OFFERYNNAU STATUDOL CYMRU

2015 Rhif 1028 (Cy. 76)

Y GYMRAEG, CYMRU

Rheolau Tribiwnlys y Gymraeg 2015

Gwnaed	*8 Ebrill 2015*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*9 Ebrill 2015*
Yn dod i rym	*30 Ebrill 2015*

WELSH STATUTORY INSTRUMENTS

2015 No. 1028 (W. 76)

WELSH LANGUAGE, WALES

The Welsh Language Tribunal Rules 2015

Made	*8 April 2015*
Laid before the National Assembly for Wales	*9 April 2015*
Coming into force	*30 April 2015*

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NODYN ESBONIADOL

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

Caiff y Rheolau yma eu llunio gan Lywydd Tribiwnlys y Gymraeg ("y Tribiwnlys") a'u caniatáu gan Weinidogion Cymru yn unol ag adran 123 o Fesur y Gymraeg (Cymru) 2011 ("y Mesur"). Mae'r Rheolau yn gosod yr ymarferion a'r gweithdrefnau y mae'n rhaid i'r Tribiwnlys eu dilyn wrth ymarfer ei awdurdodaeth o dan y Mesur.

Mae Rhan A yn cynnwys darpariaethau cyffredinol gan gynnwys dehongliadau, prif amcanion y Tribiwnlys, rhwymedigaeth ar y partïon i gydweithredu, ac ieithoedd y Tribiwnlys.

Mae Rhan B yn cynnwys darpariaethau ar sefydlu, ac aelodaeth, panelau tribiwnlys.

Darpariaethau sydd yn Rhan C, am gychwyn ceisiadau i'r Tribiwnlys ac am y cyfnod sy'n cael ei ganiatáu ar gyfer gwneud cais, cynnwys ceisiadau, yr hyn sydd angen ei weithredu gan Ysgrifennydd y Tribiwnlys o dderbyn y cais, a phenodi cynrychiolwyr i weithredu ar ran partïon.

Mae Rhan D yn cynnwys darpariaethau ar baratoi achos ar gyfer gwrandawiad. Mae hyn yn cynnwys gofyniad i bartïon baratoi datganiadau achos o fewn amser penodol ynghyd â thystiolaeth y dibynnir arno ar gyfer ei gyflwyno i'r Tribiwnlys. Mae hefyd ddarpariaeth yn y Rhan hon yn gofyn i'r dogfennau yma gael eu rhannu â phartïon eraill. Mae'r Rhan hwn hefyd yn caniatáu i Ysgrifennydd y Tribiwnlys wneud ymholiadau i'r partïon mewn perthynas â materion megis cynrychiolaeth a dibyniaeth ar dystion.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made by the President of the Welsh Language Tribunal ("the Tribunal") and allowed by the Welsh Ministers in accordance with section 123 of the Welsh Language (Wales) Measure 2011 ("the Measure"). The Rules set out the practices and procedures which the Tribunal must follow in exercising its jurisdiction under the Measure.

Part A contains general provisions including definitions, the overriding objective of the Tribunal, requirements on parties to co-operate, and the languages of the Tribunal.

Part B contains provisions on the establishment and membership of tribunal panels.

Part C makes provision about the commencement of applications to the Tribunal, including provisions on how to commence an application, the time limits involved, the content of applications, the requirements on the Secretary of the Tribunal upon receiving an application, and the appointment of representatives to act on behalf of parties.

Part D contains provisions on the preparation of cases for hearing. This includes provision requiring parties to prepare case statements within specified periods together with evidence relied upon for submission to the Tribunal. There is also provision in this Part requiring these documents be shared with other parties. This Part also allows the Secretary of the Tribunal to make enquiries of the parties in relation to matters such as representation and reliance on witnesses.

Pwerau rheoli'r Tribiwnlys sydd yn cael sylw yn Rhan E. Mae'r rhain yn cynnwys darpariaeth i ganiatáu i'r Tribiwnlys wneud cyfarwyddiadau mewn perthynas â cheisiadau ar faterion megis gweithdrefnau, tystiolaeth a datgeliad. Mae'r Rhan hwn hefyd yn rhoi i'r Tribiwnlys y pŵer i ddileu cais, gorchymyn materion tebyg i gael eu clywed gyda'i gilydd, ac i ychwanegu neu newid partïon.

Mae Rhan F yn cynnwys darpariaethau ar wrandawiadau a phenderfyniadau. Mae'r rhain yn cynnwys anghenion ynghylch hysbysu dyddiad, lleoliad ac amser gwrandawiadau, y weithdrefn i'w dilyn mewn gwrandawiad, darpariaeth tystiolaeth mewn gwrandawiad, pan all achos ddigwydd heb wrandawiad, a phenderfyniadau'r Tribiwnlys.

Darpariaethau sydd yn Rhan G ar faterion sy'n codi yn dilyn gwrandawiad. Mae hyn yn cynnwys adolygiadau o benderfyniadau'r Tribiwnlys gan Lywydd y Tribiwnlys a'r pwerau sy'n berthnasol i adolygiad. Mae'r Rhan hwn hefyd yn amlinellu'r gweithdrefnau i'w dilyn mewn achos o orchymyn yr Uchel Lys yn amrywio, rhoi o'r neilltu neu fel arall yn newid penderfyniad gan y Tribiwnlys.

Darpariaethau amrywiol sydd yn Rhan H megis gorchmynion ar gyfer costau a threuliau, cadw a chynnal Cofrestr o geisiadau i'r Tribiwnlys a chyhoeddu'i benderfyniadau.

Part E relates to the Tribunal's management powers. These include provision allowing the Tribunal to make directions relating to applications on issues such as procedure, evidence and disclosure. This Part also provides the Tribunal with the power to strike out applications, order similar matters to be heard together, and to add or substitute parties.

Part F contains provisions on hearings and decisions. These include requirements relating to the provision of notice to parties of the date, place and time of hearings, procedures to be followed at hearings, the provision of evidence by witnesses at hearings, when a case can proceed without a hearing, and the decisions of the Tribunal.

Part G contains provisions on matters arising after a hearing. This includes reviews of Tribunal decisions by the President of the Tribunal and the powers relating to a review. This Part also sets out the procedures to follow in the event of a High Court order varying, setting aside or otherwise altering a decision of the Tribunal.

Part H contains miscellaneous provisions such as orders for costs and expenses, the maintenance of a Register of applications to the Tribunal and the publication of decisions.

2015 Rhif 1028 (Cy. 76)

Y GYMRAEG, CYMRU

Rheolau Tribiwnlys y Gymraeg 2015

Gwnaed *8 Ebrill 2015*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *9 Ebrill 2015*

Yn dod i rym *30 Ebrill 2015*

CYNNWYS

RHAN A

CYFFREDINOL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Yr amcan pennaf
4. Cyfarwyddiadau Ymarfer
5. Rhwymedigaeth ar y partïon i gydweithredu
6. Ieithoedd y Tribiwnlys
7. Dulliau amgen o ddatrys anghydfod

RHAN B

PANELAU TRIBIWNLYS

8. Sefydlu panelau tribiwnlys
9. Aelodaeth panel tribiwnlys

RHAN C

CYCHWYN CEISIADAU

10. Cychwyn cais
11. Cyfnod sy'n cael ei ganiatáu ar gyfer gwneud cais
12. Hysbysiad cais
13. Gweithredu gan Ysgrifennydd y Tribiwnlys
14. Cais sy'n cael ei wneud y tu allan i'r amser
15. Digonolrwydd y rhesymau

2015 No. 1028 (W. 76)

WELSH LANGUAGE, WALES

The Welsh Language Tribunal Rules 2015

Made *8 April 2015*

Laid before the National Assembly for Wales *9 April 2015*

Coming into force *30 April 2015*

CONTENTS

PART A

GENERAL

1. Title, commencement and application
2. Interpretation
3. The overriding objective
4. Practice Directions
5. Parties' obligation to co-operate
6. The languages of the Tribunal
7. Alternative dispute resolution

PART B

TRIBUNAL PANELS

8. Establishment of tribunal panels
9. Membership of tribunal panel

PART C

COMMENCING APPLICATIONS

10. Commencing an application
11. Period allowed for making an application
12. Notice of application
13. Action by the Secretary of the Tribunal
14. Application made out of time
15. Sufficiency of reasons

16. Rhoi neu wrthod caniatâd i wneud cais am adolygiad o benderfyniad gan y Comisiynydd
17. Penodi cynrychiolwyr

RHAN D
PARATOI ACHOS AR GYFER GWRANDAWIAD

18. Cyfnod datganiad achos y ceisydd
19. Datganiad achos a thystiolaeth y ceisydd
20. Datganiad achos a thystiolaeth y Comisiynydd
21. Datganiad achos y ceisydd mewn ymateb
22. Copïau o ddogfennau i'r partïon
23. Methiant ar ran y Comisiynydd i gyflwyno datganiad achos ac absenoldeb gwrthwynebiad
24. Ymholiadau gan Ysgrifennydd y Tribiwnlys
25. Methiant i ymateb i ymholiadau a wnaed gan Ysgrifennydd y Tribiwnlys

RHAN E
PWERAU RHEOLI'R TRIBIWNLYS

26. Cyfarwyddiadau
27. Amrywio cyfarwyddiadau neu eu gosod o'r neilltu
28. Pŵer i ddileu'r cais
29. Gorchymyn i ddiwygio datganiad achos
30. Tystiolaeth a chyflwyniadau
31. Manylion a datganiadau atodol
32. Datgelu dogfennau a deunydd arall
33. Methiant i gydymffurfio â chyfarwyddiadau
34. Ceisiadau sydd, at ei gilydd, yn codi'r un cwestiwn
35. Ychwanegu ac amnewid partïon

RHAN F
GWRANDAWIADAU A PHENDERFYNIADAU

36. Hysbysu dyddiad, lleoliad ac amser gwrandawiadau
37. Pŵer i benderfynu cais heb wrandawiad
38. Gwrandawiadau cyhoeddus
39. Y weithdrefn mewn gwrandawiad
40. Tystiolaeth mewn gwrandawiad
41. Gwysio tyst

16. Giving or refusing permission to apply for a review of a decision by the Commissioner
17. Appointment of representatives

PART D
PREPARING A CASE FOR HEARING

18. Applicant's case statement period
19. Applicant's case statement and evidence
20. Commissioner's case statement and evidence
21. Applicant's case statement in reply
22. Copy documents for parties
23. Failure by the Commissioner to submit a case statement and absence of opposition
24. Enquiries by the Secretary of the Tribunal
25. Failure to respond to enquiries made by the Secretary of the Tribunal

PART E
THE TRIBUNAL'S MANAGEMENT POWERS

26. Directions
27. Varying or setting aside directions
28. Power to strike out the application
29. Order to amend case statement
30. Evidence and submissions
31. Particulars and supplementary statements
32. Disclosure of documents and other material
33. Failure to comply with directions
34. Applications giving rise to substantially the same issue
35. Addition and substitution of parties

PART F
HEARINGS AND DECISIONS

36. Notice of date, place and time of hearings
37. Power to determine the application without a hearing
38. Public hearings
39. Procedure at hearing
40. Evidence at hearing
41. Summoning a witness

42. Tystiolaeth dros y teleffon, cyswllt fideo neu ddulliau eraill
43. Gohirio gwrandawiad cyn ei gychwyn
44. Gohiriadau a chyfarwyddiadau canlyniadol
45. Cynrychioli mewn gwrandawiad
46. Methiant i fod yn bresennol mewn gwrandawiad
47. Penderfyniad y panel tribiwnlys

RHAN G
AR ÔL Y GWRANDAWIAD

48. Cais neu gynnig am adolygiad o benderfyniad y Tribiwnlys
49. Adolygiad o benderfyniad y Tribiwnlys i beidio ag estyn y cyfnod sy'n cael ei ganiatáu ar gyfer cychwyn achos
50. Ystyried cais am ganiatâd i apelio i'r Uchel Lys
51. Pŵer i atal dros dro benderfyniad y Tribiwnlys
52. Gorchmynion yr Uchel Lys

RHAN H
AMRYWIOL

53. Estyn yr amser
54. Tynnu yn ôl
55. Gorchmynion ar gyfer costau a threuliau
56. Pŵer i arfer swyddogaethau
57. Ysgrifennydd y Tribiwnlys
58. Y Gofrestr
59. Cyhoeddi
60. Afreoleidd-dra
61. Profi dogfennau ac ardystio penderfyniadau
62. Y dull o anfon, rhoi neu gyflwyno hysbysiadau a dogfennau
63. Cyfrifo amser
64. Llofnodi dogfennau

Mae Llywydd Tribiwnlys y Gymraeg, drwy arfer y pwerau a roddwyd gan adran 123(1) o Fesur y Gymraeg (Cymru) 2011(**1**) yn gwneud y Rheolau canlynol:

Mae Gweinidogion Cymru yn caniatáu'r Rheolau hyn o dan adran 123(7) o'r Mesur;

42. Evidence by telephone, video link or other means
43. Postponement of hearing
44. Adjournments and consequential directions
45. Representation at hearing
46. Failure to attend hearing
47. Tribunal panel's decision

PART G
AFTER THE HEARING

48. Application or proposal for review of the Tribunal's decision
49. Review of Tribunal's decision not to extend the period in which proceedings must be commenced
50. Consideration of an application for permission to appeal to the High Court
51. Power to suspend Tribunal's decision
52. Orders of the High Court

PART H
MISCELLANEOUS

53. Extension of time
54. Withdrawal
55. Orders for costs and expenses
56. Power to exercise functions
57. The Secretary of the Tribunal
58. Register
59. Publication
60. Irregularities
61. Proof of documents and certification of decisions
62. Method of sending, submitting or serving notices and documents
63. Calculating time
64. Signature of documents

The President of the Welsh Language Tribunal, in exercise of the powers conferred by section 123(1) of the Welsh Language (Wales) Measure 2011(**1**), makes the following Rules:

The Welsh Ministers allow these Rules under section 123(7) of the Measure.

(**1**) 2011 mccc 1.

(**1**) 2011 nawm 1.

RHAN A
CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheolau hyn yw Rheolau Tribiwnlys y Gymraeg 2015.

(2) Maent yn dod i rym ar 30 Ebrill 2015.

(3) Maent yn gymwys i bob achos gerbron y Tribiwnlys.

Dehongli

2. Yn y Rheolau hyn, oni fydd y cyd-destun yn mynnu fel arall—

ystyr "achos" ("*case*") yw trafodion sy'n ymwneud â chais i'r Tribiwnlys;

ystyr "cais" ("*application*") yw—

(a) apêl i'r Tribiwnlys o dan adran 58, 95(2), 95(4) neu 99 o'r Mesur yn erbyn penderfyniad gan y Comisiynydd, neu

(b) cais i'r Tribiwnlys o dan adran 103 o'r Mesur i adolygu penderfyniad gan y Comisiynydd;

ystyr "Cadeirydd" ("*Chair*") yw person sydd wedi cael ei benodi i gadeirio panel tribiwnlys o dan reol 9;

ystyr "ceisydd" ("*applicant*") yw person sy'n gwneud cais i'r Tribiwnlys;

ystyr "Comisiynydd" ("*Commissioner*") yw Comisiynydd y Gymraeg;

ystyr "Cofrestr" ("*Register*") yw'r gofrestr y mae'n ofynnol ei chadw o dan reol 58;

mae i "cyfarwyddiadau ymarfer" ("*practice directions*") yr ystyr sy'n cael ei roi gan reol 4;

ystyr "cyfeiriad e-bost" ("*email address*") person yw cyfeiriad post electronig personol y person hwnnw;

ystyr "cyfnod datganiad achos" ("*case statement period*") yw'r cyfnod sy'n cael ei bennu gan reol 18, 20 neu 21;

ystyr "datganiad achos" ("*case statement*") yw datganiad sy'n cael ei gyflwyno'n unol â rheol 19, 20 neu 21;

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod ac eithrio—

(a) dydd Sadwrn,

(b) dydd Sul,

(c) unrhyw ddiwrnod o 25 Rhagfyr i 1 Ionawr yn gynwysedig,

(d) dydd Gwener y Groglith, neu

PART A
GENERAL

Title, commencement and application

1.—(1) The title of these Rules is the Welsh Language Tribunal Rules 2015.

(2) They come into force on 30 April 2015.

(3) They apply to all cases before the Tribunal.

Interpretation

2. In these Rules, unless the context otherwise requires—

"applicant" ("*ceisydd*") means a person who makes an application to the Tribunal;

"application" ("*cais*") means—

(a) an appeal to the Tribunal under section 58, 95(2), 95(4) or 99 of the Measure against a decision by the Commissioner, or

(b) an application to the Tribunal under section 103 of the Measure to review a decision by the Commissioner;

"case" ("*achos*") means proceedings relating to an application to the Tribunal;

"case statement" ("*datganiad achos*") means statement submitted in accordance with rule 19, 20 or 21;

"case statement period" ("*cyfnod datganiad achos*") means the period specified in rule 18, 20 or 21;

"Chair" ("*Cadeirydd*") means a person who has been appointed to chair a tribunal panel under rule 9;

"Commissioner" *("Comisiynydd")* means the Welsh Language Commissioner;

"disputed decision" *("penderfyniad sy'n cael ei herio")* is the decision, or failure to make a decision, in relation to which the application has been brought;

"document" ("*dogfen*") means anything in which information of any description is recorded;

"electronic signature" ("*llofnod electronig*") has the meaning given to it by section 7 of the Electronic Communications Act 2000(**1**);

a person's "email address" ("*cyfeiriad e-bost*") means that person's personal electronic mail address;

(**1**) 2000 c. 7.

(e) diwrnod sy'n ŵyl banc yng Nghymru o dan adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971(**1**):

ystyr "dogfen" ("*document*") yw unrhyw beth sydd â gwybodaeth o unrhyw ddisgrifiad wedi ei gofnodi ynddo;

ystyr "gwrandawiad" ("*hearing*") yw gwrandawiad gerbron y Tribiwnlys at y diben o alluogi'r Llywydd, Cadeirydd neu banel tribiwnlys i gyrraedd penderfyniad ar gais neu ar unrhyw gwestiwn neu fater, lle mae hawl gan y partïon i fod yn bresennol a chael eu clywed; mae'n cynnwys gwrandawiad a gynhelir yn gyfan gwbl neu'n rhannol drwy gyswllt fideo, ar y teleffon neu drwy ddull arall o gyfathrebu electronig dwyffordd disymwth;

ystyr "gwŷs tyst" ("*witness summons*") yw dogfen sydd wedi ei dyroddi gan y Tribiwnlys sy'n ei gwneud yn ofynnol bod tyst yn bresennol mewn gwrandawiad i roi tystiolaeth neu ddangos dogfennau mewn perthynas â chais i'r Tribiwnlys;

mae i "ieithoedd y Tribiwnlys" ("*languages of the Tribunal*") yr ystyr sy'n cael ei roi gan reol 6;

mae i "hysbysiad cais" ("*notice of application*") yr ystyr sy'n cael ei roi gan reol 10;

mae i "llofnod electronig" yr ystyr sy'n cael ei roi i "*electronic signature*" gan adran 7 o Ddeddf Cyfathrebiadau Electronig 2000(**2**):

ystyr "Llywydd" ("*President*") yw Llywydd y Tribiwnlys sydd wedi cael ei benodi o dan adran 120 o'r Mesur;

ystyr "y Mesur" ("*the Measure*") yw Mesur y Gymraeg (Cymru) 2011;

ystyr "panel tribiwnlys" ("*tribunal panel*") yw panel o aelodau'r Tribiwnlys sydd wedi cael ei benodi'n unol â rheol 9;

ystyr "parti" ("*party*") yw'r ceisydd, y Comisiynydd neu barti sy'n cael ei ychwanegu o dan reol 35;

ystyr "penderfyniad sy'n cael ei herio" ("*disputed decision*") yw'r penderfyniad, neu'r methiant i wneud penderfyniad, y mae'r cais wedi cael ei ddwyn mewn perthynas ag ef;

mae "sylwadau llafar" ("*oral representations*") yn cynnwys tystiolaeth sy'n cael ei roi, oherwydd amhariad ar leferydd neu glyw, gan berson sy'n defnyddio iaith arwyddion;

ystyr "y Tribiwnlys" ("*the Tribunal*") yw Tribiwnlys y Gymraeg neu unrhyw berson sy'n

"evidence" ("*tystiolaeth*") includes material of any description recorded in any form;

"hearing" ("*gwrandawiad*") means a hearing before the Tribunal for the purpose of enabling the President, a Chair or a tribunal panel to reach a decision on an application or on any question or matter at which the parties are entitled to attend and be heard; it includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

references, in rules 51 and 52, to "the High Court" ("*yr Uchel Lys*") include, in relation to any further appeals from the High Court or the Court of Appeal, the Court of Appeal or the Supreme Court, as the case may be;

"languages of the Tribunal" ("*ieithoedd y Tribiwnlys*") has the meaning given by rule 6;

"the Measure" means the Welsh Language (Wales) Measure 2011;

"notice of application" ("*hysbysiad cais*") has the meaning given by rule 10;

"oral representations" ("*sylwadau llafar*") includes evidence which by reason of an impairment of speech or hearing, a person gives using sign language;

"party" ("*parti*") means the applicant, the Commissioner or a party joined under rule 35;

"practice directions" ("*cyfarwyddiadau ymarfer*") has the meaning given by rule 4;

"President" ("*Llywydd*") means the President of the Tribunal appointed under section 120 of the Measure;

"Register" ("*Cofrestr*") means the register which must be kept under rule 58;

"Secretary of the Tribunal" ("*Ysgrifennydd y Tribiwnlys*") means the person who for the time being acts as the Secretary of the office of the Tribunal;

"the Tribunal" ("y Tribiwnlys") means the Welsh Language Tribunal or any person exercising the functions of the Tribunal in accordance with these Rules;

"tribunal panel" ("*panel tribiwnlys*") means a panel of Tribunal members who have been appointed under rule 9;

"witness summons" ("*gwŷs tyst*") means a document issued by the Tribunal requiring a witness to attend at a hearing to give evidence or produce documents in relation to an application to the Tribunal;

(**1**) 1971 p. 80.
(**2**) 2000 p. 7.

arfer swyddogaethau'r Tribiwnlys yn unol â'r Rheolau hyn;

mae "tystiolaeth" ("*evidence*") yn cynnwys deunydd o unrhyw ddisgrifiad, sy'n cael ei gofnodi ar unrhyw ffurf;

mae cyfeiriadau, yn rheolau 51 a 52, at "yr Uchel Lys" ("*the High Court*") yn cynnwys, mewn perthynas ag unrhyw apeliadau pellach oddi wrth yr Uchel Lys neu'r Llys Apêl, y Llys Apêl neu'r Goruchaf Lys, yn ôl y drefn;

ystyr "Ysgrifennydd y Tribiwnlys" ("*Secretary of the Tribunal*") yw'r person sydd am y tro yn gweithredu fel Ysgrifennydd swyddfa'r Tribiwnlys.

"working day" ("*diwrnod gwaith*") means any day other than—

(a) a Saturday,

(b) a Sunday,

(c) any day from 25 December to 1 January inclusive,

(d) Good Friday, or

(e) a day which is a bank holiday in Wales under section 1 of the Banking and Financial Dealings Act 1971(**1**).

Yr amcan pennaf

3.—(1) Amcan pennaf y Rheolau hyn ("yr amcan pennaf") yw galluogi'r Tribiwnlys i ymdrin ag achosion yn deg a chyfiawn.

(2) Mae ymdrin ag achos yn deg a chyfiawn yn cynnwys—

(a) ymdrin â'r achos mewn ffyrdd sy'n gymesur â phwysigrwydd yr achos a chymhlethdod y materion dan sylw,

(b) osgoi, i'r graddau y mae'r Tribiwnlys yn ystyried ei bod yn briodol, ffurfioldeb diangen,

(c) sicrhau, i'r graddau y mae'n ymarferol, bod y partïon yn cael eu trin yn gyfartal o ran trefniadaeth a'u bod yn gallu cyfranogi'n llawn yn yr achos, gan gynnwys hwyluso unrhyw barti i gyflwyno unrhyw gais neu apêl, ond heb argymell pa drywydd y dylai'r parti hwnnw ei ddilyn,

(d) trin ieithoedd y Tribiwnlys yn gyfartal,

(e) defnyddio arbenigedd neilltuol y Tribiwnlys yn effeithiol, a

(f) osgoi oedi, i'r graddau sy'n gyson â rhoi ystyriaeth briodol i'r materion dan sylw.

(3) Rhaid i'r Tribiwnlys geisio rhoi effaith i'r amcan pennaf pan fydd y Tribiwnlys—

(a) yn arfer unrhyw swyddogaeth o dan y Rheolau hyn, neu

(b) yn dehongli unrhyw reol.

(4) Yn benodol, rhaid i'r Tribiwnlys gymryd camau ymarferol i reoli achosion yn unol â'r amcan pennaf.

The overriding objective

3.—(1) The overriding objective of these Rules ("the overriding objective") is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

(a) dealing with the case in ways which are proportionate to the importance of the case and the complexity of the issues,

(b) avoiding unnecessary formality, as far as the Tribunal considers appropriate,

(c) ensuring, so far as practicable, that the parties are on an equal footing procedurally and are able to participate fully in the proceedings, including facilitating any party to present any claim or appeal, but without advocating the course that party should take,

(d) treating the languages of the Tribunal equally,

(e) using the special expertise of Tribunal effectively, and

(f) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when —

(a) exercising any function under these Rules, or

(b) interpreting any rule.

(4) In particular, the Tribunal must manage cases actively in accordance with the overriding objective.

(**1**) 1971 c. 80.

Cyfarwyddiadau Ymarfer

4.—(1) At ddibenion y Rheolau hyn ystyr "cyfarwyddiadau ymarfer" ("*practice directions*") yw cyfarwyddiadau ymarfer sy'n cael eu rhoi gan y Llywydd, o dan adran 124 o'r Mesur er mwyn rhoi cyngor ymarferol ar sut i ddehongli a gweithredu'r Rheolau hyn.

(2) Caiff cyfarwyddiadau ymarfer o dan baragraff (1) amrywio neu ddirymu cyfarwyddiadau ymarfer sydd eisoes yn bod.

(3) Rhaid i'r Tribiwnlys gyhoeddi cyfarwyddiadau ymarfer a gafodd eu gwneud o dan baragraff (1), ac unrhyw amrywiad neu ddirymiad o gyfarwyddyd ymarfer, yn y modd sy'n briodol ym marn y Llywydd.

(4) Mae darpariaethau unrhyw gyfarwyddyd ymarfer yn ddarostyngedig, mewn unrhyw achos penodol, i unrhyw gyfarwyddiadau sy'n cael eu rhoi o dan reol 26 mewn perthynas â'r achos hwnnw.

Practice Directions

4.—(1) For the purposes of these Rules, "practice directions" *("cyfarwyddiadau ymarfer")* means practice directions given by the President under section 124 of the Measure in order to provide practical advice on how to interpret and apply these Rules.

(2) Practice directions under paragraph (1) may vary or revoke existing practice directions.

(3) The Tribunal must publish practice directions made under paragraph (1), and any variation or revocation of a practice direction, in such manner as the President considers appropriate.

(4) The provisions of any practice direction are subject, in any particular case, to any directions given under rule 26 in relation to that case.

Rhwymedigaeth ar y partïon i gydweithredu

5.—(1) Rhaid i'r partïon—

(a) cydweithredu â'i gilydd er mwyn gyrru'r achos yn ei flaen,

(b) cydweithredu drwy roi dogfennau neu wybodaeth i'w gilydd, er mwyn galluogi pob parti i baratoi datganiad achos,

(c) cynorthwyo'r Tribiwnlys i hyrwyddo'r amcan pennaf, a

(d) cydweithredu â'r Tribiwnlys yn gyffredinol.

(2) Caiff y Tribiwnlys dynnu pa bynnag gasgliadau anffafriol sy'n cael eu hystyried yn briodol gan y Tribiwnlys, o fethiant parti i gydymffurfio ag unrhyw un o'r rhwymedigaethau sy'n cael eu pennu ym mharagraff (1).

(3) Pan fo'r Tribiwnlys yn tynnu casgliad anffafriol o dan baragraff (2), caiff y Tribiwnlys gyflwyno hysbysiad i'r parti diffygiol bod y Tribiwnlys yn bwriadu gwneud gorchymyn i ddileu—

(a) y cais, os y ceisydd yw'r parti diffygiol,

(b) y datganiad achos a'r dystiolaeth ysgrifenedig, os y Comisiynydd neu barti arall yw'r parti diffygiol.

(4) Rhaid i'r hysbysiad ym mharagraff (3) wahodd sylwadau a rhaid i'r Tribiwnlys ystyried unrhyw sylwadau sy'n cael eu gwneud.

Parties' obligation to co-operate

5.—(1) Parties must—

(a) co-operate with each other for the purposes of progressing the case,

(b) co-operate in giving documents or information to each other to enable each party to prepare a case statement,

(c) help the Tribunal to further the overriding objective, and

(d) co-operate with the Tribunal generally.

(2) The Tribunal may draw such adverse inferences as the Tribunal thinks fit from a party's failure to comply with any of the obligations specified in paragraph (1).

(3) Where the Tribunal has made an adverse inference under paragraph (2), the Tribunal may serve notice on the party in default that the tribunal panel is proposing to make an order to strike out—

(a) the application, where the party in default is the applicant,

(b) the case statement and written evidence, where the party in default is the Commissioner or any other party.

(4) The notice in paragraph (3) must invite representations and the Tribunal must consider any representations made.

(5) At ddibenion y rheol hon—

(a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti diffygiol y caiff y parti hwnnw, o fewn cyfnod (ddim hwyrach na 10 niwrnod gwaith) sy'n cael ei bennu yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar,

(b) bydd sylwadau wedi eu gwneud—

(i) yn achos sylwadau ysgrifenedig, os ydynt yn cael eu gwneud o fewn y cyfnod penodedig, a

(ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(6) Caiff y Tribiwnlys, ar ôl ystyried unrhyw sylwadau sydd wedi'u gwneud gan y parti diffygiol, orchymyn dileu achos y parti hwnnw.

(5) For the purposes of this rule—

(a) a notice inviting representations must inform the party in default that the party may, within a period (no later than 10 working days) specified in the notice, either make written representations or request an opportunity to make oral representations,

(b) representations are made if—

(i) in the case of written representations, they are made within the specified period, and

(ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(6) The Tribunal may, after considering any representations made by the party in default, order that that party's case be struck out.

Ieithoedd y Tribiwnlys

6.—(1) Ieithoedd y Tribiwnlys yw'r Gymraeg a'r Saesneg.

(2) Mae gan bob parti neu dyst yr hawl i ddefnyddio'r naill iaith neu'r llall yn nhrafodion y Tribiwnlys ac wrth gyfathrebu gyda'r Tribiwnlys, a chaiff parti neu dyst ddefnyddio un ohonynt ar achlysur neu at bwrpas penodol a'r llall ar achlysuron neu at bwrpasau eraill.

(3) Rhaid i'r Llywydd roi cyfarwyddyd ymarfer o dan reol 4 mewn perthynas â gweithredu'r rheol hon.

(4) Pan fydd dogfen yn cael ei dyroddi gan y Tribiwnlys o dan y Rheolau hyn yn y ddwy iaith, rhaid trin y testunau Cymraeg a Saesneg yn gyfartal.

(5) Nid yw paragraff (4) yn rhagfarnu pŵer y Tribiwnlys i gywiro camgymeriadau clerigol a gwallau eraill o dan reol 60(3).

The languages of the Tribunal

6.—(1) The languages of the Tribunal are the English and Welsh languages.

(2) Every party or witness has the right to use either language in the proceedings of the Tribunal and when communicating with the Tribunal a party or witness may use one of them on a particular occasion or for a particular purpose and the other on other occasions or for other purposes.

(3) The President must make practice directions under rule 4 in relation to the operation of this rule.

(4) When a document is issued by the Tribunal under these Rules in both languages, the English and Welsh texts must be treated equally.

(5) Paragraph (4) is without prejudice to the power of the Tribunal to correct clerical mistakes and other errors under rule 60(3).

Dulliau amgen o ddatrys anghydfod

7.—(1) Rhaid i'r Tribiwnlys, pan fo'n briodol, dynnu sylw'r partïon at unrhyw weithdrefn amgen briodol sydd ar gael i ddatrys yr anghydfod.

(2) Os yw'r partïon yn dymuno defnyddio'r weithdrefn amgen i ddatrys yr anghydfod, caiff y Tribiwnlys, ar yr amod bod hynny'n gyson â'r amcan pennaf, ohirio ystyriaeth o'r cais.

Alternative dispute resolution

7.—(1) The Tribunal must, where appropriate, bring to the attention of the parties any available appropriate alternative procedure for the resolution of the dispute.

(2) If the parties wish to use the alternative dispute resolution procedure the Tribunal may, provided that it is compatible with the overriding objective, stay the application.

RHAN B

PANELAU TRIBIWNLYS

Sefydlu panelau tribiwnlys

8.—(1) Penodir panelau tribiwnlys, sy'n arfer swyddogaethau'r Tribiwnlys o dan y Rheolau hyn, gan y Llywydd o dan reol 9.

(2) Byddant yn eistedd ar yr adegau, ac yn y mannau, sy'n cael eu penderfynu o bryd i'w gilydd gan y Llywydd.

Aelodaeth panel tribiwnlys

9.—(1) Yn ddarostyngedig i reol 39(5), rhaid i banel tribiwnlys gael ei gyfansoddi o dri aelod o'r Tribiwnlys, sef—

(a) Cadeirydd y panel, a

(b) dau aelod arall.

(2) Rhaid i aelodau'r panel tribiwnlys, a Chadeirydd y panel, gael eu penodi gan y Llywydd; ond mae hyn yn ddarostyngedig i baragraff (6).

(3) Rhaid i'r Cadeirydd fod yn naill ai'r Llywydd neu'n aelod arall o'r Tribiwnlys sydd wedi ei ymgymhwyso yn y gyfraith.

(4) Rhaid i'r ddau aelod arall gynnwys o leiaf un aelod lleyg o'r Tribiwnlys.

(5) Rhaid i'r Llywydd arfer y pŵer o dan baragraff (2) gyda golwg ar osgoi unrhyw wrthdrawiad rhwng buddiant unrhyw aelod o'r panel sydd i wrando achos a dyletswydd y Tribiwnlys i drin yr achos hwnnw yn unol â'r amcan pennaf.

(6) Os bydd amgylchiadau a fyddai, yn unol â pharagraff (5) yn gwahardd y Llywydd rhag bod yn aelod o banel, rhaid i'r Llywydd ystyried a yw'r amgylchiadau hynny'n ei wneud yn annymunol fod y Llywydd yn arfer y pŵer o dan baragraff (2) i benodi aelodau'r panel hwnnw; os felly, rhaid i'r Llywydd ddynodi aelod o'r Tribiwnlys sydd wedi ei ymgymhwyso yn y gyfraith, ac nad oes amgylchiadau tebyg yn perthyn iddo, a chaiff y pŵer o dan baragraff (2) gael ei arfer gan yr aelod hwnnw.

PART B

TRIBUNAL PANELS

Establishment of tribunal panels

8.—(1) Tribunal panels which exercise the jurisdiction of the Tribunal under these Rules, are to be appointed by the President in accordance with rule 9.

(2) They are to sit at such times, and in such places, as the President may from time to time determine.

Membership of tribunal panel

9.—(1) Subject to rule 39(5), a tribunal panel must consist of three members of the Tribunal, namely—

(a) the Chair of the panel, and

(b) two other members.

(2) Members of a tribunal panel, and the Chair of the panel, must be appointed by the President but this is subject to paragraph (6).

(3) The Chair must either be the President or another member of the Tribunal who is legally qualified.

(4) The other two members must include at least one lay member of the Tribunal.

(5) The President must exercise the power under paragraph (2) with a view to ensuring that there is no conflict between the interests of any member of the panel which is to hear a case and the Tribunal's duty to deal with that case in accordance with the overriding objective.

(6) If there are circumstances which would, in accordance with paragraph (5) prevent the President from being a member of a panel, the President must consider whether those circumstances make it undesirable that the President should exercise the power under paragraph (2) to appoint members of that panel; if so, the President must identify a legally qualified member of the Tribunal, to whom no similar circumstances apply, and the power under paragraph (2) may then be exercised by that member.

RHAN C

CYCHWYN CEISIADAU

Cychwyn cais

10. Rhaid gwneud cais i'r Tribiwnlys drwy gyflwyno i'r Tribiwnlys ddogfen ysgrifenedig, sy'n cael ei chyfeirio ati fel hysbysiad cais, yn unol â'r Rheolau hyn.

PART C

COMMENCING APPLICATIONS

Commencing an application

10. An application to the Tribunal must be commenced by submitting to the Tribunal, in accordance with these Rules, a written document referred to as a notice of application.

Cyfnod sy'n cael ei ganiatáu ar gyfer gwneud cais

11.—(1) Rhaid i hysbysiad cais ddod i law'r Tribiwnlys ddim hwyrach na'r diwrnod gwaith cyntaf ar ôl diwedd y cyfnod o 28 diwrnod sy'n dechrau gyda'r dyddiad pan roddwyd i'r ceisydd yr hysbysiad ysgrifenedig o'r penderfyniad ar ran y Comisiynydd sy'n cael ei herio.

(2) Yn ddarostyngedig i reol 14, ni chaiff y Tribiwnlys ystyried cais oni chafodd ei gychwyn yn unol â pharagraff (1).

Hysbysiad cais

12.—(1) Rhaid i'r hysbysiad cais ddatgan—

(a) enw a chyfeiriad y ceisydd, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y person hwnnw,

(b) enw a chyfeiriad unrhyw gynrychiolydd sydd wedi ei benodi gan y ceisydd, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd hwnnw,

(c) cyfeiriad ac, os oes un ar gael, cyfeiriad e-bost, lle y dylid anfon hysbysiadau a dogfennau ar gyfer y ceisydd,

(d) y dyddiad y cafodd y ceisydd gadarnhad ysgrifenedig o'r penderfyniad sy'n cael ei herio,

(e) y rheswm neu'r rhesymau dros wneud y cais,

(f) y canlyniad mae'r ceisydd am gael, a

(g) yr iaith y mae'r ceisydd, neu gynrychiolydd y ceisydd, os oes un, yn dymuno derbyn cyfathrebiadau oddi wrth y Tribiwnlys ynddi.

(2) Rhaid cyflwyno'r hysbysiad cais ynghyd â chopi o hysbysiad o'r penderfyniad sy'n cael ei herio.

(3) Rhaid i'r hysbysiad cais gael ei lofnodi gan y ceisydd, neu gan gynrychiolydd y person hwnnw, os oes un.

(4) Os yw'r ceisydd yn dymuno gofyn i'r Tribiwnlys arfer y pŵer o dan reol 14 i ystyried y cais er iddo ddod i law'r Tribiwnlys ar ôl yr amser sy'n cael ei bennu gan reol 11(1), rhaid i'r hysbysiad cais—

(a) gwneud hynny'n glir, a

(b) cynnwys datganiad o'r rhesymau pam y dylai'r Tribiwnlys arfer y pŵer hwnnw.

Gweithredu gan Ysgrifennydd y Tribiwnlys

13.—(1) Pan ddaw'r hysbysiad cais i law, rhaid i Ysgrifennydd y Tribiwnlys—

(a) cofnodi ei fanylion yn y Gofrestr, a

Period allowed for making an application

11.—(1) A notice of application must be received by the Tribunal no later than the first working day after the expiry of the period of 28 days beginning with the date when the applicant was given written notice of the decision of the Commissioner which is disputed.

(2) Subject to rule 14, the Tribunal may not consider an application unless it was commenced in accordance with paragraph (1).

Notice of application

12.—(1) The notice of application must state—

(a) the name and address of the applicant and, if available, that person's telephone number, fax number and email address,

(b) the name and address of any representative appointed by the applicant and if available, that representative's telephone number, fax number and email address,

(c) an address and if available, an email address, where notices and documents for the applicant should be sent,

(d) the date on which the applicant received written confirmation of the disputed decision,

(e) the reason or reasons for making the application,

(f) the result sought by the applicant, and

(g) the language in which the applicant, or the applicant's representative if there is one, wishes to receive communications from the Tribunal.

(2) The notice of application must be accompanied by a copy of the notice of the disputed decision.

(3) The notice of application must be signed by the applicant, or by that person's representative, if there is one.

(4) If the applicant wishes to ask the Tribunal to exercise the power under rule 14 to consider the application even though received by the Tribunal after the period specified by rule 11(1), the notice of application must—

(a) make this clear, and

(b) include a statement of the reasons why the Tribunal should exercise that power.

Action by the Secretary of the Tribunal

13.—(1) Upon receiving the notice of application, the Secretary of the Tribunal must—

(a) enter its particulars in the Register, and

(b) anfon at y ceisydd—

(i) cydnabyddiaeth o'i dderbyn a nodyn o rif yr achos sydd wedi cael ei gofnodi yn y Gofrestr,

(ii) nodyn o'r cyfeiriad y dylid anfon hysbysiadau a chyfathrebiadau iddo ar gyfer y Tribiwnlys,

(iii) hysbysiad bod modd cael cyngor ynghylch gweithdrefnau'r Tribiwnlys o swyddfa'r Tribiwnlys,

(iv) yn ddarostyngedig i reol 18(2) a (3), hysbysiad sy'n datgan yr amser sy'n cael ei ganiatáu o dan reol 18 ar gyfer cyflwyno datganiad achos a thystiolaeth y ceisydd, a

(v) datganiad o'r canlyniadau posibl i'r cais os na fydd parti'n cydymffurfio â rheol 5 (rhwymedigaeth ar y partïon i gydweithredu).

(2) Yr un pryd ag y bydd yr hysbysiad sy'n cael ei gyfeirio ato ym mharagraff (1)(b)(iv) yn cael ei anfon at y ceisydd, rhaid i Ysgrifennydd y Tribiwnlys anfon at y Comisiynydd—

(a) copi o'r hysbysiad cais ac unrhyw ddogfennau cysylltiedig,

(b) nodyn o'r cyfeiriad y dylid anfon hysbysiadau a chyfathrebiadau iddo ar gyfer y Tribiwnlys,

(c) hysbysiad sy'n datgan yr amser ar gyfer cyflwyno datganiad achos a thystiolaeth y Comisiynydd o dan reol 20(1), a'r canlyniadau os na fydd hynny'n cael ei wneud,

(d) datganiad o'r canlyniadau posibl i'r achos os nad yw parti'n cydymffurfio â rheol 5 (rhwymedigaeth ar y partïon i gydweithredu), a

(e) yn achos apêl o dan adrannau 95(2) neu 99 o'r Mesur, cais i'r Comisiynydd ddatgelu i'r Tribiwnlys manylion cyswllt y person neu'r personau a wnaeth y cwyn perthnasol (yn achos apêl o dan adran 95(2)) neu rhai'r person y bu'r ymchwiliad yn ymwneud ag ef (yn achos apêl o dan adran 99).

(3) Pan fo'r Tribiwnlys o'r farn, ar sail yr hysbysiad cais, bod y ceisydd yn gofyn i'r Tribiwnlys ystyried mater sydd y tu allan i bwerau'r Tribiwnlys, caiff Ysgrifennydd y Tribiwnlys, yn hytrach na rhoi hysbysiad i'r ceisydd o dan baragraff (1), roi hysbysiad i'r ceisydd —

(a) sy'n datgan y rhesymau dros y farn honno, a

(b) sy'n rhoi gwybod i'r ceisydd—

(b) send to the applicant—

(i) an acknowledgement of its receipt and a note of the case number entered in the Register,

(ii) a note of the address to which notices and communications for the Tribunal should be sent,

(iii) notification that advice about the procedures of the Tribunal may be obtained from the Tribunal office,

(iv) subject to rule 18(2) and (3), a notice stating the time allowed under rule 18 for submitting the applicant's case statement and evidence, and

(v) a statement of the possible consequences for the application if a party fails to comply with rule 5 (parties' obligation to co-operate).

(2) At the same time as the notice referred to in paragraph (1)(b)(iv) is sent to the applicant, the Secretary of the Tribunal must send to the Commissioner—

(a) a copy of the notice of application and any accompanying documents,

(b) a note of the address to which notices and communications for the Tribunal should be sent,

(c) a notice stating the time for submitting the Commissioner's case statement and evidence under rule 20(1) and the consequences of failing to do so,

(d) a statement of the possible consequences for the case if a party fails to comply with rule 5 (parties' obligation to co-operate), and

(e) in the case of an appeal under sections 95(2) or 99 of the Measure, a request to the Commissioner to disclose to the Tribunal the contact details of the person or persons who made the relevant complaint (in the case of an appeal under section 95(2)) or those of the person to whom the investigation related (in the case of an appeal under section 99).

(3) Where the Tribunal is of the opinion, on the basis of the notice of application, that the applicant is asking the Tribunal to consider a matter which is outside the Tribunal's powers, the Secretary of the Tribunal may, instead of giving notice to the applicant under paragraph (1), give notice to the applicant—

(a) stating the reasons for that opinion, and

(b) informing the applicant—

(i) na fydd y cais yn cael ei gofnodi yn y Gofrestr oni fydd y ceisydd yn gwneud cais ysgrifenedig i'r Tribiwnlys am ganiatâd i fynd ymlaen â'r cais, a'r Tribiwnlys wedi rhoi caniatâd, a

(ii) y bydd yr hysbysiad cais yn cael ei ddileu oni fydd y ceisydd wedi gwneud cais, o fewn 3 mis iddo dderbyn hysbysiad o dan y paragraff hwn, am ganiatâd i fynd ymlaen â'r cais, neu os bydd cais felly wedi cael ei wrthod.

(4) Caiff y Tribiwnlys, cyn penderfynu unrhyw gais o dan baragraff (3), wahodd sylwadau ysgrifenedig, neu sylwadau ysgrifenedig pellach, oddi wrth y ceisydd, y Comisiynydd, neu unrhyw berson arall sydd, ym marn y Tribiwnlys, â diddordeb digonol yn yr achos.

(5) Os yw'r Tribiwnlys, ar ôl ystyried cais o dan baragraff (3), yn rhoi caniatâd i fynd ymlaen â'r cais rhaid i Ysgrifennydd y Tribiwnlys drin yr hysbysiad cais fel un sydd wedi ei gael at ddibenion paragraff (1), a'i gofnodi yn y Gofrestr yn unol â'r paragraff hwnnw.

(6) Caiff Ysgrifennydd y Tribiwnlys gywiro unrhyw wall amlwg yn yr hysbysiad cais os yw'n ymddangos i'r Ysgrifennydd fod y gwall hwnnw wedi ei achosi gan lithriad neu hepgoriad damweiniol.

(7) Pan fo gwall wedi ei gywiro yn unol â pharagraff (6), rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r ceisydd o'r cywiriad, a datgan effaith paragraff (8).

(8) Rhaid trin yr hysbysiad cais fel y bydd wedi ei gywiro fel yr hysbysiad cais at ddibenion y Rheolau hyn, oni fydd y ceisydd yn rhoi gwybod i Ysgrifennydd y Tribiwnlys ei fod yn gwrthwynebu'r cywiriad, o fewn 10 niwrnod gwaith ar ôl rhoi'r hysbysiad o dan baragraff (7).

(9) Yn ddarostyngedig i baragraffau (10) a (11), rhaid i Ysgrifennydd y Tribiwnlys anfon yr holl ddogfennau a hysbysiadau ynglŷn â'r cais at y ceisydd.

(10) Mae'r paragraff hwn yn gymwys os bydd y ceisydd wedi hysbysu Ysgrifennydd y Tribiwnlys fod rhaid anfon yr holl ddogfennau a hysbysiadau ynglŷn â'r cais at y cynrychiolydd yn hytrach nag at y ceisydd.

(11) Os bydd paragraff (10) yn gymwys, rhaid dehongli cyfeiriadau yn y Rheolau hyn (sut bynnag y maent yn cael eu mynegi) at anfon dogfennau at y ceisydd, neu roi hysbysiad i'r ceisydd, fel pe baent yn gyfeiriadau at anfon dogfennau at y cynrychiolydd neu roi hysbysiad i'r cynrychiolydd.

(i) that the application will not be entered in the Register unless the applicant makes a written application to the Tribunal for permission to proceed with the claim, and the Tribunal has given permission, and

(ii) that the notice of application will be struck out unless the applicant has, within 3 months of receiving notice under this paragraph, made an application for permission to proceed with the claim, or that application has been rejected.

(4) The Tribunal may, before deciding any application under paragraph (3), invite written submissions, or further written submissions, from the applicant, the Commissioner, or any other person who, in the opinion of the Tribunal, has a sufficient interest in the case.

(5) If the Tribunal after considering an application under paragraph (3), has given permission to proceed with the claim, the Secretary of the Tribunal must treat the notice of application as having been received for the purpose of paragraph (1), and must record it in the Register in accordance with that paragraph.

(6) The Secretary of the Tribunal may correct any obvious error in the notice of application if it appears to the Secretary that the error in question has been caused by an accidental slip or omission.

(7) Where an error has been corrected in accordance with paragraph (6), the Secretary of the Tribunal must notify the applicant of the correction and state the effect of paragraph (8).

(8) Unless the applicant informs the Secretary of the Tribunal, within 10 working days of the giving of notification under paragraph (7), of an objection to the correction, the notice of application must be treated, for the purposes of these Rules, as so amended.

(9) Subject to paragraphs (10) and (11), the Secretary of the Tribunal must send all documents and notices concerning the application to the applicant.

(10) This paragraph applies if the applicant has notified the Secretary of the Tribunal that all documents and notices concerning the application must be sent to the representative instead of the applicant.

(11) If paragraph (10) applies, references in these Rules (however expressed) to sending documents to, or giving notice to, the applicant must be construed as references to sending documents to, or giving notice to, the representative.

(12) Os daw manylion cyswllt person i law Ysgrifennydd y Tribiwnlys mewn ymateb i gais i'r Comisiynydd o dan baragraff (2)(e), rhaid i Ysgrifennydd y Tribiwnlys, mor fuan â phosibl, anfon copi o'r hysbysiad cais i'r person o dan sylw a'i hysbysu o'r hawl i wneud cais i gael ei ychwanegu fel parti o dan reol 35.

(12) If the contact details of any person are received by the Secretary of the Tribunal in response to a request to the Commissioner under paragraph (2)(e), the Secretary of the Tribunal must, as soon as possible, send a copy of the notice of application to the person in question and give that person notice of the right to apply to be added as a party under rule 35.

Cais sy'n cael ei wneud y tu allan i'r amser

14.—(1) Caiff y Tribiwnlys ystyried unrhyw gais sy'n dod i law'r Tribiwnlys ar ôl diwedd y cyfnod sy'n cael ei bennu gan reol 11(1) os yw'r Tribiwnlys wedi ei fodloni bod rheswm da—

(a) dros y methiant i wneud y cais cyn diwedd y cyfnod hwnnw, a

(b) os oedd unrhyw oedi wedi bod cyn gofyn am ganiatâd i wneud cais ar ôl diwedd y cyfnod hwnnw, dros yr oedi hwnnw.

(2) Caiff y Tribiwnlys geisio gwybodaeth bellach gan y ceisydd cyn gwneud penderfyniad o dan baragraff (1).

Application made out of time

14.—(1) The Tribunal may consider any application which was received by the Tribunal after the end of the period specified by rule 11(1) if the Tribunal is satisfied that there was good reason –

(a) for the failure to make the application before the end of that period, and

(b) if there was further delay before requesting permission to make the application after the end of that period, for that further delay.

(2) The Tribunal may seek further information from the applicant before making a decision under paragraph (1).

Digonolrwydd y rhesymau

15.—(1) Os nad yw'r datganiad o'r rhesymau dros wneud y cais sy'n cael ei gynnwys yn yr hysbysiad cais, neu sy'n cael ei gyflwyno ynghyd â'r hysbysiad cais, yn ddigonol ym marn y Tribiwnlys i alluogi'r Comisiynydd i ymateb i'r cais, rhaid i'r Tribiwnlys gyfarwyddo'r ceisydd i anfon manylion, neu fanylion pellach, o'r rhesymau hynny at Ysgrifennydd y Tribiwnlys o fewn 10 niwrnod gwaith ar ôl rhoi'r cyfarwyddyd.

(2) Mae rheol 33 yn gymwys i gyfarwyddyd o dan baragraff (1).

(3) Mae unrhyw resymau sy'n cael eu hanfon mewn ymateb i gyfarwyddyd o dan baragraff (1) i'w trin fel pe baent yn rhan o'r hysbysiad cais.

Sufficiency of reasons

15.—(1) If the notice of application does not include, or is not accompanied by, a statement of the reasons for making the application which the Tribunal considers sufficient to enable the Commissioner to respond to the application, the Tribunal must direct the applicant to send details, or further details, of those reasons to the Secretary of the Tribunal within 10 working days of the giving of the direction.

(2) Rule 33 applies to a direction under paragraph (1).

(3) Any reasons sent in response to a direction made under paragraph (1) are to be treated as part of the notice of application.

Rhoi neu wrthod caniatâd i wneud cais am adolygiad o benderfyniad gan y Comisiynydd

16.—(1) Os daw i law'r Tribiwnlys hysbysiad cais sy'n cynnwys cais am adolygiad, o dan adran 103 o'r Mesur, o benderfyniad gan y Comisiynydd, ni ystyrir, at bwrpas rheol 13, fod y cais hwnnw wedi dod i law hyd nes bydd y Tribiwnlys wedi penderfynu—

(a) bod disgwyliad rhesymol y bydd y cais yn llwyddo, neu

(b) bod rhyw reswm cryf arall pam y dylai'r cais gael ei glywed.

Giving or refusing permission to apply for a review of a decision by the Commissioner

16.—(1) If the Tribunal receives a notice of application which includes an application for a review, under section 103 of the Measure, of a decision by the Commissioner, that application is not to be treated, for the purposes of rule 13, as having been received until the Tribunal has decided—

(a) that the application would have a reasonable prospect of success, or

(b) that there is some other compelling reason why the application should be heard.

(2) Os yw'r Tribiwnlys o'r farn fod paragraff (1)(a) neu (1)(b) yn gymwys, rhaid i'r Tribiwnlys roi caniatâd i'r cais gael ei wneud a rhaid iddo wedyn gael ei drin fel un a ddaeth i law, at bwrpas rheol 13, a rhaid iddo gael ei ystyried ymhellach yn unol â'r Rheolau hyn.

(3) Yn ddarostyngedig i baragraff (4), os nad yw'r Tribiwnlys o'r farn fod naill ai paragraff 1(a) neu 1(b) yn gymwys, rhaid i'r Tribiwnlys wrthod caniatâd i'r cais gael ei wneud ac ni fydd y cais yn cael ei ystyried ymhellach.

(4) Os yw'r cais wedi ei seilio ar fwy nac un sail, ac os yw'r Tribiwnlys yn penderfynu bod gofynion paragraff (2) wedi'u diwallu mewn perthynas ag un neu ragor o'r seiliau hynny, ond nid mewn perthynas â gweddill y seiliau, rhaid i'r Tribiwnlys roi caniatâd i'r cais gael ei wneud ar yr amod y bydd ystyriaeth bellach ohono'n cael ei chyfyngu i'r sail neu seiliau perthnasol.

(5) Rhaid i Ysgrifennydd y Tribiwnlys, mor fuan ag sy'n ymarferol—

(a) hysbysu'r ceisydd a'r Comisiynydd o benderfyniad y Tribiwnlys o dan baragraff (1), a

(b) cofnodi'r penderfyniad hwnnw yn y Gofrestr.

(6) Rhaid i hysbysiad sy'n cael ei roi o dan baragraff (5)—

(a) cynnwys rhesymau'r Tribiwnlys dros ddod i'w benderfyniad, a

(b) cynnwys canllawiau, mewn ffurf a gymeradwywyd gan y Llywydd, am—

(i) yr amgylchiadau sy'n rhoi hawl i apelio yn erbyn y penderfyniad, a

(ii) y weithdrefn mae'n rhaid ei dilyn.

(7) Caiff swyddogaeth y Tribiwnlys o dan baragraff (1) ei harfer—

(a) gan y Llywydd, neu gan aelod o'r Tribiwnlys sydd wedi ei ymgymhwyso yn y gyfraith, ac sydd wedi ei awdurdodi gan y Llywydd i arfer y swyddogaeth honno, a

(b) heb wrandawiad.

(8) Os bydd caniatâd i'r cais gael ei wneud—

(a) wedi ei wrthod o dan baragraff (3), neu

(b) wedi ei roi'n amodol o dan baragraff (4),

caiff y ceisydd hawlio bod y penderfyniad hwnnw'n cael ei ail-ystyried gan banel tribiwnlys mewn gwrandawiad.

(2) If the Tribunal considers that either paragraph (1)(a) or (1)(b) applies, the Tribunal must give permission for the application to be made and it must then be treated as having been received, for the purposes of rule 13, and considered further in accordance with these Rules.

(3) Subject to paragraph (4), if the Tribunal does not consider that either paragraph (1)(a) nor (1)(b) applies, the Tribunal must refuse permission for the application to be made and the application will not be considered further.

(4) If the application is based on more than one ground, and if the Tribunal decides that the requirements of paragraph (2) have been satisfied in relation to one or more of those grounds, but not in relation to the other grounds, the Tribunal must give permission for the application to be made on condition that further consideration of it will be limited to the relevant ground or grounds.

(5) The Secretary of the Tribunal must, as soon as practicable—

(a) notify the applicant and the Commissioner of the Tribunal's decision under paragraph (1), and

(b) record that decision in the Register.

(6) Notification given under paragraph (5) must—

(a) include the Tribunal's reasons for coming to its decision, and

(b) be accompanied by guidance, in a form approved by the President, about—

(i) the circumstances under which there is a right to appeal against the decision, and

(ii) the procedure to be followed.

(7) The Tribunal's function under paragraph (1) may be exercised—

(a) by the President, or by a legally qualified member of the Tribunal who has been authorised by the President to exercise that function, and

(b) without a hearing.

(8) If permission to make an application—

(a) has been refused under paragraph (3), or

(b) has been given conditionally under paragraph (4),

the applicant may require that the decision be reconsidered by a tribunal panel at a hearing.

(9) Rhaid i hawliad o dan baragraff (8) gael ei hysbysu mewn ysgrifen a dod i law'r Tribiwnlys o fewn 14 diwrnod i'r diwrnod rhaid ystyried, yn unol â rheol 62, fod y ceisydd wedi cael yr hysbysiad arno o dan baragraff (5).

(10) Mae paragraffau (1) i (4), a rheolau 36 (ac eithrio paragraff (4)(b)(ii)), 38, 39(1), (2) a (5), 43, 44, 45, 46 a 47 yn gymwys i wrandawiad o dan baragraff (8).

(11) Os bydd panel tribiwnlys, ar ôl gwrandawiad o dan baragraff (8), o'r farn—

(a) nad oes disgwyliad rhesymol y byddai'r cais am adolygiad yn llwyddo, a

(b) nad oes unrhyw reswm cryf arall pam y dylai'r cais gael ei glywed,

rhaid i'r panel roi caniatâd ffurfiol i wneud y cais am adolygiad ond wedyn gwrthod y cais hwnnw.

Penodi cynrychiolwyr

17.—(1) Heb ragfarnu rheol 12(1)(b), caiff unrhyw barti, trwy roi hysbysiad ysgrifenedig i Ysgrifennydd y Tribiwnlys ar unrhyw adeg yn ddiweddarach—

(a) penodi cynrychiolydd,

(b) penodi cynrychiolydd arall i gymryd lle'r cynrychiolydd a gafodd ei benodi yn flaenorol ac y mae ei benodiad yn cael ei ddiddymu gan y penodiad diweddarach,

(c) datgan nad oes unrhyw berson yn gweithredu fel cynrychiolydd y parti hwnnw, gan ddiddymu unrhyw benodiad blaenorol.

(2) Pan fo penodiad yn cael ei wneud o dan baragraff (1), rhaid i'r parti perthnasol roi enw, cyfeiriad, a manylion cyswllt y cynrychiolydd a benodwyd.

(9) A requirement under paragraph (8) must be notified in writing and must be received by the Tribunal within 14 days of the day on which the applicant is to be taken, in accordance with rule 62, to have received notification under paragraph (5).

(10) Paragraphs (1) to (4), and rules 36 (except for paragraph (4)(b)(ii)), 38, 39(1), (2) and (5), 43, 44, 45, 46 and 47 apply to a hearing under paragraph (8).

(11) If a tribunal panel, after a hearing under paragraph (8), is of the opinion—

(a) that the application would have no reasonable prospect of success, and

(b) that there is no other compelling reason why the application should be heard,

the panel must give formal permission to make the application but must then dismiss that application.

Appointment of representatives

17.—(1) Without prejudice to rule 12(1)(b), any party may, by giving written notice to the Secretary of the Tribunal at any later time—

(a) appoint a representative,

(b) appoint another representative to replace the representative previously appointed, whose appointment is cancelled by the later appointment,

(c) state that no person is acting as that party's representative, which cancels any previous appointment.

(2) Where an appointment is made under paragraph (1), the party in question must give the name, address and contact details of the appointed representative.

RHAN D

PARATOI ACHOS AR GYFER GWRANDAWIAD

Cyfnod datganiad achos y ceisydd

18.—(1) Y cyfnod datganiad achos, ar gyfer y ceisydd, yw cyfnod o 20 diwrnod gwaith, sy'n cychwyn ar y dyddiad y bydd hysbysiad, a roddwyd o dan reol 13(1)(b)(iv), yn cael ei ystyried ei fod wedi dod i law'r ceisydd yn unol â rheol 63.

PART D

PREPARING A CASE FOR HEARING

Applicant's case statement period

18.—(1) The case statement period, in the case of the applicant, is a period of 20 working days, commencing on the date on which notice given under rule 13(1)(b)(iv) is taken, in accordance with rule 63, to have been received.

(2) Os yw'r Tribiwnlys yn gwneud cyfarwyddyd mewn perthynas â chais yn unol â rheol 15, ni fydd y cyfnod sy'n cael ei bennu ym mharagraff (1) yn cychwyn, a rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon hysbysiad at y ceisydd fel sy'n ofynnol gan reol 13(1)(b)(iv), nac anfon unrhyw ddogfennau fel sy'n ofynnol gan reol 13(2), hyd nes y bydd rhesymau wedi'u cael mewn ymateb i'r cyfarwyddyd.

(3) Heb ragfarnu paragraff (2), os yw'r cais yn un am adolygiad gan y Tribiwnlys, o dan adran 103 o'r Mesur, o benderfyniad, neu fethiant i wneud penderfyniad, gan y Comisiynydd, ni fydd y cyfnod sy'n cael ei bennu ym mharagraff (1) yn cychwyn, a rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon hysbysiad at y ceisydd fel sy'n ofynnol gan reol 13(1)(b)(iv), nac anfon unrhyw ddogfennau fel sy'n ofynnol gan reol 13(2), hyd nes y bydd y Tribiwnlys wedi rhoi caniatâd, o dan reol 16, i'r cais gael ei wneud.

Datganiad achos a thystiolaeth y ceisydd

19.—(1) Rhaid i'r ceisydd gyflwyno i Ysgrifennydd y Tribiwnlys, cyn diwedd y cyfnod datganiad achos—

(a) datganiad achos, a

(b) pob tystiolaeth arall y mae'r ceisydd yn bwriadu dibynnu arni ac na chafodd ei chyflwyno eisoes.

(2) Os bydd y Tribiwnlys wedi rhoi caniatâd, caiff y ceisydd —

(a) diwygio'r hysbysiad cais,

(b) cyflwyno datganiad atodol o resymau sy'n cefnogi'r cais,

(c) diwygio datganiad atodol o resymau sy'n cefnogi'r cais,

(d) cyflwyno datganiad achos atodol,

(e) diwygio datganiad achos atodol.

(3) Rhaid i'r ceisydd gyflwyno copi i Ysgrifennydd y Tribiwnlys o bob diwygiad a datganiad atodol y bydd caniatâd wedi ei roi ar ei gyfer o dan baragraff (2), o fewn y cyfnod o amser sydd wedi cael ei ganiatáu.

(4) Pan fo caniatâd o dan baragraff (2) yn cael ei roi, caiff y Tribiwnlys, os bydd angen, estyn y cyfnod datganiad achos, o dan reol 53 neu, os daeth i ben, ganiatáu pa bynnag gyfnod pellach sy'n cael ei ystyried yn briodol gan y Tribiwnlys.

(2) If the Tribunal makes a direction in relation to an application in accordance with rule 15, the period specified in paragraph (1) does not start, and the Secretary of the Tribunal must not send a notice to the applicant as required by rule 13(1)(b)(iv), nor send any documents as required by rule 13(2), until reasons are received in response to the direction.

(3) Without prejudice to paragraph (2), if the application is one seeking a review by the Tribunal, under section 103 of the Measure, of a decision, or a failure to make a decision, by the Commissioner, the period specified by paragraph (1) does not commence, and the Secretary of the Tribunal must not send a notice to the applicant as required by rule 13(1)(b)(iv), nor send any documents as required by rule 13(2), until the Tribunal has given permission, under rule 16, for the application to be made.

Applicant's case statement and evidence

19.—(1) The applicant must submit to the Secretary of the Tribunal, before the end of the case statement period—

(a) a case statement, and

(b) all other evidence to be relied on by the applicant which has not already been submitted.

(2) If the Tribunal has given permission, the applicant may—

(a) amend the notice of application,

(b) submit a supplementary statement of reasons in support of the application,

(c) amend a supplementary statement of reasons in support of the application,

(d) submit a supplementary case statement,

(e) amend a supplementary case statement.

(3) The applicant must submit to the Secretary of the Tribunal a copy of every amendment and supplementary statement for which permission has been given under paragraph (2) within the time period granted.

(4) Where permission is given under paragraph (2), the Tribunal may, if necessary, extend the case statement period, under rule 53 or, if it has expired, grant such further period as the Tribunal considers appropriate.

(5) Os yw'r Comisiynydd, pan fydd caniatâd o dan baragraff (2) yn cael ei roi, wedi colli'r hawl i fod yn bresennol neu gael cynrychiolydd yn y gwrandawiad, yn unol â rheolau 23, 25 neu 33, bydd rhoi'r caniatâd yn adfer yr hawl honno ac, os bydd angen, gall y gwrandawiad, neu weddill y gwrandawiad, gael ei ohirio neu ei oedi, fel sy'n briodol er mwyn sicrhau cynrychiolaeth ar gyfer y Comisiynydd.

Datganiad achos a thystiolaeth y Comisiynydd

20.—(1) Y cyfnod datganiad achos, ar gyfer y Comisiynydd, yw cyfnod o 20 diwrnod gwaith, sy'n cychwyn ar y dyddiad y bydd datganiad achos y ceisydd yn cael ei ystyried ei fod wedi dod i law'r Comisiynydd, yn unol â rheol 63.

(2) Rhaid i'r Comisiynydd gyflwyno i Ysgrifennydd y Tribiwnlys cyn diwedd y cyfnod datganiad achos—

(a) copi o'r penderfyniad sy'n cael ei herio,

(b) datganiad achos, a

(c) pob tystiolaeth arall y mae'r Comisiynydd yn bwriadu dibynnu arni ac na chafodd ei chyflwyno eisoes.

(3) Rhaid i ddatganiad achos y Comisiynydd gael ei lofnodi gan berson a awdurdodwyd i lofnodi dogfennau o'r fath ar ran y Comisiynydd, a rhaid i'r datganiad achos hwnnw ddatgan a yw'r Comisiynydd yn bwriadu gwrthwynebu'r cais ai peidio.

(4) Os yw'r Comisiynydd yn bwriadu gwrthwynebu'r cais, rhaid i ddatganiad achos y Comisiynydd ddatgan—

(a) ar ba seiliau y mae'r Comisiynydd yn gwrthwynebu'r cais, neu unrhyw ran o'r cais,

(b) enw a chyfeiriad cynrychiolydd y Comisiynydd ac, os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd,

(c) y cyfeiriad lle y dylid anfon neu ddanfon dogfennau ar gyfer y Comisiynydd,

(d) crynodeb o'r ffeithiau mewn perthynas â'r penderfyniad sy'n cael ei herio, a

(e) y rheswm neu'r rhesymau dros y penderfyniad sy'n cael eu herio os nad yw'r rheswm neu'r rhesymau'n gynwysedig yn yr hysbysiad o'r penderfyniad.

(5) Caiff y Comisiynydd ddiwygio datganiad achos y Comisiynydd, cyflwyno datganiad achos atodol, neu ddiwygio datganiad achos atodol, os bydd y Tribiwnlys wedi rhoi caniatâd.

(5) If, at the time permission is given under paragraph (2), the Commissioner has lost the entitlement to attend or to be represented at the hearing, in accordance with rules 23, 25 or 33, the giving of permission restores that entitlement and, if necessary, the hearing, or the remainder of the hearing, may be postponed or adjourned, as appropriate, so that the Commissioner can be represented.

Commissioner's case statement and evidence

20.—(1) The case statement period, in the case of the Commissioner is a period of 20 working days, commencing on the date on which the applicant's statement of case is taken, in accordance with rule 63, to have been received by the Commissioner.

(2) The Commissioner must submit to the Secretary of the Tribunal, before the end of the case statement period—

(a) a copy of the disputed decision,

(b) a case statement, and

(c) all other evidence to be relied on by the Commissioner which has not already been submitted.

(3) The Commissioner's case statement must be signed by a person who is authorised to sign such documents on the Commissioner's behalf, and must state whether or not the Commissioner intends to oppose the application or not.

(4) If the Commissioner intends to oppose the application, the Commissioner's case statement must state—

(a) the grounds on which the Commissioner opposes the application, or any part of the application,

(b) the name and address of the Commissioner's representative and, if available, the representative's telephone number, fax number and email address,

(c) the address where documents for the Commissioner should be sent or delivered,

(d) a summary of the facts relating to the disputed decision, and

(e) the reason or reasons for the disputed decision, if not included in the notice of the decision.

(5) The Commissioner may amend the Commissioner's case statement, submit a supplementary case statement, or amend a supplementary case statement, if permission has been given by the Tribunal.

(6) Rhaid i'r Comisiynydd gyflwyno i Ysgrifennydd y Tribiwnlys gopi o bob diwygiad a datganiad atodol y bydd caniatâd wedi ei roi ar ei gyfer o dan baragraff (5), o fewn y cyfnod o amser sydd wedi cael ei ganiatáu.

(7) Os bydd caniatâd wedi cael ei roi o dan baragraff (5), caiff y Tribiwnlys estyn y cyfnod datganiad achos o dan reol 53, neu, os daeth i ben, ganiatáu pa bynnag gyfnod pellach sy'n cael ei ystyried yn briodol gan y Tribiwnlys.

(8) Os yw'r ceisydd, pan fydd caniatâd yn cael ei roi o dan baragraff (5), wedi colli'r hawl i fod yn bresennol neu gael cynrychiolydd yn y gwrandawiad yn unol â rheol 25, bydd rhoi'r caniatâd yn adfer yr hawl honno ac, os bydd angen, gall gwrandawiad, neu weddill y gwrandawiad, gael ei ohirio neu ei oedi, fel sy'n briodol, er mwyn sicrhau cynrychiolaeth ar gyfer y ceisydd.

Datganiad achos y ceisydd mewn ymateb

21.—(1) Caiff y ceisydd, cyn diwedd y cyfnod sy'n cael ei ragnodi gan baragraff (2), gyflwyno i Ysgrifennydd y Tribiwnlys ddatganiad achos sy'n ymateb i'r hwnnw sy'n eiddo i'r Comisiynydd.

(2) Y cyfnod sy'n cael ei ragnodi gan baragraff (1) yw 20 diwrnod gwaith, sy'n cychwyn ar y dyddiad y bydd datganiad achos y Comisiynydd yn cael ei ystyried ei fod wedi dod i law'r ceisydd yn unol â rheol 62.

Copïau o ddogfennau i'r partïon

22.—(1) Yn ddarostyngedig i baragraff (2), rhaid i Ysgrifennydd y Tribiwnlys—

(a) anfon copi at y Comisiynydd o unrhyw ddiwygiad i'r hysbysiad cais a ddaw i law yn ystod y cyfnod datganiad achos,

(b) anfon copi o ddatganiad achos a thystiolaeth ysgrifenedig y naill barti at y llall, a

(c) anfon ar unwaith at y parti arall gopïau o unrhyw ddiwygiadau neu ddatganiadau atodol, sylwadau ysgrifenedig, tystiolaeth ysgrifenedig neu ddogfennau eraill a ddaw i law o barti ar ôl diwedd y cyfnod datganiad achos.

(2) Os bydd hysbysiad cais, datganiad achos, diwygiad, datganiad atodol, sylw ysgrifenedig, tystiolaeth ysgrifenedig neu ddogfen arall yn cael eu cyflwyno i Ysgrifennydd y Tribiwnlys ar ôl yr amser sy'n cael ei ragnodi gan y Rheolau hyn, rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon copi o'r hyn sydd wedi ei gyflwyno felly at y parti arall, oni fydd y terfyn amser wedi ei estyn gan y Tribiwnlys o dan reol 53.

(6) The Commissioner must submit to the Secretary of the Tribunal a copy of every amendment and supplementary statement for which permission has been given under paragraph (5) within the time period granted.

(7) If permission is given under paragraph (5) the Tribunal may extend the case statement period under rule 53 or, if it has expired, grant such further period as the Tribunal considers appropriate.

(8) If, at the time permission is given under paragraph (5), the applicant has lost the entitlement to attend or to be represented at the hearing in accordance with rule 25, the giving of permission restores that entitlement and, if necessary, the hearing, or the remainder of the hearing, may be postponed or adjourned, as appropriate, so that the applicant can be represented.

Applicant's case statement in reply

21.—(1) The applicant may, before the end of the period prescribed by paragraph (2), submit to the Secretary of the Tribunal a case statement in reply to that of the Commissioner.

(2) The period prescribed for the purpose of paragraph (1) is 20 working days, commencing on the date on which the Commissioner's case statement is taken, in accordance with rule 62, to have been received by the applicant.

Copy documents for parties

22.—(1) Subject to paragraph (2), the Secretary of the Tribunal must—

(a) send to the Commissioner a copy of any amendment to the notice of application received during the case statement period,

(b) send a copy of each party's case statement and written evidence to the other party, and

(c) immediately send to the other party copies of any amendments or supplementary statements, written representations, written evidence or other documents received from a party after the end of the case statement period.

(2) If a notice of application, a case statement, amendment, supplementary statement, written representation, written evidence or other document is submitted to the Secretary of the Tribunal after the time prescribed by these Rules, the Secretary of the Tribunal must not send a copy of what has been so submitted to the other party unless the Tribunal has extended the time limit under rule 53.

(3) Pan fo Ysgrifennydd y Tribiwnlys yn anfon unrhyw gopïau o ddogfennau sy'n cael eu cyfeirio atynt ym mharagraff (1) at barti sydd eisoes wedi hysbysu Ysgrifennydd y Tribiwnlys, wrth ymateb i ymholiadau a wnaed o dan reol 24(a)(i) a (ii), nad yw'r parti'n dymuno bod yn bresennol na chael ei gynrychioli yn y gwrandawiad, rhaid i Ysgrifennydd y Tribiwnlys ofyn a yw'r parti'n dymuno newid yr ymateb hwnnw ar sail y dogfennau hynny.

Methiant ar ran y Comisiynydd i gyflwyno datganiad achos neu absenoldeb gwrthwynebiad

23.—(1) Caiff y Tribiwnlys benderfynu'r cais, heb wrandawiad neu drwy gynnal gwrandawiad—

(a) os na fydd Ysgrifennydd y Tribiwnlys wedi cael datganiad achos gan y Comisiynydd o fewn y cyfnod datganiad achos,

(b) os yw'r Comisiynydd wedi datgan mewn ysgrifen nad yw am wrthwynebu'r cais, neu

(c) os yw'r Comisiynydd yn tynnu'n ôl gwrthwynebiad i'r cais.

(2) Pan fo'r Tribiwnlys yn penderfynu'r cais heb wrandawiad, rhaid iddo wneud hynny ar sail yr hysbysiad cais ac unrhyw ddogfennau eraill a ddaeth i law.

(3) Os yw'r Tribiwnlys yn penderfynu cynnal gwrandawiad yn unol â pharagraff (1), caiff ddyroddi cyfarwyddyd sy'n gwahardd y Comisiynydd rhag bod yn bresennol yn y gwrandawiad na chael cynrychiolaeth yn y gwrandawiad.

Ymholiadau gan Ysgrifennydd y Tribiwnlys

24. Caiff Ysgrifennydd y Tribiwnlys ar unrhyw adeg ar ôl cael yr hysbysiad cais—

(a) gofyn i bob parti—

(i) pa un ai yw'r parti'n bwriadu bod yn bresennol yn y gwrandawiad ai peidio,

(ii) a yw'r parti'n dymuno cael ei gynrychioli yn y gwrandawiad yn unol â rheol 45 ac os felly, enw'r cynrychiolydd,

(iii) a yw'r parti'n bwriadu galw tystion ac os felly, enwau'r tystion arfaethedig, ac a oes arbenigwr yn eu plith,

(iv) a oes ar y parti, neu dyst, angen cymorth oherwydd nam cyfathrebu, ac os felly, manylion y math o gymorth cyfathrebu sy'n ofynnol, a

(v) a oes gan y parti, neu dyst sy'n bwriadu cael ei alw, unrhyw anableddau a allai olygu y byddai'n ofynnol gwneud addasiadau rhesymol ac, os felly,

(3) Where the Secretary of the Tribunal sends any copies of documents referred to in paragraph (1) to a party who has already informed the Secretary of the Tribunal, in response to the enquiries made under rule 24(a)(i) and (ii), that the party does not wish to attend or be represented at the hearing, the Secretary of the Tribunal must ask whether the party wishes to amend that response on the basis of those documents.

Commissioner's failure to submit a case statement or absence of opposition

23.—(1) The Tribunal may determine the application, without a hearing or by holding a hearing if—

(a) the Secretary of the Tribunal does not receive a case statement from the Commissioner within the case statement period,

(b) the Commissioner has stated in writing an intention not to resist the application, or

(c) the Commissioner has withdrawn opposition to the application.

(2) Where the Tribunal decides the application without a hearing, it must do so on the basis of the notice of application and any other documents already received.

(3) If the Tribunal decides to hold a hearing in accordance with paragraph (1), it may issue a direction precluding the Commissioner from attending the hearing or being represented at the hearing.

Enquiries by the Secretary of the Tribunal

24. The Secretary of the Tribunal may at any time after receiving the notice of application—

(a) ask each party—

(i) whether or not the party intends to attend the hearing,

(ii) whether the party wishes to be represented at the hearing in accordance with rule 45 and if so the name of the representative,

(iii) whether the party intends to call witnesses and, if so, the names of the proposed witnesses and whether any of them is an expert witness,

(iv) whether the party or a witness requires assistance because of a communication impairment and, if so, details of the type of communication assistance required, and

(v) whether the party or a witness to be called has any disabilities that may require reasonable adjustments to be

manylion y math o addasiadau sy'n ofynnol,

(b) rhoi gwybod i bob parti bod rhaid, os digwydd i ateb i unrhyw un o'r ymholiadau o dan is-baragraff (a) newid ar ôl i barti ymateb i'r ymholiadau hynny, i'r parti dan sylw roi gwybod ar unwaith i Ysgrifennydd y Tribiwnlys mewn ysgrifen.

Methiant i ymateb i ymholiadau a wnaed gan Ysgrifennydd y Tribiwnlys

25.—(1) Caiff y Tribiwnlys orchymyn—

(a) bod yr hysbysiad cais yn cael ei ddileu ar y sail bod methiant y ceisydd i gydymffurfio ag ymholiadau, a wnaed gan Ysgrifennydd y Tribiwnlys o dan reol 24, yn rhagfarnu, neu'n oedi, gwrandawiad teg o'r cais,

(b) na chaiff y Comisiynydd gymryd unrhyw gam pellach mewn perthynas â'r cais, na bod yn bresennol yn y gwrandawiad, na chael cynrychiolaeth yno, ar y sail bod methiant y Comisiynydd i gydymffurfio ag ymholiadau, a wnaed gan Ysgrifennydd y Tribiwnlys o dan reol 24, yn rhagfarnu neu'n oedi gwrandawiad teg o'r cais.

(2) Cyn y gall orchymyn gael ei wneud o dan baragraff (1), rhaid i Ysgrifennydd y Tribiwnlys roi hysbysiad i'r parti y mae'r Tribiwnlys yn bwriadu gwneud gorchymyn yn ei erbyn, gan wahodd sylwadau ganddo, a rhaid i'r Tribiwnlys ystyried unrhyw sylwadau sy'n cael eu gwneud.

(3) At ddibenion y rheol hon—

(a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti y caiff, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) sy'n cael ei bennu yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar,

(b) bydd sylwadau wedi eu gwneud—

(i) yn achos sylwadau ysgrifenedig, os byddant yn cael eu gwneud o fewn y cyfnod penodedig, a

(ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(4) Os bydd hysbysiad cais yn cael ei ddileu o dan baragraff (1)(a), tybir bod y cais wedi ei derfynu.

made and, if so, details of the type of adjustments required,

(b) inform each party that where an answer to any of the enquiries under sub-paragraph (a) changes after a party has responded to the enquiries, the party concerned must immediately inform the Secretary of the Tribunal in writing.

Failure to respond to enquiries made by the Secretary of the Tribunal

25.—(1) The Tribunal may order—

(a) that the notice of application be struck out on the grounds that the applicant's failure to comply with enquiries made by the Secretary of the Tribunal under rule 24, prejudices, or delays, a fair hearing of the application,

(b) that the Commissioner may not take any further step in relation to the application nor attend the hearing, nor be represented at the hearing, on the grounds that the Commissioner's failure to comply with enquiries made by the Secretary of the Tribunal under rule 24, prejudices or delays a fair hearing of the application.

(2) Before an order can be made under paragraph (1), the Secretary of the Tribunal must give the party against whom the Tribunal proposes to make an order a notice inviting representations by that party, and the Tribunal must consider any representations made.

(3) For the purposes of this rule—

(a) a notice inviting representations must inform the party that within a period (of no less than 5 working days) specified in the notice, that party may either make written representations or request an opportunity to make oral representations,

(b) representations are made if—

(i) in the case of written representations, they are made within the specified period, and

(ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(4) If a notice of application is struck out under paragraph (1)(a) the application is to be considered concluded.

RHAN E

PWERAU RHEOLI'R TRIBIWNLYS

Cyfarwyddiadau

26.—(1) Caiff y Tribiwnlys, ar gais parti neu ar gymhelliad y Tribiwnlys ei hunan, roi pa bynnag gyfarwyddiadau i barti ar unrhyw fater sy'n codi mewn perthynas â'r cais ac sy'n cael eu hystyried yn briodol gan y Tribiwnlys, gan gynnwys y math o gyfarwyddiadau sy'n cael eu darparu amdanynt yn rheolau 30, 31 a 32, i alluogi'r Tribiwnlys i benderfynu'r cais yn unol â'r amcan pennaf.

(2) Rhaid i gais gan barti am gyfarwyddiadau, oni iddo gael ei wneud yn y gwrandawiad ar sylwedd y cais, gael ei wneud yn ysgrifenedig i Ysgrifennydd y Tribiwnlys.

(3) Rhaid i barti sy'n cyflwyno cais am gyfarwyddiadau i Ysgrifennydd y Tribiwnlys, oni fydd y cais yn cael ei gyflwyno ynghyd â chydsyniad ysgrifenedig y parti arall, gyflwyno copi o'r cais i'r parti arall.

(4) Os bydd y parti arall yn gwrthwynebu'r cyfarwyddiadau sy'n cael eu ceisio, rhaid i'r Tribiwnlys ystyried y gwrthwynebiad, ac os yw'r Tribiwnlys o'r farn bod angen hynny ar gyfer penderfynu'r cais, rhaid rhoi cyfle i'r partïon wneud sylwadau.

(5) Os na fydd, ym marn y Tribiwnlys, amser rhesymol cyn gwrandawiad y mae hysbysiad ohono wedi cael ei roi o dan reol 36(1), i gydymffurfio â chyfarwyddyd y mae parti wedi gwneud cais amdano, caiff y Tribiwnlys—

(a) os yw o'r farn y gallai cydymffurfio â'r cyfarwyddyd gynorthwyo'r Tribiwnlys i benderfynu'r materion, ohirio'r gwrandawiad cyn ei gychwyn o dan reol 43, neu

(b) gwrthod y cais.

(6) Rhaid i gyfarwyddyd sy'n gorfodi parti i gymryd unrhyw gam ymarferol—

(a) gynnwys datganiad o'r canlyniadau posibl i'r cais, fel sy'n cael ei ddarparu gan reol 33, pe bai parti'n methu â chydymffurfio â'r cyfarwyddyd o fewn yr amser sy'n cael ei ganiatáu gan y Tribiwnlys,

(b) oni fydd y person y mae'r cyfarwyddyd wedi ei gyfeirio ato wedi cael cyfle i wrthwynebu'r cyfarwyddyd, neu wedi cydsynio iddo mewn ysgrifen, cynnwys datganiad i'r perwyl y caiff y person hwnnw wneud cais i'r Tribiwnlys o dan reol 27 am amrywio'r cyfarwyddyd neu ei osod o'r neilltu.

PART E

THE TRIBUNAL'S MANAGEMENT POWERS

Directions

26.—(1) The Tribunal may, on the application of a party or on the Tribunal's own initiative, give such directions to a party on any matter arising in connection with the application as the Tribunal thinks fit, including, among other things, such directions as are provided in rules 30, 31 and 32, with a view to enabling the Tribunal to determine the application in accordance with the overriding objective.

(2) An application by a party for directions must, unless it is made at the substantive hearing of the application, be made in writing to the Secretary of the Tribunal.

(3) A party who submits an application for directions to the Secretary of the Tribunal must, unless the application is accompanied by the written consent of the other party, serve a copy of the application on the other party.

(4) If the other party objects to the directions sought, the Tribunal must consider the objection and, if the Tribunal considers it necessary for the determination of the application, must give the parties an opportunity to make representations.

(5) If, in the opinion of the Tribunal, there would not be reasonable time before a hearing of which notice has been given under rule 36(1) to comply with a direction for which a party applies, the Tribunal may—

(a) if satisfied that compliance with the direction may assist the tribunal panel to determine the issues, postpone the hearing under rule 43, or

(b) refuse the application.

(6) A direction which requires a party to take any action must—

(a) include a statement of the possible consequences for the application, as provided by rule 33, of a party's failure to comply with the direction within the time allowed by the Tribunal,

(b) unless the person to whom the direction is addressed has had an opportunity to object to the direction, or has given written consent to it, contain a statement to the effect that that person may apply to the Tribunal under rule 27 to vary or set aside the direction.

(7) Pan fo'n ymddangos i'r Tribiwnlys fod mater yn codi mewn perthynas â chais y mae'n rhaid ei benderfynu cyn y gwrandawiad ar sylwedd y cais, ac nad yw'n bosibl ei benderfynu'n briodol drwy roi cyfarwyddiadau heb wrandawiad, caiff y Tribiwnlys wysio'r partïon i ymddangos gerbron y Tribiwnlys at y diben hwnnw, a chaiff roi unrhyw gyfarwyddiadau angenrheidiol mewn perthynas â'u hymddangosiad.

(7) Where it appears to the Tribunal that an issue arises in relation to an application which must be decided prior to the substantive hearing of the application, and which cannot properly be determined by the giving of directions without a hearing, the Tribunal may invite the parties to appear before the Tribunal for that purpose and may give any necessary directions relating to their appearance.

Amrywio cyfarwyddiadau neu eu gosod o'r neilltu

27.—(1) Pan na chafodd parti y mae cyfarwyddyd yn cael ei gyfeirio ato gyfle i wrthwynebu rhoi'r cyfarwyddyd hwnnw, ac nad oedd wedi cydsynio iddo mewn ysgrifen, caiff y parti hwnnw wneud cais i'r Tribiwnlys, ar unrhyw adeg, drwy hysbysiad i Ysgrifennydd y Tribiwnlys, am i'r cyfarwyddyd gael ei amrywio neu ei osod o'r neilltu.

Varying or setting aside directions

27.—(1) Where a party to whom a direction is addressed had no opportunity to object to the giving of that direction and did not give written consent to it, that party may apply at any time to the Tribunal, by notice to the Secretary of the Tribunal, for the direction to be varied or set aside.

(2) Rhaid i'r Tribiwnlys beidio ag amrywio'r cyfarwyddyd na'i osod o'r neilltu heb yn gyntaf hysbysu'r partïon ac ystyried unrhyw sylwadau sy'n cael eu gwneud ganddynt.

(2) The Tribunal may not vary the direction or set it aside without first notifying the parties and considering any representations made by them.

Pŵer i ddileu'r cais

28.—(1) Rhaid i Ysgrifennydd y Tribiwnlys, yn ystod unrhyw gam mewn perthynas â chais, ar gais y Comisiynydd neu os bydd y Tribiwnlys wedi cyfarwyddo felly, gyflwyno hysbysiad i'r ceisydd sy'n datgan bod cynnig wedi ei wneud i ddileu'r cyfan neu ran o'r cais, ar un o'r seiliau sy'n cael eu pennu ym mharagraff (2) neu oherwydd methiant ar ran y ceisydd i symud ymlaen gyda'r achos.

Power to strike out the application

28.—(1) The Secretary of the Tribunal must, at any stage of the application, at the request of the Commissioner, or if the Tribunal so directs, serve a notice on the applicant stating that it has been proposed that the whole or part of the application should be struck out on one of the grounds specified in paragraph (2) or for want of prosecution on the part of the applicant.

(2) Y seiliau sy'n cael eu cyfeirio atynt ym mharagraff (1) yw bod y cais—

(a) wedi ei wneud rywfodd ac eithrio'n unol â'r Rheolau hyn,

(b) heb fod o fewn awdurdodaeth y Tribiwnlys, neu nad yw bellach o fewn awdurdodaeth y Tribiwnlys,

(c) heb ddatgelu seiliau rhesymol,

(d) yn wacsaw neu'n flinderus; neu,

(e) yn camddefnyddio, fel arall, proses y Tribiwnlys.

(2) The grounds referred to in paragraph (1) are that the application—

(a) has been made otherwise than in accordance with these Rules,

(b) is not, or is no longer, within the jurisdiction of the Tribunal,

(c) discloses no reasonable grounds,

(d) is frivolous or vexatious, or

(e) is otherwise an abuse of the Tribunal's process.

(3) Rhaid i'r hysbysiad o dan baragraff (1) wahodd y ceisydd i wneud sylwadau.

(3) A notice under paragraph (1) must invite the applicant to make representations.

(4) At ddibenion y rheol hon—

(a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r ceisydd y caiff y ceisydd, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) sy'n cael ei bennu yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar,

(b) bydd sylwadau wedi eu gwneud—

(4) For the purposes of this rule—

(a) a notice inviting representations must inform the applicant that the applicant may, within a period (of no less than 5 working days) specified in the notice, either make written representations or request an opportunity to make oral representations,

(b) representations are made if—

(i) yn achos sylwadau ysgrifenedig, os byddant wedi eu gwneud o fewn y cyfnod penodedig, a

(ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(5) Caiff y Tribiwnlys, ar ôl ystyried unrhyw sylwadau sydd wedi cael eu gwneud gan y ceisydd, orchymyn dileu'r cyfan neu ran o'r cais, ar un o'r seiliau sy'n cael eu pennu ym mharagraff (2) neu oherwydd methiant ar ran y ceisydd i symud ymlaen gyda'r achos.

(6) Ceir gwneud gorchymyn o dan baragraff (5) heb gynnal gwrandawiad, oni fydd y ceisydd yn gofyn am gyfle i wneud sylwadau llafar.

(7) Os bydd sylwadau llafar yn cael eu gwneud yn unol â pharagraff (6), caiff y Tribiwnlys ystyried y sylwadau llafar ar ddechrau'r gwrandawiad sy'n ymwneud â sylwedd y cais.

(8) Os bydd y cyfan o'r cais yn cael ei ddileu o dan baragraff (5), tybir bod y cais wedi ei derfynu.

Gorchymyn i ddiwygio datganiad achos

29.—(1) Caiff y Tribiwnlys, os yw'n ystyried bod hynny'n briodol, yn ystod unrhyw gam mewn perthynas â'r cais, orchymyn diwygio datganiad achos parti ar y sail nad yw, fel mae'n sefyll, yn datgelu seiliau rhesymol dros wneud y cais neu oherwydd ei fod yn camddefnyddio proses y Tribiwnlys.

(2) Cyn y gall orchymyn gael ei wneud o dan baragraff (1), rhaid i Ysgrifennydd y Tribiwnlys roi hysbysiad i'r parti y mae'r Tribiwnlys yn bwriadu gwneud gorchymyn yn ei erbyn, gan wahodd sylwadau ganddo, a rhaid i'r Tribiwnlys ystyried unrhyw sylwadau sy'n cael eu gwneud.

(3) At ddibenion y rheol hon—

(a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti y caiff, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) sy'n cael ei bennu yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar,

(b) bydd sylwadau wedi eu gwneud—

(i) yn achos sylwadau ysgrifenedig, os byddant wedi cael eu gwneud o fewn y cyfnod sydd wedi cael ei bennu felly, a

(ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod sydd wedi cael ei bennu felly.

(i) in the case of written representations, they are made within the specified period, and

(ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(5) The Tribunal may, after considering any representations made by the applicant, order that the whole or part of the application be struck out on one of the grounds specified in paragraph (2) or for want of prosecution by the applicant.

(6) An order under paragraph (5) may be made without holding a hearing unless the applicant requests the opportunity to make oral representations.

(7) If oral representations are made in accordance with paragraph (6), the Tribunal may consider the oral representations at the beginning of the hearing of the substantive application.

(8) If the whole of an application is struck out under paragraph (5) the application is to be considered concluded.

Order to amend case statement

29.—(1) The Tribunal may, if it thinks fit, at any stage of the application, order that a party's case statement be amended on the grounds that, as it stands, it discloses no reasonable grounds for bringing the application or because it is an abuse of the Tribunal's process.

(2) Before an order may be made under paragraph (1), the Secretary of the Tribunal must give the party against whom the Tribunal is proposing to make the order a notice inviting representations by that party and must consider any representations made.

(3) For the purposes of this rule—

(a) a notice inviting representations must inform the party that, within a period (of no less than 5 working days) specified in the notice, that party may either make written representations or request an opportunity to make oral representations,

(b) representations are made if—

(i) in the case of written representations, they are made within the period so specified, and

(ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the period so specified.

Tystiolaeth a chyflwyniadau

30.—(1) Caiff y Tribiwnlys roi cyfarwyddiadau ar—

(a) y materion y mae'n ofynnol cael tystiolaeth neu gyflwyniadau yn eu cylch,

(b) natur y dystiolaeth neu'r cyflwyniadau sy'n ofynnol,

(c) unrhyw gyfyngiadau ar dystiolaeth neu gyflwyniadau sy'n gyson â'r amcan pennaf,

(d) pa un a fydd y partïon yn cael caniatâd i ddarparu tystiolaeth arbenigol ai peidio, neu a yw'n ofynnol iddynt wneud hynny, ac os felly, a oes raid i'r partïon ar y cyd benodi un arbenigwr i ddarparu tystiolaeth o'r fath,

(e) y modd y gall unrhyw dystiolaeth neu gyflwyniadau gael eu darparu, a chaiff hynny gynnwys cyfarwyddyd iddynt gael eu rhoi—

(i) ar lafar mewn gwrandawiad, neu

(ii) fel cyflwyniadau ysgrifenedig neu ddatganiad tyst ysgrifenedig, a

(f) yr amser erbyn pryd y bydd rhaid darparu unrhyw dystiolaeth neu gyflwyniadau.

(2) Caiff y Tribiwnlys ystyried bod methiant person, sy'n barti yn y cais, i gydymffurfio â gofyniad sy'n cael ei wneud o dan baragraff (1), yn absenoldeb unrhyw reswm da dros fethiant o'r fath, yn fethiant i gydweithredu â'r Tribiwnlys.

(3) Caiff y Tribiwnlys—

(a) yn ddarostyngedig i is-baragraff (b)(iii), dderbyn unrhyw dystiolaeth berthnasol, pa un a fyddai'r dystiolaeth honno'n dderbyniadwy ai peidio mewn treial sifil yng Nghymru neu Loegr,

(b) allgáu tystiolaeth a fyddai, fel arall, yn dderbyniadwy—

(i) os na chafodd y dystiolaeth ei darparu o fewn yr amser a ganiateid gan gyfarwyddyd,

(ii) os darparwyd y dystiolaeth, rywfodd arall, mewn modd nad oedd yn cydymffurfio â chyfarwyddyd, neu

(iii) os byddai'n annheg, rywfodd arall, pe derbynnid y dystiolaeth.

Manylion a datganiadau atodol

31. Caiff y Tribiwnlys roi cyfarwyddiadau sy'n ei gwneud yn ofynnol bod unrhyw barti yn darparu, naill ai yn natganiad achos y parti hwnnw neu ynghyd â'r datganiad achos, pa bynnag fanylion neu ddatganiadau atodol y mae gofyn rhesymol amdanynt ar gyfer penderfynu'r cais.

Evidence and submissions

30.—(1) The Tribunal may give directions on—

(a) the issues which require evidence or submissions,

(b) the nature of the evidence or submissions required,

(c) any limitations on evidence or submissions which are consistent with the overriding objective,

(d) whether the parties are permitted or required to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence,

(e) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—

(i) orally at a hearing, or

(ii) by written submissions or witness statement, and

(f) the time by which any evidence or submissions are to be provided.

(2) The Tribunal may consider a failure by a person who is a party to the application to comply with a requirement made under paragraph (1), in the absence of any good reason for such failure, as a failure to co-operate with the Tribunal.

(3) The Tribunal may—

(a) subject to sub-paragraph (b)(iii), admit any relevant evidence, whether or not that evidence would be admissible in a civil trial in England or Wales,

(b) exclude evidence that would otherwise be admissible where—

(i) the evidence was not provided within the time allowed by a direction,

(ii) the evidence was otherwise provided in a manner that did not comply with a direction, or

(iii) it would otherwise be unfair to admit the evidence.

Particulars and supplementary statements

31. The Tribunal may give directions requiring any party to provide in or with that party's case statement such particulars or supplementary statements as may reasonably be required for the determination of the application.

Datgelu dogfennau a deunydd arall

32.—(1) Caiff y Tribiwnlys—

(a) cyfarwyddo parti i gyflwyno i'r Tribiwnlys erbyn dyddiad penodedig unrhyw ddogfen neu ddeunydd arall y mae gofyn amdani neu amdano gan y Tribiwnlys, ac sydd o fewn gallu'r parti hwnnw i'w chyflwyno neu gyflwyno,

(b) rhoi cyfarwyddyd ar—

(i) unrhyw fater y mae'n ofynnol datgelu tystiolaeth yn ei gylch,

(ii) natur a maint y datgeliad,

(iii) y modd y mae'r ddogfen neu dystiolaeth arall i'w darparu i'r Tribiwnlys, a

(iv) allgáu unrhyw ddogfen neu dystiolaeth arall sy'n amherthnasol, yn ddiangen neu a gafaelwyd yn amhriodol.

(2) Caiff y Tribiwnlys osod amod ar gyflenwi copi o unrhyw ddogfen neu ddeunydd arall sy'n cael eu cyflenwi wrth gydymffurfio â chyfarwyddyd sy'n cael ei roi o dan baragraff (1), bod rhaid i'r parti sy'n ei dderbyn defnyddio'r copi at ddibenion y cais yn unig.

(3) Caiff y Tribiwnlys, cyn cyflenwi copi, ofyn am ymgymeriad ysgrifenedig y bydd y person sy'n rhoi'r ymrwymiad yn ufuddhau i'r amod sy'n cael ei gyfeirio ato ym mharagraff (2).

(4) Caiff y Tribiwnlys ganiatáu i barti'r un fath o orchymyn ar gyfer datgelu neu archwilio dogfennau (gan gynnwys cymryd copïau) ac y gellid ei ganiatáu o dan Reolau'r Weithdrefn Sifil 1998(**1**).

(5) Rhaid i orchymyn o dan baragraff (4) gynnwys rhybudd y bydd unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio â'r gofynion ynglŷn â datgelu neu archwilio dogfennau, yn atebol, o dan adran 126 o'r Mesur, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol.

Methiant i gydymffurfio â chyfarwyddiadau

33.—(1) Os na fydd parti wedi cydymffurfio â chyfarwyddyd a roddir o dan y Rheolau hyn o fewn yr amser sy'n cael ei bennu yn y cyfarwyddyd, caiff y Tribiwnlys—

(a) os y ceisydd yw'r parti diffygiol, wrthod y cais heb wrandawiad,

(b) os y Comisiynydd yw'r parti diffygiol, benderfynu'r cais heb wrandawiad,

(c) cynnal gwrandawiad—

(**1**) O.S. 1998/3132 (fel y'i diwygiwyd).

Disclosure of documents and other material

32.—(1) The Tribunal may—

(a) direct a party to submit to the Tribunal by a specified date any document or other material which the Tribunal may require and which it is in the power of that party to submit,

(b) give a direction on—

(i) any issue on which disclosure of evidence is required,

(ii) the nature and extent of the disclosure,

(iii) the manner in which the document or other evidence is to be provided to the Tribunal, and

(iv) the exclusion of any document or other evidence which is irrelevant, unnecessary or improperly obtained.

(2) The Tribunal may impose a condition on the supply of a copy of any document or other material submitted in compliance with a direction given under paragraph (1) that the party receiving it must use the copy only for the purposes of the application.

(3) The Tribunal may require a written undertaking to observe the condition referred to in paragraph (2) before supplying a copy.

(4) The Tribunal may grant to a party an order for such disclosure or inspection of documents (including the taking of copies) as might be granted under the Civil Procedure Rules 1998(**1**).

(5) An order under paragraph (4) must contain a warning that any person who, without reasonable excuse, fails to comply with requirements regarding disclosure or inspection of documents is liable under section 126 of the Measure on summary conviction to a fine not exceeding level 3 on the standard scale.

Failure to comply with directions

33.—(1) If a party has not complied with a direction given under these Rules within the time specified in the direction the Tribunal may—

(a) where the party in default is the applicant, dismiss the application without a hearing,

(b) where the party in default is the Commissioner, determine the application without a hearing,

(c) hold a hearing—

(**1**) S.I. 1998/ 3132 (as amended).

(i) heb hysbysu'r parti diffygiol, lle na fydd y parti diffygiol yn bresennol nac yn cael ei gynrychioli, neu

(ii) pan fo'r partïon wedi eu hysbysu o'r gwrandawiad yn unol â rheol 36(1), gan roi cyfarwyddyd nad oes hawl gan y parti diffygiol, nac unrhyw berson y bwriedir iddo gynrychioli'r parti hwnnw neu roi tystiolaeth ar ei ran, i gael ei glywed yn y gwrandawiad.

(2) Yn y rheol hon ystyr "y parti diffygiol" ("*the party in default*") yw'r parti a fethodd â chydymffurfio â'r cyfarwyddyd.

Ceisiadau sydd, at ei gilydd, yn codi'r un cwestiwn

34.—(1) Os oes mwy nag un cais yn galw am benderfyniad sydd, at ei gilydd, ar yr un cwestiwn, caiff y Tribiwnlys—

(a) orchymyn bod y ceisiadau hynny i'w clywed ar y cyd, neu

(b) dewis un neu ragor o'r ceisiadau hynny i fod yn gais arweiniol neu geisiadau arweiniol, gan atal y ceisiadau eraill nes y bydd y cais hwnnw, neu'r ceisiadau hynny, wedi'u penderfynu.

(2) Caiff y Tribiwnlys wneud gorchymyn sy'n amrywio neu'n dirymu gorchymyn cynharach a wnaed o dan baragraff (1).

(3) Yn ddarostyngedig i baragraff (4), caiff y Tribiwnlys ddyroddi gorchymyn o dan y rheol hon ar gais ysgrifenedig gan y naill barti neu'r llall neu ar gymhelliad y Tribiwnlys ei hunan.

(4) Rhaid peidio â gwneud gorchymyn o dan y rheol hon onid yw'n ymddangos, ym marn y Tribiwnlys, yn deg ac yn gyfiawn gwneud hynny, a chyn gwneud gorchymyn, rhaid rhoi cyfle i bob parti, ym mhob un o'r apeliadau yr effeithir arnynt, gael ei glywed.

Ychwanegu ac amnewid partïon

35.—(1) Caiff person wneud cais am gael ei gysylltu fel parti i gais.

(2) Caiff y Tribiwnlys wneud gorchymyn i gysylltu person fel parti i gais—

(a) os bydd cais ysgrifenedig o dan baragraff (1) yn cael ei wneud, neu

(b) ar gymhelliad y Tribiwnlys ei hunan, pan nad oes cais ysgrifenedig wedi ei wneud, ond mae'r person yn cydsynio i gael ei gysylltu fel parti i'r cais.

(i) without notifying the party in default, at which the party in default is not present or represented, or

(ii) where the parties have been notified of the hearing in accordance with rule 36(1), directing that neither the party in default nor any person who is intended to represent that party or to give evidence on that party's behalf is entitled to be heard at the hearing.

(2) In this rule "the party in default" (*"y parti diffygiol"*) means the party who has failed to comply with the direction.

Applications giving rise to substantially the same issue

34.—(1) If more than one application requires a decision on substantially the same issue, the Tribunal may—

(a) order that those applications are to be heard together, or

(b) select one or more of those applications as a lead application or lead applications and stay the other applications until that case has, or those cases have, been decided.

(2) The Tribunal may make an order varying or revoking an earlier order made under paragraph (1).

(3) Subject to paragraph (4), the Tribunal may issue an order under this rule on the written request of either party or on the Tribunal's own initiative.

(4) An order made under this rule must only be made if it appears, in the opinion of the Tribunal, to be fair and just to do so and, before an order is made, each party to every application affected must be given an opportunity to be heard.

Addition and substitution of parties

35.—(1) A person may make an application to be joined as a party to an application.

(2) The Tribunal may make an order to join a person as a party to an application—

(a) if a written application is made under paragraph (1), or

(b) on the Tribunal's own initiative if no written application has been made, but the person consents to be joined as a party to the application.

(3) Caiff y Tribiwnlys wneud gorchymyn i amnewid parti—

(a) os yw person anghywir wedi ei enwi'n barti, neu

(b) os oes angen yr amnewid oherwydd newid yn yr amgylchiadau ers pan gychwynnwyd y cais.

(4) Os gwneir gorchymyn o dan baragraff (2) neu (3) caiff y Tribiwnlys wneud pa bynnag gyfarwyddiadau canlyniadol, neu ymholiadau o dan reol 24, sy'n cael eu hystyried yn briodol gan y Tribiwnlys.

(5) Oni fydd y Tribiwnlys yn cyfarwyddo'n wahanol, rhaid trin person sy'n cael ei gysylltu neu'n cael ei amnewid o dan y rheol hon fel parti at ddibenion unrhyw ddarpariaeth yn y Rheolau hyn sy'n ei gwneud yn ofynnol cyflwyno dogfen i barti yn y cais.

(3) The Tribunal may make an order to substitute a party if—

(a) the wrong person has been named as a party, or

(b) the substitution has become necessary because of a change in circumstances since the application commenced.

(4) If an order is made under paragraph (2) or (3) the Tribunal may make such consequential directions, or enquiries under rule 24, as the Tribunal considers appropriate.

(5) Unless the Tribunal directs otherwise, a person appointed or substituted under this rule must be treated as a party for the purpose of any provision in these Rules requiring a document to be sent to or submitted by a party to the application.

RHAN F

GWRANDAWIADAU A PHENDERFYNIADAU

Hysbysu dyddiad, lleoliad ac amser gwrandawiadau

36.—(1) Yn ddarostyngedig i ddarpariaethau paragraff (2) a rheol 37, rhaid i Ysgrifennydd y Tribiwnlys, ar ôl ymgynghori â'r partïon, bennu dyddiad, lleoliad ac amser unrhyw wrandawiad ac anfon hysbysiad sy'n nodi dyddiad, lleoliad ac amser y gwrandawiad at bob parti.

(2) Os yw Ysgrifennydd y Tribiwnlys wedi gofyn i barti ddarparu manylion o'r adegau y byddai ar gael i fod yn bresennol mewn gwrandawiad, a'r parti hwnnw heb gydymffurfio â'r cais, rhaid i Ysgrifennydd y Tribiwnlys fynd ymlaen i drefnu'r gwrandawiad heb ymgynghori ymhellach gyda'r parti hwnnw.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r hysbysiad o wrandawiad sy'n cael ei gyfeirio ato ym mharagraff (1) gael ei anfon—

(a) ddim hwyrach na 5 niwrnod gwaith cyn y dyddiad sydd wedi cael ei bennu ar gyfer gwrandawiad, neu

(b) o fewn unrhyw gyfnod o amser byrrach cyn y dyddiad sydd wedi cael ei bennu ar gyfer y gwrandawiad yn is-baragraff (a) fel sydd wedi cael ei gytuno gan y partïon.

(4) Rhaid i Ysgrifennydd y Tribiwnlys gynnwys yn yr hysbysiad o wrandawiad, neu gyda'r hysbysiad o wrandawiad—

PART F

HEARINGS AND DECISIONS

Notice of date, place and time of hearings

36.—(1) Subject to the provisions of paragraph (2) and rule 37, the Secretary of the Tribunal must, after consultation with the parties, fix the date, place and time of any hearing and send to each party a notice specifying the date, place and time of the hearing.

(2) If the Secretary of the Tribunal has asked a party to provide details of that party's availability to attend a hearing and that party fails to comply with the request, the Secretary of the Tribunal must proceed to arrange the hearing without further consultation with that party.

(3) Subject to paragraph (4), the notice of hearing referred to in paragraph (1) must be sent—

(a) no later than 5 working days before the date fixed for the hearing, or

(b) within such shorter period of time before the date fixed for the hearing in sub-paragraph (a) as the parties may agree.

(4) The Secretary of the Tribunal must include in or with the notice of hearing—

(a) gwybodaeth a chanllawiau, mewn ffurf sydd wedi cael eu cymeradwyo gan y Llywydd, ynglŷn â phresenoldeb y partïon a'r tystion yn y gwrandawiad, dod â dogfennau, a'r hawl i gynrychiolaeth neu gymorth fel sy'n cael ei ddarparu gan reol 45, a

(b) datganiad sy'n esbonio'r canlyniadau posibl os bydd parti yn methu â bod yn bresennol, a'r hawl sydd gan y canlynol i gyflwyno sylwadau ysgrifenedig—

(i) y ceisydd, os na fydd y ceisydd yn bresennol nac yn cael ei gynrychioli,

(ii) y Comisiynydd, os na fydd y Comisiynydd yn bresennol ac os nad oes gan y Comisiynydd gynrychiolydd, os cafodd datganiad achos ei gyflwyno gan y Comisiynydd, oni fydd y Comisiynydd wedi datgan mewn ysgrifen nad yw'n gwrthwynebu'r cais, neu wedi tynnu gwrthwynebiad i'r cais yn ôl.

(5) Yn ddarostyngedig i baragraff (6), caiff y Tribiwnlys newid lleoliad ac amser unrhyw wrandawiad, ond rhaid i Ysgrifennydd y Tribiwnlys roi i'r partïon ddim llai na 5 niwrnod gwaith (neu unrhyw gyfnod llai os cytunwyd arno gan y partïon) o rybudd ynghylch lleoliad ac amser newydd y gwrandawiad.

(6) Os yw'r partïon yn bresennol pan fydd y Tribiwnlys yn cyhoeddi lleoliad ac amser newydd y gwrandawiad, ni fydd yn ofynnol rhoi hysbysiad pellach.

(7) Nid oes dim ym mharagraffau (1) neu (5) sy'n gosod rhwymedigaeth ar Ysgrifennydd y Tribiwnlys i ymgynghori ag unrhyw berson nad oes hawl ganddo i fod yn bresennol neu gael ei gynrychioli yn y gwrandawiad, nac anfon hysbysiad at unrhyw berson o'r fath.

Pŵer i benderfynu cais heb wrandawiad

37.—(1) Caiff y Tribiwnlys benderfynu'r cais, neu unrhyw fater penodol, heb wrandawiad—

(a) os yw'r partïon yn cytuno felly mewn ysgrifen, neu

(b) o dan yr amgylchiadau sy'n cael eu disgrifio yn rheol 23 (methiant ar ran y Comisiynydd i gyflwyno datganiad achos ac absenoldeb gwrthwynebiad) neu 33 (methiant i gydymffurfio â chyfarwyddiadau).

(a) information and guidance, in a form approved by the President, as to attendance at the hearing of the parties and witnesses, the bringing of documents, and the right to representation or assistance as provided by rule 45, and

(b) a statement explaining the possible consequences of non-attendance and the right of the following to make representations in writing—

(i) the applicant, if the applicant does not attend and is not represented,

(ii) the Commissioner, if the Commissioner does not attend and is not represented, if the Commissioner has submitted a statement of case, unless the Commissioner has stated in writing an intention not to resist the application or has withdrawn opposition to the application.

(5) Subject to paragraph (6), the Tribunal may alter the place and time of any hearing but the Secretary of the Tribunal must give the parties no less than 5 working days (or such shorter time as the parties may agree) notice of the new place and time of the hearing.

(6) If the parties are present when the Tribunal announces the new place and time of the hearing, no further notice is required.

(7) Nothing in paragraphs (1) or (5) obliges the Secretary of the Tribunal to consult or send a notice to any person who is not entitled to be present or represented at the hearing.

Power to determine the application without a hearing

37.—(1) The Tribunal may determine the application, or any particular issue, without a hearing—

(a) if the parties so agree in writing, or

(b) in the circumstances described in rule 23 (failure by the Commissioner to submit a case statement or absence of opposition) or 33 (failure to comply with directions).

(2) Cyn gwneud penderfyniad o dan baragraff (1), rhaid i'r Tribiwnlys ystyried unrhyw sylwadau ysgrifenedig sydd eisoes wedi cael eu cyflwyno gan y partïon; at ddibenion y rheol hon, rhaid trin yr hysbysiad cais a datganiadau achos y partïon fel pe baent yn sylwadau ysgrifenedig.

(2) Before making a determination under paragraph (1), the Tribunal must consider any representations in writing already submitted by the parties, for the purpose of this rule, notice of application and the parties' case statements are to be treated as representations in writing.

Gwrandawiadau cyhoeddus

38.—(1) Yn ddarostyngedig i baragraff (3), rhaid cynnal pob un o wrandawiadau'r Tribiwnlys yn gyhoeddus.

Public hearings

38.—(1) Subject to paragraph (3), all Tribunal hearings must be held in public.

(2) Heb ragfarnu unrhyw bwerau eraill a allai fod ganddo, caiff y Tribiwnlys allgáu o wrandawiad, neu o ran ohono, berson y mae ei ymddygiad, ym marn y Tribiwnlys, wedi amharu, neu'n debygol o amharu ar y gwrandawiad.

(2) Without prejudice to any other powers it may have, the Tribunal may exclude from a hearing, or part of it, any person whose conduct is likely, in the opinion of the Tribunal, to disrupt the hearing.

(3) Os yw'n ymddangos i'r Tribiwnlys y bydd parti neu dyst, yn ystod gwrandawiad, yn dymuno cyfeirio at faterion sy'n ymwneud ag unrhyw wybodaeth bersonol gyfrinachol neu sy'n ymwneud â phlentyn unigol neu â pherson arall sy'n agored i niwed, caiff y Tribiwnlys, i'r graddau bod hynny'n ofynnol er mwyn amddiffyn preifatrwydd y person o dan sylw, a sicrhau tegwch a chyfiawnder, allgáu o'r rhan berthnasol (neu'r rhannau perthnasol) o'r gwrandawiad unrhyw un sydd heb fod yn barti i'r achos.

(3) If it appears to the Tribunal that a party or witness, intends to refer, in the course of a hearing, to matters which relate to any confidential personal information or which relate to an individual child or to another vulnerable person, the Tribunal may, to the extent that it is necessary in order to protect the privacy of the person in question, whilst ensuring fairness and justice, exclude from the relevant part (or relevant parts) of the hearing anyone who is not a party to the case.

Y weithdrefn mewn gwrandawiad

39.—(1) Ar ddechrau'r gwrandawiad rhaid i'r Cadeirydd esbonio'r drefn y mae'r panel tribiwnlys yn bwriadu ei mabwysiadu ar gyfer yr achos.

Procedure at hearing

39.—(1) At the beginning of the hearing the Chair must explain the order of proceedings which the tribunal panel proposes to adopt.

(2) Rhaid i'r panel tribiwnlys gynnal y gwrandawiad mewn modd sydd, ym marn y panel, yn briodol, er mwyn sicrhau eglurdeb materion a thrin y trafodion yn deg a chyfiawn, gan osgoi ffurfioldeb diangen yn y trafodion, i'r graddau y mae'n ystyried yn briodol.

(2) The tribunal panel must conduct the hearing in a manner it considers appropriate to ensure clarity of the issues and to handle the proceedings fairly and justly, avoiding, as far as it considers appropriate, unnecessary formality in its proceedings.

(3) Rhaid i'r panel tribiwnlys benderfynu ym mha drefn y bydd y partïon yn cael eu clywed a pha faterion sydd i'w penderfynu.

(3) The tribunal panel must determine the order in which the parties are heard and the issues determined.

(4) Caiff y panel tribiwnlys, os bydd y panel yn fodlon fod gwneud hynny'n deg a chyfiawn, ganiatáu—

(4) The tribunal panel may, if it is satisfied that it is fair and just to do so, permit—

(a) i'r ceisydd ddibynnu ar seiliau na chafodd eu datgan yn yr hysbysiad cais nac yn y datganiad achos, a dibynnu ar dystiolaeth na chafodd ei chyflwyno i'r Comisiynydd, cyn nac ar y pryd y gwnaed y penderfyniad sy'n cael ei herio,

(a) the applicant to rely on grounds not stated in the notice of application or the case statement and to rely on evidence not submitted to the Commissioner before or at the time the disputed decision was taken,

(b) i'r Comisiynydd ddibynnu ar seiliau na chafodd eu pennu yn natganiad achos y Comisiynydd.

(b) the Commissioner to rely on grounds not specified in the Commissioner's case statement.

(5) Os yw aelod o'r panel tribiwnlys, ac eithrio'r Cadeirydd, yn absennol, ar ddechrau'r gwrandawiad neu ar ôl hynny—

(a) caiff y ddau aelod arall, gyda chydsyniad y partïon, gynnal y gwrandawiad, ac os digwydd hynny mae'r panel tribiwnlys i'w ystyried wedi ei gyfansoddi'n briodol, a chaiff y ddau aelod hynny wneud penderfyniad y panel tribiwnlys,

(b) rhaid i'r aelod sy'n absennol beidio ag ailymuno â'r gwrandawiad.

(5) If, at or after the beginning of a hearing, a member of the tribunal panel other than the Chair is absent—

(a) the hearing may, with the consent of the parties, be conducted by the other two members and in that event the tribunal panel is to be regarded as properly constituted and the decision of the tribunal panel may be taken by those two members,

(b) the absent member must not re-join the hearing.

Tystiolaeth mewn gwrandawiad

40.—(1) Yn ddarostyngedig i reol 30(1)(d), mae hawl gan y partïon yng nghwrs y gwrandawiad i roi tystiolaeth, i alw tystion, i holi unrhyw dyst ac i annerch y panel tribiwnlys ar y dystiolaeth, gan gynnwys y dystiolaeth ysgrifenedig a gafodd ei chyflwyno cyn y gwrandawiad, yn ogystal ag yn gyffredinol ar destun y cais.

(2) Ceir rhoi tystiolaeth gerbron y panel tribiwnlys naill ai—

(a) ar lafar, neu

(b) drwy ddatganiad ysgrifenedig os cafodd y dystiolaeth honno ei chyflwyno ynghyd â'r hysbysiad cais neu'r datganiad achos, neu'n unol â chyfarwyddyd gan y Tribiwnlys.

(3) Caiff y Tribiwnlys, yn ystod unrhyw gam o'r cais, bennu bod presenoldeb personol y sawl a wnaeth unrhyw ddatganiad ysgrifenedig yn ofynnol.

(4) Caiff y Tribiwnlys dderbyn tystiolaeth ynghylch unrhyw ffaith sy'n ymddangos i'r Tribiwnlys ei fod yn berthnasol.

(5) Caiff y Tribiwnlys ei gwneud yn ofynnol bod unrhyw barti neu dyst yn rhoi tystiolaeth ar lw neu drwy gadarnhad, ac at y diben hwnnw ceir gweinyddu llw neu gadarnhad yn y ffurf gywir, neu ei gwneud yn ofynnol bod unrhyw dystiolaeth a roddir drwy ddatganiad ysgrifenedig yn cael ei rhoi o dan ddatganiad o wirionedd.

Evidence at hearing

40.—(1) Subject to rule 30(1)(d), the parties are entitled, in the course of the hearing, to give evidence, to call witnesses, to question any witness and to address the tribunal panel both on the evidence, including the written evidence submitted before the hearing, and generally on the subject matter of the application.

(2) Evidence before the tribunal panel may be given—

(a) orally, or

(b) by written statement if such evidence was submitted with the notice of application or the case statement or in accordance with a direction of the Tribunal.

(3) The Tribunal may at any stage of the application, require the personal attendance of any maker of any written statement.

(4) The Tribunal may receive evidence of any fact which appears to the Tribunal to be relevant.

(5) The Tribunal may require any party or witness to give evidence on oath or affirmation, and for that purpose there may be administered an oath or affirmation in the correct form, or may require any evidence given by a written statement to be given under a statement of truth.

Gwysio tyst

41.—(1) Yn ddarostyngedig i baragraffau (2) i (5), caiff y Tribiwnlys ar gais parti neu ar gymhelliad y Tribiwnlys ei hunan, ei gwneud yn ofynnol, drwy wŷs fod unrhyw berson yn bresennol fel tyst mewn gwrandawiad, ar yr adeg ac yn y lle sy'n cael eu pennu yn y wŷs, ac mewn unrhyw ohiriad o'r gwrandawiad hwnnw neu o weddill y gwrandawiad hwnnw, ac yn y gwrandawiad, ei fod yn ateb unrhyw gwestiynau neu'n dangos unrhyw ddogfennau neu ddeunydd arall sy'n cael ei gadw ganddo, neu sydd o dan ei reolaeth, ac sy'n ymwneud ag unrhyw fater dan sylw yn y cais.

Summoning a witness

41.—(1) Subject to paragraphs (2) to (5), the Tribunal may, on the application of a party or on the Tribunal's own initiative, require by summons any person to attend as a witness at a hearing at such time and place as may be specified in the summons, and at any postponement or adjournment of that hearing, and at the hearing to answer any questions or produce any documents or other material in the person's custody or under the person's control which relate to any matter in question in the appeal or claim.

(2) Rhaid peidio â gorfodi unrhyw berson i roi unrhyw dystiolaeth neu ddangos unrhyw ddogfen neu ddeunydd arall, na ellid gorfodi'r person i'w rhoi neu i'w dangos mewn treial o achos mewn llys barn yng Nghymru neu Loegr.

(3) Wrth arfer y pŵer sy'n cael ei roi gan y rheol hon, rhaid i'r Tribiwnlys gymryd i ystyriaeth yr angen i ddiogelu unrhyw fater sy'n ymwneud ag amgylchiadau personol agos neu amgylchiadau ariannol, neu sy'n cynnwys gwybodaeth a fynegwyd neu a ddaeth i law yn gyfrinachol.

(4) Ni cheir ei gwneud yn ofynnol drwy wŷs bod person yn bresennol oni roddwyd o leiaf 5 niwrnod gwaith o rybudd o'r gwrandawiad i'r person hwnnw, neu, os rhoddwyd llai na 5 niwrnod gwaith, oni fydd y person wedi rhoi gwybod i'r Tribiwnlys ei fod yn derbyn y rhybudd a roddwyd.

(5) Ni cheir ei gwneud yn ofynnol drwy wŷs bod person yn bresennol ac yn rhoi tystiolaeth neu'n dangos unrhyw ddogfen, oni fydd swm o arian wedi ei dalu neu ei gynnig iddo, sy'n rhesymol ddigonol i dalu treuliau angenrheidiol ei bresenoldeb.

(6) Rhaid i barti sydd am gael gwŷs tyst wneud cais ysgrifenedig i Ysgrifennydd y Tribiwnlys, o leiaf 8 niwrnod gwaith cyn y gwrandawiad, neu'n ddiweddarach os yw'r person y mae'r wŷs yn cael ei chyfeirio ato yn cydsynio mewn ysgrifen.

(7) Rhaid i wŷs tyst gynnwys—

(a) datganiad bod unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw ofyniad i fod yn bresennol i roi tystiolaeth ac, os gofynnir am hynny yn y wŷs, i ddangos dogfennau, yn atebol o dan adran 126 o'r Mesur, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol, a

(b) datganiad o effaith paragraff (8).

(8) Caiff person y mae gwŷs tyst yn cael ei chyfeirio ato wneud cais i'r Tribiwnlys, drwy roi hysbysiad ysgrifenedig i Ysgrifennydd y Tribiwnlys, i amrywio'r wŷs neu ei osod o'r neilltu.

(9) Rhaid i'r Tribiwnlys beidio ag amrywio na gosod o'r neilltu wŷs tyst heb yn gyntaf hysbysu'r parti a wnaeth gais am ddyroddi'r wŷs tyst ac ystyried unrhyw sylwadau a gafodd eu gwneud gan y parti hwnnw.

(2) No person must be compelled to give any evidence or produce any document or other material that the person could not be compelled to give or produce at a trial of an action in a court of law in England or Wales.

(3) In exercising the power conferred by this rule, the Tribunal must take into account the need to protect any matter that relates to intimate personal circumstances or financial circumstances or consists of information communicated or obtained in confidence.

(4) No person may be required to attend in compliance with a summons unless that person has been given at least 5 working days' notice of the hearing or, if less than 5 working days, that person has informed the Tribunal that the person accepts the notice given.

(5) No person may be required in compliance with a summons to attend and give evidence or to produce any document unless a sum reasonably sufficient to cover the necessary expenses of the person's attendance has been paid or tendered.

(6) A party seeking a witness summons must apply in writing to the Secretary of the Tribunal at least 8 working days before the hearing, or later if the person to whom the summons is to be addressed consents in writing.

(7) A witness summons must contain—

(a) a statement that any person who, without reasonable excuse, fails to comply with any requirement to attend to give evidence and, if the summons so requires, to produce documents, is liable, under section 126 of the Measure, on summary conviction to a fine not exceeding level 3 on the standard scale, and

(b) a statement of the effect of paragraph (8).

(8) A person to whom a witness summons is addressed may apply to the Tribunal, by written notice to the Secretary of the Tribunal, to vary it or set it aside.

(9) The Tribunal must not vary or set aside a witness summons without first notifying the party who applied for the issue of the witness summons and considering any representations made by that party.

Tystiolaeth dros y teleffon, cyswllt fideo neu ddulliau eraill

42. Caiff y Tribiwnlys, naill ai ar gais parti neu ar gymhelliad y Tribiwnlys ei hunan, ganiatáu i barti neu i dyst roi tystiolaeth dros y teleffon, drwy gyswllt fideo neu drwy unrhyw ddull arall o gyfathrebu, os bydd y Tribiwnlys yn fodlon na fyddai hynny'n rhagfarnu ar gyrraedd yr amcan pennaf.

Evidence by telephone, video link or other means

42. The Tribunal may, on the application of a party or on the Tribunal's own initiative, permit a party or a witness to give evidence by telephone, through a video link or by any other means of communication, if satisfied that this would not prejudice the achievement of the overriding objective.

Gohirio gwrandawiad cyn ei gychwyn

43.—(1) Caiff y Tribiwnlys, mewn amgylchiadau eithriadol, naill ai ar gymhelliad ei hunan neu ar gais parti, wneud gorchymyn i ohirio gwrandawiad cyn ei gychwyn.

(2) Rhaid i gais gan barti o dan baragraff (1)—

(a) cael ei wneud mewn ysgrifen, gan ddatgan y rhesymau yn llawn,

(b) dod i law Ysgrifennydd y Tribiwnlys, a chael ei gyflwyno gan y ceisydd i'r parti arall, o leiaf 5 niwrnod gwaith cyn y gwrandawiad.

(3) Os gwneir gorchymyn o dan baragraff (1), rhaid i Ysgrifennydd y Tribiwnlys roi i'r partïon ddim llai na 5 niwrnod gwaith (neu ba bynnag gyfnod byrrach y mae'r partïon yn cytuno arno) o rybudd o ddyddiad y gwrandawiad newydd.

(4) Nid oes dim ym mharagraff (3) sy'n gosod rhwymedigaeth ar Ysgrifennydd y Tribiwnlys i ymgynghori ag unrhyw berson nad oes hawl ganddo i gael ei gynrychioli yn y gwrandawiad, nac anfon hysbysiad at unrhyw berson o'r fath.

Postponement of hearing

43.—(1) The Tribunal may, in exceptional circumstances, on its own initiative or on the application of a party, make an order to postpone a hearing.

(2) An application by a party under paragraph (1) must be—

(a) made in writing stating reasons in full,

(b) received by the Secretary of the Tribunal, and served by the applicant on the other party, at least 5 working days before the hearing.

(3) If an order is made under paragraph (1) the Secretary of the Tribunal must give the parties no less than 5 working days (or such shorter time as the parties agree) notice of the new hearing date.

(4) Nothing in paragraph (3) obliges the Secretary of the Tribunal to consult or send a notice to any person who is not entitled to be represented at the hearing.

Gohiriadau a chyfarwyddiadau canlyniadol

44.—(1) Caiff y Tribiwnlys ohirio gwrandawiad ar ôl ei gychwyn.

(2) Pan fydd gwrandawiad yn cael ei ohirio ar ôl ei gychwyn caiff y Tribiwnlys roi cyfarwyddiadau y mae'n rhaid cydymffurfio â hwy cyn ailgychwyn y gwrandawiad neu yn y gwrandawiad ar ôl ailgychwyn.

(3) Caiff cyfarwyddyd o dan baragraff (2) ei gwneud yn ofynnol bod parti'n darparu pa bynnag fanylion, dystiolaeth neu ddatganiadau y mae gofyn rhesymol amdanynt ar gyfer penderfynu'r cais.

(4) Os yw parti'n methu â chydymffurfio â chyfarwyddyd sy'n cael ei wneud o dan baragraff (2), caiff y panel tribiwnlys gymryd y ffaith honno i ystyriaeth wrth benderfynu'r cais neu wrth benderfynu a ddylid gwneud gorchymyn ar gyfer costau.

(5) Os bydd lleoliad ac amser gwrandawiad a ohiriwyd ar ôl ei gychwyn, yn cael eu cyhoeddi y gwrandawid cyn ei ohirio, ni fydd unrhyw hysbysiad pellach yn ofynnol.

Adjournments and consequential directions

44.—(1) The Tribunal may adjourn a hearing.

(2) When a hearing is adjourned the Tribunal may give directions to be complied with before or at the resumed hearing.

(3) A direction under paragraph (2) may require a party to provide such particulars, evidence or statements as may reasonably be required for the determination of the application.

(4) If a party fails to comply with a direction made under paragraph (2) the tribunal panel may take account of that fact when determining the application or deciding whether to make an order for costs.

(5) If the place and time of an adjourned hearing is announced at the hearing before the adjournment, no further notice is required.

Cynrychioli mewn gwrandawiad

45.—(1) Yn ddarostyngedig i baragraff (2), mewn unrhyw wrandawiad neu ran o wrandawiad caiff y ceisydd, y Comisiynydd neu unrhyw barti arall gynnal y cais yn bersonol, neu trwy gynrychiolydd, pa un a oes cymwysterau cyfreithiol gan y cynrychiolydd hwnnw ai peidio.

(2) Os nad yw parti'n bwriadu bod yn bresennol neu gael ei gynrychioli yn y gwrandawiad, caiff y parti hwnnw, ddim hwyrach na 5 niwrnod gwaith cyn y gwrandawiad, anfon at Ysgrifennydd y Tribiwnlys sylwadau ysgrifenedig ychwanegol i gefnogi achos y parti hwnnw.

Representation at hearing

45.—(1) Subject to paragraph (2), at any hearing or part of a hearing the applicant, the Commissioner or any other party may conduct the application in person or by a representative, whether or not that representative is legally qualified.

(2) If a party does not intend to attend or be represented at the hearing, that party may, no later than 5 working days before the hearing, send to the Secretary of the Tribunal additional written representations in support of that party's case.

Methiant i fod yn bresennol mewn gwrandawiad

46.—(1) Os yw parti'n methu â bod yn bresennol neu gael ei gynrychioli mewn gwrandawiad y mae'r parti hwnnw wedi cael hysbysiad ohono, caiff y panel tribiwnlys—

(a) os na fydd y panel tribiwnlys wedi ei fodloni fod rheswm digonol dros yr absenoldeb, glywed a phenderfynu'r cais yn absenoldeb y parti hwnnw, neu

(b) gohirio'r gwrandawiad cyn ei gychwyn neu ei ohirio ar ôl ei gychwyn fel sy'n briodol.

(2) Cyn penderfynu cais yn absenoldeb parti, rhaid i'r panel tribiwnlys ystyried unrhyw sylwadau ysgrifenedig sydd wedi cael eu cyflwyno gan y parti hwnnw wrth ymateb i'r hysbysiad o wrandawiad, ac at ddibenion y rheol hon mae'r hysbysiad cais a datganiadau achos y partïon i'w trin fel sylwadau ysgrifenedig.

Failure to attend hearing

46.—(1) If a party fails to attend or be represented at a hearing of which that party had been notified, the tribunal panel may—

(a) unless satisfied that there is sufficient reason for such absence, hear and determine the application in the party's absence, or

(b) postpone or adjourn the hearing, as appropriate.

(2) Before disposing of an application in the absence of a party, the tribunal panel must consider any representations in writing submitted by that party in response to the notice of hearing and, for the purpose of this rule the notice of application and the parties' case statements are to be treated as representations in writing.

Penderfyniad y panel tribiwnlys

47.—(1) Caiff y panel tribiwnlys ystyried unrhyw benderfyniad yn breifat.

(2) Caiff y panel tribiwnlys wneud penderfyniad drwy fwyafrif, a phan fo'r panel tribiwnlys yn cynnwys dau aelod yn unig o dan reol 39(5) bydd gan y Cadeirydd ail bleidlais neu bleidlais fwrw.

(3) Ceir naill ai roi penderfyniad y panel tribiwnlys ar lafar ar ddiwedd y gwrandawiad neu ohirio'r penderfyniad, ac ym mhob achos rhaid cofnodi'r penderfyniad mewn dogfen; ac eithrio mewn achos a benderfynir drwy gydsyniad, rhaid hefyd cynnwys yn y ddogfen honno (neu mewn atodiad iddi) ddatganiad o'r rhesymau (mewn ffurf gryno) dros benderfyniad y panel tribiwnlys; rhaid i ddogfen o'r fath gael ei llofnodi a'i dyddio gan y Cadeirydd.

Tribunal panel's decision

47.—(1) The tribunal panel may consider any decision in private.

(2) A decision of the tribunal panel may be taken by a majority and where the tribunal panel consists of only two members under rule 39(5) the Chair has a second or casting vote.

(3) The decision of the tribunal panel may be given orally at the end of the hearing or reserved and must be recorded in a document; except in the case of a decision by consent, that document (or an annexe to it) must also contain a statement of the reasons (in summary form) for the tribunal panel's decision, and such document must be signed and dated by the Chair.

(4) Ni chaiff penderfyniad sy'n cael ei roi ar lafar na'r ddogfen sy'n cael ei chyfeirio ati ym mharagraff (3) gynnwys unrhyw gyfeiriad at wneud y penderfyniad drwy fwyafrif (os dyna a ddigwyddodd) nac at unrhyw farn lleiafrif.

(5) Rhaid cofnodi pob penderfyniad panel tribiwnlys yn y Gofrestr.

(6) Rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r ddogfen sy'n cael ei chyfeirio ati ym mharagraff (3), cyn gynted ag sy'n ymarferol, at bob parti, ynghyd â chanllawiau, mewn ffurf sydd wedi ei gymeradwyo gan y Llywydd, ynglŷn â'r amgylchiadau pan fo hawl i ofyn am adolygiad o benderfyniad y panel tribiwnlys neu i apelio yn ei erbyn ac am y weithdrefn i'w dilyn.

(7) Pan fo rheol 13(10) yn gymwys, rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r dogfennau sy'n cael eu cyfeirio atynt ym mharagraff (6) at y ceisydd yn ogystal ag at y cynrychiolydd.

(8) Mae pob penderfyniad i'w drin fel pe bai wedi ei wneud ar y dyddiad y mae copi o'r ddogfen sy'n ei gofnodi'n cael ei anfon at y ceisydd (pa un a chafodd y penderfyniad ei gyhoeddi'n gynharach ar ddiwedd y gwrandawiad ai peidio).

(4) Neither a decision given orally nor the document referred to in paragraph (3) may contain any reference to the decision being by majority (if that is the case) or to any opinion of a minority.

(5) Every decision of a tribunal panel must be recorded in the Register.

(6) The Secretary of the Tribunal must send a copy of the document referred to in paragraph (3), as soon as is practicable, to each party, accompanied by guidance, in a form approved by the President, about the circumstances in which there is a right to apply for a review of, or to appeal against, the tribunal panel decision and the procedure to be followed.

(7) Where rule 13(10) applies, the Secretary of the Tribunal must send a copy of the documents referred to in paragraph (6) to the applicant in addition to the representative.

(8) Every decision is to be treated as having been made on the date on which a copy of the document recording it is sent to the applicant (whether or not the decision has previously been announced at the end of the hearing).

RHAN G

AR ÔL Y GWRANDAWIAD

Cais neu gynnig am adolygiad o benderfyniad y Tribiwnlys

48.—(1) Caiff parti wneud cais i Ysgrifennydd y Tribiwnlys i benderfyniad gan y Tribiwnlys gael ei adolygu ar y seiliau—

(a) bod y penderfyniad wedi ei wneud yn anghywir oherwydd gwall pwysig ar ran gweinyddiaeth y Tribiwnlys,

(b) bod gan barti a oedd â hawl i gael ei glywed yn y gwrandawiad, ond a fethodd ag ymddangos neu gael ei gynrychioli, reswm da a digonol dros beidio ag ymddangos, neu

(c) bod gwall amlwg a phwysig yn y penderfyniad.

(2) Rhaid i gais am adolygu penderfyniad y Tribiwnlys gael ei wneud—

(a) mewn ysgrifen gan ddatgan y seiliau,

(b) ddim hwyrach nag 28 diwrnod ar ôl y dyddiad yr anfonwyd y penderfyniad at y partïon.

(3) Caiff y Llywydd—

(a) ar gais parti o dan baragraff (1), neu ar gymhelliad y Llywydd ei hunan, adolygu a gosod o'r neilltu neu amrywio unrhyw

PART G

AFTER THE HEARING

Application or proposal for review of the Tribunal's decision

48.—(1) A party may apply to the Secretary of the Tribunal for the decision of the President or the tribunal panel to be reviewed on the grounds that—

(a) the decision was wrongly made as a result of a material error on the part of the Tribunal administration,

(b) a party, who was entitled to be heard at the hearing but failed to appear or to be represented, had good and sufficient reason for failing to appear, or

(c) there was an obvious and material error in the decision.

(2) An application for a decision of the Tribunal to be reviewed must be made—

(a) in writing stating the grounds,

(b) no later than 28 days after the date on which the decision was sent to the parties.

(3) The President may—

(a) on the application of a party under paragraph (1) or on the President's own initiative, review and set aside or vary any decision

benderfyniad a wnaed gan y Tribiwnlys, ar un o'r seiliau sy'n cael eu cyfeirio atynt ym mharagraff (1),

(b) gwrthod cais am adolygiad o benderfyniad y Tribiwnlys yn unol â pharagraff (5).

(4) Rhaid i'r Llywydd, os yw'n gosod penderfyniad panel tribiwnlys o'r neilltu o dan baragraff (3), orchymyn cynnal ail wrandawiad, gerbron panel tribiwnlys sydd wedi ei gyfansoddi'n wahanol.

(5) Hyd yn oed os yw'r Llywydd wedi ei argyhoeddi fod un neu fwy o'r seiliau sy'n cael eu cyfeirio atynt ym mharagraff (1) wedi eu dangos, caiff wrthod y cais am adolygiad neu ran ohono, os, ym marn y Llywydd, bydd buddiannau cyfiawnder yn cyfiawnhau hynny.

(6) Rhaid i'r Llywydd, cyn caniatáu cais am adolygiad roi cyfle i'r partïon gael eu clywed ganddo.

(7) Os bydd penderfyniad yn cael ei osod o'r neilltu neu os bydd penderfyniad yn cael ei amrywio yn dilyn adolygiad o dan y rheol hon, rhaid i Ysgrifennydd y Tribiwnlys newid y cofnod yn y Gofrestr a hysbysu'r partïon o hynny.

Adolygiad o benderfyniad y Tribiwnlys i beidio ag estyn y cyfnod sy'n cael ei ganiatáu ar gyfer cychwyn achos

49.—(1) Gall penderfyniad gan y Tribiwnlys i beidio ag estyn yr amser sy'n cael ei ganiatáu o dan reol 11 ar gyfer cyflwyno hysbysiad cais, gael ei adolygu o dan reol 48, ar gais person, fel pe bai'r person hwnnw'n barti i'r cais.

(2) Os bydd cais am adolygiad o dan baragraff (1) yn cael ei wneud, rhaid i Ysgrifennydd y Tribiwnlys gyflwyno copi o'r cais i'r Comisiynydd a rhoi i'r Comisiynydd hysbysiad yn gwahodd sylwadau ysgrifenedig o fewn cyfnod penodedig.

Ystyried cais am ganiatâd i apelio i'r Uchel Lys

50.—(1) Pan ddaw i law cais o dan adrannau 59, 97, 101 neu 105 o'r Mesur am ganiatâd i apelio i'r Uchel Lys, rhaid i'r Llywydd ystyried, yn gyntaf, gan gymryd i ystyriaeth yr amcan pennaf, pa un ai dylid adolygu penderfyniad y Tribiwnlys yn unol â rheol 48 ai peidio, oni fydd y Llywydd eisoes wedi adolygu'r penderfyniad, neu wedi gwrthod cais am ei adolygu.

(2) Os bydd y Llywydd yn penderfynu peidio ag adolygu'r penderfyniad, neu'n adolygu'r penderfyniad ac yn penderfynu peidio â chymryd unrhyw gamau mewn perthynas â'r penderfyniad, neu'r rhan ohono y mae'r apêl arfaethedig yn ymwneud â hi, rhaid i'r Llywydd ystyried wedyn a ddylid rhoi caniatâd i apelio mewn perthynas â'r penderfyniad, neu'r rhan honno ohono.

made by the Tribunal on a ground referred to in paragraph (1),

(b) refuse an application for a review of the Tribunal's decision in accordance with paragraph (5).

(4) The President must, upon setting aside the decision of a tribunal panel under paragraph (3) order a rehearing before a differently constituted tribunal panel.

(5) Even if persuaded that one or more of the grounds referred to in paragraph (1) has been established, the President may refuse the application for a review, in whole or in part if, in the view of the President, the interests of justice justify it.

(6) The President must, before granting an application for a review, give the parties an opportunity to be heard.

(7) If a decision is set aside or varied following a review under this rule, the Secretary of the Tribunal must alter the entry in the Register and must notify the parties accordingly.

Review of Tribunal's decision not to extend the period in which proceedings must be commenced

49.—(1) A decision by the Tribunal not to extend the time for submitting a notice of application under rule 11 may be reviewed under rule 48 on the application of a person as if the person was a party to the application.

(2) If an application for review is made under paragraph (1), the Secretary of the Tribunal must serve a copy of the application on the Commissioner and give the Commissioner a notice inviting written representations within a specified period.

Consideration of an application for permission to appeal to the High Court

50.—(1) On receiving an application under sections 59, 97, 101 or 105 of the Measure for permission to appeal to the High Court, the President must first consider, taking into account the overriding objective, whether or not to review the Tribunal's decision in accordance with rule 48, unless the President has already reviewed the decision or refused an application to review it.

(2) If the President decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision, or to that part of it to which the proposed appeal relates, the President must then consider whether to give permission to appeal in relation to the decision or that part of it.

Pŵer i atal dros dro benderfyniad y Tribiwnlys

51. Caiff y Tribiwnlys, ar gais parti, neu ar gymhelliad y Tribiwnlys ei hunan, wneud gorchymyn i atal dros dro effaith penderfyniad y panel tribiwnlys wrth ddisgwyl am benderfyniad gan y Tribiwnlys neu'r Uchel Lys ar gais am ganiatâd i apelio yn erbyn y penderfyniad hwnnw ac ar unrhyw apêl neu adolygiad ohono.

Power to suspend Tribunal's decision

51. The Tribunal may, on the application of a party or on the Tribunal's own initiative, make an order to suspend the effect of the tribunal panel's decision pending the determination by the Tribunal or the High Court of an application for permission to appeal against, and any appeal or review of, that decision.

Gorchmynion yr Uchel Lys

52.—(1) Os caiff unrhyw benderfyniad gan y Tribiwnlys ei osod o'r neilltu, ei amrywio neu ei newid mewn unrhyw ffordd gan orchymyn yr Uchel Lys, rhaid i Ysgrifennydd y Tribiwnlys newid y cofnod yn y Gofrestr i gyfateb i'r gorchymyn hwnnw, a rhaid iddo hysbysu'r partïon yn unol â hynny.

(2) Os bydd y cais yn cael ei ddychwelyd, drwy orchymyn yr Uchel Lys, i'w ail-glywed gan y Tribiwnlys, rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r partïon y caiff pob parti, yn ystod cyfnod o 15 niwrnod gwaith (neu gyfnod byrrach sydd wedi ei gytuno rhwng y partïon) gyflwyno datganiad achos atodol a thystiolaeth ysgrifenedig bellach.

(3) Os caiff gorchymyn i ddileu hysbysiad cais ei ddiddymu neu ei osod o'r neilltu gan yr Uchel Lys, rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r partïon—

(a) os nad oedd y cyfnod datganiad achos wedi dod i ben cyn i'r gorchymyn i ddileu cael effaith—

(i) y bydd cyfnod datganiad achos newydd yn dechrau, a

(ii) y caiff y partïon, o fewn y cyfnod datganiad achos newydd, gyflwyno'r dogfennau sy'n cael eu cyfeirio atynt yn is-baragraff (b) mewn perthynas â datganiad achos neu dystiolaeth a gafodd eu cyflwyno cyn i'r dileu cael effaith, neu

(b) pan nad yw is-baragraff (a) yn gymwys, bod gan bob parti gyfnod o 15 niwrnod gwaith (neu gyfnod byrrach sydd wedi ei gytuno rhwng y partïon) i gyflwyno datganiad achos atodol a thystiolaeth ysgrifenedig bellach.

(4) Rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r holl ddatganiadau achos a thystiolaeth ysgrifenedig sydd wedi'u cael gan barti yn ystod y cyfnodau y cyfeirir atynt ym mharagraffau (2) a (3)(b) at y parti arall.

Orders of the High Court

52.—(1) If any decision of the Tribunal is set aside, varied or altered in any way by order of the High Court, the Secretary of the Tribunal must alter the entry in the Register to correspond to that order and must notify the parties accordingly.

(2) If the appeal or the claim is remitted to the Tribunal by order of the High Court, to be reheard by the Tribunal, the Secretary of the Tribunal must notify the parties that, during a period of 15 working days (or a shorter period as agreed by the parties) each party may submit a supplementary case statement and further written evidence.

(3) If an order to strike out a notice of application is quashed or set aside by the High Court, the Secretary of the Tribunal must notify the parties—

(a) if the case statement period had not expired before the order to strike out took effect—

(i) that a new case statement period is to commence, and

(ii) that, within the new case statement period, the parties may submit the documents referred to in sub-paragraph (b) in respect of a case statement or evidence submitted before the strike out took effect, or

(b) where sub-paragraph (a) does not apply, that each party has a period of 15 working days (or such shorter period as the parties may agree in writing) to submit a supplementary case statement and further written evidence.

(4) The Secretary of the Tribunal must send a copy of all case statements and written evidence received from a party during the periods referred to in paragraphs (2) and (3)(b) to the other party.

RHAN H
AMRYWIOL

Estyn yr amser

53.—(1) Yn ddarostyngedig i baragraff (2), caiff y Tribiwnlys, ar gais parti, neu ar gymhelliad y Tribiwnlys ei hunan, gyfarwyddo bod cyfnod o amser sy'n cael ei bennu gan y Rheolau hyn (ac eithrio'r cyfnod sy'n cael ei bennu gan reol 11(1)) neu a gafodd ei bennu mewn cyfarwyddyd sydd wedi ei wneud o danynt, i gael ei estyn.

(2) Dim ond os yw'r Tribiwnlys o'r farn bod hynny'n deg ac yn gyfiawn y caiff y Tribiwnlys estyn cyfnod o amser yn unol â pharagraff (1).

(3) Caiff y Tribiwnlys estyn cyfnod o amser o ba bynnag gyfnod y bydd y Tribiwnlys yn ei ystyried yn briodol.

(4) Pan fo'r Tribiwnlys wedi estyn cyfnod o amser, rhaid dehongli cyfeiriad at y cyfnod hwnnw o amser yn y Rheolau hyn, neu mewn cyfarwyddyd sydd wedi cael ei wneud o danynt, fel pe bai'n gyfeiriad at y cyfnod o amser a estynnwyd felly.

Tynnu yn ôl

54. Caiff person dynnu cais yn ôl—

(a) drwy roi hysbysiad i Ysgrifennydd y Tribiwnlys ar unrhyw adeg cyn gwrandawiad, neu

(b) ar lafar mewn gwrandawiad.

Gorchmynion ar gyfer costau a threuliau

55.—(1) Fel rheol, rhaid i'r Tribiwnlys beidio â gwneud gorchymyn mewn perthynas â chostau a threuliau, ond, yn ddarostyngedig i baragraff (3), caiff wneud gorchymyn o'r fath—

(a) yn erbyn parti os bydd y Tribiwnlys o'r farn bod y parti wedi bod yn gyfrifol am weithred neu anwaith amhriodol, afresymol neu esgeulus, neu am unrhyw fethiant i gydymffurfio â chyfarwyddyd, neu am unrhyw oedi y gellid, gyda diwydrwydd, fod wedi ei osgoi, neu, fod ymddygiad y parti, wrth wneud neu wrthwynebu'r cais, wedi bod yn afresymol,

(b) yn erbyn cynrychiolydd os yw'r Tribiwnlys o'r farn bod y cynrychiolydd wedi bod yn gyfrifol am weithred neu anwaith amhriodol, afresymol neu esgeulus, neu am unrhyw fethiant i gydymffurfio â chyfarwyddyd, neu am unrhyw oedi y gellid, gyda diwydrwydd, fod wedi ei osgoi,

PART H
MISCELLANEOUS

Extension of time

53.—(1) Subject to paragraph (2), the Tribunal may, on the application of a party or on the Tribunal's own initiative, direct that a period of time specified in these Rules (other than the period specified by rule 11(1)) or by a direction made under them, is to be extended.

(2) The Tribunal may only extend a period of time in accordance with paragraph (1) if the Tribunal considers it fair and just to do so.

(3) The Tribunal may extend a period of time by such period as the Tribunal thinks fit.

(4) Where the Tribunal has extended a period of time, reference in these Rules or in a direction made under them to that period of time must be construed as a reference to the period of time so extended.

Withdrawal

54. A person may withdraw an application—

(a) by giving notice to the Secretary of the Tribunal at any time before a hearing, or

(b) orally at a hearing.

Orders for costs and expenses

55.—(1) The Tribunal must not normally make an order in respect of costs and expenses, but may, subject to paragraph (3), make such an order—

(a) against a party if the Tribunal is of the opinion that a party has been responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided or that the party's conduct in making or resisting the appeal or claim was unreasonable,

(b) against a representative if the Tribunal is of the opinion that the representative has been responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided,

(c) yn erbyn parti a fethodd â bod yn bresennol neu gael ei gynrychioli mewn gwrandawiad yr hysbyswyd y parti hwnnw ohono yn briodol,

(d) yn erbyn y Comisiynydd os methodd y Comisiynydd â chyflwyno datganiad achos o dan reol 20,

(e) yn erbyn y Comisiynydd os yw'r Tribiwnlys o'r farn bod y penderfyniad sy'n cael ei herio'n afresymol.

(2) Ceir gwneud unrhyw orchymyn mewn perthynas â chostau a threuliau—

(a) mewn perthynas â'r cyfan, neu unrhyw ran o unrhyw gostau a threuliau a achoswyd, neu unrhyw lwfansau a dalwyd, neu

(b) mewn perthynas â'r cyfan, neu unrhyw ran, o unrhyw lwfans (ac eithrio lwfansau a delir i aelodau o'r Tribiwnlys) sydd i'w dalu i unrhyw berson at ddibenion, neu mewn cysylltiad â phresenoldeb y person hwnnw mewn gwrandawiad Tribiwnlys.

(3) Ceir gwneud gorchymyn ar gyfer costau ar gais parti neu ar gymhelliad y Tribiwnlys ei hunan.

(4) Rhaid i barti sy'n gwneud cais am orchymyn o dan baragraff (3)—

(a) cyflwyno cais ysgrifenedig a rhestr o'r costau sy'n cael eu hawlio i Ysgrifennydd y Tribiwnlys, a

(b) cyflwyno copi o'r cais a'r rhestr o gostau i'r person y mae'n fwriad i'r gorchymyn cael ei wneud yn ei erbyn.

(5) Ceir gwneud cais am orchymyn o dan baragraff (3) ar unrhyw adeg yn ystod yr achos ond ni cheir ei wneud yn hwyrach nag 28 diwrnod ar ôl y dyddiad—

(a) pan gafodd yr hysbysiad yn cofnodi'r penderfyniad terfynol ar bob mater yn y cais ei ddyroddi,

(b) ar ôl tynnu'n ôl y cais, pan wnaed gorchymyn yn gwrthod y cais,

(c) yn dilyn ildiad y Comisiynydd, pan gafodd yr hysbysiad o benderfyniad ei ddyroddi.

(6) Yn achos cais am orchymyn o dan baragraff (3)—

(a) rhaid i'r Tribiwnlys ei wrthod os yw'r parti yn gofyn i'r Tribiwnlys ystyried mater sydd y tu allan i'w bwerau,

(b) caiff y Tribiwnlys ei wrthod yn gyfan gwbl neu'n rhannol os, ym marn y Tribiwnlys, nad oes siawns resymol y gall y cyfan neu'r rhan ohono lwyddo.

(c) against a party who has failed to attend or be represented at a hearing of which that party has been duly notified,

(d) against the Commissioner, where the Commissioner has not submitted a case statement under rule 20,

(e) against the Commissioner, if the Tribunal considers that the disputed decision was unreasonable.

(2) Any order in respect of costs and expenses may be made—

(a) as respects the whole, or any part, of any costs and expenses incurred, or any allowances paid, or

(b) as respects the whole, or any part, of any allowance (other than allowances paid to members of the Tribunal) payable to any person for the purposes of, or in connection with, that person's attendance at a Tribunal hearing.

(3) An order for costs may be made on the application of a party or on the Tribunal's own initiative.

(4) A party making an application for an order under paragraph (3) must—

(a) submit a written application and a schedule of costs claimed to the Secretary of the Tribunal, and

(b) serve a copy of the application and schedule of costs on the person against whom it is proposed that the order is made.

(5) An application for an order under paragraph (3) may be made at any time during the case but may not be made later than 28 days from the date on which—

(a) the decision notice recording the decision on all issues in the application was issued,

(b) upon withdrawal of the application, the order dismissing the application was made,

(c) following the Commissioner's concession to the application, the decision notice was issued.

(6) An application for an order under paragraph (3)—

(a) must be refused by the Tribunal if a party is asking the Tribunal to consider a matter which is outside its powers,

(b) may be refused in whole or part by the Tribunal if, in the opinion of the Tribunal, the whole or part of it has no reasonable chance of success.

(7) Oni fydd cais am orchymyn yn cael ei wrthod o dan baragraff (6), rhaid ei benderfynu ar ôl rhoi cyfle i'r parti a'r person y mae'n fwriad i'r gorchymyn cael ei wneud yn ei erbyn cael eu clywed gan y Tribiwnlys.

(8) Os bydd gorchymyn yn cael ei wneud o dan baragraff (3), caiff y Tribiwnlys roi cyfarwyddiadau y mae'n rhaid cydymffurfio â hwy cyn neu yn ystod y gwrandawiad costau.

(9) Os digwydd i barti fethu â chydymffurfio â chyfarwyddyd a roddwyd o dan baragraff (8), caiff y Tribiwnlys gymryd y ffaith honno i ystyriaeth wrth benderfynu pa un ag i wneud gorchymyn ar gyfer costau ai peidio.

(10) Caiff gorchymyn o dan baragraff (3) ei wneud yn ofynnol bod y parti neu'r cynrychiolydd y mae'r gorchymyn yn cael ei wneud yn ei erbyn yn talu i barti naill ai swm penodedig mewn perthynas â'r costau a'r treuliau a gafodd eu hachosi i'r parti arall hwnnw mewn cysylltiad â'r cais, neu'r cyfan neu ran o'r cyfryw gostau, fel y byddant yn cael eu hasesu, oni fydd cytuno arnynt.

(11) Effaith gorchymyn o dan y rheol hon y dylai costau gael eu hasesu yw mai mater i'r llys sirol bydd gwneud asesiad manwl o'r costau hynny yn unol â Rheolau'r Weithdrefn Sifil 1998, naill ai ar y sail safonol neu, os pennir hynny yn y gorchymyn, ar sail indemniad.

Pŵer i arfer swyddogaethau

56.—(1) Yn ddarostyngedig i unrhyw gyfarwyddyd ymarfer sydd wedi cael ei wneud gan y Llywydd, caiff unrhyw swyddogaeth sy'n arferadwy gan y Tribiwnlys o dan y Rheolau hyn gael ei arfer gan—

(a) panel tribiwnlys,

(b) y Llywydd,

(c) aelod o'r Tribiwnlys sydd wedi ei ymgymhwyso yn y gyfraith ac a gafodd ei awdurdodi mewn ysgrifen gan y Llywydd i arfer y swyddogaeth honno.

(2) Caiff unrhyw swyddogaeth sy'n arferadwy gan y Llywydd o dan y Rheolau hyn gael ei harfer gan aelod o'r Tribiwnlys sydd wedi ymgymhwyso yn y gyfraith ac sydd wedi ei awdurdodi gan y Llywydd i wneud hynny.

(3) Yn ddarostyngedig i reol 60(6), os bydd farw'r Cadeirydd neu os â'n analluog, neu os yw'n peidio â bod yn aelod o'r Tribiwnlys, yn dilyn penderfyniad o'r panel tribiwnlys, caiff y Llywydd neu Gadeirydd arall, sydd wedi ei benodi gan y Llywydd at y pwrpas, arfer swyddogaethau'r Cadeirydd.

(7) Unless an application for an order is refused under paragraph (6), it must be determined after the party and the person against whom it is proposed that the order is made have had an opportunity to be heard by the Tribunal.

(8) If an order is made under paragraph (3), the Tribunal may give directions to be complied with before or at the costs hearing.

(9) If a party fails to comply with a direction given under paragraph (8) the Tribunal may take account of that fact when deciding whether or not to make an order for costs.

(10) An order under paragraph (3) may require the party or representative against whom it is made to pay a party either a specified sum in respect of the costs and expenses incurred by that other party in connection with the application, or the whole or part of such costs as assessed if not otherwise agreed.

(11) An order under this rule for costs to be assessed has the effect that it is for the county court to make a detailed assessment of those costs in accordance with the Civil Procedure Rules 1998 either on the standard basis or, if specified in the order, on the indemnity basis.

Power to exercise functions

56.—(1) Subject to any practice direction made by the President, any function exercisable by the Tribunal under these Rules may be exercised by—

(a) a tribunal panel,

(b) the President,

(c) a legally qualified member of the Tribunal authorised in writing by the President to exercise that function.

(2) Any function exercisable by the President under these Rules may be exercised by a member of the Tribunal who is legally qualified and who has been authorised by the President to do so.

(3) Subject to rule 60(6), in the event of the death or incapacity of the Chair, or if the Chair ceases to be a member of the Tribunal, following the decision of the tribunal panel, the functions of the Chair may be exercised by the President or another Chair appointed by the President for the purpose.

Ysgrifennydd y Tribiwnlys

57. Caiff aelod arall o staff y Tribiwnlys, sydd wedi cael ei awdurdodi gan y Llywydd, gyflawni unrhyw swyddogaeth Ysgrifennydd y Tribiwnlys.

Y Gofrestr

58.—(1) Rhaid i Ysgrifennydd y Tribiwnlys gadw Cofrestr o'r ceisiau sy'n cael eu gwneud i'r Tribiwnlys.

(2) Rhaid gwneud cofnod yn y Gofrestr o bob cais, ac rhaid i'r cofnod hwnnw gynnwys y manylion canlynol pan fo'n briodol—

(a) enwau a chyfeiriadau'r partïon,

(b) manylion cryno o natur y cais,

(c) dyddiad unrhyw wrandawiad, gan gynnwys unrhyw wrandawiad ar faterion rhagarweiniol neu achlysurol, a phan fo'n briodol, natur y gwrandawiad,

(d) manylion o unrhyw gyfarwyddiadau neu orchmynion sydd wedi'u ddyroddi, a

(e) y ddogfen y cafodd penderfyniad y panel tribiwnlys ei gofnodi ynddi o dan reol 47(3).

(3) Ceir cadw'r Gofrestr neu unrhyw ran ohoni mewn ffurf electronig.

Cyhoeddi

59.—(1) Rhaid i'r Tribiwnlys gyhoeddi ei benderfyniadau, yn unol â pha bynnag drefniadau sy'n briodol, ym marn y Llywydd.

(2) Ceir cyhoeddi penderfyniadau yn electronig.

(3) Os yw'n angenrheidiol i'r Tribiwnlys, er mwyn rhoi rhesymau llawn am benderfyniad, gyfeirio at faterion sy'n ymwneud ag unrhyw wybodaeth bersonol gyfrinachol neu sy'n ymwneud â phlentyn unigol neu â pherson arall sy'n agored i niwed, caiff y fersiwn o'r penderfyniad hwnnw sy'n cael ei gyhoeddi hepgor, i'r graddau sy'n ofynnol er mwyn gwarchod preifatrwydd y person o dan sylw, cyfeiriadau at y materion hynny.

Afreoleidd-dra

60.—(1) Ni fydd afreoleidd-dra, sy'n tarddu o fethiant i gydymffurfio ag unrhyw ddarpariaeth o'r Rheolau hyn, o gyfarwyddyd ymarfer neu o unrhyw gyfarwyddyd gan y Tribiwnlys cyn i'r Tribiwnlys gyrraedd ei benderfyniad yn peri, yn ei hunan, bod trafodion yr achos yn ddi-rym.

The Secretary of the Tribunal

57. Any function of the Secretary of the Tribunal may be performed by another member of the staff of the Tribunal authorised by the President.

Register

58.—(1) The Secretary of the Tribunal must keep a Register of applications made to the Tribunal.

(2) There must be entered in the Register a note of all applications, which must include the following particulars where appropriate—

(a) the names and addresses of the parties,

(b) brief details of the nature of the application,

(c) the date of any hearing, including any hearing on preliminary or incidental matters, and, where appropriate, the nature of the hearing,

(d) details of any directions or orders issued, and

(e) the document in which the decision of the tribunal panel has been recorded under rule 47(3).

(3) The Register or any part of it may be kept in electronic form.

Publication

59.—(1) The Tribunal must publish its decisions in accordance with such arrangements as the President considers appropriate.

(2) Decisions may be published electronically.

(3) If it is necessary for the Tribunal, in order to give full reasons for a decision, to refer to matters which relate to any confidential personal information or to an individual child or to another vulnerable person, the version of that decision which is published may, to the extent necessary to protect the privacy of the person in question, omit references to those matters.

Irregularities

60.—(1) An irregularity resulting from failure to comply with any provision of these Rules, a practice direction or of any direction of the Tribunal before the Tribunal reaches its decision does not of itself render the proceedings on the case void.

(2) Pan ddaw unrhyw afreoleidd-dra o'r fath i sylw'r Tribiwnlys, caiff y Tribiwnlys, os yw'n tybio y gallai unrhyw berson fod wedi ei ragfarnu gan yr afreoleidd-dra, roi pa bynnag gyfarwyddiadau sydd, ym marn y Tribiwnlys, yn gyfiawn, er mwyn cywiro'r afreoleidd-dra, cyn cyrraedd ei benderfyniad.

(3) Caiff y Tribiwnlys, trwy dystysgrif wedi ei lofnodi gan y Llywydd neu gan Gadair y panel tribiwnlys o dan sylw, ar unrhyw adeg, gywiro camgymeriadau clerigol mewn unrhyw ddogfen sy'n cofnodi cyfarwyddyd neu benderfyniad gan y Tribiwnlys neu gan y Llywydd, ac a gafodd ei baratoi gan neu ar ran y Tribiwnlys, neu wallau mewn dogfennau o'r fath a gafodd eu hachosi gan lithriadau neu hepgorion damweiniol.

(4) Rhaid i Ysgrifennydd y Tribiwnlys, cyn gynted ag y bo'n ymarferol, anfon copi at bob parti o unrhyw fersiwn cywiriedig o ddogfen sy'n cynnwys rhesymau dros benderfyniad panel tribiwnlys.

(5) Pan fo person wedi penodi cynrychiolydd yn unol â rheol 17, rhaid i Ysgrifennydd y Tribiwnlys (er gwaethaf rheol 13(10)) anfon copi o'r ddogfen sy'n cael ei chyfeirio ati ym mharagraff (4) at y person yn ogystal ag at y cynrychiolydd.

(6) Pan fo'n ofynnol o dan y Rheolau hyn bod Cadeirydd yn llofnodi dogfen, ond na all y Cadeirydd wneud hynny oherwydd marwolaeth neu analluedd, rhaid i aelodau eraill y panel tribiwnlys lofnodi'r ddogfen ac ardystio bod y Cadeirydd yn analluog i'w llofnodi.

Profi dogfennau ac ardystio penderfyniadau

61.—(1) Mae dogfen sy'n honni bod yn ddogfen a gafodd ei dyroddi gan Ysgrifennydd y Tribiwnlys ar ran y Tribiwnlys, i'w hystyried yn ddogfen a ddyroddwyd felly, oni fydd y gwrthwyneb yn cael ei brofi.

(2) Bydd dogfen sy'n honni ei bod wedi ei hardystio gan Ysgrifennydd y Tribiwnlys fel copi cywir o ddogfen sy'n cynnwys penderfyniad panel tribiwnlys, yn dystiolaeth ddigonol o gynnwys y ddogfen honno, oni fydd y gwrthwyneb yn cael ei brofi.

Y dull o anfon, rhoi neu gyflwyno hysbysiadau a dogfennau

62.—(1) Rhaid i hysbysiad sy'n cael ei roi o dan y Rheolau hyn fod mewn ysgrifen a rhaid i barti y mae'n ofynnol iddo, o dan y Rheolau hyn, hysbysu Ysgrifennydd y Tribiwnlys o fater, wneud hynny mewn ysgrifen.

(2) Where any such irregularity comes to the attention of the Tribunal, the Tribunal may, if it considers that any person may have been prejudiced by the irregularity, give such directions as it thinks just, with a view to remedying the irregularity, before reaching its decision.

(3) The Tribunal may, by certificate signed by the President or by the Chair of the tribunal panel in question, correct, at any time, clerical mistakes in any document recording a direction or decision of the Tribunal or of the President, produced by or on behalf of the Tribunal, or errors arising in such documents from accidental slips or omissions.

(4) The Secretary of the Tribunal must as soon as practicable send to each party a copy of any corrected version of a document containing reasons for a tribunal panel's decision.

(5) Where a person has appointed a representative in accordance with rule 17, the Secretary of the Tribunal must (notwithstanding rule 13(10)) send a copy of the document referred to in paragraph (4) to that person as well as to the representative.

(6) Where these Rules require the Chair to sign a document, but by reason of death or incapacity the Chair is unable to do so, the other members of the tribunal panel must sign it and certify that the Chair is unable to sign.

Proof of documents and certification of decisions

61.—(1) A document purporting to be a document issued by the Secretary of the Tribunal on behalf of the Tribunal is, unless the contrary is proved, to be considered to be a document so issued.

(2) A document purporting to be certified by the Secretary of the Tribunal as a true copy of a document containing a decision of a tribunal panel is, unless the contrary is proved, to be sufficient evidence of its contents.

Method of sending, submitting or serving notices and documents

62.—(1) A notice given under these Rules must be in writing and a party required by these Rules to notify a matter to the Secretary of the Tribunal must do so in writing.

(2) Rhaid i hysbysiadau a dogfennau sydd i'w darparu o dan y Rheolau hyn gael—

(a) eu hanfon drwy'r post dosbarth cyntaf rhagdaledig at Ysgrifennydd y Tribiwnlys neu'u danfon â llaw i swyddfa'r Tribiwnlys neu ba bynnag swyddfa arall y bydd y partïon wedi'u hysbysi ohoni gan Ysgrifennydd y Tribiwnlys,

(b) eu hanfon drwy drawsyriad ffacsimili i'r rhif a gafodd ei bennu ar gyfer y Tribiwnlys,

(c) eu hanfon drwy e-bost i'r cyfeiriad a chafod ei bennu ar gyfer y Tribiwnlys, neu

(d) eu hanfon neu'u danfon drwy ba bynnag ddull arall sy'n cael ei ganiatáu gan y Tribiwnlys neu a gafodd ei gyfarwyddo gan y Tribiwnlys.

(3) Rhaid i barti sy'n anfon hysbysiad neu ddogfen at y Tribiwnlys drwy e-bost neu drawsyriad ffacsimili beidio â thrin yr hysbysiad neu'r ddogfen fel pe bai wedi ei ddanfon neu ei danfon oni fydd cydnabyddiaeth o hynny wedi ei derbyn gan y Tribiwnlys.

(4) Yn ddarostyngedig i baragraff (5), os yw parti'n darparu rhif ffacsimili, cyfeiriad e-bost neu fanylion eraill ar gyfer cyflwyno hysbysiadau neu ddogfennau, rhaid i'r parti hwnnw dderbyn danfon dogfennau drwy'r dull hwnnw.

(5) Os yw parti'n rhoi gwybod i'r Tribiwnlys ac i'r parti arall na ddylid defnyddio dull cyfathrebu penodol, ac eithrio'r post dosbarth cyntaf rhagdaledig neu ddanfon â llaw, i ddarparu dogfennau i'r parti hwnnw, rhaid peidio â defnyddio'r dull hwnnw o gyfathrebu.

(6) Os yw'r Tribiwnlys neu barti yn anfon dogfen at barti neu at y Tribiwnlys drwy e-bost neu unrhyw ddull cyfathrebu electronig arall, caiff y derbynnydd ofyn i'r anfonwr ddarparu copi caled o'r ddogfen honno i'r derbynnydd. Rhaid i'r derbynnydd wneud cais o'r fath cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael y ddogfen yn electronig.

(7) Caiff y Tribiwnlys a phob parti gymryd yn ganiataol mai'r cyfeiriad sydd wedi ei ddarparu gan barti neu gynrychiolydd yw'r cyfeiriad y mae'n rhaid anfon neu ddanfon dogfennau iddo, ac y bydd yn parhau felly oni fyddant yn cael hysbysiad ysgrifenedig i'r gwrthwyneb.

(8) Ceir anfon yr hysbysiadau a'r dogfennau y mae Ysgrifennydd y Tribiwnlys yn cael ei awdurdodi i'w hanfon, neu sy'n ofynnol iddo eu hanfon o dan y Rheolau hyn (yn ddarostyngedig i baragraff (10)) naill ai drwy'r post dosbarth cyntaf rhagdaledig, drwy drawsyriad ffacsimili, drwy e-bost, neu gellir eu danfon—

(a) yn achos parti—

(2) Notices and documents to be provided under these Rules must be—

(a) sent by first class pre-paid post to the Secretary of the Tribunal or delivered by hand to the office of the Tribunal or such other office as the Secretary of the Tribunal may notify to the parties,

(b) sent by facsimile transmission to the number specified for the Tribunal,

(c) sent by email to the address specified for the Tribunal, or

(d) sent or delivered by such other method as the Tribunal may permit or direct.

(3) A party who sends a notice or document to the Tribunal by email or facsimile transmission must not treat the notice or document as having been delivered unless its delivery has been acknowledged by the Tribunal.

(4) Subject to paragraph (5), if a party provides a facsimile number, email address or other details for the service of notices or documents, that party must accept delivery of documents by that method.

(5) If a party informs the Tribunal and the other party that a particular form of communication, other than first class pre-paid post or delivery by hand, must not be used to provide documents to that party, that form of communication must not be used.

(6) If the Tribunal or a party sends a document to a party or the Tribunal by email or any other electronic means of communication, the recipient may request that the sender provide a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(7) The Tribunal and each party may assume that the address provided by a party or a representative is and remains the address to which documents must be sent or delivered unless they receive written notification to the contrary.

(8) Notices and documents which these Rules authorise or require the Secretary of the Tribunal to send may (subject to paragraph (10)) either be sent by first class pre-paid post, by facsimile transmission to, by email to or be delivered at—

(a) in the case of a party—

(i) i gyfeiriad y parti hwnnw ar gyfer cyflwyno fel y cafodd ei bennu yn yr hysbysiad cais neu mewn hysbysiad o dan baragraff (9), neu

(ii) os nad oes cyfeiriad ar gyfer cyflwyno wedi ei bennu felly, i'r cyfeiriad olaf sy'n hysbys ar gyfer y parti hwnnw, a

(b) yn achos unrhyw berson arall, i breswylfa neu fan busnes y person hwnnw, neu, os yw'r person yn gorfforaeth, i swyddfa gofrestredig neu brif swyddfa'r gorfforaeth.

(9) Caiff parti, ar unrhyw adeg, drwy roi hysbysiad i Ysgrifennydd y Tribiwnlys, newid cyfeiriad y parti hwnnw ar gyfer cyflwyno o dan y Rheolau hyn.

(10) Rhaid defnyddio'r gwasanaeth danfon cofnodedig yn lle'r post dosbarth cyntaf i gyflwyno gwŷs sy'n mynnu cael presenoldeb tyst a ddyroddir o dan reol 41.

(11) Rhaid tybio bod hysbysiadau neu ddogfennau a gafodd eu hanfon gan y Tribiwnlys drwy'r post dosbarth cyntaf yn unol â'r Rheolau hyn, ac na chafodd eu dychwelwyd at y Tribiwnlys, wedi dod i law'r derbynnydd ar yr ail ddiwrnod gwaith ar ôl y dyddiad postio oni ddangosir i'r gwrthwyneb.

(12) Rhaid tybio, oni ddangosir i'r gwrthwyneb, mai'r dyddiad postio yw'r dyddiad sy'n cael ei ddangos yn y marc post ar yr amlen sy'n cynnwys yr hysbysiad neu'r ddogfen.

(13) Rhaid tybio bod hysbysiad neu ddogfen a gafodd ei anfon gan y Tribiwnlys at barti drwy e-bost neu drawsyriad ffacsimili wedi ei ddanfon neu ei danfon pan fydd yr hysbysiad neu'r ddogfen cael eu derbyn mewn ffurf ddarllenadwy.

(14) Pan nad yw'n bosibl, oherwydd unrhyw reswm digonol, i gyflwyno unrhyw ddogfen neu hysbysiad yn y modd sy'n cael ei ragnodi o dan y rheol hon, caiff y Tribiwnlys naill ai hepgor y cyflwyno, neu wneud gorchymyn ar gyfer cyflwyno ym mha bynnag ddull amgen sydd, ym marn y Tribiwnlys, yn briodol, a bydd cyflwyno yn y dull amgen hwnnw'n cael yr un effaith â chyflwyno yn y modd sy'n cael ei ragnodi o dan y rheol hon.

(i) the party's address for service specified in the notice of application or in a notice under paragraph (9), or

(ii) if no address for service has been so specified the party's last known address, and

(b) in the case of any other person, that person's place of residence or business or if the person is a corporation, the corporation's registered or principal office.

(9) A party may at any time by notice to the Secretary of the Tribunal change that party's address for service under these Rules.

(10) The recorded delivery service must be used instead of first class post for service of a summons issued under rule 41 requiring the attendance of a witness.

(11) A notice or document sent by the Tribunal by first class post in accordance with these Rules, and not returned to the Tribunal, is to be taken to have been received by the addressee on the second working day after the date of posting, unless the contrary is shown.

(12) The date of posting is to be presumed, unless the contrary is shown, to be the date shown in the postmark on the envelope in which the notice or document is contained.

(13) A notice or document sent by the Tribunal to a party using email or facsimile transmission is to be taken to have been delivered when it is received in legible form.

(14) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this rule, the Tribunal may dispense with service or make an order for substituted service in such manner as the Tribunal may deem fit and such service has the same effect as service in the manner prescribed under this rule.

Cyfrifo amser

63.—(1) Rhaid i weithred sy'n ofynnol gan y Rheolau hyn, gan gyfarwyddyd ymarfer, neu gan gyfarwyddyd ac sydd i'w gwneud ar ddiwrnod penodol neu erbyn diwrnod penodol gael ei gwneud erbyn 5pm ar y diwrnod hwnnw.

Calculating time

63.—(1) An act required by these Rules, by a practice direction or by a direction to be done on or by a particular day must be done by 5pm on that day.

(2) Os yw'r amser sy'n cael ei bennu gan y Rheolau hyn, gan gyfarwyddyd ymarfer neu gan gyfarwyddyd ar gyfer gwneud unrhyw weithred, yn gorffen ar ddiwrnod nad yw'n ddiwrnod gwaith, bydd y weithred wedi ei gwneud yn brydlon os yw wedi ei gwneud ar y diwrnod gwaith canlynol.

(3) Os yw'r amser ar gyfer cychwyn achos drwy gyflwyno'r hysbysiad cais i'r Tribiwnlys o dan reol 11 yn gorffen ar ddiwrnod rhwng 25 Rhagfyr a 1 Ionawr, gan gynnwys y dyddiadau hynny—

(a) bydd yr hysbysiad cais wedi ei ddarparu'n brydlon os daw i law'r Tribiwnlys ar y diwrnod gwaith cyntaf ar ôl 1 Ionawr, a

(b) rhaid peidio â chyfrif y dyddiau rhwng 25 Rhagfyr a 1 Ionawr, gan gynnwys y dyddiau hynny, wrth gyfrifo'r amser erbyn pryd y mae'n rhaid gwneud unrhyw weithred arall.

(4) Nid yw paragraff (3)(b) yn gymwys pan fo'r Tribiwnlys wedi cyfarwyddo bod rhaid i weithred gael ei gwneud erbyn dyddiad penodedig neu ar ddyddiad penodedig.

Llofnodi dogfennau

64. Pan yw'n ofynnol o dan y Rheolau hyn bod dogfen wedi ei llofnodi, bodlonir y gofyniad hwnnw—

(a) os yw'r llofnod wedi ei ysgrifennu, neu

(b) yn achos dogfen a ddanfonwyd trwy ddull electronig yn unol â'r Rheolau hyn, gan lofnod electronig y person y mae'n ofynnol iddo ei llofnodi.

Yr wyf yn gwneud y Rheolau hyn

Keith Bush CF
Llywydd Tribiwnlys y Gymraeg
8 Ebrill 2015

Yr wyf yn caniatáu'r Rheolau hyn

Carwyn Jones
Prif Weinidog Cymru
2 Ebrill 2015

(2) If the time specified by these Rules, by a practice direction or by a direction for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

(3) If the time for commencing proceedings by submitting a notice of application to the Tribunal under rule 11 ends on a day between 25 December and 1 January, inclusive—

(a) the notice of application is submitted in time if it is received by the Tribunal on the first working day after 1 January , and

(b) the days from 25 December to 1 January inclusive must not be counted when calculating the time by which any other act must be done.

(4) Paragraph 3(b) does not apply where the Tribunal directs that an act must be done by or on a specified date.

Signature of documents

64. Where these Rules require a document to be signed, that requirement is satisfied—

(a) if the signature is written, or

(b) in the case of a document which is communicated electronically in accordance with these Rules, by the electronic signature of the person who is required to sign it.

I make these Rules

Keith Bush QC
President of the Welsh Language Tribunal
8 April 2015

I allow these Rules

Carwyn Jones
First Minister of Wales
2 April 2015

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