



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 713 (Cy.69)

2010 No. 713 (W.69)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Tribiwnlys Priso
Cymru 2010**

**The Valuation Tribunal for Wales
Regulations 2010**

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 yn creu un tribiwnlys priso ar gyfer Cymru ("y TPC"), a fydd yn cymryd lle'r pedwar tribiwnlys ("yr hen Dribiwnlysoedd") a'r gwasanaeth tribiwnlys priso Cymru blaenorol.

These Regulations create a single valuation tribunal for Wales ("VTW"). The VTW replaces four tribunals ("the old tribunals") and the valuation tribunal service for Wales.

Gwnaed y Rheoliadau hyn o dan adrannau 140(4) a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraffau 1, 4 i 8, 11, 12 a 14 i 16 o Atodlen 11 i'r Ddeddf honno ac adran 24 o Ddeddf Cyllid Llywodraeth Leol 1992. Daw Rhannau 1 i 4 o'r Rheoliadau hyn i rym ar 1 Ebrill 2010 a Rhannau 5 a 6 i rym ar 1 Gorffennaf 2010.

These Regulations are made under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 4 to 8, 11, 12 and 14 to 16 of Schedule 11 to, the Local Government Finance Act 1988 and section 24 of the Local Government Finance Act 1992. Parts 1 to 4 of these Regulations come into force on 1 April 2010 and Parts 5 and 6 come into force on 1 July 2010.

Bydd y TPC yn ymdrin ag apelau a wneir o dan y darpariaethau statudol fel y'u diffinnir yn rheoliad 3.

The VTW will deal with appeals made under the statutory provisions as defined in regulation 3.

Bydd y TPC yn cychwyn ymdrin ag apelau o'r fath ar 1 Gorffennaf 2010. Bydd pob apêl, hyd at a chan gynnwys 30 Mehefin 2010, yn cael ei throsglwyddo i'r TPC.

The VTW will commence dealing with such appeals on 1 July 2010. All appeals up to and including 30 June 2010 will be transferred to the VTW.

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Tribiwnlysoedd Priso (Cymru) 2005 ("Rheoliadau 2005").

These Regulations revoke the Valuation Tribunals (Wales) Regulations 2005 ("the 2005 Regulations").

Mae Rhan 2 o'r Rheoliadau hyn yn darparu ar gyfer sefydlu Tribiwnlys Priso Cymru, a'i Gyngor Llywodraethu, a phenodi aelodau, llywydd y TPC, cynrychiolwyr rhanbarthol a chadeiryddion.

Part 2 of these Regulations provides for the establishment of the VTW, its Governing Council and the appointment of members, the president of the VTW, regional representatives and chairpersons.

Mae rheoliad 4 yn sefydlu'r TPC ar 1 Ebrill 2010.

Regulation 4 establishes the VTW on 1 April 2010.

Mae rheoliad 5 yn sefydlu'r Cyngor Llywodraethu ar 1 Gorffennaf 2010.

Regulation 5 establishes the Governing Council on 1 July 2010.

Mae rheoliadau 6 i 8 yn darparu ynglŷn ag aelodaeth a swyddogaethau'r Cyngor Llywodraethu.

Regulations 6 to 8 provide for the membership of the Governing Council and its functions.

Mae rheoliadau 9 a 10 ac Atodlen 1 yn gwneud darpariaeth o ran nifer aelodau'r TPC, y niferoedd sydd i'w penodi gan bob cyngor penodi a'r Llywydd, y modd y'u penodir a pharhad eu haelodaeth.

Mae rheoliadau 11 a 12 yn ymwneud â phenodi Llywydd a Chadeiryddion y TPC.

Mae rheoliad 13 yn ymwneud â phenodi pedwar cynrychiolydd rhanbarthol (a fydd yn aelodau o'r Cyngor Llywodraethu) a'u dirprwyon.

Mae rheoliad 14 yn darparu ar gyfer amgylchiadau pan anghymhwysir person o fod yn aelod.

Mae Rhan 3 o'r Rheoliadau hyn yn ymdrin â staff, lwfansau i aelodau, gweinyddu, llety a chyfarpar.

Mae rheoliadau 15 ac 16 yn darparu ar gyfer penodi Prif Weithredwr (a fydd hefyd yn glerc y TPC) a phenodi cyflogaion eraill. Prif weithredwr y gwasanaeth tribiwnlys prisio Cymru blaenorol fydd Prif Weithredwr cyntaf y TPC. Mae rheoliad 15 yn ymdrin hefyd â dirprwy swyddogaethau'r Prif Weithredwr.

Mae rheoliad 17 yn darparu ar gyfer lwfansau, a fydd yn daladwy i aelodau'r TPC fel a bennir gan Weinidogion Cymru.

Mae rheoliadau 18 i 20 yn ymwneud â gweinyddiaeth, llety a chyfarpar y TPC.

Mae Rhan 4 yn cynnwys darpariaethau trosiannol.

Mae rheoliad 21 yn darparu ar gyfer trosglwyddo aelodau'r hen dribiwnlysoedd i'r TPC.

Mae rheoliad 22 yn darparu mai cadeiryddion yr hen dribiwnlysoedd fydd cadeiryddion y TPC.

Mae rheoliad 23 yn darparu ar gyfer trosglwyddo staff y gwasanaeth tribiwnlys prisio Cymru blaenorol i'r TPC.

Mae rheoliad 24 yn ymdrin â throsglwyddo eiddo, hawliau a rhwymedigaethau'r gwasanaeth tribiwnlys prisio Cymru blaenorol i'r TPC.

Mae rheoliadau 25 a 26 yn gwneud darpariaeth mewn perthynas ag apelau a drosglwyddir, ac â dirwyn i ben yr hen Dribiwnlysoedd a'r gwasanaeth tribiwnlys prisio Cymru blaenorol.

Mae Rhan 5 yn gwneud darpariaeth mewn perthynas â'r weithdrefn ar gyfer apelau ynglŷn â'r dreth gyngor, drwy ailddeddfu, i raddau helaeth, y darpariaethau yn Rheoliadau 2005.

Mae Rhan 6 yn ymdrin â dirymadau a diwygiadau canlyniadol i'r Rheoliadau hyn.

Regulations 9 and 10 and Schedule 1 make provision for the number of members of the VTW, the number to be appointed by each appointing council and President, and their appointment and duration of membership.

Regulations 11 and 12 deal with the appointment of the VTW's President and its Chairpersons.

Regulation 13 deals with the appointment of four regional representatives (who will be members of the Governing Council) and their deputies.

Regulation 14 provides for the circumstances in which a person is to be disqualified from membership.

Part 3 of these Regulations relates to staff, allowances for members, administration, accommodation and equipment.

Regulations 15 and 16 provide for the appointment of a Chief Executive (who is to be clerk to the VTW) and the appointment of other employees. The chief executive of the former tribunal valuation service for Wales is to be the first Chief Executive of the VTW. Regulation 15 also deals with the delegation of the Chief Executive's functions.

Regulation 17 provides for allowances to be payable to members of the VTW as the Welsh Ministers determine.

Regulations 18 to 20 relate to administration, accommodation and equipment of the VTW.

Part 4 contains transitional provisions.

Regulation 21 provides for members of the old tribunals to transfer to the VTW.

Regulation 22 provides that chairpersons of the old tribunals are to be chairpersons of the VTW.

Regulation 23 provides for the transfer of staff of the former valuation tribunal service for Wales to the VTW.

Regulation 24 deals with the transfer of property, rights and liabilities of the former valuation tribunal service for Wales to the VTW.

Regulations 25 and 26 make provision in relation to transferred appeals and the winding up of the old tribunals and the former valuation tribunal service for Wales.

Part 5 provides for the procedure for dealing with appeals in relation to council tax, largely re-enacting the provisions in the 2005 Regulations.

Part 6 deals with revocations and amendments consequential on these Regulations.

2010 Rhif 713 (Cy.69)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Tribiwnlys Prisio
Cymru 2010**

Gwnaed 9 Mawrth 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 11 Mawrth 2010

Yn dod i rym yn unol â rheoliad 1(2)

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2010 No. 713 (W.69)

**LOCAL GOVERNMENT,
WALES**

**The Valuation Tribunal for Wales
Regulations 2010**

Made 9 March 2010

*Laid before the National
Assembly for Wales* 11 March 2010

*Coming into force in accordance with
regulation 1(2)*

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol o dan adrannau 140(4) a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988(1) a pharagraffau 1, 4 i 8, 11, 12 a 14 i 16 o Atodlen 11 i'r Ddeddf honno, ac adran 24 o Ddeddf Cyllid Llywodraeth Leol 1992(2) ac a freiniwyd bellach ynddynt hwy, ac ar ôl ymgynghori â'r Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd yn unol â pharagraff 24 o Atodlen 7 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007(3):

- (1) 1988 p.41. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 140(4) a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraffau 1, 4 i 8, 11, 12, 14 i 16 o Atodlen 11 i'r Ddeddf honno, ac adran 24 o Ddeddf Cyllid Llywodraeth Leol 1992 i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 breiniwyd y swyddogaethau hynny bellach yng Ngweinidogion Cymru. Diwygiwyd Atodlen 11 i Ddeddf 1988 gan Atodlen 15 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 er mwyn gwneud darpariaeth ar gyfer Tribiwnlys Prisio Lloegr 2007 a gwneud diwygiadau canlyniadol yn y darpariaethau a oedd yn weddill yn Atodlen 11, i'r graddau yr oeddent yn ymwneud â Chymru.
- (2) 1992 p.14 (gweler y troednodyn uchod ynglŷn â throsglwyddo swyddogaethau).
- (3) 2007 p.15.

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- (1) 1988 c.41. The functions of the Secretary of State under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 4 to 8, 11, 12, 14 to 16 of Schedule 11 to, the Local Government Finance Act 1988 and section 24 of the Local Government Finance Act 1992 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 those functions are now vested in the Welsh Ministers. Schedule 11 to the 1988 Act was amended by Schedule 15 to the Local Government and Public Involvement in Health Act 2007 so as to make provision for the Valuation Tribunal for England and make consequential amendments in respect of the remaining provisions of Schedule 11 in so far as they related to Wales.
- (2) 1992 c.14 (*see* footnote above regarding transfer of functions).
- (3) 2007 c.15.

RHAN 1

Cyffredinol

Enwi a chychwyn

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlys Prisio Cymru 2010.

(2) Daw rheoliadau 1 i 26 i rym ar 1 Ebrill 2010 a daw'r rheoliadau sy'n weddill i rym ar 1 Gorffennaf 2010.

Cymhwyso

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

Dehongli

3.-(1) Yn y Rheoliadau hyn, oni fynna'r cyd-destun fel arall—

ystyr "apêl" ("*appeal*") yw apêl o dan—

(a) adran 16 (apelau : cyffredinol) o Ddeddf 1992;

(b) paragraff 3 o Atodlen 3 (cosbau) i Ddeddf 1992;

(c) rheoliadau a wnaed o dan adran 24 o Ddeddf 1992(1);

(ch) rheoliadau a wnaed o dan adran 55 o Ddeddf 1988 (2);

(d) paragraff 4 o Atodlen 4A (rhybuddion i gwblhau) i Ddeddf 1988 (a elwir yn y Rheoliadau hyn yn "apêl yn erbyn rhybudd i gwblhau")(3);

(dd) paragraff 5C o Atodlen 9 (cosbau sifil) i Ddeddf 1988(4); ac

(e) adran 45 o'r Ddeddf Draenio Tir 1991(5);

ystyr "awdurdod bilio" ("*billing authority*") yw awdurdod bilio fel y'i diffinnir yn adran 1(2) o Ddeddf 1992;

ystyr "Cadeirydd" ("*Chairperson*") yw Cadeirydd y Tribiwnlys Prisio a benodir o dan reoliad 12 ;

ystyr "Cyngor Llywodraethu" ("*Governing Council*") yw Cyngor Llywodraethu'r Tribiwnlys Prisio a sefydlir o dan reoliad 5;

(1) *Gweler* O.S. 1993/290.

(2) *Gweler* O.S. 2005/758 (Cy.63).

(3) Mewnosodwyd Atodlen 4A gan Ddeddf Llywodraeth Leol a Thai 1989 (p.42), adran 139 ac Atodlen 5, paragraffau 36 a 79(3).

(4) Mewnosodwyd paragraff 5C gan Ddeddf Llywodraeth Leol 2003 (p.26), adran 72(1) a (4); a mewnosodwyd is-paragraff 5C(7) gan Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p.28), adran 220(1) ac Atodlen 16, paragraffau 2 a 5.

(5) 1991 p.59.

PART 1

General

Title and commencement

1.-(1) The title of these Regulations is The Valuation Tribunal for Wales Regulations 2010.

(2) Regulations 1 to 26 come into force on 1 April 2010 and the remaining regulations come into force on 1 July 2010.

Application

2. These Regulations apply in Wales only.

Interpretation

3.-(1) In these Regulations, unless the context otherwise requires—

"the 1988 Act" ("*Deddf 1988*") means the Local Government Finance Act 1988;

"the 1992 Act" ("*Deddf 1992*") means the Local Government Finance Act 1992;

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Valuation Tribunals (Wales) Regulations 2005(1);

"appeal" ("*apêl*") means an appeal under—

(a) section 16 (appeals : general) of the 1992 Act;

(b) paragraph 3 of Schedule 3 (penalties) to the 1992 Act;

(c) regulations made under section 24 of the 1992 Act(2);

(d) regulations made under section 55 of the 1988 Act(3);

(e) paragraph 4 of Schedule 4A (completion notices) to the 1988 Act (in these Regulations called an "appeal against a completion notice")(4);

(f) paragraph 5C of Schedule 9 (civil penalties) to the 1988 Act(5); and

(g) section 45 of the Land Drainage Act 1991(6);

(1) S.I. 2005/3364 (W.261).

(2) *See* S.I. 1993/290.

(3) *See* S.I. 2005/758 (W.63).

(4) Schedule 4A was inserted by the Local Government and Housing Act 1989 (c.42), section 139 and Schedule 5, paragraphs 36 and 79(3).

(5) Paragraph 5C was inserted by the Local Government Act 2003 (c.26), section 72(1) and (4); and sub-paragraph 5C(7) was inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 220(1) and Schedule 16, paragraphs 2 and 5.

(6) 1991 c.59.

ystyr "cynrychiolydd rhanbarthol" ("*regional representative*") yw cynrychiolydd rhanbarthol a benodir o dan reoliad 13;

ystyr "Deddf 1988" ("*the 1988 Act*") yw Deddf Cyllid Llywodraeth Leol 1988;

ystyr "Deddf 1992" ("*the 1992*") yw Deddf Cyllid Llywodraeth Leol 1992;

ystyr "hen Dribiwnlys" ("*old Tribunal*") yw tribiwnlys prisio a oedd yn bodoli yng Nghymru yn union cyn 1 Gorffennaf 2010;

ystyr "hen Wasanaeth" ("*old Service*") yw'r Gwasanaeth Tribiwnlys Prisio Cymru a sefydlwyd gan Reoliadau 2005;

ystyr "Llywydd" ("*President*") yw Llywydd y Tribiwnlys Prisio, a benodir o dan reoliad 11;

ystyr "prif weithredwr" ("*chief executive*") yw'r person a benodir o dan reoliad 15;

ystyr "Rheoliadau 2005" ("*the 2005 Regulations*") yw Rheoliadau Tribiwnlysoedd Prisio (Cymru) 2005(1); ac

ystyr "Tribiwnlys Prisio" ("*Valuation Tribunal*") yw Tribiwnlys Prisio Cymru, a sefydlir o dan reoliad 4.

(2) Mae'r cyfeiriadau at reoliadau, Rhannau neu Atodlenni, oni nodir yn wahanol, yn gyfeiriadau at reoliadau, Rhannau o'r, neu Atodlenni i'r, Rheoliadau hyn.

RHAN 2

Sefydlu Tribiwnlys Prisio Cymru

Sefydlu Tribiwnlys Prisio Cymru

4. Ar 1 Ebrill 2010 sefydlir Tribiwnlys Prisio Cymru.

Sefydlu'r Cyngor Llywodraethu

5. Ar 1 Gorffennaf 2010 sefydlir Cyngor Llywodraethu ar gyfer y Tribiwnlys Prisio.

Aelodaeth y Cyngor Llywodraethu

6.–(1) Aelodaeth y Cyngor Llywodraethu fydd:

(a) Llywydd Tribiwnlys Prisio Cymru, a benodir yn unol â rheoliad 11;

"billing authority" ("*awdurdod bilio*") means a billing authority as defined in section 1(2) of the 1992 Act;

"Chairperson" ("*Cadeirydd*") means a Chairperson of the Valuation Tribunal appointed under regulation 12;

"chief executive" ("*prif weithredwr*") means the person appointed under regulation 15;

"Governing Council" ("*Cyngor Llywodraethu*") means the Governing Council of the Valuation Tribunal established under regulation 5;

"old Service" ("*hen Wasanaeth*") means the Valuation Tribunal Service for Wales established by the 2005 Regulations;

"old Tribunal" ("*hen Dribiwnlys*") means a valuation tribunal in Wales which existed immediately before 1 July 2010;

"President" ("*Llywydd*") means the President of the Valuation Tribunal appointed under regulation 11;

"regional representative" ("*cynrychiolydd rhanbarthol*") means a regional representative appointed under regulation 13; and

"Valuation Tribunal" ("*Tribiwnlys Prisio*") means the Valuation Tribunal for Wales established under regulation 4.

(2) References to regulations, Parts and Schedules are, unless otherwise stated, references to regulations and Parts of, and Schedules to, these Regulations.

PART 2

Establishment of the Valuation Tribunal for Wales

Establishment of the Valuation Tribunal for Wales

4. On 1 April 2010 there will be established the Valuation Tribunal for Wales.

Establishment of the Governing Council

5. On 1 July 2010 there will be established a Governing Council for the Valuation Tribunal.

Membership of the Governing Council

6.–(1) The membership of the Governing Council will consist of:

(a) the President of the Valuation Tribunal appointed in accordance with regulation 11;

- (b) y cynrychiolwyr rhanbarthol (ond nid y dirprwy gynrychiolwyr rhanbarthol) a benodir yn unol â rheoliad 13; ac
- (c) unrhyw berson a benodir gan Weinidogion Cymru o dan reoliad 7.

(2) Pan fo cynrychiolydd rhanbarthol, fel y'i disgrifir ym mharagraff (1)(b) yn analluog, oherwydd salwch, absenoldeb neu unrhyw reswm arall, i weithredu fel aelod o'r Cyngor Llywodraethu, yna caiff y dirprwy cynrychiolydd rhanbarthol ar gyfer y rhanbarth hwnnw gymryd lle'r cynrychiolydd rhanbarthol, a bydd ganddo'r un pwerau â'r cynrychiolydd rhanbarthol sy'n analluog i weithredu.

Apwyntai Gweinidogion Cymru

7.–(1) Caiff Gweinidogion Cymru benodi un person yn aelod o'r Cyngor Llywodraethu.

(2) Mae'r rheoliad hwn yn ddarostyngedig i ddarpariaethau rheoliad 21(4) ynglŷn â'r penodiad i'r Cyngor Llywodraethu ar 1 Gorffennaf 2010.

(3) Caiff Gweinidogion Cymru, ar ôl ymgynghori â'r Llywydd, roi i unrhyw berson a benodir o dan baragraff (1), hysbysiad ysgrifenedig sy'n rhoi pa bynnag gyfnod a bennir ganddynt o rybudd o derfynu ei swydd.

Swyddogaethau'r Cyngor Llywodraethu

8.–(1) Bydd swyddogaethau'r Tribiwnlys Prisio o dan Rannau 2 i 4 (ac eithrio rheoliad 18(1)) yn cael eu cyflawni ar ei ran gan y Cyngor Llywodraethu.

(2) Caiff y Cyngor Llywodraethu benderfynu y caiff swyddogaethau'r Tribiwnlys Prisio o dan Rannau 2 i 4 (ac eithrio rheoliad 18(1)) eu cyflawni ar ei ran gan ddau neu ragor o aelodau'r Cyngor Rheoli, ar yr amod mai'r Llywydd fydd un ohonynt.

(3) Nid yw paragraff (2) yn gymwys ar gyfer penodi'r prif weithredwr.

(4) Mae paragraffau (1) a (2) yn ddarostyngedig i'r darpariaethau yn rheoliadau 16(6), 17 ac Atodlen 2 sy'n dyrannu swyddogaethau i'r prif weithredwr.

Penodi aelodau'r Tribiwnlys Prisio

9.–(1) Yn ddarostyngedig i'r paragraffau canlynol o'r rheoliad hwn, aelodau'r Tribiwnlys Prisio fydd y personau hynny a benodir gan y cynghorau a ragnodir yng ngholofn 3 o Atodlen 1 ("y cynghorau") a'r Llywydd ar y cyd.

(2) Y nifer o aelodau sydd i'w penodi gan gyngor unigol a'r Llywydd yw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 4 o Atodlen 1.

(3) At ddibenion y rheoliad hwn, ni fydd swydd wag yn digwydd ac eithrio pan fo nifer yr aelodau a

- (b) the regional representatives (but not the deputy regional representatives) appointed in accordance with regulation 13; and
- (c) any person appointed by the Welsh Ministers under regulation 7.

(2) If a regional representative as described in paragraph (1)(b) is unable, through illness or absence or any other cause, to act as a member of the Governing Council, then the deputy regional representative for that region may take the place of the regional representative and shall have the same powers as the regional representative who is unable to act.

Welsh Ministers' appointee

7.–(1) The Welsh Ministers may appoint one person to the Governing Council.

(2) This regulation is subject to the provisions of regulation 21(4) concerning the appointment to the Governing Council on 1 July 2010.

(3) The Welsh Ministers may, after consultation with the President, give to any person appointed under paragraph (1) notice in writing giving such notice of termination of office as they determine.

Functions of the Governing Council

8.–(1) The functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) will be performed on its behalf by the Governing Council.

(2) The Governing Council may determine that the functions of the Valuation Tribunal under Parts 2 to 4 (except regulation 18(1)) may be performed on its behalf by two or more members of the Governing Council one of whom must be the President.

(3) Paragraph (2) does not apply to the appointment of the chief executive.

(4) Paragraphs (1) and (2) are subject to the provisions in regulations 16(6), 17 and Schedule 2 conferring functions on the chief executive.

Appointment of Valuation Tribunal members

9.–(1) Subject to the following paragraphs of this regulation, the members of the Valuation Tribunal, will consist of those persons appointed by the councils prescribed in column 3 of Schedule 1 ("the councils") and the President jointly.

(2) The number of members to be appointed by a council and the President is the number specified in relation to that council in column 4 of Schedule 1.

(3) For the purposes of this regulation, a vacancy only occurs when the number of members appointed

benodwyd gan gyngor unigol a'r Llywydd yn syrthio islaw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 4 o Atodlen 1.

(4) Os na fydd cyngor a'r Llywydd, ar ddiwedd cyfnod o dri mis ar ôl i swydd fynd yn wag yn y Tribiwnlys Prisio, wedi gwneud penodiad yn unol â pharagraff (1), caiff Gweinidogion Cymru wneud y penodiad hwnnw ar ôl ymgynghori â'r Llywydd.

(5) Ni fydd unrhyw benodiad o dan adran (1) yn ddilys os ei effaith fyddai peri bod nifer yr aelodau o'r Tribiwnlys Prisio, a benodir gan gyngor a'r Llywydd, ac sy'n aelodau o'r cyngor, yn fwy na'r nifer a bennir mewn perthynas â'r cyngor yng ngholofn 5 o Atodlen 1.

(6) Ni cheir dehongli paragraff (5) fel pe bai'n effeithio ar ddilysrwydd penodiad aelod o'r Tribiwnlys Prisio sy'n dod yn aelod o gyngor wedi i benodiad y person hwnnw ddod i rym.

(7) Mae'r rheoliad hwn yn ddarostyngedig i ddarpariaethau rheoliad 21 ynglŷn â phenodi aelodau ar 1 Gorffennaf 2010.

Parhad aelodaeth o'r Tribiwnlys Prisio

10.—(1) Bydd pob penodiad aelod o dan reoliad 9 yn cael effaith am ba bynnag gyfnod, na fydd yn hwy na chwe blynedd, a bennir gan y person neu bersonau sy'n gwneud y penodiad.

(2) Bydd pob aelod yn parhau yn ei swydd hyd nes digwydd pa un bynnag o'r canlynol sy'n digwydd gyntaf—

- (a) y cyfnod a bennir o dan baragraff (1) yn dod i ben;
- (b) hysbysiad o derfynu swydd yr aelod o dan baragraff (3) yn cael effaith;
- (c) yr aelod yn dod yn anghymwys i fod yn aelod, yn unol â'r ddarpariaeth yn rheoliad 14;
- (ch) yr aelod yn ymddiswyddo drwy hysbysiad ysgrifenedig i'r Llywydd.

(3) Rhaid i'r prif weithredwr, os cyfarwyddir ef felly gan Weinidogion Cymru, wedi i Weinidogion Cymru ymgynghori â'r cyngor perthnasol ac â'r Llywydd, roi i aelod hysbysiad ysgrifenedig sy'n rhoi pa bynnag gyfnod o rybudd a gyfarwyddir, o derfynu cyfnod yr aelod yn ei swydd o dan y paragraff hwn.

Llywydd y Tribiwnlys Prisio

11.—(1) Rhaid gwneud y penodiad cyntaf i swydd y Llywydd yn unol â Rhan 1 o Atodlen 2 ond yn ddarostyngedig i Ran 2 o'r Atodlen honno.

(2) Mewn achos dilynol pan â swydd y Llywydd yn wag, rhaid i aelodau'r Tribiwnlys Prisio, yn unol â Rhan 1 o Atodlen 2, benodi person i fod yn Llywydd.

by a council and the President falls below the number specified in relation to that council in column 4 of Schedule 1.

(4) Where at the expiry of three months from a vacancy occurring in the Valuation Tribunal a council and the President have failed to make an appointment in accordance with paragraph (1), that appointment may be made by the Welsh Ministers after consultation with the President.

(5) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Valuation Tribunal, appointed by a council and the President, who are members of the council exceed the number specified in relation to the council in column 5 of Schedule 1.

(6) Paragraph (5) must not be construed as affecting the validity of the appointment of a member of the Valuation Tribunal who becomes a member of a council after that person's appointment takes effect.

(7) This regulation is subject to the provisions of regulation 21 concerning the appointment of members on 1 July 2010.

Duration of membership of the Valuation Tribunal

10.—(1) Each appointment of a member under regulation 9 will have effect for such period not exceeding six years as the person or persons making the appointment may specify.

(2) Each member will hold office until whichever of the following first occurs—

- (a) the period specified under paragraph (1) expires;
- (b) notice of that member's removal under paragraph (3) takes effect;
- (c) that member becomes disqualified from membership as provided in regulation 14;
- (d) that member resigns the office by notice in writing to the President.

(3) The chief executive will, if so directed by the Welsh Ministers, after the Welsh Ministers have consulted with the relevant council and with the President, by notice in writing give a member such period of notice of termination of office under this paragraph as may be directed.

The President of the Valuation Tribunal

11.—(1) The first appointment to the office of President is to be made in accordance with Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of a subsequent vacancy occurring in the office of the President, the members of the Valuation Tribunal must in accordance with Part 1 of Schedule 2 appoint a person to be President.

(3) Pan nad oes penodiad wedi ei wneud yn unol ag Atodlen 2, rhaid i Weinidogion Cymru, ar ôl ymgynghori â pha bynnag rai o aelodau'r Tribiwnlys Prisio ag y tybiant yn briodol, benodi un o aelodau'r Tribiwnlys Prisio i fod yn Llywydd.

(4) Bydd y Llywydd a benodir dan y rheoliad hwn yn dal y swydd hyd nes digwydd pa un bynnag o'r canlynol sy'n digwydd gyntaf—

- (a) diwedd y cyfnod o ddwy flynedd ar ôl y dyddiad yr ymgymerodd y Llywydd â'i swydd (ac at ddibenion y paragraff hwn, rhaid ystyried bod yr apwyntai cyntaf i swydd y Llywydd yn ymgymryd â'r swydd ar 1 Gorffennaf 2010);
- (b) y Llywydd yn peidio â bod yn aelod o'r Tribiwnlys Prisio;
- (c) hysbysiad o ymddiswyddiad y Llywydd o dan baragraff (5) yn cael effaith;
- (ch) hysbysiad terfynu o dan baragraff (6) yn cael effaith.

(5) Caiff y Llywydd ymddiswyddo drwy hysbysu Gweinidogion Cymru mewn ysgrifen, gan roi o leiaf un mis o rybudd.

(6) Caiff Gweinidogion Cymru, ar ôl ymgynghori â pha bynnag rai o aelodau'r Tribiwnlys Prisio ag y gwelant yn dda, drwy roi hysbysiad ysgrifenedig i'r Llywydd, derfynu ei benodiad yn Llywydd.

(7) Os yw'r Llywydd yn analluog, oherwydd salwch, absenoldeb neu unrhyw reswm arall, i gyflawni swyddogaethau'r Llywydd o dan y Rheoliadau hyn, rhaid i ba bynnag aelod o'r Cyngor Llywodraethu a bennir o bryd i'w gilydd gan y Cyngor gyflawni'r swyddogaethau hynny.

(8) Caiff y Llywydd awdurdodi cynrychiolydd rhanbarthol i ymgymryd â swyddogaeth y Llywydd o benodi o dan reoliad 9(1); ac yn y paragraff hwn, nid yw "cynrychiolydd rhanbarthol" yn cynnwys dirprwy gynrychiolydd rhanbarthol.

Cadeiryddion y Tribiwnlys Prisio

12.—(1) Pennir y nifer o aelodau'r Tribiwnlys Prisio sydd i'w penodi i swydd Cadeirydd gan y Tribiwnlys Prisio.

(2) Bydd y Llywydd yn un o'r Cadeiryddion a rhaid i aelodau Tribiwnlys Prisio yn unol â Rhan 1 o Atodlen 2, ond yn ddarostyngedig i reoliad 22, benodi gweddill nifer y Cadeiryddion o fewn y cyfnod rhagnodedig, drwy eu hethol o blith eu nifer.

(3) Ar ddiwedd y cyfnod rhagnodedig, os na fydd etholiad wedi ei gynnal yn unol â'r rheoliad hwn, rhaid i Weinidogion Cymru, ar ôl ymgynghori â'r Llywydd, benodi'r nifer priodol o aelodau i fod yn Gadeiryddion.

(3) Where no appointment has taken place in accordance with Schedule 2, the Welsh Ministers must, after consultation with such of the members of the Valuation Tribunal as they see fit, appoint one of the Valuation Tribunal's members to be President.

(4) The President appointed under this regulation will hold office until whichever of the following first occurs—

- (a) the expiration of the period of two years from the date on which the President takes office (and for the purposes of this paragraph the first appointee to the office of President is to be regarded as taking office on 1 July 2010);
- (b) the President ceases to be a member of the Valuation Tribunal;
- (c) notice of the President's resignation under paragraph (5) takes effect;
- (d) notice of termination under paragraph (6) takes effect.

(5) The President may resign office by giving not less than one month's notice in writing to the Welsh Ministers.

(6) The Welsh Ministers may, after consultation with such of the members of the Valuation Tribunal as they see fit, by giving notice in writing to the President terminate the President's appointment as such.

(7) If the President is unable, through illness or absence or any other cause, to carry out the President's functions under these Regulations, then those functions must be carried out by such member of the Governing Council as that Council from time to time determines.

(8) The President may authorise the President's function of appointment under regulation 9(1) to be discharged by a regional representative; and in this paragraph "regional representative" excludes a deputy regional representative.

Chairpersons of the Valuation Tribunal

12.—(1) The number of members of the Valuation Tribunal to be appointed to the position of Chairperson will be determined by the Valuation Tribunal.

(2) The President will constitute one of the Chairpersons and the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2 but subject to regulation 22, appoint the remaining number of Chairpersons within the prescribed period by election from among their number.

(3) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Welsh Ministers must, after consultation with the President, appoint the appropriate number of members to be Chairpersons.

(4) Bydd Cadeirydd a benodir dan y rheoliad hwn yn dal y swydd hyd nes digwydd pa un bynnag o'r canlynol sy'n digwydd gyntaf –

- (a) y Cadeirydd hwnnw'n peidio â bod yn aelod o'r Tribiwnlys Prisio;
- (b) y Cadeirydd hwnnw'n ymddiswyddo drwy roi hysbysiad ysgrifenedig i'r Llywydd;
- (c) hysbysiad terfynu o dan baragraff (5) yn cael effaith.

(5) O ran y Llywydd–

- (a) caiff, ar ôl ymgynghori â'r Cyngor Llywodraethu, drwy roi hysbysiad ysgrifenedig i Gadeirydd, derfynu swydd y Cadeirydd hwnnw; a
- (b) rhaid iddo, os cyfarwyddir ef i wneud hynny gan Weinidogion Cymru, roi i Gadeirydd hysbysiad ysgrifenedig sy'n terfynu swydd y Cadeirydd hwnnw, a bydd yr hysbysiad yn cael effaith ar ddiwedd pa bynnag gyfnod y cyfarwyddir felly.

(6) Cyn rhoi cyfarwyddyd dan baragraff (5)(b) rhaid i Weinidogion Cymru ymgynghori â'r Llywydd.

(7) Yn y rheoliad hwn–

ystyr "y cyfnod rhagnodedig" (*"the prescribed period"*) yw tri mis sy'n cychwyn pan fo swydd yn mynd yn wag ymhlith y nifer rhagnodedig;

ystyr "y nifer rhagnodedig" (*"the determined number"*) yw'r nifer a bennir gan y Tribiwnlys Prisio yn unol â pharagraff (1);

ystyr "y nifer priodol" (*"the appropriate number"*) yw'r nifer a bennir, llai'r nifer sydd ar y pryd yn dal swydd Cadeirydd.

Cynrychiolwyr rhanbarthol y Tribiwnlys Prisio

13.–(1) Rhaid gwneud y penodiadau cyntaf i'r swyddi cynrychiolydd rhanbarthol a dirprwy gynrychiolydd rhanbarthol (a elwir yn "gynrychiolydd rhanbarthol" yn y rheoliad hwn) yn unol â Rhan 1 o Atodlen 2 ond yn ddarostyngedig i Ran 2 o'r Atodlen honno.

(2) Mewn achosion dilynol pan â swydd cynrychiolydd rhanbarthol yn wag, rhaid i aelodau'r Tribiwnlys Prisio, yn unol â Rhan 1 o Atodlen 2, benodi cynrychiolydd rhanbarthol neu ddirprwy gynrychiolydd rhanbarthol (yn ôl fel y digwydd) ar gyfer y rhanbarth hwnnw, o blith eu nifer.

(3) Ar ddiwedd y cyfnod rhagnodedig, os na fydd etholiad wedi ei gynnal yn unol â'r rheoliad hwn, rhaid i Weinidogion Cymru, ar ôl ymgynghori â'r Llywydd, benodi'r nifer priodol o aelodau i fod yn gynrychiolwyr rhanbarthol.

(4) Bydd cynrychiolydd rhanbarthol a benodir dan y rheoliad hwn yn dal y swydd hyd nes digwydd pa un

(4) A Chairperson appointed under this regulation will hold office until whichever of the following first occurs–

- (a) that Chairperson ceases to be a member of the Valuation Tribunal;
- (b) that Chairperson resigns by giving notice in writing to the President;
- (c) notice of termination under paragraph (5) takes effect.

(5) The President–

- (a) may, after consultation with the Governing Council, by giving notice in writing to a Chairperson terminate that Chairperson's office; and
- (b) must, if so directed by the Welsh Ministers, give a Chairperson notice in writing terminating that Chairperson's office, which notice will take effect on the expiry of such period as may be so directed.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation–

"the appropriate number" (*"y nifer priodol"*) means the determined number less the number of persons for the time being holding office as Chairperson;

"the determined number" (*"y nifer rhagnodedig"*) means the number determined by the Valuation Tribunal in pursuance of paragraph (1);

"the prescribed period" (*"y cyfnod rhagnodedig"*) means three months beginning with a vacancy occurring among the determined number.

Regional representatives of the Valuation Tribunal

13.–(1) The first appointments to the offices of regional representative and deputy regional representative (in this regulation called "regional representative") are to be made in accordance Part 1 of Schedule 2 but subject to Part 2 of that Schedule.

(2) In the case of subsequent vacancies occurring in the office of regional representative the members of the Valuation Tribunal must, in accordance with Part 1 of Schedule 2, appoint a regional representative or a deputy regional representative (as the case may be) for that region from among their number.

(3) Where at the expiry of the prescribed period no election has taken place in accordance with this regulation, the Welsh Ministers must, after consultation with the President, appoint the appropriate number of members to be regional representatives.

(4) A regional representative appointed under this regulation will hold office until whichever of the

bynnag o'r canlynol sy'n digwydd gyntaf—

- (a) diwedd y cyfnod o ddwy flynedd sy'n dilyn y dyddiad yr ymgymrodd y cynrychiolydd rhanbarthol â'i swydd (ac at ddibenion y paragraff hwn, rhaid ystyried bod yr apwynteion cyntaf i swydd cynrychiolydd rhanbarthol yn ymgymryd â'u swyddi ar 1 Gorffennaf 2010);
- (b) y cynrychiolydd rhanbarthol yn peidio â bod yn aelod o'r Tribiwnlys Prisio;
- (c) y cynrychiolydd rhanbarthol yn ymddiswyddo drwy roi hysbysiad ysgrifenedig i'r Llywydd;
- (ch) hysbysiad terfynu o dan baragraff (5) yn cael effaith.

(5) O ran y Llywydd—

- (a) caiff, ar ôl ymgynghori â'r Cyngor Llywodraethu, drwy roi hysbysiad ysgrifenedig i gynrychiolydd rhanbarthol, derfynu swydd y cynrychiolydd rhanbarthol hwnnw; a
- (b) rhaid iddo, os cyfarwyddir ef i wneud hynny gan Weinidogion Cymru, roi i gynrychiolydd rhanbarthol hysbysiad ysgrifenedig sy'n terfynu swydd y cynrychiolydd rhanbarthol hwnnw, a bydd yr hysbysiad yn cael effaith ar ddiwedd pa bynnag gyfnod y cyfarwyddir felly.

(6) Cyn rhoi cyfarwyddyd dan baragraff (5)(b) rhaid i Weinidogion Cymru ymgynghori â'r Llywydd.

(7) Yn y rheoliad hwn—

ystyr "y cyfnod rhagnodedig" (*"the prescribed period"*) yw tri mis sy'n cychwyn gydag 1 Ebrill 2010 ac wedi hynny, tri mis sy'n cychwyn gyda'r dyddiad pan â swydd cynrychiolydd rhanbarthol yn wag; ac

ystyr "y nifer priodol" (*"the appropriate number"*), yn achos cynrychiolwyr rhanbarthol, yw pedwar llai'r nifer o bersonau sydd, ar y pryd, yn dal swydd fel y cyfryw; ac yn achos dirprwy gynrychiolwyr rhanbarthol, pedwar llai'r nifer o bersonau sydd, ar y pryd, yn dal swydd fel y cyfryw.

(8) At ddibenion y Rheoliadau hyn—

- (a) mae pedair rhanbarth;
- (b) mae'r rhanbarthau yn cynnwys yr ardaloedd a bennir yng ngholofn 1 o Atodlen 1; ac
- (c) caiff y rhanbarthau eu hadnabod gan yr enw cyfatebol yng ngholofn 2 o'r Atodlen hwnnw.

Anghymhwys o aelodaeth o'r Tribiwnlys Prisio

14.—(1) Bydd person yn anghymwys i'w benodi yn

following first occurs—

- (a) the expiration of the period of two years from the date on which the regional representative takes office (and for the purposes of this paragraph the first appointees to the office of regional representative are to be regarded as taking office on 1 July 2010);
- (b) that regional representative ceases to be a member of the Valuation Tribunal;
- (c) that regional representative resigns by giving notice in writing to the President;
- (d) notice of termination under paragraph (5) takes effect.

(5) The President—

- (a) may, after consultation with the Governing Council, by giving notice in writing to a regional representative terminate that regional representative's office; and
- (b) must, if so directed by the Welsh Ministers, give a regional representative notice in writing terminating that regional representative's appointment, which notice will take effect on the expiry of such period as may be so directed.

(6) Before giving a direction under paragraph (5)(b) the Welsh Ministers must consult the President.

(7) In this regulation—

"the appropriate number" (*"y nifer priodol"*) means, in the case of regional representatives, four less the number of persons for the time being holding office as such; and in the case of deputy regional representatives, four less the number of persons for the time being holding office as such; and

"the prescribed period" (*"y cyfnod rhagnodedig"*) means three months beginning with 1 April 2010 and thereafter three months beginning with the date when a vacancy for a regional representative occurs.

(8) For the purposes of these Regulations—

- (a) there are four regions;
- (b) the regions comprise the areas specified in column 1 of Schedule 1; and
- (c) the regions are to be known by the corresponding name in column 2 of that Schedule.

Disqualification from membership of the Valuation Tribunal

14.—(1) A person will be disqualified from being

aelod, neu i barhau yn aelod o'r Tribiwnlys Prisio—

- (a) os yw'r person hwnnw wedi ei ddyfarnu'n fethdalwr; neu
- (b) os yw'r person hwnnw wedi gwneud trefniant gyda chredydwy; neu
- (c) os yw'r person hwnnw, o fewn y pum mlynedd yn union cyn ei benodi neu ers pan ei benodwyd, wedi ei gollfarnu yn y Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw o unrhyw dramgwydd ac y gorchmynnwyd ei garcharu am gyfnod o dri mis neu ragor, heb yr opsiwn o ddirwy, pa un a ohirwyd y ddedfryd honno ai peidio; neu
- (ch) os yw'r person hwnnw wedi ei anghymhwysu ar y pryd rhag bod yn aelod o awdurdod lleol; neu
- (d) os yw'r person hwnnw neu'i briod neu'i bartner sifil yn gyflogai neu'n dod yn gyflogai i'r Tribiwnlys Prisio.

(2) Bydd anghymhwysiad person am y rheswm ym mharagraff (1)(a) yn dod i ben—

- (a) oni ddirymir y gorchymyn methdalau yn erbyn y person hwnnw'n gynharach, pan ryddheir y person hwnnw o fethdaliad; neu
- (b) os dirymir y gorchymyn methdalau felly, ar ddyddiad y dirymu.

(3) Bydd anghymhwysiad person am y rheswm ym mharagraff (1)(b) yn dod i ben —

- (a) os telir dyledion y person hwnnw'n llawn gan y person hwnnw, ar y dyddiad y cwblheir y taliad; neu
- (b) mewn unrhyw achos arall, ar ddiwedd pum mlynedd ar ôl y dyddiad y cyflawnir telerau'r weithred gompowndio neu'r trefniant.

(4) At ddibenion paragraff (1)(c), ystyrir mai dyddiad y gollfarn fydd y dyddiad cyffredin pan ddaw'r cyfnod a ganiateir ar gyfer apelio i ben, neu, os gwneir apêl o'r fath, y dyddiad pryd y penderfynir yr apêl yn derfynol, neu y rhoddir y gorau i'r apêl, neu ei bod yn methu oherwydd methiant i erlyn.

(5) At ddibenion y rheoliad hwn, ystyr "aelod o'r Tribiwnlys Prisio" yw aelod —

- (a) o'r Tribiwnlys Prisio a benodir o dan reoliad 9;
- (b) o'r Cyngor Llywodraethu a benodir o dan reoliad 7; neu
- (c) o hen Dribiwnlys a benodir i'r Tribiwnlys Prisio o dan reoliad 21.

appointed or continuing to be a member of the Valuation Tribunal if—

- (a) that person has been adjudged bankrupt; or
- (b) that person has made an arrangement with creditors; or
- (c) that person has, within the five years immediately preceding that person's appointment, or since that person's appointment, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of three months or more without the option of a fine, whether or not that sentence has been suspended; or
- (d) that person is for the time being disqualified from being a member of a local authority; or
- (e) that person or that person's spouse or civil partner is or becomes an employee of the Valuation Tribunal.

(2) A disqualification attaching to a person by reason of paragraph (1)(a) will cease—

- (a) unless the bankruptcy order made against that person is previously annulled, on that person's discharge from bankruptcy; or
- (b) if the bankruptcy order is so annulled, on the date of the annulment.

(3) A disqualification attaching to a person by reason of paragraph (1)(b) will cease—

- (a) if that person pays that person's debts in full, on the date on which the payment is completed; or
- (b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of paragraph (1)(c), the ordinary date on which the period allowed for making an appeal from a conviction expires, or, if such an appeal is made, the date on which it is finally disposed of or abandoned or fails by reason of non-prosecution, will be deemed to be the date of the conviction.

(5) For the purposes of this regulation, "member of the Valuation Tribunal" means a member—

- (a) of the Valuation Tribunal appointed under regulation 9;
- (b) of the Governing Council appointed under regulation 7; or
- (c) of an old Tribunal appointed to the Valuation Tribunal under regulation 21.

RHAN 3

Gweinyddu

Y prif weithredwr

15.–(1) Bydd gan y Tribiwnlys Prisio brif weithredwr.

(2) Rhaid gwneud penodiadau i swydd y prif weithredwr fel a ganlyn–

- (a) gwneir y penodiad cyntaf yn rhinwedd y trosglwyddiad o brif weithredwr yr hen Wasanaeth i'r Tribiwnlys Prisio yn unol â rheoliad 23; a
- (b) gwneir y penodiadau dilynol gan y Tribiwnlys Prisio.

(3) Rhaid gwneud penodiadau o dan baragraff (2)(b) gyda chydysniad Gweinidogion Cymru.

(4) Y prif weithredwr fydd clerc y Tribiwnlys Prisio.

(5) Mae cyfeiriadau yn y Rheoliadau hyn, ac eithrio rheoliad 16(1), at gyflogeion y Tribiwnlys Prisio yn cynnwys cyfeiriadau at ei brif weithredwr.

(6) Caniateir dirprwyo swyddogaethau'r prif weithredwr i gyflogeion eraill y Tribiwnlys Prisio fel a benderfynir gan y prif weithredwr.

(7) Ar ddiwedd cyfnod o chwe mis wedi i swydd y prif weithredwr fynd yn wag, os na fydd y Tribiwnlys Prisio wedi gwneud penodiad yn unol â pharagraff (2)(b), caiff Gweinidogion Cymru wneud y penodiad hwnnw ar ôl ymgynghori â'r Llywydd.

Cyflogeion

16.–(1) Caiff y Tribiwnlys Prisio benodi cyflogeion eraill fel y bydd yn penderfynu.

(2) Y telerau ac amodau y penodir y cyflogeion odanynt fydd y rhai y caiff y Tribiwnlys Prisio eu penderfynu.

(3) Caiff y Tribiwnlys Prisio dalu i'w gyflogeion pa bynnag gydnabyddiaeth a lwfansau a benderfynir ganddo, gyda chydysniad Gweinidogion Cymru.

(4) Caiff y Tribiwnlys Prisio, gyda chydysniad Gweinidogion Cymru–

- (a) dalu pa bynnag bensiynau neu arian rhodd y caiff eu pennu ganddo i'w gyflogeion neu gyn-gyflogeion, neu mewn perthynas â hwy;
- (b) talu pa bynnag gyfraniadau neu daliadau, y caiff eu pennu ganddo tuag at ddarpariaeth ar gyfer talu pensiynau neu arian rhodd i'w gyflogeion neu gyn-gyflogeion, neu mewn perthynas â hwy; ac

PART 3

Administration

Chief Executive

15.–(1) The Valuation Tribunal is to have a chief executive.

(2) Appointments to the position of chief executive are to be made as follows–

- (a) the first appointment is to be by virtue of the transfer of the chief executive of the old Service to the Valuation Tribunal in accordance with regulation 23; and
- (b) subsequent appointments are to be made by the Valuation Tribunal.

(3) Appointments under paragraph (2)(b) shall be made with the consent of the Welsh Ministers.

(4) The chief executive will be the clerk to the Valuation Tribunal.

(5) References in these Regulations, except regulation 16(1), to the employees of the Valuation Tribunal include references to its chief executive.

(6) The functions of the chief executive may be delegated to other employees of the Valuation Tribunal as the chief executive so determines.

(7) Where at the expiry of six months from a vacancy occurring in the office of chief executive the Valuation Tribunal have failed to make an appointment in accordance with paragraph (2)(b), that appointment may be made by the Welsh Ministers after consultation with the President.

Employees

16.–(1) The Valuation Tribunal may appoint other employees as it so determines.

(2) The terms and conditions on which the employees are appointed will be such as the Valuation Tribunal may determine.

(3) The Valuation Tribunal may pay to its employees such remuneration and allowances as it may with the consent of the Welsh Ministers determine.

(4) The Valuation Tribunal may with the consent of the Welsh Ministers–

- (a) pay such pensions or gratuities to or in respect of its employees or former employees as it may determine;
- (b) pay such contributions or payments as it may determine towards provision for the payment of pensions or gratuities to or in respect of its employees or former employees; and

- (c) darparu a chynnal pa bynnag gynlluniau (naill ai cyfrannol neu anghyfrannol) y caiff eu pennu ganddo ar gyfer talu pensiynau neu arian rhodd i'w gyflogeion neu gyn-gyflogeion neu mewn perthynas â hwy.

(5) Mae'r cyfeiriadau ym mharagraff (4) at bensiynau neu arian rhodd yn cynnwys cyfeiriadau at bensiynau neu arian rhodd a delir i gyflogeion, neu mewn perthynas â chyflogeion, fel iawndal am golli cyflogaeth neu golled neu leihad enillion.

(6) Cyfrifoldeb y prif weithredwr fydd gweinyddu'r gydnabyddiaeth a'r lwfansau a delir i gyflogeion y Tribiwnlys Prisio.

Lwfansau

17.-(1) Bydd hawl gan aelodau i gael pa bynnag lwfansau teithio, cynhaliath a lwfansau eraill y caiff Gweinidogion Cymru eu pennu o bryd i'w gilydd.

(2) Cyfrifoldeb y prif weithredwr fydd gweinyddu'r lwfansau a delir i aelodau.

(3) Mewn perthynas ag unrhyw daliad o dan baragraff (2), rhaid i'r prif weithredwr gadw cofnod ar gyfer y Tribiwnlys Prisio a'r Cyngor Llywodraethu o enw'r derbynnydd, y swm a'r rheswm dros wneud y taliad, a rhaid iddo ganiatáu i unrhyw berson a awdurdodir gan Weinidogion Cymru archwilio a gwneud copïau o gofnodion o'r fath.

(4) At ddibenion y rheoliad hwn, mae "aelod" yn cynnwys unrhyw berson a benodir o dan reoliad 7.

Pwyllgorau

18.-(1) Caiff y Tribiwnlys Prisio sefydlu pwyllgorau.

(2) Caiff y Cyngor Llywodraethu sefydlu is-bwyllgorau.

(3) Ceir penodi person nad yw'n aelod o'r Tribiwnlys Prisio i wasanaethau ar bwyllgor neu is-bwyllgor o'r fath.

(4) Mewn swyddogaeth ymgynghorol yn unig y caniateir i bwyllgor neu is-bwyllgor o'r fath weithredu.

Cofnodion

19.-(1) Rhaid cadw cofnodion o drafodion y Tribiwnlys Prisio, y Cyngor Llywodraethu a phwyllgorau ac is-bwyllgorau y Tribiwnlys a'r Cyngor Llywodraethu.

(2) Bydd cofnodion unrhyw drafodion o'r fath yn dystiolaeth o'r trafodion hynny os byddant wedi eu llofnodi gan y person sy'n dynodi iddo weithredu fel cadeirydd y trafodion sy'n destun y cofnodion neu unrhyw drafodion dilynol pan gymeradwywyd y cofnodion fel cofnod cywir.

- (c) provide and maintain such schemes (whether contributory or not) as it may determine for the payment of pensions or gratuities to or in respect of its employees or former employees.

(5) References in paragraph (4) to pensions or gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminishment of emoluments.

(6) The administration of the remuneration and allowances of the Valuation Tribunal's employees will be the responsibility of the chief executive.

Allowances

17.-(1) Members will be entitled to such travelling, subsistence and other allowances as the Welsh Ministers may from time to time determine.

(2) The administration of the allowances of members will be the responsibility of the chief executive.

(3) In respect of any payment under paragraph (2) the chief executive must keep a record for the Valuation Tribunal and the Governing Council of the name of the recipient, the amount and the reason for the payment, and must permit any person authorised by the Welsh Ministers to inspect and make copies of such records.

(4) For the purposes of this regulation "member" includes any person appointed under regulation 7.

Committees

18.-(1) The Valuation Tribunal may establish committees.

(2) The Governing Council may establish sub-committees.

(3) A person who is not a member of the Valuation Tribunal may be appointed to such a committee or a sub-committee.

(4) Such a committee or sub-committee may only act in an advisory capacity.

Minutes

19.-(1) Minutes shall be kept of proceedings of the Valuation Tribunal, the Governing Council and the other committees and sub-committees of the Valuation Tribunal and the Governing Council.

(2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by the person purporting to have acted as chairperson of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.

(3) Pan fo cofnodion unrhyw drafodion o'r fath wedi eu llofnodi fel a grybwyllir ym mharagraff (2), rhaid ystyried bod y trafodion hynny, oni phrofir i'r gwrthwyneb, wedi eu cynnull a'u cyfansoddi yn ddilys.

(4) Mae'r rheoliad hwn yn gymwys i gyfarfodydd neu benderfyniadau aelodau o'r Cyngor Llywodraethu pan fônt yn gweithredu o dan reoliad 8(2) fel y mae'n gymwys i drafodion a grybwyllir ym mharagraff (1).

Llety a chyfarpar

20. Rhaid i'r Tribiwnlys Prisio gynnal swyddfa barhaol; a swyddogaeth i'r prif weithredwr, ar ran y Tribiwnlys Prisio, fydd gwneud y cyfryw drefniadau a fydd yn sicrhau bod gan y Tribiwnlys Prisio ba bynnag lety arall a pha bynnag gyfarpar a fydd yn ddigonol ar gyfer cyflawni ei swyddogaethau.

RHAN 4

Darpariaethau Trosiannol

Penodi aelodau o'r hen Dribiwnlysoedd

21.—(1) Yn ddarostyngedig i reoliad 10(2), ar 1 Gorffennaf 2010 bydd unrhyw berson a oedd, yn union cyn y dyddiad hwnnw, yn aelod o hen Dribiwnlys ac a benodwyd gan gyngor a Llywydd yr hen Dribiwnlys hwnnw yn cael ei benodi yn aelod o'r Tribiwnlys Prisio.

(2) At ddibenion y rheoliad hwn, rhaid trin penodiad o dan baragraff (1) fel pe bai wedi ei wneud—

- (a) gan y cyngor a benododd yr aelod i'r hen Dribiwnlys a'r Llywydd; a
- (b) ar y dyddiad pan wnaed y penodiad i'r hen Dribiwnlys.

(3) Yn ddarostyngedig i reoliad 10(2), ar 1 Gorffennaf 2010 bydd unrhyw berson a oedd, yn union cyn y dyddiad hwnnw, yn aelod o hen Dribiwnlys ac a benodwyd gan Weinidogion Cymru yn cael ei benodi yn aelod o'r Tribiwnlys Prisio.

(4) Ar 1 Gorffennaf 2010 bydd unrhyw berson a oedd, yn union cyn y dyddiad hwnnw, yn aelod o Gyngor Llywodraethu yr hen Wasanaeth ac a benodwyd gan Weinidogion Cymru yn cael ei benodi yn aelod o'r Cyngor Llywodraethu.

(5) Caiff Gweinidogion Cymru, ar ôl ymgynghori â'r Llywydd, roi i unrhyw aelod a benodir o dan baragraff (3) neu (4) hysbysiad ysgrifenedig sy'n rhoi pa bynnag gyfnod a bennir ganddynt o rybudd o derfynu ei swydd.

(3) Where minutes of any such proceedings have been signed as mentioned in paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

(4) This regulation applies to meetings or determinations of members of the Governing Council when acting under regulation 8(2) as it applies to proceedings mentioned in paragraph (1).

Accommodation and equipment

20. The Valuation Tribunal must maintain a permanent office; and the chief executive will have the function on behalf of the Valuation Tribunal of making such arrangements as will secure that it has such other accommodation and such equipment as is sufficient for the performance of its functions.

PART 4

Transitional Provisions

Appointment of members of old Tribunals

21.—(1) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by a council and the President of that old Tribunal will be appointed a member of the Valuation Tribunal.

(2) For the purposes of this regulation, an appointment made under paragraph (1) will be regarded as if made—

- (a) by the council which appointed the member to the old Tribunal and the President; and
- (b) on the date on which the appointment to the old Tribunal was made.

(3) Subject to regulation 10(2), on 1 July 2010 any person who immediately before that date was a member of an old Tribunal appointed by the Welsh Ministers will be appointed a member of the Valuation Tribunal.

(4) On 1 July 2010 any person who immediately before that date was a member of the Governing Council of the old Service appointed by the Welsh Ministers will be appointed a member of the Governing Council.

(5) The Welsh Ministers may, after consultation with the President, give to any member appointed under paragraph (3) or (4) notice in writing giving such notice of termination of office as they determine.

Parhau penodiad Cadeiryddion yr hen Dribiwnlysoedd

22.–(1) Yn ddarostyngedig i reoliad 12(4), ar 1 Gorffennaf 2010, bydd unrhyw aelod a oedd yn union cyn y dyddiad hwnnw, yn Gadeirydd hen Dribiwnlys yn cael ei benodi yn un o Gadeiryddion y Tribiwnlys Prisio.

(2) Mae rheoliad 12(5) yn gymwys i Gadeirydd a benodir o dan baragraff (1) fel y mae'n gymwys i Gadeirydd a benodir o dan reoliad 12(2).

Trosglwyddo cyflogaeth i'r Tribiwnlys Prisio

23.–(1) Yn ddarostyngedig i baragraff (3), ar 1 Gorffennaf 2010 bydd contract cyflogaeth unrhyw berson a oedd, yn union cyn y dyddiad hwnnw, yn gyflogedig gan yr hen Wasanaeth yn cael ei drosglwyddo i'r Tribiwnlys Prisio, a bydd y contract hwnnw'n cael effaith fel pe bai wedi ei wneud yn wreiddiol rhwng y person a gyflogid felly a'r Tribiwnlys Prisio.

(2) Heb leihau effaith paragraff (1)–

- (a) bydd yr holl hawliau, pwerau, dyletswyddau a rhwymedigaethau o dan contract y mae'r paragraff hwnnw'n gymwys iddo, neu mewn cysylltiad â contract o'r fath, yn cael eu trosglwyddo, yn rhinwedd y rheoliad hwn, i'r Tribiwnlys Prisio ar 1 Gorffennaf 2010;
- (b) ystyrir, o 1 Gorffennaf 2010 ymlaen, y bydd unrhyw beth a wnaed cyn y dyddiad hwnnw gan yr hen Wasanaeth, neu mewn perthynas â'r hen Wasanaeth, ynglŷn â'r contract hwnnw neu'r cyflogai hwnnw, wedi ei wneud gan y Tribiwnlys Prisio neu mewn perthynas â'r Tribiwnlys Prisio.

(3) Ni chaiff paragraffau (1) a (2) leihau effaith unrhyw hawl sydd gan unrhyw gyflogai i derfynu ei contract cyflogaeth os gwneir newid sylweddol sy'n anffafriol iddo o ran ei amodau gwaith, ond nid oes unrhyw hawl o'r fath yn codi yn unig oherwydd y newid cyflogwr a ysgogir gan y rheoliad hwn

Trosglwyddo eiddo, hawliau a rhwymedigaethau

24. Ar 1 Gorffennaf 2010 trosglwyddir holl eiddo, hawliau a rhwymedigaethau'r hen Wasanaeth, nas cyfeirir atynt yn rheoliad 23, i'r Tribiwnlys Prisio.

Trosglwyddo apelau

25.–(1) Bydd unrhyw apêl i hen Dribiwnlys a gychwynnwyd cyn 1 Gorffennaf 2010 ac a fyddai, pe bai wedi ei chychwyn ar neu ar ôl y dyddiad hwnnw, wedi bod yn agored i'w phenderfynu gan y Tribiwnlys Prisio a sefydlir gan reoliad 4, yn cael ei throsglwyddo ar 1 Gorffennaf 2010 i'r Tribiwnlys Prisio ac yn cael ei phenderfynu ganddo.

Continuing appointment of Chairpersons of old Tribunals

22.–(1) Subject to regulation 12(4), on 1 July 2010 any member who immediately before that date was a Chairperson of an old Tribunal will be appointed a Chairperson of the Valuation Tribunal.

(2) Regulation 12(5) applies to a Chairperson appointed under paragraph (1) as it applies to a Chairperson appointed under regulation 12(2).

Transfer of employees to the Valuation Tribunal

23.–(1) Subject to paragraph (3), on 1 July 2010 any person who immediately before that date was employed by the old Service shall have his or her contract of employment transferred to the Valuation Tribunal and that contract will have effect as if originally made between the person so employed and the Valuation Tribunal.

(2) Without prejudice to paragraph (1)–

- (a) all the rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies will, by virtue of this regulation, be transferred to the Valuation Tribunal on the 1 July 2010;
- (b) anything done before that date by, or in relation to, the old Service in respect of that contract or that employee, will be deemed from 1 July 2010 to have been done by, or in relation to, the Valuation Tribunal.

(3) Paragraphs (1) and (2) are without prejudice to any right of any employee to terminate his or her contract of employment if a substantial change is made to his or her detriment in his or her working conditions, but no such right arises by reason only of the change in employer effected by this regulation.

Transfer of property, rights and liabilities

24. On 1 July 2010 all the property, rights and liabilities of the old Service, not referred to in regulation 23, are transferred to the Valuation Tribunal.

Transferred appeals

25.–(1) Any appeal to an old Tribunal which was initiated before 1 July 2010 and would, had it been initiated on or after that date, have fallen to be disposed of by the Valuation Tribunal established by regulation 4, will be transferred on 1 July 2010 to, and disposed of by, the Valuation Tribunal.

(2) Ar neu ar ôl 1 Gorffennaf 2010 –

- (a) bydd y darpariaethau statudol perthnasol yn gymwys fel pe bai unrhyw beth a wnaed mewn perthynas â'r apêl gan neu mewn perthynas â'r hen Dribiwnlys y'i trosglwyddwyd ohono neu Glerc, Llywydd neu Gadeirydd yr hen Dribiwnlys hwnnw, wedi ei wneud gan neu mewn perthynas â'r Tribiwnlys Prisio neu, yn ôl fel y digwydd, Glerc, Llywydd neu Gadeirydd y Tribiwnlys Prisio, a
- (b) rhaid dehongli unrhyw gyfeiriad (sut bynnag y'i mynegir) at Glerc, Llywydd neu Gadeirydd hen Dribiwnlys yn y darpariaethau statudol perthnasol neu mewn offerynnau a wneir odanynt, cyn belled ag y bo'n ofynnol er mwyn rhoi effaith i'r rheoliad hwn, fel cyfeiriad at Glerc neu, yn ôl fel y digwydd, Llywydd neu Gadeirydd y Tribiwnlys Prisio.

(3) Yn y rheoliad hwn, ystyr "y darpariaethau statudol perthnasol" yw–

- (a) mewn perthynas ag apelau o dan adran 16 o Ddeddf 1992 neu baragraff 3(1) o Atodlen 3 i'r Ddeddf honno, y Rheoliadau hyn;
- (b) mewn perthynas ag apelau o dan reoliadau a wnaed o dan adran 24 o Ddeddf 1992, y rheoliadau hynny;
- (c) mewn perthynas ag apelau o dan Atodlen 4A i Ddeddf 1988 Act (rhybuddion i gwblhau), o dan baragraff 5C o Atodlen 9 (cosbau sifil) i Ddeddf 1988 ac o dan reoliadau a wnaed o dan adran 55 o Ddeddf 1988 ("y Rheoliadau hynny"), y Rheoliadau hynny;
- (ch) mewn perthynas ag apelau o dan adran 45 o Ddeddf Draenio Tir 1991, y Ddeddf honno.

Dirwyn i ben

26.–(1) Bydd yr hen Dribiwnlysoedd a'r hen Wasanaeth yn peidio â bod ar 1 Gorffennaf 2010 .

(2) Yn ddarostyngedig i reoliad 10, ar 30 Mehefin 2010, bydd aelodau'r hen Dribiwnlysoedd yn peidio â dal swydd fel y cyfryw ar ddiwedd y diwrnod hwnnw.

(3) Bydd llywyddion yr hen Dribiwnlysoedd ar 30 Mehefin 2010, yn peidio â dal swydd fel y cyfryw ar ddiwedd y diwrnod hwnnw.

RHAN 5

Apelau Treth Gyngor

Dehongli

27.–(1) Yn y rhan hon–

ystyr "apêl" ("*appeal*"), onid yw'r cyd-destun yn

(2) On and after 1 July 2010–

- (a) the relevant statutory provisions will apply as if anything done in relation to the appeal by or in relation to the old Tribunal from which it is transferred or the Clerk, the President or a Chairperson of that old Tribunal, had been done by or in relation to the Valuation Tribunal or, as the case may be, the Clerk, the President or a Chairperson of the Valuation Tribunal, and
- (b) any reference (however framed) to a Clerk, President or a Chairperson of an old Tribunal in the relevant statutory provisions or instruments made under them will, so far as is required for giving effect to this regulation, be construed as a reference to the Clerk or, as the case may be, the President or a Chairperson of the Valuation Tribunal.

(3) In this regulation "the relevant statutory provisions" means –

- (a) in relation to appeals under section 16 of, or paragraph 3(1) of Schedule 3 to, the 1992 Act, these Regulations;
- (b) in relation to appeals under regulations made under section 24 of the 1992 Act, those regulations;
- (c) in relation to appeals under Schedule 4A to the 1988 Act (completion notices), under paragraph 5C of Schedule 9 (civil penalties) of the 1988 Act and under regulations made under section 55 of the 1988 Act ("those Regulations"), those Regulations;
- (d) in relation to appeals under section 45 of the Land Drainage Act 1991, that Act.

Winding Up

26.–(1) The old Tribunals and the old Service will cease to exist on 1 July 2010.

(2) Subject to regulation 10, the members of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.

(3) The presidents of the old Tribunals on 30 June 2010 will cease to hold office as such at the end of that day.

PART 5

Council Tax Appeals

Interpretation

27.–(1) In this Part–

"appeal" ("*apêl*"), unless the context otherwise

mynnu fel arall, yw apêl o dan—

- (a) adran 16 (apelau: cyffredinol) o Ddeddf 1992;
- (b) paragraff 3(1) o Atodlen 3 (cosbau) i Ddeddf 1992; neu
- (c) paragraff 4 o Atodlen 4A i Ddeddf 1988 fel y'i cymhwysir at ddibenion Rhan I o Ddeddf 1992 (y cyfeirir ati yn y Rhan hon fel "apêl yn erbyn rhybudd i gwblhau")(1);

ystyr "Clerc" ("*Clerc*") yw—

- (a) y prif weithredwr; a
- (b) unrhyw gyflogai arall y Tribiwnlys Prisio a benodir o dan reoliad 15(6) ac y dirprwywyd iddo rai neu'r cyfan o swyddogaethau'r Clerc o dan y Rhan hon;

ystyr "cosb" ("*penalty*") yw cosb a osodir o dan baragraff 1 o Atodlen 3 i Ddeddf 1992;

ystyr "hysbysiad am apêl" ("*notice of appeal*") yw hysbysiad o dan reoliad 30(1);

ystyr "Panel Apêl" ("*Appeal Panel*") yw aelodau o'r Tribiwnlys Prisio wedi eu cynnull yn unol â'r Rhan hon at y diben o benderfynu apêl;

ystyr "rhestr" ("*list*") yw rhestr brisio a luniwyd o dan Bennod 2 o Ran 1 o Ddeddf 1992; ac

ystyr "swyddog rhestru" ("*listing officer*") mewn perthynas ag apêl, yw'r swyddog a benodir o dan adran 20 ar gyfer yr awdurdod lle y saif yr annedd y mae'r apêl yn ymwneud â hi.

(2) Mae unrhyw gyfeiriad yn y Rhan hon—

- (a) at barti mewn apêl, yn cynnwys yr apelydd ac unrhyw berson sydd â hawl, yn unol â'r Rhan hon, i gael copi wedi ei gyflwyno iddo o hysbysiad am apêl yr apelydd; a
- (b) at adran wedi'i rhifo, onid yw'r cyd-destun yn mynnu fel arall, yn gyfeiriad at yr adran a rifwyd felly yn Neddf 1992.

Panelau Apêl mewn amgylchiadau arbennig

28.—(1) Pan fo'r apelydd—

- (a) yn gyn-aelod o hen Dribiwnlys,
- (b) yn gyn-gyflogai hen Dribiwnlys, yr hen Wasanaeth neu'r Tribiwnlys Prisio, neu
- (c) yn gyflogai neu'n aelod o'r Tribiwnlys Prisio;

rhaidd ymdrin â'r apêl gan ba bynnag aelodau o'r Tribiwnlys Prisio a benodir at y diben hwnnw gan y Llywydd.

requires, means an appeal under—

- (a) section 16 (appeals: general) of the 1992 Act;
- (b) paragraph 3(1) of Schedule 3 (penalties) to the 1992 Act; or
- (c) paragraph 4 of Schedule 4A to the 1988 Act as it applies for the purposes of Part I of the 1992 Act (in this Part called an "appeal against a completion notice")(1);

"Appeal Panel" ("*Panel Apêl*") means the members of the Valuation Tribunal convened in accordance with this Part for the purpose of disposing of an appeal;

"Clerc" ("*Clerc*") means —

- (a) the chief executive; and
- (b) any other employee of the Valuation Tribunal appointed under regulation 15(6) to whom some or all of the functions of the Clerc in this Part have been delegated;

"list" ("*rhestr*") means a valuation list compiled under Chapter 2 of Part 1 of the 1992 Act;

"listing officer" ("*swyddog rhestru*") in relation to an appeal, means the officer appointed under section 20 for the authority in whose area the dwelling to which the appeal relates is situated;

"notice of appeal" ("*hysbysiad am apêl*") means a notice under regulation 30(1); and

"penalty" ("*cosb*") means a penalty imposed under paragraph 1 of Schedule 3 to the 1992 Act.

(2) Any reference in this Part —

- (a) to a party to an appeal, includes the appellant and any person entitled in pursuance of this Part to be served with a copy of the appellant's notice of appeal; and
- (b) to a numbered section is, unless the context otherwise requires, a reference to the section so numbered in the 1992 Act.

Appeal Panels in special circumstances

28.—(1) Where the appellant is—

- (a) a former member of an old Tribunal,
- (b) a former employee of an old Tribunal, of the old Service or of the Valuation Tribunal, or
- (c) an employee or member of the Valuation Tribunal;

the appeal must be dealt with by such members of the Valuation Tribunal as may be appointed for that purpose by the President.

(1) Mae adran 17 o Ddeddf 1992 yn cymhwyso Atodlen 4A i Ddeddf 1988 (ac eithrio paragraff 6) at ddibenion Rhan I o Ddeddf 1992.

(1) Section 17 of the 1992 Act applies Schedule 4A to the 1988 Act (with the exception of paragraph 6) for the purposes of Part I of the 1992 Act.

(2) Os yw'n ymddangos i'r Llywydd, oherwydd gwrthdrawiad buddiannau neu'r ymddangosiad o wrthdrawiad o'r fath, y byddai'n amhriodol pe bai aelodau penodol o'r Tribiwnlys Prisio yn ymdrin ag apêl, rhaid i'r Llywydd benodi aelodau eraill i ymdrin â'r apêl honno.

Terfynau amser

29.—(1) Bydd apêl gan berson, y bodlonir mewn perthynas ag ef yr amod a grybwyllir yn adran 16(7)(a) neu (b), yn cael ei gwrthod oni chychwynnir hi yn unol â'r Rhan hon yn ddim hwyrach nag ar ddiwedd cyfnod o ddau fis sy'n dechrau gyda'r dyddiad y cyflwynir hysbysiad yr awdurdod bilio dan yr adran honno.

(2) Pan fodlonir yr amod a grybwyllir yn adran 16(7)(c), gwrthodir apêl gan y person a dramgwyddwyd oni chychwynnir hi o fewn pedwar mis ar ôl dyddiad cyflwyno hysbysiad y person hwnnw o dan adran 16(4).

(3) Gwrthodir apêl o dan baragraff (3) o Atodlen 3 i Ddeddf 1992 oni chychwynnir hi'n ddim hwyrach nag ar ddiwedd cyfnod o ddau fis sy'n dechrau gyda dyddiad cyflwyno'r hysbysiad ysgrifenedig o osod y gosb.

(4) Gwrthodir apêl yn erbyn rhybudd i gwblhau oni chychwynnir hi'n ddim hwyrach nag ar ddiwedd cyfnod o bedair wythnos sy'n dechrau gyda dyddiad cyflwyno'r rhybudd.

(5) Er gwaethaf paragraffau (1) i (4), caiff y Llywydd awdurdodi ystyried apêl, os bodlonir y Llywydd bod y person a dramgwyddwyd wedi methu â chychwyn yr apêl fel a ddarperir gan y rheoliad hwn oherwydd amgylchiadau y tu hwnt i reolaeth y person hwnnw.

Cychwyn apêl

30.—(1) Rhaid cychwyn apêl drwy gyflwyno hysbysiad ysgrifenedig i'r Clerc.

(2) Os gwneir yr apêl o dan adran 16, rhaid i'r hysbysiad am apêl gynnwys yr wybodaeth ganlynol—

- (a) ar ba seiliau y gwneir yr apêl;
- (b) y dyddiad pan gyflwynwyd yr hysbysiad o dan adran 16(4) i'r awdurdod bilio, ac
- (c) y dyddiad, os oedd un, pan hysbyswyd yr apelydd gan yr awdurdod, fel y crybwyllir yn adran 16(7)(a) neu (b).

(3) Pan fo'r apêl yn apêl yn erbyn rhybudd i gwblhau, rhaid cyflwyno'r hysbysiad am apêl ynghyd â'r canlynol —

- (a) copi o'r rhybudd i gwblhau; a
- (b) datganiad yn nodi ar ba seiliau y gwneir yr apêl.

(2) Where it appears to the President that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Valuation Tribunal, the President must appoint other members to deal with that appeal.

Time limits

29.—(1) An appeal by a person in relation to whom the condition mentioned in section 16(7)(a) or (b) is fulfilled will be dismissed unless it is initiated in accordance with this Part not later than the expiry of two months beginning with the date of service of the billing authority's notice under that section.

(2) When the condition mentioned in section 16(7)(c) is fulfilled, an appeal by the aggrieved person will be dismissed unless it is initiated within four months of the date of service of that person's notice under section 16(4).

(3) An appeal under paragraph 3 of Schedule 3 to the 1992 Act will be dismissed unless it is initiated not later than the expiry of two months beginning with the date of service of written notice of the imposition of the penalty.

(4) An appeal against a completion notice will be dismissed unless it is initiated not later than the expiry of four weeks beginning with the date of service of the notice.

(5) Notwithstanding paragraphs (1) to (4), the President may authorise an appeal to be entertained where the President is satisfied that the failure of the person aggrieved to initiate the appeal as provided by this regulation has arisen by reason of circumstances beyond that person's control.

Initiating an appeal

30.—(1) An appeal must be initiated by serving on the Clerk a notice in writing.

(2) Where the appeal is made under section 16, the notice of appeal must contain the following information—

- (a) the grounds on which the appeal is made;
- (b) the date on which the notice under section 16(4) was served on the billing authority; and
- (c) the date, if any, on which the appellant was notified by the authority as mentioned in section 16(7)(a) or (b).

(3) Where the appeal is an appeal against a completion notice, the notice of appeal must be accompanied by—

- (a) a copy of the completion notice; and
- (b) a statement of the grounds on which the appeal is made.

(4) Os gwneir yr apêl yn erbyn gosod cosb, rhaid i'r hysbysiad am apêl gynnwys yr wybodaeth ganlynol –

- (a) ar ba seiliau y gwneir yr apêl; a
- (b) dyddiad cyflwyno'r hysbysiad ysgrifenedig o osod cosb.

(5) Rhaid i'r Clerc, o fewn dwy wythnos ar ôl cyflwyno'r hysbysiad am apêl, hysbysu'r apelydd bod y Clerc wedi derbyn yr hysbysiad, a rhaid iddo gyflwyno copi ohonno i'r awdurdod bilio y mae ei benderfyniad, ei weithred neu ei hysbysiad yn destun yr apêl, ac i unrhyw awdurdod bilio arall sy'n ymddangos i'r Clerc yn gysylltiedig â'r mater.

Trefniadau ar gyfer apelau

31.–(1) Rhaid i'r Llywydd sicrhau y gwneir trefniadau ar gyfer penderfynu apelau yn unol â darpariaethau canlynol y Rhan hon.

(2) Mae'r paragraff hwn yn gymwys pan fo apêl o dan y Rhan hon ac apêl o dan un neu ragor o'r canlynol–

- (a) rheoliadau a wnaed o dan adran 55 o Ddeddf 1988,
- (b) rheoliadau o dan adran 24,

yn ymwneud â'r un eiddo.

(3) Pan fo paragraff (2) yn gymwys–

- (a) rhaid i'r Llywydd sicrhau yr ymdrinnir â'r apelau ym mha bynnag drefn sy'n ymddangos i'r Llywydd fel y drefn orau o ran sicrhau buddiannau cyfiawnder;
- (b) rhaid i'r swyddog prisio neu'r swyddog rhestru (yn ôl y digwydd) a'r awdurdod bilio gael eu cyplysu fel parti i apêl dan y Rhan hon.

(4) Ym mharagraff (3), ystyr "swyddog prisio" yw'r swyddog a benodir o dan adran 61(1)(a) o Ddeddf 1988.

(5) Rhaid i'r Clerc, cyn gynted ag y bo'n rhesymol ymarferol, gyflwyno copi o'r hysbysiad am apêl i berson a wnaed yn barti yn unol â pharagraff (3).

Tynnu'n ôl

32.–(1) Ceir tynnu apêl yn ôl drwy roi hysbysiad ysgrifenedig i'r Clerc cyn dechrau gwrandawriad, neu ddechrau ystyriaeth o sylwadau ysgrifenedig gan Banel Apêl.

(2) Rhaid i'r Clerc hysbysu'r apelydd pan fydd wedi cael yr hysbysiad tynnu'n ôl, a rhaid iddo gyflwyno copi o'r hysbysiad i bob parti arall i'r apêl.

(4) Where the appeal is against the imposition of a penalty, the notice of appeal must contain the following information–

- (a) the grounds on which the appeal is made; and
- (b) the date of service of written notice of the imposition of a penalty.

(5) The Clerk must, within two weeks of service of the notice of appeal, notify the appellant that the Clerk has received the notice, and must serve a copy of it on the billing authority whose decision, action or notice is the subject of the appeal, and any other billing authority appearing to the Clerk to be concerned with the matter.

Arrangements for appeals

31.–(1) The President must secure that arrangements are made for appeals to be determined in accordance with the following provisions of this Part.

(2) This paragraph applies where an appeal under this Part and an appeal under one or more of the following–

- (a) regulations made under section 55 of the 1988 Act,
- (b) regulations made under section 24,

relate to the same property.

(3) Where paragraph (2) applies–

- (a) the President will secure that the appeals are dealt with in such order as appears to the President best designed to secure the interests of justice;
- (b) the valuation officer or the listing officer (as the case may be) and the billing authority must be joined as a party to an appeal under this Part.

(4) In paragraph (3), "valuation officer" means the officer appointed under section 61(1)(a) of the 1988 Act.

(5) The Clerk must as soon as is reasonably practicable serve a copy of the notice of appeal on a person who has been made a party in accordance with paragraph (3).

Withdrawal

32.–(1) An appeal may be withdrawn by notice in writing given to the Clerk before the commencement of a hearing or of consideration of written representations by an Appeal Panel.

(2) The Clerk must notify the appellant when the notice of withdrawal has been received, and must serve a copy of the notice on all the other parties to the appeal.

Penderfynu drwy sylwadau ysgrifenedig

33.—(1) Ceir penderfynu apêl ar sail sylwadau ysgrifenedig os yw pob parti wedi cytuno i hynny mewn ysgrifen.

(2) Pan fo pob parti wedi cytuno fel y nodir ym mharagraff (1), rhaid i'r Clerc gyflwyno hysbysiad i'r partïon yn unol â hynny, ac, o fewn pedair wythnos ar ôl cyflwyno hysbysiad o'r fath i barti, caiff pob parti gyflwyno i'r Clerc hysbysiad sy'n datgan—

- (a) y rhesymau, neu'r rhesymau pellach am yr anghytundeb sydd wedi ysgogi'r apêl; neu
- (b) nad yw'r parti hwnnw'n bwriadu gwneud sylwadau pellach.

(3) Rhaid i gopi o unrhyw hysbysiad a gyflwynir yn unol â pharagraff (2) gael ei gyflwyno gan y Clerc i'r parti neu'r partïon eraill i'r apêl, a rhaid anfon gydag ef ddatganiad o effaith paragraffau (4) a (5).

(4) Caiff unrhyw barti y cyflwynir hysbysiad iddo o dan baragraff (3), o fewn pedair wythnos ar ôl y cyflwyno hwnnw, gyflwyno i'r Clerc hysbysiad pellach sy'n datgan ateb y parti hwnnw i ddatganiad y parti arall, neu'n datgan nad yw'r parti hwnnw'n bwriadu gwneud sylwadau pellach, yn ôl fel y digwydd; a rhaid i'r Clerc gyflwyno copi o unrhyw hysbysiad pellach o'r fath i'r parti neu'r partïon eraill.

(5) Ar ôl cyfnod o bedair wythnos sy'n dechrau ar ddiwedd y cyfnod o bedair wythnos a grybwyllir ym mharagraff (4), rhaid i'r Clerc gyflwyno copïau o'r canlynol i Banel Apêl—

- (a) unrhyw wybodaeth a drosglwyddwyd i'r Clerc dan y Rheoliadau hyn, a
- (b) unrhyw hysbysiad o dan baragraff (2) neu (4).

(6) Caiff y Panel Apêl y cyfeirir apêl iddo fel y darperir ym mharagraff (5), os gwêl yn briodol—

- (a) gwneud yn ofynnol bod unrhyw barti'n darparu gwybodaeth ysgrifenedig bellach am y seiliau y dibynna arnynt ac am unrhyw ffeithiau neu haeriadau perthnasol; neu
- (b) gorchymyn bod yr apêl i'w phenderfynu ar sail gwrandawriad.

(7) Pan fo Panel Apêl yn gwneud yn ofynnol bod unrhyw barti'n darparu unrhyw fanylion o dan baragraff (6)(a), rhaid i'r Clerc gyflwyno copi o'r cyfryw fanylion i bob parti arall, a chaiff pob parti o'r fath o fewn pedair wythnos ar ôl cyflwyno felly, gyflwyno i'r Clerc unrhyw ddatganiad pellach y dymuna'r parti hwnnw eu gwneud mewn ymateb.

Hysbysiad o wrandawriad

34.—(1) Pan fo'r apêl i'w phenderfynu ar sail gwrandawriad, rhaid i'r Clerc, o leiaf bedair wythnos cyn y dyddiad dan sylw, gyflwyno i'r partïon hysbysiad sy'n nodi'r dyddiad, yr amser a'r lleoliad a bennwyd ar gyfer y gwrandawriad.

Disposal by written representations

33.—(1) An appeal may be disposed of on the basis of written representations if all the parties have given their agreement in writing.

(2) Where all the parties have given their agreement as mentioned in paragraph (1), the Clerk must serve notice on the parties accordingly; and, within four weeks of service of such a notice on a party, each party may serve on the Clerk a notice stating—

- (a) the reasons or further reasons for the disagreement giving rise to the appeal; or
- (b) that party does not intend to make further representations.

(3) A copy of any notice served in pursuance of paragraph (2) must be served by the Clerk on the other party or parties to the appeal, and must be accompanied by a statement of the effect of paragraphs (4) and (5).

(4) Any party on whom a notice is served under paragraph (3) may, within four weeks of that service, serve on the Clerk a further notice stating that party's reply to the other party's statement, or that that party does not intend to make further representations, as the case may be; and the Clerk must serve a copy of any such further notice on the other party or parties.

(5) After the expiry of four weeks beginning with the expiry of the period of four weeks mentioned in paragraph (4) the Clerk must submit to an Appeal Panel copies of—

- (a) any information transmitted to the Clerk under these Regulations, and
- (b) any notice under paragraph (2) or (4).

(6) The Appeal Panel to which an appeal is referred as provided in paragraph (5) may if it thinks fit—

- (a) require any party to furnish in writing further particulars of the grounds relied on and of any relevant facts or contentions; or
- (b) order that the appeal be disposed of on the basis of a hearing.

(7) Where an Appeal Panel requires any party to furnish any particulars under paragraph (6)(a), the Clerk must serve a copy of such particulars on every other party, and each such party may within four weeks of such service serve on the Clerk any further statement they wish to make in response.

Notice of hearing

34.—(1) Where the appeal is to be disposed of on the basis of a hearing, the Clerk must, not less than four weeks before the date in question, serve on the parties notice of the date, time and place appointed for the hearing.

(2) Rhaid i'r Clerc hysbysebu'r dyddiad, yr amser a'r lleoliad a bennir ar gyfer unrhyw wrandawriad drwy beri bod hysbysiad sy'n nodi'r cyfryw wybodaeth yn cael ei arddangos mewn man amlwg –

- (a) y tu allan i swyddfa'r awdurdod bilio, a bennwyd gan yr awdurdod at y diben hwnnw, neu
- (b) mewn man arall o fewn ardal yr awdurdod hwnnw.

(3) Rhaid i'r rhybudd sy'n ofynnol o dan baragraff (2) enwi man lle y gellir archwilio rhestr o'r apelau sydd i'w clywed.

(4) Pan fo gwrandawriad apêl wedi ei ohirio, rhaid i'r Clerc gymryd pa gamau bynnag sy'n rhesymol ymarferol yn yr amser sydd ar gael –

- (a) i hysbysu'r partïon o'r gohiriad; a
- (b) i hysbysebu'r gohiriad.

Anghymhwysio rhag cymryd rhan

35.–(1) Anghymhwysir person rhag cymryd rhan fel aelod yn y gwrandawriad, neu wrth benderfynu apêl, neu weithredu fel Clerc neu swyddog y Tribiwnlys Prisio mewn perthynas ag apêl, os yw'r person hwnnw'n aelod o'r awdurdod bilio perthnasol.

(2) Yn y rheoliad hwn, ystyr "awdurdod bilio perthnasol" yw–

- (a) yn achos apêl yn erbyn rhybudd i gwblhau, yr awdurdod bilio y mae'r annedd sy'n destun yr apêl wedi ei lleoli ynddi; a
- (b) mewn unrhyw achos arall, yr awdurdod bilio yr apelir yn erbyn ei benderfyniad.

(3) Anghymhwysir person rhag cymryd rhan fel aelod yn y gwrandawriad, neu wrth benderfynu apêl, neu weithredu fel Clerc neu swyddog y Tribiwnlys Prisio mewn perthynas ag apêl, os yw'r apelydd yn briod neu'n bartner sifil i'r person hwnnw neu os yw'r person hwnnw'n cynnal yr apelydd yn ariannol, neu dan rwymedigaeth i wneud hynny.

(4) Fel arall, nid anghymhwysir person rhag gweithredu mewn unrhyw swyddogaeth mewn perthynas ag apêl, am yr unig reswm bod y person hwnnw'n aelod o awdurdod sy'n cael refeniw yn uniongyrchol neu'n anuniongyrchol o daliadau mewn perthynas â'r dreth gyngor, ac y gallai arfer swyddogaethau'r person hwnnw effeithio ar y taliadau hynny.

Cynrychiolaeth yn y gwrandawriad

36. Caiff unrhyw barti i apêl sydd i'w phenderfynu mewn gwrandawriad ymddangos yn bersonol (gyda chymorth, os yw'n dymuno hynny, gan unrhyw berson arall), neu ei gynrychioli gan gwnsler neu gyfreithiwr, neu gan unrhyw gynrychiolydd arall (ac eithrio person

(2) The Clerk will advertise the date, time and place appointed for any hearing by causing a notice giving such information to be conspicuously displayed–

- (a) outside an office of the billing authority appointed by the authority for that purpose, or
- (b) in another place within that authority's area.

(3) The notice required by paragraph (2) must name a place where a list of the appeals to be heard may be inspected.

(4) Where the hearing of an appeal has been postponed, the Clerk must take such steps as are reasonably practicable in the time available–

- (a) to notify the parties of the postponement; and
- (b) to advertise the postponement.

Disqualification from participating

35.–(1) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of the Valuation Tribunal in relation to, an appeal if that person is a member of the relevant billing authority.

(2) In this regulation "relevant billing authority" means–

- (a) in the case of an appeal against a completion notice, the billing authority in whose area is situated the dwelling which is the subject matter of the appeal; and
- (b) in any other case, the billing authority whose decision is being appealed against.

(3) A person will be disqualified from participating as a member in the hearing or determination of, or acting as Clerk or officer of the Valuation Tribunal in relation to, an appeal if the appellant is that person's spouse, civil partner or that person supports the appellant financially or is liable to do so.

(4) A person will not otherwise be disqualified from acting in any capacity in relation to an appeal by reason only of the fact that that person is a member of an authority which derives revenue directly or indirectly from payments in respect of council tax which may be affected by the exercise of that person's functions.

Representation at the hearing

36. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance, if wished, from any person), or be represented by counsel or solicitor, or any other representative (other than a person who is a member of the Valuation Tribunal or

sy'n aelod o'r Tribiwnlys Prisio neu'r Cyngor Llywodraethu, neu sy'n gyflogai'r Tribiwnlys Prisio).

Trefn y gwrandawriad – Panelau Apêl

37.–(1) Yn ddarostyngedig i baragraff (2), gweithredir swyddogaeth y Tribiwnlys Prisio o wrando neu benderfynu apêl gan banel o dri aelod o'r Tribiwnlys Prisio ("Panel Apêl"), y bydd yn rhaid iddo gynnwys o leiaf un Cadeirydd; a Chadeirydd fydd yn llywyddu.

(2) Pan fo pob parti sy'n ymddangos mewn apêl yn cytuno felly, ceir penderfynu'r apêl gan ddau aelod o'r Tribiwnlys Prisio, ac er gwaethaf absenoldeb Cadeirydd.

(3) Rhaid cynnal y gwrandawriad yn gyhoeddus, oni fydd y Panel Apêl yn gorchymyn fel arall ar gais un o'r partïon, wedi i'r Panel gael ei fodloni y byddai gwrandawriad cyhoeddus yn cael effaith niweidiol ar fuddiannau'r parti hwnnw.

(4) Os metha'r apelydd ag ymddangos yn y gwrandawriad, caiff y Panel Apêl wrthod yr apêl, ac os metha unrhyw barti arall ag ymddangos, caiff y Panel Apêl wrando a phenderfynu'r apêl yn absenoldeb y parti hwnnw.

(5) Caiff y Panel Apêl wneud yn ofynnol bod unrhyw dyst yn rhoi tystiolaeth ar lw neu gadarnhad, a bydd pŵer gan y Panel Apêl, at y diben hwnnw, i weinyddu llw neu gadarnhad yn y ffurf briodol.

(6) Caiff partïon yn y gwrandawriad eu clywed ym mha drefn bynnag a benderfynir gan y Panel Apêl, a chânt holi unrhyw dystion gerbron y Panel Apêl, a galw tystion.

(7) Caniateir gohirio gwrandawriad am ba gyfnod bynnag o amser, i ba le bynnag ac ar ba delerau bynnag (os bydd telerau) a ystyrir yn briodol gan y Panel Apêl; a rhaid rhoi cyfnod rhesymol o rybudd i bob un o'r partïon, o amser a lleoliad y gwrandawriad gohiriedig.

(8) Os ystyria hynny'n briodol, caiff Panel Apêl, ar ôl hysbysu'r partïon a'u gwahodd i fod yn bresennol, archwilio unrhyw annedd sy'n destun apêl.

(9) Yn ddarostyngedig i unrhyw ddarpariaethau yn y Rhan hon—

- (a) rhaid i'r Panel Apêl gynnal y gwrandawriad yn y modd yr ystyria'n fwyaf priodol o ran egluro'r materion ger ei fron ac yn gyffredinol i ymdrin yn gyfiawn â'r achos;
- (b) rhaid i'r Panel Apêl, cyn belled ag yr ymddengys yn briodol iddo, geisio osgoi ffurfioldeb yn ei drafodion; ac
- (c) ni chaiff y Panel Apêl ei rwymo gan unrhyw ddeddfiad neu reol cyfraith sy'n ymwneud â derbynioldeb tystiolaeth gerbron llysoedd barn.

the Governing Council or an employee of the Valuation Tribunal).

Conduct of the hearing – Appeal Panels

37.–(1) Subject to paragraph (2), the Valuation Tribunal's function of hearing or determining an appeal will be discharged by a panel of three members of the Valuation Tribunal ("an Appeal Panel") which must include at least one Chairperson; and a Chairperson will preside.

(2) Where all parties to an appeal who appear so agree, the appeal may be decided by two members of an Appeal Panel, and notwithstanding the absence of a Chairperson.

(3) The hearing must take place in public, unless the Appeal Panel otherwise orders on the application of a party and on being satisfied that the interests of that party would be prejudicially affected by a public hearing.

(4) If the appellant fails to appear at the hearing, the Appeal Panel may dismiss the appeal, and if any other party does not appear the Appeal Panel may hear and determine the appeal in that party's absence.

(5) The Appeal Panel may require any witness to give evidence under oath or affirmation, and will have power for that purpose to administer an oath or affirmation in due form.

(6) Parties at the hearing may be heard in such order as the Appeal Panel may determine, and may examine any witness before the Appeal Panel and call witnesses.

(7) A hearing may be adjourned for such time, to such place and on such terms (if any) as the Appeal Panel thinks fit; and reasonable notice of the time and place to which the hearing has been adjourned must be given to every party.

(8) If it thinks fit an Appeal Panel may, after notice to the parties inviting them to be present, inspect any dwelling which is the subject of an appeal.

(9) Subject to any provisions of this Part, the Appeal Panel—

- (a) must conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings;
- (b) must, so far as appears to it appropriate, seek to avoid formality in its proceedings; and
- (c) will not be bound by any enactment or rule of law relating to the admissibility of evidence before courts of law.

Tystiolaeth: cyffredinol

38.—(1) Mae'r rheoliad hwn yn gymwys i wybodaeth a gyflenwir yn unol â rheoliadau o dan adran 13 o Ddeddf 1992 neu Atodlen 2 i'r Ddeddf honno.

(2) Yn ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn, bydd gwybodaeth y mae'r rheoliad hwn yn gymwys iddi yn dderbyniadwy mewn unrhyw achos perthnasol fel tystiolaeth o unrhyw ffaith a nodir ynddi; a rhaid cymryd yn ganiataol bod unrhyw ddogfen sy'n dynodi ei bod yn cynnwys gwybodaeth o'r fath, oni phrofir yn wahanol—

- (a) wedi ei chyflenwi gan y person y mae'n dynodi iddi gael ei chyflenwi ganddo; a
- (b) wedi ei chyflenwi gan y person hwnnw yn rhinwedd unrhyw swyddogaeth y dynodir iddi gael ei chyflenwi ganddo.

(3) Ni chaiff awdurdod bilio ddefnyddio gwybodaeth y mae'r rheoliad hwn yn berthnasol iddi mewn unrhyw achosion perthnasol—

- (a) oni fydd cyfnod o rybudd o ddim llai na dwy wythnos wedi ei roi ymlaen llaw i bob parti arall yn yr achos, gan nodi'r wybodaeth y bwriedir ei defnyddio felly a'r annedd neu'r person y mae'r wybodaeth yn berthynol iddi neu iddo; ac
- (b) oni fydd unrhyw berson, nad yw wedi rhoi dim llai na 24 awr o rybudd o'i fwriad i wneud hynny, wedi ei ganiatáu gan yr awdurdod, ar unrhyw adeg resymol—
 - (i) i archwilio'r dogfennau a chyfryngau eraill y delir y wybodaeth ynddynt neu arnynt; a
 - (ii) i wneud copi o unrhyw ddogfen neu unrhyw ddarn o ddogfen sy'n cynnwys gwybodaeth o'r fath.

(4) Os nad yw unrhyw wybodaeth y mae angen ei rhoi ar gael i'w harchwilio yn unol â'r rheoliad hwn yn cael ei chadw ar ffurf dogfen, bodlonir y ddyletswydd i sicrhau bod yr wybodaeth ar gael felly os sicheir bod allbrint, ffotograff neu atgynhyrchiad arall o'r wybodaeth, a adalwyd o'r cyfrwng storio a ddefnyddir i gadw'r wybodaeth honno, ar gael i'w archwilio.

(5) Yn y rheoliad hwn, ystyr "achos(ion) perthnasol" yw unrhyw achos(ion) ar, neu o ganlyniad i apêl, ac unrhyw achos(ion) ar neu o ganlyniad i atgyfeirio ar gyfer cymrodeddu o dan reoliad 45.

Tystiolaeth o restrau a dogfennau eraill

39.—(1) Ceir profi cynnwys rhestr drwy ddangos copi ohoni, neu gopi o'r rhan berthnasol ohoni, sy'n dynodi bod y swyddog rhestru wedi ardystio ei fod yn gopi cywir.

(2) Ceir profi cynnwys rhybudd i gwblhau drwy

Evidence: general

38.—(1) This regulation applies to information supplied in pursuance of regulations under section 13 or Schedule 2 to the 1992 Act.

(2) Subject to the following provisions of this regulation, information to which this regulation applies will in any relevant proceedings be admissible as evidence of any fact stated in it; and any document purporting to contain such information will, unless the contrary is shown, be presumed—

- (a) to have been supplied by the person by whom it purports to have been supplied; and
- (b) to have been supplied by that person in any capacity in which it purports to have been supplied.

(3) Information to which this regulation applies must not be used in any relevant proceedings by a billing authority unless—

- (a) not less than two weeks' notice, specifying the information to be so used and the dwelling or person to which or to whom it relates, has previously been given to every other party to the proceedings; and
- (b) any person who has given not less than 24 hours' notice of that person's intention to do so has been permitted by that authority at any reasonable time—
 - (i) to inspect the documents and other media in or on which such information is held; and
 - (ii) to make a copy of, or of any extract from, any document containing such information.

(4) If any information required to be made available for inspection in accordance with this regulation is not maintained in documentary form, the duty to make it so available is satisfied if a print-out, photographic image or other reproduction of the information, which has been obtained from the storage medium adopted in relation to that information, is made available for inspection.

(5) In this regulation "relevant proceedings" means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 45.

Evidence of lists and other documents

39.—(1) The contents of a list may be proved by the production of a copy of the list, or of the relevant part, purporting to be certified to be a true copy by the listing officer.

(2) The contents of a completion notice may be

ddangos copi ohono sy'n dynodi bod y swyddog priodol o'r awdurdod bilio wedi ardystio ei fod yn gopi cywir.

(3) Ym mharagraff (2) mae i'r ymadrodd "swyddog priodol" yr ystyr a roddir i "proper officer" yn Neddf Llywodraeth Leol 1972 (1).

Penderfyniadau ar apelau

40.—(1) Ceir penderfynu apêl gan fwyafrif o'r aelodau sy'n cymryd rhan; ac os yw'r apêl (yn unol â rheoliad 37(2)), i'w phenderfynu gan ddau aelod ac nad oes modd iddynt gytuno, rhaid i'r Clerc atgyfeirio'r apêl yn ôl, i'w phenderfynu gan Banel Apêl sy'n cynnwys tri aelod gwahanol.

(2) Pan fo apêl i'w phenderfynu ar sail gwrandawriad, caiff y Panel Apêl naill ai ohirio'i benderfyniad neu ei roi ar lafar ar derfyn y gwrandawriad.

(3) Yn ddarostyngedig i baragraff (4) cyn gynted ag y bo'n rhesymol ymarferol ar ôl gwneud penderfyniad, rhaid—

- (a) yn achos penderfyniad a roddwyd ar lafar, cadarnhau'r penderfyniad,
- (b) mewn unrhyw achos arall, cyfleu'r penderfyniad,

drwy roi hysbysiad ysgrifenedig i'r partïon; a rhaid anfon datganiad o'r rhesymau am y penderfyniad, gyda'r hysbysiad.

(4) Nid oes dim ym mharagraff (3) sy'n gwneud yn ofynnol ailgyflwyno unrhyw ddogfen i barti, sydd eisoes wedi ei chyflwyno i'r person hwnnw yn unol â rheoliad 43.

(5) Yn achos apêl yn erbyn rhybudd i gwblhau, rhaid i'r Clerc anfon hysbysiad o'r penderfyniad at y swyddog rhestru a benodwyd ar gyfer yr awdurdod bilio sy'n barti i'r apêl.

(6) Yn y rheoliad hwn, ystyr "aelod" yw aelod o Banel Apêl.

Gorchmynion

41.—(1) Ar neu ar ôl penderfynu apêl caiff y Panel Apêl, o ganlyniad i'r penderfyniad, wneud yn ofynnol drwy orchymyn bod—

- (a) amcangyfrif yn cael ei ddileu neu ei ddiwygio;
- (b) cosb yn cael ei dileu;
- (c) penderfyniad awdurdod bilio yn cael ei wrthdroi;
- (ch) cyfrifiad (yn hytrach nag amcangyfrif) o swm yn cael ei ddirymu a'r swm yn cael ei ailgyfrifo.

(2) Caiff gorchymyn wneud yn ofynnol y rhoddir sylw i unrhyw fater sy'n atodol i bwnc y gorchymyn.

proved by the production of a copy of it purporting to be certified to be a true copy by the proper officer of the billing authority.

(3) In paragraph (2) "proper officer" has the same meaning as in the Local Government Act 1972(1).

Decisions on appeals

40.—(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 37(2)) it falls to be disposed of by two members and they are unable to agree, it must be remitted by the Clerk to be decided by an Appeal Panel consisting of three different members.

(2) Where an appeal is disposed of on the basis of a hearing, the decision of the Appeal Panel may be reserved or given orally at the end of the hearing.

(3) Subject to paragraph (4), as soon as is reasonably practicable after a decision has been made, it must—

- (a) in the case of a decision given orally, be confirmed,
- (b) in any other case, be communicated,

by notice in writing to the parties; and the notice must be accompanied by a statement of the reasons for the decision.

(4) Nothing in paragraph (3) will require notice to be given to a party if it would be repetitive of any document supplied to that person in accordance with regulation 43.

(5) In the case of an appeal against a completion notice, the Clerk must send notice of the decision to the listing officer appointed for the billing authority which is a party to the appeal.

(6) In this regulation, "member" means a member of an Appeal Panel.

Orders

41.—(1) On or after deciding an appeal the Appeal Panel may, in consequence of the decision, by order require—

- (a) an estimate to be quashed or altered;
- (b) a penalty to be quashed;
- (c) the decision of a billing authority to be reversed;
- (d) a calculation (other than an estimate) of an amount to be quashed and the amount to be recalculated.

(2) An order may require any matter ancillary to its subject-matter to be attended to.

(1) 1972 p.70.

(1) 1972 c.70.

Adolygu penderfyniadau

42.-(1) Yn ddarostyngedig i baragraffau (2) a (3) bydd pŵer gan Banel Apêl a gyfansoddwyd fel y darperir ym mharagraff (4), ar ôl derbyn cais ysgrifenedig gan barti, i adolygu neu roi o'r neilltu drwy dystysgrif o dan lofnod yr aelod sy'n llywyddu—

- (a) unrhyw benderfyniad ar unrhyw un o'r seiliau a grybwyllir ym mharagraff (5), a
- (b) penderfyniad ar apêl yn erbyn rhybudd i gwblhau, ar y sail ychwanegol a grybwyllir ym mharagraff (6).

(2) Nid yw paragraff (1) yn gymwys pan fo apêl yn erbyn y penderfyniad dan sylw wedi ei phenderfynu gan yr Uchel Lys.

(3) Ceir gwrthod cais a wneir o dan baragraff (1) oni wneir ef o fewn y cyfnod o bedair wythnos sy'n dechrau ar y diwrnod pan roddir yr hysbysiad (pa un ai'n unol â rheoliad 40(3) neu reoliad 43(3)) o'r penderfyniad dan sylw.

(4) Cyn belled ag y bo'n rhesymol ymarferol, bydd y Panel Apêl a benodir i adolygu'r penderfyniad yn cynnwys yr un aelodau ag a oedd ar y Panel Apêl a wnaeth y penderfyniad.

(5) Y seiliau y cyfeirir atynt ym mharagraff (1)(a) yw—

- (a) bod y penderfyniad a wnaed yn anghywir oherwydd camgymeriad clerigol;
- (b) nad oedd parti wedi ymddangos, a gall y parti hwnnw ddangos achos rhesymol pam nad ymddangosodd;
- (c) yr effeithir ar y penderfyniad gan benderfyniad gan, neu benderfyniad ar apêl o'r Uchel Lys neu'r Uwch Dribiwnlys, mewn perthynas ag apêl ynglŷn â'r annedd neu, yn ôl fel y digwydd, y person, a oedd yn destun penderfyniad y Panel Apêl; ac
- (ch) bod buddiannau cyfiawnder rywfodd arall yn gwneud adolygiad o'r fath yn ofynnol.

(6) Y sail a grybwyllir ym mharagraff (1)(b) yw bod tystiolaeth newydd, na ellid bod wedi canfod ei bodolaeth drwy ymchwilio'n rhesymol ddiwyd, na'i rhagweld, wedi dod ar gael er pan gwblhawyd yr achos y mae'r penderfyniad yn ymwneud ag ef.

(7) Os yw Panel Apêl yn gosod penderfyniad o'r neilltu yn unol â'r rheoliad hwn, rhaid iddo ddirymu unrhyw orchymyn a wnaed o ganlyniad i'r penderfyniad hwnnw a rhaid iddo orchymyn ail wrandawriad neu ailbenderfyniad gerbron naill ai'r un Panel Apêl neu Banel Apêl gwahanol.

(8) Rhaid i'r Clerc, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu'r partïon i'r apêl mewn ysgrifen o'r canlynol—

- (a) penderfyniad na fydd y Panel Apêl yn

Review of decisions

42.-(1) Subject to paragraphs (2) and (3), an Appeal Panel constituted as provided in paragraph (4) will have power on written application by a party to review or set aside by certificate under the hand of the presiding member—

- (a) any decision on any of the grounds mentioned in paragraph (5), and
- (b) a decision on an appeal against a completion notice, on the additional ground mentioned in paragraph (6).

(2) Paragraph (1) does not apply where an appeal against the decision in question has been determined by the High Court.

(3) An application under paragraph (1) may be dismissed if it is not made within the period of four weeks beginning on the day on which notice is given (whether in accordance with regulation 40(3) or regulation 43(3)) of the decision in question.

(4) So far as is reasonably practicable, the Appeal Panel appointed to review a decision will consist of the same members as constituted the Appeal Panel which took the decision.

(5) The grounds referred to in paragraph (1)(a) are—

- (a) that the decision was wrongly made as a result of clerical error;
- (b) that a party did not appear and can show reasonable cause why that party did not do so;
- (c) that the decision is affected by a decision of, or a decision on appeal from, the High Court or the Upper Tribunal in relation to an appeal in respect of the dwelling which, or, as the case may be, the person who, was the subject of the Appeal Panel's decision; and
- (d) the interests of justice otherwise require such a review.

(6) The ground mentioned in paragraph (1)(b) is that new evidence, the existence of which could not have been ascertained by reasonably diligent inquiry or could not have been foreseen, has become available since the conclusion of the proceedings to which the decision relates.

(7) If an Appeal Panel sets aside a decision in pursuance of this regulation, it must revoke any order made in consequence of that decision and must order a re-hearing or redetermination before either the same or a different Appeal Panel.

(8) The Clerk must as soon as reasonably practicable notify the parties to the appeal in writing of—

- (a) a determination that the Appeal Panel will not

ymgymryd ag adolygiad o dan baragraff (1);

- (b) penderfyniad y Panel apêl, wedi iddo gynnal adolygiad dan baragraff (1), na fydd yn rhoi o'r neilltu'r penderfyniad a oedd yn destun yr apêl;
- (c) dyroddi unrhyw dystysgrif o dan baragraff (1); ac
- (ch) dirymu unrhyw orchymyn o dan baragraff (7).

(9) Mewn perthynas â phenderfyniad y gwneir cais ynglŷn ag ef o dan baragraff (1), os yw apêl i'r Uchel Lys yn parhau heb ei phenderfynu ar y diwrnod perthnasol, rhaid i'r Clerc hysbysu'r Uchel Lys cyn gynted ag y bo'n rhesymol ymarferol ar ôl y digwyddiad perthnasol.

(10) Ym mharagraff (9)–

ystyr "y digwyddiad perthnasol" ("*the relevant event*") mewn perthynas â diwrnod perthnasol, yw'r digwyddiad sy'n digwydd ar y diwrnod hwnnw; ac

ystyr "y diwrnod perthnasol" ("*the relevant day*") yw'r diwrnod, yn ôl fel y digwydd–

- (a) pan wneir y cais o dan baragraff (1);
- (b) pan fo'r digwyddiad y cyfeirir ato yn unrhyw un o'r is-baragraffau (a) i (ch) o baragraff (8).

(11) Yn y rheoliad hwn, ystyr "aelod" yw aelod o Banel Apêl.

Cofnodion o benderfyniadau, etc

43.–(1) Dyletswydd y Clerc fydd gwneud trefniadau i gofnodi pob penderfyniad, pob gorchymyn a wneir o dan reoliad 41 ac effaith pob dystysgrif a dirymiad o dan reoliad 42.

(2) Ceir cadw cofnodion ar unrhyw ffurf, dogfennol neu fel arall, a rhaid iddynt gynnwys y manylion a bennir yn Atodlen 3.

(3) Rhaid anfon copi, ar ffurf dogfen, o'r nodyn perthnasol yn y cofnod at bob parti i'r apêl y mae'r nodyn yn berthnasol iddi, cyn gynted ag y bo'n rhesymol ymarferol.

(4) Rhaid dal gafael ar bob cofnod am gyfnod o chwe blynedd, a fydd yn cychwyn ar y diwrnod y gwneir y nodyn olaf yn y cofnod.

(5) Caiff unrhyw berson, ar adeg resymol a bennir gan neu ar ran y Tribiwnlys Prisio, ac yn ddi-dâl, archwilio'r cofnodion y mae'n ofynnol eu cadw o dan baragraff (1).

(6) Os bydd person sydd â gofal o'r cofnod, heb esgus rhesymol, yn fwrriadol yn rhwystro person rhag arfer yr hawl a roddir gan baragraff (5), bydd y person hwnnw'n agored, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn uwch na lefel 1 ar y raddfa safonol.

(7) Caiff yr aelod a oedd yn llywyddu yn y

undertake a review under paragraph (1);

- (b) the determination of the Appeal Panel, having undertaken a review under paragraph (1), that it will not set aside the decision concerned;
- (c) the issue of any certificate under paragraph (1); and
- (d) the revocation of any order under paragraph (7).

(9) Where in relation to a decision in respect of which an application under paragraph (1) is made, an appeal to the High Court remains undetermined on the relevant day, the Clerk must notify the High Court as soon as reasonably practicable after the occurrence of the relevant event.

(10) In paragraph (9)–

"the relevant day" ("*diwrnod perthnasol*") means the day on which, as the case may be–

- (a) the application under paragraph (1) is made;
- (b) the event referred to in any of sub-paragraphs (a) to (d) of paragraph (8) occurs; and

"the relevant event" ("*digwyddiad perthnasol*"), in relation to a relevant day, means the event occurring on that day.

(11) In this regulation, "member" means a member of an Appeal Panel.

Records of decisions, etc

43.–(1) It will be the duty of the Clerk to make arrangements for each decision, each order made under regulation 41 and the effect of each certificate and revocation under regulation 42 to be recorded.

(2) Records may be kept in any form, whether documentary or otherwise, and must contain the particulars specified in Schedule 3.

(3) A copy, in documentary form, of the relevant entry in the record must, as soon as reasonably practicable after the entry has been made, be sent to each party to the appeal to which the entry relates.

(4) Each record must be retained for the period of six years beginning on the day on which an entry was last made in it.

(5) Any person may, at a reasonable time stated by or on behalf of the Valuation Tribunal and without making payment, inspect the records which are required to be made by paragraph (1).

(6) If, without reasonable excuse, a person having custody of the record intentionally obstructs a person in exercising the right conferred by paragraph (5), that person will be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(7) The member who presided at the hearing or

gwrandawriad neu pan benderfynwyd apêl, awdurdodi cywiro unrhyw gangymeriad clerigol yn y cofnod, a rhaid anfon copi o'r cofnod cywiredig at y personau yr anfonwyd copi o'r cofnod gwreiddiol atynt.

(8) Bydd dangos, mewn unrhyw achos mewn unrhyw lys barn, dogfen sy'n dynodi ei bod wedi ei hardystio gan y Prif Weithredwr neu gan Glerc Panel Apêl fel copi cywir o gofnod neu benderfyniad y Panel Apêl hwnnw, oni phrofir i'r gwrthwyneb, yn dystiolaeth ddigonol o'r ddogfen a'r ffeithiau a gofnodir ynddi.

Apelau

44.—(1) I'r Uchel Lys y cyfeirir apêl ar bwynt cyfreithiol sy'n codi o benderfyniad neu orchymyn a roddir neu a wneir ar apêl gan Banel Apêl, a chaiff unrhyw barti i'r apêl wneud hynny.

(2) Yn ddarostyngedig i baragraff (3), ceir gwrthod apêl dan baragraff (1) oni wneir yr apêl o fewn pedair wythnos ar ôl y dyddiad y rhoddir hysbysiad o'r penderfyniad neu'r gorchymyn sy'n destun yr apêl.

(3) Mewn perthynas â chais o dan baragraff (1) o reoliad 42 a wnaed o fewn pedair wythnos i'r dyddiad y rhoddwyd hysbysiad o'r penderfyniad sy'n destun yr apêl—

- (a) os rhoddir hysbysiad fel y crybwyllir ym mharagraff (8)(a) o'r rheoliad hwnnw, neu
- (b) os rhoddir hysbysiad fel y crybwyllir ym mharagraff (8)(b) o'r rheoliad hwnnw,

ceir gwrthod yr apêl oni wneir hi o fewn pedair wythnos ar ôl cyflwyno'r hysbysiad dan y paragraff (8)(a) neu (b) hwnnw.

(4) Caiff yr Uchel Lys gadarnhau, amrywio, gosod o'r neilltu, dirymu neu anfon yn ôl penderfyniad neu orchymyn a wnaed gan Banel Apêl, a chaiff wneud unrhyw orchymyn y gallai'r Panel Apêl fod wedi ei wneud.

(5) Rhaid i awdurdodau bilio weithredu'n unol ag unrhyw orchymyn a wneir gan yr Uchel Lys; a bydd paragraff 10A o Atodlen 11 i Ddeddf 1988 yn cael effaith sy'n ddarostyngedig i'r gofyniad hwn.

Cymrodeddu

45.—(1) Ar unrhyw adeg cyn dechrau gwrandawriad neu ystyriaeth o sylwadau ysgrifenedig gan Banel Apêl, os cytunir felly mewn ysgrifen rhwng y personau a fyddai'n bartïon i'r apêl, pe deuai'r anghydfod yn destun apêl i'r Tribiwnlys Prisio, bydd y mater yn cael ei atgyfeirio ar gyfer cymrodeddu.

(2) Mewn unrhyw gymrodeddu yn unol â'r rheoliad hwn, caiff y dyfarniad gynnwys unrhyw orchymyn y gallai Panel Apêl fod wedi ei wneud mewn perthynas

determination of an appeal may authorise the correction of any clerical error in the record, and a copy of the corrected entry must be sent to the persons to whom a copy of the original entry was sent.

(8) The production in any proceedings in any court of law of a document purporting to be certified by the Chief Executive or Clerk of an Appeal Panel to be a true copy of a record or decision of that Panel will, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Appeals

44.—(1) An appeal will lie to the High Court on a question of law arising out of a decision or order which is given or made by an Appeal Panel on an appeal and may be made by any party to the appeal.

(2) Subject to paragraph (3), an appeal under paragraph (1) may be dismissed if it is not made within four weeks of the date on which notice is given of the decision or order that is the subject matter of the appeal.

(3) Where in relation to an application under paragraph (1) of regulation 42 made within four weeks of the date on which notice was given of the decision which is the subject matter of the appeal —

- (a) notice is given as mentioned in paragraph (8)(a) of that regulation, or
- (b) notice is given as mentioned in paragraph (8)(b) of that regulation,

the appeal may be dismissed if it is not made within four weeks of the service of the notice under that paragraph (8)(a) or (b).

(4) The High Court may confirm, vary, set aside, revoke or remit the decision or order of an Appeal Panel, and may make any order which the Appeal Panel could have made.

(5) Billing authorities must act in accordance with any order made by the High Court; and paragraph 10A of Schedule 11 to the 1988 Act will have effect subject to this requirement.

Arbitration

45.—(1) Where at any time before the beginning of a hearing or the consideration by an Appeal Panel of written representations it is so agreed in writing between the persons who, if a dispute were to be the subject of an appeal to the Valuation Tribunal, would be the parties to the appeal, the question will be referred to arbitration.

(2) In any arbitration in pursuance of this regulation, the award may include any order which could have been made by an Appeal Panel in relation to the

â'r mater, a bydd paragraff 10A o Atodiad 11 i Ddeddf 1988 yn gymwys i orchymyn o'r fath, fel y mae'n gymwys i orchymynion a gofnodir yn unol â'r Rhan hon.

Cyflwyno hysbysiadau

46.—(1) Heb leihau effaith adran 233 o Ddeddf Llywodraeth Leol 1972, ceir cyflwyno unrhyw hysbysiad sydd i'w gyflwyno gan y Clerc neu'r swyddog rhestru o dan y Rhan hon—

(a) drwy ei ddanfôn—

- (i) at y person y mae'r hysbysiad i'w gyflwyno iddo; neu
- (ii) at unrhyw berson arall a awdurdodwyd ganddo i weithredu fel ei asiant at y diben hwnnw;

(b) drwy ei adael yn un o'r manau canlynol, neu ei anfon yno drwy'r post—

- (i) man busnes arferol y person hwnnw, neu ei fan busnes olaf sy'n hysbys, neu
- (ii) yn achos cwmni, ei swyddfa gofrestredig, neu
- (iii) man busnes arferol, neu'r olaf sy'n hysbys, neu swyddfa gofrestredig unrhyw berson arall a awdurdodwyd fel y crybwyllir yn is-baragraff (a)(ii);

(c) drwy ei ddanfôn at ryw berson yn y fangre y mae'r hysbysiad yn ymwneud â hi, neu, os nad oes neb y gellir ei ddanfôn ato felly yn bresennol yn y fangre, ei osod ynghlwm wrth ryw ran amlwg o'r fangre;

(ch) heb leihau effaith darpariaethau blaenorol y rheoliad hwn, os yw'r fangre y mae'r hysbysiad yn ymwneud â hi yn fan busnes y person y mae'r hysbysiad i'w gyflwyno iddo, drwy adael yr hysbysiad yn y man busnes hwnnw, neu ei anfon yno drwy'r post, wedi ei gyfeirio at y person hwnnw; neu

(d) drwy gyfathrebiad electronig yn unol â pharagraff (3) ond yn ddarostyngedig i'r hyn a grybwyllir yn y paragraff hwnnw.

(2) Rhaid i unrhyw hysbysiad sydd i'w gyflwyno i'r Tribiwnlys Prisio, y Clerc, y swyddog prisio neu'r swyddog rhestru o dan y Rheoliadau hyn—

- (a) gael ei anfon drwy'r post rhagdaledig neu ei ddanfôn â llaw i'r cyfeiriad a bennwyd ar gyfer yr achos;
- (b) ei anfon drwy ffacs i'r rhif a bennwyd ar gyfer yr achos; neu
- (c) ei anfon neu ei ddanfôn drwy ba bynnag ddull arall ac i ba bynnag gyfeiriad a gytunir rhwng y Clerc, y swyddog prisio neu'r swyddog rhestru (yn ôl fel y digwydd) a'r person sydd i gyflwyno'r hysbysiad.

(3) Yn ddarostyngedig i baragraff (4), os yw parti yn darparu rhif ffacs, cyfeiriad e-bost neu fanylion eraill

question; and paragraph 10A of Schedule 11 to the 1988 Act will apply to such an order as it applies to orders recorded in pursuance of this Part.

Service of notices

46.—(1) Without prejudice to section 233 of the Local Government Act 1972, any notice to be served by the Clerk or listing officer under this Part may be served –

(a) by delivering it –

- (i) to the person on whom it is to be served; or
- (ii) to any other person authorised by them to act as their agent for the purpose;

(b) by leaving it at or forwarding it by post to –

- (i) the usual or last-known place of business of that person, or
- (ii) in the case of a company, its registered office, or
- (iii) the usual or last-known place of business or registered office of any other person authorised as mentioned in sub-paragraph (a)(ii);

(c) by delivering it to some person on the premises to which it relates or, if there is no person on the premises to whom it can so be delivered, by fixing it to some conspicuous part of the premises;

(d) without prejudice to the foregoing provisions of this regulation, where premises to which the notice relates are a place of business of the person on whom it is to be served, by leaving it at, or forwarding it by post addressed to that person at, that place of business; or

(e) by electronic communication in accordance with paragraph (3) but subject as mentioned in that paragraph.

(2) Any notice to be served on the Valuation Tribunal, the Clerk, the valuation officer or the listing officer under these Regulations must be—

- (a) sent by pre-paid post or delivered by hand to the address specified for the proceedings;
- (b) sent by fax to the number specified for the proceedings; or
- (c) sent or delivered by such other method and to such address as may be agreed by the Clerk, the valuation officer or the listing officer (as the case may be) and the person by whom the notice is to be served.

(3) Subject to paragraph (4), if a party provides a fax number, email address or other details for the

ar gyfer trosglwyddo dogfennau iddo yn electronig, rhaid i'r parti hwnnw dderbyn cyflwyno hysbysiadau iddo, a danfon dogfennau ato, drwy'r dull hwnnw.

(4) Os yw parti yn hysbysu'r Clerc a phob parti arall na ddylid defnyddio dull penodol o gyfathrebu (ac eithrio drwy'r post neu ddanfon â llaw) ar gyfer cyflwyno hysbysiadau neu ddarparu dogfennau i'r parti hwnnw, rhaid peidio â defnyddio'r dull hwnnw o gyfathrebu.

(5) Os yw'r Clerc neu barti yn anfon hysbysiad at barti neu at y Clerc drwy e-bost neu unrhyw ddull electronig arall, caiff y derbynnydd ofyn i'r anfonwr ddarparu copi caled o'r hysbysiad hwnnw i'r derbynnydd.

(6) Rhaid gwneud cais o dan baragraff (5) cyn gynted ag y bo'n rhesymol ymarferol wedi i'r derbynnydd gael yr hysbysiad neu'r ddogfen yn electronig.

(7) Ar ôl gwneud ymholiadau rhesymol, os na ellir dod o hyd i enw unrhyw drethdalwr y mae'n ofynnol, neu yr awdurdodwyd, cyflwyno hysbysiad iddo, ceir cyflwyno'r hysbysiad drwy ei gyfeirio at "Dalwr Treth Gyngor" yr annedd dan sylw (gan enwi'r annedd) heb roi enw na disgrifiad pellach.

(8) At ddibenion unrhyw achos cyfreithiol, rhaid trin hysbysiad a roddir drwy gyfathrebiad electronig, oni phrofir i'r gwrthwyneb, fel pe bai wedi ei gyflwyno ar yr ail ddiwrnod busnes ar ôl ei anfon.

(9) Rhaid i berson sydd wedi rhoi cyfeiriad at y diben o gyfathrebu yn electronig, drwy gyflwyno hysbysiad ysgrifenedig i'r Clerc ac i'r partion eraill, hysbysu'r Clerc a'r partion eraill o unrhyw newid yn y cyfeiriad hwnnw; a bydd y newid yn cael effaith ar y trydydd diwrnod busnes ar ôl y dyddiad y bydd y Clerc a'r partion eraill yn cael yr hysbysiad, yn ôl fel y digwydd.

(10) Caiff y Clerc a phob un o'r partion gymryd yn ganiataol mai'r cyfeiriad a ddarperir gan barti neu ei gynrychiolydd yw'r cyfeiriad y dylid anfon neu ddanfon dogfennau iddo, ac y bydd yn parhau felly hyd nes ceir hysbysiad ysgrifenedig i'r gwrthwyneb.

(11) Yn y rheoliad hwn –

- (a) mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1);
- (b) mae unrhyw gyfeiriad at hysbysiad yn cynnwys cyfeiriad at unrhyw ddogfen arall y mae'n ofynnol, neu yr awdurdodir, ei chyflwyno; ac

electronic transmission of documents to them, that party must accept service of notices and delivery of documents by that method.

(4) If a party informs the Clerk and all other parties that a particular form of communication (other than post or delivery) should not be used to serve notice on, or provide documents to, that party, that form of communication must not be used.

(5) If the Clerk or a party sends a notice to a party or the Clerk by email or any other electronic means of communication, the recipient may request that the sender provide a hard copy of the notice to the recipient.

(6) A request under paragraph (5) must be made as soon as reasonably practicable after the recipient receives the notice or document electronically.

(7) If the name of any taxpayer on whom a notice is required or authorised to be served cannot after reasonable inquiry be ascertained, the notice may be served by addressing it to "The Council Tax Payer" of the dwelling concerned (naming the dwelling), without further name or description.

(8) For the purpose of any legal proceedings, a notice given by electronic communication, shall, unless the contrary is proved, be treated as served on the second business day after it was sent.

(9) A person who has notified an address for the purpose of electronic communication shall, by notice in writing to the Clerk and the other parties, advise the Clerk and the other parties of any change in that address; and the change shall take effect on the third business day after the date on which the notice is received by the Clerk and the other parties, as the case may be.

(10) The Clerk and each party may assume that the address provided by a party or its representative is and remains the address to which documents should be sent or delivered until receiving written notification to the contrary.

(11) In this regulation –

- (a) "electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);
- (b) any reference to a notice includes a reference to any other document required or authorised to be served; and

(1) 2000 p.7. Diwygiwyd adran 15(1) (dehongli) gan Ddeddf Cyfathrebiadau 2003, adran 406(1) ac Atodlen 17, paragraff 158.

(1) 2000 c.7. Section 15(1) (interpretation) was amended by the Communications Act 2003, section 406(1), Schedule 17, paragraph 158.

- (c) mae unrhyw gyfeiriad at ofyniad neu awdurdodiad o'r fath yn gyfeiriad at ofyniad neu awdurdodiad o dan y Rheoliadau hyn.

RHAN 6

Dirymiadau a Diwygiadau

Diwygio Rheoliadau'r Dreth Gyngor (Newid Rhestri ac Apelau) 1993

47.-(1) Diwygir Rheoliadau'r Dreth Gyngor (Newid Rhestri ac Apelau) 1993(1) yn unol â'r rheoliad hwn.

(2) Yn rheoliad 3 (dehongli Rhan 2), yn lle'r diffiniad o "relevant valuation tribunal" rhodder—

""the relevant valuation tribunal", "the valuation tribunal" and "a valuation tribunal" each mean the Valuation Tribunal for Wales".

(3) Yn rheoliad 16 (dehongli Rhan 3)—

(a) yn lle'r diffiniad o "clerk" rhodder—

"clerk", in relation to an appeal, means the clerk of the Valuation Tribunal for Wales;"

(b) yn lle'r diffiniad o "tribunal" rhodder—

"tribunal" means the members of the Valuation Tribunal for Wales convened in accordance with this Part for the purpose of disposing of an appeal"; ac

(c) yn lle'r diffiniad o "the relevant valuation tribunal" rhodder—

""the relevant valuation tribunal", "the valuation tribunal" and "a valuation tribunal" each mean the Valuation Tribunal for Wales".

(4) Yn lle rheoliad 17 (awdurdodaeth: eithriad) rhodder—

"Jurisdiction: exception

17.-(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, of the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or of the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

- (c) any reference to such requirement or authorisation is to a requirement or authorisation under these Regulations.

PART 6

Revocations and Amendments

Amendment of the Council Tax (Alteration of Lists and Appeals) Regulations 1993

47.-(1) The Council Tax (Alteration of Lists and Appeals) Regulations 1993(1) are amended in accordance with this regulation.

(2) In regulation 3 (interpretation of Part 2), for the definition of "relevant valuation tribunal" substitute—

""the relevant valuation tribunal", "the valuation tribunal" and "a valuation tribunal" each mean the Valuation Tribunal for Wales".

(3) In regulation 16 (interpretation of Part 3)—

(a) for the definition of "clerk" substitute—

"clerk", in relation to an appeal, means the clerk of the Valuation Tribunal for Wales;"

(b) for the definition of "tribunal" substitute—

"tribunal" means the members of the Valuation Tribunal for Wales convened in accordance with this Part for the purpose of disposing of an appeal"; and

(c) for the definition of "the relevant valuation tribunal" substitute—

""the relevant valuation tribunal", "the valuation tribunal" and "a valuation tribunal" each mean the Valuation Tribunal for Wales".

(4) For regulation 17 (jurisdiction: exception) there is substituted—

"Jurisdiction: exception

17.-(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, of the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or of the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(1) O.S. 1993/290.

(1) S.I. 1993/290.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President, must appoint another tribunal to deal with that appeal."

(5) Yn rheoliad 18(1) (trefniadau ar gyfer apelau), yn lle "the president of a valuation tribunal" rhodder "the President of the Valuation Tribunal for Wales".

(6) Yn rheoliad 21 (adolygiad cyn gwrandawriad), yn lle "a chairman appointed under regulation 8 of the Valuation and Community Charge Tribunals Regulations 1989." rhodder "a Chairperson appointed under the Valuation Tribunal for Wales Regulations 2010".

(7) Yn rheoliad 24 (cynrychiolaeth yn y gwrandawriad), yn lle "the valuation tribunal" rhodder "the Valuation Tribunal for Wales".

(8) Yn rheoliad 25(1) (cynnal y gwrandawriad), yn lle "a valuation tribunal's" rhodder "the Valuation Tribunal for Wales'".

Dirymu Rheoliadau Tribiwnlysoedd Prisio (Cymru) 2005

48. Dirymir Rheoliadau Tribiwnlysoedd Prisio (Cymru) 2005(1).

Diwygio Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005

49.—(1) Diwygir Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005(2) yn unol â'r rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli: cyffredinol)—

(a) yn lle'r diffiniad o "clerk" rhodder—

"clerk", in relation to an appeal, means the clerk of the Valuation Tribunal for Wales";

(b) yn lle'r diffiniad o "the relevant valuation tribunal" rhodder—

"the relevant valuation tribunal" means the Valuation Tribunal for Wales";

(c) yn lle'r diffiniad o "valuation tribunal" rhodder—

"valuation tribunal" means the members of the Valuation Tribunal for Wales convened in accordance with Part 5 for the purpose of disposing of an appeal under these Regulations".

(3) Yn lle rheoliad 22 (awdurdodaeth: eithriadau) rhodder—

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President, must appoint another tribunal to deal with that appeal."

(5) In regulation 18 (arrangements for appeals), for "the president of a valuation tribunal" substitute "the President of the Valuation Tribunal for Wales".

(6) In regulation 21 (pre-hearing review), for "a chairman appointed under regulation 8 of the Valuation and Community Charge Tribunals Regulations 1989." substitute "a Chairperson appointed under the Valuation Tribunal for Wales Regulations 2010".

(7) In regulation 24 (representation at the hearing), for "the valuation tribunal" substitute "the Valuation Tribunal for Wales".

(8) In regulation 25(1) (conduct of the hearing), for "a valuation tribunal's" substitute "the Valuation Tribunal for Wales'".

Revocation of the Valuation Tribunals (Wales) Regulations 2005

48. The Valuation Tribunals (Wales) Regulations 2005(1) are revoked.

Amendment of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005

49.—(1) The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(2) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation: general)—

(a) for the definition of "clerk" substitute—

"clerk", in relation to an appeal, means the clerk of the Valuation Tribunal for Wales";

(b) for the definition of "the relevant valuation tribunal" substitute—

"the relevant valuation tribunal" means the Valuation Tribunal for Wales";

(c) for the definition of "valuation tribunal" substitute—

"valuation tribunal" means the members of the Valuation Tribunal for Wales convened in accordance with Part 5 for the purpose of disposing of an appeal under these Regulations".

(3) For regulation 22 (jurisdiction: exceptions) there is substituted—

(1) O.S. 2005/3364 (Cy.261).

(2) O.S. 2005/758 (Cy.63).

(1) S.I. 2005/3364 (W.261).

(2) S.I. 2005/758 (W.63).

"Jurisdiction: exceptions

22.—(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or by the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President must appoint another tribunal to deal with that appeal."

(4) Yn rheoliad 23(1) (trefniadau ar gyfer apelau), yn lle "the president of the valuation tribunal" rhodder "the President of the Valuation Tribunal for Wales".

(5) Yn rheoliad 29 (sylwadau yn y gwrandawriad), yn lle "the valuation tribunal" rhodder "the Valuation Tribunal for Wales".

(6) Yn rheoliad 30(1) (cynnal y gwrandawriad), yn lle "a valuation tribunal's" rhodder "the Valuation Tribunal for Wales".

Diwygio Rheoliadau Cynllun Pensiwn Llywodraeth Leol (Gweinyddu) 2008

50. Yn Rheoliadau Cynllun Pensiwn Llywodraeth Leol (Gweinyddu) 2008(1), ym mharagraff 23 o Atodlen 2 (cyflogwyr y cynllun), yn lle "the Valuation Tribunal Service for Wales established under regulation 5 of the Valuation Tribunals (Wales) Regulations 2005" rhodder "the Valuation Tribunal for Wales established under regulation 4 of the Valuation Tribunal for Wales Regulations 2010".

"Jurisdiction: exceptions

22.—(1) Where the appellant is—

- (a) a former member of a valuation tribunal which existed before 1 July 2010,
- (b) a former employee of a valuation tribunal which existed before 1 July 2010, the Valuation Service for Wales established by the Valuation Tribunals (Wales) Regulations 2005 or by the Valuation Tribunal for Wales, or
- (c) an employee or member of the Valuation Tribunal for Wales,

the appeal must be dealt with by such members of the Tribunal as may be appointed for that purpose by the President of the Valuation Tribunal for Wales.

(2) Where it appears to the President of the Valuation Tribunal for Wales that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by particular members of the Tribunal, the President must appoint another tribunal to deal with that appeal."

(4) In regulation 23(1) (arrangements for appeals), for "the president of the valuation tribunal" substitute "the President of the Valuation Tribunal for Wales".

(5) In regulation 29 (representations at the hearing), for the "valuation tribunal" substitute "the Valuation Tribunal for Wales".

(6) In regulation 30(1) (conduct of the hearing), for "a valuation tribunal's" substitute "the Valuation Tribunal for Wales'".

Amendment of the Local Government Pension Scheme (Administration) Regulations 2008

50. In the Local Government Pension Scheme (Administration) Regulations 2008(1), in paragraph 23 of Schedule 2 (scheme employers), for "the Valuation Tribunal Service for Wales established under regulation 5 of the Valuation Tribunals (Wales) Regulations 2005" substitute "the Valuation Tribunal for Wales established under regulation 4 of the Valuation Tribunal for Wales Regulations 2010".

(1) O.S. 2008/239, y gwnaed diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2008/239, to which there are amendments not relevant to these Regulations.

Carl Sargeant

Y Gweinidog dros Gyfiawnder Cymdeithasol a
Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one
of the Welsh Ministers

9 Mawrth 2010

9 March 2010

ATODLEN 1

Penodi Aelodau

Rheoliad 9

1	2	3	4	5
Rhanbarth	Enw	Cynghorau	Nifer o aelodau sydd i'w penodi gan bob cyngor	Nifer mwyaf o aelodau sy'n aelodau o'r cyngor
Dinas a sir Casnewydd, siroedd Mynwy a Phowys, a bwrdeistref i sirol Blaenau Gwent, Caerffili a Thor-faen	Dwyrain Cymru	Cyngor Bwrdeistref Sirol Blaenau Gwent	6	2
		Cyngor Bwrdeistref Sirol Caerffili	10	3
		Cyngor Sir Fynwy	6	2
		Cyngor Dinas Casnewydd	8	3
		Cyngor Sir Powys	12	4
		Cyngor Bwrdeistref Sirol Tor-faen	6	2
Siroedd Ynys Môn, Gwynedd, Dinbych a Fflint a bwrdeistrefi sirol Conwy a Wrecsam	Gogledd Cymru	Cyngor Bwrdeistref Sirol Conwy	8	3
		Cyngor Sir Ynys Môn	6	2
		Cyngor Gwynedd	8	3
		Cyngor Sir Ddinbych	8	3
		Cyngor Sir y Fflint	8	3
		Cyngor Bwrdeistref Sirol Wrecsam	8	3
Dinas a sir Caerdydd a bwrdeistrefi sirol Pen-y-bont ar Ogwr, Merthyr Tudful, Rhondda Cynon Taf a Bro Morgannwg	De Cymru	Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	8	3
		Cyngor Sir Dinas a Sir Caerdydd	14	5
		Cyngor Bwrdeistref Sirol Merthyr Tudful	6	2
		Cyngor Bwrdeistref Sirol Rhondda Cynon Taf	12	4
		Cyngor Bwrdeistref Sirol Bro Morgannwg	8	3

Dinas a sir Abertawe, siroedd Ceredigion, Caerfyrddin a Phenfro, a bwrdeistref sirol Castell-nedd Port Talbot	Gorllewin Cymru	Cyngor Sir Ceredigion	6	2
		Cyngor Sir Caerfyrddin	10	3
		Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot	8	3
		Cyngor Sir Penfro	8	3
		Cyngor Dinas a Sir Abertawe	12	4

SCHEDULE 1

Appointment of Members

Regulation 9

1	2	3	4	5
Region	Name	Councils	Number of members to be appointed by each council	Maximum number of members who are members of the council
The city and county of Newport, the counties of Monmouthshire and Powys, and the county boroughs of Blaenau Gwent, Caerphilly and Torfaen	East Wales	Blaenau Gwent County Borough Council	6	2
		Caerphilly County Borough Council	10	3
		Monmouthshire County Council	6	2
		Newport City Council	8	3
		Powys County Council	12	4
		Torfaen County Borough Council	6	2
The counties of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham	North Wales	Conwy County Borough Council	8	3
		Isle of Anglesey County Council	6	2
		Gwynedd County Council	8	3
		Denbighshire County Council	8	3
		Flintshire County Council	8	3
		Wrexham County Borough Council	8	3
The city and county of Cardiff and the county boroughs of Bridgend, Merthyr Tydfil, Rhondda, Cynon, Taff and the Vale of Glamorgan	South Wales	Bridgend County Borough Council	8	3
		County Council of the City and County of Cardiff	14	5
		Merthyr Tydfil County Borough Council	6	2
		Rhondda Cynon Taff County Borough Council	12	4
		The Vale of Glamorgan County Borough Council	8	3

The city and county of Swansea, the counties of Ceredigion, Carmarthenshire and Pembrokeshire, and the county borough of Neath and Port Talbot	West Wales	Ceredigion County Council	6	2
		Carmarthenshire County Council	10	3
		Neath Port Talbot County Borough Council	8	3
		Pembrokeshire County Council	8	3
		Swansea City and County Council	12	4

ATODLEN 2

Rheoliadau 11, 12 a 13

Gweithdrefn ethol

Rhan 1 – Cyffredinol

1. Rhaid i'r aelodau cymwys wneud penodiad o fewn tri mis wedi i swydd fynd yn wag.

2. Rhaid i'r person neu'r personau a benodir fod yn aelod neu aelodau o'r Tribiwnlys Prisio (ond yn ddarostyngedig i baragraff 12(a)) a rhaid penderfynu arno neu arnynt drwy etholiad.

3. Rhaid i'r Cyngor Llywodraethu sicrhau y gwneir y trefniadau ar gyfer y pleidleisio sy'n ofynnol o dan y Rheoliadau hyn.

4. Rhaid i'r trefniadau wneud darpariaeth fel a ddisgrifir ym mharagraffau 5 i 22.

5. Rhaid i'r Cyngor Llywodraethu bennu dyddiad ar gyfer etholiad ("diwrnod yr etholiad").

6. Rhaid i'r prif weithredwr drefnu ar gyfer cyhoeddi hysbysiad rhagarweiniol o etholiad, a hysbysu pob aelod ohono, o leiaf 56 diwrnod cyn diwrnod yr etholiad.

7. Rhaid cyflwyno enwebiadau i'r prif weithredwr, a rhaid iddo'u cael ar ddiwrnod a bennir gan y Cyngor Llywodraethu na fydd yn ddiweddarach na 35 diwrnod cyn diwrnod yr etholiad.

8. Yn ddarostyngedig i baragraff 9(a), os na fydd nifer yr ymgeiswyr yn fwy na nifer y swyddi gwag, rhaid penodi'r ymgeisydd neu ymgeiswyr.

9. –

(a) Mewn achos pan etholir cynrychiolydd rhanbarthol yn ogystal â dirprwy gynrychiolydd rhanbarthol, os oes dau neu ragor o ymgeiswyr, rhaid cynnal etholiad gan ddefnyddio papurau pleidleisio ("pôl").

(b) Yn achos etholiadau eraill, os yw nifer y personau a enwebir ar gyfer swydd yn fwy na nifer y swyddi gwag, rhaid cynnal pôl.

10. Mewn achos pan etholir y Llywydd–

(a) bydd gan bob aelod cymwys un bleidlais; a
(b) penderfynir ar y person a benodir drwy ei ethol drwy fwyafrif syml o'r pleidleisiau a fwrir.

11. Mewn achos pan etholir cadeiryddion–

(a) bydd gan bob aelod cymwys y nifer o bleidleisiau sy'n hafal i'r nifer priodol, ac ni chaiff fwrw mwy nag un bleidlais dros ymgeisydd unigol; a
(b) yr aelodau a etholir fydd y nifer priodol o aelodau sydd â'r niferoedd uchaf o'r pleidleisiau a fwrwyd.

SCHEDULE 2

Regulations 11, 12 and 13

Election procedure

Part 1 – General

1. Eligible members must make an appointment within three months of a vacancy occurring.

2. The person or persons to be appointed must be a member or members of the Valuation Tribunal (but subject to paragraph 12(a)) and will be determined by election.

3. The Governing Council must secure that arrangements are made for ballots required by these Regulations.

4. The arrangements must make provision as described in paragraphs 5 to 22.

5. The Governing Council must fix a date for an election ("the election day").

6. The chief executive must arrange for a preliminary notice of an election to be published and notified to all members at least 56 days before the election day.

7. Nominations to be made to the chief executive must be received by the chief executive by a day fixed by the Governing Council but not less than 35 days before the election day.

8. Subject to paragraph 9(a), if the number of candidates for a vacancy does not exceed the number of vacancies, the candidate or candidates are to be appointed.

9. –

(a) In the case of an election of both a regional representative and a deputy regional representative, if there are two or more candidates, an election by voting papers ("a poll") must be held.

(b) In the case of other elections, if the number of persons nominated for a vacancy exceeds the number of vacancies, a poll must be held.

10. In the case of an election of the President–

(a) each eligible member has one vote; and
(b) the person appointed will be determined by election by a simple majority of votes cast.

11. In the case of an election of chairpersons–

(a) each eligible member will have a number of votes equal to the appropriate number and may cast no more than one vote for each candidate; and
(b) the members elected will be the appropriate number of members who have the highest number of votes cast.

12. Mewn achos pan etholir cynrychiolwyr rhanbarthol—

(a) rhaid i'r person sydd i'w benodi fod—

(i) yn aelod o'r Tribiwnlys Prisio, a benodwyd gan y Llywydd a gan gyngor o fewn y rhanbarth lle'r aeth swydd cynrychiolydd rhanbarthol yn wag; a

(ii) yn Gadeirydd;

(b) bydd gan bob aelod cymwys un bleidlais; ac

(c) os oes swyddi'n wag ar gyfer cynrychiolydd rhanbarthol yn ogystal â dirprwy gynrychiolydd rhanbarthol, yr aelod a etholir yn gynrychiolydd rhanbarthol fydd yr aelod sydd â'r nifer uchaf o'r pleidleisiau a fwrwyd, a'r aelod a etholir yn ddirprwy gynrychiolydd rhanbarthol fydd yr aelod sydd â'r nifer ail uchaf o'r pleidleisiau a fwrwyd.

13. Os ceir canlyniad cyfartal mewn unrhyw etholiad, rhaid penderfynu ar y person neu'r personau a etholir o blith yr ymgeiswyr sydd â'r niferoedd cyfartal o bleidleisiau drwy fwrw coelbren.

14. Rhaid i'r prif weithredwr anfon hysbysiad o bôl at bob aelod cymwys, i gyrraedd o leiaf 21 diwrnod cyn diwrnod yr etholiad.

15. Rhaid i'r hysbysiad o bôl—

(a) ddatgan diben y pôl, a'r dyddiad olaf ar gyfer derbyn papurau pleidleisio;

(b) cael ei anfon ynghyd â phapur pleidleisio sy'n datgan nifer yr ymgeiswyr sydd i'w hethol ac yn cynnwys rhestr o'r ymgeiswyr cymwys;

(c) cael ei anfon ynghyd ag unrhyw ddatganiad, na chaiff fod yn fwy na 500 gair, a gyflenwir gan ymgeisydd ar gyfer ei ddosbarthu gyda'r hysbysiad o bôl.

16. Rhaid cyflwyno'r hysbysiad sy'n ofynnol o dan baragraff 15 i bob person sy'n aelod cymwys ar y dyddiad yr anfonir yr hysbysiad.

17. Rhaid i'r prif weithredwr anfon papur pleidleisio dyblyg at unrhyw aelod cymwys sy'n gwneud cais mewn ysgrifen, os yw'n ymddangos i'r prif weithredwr nad yw'r aelod wedi cael y papur gwreiddiol, neu fod y papur wedi ei ddifetha, wedi mynd ar goll neu wedi ei ddinistrio.

18. Rhaid i aelod cymwys lenwi'r papur pleidleisio ei hunan, drwy roi croes ar ochr dde'r papur gyferbyn ag enw'r ymgeisydd y dymuna bleidleisio iddo, nodi ei gyfeiriad yn y blwch priodol (os na ddangosir ef eisoes) a llofnodi'r papur pleidleisio yn bersonol.

19. Rhaid i'r prif weithredwr wrthod unrhyw bapur pleidleisio sydd heb ei lofnodi, neu wedi ei lenwi'n amhriodol neu sydd â'i fwriad yn amwys.

12. In the case of an election of regional representatives—

(a) the person to be appointed must be —

(i) a member of the Valuation Tribunal who was appointed by the President and by a council within the region in which the vacancy for the regional representative arises; and

(ii) a Chairperson;

(b) each eligible member will have one vote; and

(c) where there are vacancies for both a regional representative and a deputy regional representative, the member elected as regional representative will be the member who has the highest number of votes cast and the member elected as the deputy regional representative will be the member who has the second highest number of votes cast.

13. Where any election results in a tie, the person or persons to be appointed from among the candidates with equal votes will be determined by lot.

14. The chief executive must send to each eligible member a notice of poll to be received at least 21 days before the election day.

15. The notice of poll must—

(a) state the purpose of the poll and the last day for receipt of voting papers;

(b) be accompanied by a voting paper which shall state the number of candidates to be elected and contain a list of the eligible candidates;

(c) be accompanied by any statement of not more than 500 words supplied by a candidate for circulation with the notice of poll.

16. The notice required by paragraph 15 must be served on all persons who are eligible members on the date on which the notice is sent.

17. The chief executive must send a duplicate voting paper to any eligible member on written request if it appears to the chief executive that the original has not been received by the member or has been spoilt, lost or destroyed.

18. An eligible member must complete the voting paper by personally placing a cross on the right-hand side of the voting paper opposite the name of the candidate for whom the member wishes to vote, inserting their address in the place provided (unless it has already been inserted) and personally signing the voting paper.

19. The chief executive must reject any voting paper which is unsigned, improperly completed or which is ambiguous in its intentions.

20. Ar ddiwrnod yr etholiad rhaid i'r prif weithredwr gyfrif y papurau pleidleisio ar gyfer pob ymgeisydd.

21. Rhaid i'r prif weithredwr gyhoeddi adroddiad ar y pŵl, a fydd yn cynnwys—

- (a) cyfanswm nifer y papurau pleidleisio a ddychwelwyd;
- (b) nifer y papurau pleidleisio a wrthodwyd a'r seiliau dros wneud hynny;
- (c) cyfanswm nifer y pleidleisiau a fwriwyd dros bob ymgeisydd; ac
- (ch) enw'r ymgeisydd neu enwau'r ymgeiswyr a etholwyd.

22.—(1) Os yw ymgeisydd yn tynnu ei enwebiad yn ôl, neu os hysbysir y prif weithredwr o farwolaeth ymgeisydd, ar ôl y diwrnod olaf ar gyfer cael enwebiadau ond cyn dosbarthu papurau pleidleisio, rhaid dilyn y weithdrefn ganlynol—

- (i) os oes dau neu ragor o ymgeiswyr yn weddill, rhaid i'r etholiad fynd ymlaen, ym mhob modd, fel pe na bai'r ymgeisydd wedi ei enwebu;
- (ii) os un ymgeisydd yn unig sy'n weddill rhaid datgan bod yr ymgeisydd hwnnw wedi ei ethol.

(2) Os yw ymgeisydd yn tynnu ei enwebiad yn ôl, neu os hysbysir y prif weithredwr o farwolaeth ymgeisydd, ar ôl dosbarthu papurau pleidleisio ond cyn dyddiad yr etholiad, rhaid dilyn y weithdrefn ganlynol—

- (i) os oes dau neu ragor o ymgeiswyr yn weddill, rhaid i'r etholiad fynd ymlaen;
- (ii) os un ymgeisydd yn unig sy'n weddill, rhaid anwybyddu'r papurau pleidleisio a datgan bod yr ymgeisydd hwnnw wedi ei ethol.

(3) Yn ddarostyngedig i is-baragraff (4), pan fo dau neu ragor o ymgeiswyr i gael eu hethol mewn unrhyw etholiad, rhaid dilyn gweithdrefnau gydag addasiadau angenrheidiol a fydd yn cyrraedd y canlyniad cyfatebol.

(4) Pan fo'r amgylchiadau a nodir yn is-baragraff (1) neu (2) yn digwydd yn achos etholiad ar gyfer cynrychiolydd rhanbarthol yn ogystal â dirprwy gynrychiolydd rhanbarthol—

- (a) os oes dau neu ragor o ymgeiswyr yn weddill, rhaid i'r etholiad fynd ymlaen, ym mhob modd, fel pe na bai'r ymgeisydd (y tynnwyd ei enwebiad yn ôl neu'r hysbyswyd y prif weithredwr o'i farwolaeth) erioed wedi ei enwebu;
- (b) os un ymgeisydd yn unig sy'n weddill, rhaid datgan bod yr ymgeisydd hwnnw wedi ei ethol yn gynrychiolydd rhanbarthol.

23. Nid effeithir ar ddilysrwydd unrhyw etholiad

20. On the election day the chief executive must count the voting papers for each candidate.

21. The chief executive must publish a report on the poll which contains—

- (a) the total number of voting papers received;
- (b) the number of voting papers rejected and the grounds of rejection;
- (c) the total number of votes cast for each candidate; and
- (d) the name of the candidate or candidates elected.

22.—(1) If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after the last day for receiving nominations but before voting papers have been circulated, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to proceed in all respects as if the candidate had never been nominated;
- (ii) if one candidate only remains, that candidate is to be declared elected.

(2) If a candidate withdraws their nomination, or notification of their death is received by the chief executive, after voting papers have been circulated but before the election date, the procedure to be adopted is as follows—

- (i) if two or more candidates remain, the election is to continue;
- (ii) if one candidate remains, the voting papers are to be disregarded and that candidate is to be declared elected.

(3) Subject to sub-paragraph (4), where in any election two or more candidates are to be elected, the procedures shall be followed with the necessary adaptations to achieve the corresponding result.

(4) Where the circumstances of sub-paragraph (1) or (2) arise in the case of an election of both a regional representative and a deputy regional representative—

- (a) if two or more candidates remain, the election is to proceed in all respects as if the candidate (whose nomination is withdrawn or whose death is notified to the chief executive) had never been nominated;
- (b) if one candidate only remains, that candidate is to be declared elected as the regional representative.

23. The validity of any election will not be affected

oherwydd unrhyw swydd wag ymhlith aelodau'r Tribiwnlys Prisio.

24.—(1) Caiff y Cyngor Llywodraethu awdurdodi pleidleisio electronig mewn unrhyw bôl. Caiff unrhyw aelod sy'n gymwys i bleidleisio mewn pól o'r fath wneud hynny drwy bleidleisio yn electronig os yw'n dymuno.

(2) Rhaid i'r pleidleisio electronig gael ei weinyddu gan y prif weithredwr, er mwyn sicrhau bod y gweithdrefnau pleidleisio electronig yn diogelu cyfrinachedd y pleidleisiau unigol yn y pól, a sicrhau mai'r aelodau sy'n gymwys i bleidleisio yn y pól, yn unig, a all bleidleisio o dan y gweithdrefnau hynny.

(3) Rhaid i bob pleidlais a fwrir yn electronig gael ei throsglwyddo i'r prif weithredwr erbyn, fan bellaf, y dyddiad olaf pan fo rhaid i bapurau pleidleisio yn y pól gyrraedd y prif weithredwr.

(4) Rhaid i aelod sydd wedi dychwelyd papur pleidleisio mewn unrhyw bôl beidio â phleidleisio yn electronig yn y pól hwnnw, ac ni chaiff aelod sydd wedi pleidleisio yn electronig mewn pól ddychwelyd papur pleidleisio yn y pól hwnnw.

25.—(1) Yn yr Atodlen hon, mae i'r termau canlynol yr ystyron a nodir.

(2) Mae i "nifer priodol" yr un ystyr ag yn rheoliad 12 neu 13, yn ôl fel y digwydd.

(3) Ystyr "aelod cymwys" yw—

- (a) mewn achos pan etholir y Llywydd, aelod o'r Tribiwnlys Prisio sy'n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl;
- (b) mewn achos pan etholir Cadeiryddion, aelod o'r Tribiwnlys Prisio sy'n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl;
- (c) mewn achos pan etholir cynrychiolwyr rhanbarthol, aelod o'r Tribiwnlys Prisio sy'n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl, ac a benodwyd gan y Llywydd a chyngor o fewn y rhanbarth lle'r aeth y swydd yn wag ar gyfer cynrychiolydd rhanbarthol.

(4) Mewn perthynas ag is-baragraffau (3)(a) a (b), mae "aelod o'r Tribiwnlys Prisio" yn cynnwys aelod—

- (a) a benodwyd gan Gynulliad Cenedlaethol Cymru neu gan Weinidogion Cymru o dan Reoliadau 2005,
- (b) y parhaodd ei benodiad o dan reoliad 21(3), ac
- (c) sy'n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl.

(5) Mewn perthynas ag is-baragraff (3)(c), mae "aelod o'r Tribiwnlys Prisio" yn cynnwys aelod—

by there being a vacancy amongst the members of the Valuation Tribunal.

24.—(1) The Governing Council may authorise electronic voting in any poll. Any member eligible to vote in such a poll may do so by electronic voting, if the member so wishes.

(2) Electronic voting must be administered by the chief executive to ensure that the electronic voting procedures safeguard the confidentiality of individual votes in the poll vote and ensure that only members eligible to vote in the poll are able to vote under those procedures.

(3) All votes cast by electronic means must be transmitted to the chief executive not later than the date on or before which voting papers in the poll concerned must be received by the chief executive.

(4) A member who has returned a voting paper in any poll must not vote electronically in that poll, and a member who has voted electronically in a poll must not return a voting paper in that poll.

25.—(1) In this Schedule the following terms have the meanings indicated.

(2) "Appropriate number" has the same meaning as in regulation 12 or 13, as the case may be.

(3) "Eligible member" means—

- (a) in the case of an election of the President, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (b) in the case of an election of Chairpersons, a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent;
- (c) in the case of an election of regional representatives, a member of the Valuation Tribunal on the date on which the notice of poll is sent and who was appointed by the President and a council within the region in which the vacancy for the regional representative occurred.

(4) In respect of sub-paragraphs (3)(a) and (b), "member of the Valuation Tribunal" includes a member—

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations,
- (b) whose appointment is continued under regulation 21(3), and
- (c) who is a member on the date on which the notice of poll is sent.

(5) In respect of sub-paragraph (3)(c), member of the Valuation Tribunal includes a member—

- (a) a benodwyd gan Gynulliad Cenedlaethol Cymru neu gan Weinidogion Cymru o dan Reoliadau 2005, ar gyfer hen Dribiwnlys yr oedd ei ardal yn cyfateb i ardal rhanbarth a bennir yn Atodlen 1 ac yr aeth y swydd yn wag ynddo,
- (b) y parhaodd ei benodiad o dan reoliad 21(3), ac
- (c) sy'n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl.

Rhan 2 – Pontio

26. At ddibenion cymhwyso Rhan 1 o'r Atodlen hon i etholiadau'r Llywydd cyntaf a'r cynrychiolwyr rhanbarthol cyntaf—

- (a) dyddiad yr etholiad yn y ddau achos yw 22 Mehefin 2010;
- (b) rhaid rhoi'r hysbysiad rhagarweiniol, sydd i'w roi o dan baragraff 6 o'r Atodlen hon, erbyn 8 Ebrill 2010 fan bellaf;
- (c) rhaid cael yr enwebiadau ddim hwyrach na 21 diwrnod ar ôl rhoi'r hysbysiad rhagarweiniol;
- (ch) rhaid anfon yr hysbysiad o bôl, sydd i'w roi o dan baragraff 14 o'r Atodlen hon, i gyrraedd ddim hwyrach na 28 Mai 2010;
- (d) y dyddiad y mae'n rhaid ei bennu yn yr hysbysiad o bôl ar gyfer dychwelyd papurau pleidleisio yw 18 Mehefin 2010;
- (dd) awdurdodir prif weithredwr yr hen Wasanaeth i gyflawni swyddogaethau a chyfrifoldebau'r prif weithredwr fel y'u pennir yn Rhan 1 o'r Atodlen hon.

- (a) who was appointed by the National Assembly for Wales or the Welsh Ministers under the 2005 Regulations for an old Tribunal whose area corresponds to the area of a region which is specified in Schedule 1 and in which the vacancy has occurred,
- (b) whose appointment is continued under regulation 21(3), and
- (c) who is a member on the date on which the notice of poll is sent.

Part 2 – Transition

26. For the purposes of applying Part 1 of this Schedule to the elections of the first President and the first regional representatives—

- (a) the election date in each case is 22 June 2010;
- (b) the preliminary notice to be given under paragraph 6 of this Schedule must be given no later than 8 April 2010;
- (c) the nominations must be received no later than 21 days after the giving of the preliminary notice;
- (d) the notice of poll to be given under paragraph 14 of this Schedule must be sent so as to be received no later than 28 May 2010;
- (e) the date specified in the notice of poll for return of the voting papers must be 18 June 2010;
- (f) the chief executive of the old Service is authorised to carry out the functions and responsibilities of the chief executive as specified in Part 1 of this Schedule.

ATODLEN 3

CYNNWYS Y COFNODION A WNEIR O DAN RAN 5

Rheoliad 43

Enw a chyfeiriad yr apelydd
 Dyddiad yr apêl
 Y mater yr apelir yn ei erbyn
 Enw'r awdurdod bilio yr apelir yn erbyn ei benderfyniad
 Dyddiad y gwrandawriad neu'r penderfyniad
 Enwau'r partïon a ymddangosodd, os oedd rhai
 Penderfyniad y Panel Apêl a dyddiad y penderfyniad
 Y rhesymau am y penderfyniad
 Unrhyw orchymyn a wnaed o ganlyniad i'r penderfyniad
 Dyddiad unrhyw orchymyn o'r fath
 Unrhyw dystysgrif sy'n gosod y penderfyniad o'r neilltu
 Unrhyw ddirymiad o dan reoliad 42(7) .

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SCHEDULE 3

CONTENTS OF RECORDS MADE UNDER PART 5

Regulation 43

The appellant's name and address
 The date of the appeal
 The matter appealed against
 The name of the billing authority whose decision was appealed against
 The date of the hearing or determination
 The names of the parties who appeared, if any
 The decision of the Appeal Panel and its date
 The reasons for the decision
 Any order made in consequence of the decision
 The date of any such order
 Any certificate setting aside the decision
 Any revocation under regulation 42(7).

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