



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 3222 (Cy. 327)

2014 No. 3222 (W. 327)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Rhaglenni Datblygu
Gwledig (Cymru) 2014**

**The Rural Development
Programmes (Wales) Regulations
2014**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys i'r Rhaglenni Datblygu Gwledig ("rhaglenni"), a sefydlwyd o dan Reoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 a Rheoliad (EU) Rhif 1305/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013. Yng Nghymru, y Rheoliadau hyn a fydd yn rheoleiddio rhaglenni newydd a weinyddir gan Weinidogion Cymru.

Mae'r Rheoliadau hyn yn ychwanegu at y ddeddfwriaeth Undeb Ewropeaidd ("y ddeddfwriaeth UE") a restrir yn yr Atodlen i'r Rheoliadau. Mae'r darpariaethau yn y ddeddfwriaeth UE yn uniongyrchol gymwys ac yn cael effaith uniongyrchol mewn Aelod-wladwriaethau. Yn y Rheoliadau hyn, darperir fframwaith cyfreithiol domestig sy'n rhoi'r ddeddfwriaeth UE ar waith yng Nghymru.

Mae'r ddeddfwriaeth UE yn darparu (ymhlith darpariaethau eraill) ar gyfer rhoi cymorth o Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig tuag at weithrediadau sy'n hyrwyddo datblygu gwledig yng Nghymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the Rural Development Programmes ("programmes"), established under Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 and Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013. In Wales, these Regulations will regulate new programmes which are administered by the Welsh Ministers.

These Regulations supplement the European Union legislation listed in the Schedule to the Regulations ("the EU legislation"). The provisions in the EU legislation are directly applicable and have direct effect in a member State. These Regulations provide a domestic legal framework for the operation of the EU legislation in Wales.

The EU legislation provides (amongst other provisions) for assistance to be granted from the European Agricultural Fund for Rural Development towards operations which promote rural development in Wales.

Mae'r Rheoliadau hyn yn rhoi pŵer i Weinidogion Cymru i gymeradwyo gweithrediadau ar gyfer cael cymorth ariannol, (rheoliad 4) ac i dalu cymorth ariannol (rheoliad 3). Mae i "gweithrediad" yr ystyr a roddir i "operation" yn Rheoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013, a'r ystyr hwnnw yw prosiect, contract, camau neu grŵp o brosiectau a ddewisir gan yr awdurdodau rheoli o'r rhaglenni dan sylw, neu y maent yn gyfrifol amdanynt, sy'n cyfrannu at amcanion unrhyw flaenoriaeth neu flaenoriaethau. Mae'r Rheoliadau yn pennu hefyd o dan ba amgylchiadau y caniateir dirymu cymeradwyaeth a roddwyd i weithrediad, ac atal neu adennill cymorth ariannol a dalwyd i fuddiolwr, mewn cysylltiad â'r gweithrediad hwnnw (rheoliad 10).

Mae'r Rheoliadau yn rhoi pwerau mynediad ac arolygu i bersonau awdurdodedig mewn perthynas â mangre y lleolir gweithrediad a gymeradwywyd ynddi, neu y cedwir dogfennau ynddi sy'n ymwneud â gweithrediad a gymeradwywyd (rheoliadau 7 ac 8) (diffinnir "person awdurdodedig" yn rheoliad 2). Mae'r Rheoliadau yn ei gwneud yn ofynnol hefyd fod buddiolwyr sy'n cael cymorth ariannol yn cadw cofnodion sy'n ymwneud â gweithrediad a gymeradwywyd am gyfnod penodol (rheoliad 9), yn darparu unrhyw wybodaeth sy'n ofynnol gan Weinidogion Cymru ynglŷn â'r gweithrediadau a gymeradwywyd (rheoliad 6) ac yn cynorthwyo person awdurdodedig sy'n arfer ei bwerau o dan reoliad 10.

Mae rheoliad 11 yn caniatáu i Weinidogion Cymru hawlio llog ar symiau sy'n ddyledus iddynt. Mae rheoliad 12 yn darparu y ceir adennill symiau sy'n daladwy i Weinidogion Cymru fel dyled.

Mae'r Rheoliadau yn gwneud y canlynol yn drosedd (rheoliad 13): gwneud datganiadau anwir gan wybod hynny neu'n ddi-hid; rhwystro person awdurdodedig yn fwriadol tra bo'n gweithredu i roi'r Rheoliadau hyn ar waith; methu (heb esgus rhesymol) â chadw cofnodion perthnasol am y cyfnod sy'n ofynnol o dan reoliad 9; neu fethu â chynorthwyo person awdurdodedig.

Mae rheoliad 14 yn gymwys i droseddau a gyflawnir gan gorff corfforaethol, partneriaeth neu gymdeithas anghorfforedig arall.

Mae rheoliad 15 yn ei gwneud yn ofynnol bod buddiolwr yn rhoi ymgymeriad os gofynnir iddo wneud hynny.

O ran trosglwyddo daliadau y mae gweithrediad eisoes wedi cael ei gymeradwyo mewn perthynas â hwy, rhaid i'r trosglwyddai hysbysu Gweinidogion Cymru o'r trosglwyddiad a gwneud cais am daliad o'r cynhorthwy a/ neu'r gefnogaeth o fewn y cyfnod a ganlyn, sef 30 diwrnod (rheoliad 16).

These Regulations provide the Welsh Ministers with the power to approve operations for the receipt of financial assistance (regulation 4) and to pay financial assistance (regulation 3). An "operation" has the meaning given to it in Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 and means a project, contract, action or group of projects selected by the managing authorities of the programmes concerned, or under their responsibility, that contributes to the objectives of a priority or priorities. The Regulations also set out the circumstances in which approval of an operation may be revoked and financial assistance paid to a beneficiary, in respect of that operation, may be withheld or recovered (regulation 10).

The Regulations provide powers of entry and inspection to authorised persons in relation to premises on which an approved operation is situated or documents relating to an approved operation are held (regulations 7 and 8) ("authorised person" is defined in regulation 2). The Regulations also require beneficiaries of financial assistance to keep records relating to the approved operation for a certain period (regulation 9), to supply such information relating to the approved operations as the Welsh Ministers require (regulation 6) and to assist an authorised person in the exercise of their powers under regulation 10.

Regulation 11 allows the Welsh Ministers to demand interest on sums due to them. Regulation 12 provides that sums payable to the Welsh Ministers are recoverable as a debt.

The Regulations make it an offence (regulation 13) to knowingly or recklessly make false statements, intentionally obstruct an authorised person acting in the execution of these Regulations and to fail (without reasonable excuse) to keep relevant records for the required period under regulation 9 or to provide an authorised person with assistance.

Regulation 14 applies to offences committed by a body corporate, partnership or other unincorporated association.

Regulation 15 requires a beneficiary to give an undertaking if required to do so.

In relation to the transfer of holdings to which an operation has already been approved, the period within which the transferee must inform the Welsh Ministers of the transfer and request for payment of the aid and/or support is 30 days (regulation 16).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni thybiwyd bod angen cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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AGRICULTURE, WALES

**Rheoliadau Rhaglenni Datblygu
Gwledig (Cymru) 2014**

**The Rural Development
Programmes (Wales) Regulations
2014**

Gwnaed 8 Rhagfyr 2014
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 9 Rhagfyr 2014
Yn dod i rym 1 Ionawr 2015

Made 8 December 2014
*Laid before the National Assembly for
Wales* 9 December 2014
Coming into force 1 January 2015

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972. Mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau at offerynnau'r Undeb Ewropeaidd yn y Rheoliadau hyn, gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972. It appears to the Welsh Ministers that it is expedient for the references to the European Union instruments in these Regulations to be construed as references to those instruments as amended from time to time.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 i'r Ddeddf honno(3).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rhaglenni Datblygu Gwledig (Cymru) 2014.

Title, commencement and application

1.—(1) The title of these Regulations is the Rural Development Programmes (Wales) Regulations 2014.

(1) O.S. 2010/2690.

(2) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51), a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(3) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(1) S.I. 2010/2690.

(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) Daw'r Rheoliadau hyn i rym ar 1 Ionawr 2015 ac maent yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu'n wahanol—

ystyr “buddiolwr” (“*beneficiary*”) yw person y mae cymorth ariannol wedi'i roi iddo neu berson sydd wedi ymgymryd ag ymrwymadau person o'r fath;

ystyr “y Comisiwn” (“*the Commission*”) yw Comisiwn yr Undeb Ewropeaidd;

ystyr “cymorth ariannol” (“*financial assistance*”) yw swm a dalwyd neu sy'n daladwy o dan y Rheoliadau hyn;

ystyr “cymorth yr UE” (“*EU assistance*”) yw cymorth o Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a roddwyd yn unol â deddfwriaeth yr UE;

ystyr “deddfwriaeth yr UE” (“*the EU legislation*”) yw'r offerynnau a restrir yn yr Atodlen;

mae i “gweithrediad” yr ystyr a roddir i “operation” yn Rheoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n gosod darpariaethau cyffredin ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant, Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a Chronfa'r Môr a Physgodfeydd Ewrop ac yn gosod darpariaethau cyffredinol ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant a Chronfa'r Môr a Physgodfeydd Ewrop ac yn diddymu Rheoliad y Cyngor (EC) Rhif 1083/2006(1);

ystyr “gweithrediad a gymeradwywyd” (“*approved operation*”) yw gweithrediad a gymeradwywyd mewn ysgrifed gan Weinidogion Cymru i dderbyn cymorth ariannol, ac mae “cymeradwyo” (“*approve*”) a “cymeradwyaeth” (“*approval*”) i'w dehongli'n unol â hynny;

mae “mangre” (“*premises*”) yn cynnwys unrhyw dir, adeilad, sied, corlan neu gerbyd o unrhyw ddisgrifiad;

ystyr “person awdurdodedig” (“*authorised person*”) yw person a awdurdodwyd gan Weinidogion Cymru at ddibenion y Rheoliadau hyn, ac mae'n cynnwys unrhyw swyddog y Comisiwn a benodwyd yn briodol ac sy'n dod gyda'r person awdurdodedig hwnnw.

(2) These Regulations come into force on 1 January 2015 and apply in relation to Wales.

Interpretation

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

“approved operation” (“*gweithrediad a gymeradwywyd*”) means an operation which the Welsh Ministers have approved in writing for the receipt of financial assistance, and “approve” (“*cymeradwyo*”) and “approval” (“*cymeradwyaeth*”) are to be construed accordingly;

“authorised person” (“*person awdurdodedig*”) means a person authorised by the Welsh Ministers for the purposes of these Regulations, and includes any duly appointed official of the Commission who accompanies such an authorised person;

“beneficiary” (“*buddiolwr*”) means a person who has been granted financial assistance or a person who has taken over the commitments of such a person;

“the Commission” (“*y Comisiwn*”) means the Commission of the European Union;

“EU assistance” (“*cymorth yr UE*”) means assistance from the European Agricultural Fund for Rural Development, granted pursuant to the EU legislation;

“the EU legislation” (“*deddfwriaeth yr UE*”) means the instruments listed in the Schedule;

“financial assistance” (“*cymorth ariannol*”) means an amount paid or payable under these Regulations;

“operation” (“*gweithrediad*”) has the meaning given to it in Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006(1);

“premises” (“*mangre*”) includes any land, building, shed, pen or vehicle of any description.

(1) OJ Rhif L 347, 20.12.2013, t. 320.

(1) OJ No L 347, 20.12.2013, p. 320.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at offeryn UE yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

Cymorth ariannol

3.—(1) Caiff Gweinidogion Cymru dalu cymorth ariannol i fuddiolwr mewn cysylltiad â gweithrediad a gymeradwywyd.

(2) Pan fo Gweinidogion Cymru yn gwneud taliadau o gymorth ariannol, cânt wneud y cyfryw daliadau—

- (a) ar y cyfryw adeg, neu yn y cyfryw randaliadau fesul pa bynnag gyfnod neu ar ba bynnag adegau y tybiant yn briodol, a
- (b) yn ddarostyngedig i ba bynnag amodau ynglŷn â thalu a benderfynir ganddynt.

Cymeradwyo gweithrediadau

4.—(1) Rhaid i gais am gymeradwyo gweithrediad—

- (a) cael ei wneud yn y cyfryw ffurf ac ar y cyfryw amser, a
- (b) cynnwys y cyfryw wybodaeth,

sy'n ofynnol gan Weinidogion Cymru.

(2) Caiff Gweinidogion Cymru, ar yr amod eu bod yn fodlon bod gweithrediad y mae'r cais yn ymwneud ag ef yn gymwys i gael cymorth yr UE, gymeradwyo'r gweithrediad hwnnw.

(3) Caiff Gweinidogion Cymru amrywio cymeradwyaeth drwy amrywio unrhyw amod y mae'n ddarostyngedig iddo, neu osod amodau.

(4) Cyn amrywio cymeradwyaeth o dan baragraff (2), rhaid i Weinidogion Cymru—

- (a) rhoi i'r buddiolwr hysbysiad ysgrifenedig eu bod yn bwriadu gwneud hynny ynghyd â datganiad o'r rhesymau;
- (b) rhoi cyfle i'r buddiolwr gyflwyno sylwadau ysgrifenedig o fewn y cyfryw amser a ystyrir yn rhesymol gan Weinidogion Cymru; ac
- (c) ystyried y sylwadau hynny.

Hawliadau

5. Rhaid gwneud unrhyw hawliad am daliad o gymorth ariannol ar y cyfryw amser, yn y cyfryw ffurf ac ynghyd â'r cyfryw wybodaeth sy'n ofynnol gan Weinidogion Cymru.

(2) Any reference in these Regulations to an EU instrument is a reference to that instrument as amended from time to time.

Financial assistance

3.—(1) The Welsh Ministers may pay financial assistance to a beneficiary in connection with an approved operation.

(2) Where the Welsh Ministers make payments of financial assistance, they may make such payments—

- (a) at such a time, or by such instalments at such intervals or times as they think fit, and
- (b) subject to such conditions relating to payment as they may determine.

Approval of operations

4.—(1) An application for the approval of an operation must—

- (a) be made in such form and at such time, and
- (b) contain such information,

as the Welsh Ministers may require.

(2) The Welsh Ministers may, provided that they are satisfied that an operation to which the application relates is eligible for EU assistance, approve that operation.

(3) The Welsh Ministers may vary an approval by varying any condition to which it is subject, or imposing conditions.

(4) Before varying an approval under paragraph (2), the Welsh Ministers must—

- (a) give the beneficiary notice in writing that they propose to do so with a statement of reasons;
- (b) give the beneficiary an opportunity to make written representations within such time as the Welsh Ministers consider reasonable; and
- (c) consider such representations.

Claims

5. Any claim for payment of financial assistance is to be made at such time and be in such form and be accompanied by such information as the Welsh Ministers may require.

Darparu gwybodaeth

6.—(1) Rhaid i fuddiolwr ddarparu i Weinidogion Cymru unrhyw wybodaeth am weithrediad a gymeradwywyd, sy'n ofynnol gan Weinidogion Cymru.

(2) Pan fo Gweinidogion Cymru yn ei gwneud yn ofynnol i ddarparu gwybodaeth o dan baragraff (1), rhaid i'r buddiolwr ddarparu'r wybodaeth honno o fewn pa bynnag gyfnod a bennir gan Weinidogion Cymru.

Pwerau mynediad

7.—(1) Caiff person awdurdodedig, ar bob adeg resymol ac ar ôl dangos ei awdurdod i wneud hynny, os gofynnir iddo, fynd i mewn i unrhyw fangre, ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat—

- (a) y mae gweithrediad a gymeradwywyd yn ymwneud â hi, neu
- (b) y mae ganddo sail resymol dros gredu bod dogfennau sy'n ymwneud â gweithrediad a gymeradwywyd yn cael eu cadw ynddi,

at unrhyw un o'r dibenion a grybwyllir ym mharagraff (2).

(2) Y dibenion hynny yw—

- (a) gwirio cywirdeb unrhyw wybodaeth a ddarparwyd gan fuddiolwr ynglŷn â'r gweithrediad a gymeradwywyd;
- (b) canfod a oes unrhyw gymorth ariannol yn daladwy neu y gellir ei adennill, neu ganfod pa swm o gymorth ariannol o'r fath sy'n daladwy neu y gellir ei adennill;
- (c) canfod a oes trosedd o dan y Rheoliadau hyn wedi'i gyflawni neu'n cael ei gyflawni;
- (d) canfod rywfodd arall a yw cymorth yr UE yn cael ei ddefnyddio'n effeithlon ac yn gywir;
- (e) darparu adroddiad rheoli yn unol ag Erthygl 54(1) o Reoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013(1); ac
- (f) penderfynu a ddigwyddodd unrhyw fethiant i gydymffurfio â'r Rheoliadau hyn neu ddeddfwriaeth yr UE.

(3) Nid yw paragraff (1) yn effeithio ar unrhyw hawl mynediad a roddir gan warrant a ddyroddwyd yn unol â pharagraff (4).

Provision of information

6.—(1) A beneficiary must supply to the Welsh Ministers such information about an approved operation as the Welsh Ministers may require.

(2) Where the Welsh Ministers require information under paragraph (1), the beneficiary must supply that information within such period as the Welsh Ministers may determine.

Powers of entry

7.—(1) An authorised person may, at all reasonable times and on production, if so required, of their authority to do so, enter any premises other than premises which are used wholly or mainly as a private dwelling—

- (a) to which an approved operation relates, or
- (b) on which the authorised person has reasonable grounds to believe that documents relating to an approved operation are retained,

for any of the purposes mentioned in paragraph (2).

(2) Those purposes are—

- (a) verifying the accuracy of any information provided by a beneficiary relating to the approved operation;
- (b) ascertaining whether any financial assistance is payable or recoverable or the amount of such financial assistance that is payable or recoverable;
- (c) ascertaining whether an offence under these Regulations has been or is being committed;
- (d) otherwise ascertaining whether EU assistance is being efficiently and correctly used;
- (e) providing a control report pursuant to Article 54(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013(1); and
- (f) determining whether there has been non-compliance with these Regulations or the EU legislation.

(3) Paragraph (1) does not affect any right of entry conferred by a warrant issued in accordance with paragraph (4).

(1) OJ Rhif L 347, 20.12.2013, t. 549.

(1) OJ No L 347, 20.12.2013, p. 549.

(4) Caiff ynad heddwch, drwy warant lofnodedig, roi caniatâd i berson awdurdodedig fynd i mewn i unrhyw fangre (gan gynnwys mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat) a hynny, pan fo angen, gan ddefnyddio grym rhesymol, os bodlonir yr ynad, ar sail tystiolaeth ysgrifenedig a roddwyd ar lw—

- (a) bod sail resymol i berson awdurdodedig fynd i mewn i'r fangre at unrhyw ddiben a grybwyllir ym mharagraff (2); a
- (b) y bodlonir un o'r amodau ym mharagraff (5).

(5) Yr amodau yw—

- (a) bod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod heb warant, ac
 - (i) hysbysiad o'r bwriad i wneud cais am warant wedi ei gyflwyno i'r meddiannydd, neu
 - (ii) na chyflwynwyd hysbysiad o'r fath i'r meddiannydd oherwydd byddai cyflwyno hysbysiad o'r fath yn tanseilio diben neu effeithiolrwydd y mynediad;
- (b) bod gofyn mynd i mewn ar frys; neu
- (c) bod y fangre'n wag, neu'r meddiannydd yn absennol dros dro.

(6) Mae gwarant yn ddilys am dri mis.

(7) Caiff person awdurdodedig sy'n mynd i mewn i unrhyw fangre yn rhinwedd y rheoliad hwn fynd â pha bynnag bersonau eraill gydag ef, a ystyrir gan y person awdurdodedig yn angenrheidiol at unrhyw ddiben a grybwyllir ym mharagraff (2).

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

Pwerau person awdurdodedig

8.—(1) Caiff person awdurdodedig sydd wedi mynd i mewn i unrhyw fangre yn rhinwedd rheoliad 7—

- (a) arolygu'r fangre ac unrhyw ddogfen, cofnod neu gyfarpar sydd ynddi ac y byddai'n rhesymol i'r person hwnnw gredu ei bod, neu ei fod, yn ymwneud â'r gweithrediad;
- (b) ei gwneud yn ofynnol fod y buddiolwr, neu unrhyw gyflogai, gwas neu asiant i'r buddiolwr, yn dangos unrhyw ddogfen neu gofnod, neu'n darparu unrhyw wybodaeth ychwanegol, sydd ym meddiant y person hwnnw neu o dan ei reolaeth ac sy'n ymwneud â'r gweithrediad;

(4) A justice of the peace may by signed warrant permit an authorised person to enter any premises (including premises which are used wholly or mainly as a private dwelling), if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there are reasonable grounds for an authorised person to enter the premises for any purpose mentioned in paragraph (2); and
- (b) one of the conditions in paragraph (5) is met.

(5) The conditions are that—

- (a) entry to the premises has been refused, or is likely to be refused without a warrant, and
 - (i) notice of the intention to apply for a warrant has been served on the occupier, or
 - (ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;
- (b) entry is required urgently; or
- (c) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant is valid for three months.

(7) An authorised person entering any premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (2).

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

Powers of an authorised person

8.—(1) An authorised person who has entered any premises by virtue of regulation 7 may—

- (a) inspect the premises and any document, record or equipment thereon which that person reasonably believes relates to the operation;
- (b) require the beneficiary, or any employee, servant or agent of the beneficiary, to produce any document, record or supply any additional information in that person's possession or under his or her control relating to the operation;

- (c) pan gedwir unrhyw ddogfen, cofnod neu wybodaeth y cyfeirir ati neu ato yn is-baragraff (b) drwy gyfrwng cyfrifiadur, mynd at ac arolygu unrhyw gyfrifiadur ac unrhyw offer neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r ddogfen neu'r wybodaeth honno neu â'r cofnod hwnnw;
- (d) ei gwneud yn ofynnol dangos iddo unrhyw ddogfen neu ran o ddogfen, cofnod neu wybodaeth sy'n ymwneud â'r gweithrediad;
- (e) cymryd, a chadw am gyfnod rhesymol, unrhyw ddogfen, cofnod neu wybodaeth sy'n ymwneud â'r gweithrediad pan fo gan y person awdurdodedig reswm dros gredu y gallai fod angen y ddogfen neu'r wybodaeth honno, neu'r cofnod hwnnw, fel tystiolaeth mewn achos cyfreithiol o dan y Rheoliadau hyn ac, os cedwir unrhyw ddogfen o'r fath drwy gyfrwng cyfrifiadur, ei gwneud yn ofynnol ei chynhyrchu mewn ffurf sydd yn caniatáu ei chludo ymaith ac yn ei gwneud yn weladwy a darllenadwy;
- (f) os oes angen, at ddibenion rheoliad 7(2)—
 - (i) arolygu a chyfrif da byw sydd yn y fangre, a
 - (ii) ei gwneud yn ofynnol fod y buddiolwr, neu unrhyw gyflogai, gwas neu asiant y cyfryw fuddiolwr, yn trefnu i gasglu, corlannu a diogelu da byw o'r fath.

(2) Rhaid i fuddiolwr, neu unrhyw gyflogai, gwas neu asiant buddiolwr, roi pob cymorth rhesymol i berson awdurdodedig ynglŷn â'r materion a grybwyllir yn y rheoliad hwn.

(3) Mae paragraffau (1) a (4) yn gymwys mewn perthynas â pherson y cyfeirir ato yn rheoliad 7(7) pan fo'r person hwnnw yn gweithredu o dan gyfarwyddyd person awdurdodedig, fel pe bai'r person hwnnw yn berson awdurdodedig.

(4) Ni fydd person awdurdodedig yn atebol mewn unrhyw achos cyfreithiol am unrhyw weithred a wneir drwy arfer honedig o'r pwerau a roddwyd i'r person awdurdodedig yn rhinwedd rheoliadau 7 ac 8, os bodlonir y llys fod y weithred wedi'i gwneud yn ddidwyll, bod sail resymol dros ei gwneud a'i bod wedi ei gwneud gyda medrusrwydd a gofal rhesymol.

(5) Yn y rheoliad hwn, ystyr "y gweithrediad" ("*the operation*") yw'r gweithrediad a gymeradwywyd y ceisiwyd mynediad i'r fangre yn ei gylch yn unol â rheoliad 7.

- (c) where any document, record or information referred to in sub-paragraph (b) is kept by means of a computer, have access to and inspect any computer and any associated apparatus or material which is or has been used in connection with that document, record or information;
- (d) require that copies of, or extracts from any document, record or information relating to the operation be produced;
- (e) remove and retain for a reasonable period any document, record or information relating to the operation which the authorised person has reason to believe may be required as evidence in proceedings under these Regulations and, where any such document is kept by means of a computer, require it to be produced in a form in which it may be taken away and in which it is visible and legible;
- (f) if necessary for the purposes of regulation 7(2)—
 - (i) inspect and count livestock on the premises, and
 - (ii) require the beneficiary, or any employee, servant or agent of such beneficiary, to arrange for the collection, penning and securing of such livestock.

(2) A beneficiary or any employee, servant or agent of a beneficiary must render all reasonable assistance to an authorised person in relation to the matters mentioned in this regulation.

(3) Paragraph (1) and (4) apply in relation to a person referred to in regulation 7(7) when such person is acting under the instruction of an authorised person, as if such person were an authorised person.

(4) An authorised person is not liable in any proceedings for anything done in purported exercise of the powers conferred on the authorised person by virtue of regulations 7 and 8 if the court is satisfied that the act was done in good faith, that there were reasonable grounds for doing it and that it was done with reasonable skill and care.

(5) In this regulation, "the operation" ("*y gweithrediad*") means the approved operation in relation to which entry onto premises has been sought pursuant to regulation 7.

Cadw cofnodion

9.—(1) Ac eithrio fel y darperir ym mharagraffau (2) a (3), rhaid i fuddiolwr gadw unrhyw anfoneb, cyfrif neu ddogfen arall ynglŷn â gweithrediad a gymeradwywyd tan ddiwedd chwe blynedd ar ôl y taliad diwethaf o gymorth ariannol a wneir iddo yn unol â'r Rheoliadau hyn mewn perthynas â gweithrediad a gymeradwywyd.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas ag unrhyw ddogfen a gymerir ymaith gan unrhyw berson a awdurdodwyd yn gyfreithlon i'w chymryd ymaith.

(3) Pan fo buddiolwr, yng nghwrs arferol busnes, yn trosglwyddo'r fersiwn wreiddiol o unrhyw ddogfen y cyfeirir ati ym mharagraff (1) i berson arall, rhaid i'r buddiolwr gadw copi o'r ddogfen honno tan ddiwedd y cyfnod a bennir ym mharagraff (1).

Pwerau adennill etc.

10.—(1) Caiff Gweinidogion Cymru arfer y pwerau a bennir ym mharagraff (2) os bodlonir hwy, o ran gweithrediad a gymeradwywyd—

- (a) na chydymffurfiwyd, yn gyfan gwbl neu'n rhannol, ag unrhyw amod y cyfeirir ato yn rheoliad 3 neu 4;
- (b) nad oedd y cais a gymeradwywyd felly o dan reoliad 4 (neu unrhyw ran ohono) yn gais (neu'n rhan) yr oedd y buddiolwr yn gymwys i'w wneud;
- (c) bod y buddiolwr, neu gyflogai, gwas neu asiant y buddiolwr, wedi—
 - (i) methu â chydymffurfio ag unrhyw ofyniad o dan reoliad 6, rheoliad 8(1)(b), rheoliad 8(1)(d) neu reoliad 8(2);
 - (ii) rhoi gwybodaeth, am unrhyw fater ynglŷn â rhoi'r gymeradwyaeth, sy'n anwir neu'n gamarweiniol mewn modd perthnasol;
- (d) bod y gweithrediad a gymeradwywyd wedi ei ddechrau cyn y dyddiad y rhoes Gweinidogion Cymru ganiatâd ysgrifenedig i hynny ddigwydd;
- (e) na chydymffurfiwyd ag unrhyw ymgymeriadau a roddwyd gan y buddiolwr o dan reoliad 15;
- (f) bod y buddiolwr wedi methu â chydymffurfio â rheoliad 9;
- (g) bod natur, graddfa, costau neu amseriad y gweithrediad a gymeradwywyd wedi newid mewn modd perthnasol;
- (h) nad oedd neu nad yw'r gweithrediad a gymeradwywyd yn cael ei gyflawni'n briodol;

Record keeping

9.—(1) Save as provided in paragraphs (2) and (3), a beneficiary must retain any invoice, account or other document relating to an approved operation until the end of six years after the last payment of financial assistance made to the beneficiary pursuant to these Regulations in relation to an approved operation.

(2) Paragraph (1) does not apply in relation to any document removed by any person lawfully authorised to remove it.

(3) Where, in the normal course of business, a beneficiary transfers the original of any document referred to in paragraph (1) to another person, the beneficiary must retain a copy of that document until the end of the period specified in paragraph (1).

Powers of recovery etc.

10.—(1) The Welsh Ministers may exercise the powers specified in paragraph (2) where they are satisfied, as regards an approved operation, that—

- (a) any condition referred to in regulation 3 or 4 has not been complied with in whole or in part;
- (b) the application so approved under regulation 4 (or any part of it) was not an application (or part) which the beneficiary was eligible to make;
- (c) the beneficiary or an employee, servant or agent of the beneficiary has—
 - (i) failed to comply with any requirement under regulation 6, regulation 8(1)(b), regulation 8(1)(d) or regulation 8(2);
 - (ii) given information on any matter relevant to the giving of the approval which is false or misleading in a material respect;
- (d) the approved operation was commenced before the date on which the Welsh Ministers gave written permission to do so;
- (e) any undertakings given by the beneficiary under regulation 15 have not been complied with;
- (f) the beneficiary has failed to comply with regulation 9;
- (g) there is a material change in the nature, scale, costs or timing of the approved operation;
- (h) the approved operation has not been or is not being properly carried out;

- (i) bod y gweithrediad a gymeradwywyd wedi cael ei ohirio, neu yn cael ei ohirio, yn afresymol, neu'n annhebygol o gael ei gwblhau;
- (j) bod y cymorth ariannol yn dyblygu neu y byddai'n dyblygu cymorth a roddwyd neu sydd i'w roi o arian a roddwyd ar gael gan—
 - (i) yr Undeb Ewropeaidd,
 - (ii) Gweinidogion Cymru, neu
 - (iii) corff sy'n arfer swyddogaethau cyhoeddus yn y Deyrnas Unedig;
- (k) bod y buddiolwr wedi torri unrhyw ofyniad y mae'r buddiolwr yn ddarostyngedig iddo o dan y Rheoliadau hyn neu o dan ddeddfwriaeth yr UE; neu
- (l) bod y gweithrediad a gymeradwywyd yn ddarostyngedig i gosbau sy'n gymwys o dan ddeddfwriaeth yr UE.

(2) Mae'r pwerau a roddwyd gan baragraff (1) yn bwerau i wneud y canlynol—

- (a) dirymu'r gymeradwyaeth o'r gweithrediad yn gyfan gwbl neu'n rhannol;
- (b) lleihau neu atal unrhyw gymorth ariannol mewn perthynas â'r gweithrediad a gymeradwywyd;
- (c) adennill, ar archiad, y cyfan neu unrhyw ran o unrhyw gymorth ariannol a dalwyd eisoes i'r buddiolwr.

(3) Pan fo'r Comisiwn wedi penderfynu lleihau neu atal cymorth dros dro, caiff Gweinidogion Cymru arfer y pwerau y cyfeirir atynt ym mharagraff (2).

(4) At ddibenion paragraff (1)(j), mae swm yn dyblygu cymorth ariannol os telir ef, neu os byddai'n cael ei dalu, at unrhyw un o'r un dibenion.

Adennill llog

11.—(1) Pan fo Gweinidogion Cymru yn arfer y pwerau a roddir gan reoliad 10(2)(c), cânt hefyd, ar archiad, adennill llog ar y swm sydd i'w adennill, yn ôl y gyfradd o 1 pwynt canran uwchlaw LIBOR, am y cyfnod o'r diwrnod y rhoddwyd y cymorth ariannol tan y diwrnod yr adennillir y swm gan Weinidogion Cymru.

(2) At ddibenion y rheoliad hwn, ystyr LIBOR yw cyfradd sterling dri-misol Llundain a gynigir rhwng banciau ac a oedd mewn grym yn ystod y cyfnod rhwng y dyddiad y gwnaeth Gweinidogion Cymru y taliad sydd i'w adennill a'r dyddiad yr adennillir y taliad gan Weinidogion Cymru.

- (i) the approved operation has been or is being unreasonably delayed or is unlikely to be completed;
- (j) the financial assistance duplicates or would duplicate assistance provided or to be provided out of monies made available by—
 - (i) the European Union,
 - (ii) the Welsh Ministers, or
 - (iii) a body exercising public functions within the United Kingdom;
- (k) the beneficiary is in breach of any requirement to which they are subject under these Regulations or under the EU legislation; or
- (l) the approved operation is subject to penalties applicable under the EU legislation.

(2) The powers conferred by paragraph (1) are to—

- (a) revoke the approval of the operation in whole or in part;
- (b) reduce or withhold any financial assistance in respect of the approved operation;
- (c) recover on demand the whole or any part of any financial assistance already paid to the beneficiary.

(3) Where the Commission has decided to reduce or suspend assistance, the Welsh Ministers may exercise the powers referred to in paragraph (2).

(4) For the purposes of paragraph (1)(j), a sum duplicates financial assistance if it is, or would be, paid for any of the same purposes.

Recovery of interest

11.—(1) Where the Welsh Ministers exercise the powers conferred by regulation 10(2)(c), they may also recover, on demand, interest on the sum to be recovered at the rate of 1 percentage point above LIBOR for the period from the day on which the financial assistance was granted until the day on which the Welsh Ministers recover the amount.

(2) For the purposes of this regulation, LIBOR means the sterling three-month London interbank offered rate in force during the period between the date on which the Welsh Ministers make the payment to be recovered and the date on which the Welsh Ministers recover the payment.

(3) Mewn unrhyw achos cyfreithiol ynglŷn â'r rheoliad hwn, bennir bod tystysgrif gan Weinidogion Cymru, sy'n datgan y gyfradd LIBOR a oedd yn gymwys yn ystod cyfnod a bennir yn y dystysgrif, yn dystiolaeth derfynol o'r gyfradd a oedd yn gymwys yn y cyfnod penodedig os yw'r dystysgrif hefyd yn datgan bod Banc Lloegr wedi hysbysu Gweinidogion Cymru o'r gyfradd honno.

Symiau sy'n daladwy i Weinidogion Cymru yn adenilladwy fel dyled

12. Mewn unrhyw achos pan fo swm i gael ei dalu i Weinidogion Cymru yn rhinwedd y Rheoliadau hyn (neu yn rhinwedd camau a gymerir o dan y Rheoliadau hyn), mae'r swm hwnnw yn adenilladwy fel dyled.

Troseddau a chosbau

13.—(1) Mae person yn euog o drosedd—

- (a) os yw'r person hwnnw yn gwneud datganiad sy'n anwir neu'n gamarweiniol mewn manylyn perthnasol gan wybod hynny, neu'n ddi-hid, er mwyn cael cymorth ariannol o dan y Rheoliadau hyn iddo'i hun neu i unrhyw berson arall;
- (b) os yw'r person hwnnw yn gwneud datganiad sy'n anwir neu'n gamarweiniol mewn manylyn perthnasol gan wybod hynny, neu'n ddi-hid, mewn perthynas ag arfer, gan Weinidogion Cymru, y pwerau a bennir yn rheoliad 10(2);
- (c) os yw'r person hwnnw yn methu, heb esgus rhesymol, â chydymffurfio â gofyniad a osodir gan neu o dan reoliad 8(1)(b), rheoliad 8(1)(d) neu gan reoliad 9; neu
- (d) os yw'r person hwnnw yn rhwystro'n fwriadol berson awdurdodedig (neu berson sydd yng nghwmni person awdurdodedig ac yn gweithredu o dan ei gyfarwyddyd) sy'n gweithredu i roi'r Rheoliadau hyn ar waith.

(2) Mae person sy'n euog o drosedd o dan baragraff (1)(a) a (b) yn agored—

- (a) o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na'r uchafswm statudol, neu i'w garcharu am gyfnod na fydd yn hwy na thri mis, neu'r ddau; neu
- (b) o'i gollfarnu ar ddiad, i ddirwy, neu i'w garcharu am gyfnod na fydd yn hwy na dwy flynedd, neu'r ddau.

(3) Mae person sy'n euog o drosedd o dan baragraff (1)(c) neu (d) yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

(3) In any proceedings relating to this regulation, a certificate of the Welsh Ministers stating the LIBOR applicable during a period specified in the certificate is deemed to be conclusive evidence of the rate applicable in the specified period if the certificate also states that the Bank of England notified the Welsh Ministers of that rate.

Sums payable to the Welsh Ministers to be recovered as a debt

12. In any case where an amount falls to be paid to the Welsh Ministers by virtue of these Regulations (or by virtue of action taken under these Regulations), such amount is recoverable as a debt.

Offences and penalties

13.—(1) A person is guilty of an offence if—

- (a) for the purposes of obtaining financial assistance under these Regulations for themselves or for any other person, that person knowingly or recklessly makes a statement which is false or misleading in a material particular;
- (b) in relation to the exercise by the Welsh Ministers of the powers specified in regulation 10(2), that person knowingly or recklessly makes a statement which is false or misleading in a material particular;
- (c) without reasonable excuse, that person fails to comply with a requirement imposed by or under regulation 8(1)(b), regulation 8(1)(d) or by regulation 9; or
- (d) that person intentionally obstructs an authorised person (or a person accompanying and acting under the instruction of an authorised person) acting in the execution of these Regulations.

(2) A person guilty of an offence under paragraph (1)(a) and (b) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both; or
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(3) A person guilty of an offence under paragraph (1)(c) or (d) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(4) Yn ddarostyngedig i baragraff (5), caniateir cychwyn achos cyfreithiol am drosedd o dan baragraff (1)(c) neu (d) o fewn y cyfnod o chwe mis o'r dyddiad y bydd tystiolaeth, sy'n ddigonol ym marn yr erlynydd i gyfiawnhau'r achos cyfreithiol, yn dod yn hysbys i'r erlynydd.

(5) Ni chaniateir cychwyn unrhyw achos cyfreithiol am drosedd o dan baragraff (1)(c) neu (d) fwy na thair blynedd ar ôl cyflawni'r drosedd.

(6) At ddibenion paragraff (4), pan ddygir yr achos cyfreithiol gan Weinidogion Cymru neu'r Cwnsler Cyffredinol—

- (a) bydd tystysgrif a lofnodwyd gan neu ar ran yr erlynydd ac yn datgan ar ba ddyddiad y daeth tystiolaeth a oedd yn ddigonol ym marn yr erlynydd i gyfiawnhau dwyn yr achos cyfreithiol, yn hysbys i'r erlynydd, yn dystiolaeth derfynol o'r ffaith honno;
- (b) bernir bod tystysgrif, sy'n datgan y mater hwnnw ac yn honni ei bod wedi ei llofnodi felly, wedi ei llofnodi felly, oni phrofir i'r gwrthwyneb.

Troseddau corfforaethol, troseddau partneriaeth a throseddau cymdeithas anghorfforedig

14.—(1) Os—

- (a) cyflawnir trosedd o dan y Rheoliadau hyn gan gorff corfforaethol neu bartneriaeth neu gymdeithas anghorfforedig arall; a
- (b) profir bod y drosedd wedi ei chyflawni gyda chydysyniad neu ymoddefiad, neu'n briodoladwy i unrhyw esgeulustod ar ran, unigolyn perthnasol (gan gynnwys person sy'n honni gweithredu yn rhinwedd swydd unigolyn perthnasol),

mae'r unigolyn perthnasol yn ogystal â'r corff corfforaethol, partneriaeth neu gymdeithas anghorfforedig, yn euog o'r drosedd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(2) Ym mharagraff (1), ystyr “unigolyn perthnasol” (“*relevant individual*”) yw—

- (a) mewn perthynas â chorff corfforaethol—
 - (i) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff hwnnw;
 - (ii) os aelodau'r corff sy'n rheoli ei faterion, aelod;
- (b) mewn perthynas â phartneriaeth, partner;
- (c) mewn perthynas â chymdeithas anghorfforedig, person sy'n ymwneud â rheolaeth neu reoli'r gymdeithas.

(4) Proceedings for an offence under paragraph (1)(c) or (d) may, subject to paragraph (5), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor's knowledge.

(5) No proceedings for an offence under paragraph (1)(c) or (d) may be commenced more than three years after the commission of the offence.

(6) For the purposes of paragraph (4), where the proceedings are instituted by the Welsh Ministers or the Counsel General—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient, in the opinion of the prosecutor, to justify the proceedings came to their knowledge is conclusive evidence of that fact;
- (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Corporate, partnership and unincorporated association offences

14.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual (including a person purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” (“*unigolyn perthnasol*”) means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership, a partner;
- (c) in relation to an unincorporated association, a person who is concerned in the management or control of the association.

(3) Caniateir dwyn achos cyfreithiol am drosedd dan y Rheoliadau hyn, yr honnir iddi gael ei chyflawni gan bartneriaeth neu gymdeithas anghorfforedig, yn erbyn y bartneriaeth neu'r gymdeithas yn enw'r bartneriaeth neu'r gymdeithas.

(4) At ddibenion achosion cyfreithiol yn unol â pharagraff (3), mae'r darpariaethau canlynol yn gymwys fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforaethol—

- (a) rheolau llys sy'n ymwneud â chyflwyno dogfennau;
- (b) adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1); ac
- (c) Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2).

(5) Mae dirwy a osodir ar bartneriaeth neu gymdeithas anghorfforedig yn dilyn collfarn am drosedd o dan y Rheoliadau hyn i'w thalu allan o gronfeydd y bartneriaeth neu'r gymdeithas anghorfforedig.

Ymgyniadau

15. Caiff Gweinidogion Cymru ei gwneud yn ofynnol fod buddiolwr yn rhoi pa bynnag ymgyniadau a ystyrir yn briodol gan Weinidogion Cymru yn yr achos dan sylw.

Trosglwyddo daliadau

16. At ddibenion Erthygl 8(3)(a) o Reoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 dyddiedig 17 Gorffennaf 2014(3), rhaid i'r trosglwyddai hysbysu Gweinidogion Cymru o'r trosglwyddiad a gwneud cais am daliad o'r cynhorhwy neu'r gefnogaeth, neu'r ddau, o fewn y cyfnod a ganlyn, sef 30 diwrnod gan ddechrau â'r diwrnod cyntaf ar ôl dyddiad y trosglwyddiad.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purpose of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(1); and
- (c) Schedule 3 to the Magistrates' Courts Act 1980(2).

(5) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or unincorporated association.

Undertakings

15. A beneficiary may be required by the Welsh Ministers to give such undertakings as the Welsh Ministers consider appropriate to the case.

Transfer of holdings

16. For the purposes of Article 8(3)(a) of Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014(3), the period within which the transferee must inform the Welsh Ministers of the transfer and request payment of the aid or support, or both, is 30 days beginning with the first day after the date of the transfer.

(1) 1925 p. 86. Diddymwyd is-adrannau (1), (2) a (5) gan Ddeddf Llysoedd Ynadon 1952 (p. 55), adran 132 ac Atodlen 6; diwygiwyd is-adran (3) gan Ddeddf Llysoedd 1971 (p. 23), adran 56(1) ac Atodlen 8, Rhan 2, paragraff 19; diwygiwyd is-adran (4) gan Ddeddf Llysoedd 2003 (p. 39), adran 109(1) a (3), Atodlen 8, paragraff 71 ac Atodlen 10.

(2) 1980 p. 43. Diddymwyd paragraff 2(a) o Atodlen 3 gan Ddeddf Cyfiawnder Troseddol 2003 (p. 44), adrannau 41 a 332, Atodlen 3, Rhan 2, paragraff 51(1) ac (13)(a), ac Atodlen 37, Rhan 4. Diddymwyd paragraff 5 gan Ddeddf Cyfiawnder Troseddol 1991 (p. 53), adrannau 25(2) a 101(2) ac Atodlen 13; diwygiwyd paragraff 6 gan Ddeddf Cyfiawnder Troseddol 2003, adran 41, Atodlen 3, Rhan 2, paragraff 51(1) ac (13)(b).

(3) OJ Rhif L 227, 31.07.2014, t. 69.

(1) 1925 c. 86. Subsections (1), (2) and (5) were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10.

(2) 1980 c.43. Paragraph 2(a) of Schedule 3 was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4. Paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b).

(3) OJ No L 227, 31.07.2014, p. 69.

Rebecca Evans

Y Dirprwy Weinidog Ffermio a Bwyd, o dan
awdurdod y Gweinidog Cyfoeth Naturiol, un o
Weinidogion Cymru

8 Rhagfyr 2014

Deputy Minister for Farming and Food, under
authority of the Minister for Natural Resources, one of
the Welsh Ministers

8 December 2014

Y DDEDDFWRIAETH UE

1. Rheoliad (EU) Rhif 1303/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 sy'n gosod darpariaethau cyffredin ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant, Cronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig a Chronfa'r Môr a Physgodfeydd Ewrop ac yn gosod darpariaethau cyffredinol ar Gronfa Datblygu Rhanbarthol Ewrop, Cronfa Gymdeithasol Ewrop, y Gronfa Gydlyniant a Chronfa'r Môr a Physgodfeydd Ewrop ac yn diddymu Rheoliad y Cyngor (EC) Rhif 1083/2006(1).

2. Rheoliad (EU) Rhif 1305/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 ar gefnogi datblygu gwledig gan Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig (EAFRD) ac yn diddymu Rheoliad y Cyngor (EC) Rhif 1698/2005(2).

3. Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor dyddiedig 17 Rhagfyr 2013 ar gyllido, rheoli a monitro'r polisi amaethyddol cyffredin ac yn diddymu Rheoliadau'r Cyngor (EEC) Rhif 352/78, (EC) Rhif 165/94, (EC) Rhif 2799/98, (EC) Rhif 814/2000, (EC) Rhif 1290/2005 ac (EC) Rhif 485/2008(3).

4. Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 640/2014 dyddiedig 11 Mawrth 2014 sy'n ychwanegu at Reoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system weinyddu a rheoli integredig a'r amodau ar gyfer gwrthod taliadau neu eu tynnu yn ôl a chosbau gweinyddol sy'n gymwys i daliadau uniongyrchol, cefnogaeth ar gyfer datblygu gwledig a thrawsgydymffurfio(4).

5. Rheoliad Dirprwyedig y Comisiwn (EU) Rhif 807/2014 dyddiedig 11 Mawrth 2014 sy'n ychwanegu at Reoliad (EU) Rhif 1305/2013 Senedd Ewrop a'r Cyngor ar gefnogi datblygu gwledig gan Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig (EAFRD) a chyflwyno darpariaethau trosiannol(5).

THE EU LEGISLATION

1. Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006(1).

2. Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005(2).

3. Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008(3).

4. Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(4).

5. Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions(5).

(1) OJ Rhif L 347, 20.12.2013, t. 320.

(2) OJ Rhif L 347, 20.12.2013, t. 487.

(3) OJ Rhif L 347, 20.12.2013, t. 549.

(4) OJ Rhif L 181, 20.06.2014, t. 48.

(5) OJ Rhif L 227, 31.07.2014, t. 1.

(1) OJ No L 347, 20.12.2013, p. 320.

(2) OJ No L 347, 20.12.2013, p. 487.

(3) OJ No L 347, 20.12.2013, p. 549.

(4) OJ No L 181, 20.06.2014, p. 48.

(5) OJ No L 227, 31.07.2014, p. 1.

6. Rheoliad Gweithredu'r Comisiwn (EU) Rhif 808/2014 dyddiedig 17 Gorffennaf 2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1305/2013 Senedd Ewrop a'r Cyngor, ar gefnogi datblygu gwledig gan Gronfa Amaethyddol Ewrop ar gyfer Datblygu Gwledig (EAFRD)(1).

7. Rheoliad Gweithredu'r Comisiwn (EU) Rhif 809/2014 dyddiedig 17 Gorffennaf 2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1306/2013 Senedd Ewrop a'r Cyngor o ran y system weinyddu a rheoli integredig, mesurau datblygu gwledig a thrawsgydymffurfio(2).

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6. Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(1).

7. Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(2).

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(1) OJ Rhif L 227, 31.07.2014, t. 18.
(2) OJ Rhif L 227, 31.07.2014, t. 69.

(1) OJ No L 227, 31.07.2014, p. 18.
(2) OJ No L 227, 31.07.2014, p. 69.

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