



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 3364 (Cy.261)

2005 No. 3364 (W.261)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Tribiwnlysoedd Prasio
(Cymru) 2005**

**The Valuation Tribunals (Wales)
Regulations 2005**

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 sefydlu Gwasanaeth Tribiwnlys Prasio Cymru. Bydd Gwasanaeth Tribiwnlys Prasio Cymru'n cynnwys Tribiwnlys Prasio ar gyfer pob un o'r ardaloedd a nodir yn Atodlen 1. Bydd y Tribiwnlysoedd yn ymdrin ag apeliadau a wnaed dan y darpariaethau statudol fel y'u diffinnir yn rheoliad 3. Bydd y Tribiwnlysoedd Prasio'n dechrau ymdrin ag apeliadau o'r fath ar 15 Chwefror 2006. Parheir i ymdrin â phob apêl hyd at ac yn cynnwys 14 Chwefror 2006 gan hen Dribiwnlys.

These Regulations establish a Valuation Tribunal Service for Wales. The Valuation Tribunal Service for Wales will comprise of a Valuation Tribunal for each of the areas specified in Schedule 1. The Valuation Tribunals will deal with appeals made under the statutory provisions as defined in regulation 3. The Valuation Tribunals will commence dealing with such appeals on the 15 February 2006. All appeals up to and including 14 February 2006 will continue to be dealt with by an old Tribunal.

Mae'r Rheoliadau hyn yn dirymu-

These Regulations revoke-

Rheoliadau Tribiwnlysoedd Prasio (Cymru) 1995;
Rheoliadau 1 i 5 o Reoliadau Tribiwnlysoedd Prasio (Diwygiadau) (Cymru) 2001; a
Rheoliadau Tribiwnlysoedd Prasio (Cymru) (Diwygiadau) 2004.

The Valuation Tribunals (Wales) Regulations 1995;
Regulations 1 to 5 of the Valuation Tribunals (Amendments) (Wales) Regulations 2001; and
The Valuation Tribunals (Wales) (Amendments) Regulations 2004.

Mae Rhannau 2 a 3 o'r Rheoliadau hyn yn darparu ar gyfer sefydlu'r Gwasanaeth Tribiwnlys Prasio Cymru, ei Gyngor Llywodraethu a'r Tribiwnlysoedd Prasio.

Part 2 and 3 of these Regulations provide for the establishment of the Valuation Tribunal Service for Wales, its Governing Council and the Valuation Tribunals.

Sefydlir Gwasanaeth Tribiwnlys Prasio Cymru a'r Cyngor Llywodraethu gan Reoliadau 5 a 6. Mae Rheoliad 7 yn ymdrin â swyddogaethau Gwasanaeth Tribiwnlys Prasio Cymru.

Regulation 5 and 6 establishes the Valuation Tribunal Service for Wales and the Governing Council. Regulation 7 deals with the functions of the Valuation Tribunal Service for Wales.

Mae Rheoliadau 8 a 9 yn darparu ar gyfer aelodaeth y Cyngor Llywodraethu.

Regulations 8 and 9 provide for the membership of the Governing Council.

Mae Rheoliad 10 yn ymdrin â phenodi Cyfarwyddwr a Dirprwy Gyfarwyddwr y Corff Llywodraethu.

Mae Rheoliad 11 yn sefydlu Tribiwnlys Prisio ar gyfer pob un o'r ardaloedd awdurdodaeth a nodir yn Atodlen 1.

Mae Rheoliadau 12 a 13 yn darparu ar gyfer nifer aelodau pob Tribiwnlys Prisio, y nifer sydd i'w penodi gan bob cyngor penodi a Llywydd, eu penodiad a hyd eu haelodaeth.

Mae Rheoliadau 14 a 15 yn ymdrin â phenodi Llywydd y Tribiwnlys Prisio a'i Gadeiryddion.

Mae Rheoliad 16 yn darparu ar gyfer yr amgylchiadau pryd y mae person i gael ei wahardd rhag bod yn aelod.

Mae Rheoliad 17 yn darparu ar gyfer y lwfansau sydd i'w talu i aelodau.

Mae Rhan 3 y Rheoliadau hyn yn ymwneud â staff, gweinyddiaeth, adeiladau ac offer.

Mae Rheoliad 18 yn darparu ar gyfer penodi Prif Weithredwr interim, Prif Weithredwr a phenodi unrhyw weithwyr eraill (gan gynnwys Clercod) yn ôl penderfyniad Gwasanaeth Tribiwnlys Prisio Cymru. Mae'r Rheoliad hwn hefyd yn darparu ar gyfer dirprwyo swyddogaethau'r Prif Weithredwr.

Mae Rheoliad 19, 20 a 21 yn ymwneud â gweinyddiaeth, adeiladau ac offer.

Mae Rhan 4 yn cynnwys darpariaethau trosiannol mewn perthynas ag apeliadau a drosglwyddir a dirwyn y Tribiwnlysoedd presennol i ben.

Mae Rhan 5 yn darparu ar gyfer trefn i ymdrin ag apeliadau mewn perthynas â Threth y Cyngor.

Regulation 10 deals with the appointment of the Director and Deputy Director of the Governing Council.

Regulation 11 establishes a Valuation Tribunal for each of the areas of the jurisdiction set out in Schedule 1.

Regulations 12 and 13 make provision for the number of members for each Valuation Tribunal, the number to be appointed by each appointing council and President, and their appointment and duration of membership.

Regulations 14 and 15 deal with the appointment of the Valuation Tribunals President and its Chairpersons.

Regulation 16 provide for the circumstances in which a person is to be disqualified from membership.

Regulation 17 provide for the allowances payable to members.

Part 3 of these Regulations relate to staff, administration, accommodation and equipment.

Regulation 18 provides for the appointment of an interim Chief Executive, a Chief Executive and the appointment of any other employees (including Clerks) as the Valuation Tribunal Services for Wales may determine. This Regulation also provides for the delegation of the Chief Executive's functions.

Regulation 19, 20 and 21 relates to administration, accommodation and equipment.

Part 4 contains transitional provisions in relation to transferred appeals and the winding up of existing Tribunals.

Part 5 provides for the procedure for dealing with appeals in relation to Council Tax.

2005 Rhif 3364 (Cy.261)**2005 No. 3364 (W.261)****LLYWODRAETH LEOL,
CYMRU****LOCAL GOVERNMENT,
WALES****Rheoliadau Tribiwnlysoedd Prisio
(Cymru) 2005****The Valuation Tribunals (Wales)
Regulations 2005***Wedi'u gwneud* 6 Rhagfyr 2005*Made* 6 December 2005*Yn dod i rym* 2005
*yn unol â rheoliadau 1(2), (3) a (4)**Coming into force in accordance with*
regulation 1(2), (3) and (4)

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo dan adrannau 140(4) a 143(1) a (2) o, a pharagraffau 1, 3 i 8, 11, 12 a 14 i 16 o Atodlen 11 i Ddeddf Cyllid Llywodraeth Leol 1988(1), ac yn dilyn ymgynghori â'r Cyngor ar Dribiwnlysoedd fel sy'n ofynnol o dan adran 8 o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992(2), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers vested in it under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 3 to 8, 11, 12 and 14 to 16 of Schedule 11 to the Local Government Finance Act 1988(1), and after consultation with the Council on Tribunals as required by section 8 of the Tribunals and Inquiries Act 1992(2) hereby makes the following Regulations:

RHAN I**PART I**

Cyffredinol

General

Enw a dyddiad cychwyn**Title and commencement**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlysoedd Prisio (Cymru) 2005.

1.-(1) The title of these Regulations are the Valuation Tribunals (Wales) Regulations 2005.

(2) Ac eithrio rheoliad 4, daw rheoliadau 1 i 21 o'r Rheoliadau hyn i rym ar 3 Ionawr 2006.

(2) Save for regulation 4, regulations 1 to 21 of these Regulations come into force on 3 January 2006.

(3) Daw rheoliadau 4, 22 a 23 o'r Rheoliadau hyn i rym ar 14 Chwefror 2006.

(3) Regulations 4, 22 and 23 of these Regulations come into force on 14 February 2006.

(4) Daw rheoliadau 24 i 42 o'r Rheoliadau hyn i rym ar 15 Chwefror 2006.

(4) Regulation 24 to 42 of these Regulations come into force on 15 February 2006.

(1) 1988 p.41. *Gweler* O.S. 1999/672. Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 140(4) a 143(1) a (2) o, a pharagraffau 1, 3 i 8, 11, 12, 14 i 16 o Atodlen 11 i Ddeddf Cyllid Llywodraeth Leol 1988, cyn belled ag y gellir eu hymarfer mewn perthynas â Chymru, yn cael eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

(1) 1988 c.41. *See* S.I. 1999/672. The functions of the Secretary of State under sections 140(4) and 143(1) and (2) of and paragraphs 1, 3 to 8, 11, 12, 14 to 16 of Schedule 11 to the Local Government Finance Act 1988 are, 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.

(2) 1992 p.53.

(2) 1992 c.53.

Cymhwys

2. Mae'r Rheoliadau hyn yn gymwys i Dribiwnlysoedd yng Nghymru yn unig.

Dehongliad

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

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

- (a) adran 16 (Apeliadau: cyffredinol) a pharagraff 3 o Atodlen 3 (cosbau) i Ddeddf 1992;
- (b) rheoliadau a wnaed o dan adran 24 o Ddeddf 1992 (1);
- (c) rheoliadau a wnaed o dan adran 55 o Ddeddf 1988 (2);
- (ch) paragraff 4 o Atodlen 4A (Rhybuddion i Gwblhau) i Ddeddf 1988 (a elwir yn y Rheoliadau hyn yn "apêl yn erbyn rhybudd i gwblhau");
- (d) paragraff 5C o Atodlen 9 (Cosbau Sifil) i Ddeddf 1988; ac
- (dd) adran 45 o'r Ddeddf Draenio Tir 1991(3);

ystyr "ardal" ("*area*") yng nghyswllt Tribiwnlys, yw'r ardal y sefydlir tribiwnlys ar ei chyfer gan reoliad 11;

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

ystyr "Cadeirydd" ("*Chairperson*") yw Cadeirydd Tribiwnlys Prisio a benodir o dan reoliad 15;

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

ystyr "Cyfarwyddwr" ("*Director*") yw Cyfarwyddwr Cyngor Llywodraethu Gwasanaeth Tribiwnlys Prisio Cymru a benodir o dan reoliad 10;

ystyr "Cyngor Llywodraethu" ("*Governing Council*") yw Cyngor Llywodraethu Gwasanaeth Tribiwnlys Prisio Cymru a sefydlwyd dan reoliad 6;

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

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

Application

2. These Regulations apply to Tribunals 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;

"appeal" ("*apêl*"), means an appeal under-

- (a) section 16 (Appeals: general) and paragraph 3 of Schedule 3 (penalties) to the 1992 Act; ;
- (b) regulations made under section 24 of the 1992 Act(1);
- (c) regulations made under section 55 of the 1988 Act(2);
- (d) paragraph 4 of Schedule 4A (Completion Notices) to the 1988 Act (in these Regulations called an "appeal against a completion notice");
- (e) paragraph 5C of Schedule 9 (Civil Penalties) to the 1988 Act; and
- (f) section 45 of the Land Drainage Act 1991(3);

"area" ("*ardal*") in relation to a Tribunal, means the area for which it is established by regulation 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 a Valuation Tribunal appointed under regulation 15;

"completion notice" ("*hysbysiad cwblhau*") means a notice under Schedule 4A to the 1988 Act as it applies for the purposes of Part 1 of the 1992 Act (Council Tax: England and Wales);

"Deputy Director" ("*Dirprwy Gyfarwyddwr*") means the Deputy Director of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 10;

"Director" ("*Cyfarwyddwr*") means the Director of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 10;

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

(2) *Gweler* O.S. 1993/291.

(3) 1991 p.59.

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

(2) *See* S.I. 1993/291.

(3) 1991 c.59.

ystyr "Dirprwy Gyfarwyddwr" ("*Deputy Director*") yw Dirprwy Gyfarwyddwr Cyngor Llywodraethu Gwasanaeth Tribiwnlys Prasio Cymru a benodir o dan reoliad 10;

ystyr "Gwasanaeth Tribiwnlys Prasio Cymru" ("*Valuation Tribunal Service for Wales*") yw'r Gwasanaeth Tribiwnlys Prasio Cymru a sefydlir o dan reoliad 5;

ystyr "hen Dribiwnlys" ("*old Tribunal*") yw Tribiwnlys Prasio yng Nghymru a oedd yn bodoli yn union cyn 15 Chwefror 2006;

ystyr "hysbysiad am apêl" ("*notice of appeal*") yw hysbysiad o dan reoliad 27(1);

ystyr "hysbysiad cwblhau" ("*completion notice*") yw hysbysiad o dan Atodlen 4A i Ddeddf 1988 fel y'i cymhwysir at ddibenion Rhan 1 o Ddeddf 1992 (Treth Cyngor: Cymru a Lloegr);

ystyr "Llywydd" ("*President*") yw Llywydd Tribiwnlys Prasio a benodir o dan reoliad 14;

ystyr "rhestr" ("*list*") yw rhestr brisio a luniwyd o dan adran 22 o Ddeddf 1992;

ystyr "swyddog rhestru" ("*listing officer*") mewn perthynas ag apêl, yw'r swyddog a benodir o dan adran 20 o Ddeddf 1992 ar gyfer yr awdurdod lle y saif yr annedd y mae'r apêl yn ymwneud â hi;

ystyr "Tribiwnlys" ("*Tribunal*") yw aelodau Tribiwnlys a gynhaliwyd yn unol â Rhan 5 o'r Rheoliadau hyn at ddibenion penderfynu ar apêl; ac

ystyr "Tribiwnlys Arbennig" ("*Special Tribunal*") yw Tribiwnlys a sefydlir o dan reoliad 25(5), (7) neu (8);

ystyr "Tribiwnlys Prasio" ("*Valuation Tribunal*") yw Tribiwnlys Prasio a sefydlir o dan reoliad 11.

(2) Caiff unrhyw hysbysiad sydd i'w gyflwyno i unrhyw berson yn rhinwedd unrhyw ddarpariaeth yn y Rheoliadau hyn, gael ei gyflwyno drwy'r post.

(3) Mae'r cyfeiriadau at reoliadau ac Atodlenni yn gyfeiriadau at reoliadau ac Atodlenni i'r Rheoliadau hyn, oni nodir yn wahanol.

Dirymu

4. Dirymir y canlynol-

- (a) Rheoliadau'r Tribiwnlysoedd Prasio (Cymru) 1995(1);
- (b) rheoliadau 1 i 5 o Reoliadau'r Tribiwnlysoedd Prasio (Diwygiadau) (Cymru) 2001(2); a

(1) O.S. 1995/3056.

(2) O.S. 2001/1439 (Cy.101)

"Governing Council" ("*Cyngor Llywodraethu*") means the Governing Council of the Valuation Tribunal Service for Wales established under regulation 6;

"list" ("*rhestr*") means a valuation list compiled under section 22 of the 1992 Act;

"listing officer" ("*swyddog rhestru*") in relation to an appeal, means the officer appointed under section 20 of the 1992 Act 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 27(1);

"old Tribunal" ("*hen Dribiwnlys*") means a Valuation Tribunal in Wales which existed immediately before 15 February 2006;

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

"President" ("*Llywydd*") means a President of a Valuation Tribunal appointed under regulation 14;

"Special Tribunal" ("*Tribiwnlys Arbennig*") means a Tribunal established under regulation 25(5), (7) or (8);

"Tribunal" ("*Tribiwnlys*") means the members of a Tribunal convened in accordance with Part 5 of these Regulations for the purpose of disposing of an appeal;

"Valuation Tribunal" ("*Tribiwnlys Prasio*") means a Valuation Tribunal established under regulation 11; and

"Valuation Tribunal Service for Wales" ("*Gwasanaeth Tribiwnlys Prasio Cymru*") means the Valuation Tribunal Service for Wales established under regulation 5.

(2) Any notice which is by virtue of any provision of these Regulations to be served on any person may be served by post.

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

Revocation

4. The following are revoked-

- (a) the Valuation Tribunals (Wales) Regulations 1995(1);
- (b) regulations 1 to 5 of the Valuation Tribunals (Amendment) (Wales) Regulations 2001(2); and

(1) S.I. 1995/3056.

(2) S.I. 2001/1439 (W.101).

(c) Rheoliadau Tribiwnlysoedd Prasio (Cymru) (Diwygiadau) 2004(1).

(c) the Valuation Tribunals (Wales) (Amendment) Regulations 2004(1).

RHAN II

Sefydlu'r Gwasanaeth Tribiwnlys Prasio Cymru, ei Gyngor Llywodraethu a'r Tribiwnlysoedd Prasio

Sefydlu'r Gwasanaeth Tribiwnlys Prasio Cymru a'i Gyngor Llywodraethu

5. Ar 3 Ionawr 2006 sefydlir Gwasanaeth Tribiwnlys Prasio Cymru. Bydd Gwasanaeth Tribiwnlys Prasio Cymru'n cynnwys y Tribiwnlysoedd Prasio a sefydlir o dan reoliad 11.

6. Ar 3 Ionawr 2006 sefydlir Cyngor Llywodraethu ar gyfer Gwasanaeth Tribiwnlys Prasio Cymru.

7. Yn ddarostynedig i reoliadau 19 a 20 bydd swyddogaethau Gwasanaeth Tribiwnlys Prasio Cymru dan y Rheoliadau hyn yn cael eu gweithredu ar ei ran gan ei Gyngor Llywodraethu.

Aelodaeth Cyngor Llywodraethu Gwasanaeth Tribiwnlys Prasio Cymru

8. Aelodaeth y Cyngor Llywodraethu fydd:

- (a) Llywyddion y Tribiwnlysoedd Prasio yng Nghymru a benodir yn unol â rheoliad 14;
- (b) unrhyw berson a benodir gan Gynulliad Cenedlaethol Cymru dan reoliad 9.

9. Caiff Cynulliad Cenedlaethol Cymru benodi un person i fod yn aelod o'r Cyngor Llywodraethu.

Penodi Cyfarwyddwr a Dirprwy Gyfarwyddwr y Cyngor Llywodraethu

10.-(1) Yn ddarostynedig i baragraff (2), o fewn y cyfnod a bennir, rhaid i aelodau'r Cyngor Llywodraethu, yn unol â darpariaethau canlynol y rheoliad hwn, benodi person i fod yn Gyfarwyddwr y Cyngor Llywodraethu a phenodi person i fod yn Ddirprwy Gyfarwyddwr y Cyngor Llywodraethu.

(2) Rhaid i'r personau sydd i'w penodi dan y rheoliad hwn fod yn aelodau o'r Cyngor Llywodraethu ac o Dribiwnlys Prasio.

(3) Penderfynir ar y personau sydd i'w penodi drwy fwyafrif syml o'r pleidleisiau a fwriwyd, gyda phob aelod o'r Cyngor Llywodraethu'n cael un bleidlais.

PART II

Establishment of the Valuation Tribunal Service for Wales, its Governing Council and the Valuation Tribunals.

Establishment of the Valuation Tribunal Service for Wales and its Governing Council

5. On 3 January 2006 there will be established a Valuation Tribunal Service for Wales. The Valuation Tribunal Service for Wales will comprise of the Valuation Tribunals established under regulation 11.

6. On 3 January 2006 there will be established a Governing Council for the Valuation Tribunal Service for Wales.

7. Subject to regulations 19 and 20 the functions of the Valuation Tribunal Service for Wales under these Regulations will be performed on its behalf by its Governing Council.

Membership of the Governing Council of the Valuation Tribunal Service for Wales

8. The membership of the Governing Council will consist of:

- (a) the Presidents of the Valuation Tribunals in Wales appointed in accordance with regulation 14; and
- (b) any person appointed by the National Assembly for Wales under regulation 9.

9. The National Assembly for Wales may appoint one person to the Governing Council.

Appointment of the Director and Deputy Director of the Governing Council

10.-(1) Subject to paragraph (2), within the prescribed period, the members of the Governing Council must in accordance with the following provisions of this regulation appoint a person to be Director of the Governing Council and appoint a person to be Deputy Director of the Governing Council.

(2) The persons to be appointed under this regulation must be members of the Governing Council and of a Valuation Tribunal.

(3) The persons to be appointed will be determined by a simple majority of votes cast, each member of the Governing Council having one vote.

(1) O.S. 2004/1312 (Cy.138)

(1) S.I. 2004/1312 (W.138).

(4) Pan gynhelir etholiad dan baragraff (3), a bod y canlyniad yn un cyfartal, penderfynir pa bersonau sydd i'w penodi o blith y rhai gyda nifer cyfartal o bleidleisiau, drwy fwrw coelbren.

(5) Ni chynhelir unrhyw etholiad arall i benodi Cyfarwyddwr neu Ddirprwy Gyfarwyddwr y Cyngor Llywodraethu, ar wahân i yn unol â'r rheoliad hwn cyn terfyn pythefnos gan ddechrau ar y dyddiad pryd y dyroddir hysbysiad am yr etholiad gan y Prif Weithredwr yn unol â pharagraff (6).

(6) Rhaid i'r hysbysiadau sy'n ofynnol o dan baragraff (5) gael eu cyflwyno i bob person sy'n aelod o'r Cyngor Llywodraethu a rhaid i'r hysbysiadau hynny gael eu cyflwyno ar y dyddiad byddant yn cael eu cyhoeddi.

(7) Lle, ar derfyn y cyfnod a bennir, na chynhaliwyd etholiad yn unol â darpariaethau blaenorol y rheoliad hwn, bydd Cynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â pha aelodau bynnag o'r Cyngor Llywodraethu yr ystyria'n addas, ac yn ddarostynedig i baragraff (2), yn penodi un o'u plith i fod yn Gyfarwyddwr a/neu Ddirprwy Gyfarwyddwr fel y bo'n briodol.

(8) Bydd y Cyfarwyddwr a'r Dirprwy Gyfarwyddwr yn ddeiliaid y swydd hyd nes y bydd pa un bynnag o'r canlynol yn digwydd gyntaf-

- (a) terfyn cyfnod o ddwy flynedd o'r dyddiad pryd y cychwynnodd y Cyfarwyddwr neu'r Dirprwy Gyfarwyddwr ar ei swydd;
- (b) nad yw'r Cyfarwyddwr neu'r Dirprwy Gyfarwyddwr yn aelod o'r Cyngor Llywodraethu mwyach;
- (c) hysbysiad o ymddiswyddiad y Cyfarwyddwr neu'r Dirprwy Gyfarwyddwr o dan baragraff (9) yn dod i rym;
- (ch) hysbysiad terfynu o dan baragraff (10) yn dod i rym.

(9) Caiff Cyfarwyddwr neu Ddirprwy Gyfarwyddwr ymddiswyddo drwy roi hysbysiad o ddim llai nag un mis yn ysgrifenedig i Gynulliad Cenedlaethol Cymru.

(10) Caiff Cynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â pha aelodau bynnag o'r Cyngor Llywodraethu yr ystyria'n addas, drwy roi hysbysiad ysgrifenedig i'r Cyfarwyddwr a/neu'r Dirprwy Gyfarwyddwr, fel y bo'n briodol, derfynu eu cyfnod yn y swydd.

(11) Os nad oes modd i Gyfarwyddwr y Cyngor Llywodraethu, oherwydd gwaelledd neu absenoldeb neu unrhyw reswm arall, gyflawni swyddogaethau dan y Rheoliadau hyn, yna bydd y swyddogaethau hynny, gydag awdurdod ysgrifenedig y Cyfarwyddwr, neu os na all y Cyfarwyddwr ei ddarparu, y Prif Weithredwr, yn cael eu cyflawni gan Ddirprwy Gyfarwyddwr y Cyngor Llywodraethu.

(4) Where an election under paragraph (3) results in a tie, the persons to be appointed from amongst the candidates with equal votes will be determined by lot.

(5) No other election for the appointment of a Director and/or Deputy Director of the Governing Council other than in accordance with this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued by the Chief Executive in accordance with paragraph (6).

(6) The notices required by paragraph (5) must be served on all persons who are members of the Governing Council and such notices must be served on the date on which they are issued.

(7) Where at the expiry of the prescribed period no election has taken place in accordance with the foregoing provisions of this regulation, the National Assembly for Wales will, after consultation with such members of the Governing Council as it sees fit and subject to paragraph (2), appoint one of their number to be Director and/or Deputy Director as appropriate.

(8) The Director and Deputy Director will hold office until whichever of the following first occurs-

- (a) the expiration of a period of two years from the date upon which the Director or Deputy Director takes office;
- (b) the Director or Deputy Director ceases to be a member of the Governing Council;
- (c) notice of the Director or Deputy Director's resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A Director or Deputy Director may resign their office by giving not less than one month's notice in writing to the National Assembly for Wales.

(10) The National Assembly for Wales may, after consultation with such of the members of the Governing Council as it sees fit, by giving notice in writing to the Director and/or Deputy Director as appropriate terminate their office.

(11) If the Director of the Governing Council is unable, through illness or absence or any other cause, to carry out functions under these Regulations, then those functions will, with the authorisation in writing of the Director or, if the Director is unable to provide it, of the Chief Executive, be carried out by the Deputy Director of the Governing Council.

(12) Yn y rheoliad hwn-

ystyr "cyfnod a bennir" ("*prescribed period*") yw un mis gan ddechrau o 3 Ionawr 2006, neu dri mis o'r dyddiad pryd y daw swydd wag ar gael;

ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Sefydlu'r Tribiwnlysoedd Prasio

11.-(1) Sefydlir Tribiwnlys Prasio ar gyfer pob un o'r ardaloedd a nodir yng ngholofn 1 o Atodlen 1.

(2)

- (a) Bydd pob Tribiwnlys yn dwyn yr enw a roddir iddo yng ngholofn 2 o Atodlen 1.
- (b) Dangosir enw Cymraeg pob Tribiwnlys Prasio yng ngholofn 2 o Atodlen 1 yn union ar ôl yr enw Saesneg.

Penodi Aelodau Tribiwnlys Prasio

12.-(1) Bydd y canlynol yn aelodau Tribiwnlys Prasio a sefydlir o dan reoliad 11, yn ddarostynedig i baragraffau canlynol y rheoliad hwn,;

- (a) rhai a benodir gan y cynghorau a nodwyd yn benodol mewn perthynas â'r Tribiwnlys Prasio hwnnw yng ngholofn 4 o Atodlen 1 ("y cynghorau") a'r Llywydd ar y cyd, a
- (b) rhai a benodir gan Gynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â Llywydd y Tribiwnlys Prasio.

(2) Uchafswm y nifer o aelodau y gall y cynghorau a'r Llywydd eu penodi yw'r nifer a bennir mewn perthynas â'r Tribiwnlys Prasio hwnnw yng ngholofn 3 o Atodlen 1, ac uchafswm y nifer o aelodau y gall cyngor a'r Llywydd eu penodi yw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 5 o Atodlen 1.

(3) Isafswm y nifer o aelodau y mae'n rhaid i'r cynghorau a'r Llywydd eu penodi yw dwy ran o dair o'r nifer a bennir mewn perthynas â'r Tribiwnlys Prasio hwnnw yng ngholofn 3 o Atodlen 1, ac isafswm y nifer o aelodau y mae'n rhaid i gyngor a'r Llywydd eu penodi yw dwy ran o dair o'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 5 o Atodlen 1.

(4) Yn ddarostynedig i reoliad 13(2), ar 3 Ionawr 2006, bydd pob aelod o hen Dribiwnlys a benodir gan Gyngor a Llywydd yr hen Dribiwnlys hwnnw'n cael eu penodi'n aelodau o'r Tribiwnlys Prasio ar gyfer yr ardal yr oedd yr hen Dribiwnlys yn gweithredu ynddi'n flaenorol.

(12) In this regulation-

"prescribed period" ("*cyfnod a bennir*") means one month beginning with 3 January 2006, or three months from the date of a vacancy occurring;

"Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

Establishment of the Valuation Tribunals

11.-(1) There will be established a Valuation Tribunal for each of the areas set out in column 1 of Schedule 1.

(2)

- (a) Each Tribunal will have the name given to it in column 2 of Schedule 1.
- (b) The Welsh language name of each Valuation Tribunal is shown in column 2 of Schedule 1 immediately after its English language name.

Appointment of Valuation Tribunal Members

12.-(1) The members of a Valuation Tribunal established by regulation 11, subject to the following paragraphs of this regulation, will consist of;

- (a) those appointed by the councils prescribed in relation to that Valuation Tribunal in column 4 of Schedule 1 ("the councils") and the President jointly, and
- (b) those appointed by the National Assembly for Wales, after consultation with the President of the Valuation Tribunal.

(2) The maximum number of members that can be appointed by the councils and the President is the number specified in relation to that Valuation Tribunal in column 3 of Schedule 1 and the maximum number of members that can be appointed by a council and the President is the number specified in relation to that council in column 5 of Schedule 1.

(3) The minimum number of members that must be appointed by the councils and the President is two-thirds of the number specified in relation to that Valuation Tribunal in column 3 of Schedule 1 and the minimum number of members that must be appointed by a council and the President is two-thirds of the number specified in relation to that council in column 5 of Schedule 1.

(4) Subject to regulation 13(2), on 3 January 2006, all members of an old Tribunal appointed by a Council and the President of that old Tribunal will be appointed a member of the Valuation Tribunal for the area previously covered by that old Tribunal.

(5) I bwrpas y rheoliad hwn, ystyrir penodiadau a wnaed dan baragraff (4) fel pe baent wedi'u gwneud gan y cyngor a benododd yr aelod i wasanaethu ar yr hen Dribiwnlys, a'r Llywydd.

(6) Caiff Cynulliad Cenedlaethol Cymru benodi aelodau i bob Tribiwnlys Prisio a enwir yng ngholofn 2 o Atodlen 1.

(7) Ar 3 Ionawr 2006, bydd pob aelod o hen Dribiwnlys a benodir gan Gynulliad Cenedlaethol Cymru yn cael eu penodi'n aelodau o'r Tribiwnlys Prisio ar gyfer yr ardal yr oedd yr hen Dribiwnlys hwnnw'n gweithredu ynddo'n flaenorol.

(8) Ar derfyn tri mis ers i sedd ddod yn wag ar Dribiwnlys Prisio, lle bo cyngor a Llywydd y Tribiwnlys Prisio wedi methu â gwneud penodiad yn unol â pharagraff (1), caiff Cynulliad Cenedlaethol Cymru wneud y penodiad hwnnw, yn dilyn ymgynghori â Llywydd y Tribiwnlys Prisio.

(9) Ni fydd unrhyw benodiad o dan baragraff (1) yn ddilys, os bydd ei effaith yn golygu fod y nifer o aelodau o'r Tribiwnlys Prisio a benodir gan y cyngor hwnnw a'r Llywydd ac sy'n aelodau o'r cyngor, yn uwch na'r rhan o dair o gyfanswm aelodau'r Tribiwnlys Prisio a benodir gan y cyngor hwnnw a'r Llywydd.

(10) Ni ddylid dehongli fod paragraff (9) yn effeithio ar ddilysrwydd penodiad aelod o Dribiwnlys Prisio sy'n dod yn aelod o gyngor ar ôl i benodiad y person hwnnw ddod i rym.

(11) Ni ddylid dehongli fod paragraff (9) yn effeithio ar ddilysrwydd penodiad aelod o Dribiwnlys Prisio a oedd, ac sy'n parhau'n aelod o gyngor, os, ar yr adeg y daeth penodiad y person hwnnw i rym, nad oedd y nifer o aelodau o'r Tribiwnlys Prisio a benodir gan y cyngor hwnnw a'r Llywydd, a oedd yn aelodau o'r cyngor, yn fwy na chyfanswm y nifer o aelodau'r Tribiwnlys Prisio a benodir gan y cyngor hwnnw a'r Llywydd.

(12) Os bydd nifer yr aelodau o Dribiwnlys Prisio, a benodir gan gyngor a'r Llywydd, sy'n aelodau o'r cyngor hwnnw, yn uwch nag un rhan o dair o gyfanswm aelodau'r Tribiwnlys Prisio a benodir gan y cyngor hwnnw a'r Llywydd, rhaid i'r cyngor hwnnw a'r Llywydd, o fewn chwe mis, wneud y fath benodiadau ar y cyd ag sy'n angenrheidiol dan baragraff (1)(a) i alluogi penodiadau'r cyngor hwnnw a'r Llywydd dan baragraff (1)(a) i gydymffurfio â pharagraff (9) y rheoliad hwn.

(13) Ar derfyn tri mis, pan fo cyngor a'r Llywydd wedi methu â gwneud y fath benodiadau ag sydd angen yn unol â pharagraffau (1)(a) a (12), caiff y penodiadau hynny eu gwneud gan Gynulliad Cenedlaethol Cymru yn dilyn ymgynghori â Llywydd y Tribiwnlys Prisio hwnnw.

(5) For the purposes of this regulation, appointments made under paragraph (4) will be regarded as if made by the council which appointed the member to the old Tribunal and the President.

(6) The National Assembly for Wales may appoint members to each of the Valuation Tribunals named in column 2 of Schedule 1.

(7) On 3 January 2006, all members of an old Tribunal appointed by the National Assembly for Wales will be appointed a member of the Valuation Tribunal for the area previously covered by that old Tribunal.

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

(9) No appointment under paragraph (1) will be valid if its effect would be that the number of members of the Valuation Tribunal, appointed by that council and the President, who are members of the council exceed one third of the total number of members of the Valuation Tribunal appointed by that council and the President.

(10) Paragraph (9) must not be construed as affecting the validity of the appointment of a member of a Valuation Tribunal who becomes a member of a council after that person's appointment takes effect.

(11) Paragraph (9) must not be construed as affecting the validity of the appointment of a member of a Valuation Tribunal who was, and remains, a member of a council if, at the time that person's appointment took effect, the number of members of the Valuation Tribunal, appointed by that council and the President, who were members of the council did not exceed one third of the total number of members of the Valuation Tribunal appointed by that council and the President.

(12) If the number of members of a Valuation Tribunal, appointed by a council and the President, who are members of that council exceed one third of the total number of members of the Valuation Tribunal, appointed by that council and the President, that council and the President must within six months jointly make such appointments as necessary under paragraph (1)(a) to enable that council and the President's appointments under paragraph (1)(a) to comply with paragraph (9) of this regulation.

(13) Where at the expiry of three months a council and the President having failed to make such appointments as are necessary in accordance with paragraphs (1)(a) and (12), those appointments may be made by the National Assembly for Wales after consultation with the President of that Valuation Tribunal.

Hyd aelodaeth ar Dribiwnlysoedd Priso

13.-(1) Bydd aelodau a benodir o dan reoliad 12(4) a (7) yn dal y swydd hyd ddiwedd y cyfnod a bennir gan-

- (a) gyngor a Llywydd yr hen Dribiwnlys; neu
- (b) Gynulliad Cenedlaethol Cymru

a wnaeth y penodiad.

(2) Bydd penodiad pob aelod yn parhau am ba gyfnod bynnag a bennir gan y person neu'r personau sy'n gwneud y penodiad, ond ddim hwy na chwe blynedd, yn dilyn ymgynghori, yn achos penodiad gan Gynulliad Cenedlaethol Cymru, â Llywydd y Tribiwnlys Priso.

(3) Bydd pob aelod yn dal y swydd hyd nes i ba un bynnag o'r canlynol ddigwydd gyntaf-

- (a) terfyn y cyfnod a bennir dan baragraff (2);
- (b) hysbysiad o dynnu enw'r aelod ymaith dan baragraff (4) neu (5) yn dod i rym;
- (c) bod yr aelod yn dod yn anghymwys i ddal aelodaeth, yn unol â'r ddarpariaeth yn rheoliad 16;
- (ch) bod yr aelod yn ymddiswyddo drwy hysbysiad ysgrifenedig i'r Llywydd.

(4) Rhaid i'r Prif Weithredwr, os cyfarwyddir ef felly gan Gynulliad Cenedlaethol Cymru, yn dilyn i Gynulliad Cenedlaethol Cymru ymgynghori â'r cyngor a chyda Llywydd Tribiwnlys Priso, drwy gyfrwng hysbysiad ysgrifenedig, yn rhoi i'r aelod hwnnw ba gyfnod o hysbysiad bynnag a gyfarwyddir, fod ei gyfnod yn y swydd i'w derfynu dan y paragraff hwn.

(5) Caiff Cynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â Llywydd y Tribiwnlys Priso, roi i unrhyw aelod a benodir ganddo hysbysiad ysgrifenedig yn nodi pa gyfnod o hysbysiad bynnag, ag a benderfynir ganddo, o derfynu swydd.

(6) Pan benodir aelod yn Llywydd neu Gadeirydd Tribiwnlys Priso yn unol â'r Rheoliadau hyn, ac y byddai hyd aelodaeth yr aelod hwnnw o'r Tribiwnlys Priso'n dod i ben drwy weithredu paragraff (3)(a), bydd aelodaeth yr aelod hwnnw'n parhau, ac eithrio i bwrpas rheoliadau 14(3), 15(3) a 15(12) am gyfnod a ddaw i ben gyda therfyn y cyfnod a bennir ar gyfer ethol Llywydd i lenwi'r swydd wag dan reoliad 14, neu Gadeirydd i lenwi'r swydd wag dan reoliad 15, yn ôl y digwydd, neu pan fo etholiad Llywydd neu Gadeirydd yn cael ei gynnal, yn ôl y digwydd, pa un bynnag ddaw gyntaf, ac y cyfeirir ato yn y rheoliad hwn fel y "cyfnod interim".

(7) Pan fo aelodaeth Llywydd neu Gadeirydd yn parhau yn ystod y cyfnod interim yn unol â pharagraff (6), cyfyd lle gwag i bwrpas y Rheoliadau hyn yn

Duration of membership of Valuation Tribunals

13.-(1) Members appointed under regulation 12(4) and (7) will hold office until the expiry of the period specified by-

- (a) a council and the President of the old Tribunal; or
- (b) The National Assembly for Wales,

who made their appointment.

(2) Each appointment of a member will have effect for such period not exceeding six years as the person or persons making the appointment may specify, after consultation in the case of an appointment by the National Assembly for Wales with the President of the Valuation Tribunal.

(3) Each member will hold office until whichever of the following first occurs-

- (a) the period specified under paragraph (2) expires;
- (b) notice of that member's removal under paragraph (4) or (5) takes effect;
- (c) that member becomes disqualified from membership as provided in regulation 16;
- (d) that member resigns the office by notice in writing to the President.

(4) The Chief Executive will, if so directed by the National Assembly for Wales, after the National Assembly for Wales has consulted with the council and with the President of a Valuation Tribunal, by notice in writing give that member such period of notice of termination of office under this paragraph as may be directed.

(5) The National Assembly for Wales may, after consultation with the President of the Valuation Tribunal, give to any member appointed by it notice in writing giving such period of notice of termination of office as it may determine.

(6) Where a member is appointed a President or Chairperson of a Valuation Tribunal in accordance with these Regulations and the duration of that member's membership of the Valuation Tribunal would end by the application of paragraph (3)(a), that member's membership will continue, except for the purposes of regulations 14(3), 15(3) and 15(12), for a period which ends with the expiration of the prescribed period for the election of a President to fill the vacancy under regulation 14, or of a Chairperson to fill the vacancy under regulation 15, as the case may be, or when such an election of a President, or Chairperson, takes place, as the case may be, whichever is the earlier, in this regulation referred to as the "interim period".

(7) Where a President's or Chairperson's membership continues during the interim period in accordance with paragraph (6), a vacancy will arise for

achos Llywydd, ar gyfer aelod, Cadeirydd a Llywydd, ac yn achos Cadeirydd, am aelod a Chadeirydd, o ddiwedd y cyfnod y cyfeirir ato ym mharagraff (3)(a), ac yn benodol, o'r dyddiad hwnnw ni fydd y Llywydd neu'r Cadeirydd hwnnw, yn rhinwedd gweithredu'r paragraff hwn, yn un o'r nifer o aelodau a bennir yn unol â rheoliad 12(2) nac yn un o'r nifer o aelodau i'w penodi'n Gadeirydd, a bennir dan reoliad 15(1).

(8) Yn y rheoliad hwn, mae "Prif Weithredwr" ("*Chief Executive*") yn golygu Prif Weithredwr interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Llywyddion y Tribiwnlysoedd Priso

14.-(1) Ar 3 Ionawr 2006, bydd pob Llywydd ar hen Dribiwnlys yn cael ei benodi'n Llywydd y Tribiwnlys Priso dros yr ardal y gweithredai'r hen Dribiwnlys ynddo.

(2) O fewn tri mis gan ddechrau gyda lle gwag yn swydd y Llywydd, rhaid i aelodau Tribiwnlys Priso'r Llywydd hwnnw, yn unol â darpariaethau canlynol y rheoliad hwn, benodi person i fod yn Llywydd y Tribiwnlys Priso hwnnw.

(3) Rhaid i'r person a benodir fod yn aelod o'r Tribiwnlys Priso ac fe'i pennir drwy etholiad, drwy fwyafrif syml o'r pleidleisiau a fwriwyd, gyda phob aelod yn cael un bleidlais.

(4) Pan gynhelir etholiad o dan baragraff (3) neu (11), a bod y canlyniad yn un cyfartal, penderfynir pa berson sydd i'w benodi o blith yr ymgeiswyr gyda nifer cyfartal o bleidleisiau, drwy fwrw coelbren.

(5) Ni chynhelir etholiad i benodi Llywydd yn unol â'r rheoliad hwn cyn terfyn pythefnos gan ddechrau ar ddiwrnod cyhoeddi hysbysiad o'r etholiad yn unol â pharagraff (6) gan y Prif Weithredwr. Nid effeithir ar ddilysrwydd unrhyw etholiad gan fodolaeth lle gwag ymysg aelodau'r Tribiwnlys Priso.

(6) Rhaid i'r hysbysiad sy'n ofynnol o dan baragraff (5) gael ei gyflwyno i bob person sy'n aelod o'r Tribiwnlys Priso a rhaid i'r hysbysiad hwnnw gael ei gyflwyno ar y dyddiad y bydd yn cael ei gyhoeddi.

(7) Ar derfyn y cyfnod a bennir ym mharagraff (2), pan na chynhaliwyd etholiad yn unol â darpariaethau blaenorol y rheoliad hwn, rhaid i Gynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â pha aelodau bynnag o'r Tribiwnlys Priso ag yr ystyria'n addas, benodi un o aelodau'r Tribiwnlys Priso i fod yn Llywydd.

(8) Bydd y Llywydd a benodir dan y rheoliad hwn yn dal y swydd hyd nes y bo pa un bynnag o'r canlynol yn

the purposes of these Regulations in the case of a President for a member, a Chairperson and a President, and in the case of a Chairperson for a member and a Chairperson, from the expiration of the period referred to in paragraph (3)(a) and, in particular, from that date that President or Chairperson will not by virtue of the operation of this paragraph constitute one of the number of members determined in accordance with regulation 12(2), or one of the number of members to be appointed Chairperson determined in accordance with regulation 15(1).

(8) In this regulation, "Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

The Presidents of the Valuation Tribunals

14.-(1) On 3 January 2006, each President of an old Tribunal will be appointed to the post of President for the Valuation Tribunal for the area previously covered by their old Tribunal.

(2) Within three months beginning with a vacancy occurring in the office of the President, the members of that President's Valuation Tribunal must in accordance with the following provisions of this regulation appoint a person to be President of that Valuation Tribunal.

(3) The person to be appointed must be a member of the Valuation Tribunal and will be determined by election by a simple majority of votes cast, each member having one vote.

(4) Where an election under paragraph (3) or (11) results in a tie, the person to be appointed from among the candidates with equal votes will be determined by lot.

(5) No election for the appointment of a President in pursuance of this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued in accordance with paragraph (6) by the Chief Executive. The validity of any election will not be effected by there being a vacancy amongst the members of the Valuation Tribunal.

(6) The notice required by paragraph (5) must be served on all persons who are members of the Valuation Tribunal and such a notice must be served on the date on which it is issued.

(7) Where at the expiry of the period specified in paragraph (2) no election has taken place in accordance with the foregoing provisions of this regulation, the National Assembly for Wales must, after consultation with such of the members of the Valuation Tribunal as it sees fit, appoint one of the Valuation Tribunal's members to be President.

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

digwydd gyntaf-

- (a) terfyn y cyfnod interim y cyfeirir ato yn rheoliad 13(6);
- (b) bod y Llywydd hwnnw'n peidio â bod yn aelod o'r Tribiwnlys Priso;
- (c) hysbysiad o ymddiswyddiad y Llywydd hwnnw o dan baragraff (9) yn dod i rym;
- (ch) hysbysiad terfynu dan baragraff (10) yn dod i rym.

(9) Caiff Llywydd ymddiswyddo drwy roi hysbysiad o ddim llai nag un mis yn ysgrifenedig i Gynulliad Cenedlaethol Cymru.

(10) Caiff Cynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â pha aelodau bynnag o'r Tribiwnlys Priso ag yr ystyria'n addas, drwy roi hysbysiad ysgrifenedig i'r Llywydd, derfynu cyfnod y Llywydd hwnnw yn y swydd.

(11) Os nad oes modd i'r Llywydd, oherwydd gwaeledd neu absenoldeb neu unrhyw reswm arall, gyflawni swyddogaethau'r Llywydd dan y rheoliadau hyn, yna bydd y swyddogaethau hynny, gydag awdurdod ysgrifenedig y Llywydd, neu os na all y Llywydd ei ddarparu, y Prif Weithredwr, yn cael eu cyflawni gan un o Gadeiryddion y Tribiwnlys Priso a benodir i'r diben hwn gan aelodau'r Tribiwnlys Priso ac a etholwyd ganddynt drwy fwyafrif syml o bleidleisiau a fwrwyd, gyda phob aelod yn cael un bleidlais.

(12) Yn y rheoliad hwn-

ystyr "Llywydd hen Dribiwnlys" ("*President of an old Tribunal*") yw Llywydd hen Dribiwnlys sydd yn ei swydd ar 14 Chwefror 2006;

ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Cadeiryddion y Tribiwnlysoedd Priso

15.-(1) Ar 3 Ionawr 2006, bydd pob cadeirydd ar hen Dribiwnlys yn cael ei benodi i swydd Cadeirydd Tribiwnlys Priso dros yr ardal y gweithredai'r hen Dribiwnlys ynddo.

(2) Yn ddarostynedig i baragraff (1), pennir y nifer o aelodau Tribiwnlys Priso sydd i'w penodi i swydd Cadeirydd, gan y Gwasanaeth Tribiwnlysoedd i Gymru.

(3) Bydd y Llywydd yn un o'r Cadeiryddion a rhaid i aelodau Tribiwnlys Priso, yn unol â'r rheoliad hwn, benodi gweddill nifer y Cadeiryddion o fewn y cyfnod a bennir, drwy etholiad ymhlith eu haelodau.

occurs-

- (a) the expiration of the interim period referred to in regulation 13(6);
- (b) that President ceases to be a member of the Valuation Tribunal;
- (c) notice of that President's resignation under paragraph (9) takes effect;
- (d) notice of termination under paragraph (10) takes effect.

(9) A President may resign office by giving not less than one month's notice in writing to the National Assembly for Wales.

(10) The National Assembly for Wales may, after consultation with such of the members of the Valuation Tribunal as it sees fit, by giving notice in writing to the President terminate that President's office as such.

(11) 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 will, with the authorisation in writing of the President or, if the President is unable to provide it, of the Chief Executive, be carried out by one of the Chairpersons of the Valuation Tribunal appointed for this purpose by the members of the Valuation Tribunal and elected by them by a simple majority of votes cast, each member having one vote.

(12) In this regulation-

"President of an old Tribunal" ("*Llywydd hen Dribiwnlys*") means a President of an old Tribunal in post on 14 February 2006;

"Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

Chairpersons of the Valuation Tribunals

15.-(1) On 3 January 2006, each chairman of an old Tribunal will be appointed to the position of Chairperson for the Valuation Tribunal for the area previously covered by their old Tribunal.

(2) Subject to paragraph (1), the number of members of a Valuation Tribunal to be appointed to the position of Chairperson will be determined by the Valuation Tribunal Service for Wales.

(3) The President will constitute one of the Chairpersons and the members of a Valuation Tribunal must, in accordance with this regulation, appoint the remaining number of Chairpersons within the prescribed period by election from among their number.

(4) Ni chynhelir etholiad yn unol â'r rheoliad hwn cyn terfyn pythefnos gan ddechrau ar ddiwrnod dyroddi hysbysiad o'r etholiad yn unol â pharagraff (5) gan y Prif Weithredwr.

(5) Rhaid i'r hysbysiadau sy'n ofynnol o dan baragraff (4) gael eu cyflwyno i bob person sy'n aelod o'r Tribiwnlys Prisio a rhaid i'r hysbysiadau hynny gael eu cyflwyno ar y dyddiad y byddant yn cael eu cyhoeddi.

(6) Yr aelodau a benodir yn Gadeiryddion fydd y nifer priodol o aelodau sydd â'r nifer uchaf o bleidleisiau o'u plaid.

(7) I bwrpas paragraff (6) bydd gan bob aelod nifer o bleidleisiau yn cyfateb i'r nifer priodol, ac ni chaniateir iddynt fwrw ond un bleidlais dros bob ymgeisydd, a lle, mewn perthynas ag unrhyw le gwag, bod y canlyniad yn gyfartal, bydd y person neu'r personau sydd i'w penodi o blith yr ymgeiswyr â nifer cyfartal o bleidleisiau yn cael eu penderfynu drwy fwrw coelbren.

(8) Ar derfyn y cyfnod a bennir, pan nad oes etholiad wedi digwydd yn unol â'r rheoliad hwn, rhaid i Gynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â'r Llywydd, benodi nifer priodol o aelodau i fod yn Gadeiryddion.

(9) Bydd Cadeirydd a benodir dan y rheoliad hwn yn dal y swydd hyd nes y bo pa un bynnag o'r canlynol yn digwydd gyntaf-

- (a) terfyn y cyfnod interim y cyfeirir ato yn rheoliad 13(6);
- (b) bod y Cadeirydd hwnnw'n peidio â bod yn aelod o'r Tribiwnlys Prisio;
- (c) bod y Cadeirydd hwnnw'n ymddiswyddo drwy rybudd ysgrifenedig i'r Llywydd;
- (ch) rhybudd terfynu dan baragraff (10) yn dod i rym.

(10) O ran y Llywydd-

- (a) caiff, wedi iddo ymgynghori â phob un o Gadeiryddion eraill y Tribiwnlys Prisio, drwy roi hysbysiad ysgrifenedig i Gadeirydd, derfynu swydd y Cadeirydd hwnnw; a
- (b) rhaid iddo, os cyfarwyddir ef i wneud hynny gan Gynulliad Cenedlaethol Cymru, roi hysbysiad ysgrifenedig i Gadeirydd, yn terfynu swydd y Cadeirydd hwnnw, ac a fydd yn dod i rym ar derfyn pa gyfnod bynnag y cyfarwyddir felly.

(11) Cyn rhoi cyfarwyddyd dan baragraff (10)(b) rhaid i Gynulliad Cenedlaethol Cymru ymgynghori â'r Llywydd.

(12) Yn y rheoliad hwn-

ystyr "cadeirydd hen Dribiwnlys" ("*chairman of an old Tribunal*") yw cadeirydd hen Dribiwnlys sydd

(4) No election in pursuance of this regulation will be held before the expiry of two weeks beginning on the day on which notice of the election is issued in accordance with paragraph (5) by the Chief Executive.

(5) The notices required by paragraph (4) must be served on all persons who are members of the Valuation Tribunal and such notices must be served on the date on which they are issued.

(6) The members elected as Chairpersons will be the appropriate number of members who have the highest number of votes cast.

(7) For the purposes of paragraph (6) each member will have a number of votes equal to the appropriate number, and may cast no more than one vote for each candidate; and where in relation to any vacancy the election result is a tie, the person or persons to be appointed from among the candidates with equal votes will be determined by lot.

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

(9) A Chairperson appointed under this regulation will hold office until whichever of the following occurs-

- (a) the expiration of the interim period referred to in regulation 13(6);
- (b) that Chairperson ceases to be a member of the Valuation Tribunal;
- (c) that Chairperson resigns by giving notice in writing to the President;
- (d) notice of termination under paragraph (10) takes effect.

(10) The President-

- (a) may, after consultation with each of the Valuation Tribunal's other Chairpersons, by giving notice in writing to a Chairperson terminate that Chairperson's office; and
- (b) must, if so directed by the National Assembly for Wales, 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.

(11) Before giving a direction under paragraph (10)(b) the National Assembly for Wales must consult the President.

(12) In this regulation-

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

yn ei swydd ar 14 Chwefror 2006;

ystyr "cyfnod a bennir" ("*the prescribed period*") yw tri mis gan ddechrau gyda lle gwag yn dod ymysg y nifer a nodwyd, neu le gwag o'r fath a fyddai'n dod oni bai am gymhwyso rheoliad 13(6), yn ôl y digwydd;

ystyr "nifer a bennir" ("*the determined number*") yw'r nifer a nodwyd gan Wasanaeth Tribiwnlys Priso Cymru yn unol â pharagraff (2);

ystyr "nifer priodol" ("*the appropriate number*") yw'r nifer a bennir wedi tynnu'r nifer o bersonau sydd ar am y tro yn dal swydd Cadeirydd;

ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Gwahardd rhag aelodaeth o Dribiwnlysoedd Priso

16.-(1) Bydd person yn cael ei wahardd rhag cael ei benodi neu rhag parhau'n aelod o Dribiwnlys Priso os-

- (a) yw'r person hwnnw wedi'i ddyfarnu'n fethdalwr; neu
- (b) fod y person hwnnw wedi gwneud trefniant gyda chredydwr, neu
- (c) fod y person hwnnw yn ystod y pum mlynedd yn union cyn penodiad y person hwnnw, neu ers penodiad y person hwnnw, wedi'i gael yn euog o unrhyw drosedd yn y Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw, ac y gorchymynnwyd iddo gael ei garcharu am gyfnod o dri mis neu fwy heb yr opsiwn o gael dirwy, boed y ddedfryd honno'n ohiriedig ai peidio; neu
- (ch) fod y person hwnnw wedi'i wahardd am y tro rhag bod yn aelod o awdurdod lleol; neu
- (d) fod y person hwnnw neu ei gyfar neu bartner sifil yn gyflogai neu'n dod yn gyflogai i'r Gwasanaeth Tribiwnlysoedd i Gymru.

(2) Bydd gwaharddiad sy'n gysylltiedig â pherson oherwydd paragraff (1)(a) yn dod i ben-

- (a) oni fo gorchymyn methdaliad a wnaed yn erbyn y person hwnnw wedi'i ddirymu'n flaenorol, ar y diwrnod pryd y rhyddheir y person hwnnw o fethdaliad; neu
- (b) os diddymir y gorchymyn methdaliad, yna ar y diwrnod y diddymir ef.

(3) Bydd gwaharddiad sy'n gysylltiedig â pherson oherwydd paragraff (1)(b) yn dod i ben-

- (a) os bydd y person hwnnw'n talu dyledion y person hwnnw'n llawn, ar y dyddiad pryd y cwblheir y taliad; neu
- (b) yn unrhyw achos arall, ar derfyn pum mlynedd o'r dyddiad pryd y cyflawnir telerau'r weithred

"chairman of an old Tribunal" ("*cadeirydd hen Dribiwnlys*") means a chairman of an old Tribunal in post on 14 February 2006;

"Chief Executive" ("Prif Weithredwr") means an interim Chief Executive appointed under regulation 18(1) or a Chief Clerk appointed under regulation 18(3).

"the determined number" ("*nifer a bennir*") means the number stated by the Valuation Tribunal Service for Wales in pursuance of paragraph (2);

"the prescribed period" ("*cyfnod a bennir*") means three months beginning with a vacancy occurring among the stated number, or such a vacancy which would occur but for the application of regulation 13(6) as the case may be;

Disqualification from membership of valuation Tribunals

16.-(1) A person will be disqualified from being appointed or continuing to be a member of a 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 Service for Wales.

(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

gompowndio neu'r trefniant.

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

(5) I ddibenion y rheoliad hwn, ystyr "aelod o Dribiwnlys Prasio" ("*member of a Valuation Tribunal*") yw aelod-

- (a) o Dribiwnlys Prasio a benodir o dan reoliad 12; neu
- (b) o Gyngor Llywodraethu Gwasanaeth Tribiwnlys Prasio Cymru a benodir o dan reoliad 8.

Lwfansau

17.-(1) Bydd gan aelodau hawl i ba lwfansau teithio, cynhaliaeth ac eraill ag y caiff Cynulliad Cenedlaethol Cymru eu pennu o dro i dro.

(2) At ddibenion y rheoliad hwn, ystyr "aelod" ("*member*") yw aelod o Dribiwnlys Prasio neu aelod o Gyngor Llywodraethu Gwasanaeth Tribiwnlys Prasio Cymru.

RHAN 3

Gweinyddiaeth

Staff y Gwasanaeth Tribiwnlys Prasio Cymru

18.-(1) O fewn un mis i 3 Ionawr 2006 rhaid i'r Gwasanaeth Tribiwnlys Prasio Cymru benodi Prif Weithredwr Interim a fydd yn gwasanaethu Gwasanaeth Tribiwnlys Prasio Cymru.

(2) Bydd y Prif Weithredwr Interim'n dal y swydd hyd nes y bydd y person a benodir o dan baragraff (3) yn cychwyn ar ei swydd.

(3) O fewn dri mis i 3 Ionawr 2006 rhaid i'r Gwasanaeth Tribiwnlys Prasio Cymru benodi Prif Weithredwr a fydd yn gwasanaethu Gwasanaeth Tribiwnlys Prasio Cymru.

(4) Ni fydd unrhyw benodiadau o dan baragraffau (1) neu (3) yn ddilys oni wneir hwynt gyda chymeradwyaeth Cynulliad Cenedlaethol Cymru.

(5) O fewn un mis i 3 Ionawr 2006, rhaid i Wasanaeth Tribiwnlys Prasio Cymru benodi Clerc Interim i bob Tribiwnlys Prasio.

(6) Bydd Clercod Interim yn dal y swydd hyd nes y bydd y personau a benodir o dan baragraff (7) yn cychwyn ar eu swyddi.

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 a Valuation Tribunal" ("*aelod o Dribiwnlys Prasio*") means a member-

- (a) of a Valuation Tribunal appointed under regulation 12; or
- (b) of the Governing Council of the Valuation Tribunal Service for Wales appointed under regulation 8.

Allowances

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

(2) For the purposes of this regulation "member" ("*aelod*") means a member of a Valuation Tribunal or a member of the Governing Council of the Valuation Tribunal Service for Wales.

PART 3

Administration

Staff of the Valuation Tribunal Service for Wales

18.-(1) Within one month of 3 January 2006, the Valuation Tribunal Service for Wales must appoint an Interim Chief Executive who will serve the Valuation Tribunal Service for Wales.

(2) The Interim Chief Executive will hold office until the person appointed under paragraph (3) takes office.

(3) Within three months of 3 February 2006, the Valuation Tribunal Service for Wales must appoint a Chief Executive who will serve the Valuation Tribunal Service for Wales.

(4) No appointments under paragraphs (1) or (3) will be valid unless they are made with the approval of the National Assembly for Wales.

(5) Within one month of 3 January 2006, the Valuation Tribunal Service for Wales must appoint an interim Clerk to each Valuation Tribunal.

(6) The interim Clerks will hold office until the persons appointed under paragraph (7) takes office.

(7) O fewn dri mis i 3 Ionawr 2006, rhaid i Wasanaeth Tribiwnlys Prasio Cymru benodi Clerc i bob Tribiwnlys Prasio.

(8) Caiff y Gwasanaeth Tribiwnlys Prasio Cymru benodi unrhyw gyflogoion eraill yn ôl ei benderfyniad.

(9) Bydd y telerau a'r amodau y penodir y Prif Weithredwr Interim, y Prif Weithredwr, y Clercod Interim, y Clercod a'r cyflogoion eraill, danynt, yn rhai a benderfynir gan Wasanaeth Tribiwnlys Prasio Cymru.

(10) Bydd Gwasanaeth Tribiwnlys Prasio Cymru'n talu i'w gyflogoion pa gydnabyddiaeth a lwfansau bynnag a bennir ganddo.

(11) Ni fydd unrhyw benderfyniad o dan baragraff (10) yn ddilys oni wneir hwynt gyda chymeradwyaeth Cynulliad Cenedlaethol Cymru.

(12) Caiff swyddogaethau'r Prif Weithredwr Interim, y Prif Weithredwr, y Clercod Interim a'r Clercod a benodir o dan baragraff (1), (3), (5) a (7) gael eu dirprwyo i weithwyr eraill Gwasanaeth Tribiwnlys Prasio Cymru, yn ôl penderfyniad y Gwasanaeth Tribiwnlys Prasio Cymru.

(13) Ar derfyn y cyfnod a bennir ym mharagraffau (1), (3), (5) a (7), pan nad oes unrhyw benodiadau wedi'u gwneud yn unol â darpariaethau'r rheoliad hwn, caiff Cynulliad Cenedlaethol Cymru, yn dilyn ymgynghori â pha aelodau bynnag o'r Cyngor Llywodraethu ag yr ystyria'n addas, benodi Prif Weithredwr Interim, Prif Weithredwr, Clercod Interim neu Glercod fel y bo'n briodol.

Gweinyddiaeth

19.-(1) Yn ddarostynedig i reoliad 7 a 20 caiff swyddogaethau Gwasanaeth Tribiwnlys Prasio Cymru o dan y rheoliadau hyn gael eu gweithredu ar ei ran gan ddau neu fwy o aelodau ei Gyngor Llywodraethu, y mae'n rhaid iddynt, yn ddarostynedig i baragraff (2) gynnwys Cyfarwyddwr y Cyngor Llywodraethu.

(2) Lle bo'n anymarferol i Gyfarwyddwr y Cyngor Llywodraethu weithredu unrhyw un o swyddogaethau'r Cyfarwyddwr o dan baragraff (1), gweithredir y swyddogaeth honno gan y dirprwy Gyfarwyddwr.

(3) Cyfrifoldeb y Prif Weithredwr fydd gweinyddu lwfansau aelodau'r Tribiwnlysoedd Prasio a'r Cyngor Llywodraethu a'r gydnabyddiaeth a'r lwfansau i gyflogoion Gwasanaeth Tribiwnlys Prasio Cymru.

(4) Mewn perthynas ag unrhyw daliad o dan reoliad 17, rhaid i'r Prif Weithredwr gadw cofnod ar gyfer pob Tribiwnlys Prasio a'r Cyngor Llywodraethu o enw'r derbynnydd a'r swm a'r rheswm am y taliad, a rhaid iddo ganiatáu i unrhyw berson a awdurdodwyd gan Gynulliad Cenedlaethol Cymru i archwilio a gwneud copïau o'r fath gofnodion.

(7) Within three months of 3 February 2006, the Valuation Tribunal Service for Wales must appoint a Clerk for each Valuation Tribunal.

(8) The Valuation Tribunal Service for Wales may appoint other employees as it so determines.

(9) The terms and conditions on which the interim Chief Executive, the Chief Executive, the interim Clerks, the Clerks and the other employees are appointed will be such as the Valuation Tribunal Service for Wales may determine.

(10) The Valuation Tribunal Service for Wales will pay to its employees such remuneration and allowances as it may determine.

(11) No determination under paragraph (10) will be valid unless made with the approval of the National Assembly for Wales.

(12) The functions of the interim Chief Executive, the Chief Executive, the interim Clerks and the Clerks appointed under paragraph (1), (3), (5) and (7) respectively, may be delegated to other employees of the Valuation Tribunal Service for Wales as the Valuation Tribunal Service for Wales so determines.

(13) Where at the expiry of the period specified in paragraphs (1), (3), (5) and (7) no appointments have taken place in accordance with the provisions of this regulation, the National Assembly for Wales may, after consultation with such members of the Governing Council as it sees fit, appoint an interim Chief Executive, Chief Executive, interim Clerks or Clerks as appropriate.

Administration

19.-(1) Subject to regulation 7 and 20 the functions of the Valuation Tribunal Service for Wales under these regulations may be performed on its behalf by two or more members of its Governing Council, who must, subject to paragraph (2), include the Director of the Governing Council.

(2) Where it is impracticable for the Director of the Governing Council to perform any of the Director's functions under paragraph (1), that function will be performed by the deputy Director.

(3) The administration of the allowances of members of the Valuation Tribunals and the Governing Council and of the remuneration and allowances of the Valuation Tribunal Service for Wales's employees will be the responsibility of the Chief Executive.

(4) In respect of any payment under regulation 17 the Chief Executive must keep a record for each Valuation Tribunal and the Governing Council of the name of the recipient and the amount and reason for the payment, and must permit any person authorised by the National Assembly for Wales to inspect and make copies of such records.

(5) Yn y rheoliad hwn, ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr Interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Adeiladau ac offer

20.-(1) Rhaid i Wasanaeth Tribiwnlys Priso Cymru gynnal swyddfa barhaol, a'r Prif Weithredwr fydd â'r swyddogaeth ar ran Gwasanaeth Tribiwnlys Priso Cymru i wneud y fath drefniadau a fydd yn sicrhau fod ganddo adeiladau eraill, ac offer ysgrifenyddol ac offer arall sy'n ddigonol ar gyfer cyflawni'r Gwasanaeth.

(2) Yn y rheoliad hwn, ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr Interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

Defnyddio ystafelloedd cyhoeddus

21.-(1) Caiff Llywydd Tribiwnlys Priso, Cyfarwyddwr y Cyngor Llywodraethu, y Prif Weithredwr neu Glerc wneud cais am ganiatâd cyngor sir neu gyngor bwrdeistref sirol yng Nghymru am ddefnyddio unrhyw adeiladau sy'n eiddo i'r cyngor hwnnw gan Dribiwnlys Priso neu ei aelodau, Tribiwnlys arbennig, y Cyngor Llywodraethu, y Prif Weithredwr, Clerc neu weithwyr Gwasanaeth Tribiwnlys Priso Cymru ar ba ddyddiau bynnag a nodir yn y cais.

(2) Ni ddylai cyngor sy'n derbyn cais fel y darperir ym mharagraff (1) wrthod y caniatâd a geisir yn afresymol, a bydd hawl ganddo i godi tâl rhesymol mewn perthynas â defnydd o'r fath.

(3) Yn y rheoliad hwn-

ystyr "Clerc" ("*Clerk*") yw Clerc Interim a benodir o dan reoliad 18(5) neu Glerc a benodir o dan reoliad 18(7);

ystyr "Prif Weithredwr" ("*Chief Executive*") yw Prif Weithredwr Interim a benodir o dan reoliad 18(1) neu Brif Weithredwr a benodir o dan reoliad 18(3).

RHAN 4

Darpariaethau Trosiannol

Apeliadau a drosglwyddir a dehongliad

22.-(1) Bydd unrhyw apêl i hen Dribiwnlys a gychwynwyd cyn 15 Chwefror 2006, ac a fyddai, pe bai wedi'i gychwyn ar y dyddiad hwnnw neu ar ôl hynny'n gymwys i'w benderfynu gan Dribiwnlys Priso

(5) In this regulation, "Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

Accommodation and equipment

20.-(1) The Valuation Tribunal Service for Wales must maintain a permanent office; and the Chief Executive will have the function on behalf of the Valuation Tribunal Service for Wales of making such arrangements as will secure that it has such other accommodation, and such secretarial and other equipment, as is sufficient for the performance of its functions.

(2) In this regulation, "Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3).

Use of public rooms

21.-(1) A President of a Valuation Tribunal, the Director of the Governing Council, the Chief Executive or a Clerk may request the permission of a county or county borough council in Wales for the use of any premises belonging to that council by a Valuation Tribunal or its members, a special Tribunal, the Governing Council, the Chief Executive, a Clerk or employees of the Valuation Tribunal Service for Wales, on such days as may be specified in the request.

(2) A council requested as provided in paragraph (1) must not unreasonably withhold the permission requested, and will be entitled to make reasonable charges in respect of such use.

(3) In this regulation-

"Chief Executive" ("*Prif Weithredwr*") means an interim Chief Executive appointed under regulation 18(1) or a Chief Executive appointed under regulation 18(3);

"Clerc" ("*Clerk*") means an interim Clerk appointed under regulation 18(5) or a Clerk appointed under regulation 18(7).

PART 4

Transitional Provisions

Transferred appeals and interpretation

22.-(1) Any appeal to an old Tribunal which was initiated before 15 February 2006 and would, had it been initiated on or after that date have fallen to be disposed of by a Valuation Tribunal established by

a sefydlwyd o dan reoliad 11, yn cael ei drosglwyddo ar 15 Chwefror 2006 i'w benderfynu gan y Tribiwnlys Prisio hwnnw ("y Tribiwnlys newydd").

(2) Ar 15 Chwefror 2006 ac ar ôl hynny-

- (a) bydd y darpariaethau statudol perthnasol yn bodoli, fel pe bai unrhyw beth a wnaed mewn perthynas â'r apêl gan neu yng nghyswllt yr hen Dribiwnlys y trosglwyddwyd ef ohono, neu Glerc, Llywydd neu gadeirydd yr hen Dribiwnlys hwnnw, wedi'i wneud gan neu mewn perthynas â'r Tribiwnlys newydd, neu, yn ôl y digwydd, Clerc, Llywydd neu Gadeirydd y Tribiwnlys newydd hwnnw, a
- (b) bydd unrhyw gyfeiriad (sut bynnag y geirir ef) at Glerc, Llywydd neu gadeirydd hen Dribiwnlys yn y darpariaethau statudol perthnasol neu'r offerynnau a wneir danynt, cyn belled ag sy'n angenrheidiol i weithredu'r rheoliad hwn, yn cael ei ddehongli fel cyfeiriad at Glerc, neu, yn ôl y digwydd, Lywydd neu Gadeirydd y Tribiwnlys newydd.

(3) Yn y rheoliad hwn ystyr "darpariaethau statudol perthnasol" ("*the relevant statutory provisions*") yw-

- (a) mewn perthynas ag apeliadau o dan adran 16, neu baragraff 3(1) o Atodlen 3 i Ddeddf 1992, y Rheoliadau hyn;
- (b) mewn perthynas ag apeliadau o dan reoliadau a wnaed o dan adran 24 o Ddeddf 1992, y Rheoliadau hynny;
- (c) mewn perthynas ag apeliadau o dan Atodlen 4A i Ddeddf 1988 (Hysbysyadau i Gwblhau), a than Reoliadau a wnaed dan adran 55 o Ddeddf 1988 ("y Rheoliadau hynny"), y Rheoliadau hynny;
- (ch) mewn perthynas ag apeliadau a wnaed o dan adran 45 o Ddeddf Draenio Tir 1991, Deddf 1991;
- (d) mewn perthynas ag apeliadau o dan baragraff 5C o Atodlen 9 (Cosbau Sifil) o Ddeddf 1988, y Rheoliadau hyn.

(4) At ddibenion Rhan 4 y Rheoliadau hyn, ystyr "Clerc" ("*Clerk*") yw-

- (a) Clerc Interim neu Glerc a benodir o dan reoliad 18(5) a (7), ac
- (b) unrhyw gyflogai arall i Wasanaeth Tribiwnlys Prisio Cymru a benodir o dan reoliad 18(8), y mae holl swyddogaethau neu ran o swyddogaethau Clerc yn Rhan 4 y Rheoliadau hyn, wedi'u dirprwyo iddynt.

Dirwyn i Ben

23.-(1) Bydd yr hen Dribiwnlysoedd yn peidio â bod ar 14 Chwefror 2006.

(2) Yn ddarostynedig i reoliad 12, bydd cyfnod aelodaeth aelodau'r hen Dribiwnlysoedd ar 14 Chwefror 2006 yn dod i ben ar derfyn y diwrnod hwnnw.

regulation 11, will be transferred on the 15 February 2006 to, and disposed of by, that Valuation Tribunal ("*the new Tribunal*").

(2) On and after 15 February 2006-

- (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 chairman of that old Tribunal, had been done by or in relation to the new Tribunal, or as the case may be, the Clerk, the President or a Chairperson of that new Tribunal, and
- (b) any reference (however framed) to a Clerk, President or a chairman 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 new Tribunal.

(3) In this regulation "the relevant statutory provisions" ("*darpariaethau statudol perthnasol*") 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, those Regulations;
- (c) in relation to appeals under Schedule 4A to the 1988 Act (Completion notices), 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, the 1991 Act;
- (e) in relation to appeals under paragraph 5C of Schedule 9 (Civil Penalties) of the 1988 Act, these Regulations.

(4) For the purposes of Part 4 of these Regulations, "Clerc" ("*Clerc*"), means-

- (a) an interim Clerk or a Clerk appointed under regulation 18(5) and (7) respectively; and
- (b) any other employee, of the Valuation Tribunal Service for Wales appointed under regulation 18(8) to which part or all of the functions of a Clerk in Part 4 of these Regulations have been delegated.

Winding Up

23.-(1) The old Tribunals will cease to exist on 14 February 2006.

(2) Subject to regulation 12, the members of the old Tribunals on 14 February 2006 will cease to hold office as such at the end of that day.

RHAN 5

Apeliadau Treth Cyngor

Dehongliad

24.-(1) Mae unrhyw gyfeiriad yn narpariaethau canlynol y Rhan hon-

- (a) at barti mewn apêl, yn cynnwys yr apelydd ac unrhyw berson y mae ganddo hawl bod copi o hysbysiad am apêl yr apelydd yn cael ei gyflwyno iddo; ac
- (b) at adran wedi'i rhifo neu Atodlen, oni fo'r cyddestun yn mynnu fel arall, yn gyfeiriad at yr adran neu'r Atodlen a rifwyd felly yn Neddf 1992.

(2) At ddibenion Rhan 5 o'r Rheoliadau hyn, ystyr "Clerc" ("*Clerc*") yw-

- (a) Clerc Interim neu Clerc a benodir o dan reoliad 18(5) a (7); ac
- (b) unrhyw gyflogai arall i Wasanaeth Tribiwnlys Prisio Cymru a benodir o dan reoliad 18(8), y mae holl swyddogaethau neu ran o swyddogaethau Clerc yn Rhan 5 y Rheoliadau hyn, wedi'u dirprwyo iddynt.

Awdurdodaeth

25.-(1) Yn ddarostynedig i baragraffau canlynol y rheoliad hwn-

- (a) ymdrinnir ag apêl, ar wahân i apêl yn erbyn cosb, gan y Tribiwnlys Prisio a sefydlwyd ar gyfer yr ardal lle y saif yr annedd y mae'r apêl yn ymwneud â hi;
- (b) ymdrinnir ag apêl yn erbyn cosb gan y Tribiwnlys Prisio y mae ardal ei awdurdodaeth yn cynnwys ardal yr awdurdod bilio dan sylw.

(2) Lle bo-

- (a) mwy nag un awdurdod bilio wedi penderfynu fod person yn atebol i dalu treth cyngor ar gyfer yr un diwrnod am fod y person hwnnw'n breswlydd mewn perthynas ag annedd, a
- (b) bod y person yn apelio o dan adran 16(1) yn erbyn y ddau neu bob un o'r penderfyniadau, ac
- (c) oni bai am y paragraff hwn byddai'r apeliadau'n gymwys i wahanol Dribiwnlysoedd Prisio ymdrin â hwy,

ymdrinnir â'r apeliadau, yn ddarostynedig i baragraff (3), gan ba un bynnag o'r Tribiwnlysoedd Prisio hynny ag a ddewisir gan y person hwnnw drwy roi hysbysiad ysgrifenedig i Clerc y Tribiwnlys Prisio hwnnw.

PART 5

Council Tax Appeals

Interpretation

24.-(1) Any reference in the following provisions of 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 or Schedule is, unless the context otherwise requires, a reference to the section or Schedule so numbered in the 1992 Act.

(2) For the purposes of Part 5 of these Regulations, "Clerc" ("*Clerc*"), means-

- (a) an interim Clerc or a Clerc appointed under regulation 18(5) and (7) respectively; and
- (b) any other employee, of the Valuation Tribunal Service for Wales appointed under regulation 18(8) to which part or all of the functions of the Clerc in Part 5 of these Regulations have been delegated.

Jurisdiction

25.-(1) Subject to the following paragraphs of this regulation-

- (a) an appeal other than an appeal against the imposition of a penalty will be dealt with by the Valuation Tribunal established for the area in which is situated the dwelling to which the appeal relates;
- (b) an appeal against the imposition of a penalty will be dealt with by the Valuation Tribunal whose area of jurisdiction includes the area of the billing authority concerned.

(2) Where-

- (a) more than one billing authority has decided that a person is liable to pay council tax for the same day because that person is a resident in relation to a dwelling, and
- (b) the person appeals under section 16(1) against both or all of the decisions, and
- (c) but for this paragraph, the appeals would fall to be dealt with by different Valuation Tribunals,

the appeals will be dealt with, subject to paragraph (3), by such one of those Valuation Tribunals as that person may elect by giving notice in writing to the Clerk of that Valuation Tribunal.

(3) Lle bo'r apelydd yn aelod o'r Tribiwnlys Prasio a fyddai, oni bai am y paragraff hwn, yn ymdrin ag apêl yr apelydd, ni ddylai'r Tribiwnlys Prasio hwnnw ymdrin â hi, ond Tribiwnlys Prasio arall a benodir i'r diben gan Wasanaeth Tribiwnlys Prasio Cymru.

(4) Lle bo'r apelydd yn gyn aelod o'r Tribiwnlys Prasio y byddai ei apêl yn gymwys iddo ymdrin â hi, yn unol ag unrhyw ddarpariaeth yn y rheoliad hwn, a bod Llywydd y Tribiwnlys Prasio hwnnw'n penderfynu na ddylai'r Tribiwnlys Prasio hwnnw ymdrin â hi, ymdrinnir â hi gan ba Dribiwnlys Prasio arall ag a benodir i'r diben gan Wasanaeth Tribiwnlys Prasio Cymru.

(5) Lle bo'r apelydd yn gyflogai i Wasanaeth Tribiwnlys Prasio Cymru, ymdrinnir â'r apêl gan Dribiwnlys Arbennig a benodir i'r diben gan Wasanaeth Tribiwnlys Prasio Cymru.

(6) Lle'r ymddengys i Lywydd Tribiwnlys Prasio a fyddai, oni bai am y paragraff hwn, yn ymdrin ag apêl, na fyddai'n briodol i'r Tribiwnlys Prasio hwnnw ymdrin â hi oherwydd gwrthdaro, neu'r hyn a allai ymddangos fel gwrthdaro buddiannau, bydd Gwasanaeth Tribiwnlys Prasio Cymru, pan hysbysir ef o hynny gan y Llywydd, yn penodi Tribiwnlys Prasio arall i ymdrin â'r apêl honno.

(7) Er gwaethaf darpariaethau'r rheoliad hwn, lle'r ymddengys yn briodol i Wasanaeth Tribiwnlys Prasio Cymru, caiff benodi Tribiwnlys Arbennig i ymdrin ag apêl.

(8) Os bydd-

- (a) yr apelydd yn gyn aelod neu gyflogai i hen Dribiwnlys, a
- (b) Tribiwnlys Prasio, yn unol â pharagraff (1) neu (2), i ymdrin ag unrhyw apêl gan berson y cyfeirir ato ym mharagraff (a), a bod ardal y Tribiwnlys yn cynnwys ardal neu ran o ardal yr hen Dribiwnlys hwnnw, ac
- (c) bod Llywydd y Tribiwnlys Prasio'n penderfynu na ddylai'r Tribiwnlys hwnnw ymdrin â'r apêl

ymdrinnir â hi gan Dribiwnlys Arbennig a benodir i'r diben gan Wasanaeth Tribiwnlys Prasio Cymru.

(9) Mewn achosion yr ymdrinnir â hwy o dan baragraffau (5), (7) neu (8), bydd Gwasanaeth Tribiwnlys Prasio Cymru'n penodi un o'r Clercod a benodir dan reoliad 18(5) neu (7) i wasanaethu'r Tribiwnlys hwnnw.

(3) Where the appellant is a member of the Valuation Tribunal which, but for this paragraph, would deal with the appellant's appeal, it must not be dealt with by that Valuation Tribunal but by such other Valuation Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(4) Where the appellant is a former member of the Valuation Tribunal by which, in pursuance of any provision of this regulation, the appellant's appeal would fall to be dealt with, and the President of that Valuation Tribunal determines that it must not be dealt with by that Valuation Tribunal, it will be dealt with by such other Valuation Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(5) Where the appellant is an employee of the Valuation Tribunal Service for Wales, the appeal will be dealt with by a Special Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(6) Where it appears to the President of a Valuation Tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such conflict, it would be inappropriate for an appeal to be dealt with by that Valuation Tribunal, the Valuation Tribunal Service for Wales will, on being so notified by the President, appoint another Valuation Tribunal to deal with that appeal.

(7) Notwithstanding the provisions of this regulation, where it appears appropriate to the Valuation Tribunal Service for Wales, it may appoint a Special Tribunal to deal with an appeal.

(8) Where-

- (a) the appellant is a former member or employee of an old Tribunal, and
- (b) in pursuance of paragraph (1) or (2), any appeal of a person referred to in paragraph (a) would fall to be dealt with by a Valuation Tribunal whose area includes all or part of the area of that old Tribunal, and
- (c) the President of the Valuation Tribunal determines that the appeal must not be dealt with by that Tribunal

it will be dealt with by a Special Tribunal as may be appointed for the purpose by the Valuation Tribunal Service for Wales.

(9) In cases dealt with under paragraphs (5), (7) or (8), the Valuation Tribunal Service for Wales will appoint one of the Clerks appointed under regulation 18(5) or (7) to serve that Tribunal.

Terfynau amser

26.-(1) Bydd apêl gan berson mewn perthynas â'r hwn y bodlonir 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 derfyn dau fis gan ddechrau o ddyddiad cyflwyno hysbysiad yr awdurdod bilio dan yr adran honno.

(2) Pan fodlonir yr amod a grybwyllwyd yn adran 16(7)(c), gwrthodir apêl gan y person a dramgwyddwyd oni chychwynnir hi o fewn pedwar mis i ddyddiad 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 derfyn dau fis gan ddechrau o ddyddiad cyflwyno hysbysiad ysgrifenedig o roddi'r gosb.

(4) Gwrthodir apêl yn erbyn hysbysiad i gwblhau oni chychwynnir hi'n ddim hwyrach nag ar derfyn pedair wythnos gan ddechrau o ddyddiad cyflwyno'r hysbysiad.

(5) Er gwaethaf paragraffau (1) i (4), caiff y Llywydd awdurdodi i apêl gael ei hystyried lle bo'r Llywydd yn fodlon fod methiant y person a dramgwyddwyd i gychwyn yr apêl fel y darperir gan y rheoliad hwn, wedi digwydd oherwydd amgylchiadau y tu hwnt i reolaeth y person hwnnw.

(6) At ddibenion y rheoliad hwn, ystyr "y Llywydd" (*"the President"*) hefyd, mewn achosion yr ymdrinnir â hwy o dan reoliad 25(5), (7) neu (8), yw Cyfarwyddwr Cyngor Llywodraethu Gwasanaeth Tribiwnlys Priso Cymru.

Cychwyn apêl

27. Rhaid cychwyn apêl drwy gyflwyno hysbysiad ysgrifenedig i'r Clerc ("hysbysiad am apêl") (*"a notice of appeal"*).

(2) Lle 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 pryd y cyflwynwyd yr hysbysiad o dan adran 16(4) i'r awdurdod bilio, ac
- (c) y dyddiad, os o gwbl, pryd yr hysbyswyd yr apelydd gan yr awdurdod, fel y crybwyllwyd yn adran 16(7)(a) neu (b).

(3) Lle bo apêl yn apêl yn erbyn hysbysiad i gwblhau, rhaid i'r hysbysiad am apêl fod â'r canlynol yn cyd-fynd ag ef-

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

Time limits

26.-(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.

(6) For the purposes of this regulation, "the President" (*"y Llywydd"*) also means, in cases dealt with under regulation 25(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Initiating an appeal

27.-(1) An appeal must be initiated by serving on the Clerk a notice in writing (*"a notice of appeal"*) (*"hysbysiad am apêl"*).

(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) Lle gwneir yr apêl yn erbyn cosb, rhaid i'r hysbysiad am apêl gynnwys y wybodaeth ganlynol-

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

(5) Rhaid i'r Clerc, o fewn pythefnos i gyflwyno'r hysbysiad am apêl, hysbysu'r apelydd fod y Clerc wedi'i dderbyn, a rhaid iddo gyflwyno copi ohono i'r awdurdod bilio y mae ei benderfyniad, ei weithred neu ei hysbysiad yn destun yr apêl, ac unrhyw awdurdod bilio arall yr ymddengys i'r Clerc ei fod yn gysylltiedig.

Trefniadau ar gyfer apeliadau

28.-(1) Dyletswydd Llywydd Tribiwnlys Prasio fydd sicrhau y gwneir trefniadau i apeliadau gael eu penderfynu yn unol â darpariaethau canlynol y Rhan hon.

(2) Mae'r paragraff hwn yn berthnasol lle bo apêl o dan y Rhan hon ac apêl o dan un neu fwy o'r canlynol-

- (a) rheoliadau a wnaed o dan adran 55 o Ddeddf 1988;
- (b) rheoliadau a wnaed o dan adran 24 o Ddeddf 1992;

yn ymwneud â'r un eiddo.

(3) Lle bo paragraff (2) yn gymwys-

- (a) bydd y Llywydd yn sicrhau yr ymdrinnir â'r apeliadau yn y fath drefn ag yr ymddengys i'r Llywydd hwnnw fyddai orau i sicrhau buddiannau cyfiawnder;
- (b) rhaid i'r swyddog prasio neu'r swyddog rhestru (yn ôl y digwydd) a'r awdurdod bilio gael eu cysylltu fel parti i apêl dan y Rhan hon;

(4) Ym mharagraff (3), ystyr "swyddog prasio" ("*valuation officer*") 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 ymarferol bosibl, gyflwyno copi o'r hysbysiad am apêl i berson a wnaed yn barti yn unol â pharagraff (3).

(6) At ddibenion y rheoliad hwn, mae "Llywydd Tribiwnlys Prasio" ("*the President of a Valuation Tribunal*") hefyd yn golygu, mewn achosion yr ymdrinnir â hwy o dan reoliad 25(5), (7) neu (8), Cyfarwyddwr Cyngor Llywodraethu Gwasanaeth Tribiwnlys Prasio Cymru.

(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 it, 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.

Arrangements for appeals

28.-(1) It will be the duty of the President of a Valuation Tribunal to 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 of the 1992 Act;

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 that 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" ("*swyddog prasio*") 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).

(6) For the purposes of this regulation, "the President of a Valuation Tribunal" ("*Llywydd Tribiwnlys Prasio*") also means, in cases dealt with under regulation 25(5), (7) or (8), the Director of the Governing Council of the Valuation Tribunal Service for Wales.

Tynnu'n ôl

29.-(1) Ceir tynnu apêl yn ôl drwy roi hysbysiad ysgrifenedig i'r Clerc cyn i wrandawriad, neu ystyriaeth o sylwadau ysgrifenedig gan Dribiwnlys, ddechrau.

(2) Rhaid i'r Clerc hysbysu'r apelydd pa fo'r hysbysiad am dynnu'n ôl wedi'i dderbyn, a rhaid iddo gyflwyno copi o'r hysbysiad i bob parti arall i'r apêl.

Penderfynu drwy sylwadau ysgrifenedig

30.-(1) Gellir penderfynu ar apêl ar sail sylwadau ysgrifenedig os yw pob parti wedi cytuno i hynny'n ysgrifenedig.

(2) Lle bo pob parti wedi rhoi cytundeb fel y nodir ym mharagraff (1), rhaid i'r Clerc gyflwyno hysbysiad i'r partiön yn unol â hynny, ac, o fewn pedair wythnos o gyflwyno hysbysiad o'r fath i barti, caiff pob parti gyflwyno i'r Clerc hysbysiad yn datgan-

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

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

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

(5) Ar derfyn pedair wythnos gan ddechrau o ddiwedd y cyfnod o bedair wythnos a grybwyllir ym mharagraff (4), rhaid i'r Clerc gyflwyno copïau o-

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

i Dribiwnlys a gyfansoddwyd fel y darperir yn rheoliad 34.

(6) Caiff y Tribiwnlys y cyfeirir apêl iddo fel y darperir ym mharagraff (5), os yr ystyria'n briodol-

- (a) ei gwneud yn ofynnol i unrhyw barti ddarparu'n ysgrifenedig wybodaeth bellach am y seiliau y dibynnir arnynt ac am unrhyw ffeithiau neu haeriadau perthnasol; neu
- (b) orchymyn y dylid penderfynu'r apêl ar sail gwrandawriad.

Withdrawal

29.-(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 a Tribunal.

(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.

Disposal by written representations

30.-(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 and 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 copies of-

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

to a Tribunal constituted as provided in regulation 34.

(6) The Tribunal 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) Lle bo Tribiwnlys yn ei gwneud yn ofynnol i unrhyw barti ddarparu manylion o dan baragraff (6)(a), rhaid i'r Clerc gyflwyno copi o'r manylion i bob parti arall, a chaiff pob parti o'r fath o fewn pedair wythnos i'r cyflwyno, gyflwyno i'r Clerc unrhyw sylwadau pellach y dymuna'r parti hwnnw eu gwneud mewn ymateb.

Hysbysiad o wrandawriad

31.-(1) Lle bo'r apêl i'w phenderfynu ar sail gwrandawriad, rhaid i'r Clerc, o leiaf bedair wythnos cyn y dyddiad dan sylw, gyflwyno i'r partiön hysbysiad am y dyddiad, yr amser a'r lleoliad a bennir ar gyfer y gwrandawriad.

(2) Bydd y Clerc yn hysbysebu'r dyddiad, yr amser a'r lleoliad a bennir ar gyfer unrhyw wrandawriad drwy sicrhau fod hysbysiad yn nodi'r fath wybodaeth yn cael ei arddangos mewn man amlwg-

- (a) y tu allan i swyddfa'r awdurdod bilio a benodir gan yr awdurdod i'r 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 apelïadau sydd i'w clywed.

(4) Lle bo gwrandawriad apêl wedi'i ohirio, rhaid i'r Clerc gymryd pa gamau bynnag sy'n rhesymol ymarferol yn yr amser sydd ar gael-

- (a) i hysbysu'r partiön am y gohiriad; ac
- (b) i hysbysebu'r gohiriad.

Gwaharddiad rhag cymryd rhan

32.-(1) Gwaherddir person rhag cymryd rhan fel aelod yn y gwrandawriad neu'r penderfyniad, neu rhag gweithredu fel Clerc neu swyddog Tribiwnlys 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" ("*relevant billing authority*") yw-

- (a) yn achos apêl yn erbyn hysbysiad cwblhau, yr awdurdod bilio y mae'r annedd sy'n destun yr apêl wedi'i leoli ynddi; ac
- (b) yn unrhyw achos arall, yr awdurdod bilio yr apelir yn erbyn ei benderfyniad.

(3) Gwaherddir person rhag cymryd rhan fel aelod yn y gwrandawriad neu'r penderfyniad, neu rhag gweithredu fel Clerc neu swyddog Tribiwnlys mewn perthynas ag apêl, os yw'r apelydd yn gymar i'r person hwnnw neu'n bartner sifil neu fod y person hwnnw'n cynnal yr apelydd yn ariannol, neu o dan rywmedigaeth i wneud hynny.

(7) Where a Tribunal 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 that party wishes to make in response.

Notice of hearing

31.-(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) 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

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

(2) In this regulation "relevant billing authority" ("*awdurdod bilio perthnasol*") 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 a 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) Fel arall, ni fydd person yn cael ei wahardd rhag gweithredu mewn unrhyw fodd mewn perthynas ag apêl yn unig am y rheswm fod y person hwnnw'n aelod o awdurdod sy'n derbyn arian yn uniongyrchol neu'n anuniongyrchol o daliadau mewn perthynas â threth cyngor allai gael ei effeithio gan weithredu swyddogaethau'r person hwnnw.

Cynrychiolaeth yn y gwrandawriad

33. Caiff unrhyw barti i apêl sydd i'w phenderfynu mewn gwrandawriad, ymddangos yn bersonol (gyda chymorth gan unrhyw berson os yw'r person hwnnw'n dymuno hynny), gan gwmsler neu dwrnai, neu unrhyw gynrychiolydd arall (ar wahân i berson sy'n aelod o Dribiwnlys Prisio neu Gyngor Llywodraethu Wasanaeth Tribiwnlys Prisio Cymru, neu gyflogai Gwasanaeth Tribiwnlys Prisio Cymru).

Trefn y gwrandawriad

34.-(1) Yn ddarostynedig i baragraff (2), gweithredir swyddogaeth Tribiwnlys i wrando neu benderfynu apêl gan dri aelod o Dribiwnlysoedd Prisio ac mae'n rhaid iddynt gynnwys o leiaf un Cadeirydd; a Chadeirydd fydd yn llywyddu.

(2) Lle bo pob parti i apêl sy'n ymddangos yn cytuno, gellir penderfynu'r apêl gan ddau aelod o Dribiwnlysoedd Prisio, ac er gwaethaf absenoldeb Cadeirydd.

(3) Cynhelir y gwrandawriad yn gyhoeddus, oni fo'r Tribiwnlys yn gorchymyn fel arall ar gais parti, ac wedi iddo gael ei fodloni y byddai buddiannau'r parti hwnnw'n cael eu heffeithio'n niweidiol.

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

(5) Caiff y Tribiwnlys fynnu bod unrhyw dyst yn rhoi tystiolaeth ar lw neu drwy gadarnhau, a bydd ganddo hawl i'r 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 Tribiwnlys, a chânt holi unrhyw dystion gerbron y Tribiwnlys a galw tystion.

(7) Caniateir gohirio gwrandawriad am ba amser bynnag, i ba le bynnag ac ar ba delerau bynnag (os o gwbl) a ystyrir yn briodol gan y Tribiwnlys; a rhaid rhoi hysbysiad rhesymol o'r amser a'r lleoliad y gohiriwyd y gwrandawriad iddo, i bob parti.

(8) Os ystyria ei fod yn briodol, caiff Tribiwnlys, wedi hysbysu'r partïon a'u gwahodd i fod yn bresennol, archwilio unrhyw annedd sy'n destun apêl.

(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

33. Any party to an appeal which is to be decided at a hearing may appear in person (with assistance from any person if that person wishes), by counsel or solicitor, or any other representative (other than a person who is a member of a Valuation Tribunal or the Governing Council of the Valuation Tribunal Service for Wales or an employee of the Valuation Tribunal Service for Wales).

Conduct of the hearing

34.-(1) Subject to paragraph (2), a Tribunal's function of hearing or determining an appeal will be discharged by three members of Valuation Tribunals who 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 Valuation Tribunals, and notwithstanding the absence of a Chairperson.

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

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

(5) The Tribunal 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 Tribunal may determine, and may examine any witness before the Tribunal and call witnesses.

(7) A hearing may be adjourned for such time, to such place and on such terms (if any) as the Tribunal 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 a Tribunal may, after notice to the parties inviting them to be present, inspect any dwelling which is the subject of an appeal.

(9) Yn ddarostynedig i unrhyw ddarpariaethau yn y Rhan hon, o ran y Tribiwnlys-

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

Tystiolaeth: cyffredinol

35.-(1) Mae'r rheoliad hwn yn berthnasol i wybodaeth a gyflenwir yn unol â rheoliadau o dan adran 13 neu Atodlen 2 i Ddeddf 1992.

(2) Yn ddarostynedig i ddarpariaethau canlynol y rheoliad hwn, bydd gwybodaeth y mae'r rheoliad hwn yn berthnasol iddi yn dderbyniol mewn unrhyw achos perthnasol fel tystiolaeth o unrhyw ffaith a nodir ynddi; a chymerir fod unrhyw ddogfen sy'n honni cynnwys gwybodaeth o'r fath, oni ddangosir yn wahanol-

- (a) wedi'i chyflwyno gan y person yr honnir iddi gael ei chyflwyno ganddo; ac
- (b) y cyflwynwyd hi gan y person hwnnw ym mha fodd bynnag yr honnir iddi gael ei chyflwyno.

(3) Ni ddylai gwybodaeth y mae'r rheoliad hwn yn berthnasol iddi gael ei defnyddio mewn unrhyw achosion perthnasol gan awdurdod bilio oni fo-

- (a) dim llai na phythefnos o rybudd, yn nodi'r wybodaeth sydd i'w defnyddio yn y fath fodd a'r annedd neu'r person y mae'n ymwneud â hi, wedi'i roi'n flaenorol i bob parti arall yn yr achos; a
- (b) bod unrhyw berson sydd wedi rhoi dim llai na 24 awr o rybudd o fwriad y person hwnnw i wneud hynny wedi derbyn caniatâd gan yr awdurdod hwnnw ar unrhyw amser rhesymol-
 - (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 yn cynnwys y fath wybodaeth.

(4) Os nad yw unrhyw wybodaeth y mae angen sicrhau ei bod ar gael i'w harchwilio'n unol â'r rheoliad hwn ar gael ar ffurf dogfen, bodlonir y ddyletswydd i sicrhau ei bod ar gael felly os sicheir fod allbrint, ffotograff neu atgynhyrchiad arall o'r ddogfen a gafwyd o'r cyfrwng storio a fabwysiadwyd mewn perthynas â'r ddogfen, ar gael i'w archwilio.

(9) Subject to any provisions of this Part, the Tribunal-

- (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.

Evidence: general

35.-(1) This regulation applies to information supplied in pursuance of regulations under section 13 of, 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 document, which has been obtained from the storage medium adopted in relation to the document, is made available for inspection.

(5) Yn y rheoliad hwn ystyr "achos(ion) perthnasol" ("*relevant proceedings*") yw unrhyw achos(ion) ar, neu o ganlyniad i apêl, ac unrhyw achos(ion) ar neu o ganlyniad i gyfeirio i gyflafareddiad o dan reoliad 42.

Tystiolaeth o restrau a dogfennau eraill

36.-(1) Gellir profi cynnwys rhestr drwy ddangos copi ohoni, neu o'r rhan berthnasol, yr honnir yr ardystiwyd iddo fod yn gopi cywir gan y swyddog rhestru.

(2) Gellir profi cynnwys hysbysiad cwblhau drwy ddangos copi ohono yr honnir ardystiwyd iddo fod yn gopi cywir gan y swyddog priodol o'r awdurdod bilio.

(3) Ym mharagraff (2) mae gan "swyddog priodol" ("*proper officer*") yr un ystyr ag yn Neddf Llywodraeth Leol 1972 (1).

Penderfyniadau ar apeliadau

37.-(1) Caiff apêl ei phenderfynu gan fwyafrif yr aelodau sy'n cymryd rhan; a lle (yn unol â rheoliad 34(2)), y penderfynir arni gan ddau aelod ac nad oes modd iddynt gytuno, rhaid iddi gael ei hanfon yn ôl gan y Clerc i'w phenderfynu gan Dribiwnlys yn cynnwys tri aelod gwahanol.

(2) Lle penderfynir ar apêl ar sail gwrandawriad, gall penderfyniad y Tribiwnlys gael ei ohirio neu ei roi ar lafar ar derfyn y gwrandawriad.

(3) Yn ddarostynedig i baragraff (4) cyn gynted ag y bo'n rhesymol ymarferol wedi i benderfyniad gael ei wneud, rhaid iddo-

- (a) yn achos penderfyniad a roddwyd ar lafar, gael ei gadarnhau,
- (b) yn unrhyw achos arall, gael ei gyfleu,

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

(4) Ni fydd unrhyw beth ym mharagraff (3) yn ei gwneud yn ofynnol i hysbysiad gael ei roi i barti os byddai'n ail-adrodd unrhyw ddogfen a gyflwynwyd i'r person hwnnw yn unol â rheoliad 41.

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

(6) Yn y rheoliad hwn, ystyr "aelod" ("*member*") yw aelod o Dribiwnlys a gyfansoddwyd yn unol â rheoliad 34.

(5) In this regulation "relevant proceedings" ("*achos(ion) perthnasol*") means any proceedings on or in consequence of an appeal, and any proceedings on or in consequence of a reference to arbitration under regulation 42.

Evidence of lists and other documents

36.-(1) The contents of a list may be proved by the production of a copy of it, 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 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" ("*swyddog priodol*") has the same meaning as in the Local Government Act 1972(1).

Decisions on appeals

37.-(1) An appeal may be decided by a majority of the members participating; and where (pursuant to regulation 34(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 a Tribunal consisting of three different members.

(2) Where an appeal is disposed of on the basis of a hearing, the decision of the Tribunal 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 41.

(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" ("*aelod*") means a member of a Tribunal constituted in accordance with regulation 34.

(1) 1972 p.70.

(1) 1972 c.70.

Gorchmynon

38.-(1) Pan benderfynir ar apêl neu ar ôl penderfynu arni, caiff y Tribiwnlys, o ganlyniad i'r penderfyniad, fynnu drwy orchymyn-

- (a) i amcangyfrif gael ei ddileu neu ei ddiwygio;
- (b) i gosb gael ei dileu;
- (c) i benderfyniad awdurdod bilio gael ei wrth-droi;
- (ch) i gyfrifiad (ar wahân i amcangyfrif) o swm gael ei ddirymu, gan ail-gyfrifo'r swm.

(2) Caiff gorchymyn fynnu y rhoddir sylw i unrhyw fater sy'n atodol i'r pwnc sydd dan sylw ganddo.

Adolygu penderfyniadau

39.-(1) Yn ddarostynedig i baragraffau (2) a (3) bydd gan Dribiwnlys a gyfansoddwyd fel y darperir ym mharagraff (4) hawl, ar dderbyn cais ysgrifenedig gan barti, i adolygu neu roi o'r neilltu drwy dystysgrif dan law'r aelod sy'n llywyddu-

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

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

(3) Caiff cais o dan baragraff (1) ei wrthod oni wneir ef o fewn y cyfnod o bedair wythnos gan ddechrau ar y diwrnod pryd y rhoddir hysbysiad (boed yn unol â rheoliad 37(3) neu reoliad 40(3)) o'r penderfyniad dan sylw.

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

- (5) Y seiliau y cyfeirir atynt ym mharagraff (1)(a) yw-
- (a) y gwnaed y penderfyniad yn anghywir o ganlyniad i gamgymeriad clerigol;
 - (b) na fu i barti ymddangos, ac y gall ddangos rheswm rhesymol pam na wnaeth y parti hynny; ac
 - (c) yr effeithir ar y penderfyniad gan benderfyniad gan neu ar apêl o'r Uchel Lys neu'r Tribiwnlys Tir mewn perthynas ag apêl ynglŷn ag annedd, neu yn ôl y digwydd, berson a oedd yn destun penderfyniad y Tribiwnlys.

(6) Y seiliau a grybwyllir ym mharagraff (1)(b) yw bod tystiolaeth newydd, na ellid bod wedi sicrhau ei bodolaeth drwy ymchwil rhesymol drylwyr, na'i rhagweld, wedi dod ar gael ers terfyn yr achos y mae'r

Orders

38.-(1) On or after deciding an appeal the Tribunal 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.

Review of decisions

39.-(1) Subject to paragraphs (2) and (3), a Tribunal 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 37(3) or regulation 40(3)) of the decision in question.

(4) So far as is reasonably practicable, the Tribunal appointed to review a decision will consist of the same members as constituted the Tribunal 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; and
 - (c) that the decision is affected by a decision of, or a decision on appeal from, the High Court or the Lands 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 Tribunal's decision.

(6) The grounds mentioned in paragraph (1)(b) are 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

penderfyniad yn ymwneud ag ef.

(7) Os bydd Tribiwnlys 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 un ai'r un Tribiwnlys neu un gwahanol.

(8) Rhaid i'r Clerc, cyn gynted ag y bo'n rhesymol ymarferol hysbysu'r partïon i'r apêl yn ysgrifenedig am-

- (a) benderfyniad na fydd y Tribiwnlys yn ymgymryd ag adolygiad dan baragraff (1);
- (b) penderfyniad y Tribiwnlys, wedi iddo gynnal adolygiad dan baragraff (1), na fydd yn rhoi o'r neilltu'r penderfyniad dan sylw;
- (c) dyroddi unrhyw dystysgrif o dan baragraff (1); a
- (ch) dirymu unrhyw orchymyn o dan baragraff (7).

(9) Yng nghyswllt penderfyniad y gwneir cais mewn perthynas ag ef o dan baragraff (1), lle bo 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 sy'n rhesymol ymarferol yn dilyn y digwyddiad perthnasol.

(10) Ym mharagraff (9)-

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

- (a) y gwneir y cais o dan baragraff (1);
- (b) y digwydd y digwyddiad y cyfeirir ato yn unrhyw un o'r is-baragraffau (a) i (ch) o baragraff (8); ac

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

(11) Yn y rheoliad hwn, ystyr "aelod" ("*member*") yw aelod o Dribiwnlys a gyfansoddwyd yn unol â rheoliad 34.

Cofnodion o benderfyniadau, ayb

40.-(1) Dyletswydd y Clerc fydd gwneud trefniadau i bob penderfyniad, pob gorchymyn a wneir o dan reoliad 38 ac effaith pob dystysgrif a dirymiad o dan reoliad 39, gael eu cofnodi.

(2) Ceir cadw cofnodion ar unrhyw ffurf, boed ddogfennol neu fel arall, a rhaid iddynt gynnwys y manylion a nodir yn Atodlen 2 isod.

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

since the conclusion of the proceedings to which the decision relates.

(7) If a Tribunal 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 Tribunal.

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

- (a) a determination that the Tribunal will not undertake a review under paragraph (1);
- (b) the determination of the Tribunal, 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" ("*aelod*") means a member of a Tribunal constituted in accordance with regulation 34.

Records of decisions, etc

40.-(1) It will be the duty of the Clerk to make arrangements for each decision, each order made under regulation 38 and the effect of each certificate and revocation under regulation 39 to be recorded.

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

(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) Rhaid cadw pob cofnod am gyfnod o chwe blynedd gan ddechrau o'r dyddiad y gwnaed nodyn ynddo ddiwethaf.

(5) Caiff unrhyw berson, ar amser rhesymol a nodir gan neu ar ran y Tribiwnlys dan sylw, a heb dalu, archwilio'r cofnodion y mae'n ofynnol eu cadw o dan baragraff (1).

(6) Os bydd person sydd yng ngofal y cofnod, heb esgus rhesymol yn rhwystru'n fwriadol berson rhag gweithredu'r hawl a roddir gan baragraff (5), bydd y person hwnnw'n agored, ar dderbyn euogfarn ddiannod, i ddirwy dim uwch na lefel 1 ar y raddfa safonol.

(7) Caiff yr aelod a lywyddodd yn y gwrandawriad neu pan benderfynwyd apêl, awdurdodi cywiro unrhyw gamgymeriad clerigol yn y cofnod, a rhaid i gopi o'r cofnod wedi'i gywiro gael ei anfon i'r personau yr anfonwyd copi o'r cofnod gwreiddiol iddynt.

(8) Bydd dangos, yn unrhyw achos yn unrhyw lys barn, ddogfen yr honnir yr ardystiwyd iddi fod yn gopi cywir gan Clerc Tribiwnlys o gofnod neu benderfyniad y Tribiwnlys hwnnw, oni phrofir i'r gwrthwyneb, yn dystiolaeth ddigonol o'r ddogfen a'r ffeithiau a gofnodir ynddi.

Apeliadau

41.-(1) Bydd apêl yn mynd i'r Uchel Lys ar bwynt cyfreithiol yn codi o benderfyniad neu orchymyn a roddir neu a wneir gan Dribiwnlys ar apêl, a ceir gwneud hynny gan unrhyw barti i'r apêl.

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

(3) Lle-

(a) mewn perthynas â chais dan baragraff (1) o reoliad 39 a wnaed o fewn pedair wythnos i ddyddiad pryd y rhodddwyd hysbysiad o'r penderfyniad sy'n destun yr apêl, y rhoddir hysbysiad fel y crybwyllir ym mharagraff (8)(a) y rheoliad hwnnw, neu

(b) y rhoddir hysbysiad fel y crybwyllir ym mharagraff (8)(b) y rheoliad hwnnw,

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

(4) Caiff yr Uchel Lys gadarnhau, amrywio, gosod o'r neilltu, dirymu neu ddileu unrhyw orchymyn y gallai'r Tribiwnlys fod wedi'i wneud.

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

(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 Tribunal concerned 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 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 Clerk of a Tribunal to be a true copy of a record or decision of that Tribunal will, unless the contrary is proved, be sufficient evidence of the document and of the facts it records.

Appeals

41.-(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 a Tribunal 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-

(a) in relation to an application under paragraph (1) of regulation 39 made within four weeks of the date on which notice was given of the decision which is the subject matter of the appeal, 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 the Tribunal, and may make any order which the Tribunal 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.

Cymrodeddu

42.-(1) Ar unrhyw adeg cyn dechrau gwrandawriad neu ystyriaeth o sylwadau ysgrifenedig gan Dribiwnlys, lle cytunir yn ysgrifenedig rhwng y personau a fyddai'n bartïon i'r apêl, pe digwyddai i anghydfod fod yn destun apêl i'r Tribiwnlys, cyfeirir y mater i gymrodeddiad.

(2) Bydd adran 94 o Ddeddf Cyflafareddu 1996(1) yn effeithiol at ddibenion cyfeirio cwestiwn yn unol â'r rheoliad hwn, fel pe bai'r cyfeiriad yn un o gymrodeddiad o dan Ddeddf arall o fewn ystyr yr adran honno.

(3) Yn unrhyw gymrodeddu yn unol â'r rheoliad hwn, gall y dyfarniad gynnwys unrhyw orchymyn allai fod wedi'i wneud gan Dribiwnlys mewn perthynas â'r cwestiwn, a bydd paragraff 10A o Atodiad 11 i Ddeddf 1988 yn berthnasol i orchymyn o'r fath fel y mae'n berthnasol i orchymynion a gofnodwyd yn unol â'r Rhan hon.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) Deddf Llywodraeth Cymru 1998(2)

6 Rhagfyr 2005

Llywydd y Cynulliad Cenedlaethol

Arbitration

42.-(1) Where at any time before the beginning of a hearing or the consideration by a Tribunal 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 Tribunal, would be the parties to the appeal, the question will be referred to arbitration.

(2) Section 94 of the Arbitration Act 1996(1) will have effect for the purposes of the referral of a question in pursuance of this regulation as if such referral were to arbitration under another Act within the meaning of that section.

(3) In any arbitration in pursuance of this regulation, the award may include any order which could have been made by a Tribunal in relation to the 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.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

6 December 2005

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) 1996 p.23.

(2) 1998 p.38.

(1) 1996 c.23.

(2) 1998 c.38.

ATODLEN 1

SEFYDLU TRIBIWNLYSOEDD PRISIO A PHENODI AELODAU

Rheoliadau 11, 12

1	2	3	4	5
Ardal awdurdodaeth	Enw	Y nifer mwyaf o aelodau pob Tribiwnlys a benodir gan y Cyngorau a'r Llywydd	Cyngorau	Y nifer mwyaf o aelodau i'w penodi gan bob cyngor
Siroedd Mynwy, Casnewydd a Phowys a bwrdeistrefi sirol Blaenau Gwent, Caerffili, a Thorfaen	East Wales Valuation Tribunal Tribiwnlys Prisio Dwyrain Cymru	66	Cyngor Bwrdeistref Sirol Blaenau Gwent	9
			Cyngor Bwrdeistref Sirol Caerffili	9
			Cyngor Sir Fynwy	9
			Cyngor Dinas Casnewydd	9
			Cyngor Sir Powys	21
			Cyngor Bwrdeistref Sirol Torfaen	9
Siroedd Môn Gwynedd, Sir Ddinbych, Sir y Fflint a bwrdeistrefi sirol Conwy a Wrecsam	North Wales Valuation Tribunal Tribiwnlys Prisio Gogledd Cymru	54	Cyngor Bwrdeistref Sirol Conwy	9
			Cyngor Sir Ynys Môn	9
			Cyngor Sir Gwynedd	9
			Cyngor Sir Ddinbych	9
			Cyngor Sir y Fflint	9
			Cyngor Bwrdeistref Sirol Wrecsam	9

Sir Caerdydd a bwrdeistrefi sirol Pen-y-bont ar Ogwr, Merthyr Tudful, Rhondda Cynon Taf a Bro Morgannwg	South Wales Valuation Tribunal Tribiwnlys Priso De Cymru	57	Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr	9
			Cyngor Sir Dinas a Sir Caerdydd	18
			Cyngor Bwrdeistref Sirol Merthyr Tudful	6
			Cyngor Bwrdeistref Sirol Rhondda Cynon Taf,	15
			Cyngor Bwrdeistref Sirol Bro Morgannwg	9
Siroedd Ceredigion, Caerfyrddin, Sir Benfro ac Abertawe a bwrdeistref sirol Castell-nedd a Phort Talbot	West Wales Valuation Tribunal Tribiwnlys Priso Gorllewin Cymru	57	Cyngor Sir Ceredigion	6
			Cyngor Sir Caerfyrddin	12
			Cyngor Bwrdeistref Sirol Castell-nedd a Phort Talbot	12
			Cyngor Sir Benfro	12
			Cyngor Sir a Dinas Abertawe	15

SCHEDULE 1

ESTABLISHMENT OF VALUATION TRIBUNALS AND APPOINTMENT OF MEMBERS

Regulations 11, 12

1	2	3	4	5
Area of jurisdiction	Name	Maximum number of members of each Tribunal appointed by the Councils and the President	Councils	Maximum number of members to be appointed by each council
The counties of Monmouthshire, Newport and Powys and the county boroughs of Blaenau Gwent, Caerphilly, and Torfaen	East Wales Valuation Tribunal Tribiwnlys Priso Dwyrain Cymru	66	Blaenau Gwent County Borough Council	9
			Caerphilly County Borough Council	9
			Monmouthshire County Council	9
			Newport City Council	9
			Powys County Council	21
			Torfaen County Borough Council	9
			The counties of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham	North Wales Valuation Tribunal Tribiwnlys Priso Gogledd Cymru
Isle of Anglesey County Council	9			
Gwynedd County Council	9			
Denbighshire County Council	9			
Flintshire County Council	9			
Wrexham County Borough Council	9			

The county of Cardiff and the county boroughs of Bridgend, Merthyr Tydfil, Rhondda Cynon Taf and the Vale of Glamorgan	South Wales Valuation Tribunal Tribiwnlys Priso De Cymru	57	Bridgend County Borough Council	9
			County Council of the City and County of Cardiff	18
			Merthyr Tydfil County Borough Council	6
			Rhondda Cynon Taf County Borough Council	15
			The Vale of Glamorgan County Borough Council	9
The counties of Ceredigion, Carmarthenshire, Pembrokeshire and Swansea and the county borough of Neath and Port Talbot	West Wales Valuation Tribunal Tribiwnlys Priso Gorllewin Cymru	57	Ceredigion County Council	6
			Carmarthenshire County Council	12
			Neath and Port Talbot County Borough Council	12
			Pembrokeshire County Council	12
			City and County of Swansea	15

ATODLEN 2

CYNNWYS COFNODION A WNAED DAN RAN 5

Rheoliad 40

Enw a chyfeiriad yr apelydd

Dyddiad yr apêl

Y mater yr apeliwyd yn ei erbyn

Enw'r awdurdod bilio yr apeliwyd yn erbyn ei benderfyniad

Dyddiad y gwrandawriad neu'r penderfyniad

Enw'r partïon a ymddangosodd, os o gwbl

Penderfyniad y Tribiwnlys a'i ddyddiad

Y rhesymau dros y penderfyniad

Unrhyw orchymyn a wnaed o ganlyniad i'r penderfyniad

Dyddiad unrhyw orchymyn o'r fath

Unrhyw dystysgrif yn gosod y penderfyniad o'r neilltu

Unrhyw ddirymiad dan reoliad 39(7)

SCHEDULE 2
CONTENTS OF RECORDS MADE UNDER PART 5

Regulation 40

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 Tribunal 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 39(7)

OFFERYNNAU STATUDOL

2005 Rhif 3364 (Cy.261)

**LLYWODRAETH LEOL,
CYMRU**

Rheoliadau Tribiwnlysoedd Prisio
(Cymru) 2005

STATUTORY INSTRUMENTS

2005 No. 3364 (W.261)

**LOCAL GOVERNMENT,
WALES**

The Valuation Tribunals (Wales)
Regulations 2005

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£6.50

W206/12/05

ON