OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2025 Rhif 1308 (Cy. 213)

2025 No. 1308 (W. 213)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Rheoliadau Cynlluniau Cymorth Amaethyddiaeth (Cymhwysedd, Gorfodi ac Apelau) (Cymru) 2025

The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

NODYN ESBONIADOL

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

Gwneir y Rheoliadau hyn o dan Ddeddf Amaethyddiaeth (Cymru) 2023 (dsc 4) ("Deddf 2023"). O dan Ddeddf 2023, caiff Gweinidogion Cymru ddarparu cymorth, ariannol neu fel arall, at ystod o ddibenion ar gyfer, neu mewn cysylltiad ag, amaethyddiaeth yng Nghymru a gweithgareddau ategol sy'n cael eu cynnal yng Nghymru. Caniateir darparu'r cymorth hwn yn ddarostyngedig i fodloni meini prawf cymhwysedd ac yn ddarostyngedig i unrhyw amodau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol. Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â chynlluniau cymorth y mae Gweinidogion Cymru yn darparu cymorth oddi tanynt, gan gynnwys mewn cysylltiad â gwirio cymhwysedd ar gyfer cymorth a darparu mecanweithiau gorfodi pan fo, er enghraifft, amodau o dan gynllun yn cael eu torri.

Mae rheoliad 3 yn rhoi rhwymedigaeth ar Weinidogion Cymru i wirio bod person sy'n gwneud cais am gymorth o dan gynllun cymorth yn bodloni'r meini prawf cymhwysedd ar gyfer y cynllun hwnnw.

Er mwyn caniatáu i Weinidogion Cymru benderfynu a yw ceisydd yn bodloni'r meini prawf cymhwysedd ar gyfer cynllun penodol, mae rheoliadau 4 a 5 yn galluogi Gweinidogion Cymru i ofyn am wybodaeth ychwanegol gan y ceisydd, ac i hysbysu ceisydd pan fo cais yn anghyflawn neu'n cynnwys gwall amlwg. Mae hyn yn rhoi cyfle i'r ceisydd gywiro cais.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Agriculture (Wales) Act 2023 (asc 4) ("the 2023 Act"). Under the 2023 Act, the Welsh Ministers may provide support, financial or otherwise, for a range of purposes for or in connection with agriculture in Wales and ancillary activities that take place in Wales. This support may be provided subject to eligibility criteria being met and subject to any conditions the Welsh Ministers consider appropriate. These Regulations make provision in respect of support schemes under which the Welsh Ministers provide support, including in connection with checking eligibility for support and providing enforcement mechanisms where, for example, conditions under a scheme are being breached.

Regulation 3 places an obligation on the Welsh Ministers to check that a person applying for support under a support scheme meets the eligibility criteria for that scheme.

To allow the Welsh Ministers to determine whether an applicant meets the eligibility criteria for a particular scheme, regulations 4 and 5 enable the Welsh Ministers to request additional information from the applicant, and to notify an applicant where an application is incomplete or contains an obvious error. This provides an opportunity for an application to be corrected by the applicant.

O dan reoliad 6, rhaid i Weinidogion Cymru wrthod dyfarnu cymorth o dan gynllun cymorth mewn rhai amgylchiadau penodol. Fodd bynnag, os oes amgylchiadau eithriadol, caiff Gweinidogion Cymru benderfynu darparu cymorth, hyd yn oed os bydd un neu ragor o'r amgylchiadau yn rheoliad 6(1) wedi eu bodloni. Os bydd Gweinidogion Cymru yn penderfynu peidio â darparu cymorth, mae gan y ceisydd yr hawl i apelio o dan reoliad 29.

Under regulation 6, the Welsh Ministers must refuse to award support under a support scheme in certain circumstances. If, however, exceptional circumstances exist, the Welsh Ministers may decide to provide support, even if one or more of the circumstances in regulation 6(1) are met. If the Welsh Ministers decide not to provide support, the applicant has the right to appeal under regulation 29.

Mae rheoliad 7 yn disgrifio sut y caniateir gwneud taliadau o dan gynllun cymorth, gan gynnwys manylion o ran pan ddylai Gweinidogion Cymru wneud taliad a phan na ddylent wneud taliad a pha fanylion eraill a gaiff fod yn ofynnol er mwyn gwneud y taliadau hynny.

Regulation 7 describes how payments under a support scheme may be made, including details of when the Welsh Ministers should and should not make payment and what other details may be required to make those payments.

Mae rheoliad 8 yn ei gwneud yn ofynnol i berson sy'n cael cymorth o dan gynllun cymorth ddarparu gwybodaeth neu dystiolaeth i Weinidogion Cymru y gall fod ei hangen er mwyn, er enghraifft, wirio bod deiliad y cytundeb yn parhau i fodloni'r meini prawf cymhwysedd a sicrhau cydymffurfedd ag amodau'r cynllun.

Regulation 8 requires a person receiving support under a support scheme to provide information or evidence to the Welsh Ministers that may be needed in order to, for example, check that the agreement holder continues to meet the eligibility criteria and verify compliance with the scheme's conditions.

Mae rheoliad 9 yn ei gwneud yn ofynnol i ddeiliad cytundeb gadw cofnodion a darparu copïau o'r cofnodion hynny i Weinidogion Cymru pan ofynnir amdanynt.

Regulation 9 requires an agreement holder to keep records and provide the Welsh Ministers with copies of those records when requested.

Mae rheoliad 10 yn ei gwneud yn ofynnol i ddeiliad y cytundeb hysbysu Gweinidogion Cymru am unrhyw newid mewn amgylchiadau y gellid, er enghraifft, ddisgwyl iddo effeithio ar hawlogaeth y person hwnnw i gael cymorth neu swm y cymorth a ddarperir. Caiff gweinidogion Cymru gymryd camau penodol o ganlyniad i hysbysiad o'r fath, gan gynnwys diwygio neu ddileu amod yn y cytundeb, terfynu'r cytundeb, adennill rhywfaint neu'r cyfan o unrhyw gymorth a ddarparwyd etc. Os yw Gweinidogion Cymru yn penderfynu cymryd un neu ragor o'r camau hyn, rhaid hysbysu deiliad y cytundeb am hyn, ynghyd â'r rhesymau a'r hawl i apelio.

Regulation 10 requires the agreement holder to notify the Welsh Ministers of any change in circumstances which might, for example, be expected to affect that person's entitlement to support or the amount of support provided. The Welsh ministers may take certain steps as a result of such a notification, including amending or removing a condition within the agreement, terminating the agreement, recovering some or all of any support provided etc. If the Welsh Ministers decide to take one or more of those steps, the agreement holder must be notified of this, together with the reasons and the right of appeal.

Mae rheoliad 11 yn gwneud darpariaeth ar gyfer trosglwyddo cytundebau ar yr amod bod amodau penodol wedi eu bodloni.

Regulation 11 makes provision for the transfer of agreements provided certain conditions are met.

Mae rheoliad 12 yn ei gwneud yn ofynnol i Weinidogion Cymru sicrhau y caiff gwybodaeth benodol ei chyhoeddi mewn perthynas â chymorth a roddwyd o dan gynlluniau cymorth. Mae rheoliad 13 yn ei gwneud yn ofynnol cyhoeddi data cyfanredol mewn perthynas â chynlluniau cymorth.

Regulation 12 requires the Welsh Ministers to ensure that certain information is published in relation to support which has been given under support schemes. Regulation 13 requires the publication of aggregated data in relation to support schemes.

Mae rheoliadau 14 a 15 yn galluogi personau a awdurdodir gan Weinidogion Cymru ("personau awdurdodedig") i gynnal arolygiadau rhithwir a ffisegol at ddibenion penodol, gan gynnwys sicrhau bod deiliad cytundeb yn cydymffurfio ag amodau ei gytundeb. Mae rheoliad 16 yn rhoi pwerau mynediad i

Regulations 14 and 15 enable persons authorised by the Welsh Ministers ("authorised persons") to carry out virtual and physical inspections for certain purposes, including verifying that an agreement holder is complying with the conditions of their agreement. Regulation 16 provides an authorised person with

berson awdurdodedig at ddibenion gorfodi'r Rheoliadau ac at unrhyw un neu ragor o'r dibenion a restrir yn rheoliad 17(1)(a) i (g). Mae rheoliad 17 yn darparu pwerau arolygu i bersonau awdurdodedig i gynnal gweithgareddau megis arolygu tir neu fangre, marcio unrhyw anifail at ddibenion adnabod, arolygu a chopïo dogfennau neu gofnodion.

Mae rheoliad 18 yn caniatáu i bersonau awdurdodedig, wrth gynnal arolygiad rhithwir neu ffisegol, fod yng nghwmni unrhyw berson y maent yn ystyried ei fod yn angenrheidiol.

Mae rheoliad 19 yn nodi'r amgylchiadau sy'n gyfystyr â thorri'r Rheoliadau hyn.

Mae rheoliadau 20 ac 21 yn gwneud darpariaeth i Weinidogion Cymru ymchwilio i achosion o dorri'r Rheoliadau hyn, a throseddau eraill pan fônt yn berthnasol i gael cymorth. Rhaid i unrhyw ymchwiliad fod yn gymesur â'r math o doriad a amheuir.

O dan reoliad 22, rhaid i Weinidogion Cymru wneud penderfyniad os ydynt wedi eu bodloni bod tor amod wedi digwydd neu fod rheoliad 19 yn gymwys, a rhaid iddynt wneud penderfyniad pellach ynghylch difrifoldeb unrhyw doriad, gan nodi camau priodol, os oes rhai, a gaiff fod yn ofynnol mewn cysylltiad â'r toriad. Mae rheoliad 23 yn pennu'r camau y caiff Gweinidogion Cymru eu cymryd pan fo penderfyniad o'r fath wedi ei wneud, gan gynnwys dal cymorth yn ôl, sy'n cynnwys cymorth ariannol, adennill cymorth a ddyfarnwyd yn flaenorol a gwahardd person rhag cael cymorth o dan unrhyw gynllun. O dan reoliad 24, caiff Gweinidogion Cymru ddewis peidio â chymryd yr un o'r camau a nodir o dan reoliad 23 os oes amgylchiadau eithriadol. Mae rheoliad 25 yn nodi dyletswydd Gweinidogion Cymru i hysbysu deiliaid cytundeb am unrhyw benderfyniad o dan reoliad 22 a'r hawl i apelio o dan reoliad 29.

Mae rheoliadau 26 i 28 yn darparu gwybodaeth bellach am rai o'r camau y caiff Gweinidogion Cymru ei gwneud yn ofynnol eu cymryd o dan reoliad 23.

Mae rheoliad 29 yn gwneud darpariaeth ar gyfer apelau i Weinidogion Cymru yn erbyn penderfyniadau penodol o dan y Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

powers of entry for the purposes of enforcing the Regulations and for any of the purposes listed in regulation 17(1)(a) to (g). Regulation 17 provides powers of inspection for authorised persons to carry out activities such as inspecting land or premises, marking any animal for identification purposes, inspecting and copying documents or records.

Regulation 18 allows authorised persons, when carrying out a virtual or physical inspection, to be accompanied by any such person they consider necessary.

Regulation 19 identifies the circumstances which amount to a breach of these Regulations.

Regulations 20 and 21 make provision for the Welsh Ministers to investigate breaches of these Regulations, and other offences where they are relevant to the receipt of support. Any investigation must be proportionate to the type of breach suspected.

Under regulation 22, the Welsh Ministers must make a determination if satisfied that a breach of conditions has occurred or that regulation 19 applies, and they must make a further determination as to the seriousness of any breach, setting out appropriate steps, if any, that may be required in respect of the breach. Regulation 23 specifies the steps that may be taken by the Welsh Ministers where there has been such a determination, including the withholding of support, which includes financial support, recovering support previously awarded and prohibiting a person from receiving support under any scheme. Under regulation 24, the Welsh Ministers may choose not to take any of the steps set out under regulation 23 if there are exceptional circumstances. Regulation 25 sets out the Welsh Ministers' duty to notify agreement holders of any determination under regulation 22 and the right to appeal under regulation 29.

Regulations 26 to 28 provide further information on some of the steps the Welsh Ministers may require to be taken under regulation 23.

Regulation 29 makes provision for appeals to the Welsh Ministers against certain decisions or determinations under these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2025 Rhif 1308 (Cy. 213)

AMAETHYDDIAETH, CYMRU

Rheoliadau Cynlluniau Cymorth Amaethyddiaeth (Cymhwysedd, Gorfodi ac Apelau) (Cymru) 2025

Gwnaed	*3 Rhagfyr 2025*
Yn dod i rym	*31 Rhagfyr 2025*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 10(1) a 12(1) o Ddeddf Amaethyddiaeth (Cymru) 2023(**1**).

Yn unol ag adran 50(6) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

RHAN 1

Cyflwyniad

Enwi, dod i rym a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynlluniau Cymorth Amaethyddiaeth (Cymhwysedd, Gorfodi ac Apelau) (Cymru) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2025.

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

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "canllawiau cynllun" ("*scheme guidance*") yw'r ffurflenni, y canllawiau, yr amodau cymhwysedd a'r llawlyfrau a ddyroddir gan Weinidogion Cymru mewn perthynas â chynllun cymorth;

(**1**) 2023 dsc 4.

2025 No. 1308 (W. 213)

AGRICULTURE, WALES

The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

Made	*3 December 2025*
Coming into force	*31 December 2025*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 10(1) and 12(1) of the Agriculture (Wales) Act 2023(**1**).

In accordance with section 50(6) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru.

PART 1

Introduction

Title, coming into force and application

1.—(1) The title of these Regulations is the Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025.

(2) These Regulations come into force on 31 December 2025.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2023 Act" ("*Deddf 2023*") means the Agriculture (Wales) Act 2023;

"agreement" ("*cytundeb*") means an agreement between the Welsh Ministers and an agreement holder under which the Welsh Ministers agree to

(**1**) 2023 asc 4.

ystyr "ceisydd" ("*applicant*") yw person sydd wedi gwneud cais i Weinidogion Cymru am gymorth o dan gynllun cymorth;

ystyr "cymorth" ("*support*") yw cymorth ariannol neu gymorth arall, y caniateir ei ddarparu gan Weinidogion Cymru yn ddarostyngedig i feini prawf cymhwysedd neu unrhyw amodau y mae Gweinidogion Cymru yn ystyried eu bod yn briodol;

ystyr "cynllun cymorth" ("*support scheme*") yw cynllun a wneir gan Weinidogion Cymru i ddarparu cymorth ar gyfer, neu mewn cysylltiad ag, amaethyddiaeth yng Nghymru a gweithgareddau ategol sy'n cael eu cynnal yng Nghymru o dan adran 8 o Ddeddf 2023;

ystyr "cytundeb" ("*agreement*") yw cytundeb rhwng Gweinidogion Cymru a deiliad cytundeb y mae Gweinidogion Cymru yn cytuno oddi tano i ddarparu cymorth i ddeiliad y cytundeb o dan gynllun cymorth yn unol â chanllawiau cynllun;

ystyr "Deddf 2023" ("*the 2023 Act*") yw Deddf Amaethyddiaeth (Cymru) 2023;

ystyr "deiliad cytundeb" ("*agreement holder*") yw person sydd wedi ymrwymo i gytundeb neu—

(a) cynrychiolydd personol y person hwnnw os bydd y person hwnnw'n mynd yn analluog neu'n marw, neu

(b) pan fo'n gymwys at ddibenion cydymffurfio ag unrhyw rwymedigaeth neu orfodi unrhyw rwymedigaeth o dan y Rheoliadau hyn, cyflogai neu asiant y person hwnnw i'r graddau y mae'r cyflogai neu'r asiant hwnnw'n gweithredu, neu wedi gweithredu, ar gyfer neu ar ran y person hwnnw mewn cysylltiad â'r cytundeb hwnnw;

ystyr "meini prawf cymhwysedd" ("*eligibility criteria*") yw'r meini prawf a bennir yn y canllawiau cynllun i benderfynu hawlogaeth i gael cymorth, gan gynnwys unrhyw feini prawf sy'n caniatáu ar gyfer dewis ceiswyr, os yw'n gymwys, ar sail gystadleuol;

ystyr "person awdurdodedig" ("*authorised person*") yw person a awdurdodir gan Weinidogion Cymru i gynnal arolygiadau ac arfer pwerau mynediad at ddibenion gorfodi o dan y Rheoliadau hyn.

provide support to the agreement holder under a support scheme in accordance with scheme guidance;

"agreement holder" ("*deiliad cytundeb*") means a person who has entered into an agreement or—

(a) a personal representative of that person in the event of that person's incapacity or death, or

(b) where applicable for the purposes of complying with or enforcing any obligation under these Regulations, an employee or agent of that person in so far as that employee or agent is acting, or has acted, for or on behalf of that person in connection with that agreement;

"applicant" ("*ceisydd*") means a person who has applied to the Welsh Ministers for support under a support scheme;

"authorised person" ("*person awdurdodedig*") means a person authorised by the Welsh Ministers to carry out inspections and exercise powers of entry for enforcement purposes under these Regulations;

"eligibility criteria" ("*meini prawf cymhwysedd*") means the criteria specified in the scheme guidance to determine entitlement to the receipt of support, including any criteria allowing for the selection of applicants, if applicable, on a competitive basis;

"scheme guidance" ("*canllawiau cynllun*") means the forms, guidance, conditions of eligibility, manuals and handbooks issued by the Welsh Ministers in relation to a support scheme;

"support" ("*cymorth*") means financial support or otherwise, which may be provided by the Welsh Ministers subject to eligibility criteria or any conditions the Welsh Ministers consider appropriate;

"support scheme" ("*cynllun cymorth*") means a scheme made by the Welsh Ministers to provide support for or in connection with agriculture in Wales and ancillary activities that take place in Wales under section 8 of the 2023 Act.

RHAN 2

Asesu ceisiadau am gymorth o dan gynllun cymorth

Gwirio cymhwysedd ar gyfer cynllun cymorth

3. Pan fo ceisydd yn gwneud cais i Weinidogion Cymru am gymorth o dan gynllun cymorth, rhaid i Weinidogion Cymru wirio'r wybodaeth a ddarperir i sicrhau bod y ceisydd yn bodloni'r meini prawf cymhwysedd ar gyfer y cynllun cymorth y mae'r ceisydd yn gwneud cais iddo.

Gwybodaeth ychwanegol i benderfynu cymhwysedd ar gyfer cynllun cymorth

4.—(1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i geisydd ddarparu gwybodaeth ychwanegol, gan gynnwys tystiolaeth, er mwyn galluogi Gweinidogion Cymru i benderfynu a yw'r ceisydd yn bodloni'r meini prawf cymhwysedd.

(2) Pan fo Gweinidogion Cymru yn gofyn am wybodaeth ychwanegol neu dystiolaeth o dan baragraff (1), rhaid i'r ceisydd ei darparu erbyn unrhyw ddyddiad cau a bennir gan Weinidogion Cymru.

Diffygion mewn cais am gynllun cymorth

5. Pan fo ceisydd yn cyflwyno cais anghyflawn am gymorth neu fod y cais am gymorth yn cynnwys gwall amlwg, caiff Gweinidogion Cymru hysbysu'r ceisydd am y diffyg ac os ydynt yn gwneud hynny, rhaid iddynt roi cyfle i'r ceisydd i gywiro'r diffyg erbyn unrhyw ddyddiad cau a bennir gan Weinidogion Cymru.

Canlyniadau ceisiadau anghyflawn neu wallus

6.—(1) Yn ddarostyngedig i baragraff (2), ni chaiff Gweinidogion Cymru ddarparu cymorth o dan gynllun cymorth os ydynt, ar ôl ystyried cais, ynghyd ag unrhyw wybodaeth ychwanegol neu unrhyw dystiolaeth sy'n ofynnol o dan reoliad 4, yn fodlon—

(a) nad yw'r ceisydd wedi bodloni'r meini prawf cymhwysedd ar gyfer cael cymorth,

(b) bod y ceisydd wedi methu â darparu gwybodaeth ychwanegol neu dystiolaeth y gofynnwyd amdani o dan reoliad 4,

(c) bod y ceisydd wedi methu â chywiro diffyg yn unol â rheoliad 5, neu

(d) bod sail resymol dros amau bod y ceisydd wedi darparu gwybodaeth anwir neu gamarweiniol.

PART 2

Assessing applications for support under a support scheme

Checking eligibility for a support scheme

3. Where an applicant applies to the Welsh Ministers for support under a support scheme, the Welsh Ministers must check the information provided to ensure the applicant meets the eligibility criteria for the support scheme to which the applicant is applying.

Additional information to determine eligibility for a support scheme

4.—(1) The Welsh Ministers may require an applicant to provide additional information, including evidence, to enable the Welsh Ministers to determine if the applicant meets the eligibility criteria.

(2) Where the Welsh Ministers request additional information or evidence under paragraph (1), the applicant must provide it within any deadline specified by the Welsh Ministers.

Defects in an application for a support scheme

5. Where an applicant submits an incomplete application for support or the application for support contains an obvious error, the Welsh Ministers may notify the applicant of the defect and if they do so, must give the applicant an opportunity to correct the defect within any deadline specified by the Welsh Ministers.

Consequences of incomplete or erroneous applications

6.—(1) Subject to paragraph (2), the Welsh Ministers must not provide support under a support scheme if, having considered an application, together with any additional information or evidence required under regulation 4, the Welsh Ministers are satisfied that—

(a) the applicant has not met the eligibility criteria for receipt of support,

(b) the applicant has failed to provide additional information or evidence requested under regulation 4,

(c) the applicant has failed to correct a defect in accordance with regulation 5, or

(d) there are reasonable grounds to suspect that the applicant has provided false or misleading information.

(2) Caiff Gweinidogion Cymru ddarparu cymorth o dan gynllun cymorth, hyd yn oed pan na fônt yn fodlon bod gofynion paragraff (1)(a) i (d) wedi eu bodloni, os yw Gweinidogion Cymru yn fodlon bod amgylchiadau eithriadol.

(3) Pan fo Gweinidogion Cymru yn penderfynu peidio â darparu cymorth o dan gynllun cymorth, rhaid i Weinidogion Cymru, o fewn cyfnod rhesymol, hysbysu'r ceisydd am—

(a) y penderfyniad,

(b) y rhesymau drosto, ac

(c) yr hawl i apelio o dan reoliad 29.

(2) The Welsh Ministers may provide support under a support scheme, even where they are not satisfied that the requirements of paragraph (1)(a) to (d) have been met, if the Welsh Ministers are satisfied there are exceptional circumstances.

(3) Where the Welsh Ministers decide not to provide support under a support scheme, the Welsh Ministers must, within a reasonable period, notify the applicant of—

(a) the decision,

(b) the reasons for it, and

(c) the right of appeal under regulation 29.

RHAN 3

Taliadau o dan gynllun cymorth, monitro a chadw cofnodion

Taliadau o dan gynllun cymorth

7.—(1) Pan fo deiliad cytundeb yn cyflwyno cais am daliad o dan gytundeb, caiff Gweinidogion Cymru ei gwneud yn ofynnol i ddeiliad y cytundeb ddarparu gwybodaeth ychwanegol neu dystiolaeth i gefnogi'r cais hwnnw am daliad.

(2) Pan fo Gweinidogion Cymru yn gofyn am wybodaeth ychwanegol neu dystiolaeth o dan baragraff (1), rhaid i ddeiliad y cytundeb ddarparu'r wybodaeth honno neu'r dystiolaeth honno erbyn unrhyw ddyddiadau cau a bennir gan Weinidogion Cymru.

(3) Pan nad yw deiliad y cytundeb yn darparu'r wybodaeth neu'r dystiolaeth y gofynnir amdani o dan baragraff (1), caiff Gweinidogion Cymru ddal cymorth yn ôl hyd nes y darperir yr wybodaeth honno neu'r dystiolaeth honno.

(4) Rhaid i unrhyw daliadau a wneir gan Weinidogion Cymru fod i gyfrif banc neu gymdeithas adeiladu wedi ei wirhau deiliad y cytundeb.

(5) Rhaid i ddeiliad y cytundeb hysbysu Gweinidogion Cymru, yn ddi-oed, am unrhyw newidiadau disgwyliedig neu wirioneddol i gyfrif banc neu gymdeithas adeiladu y person hwnnw.

(6) Pan ddaw hysbysiad o dan baragraff (5) i law Gweinidogion Cymru, caiff Gweinidogion Cymru gadw taliadau yn ôl hyd nes y bo Gweinidogion Cymru wedi eu bodloni bod y newidiadau wedi eu gwirio a'u gwirhau.

PART 3

Payments under a support scheme, monitoring and record keeping

Payments under a support scheme

7.—(1) Where an agreement holder submits a request for payment under an agreement, the Welsh Ministers may require the agreement holder to provide additional information or evidence in support of that payment request.

(2) Where the Welsh Ministers request additional information or evidence under paragraph (1), the agreement holder must provide that information or evidence within any deadlines specified by the Welsh Ministers.

(3) Where the agreement holder does not provide the information or evidence requested under paragraph (1), the Welsh Ministers may withhold support until that information or evidence is provided.

(4) Any payments made by the Welsh Ministers must be to a verified bank or building society account of the agreement holder.

(5) The agreement holder must notify the Welsh Ministers, without delay, of any anticipated or actual changes to that person's bank or building society account.

(6) Where the Welsh Ministers receive a notification under paragraph (5), the Welsh Ministers may withhold payments until the Welsh Ministers are satisfied that the changes have been checked and verified.

(7) Pan ddarperir cymorth i ddeiliad cytundeb o dan gytundeb nad yw'n ei gwneud yn ofynnol iddo gyflwyno cais am daliad, rhaid i'r person hwnnw gyflwyno declarasiwn blynyddol i Weinidogion Cymru yn cadarnhau cydymffurfedd â'r amodau y darperir y cymorth hwnnw yn ddarostyngedig iddynt.

Gwirio a monitro

8. Rhaid i ddeiliad cytundeb ddarparu, yn y modd hwnnw ac ar yr adegau hynny a bennir gan Weinidogion Cymru, yr wybodaeth honno neu'r dystiolaeth honno sy'n ofynnol gan Weinidogion Cymru i—

(a) gwirio a yw deiliad y cytundeb yn parhau i fodloni'r meini prawf cymhwysedd ar gyfer cael cymorth,

(b) gwirhau cydymffurfedd â'r amodau y darperir cymorth yn ddarostyngedig iddynt,

(c) monitro i ba raddau y mae diben y cynllun cymorth wedi ei gyflawni, neu y bydd yn cael ei gyflawni, a

(d) adolygu neu werthuso—

(i) unrhyw un neu ragor o'r gweithgareddau a gynhelir gan ddeiliad y cytundeb o dan y cynllun cymorth, a

(ii) llwyddiant y cynllun cymorth yn ei gyfanrwydd.

Cadw cofnodion

9. Pan fo'n ofynnol i ddeiliad cytundeb gadw cofnodion o dan ei gytundeb, rhaid i'r person hwnnw ddarparu copïau i Weinidogion Cymru yn y modd hwnnw ac ar yr adegau hynny a bennir gan Weinidogion Cymru.

RHAN 4

Newid mewn amgylchiadau a throsglwyddo cytundebau

Newid mewn amgylchiadau

10.—(1) Rhaid i geisydd neu ddeiliad cytundeb hysbysu Gweinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol, am unrhyw newid mewn amgylchiadau y gellid disgwyl yn rhesymol iddo effeithio ar—

(a) ei hawlogaeth i gael cymorth,

(b) cydymffurfedd â'r amodau y darperir cymorth yn ddarostyngedig iddynt neu y caniateir darparu cymorth yn ddarostyngedig iddynt,

(7) Where an agreement holder is provided with support under an agreement that does not require them to submit a request for payment, that person must submit an annual declaration to the Welsh Ministers confirming compliance with the conditions subject to which that support is provided.

Checking and monitoring

8. An agreement holder must provide, in such manner and at such times as the Welsh Ministers specify, such information or evidence as the Welsh Ministers may require to—

(a) check whether the agreement holder continues to meet the eligibility criteria for receipt of support,

(b) verify compliance with the conditions subject to which support is provided,

(c) monitor the extent to which the purpose of the support scheme has been, or will be, achieved, and

(d) review or evaluate—

(i) any of the activities carried out by the agreement holder under the support scheme, and

(ii) the success of the support scheme as a whole.

Record keeping

9. Where an agreement holder is required to keep records under their agreement, that person must provide copies to the Welsh Ministers in such manner and at such times as the Welsh Ministers may specify.

PART 4

Change of circumstances and the transfer of agreements

Change of circumstances

10.—(1) An applicant or agreement holder must notify the Welsh Ministers, as soon as reasonably practicable, of any change in circumstances which might reasonably be expected to affect—

(a) their entitlement to support,

(b) compliance with the conditions subject to which support is or may be provided,

(c) ei allu i gyflawni'r diben y darperir y cymorth ar ei gyfer yn unol ag unrhyw ganllawiau cynllun neu amserlenni, neu

(d) swm y cymorth a ddarperir neu sydd i'w ddarparu.

(2) Pan ddaw hysbysiad o dan baragraff (1) i law Gweinidogion Cymru, caiff Gweinidogion Cymru—

(a) diwygio, dileu neu ddisodli amod y darperir cymorth yn ddarostyngedig iddo, naill ai dros dro neu'n barhaol,

(b) diwygio, dileu neu ddisodli unrhyw amserlenni, naill ai dros dro neu'n barhaol,

(c) gostwng swm y cymorth a ddarperir, naill ai dros dro neu'n barhaol,

(d) adennill pan ofynnir amdani y cyfan neu unrhyw ran o gymorth sydd eisoes wedi ei dalu i ddeiliad y cytundeb,

(e) terfynu'r cytundeb, neu

(f) derbyn ymgymeriad ar gyfer trosglwyddo'r cyfan neu ran o'r cytundeb yn unol â rheoliad 11 i ryddhau deiliad y cytundeb o'i rwymedigaethau o dan y cyfan neu ran o'r cytundeb hwnnw.

(3) Pan fo Gweinidogion Cymru yn penderfynu cymryd un neu ragor o'r camau y cyfeirir atynt ym mharagraff (2), rhaid i Weinidogion Cymru hysbysu'r ceisydd neu ddeiliad y cytundeb am—

(a) y penderfyniad,

(b) y rhesymau drosto, ac

(c) yr hawl i apelio o dan reoliad 29.

(c) their ability to achieve the purpose for which the support is provided in accordance with any scheme guidance or timescales, or

(d) the amount of support provided or due to be provided.

(2) Where the Welsh Ministers receive a notification under paragraph (1), the Welsh Ministers may—

(a) amend, remove or replace a condition subject to which support is provided, either temporarily or permanently,

(b) amend, remove or replace any timescales, either temporarily or permanently,

(c) reduce the amount of support provided, either temporarily or permanently,

(d) recover on demand all or any part of support which has already been paid to the agreement holder,

(e) terminate the agreement, or

(f) accept an undertaking for the transfer of all or part of the agreement in accordance with regulation 11 to release the agreement holder from their obligations under all or part of that agreement.

(3) Where the Welsh Ministers decide to take one or more of the actions referred to in paragraph (2), the Welsh Ministers must notify the applicant or agreement holder of—

(a) the decision,

(b) the reasons for it, and

(c) the right of appeal under regulation 29.

Trosglwyddo cytundebau

11.—(1) Pan fo Gweinidogion Cymru wedi eu bodloni y bydd newid mewn amgylchiadau yn effeithio ar un neu ragor o'r materion a bennir yn rheoliad 10(1), caiff Gweinidogion Cymru gydsynio i drosglwyddo'r cyfan neu ran o gytundeb i berson arall ("y trosglwyddai"), ar yr amod—

(a) bod y trosglwyddai yn bodloni'r meini prawf cymhwysedd ar gyfer cael cymorth o dan y cytundeb hwnnw,

(b) bod y trosglwyddai yn hysbysu Gweinidogion Cymru am y trosglwyddiad wedi ei gwblhau erbyn unrhyw ddyddiad cau a bennir gan Weinidogion Cymru,

(c) bod y trosglwyddai yn rhoi ymgymeriad i Weinidogion Cymru i ysgwyddo'r rhwymedigaethau o dan y cytundeb hwnnw yn lle deiliad y cytundeb, a

(d) bod Gweinidogion Cymru wedi derbyn yr ymrwymiad hwnnw.

Transfer of agreements

11.—(1) Where the Welsh Ministers are satisfied a change in circumstances will affect one or more of the matters specified in regulation 10(1), the Welsh Ministers may consent to the transfer of all or part of an agreement to another person ("the transferee"), provided that—

(a) the transferee meets the eligibility criteria for receipt of support under that agreement,

(b) the transferee notifies the Welsh Ministers of the completed transfer within any deadline specified by the Welsh Ministers,

(c) the transferee gives an undertaking to the Welsh Ministers to assume the obligations under that agreement in place of the agreement holder, and

(d) the Welsh Ministers have accepted that undertaking.

(2) Nid yw paragraff (1) yn rhyddhau deiliad y cytundeb mewn cysylltiad ag unrhyw doriad neu unrhyw fater arall sy'n digwydd cyn i Weinidogion Cymru dderbyn ymgymeriad y trosglwyddai.

(2) Paragraph (1) does not release the agreement holder in respect of any breach or other matter occurring before the acceptance by the Welsh Ministers of the transferee's undertaking.

RHAN 5

Cyhoeddi data cynllun cymorth

Cyhoeddi data mewn perthynas â deiliaid cytundeb

12.—(1) Ar gyfer pob blwyddyn ariannol, rhaid i Weinidogion Cymru gyhoeddi'r wybodaeth benodedig mewn perthynas â deiliaid cytundeb sydd wedi cael cymorth perthnasol.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas â deiliad cytundeb pan fo cyfanswm y cymorth perthnasol a ddarperir i'r deiliad cytundeb hwnnw yn y flwyddyn ariannol honno yn llai na £1,250.

(3) Rhaid i'r wybodaeth a gyhoeddir o dan baragraff (1)—

(a) cael ei chyhoeddi ar gronfa ddata chwiliadwy ar www.llyw.cymru, a

(b) aros ar y gronfa ddata chwiliadwy honno am 3 blynedd ar ôl iddi gael ei chyhoeddi gyntaf.

(4) At ddibenion paragraff (1), ystyr "yr wybodaeth benodedig" yw—

(a) enw llawn deiliad y cytundeb,

(b) y dref bost, a'r ardal cod post a'r rhanbarth lle y mae—

(i) deiliad y cytundeb yn preswylio, os mai person naturiol yw deiliad y cytundeb,

(ii) swyddfa gofrestredig deiliad y cytundeb wedi ei lleoli, os yw deiliad y cytundeb yn gorfforedig, neu

(iii) prif safle busnes deiliad y cytundeb wedi ei leoli, os mai corff o bersonau anghorfforedig yw deiliad y cytundeb,

(c) ar gyfer pob cynllun cymorth, cyfanswm y taliadau perthnasol a gafwyd gan ddeiliad y cytundeb yn y flwyddyn ariannol, a

(d) disgrifiad o'r gweithgareddau a ariennir gan y taliadau perthnasol.

PART 5

Publication of support scheme data

Publication of data in relation to agreement holders

12.—(1) For each financial year, the Welsh Ministers must publish the specified information in relation to agreement holders who have received relevant support.

(2) Paragraph (1) does not apply in relation to an agreement holder where the total of the relevant support provided to that agreement holder in that financial year is less than £1,250.

(3) The information published under paragraph (1) must—

(a) be published on a searchable database on www.gov.wales, and

(b) remain on that searchable database for 3 years from initial publication.

(4) For the purposes of paragraph (1), "the specified information" means—

(a) the full name of the agreement holder,

(b) the post town, and post code area and district where—

(i) the agreement holder is resident, if the agreement holder is a natural person,

(ii) the agreement holder's registered office is located, if the agreement holder is incorporated, or

(iii) the agreement holder's primary base of business is located, if the agreement holder is a body of persons unincorporated,

(c) for each support scheme, the total relevant payments received by the agreement holder in the financial year, and

(d) a description of the activities financed by the relevant payments.

(5) Caiff Gweinidogion Cymru bennu cynllun cymorth (neu ran o gynllun cymorth) yn gynllun esempt pan fo—

(a) y cynllun cymorth wedi ei sefydlu at neu mewn cysylltiad ag un neu ragor o'r dibenion yn adran 8(2)(g) neu (m) o Ddeddf 2023, a

(b) Gweinidogion Cymru wedi eu bodloni bod cyhoeddi'r wybodaeth benodedig o dan baragraff (1) yn debygol o rwystro i ba raddau y cyflawnir y diben hwnnw.

(6) Yn y rheoliad hwn—

ystyr "cynllun esempt" ("*exempt scheme*") yw cynllun cymorth (neu ran o gynllun cymorth) a bennir gan Weinidogion Cymru o dan baragraff (5);

ystyr "taliad perthnasol" ("*relevant payment*") yw taliad a wneir i ddeiliad cytundeb mewn blwyddyn ariannol o dan gynllun cymorth (neu ran o gynllun cymorth) heblaw cynllun esempt.

Cyhoeddi data cyfanredol

13.—(1) Ar gyfer pob blwyddyn ariannol rhaid i Weinidogion Cymru gyhoeddi'r wybodaeth a ganlyn—

(a) ar gyfer pob cynllun cymorth (neu ran o gynllun cymorth), heblaw cynllun esempt—

(i) nifer y deiliaid cytundeb y mae paragraff (2) yn gymwys iddynt, a

(ii) cyfanred y cymorth a dalwyd i'r deiliaid cytundeb hynny;

(b) ar gyfer pob cynllun esempt—

(i) nifer y deiliaid cytundeb a gafodd gymorth ariannol, a

(ii) cyfanred y cymorth ariannol a dalwyd i'r deiliaid cytundeb hynny.

(2) Mae paragraff (1) yn gymwys mewn perthynas â deiliad cytundeb pan fo cyfanswm y taliadau perthnasol a wneir i'r deiliad cytundeb hwnnw yn y flwyddyn ariannol honno yn llai na £1,250.

(3) Rhaid i'r wybodaeth a gyhoeddir o dan baragraff (1)—

(a) cael ei chyhoeddi ar www.llyw.cymru, a

(b) aros yno am 3 blynedd ar ôl iddi gael ei chyhoeddi gyntaf.

(4) Yn y rheoliad hwn, mae i "cynllun esempt" a "taliad perthnasol" yr ystyr a roddir gan reoliad 12(6).

(5) The Welsh Ministers may specify a support scheme (or part of a support scheme) as an exempt scheme where—

(a) it is established for or in connection with a purpose in section 8(2)(g) or (m) of the 2023 Act, and

(b) the Welsh Ministers are satisfied that publication of the specified information under paragraph (1) is likely to hinder the extent to which that purpose is achieved.

(6) In this regulation—

"exempt scheme" ("*cynllun esempt*") means a support scheme (or part of a support scheme) specified by the Welsh Ministers under paragraph (5);

"relevant payment" ("*taliad perthnasol*") means a payment made to an agreement holder in a financial year under a support scheme (or part of a support scheme) other than an exempt scheme.

Publication of aggregated data

13.—(1) For each financial year the Welsh Ministers must publish the following information—

(a) for each support scheme (or part of a support scheme), other than an exempt scheme—

(i) the number of agreement holders to whom paragraph (2) applies, and

(ii) the aggregate of the support paid to those agreement holders;

(b) for each exempt scheme—

(i) the number of agreement holders who received financial support, and

(ii) the aggregate of the financial support paid to those agreement holders.

(2) Paragraph (1) applies in relation to an agreement holder where the total of the relevant payments made to that agreement holder in that financial year is less than £1,250.

(3) The information published under paragraph (1) must—

(a) be published on www.gov.wales, and

(b) remain there for 3 years from initial publication.

(4) In this regulation, "exempt scheme" and "relevant payment" have the meaning given by regulation 12(6).

RHAN 6

Arolygiadau gan bersonau awdurdodedig a phwerau mynediad personau awdurdodedig

Arolygiadau rhithwir

14.—(1) Caiff person awdurdodedig, ar unrhyw awr resymol, gynnal arolygiad rhithwir o unrhyw dir neu unrhyw fangre sy'n eiddo i ddeiliad cytundeb neu a feddiennir ganddo, neu y mae gan ddeiliad y cytundeb reolaeth drosto neu drosti, heblaw annedd breifat, os yw at ddibenion—

(a) gwirio a yw deiliad y cytundeb yn parhau i fodloni'r meini prawf cymhwysedd ar gyfer cael cymorth;

(b) gwirhau cydymffurfedd â'r amodau y darperir cymorth yn ddarostyngedig iddynt;

(c) monitro i ba raddau y mae diben y cymorth yn cael ei gyflawni;

(d) adolygu neu werthuso—

(i) unrhyw un neu ragor o'r gweithgareddau a gynhelir gan ddeiliad y cytundeb o dan gynllun cymorth;

(ii) llwyddiant cynllun cymorth yn ei gyfanrwydd;

(e) gwirhau a fu unrhyw achos o dorri'r Rheoliadau hyn o dan reoliad 19;

(f) gwirhau a oes trosedd wedi ei chyflawni o dan unrhyw ddeddfwriaeth arall, i'r graddau y mae'n berthnasol i'r cais am gymorth, neu i gael cymorth;

(g) cynnig arweiniad a chynhorthwy, pan fo'n briodol.

(2) Cyn i berson awdurdodedig gael caniatâd i gynnal arolygiad rhithwir drwy gyswllt fideo byw, rhaid bodloni'r amodau a ganlyn—

(a) rhaid i ddeiliad y cytundeb fod â mynediad at gyswllt fideo byw, a chytuno i'w ddefnyddio,

(b) rhaid gallu cynnal yr arolygiad rhithwir mewn modd teg a thryloyw,

(c) rhaid i'r person awdurdodedig roi gwybod i ddeiliad y cytundeb am ddiben yr arolygiad rhithwir arfaethedig a, pan fo'n bosibl, gytuno ar ddyddiad ac amser addas ar gyfer yr arolygiad hwnnw, a

(d) pan na fo'n bosibl cytuno ar ddyddiad ac amser addas ar gyfer arolygiad, rhaid i'r person awdurdodedig hysbysu deiliad y cytundeb yn ysgrifenedig am ddiben yr arolygiad rhithwir a dyddiad ac amser yr arolygiad, o leiaf 48 awr cyn yr arolygiad.

PART 6

Inspections by, and powers of entry of, authorised persons

Virtual inspections

14.—(1) An authorised person may, at any reasonable hour, carry out a virtual inspection of any land or premises owned or occupied by an agreement holder, or over which the agreement holder has control, other than a private dwelling, if it is for the purposes of—

(a) checking whether the agreement holder continues to meet the eligibility criteria for receipt of support;

(b) verifying compliance with conditions subject to which support is provided;

(c) monitoring the extent to which the purpose of support is achieved;

(d) reviewing or evaluating—

(i) any of the activities carried out by the agreement holder under a support scheme;

(ii) the success of a support scheme as a whole;

(e) verifying whether there has been a breach of these Regulations under regulation 19;

(f) verifying whether an offence has been committed under any other legislation, in so far as it is relevant to the application for, or receipt of, support;

(g) offering guidance and assistance, where appropriate.

(2) Before an authorised person is permitted to carry out a virtual inspection by live video link, the following conditions must be satisfied—

(a) the agreement holder must have access to, and agree to the use of, a live video link,

(b) the virtual inspection must be capable of being held fairly and transparently,

(c) the authorised person must inform the agreement holder of the purpose of the proposed virtual inspection and, where possible, agree a suitable date and time for that inspection, and

(d) where it is not possible to agree a suitable date and time for an inspection, the authorised person must notify the agreement holder in writing of the purpose of the virtual inspection and the date and time of the inspection, at least 48 hours in advance of the inspection.

(3) Yn y rheoliad hwn—

ystyr "arolygiad rhithwir" ("*virtual inspection*") yw arolygiad a gynhelir drwy—

(a) synhwyro o bell, neu

(b) cyswllt fideo byw sy'n galluogi deiliad y cytundeb a'r person awdurdodedig, nad ydynt yn yr un lleoliad, i weld a chlywed ei gilydd;

mae "synhwyro o bell" ("*remote sensing*") yn cynnwys ffotograffiaeth awyr, delweddu lloeren, delweddau neu ddata a ddaliwyd o bell o gerbyd yn yr awyr, gan gynnwys awyren, hofrennydd neu system cerbydau awyr a reolir o bell.

(3) In this regulation—

"remote sensing" ("*synhwyro o bell*") includes aerial photography, satellite imagery, images or data captured remotely from an airborne vehicle including an aeroplane, helicopter or remotely piloted aircraft system;

"virtual inspection" ("*arolygiad rhithwir*") means an inspection carried out by—

(a) remote sensing, or

(b) a live video link that enables the agreement holder and the authorised person, who are not in the same location, to see and hear each other.

Arolygiadau ffisegol

15.—(1) Caiff person awdurdodedig, ar ôl dangos, os yw'n ofynnol iddo wneud hynny, ddogfen wedi ei dilysu'n briodol sy'n dangos awdurdodiad y person hwnnw, fynd ar unrhyw adeg resymol ar unrhyw dir neu i unrhyw fangre sy'n eiddo i ddeiliad cytundeb neu a feddiennir ganddo, neu y mae gan ddeiliad y cytundeb reolaeth drosto neu drosti, heblaw annedd breifat, os yw at unrhyw un neu ragor o'r dibenion a restrir yn rheoliad 14(1)(a) i (g) ac yn unol â pharagraff (2) neu (3) o'r rheoliad hwn.

(2) Rhaid i'r person awdurdodedig roi gwybod i ddeiliad y cytundeb am ddiben yr arolygiad arfaethedig a, pan fo'n bosibl, gytuno ar ddyddiad ac amser addas ar gyfer yr arolygiad hwnnw.

(3) Pan na fo'n bosibl cytuno ar ddyddiad ac amser addas, rhaid i'r person awdurdodedig hysbysu deiliad y cytundeb yn ysgrifenedig am yr arolygiad a'r dyddiad a'r amser, o leiaf 48 awr cyn yr arolygiad hwnnw.

Physical inspections

15.—(1) An authorised person, on producing, if so required, a duly authenticated document showing that person's authorisation, may at any reasonable hour, enter any land or premises owned or occupied by an agreement holder, or over which the agreement holder has control, other than a private dwelling, if it is for any of the purposes listed in regulation 14(1)(a) to (g) and in accordance with paragraph (2) or (3) of this regulation.

(2) The authorised person must inform the agreement holder of the purpose of the proposed inspection and, where possible, agree a suitable date and time for that inspection.

(3) Where it is not possible to agree a suitable date and time, the authorised person must notify the agreement holder in writing of the inspection and the date and time, at least 48 hours in advance of that inspection.

Pwerau mynediad

16.—(1) Caiff person awdurdodedig, ar unrhyw awr resymol, fynd ar unrhyw dir neu i unrhyw fangre sy'n eiddo i ddeiliad cytundeb neu a feddiennir ganddo, neu y mae gan ddeiliad y cytundeb reolaeth drosto neu drosti, heblaw annedd breifat, heb rybudd os—

(a) oes amheuaeth resymol o—

(i) achos o dorri unrhyw amod y rhoddir cymorth yn ddarostyngedig iddo;

(ii) achos o dorri'r Rheoliadau hyn o dan reoliad 19;

(iii) trosedd a gyflawnwyd o dan unrhyw ddeddfwriaeth arall, i'r graddau y mae'n berthnasol i'r cais am gymorth, neu i gael cymorth,

Powers of entry

16.—(1) An authorised person may, at any reasonable hour, enter any land or premises owned or occupied by an agreement holder, or over which the agreement holder has control, other than a private dwelling, without notice if—

(a) there is a reasonable suspicion of—

(i) a breach of any condition subject to which support is given;

(ii) a breach of these Regulations under regulation 19;

(iii) an offence having been committed under any other legislation, in so far as it is relevant to the application for, or receipt of, support,

(b) yw'r person awdurdodedig yn dangos, os yw'n ofynnol iddo wneud hynny, ddogfen wedi ei dilysu'n briodol sy'n cadarnhau awdurdodiad, ac

(c) yw un neu ragor o'r amodau ym mharagraff (3) wedi ei fodloni neu eu bodloni.

(2) Caiff ynad heddwch, drwy warant wedi ei llofnodi, ganiatáu i berson awdurdodedig fynd ar unrhyw dir perthnasol neu i unrhyw fangre berthnasol, gan gynnwys annedd breifat, a hynny gan ddefnyddio grym rhesymol os oes angen, os yw'r ynad wedi ei fodloni, ar sail gwybodaeth ysgrifenedig ar lw—

(a) bod sail resymol i berson awdurdodedig fynd ar y tir neu i'r fangre at unrhyw ddiben a grybwyllir yn rheoliad 17(1),

(b) bod un neu ragor o'r amodau ym mharagraff (3) wedi ei fodloni neu eu bodloni, a

(c) os mai'r amod ym mharagraff (3)(a) yw'r unig amod sydd wedi ei fodloni—

(i) bod hysbysiad o'r bwriad i wneud cais am warant wedi ei gyflwyno i'r meddiannydd, neu

(ii) nad oes hysbysiad o'r fath wedi ei gyflwyno i'r meddiannydd oherwydd y byddai cyflwyno hysbysiad o'r fath yn ymyrryd â diben neu effeithiolrwydd mynd ar y tir neu i'r fangre.

(3) Yr amodau yw—

(a) bod mynd ar y tir neu i'r fangre wedi ei wrthod, neu fod gan Weinidogion Cymru sail resymol dros amau y byddai'n debygol o gael ei wrthod,

(b) bod angen mynd ar y tir neu i'r fangre ar fyrder, neu

(c) nad yw'r tir neu'r fangre wedi ei feddiannu neu ei meddiannu neu fod y meddiannydd yn absennol dros dro.

(4) Mae gwarant a lofnodwyd yn unol â pharagraff (2) yn ddilys am un mis o ddyddiad y llofnod.

(5) Rhaid i berson awdurdodedig sy'n mynd i unrhyw fangre nas feddiennir adael y fangre honno wedi ei diogelu yr un mor effeithiol ag yr oedd cyn iddo fynd iddi.

Pwerau arolygu

17.—(1) Caiff person awdurdodedig sy'n cynnal arolygiad rhithwir neu ffisegol o dan reoliadau 14, 15 neu 16—

(a) cynnal unrhyw ymholiadau, unrhyw wiriadau, unrhyw archwiliadau, unrhyw fesuriadau neu unrhyw brofion;

(b) the authorised person produces, if so required, a duly authenticated document confirming authorisation, and

(c) one or more of the conditions in paragraph (3) is met.

(2) A justice of the peace may, by signed warrant, permit an authorised person to enter any relevant land or premises, including a private dwelling, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

(a) there are reasonable grounds for an authorised person to enter the land or premises for any purpose mentioned in regulation 17(1),

(b) one or more of the conditions in paragraph (3) is met, and

(c) if only the condition in paragraph (3)(a) is met—

(i) notice of the intention to apply for a warrant has been served on the occupier, or

(ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry.

(3) The conditions are that—

(a) entry to the land or premises has been refused, or the Welsh Ministers have reasonable grounds to suspect entry is likely to be refused,

(b) entry is required urgently, or

(c) the land or premises are unoccupied or the occupier is temporarily absent.

(4) A warrant signed in accordance with paragraph (2) is valid for one month from the date of signature.

(5) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

Powers of inspection

17.—(1) An authorised person who carries out a virtual or physical inspection under regulation 14, 15 or 16 may—

(a) carry out any inquiries, checks, examinations, measurements or tests;

(b) arolygu'r tir neu'r fangre;

(c) arolygu unrhyw dda byw, unrhyw goed, unrhyw gnydau, unrhyw blanhigion, unrhyw beiriannau neu unrhyw gyfarpar a bennir yn y cytundeb;

(d) marcio unrhyw anifail neu unrhyw beth arall, neu ei gwneud yn ofynnol i unrhyw anifail neu unrhyw beth arall gael ei farcio, at ddibenion adnabod;

(e) cael mynediad at unrhyw ddogfennau neu unrhyw gofnodion (ar ba ffurf bynnag y'u cedwir), eu harolygu, eu copïo a'u hargraffu neu fynd ag unrhyw ddogfennau o'r fath oddi yno i'w gwneud yn bosibl eu copïo neu eu cadw fel tystiolaeth;

(f) cael mynediad at unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig sy'n cael eu defnyddio neu sydd wedi eu defnyddio mewn cysylltiad â'r dogfennau neu'r cofnodion, eu harolygu a gwirio eu gweithrediad;

(g) tynnu ffotograff o unrhyw beth ar y tir neu'r fangre neu sy'n gysylltiedig â'r tir neu'r fangre, neu ei gofnodi ar ffurf ddigidol.

(2) Caiff person awdurdodedig sy'n mynd ar dir neu i fangre o dan reoliad 15, 16 neu 17 hefyd—

(a) cymryd samplau;

(b) symud ymaith garcas at ddiben cynnal archwiliad post-mortem;

(c) symud ymaith unrhyw beth y credir yn rhesymol ei fod yn dystiolaeth o doriad o dan reoliad 19.

Cynorthwyo person awdurdodedig

18.—(1) Caiff person awdurdodedig sy'n cynnal arolygiad rhithwir neu ffisegol o dan reoliad 14, 15 neu 16 fod yng nghwmni unrhyw bersonau eraill y mae'r person awdurdodedig yn ystyried eu bod yn angenrheidiol.

(2) Rhaid i ddeiliad cytundeb roi i'r person awdurdodedig y cynhorthwy hwnnw y mae'r person awdurdodedig yn gofyn amdano yn rhesymol i alluogi'r person awdurdodedig i arfer unrhyw bŵer a roddir iddo gan reoliad 17, a rhaid iddo drefnu casglu, corlannu a diogelu unrhyw anifail os gofynnir iddo wneud hynny.

(b) inspect the land or premises;

(c) inspect any livestock, trees, crops, plants, machinery or equipment specified in the agreement;

(d) mark any animal or other thing, or require any animal or other thing to be marked, for identification purposes;

(e) access, inspect, copy and print any documents or records (in whatever form they are held) or remove any such documents to enable them to be copied or retained as evidence;

(f) access, inspect and check the operation of any computer and any associated apparatus or material which is or has been used in connection with the documents or records;

(g) photograph, or record in digital form, anything on or associated with the land or premises.

(2) An authorised person who enters land or premises under regulation 15, 16 or 17 may also—

(a) take samples;

(b) remove a carcass for the purpose of carrying out a post-mortem examination;

(c) remove anything reasonably believed to be evidence of a breach under regulation 19.

Assisting an authorised person

18.—(1) An authorised person who carries out a virtual or physical inspection under regulation 14, 15 or 16 may be accompanied by such other persons as the authorised person considers necessary.

(2) An agreement holder must give the authorised person such assistance as the authorised person may reasonably request to enable the authorised person to exercise any power conferred on them by regulation 17, and must arrange for the collection, penning and securing of any animal if requested.

RHAN 7

Ymchwilio i achosion o dorri rheoliadau ac amodau cynllun cymorth a throseddau eraill a amheuir

Torri rheoliadau

19. Mae'r rheoliad hwn yn gymwys pan fo deiliad cytundeb wedi—

(a) ar unrhyw adeg, roi gwybodaeth anwir neu gamarweiniol i Weinidogion Cymru,

(b) methu â darparu gwybodaeth neu dystiolaeth o dan reoliad 8,

(c) methu â darparu copïau o gofnodion o dan reoliad 9,

(d) atal person awdurdodedig rhag cynnal arolygiad rhithwir neu ffisegol o dan reoliad 14, 15 neu 16,

(e) atal person awdurdodedig rhag arfer unrhyw bwerau arolygu o dan reoliad 17,

(f) gwrthod darparu cynhorthwy y gofynnwyd amdano o dan reoliad 18(2),

(g) rhwystro fel arall arolygiad o dan reoliadau 14 i 18,

(h) methu â hysbysu Gweinidogion Cymru am newid mewn amgylchiadau o dan reoliad 10, neu

(i) methu â chydymffurfio ag amodau cytundeb neu ganllawiau cynllun.

Ymchwilio i doriadau a throseddau a amheuir

20.—(1) Pan fo Gweinidogion Cymru yn amau'n rhesymol bod rheoliad 19 yn gymwys, caiff Gweinidogion Cymru gynnal ymchwiliad a phan fônt yn gwneud hynny, rhaid i'r ymchwiliad fod yn gymesur â'r math o doriad a amheuir.

(2) Pan fo Gweinidogion Cymru yn amau'n rhesymol bod deiliad y cytundeb neu'r ceisydd (pan fo'n berthnasol) wedi cyflawni trosedd o dan unrhyw ddeddfwriaeth arall, i'r graddau y mae'n berthnasol i gais am gymorth o dan gynllun cymorth, neu i gael cymorth o dan gynllun cymorth, caiff Gweinidogion Cymru—

(a) cynnal ymchwiliad,

(b) cael gwybodaeth berthnasol gan unrhyw drydydd partïon, neu

(c) darparu gwybodaeth i unrhyw berson sy'n gyfrifol am archwilio, ymchwilio neu erlyn y drosedd honno.

PART 7

Investigating breaches of regulations and support scheme conditions and other suspected offences

Breach of regulations

19. This regulation applies where an agreement holder has—

(a) at any time, given false or misleading information to the Welsh Ministers,

(b) failed to provide information or evidence under regulation 8,

(c) failed to provide copies of records under regulation 9,

(d) prevented an authorised person from carrying out a virtual or physical inspection under regulation 14, 15 or 16,

(e) prevented an authorised person from exercising any powers of inspection under regulation 17,

(f) refused to provide assistance requested under regulation 18(2),

(g) otherwise obstructed an inspection under regulations 14 to 18,

(h) failed to notify the Welsh Ministers of a change of circumstances under regulation 10, or

(i) failed to comply with the conditions of an agreement or scheme guidance.

Investigating breaches and suspected offences

20.—(1) Where the Welsh Ministers reasonably suspect that regulation 19 applies, the Welsh Ministers may carry out an investigation and where they do so, the investigation must be proportionate to the type of breach suspected.

(2) Where the Welsh Ministers reasonably suspect that the agreement holder or applicant (where relevant) has committed an offence under any other legislation, in so far as it is relevant to an application for, or receipt of, support under a support scheme, the Welsh Ministers may—

(a) carry out an investigation,

(b) obtain relevant information from any third parties, or

(c) provide information to any person responsible for examining, investigating or prosecuting such an offence.

(3) Wrth gynnal ymchwiliad, caiff Gweinidogion Cymru—

(a) gofyn am wybodaeth neu dystiolaeth gan ddeiliad y cytundeb, neu'r ceisydd (pan fo'n berthnasol),

(b) cynnal arolygiad o dan reoliad 14, 15 neu 16, ac

(c) cysylltu â thrydydd partïon perthnasol i wirhau gwybodaeth.

(4) Rhaid i ddeiliad y cytundeb, neu'r ceisydd (pan fo'n berthnasol), ddarparu'r cynhorthwy hwnnw y gofynnir amdano yn ystod unrhyw ymchwiliad a gynhelir gan Weinidogion Cymru o dan baragraff (1) neu (2).

(5) Pan gynhelir ymchwiliad o dan baragraff (1) neu (2), caiff Gweinidogion Cymru ddal cymorth yn ôl hyd nes y bo'r ymchwiliad wedi ei gwblhau a, pan fo'n berthnasol, benderfyniadau wedi eu gwneud o dan reoliad 22(1) a (2).

Ymchwiliadau

21.—(1) Pan fo ymchwiliad o dan reoliad 20(1) wedi ei gynnal, rhaid i Weinidogion Cymru roi gwybod i ddeiliad y cytundeb am ganlyniad yr ymchwiliad hwnnw a chaniatáu i'r person hwnnw gyflwyno sylwadau ysgrifenedig yn y modd hwnnw ac ar yr adegau hynny a bennir gan Weinidogion Cymru.

(2) Pan fo ymchwiliad o dan reoliad 20(2) wedi ei gynnal, caiff Gweinidogion Cymru—

(a) rhoi gwybod i ddeiliad y cytundeb, neu'r ceisydd (pan fo'n berthnasol), am ganlyniad yr ymchwiliad hwnnw a chaniatáu i'r person hwnnw gyflwyno sylwadau ysgrifenedig yn y modd hwnnw ac ar yr adegau hynny a bennir gan Weinidogion Cymru, neu

(b) darparu gwybodaeth i unrhyw berson sy'n gyfrifol am archwilio, ymchwilio neu erlyn trosedd y mae'r ymchwiliad yn ymwneud â hi.

(3) Rhaid i Weinidogion Cymru ystyried unrhyw sylwadau ysgrifenedig a gafwyd gan ddeiliad y cytundeb o dan baragraff (1) neu (2) cyn gwneud penderfyniad o dan reoliad 22.

(4) Nid yw paragraffau (1) na (2) yn gymwys pan—

(a) bo ymchwiliad o dan reoliad 20(1) neu (2) wedi ei gynnal,

(b) bo Gweinidogion Cymru wedi dod i'r casgliad nad oes angen cymryd unrhyw gamau pellach, ac

(c) na fo deiliad y cytundeb, neu'r ceisydd (pan fo'n berthnasol), wedi ei hysbysu am yr ymchwiliad.

(3) When carrying out an investigation, the Welsh Ministers may—

(a) request information or evidence from the agreement holder, or the applicant (where relevant),

(b) carry out an inspection under regulation 14, 15 or 16, and

(c) contact relevant third parties to verify information.

(4) The agreement holder, or the applicant (where relevant), must provide such assistance as may be requested during any investigation carried out by the Welsh Ministers under paragraph (1) or (2).

(5) Where an investigation is carried out under paragraph (1) or (2), the Welsh Ministers may withhold support until the investigation is concluded and, where applicable, determinations are made under regulation 22(1) and (2).

Investigations

21.—(1) Where an investigation under regulation 20(1) has been undertaken, the Welsh Ministers must inform the agreement holder of the outcome of that investigation and allow that person to make written representations in such manner and at such times as the Welsh Ministers may specify.

(2) Where an investigation under regulation 20(2) has been undertaken, the Welsh Ministers may—

(a) inform the agreement holder, or the applicant (where relevant), of the outcome of that investigation and allow that person to make written representations in such manner and at such times as the Welsh Ministers may specify, or

(b) provide information to any person responsible for examining, investigating or prosecuting an offence to which the investigation related.

(3) The Welsh Ministers must consider any written representations received from the agreement holder under paragraph (1) or (2) before making a determination under regulation 22.

(4) Paragraphs (1) and (2) do not apply where—

(a) an investigation under regulation 20(1) or (2) has been carried out,

(b) the Welsh Ministers have concluded that no further action is required, and

(c) the agreement holder, or applicant (where relevant), has not been notified of the investigation.

RHAN 8

Penderfyniad ar doriad

Penderfyniad ar doriad

22.—(1) Pan fo Gweinidogion Cymru wedi cwblhau ymchwiliad o dan reoliad 20 ac wedi eu bodloni bod tor amod wedi digwydd neu fod rheoliad 19 yn gymwys, rhaid i Weinidogion Cymru wneud penderfyniad i'r perwyl hwnnw.

(2) Pan fo Gweinidogion Cymru yn gwneud penderfyniad o dan baragraff (1), rhaid i Weinidogion Cymru wneud penderfyniad pellach ynghylch difrifoldeb unrhyw doriad a'r camau priodol, os oes rhai, y mae'n ofynnol eu cymryd mewn cysylltiad â'r toriad ac, wrth wneud hynny, rhaid iddynt roi sylw dyladwy i—

(a) yr amgylchiadau a arweiniodd at y toriad a pha un a gafodd ei achosi gan weithredoedd bwriadol deiliad y cytundeb neu oherwydd dihidrwydd neu esgeulustod y person hwnnw,

(b) unrhyw gamau a gymerwyd gan ddeiliad y cytundeb i adrodd am newid mewn amgylchiadau o dan reoliad 10 neu i hysbysu Gweinidogion Cymru am y toriad o fewn cyfnod rhesymol,

(c) unrhyw fethiant ar ran deiliad y cytundeb i gydweithredu ag arolygiad y bwriadwyd ei gynnal o dan reoliad 14, 15 neu 16 neu ymchwiliad o dan reoliad 19,

(d) unrhyw ymddygiad yn y gorffennol gan ddeiliad y cytundeb yn ystod cyfnod y cytundeb ac a yw toriad tebyg wedi digwydd o'r blaen,

(e) natur y toriad ac a oedd yn drosedd neu wedi achosi difrod helaeth neu anatgyweiriadwy,

(f) i ba raddau y mae'n ddymunol, yn ymarferol neu'n economaidd caniatáu i ddeiliad y cytundeb unioni'r toriad, a

(g) canlyniadau'r toriad ac a yw'n gwneud diben y cymorth yn anghyraeddadwy o fewn amserlenni neu gyllid y cynllun cymorth neu yn unol â'i ofynion.

Y camau sydd ar gael i Weinidogion Cymru yn dilyn penderfyniad ar doriad

23. Yn dilyn penderfyniad o dan reoliad 22(2), caiff Gweinidogion Cymru gymryd un neu ragor o'r camau a ganlyn fel y maent yn ystyried eu bod yn briodol—

(a) dyroddi llythyr cynghori i ddeiliad y cytundeb;

PART 8

Determination on breach

Determination on breach

22.—(1) Where the Welsh Ministers have completed an investigation under regulation 20 and are satisfied that a breach of conditions has occurred or that regulation 19 applies, the Welsh Ministers must make a determination to that effect.

(2) Where the Welsh Ministers make a determination under paragraph (1), the Welsh Ministers must make a further determination as to the seriousness of any breach and the appropriate steps, if any, required to be taken in respect of the breach and in doing so must have due regard to—

(a) the circumstances that led to the breach and whether it was caused by the intentional actions of the agreement holder or due to that person's recklessness or negligence,

(b) any steps taken by the agreement holder to report a change of circumstance under regulation 10 or to notify the Welsh Ministers of the breach within a reasonable period,

(c) any failure on the part of the agreement holder to co-operate with an inspection which was proposed to take place under regulation 14, 15 or 16 or an investigation under regulation 19,

(d) any past conduct of the agreement holder during the period of the agreement and whether a similar breach has previously occurred,

(e) the nature of the breach and whether it constituted an offence or has caused widespread or irreparable damage,

(f) the extent to which it is desirable, practicable or economic to permit the agreement holder to rectify the breach, and

(g) the consequences of the breach and whether it renders the purpose of the support unachievable within the timescales, finances or to the requirements of the support scheme.

Action available to the Welsh Ministers following determination of a breach

23. Following a determination under regulation 22(2), the Welsh Ministers may take one or more of the following steps as they consider appropriate—

(a) issue an advisory letter to the agreement holder;

(b) diwygio, dileu neu ddisodli amod yn y cytundeb naill ai dros dro neu'n barhaol;

(c) diwygio, dileu neu ddisodli unrhyw ganllawiau cynllun neu unrhyw amserlenni mewn cysylltiad â deiliad unigol yn unig naill ai dros dro neu'n barhaol;

(d) caniatáu i ddeiliad y cytundeb unioni unrhyw doriad yn unol ag unrhyw gamau priodol;

(e) gostwng swm y cymorth a ddyfernir yn gyfan gwbl neu'n rhannol;

(f) dal yn ôl y cyfan neu unrhyw ran o gymorth a ddyfarnwyd o dan y cynllun cymorth y mae unrhyw doriad yn ymwneud ag ef;

(g) dal yn ôl y cyfan neu unrhyw ran o gymorth a ddyfarnwyd o dan unrhyw gynllun cymorth;

(h) adennill ar gais y cyfan neu unrhyw ran o gymorth sydd eisoes wedi ei ddarparu i ddeiliad y cytundeb;

(i) terfynu'r cytundeb;

(j) gwahardd deiliad y cytundeb rhag cael cymorth o dan unrhyw gynllun cymorth am y cyfnod hwnnw y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.

(b) amend, remove or replace a condition in the agreement either temporarily or permanently;

(c) amend, remove or replace any scheme guidance or timescales in respect of an individual holder only either temporarily or permanently;

(d) allow the agreement holder to rectify any breach in accordance with any appropriate steps;

(e) reduce the amount of support awarded in whole or in part;

(f) withhold the whole or any part of support awarded under the support scheme to which any breach relates;

(g) withhold the whole or any part of support awarded under any support scheme;

(h) recover on demand all or any part of support which has already been provided to the agreement holder;

(i) terminate the agreement;

(j) prohibit the agreement holder from receiving support under any support scheme for such period as the Welsh Ministers consider appropriate.

Amgylchiadau eithriadol ar gyfer toriad

24. At ddibenion rheoliad 22(2), pan fo deiliad y cytundeb yn rhoi gwybod i Weinidogion Cymru am amgylchiadau eithriadol ar gyfer unrhyw doriad, ac wedi cyflwyno tystiolaeth i gefnogi'r rhesymau hynny, caiff Gweinidogion Cymru benderfynu nad oes unrhyw gamau'n ofynnol neu fod camau amgen o dan reoliad 23 yn ofynnol.

Exceptional circumstances for a breach

24. For the purposes of regulation 22(2), where the agreement holder informs the Welsh Ministers of exceptional circumstances for any breach, and submitted evidence in support of those reasons, the Welsh Ministers may determine that no steps or alternative steps under regulation 23 are required.

Hysbysu am y penderfyniad ar y toriad

25. Pan fo Gweinidogion Cymru yn gwneud penderfyniadau o dan reoliad 22, rhaid i Weinidogion Cymru, o fewn cyfnod rhesymol, hysbysu deiliad y cytundeb am—

(a) y penderfyniadau,

(b) y rhesymau drostynt, ac

(c) yr hawl i apelio o dan reoliad 29.

Notification of the determination on the breach

25. Where the Welsh Ministers make determinations under regulation 22, the Welsh Ministers must, within a reasonable period, notify the agreement holder of—

(a) the determinations,

(b) the reasons for them, and

(c) the right of appeal under regulation 29.

Gwybodaeth bellach am unioni toriad

26.—(1) Pan fo Gweinidogion Cymru yn caniatáu i ddeiliad y cytundeb unioni toriad o dan reoliad 23(d)—

(a) rhaid i Weinidogion Cymru bennu cyfnod y mae rhaid unioni'r toriad ynddo, a

(b) caiff Gweinidogion Cymru ddal cymorth yn ôl hyd nes y bo Gweinidogion Cymru wedi eu bodloni bod y toriad wedi ei unioni.

Further information on rectifying a breach

26.—(1) Where the Welsh Ministers allow the agreement holder to rectify a breach under regulation 23(d), the Welsh Ministers—

(a) must specify a period within which the breach must be rectified, and

(b) may withhold support until the Welsh Ministers are satisfied that the breach has been rectified.

(2) Pan na fo Gweinidogion Cymru wedi eu bodloni bod deiliad y cytundeb wedi unioni'r toriad, rhaid i Weinidogion Cymru wneud penderfyniad newydd o dan reoliad 22(2).

Gwybodaeth bellach am adennill cymorth

27.—(1) Rhaid i Weinidogion Cymru hysbysu deiliad y cytundeb am y swm sydd i'w adennill a'r cyfnod erbyn pryd y mae rhaid i'r ad-daliad gael ei wneud cyn i Weinidogion Cymru gymryd camau i adennill pan y gofynnir yn unol â rheoliad 10(2)(d) neu 23(h) y cyfan neu unrhyw ran o gymorth sydd eisoes wedi ei ddarparu i ddeiliad y cytundeb o dan gynllun cymorth.

(2) Pan fo deiliad y cytundeb yn methu ag ad-dalu'r swm llawn yn unol â pharagraff (1) a bod gan ddeiliad y cytundeb hawlogaeth i gael cymorth pellach o dan y cynllun cymorth hwnnw neu unrhyw gynllun cymorth arall, caiff Gweinidogion Cymru ddal cymorth yn ôl o dan y cynlluniau cymorth hynny hyd at werth y swm net sydd i'w ad-dalu.

(3) Pan fo deiliad y cytundeb yn methu ag ad-dalu'r swm llawn yn unol â pharagraff (1) ac nad oes gan ddeiliad y cytundeb hawlogaeth i gael cymorth pellach o dan y cynllun hwnnw neu unrhyw gynllun cymorth arall, neu fod y swm a ddelir yn ôl o dan baragraff (2) o'i gymryd gydag unrhyw ad-daliad a wnaed gan ddeiliad y cytundeb yn is na'r swm llawn sydd i'w ad-dalu, caiff Gweinidogion Cymru adennill, fel dyled, y swm net sydd i'w ad-dalu, ynghyd â llog ar y swm hwnnw a gyfrifir yn unol â pharagraff (4).

(4) Pan fo Gweinidogion Cymru yn arfer y pŵer a roddir gan baragraff (3), caniateir codi llog ar y swm net sydd i'w ad-dalu, ar gyfer pob diwrnod o ddiwedd y cyfnod y cyfeirir ato ym mharagraff (1) hyd at y dyddiad yr ad-delir yn llawn y swm sydd i'w adennill ynghyd ag unrhyw log cysylltiedig.

(5) Mae'r gyfradd llog sy'n gymwys ar unrhyw ddiwrnod un pwynt canran yn uwch na chyfradd sylfaenol Banc Lloegr.

(6) Yn y rheoliad hwn, ystyr "cyfradd sylfaenol Banc Lloegr"—

(a) ac eithrio pan fo is-baragraff (b) yn gymwys, yw'r gyfradd a gyhoeddir o bryd i'w gilydd gan Bwyllgor Polisi Ariannol Banc Lloegr fel y gyfradd fasnachu swyddogol, sef y gyfradd y mae'r Banc yn fodlon ei defnyddio mewn trafodiadau i ddarparu hylifedd byrdymor yn y marchnadoedd arian, neu

(2) Where the Welsh Ministers are not satisfied that the agreement holder has rectified the breach, the Welsh Ministers must make a new determination under regulation 22(2).

Further information on recovering support

27.—(1) The Welsh Ministers must notify the agreement holder of the amount to be recovered and the period by which the repayment must be made before the Welsh Ministers take steps to recover on demand in accordance with regulation 10(2)(d) or 23(h) all or any part of support already provided to the agreement holder under a support scheme.

(2) Where the agreement holder fails to repay the full amount in accordance with paragraph (1) and the agreement holder is entitled to further support under that support scheme or any other support scheme, the Welsh Ministers may withhold support under those support schemes to the value of the net amount to be repaid.

(3) Where the agreement holder fails to repay the full amount in accordance with paragraph (1) and the agreement holder is not entitled to further support under that scheme or any other support scheme, or the amount withheld under paragraph (2) taken with any repayment made by the agreement holder is lower than the full amount to be repaid, the Welsh Ministers may recover, as a debt, the net amount to be repaid, together with interest on that amount calculated in accordance with paragraph (4).

(4) Where the Welsh Ministers exercise the power conferred by paragraph (3), interest may be charged on the net amount to be repaid, for each day from the end of the period referred to in paragraph (1) to the date on which repayment of the amount to be recovered and any associated interest is made in full.

(5) The rate of interest applicable on any day is one percentage point above the Bank of England base rate.

(6) In this regulation, "the Bank of England base rate" means—

(a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets, or

(b) os yw gorchymyn o dan adran 19 o Ddeddf Banc Lloegr 1998(**1**) mewn grym, yw unrhyw gyfradd gyfatebol a bennir gan y Trysorlys o dan yr adran honno.

Gwybodaeth bellach am wahardd cymorth

28. Pan fo Gweinidogion Cymru yn gwneud penderfyniad o dan reoliad 22(2) sy'n gwahardd deiliad cytundeb rhag cael cymorth o dan unrhyw gynllun cymorth yn unol â rheoliad 23(j), mewn perthynas â'r gwaharddiad—

(a) ni chaiff bara am fwy na chyfnod o ddwy flynedd, gan ddechrau â thrannoeth y diwrnod y mae Gweinidogion Cymru yn hysbysu deiliad y cytundeb am y penderfyniad hwnnw o dan reoliad 25, a

(b) rhaid iddo gymryd i ystyriaeth ddifrifoldeb y toriad a'r ffactorau a bennir yn rheoliad 22(2).

RHAN 9

Apelau

Apelau

29.—(1) Caiff person ("yr apelydd") gyflwyno apêl cam un i Weinidogion Cymru yn erbyn penderfyniad a wneir o dan reoliad 6(2), 10(3) neu 25 ar unrhyw un neu ragor o'r seiliau a ganlyn—

(a) yr oedd y penderfyniad yn seiliedig ar wall ffeithiol;

(b) yr oedd y penderfyniad yn anghywir mewn cyfraith;

(c) mae gwall gweithdrefnol sylweddol wedi digwydd.

(2) Bydd apêl cam un o dan y rheoliad hwn yn cael ei hadolygu gan swyddogion a rhaid iddi—

(a) dod i law Gweinidogion Cymru o fewn 60 diwrnod i hysbysu'r apelydd am y penderfyniad,

(b) bod yn ysgrifenedig, ac

(c) nodi'r rhesymau dros yr apêl ynghyd ag unrhyw ddogfennaeth ategol neu unrhyw dystiolaeth ategol.

(3) Rhaid i Weinidogion Cymru hysbysu'r apelydd am ganlyniad yr apêl cam un.

(4) O fewn 60 diwrnod i gael ei hysbysu am ganlyniad yr apêl cam un, caiff yr apelydd gyflwyno apêl cam dau yn erbyn y canlyniad hwnnw.

(**1**) 1998 p. 11.

(b) if an order under section 19 of the Bank of England Act 1998(**1**) is in force, any equivalent rate determined by the Treasury under that section.

Further information on prohibiting support

28. Where the Welsh Ministers make a determination under regulation 22(2) that prohibits an agreement holder from receiving support under any support scheme in accordance with regulation 23(j), the prohibition must—

(a) not exceed a period of two years, beginning with the day after the day on which the Welsh Ministers notify the agreement holder of that determination under regulation 25, and

(b) take into account the seriousness of the breach and the factors specified in regulation 22(2).

PART 9

Appeals

Appeals

29.—(1) A person ("the appellant") may submit a stage one appeal to the Welsh Ministers against a decision or determination made under regulation 6(2), 10(3) or 25 on any of the following grounds—

(a) the decision was based on an error of fact;

(b) the decision was wrong in law;

(c) there has been a material procedural error.

(2) A stage one appeal under this regulation will be reviewed by officials and must—

(a) be received by the Welsh Ministers within 60 days of the decision or determination being notified to the appellant,

(b) be in writing, and

(c) set out the reasons for the appeal together with any supporting documentation or evidence.

(3) The Welsh Ministers must notify the appellant of the outcome of the stage one appeal.

(4) Within 60 days of notification of the stage one appeal outcome, the appellant may submit a stage two appeal against that outcome.

(**1**) 1998 c. 11.

(5) Bydd apêl cam dau o dan y rheoliad hwn yn cael ei hadolygu gan swyddogion a gaiff—

(a) cadarnhau canlyniad yr apêl cam un, neu

(b) gwneud penderfyniad newydd.

(6) Rhaid i apêl cam dau o dan y rheoliad hwn—

(a) dod i law Gweinidogion Cymru yn unol â pharagraff (4),

(b) bod yn ysgrifenedig,

(c) nodi'r rhesymau dros yr apêl ynghyd ag unrhyw ddogfennaeth ategol neu unrhyw dystiolaeth ategol,

(d) dangos a yw'r apelydd yn dymuno i wrandawiad panel apelau annibynnol, pan fo'n gymwys, gael ei gynnal yn ysgrifenedig neu drwy wrandawiad llafar, ac

(e) cael ei chyflwyno gyda'r ffi briodol (os oes un) fel y'i pennir gan Weinidogion Cymru.

(7) Pan fo Gweinidogion Cymru yn cadarnhau canlyniad apêl cam un, bydd yr apêl cam dau yn mynd ymlaen i banel apelau annibynnol.

(8) Pan fo Gweinidogion Cymru yn gwneud penderfyniad newydd yn unol â pharagraff (5)(b), rhaid i Weinidogion Cymru—

(a) hysbysu'r apelydd am y penderfyniad hwnnw yn ysgrifenedig,

(b) nodi'r rhesymau dros y penderfyniad hwnnw, ac

(c) caniatáu i'r apelydd ddewis i'r apêl gael ei hadolygu gan banel apelau annibynnol.

(9) Pan fo paragraff (7) yn gymwys neu fod yr apelydd yn dewis apelio yn unol â pharagraff (8)(c), rhaid i banel apelau annibynnol ystyried yr apêl, gwneud argymhelliad a hysbysu Gweinidogion Cymru am eu hargymhelliad yn ysgrifenedig.

(10) Ar ôl cael argymhelliad gan banel apelau annibynnol rhaid i Weinidogion Cymru wneud penderfyniad terfynol mewn cysylltiad â'r apêl cam dau honno.

(11) Mewn perthynas â phenderfyniad terfynol o dan baragraff (10)—

(a) caiff gadarnhau'r canlyniad ym mharagraff (5) neu wneud penderfyniad newydd,

(b) rhaid hysbysu'r apelydd amdano yn ysgrifenedig, ac

(c) rhaid iddo nodi'r rhesymau dros y penderfyniad terfynol.

(12) Caiff Gweinidogion Cymru dalu i aelodau paneli apelau annibynnol y gydnabyddiaeth ariannol honno y mae Gweinidogion Cymru'n ystyried ei bod yn briodol mewn cysylltiad â'u swyddogaethau o dan y Rheoliadau hyn.

(5) A stage two appeal under this regulation will be reviewed by officials who may—

(a) uphold the outcome of the stage one appeal, or

(b) make a new determination.

(6) A stage two appeal under this regulation must—

(a) be received by the Welsh Ministers in accordance with paragraph (4),

(b) be in writing,

(c) set out the reasons for the appeal together with any supporting documentation or evidence,

(d) indicate whether the appellant wants an independent appeals panel hearing, where applicable, to be in writing or by oral hearing, and

(e) be accompanied by the appropriate fee (if any) as specified by the Welsh Ministers.

(7) Where the Welsh Ministers uphold the outcome of a stage one appeal, the stage two appeal will proceed to an independent appeals panel.

(8) Where the Welsh Ministers make a new determination in accordance with paragraph (5)(b), the Welsh Ministers must—

(a) notify the appellant of that determination in writing,

(b) set out the reasons for that determination, and

(c) allow the appellant to elect for the appeal to be reviewed by an independent appeals panel.

(9) Where paragraph (7) applies or the appellant elects to appeal pursuant to paragraph (8)(c), an independent appeals panel must consider the appeal, make a recommendation and notify the Welsh Ministers of their recommendation in writing.

(10) Following receipt of an independent appeals panel recommendation the Welsh Ministers must make a final determination in respect of that stage two appeal.

(11) A final determination under paragraph (10)—

(a) may uphold the outcome in paragraph (5) or make a new decision or determination,

(b) must be notified in writing to the appellant, and

(c) must set out the reasons for the final determination.

(12) The Welsh Ministers may pay members of independent appeals panels such remuneration as the Welsh Ministers consider appropriate in respect of their functions under these Regulations.

(13) Caiff Gweinidogion Cymru gyhoeddi canllawiau mewn perthynas ag unrhyw agwedd ar y broses apelau.

(13) The Welsh Ministers may publish guidance in relation to any aspect of the appeals process.

Huw Irranca-Davies

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
3 Rhagfyr 2025

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
3 December 2025

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