



Cynllun a wnaed gan Weinidogion Cymru ac a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 15(3) o Ddeddf Pysgodfeydd 1981, i'w gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn cyfnod o ddeugain diwrnod, sy'n cychwyn gyda'r diwrnod y gwnaed y Cynllun, yn ddarostyngedig i'w estyn ar gyfer cyfnodau o ddiddymiad neu doriad o fwy na phedwar diwrnod.

Scheme made by the Welsh Ministers and laid before the National Assembly for Wales under section 15(3) of the Fisheries Act 1981, for approval by resolution of the National Assembly for Wales within forty days beginning with the day on which the Scheme was made, subject to extension for periods of dissolution or recess for more than four days.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 3172 (Cy.318)

2012 No. 3172 (W.318)

**PYSGODFEYDD MÔR,
CYMRU**

**SEA FISHERIES,
WALES**

Cynllun Cychod Pysgota
(Dyfeisiau Olrhain Drwy Loeren a
Darlledu Data Gweithgareddau
Pysgota yn Electronig) (Cymru)
2012

The Fishing Boats (Satellite -
Tracking Devices and Electronic
Transmission of Fishing Activities
Data) (Wales) Scheme 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Scheme)

Mae'r Cynllun hwn, sy'n gymwys o ran Cymru ac a wnaed gyda chymeradwyaeth y Trysorlys, yn dod i rym ar 31 Rhagfyr 2012. Mae'r Cynllun yn darparu ar gyfer talu grantiau fel cyfraniad tuag at y gost o brynu neu gyflenwi dyfeisiau olrhain drwy loeren a meddalwedd sy'n angenrheidiol i gofnodi ac i ddarlledu data gweithgareddau pysgota yn electronig, yn unol â Rheoliad y Cyngor (EC) Rhif 1224/2009 ar 20 Tachwedd 2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin, ac sy'n diwygio Rheoliadau (EC) Rhif 847/96, (EC) Rhif 2371/2002, (EC) Rhif 811/2004, (EC) Rhif 768/2005, (EC) Rhif 2115/2005, (EC) Rhif 2166/2005, (EC) Rhif 388/2006, (EC) Rhif 509/2007, (EC) Rhif 676/2007, (EC) Rhif 1098/2007, (EC) Rhif 1300/2008, (EC) Rhif 1342/2008 ac yn diddymu Rheoliadau (EEC) Rhif 2847/93, (EC) Rhif 1627/94 ac (EC) Rhif 1966/2006.

This Scheme, which applies in relation to Wales, is made with the approval of the Treasury and comes into force on 31 December 2012. The Scheme provides for the payment of grants as a contribution towards the cost of purchase or supply of satellite-tracking devices and software necessary to record and electronically transmit location and fishing activities data in accordance with Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.

Mae'r Cynllun hwn yn darparu bod rhaid dehongli cyfeiriadau at Offerynnau UE, neu rannau penodedig

This Scheme provides that references to specified EU Instruments or specified parts of them are to be

ohonynt, fel cyfeiriadau at yr Offerynnau neu'r rhannau hynny fel y'u diwygir o bryd i'w gilydd.

Mae Rhan 2 o'r Cynllun yn darparu ar gyfer talu grantiau mewn perthynas â dyfeisiau olrhain drwy loeren. Mae paragraff 4 yn darparu ar gyfer rhoi gwahoddiadau i ymgeisio am y grant, paragraffau 5 a 6 yn gwneud darpariaeth ynglŷn â chymhwystra a'r broses o ymgeisio am y grant a pharagraff 7 yn darparu ar gyfer dyfarnu ar geisiadau, gan gynnwys y pŵer i osod amodau ynghlwm wrth unrhyw gais a gymeradwyir, a gofynion ynglŷn â hysbysu. Mae paragraffau 8 a 9 yn gwneud darpariaeth ynglŷn â gwneud taliadau o'r grant, a swm y grant.

Mae Rhan 3 yn gwneud darpariaeth ar gyfer talu grantiau mewn perthynas â meddalwedd gymeradwy. Mae paragraff 11 yn darparu ar gyfer cyhoeddi rhestrau o'r meddalwedd a'r cyflenwyr cymeradwy. Mae paragraff 12 yn darparu ar gyfer rhoi gwahoddiadau i ymgeisio am y grant, paragraffau 13 a 14 yn gwneud darpariaeth ynglŷn â chymhwystra a'r broses o ymgeisio am y grant a pharagraff 15 yn darparu ar gyfer dyfarnu ar geisiadau, gan gynnwys y pŵer i osod amodau ynghlwm wrth unrhyw gais a gymeradwyir, a gofynion ynglŷn â hysbysu. Mae paragraffau 16 a 17 yn gwneud darpariaeth ynglŷn â gwneud taliadau o'r grant, a swm y grant.

Yn Rhan 4, mae paragraff 18 yn gwneud darpariaeth ar gyfer adolygu dyfarniad sy'n gwrthod cais neu ddyfarniad i osod amodau ynghlwm wrth gais, yn achos cais a wnaed o dan Ran 2 neu Ran 3. Mae paragraff 19 yn darparu ar gyfer dirymu, cadw'n ôl ac adennill grant a gymeradwywyd o dan naill ai Rhan 2 neu Ran 3 mewn rhai amgylchiadau, ac y mae paragraff 20 yn galluogi gwneud llog yn daladwy ar symiau a adenillir.

Yn Rhan 5, mae paragraff 21 yn darparu ar gyfer dirymu Cynllun Cychod Pysgota (Dyfeisiau Olrhain Drwy Loeren) (Cymru) 2006 a Chynllun Cychod Pysgota (Darlledu Data Gweithgareddau Pysgota yn Electronig) (Cymru) 2010.

Paratowyd Asesiad Effaith Rheoleiddiol mewn perthynas â'r Cynllun hwn, ac y mae'r asesiad ar gael i'w archwilio yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

construed as references to the instruments or parts of them as they may be amended from time to time.

Part 2 of the Scheme makes provision for the payment of grants in respect of satellite-tracking devices. Paragraph 4 provides for the making of invitations to apply for the grant, paragraphs 5 and 6 make provision as to eligibility and the application process for the grant and paragraph 7 provides for the determination of applications, including the power to attach conditions to any approval and requirements as to notification. Paragraphs 8 and 9 make provision in respect of the payments of the grant and the amount of the grant.

Part 3 makes provision for the payment of grants in respect of approved software. Paragraph 11 provides for published lists of approved software and approved suppliers. Paragraph 12 provides for the making of invitations to apply for a grant, paragraph 13 and 14 make provision as to eligibility and the application process and paragraph 15 provides for the determination of applications for grant, including the power to attach conditions to any approval and requirements as to notification. Paragraphs 16 and 17 provide for the payments of grants and the amount of grant.

In Part 4, paragraph 18 makes provision for the review of a determination to refuse an application or a determination to attach a condition to an approval of an application for a grant made under either Part 2 or Part 3. Paragraph 19 provides for the revocation, withholding and recovery of grant approved under either Part 2 or Part 3 in certain circumstances and paragraph 20 enables interest to be payable on sums which are recovered.

In Part 5, paragraph 21 provides for the revocation of the Fishing Boats (Satellite-Tracking Devices) (Wales) Scheme 2006 and the Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010.

Regulatory Impact Assessment has been undertaken in relation to this Scheme and is available for inspection at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Cynllun a wnaed gan Weinidogion Cymru ac a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 15(3) o Ddeddf Pysgodfeydd 1981, i'w gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru o fewn cyfnod o ddeugain diwrnod sy'n cychwyn gyda'r diwrnod y gwnaed y Cynllun, yn ddarostyngedig i'w estyn ar gyfer cyfnodau o ddiddymiad neu doriad o fwy na phedwar diwrnod.

OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 3172 (Cy.318)

PYSGODFEYDD MÔR, CYMRU

**Cynllun Cychod Pysgota
(Dyfeisiau Orlhain Drwy Loeren a
Darlledu Data Gweithgareddau
Pysgota yn Electronig) (Cymru)
2012**

Gwnaed 21 Rhagfyr 2012
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 21 Rhagfyr 2012
Yn dod i rym 31 Rhagfyr 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 15(1) a (2) o Ddeddf Pysgodfeydd 1981(1), ac a freiniwyd bellach ynddynt hwy(2), fel y'i darllenir ar y cyd â pharagraff 1A o Atodlen 2 i Ddeddf

Scheme made by the Welsh Ministers and laid before the National Assembly for Wales under section 15(3) of the Fisheries Act 1981, for approval by resolution of the National Assembly for Wales within forty days beginning with the day on which the Scheme was made, subject to extension for periods of dissolution or recess for more than four days.

WELSH STATUTORY
INSTRUMENTS

2012 No. 3172 (W.318)

**SEA FISHERIES,
WALES**

**The Fishing Boats (Satellite -
Tracking Devices and Electronic
Transmission of Fishing Activities
Data) (Wales) Scheme 2012**

Made 21 December 2012
*Laid before the National
Assembly for Wales* 21 December 2012
Coming into force 31 December 2012

The Welsh Ministers, in exercise of the powers conferred by section 15(1) and (2) of the Fisheries Act 1981(1), and now vested in them (2), as read with paragraph 1A of Schedule 2 to the European

(1) 1981 p.29. *Gweler* adran 18(1) am y diffiniad o "the Ministers". Diwygiwyd adrannau 15(2) ac 18(1) gan O.S. 1999/1820, Atodlen 2, paragraff 68(1), (2) a (3).

(2) Yn rhinwedd erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, ac Atodlen 1 iddo (O.S. 1999/672) trosglwyddwyd y swyddogaethau sy'n arferadwy o dan adran 15 o Ddeddf 1981 i Gynulliad Cenedlaethol Cymru (fel y'i cyfansoddwyd o dan Ddeddf Llywodraeth Cymru 1998 (p.38)) i'r graddau y meint yn arferadwy o ran Cymru. Trosglwyddwyd y swyddogaethau hynny o Gynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi. Mae gofynion cymeradwyaeth y Tysorlys o dan adran 15 o Ddeddf 1981 yn parhau'n effeithlon.

(1) 1981 c.29. *See* section 18(1) for the definition of "the Ministers". Sections 15(2) and 18(1) were amended by S.I. 1999/1820, Schedule 2, paragraph 68(1), (2) and (3).

(2) By virtue of article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 15 of the 1981 Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c.38)) in so far as they are exercisable in relation to Wales. Those functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). The Treasury approval requirements under section 15 of the 1981 Act continue in effect.

y Cymunedau Ewropeaidd 1972(1) yn gwneud y Cynllun a ganlyn gyda chymeradwyaeth y Trysorlys.

Mae'r Gorchymyn hwn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac y mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau penodol at Reoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin ac at Reoliad Gweithredu y Comisiwn (EU) Rhif 404/2011 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1224/2009 gael eu dehongli fel pe baent yn gyfeiriadau at y Rheoliadau hynny fel y'u diwygiwyd o bryd i'w gilydd.

RHAN 1

Darpariaethau rhagarweiniol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Cynllun hwn yw Cynllun Cychod Pysgota (Dyfeisiau Olrhain Drwy Loeren a Darlledu Data Gweithgareddau Pysgota yn Electronig) (Cymru) 2012 a daw i rym ar 31 Rhagfyr 2012.

(2) Mae'r Cynllun hwn yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Cynllun hwn—

ystyr "cais" ("*application*") yw cais am grant o dan y Cynllun hwn ac mae "ceisydd" ("applicant") i'w dehongli'n unol â hynny;

ystyr "cwch pysgota Cymreig cymwys" ("*eligible Welsh fishing boat*") yw cwch pysgota—

(a) sydd wedi'i gofrestru yn y Deyrnas Unedig o dan Ran 2 o Ddeddf Llongau Masnach 1995 (2); a

(b) sydd â'i borthladd gweinyddu yng Nghymru ar y dyddiad y gwneir y cais am grant;

mae i "Cymru" yr ystyr a roddir i "Wales" yn adran 158 o Ddeddf Llywodraeth Cymru 2006(3);

(1) 1972 p.68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p.7). Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), a diwygiwyd y paragraff hwnnw gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p.7) a Rhan 1 o'r Atodlen i'r Ddeddf honno, a chan erthygl 3 o Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 (OS 2007/1388) a chan baragraff 1 o Atodlen 1 i'r Gorchymyn hwnnw.

(2) 1995 p.21.

(3) 2006 p.32.

Communities Act 1972(1), make the following Scheme with the approval of the Treasury.

This Scheme makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for certain references to Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy and to Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for implementation of Council Regulation (EC) No 1224/2009 to be construed as references to those Regulations as amended from time to time.

PART 1

Introductory Provisions

Title, commencement and application

1.—(1) The title of this Scheme is the Fishing Boats (Satellite - Tracking Devices and Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2012 and it comes into force on 31 December 2012.

(2) This Scheme applies in relation to Wales.

Interpretation

2.—(1) In this Scheme—

"application" ("*cais*") means an application for a grant under this Scheme and "applicant" ("*ceisydd*") is to be construed accordingly;

"the closing date" ("*y dyddiad cau*") means such date as the Welsh Ministers specify as the date on or before which applications must be lodged;

"the Control Regulation" ("*y Rheoliad Rheoli*") means Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No

(1) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 28 and amended by the European Union (Amendment) Act 2008 (c.7), section 3(3), Part 1 of the Schedule and the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (SI 2007/1388), article 3, paragraph 1 of Schedule 1.

ystyr "y dyddiad cau" ("*the closing date*") yw'r dyddiad hwnnw y dichon Gweinidogion Cymru ei bennu a'i gyhoeddi o bryd i'w gilydd fel y dyddiad y mae'n rhaid cyflwyno cais am grant arno neu o'i flaen;

ystyr "grant" ("*grant*") yw grant o dan y Cynllun hwn;

ystyr "meistr" ("*master*") yw'r person sydd, ar y pryd, yn gyfrifol am y cwch pysgota Cymreig cymwys;

ystyr "porthladd gweinyddu" ("*port of administration*") mewn perthynas â chwch pysgota yw'r porthladd y dyroddir ohono'r drwydded a roddir mewn cysylltiad â'r cwch hwnnw o dan adran 4 o Ddeddf Pysgod Môr (Cadwraeth) 1967(1);

ystyr "y Rheoliad Gweithredu" ("*the Implementing Regulation*") yw Rheoliad Gweithredu y Comisiwn (EU) Rhif 404/2011 ar 8 Ebrill 2011 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r Polisi Pysgodfeydd Cyffredin(2), fel y'i diwygir o bryd i'w gilydd; ac

ystyr "y Rheoliad Rheoli" ("*the Control Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1224/2009 ar 20 Tachwedd 2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin, ac sy'n diwygio Rheoliadau (EC) Rhif 847/96, (EC) Rhif 2371/2002, (EC) Rhif 811/2004, (EC) Rhif 768/2005, (EC) Rhif 2115/2005, (EC) Rhif 2166/2005, (EC) Rhif 388/2006, (EC) Rhif 509/2007, (EC) Rhif 676/2007, (EC) Rhif 1098/2007, (EC) Rhif 1300/2008, (EC) Rhif 1342/2008 ac yn diddymu Rheoliadau (EEC) Rhif 2847/93, (EC) Rhif 1627/94 ac (EC) Rhif 1966/2006(3), fel y'i diwygir o bryd i'w gilydd.

(2) Ystyr unrhyw rwymedigaeth ar Weinidogion Cymru i gyhoeddi deunydd o dan y Cynllun hwn yw rhwymedigaeth i beri bod y deunydd hwnnw ar gael mewn modd a fydd yn sicrhau ei bod yn weddol debygol y bydd y rheini sy'n gymwys am grant yn ei weld.

2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006(1) as amended from time to time;

"the Implementing Regulation" ("*y Rheoliad Gweithredu*") means the Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy(2) as amended from time to time;

"eligible Welsh fishing boat" ("*chwch pysgota Cymreig cymwys*") means a fishing boat which—

- (a) is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(3); and
- (b) has its port of administration in Wales at the date of the application for the grant;

"grant" ("*grant*") means a grant under this Scheme;

"master" ("*meistr*") means the person for the time being in charge of the eligible Welsh fishing boat;

"port of administration" ("*porthladd gweinyddu*"), in relation to a fishing boat, means the port from which the licence granted in respect of that boat under section 4 of the Sea Fish (Conservation) Act 1967(4) is issued; and

"Wales" ("*Cymru*") has the meaning given in section 158 of the Government of Wales Act 2006(5).

(2) Any obligation of the Welsh Ministers to publish material under this Scheme means an obligation to make that material available in a manner that will ensure it is reasonably likely to be seen by those eligible for a grant.

(1) 1967 p.84.

(2) OJ Rhif L 112, 30.4.2011.

(3) OJ Rhif L 343, 22.12.2009.

(1) OJ L 343, 22.12.2009.

(2) OJ L 112, 30.4.2011.

(3) 1995 c.21.

(4) 1967 c.84.

(5) 2006 c.32.

Grant ar gyfer dyfeisiau olrhain drwy loeren

Dehongli Rhan 2

3. Yn y Rhan hon—

ystyr "cyflenwr cymeradwy" ("*approved supplier*") yw'r darparwr a gosodwr dyfeisiadau olrhain drwy loeren a ddedolwyd gan Weinidogion Cymru ac a gyhoeddwyd yn y gwahoddiad am geisiadau am grant yn unol â pharagraff 4(1) o'r Cynllun hwn; ac

y mae i "dyfais olrhain drwy loeren" ("*satellite-tracking device*") yr ystyr a roddir i "satellite-tracking device" yn Erthygl 2(9) o'r Rheoliad Gweithredu.

Gwahoddiad i geisio am grant

4.—(1) Caiff Gweinidogion Cymru o bryd i'w gilydd gyhoeddi gwahoddiad i wneud ceisiadau am grant ar gyfer dyfais olrhain drwy loeren.

(2) Rhaid i wahoddiad gynnwys —

- (a) manylion o'r ddyfais olrhain drwy loeren a chyflenwyr cymeradwy;
- (b) manylion o'r amodau cymhwysra am grant;
- (c) gofynion o ran ffurf y cais a'r dull o'i wneud;
- (d) unrhyw ofynion o ran darparu dogfennau, gwybodaeth ac ymrwymadau i gefnogi'r cais;
- (e) y dyddiad cau ar gyfer gwneud y cais; ac
- (f) unrhyw wybodaeth arall a ystyrir gan Weinidogion Cymru yn berthnasol i'r cais.

Cymhwysra ar gyfer gwneud cais

5.—(1) Caiff person wneud cais, yn unol â darpariaethau'r Cynllun hwn, i Weinidogion Cymru am grant ar gyfer dyfais olrhain drwy loeren, os yw'r person hwnnw —

- (a) yn feistr, yn berchennog neu'n siartwr cwch pysgota Cymreig cymwys; a
- (b) wedi prynu dyfais olrhain drwy loeren gan gyflenwr cymeradwy, neu wedi comisiynu cyflenwr gymeradwy i gyflenwi dyfais olrhain drwy loeren, i'w defnyddio ar y cwch hwnnw.

Ceisiadau

6.—(1) Rhaid i gais am grant gael ei wneud mewn ysgrifen i Weinidogion Cymru yn unol â gofynion y gwahoddiad a roddwyd o dan baragraff 4(1).

Grant for Satellite-Tracking Devices

Interpretation of Part 2

3. In this Part—

"approved supplier" ("*cyflenwr cymeradwy*.")) means the provider and installer of satellite-tracking devices selected by the Welsh Ministers and published in the invitation for applications for grant pursuant to paragraph 4(1) of this Scheme; and

"satellite-tracking device" ("*dyfais olrhain drwy loeren*") has the same meaning as in Article 2(9) of the Implementing Regulation.

Invitation to apply for grant

4.—(1) The Welsh Ministers may from time to time publish an invitation for applications for a grant for a satellite-tracking device.

(2) An invitation must contain—

- (a) details of the satellite tracking device and approved suppliers;
- (b) details of conditions of eligibility for a grant;
- (c) requirements as to the form and manner of making an application;
- (d) any requirements for providing documents, information and undertakings in support of the application;
- (e) the closing date for making an application; and
- (f) any other information the Welsh Ministers consider relevant to an application.

Eligibility to make an application

5.—(1) A person may apply to the Welsh Ministers for a grant for a satellite-tracking device, in accordance with the provisions of this Scheme, if the person—

- (a) is the master, owner or charterer of an eligible Welsh fishing boat; and
- (b) has purchased from an approved supplier, or has commissioned an approved supplier to supply, a satellite-tracking device for use on that boat.

Applications

6.—(1) An application for a grant must be made in writing to the Welsh Ministers in accordance with the requirements of the invitation made under paragraph 4(1).

(2) Ac eithrio fel y darperir yn is-baragraff (3), rhaid i gais fod wedi cyrraedd Gweinidogion Cymru ar y dyddiad cau neu cyn hynny.

(3) Caiff Gweinidogion Cymru dderbyn cais ar ôl y dyddiad cau os bodlonir hwy—

- (a) bod amgylchiadau penodol y ceisydd yn peri y byddai'n afresymol disgwyl i'r cais gael ei wneud erbyn y dyddiad cau; a
- (b) bod y dyddiad y gwnaed y cais cyn gynted ag y gellid disgwyl yn rhesymol.

(4) Caiff Gweinidogion Cymru, cyn dyfarnu ar unrhyw gais, wneud yn ofynnol bod y ceisydd yn darparu gwybodaeth ychwanegol.

Dyfarnu ar geisiadau

7.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad cau, neu ar ôl cael unrhyw wybodaeth bellach y gofynnwyd amdani yn unol â pharagraff 6(4), rhaid i Weinidogion Cymru—

- (a) nodi a chymeradwyo, yn ddarostyngedig i'r cyfryw amodau a ystyriant yn briodol, y ceisiadau hynny a wnaed yn unol â gwahoddiad a roddwyd o dan baragraff 4(1) sy'n bodloni darpariaethau'r Cynllun hwn; a
- (b) gwrthod unrhyw geisiadau eraill.

(2) Rhaid i Weinidogion Cymru wrthod cais os ydynt o'r farn bod porthladd gweinyddu'r cwch pysgota wedi cael ei newid i borthladd yng Nghymru gyda'r prif bwrpas o sicrhau bod y cwch pysgota yn gwch pysgota Cymreig cymwys at ddibenion y Cynllun hwn.

(3) Pan fo Gweinidogion Cymru yn cymeradwyo cais o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd, mewn ysgrifen, o'r gymeradwyaeth honno ac o unrhyw amodau y mae'r gymeradwyaeth yn ddarostyngedig iddynt.

(4) Pan fo Gweinidogion Cymru yn gwrthod cais o dan is-baragraffau (1)(b) neu (2), neu'n cymeradwyo cais yn ddarostyngedig i unrhyw amod o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd, mewn ysgrifen—

- (a) o'r rhesymau dros y gwrthodiad hwnnw neu dros gymeradwyo yn ddarostyngedig i amod(au); a
- (b) o'r hawl i wneud cais am adolygiad o dan baragraff 18.

Talu grant

8.—(1) Caiff Gweinidogion Cymru dalu grant, neu unrhyw ran ohono, wedi i'r cais gael ei gymeradwyo o dan baragraff 7(1) ac wedi i Weinidogion Cymru gael eu bodloni —

- (a) bod y cyflenwr cymeradwy wedi cyflenwi dyfais olrhain drwy loeren i'r ceisydd a'r

(2) Save as provided in sub-paragraph (3), an application must be received by the Welsh Ministers on or before the closing date.

(3) The Welsh Ministers may accept an application after the closing date if satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to be made by the closing date; and
- (b) the date by which the application is made is as early as can reasonably be expected.

(4) The Welsh Ministers may, before determining any application, require the applicant to provide any additional information.

Determination of applications

7.—(1) As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 6(4), the Welsh Ministers must—

- (a) identify and approve, subject to such conditions as they consider appropriate, those applications made in pursuance of an invitation made under paragraph 4(1) which satisfy the provisions of this Scheme; and
- (b) reject any other applications.

(2) The Welsh Ministers must reject an application if they are of the opinion that the port of administration of the fishing boat has been changed to a port in Wales for the primary purpose of ensuring that the fishing boat is an eligible Welsh fishing boat for the purposes of this Scheme.

(3) Where the Welsh Ministers approve an application under sub-paragraph (1)(a), they must notify the applicant in writing of that approval and any conditions to which it is subject.

(4) Where the Welsh Ministers reject an application under sub-paragraphs (1)(b) or (2), or approve an application subject to any condition under sub-paragraph (1)(a), they must notify the applicant in writing of—

- (a) the reasons for that rejection or approval subject to condition(s); and
- (b) the right to apply for a review under paragraph 18.

Payment of grant

8.—(1) The Welsh Ministers may make payment of a grant, or of any part of it, after the application has been approved under paragraph 7(1) and the Welsh Ministers are satisfied that—

- (a) the approved supplier has supplied the applicant with a satellite tracking device which

ddyfais wedi ei gosod yn y cwch pysgota Cymreig cymwys;

- (b) bod y ceisydd wedi defnyddio'r ddyfais olrhain drwy loeren yn llwyddiannus i ddarlledu data lleoliad ar ysbeidiau rheolaidd yn unol â gofynion y Rheoliad Rheoli; ac
- (c) y cydymffurfiwyd ag unrhyw amod ar dalu'r grant, neu unrhyw ran ohono.

(2) Caiff Gweinidogion Cymru —

- (a) talu'r grant i'r ceisydd neu'n uniongyrchol i'r cyflenwr cymeradwy ar ran y ceisydd; a
- (b) talu'r grant ar y cyfryw adeg, neu drwy'r cyfryw randaliadau fesul y cyfryw ysbeidiau neu ar y cyfryw adegau, a bennir gan Weinidogion Cymru.

Swm y grant

9. O ran swm y grant—

- (a) ni chaiff fod yn fwy na chost prynu neu gyflenwi'r ddyfais olrhain drwy loeren; a
- (b) caiff fod yn swm llai o faint bynnag a bennir gan Weinidogion Cymru.

RHAN 3

Grant ar gyfer meddalwedd gymeradwy

Dehongli Rhan 3

10. Yn y Rhan hon—

ystyr "cyflenwr cymeradwy" ("*approved supplier*") yw cyflenwr a bennwyd mewn rhestr a gyhoeddwyd gan Weinidogion Cymru o dan baragraff 11(1) mewn perthynas â'r feddalwedd gymeradwy;

ystyr "data gweithgareddau pysgota" ("*fishing activities data*") yw'r data llyfr log, data datganiad trawslwytho a'r data datganiad glanio y mae'n ofynnol, o dan y Rheoliad Rheoli, eu cofnodi a'u darlledu drwy ddull electronig; ac

ystyr "meddalwedd gymeradwy" ("*approved software*") yw meddalwedd a bennwyd mewn rhestr a gyhoeddwyd gan Weinidogion Cymru o dan baragraff 11(1).

Cyflenwyr meddalwedd cymeradwy

11.—(1) Rhaid i Weinidogion Cymru gyhoeddi rhestr sy'n pennu—

- (a) meddalwedd sy'n gallu—
 - (i) cofnodi data gweithgareddau pysgota'n

has been installed in the eligible Welsh fishing boat;

- (b) the applicant has successfully used the satellite tracking device to transmit position data at regular intervals in accordance with the requirements of the Control Regulation; and
- (c) any condition for payment of the grant, or any part of it, has been complied with.

(2) The Welsh Ministers may—

- (a) make payment of the grant to the applicant or direct to the approved supplier on behalf of the applicant; and
- (b) make payment of the grant at such time, or by such instalments at such intervals or times, as the Welsh Ministers may determine.

Amount of Grant

9. The amount of the grant—

- (a) must not exceed the cost of purchase or supply of the satellite-tracking device; and
- (b) may be such lesser amount as determined by the Welsh Ministers.

PART 3

Grant for Approved Software

Interpretation of Part 3

10. In this Part—

"approved supplier" ("*cyflenwr cymeradwy*") means a supplier specified in a list published by the Welsh Ministers under paragraph 11(1) in respect of the approved software;

"approved software" ("*meddalwedd gymeradwy*") means software specified in a list published by the Welsh Ministers under paragraph 11(1); and

"fishing activities data" ("*data gweithgareddau pysgota*") means the logbook data, transshipment declaration data and landing declaration data required under the Control Regulation to be recorded and transmitted by electronic means.

Approved software suppliers

11.—(1) The Welsh Ministers must publish a list specifying—

- (a) software that is capable of—
 - (i) electronically recording fishing activities

electronig; a

- (ii) darlledu data gweithgareddau pysgota'n electronig yn y ffurf ofynnol; a

(b) cyflenwyr y feddalwedd honno.

(2) Yn y paragraff hwn, ystyr "y ffurf ofynnol" ("*required format*") yw ffurf a bennir ac a gyhoeddir gan Weinidogion Cymru at ddibenion y Rheoliad Rheoli.

Gwahoddiad i geisio am grant

12.—(1) Caiff Gweinidogion Cymru o bryd i'w gilydd gyhoeddi gwahoddiad i wneud ceisiadau am grant ar gyfer meddalwedd gymeradwy.

(2) Rhaid i wahoddiad gynnwys—

- (a) manylion o'r feddalwedd gymeradwy a chyflenwyr cymeradwy;
- (b) manylion o'r amodau cymhwystra am grant;
- (c) gofynion o ran ffurf y cais a'r dull o'i wneud;
- (d) unrhyw ofynion o ran darparu dogfennau, gwybodaeth ac ymrwymadau i gefnogi'r cais;
- (e) y dyddiad cau ar gyfer gwneud cais; ac
- (f) unrhyw wybodaeth arall a ystyrir gan Weinidogion Cymru yn berthnasol i'r cais.

Cymhwystra ar gyfer gwneud cais

13. Caiff person wneud cais, yn unol â darpariaethau'r Cynllun hwn, i Weinidogion Cymru am grant ar gyfer meddalwedd gymeradwy, os yw'r person hwnnw—

- (a) yn feistr, yn berchennog neu'n siartwr cwch pysgota Cymreig cymwys; a
- (b) wedi prynu meddalwedd gymeradwy gan gyflenwr cymeradwy, neu wedi comisiynu cyflenwr cymeradwy i gyflenwi meddalwedd gymeradwy, i'w defnyddio ar y cwch hwnnw.

Ceisiadau

14.—(1) Rhaid i gais am grant gael ei wneud mewn ysgrifen i Weinidogion Cymru yn unol â gofynion y gwahoddiad a roddwyd o dan baragraff 12(1).

(2) Ac eithrio fel y darperir yn is-baragraff (3), rhaid i gais fod wedi cyrraedd Gweinidogion Cymru ar y dyddiad cau neu cyn hynny.

(3) Caiff Gweinidogion Cymru dderbyn cais ar ôl y dyddiad cau os bodlonir hwy—

- (a) bod amgylchiadau penodol y ceisydd yn peri y byddai'n afresymol disgwyl i'r cais gael ei wneud erbyn y dyddiad cau; a

data; and

- (ii) electronically transmitting fishing activities data in the required format; and

(b) the suppliers of that software.

(2) In this paragraph, "required format" ("*y ffurf ofynnol*") means a format determined and published by the Welsh Ministers for the purposes of the Control Regulation.

Invitation to apply for grant

12.—(1) The Welsh Ministers may from time to time publish an invitation for applications for a grant for approved software.

(2) An invitation must contain—

- (a) details of approved software and approved suppliers;
- (b) details of conditions of eligibility for a grant;
- (c) requirements as to the form and manner of making an application;
- (d) any requirements for providing documents, information and undertakings in support of the application;
- (e) the closing date for making an application; and
- (f) any other information the Welsh Ministers consider relevant to an application.

Eligibility for grant

13. A person may apply to the Welsh Ministers for a grant for approved software, in accordance with the provisions of this Scheme, if the person—

- (a) is the master, owner or charterer of an eligible Welsh fishing boat; and
- (b) has purchased from an approved supplier, or has commissioned an approved supplier to supply, approved software for use on that boat.

Applications

14.—(1) An application for a grant must be made in writing to the Welsh Ministers in accordance with the requirements of the invitation made under paragraph 12(1).

(2) Save as provided in sub-paragraph (3), an application must be received by the Welsh Ministers on or before the closing date.

(3) The Welsh Ministers may accept an application after the closing date if they are satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to be made by the closing date; and

(b) bod y dyddiad y gwnaed y cais cyn gynted ag y gellid disgwyl yn rhesymol.

(4) Caiff Gweinidogion Cymru, cyn dyfarnu ar unrhyw gais, wneud yn ofynnol bod y ceisydd yn darparu gwybodaeth ychwanegol.

Dyfarnu ar geisiadau

15.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad cau, neu ar ôl cael unrhyw wybodaeth bellach y gofynnwyd amdani yn unol â pharagraff 14(4), rhaid i Weinidogion Cymru—

- (a) nodi a chymeradwyo, yn ddarostyngedig i'r cyfryw amodau a ystyriant yn briodol, y geisiadau hynny a wnaed yn unol â gwahoddiad a roddwyd o dan baragraff 12(1) sy'n bodloni darpariaethau'r Cynllun hwn; a
- (b) gwrthod unrhyw geisiadau eraill.

(2) Rhaid i Weinidogion Cymru wrthod cais os ydynt o'r farn bod porthladd gweinyddu'r cwch pysgota wedi cael ei newid i borthladd yng Nghymru gyda'r prif bwrpas o sicrhau bod y cwch pysgota yn gwch pysgota Cymreig cymwys at ddibenion y Cynllun hwn.

(3) Pan fo Gweinidogion Cymru yn cymeradwyo cais o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd, mewn ysgrifen, o'r gymeradwyaeth honno ac o unrhyw amodau y mae'r gymeradwyaeth yn ddarostyngedig iddynt.

(4) Pan fo Gweinidogion Cymru yn gwrthod cais o dan is-baragraffau (1)(b) neu (2), neu'n cymeradwyo cais yn ddarostyngedig i unrhyw amod o dan is-baragraff (1)(a), rhaid iddynt hysbysu'r ceisydd, mewn ysgrifen—

- (a) o'r rhesymau dros y gwrthodiad hwnnw neu dros gymeradwyo yn ddarostyngedig i amodau; a
- (b) o'r hawl i wneud cais am adolygiad o dan baragraff 18.

Talu grant

16.—(1) Caiff Gweinidogion Cymru dalu grant, neu unrhyw ran ohono, wedi i'r cais gael ei gymeradwyo o dan baragraff 15(1) ac wedi i Weinidogion Cymru gael eu bodloni—

- (a) bod y cyflenwr cymeradwy wedi cyflenwi'r feddalwedd gymeradwy i'r ceisydd a'r feddalwedd wedi ei gosod yn y cwch pysgota Cymreig cymwys;
- (b) bod y ceisydd wedi defnyddio'r feddalwedd gymeradwy yn llwyddiannus i gofnodi a darlledu data gweithgareddau pysgota yn unol â gofynion y Rheoliad Rheoli; ac
- (c) y cydymffurfwyd ag unrhyw amod ar dalu'r

(b) the date by which the application is made is as early as can reasonably be expected.

(4) The Welsh Ministers may, before determining any application, require the applicant to provide additional information.

Determination of applications

15.—(1) As soon as reasonably practicable after the closing date, or after the supply of any additional information requested pursuant to paragraph 14(4), the Welsh Ministers must—

- (a) identify and approve, subject to such conditions as they consider appropriate, those applications made in pursuance of an invitation made under paragraph 12(1) which satisfy the provisions of this Scheme; and
- (b) reject any other applications.

(2) The Welsh Ministers must reject an application if they are of the opinion that the port of administration of the fishing boat has been changed to a port in Wales for the primary purpose of ensuring that the fishing boat is an eligible Welsh fishing boat for the purposes of this Scheme.

(3) Where the Welsh Ministers approve an application under sub-paragraph (1)(a), they must notify the applicant in writing of that approval and any conditions to which it is subject.

(4) Where the Welsh Ministers reject an application under sub-paragraphs (1)(b) or (2), or approve an application subject to any condition under sub-paragraph (1)(a), they must notify the applicant in writing of—

- (a) the reasons for that rejection or approval subject to conditions; and
- (b) the right to apply for a review under paragraph 18.

Payment of grant

16.—(1) The Welsh Ministers may make payment of a grant, or of any part of it, after the application has been approved under paragraph 15(1) and the Welsh Ministers are satisfied that—

- (a) the approved supplier has supplied the applicant with the approved software and the software has been installed in the eligible Welsh fishing boat;
- (b) the applicant has successfully used the approved software to electronically record and transmit fishing activities data in accordance with the requirements of the Control Regulation; and
- (c) any condition for payment of the grant, or any

grant, neu unrhyw ran ohono.

(2) Caiff Gweinidogion Cymru—

- (a) talu'r grant i'r ceisydd neu'n uniongyrchol i'r cyflenwr cymeradwy ar ran y ceisydd; a
- (b) talu'r grant ar y cyfryw adeg, neu drwy'r cyfryw randaliadau fesul y cyfryw ysbeidiau neu ar y cyfryw adegau, a bennir gan Weinidogion Cymru.

Swm y grant

17. O ran swm y grant—

- (a) ni chaiff fod yn fwy na chost prynu neu gyflenwi'r feddalwedd gymeradwy; a
- (b) caiff fod yn swm llai o faint bynnag a bennir gan Weinidogion Cymru.

RHAN 4

Adolygu dyfarniad a lleihau, dal yn ôl neu adennill taliadau

Adolygu dyfarniad

18.—(1) Pan fo Gweinidogion Cymru yn gwrthod cais o dan baragraffau 7(1)(b) neu (2) neu o dan baragraffau 15(1)(b) neu (2), neu'n cymeradwyo cais yn ddarostyngedig i unrhyw amod o dan baragraff 7(1)(a) neu o dan baragraff 15(1)(a), caiff y person a ymgeisiodd am y grant wneud cais i Weinidogion Cymru, yn unol â darpariaethau'r paragraff hwn, am adolygiad o'r dyfarniad hwnnw.

(2) Rhaid i gais am adolygiad o dan y paragraff hwn gyrraedd Gweinidogion Cymru ar ddyddiad nad yw'n ddiweddarach na 6 mis ar ôl dyddiad y dyfarniad perthnasol o dan baragraffau 7(1) neu 15(1).

(3) Rhaid i gais am adolygiad o dan y paragraff hwn fod mewn ysgrifen, a rhaid iddo nodi—

- (a) enw a chyfeiriad y person sy'n gwneud y cais am yr adolygiad ac ar ba sail y mae'r person yn ceisio adolygiad;
- (b) pa ddyfarniad gan Weinidogion Cymru sydd i'w adolygu a dyddiad y dyfarniad hwnnw;
- (c) manylion o'r seiliau y ceisir yr adolygiad amynt; a
- (d) yn newid a geisir yn y dyfarniad.

(4) Caniateir gwneud cais o dan y paragraff hwn drwy'r post neu drwy ffacs neu ddull cyfathrebu electronig arall sy'n caniatáu atgynhyrchu.

(5) Pan wneir cais o dan y paragraff hwn, rhaid i Weinidogion Cymru adolygu'r dyfarniad a nodir ynddo, dod i benderfyniad terfynol arno a hysbysu'r

part of it, has been complied with.

(2) The Welsh Ministers may—

- (a) make payment of the grant to the applicant or direct to the approved supplier on behalf of the applicant; and
- (b) make payment of the grant at such time, or by such instalments at such intervals or times, as the Welsh Ministers may determine.

Amount of Grant

17. The amount of the grant—

- (a) must not exceed the cost of purchase or supply of the approved software; and
- (b) may be such lesser amount as determined by the Welsh Ministers.

PART 4

Review of determination and reduction, withholding or recovery of Payments

Review of Determination

18.—(1) Where the Welsh Ministers reject an application under paragraphs 7(1)(b) or (2) or under paragraphs 15(1)(b) or (2) or approve an application subject to any condition under paragraph 7(1)(a) or under paragraph 15(1)(a), the person who applied for grant may apply to the Welsh Ministers, in accordance with the provisions of this paragraph, for a review of that determination.

(2) An application for a review under this paragraph must be received by the Welsh Ministers on a date no later than 6 months from the date of the relevant determination under paragraphs 7(1) or 15(1).

(3) An application for review under this paragraph must be in writing and specify—

- (a) the name and address of the person applying for the review and the basis upon which the person is seeking review;
- (b) the determination of the Welsh Ministers which is to be reviewed and its date;
- (c) details of the grounds upon which review is sought; and
- (d) the change sought to the determination.

(4) An application made under this paragraph may be made by post or by fax or other means of electronic communication which is capable of reproduction.

(5) Where an application is made under this paragraph, the Welsh Ministers must review the determination which is specified in it, reach a final

person sy'n gwneud y cais am yr adolygiad o'r penderfyniad hwnnw a'r rhesymau drosto, mewn ysgrifen.

(6) Wrth adolygu dyfarniad, caiff Gweinidogion Cymru—

- (a) ystyried unrhyw ddogfen neu dystiolaeth arall a gyflwynwyd gan y ceisydd (pa un a oedd y ddogfen neu'r dystiolaeth honno ar gael ai peidio ar yr adeg y gwnaed y dyfarniad);
- (b) gwahodd y ceisydd i ddarparu pa bynnag wybodaeth bellach sy'n berthnasol i'r adolygiad ac a ystyrir yn briodol ganddynt ; ac
- (c) rhoi cyfle i'r ceisydd roi tystiolaeth a gwneud sylwadau yn bersonol neu drwy gynrychiolydd.

Dirymu, dal yn ôl neu adennill grant

19.—(1) Os yw'n ymddangos i Weinidogion Cymru, ar unrhyw adeg wedi iddynt gymeradwyo cais o dan baragraff 7(1) neu o dan baragraff 15(1)—

- (a) bod unrhyw amod a osodwyd o dan y paragraff hwnnw wedi ei dorri neu nad oes cydymffurfriad ag ef; neu
- (b) bod y ceisydd wedi cyflawni trosedd o dan adran 17 o Ddeddf Pysgodfeydd 1981 neu y dichon ei fod wedi gwneud hynny(1),

cânt ddirymu'r gymeradwyaeth i'r cais hwnnw, neu ddal y grant neu unrhyw ran ohono yn ôl mewn perthynas â'r cais, ac os gwnaed unrhyw daliad grant, cânt adennill oddi wrth y ceisydd drwy hawliad, swm sy'n cyfateb i'r cyfan neu unrhyw ran o'r taliad a wnaed felly, pa un a wnaed y taliad grant yn uniongyrchol i'r ceisydd, ynteu i'r cyflenwr cymeradwy ar ran y ceisydd yn rhinwedd paragraffau 8(2)(a) neu 16(2)(a).

(2) Cyn dirymu cymeradwyaeth neu ddal yn ôl unrhyw grant neu wneud hawliad yn rhinwedd is-baragraff (1), rhaid i Weinidogion Cymru—

- (a) rhoi eglurhad ysgrifenedig i'r ceisydd o'r rhesymau dros y cam y bwriedir ei gymryd;
- (b) rhoi cyfle i'r ceisydd wneud sylwadau ysgrifenedig o fewn unrhyw amser a ystyrir yn rhesymol gan Weinidogion Cymru; ac
- (c) ystyried unrhyw sylwadau o'r fath.

Llog

20.—(1) Pan fo Gweinidogion Cymru yn penderfynu adennill swm ar gais yn unol â pharagraff 19(1)(b), cânt, yn ychwanegol, adennill llog ar y swm hwnnw ar gyfradd o 1% uwchben LIBOR wedi'i gyfrifo yn ddyddiol am y cyfnod sy'n dechrau gyda'r diwrnod ar ôl y diwrnod y talwyd y swm arno ac sy'n gorffen ar y diwrnod yr adenillir y swm arno.

decision and notify in writing the person applying for the review of that decision and the reasons for it.

(6) In reviewing a determination the Welsh Ministers may—

- (a) consider any document or other evidence produced by the applicant (whether or not that document or evidence was available at the time of the determination);
- (b) invite the applicant to provide such further information relevant to the review as they consider appropriate; and
- (c) give the applicant an opportunity to give evidence and to make representations in person or through a representative.

Revocation, withholding or recovery of grant

19.—(1) If at any time after the Welsh Ministers have approved an application under paragraph 7(1) or under paragraph 15(1) it appears to them—

- (a) that any condition imposed under those paragraphs has been breached or has not been complied with; or
- (b) the applicant has committed or may have committed an offence under section 17 of the Fisheries Act 1981(1),

they may revoke the approval of such application or withhold the grant, or any part of the grant, in respect of the application and, where any payment of grant has been made, may recover from the applicant on demand an amount equal to the whole or any part of the payment which has been so made, irrespective of whether payment of grant was made to the applicant direct or to the approved supplier on the applicant's behalf by virtue of paragraphs 8(2)(a) or 16(2)(a).

(2) Before revoking an approval or withholding any grant or making a demand by virtue of sub-paragraph (1), the Welsh Ministers must—

- (a) give the applicant a written explanation of the reasons for the step proposed to be taken;
- (b) afford the applicant the opportunity of making written representations within such time as the Welsh Ministers consider reasonable; and
- (c) consider any such representations.

Interest

20.—(1) Where the Welsh Ministers decide to recover on demand an amount in accordance with paragraph 19(1)(b) they may, in addition, recover interest on that amount at a rate of 1% above LIBOR calculated on a daily basis for the period beginning with the day following that on which the amount was paid and ending on the day on which the amount is recovered.

(1) 1981 p.29.

(1) 1981 c.29.

(2) Yn y paragraff hwn, ystyr "LIBOR" ("*LIBOR*"), mewn cysylltiad ag unrhyw ddiwrnod, yw cyfradd sterling dri-misol Llundain a gynigir rhwng banciau ac sydd mewn grym ar y diwrnod hwnnw wedi ei thalgrynnu, os oes angen, i ddau bwynt degol.

(3) Mewn unrhyw achos ar gyfer adennill o dan y Cynllun hwn, bydd tystysgrif a ddyroddwyd gan Weinidogion Cymru ac yn datgan y LIBOR sy'n gymwys ar gyfer unrhyw ddiwrnod yn dystiolaeth ddiwrthbrawf o'r LIBOR o dan sylw, os yw'r dystysgrif hefyd yn datgan bod Banc Lloegr wedi hysbysu Gweinidogion Cymru o'r LIBOR o dan sylw.

(2) In this paragraph "LIBOR" ("*LIBOR*"), in relation to any day, means the sterling three-month London inter-bank offered rate in force for that day rounded if necessary to two decimal places.

(3) In any proceedings for recovery under this Scheme, a certificate issued by the Welsh Ministers stating the LIBOR applicable for any day is conclusive evidence of the LIBOR in question if the certificate also states that the Bank of England notified the Welsh Ministers of the LIBOR in question.

RHAN 5

Dirymiadau

21. Dirymir y canlynol—

- (a) Cynllun Cychod Pysgota (Dyfeisiau Orlhain Drwy Loeren) (Cymru) 2006(1); a
- (b) Cynllun Cychod Pysgota (Darlledu Data Gweithgareddau Pysgota yn Electronig) (Cymru) 2010(2).

PART 5

Revocations

21. The following are revoked—

- (a) The Fishing Boats (Satellite-Tracking Devices)(Wales) Scheme 2006(1); and
- (b) The Fishing Boats (Electronic Transmission of Fishing Activities Data)(Wales)Scheme 2010(2).

Alun Davies

Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod y Gweinidog Busnes, menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

21 Rhagfyr 2012

21 December 2012

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(1) O.S. 2006/2799 (Cy.238).

(2) OS 2010/2369 (Cy.203).

(1) S.I. 2006/2799 (W.238).

(2) S.I. 2010/2369 (W.203).

OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 3172 (Cy.318)

**PYSGODFEYDD MÔR,
CYMRU**

Cynllun Cychod Pysgota
(Dyfeisiau Orlhain Drwy Loeren a
Darlledu Data Gweithgareddau
Pysgota yn Electronig) (Cymru)
2012

WELSH STATUTORY
INSTRUMENTS

2012 No. 3172 (W.318)

**SEA FISHERIES,
WALES**

The Fishing Boats (Satellite -
Tracking Devices and Electronic
Transmission of Fishing Activities
Data) (Wales) Scheme 2012