gohiriad, rhaid iddo—
 - (i) pennu (a chaiff amrywio wedi hynny) y dyddiad, yr amser a'r lle hwnnw; a
 - (ii) yn ddarostyngedig i baragraff (10), rhoi i'r personau hynny sydd â'r hawl i ymddangos yn y gwrandawriad nid llai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle hwnnw (ac unrhyw amrywiad dilynol iddynt).

(4) Where two or more persons have a similar interest in the issues being considered at the hearing, the appointed person may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) The appointed person may refuse to permit the giving of any evidence which they consider irrelevant or repetitious.

(6) The appointed person may proceed with a hearing in the absence of any person entitled to appear at the hearing.

(7) The appointed person may—

- (a) require any person taking part in, or present at, a hearing who, in the appointed person's opinion 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 hearing.

(8) The appointed person may take into account any representation or evidence or any other document received from any person before a hearing opens or during the hearing on the condition that the appointed person discloses that fact at the hearing.

(9) The appointed person may from time to time adjourn the hearing and—

- (a) where the date, time and place at which the hearing is to be resumed are announced before the adjournment, must as soon as practicable take reasonable steps to give notice of such date, time and place to any person entitled to appear at the hearing who was absent at the time of the announcement; or.
- (b) where the date, time and place at which the hearing is to be resumed are not announced before the adjournment, must—
 - (i) determine (and may subsequently vary) such date, time and place; and
 - (ii) subject to paragraph (10), give to those persons entitled to appear at the hearing not less than four weeks notice of such date, time and place (and any subsequent variation thereof).

(10) Pan fo paragraff (9)(b) yn gymwys, caiff y person penodedig roi i'r personau hynny sydd â'r hawl i ymddangos yn y gwrandawriad lai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle a bennir ar gyfer ailddechrau'r gwrandawriad (ac unrhyw amrywiad dilynol iddynt) mewn unrhyw achos pan fo'r ceisydd, y person penodedig a Gweinidogion Cymru yn cytuno i'r fath gyfnod byrrach.

Penodi asesydd

14. Pan fo asesydd yn cael ei benodi o dan baragraff 4(1)(a) o Atodlen A2 i Ddeddf 1979, rhaid i'r person penodedig hysbysu'r personau sydd â'r hawl i ymddangos yn y gwrandawriad yn ysgrifenedig ynghylch y penodiad, enw'r person a benodir a'r materion y bydd yn rhoi cyngor arnynt.

RHAN 5

Y weithdrefn ymchwiliadau

Hysbysiad ynghylch ymchwiliad, materion penodedig ac ymddangosiadau gerbron ymchwiliad

15.—(1) Pan fo'r person penodedig yn penderfynu bod adolygiad i'w gynnal drwy ymchwiliad, rhaid iddo roi hysbysiad i'r perwyl hwnnw i—

- (a) y ceisydd;
- (b) Gweinidogion Cymru; ac
- (c) unrhyw berson neu gorff arall y mae'r person penodedig yn ystyried eu bod yn briodol.

(2) Rhaid i'r hysbysiad a roddir o dan baragraff (1) nodi'r materion penodedig, ond nid yw cynnwys y fath faterion yn yr hysbysiad yn atal y person penodedig rhag caniatáu ystyried y fath faterion eraill y mae'n ystyried eu bod yn briodol.

(3) Y personau sydd â'r hawl i ymddangos yn yr ymchwiliad yw'r rheini y cyfeirir atynt ym mharagraff (1)(a) i (c).

Dyddiad ymchwiliad, hysbysiad ynghylch ymchwiliad a chyhoeddusrwydd mewn perthynas ag ymchwiliad

16.—(1) Rhaid i'r person penodedig bennu'r dyddiad, yr amser a'r lle y mae'r ymchwiliad i'w gynnal (a chaiff eu hamrywio wedi hynny).

(2) Rhaid i'r person penodedig roi i'r personau hynny sydd â'r hawl i ymddangos yn yr ymchwiliad nid llai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle a bennir ar gyfer cynnal yr ymchwiliad (ac unrhyw amrywiad dilynol iddynt).

(10) Where paragraph (9)(b) applies, the appointed person may give to those persons entitled to appear at the hearing less than four weeks notice of the date, time and place fixed for the resumption of the hearing (and any subsequent variation thereof) in any case where such shorter period is agreed between the applicant, appointed person and the Welsh Ministers.

Appointment of assessor

14. Where an assessor is appointed under paragraph 4(1)(a) of Schedule A2 to the 1979 Act, the appointed person must notify in writing the persons entitled to appear at the hearing of the appointment, the name of the person appointed and the matters on which they will advise.

PART 5

Inquiries procedure

Notice of inquiry, specified matters and appearances at inquiry

15.—(1) Where the appointed person decides that a review is to be carried out by means of an inquiry, they must give notice to that effect to—

- (a) the applicant;
- (b) the Welsh Ministers; and
- (c) any other person or body that the appointed person considers appropriate.

(2) The notice given under paragraph (1) must set out the specified matters, but the inclusion of such matters in the notice does not prevent the appointed person from allowing the consideration of such other matters as they consider appropriate.

(3) The persons entitled to appear at the inquiry are those referred to in paragraph (1)(a) to (c).

Date and notification of, and publicity in relation to, inquiry

16.—(1) The appointed person must determine (and may subsequently vary) the date, time and place at which the inquiry is to be held.

(2) The appointed person must give to those persons entitled to appear at the inquiry not less than four weeks notice of the date, time and place fixed for the holding of the inquiry (and any subsequent variation thereof).

(3) Caiff y person penodedig wneud trefniadau pellach ar gyfer rhoi cyhoeddusrwydd i gynnal yr ymchwiliad fel y mae'n ystyried ei fod yn briodol o dan yr amgylchiadau.

Cyflwyno datganiadau ymchwiliad, dogfennau etc.

17.—(1) Caiff y person penodedig drwy hysbysiad ysgrifenedig ei gwneud yn ofynnol bod rhaid i unrhyw berson neu gorff sydd â'r hawl i ymddangos yn yr ymchwiliad, erbyn y fath ddyddiad a bennir yn yr hysbysiad, anfon at y person penodedig a'r fath bersonau neu gyrff eraill a bennir yn yr hysbysiad—

- (a) datganiad yn unol â pharagraff (2) (“datganiad ymchwiliad”); a
 - (b) copi o bob dogfen ar y rhestr o'r fath ddogfennau sydd wedi eu cynnwys yn y datganiad ymchwiliad hwnnw.
- (2) Rhaid i ddatganiad ymchwiliad gynnwys—
- (a) datganiad ysgrifenedig sy'n cynnwys manylion yr achos sy'n ymwneud â'r materion penodedig y mae person yn bwriadu eu cyflwyno mewn ymchwiliad;
 - (b) rhestr o'r dogfennau (os oes rhai) y mae'r person sy'n cyflwyno'r fath achos yn bwriadu cyfeirio atynt, dibynnu arnynt neu eu cyflwyno fel tystiolaeth; ac
 - (c) rhestr o'r tystion gan bennu—
 - (i) y personau sydd i roi tystiolaeth, neu a elwir i roi tystiolaeth, yn yr ymchwiliad;
 - (ii) y materion y mae'r fath bersonau i roi tystiolaeth mewn cysylltiad â hwy; a
 - (iii) cymwysterau perthnasol y fath bersonau i wneud hynny.

Y weithdrefn mewn ymchwiliad

18.—(1) Ac eithrio fel y darperir fel arall yn y Rhan hon, mae'r weithdrefn mewn ymchwiliad i fod fel y'i pennir gan y person penodedig.

(2) Rhaid i'r person penodedig ddatgan ar gychwyn yr ymchwiliad y weithdrefn y bwriedir ei mabwysiadu.

(3) Caiff unrhyw berson sydd â'r hawl i ymddangos yn yr ymchwiliad gael ei gynrychioli gan berson arall yn lle hynny.

(4) Pan fo gan ddau neu ragor o bersonau fuddiant tebyg yn y mater sy'n destun ymchwiliad, caiff y person penodedig ganiatáu i un neu ragor o bersonau ymddangos ar ran rhai o'r personau sydd â buddiant o'r fath, neu ar ran yr holl bersonau sydd â buddiant o'r fath.

(3) The appointed person may make further arrangements for publicising the holding of the inquiry as they consider appropriate in the circumstances.

Service of inquiry statements, documents etc.

17.—(1) The appointed person may by written notice require that any person or body entitled to appear at the inquiry must, by such date as is specified in the notice, send to the appointed person and such other persons or bodies specified in the notice—

- (a) a statement in accordance with paragraph (2) (“inquiry statement”); and
 - (b) a copy of every document on the list of such documents comprised in that inquiry statement.
- (2) An inquiry statement must contain—
- (a) a written statement which contains particulars of the case relating to the specified matters which a person proposes to put forward at an inquiry;
 - (b) a list of documents (if any) which the person putting forward such case intends to refer to, rely on or put in evidence; and
 - (c) a list of witnesses specifying—
 - (i) the persons who are to give, or be called to give, evidence at the inquiry;
 - (ii) the matters in respect of which such persons are to give evidence; and
 - (iii) the relevant qualifications of such persons to do so.

Procedure at inquiry

18.—(1) Except as otherwise provided in this Part, the procedure at an inquiry is to be as the appointed person determines.

(2) The appointed person must state at the commencement of the inquiry the procedure that they propose to adopt.

(3) Any person entitled to appear at the inquiry may instead be represented by another person.

(4) Where two or more persons have a similar interest in the matter under inquiry, the appointed person may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) Yn ddarostyngedig i baragraff (6), mae gan unrhyw berson sydd â'r hawl i ymddangos yn yr ymchwiliad yr hawl i alw tystiolaeth, croesholi personau sy'n rhoi tystiolaeth a gwneud datganiadau i gloi.

(6) Caiff y person penodedig wrthod caniatáu—

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

y mae'r person penodedig yn ystyried ei fod yn amherthnasol neu'n ailadroddus.

(7) Caiff y person penodedig fwrw ymlaen ag ymchwiliad yn absenoldeb unrhyw berson sydd â'r hawl i ymddangos yn yr ymchwiliad.

(8) Caiff y person penodedig—

- (a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan mewn ymchwiliad neu sy'n bresennol ynddo ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu
- (c) ond caniatáu i'r person hwnnw ddychwelyd o dan y fath amodau a bennir gan y person penodedig,

ond caiff unrhyw berson o'r fath gyflwyno unrhyw dystiolaeth neu fater arall yn ysgrifenedig i'r person penodedig cyn diwedd yr ymchwiliad.

(9) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw neu dystiolaeth neu unrhyw ddogfen arall a geir gan unrhyw berson cyn dechrau'r ymchwiliad neu yn ystod yr ymchwiliad ar yr amod bod y person penodedig yn datgelu hynny yn yr ymchwiliad.

(10) Caiff y person penodedig o dro i dro ohirio'r ymchwiliad ac—

- (a) pan gyhoeddir y dyddiad, yr amser a'r lle y mae'r ymchwiliad i aildechrau cyn y gohiriad, rhaid iddo, cyn gynted ag y bo'n ymarferol, gymryd camau rhesymol i roi hysbysiad o'r dyddiad, yr amser a'r lle hwnnw i unrhyw berson sydd â'r hawl i ymddangos yn yr ymchwiliad a oedd yn absennol ar adeg y cyhoeddiad; neu
- (b) pan na fo'r dyddiad, yr amser na'r lle y mae'r ymchwiliad i aildechrau yn cael eu cyhoeddi cyn y gohiriad, rhaid iddo—
- (c) pennu (a chaiff amrywio wedi hynny) y dyddiad, yr amser a'r lle hwnnw; a

(5) Subject to paragraph (6), any person entitled to appear at the inquiry is entitled to call evidence, to cross-examine persons giving evidence and to make closing statements.

(6) The appointed person may refuse to permit—

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

which the appointed person considers to be irrelevant or repetitious.

(7) The appointed person may proceed with an inquiry in the absence of any person entitled to appear at the inquiry.

(8) The appointed person may—

- (a) require any person taking part in, or present at, an inquiry who, in the appointed person's opinion 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.

(9) The appointed person may take into account any representation or evidence or any other document received from any person before an inquiry opens or during the inquiry on the condition that the appointed person discloses that fact at the inquiry.

(10) The appointed person may from time to time adjourn the inquiry and—

- (a) where the date, time and place at which the inquiry is to be resumed are announced before the adjournment, must as soon as practicable take reasonable steps to give notice of such date, time and place to any person entitled to appear at the inquiry who was absent at the time of the announcement; or
- (b) where the date, time and place at which the inquiry is to be resumed are not announced before the adjournment, must—
 - (i) determine (and may subsequently vary) such date, time and place; and

- (d) yn ddarostyngedig i baragraff (11), rhoi i'r personau hynny sydd â'r hawl i ymddangos yn yr ymchwiliad nid llai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle hwnnw (ac unrhyw amrywiad dilynol iddynt).

(11) Pan fo paragraff (10)(b) yn gymwys, caiff y person penodedig roi i'r personau hynny sydd â'r hawl i ymddangos yn yr ymchwiliad lai na phedair wythnos o hysbysiad ynghylch y dyddiad, yr amser a'r lle a bennir ar gyfer aildddechrau'r ymchwiliad (ac unrhyw amrywiad dilynol iddynt) mewn unrhyw achos pan fo'r ceisydd, y person penodedig a Gweinidogion Cymru yn cytuno i'r fath gyfnod byrrach.

Penodi asesydd

19. Pan fo asesydd yn cael ei benodi o dan baragraff 4(1)(a) o Atodlen A2 i Ddeddf 1979, rhaid i'r person penodedig hysbysu'r personau sydd â'r hawl i ymddangos yn yr ymchwiliad yn ysgrifenedig ynghylch y penodiad, enw'r person a benodir a'r materion y bydd yn rhoi cyngor arnynt.

RHAN 6

Materion atodol

20.—(1) Caiff y person penodedig yn ysgrifenedig, ar unrhyw adeg cyn iddo roi ei benderfyniad ar yr adolygiad, ei gwneud yn ofynnol i'r ceisydd, Gweinidogion Cymru, unrhyw berson â buddiant neu unrhyw berson neu gorff arall ddarparu'r fath wybodaeth bellach a bennir sy'n berthnasol i'r adolygiad.

(2) Rhaid darparu'r fath wybodaeth yn ysgrifenedig o fewn y fath gyfnod a bennir gan y person penodedig.

(3) Pan fo'r person penodedig yn gwneud gwybodaeth bellach yn ofynnol o dan baragraff (1), rhaid iddo roi cyfle i'r ceisydd a Gweinidogion Cymru gyflwyno sylwadaeth ar yr wybodaeth a ddarperir felly yn unol â'r fath drefniadau y mae'n ystyried eu bod yn briodol.

Arolygu safleoedd

21.—(1) Caiff y person penodedig ar unrhyw adeg gynnal—

- (a) arolygiad ar ei ben ei hun o'r heneb y mae'r adolygiad yn ymwneud â hi; neu
- (b) arolygiad o'r heneb yng nghwmni unrhyw un neu ragor o'r personau a ganlyn—
 - (i) y ceisydd;

- (ii) subject to paragraph (11), give to those persons entitled to appear at the inquiry not less than four weeks notice of such date, time and place (and any subsequent variation thereof).

(11) Where paragraph (10)(b) applies, the appointed person may give to those persons entitled to appear at the inquiry less than four weeks notice of the date, time and place fixed for the resumption of the inquiry (and any subsequent variation thereof) in any case where such shorter period is agreed between the applicant, appointed person and the Welsh Ministers.

Appointment of assessor

19. Where an assessor is appointed under paragraph 4(1)(a) of Schedule A2 to the 1979 Act, the appointed person must notify in writing the persons entitled to appear at the inquiry of the appointment, the name of the person appointed and the matters on which they will advise.

PART 6

Supplementary matters

20.—(1) The appointed person may in writing, at any time before they give their decision on the review, require the applicant, the Welsh Ministers, any interested person or any other person or body to provide such further information relevant to the review as may be specified.

(2) Such information must be provided in writing within such period as the appointed person may specify.

(3) Where the appointed person requires further information under paragraph (1), they must allow the applicant and the Welsh Ministers the opportunity to comment on the information so provided in accordance with such arrangements as they consider appropriate.

Site inspections

21.—(1) The appointed person may at any time carry out—

- (a) an unaccompanied inspection of the monument to which the review relates; or
- (b) an inspection of the monument accompanied by any of the following—
 - (i) the applicant;

- (ii) unrhyw berchennog neu feddiannydd arall yr heneb sy'n hysbys i'r person penodedig;
- (iii) Gweinidogion Cymru; a
- (iv) unrhyw berson arall y mae'r person penodedig yn ystyried ei fod yn briodol.

(2) Pan fo'r person penodedig mewn unrhyw achos yn bwriadu cynnal arolygiad, rhaid iddo roi i bob un o'r personau y cyfeirir atynt ym mharagraff (1)(b) y fath hysbysiad sy'n ymddangos yn rhesymol iddo o dan yr amgylchiadau—

- (a) ynghylch dyddiad ac amser yr arolygiad arfaethedig; a
- (b) ynghylch pa un a yw—
 - (i) y person penodedig yn bwriadu cynnal arolygiad ar ei ben ei hun; neu
 - (ii) unrhyw un neu ragor o'r personau y cyfeirir atynt ym mharagraff (1)(b) wedi ei wahodd neu eu gwahodd i fynd gyda'r person penodedig wrth gynnal yr arolygiad.

(3) Nid yw'r person penodedig yn rhwym i ohirio arolygiad os nad yw unrhyw berson a wahoddir i fynd gydag ef o dan baragraff (2)(b)(ii) yn bresennol ar yr amser penodedig.

Caniatáu rhagor o amser

22. Caiff y person penodedig ar unrhyw adeg mewn unrhyw achos penodol ganiatáu rhagor o amser i gymryd unrhyw gam y mae'n ofynnol ei gymryd neu y galluogir ei gymryd yn rhinwedd y Rheoliadau hyn; ac mae'r cyfeiriadau yn y Rheoliadau hyn at gyfnod y mae'n ofynnol cymryd unrhyw gam o'i fewn, neu y galluogir cymryd unrhyw gam o'i fewn, i'w dehongli yn unol â hynny.

Cyhoeddi dogfennau'r adolygiad

23.—(1) Rhaid i'r person penodedig, cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, sicrhau bod copïau o'r deunyddiau y cyfeirir atynt ym mharagraff (2) ar gael i edrych arnynt.

- (2) Y deunyddiau yw—
 - (a) y cais am yr adolygiad;
 - (b) unrhyw ddatganiad ymchwiliad, sylwadau eraill, sylwadaethau, gwybodaeth neu ddogfennau eraill a anfonir at y person penodedig yn ystod yr adolygiad.

- (ii) any other owner or occupier of the monument known to the appointed person;
- (iii) the Welsh Ministers; and
- (iv) any other person that the appointed person considers appropriate.

(2) Where the appointed person in any case intends to carry out an inspection, they must give to each of the persons referred to in paragraph (1)(b) such notice as may appear reasonable to them in the circumstances—

- (a) of the date and time of the proposed inspection; and
- (b) as to whether—
 - (i) the appointed person intends to carry out an unaccompanied inspection; or
 - (ii) any of the persons referred to in paragraph (1)(b) are invited to accompany the appointed person in carrying out the inspection.

(3) The appointed person is not bound to defer an inspection if any person invited to accompany them under paragraph (2)(b)(ii) is not present at the time appointed.

Allowing further time

22. The appointed person may at any time in any particular case allow further time for the taking of any step which is required or enabled to be taken by virtue of these Regulations; and references in these Regulations to a period within which any step is required or enabled to be taken are to be construed accordingly.

Publication of review documents

23.—(1) The appointed person must, as soon as reasonably practicable after receipt, make available for inspection copies of the materials referred to in paragraph (2).

- (2) The materials are—
 - (a) the application for the review;
 - (b) any inquiry statement, other representations, comments, information or other documents sent to the appointed person in the course of the review.

RHAN 7

Penderfyniadau ar yr adolygiad

Hysbysu ynghylch y penderfyniad

24. Rhaid i'r person penodedig, ar ôl dod i'r casgliad nad yw unrhyw dystiolaeth bellach yn ofynnol er mwyn ei alluogi i wneud ei benderfyniad ar yr adolygiad, cyn gynted ag y bo'n rhesymol ymarferol roi hysbysiad ynghylch ei benderfyniad, a'r rhesymau dros ddod i'r penderfyniad hwnnw, i—

- (a) y ceisydd;
- (b) Gweinidogion Cymru;
- (c) pob person â buddiant; a
- (d) unrhyw berson y rhoddir hysbysiad iddo o dan reoliad 7(1)(b).

RHAN 8

Costau yr eir iddynt mewn perthynas ag adolygiad

25.—(1) Caiff y person penodedig roi cyfarwyddyd bod y costau yr eir iddynt mewn perthynas ag adolygiad (neu ba faint bynnag ohonynt y caiff y person penodedig roi cyfarwyddyd yn ei gylch) i'w talu gan—

- (a) y ceisydd;
- (b) Gweinidogion Cymru;
- (c) unrhyw barti arall i'r adolygiad.

(2) Caiff y costau yr eir iddynt gan y person penodedig mewn perthynas ag adolygiad gynnwys—

- (a) yr holl gostau gweinyddol yr eir iddynt ac, yn benodol, y fath swm rhesymol a bennir gan y person penodedig mewn cysylltiad â chostau staff cyffredinol a gorbenion; a
- (b) y costau yr eir iddynt wrth baratoi gwrandawriad neu ymchwiliad nad yw'n digwydd yn y pen draw.

(3) Caiff y person penodedig wneud gorchmynion o ran costau'r ceisydd, Gweinidogion Cymru neu unrhyw barti arall i'r adolygiad, ac o ran y personau y mae'r fath gostau i'w talu ganddynt.

PART 7

Decisions on review

Notification of decision

24. The appointed person, having concluded that no further evidence is required so as to enable them to make their decision on the review, must as soon as reasonably practicable notify their decision, and the reasons for reaching it, to—

- (a) the applicant;
- (b) the Welsh Ministers;
- (c) each interested person; and
- (d) any person given notice under regulation 7(1)(b).

PART 8

Costs incurred in relation to review

25.—(1) The appointed person may direct that costs incurred by them in relation to the review (or so much of them as the appointed person may direct) are to be paid by—

- (a) the applicant;
- (b) the Welsh Ministers;
- (c) any other party to the review.

(2) The costs incurred by the appointed person in relation to a review may include—

- (a) the entire administrative costs incurred and, in particular, such reasonable sum as the appointed person may determine in respect of general staff costs and overheads; and
- (b) costs incurred in the preparation of a hearing or inquiry that does not in the event take place.

(3) The appointed person may make orders as to the costs of the applicant, Welsh Ministers or any other party to the review, and as to the persons by whom such costs are to be paid.

Ken Skates

Ysgrifennydd y Cabinet dros yr Economi a'r
Seilwaith, un o Weinidogion Cymru

4 Mai 2017

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Cabinet Secretary for Economy and Infrastructure, one
of the Welsh Ministers

4 May 2017

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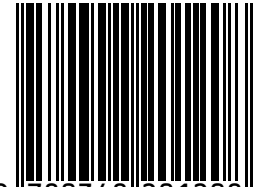
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ISBN 978-0-348-20120-8



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