



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 738 (Cy.98)

2012 No. 738 (W.98)

TIROEDD COMIN, CYMRU

COMMONS, WALES

Rheoliadau Dadgofrestru a
Chyfnwid Tir Comin a Meysydd
Tref neu Bentref (Gweithdrefn)
(Cymru) 2012

The Deregistration and Exchange
of Common Land and Greens
(Procedure) (Wales) Regulations
2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn rhagnodi'r weithdrefn ar gyfer gwneud ceisiadau i Weinidogion Cymru o dan adran 16 o Ddeddf Tiroedd Comin 2006 am ddadgofrestru, neu ddadgofrestru a chyfnwid, tir a gofrestrwyd fel tir comin neu faes tref neu bentref.

These Regulations, which apply in relation to Wales, prescribe the procedure for applications to the Welsh Ministers under section 16 of the Commons Act 2006 for the deregistration, or the deregistration and exchange, of land registered as common land or as a town or village green.

Maent yn galluogi Gweinidogion Cymru i benodi person i arfer eu swyddogaethau mewn perthynas â cheisiadau o'r fath (rheoliad 3).

They enable the Welsh Ministers to appoint a person to exercise their functions in relation to such applications (regulation 3).

Maent yn cynnwys darpariaethau ynghylch—

They include provisions about:

- (a) gwneud a rhoi cyhoeddusrwydd i geisiadau (rheoliadau 5, 7 ac 8);
- (b) gwneud sylwadau mewn perthynas â cheisiadau (rheoliad 10); ac
- (c) rheoli a phenderfynu ceisiadau, gan gynnwys darpariaeth ar gyfer cynnal archwiliadau safle, gwrandawriadau neu ymchwiliadau mewn achosion priodol (rheoliadau 6, 9 ac 11-19).

- (a) making and publicising applications (regulations 5, 7 and 8);
- (b) making representations in relation to applications (regulation 10); and
- (c) the management and determination of applications, including provision for holding site inspections, hearings or inquiries in appropriate cases (regulations 6, 9 and 11-19).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei baratoi ynglŷn â chostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ neu ar-lein o www.cymru.gov.uk.

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

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The Deregistration and Exchange
of Common Land and Greens
(Procedure) (Wales) Regulations
2012

Gwnaed 7 Mawrth 2012

Made 7 March 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 8 Mawrth 2012

*Laid before the National
Assembly for Wales* 8 March 2012

Yn dod i rym 1 Ebrill 2012

Coming into force 1 April 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru fel yr awdurdod cenedlaethol priodol gan adrannau 17(10), 24(1), (2) a (5) a 59(1) o Ddeddf Tiroedd Comin 2006(1), ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales as the appropriate national authority by sections 17(10), 24(1), (2) and (5) and 59(1) of the Commons Act 2006(1), and now exercisable by them(2), make the following Regulations:

RHAN 1

PART 1

Cyffredinol

General

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dadgofrestru a Chyfnwid Tir Comin a Meysydd Tref neu Bentref (Gweithdrefn) (Cymru) 2012.

1.—(1) The title of these Regulations is the Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2012.

(2) These Regulations come into force on 1 April 2012.

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

(3) These Regulations apply in relation to Wales.

(1) 2006 p.26. Mae adran 61(1) yn cynnwys diffiniadau o "appropriate national authority" a "regulations".

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

(1) 2006 c.26. Section 61(1) contains definitions of "appropriate national authority" and "regulations".

(2) The 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).

Cwmpas a dehongli

2.—(1) Mae'r Rheoliadau hyn yn gymwys i geisiadau i Weinidogion Cymru o dan adran 16 o Ddeddf 2006 am ddatgofrestru, neu ddatgofrestru a chyfnewid, tir a gofrestrwyd fel tir comin neu faes tref neu bentref.

(2) Yn y Rheoliadau hyn—

ystyr "arolygydd" ("*inspector*") yw—

- (a) os Gweinidogion Cymru yw'r awdurdod sy'n penderfynu, person a benodir gan Weinidogion Cymru i gynnal gwrandawriad, ymchwiliad neu archwiliad safle; neu
- (b) os person arall yw'r awdurdod sy'n penderfynu, y person sy'n cynnal gwrandawriad, ymchwiliad neu archwiliad safle;

ystyr "yr awdurdod sy'n penderfynu" ("*the determining authority*") yw—

- (a) Gweinidogion Cymru, pan fônt yn arfer swyddogaethau mewn perthynas â phenderfynu cais o dan adran 16 o Ddeddf 2006; neu
- (b) person sy'n arfer swyddogaethau mewn perthynas â phenderfynu cais o'r fath yn unol â phenodiad o dan reoliad 3(1) (ac eithrio arolygydd a benodir i gynnal gwrandawriad, ymchwiliad neu archwiliad safle, ond nid i benderfynu cais);

ystyr "cofrestr" ("*register*") yw cofrestr o dir comin neu gofrestr o feysydd tref neu bentref, a rhaid dehongli "cofrestredig" ("*registered*") a "cofrestriad" ("*registration*") yn unol â hynny;

mae i "cyfathrebiad electronig" ("*electronic communications*") yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(1);

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Tiroedd Comin 2006;

ystyr "hysbysiad o gais" ("*notice of application*") yw hysbysiad sy'n cynnwys y manylion a bennir yn rheoliad 7(2).

Penodi person i arfer swyddogaethau Gweinidogion Cymru

3.—(1) Caiff Gweinidogion Cymru benodi person i arfer unrhyw rai neu'n cyfan o'u swyddogaethau mewn perthynas ag—

- (a) ceisiadau o dan adran 16 o Ddeddf 2006 yn gyffredinol; neu

Scope and interpretation

2.—(1) These Regulations apply to applications to the Welsh Ministers under section 16 of the 2006 Act for the deregistration, or the deregistration and exchange, of land registered as common land or as a town or village green.

(2) In these Regulations—

"the 2006 Act" ("*Deddf 2006*") means the Commons Act 2006;

"the determining authority" ("*yr awdurdod sy'n penderfynu*") means—

- (a) the Welsh Ministers, where they are exercising functions in relation to the determination of an application under section 16 of the 2006 Act; or
- (b) a person who is exercising functions in relation to the determination of such an application pursuant to an appointment under regulation 3(1) (other than an inspector who is appointed to carry out a hearing, inquiry or site inspection but not to determine an application);

"electronic communication" ("*cyfathrebiad electronig*") has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);

"inspector" ("*arolygydd*") means—

- (a) where the Welsh Ministers are the determining authority, a person appointed by the Welsh Ministers to carry out a hearing, inquiry or site inspection; or
- (b) where another person is the determining authority, the person who conducts a hearing, inquiry or site inspection;

"notice of application" ("*hysbysiad o gais*") means a notice containing the details specified in regulation 7(2);

"register" ("*cofrestr*") means a register of common land or a register of town or village greens, and "registered" ("*cofrestredig*") and "registration" ("*cofrestriad*") are to be interpreted accordingly.

Appointment of person to exercise functions of Welsh Ministers

3.—(1) The Welsh Ministers may appoint a person to exercise all or any of their functions in relation to—

- (a) applications under section 16 of the 2006 Act generally; or

(1) 2000 p.7. Diwygiwyd y diffiniad o "electronic communication" gan Ddeddf Cyfathrebu 2003 (p.21), Atodlen 17, paragraff 158.

(1) 2000 c.7. The definition of "electronic communication" was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.

(b) un neu ragor o geisiadau penodol o dan yr adran honno.

(2) Rhaid i benodiad o dan baragraff (1) fod mewn ysgrifen.

(3) Caiff Gweinidogion Cymru, ar unrhyw adeg, drwy roi hysbysiad ysgrifenedig i berson a benodwyd o dan baragraff (1) ("person penodedig")—

- (a) dirymu'r penodiad yn gyffredinol;
- (b) dirymu'r penodiad i'r graddau y mae'n ymwneud â chais penodol nas penderfynwyd gan y person penodedig cyn yr adeg honno; neu
- (c) dirymu awdurdod y person penodedig i arfer swyddogaeth benodol mewn perthynas â chais.

(4) Ni fydd hysbysiad o dan baragraff (3) yn effeithio ar ddilysrwydd unrhyw beth a wnaed gan y person penodedig cyn rhoi'r hysbysiad.

Cyfathrebiadau electronig

4. Ceir defnyddio cyfathrebiad electronig i fodloni unrhyw ofyniad, a osodir gan y Rheoliadau hyn, i'r perwyl bod person i anfon hysbysiad neu ddogfen at berson arall—

- (a) os canlyniad hynny fydd rhoi'r wybodaeth a gynhwysir yn yr hysbysiad neu'r ddogfen ar gael i'r person arall mewn ffurf gyffelyb i'r ffurf yr byddai'r wybodaeth yn ymddangos ynddi mewn hysbysiad neu ddogfen a anfonid mewn ffurf brintiedig; a
- (b) os yw'r person arall yn cydsynio ag anfon yr hysbysiad neu'r ddogfen ato yn y modd hwnnw.

RHAN 2

Gwneud a Phenderfynu Ceisiadau

Cais am ddadgofrestru tir

5.—(1) Rhaid i gais o dan adran 16 o Ddeddf 2006—

- (a) cael ei wneud mewn ysgrifen ar ffurflen a ddarperir gan Weinidogion Cymru;
- (b) cynnwys yr wybodaeth a bennir yn y ffurflen honno; ac
- (c) cael ei lofnodi gan bob un o'r ceiswyr neu'u cynrychiolwyr.

(2) Rhaid cyflwyno'r cais ynghyd ag—

- (a) map Ordnans, ar raddfa o ddim llai nag 1:2,500 os oes map o'r fath ar gael, a dim llai nag 1:10,000 ym mhob achos, sy'n dangos—

(b) one or more particular applications under that section.

(2) An appointment under paragraph (1) must be in writing.

(3) The Welsh Ministers may at any time, by giving notice in writing to a person appointed under paragraph (1) ("an appointed person")—

- (a) revoke the appointment generally;
- (b) revoke the appointment insofar as it relates to a particular application which has not been determined by the appointed person before that time; or
- (c) revoke the authority of the appointed person to exercise a particular function in relation to an application.

(4) A notice under paragraph (3) will not affect the validity of anything done by the appointed person before the notice is given.

Electronic communication

4. Any requirement imposed by or under these Regulations for a person to send a notice or document to another person may be met by means of an electronic communication if—

- (a) it results in the information contained in that notice or document being available to the other person in a form similar to the form in which it would appear in a notice or document sent in printed form; and
- (b) the other person consents to the notice or document being sent by those means.

PART 2

Making and Determination of Applications

Application for deregistration of land

5.—(1) An application under section 16 of the 2006 Act must—

- (a) be made in writing on a form provided by the Welsh Ministers;
- (b) include the information specified in the form; and
- (c) be signed by, or by a representative of, every applicant.

(2) The application must be accompanied by—

- (a) an Ordnance Map, at a scale of not less than 1:2,500 if available, and in any case not less than 1:10,000, showing—

- (i) ffin y tir rhyddhau wedi ei marcio â lliw coch;
 - (ii) os yw'r tir rhyddhau yn ffurfio rhan o'r tir mewn uned cofrestr fwy, ffin y tir yn yr uned cofrestr honno wedi ei marcio â lliw gwyrdd tywyll; a
 - (iii) ffin unrhyw dir cyfnewid wedi ei marcio â lliw gwyrdd golau; a
- (b) copi o'r cofnod yn y gofrestr sy'n ymwneud â'r tir rhyddhau neu'r tir sy'n ei gynnwys.

- (i) the boundary of the release land marked in red;
 - (ii) if the release land constitutes part of the land in a larger register unit, the boundary of the land in that register unit marked in dark green; and
 - (iii) the boundary of any replacement land marked in light green; and
- (b) a copy of the entry in the register which relates to the release land or land including it.

Rheoli cais

6.—(1) Cyn gynted ag y bo'n ymarferol ar ôl cael cais, rhaid i'r awdurdod sy'n penderfynu anfon at y ceisydd i gydnabod ei fod wedi ei gael, a rhaid i'r gydnabyddiaeth honno gynnwys —

- (a) y rhif cyfeirnod a ddyrannwyd i'r cais; a
- (b) cyfeiriad post a chyfeiriad e-bost lle gellir anfon cyfathrebiadau ysgrifenedig ynglŷn â'r cais at yr awdurdod sy'n penderfynu.

(2) Rhaid i'r awdurdod sy'n penderfynu, naill ai ar yr adeg y mae'n cael y cais neu cyn gynted ag y bo'n ymarferol ar ôl y terfyn amser ar gyfer gwneud sylwadau o dan reoliad 10, benderfynu pa un a ymdrinnir â'r cais—

- (a) ar sail sylwadau ysgrifenedig,
- (b) mewn gwrandawriad, neu
- (c) mewn ymchwiliad cyhoeddus,

a hysbysu'r ceisydd o'r penderfyniad hwnnw.

(3) Os Gweinidogion Cymru yw'r awdurdod sy'n penderfynu ac os penderfynant yr ymdrinnir â'r cais mewn gwrandawriad neu ymchwiliad cyhoeddus, rhaid iddynt benodi arolygydd i gynnal unrhyw wrandawriad neu ymchwiliad ac i ddarparu adroddiad ac argymhellid i Weinidogion Cymru.

(4) Caiff yr awdurdod sy'n penderfynu, naill ai wrth gydnabod y cais neu ar unrhyw adeg ddiweddarach, roi cyfarwyddyd i'r ceisydd i—

- (a) darparu unrhyw wybodaeth neu ddogfennau a hepgorwyd o'r cais;
- (b) darparu unrhyw wybodaeth neu ddogfennau pellach sy'n angenrheidiol er mwyn galluogi penderfynu'r cais; neu
- (c) anfon hysbysiad o'r cais at bersonau a bennir yn y cyfarwyddyd, neu arddangos hysbysiad o'r cais mewn manau a bennir yn y cyfarwyddyd, yn ychwanegol at y gofynion yn rheoliad 7(1).

(5) Caiff yr awdurdod sy'n penderfynu bennu terfyn amser ar gyfer cydymffurfio ag unrhyw gyfarwyddiadau a roddir o dan y rheoliad hwn.

Management of application

6.—(1) As soon as practicable after receiving an application, the determining authority must send an acknowledgement of receipt to the applicant, which must include—

- (a) the reference number allocated to the application; and
- (b) a postal address and an e-mail address to which written communications to the determining authority about the application may be sent.

(2) The determining authority must, either when it receives the application or as soon as practicable after the expiry of the deadline for persons to make representations under regulation 10, decide whether the application is to be dealt with—

- (a) on the basis of written representations,
- (b) at a hearing, or
- (c) at a public inquiry,

and notify the applicant of that decision.

(3) If the determining authority is the Welsh Ministers, and they decide that the application is to be dealt with at a hearing or a public inquiry, they must appoint an inspector to conduct the hearing or inquiry and provide a report and recommendation to the Welsh Ministers.

(4) The determining authority may, either when it acknowledges receipt of the application or at any time subsequently, direct the applicant to—

- (a) provide any information or documents omitted from the application;
- (b) provide any further information or documents necessary to enable the application to be determined; or
- (c) send a notice of application to persons specified in the direction, or post a notice of application in places specified in the direction, in addition to the requirements in regulation 7(1).

(5) The determining authority may specify a time for complying with any directions given under this regulation.

Rhoi cyhoeddusrwydd i'r cais

7.—(1) Rhaid i'r ceisydd, ddim hwyrach na saith diwrnod ar ôl gwneud cais—

- (a) cyhoeddi hysbysiad o'r cais mewn newyddiadur sy'n cylchredeg yn yr ardal y lleolir y tir rhyddhau ac unrhyw dir cyfnewid ynddi;
- (b) am gyfnod o ddim llai nag 28 diwrnod, arddangos hysbysiad o'r cais yn y prif fannau mynediad i'r canlynol (neu, os nad oes mannau o'r fath, mewn man amlwg ar ffin y canlynol)—
 - (i) y tir rhyddhau; a
 - (ii) y tir cyfnewid (os oes tir o'r fath); ac
- (c) anfon hysbysiad o'r cais at—
 - (i) unrhyw berson (ac eithrio'r ceisydd) sydd â meddiant o'r tir;
 - (ii) meddiannydd unrhyw eiddo a ddangosir yn y gofrestr fel eiddo sydd â hawliau comin dros y tir rhyddhau ynghlwm wrtho, os yw'r ceisydd yn credu bod y meddiannydd hwnnw'n arfer yr hawliau hynny, neu y byddai'r cais yn debygol o effeithio ar y meddiannydd;
 - (iii) unrhyw berson arall y mae'n hysbys i'r ceisydd fod hawl ganddo i arfer hawliau comin dros y tir rhyddhau, os yw'r ceisydd yn credu bod y person hwnnw'n arfer yr hawliau hynny, neu y byddai'r cais yn debygol o effeithio ar y person hwnnw; a
 - (iv) y cyngor cymuned (os oes un) ar gyfer yr ardal y lleolir y tir rhyddhau a'r tir cyfnewid ynddi.

(2) Rhaid i'r hysbysiad gynnwys y manylion canlynol—

- (a) enw'r ceisydd;
- (b) enw'r tir comin neu'r maes tref neu bentref yr effeithid arno gan y cynnig;
- (c) lleoliad y tir rhyddhau a'i arwynebedd mewn metrau sgwâr;
- (ch) pa un a oes cynnig wedi ei gynnwys yn y cais i gofrestru tir fel tir cyfnewid ai peidio, ac os felly, lleoliad y tir cyfnewid a'i arwynebedd mewn metrau sgwâr;
- (d) datganiad cryno o'r rheswm dros wneud y cais;
- (dd) cyfeiriad post a chyfeiriad e-bost lle gellir anfon unrhyw sylwadau;
- (e) y dyddiad pan ddaw'r cyfnod a ganiateir ar gyfer gwneud sylwadau i ben, sef dyddiad na chaiff fod yn gynharach nag 28 diwrnod ar ôl y dyddiad y cydymffurfir yn llawn â pharagraff (1);
- (f) cyfeiriad lle mae'r ffurflen gais a'r dogfennau a

Publicising the application

7.—(1) Not later than seven days after making an application the applicant must—

- (a) publish a notice of application in a newspaper circulating in the area in which the release land and any replacement land are situated;
- (b) for not less than 28 days display a notice of application at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of)—
 - (i) the release land; and
 - (ii) the replacement land (if any); and
- (c) send a notice of application to—
 - (i) any person (other than the applicant) occupying the release land;
 - (ii) the occupier of any property shown in the register as being property to which rights of common over the release land are attached and whom the applicant believes to be exercising those rights or likely to be affected by the application;
 - (iii) any other person known to the applicant to be entitled to exercise rights of common over the release land and whom the applicant believes to be exercising those rights or likely to be affected by the application; and
 - (iv) the community council or councils (if any) for the area in which the release land and the replacement land are situated.

(2) The notice must contain the following details—

- (a) the name of the applicant;
- (b) the name of the common land or town or village green affected by the proposal;
- (c) the location and area in square metres of the release land;
- (d) whether the application includes a proposal for land to be registered as replacement land and, if so, the location and area in square metres of the replacement land;
- (e) a brief statement of the reason for the application;
- (f) a postal address and an e-mail address to which any representations may be sent;
- (g) the date on which the period for making representations expires, which must not be less than 28 days after the date on which paragraph (1) is fully complied with;
- (h) an address at which the application form and

restrir yn rheoliad 5(2) ar gael i'w harchwilio;

- (ff) yr amseroedd a'r dyddiadau pan ganiateir archwilio felly, sef amseroedd a dyddiadau y mae'n rhaid iddynt gydymffurfio â rheoliad 8(2); a
- (g) cyfeiriad lle y gellir anfon i gael copi gan y ceisydd o'r ffurflen gais ac o'r dogfennau a gyflwynwyd gyda'r cais.

(3) Rhaid i'r ceisydd hefyd anfon hysbysiad o'r cais at y cyfryw bersonau, neu arddangos hysbysiad o'r cais yn y cyfryw fannau, fel a gyfarwyddir gan yr awdurdod sy'n penderfynu o dan reoliad 6(4).

(4) Rhaid i'r ceisydd roi hysbysiad i'r awdurdod sy'n penderfynu pan fo'r ceisydd wedi cydymffurfio â pharagraffau (1) i (3), a rhaid i'r hysbysiad hwnnw—

- (a) cynnwys manylion o'r canlynol—
 - (i) y newyddiadur y cyhoeddwyd yr hysbysiad o'r cais ynddo, a'r dyddiad cyhoeddi;
 - (ii) y dyddiad y gosodwyd hysbysiad o'r cais ar y tir;
 - (iii) y personau yr anfonwyd hysbysiad o'r cais atynt, y dyddiad neu'r dyddiadau yr anfonwyd yr hysbysiadau hynny, a natur buddiant pob un o'r personau hynny yn y tir (os oes buddiant); ac
 - (iv) y man lle gosodwyd hysbysiad o'r cais ar y tir (gan gyfeirio at fap os oes angen); a
- (b) cael ei gyflwyno ynghyd â chopi o'r dudalen berthnasol o'r newyddiadur y cyhoeddwyd yr hysbysiad o'r cais ynddo.

(5) Os caiff hysbysiad ei dynnu ymaith, ei guddio neu'i ddifwyno cyn bo'r cyfnod o 28 diwrnod y cyfeirir ato ym mharagraff (1)(b) wedi dod i ben, a hynny pan nad oes bai ar y ceisydd na bwriad ganddo i wneud hynny, rhaid trin y ceisydd fel pe bai wedi cydymffurfio â gofynion y paragraff hwnnw, os cymerodd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

Archwilio a chyflenwi copïau o ddogfennau

8.—(1) Rhaid i'r ceisydd sicrhau bod copïau o'r cais ac o'r dogfennau a gyflwynwyd ynghyd â'r cais ar gael i'w harchwilio yn y cyfeiriad a bennwyd at y diben hwnnw yn yr hysbysiad o gais, ar yr amseroedd a'r dyddiadau a bennwyd yn yr hysbysiad o gais.

(2) Yn ddarostyngedig i baragraff (5), rhaid i'r amseroedd a'r dyddiadau pan yw'n ofynnol bod y cais a'r dogfennau a gyflwynwyd ynghyd â'r cais ar gael i'w harchwilio gynnwys yr holl oriau swyddfa arferol yn ystod cyfnod o ddim llai nag 28 diwrnod, sy'n dod i ben ar ddiwedd y cyfnod a ganiateir ar gyfer gwneud sylwadau.

the documents listed in regulation 5(2) are available for inspection;

- (i) the times and dates on which such inspection may take place, which must be in accordance with regulation 8(2); and
- (j) an address from which copies of the application form and accompanying documents may be requested from the applicant.

(3) The applicant must also send a notice of application to such other persons, or display a notice of application in such further places, as the determining authority may direct under regulation 6(4).

(4) The applicant must give notice to the determining authority when the applicant has complied with paragraphs (1) to (3), which must—

- (a) include details of—
 - (i) the newspaper in which the notice of application was published, and the date of publication;
 - (ii) the date on which a notice of application was posted on the land;
 - (iii) the persons to whom a notice of application was sent, the date or dates on which they were sent, and the nature of each such person's interest in the land (if any); and
 - (iv) the places at which a notice of application was posted on the land (if necessary, by reference to a map); and
- (b) be accompanied by a copy of the page of the newspaper in which the notice of application was published.

(5) Where a notice of application is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 28 days referred to in paragraph (1)(b) has elapsed, the applicant will be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.

Inspection and supply of copies of documents

8.—(1) The applicant must ensure that copies of the application and the accompanying documents are available for inspection at the address specified in the notice of application for that purpose, at the times and dates specified in the notice of application.

(2) Subject to paragraph (5), the times and dates at which the application and accompanying documents must be available for inspection must include all normal office hours during a period of not less than 28 days ending with the expiry of the period for making representations.

(3) Caiff unrhyw berson ofyn am gopi gan y ceisydd, o'r cais ac o unrhyw ddogfennau a gyflwynwyd ynghyd ag ef, drwy ysgrifennu i'r cyfeiriad a bennir at y diben hwnnw yn yr hysbysiad o gais.

(4) Yn ddarostyngedig i baragraff (5), rhaid i'r ceisydd ymateb i gais am gopiâu o dan baragraff (3) drwy gyflenwi'r dogfennau y gofynnwyd amdanynt cyn gynted ag y bo'n ymarferol.

(5) Caiff yr awdurdod sy'n penderfynu roi cyfarwyddyd sy'n awdurdodi trefniadau eraill ar gyfer archwilio neu gyflenwi copiâu o ddogfennau, os bodlonir yr awdurdod na ellir, yn rhesymol, ddisgwyl i'r ceisydd gydymffurfio â'r rhwymedigaeth ym mharagraff (2) neu (4).

Methiant i gydymffurfio

9. Os yw'r ceisydd yn peidio â chydymffurfio â rheoliad 7 neu 8, neu ag unrhyw gyfarwyddiadau a roddir o dan reoliad 6, caiff yr awdurdod sy'n penderfynu—

- (a) trin y cais fel pe bai wedi ei dynnu'n ôl;
- (b) rhoi cyfarwyddiadau i'r ceisydd i unioni'r methiant i gydymffurfio (ac os yw'n briodol, estyn y cyfnod a ganiateir ar gyfer gwneud sylwadau); neu
- (c) diystyru'r methiant i gydymffurfio, os bodlonir yr awdurdod sy'n penderfynu y byddai'n afresymol gwneud cydymffurfio'n ofynnol ac nad yw'n debygol y niweidir neb oherwydd y methiant i gydymffurfio.

Sylwadau

10.—(1) Caiff unrhyw berson anfon sylwadau ynglŷn â'r cais at yr awdurdod sy'n penderfynu erbyn y dyddiad a bennir yn yr hysbysiad o gais.

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

- (a) datgan enw a chyfeiriad y person sy'n gwneud y sylwadau, a natur buddiant y person hwnnw (os oes buddiant) yn y tir rhyddhau neu unrhyw dir cyfnewid;
- (b) bod mewn ysgrifen ac wedi eu llofnodi gan y person sy'n eu gwneud; ac
- (c) datgan ar ba seiliau y gwneir y sylwadau.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod a ganiateir ar gyfer gwneud sylwadau, rhaid i'r awdurdod sy'n penderfynu naill ai—

- (a) hysbysu'r ceisydd nad oes unrhyw sylwadau wedi eu gwneud; neu
- (b) anfon at y ceisydd gopi o'r holl sylwadau a gafwyd.

(4) Pan fo'r ceisydd wedi cael copi o sylwadau o dan baragraff (3)(b), caiff y ceisydd anfon ymateb i'r sylwadau hynny at yr awdurdod sy'n penderfynu, o

(3) Any person may request a copy of the application and any of the accompanying documents from the applicant by writing to the address specified in the notice of application for that purpose.

(4) Subject to paragraph (5), the applicant must respond to a request under paragraph (3) by supplying the requested documents as soon as practicable.

(5) The determining authority may give a direction authorising other arrangements for the inspection or supply of copies of documents, if satisfied that the applicant cannot reasonably be expected to comply with the obligation in paragraph (2) or (4).

Non-compliance

9. If the applicant fails to comply with regulation 7 or 8, or with any directions given under regulation 6, the determining authority may—

- (a) treat the application as withdrawn;
- (b) give directions to the applicant to remedy the non-compliance (and, if appropriate, extend the deadline for persons to make representations); or
- (c) waive the non-compliance, if the determining authority is satisfied that it would be unreasonable to require compliance and no-one is likely to be prejudiced by the non-compliance.

Representations

10.—(1) Any person may send representations about the application to the determining authority by the date specified in the notice of application.

(2) Representations under paragraph (1) must—

- (a) state the name and address of the person making them, and the nature of the person's interest (if any) in the release land or any replacement land;
- (b) be made in writing and signed by the person making them; and
- (c) state the grounds on which they are made.

(3) As soon as reasonably practicable after the expiry of the period allowed for making representations, the determining authority must either—

- (a) notify the applicant that no representations have been made; or
- (b) send the applicant a copy of all the representations received.

(4) Where the applicant has received a copy of representations under paragraph (3)(b), the applicant may reply to the determining authority within 21 days

fewn 21 diwrnod ar ôl cael copi o'r fath.

(5) Rhaid i ymateb o dan baragraff (4) fod mewn ysgriflen ac wedi ei lofnodi gan y ceisydd neu gynrychiolydd y ceisydd.

(6) Yn achos dogfen a anfonir gan ddefnyddio cyfathrebiad electronig yn unol â'r Rheoliadau hyn, bodlonir y gofynion ym mharagraffau (2) a (5), sef bod y ddogfen wedi ei lofnodi, os yw'r person y mae'n ofynnol iddo lofnodi'r ddogfen yn teipio enw'r person hwnnw neu'n cynhyrchu lofnod y person hwnnw drwy ddefnyddio cyfrifiadur neu dull mecanyddol arall.

Hysbysiad o wrandawriad neu ymchwiliad

11.—(1) Os yw'r awdurdod sy'n penderfynu yn penderfynu cynnal gwrandawriad neu ymchwiliad, rhaid iddo sicrhau—

- (a) y cyhoeddir hysbysiad o'r gwrandawriad neu ymchwiliad ar wefan briodol, a hefyd mewn newyddiadur sy'n cylchredeg yn yr ardal y lleolir y tir rhyddhau ac unrhyw dir cyfnewid ynddi;
- (b) yr anfonir hysbysiad o'r gwrandawriad neu ymchwiliad at unrhyw berson a wnaeth sylwadau yn unol â rheoliad 10; ac
- (c) os yw'r awdurdod sy'n penderfynu o'r farn bod angen hynny, y rhoddir cyhoeddusrwydd i hysbysiad o'r gwrandawriad neu ymchwiliad ym mha bynnag ffordd arall, neu'r anfonir yr hysbysiad at ba bynnag bersonau eraill, fel y bo'n briodol er mwyn dwyn y gwrandawriad neu ymchwiliad i sylw personau y mae'r cais yn debygol o effeithio arnynt.

(2) Rhaid i'r hysbysiad o'r gwrandawriad neu ymchwiliad gynnwys—

- (a) enw'r ceisydd;
- (b) lleoliad y tir rhyddhau;
- (c) datganiad pa un a gynigir cofrestru unrhyw dir fel tir cyfnewid ai peidio, ac os felly, lleoliad y tir cyfnewid;
- (ch) datganiad i'r perwyl y cynhelir gwrandawriad neu ymchwiliad (yn ôl fel y digwydd) mewn cysylltiad â'r cynnig;
- (d) dyddiad, amser a lleoliad y gwrandawriad neu ymchwiliad ac enw'r arolygydd; ac
- (dd) cyfeiriad lle gellir cael copi o'r ffurflen gais ac o'r dogfennau a gyflwynwyd gyda'r cais, gan yr awdurdod sy'n penderfynu.

(3) Ni chaiff y dyddiad a bennir ar gyfer dechrau'r gwrandawriad neu'r ymchwiliad fod yn gynharach na chwe wythnos ar ôl yr adeg y cydymffurfwyd â pharagraff (1).

of such receipt, setting out the response to them.

(5) A reply under paragraph (4) must be in writing, and signed by the applicant or the applicant's representative.

(6) The requirements in paragraphs (2) and (5) for a document to be signed are satisfied, in the case of a document sent by means of an electronic communication in accordance with these Regulations, by the person who is required to sign the document typing that person's name or producing that person's signature by computer or other mechanical means.

Notice of hearing or inquiry

11.—(1) If the determining authority decides to hold a hearing or inquiry, it must ensure that a notice of hearing or inquiry is—

- (a) published on an appropriate website, and in a newspaper circulating in the area in which the release land and any replacement land are situated;
- (b) sent to the applicant and to any person who has made representations in accordance with regulation 10; and
- (c) if the determining authority considers it necessary, publicised by such other means or sent to such other persons as may be appropriate to bring the hearing or inquiry to the attention of persons likely to be affected by the application.

(2) The notice of hearing or inquiry must include—

- (a) the name of the applicant;
- (b) the location of the release land;
- (c) a statement as to whether it is proposed that any land be registered as replacement land and, if so, the location of the replacement land;
- (d) a statement indicating that a hearing or inquiry (as the case may be) will be held in connection with the proposal;
- (e) the date, time and place of the hearing or inquiry and the name of the inspector; and
- (f) an address from which a copy of the application form and accompanying documents may be obtained from the determining authority.

(3) The date fixed for the start of the hearing or inquiry must not be less than six weeks after paragraph (1) has been complied with.

Gwrandawiadau ac ymholiadau: darpariaethau cyffredinol

12.—(1) Yn ddarostyngedig i baragraffau canlynol y rheoliad hwn ac i reoliadau 13 a 15, mae'r weithdrefn mewn gwrandawriad neu ymchwiliad i'w phenderfynu gan yr arolygydd.

(2) Caiff unrhyw berson sydd â diddordeb yn y mater sydd gerbron gwrandawriad neu ymchwiliad ymddangos yn y gwrandawriad neu ymchwiliad, naill ai'n bersonol neu drwy gynrychiolydd.

(3) Caiff yr arolygydd, ar unrhyw adeg yn ystod gwrandawriad neu ymchwiliad, rwystro unrhyw berson rhag—

- (a) rhoi tystiolaeth,
- (b) croesholi person sy'n rhoi tystiolaeth, neu
- (c) cyflwyno unrhyw fater,

os yw'r arolygydd o'r farn bod hynny'n amherthnasol neu'n ailadroddus.

(4) Caiff yr arolygydd, os yw'r arolygydd o'r farn bod person yn ymddwyn yn aflonyddgar—

- (a) gwneud yn ofynnol bod y person hwnnw'n gadael gwrandawriad neu ymchwiliad,
- (b) rhwystro'r person hwnnw rhag cymryd rhan yn y gwrandawriad neu ymchwiliad drwy roi tystiolaeth, croesholi person sy'n rhoi tystiolaeth neu gyflwyno unrhyw fater, neu
- (c) caniatáu i'r person hwnnw aros yn y gwrandawriad neu ymchwiliad, neu gymryd rhan ynddo, yn ddarostyngedig i amodau penodedig yn unig.

(5) Caiff yr arolygydd fynd ymlaen â gwrandawriad neu ymchwiliad yn absenoldeb unrhyw berson sydd â hawl i ymddangos ynddo.

(6) Caiff yr arolygydd gymryd i ystyriaeth unrhyw sylwadau neu dystiolaeth ysgrifenedig neu unrhyw ddogfen arall a gaiff yr arolygydd gan unrhyw berson cyn neu yn ystod gwrandawriad neu ymchwiliad, ar yr amod bod yr arolygydd yn datgelu hynny yn y gwrandawriad neu ymchwiliad.

(7) Caiff yr arolygydd—

- (a) gohirio gwrandawriad neu ymchwiliad i'w barhau ar ddyddiad arall;
- (b) gohirio gwrandawriad neu ymchwiliad er mwyn ei ailgynnull ar safle'r tir rhyddhau neu unrhyw dir cyfnewid, a chynnal rhan o'r gwrandawriad neu ymchwiliad ar y safle hwnnw, ynghyd â chynnal archwiliad safle.

Y weithdrefn mewn gwrandawiadau

13.—(1) Rhaid i wrandawriad fod ar ffurf trafodaeth dan arweiniad yr arolygydd.

Hearings and inquiries: general provisions

12.—(1) Subject to the following paragraphs of this regulation, and to regulations 13 and 15, the procedure at a hearing or inquiry is to be determined by the inspector.

(2) Any person interested in the subject-matter of a hearing or inquiry may appear at the hearing or inquiry in person or by a representative.

(3) The inspector may, at any stage of a hearing or inquiry, prevent any person from—

- (a) giving evidence,
- (b) cross-examining a person giving evidence, or
- (c) presenting any matter,

if the inspector considers it to be irrelevant or repetitious.

(4) The inspector may, if the inspector considers that a person is behaving in a disruptive manner—

- (a) require the person to leave a hearing or inquiry,
- (b) prevent the person from participating in the hearing or inquiry by giving evidence, cross-examining a person giving evidence, or presenting any matter, or
- (c) permit the person to remain at, or participate in, the hearing or inquiry only on specified conditions.

(5) The inspector may proceed with a hearing or inquiry in the absence of any person entitled to appear at it.

(6) The inspector may take into account any written representations or evidence or any other document received by the inspector from any person before or during a hearing or inquiry, provided that the inspector discloses it at the hearing or inquiry.

(7) The inspector may—

- (a) adjourn a hearing or inquiry to another date;
- (b) adjourn a hearing or inquiry to the site of the release land or any replacement land, and conduct part of the hearing or inquiry at that site in conjunction with a site inspection.

Procedure at hearings

13.—(1) A hearing is to take the form of a discussion led by the inspector.

(2) Yn ddarostyngedig i baragraffau (3) i (5) o reoliad 12—

- (a) mae hawl gan y ceisydd i roi, neu alw person arall i roi, tystiolaeth ar lafar;
- (b) caiff unrhyw berson arall roi tystiolaeth ar lafar gyda chaniatâd yr arolygydd.

(3) Ni chaniateir croesholi oni fydd yr arolygydd yn penderfynu bod hynny'n angenrheidiol er mwyn sicrhau archwiliad digonol o'r materion gerbron.

Cyfarfod cyn yr ymchwiliad

14.—(1) Os penderfynwyd cynnal ymchwiliad, caiff yr arolygydd gynnal cyfarfod cyn yr ymchwiliad, os yw'r arolygydd o'r farn y byddai'n ddymunol gwneud hynny er mwyn penderfynu pa faterion sydd i'w trafod a pha weithdrefn i'w dilyn yn yr ymchwiliad.

(2) Os yw'r arolygydd yn penderfynu cynnal cyfarfod cyn yr ymchwiliad, rhaid i'r arolygydd roi cyfnod o rybudd o ddim llai na dwy wythnos, mewn ysgrifen, i'r canlynol—

- (a) y ceisydd;
- (b) unrhyw berson a wnaeth sylwadau ysgrifenedig ynglŷn â'r cais; ac
- (c) unrhyw berson arall y byddai ei bresenoldeb yn y cyfarfod cyn yr ymchwiliad yn ddymunol ym marn yr arolygydd.

(3) Mae paragraffau (1) i (5) o reoliad 12 (i'r graddau y maent yn berthnasol) yn gymwys i gyfarfodydd cyn yr ymchwiliad, fel y maent yn gymwys i ymchwiliadau.

(4) Mewn cyfarfod cyn yr ymchwiliad, caiff yr arolygydd—

- (a) rhoi cyfarwyddiadau i'r ceisydd ac i unrhyw berson arall sy'n dymuno ymddangos yn yr ymchwiliad, ynglŷn â'r pethau sydd i'w gwneud i baratoi ar gyfer yr ymchwiliad; a
- (b) pennu dyddiad neu ddyddiadau terfynol ar gyfer cydymffurfio ag unrhyw gyfarwyddiadau o'r fath.

(5) Yn benodol, caiff yr arolygydd gyfarwyddo unrhyw berson sy'n dymuno rhoi tystiolaeth yn yr ymchwiliad—

- (a) i anfon datganiad ysgrifenedig o'r dystiolaeth honno at yr arolygydd; a
- (b) i anfon copi o'r datganiad ysgrifenedig hwnnw at ba bynnag bersonau eraill a bennir gan yr arolygydd.

Y weithdrefn mewn ymchwiliadau

15.—(1) Ar ddechrau ymchwiliad, rhaid i'r arolygydd—

- (a) nodi'r prif faterion sydd i'w hystyried yn yr

(2) Subject to paragraphs (3) to (5) of regulation 12—

- (a) the applicant is entitled to give, or to call another person to give, oral evidence;
- (b) any other person may give oral evidence with the permission of the inspector.

(3) Cross-examination is not permitted unless the inspector decides that it is necessary to ensure a sufficient examination of the issues.

Pre-inquiry meeting

14.—(1) Where it has been decided to hold an inquiry, the inspector may, if the inspector considers it desirable, hold a pre-inquiry meeting to determine the matters to be addressed and the procedure to be followed at the inquiry.

(2) If the inspector decides to hold a pre-inquiry meeting, the inspector must give not less than two weeks notice in writing to—

- (a) the applicant;
- (b) any person who has made written representations about the application; and
- (c) any other person whose presence at the pre-inquiry meeting the inspector considers desirable.

(3) Paragraphs (1) to (5) of regulation 12 (so far as relevant) apply to pre-inquiry meetings as they apply to inquiries.

(4) The inspector may, at a pre-inquiry meeting—

- (a) give directions to the applicant and to any other person wishing to appear at the inquiry about things to be done in preparation for the inquiry; and
- (b) specify a date or dates by which any such directions must be complied with.

(5) In particular, the inspector may direct any person wishing to give evidence at the inquiry to—

- (a) send the inspector a written statement of that evidence; and
- (b) send a copy of that written statement to such other persons as the inspector may specify.

Procedure at inquiries

15.—(1) At the start of an inquiry, the inspector must—

- (a) identify the main issues to be considered at the

ymchwiliad;

- (b) nodi unrhyw faterion y mae'n ofynnol gan yr arolygydd gael esboniad pellach yn eu cylch gan unrhyw berson sy'n ymddangos yn yr ymchwiliad; ac
- (c) esbonio'r weithdrefn sydd i'w dilyn yn yr ymchwiliad.

(2) Nid yw paragraff (1)(a) yn allgáu materion eraill rhag cael eu hystyried, neu eu codi gan bersonau sy'n ymddangos yn yr ymchwiliad.

(3) Os yw person sy'n rhoi tystiolaeth yn yr ymchwiliad wedi darparu datganiad ysgrifenedig o dystiolaeth yn unol â chyfarwyddyd o dan reoliad 14(5), caiff yr arolygydd gyfarwyddo—

- (a) bod y datganiad ysgrifenedig i'w drin fel tystiolaeth y person hwnnw, neu fel rhan o dystiolaeth y person hwnnw; a
- (b) y caiff partïon eraill yn yr ymchwiliad groesholi'r person hwnnw ynglŷn â'r datganiad ysgrifenedig.

Archwiliadau safle

16.—(1) Os penodir arolygydd i gynnal gwrandawriad neu ymchwiliad, rhaid i'r arolygydd archwilio'r tir rhyddhau ac unrhyw dir cyfnewid cyn penderfynu'r cais neu baratoi adroddiad.

(2) Mewn unrhyw achos arall, cyn penderfynu cais, caiff yr awdurdod sy'n penderfynu—

- (a) archwilio'r tir rhyddhau ac unrhyw dir cyfnewid; neu
- (b) os Gweinidogion Cymru yw'r awdurdod sy'n penderfynu, penodi arolygydd i archwilio'r tir rhyddhau ac unrhyw dir cyfnewid ac i baratoi adroddiad.

(3) Cyn cynnal archwiliad safle o dan baragraff (1) neu (2), rhaid i'r arolygydd neu'r awdurdod sy'n penderfynu ofyn i'r ceisydd a yw'r ceisydd yn dymuno bod yn bresennol, neu gael ei gynrychioli.

(4) Os yw'r ceisydd yn datgan ei fod yn dymuno bod yn bresennol neu gael ei gynrychioli, rhaid i'r arolygydd roi rhybudd rhesymol i'r ceisydd, o ddyddiad ac amser yr archwiliad, a rhoi cyfle i'r ceisydd, neu gynrychiolydd y ceisydd, fod yn bresennol.

(5) Nid yw'n ofynnol bod arolygydd neu'r awdurdod sy'n penderfynu yn gohirio archwiliad os nad yw'r ceisydd neu gynrychiolydd y ceisydd yn bresennol ar yr adeg benodedig.

Newidiadau yn y weithdrefn

17.—(1) Os yw'r awdurdod sy'n penderfynu wedi hysbysu'r ceisydd y cynhelir gwrandawriad neu ymchwiliad mewn perthynas â chais, caiff yr

inquiry;

- (b) identify any matters on which the inspector requires further explanation from any person appearing at the inquiry; and
- (c) explain the procedure to be followed at the inquiry.

(2) Paragraph (1)(a) does not prevent other issues from being considered, or raised by persons appearing, at the inquiry.

(3) If a person giving evidence at the inquiry has provided a written statement of evidence in accordance with a direction under regulation 14(5), the inspector may direct that—

- (a) the written statement is to be treated as the person's evidence, or as part of the person's evidence; and
- (b) other parties at the inquiry may cross-examine the person on the written statement.

Site inspections

16.—(1) Where an inspector is appointed to carry out a hearing or inquiry, the inspector must inspect the release land and any replacement land before determining the application or producing a report.

(2) In any other case, before determining an application the determining authority may—

- (a) inspect the release land and any replacement land; or
- (b) where the Welsh Ministers are the determining authority, appoint an inspector to inspect the release land and any replacement land and to produce a report.

(3) Before making a site inspection under paragraph (1) or (2), the inspector or determining authority must ask the applicant whether the applicant wishes to be present or be represented.

(4) If the applicant states that the applicant wishes to be present or be represented, the inspector or determining authority must give the applicant reasonable notice of the date and time of the inspection, and give the applicant or the applicant's representative the opportunity to be present.

(5) The inspector or determining authority is not required to postpone an inspection if the applicant or the applicant's representative is not present at the appointed time.

Changes of procedure

17.—(1) Where the determining authority has notified the applicant that a hearing or inquiry is to be held in relation to an application, it may at any time

awdurdod, ar unrhyw adeg cyn bo'r gwrandawriad neu ymchwiliad wedi dod i ben, benderfynu—

- (a) diddymu'r gwrandawriad neu ymchwiliad a phenderfynu'r cais drwy gyfrwng sylwadau ysgrifenedig; neu
- (b) cynnal gwrandawriad yn hytrach nag ymchwiliad, neu i'r gwrthwyneb.

(2) Rhaid i'r awdurdod sy'n penderfynu ymgynghori â'r ceisydd cyn penderfynu newid y weithdrefn ar gyfer penderfynu cais.

Penderfynu cais

18.—(1) Cyn gynted ag y bo'n ymarferol ar ôl ystyried—

- (a) y cais a'r holl sylwadau a wnaed yn unol â rheoliad 10,
- (b) y canfyddiadau o ganlyniad i archwiliad safle, os gwnaed archwiliad, ac
- (c) os cynhaliwyd gwrandawriad neu ymchwiliad—
 - (i) y dystiolaeth a gyflwynwyd yn y gwrandawriad neu ymchwiliad (os gwneir y penderfyniad gan yr arolygydd a glywodd y dystiolaeth honno), neu
 - (ii) adroddiad ac argymhelliad yr arolygydd (os na wneir y penderfyniad gan yr arolygydd),

rhaid i'r awdurdod sy'n penderfynu benderfynu pa un a ganiateir y cais ai peidio, a hysbysu'r ceisydd o'r penderfyniad hwnnw ac o'r rhesymau drosto.

(2) Os yw arolygydd wedi paratoi adroddiad yn dilyn gwrandawriad, ymchwiliad neu archwiliad safle, rhaid anfon copi o'r adroddiad hwnnw gyda'r hysbysiad o'r penderfyniad a anfonir at y ceisydd.

(3) Os yw'r awdurdod sy'n penderfynu yn caniatáu'r cais, rhaid i'r awdurdod hefyd—

- (a) anfon ei orchymyn o dan adran 17 o Ddeddf 2006 at yr awdurdod cofrestru tiroedd comin ar gyfer yr ardal y lleolir y tir rhyddhau a'r tir cyfnewid (os oes tir cyfnewid) ynddi; a
- (b) anfon copi o'r gorchymyn hwnnw at y ceisydd.

Cyhoeddi'r penderfyniad a'r gorchymyn

19. Rhaid i'r awdurdod sy'n penderfynu gyhoeddi ar wefan briodol—

- (a) ei benderfyniad a'r rhesymau drosto; a
- (b) os yw'n caniatáu'r cais, copi o'i orchymyn o dan adran 17 o Ddeddf 2006.

before the conclusion of the hearing or inquiry decide—

- (a) to cancel the hearing or inquiry and determine the application by way of written representations; or
- (b) to hold a hearing instead of an inquiry, or vice versa.

(2) The determining authority must consult the applicant before deciding to change the procedure for determining an application.

Determination of application

18.—(1) As soon as practicable after considering—

- (a) the application and all representations made in accordance with regulation 10,
- (b) the findings made at a site inspection, if any, and
- (c) where a hearing or inquiry has been held, either—
 - (i) the evidence presented at the hearing or inquiry (if the determination is being made by the inspector who heard the evidence), or
 - (ii) the report and recommendation of the inspector (if the determination is not being made by the inspector),

the determining authority must determine whether or not to grant the application, and notify the applicant in writing of that decision and the reasons for it.

(2) Where an inspector has produced a report following a hearing, inquiry or site inspection, the notification of the decision must be accompanied by a copy of that report.

(3) If the determining authority grants the application, it must also—

- (a) send its order under section 17 of the 2006 Act to the commons registration authority for the area in which the release land and the replacement land (if any) are situated; and
- (b) send a copy of the order to the applicant.

Publication of decision and order

19. The determining authority must publish on an appropriate website—

- (a) its decision and the reasons for it; and
- (b) if it grants the application, a copy of its order under section 17 of the 2006 Act.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un
o Weinidogion Cymru

Minister for Environment and Sustainable
Development, one of the Welsh Ministers

7 Mawrth 2012

7 March 2012

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Tref neu Bentref (Gweithdrefn)
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WELSH STATUTORY
INSTRUMENTS

2012 No. 738 (W.98)

COMMONS, WALES

The Deregistration and Exchange
of Common Land and Greens
(Procedure) (Wales) Regulations
2012