



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 322 (Cy.53)

2012 No. 322 (W.53)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Tribiwnlys Anghenion
Addysgol Arbennig Cymru
2012

The Special Educational Needs
Tribunal for Wales Regulations
2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn nodi'r weithdrefn sydd i'w dilyn mewn achosion gerbron Tribiwnlys Anghenion Addysgol Arbennig Cymru. Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch arfer awdurdodaeth y Tribiwnlys o dan Ran 4 o Ddeddf Addysg 1996 sy'n ymwneud ag apelau anghenion addysgol arbennig, a Phennod 1 o Ran 6 o Ddeddf Cydraddoldeb 2010 sy'n ymwneud â hawliadau o wahaniaethu ar sail anableded mewn perthynas â disgyblion ysgol.

These Regulations set out the procedure to be followed in proceedings before the Special Educational Needs Tribunal for Wales. These Regulations make provision relating to the exercise of the Tribunal's jurisdiction under Part 4 of the Education Act 1996 which concerns special educational needs appeals and Chapter 1 of Part 6 of the Equality Act 2010 which concerns claims of disability discrimination in respect of school pupils.

Mae Rhan A yn cynnwys darpariaethau cyffredinol sy'n cynnwys dirymiadau, arbedion a darpariaethau trosiannol. Mae hefyd yn gwneud darpariaeth ynglŷn â chyfansoddiad y Tribiwnlys.

Part A contains general provisions which include revocations, savings and transitional provisions. It also makes provision in relation to the Tribunal's constitution.

Mae Rhan B yn gwneud darpariaeth ynglŷn â chychwyn achosion, paratoi achosion, gwrandawiadau, penderfyniadau'r Tribiwnlys, ac adolygiadau ac apelau yn erbyn penderfyniadau'r Tribiwnlys. Mae'n gwneud darpariaeth hefyd ynglŷn â gorchmynion Tribiwnlys, y terfynau amser ar gydymffurfiaeth awdurdodau lleol â gorchmynion o'r fath, a'r terfynau amser ar gyfer camau penodedig sydd i'w cymryd gan awdurdodau lleol ar ôl iddynt ildio rhai apelau a wneir i'r Tribiwnlys.

Part B makes provision about commencing proceedings, case preparation, hearings, Tribunal decisions, and reviews and appeals against Tribunal decisions. It also makes provision about Tribunal orders, the time limits within which local authorities must comply with such orders and the time limits within which local authorities must take specified action following their concession of certain appeals to the Tribunal.

Mae Rhan C yn gwneud darpariaeth mewn perthynas ag apelwyr neu hawlwyr sy'n blant. Mae'n pennu'r weithdrefn sydd i'w dilyn a'r darpariaethau y mae'n rhaid eu bodloni cyn y caiff person weithredu fel cyfaill achos i blentyn.

Part C makes provision in relation to appellants or claimants who are children. It sets out the procedure to be followed and the provisions that must be met for a person to act as the child's case friend.

Mae Rhan CH yn cynnwys darpariaethau amrywiol sy'n gymwys i achosion gerbron y Tribiwnlys.

Part D contains miscellaneous provisions which apply to proceedings before the Tribunal.

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EDUCATION, WALES

Rheoliadau Tribiwnlys Anghenion
Addysgol Arbennig Cymru
2012

The Special Educational Needs
Tribunal for Wales Regulations
2012

Gwnaed 8 Chwefror 2012

Made 8 February 2012

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Yn dod i rym 6 Mawrth 2012

Coming into force 6 March 2012

CYNNWYS

CONTENTS

RHAN A

PART A

CYFFREDINOL

GENERAL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Apelau a hawliadau ar neu ar ôl 6 Mawrth 2012
4. Dirymiadau ac arbedion
5. Darpariaethau trosiannol
6. Yr amcan gor-redol
7. Rhwymedigaeth ar y partïon i gydweithredu
8. Dulliau amgen o ddatrys anghydfod

1. Title, commencement and application
2. Interpretation
3. Appeals and claims on or after 6 March 2012
4. Revocations and savings
5. Transitional provisions
6. The overriding objective
7. Parties' obligation to co-operate
8. Alternative dispute resolution

Cyfansoddiad y Tribiwnlys

9. Aelodau'r panel addysg
10. Sefydlu panelau tribiwnlys
11. Aelodaeth panel tribiwnlys

Constitution of the Tribunal

9. Education panel members
10. Establishment of tribunal panels
11. Membership of tribunal panel

RHAN B

APELAU ANGHENION ADDYSGOL ARBENNIG A HAWLIADAU ANABLEDD

Cychwyn achosion

Gwneud apêl neu hawliad

12. Cyfnod a ganiateir ar gyfer cychwyn achos
13. Cais apêl
14. Cais hawlio
15. Gweithredu gan Ysgrifennydd y Tribiwnlys
16. Apêl neu hawliad a wneir y tu allan i'r amser
17. Digonolrwydd y rhesymau
18. Cynrychiolwyr yr apelydd neu'r hawlydd

Paratoi achos cyn y gwrandawriad

Datganiadau achos a darpariaeth atodol

19. Y cyfnod datganiad achos
20. Datganiad achos a thystiolaeth yr apelydd neu'r hawlydd
21. Datganiad achos a thystiolaeth yr awdurdod lleol neu'r corff cyfrifol
22. Newid cynrychiolydd yr awdurdod lleol neu'r corff cyfrifol
23. Newid yr awdurdod lleol mewn apêl
24. Copïau o ddogfennau i'r partïon
25. Methiant i gyflwyno datganiad achos ac absenoldeb gwrthwynebiad

Ymholiadau'r Tribiwnlys

26. Ymholiadau gan Ysgrifennydd y Tribiwnlys
27. Methiant i ymateb i ymholiadau a wnaed gan Ysgrifennydd y Tribiwnlys

Pwerau rheoli'r Tribiwnlys

28. Pwerau cyffredinol
29. Pŵer i ddileu'r apêl neu'r hawliad
30. Gorchymyn i ddiwygio datganiad achos
31. Tystiolaeth a chyflwyniadau
32. Cyfarwyddiadau wrth baratoi ar gyfer gwrandawriad
33. Amrywio cyfarwyddiadau neu'u gosod o'r neilltu
34. Manylion a datganiadau atodol

PART B

SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS

Commencing proceedings

Making an appeal or claim

12. Period within which proceedings must be commenced
13. Appeal application
14. Claim application
15. Action by the Secretary of the Tribunal
16. Appeal or claim made out of time
17. Sufficiency of reasons
18. Appellant's or claimant's representatives

Case preparation before the hearing

Case statements and supplementary provision

19. Case statement period
20. Appellant's or claimant's case statement and evidence
21. Local authority's or responsible body's case statement and evidence
22. Change of local authority or responsible body's representative
23. Change of local authority in an appeal
24. Copy documents for parties
25. Failure to submit a case statement and absence of opposition

Tribunal enquiries

26. Enquiries by the Secretary of the Tribunal
27. Failure to respond to enquiries by the Secretary of the Tribunal

The Tribunal's management powers

28. General powers
29. Power to strike out the appeal or claim
30. Order to amend case statement
31. Evidence and submissions
32. Directions in preparation for a hearing
33. Varying or setting aside directions
34. Particulars and supplementary statements

35. Datgelu dogfennau a deunydd arall
36. Methiant i gydymffurfio â chyfarwyddiadau
37. Cyfuno apelau neu hawliadau
38. Cyfuno hawliadau gydag apelau
39. Ychwanegu ac amnewid partïon
40. Trosglwyddo apêl

35. Disclosure of documents and other material
36. Failure to comply with directions
37. Consolidating appeals or claims
38. Consolidating claims together with appeals
39. Addition and substitution of parties
40. Transfer of appeal

Gwrandawiadau a phenderfyniadau

41. Hysbysu dyddiad, lleoliad ac amser gwrandawiadau
42. Pŵer i benderfynu apêl neu hawliad heb wrandawriad
43. Gwrandawiadau cyhoeddus a phreifat: trefniadau ac eithriadau
44. Gorchmynion sy'n cyfyngu ar adrodd
45. Y weithdrefn mewn gwrandawriad
46. Tystiolaeth mewn gwrandawriad
47. Newid tyst
48. Gwysio tyst
49. Tystiolaeth dros y teleffon, cyswllt fideo neu ddulliau eraill
50. Tystiolaeth ysgrifenedig sy'n hwyr
51. Gohirio gwrandawriad cyn ei gychwyn
52. Gohiriadau ar ôl cychwyn a chyfarwyddiadau
53. Cynrychioli mewn gwrandawriad
54. Methiant i fod yn bresennol mewn gwrandawriad
55. Penderfyniad y panel tribiwnlys

Hearings and decisions

41. Notice of date, place and time of hearings
42. Power to determine the appeal or claim without a hearing
43. Public and private hearings: arrangements and exceptions
44. Restricted reporting orders
45. Procedure at hearing
46. Evidence at hearing
47. Change of witness
48. Summoning a witness
49. Evidence by telephone, video link or other means
50. Late written evidence
51. Postponement of hearing
52. Adjournments and directions
53. Representation at hearing
54. Failure to attend hearing
55. Tribunal panel's decision

Ar ôl y gwrandawriad

56. Cais neu gynnig ar gyfer adolygiad o benderfyniad y Tribiwnlys
57. Adolygiad o benderfyniad y Tribiwnlys i beidio ag estyn y cyfnod a ganiateir ar gyfer cychwyn achos
58. Ystyried cais am ganiatâd i apelio i'r Uwch Dribiwnlys
59. Pŵer i atal dros dro benderfyniad y Tribiwnlys
60. Gorchmynion yr Uwch Dribiwnlys neu'r Llys

After the hearing

56. Application or proposal for review of Tribunal's decision
57. Review of Tribunal's decision not to extend the period in which proceedings must be commenced
58. Consideration of an application for permission to appeal to the Upper Tribunal
59. Power to suspend Tribunal's decision
60. Orders of the Upper Tribunal or the Court

Cydymffurfiaeth

61. Cydymffurfio â gorchmynion y panel tribiwnlys - apelau
62. Cydymffurfio â chais apelydd pan fo awdurdod lleol yn ildio apêl

Compliance

61. Compliance with tribunal panel orders - appeals
62. Compliance with appellant's request when a local authority concedes an appeal

RHAN C

CYFEILLION ACHOS

63. Cymhwyso
64. Gofyniad am gyfaill achos
65. Pwy gaiff fod yn gyfaill achos
66. Sut y daw person yn gyfaill achos
67. Camau mewn achosion
68. Diswyddo cyfaill achos

RHAN CH

AMRYWIOL

69. Estyn yr amser
70. Tynnu'n ôl
71. Gorchmynion ar gyfer costau a threuliau
72. Pŵer i arfer swyddogaethau'r Llywydd a'r Cadeirydd
73. Pŵer i arfer swyddogaethau aelod o'r panel addysg mewn perthynas ag adolygiad
74. Ysgrifennydd y Tribiwnlys
75. Y Gofrestr
76. Cyhoeddi
77. Afreoleidd-dra
78. Profi dogfennau ac ardystio penderfyniadau
79. Y dull o anfon, rhoi neu gyflwyno hysbysiadau a dogfennau
80. Cyfrifo amser
81. Llofnodi dogfennau

PART C

CASE FRIENDS

63. Application
64. Requirement for a case friend
65. Who may be a case friend
66. How a person becomes a case friend
67. Steps in proceedings
68. Removing a case friend

PART D

MISCELLANEOUS

69. Extension of time
70. Withdrawal
71. Orders for costs and expenses
72. Power to exercise the functions of the President and Chair
73. Power to exercise the functions of an education panel member in relation to a review
74. The Secretary of the Tribunal
75. Register
76. Publication
77. Irregularities
78. Proof of documents and certification of decisions
79. Method of sending, submitting or serving notices and documents
80. Calculating time
81. Signature of documents

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 326A(4) a (6), 332ZC(1) a (3), 333(5), 334(2), 336(1),(2),(2A) a (4A), 336A a 569(4) a (5) o Ddeddf Addysg 1996(1) ac adran 207(4) o Ddeddf Cydraddoldeb 2010(2) a pharagraffau 6A(3), 6(1), (2), (3), (4), (5) a (7) o Atodlen 17 i'r Ddeddf honno, ac ar ôl ymgynghori â'r Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd yn unol â pharagraff 24(1) o Atodlen 7 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007(4), yn gwneud y Rheoliadau canlynol.

Mae'r Ysgrifennydd Gwladol wedi cydsynio i'r Rheoliadau hyn gael eu gwneud i'r graddau y mae cydsyniad yr Ysgrifennydd Gwladol yn ofynnol gan adrannau 333(5), 334(2), a 336A(2)(b) o Ddeddf Addysg 1996.

RHAN A

CYFFREDINOL

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012 a deuant i rym ar 6 Mawrth 2012.

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

(1) 1996 p.56. Mewnosodwyd adran 326A gan adran 5 o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 (p.10). Amnewidiwyd is-adran (6) o'r adran honno gan baragraffau 1 a 3 o Atodlen 18 i Ddeddf Addysg 2002 (p.32). Diwygiwyd is-adran (6)(b) gan baragraffau 127 ac 129(b) o Atodlen 3 i Orchymyn Trosglwyddo Swyddogaethau Tribiwnlys 2008 (O.S. 2008/2833) ac fe'i diwygiwyd ymhellach gan baragraff 7(1) a (2) o Atodlen 2 i O.S. 2010/1158. Mewnosodwyd adran 332ZC(1) gan adran 3 o Fesur Addysg (Cymru) 2009 (2009 mccc 5) ac fe'i diwygiwyd gan O.S. 2010/1148. Diwygiwyd adran 333(5) gan baragraffau 127, 130(d) ac 130(f) o Atodlen 3 i O.S. 2008/2833. Diwygiwyd adran 334(2) gan baragraffau 127 a 131(a) o Atodlen 3 i O.S. 2008/2833. Diwygiwyd adran 336(1) gan baragraffau 127, 133(a)(i) ac 133(a)(ii) o Atodlen 3 i O.S. 2008/2833. Diwygiwyd adran 336(2) gan Atodlenni 8 a 9 i Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 ac fe'i diwygiwyd ymhellach gan O.S. 2008/2833 ac adran 7 o Fesur Addysg (Cymru) 2009. Mewnosodwyd adran 336(2A) gan adran 42(1) o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 ac Atodlen 8 iddi ac a ddiwygiwyd gan O.S. 2008/2833. Mewnosodwyd adran 336(4A) gan adran 42(1) o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 ac Atodlen 8 iddi ac a ddiwygiwyd gan O.S. 2008/2833 ac O.S. 2010/2279. Mewnosodwyd adran 336A gan adran 4 o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001. Diwygiwyd is-adran (1) o'r adran honno gan O.S. 2010/1158. Amnewidiwyd is-adran (2) gan baragraffau 1 a 6 o Atodlen 18 i Ddeddf Addysg 2002 a diwygiwyd is-adran (2)(b) gan baragraffau 127 a 136(b) o Atodlen 3 i O.S. 2008/2833. Diwygiwyd adran 569(4) gan adran 8 o Fesur Addysg (Cymru) 2009.

(2) 2010 p.15.

(3) Mewnosodwyd paragraff 6A yn Atodlen 17 i Ddeddf Cydraddoldeb 2010 gan O.S. 2011/1651.

(4) 2007 p.15.

The Welsh Ministers, in exercise of the powers conferred on them by sections 326A(4) and (6), 332ZC(1) and (3), 333(5), 334(2), 336(1),(2), (2A) and (4A), 336A and 569(4) and (5) of the Education Act 1996(1) and section 207(4) and paragraphs 6A(2), 6(1), (2), (3), (4), (5), and (7) of Schedule 17 to the Equality Act 2010(3) and after consulting the Administrative Justice and Tribunals Council in accordance with paragraph 24(1) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(4), make the following Regulations.

The Secretary of State has consented to the making of the Regulations in so far as the Secretary of State's consent is required by sections 333(5), 334(2) and 336A(2)(b) of the Education Act 1996.

PART A

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Special Educational Needs Tribunal for Wales Regulations 2012 and they come into force on 6 March 2012.

(2) These Regulations apply in relation to Wales.

(1) 1996 c.56. Section 326A was inserted by section 5 of the Special Educational Needs and Disability Act 2001 (c.10). Subsection (6) of that section was substituted by paragraphs 1 and 3 of Schedule 18 to the Education Act 2002 (c.32). Subsection (6)(b) was amended by paragraphs 127 and 129(b) of Schedule 3 to the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833) and further amended by paragraph 7(1) and (2) of Schedule 2 to S.I. 2010/1158. Section 332ZC(1) was inserted by section 3 of the Education (Wales) Measure 2009 (2009 nawm 5) and amended by S.I. 2010/1148. Section 333(5) was amended by paragraphs 127, 130(d) and 130(f) of Schedule 3 to S.I. 2008/2833. Section 334(2) was amended by paragraphs 127 and 131(a) of Schedule 3 to S.I. 2008/2833. Section 336(1) was amended by paragraphs 127, 133(a)(i) and 133(a)(ii) of Schedule 3 to S.I. 2008/2833. Section 336(2) was amended by Schedules 8 and 9 to the Special Educational Needs and Disability Act 2001, and further amended by S.I. 2008/2833 and section 7 of the Education (Wales) Measure 2009. Section 336(2A) was inserted by section 42(1) of, and Schedule 8 to, the Special Educational Needs and Disability Act 2001 and amended by S.I. 2008/2833. Section 336(4A) was inserted by section 42(1) of, and Schedule 8 to, the Special Educational Needs and Disability Act 2001 and amended by S.I. 2008/2833 and S.I. 2010/2279. Section 336A was inserted by section 4 of the Special Educational Needs and Disability Act 2001. Subsection (1) of that section was amended by S.I. 2010/1158. Subsection (2) was substituted by paragraphs 1 and 6 of Schedule 18 to the Education Act 2002 and subsection (2)(b) amended by paragraphs 127 and 136(b) of Schedule 3 to S.I. 2008/2833. Section 569(4) was amended by section 8 of the Education (Wales) Measure 2009.

(2) Paragraph 6A was inserted into Schedule 17 to the Equality Act 2010 by S.I.2011/1651.

(3) 2010 c.15.

(4) 2007 c.15.

Dehongli

2. Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu fel arall—

ystyr "apêl" ("*appeal*") yw—

- (a) yn ddarostyngedig i is-baragraff (b), apêl i'r Tribiwnlys o dan Ran 4 o Ddeddf 1996 ac Atodlen 27 iddi yn erbyn penderfyniad awdurdod lleol;
- (b) yn rheoliadau 58 i 60, apêl i'r Uwch Dribiwnlys yn erbyn penderfyniad panel tribiwnlys;

ystyr "apelydd" ("*appellant*") yw person sydd â hawl i apelio i'r Tribiwnlys o dan Ran 4 o Ddeddf 1996 neu o dan reoliadau a wnaed o dan adran 17(1) a (2) o Fesur Addysg (Cymru) 2009(1);

ystyr "awdurdod" ("*authority*") yw awdurdod ac eithrio'r awdurdod lleol a wnaeth y penderfyniad a herir;

ystyr "awdurdod lleol" ("*local authority*") yw'r awdurdod lleol yng Nghymru a wnaeth y penderfyniad a herir;

ystyr "Cadeirydd" ("*Chair*") yw person a benodir i'r panel Cadeiryddion o dan adran 333(2) o Ddeddf 1996;

ystyr "clerc i'r panel tribiwnlys" ("*clerk to the tribunal panel*") yw'r person a benodir gan Ysgrifennydd y Tribiwnlys i weithredu yn y swydd honno mewn un neu ragor o wrandawiadau;

ystyr "Cofrestr" ("*Register*") yw'r gofrestr y mae'n ofynnol ei chadw o dan reoliad 75;

mae i "corff cyfrifol" yr ystyr a roddir i "*responsible body*" gan adran 85(9) o Ddeddf 2010(2);

ystyr "cyfaill achos" ("*case friend*") yw person sy'n cyflwyno datganiad o addasrwydd i'r Tribiwnlys yn unol â rheoliad 66, i arfer hawl y plentyn i wneud apêl neu hawliad ar ran y plentyn;

ystyr "cyfeiriad e-bost" ("*email address*") yw cyfeiriad post electronig personol y person;

ystyr "cyfnod datganiad achos" ("*case statement period*") yw'r cyfnod a bennir yn rheoliad 19;

Interpretation

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

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"the 2010 Act" ("*Deddf 2010*") means the Equality Act 2010;

"appeal" ("*apêl*") means—

- (a) subject to sub-paragraph (b), an appeal to the Tribunal under Part 4 of, and Schedule 27 to, the 1996 Act against a local authority decision;
- (b) in regulations 58 to 60, an appeal to the Upper Tribunal against the tribunal panel's decision.

"appellant" ("*apelydd*") means a person entitled to appeal to the Tribunal under Part 4 of the 1996 Act or under regulations made under section 17(1) and (2) of the Education (Wales) Measure 2009(1);

"appropriate person" ("*person priodol*") has the meaning given by paragraph 4(3) of Schedule 27 to the 1996 Act;

"authority" ("*awdurdod*") means an authority other than the local authority that made the disputed decision;

"case friend" ("*cyfaill achos*") means a person who submits a declaration of suitability to the Tribunal in accordance with regulation 66, to exercise the child's right of appeal or claim on behalf of the child;

"case statement" ("*datganiad achos*") means the statement of case submitted in accordance with regulation 20 or 21;

"case statement period" ("*cyfnod datganiad achos*") is the period specified in regulation 19;

"Chair" ("*Cadeirydd*") means a person appointed under section 333(2) of the 1996 Act to the Chairmen's panel;

"child" ("*plentyn*") means the person who is the subject of the appeal or claim;

"claim" ("*hawliad*") means a claim under Chapter 1 of Part 6 of, and Schedule 17 to, the 2010 Act for disability discrimination;

(1) 2009 mccc 5. Cymeradwywyd Mesur Addysg (Cymru) 2009 gan Ei Mawrhydi yn y Cyngor ar 9 Rhagfyr 2009.

(2) O dan adran 85(9) o Ddeddf Cydraddoldeb 2010, yr awdurdod lleol neu'r corff llywodraethu, pa un bynnag sydd â'r swyddogaeth berthnasol, yw'r corff cyfrifol ar gyfer ysgol a gynhelir neu ysgol feithrin a gynhelir; yr awdurdod lleol yw'r corff cyfrifol ar gyfer uned cyfeirio disgyblion; y perchennog yw'r corff cyfrifol ar gyfer ysgol annibynnol neu ysgol arbennig nas cynhelir gan awdurdod lleol.

(1) 2009 nawm 5. The Education (Wales) Measure 2009 was approved by Her Majesty in Council on 9 December 2009.

ystyr "datganiad" ("*statement*") yw'r datganiad o anghenion addysgol arbennig mewn perthynas â'r plentyn, a wnaed o dan adran 324 o Ddeddf 1996;

ystyr "datganiad achos" ("*case statement*") yw'r datganiad achos a gyflwynir yn unol â rheoliad 20 neu 21;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996;

ystyr "Deddf 2010" ("*the 2010 Act*") yw Deddf Cydraddoldeb 2010;

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod ac eithrio—

- (a) dydd Sadwrn;
- (b) dydd Sul;
- (c) unrhyw ddiwrnod o 25 Rhagfyr i 1 Ionawr yn gynwysedig;
- (ch) dydd Gwener y Groglith;
- (d) y dydd Llun cyntaf ym mis Mai;
- (dd) unrhyw ddiwrnod ym mis Awst; neu
- (e) diwrnod sy'n wyl banc yng Nghymru a Lloegr o dan adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971(1);

ystyr "dogfen" ("*document*") yw unrhyw beth y cofnodir gwybodaeth o unrhyw ddisgrifiad ynddo;

ystyr "gwrandawriad" ("*hearing*") yw gwrandawriad gerbron y Llywydd, Cadeirydd neu'r panel tribiwnlys at y diben o alluogi'r Llywydd, Cadeirydd neu'r panel tribiwnlys i gyrraedd penderfyniad ar apêl neu hawliad neu unrhyw gwestiwn neu fater, lle mae hawl gan y partion i fod yn bresennol a chael eu clywed, ac y mae'n cynnwys gwrandawriad a gynhelir yn gyfan gwbl neu'n rhannol drwy gyswllt fideo, ar y teleffon neu drwy ddull arall o gyfathrebu electronig dwyffordd disymwth;

ystyr "gwŷs tyst" ("*witness summons*") yw dogfen a ddyroddir gan y Llywydd neu'r panel tribiwnlys, sy'n ei gwneud yn ofynnol bod tyst yn bresennol mewn gwrandawriad o apêl neu hawliad, i roi tystiolaeth neu ddangos dogfennau mewn perthynas ag apêl neu hawliad i'r Tribiwnlys;

ystyr "hawliad" ("*claim*") yw hawliad o dan Bennod 1 o Ran 6 o Ddeddf 2010 ac Atodlen 17 i'r Ddeddf honno ar gyfer gwahaniaethu ar sail anabledd;

ystyr "hawlydd" ("*claimant*") yw person sydd â'r hawl i wneud hawliad i'r Tribiwnlys o dan Bennod 1 o Ran 6 o Ddeddf 2010 ac Atodlen 17 i'r Ddeddf honno, neu o dan reoliadau a wnaed o dan adran 17(1) a (2) o Fesur Addysg (Cymru) 2009;

mae i "llofnod electronig" yr ystyr a roddir i "*electronic signature*" gan adran 7 o Ddeddf

"claimant" ("*hawlydd*") means a person entitled to make a claim to the Tribunal under Chapter 1 of Part 6 of, and Schedule 17 to, the 2010 Act or, under regulations made under section 17(1) and (2) of the Education (Wales) Measure 2009;

"clerk to the tribunal panel" ("*clerc i'r panel tribiwnlys*") means the person appointed by the Secretary of the Tribunal to act in that capacity at one or more hearings;

"disputed decision" ("*penderfyniad a herir*") means the decision or act or failure to decide or act in respect of which the appeal or claim is brought;

"document" ("*dogfen*") means anything in which information of any description is recorded;

"education panel" ("*panel addysg*") means the persons appointed by the Welsh Ministers under section 333(2)(c) of the 1996 Act to the lay panel of the Tribunal;

"electronic signature" ("*llofnod electronig*") has the meaning given to it by section 7 of the Electronic Communications Act 2000(1);

"email address" ("*cyfeiriad e-bost*") means the person's electronic mail address;

"evidence" ("*tystiolaeth*") includes material of any description recorded in any form;

"First-tier Tribunal" ("*Tribiwnlys Haen Gyntaf*") means the tribunal established under section 3 of the Tribunals, Courts and Enforcement Act 2007, that has jurisdiction in England over appeals and claims;

"hearing" ("*gwrandawriad*") means a hearing before the President, a Chair or the tribunal panel for the purpose of enabling the President, a Chair or the tribunal panel to reach a decision on an appeal or claim or any question or matter at which the parties are entitled to attend and be heard and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

"local authority" ("*awdurdod lleol*") means the local authority in Wales that made the disputed decision;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school, a community or foundation special school or a nursery school maintained by a local authority that may or may not have made the disputed decision;

"observer" ("*sylwedydd*") means a person who may attend a hearing for the purpose of observing the hearing but who must not participate in the hearing, or make any notes of the hearing or make any recording of the hearing by photographic means, or by sound means or by any other means;

(1) 1971 p.80.

(1) 2000 c.7.

Cyfathrebiadau Electronig 2000(1);

ystyr "Llywydd" ("*President*") yw Llywydd y Tribiwnlys a benodir o dan adran 333(2)(a) o Ddeddf 1996;

ystyr "panel addysg" ("*education panel*") yw'r personau a benodir gan Weinidogion Cymru o dan adran 333(2)(c) o Ddeddf 1996 i banel lleyg y Tribiwnlys;

ystyr "panel tribiwnlys" ("*tribunal panel*") yw panel o'r Tribiwnlys a gaiff benderfynu apêl neu'r hawliad neu unrhyw gwestiwn neu fater mewn cysylltiad ag apêl neu hawliad;

ystyr "parti" ("*party*") yw—

- (a) mewn apêl, yr apelydd neu'r awdurdod lleol; a
- (b) mewn hawliad, yr hawlydd neu'r corff cyfrifol;

ystyr "penderfyniad a herir" ("*disputed decision*") yw'r penderfyniad neu'r weithred, neu'r methiant i benderfynu neu weithredu, y dygir yr apêl neu'r hawliad mewn perthynas ag ef neu hi;

mae i "person priodol" yr ystyr a roddir i "*appropriate person*" gan baragraff 4(3) o Atodlen 27 i Ddeddf 1996;

ystyr "plentyn" ("*child*") yw'r person sy'n destun yr apêl neu'r hawliad;

ystyr "rhiant" ("*parent*") yw rhiant at ddibenion adran 576 o Ddeddf 1996(2);

mae "sylwadau llafar" ("*oral representations*") yn cynnwys tystiolaeth a roddir, oherwydd amhariad ar leferydd neu glyw, gan berson sy'n defnyddio iaith arwyddion;

ystyr "sylwedydd" ("*observer*") yw person a gaiff fod yn bresennol mewn gwrandawriad at y diben o arsylwi ar y gwrandawriad, ond rhaid iddo beidio â chyfranogi yn y gwrandawriad na gwneud unrhyw nodiadau o'r gwrandawriad na gwneud unrhyw recordiad o'r gwrandawriad drwy ddull ffotograffig, neu drwy ddull sain neu drwy unrhyw ddull arall;

ystyr "Tribiwnlys" ("*Tribunal*") yw Tribiwnlys Anghenion Addysgol Arbennig Cymru neu'r Special Educational Needs Tribunal for Wales(3);

"oral representations" ("*sylwadau llafar*") includes evidence which by reason of an impairment of speech or hearing, a person gives using sign language;

"parent" ("*rhiant*") means a parent for the purposes of section 576 of the 1996 Act(1);

"party" ("*parti*") means—

- (a) in an appeal, the appellant or the local authority; and
- (b) in a claim, the claimant or the responsible body;

"President" ("*Llywydd*") means the President of the Tribunal appointed under section 333(2)(a) of the 1996 Act;

"Register" ("*Cofrestr*") means the register required to be kept under regulation 75;

"responsible body" ("*corff cyfrifol*") has the meaning given by section 85(9) of the 2010 Act(2);

"Secretary of the Tribunal" ("*Ysgrifennydd y Tribiwnlys*") means the person who for the time being acts as the Secretary of the office of the Tribunal;

"statement" ("*datganiad*") means the statement of special educational needs relating to the child made under section 324 of the 1996 Act;

"Tribunal" ("*Tribiwnlys*") means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales(3);

"tribunal panel" ("*panel tribiwnlys*") means a panel of the Tribunal who may dispose of an appeal or claim or any question or matter in relation to an appeal or claim;

"Upper Tribunal" ("*Uwch Dribiwnlys*") means the appellate tribunal established under section 3 of the Tribunals, Courts and Enforcement Act 2007 (4);

"witness summons" ("*gwŷys tyst*") means a document issued by the President or the tribunal panel requiring a witness to attend at a hearing of an appeal or claim to give evidence or produce documents in relation to an appeal or claim to the Tribunal;

(1) 2000 p.7.

(2) O dan adran 576 o Ddeddf 1996 mae "parent", mewn perthynas â phlentyn neu berson ifanc, yn cynnwys unrhyw berson nad yw'n rhiant y plentyn ond sydd â chyfrifoldeb rhiant drosto neu sy'n gofalu am y plentyn. Mae adran 212 o Ddeddf 2010 yn mabwysiadu'r diffiniad hwn at ddibenion anghydfodau anabledd.

(3) Adran 333 (1ZA) o Ddeddf 1996.

(1) Under section 576 of the 1996 Act a "parent" in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for the child, or has care of the child. Section 212 of the 2010 Act adopts this definition for the purposes of disability disputes.

(2) Under section 85(9) of the Equality Act 2010, the local authority or governing body, according to which has the relevant function, is the responsible body for a maintained school or maintained nursery school; the local authority is the responsible body for a pupil referral unit; the proprietor is the responsible body for an independent school or a special school not maintained by a local authority.

(3) Section 333 (1ZA) of the 1996 Act.

(4) 2007 c.15.

ystyr "Tribiwnlys Haen Gyntaf" ("*First-tier Tribunal*") yw'r tribiwnlys a sefydlwyd o dan adran 3 o Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007, sydd ag awdurdodaeth yn Lloegr dros apelau a hawliadau;

mae "tystiolaeth" ("*evidence*") yn cynnwys deunydd o unrhyw ddisgrifiad, a gofnodir ar unrhyw ffurf;

ystyr "Uwch Dribiwnlys" ("*Upper Tribunal*") yw'r tribiwnlys apeliadol a sefydlwyd o dan adran 3 o Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007(1);

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, sefydledig neu wirfoddol, ysgol arbennig gymunedol neu sefydledig neu ysgol feithrin a gynhelir gan awdurdod lleol, sef naill ai'r awdurdod lleol a wnaeth y penderfyniad a herir neu awdurdod lleol arall;

ystyr "Ysgrifennydd y Tribiwnlys" ("*Secretary of the Tribunal*") yw'r person sydd am y tro yn gweithredu fel Ysgrifennydd swyddfa'r Tribiwnlys.

Apelau a hawliadau ar neu ar ôl 6 Mawrth 2012

3. Mae'r Rheoliadau hyn yn gymwys i apêl neu hawliad a gofnodir yn y Gofrestr ar neu ar ôl 6 Mawrth 2012.

Dirymiadau ac arbedion

4.—(1) Yn ddarostyngedig i baragraff (2), dirymir Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig 2001(2) a Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig (Diwygio) 2002(3).

(2) Bydd y Rheoliadau a bennir ym mharagraff (1) yn parhau'n gymwys mewn perthynas ag—

- (a) cais am ganiatâd i apelio i'r Uwch Dribiwnlys;
- (b) unrhyw apêl a wneir o dan Ran 4 o Ddeddf 1996 ac Atodlen 27 iddi os cofnodwyd y cais apêl yn y Gofrestr cyn 6 Mawrth 2012.

(3) Yn ddarostyngedig i baragraff (4) dirymir Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig ac Anabledd (Darpariaethau Cyffredinol a Gweithdrefn Hawliadau Anabledd) 2002(4).

(4) Bydd y Rheoliadau a bennir ym mharagraff (3) yn parhau'n gymwys mewn perthynas ag—

"working day" ("*diwrnod gwaith*") means any day other than—

- (c) a Saturday;
- (d) a Sunday;
- (e) any day from 25 December to 1 January inclusive;
- (f) Good Friday;
- (g) the first Monday in May;
- (h) any day in August; or
- (i) a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(1).

Appeals and claims on or after 6 March 2012

3. These Regulations apply to an appeal or a claim entered in the Register on or after 6 March 2012.

Revocations and savings

4.—(1) Subject to paragraph (2) the Special Educational Needs Tribunal Regulations 2001(2) and the Special Educational Needs Tribunal (Amendment) Regulations 2002(3) are revoked.

(2) The Regulations specified in paragraph (1) continue to apply in relation to—

- (a) an application for permission to appeal to the Upper Tribunal;
- (b) any appeal made under Part 4 of, and Schedule 27 to, the 1996 Act where the appeal application was entered in the Register before 6 March 2012;

(3) Subject to paragraph (4) the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002(4) are revoked.

(4) The Regulations specified in paragraph (3) continue to apply in relation to—

(1) 2007 p.15.

(2) O.S. 2001/600.

(3) O.S. 2002/2787.

(4) O.S. 2002/1985.

(1) 1971 c.80.

(2) S.I. 2001/600.

(3) S.I. 2002/2787.

(4) S.I. 2002/1985.

- (a) cais am ganiatâd i apelio i'r Uwch Dribiwnlys;
- (b) unrhyw hawliad a wneir o dan Bennod 1 o Ran 6 o Ddeddf 2010 os cofnodwyd y cais hawlio yn y Gofrestr cyn 6 Mawrth 2012(1).

(5) Yn ddarostyngedig i baragraffau (2)(b) a (4)(b), dirymir Rheoliadau'r Tribiwnlys Anghenion Addysgol Arbennig (Terfynau Amser) (Cymru) 2001(2).

Darpariaethau trosiannol

5.—(1) Mae'r rheoliad hwn yn gymwys os yw—

- (a) apêl neu hawliad a wnaed gan riant wedi ei chofnodi neu'i gofnodi yng Nghofrestr y Tribiwnlys cyn 6 Mawrth 2012, a phlentyn sydd â hawl i wneud apêl neu hawliad i'r Tribiwnlys yn rhinwedd rheoliadau a wnaed o dan adran 17(1) a (2) o Fesur Addysg (Cymru) 2009 yn gwneud apêl neu hawliad a gofnodir yng Nghofrestr y Tribiwnlys ar neu ar ôl 6 Mawrth 2012; a
- (b) yr apêl neu'r hawliad a wnaed gan y plentyn yn gysylltiedig â'r mater a herir ac ar yr un seiliau ag a bennir yn apêl neu hawliad y rhiant.

(2) Os yw'r amgylchiadau ym mharagraff (1) yn bodoli—

- (a) mae rheoliadau 37 a 38 yn gymwys; a
- (b) caiff y Llywydd wneud pa bynnag gyfarwyddiadau a ystyria'r Llywydd yn gyfiawn mewn perthynas ag apêl neu hawliad y rhiant.

Yr amcan gor-redol

6.—(1) Amcan gor-redol y Rheoliadau hyn yw galluogi'r Llywydd neu'r panel tribiwnlys i ymdrin ag apelau a hawliadau yn deg a chyfiawn.

(2) Mae ymdrin ag achos yn deg a chyfiawn yn cynnwys—

- (a) ymdrin â'r apêl neu'r hawliad mewn ffyrdd sy'n gymesur â phwysigrwydd yr achos a chymhlethdod y materion dan sylw;
- (b) osgoi, i'r graddau y mae'r Llywydd neu'r panel tribiwnlys yn ystyried ei bod yn briodol, ffurfioldeb diangen yn yr achosion o dan y Rheoliadau hyn;
- (c) sicrhau, i'r graddau y mae'n ymarferol, y trinnir y partion yn gyfartal o ran trefniadaeth ac y

(1) Er eu bod wedi eu dirymu gan Atodlen 27 i Ddeddf 2010, mae Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig ac Anabledd (Darpariaethau Cyffredinol a Gweithdrefn Hawliadau Anabledd) 2002 yn parhau i gael effaith i'r graddau y maent yn ymwneud â Chymru. Gweler O.S. 2010/2317.

(2) O.S. 2001/3982.

- (a) an application for permission to appeal to the Upper Tribunal);
- (b) any claim made under Chapter 1 of Part 6 of the 2010 Act where the claim application was entered in the Register before 6 March 2012(1).

(5) Subject to paragraphs (2)(b) and (4)(b), the Special Educational Needs Tribunal (Time Limits) (Wales) Regulations 2001(2) are revoked.

Transitional provisions

5.—(1) This regulation applies if—

- (a) an appeal or a claim made by a parent is entered in the Register of the Tribunal before 6 March 2012 and a child entitled to make an appeal or claim to the Tribunal by virtue of regulations made under section 17(1) and (2) of the Education (Wales) Measure 2009 makes an appeal or claim that is entered in the Register of the Tribunal on or after 6 March 2012; and
- (b) the appeal or claim made by the child relates to the disputed issue and is based on the same grounds specified in the parent's appeal or claim.

(2) If the circumstances in paragraph (1) exist—

- (a) regulations 37 and 38 apply; and
- (b) the President may make such directions in relation to the parent's appeal or claim, as the President thinks just.

The overriding objective

6.—(1) The overriding objective of these Regulations is to enable the President or the tribunal panel to deal with appeals and claims fairly and justly.

(2) Dealing with a case fairly and justly includes—

- (a) dealing with the appeal or the claim in ways which are proportionate to the importance of the case and the complexity of the issues;
- (b) avoiding, as far as the President or the tribunal panel considers appropriate, unnecessary formality in the proceedings under these Regulations;
- (c) ensuring, so far as practicable, that the parties are on an equal footing procedurally and are

(1) Despite their lapse by Schedule 27 to the 2010 Act, the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002 continue in effect so far they relate to Wales. S.I.2010/2317.

(2) S.I. 2001/3982.

gallant gyfranogi'n llawn yn yr achosion, gan gynnwys hwyluso unrhyw barti i gyflwyno unrhyw apêl neu hawliad, ond heb argymhell pa drywydd y dylai'r parti hwnnw ei ddilyn;

- (ch) defnyddio arbenigedd neilltuol y Llywydd neu'r panel tribiwnlys yn effeithiol; a
- (d) osgoi oedi, i'r graddau sy'n gyson â rhoi ystyriaeth briodol i'r materion dan sylw.

(3) Rhaid i'r Llywydd neu'r panel tribiwnlys geisio rhoi effaith i amcan gor-redol y Rheoliadau hyn pan fo'r Llywydd neu'r panel tribiwnlys—

- (a) yn arfer unrhyw swyddogaeth o dan y Rheoliadau hyn; neu
- (b) yn dehongli unrhyw reoliad.

(4) Yn benodol, rhaid i'r Llywydd neu'r panel tribiwnlys gymryd camau ymarferol i reoli apelau a hawliadau yn unol ag amcan gor-redol y Rheoliadau hyn.

Rhwymedigaeth ar y partïon i gydweithredu

7.—(1) Rhaid i'r partïon—

- (a) cydweithredu â'i gilydd er mwyn gyrru'r apêl neu'r hawliad yn ei flaen;
- (b) cydweithredu drwy roi dogfennau neu wybodaeth i'w gilydd, er mwyn galluogi pob parti i baratoi datganiad achos;
- (c) cynorthwyo'r Llywydd neu'r panel tribiwnlys i hyrwyddo amcan gor-redol y Rheoliadau hyn; ac
- (ch) cydweithredu â'r Llywydd a'r panel tribiwnlys yn gyffredinol.

(2) Caiff y Llywydd neu'r panel tribiwnlys dynnu pa bynnag gasgliadau gwrthwynebus a ystyrir yn briodol gan y Llywydd neu'r panel tribiwnlys, o fethiant parti i gydymffurfio ag unrhyw un o'r rhwymedigaethau a bennir ym mharagraff (1).

(3) Pan fo'r Llywydd neu'r panel tribiwnlys wedi tynnu casgliad gwrthwynebus o dan baragraff (2), caiff y Llywydd neu'r panel tribiwnlys gyfarwyddo Ysgrifennydd y Tribiwnlys i gyflwyno hysbysiad i'r parti diffygiol bod y Llywydd neu'r panel tribiwnlys yn bwriadu gwneud gorchymyn i ddileu—

- (a) yr apêl, os yr apelydd yw'r parti diffygiol;
- (b) yr hawliad, os yr hawlydd yw'r parti diffygiol;
- (c) y datganiad achos a'r dystiolaeth ysgrifenedig, os yr awdurdod lleol neu'r corff cyfrifol yw'r parti diffygiol.

(4) Rhaid i'r hysbysiad ym mharagraff (3) wahodd sylwadau a rhaid i'r Llywydd neu'r panel tribiwnlys ystyried unrhyw sylwadau a wneir.

(5) At ddibenion y rheoliad hwn—

able to participate fully in the proceedings, including facilitating any party to present any appeal or claim without advocating the course the party should take;

- (d) using the special expertise of the President or the tribunal panel effectively; and
- (e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The President or the tribunal panel must seek to give effect to the overriding objective of these Regulations when the President or the tribunal panel—

- (a) exercises any function under these Regulations; or
- (b) interprets any regulation.

(4) In particular, the President or the tribunal panel must manage appeals and claims actively in accordance with the overriding objective of these Regulations.

Parties' obligation to co-operate

7.—(1) Parties must—

- (a) co-operate with each other for the purposes of progressing the appeal or the claim;
- (b) co-operate in giving documents or information to each other to enable each party to prepare a case statement;
- (c) help the President or the tribunal panel to further the overriding objective of these Regulations; and
- (d) co-operate with the President and the tribunal panel generally.

(2) The President or the tribunal panel may draw such adverse inferences as the President or the tribunal panel thinks fit from a party's failure to comply with any of the obligations specified in paragraph (1).

(3) Where the President or the tribunal panel has made an adverse inference under paragraph (2), the President or the tribunal panel may direct the Secretary of the Tribunal to serve notice on the party in default that the President or the tribunal panel is proposing to make an order to strike out—

- (a) the appeal, where the party in default is the appellant;
- (b) the claim, where the party in default is the claimant;
- (c) the case statement and written evidence, where the party in default is the local authority or the responsible body.

(4) The notice in paragraph (3) must invite representations and the President or the tribunal panel must consider any representations made.

(5) For the purposes of this regulation—

- (a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti diffygiol y caiff y parti hwnnw, o fewn cyfnod (ddim hwyrach na 10 niwrnod gwaith) a bennir yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar;
- (b) bydd sylwadau wedi'u gwneud—
 - (i) yn achos sylwadau ysgrifenedig, os gwneir hwy o fewn y cyfnod penodedig; a
 - (ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(6) Caiff y Llywydd neu'r panel tribiwnlys, ar ôl ystyried unrhyw sylwadau a wneir gan y parti diffygiol, orchymyn dileu achos y parti hwnnw.

Dulliau amgen o ddatrys anghydfod

8.—(1) Caiff y Llywydd neu'r panel tribiwnlys geisio, pan fo'n briodol, tynnu sylw'r partïon at unrhyw weithdrefn amgen briodol sydd ar gael i ddatrys yr anghydfod.

(2) Os yw'r partïon yn dymuno defnyddio'r weithdrefn amgen i ddatrys yr anghydfod, caiff y Llywydd neu'r panel tribiwnlys, ar yr amod bod hynny'n gyson ag amcan gor-redol y Rheoliadau hyn, ohirio ystyriaeth o'r apêl neu'r hawliad.

Cyfansoddiad y Tribiwnlys

Aelodau'r panel addysg

9. Ni cheir penodi person yn aelod o'r panel addysg oni fodlonir Gweinidogion Cymru—

- (a) nad yw'r person yn gymwys i'w benodi'n Gadeirydd; a
- (b) bod gan y person wybodaeth a phrofiad cyfredol o blant sydd ag—
 - (i) anghenion addysgol arbennig; neu
 - (ii) anableddau; neu
 - (iii) pan fo'n ofynnol, y ddau.

Sefydlu panelau tribiwnlys

10.—(1) Mae awdurdodaeth y Tribiwnlys i gael ei harfer gan y cyfryw nifer o banelau tribiwnlys ag y penderfynir gan y Llywydd o bryd i'w gilydd.

(2) Mae'r panelau tribiwnlys sy'n arfer yr awdurdodaeth a roddir iddynt yn unol â pharagraff (1) i eistedd ar y cyfryw adegau, ac yn y cyfryw fannau a benderfynir o bryd i'w gilydd gan y Llywydd.

Aelodaeth panel tribiwnlys

11.—(1) Yn ddarostyngedig i reoliad 45(5), rhaid i

- (a) a notice inviting representations must inform the party in default that the party may, within a period (no later than 10 working days) specified in the notice, either make written representations or request an opportunity to make oral representations;
- (b) representations are made if—
 - (i) in the case of written representations, they are made within the specified period; and
 - (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(6) The President or the tribunal panel may after considering any representations made by the party in default, order that the party's case is struck out.

Alternative dispute resolution

8.—(1) The President or the tribunal panel may seek, where appropriate, to bring to the attention of the parties the availability of any appropriate alternative procedure for the resolution of the dispute.

(2) If the parties wish to use the alternative dispute resolution procedure the President or the tribunal panel may, provided that it is compatible with the overriding objective of these Regulations, stay the appeal or the claim.

Constitution of Tribunal

Education panel members

9. No person may be appointed as a member of the education panel unless the Welsh Ministers are satisfied that the person—

- (a) is not eligible for appointment as a Chair; and
- (b) has current knowledge and experience of children with—
 - (i) special educational needs; or
 - (ii) disabilities; or
 - (iii) if required, both.

Establishment of tribunal panels

10.—(1) The jurisdiction of the Tribunal is to be exercised by such number of tribunal panels as the President may from time to time determine.

(2) The tribunal panels exercising the jurisdiction conferred on them in accordance with paragraph (1) are to sit at such times and in such places as the President may from time to time determine.

Membership of tribunal panel

11.—(1) Subject to regulation 45(5), a tribunal panel

banel tribiwnlys gael ei gyfansoddi o berson a benodir yn Gadeirydd, ynghyd â dau aelod arall.

(2) Ar gyfer pob gwrandawriad—

- (a) rhaid i'r Cadeirydd fod yn naill ai'r Llywydd neu'n berson a ddewisir gan y Llywydd o'r panel o bersonau a benodir o dan adran 333(2) o Ddeddf 1996; a
- (b) rhaid i'r ddau aelod arall fod yn bersonau a ddewisir gan y Llywydd o'r panel addysg.

RHAN B

APELAU ANGHENION ADDYSGOL ARBENNIG A HAWLIADAU ANABLEDD

CYCHWYN ACHOSION

Gwneud apêl neu hawliad

Cyfnod a ganiateir ar gyfer cychwyn achos

12.—(1) Rhaid gwneud apêl i'r Tribiwnlys drwy gais ysgrifenedig yn unol â'r Rheoliadau hyn, a rhaid i'r Tribiwnlys ei gael ddim hwyrach na'r diwrnod gwaith cyntaf ar ôl diwedd y cyfnod o ddau fis sy'n dechrau gyda'r dyddiad pan roddwyd yr hysbysiad ysgrifenedig o benderfyniad yr awdurdod lleol ac o'r hawl i apelio yn erbyn y penderfyniad o dan Ran 4 o Ddeddf 1996(1).

(2) Mewn perthynas ag apêl neu apêl arfaethedig, os cyfeirir yr anghydfod dan sylw ar gyfer datrys anghydfodau o dan adran 332BA o Ddeddf 1996(2) cyn diwedd y cyfnod a bennir ym mharagraff (1), estynnir am dri mis y cyfnod a ganiateir gan y paragraff hwnnw.

(3) Rhaid gwneud hawliad i'r Tribiwnlys drwy gais ysgrifenedig yn unol â'r Rheoliadau hyn, a rhaid i'r Tribiwnlys ei gael ddim hwyrach na'r diwrnod gwaith cyntaf ar ôl diwedd y cyfnod a ddatgenir ym mharagraff 4(1) o Atodlen 17 i Ddeddf 2010(3).

(1) *Gweler* Rheoliadau Addysg (Anghenion Addysgol Arbennig) 2002, rheoliad 5 (cyflwyno dogfennau) (O.S. 2002/152).

(2) Mewnosodwyd adran 332BA gan adran 5 o Fesur Addysg (Cymru) 2009.

(3) Mae paragraff 4(1) o Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn pennu o fewn pa gyfnod y mae'n rhaid gwneud hawliad i'r Tribiwnlys. Mae is-baragraff (2) yn gwneud darpariaeth ynglŷn ag achosion, neu achosion arfaethedig, pan gyfeirir yr anghydfod ar gyfer cymodi.

must consist of a person appointed as a Chair and two other members.

(2) For each hearing—

- (a) the Chair must be the President or a person selected by the President from the panel of persons appointed under section 333(2) of the 1996 Act; and
- (b) the two other members must be persons selected by the President from the education panel.

PART B

SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS

COMMENCING PROCEEDINGS

Making an appeal or claim

Period within which proceedings must be commenced

12.—(1) An appeal to the Tribunal must be made by application in writing in accordance with these Regulations and must be received by the Tribunal no later than the first working day after the expiry of two months beginning with the date when written notice of the local authority's decision and the right to appeal under Part 4 of the 1996 Act against that decision was given(1).

(2) If, in relation to an appeal or a prospective appeal, the dispute concerned is referred for dispute resolution under section 332BA of the 1996 Act(2) before the end of the period specified in paragraph (1), the period allowed by that paragraph is extended by three months.

(3) A claim to the Tribunal must be made by application in writing in accordance with these Regulations and must be received by the Tribunal no later than the first working day after the end of the period stated in paragraph 4(1) of Schedule 17 to the 2010 Act(3).

(1) *See* the Education (Special Educational Needs) Regulations 2002, regulation 5 (service) (S.I. 2002/152).

(2) Section 332BA was inserted by section 5 of the Education (Wales) Measure 2009.

(3) Paragraph 4(1) of Schedule 17 to the Equality Act 2010 stipulates the period in which a claim must be made to the Tribunal. Sub-paragraph (2) makes provision in relation to proceedings or prospective proceedings where the dispute is referred for conciliation.

(4) Mewn perthynas â hawliad neu hawliad arfaethedig, os cyfeirir yr anghydfod dan sylw ar gyfer datrys anghydfodau o dan baragraff 6C o Atodlen 17 i Ddeddf Cydraddoldeb 2010(1) neu gymodi o dan adran 27(1) o Ddeddf Cydraddoldeb 2006(2) cyn diwedd y cyfnod a bennir ym mharagraff (1), estynnir am dri mis y cyfnod a ganiateir gan y paragraff hwnnw.

(5) Yn ddarostyngedig i reoliad 17, ni chaiff y Tribiwnlys ystyried—

- (a) cais apêl oni chychwynnir achos yn unol â pharagraffau (1) a (2);
- (b) cais hawlio oni chychwynnir achos yn unol â pharagraffau (3) a (4).

Cais apêl

13.—(1) Rhaid i'r cais apêl ddatgan—

- (a) enw a chyfeiriad y person sy'n gwneud yr apêl, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y person hwnnw;
- (b) enw a dyddiad geni'r plentyn;
- (c) os yw'n berthnasol, y berthynas neu'r cysylltiad rhwng y person sy'n gwneud yr apêl a'r plentyn;
- (ch) enwau a chyfeiriadau'r holl bersonau sydd â chyfrifoldeb rhiant, neu sy'n rhannu'r cyfrifoldeb rhiant, dros y plentyn neu sy'n gofalu am y plentyn, neu resymau pam na ddarperir enwau a chyfeiriadau'r personau hynny;
- (d) enw a chyfeiriad unrhyw gynrychiolydd a benodir gan y person sy'n gwneud yr apêl, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd hwnnw;
- (dd) cyfeiriad ac os oes un ar gael, cyfeiriad e-bost, lle y dylid anfon hysbysiadau a dogfennau ar gyfer y person sy'n gwneud yr apêl;
- (e) enw a chyfeiriad yr awdurdod lleol a wnaeth y penderfyniad a herir;
- (f) y dyddiad y cafodd y person sy'n gwneud yr apêl gadarnhad ysgrifenedig o'r penderfyniad a herir;
- (ff) y rheswm neu'r rhesymau dros wneud yr apêl;
- (g) y canlyniad a geisir; ac
- (ng) y camau, os oes rhai, a gymerwyd eisoes i ddatrys yr anghydfod.

(4) If, in relation to a claim or a prospective claim, the dispute concerned is referred for dispute resolution under paragraph 6C of Schedule 17 to the Equality Act 2010(1) or conciliation under section 27(1) of the Equality Act 2006(2) before the end of the period specified in paragraph (1), the period allowed by that paragraph is extended by three months.

(5) Subject to regulation 17, the Tribunal may not consider—

- (a) an appeal application unless proceedings are commenced in accordance with paragraphs (1) and (2);
- (b) a claim application unless proceedings are commenced in accordance with paragraphs (3) and (4).

Appeal application

13.—(1) The appeal application must state—

- (a) the name and address of the person making the appeal and if available, the person's telephone number, fax number and email address;
- (b) the name and date of birth of the child;
- (c) if relevant, the relationship or connection of the person making the appeal to the child;
- (d) the names and addresses of all persons who have or share parental responsibility for the child or have care of the child, or reasons why the names and addresses of such persons are not provided;
- (e) the name and address of any representative appointed by the person making the appeal and if available, the representative's telephone number, fax number and email address;
- (f) an address and if available, an email address, where notices and documents for the person making the appeal should be sent;
- (g) the name and address of the local authority which made the disputed decision;
- (h) the date on which the person making the appeal received written confirmation of the disputed decision;
- (i) the reason or reasons for making the appeal;
- (j) the result sought; and
- (k) the steps, if any, already taken to resolve the dispute.

(1) Mewnosodwyd paragraff 6C yn Atodlen 17 i Ddeddf Cydraddoldeb 2010 gan O.S. 2011/1651.

(2) 2006 p.3; amnewidiwyd adran 27(1) gan baragraff 16 o Atodlen 26 i Ddeddf Cydraddoldeb 2010; ail-rifwyd paragraff 16 fel paragraff 71 o Atodlen 26 gan baragraff 1(c) o Atodlen 1 i O.S. 2010/2279; diwygiwyd adran 27(1) yn ddiweddarach gan O.S. 2011/1060.

(1) Paragraph 6C was inserted into Schedule 17 to the Equality Act 2010 by S.I. 2011/1651.

(2) 2006 c. 3: section 27(1) was substituted by paragraph 16 of Schedule 26 to the Equality Act 2010; paragraph 16 was renumbered as paragraph 71 of Schedule 26 by paragraph 1 (c) of Schedule 1 to S.I. 2010/2279; section 27(1) subsequently amended by S.I. 2011/1060.

(2) Os yw'r person sy'n gwneud yr apêl yn gofyn am orchymyn—

- (a) bod datganiad y plentyn i'w ddiwygio, rhaid i'r cais apêl bennu â pha ran neu rannau o'r datganiad y mae'r apêl yn ymwneud;
- (b) bod ysgol (ac eithrio unrhyw ysgol a enwir eisoes yn natganiad y plentyn) i gael ei henwi yn y datganiad, rhaid i'r cais apêl naill ai ddatgan enw a chyfeiriad yr ysgol honno neu roi disgrifiad digonol o'r math o ysgol, ac o natur yr ysgol, a ystyrid gan y person yn lleoliad priodol ar gyfer y plentyn.

(3) Ceir cyflwyno'r cais apêl ynghyd ag—

- (a) copi o'r penderfyniad a herir;
- (b) os gwneir yr apêl o dan adran 326 o Ddeddf 1996 neu baragraffau 8 neu 11 o Atodlen 27 i'r Ddeddf honno, copi o ddatganiad y plentyn, unrhyw ddogfennaeth a atodwyd i'r datganiad neu sy'n ffurfio rhan ohono, ac os yw ar gael, copi o'r adolygiad diweddaraf o dan adran 328 o Ddeddf 1996.

(4) Rhaid cyflwyno'r cais apêl ynghyd ag—

- (a) cadarnhad ysgrifenedig bod y person sy'n gwneud yr apêl wedi hysbysu'r personau, os oes rhai, a enwir yn unol â pharagraff (1)(ch), fod y person yn bwriadu gwneud apêl i'r Tribiwnlys, neu gadarnhad ysgrifenedig sy'n esbonio pam nad yw'r person sy'n gwneud yr hawliad wedi hysbysu unrhyw un o'r personau hynny;
- (b) pan fo'r cais apêl yn datgan enw ysgol yn unol â pharagraff (2)(b), cadarnhad ysgrifenedig bod y person sy'n gwneud yr apêl wedi hysbysu pennaeth yr ysgol o fwriad y person i ofyn am enwi'r ysgol yn y datganiad; ac
- (c) pan fo'r cais apêl, o dan baragraff (2)(b), yn datgan enw—
 - (i) ysgol a gynhelir, drwy gadarnhad ysgrifenedig bod y person sy'n gwneud yr apêl wedi hysbysu'r awdurdod lleol sy'n cynnal yr ysgol honno, a allai fod yr awdurdod lleol a wnaeth y penderfyniad a herir neu awdurdod lleol gwahanol, am fwriad y person i ofyn am enwi'r ysgol a gynhelir yn y datganiad;
 - (ii) ysgol annibynnol, drwy gadarnhad ysgrifenedig gan berchennog yr ysgol bod lle ar gael yn yr ysgol i'r plentyn.

(2) If the person making the appeal seeks an order that—

- (a) the child's statement is amended, the appeal application must specify to which part or parts of the statement the appeal relates;
- (b) a school (other than one already named in the child's statement) is named in the statement, the appeal application must state either the name and address of that school or a sufficient description of the type and nature of the school which the person considers would be an appropriate placement for the child.

(3) The appeal application may be accompanied by—

- (a) a copy of the disputed decision;
- (b) where the appeal is made under section 326 of, or paragraphs 8 or 11 of Schedule 27 to, the 1996 Act, a copy of the child's statement, any documentation attached to or forming part of the statement and if available, a copy of the latest review under section 328 of the 1996 Act.

(4) The appeal application must be accompanied—

- (a) by written confirmation that the person making the appeal has notified persons, if any, named in accordance with paragraph (1)(d) that the person proposes to make an appeal to the Tribunal, or written confirmation explaining why the person making the claim has not notified any such persons;
- (b) where the appeal application states the name of a school in accordance with paragraph (2)(b), by written confirmation that the person making the appeal has informed the head teacher of the school that the person proposes to request that the school is named in the statement; and
- (c) where under paragraph (2)(b), the appeal application states the name of—
 - (i) a maintained school, by written confirmation that the person making the appeal has informed the local authority that maintains the school, which may or may not be the local authority that made the disputed decision, that the person proposes to request that the maintained school is named in the statement;
 - (ii) an independent school, by written confirmation that the person making the appeal has informed the proprietor of the school that the person proposes to request that the independent school is named in the statement;
 - (iii) an independent school, by written confirmation from the proprietor of the school that a place is available at the school for the child.

(5) Rhaid i'r cais apêl gael ei lofnodi gan y person sy'n gwneud yr apêl, neu gan unrhyw gynrychiolydd neu gyfaill achos ar ran y person hwnnw.

(6) Yn unol â rheoliad 38, caiff y cais apêl gynnwys cais am i'r apêl gael ei chlywed ar y cyd â hawliad yn erbyn corff cyfrifol.

Cais hawlio

14.—(1) Rhaid i'r cais hawlio ddatgan—

- (a) enw a chyfeiriad y person sy'n gwneud yr hawliad ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y person hwnnw;
- (b) enw a dyddiad geni'r plentyn;
- (c) os yw'n berthnasol, y berthynas neu'r cysylltiad rhwng y person sy'n gwneud yr hawliad a'r plentyn;
- (ch) enwau a chyfeiriadau'r holl bersonau sydd â chyfrifoldeb rhiant, neu sy'n rhannu'r cyfrifoldeb rhiant, dros y plentyn neu sy'n gofalu am y plentyn, neu'r rhesymau pam na ddarparwyd enwau a chyfeiriadau'r personau hynny;
- (d) enw a chyfeiriad unrhyw gynrychiolydd a benodir gan y person sy'n gwneud yr hawliad, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd hwnnw;
- (dd) chyfeiriad ac os oes un ar gael, chyfeiriad e-bost, lle y dylid anfon hysbysiadau a dogfennau ar gyfer y person sy'n gwneud yr hawliad;
- (e) enw a chyfeiriad—
 - (i) yr ysgol neu'r awdurdod lleol a wnaeth y penderfyniad a herir; neu
 - (ii) yr awdurdod ar gyfer yr ysgol a enwir o dan baragraff (1)(e)(i) os yw'r cyfryw ysgol yn ysgol a gynhelir;
- (f) manylion y penderfyniad a herir, y mae'r hawliad yn ymwneud ag ef;
- (ff) y dyddiad neu'r dyddiadau y digwyddodd y penderfyniad a herir;
- (g) y rheswm neu'r rhesymau dros wneud yr hawliad;
- (ng) y canlyniad a geisir; ac
- (h) y camau, os oes rhai, a gymerwyd eisoes i ddatrys yr anghydfod.

(2) Rhaid i'r cais hawlio gynnwys disgrifiad o anabledd y plentyn.

(3) Os yw ar gael, dylid cyflwyno ynghyd â'r cais hawlio dystiolaeth o ddiagnosis meddygol neu ddiagnosis proffesiynol arall mewn perthynas ag anabledd y plentyn.

(4) Rhaid cyflwyno'r cais hawlio ynghyd â chadarnhad ysgrifenedig bod y person sy'n gwneud yr hawliad wedi hysbysu'r personau, os oes rhai, a enwir

(5) The appeal application must be signed by the person making the appeal, or any representative or a case friend on that person's behalf.

(6) The appeal application may, in accordance with regulation 38, include a request that the appeal is heard with a claim against a responsible body.

Claim application

14.—(1) The claim application must state—

- (a) the name and address of the person making the claim and if available the person's telephone number, fax number and email address;
- (b) the name and date of birth of the child;
- (c) if relevant, the relationship or connection of the person making the claim to the child;
- (d) the names and addresses of all persons who have or share parental responsibility for the child or have care of the child, or reasons why the names and addresses of such persons are not provided;
- (e) the name and address of any representative appointed by the person making the claim and if available, the representative's telephone number, fax number and email address;
- (f) an address and if available an email address where notices and documents for the person making the claim should be sent;
- (g) the name and address of—
 - (i) the school or local authority which made the disputed decision; or
 - (ii) the authority for the school named under paragraph (1)(g)(i) if such a school is a maintained school;
- (h) details of the disputed decision to which the claim relates;
 - (i) the date or dates on which the disputed decision took place;
 - (j) the reason or reasons for making the claim;
- (k) the result sought; and
- (l) the steps, if any, already taken to resolve the dispute.

(2) The claim application must include a description of the child's disability.

(3) Evidence of a medical or other professional diagnosis relating to the child's disability should, if available, accompany the claim application.

(4) The claim application must be accompanied by written confirmation that the person making the claim has notified persons, if any, named in accordance with

yn unol â pharagraff (1)(ch), fod y person wedi gwneud hawliad i'r Tribiwnlys; neu gadarnhad ysgrifenedig sy'n esbonio pam nad yw'r person sy'n gwneud yr hawliad wedi hysbysu unrhyw un o'r personau hynny.

(5) Rhaid i'r cais hawlio gael ei lofnodi gan y person sy'n gwneud yr hawliad, neu gan unrhyw gynrychiolydd neu gyfaill achos ar ran y person hwnnw.

(6) Yn unol â rheoliad 38, caiff y cais hawlio gynnwys cais am i'r hawliad gael ei glywed ar y cyd ag apêl yn erbyn awdurdod lleol.

Gweithredu gan Ysgrifennydd y Tribiwnlys

15.—(1) Pan ddaw'r cais apêl neu'r cais hawlio i law, rhaid i Ysgrifennydd y Tribiwnlys—

- (a) cofnodi ei fanylion yn y Gofrestr; a
- (b) anfon at yr apelydd neu'r hawlydd—
 - (i) cydnabyddiaeth o'i dderbyn a nodyn o rif yr achos a gofnodwyd yn y Gofrestr;
 - (ii) nodyn o'r cyfeiriad y dylid anfon hysbysiadau a chyfathrebiadau iddo ar gyfer y Tribiwnlys;
 - (iii) hysbysiad y gellir cael cyngor ynghylch y weithdrefn apelau neu hawliadau o swyddfa'r Tribiwnlys;
 - (iv) yn ddarostyngedig i reoliad 19(2), hysbysiad sy'n datgan yr amser a ganiateir ar gyfer cyflwyno datganiad achos a thystiolaeth yr apelydd neu'r hawlydd o dan reoliad 19(1); a
 - (v) datganiad o'r canlyniadau posibl i'r apêl neu'r hawliad os na fydd y parti'n cydymffurfio â rheoliad 7 (rhwymedigaeth ar y partiön i gydweithredu).

(2) Yr un pryd ag yr anfonir yr hysbysiad y cyfeirir ato ym mharagraff (1)(b)(iv) at yr apelydd neu'r hawlydd, rhaid i Ysgrifennydd y Tribiwnlys anfon at yr awdurdod lleol neu'r corff cyfrifol—

- (a) copi o'r cais apêl neu'r cais hawlio ac unrhyw ddogfennau cysylltiedig;
- (b) nodyn o'r cyfeiriad y dylid anfon hysbysiadau a chyfathrebiadau iddo ar gyfer y Tribiwnlys;
- (c) hysbysiad sy'n datgan yr amser ar gyfer cyflwyno datganiad achos a thystiolaeth yr awdurdod lleol neu'r corff cyfrifol o dan reoliad 19(1), a'r canlyniadau os na wneir hynny; a
- (ch) datganiad o'r canlyniadau posibl i'r apêl neu'r hawliad os nad yw parti'n cydymffurfio â rheoliad 7 (rhwymedigaeth ar y partiön i gydweithredu).

paragraph (1)(d) that the person has made a claim to the Tribunal; or written confirmation explaining why the person making the claim has not notified any such persons.

(5) The claim application must be signed by the person making the claim or any representative or a case friend on that person's behalf.

(6) The claim application may, in accordance with regulation 38, include a request that the claim is heard with an appeal against a local authority.

Action by the Secretary of the Tribunal

15.—(1) Upon receiving the appeal application or the claim application the Secretary of the Tribunal must—

- (a) enter its particulars in the Register; and
- (b) send to the appellant or claimant—
 - (i) an acknowledgement of its receipt and a note of the case number entered in the Register;
 - (ii) a note of the address to which notices and communications for the Tribunal should be sent;
 - (iii) notification that advice about the appeals or claims procedure may be obtained from the office of the Tribunal;
 - (iv) subject to regulation 19(2), a notice stating the time for submitting the appellant's or the claimant's case statement and evidence under regulation 19(1); and
 - (v) a statement of the possible consequences for the appeal or claim, if a party fails to comply with regulation 7 (parties' obligation to co-operate).

(2) At the same time as sending to the appellant or claimant the notice referred to in paragraph (1) (b)(iv), the Secretary of the Tribunal must send to the local authority or responsible body—

- (a) a copy of the appeal application or the claim application and any accompanying documents;
- (b) a note of the address to which notices and communications for the Tribunal should be sent;
- (c) a notice stating the time for submitting the local authority's or responsible body's case statement and evidence under regulation 19(1) and the consequences of failing to do so; and
- (d) a statement of the possible consequences for the appeal or claim, if a party fails to comply with regulation 7 (parties' obligation to co-operate).

(3) Pan fo'n ofynnol canfod enw'r corff cyfrifol mewn perthynas â hawliad, caiff y Llywydd wneud pa bynnag ymholiadau sy'n angenrheidiol at y diben hwnnw.

(4) Os yw'n ymddangos i'r Llywydd neu Ysgrifennydd y Tribiwnlys y gall fod mwy nag un corff cyfrifol mewn perthynas â hawliad, caiff y Tribiwnlys anfon y ddogfennaeth a bennir ym mharagraff (2) at unrhyw rai neu at bob un o'r cyfryw gyrff, fel y bo'n briodol.

(5) Os yw Llywydd ac Ysgrifennydd y Tribiwnlys o'r farn, ar sail y cais apêl neu'r cais hawlio, bod y person sy'n gwneud yr apêl neu'r hawliad yn gofyn i'r Tribiwnlys ystyried mater sydd y tu allan i bwerau'r Tribiwnlys, caiff Ysgrifennydd y Tribiwnlys roi hysbysiad i'r person hwnnw—

- (a) sy'n datgan y rhesymau dros y farn honno; a
- (b) sy'n rhoi gwybod i'r person rhaid peidio â chofnodi'r cais apêl neu'r cais hawlio yn y Gofrestr oni fydd y person, o fewn amser penodedig (rhaid iddo fod yn ddim llai na 5 niwrnod gwaith) wedi hysbysu Ysgrifennydd y Tribiwnlys o fwriad y person i fynd ymlaen â'r apêl neu'r hawliad.

(6) Os yw Ysgrifennydd y Tribiwnlys wedi rhoi hysbysiad o dan baragraff (5), rhaid trin y cais apêl neu'r cais hawlio fel un sydd wedi ei gael at ddibenion paragraff (1) os yw'r person sy'n gwneud yr apêl neu'r hawliad yn hysbysu Ysgrifennydd y Tribiwnlys o ddymuniad y person i fynd ymlaen â'r apêl neu'r hawliad.

(7) Os yw Ysgrifennydd y Tribiwnlys o'r farn bod gwall amlwg yn y cais apêl neu'r cais hawlio, caiff Ysgrifennydd y Tribiwnlys gywiro'r gwall hwnnw.

(8) Pan fo gwall wedi ei gywiro yn unol â pharagraff (7), rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r person sy'n gwneud yr apêl neu'r hawliad o'r cywiriad, a datgan effaith paragraff (9).

(9) Oni fydd y person sy'n gwneud yr apêl neu'r hawliad yn rhoi gwybod i Ysgrifennydd y Tribiwnlys fod y person yn gwrthwynebu'r cywiriad, o fewn 5 niwrnod gwaith ar ôl rhoi'r hysbysiad o dan baragraff (8), rhaid trin y cais apêl neu'r cais hawlio fel y'i cywirwyd fel y cais apêl neu'r cais hawlio at ddibenion y Rheoliadau hyn.

(10) Yn ddarostyngedig i reoliadau 67(2) a (3) a pharagraff (11), rhaid i Ysgrifennydd y Tribiwnlys anfon yr holl ddogfennau a hysbysiadau ynglŷn â'r apêl neu'r hawliad at yr apelydd neu'r hawlydd.

- (11) Mae paragraff (10) yn gymwys—
 - (a) oni fydd yr apelydd neu'r hawlydd yn hysbysu Ysgrifennydd y Tribiwnlys fod rhaid anfon yr holl ddogfennau a hysbysiadau ynglŷn â'r apêl

(3) If it is necessary to determine the identity of the responsible body in relation to a claim, the President may make such enquiries as are necessary for this purpose.

(4) Where it appears to the President or the Secretary of the Tribunal that there may be more than one responsible body in relation to a claim, the Tribunal may send the documentation specified in paragraph (2) to any or all such bodies as may be appropriate.

(5) Where the President and the Secretary of the Tribunal are of the opinion that on the basis of the appeal application or the claim application, the person making the appeal or the claim is asking the Tribunal to consider a matter which is outside its powers, the Secretary of the Tribunal may give notice to the person—

- (a) stating the reasons for the opinion; and
- (b) informing the person that the appeal application or the claim application must not be entered in the Register unless, within a specified time (which must not be less than 5 working days), the person notifies the Secretary of the Tribunal that the person wishes to proceed with the appeal or claim.

(6) If the Secretary of the Tribunal has given a notice under paragraph (5), the appeal application or the claim application is to be treated as having been received for the purposes of paragraph (1) when the person making the appeal or claim notifies the Secretary of the Tribunal that the person wishes to proceed with the appeal or claim.

(7) Where the Secretary of the Tribunal is of the opinion that there is an obvious error in the appeal application or the claim application, the Secretary of the Tribunal may correct that error.

(8) Where an error has been corrected in accordance with paragraph (7), the Secretary of the Tribunal must notify the person making the appeal or claim of the correction and state the effect of paragraph (9).

(9) Unless the person making the appeal or claim informs the Secretary of the Tribunal within 5 working days of the notification given under paragraph (8) that the person objects to the correction, the appeal application or the claim application as corrected must be treated as the appeal application or the claim application for the purposes of these Regulations.

(10) Subject to regulations 67(2) and (3) and paragraph (11), the Secretary of the Tribunal must send all documents and notices concerning the appeal or the claim to the appellant or the claimant.

- (11) Paragraph (10) applies—
 - (a) unless the appellant or the claimant notifies the Secretary of the Tribunal that all documents and notices concerning the appeal or the claim

neu'r hawliad at y cynrychiolydd yn hytrach nag at yr apelydd neu'r hawlydd;

(b) yn ddarostyngedig i reoliadau 55(7) a 79(5).

(12) Pan fo paragraff (11)(a) yn gymwys, rhaid dehongli cyfeiriadau yn y Rheoliadau hyn (sut bynnag y'u mynegir) at anfon dogfennau at yr apelydd neu'r hawlydd, neu roi hysbysiad i'r apelydd neu'r hawlydd, fel pe baent yn gyfeiriadau at anfon dogfennau at y cynrychiolydd neu roi hysbysiad i'r cynrychiolydd.

Apêl neu hawliad a wneir y tu allan i'r amser

16.—(1) Caiff y Llywydd ystyried—

- (a) unrhyw apêl sydd y tu allan i'r amser os yw'r Llywydd o'r farn, o dan holl amgylchiadau'r achos, y byddai'n deg a chyfiawn gwneud hynny;
- (b) unrhyw apêl sydd y tu allan i'r amser o dan baragraff 4(3) o Atodlen 17 i Ddeddf Cydraddoldeb 2010.

(2) Caiff y Llywydd geisio gwybodaeth bellach gan y person sy'n gwneud yr apêl neu'r hawliad cyn gwneud penderfyniad o dan baragraff (1).

Digonolrwydd y rhesymau

17.—(1) Os nad yw'r cais apêl neu'r cais hawlio yn cynnwys datganiad o'r rhesymau dros wneud yr apêl neu'r hawliad, neu os na chyflwynir ef ynghyd â datganiad o'r fath, gan gynnwys, mewn perthynas â hawliad, yr wybodaeth a bennir yn rheoliad 14(1)(ff), (g) a (2), ac sy'n ddigonol ym marn y Llywydd i alluogi'r awdurdod lleol neu'r corff cyfrifol i ymateb i'r apêl neu'r hawliad, rhaid i'r Llywydd gyfarwyddo'r apelydd neu'r hawlydd i anfon manylion o'r rhesymau at Ysgrifennydd y Tribiwnlys o fewn 10 niwrnod gwaith ar ôl rhoi'r cyfarwyddyd.

(2) Mae rheoliad 36 yn gymwys i gyfarwyddyd o dan baragraff (1).

(3) Mae'r rhesymau a anfonir wrth ymateb i gyfarwyddyd a roddir o dan baragraff (1) i'w trin fel pe baent yn rhan o'r cais apêl neu'r cais hawlio.

Cynrychiolwyr yr apelydd neu'r hawlydd

18.—(1) Caiff yr apelydd neu'r hawlydd, yn y cais apêl neu'r cais hawlio neu drwy roi hysbysiad ysgrifenedig i Ysgrifennydd y Tribiwnlys ar unrhyw adeg yn ddiweddarach—

- (a) penodi cynrychiolydd;
- (b) penodi cynrychiolydd arall i gymryd lle'r cynrychiolydd a benodwyd yn flaenorol ac y diddymir ei benodiad gan y penodiad diweddarach;
- (c) datgan nad oes unrhyw berson yn gweithredu fel cynrychiolydd yr apelydd neu'r hawlydd,

must be sent to the representative instead of the appellant or claimant;

(b) subject to regulations 55(7) and 79(5).

(12) If paragraph (11) (a) applies, references in these Regulations (however expressed) to sending documents to, or giving notice to, the appellant or the claimant must be construed as references to sending documents to, or giving notice to, the representative.

Appeal or claim made out of time

16.—(1) The President may consider—

- (a) any appeal which is out of time if, in all the circumstances of the case, the President considers that it is fair and just to do so;
- (b) any claim which is out of time under paragraph 4(3) of Schedule 17 to the Equality Act 2010.

(2) The President may seek further information from the person making the appeal or claim before making a decision under paragraph (1).

Sufficiency of reasons

17.—(1) If the appeal application or the claim application does not include, or is not accompanied by, a statement of the reasons for making the appeal or the claim, including in relation to a claim the information set out in regulation 14(1)(i), (j) and (2), which the President considers sufficient to enable the local authority or responsible body to respond to the appeal or the claim, the President must direct the appellant or the claimant to send details of the reasons to the Secretary of the Tribunal within 10 working days of the direction.

(2) Regulation 36 applies to a direction under paragraph (1).

(3) Reasons sent in response to a direction made under paragraph (1) are to be treated as part of the appeal application or the claim application.

Appellant's or claimant's representatives

18.—(1) The appellant or the claimant may in the appeal application or the claim application or by giving written notice to the Secretary of the Tribunal at any later time—

- (a) appoint a representative;
- (b) appoint another representative to replace the representative previously appointed, whose appointment is cancelled by the later appointment;
- (c) state that no person is acting as the appellant's or the claimant's representative, which cancels

sy'n diddymu unrhyw benodiad blaenorol.

(2) Pan wneir penodiad o dan baragraff (1), rhaid i'r apelydd neu'r hawlydd roi enw, cyfeiriad, a manylion cyswllt y cynrychiolydd.

Paratoi achos cyn y gwrandawriad

Datganiadau achos a darpariaeth atodol

Y cyfnod datganiad achos

19.—(1) Y cyfnod datganiad achos yw cyfnod—

- (a) o 30 diwrnod gwaith, sy'n cychwyn ar y dyddiad yr ystyrir bod hysbysiad, a roddwyd o dan reoliad 15(1)(b)(iv) ac 15(2)(c) wedi ei gael yn unol â rheoliad 79(11); a
- (b) sy'n cynnwys unrhyw estyniad i'r cyfnod hwnnw a orchmynnir gan y Llywydd o dan reoliad 69.

(2) Os yw'r Llywydd yn gwneud cyfarwyddyd mewn perthynas ag—

- (a) apêl yn unol â rheoliad 17, ni fydd y cyfnod a bennir ym mharagraff (1) yn cychwyn, a rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon hysbysiad at yr apelydd fel sy'n ofynnol gan reoliad 15(1)(b)(iv), nac anfon unrhyw ddogfennau fel sy'n ofynnol gan reoliad 15(2), hyd nes y ceir rhesymau wrth ymateb i'r cyfarwyddyd;
- (b) hawliad yn unol â rheoliad 17 neu'n gwneud ymholiadau o dan reoliad 15(3), ni fydd y cyfnod a bennir ym mharagraff (1) yn cychwyn, a rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon hysbysiad at yr hawlydd fel sy'n ofynnol gan reoliad 15(1)(b)(iv), nac anfon unrhyw ddogfennau at y corff cyfrifol fel sy'n ofynnol gan reoliad 15(2), hyd nes y ceir rhesymau wrth ymateb i'r cyfarwyddyd neu y cwblheir yr ymholiadau.

Datganiad achos a thystiolaeth yr apelydd neu'r hawlydd

20.—(1) Rhaid i'r apelydd neu'r hawlydd gyflwyno i Ysgrifennydd y Tribiwnlys, cyn diwedd y cyfnod datganiad achos—

- (a) datganiad achos; a
- (b) pob tystiolaeth arall y bwriedir dibynnu arni ac nas cyflwynwyd eisoes.

(2) Rhaid i'r datganiad achos gynnwys—

- (a) os rhiant y plentyn yw'r apelydd neu'r hawlydd—
 - (i) safbwyntiau'r plentyn ynglŷn â'r materion a godir yn yr apêl neu'r hawliad; neu

any previous appointment.

(2) Where an appointment is made under paragraph (1), the appellant or the claimant must give the name, address and contact details of the representative.

Case preparation before the hearing

Case statements and supplementary provision

Case statement period

19.—(1) The case statement period—

- (a) is a period of 30 working days, commencing on the date on which notice given under regulation 15(1)(b)(iv) and 15(2)(c) is taken to have been received in accordance with regulation 79(11); and
- (b) includes any extension to that period ordered by the President under regulation 69.

(2) If the President makes a direction in relation to—

- (a) an appeal in accordance with regulation 17, the period specified in paragraph (1) does not start, and the Secretary of the Tribunal must not send a notice to the appellant as required by regulation 15(1)(b)(iv) or send any documents as required by regulation 15(2) until reasons are received in response to the direction;
- (b) a claim in accordance with regulation 17 or makes enquiries under regulation 15(3), the period specified in paragraph (1) does not start, and the Secretary of the Tribunal must not send a notice to the claimant as required by regulation 15(1)(b)(iv) or send any documents to the responsible body as required by regulation 15(2), until reasons are received in response to the direction or the enquiries are concluded.

Appellant's or claimant's case statement and evidence

20.—(1) The appellant or the claimant must submit to the Secretary of the Tribunal before the end of the case statement period—

- (a) a case statement; and
- (b) all other evidence to be relied on which has not already been submitted.

(2) The case statement must include—

- (a) where the appellant or the claimant is the parent of the child—
 - (i) the views of the child on the issues raised in the appeal or the claim; or

- (ii) esboniad pam nad yw'r apelydd neu'r hawlydd wedi canfod safbwyntiau'r plentyn;
- (b) os y plentyn yw'r apelydd neu'r hawlydd—
 - (i) safbwyntiau rhiant y plentyn ynglŷn â'r materion a godir yn yr apêl neu'r hawliad; neu
 - (ii) esboniad pam nad yw'r apelydd neu'r hawlydd wedi canfod safbwyntiau'r rhiant.

(3) Os rhoddir caniatâd gan y Llywydd, caiff yr apelydd neu'r hawlydd—

- (a) diwygio'r cais apêl neu'r cais hawlio;
- (b) cyflwyno datganiad atodol o resymau sy'n cefnogi'r cais apêl neu'r cais hawlio;
- (c) diwygio datganiad atodol o resymau sy'n cefnogi'r cais apêl neu'r cais hawlio;
- (ch) cyflwyno datganiad achos atodol;
- (d) diwygio datganiad achos atodol.

(4) Rhaid i'r apelydd neu'r hawlydd gyflwyno copi i Ysgrifennydd y Tribiwnlys o bob diwygiad a datganiad atodol y rhoddwyd caniatâd ar ei gyfer o dan baragraff (3), o fewn y cyfnod o amser a ganiateir.

(5) Os diwygir cais apêl yn unol â pharagraff (3) fel bod yr apelydd yn gofyn am orchymyn bod ysgol a gynhelir i'w henwi yn natganiad y plentyn, ac eithrio'r un a enwir eisoes yn y datganiad hwnnw, neu, os nad oes un a enwir eisoes, bod ysgol a gynhelir i gael ei henwi, rhaid i'r apelydd hysbysu pennaeth yr ysgol a gynhelir a enwir yn y cais apêl diwygiedig, gan ddatgan enw a dyddiad geni'r plentyn.

(6) Os na chynhelir yr ysgol y cyfeirir ati ym mharagraff (5) gan yr awdurdod lleol, rhaid i'r apelydd hysbysu'r awdurdod sy'n cynnal yr ysgol.

(7) Pan roddir caniatâd o dan baragraff (3), caiff y Llywydd, os bydd angen, estyn y cyfnod datganiad achos, o dan reoliad 69 neu, os daeth i ben, ganiatáu pa bynnag cyfnod pellach a ystyrir yn briodol gan y Llywydd.

(8) Os yw'r awdurdod lleol neu'r corff cyfrifol, ar yr adeg y rhoddir caniatâd o dan baragraff (3), wedi colli ei hawlogaeth i fod yn bresennol neu gael ei gynrychioli yn y gwrandawriad yn unol â rheoliadau 25 neu 36, bydd rhoi'r caniatâd yn adfer y cyfryw hawlogaeth ac, os bydd angen, caniateir gohirio'r gwrandawriad neu ohirio gweddill y gwrandawriad, fel y bo'n briodol, er mwyn i'r awdurdod lleol neu'r corff cyfrifol gael ei gynrychioli.

- (ii) an explanation of why the appellant or claimant has not established the child's views;

(b) where the appellant or the claimant is the child—

- (i) the views of the child's parent on the issues raised in the appeal or the claim; or
- (ii) an explanation of why the appellant or claimant has not established the parent's views.

(3) If the President gives permission, the appellant or the claimant may—

- (a) amend the appeal application or the claim application;
- (b) submit a supplementary statement of reasons in support of the appeal application or the claim application;
- (c) amend a supplementary statement of reasons in support of the appeal application or the claim application;
- (d) submit a supplementary case statement;
- (e) amend a supplementary case statement.

(4) The appellant or the claimant must submit to the Secretary of the Tribunal a copy of every amendment and supplementary statement for which permission was given under paragraph (3) within the time period granted.

(5) If an appeal application is amended in accordance with paragraph (3) so that the appellant seeks an order that a maintained school other than the one already named in the statement is named in the child's statement, or where none is named that a maintained school is named, the appellant must notify the head teacher of the maintained school named in the amended appeal application, stating the name and date of birth of the child.

(6) If the school referred to in paragraph (5) is not maintained by the local authority, the appellant must notify the authority that maintains the school.

(7) Where permission is given under paragraph (3), the President may, if necessary, extend the case statement period, under regulation 69 or, if it has expired, grant such further period as the President considers appropriate.

(8) If, at the time permission is given under paragraph (3), the local authority or the responsible body has lost its entitlement to attend or be represented at the hearing in accordance with regulations 25 or 36 the giving of permission restores such entitlement and, if necessary, the hearing may be postponed or adjourned, as appropriate, so that the local authority or the responsible body can be represented.

Datganiad achos a thystiolaeth yr awdurdod lleol neu'r corff cyfrifol

21.—(1) Rhaid i'r awdurdod lleol neu'r corff cyfrifol gyflwyno i Ysgrifennydd y Tribiwnlys cyn diwedd y cyfnod datganiad achos—

- (a) copi o'r penderfyniad a herir;
- (b) os gwneir yr apêl o dan adran 326 o Ddeddf 1996 neu baragraffau 8 neu 11 o Atodlen 27 i'r Ddeddf honno, copi o ddatganiad y plentyn, unrhyw ddogfennaeth a atodwyd i'r datganiad neu sy'n ffurfio rhan ohono, ac os yw ar gael, copi o'r adolygiad diwethaf;
- (c) datganiad achos; ac
- (ch) pob tystiolaeth arall y bwriedir dibynnu arni ac nas cyflwynwyd eisoes.

(2) Rhaid i ddatganiad achos yr awdurdod lleol neu'r corff cyfrifol gael ei lofnodi gan berson a awdurdodwyd i lofnodi dogfennau o'r fath ar ran yr awdurdod lleol neu'r corff cyfrifol, a rhaid iddo ddatgan a yw'r awdurdod lleol neu'r corff cyfrifol yn bwriadu gwrthwynebu'r apêl neu'r hawliad ai peidio.

(3) Os yw'r awdurdod lleol neu'r corff cyfrifol yn bwriadu gwrthwynebu'r apêl neu'r hawliad, rhaid i'w ddatganiad achos ddatgan—

- (a) ar ba seiliau y gwrthwynebir yr apêl neu'r hawliad, neu unrhyw ran o'r apêl neu'r hawliad;
- (b) enw a chyfeiriad cynrychiolydd yr awdurdod lleol neu'r corff cyfrifol ac, os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd;
- (c) y chyfeiriad lle y dylid anfon neu ddanfôn dogfennau ar gyfer yr awdurdod lleol neu'r corff cyfrifol;
- (ch) crynodeb o'r ffeithiau mewn perthynas â'r penderfyniad a herir;
- (d) y rheswm neu'r rhesymau dros y penderfyniad a herir os nad yw'r rheswm neu'r rhesymau'n gynnwysedig yn y penderfyniad; ac
- (dd) y camau, os oes rhai, a gymerwyd eisoes i ddatrys yr anghydfod.

(4) Rhaid i ddatganiad achos yr awdurdod lleol neu'r corff cyfrifol gynnwys—

- (a) safbwyntiau'r plentyn ynglŷn â'r materion a godir yn yr apêl neu'r hawliad; neu
- (b) esboniad pam nad yw wedi canfod safbwyntiau'r plentyn.

(5) Caiff yr awdurdod lleol neu'r corff cyfrifol ddiwygio'i ddatganiad achos, cyflwyno datganiad achos atodol, neu ddiwygio datganiad achos atodol, os rhoddir caniatâd gan y Llywydd.

(6) Rhaid i'r awdurdod lleol neu'r corff cyfrifol gyflwyno i'r Tribiwnlys gopi o bob diwygiad a

Local authority's or responsible body's case statement and evidence

21.—(1) The local authority or the responsible body must submit to the Secretary of the Tribunal before the end of the case statement period—

- (a) a copy of the disputed decision;
- (b) where the appeal is made under section 326 of, or paragraphs 8 or 11 of Schedule 27 to, the 1996 Act, a copy of the child's statement, any documentation attached to or forming part of the statement and if available a copy of the latest review;
- (c) a case statement; and
- (d) all other evidence to be relied on which has not already been submitted.

(2) The local authority's or responsible body's case statement must be signed by a person who is authorised to sign such documents on the local authority's or responsible body's behalf, and must state whether or not the local authority or responsible body intends to oppose the appeal or claim.

(3) If the local authority or the responsible body intends to oppose the appeal or the claim, its case statement must state—

- (a) the grounds on which the appeal or the claim or any part of the appeal or the claim is opposed;
- (b) the name and address of the local authority's or the responsible body's representative and if available the representative's telephone number, fax number and email address;
- (c) the address where documents for the local authority or the responsible body should be sent or delivered;
- (d) a summary of the facts relating to the disputed decision;
- (e) the reason or reasons for the disputed decision, if not included in the decision; and
- (f) the steps, if any, already taken to resolve the dispute.

(4) The local authority's or the responsible body's case statement must include—

- (a) the views of the child concerning the issues raised in the appeal or the claim; or
- (b) an explanation of why it has not established the child's views.

(5) The local authority or the responsible body may amend its case statement, submit a supplementary case statement, or amend a supplementary case statement, if permission is given by the President.

(6) The local authority or the responsible body must submit to the Tribunal a copy of every amendment and

datganiad atodol y rhoddwyd caniatâd ar ei gyfer o dan baragraff (5), o fewn y cyfnod o amser a ganiateir.

(7) Os rhoddir caniatâd o dan baragraff (5), caiff y Llywydd estyn y cyfnod datganiad achos o dan reoliad 69, neu, os daeth i ben, ganiatáu pa bynnag cyfnod pellach a ystyrir yn briodol gan y Llywydd.

(8) Os yw'r apelydd neu'r hawlydd, ar yr adeg y rhoddir caniatâd o dan baragraff (5), wedi colli hawlogaeth i fod yn bresennol neu gael ei gynrychioli yn y gwrandawriad yn unol â rheoliad 36, bydd rhoi'r caniatâd yn adfer y cyfryw hawlogaeth ac, os bydd angen, caniateir gohirio'r gwrandawriad neu weddill y gwrandawriad, fel y bo'n briodol, er mwyn i'r apelydd neu'r hawlydd gael ei gynrychioli.

Newid cynrychiolydd yr awdurdod lleol neu'r corff cyfrifol

22.—(1) Caiff yr awdurdod lleol neu'r corff cyfrifol, ar unrhyw adeg, newid ei gynrychiolydd at ddibenion yr apêl neu'r hawliad drwy hysbysu Ysgrifennydd y Tribiwnlys o enw a chyfeiriad ei gynrychiolydd newydd, ac os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y cynrychiolydd.

(2) Rhaid dehongli cyfeiriadau yn y Rheoliadau hyn (sut bynnag y'u mynegir) at anfon dogfennau at yr awdurdod lleol neu'r corff cyfrifol, neu roi hysbysiad iddo, fel pe baent yn gyfeiriadau at anfon dogfennau at, neu roi hysbysiad i'r cynrychiolydd a enwir yn unol â pharagraff (1) neu reoliad 21(3)(b).

Newid yr awdurdod lleol mewn apêl

23.—(1) Mae'r rheoliad hwn yn gymwys at ddibenion apêl os, ar ôl y dyddiad y gwnaed y penderfyniad a herir gan yr awdurdod lleol, nad yw'r awdurdod lleol bellach yn gyfrifol am y plentyn o fewn ystyr adran 321(3) o Ddeddf 1996 ("yr hen awdurdod").

(2) Pan fo paragraff (1) yn gymwys, caiff y Llywydd orchymyn, at holl ddibenion yr apêl ac wrth gael tystiolaeth bod y rheoliad hwn yn gymwys, y disodlir enw'r hen awdurdod gan enw'r awdurdod sy'n gyfrifol am y plentyn o fewn ystyr adran 321(3) o Ddeddf 1996 ("yr awdurdod newydd").

(3) Rhaid rhoi cyfle i'r hen awdurdod, yr awdurdod newydd a'r apelydd gael eu clywed cyn gwneud gorchymyn o dan baragraff (2).

(4) Pan wneir gorchymyn o dan baragraff (2)—

- (a) rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r hen awdurdod, yr awdurdod newydd a'r apelydd;
- (b) ni fydd yr hen awdurdod bellach yn barti yn yr apêl;

supplementary statement for which permission was given under paragraph (5) within the time period granted.

(7) If permission is given under paragraph (5) the President may extend the case statement period under regulation 69 or, if it has expired, grant such further period as the President considers appropriate.

(8) If, at the time permission is given under paragraph (5), the appellant or the claimant has lost entitlement to attend or be represented at the hearing in accordance with regulation 36, the giving of permission restores such entitlement and, if necessary, the hearing may be postponed or adjourned, as appropriate, so that the appellant or the claimant can be represented.

Change of local authority's or responsible body's representative

22.—(1) The local authority or the responsible body may at any time change its representative for the purposes of the appeal or the claim by notifying the Secretary of the Tribunal of the name and address of its new representative and if available the representative's telephone number, facsimile number and email address.

(2) References in these Regulations (however expressed) to sending documents to, or giving notice to, the local authority or the responsible body are to be construed as references to sending documents to, or giving notice to, the representative named in accordance with paragraph (1) or regulation 21(3)(b).

Change of local authority in an appeal

23.—(1) This regulation applies for the purposes of an appeal if, after the date on which the local authority made the disputed decision, the local authority is no longer responsible for the child within the meaning of section 321(3) of the 1996 Act ("the old authority").

(2) Where paragraph (1) applies, the President may order that, for all the purposes of the appeal and on receiving evidence that this regulation applies, the name of the authority responsible for the child within the meaning of section 321(3) of the 1996 Act ("the new authority") is substituted for the old authority.

(3) The old authority, the new authority and the appellant must have an opportunity to be heard before an order is made under paragraph (2).

(4) When an order is made under paragraph (2)—

- (a) the Secretary of the Tribunal must notify the old authority, the new authority and the appellant;
- (b) the old authority is no longer a party to the appeal;

- (c) bydd yr awdurdod newydd yn dod yn barti yn yr apêl;
- (ch) bydd y Rheoliadau hyn yn gymwys fel pe bai'r awdurdod newydd wedi gwneud y penderfyniad a herir;
- (d) rhaid i Ysgrifennydd y Tribiwnlys anfon copiâu at yr awdurdod newydd o'r holl ddogfennau a thystiolaeth ysgrifenedig a gafodd y Tribiwnlys gan yr apelydd a chan yr hen awdurdod mewn perthynas â'r apêl;
- (dd) bydd y weithdrefn ar gyfer penderfynu'r apêl yn ailgychwyn, a rheoliad 15 yn gymwys fel pe bai'r dogfennau a'r dystiolaeth ysgrifenedig a anfonwyd yn unol ag is-baragraff (d) yn rhan o'r cais apêl y cyfeirir ato yn rheoliad 15(1).

- (c) the new authority becomes a party to the appeal;
- (d) these Regulations apply as if the new authority had made the disputed decision;
- (e) the Secretary of the Tribunal must send to the new authority copies of all the documents and written evidence relating to the appeal received by the Tribunal from the appellant and from the old authority;
- (f) the procedure for determining the appeal re-starts and regulation 15 applies as if the documents and written evidence sent in accordance with sub-paragraph (e) were part of the appeal application referred to in regulation 15(1).

Copiau o ddogfennau i'r partion

24.—(1) Yn ddarostyngedig i baragraff (2), rhaid i Ysgrifennydd y Tribiwnlys—

- (a) anfon copi at yr awdurdod lleol neu'r corff cyfrifol o unrhyw ddiwygiad i'r cais apêl neu'r cais hawlio a ddaw i law yn ystod y cyfnod datganiad achos;
- (b) ar ddiwedd y cyfnod datganiad achos, anfon copi o ddatganiad achos a thystiolaeth ysgrifenedig y naill barti at y llall;
- (c) anfon copiâu ar unwaith o unrhyw ddiwygiadau neu ddatganiadau atodol, sylwadau ysgrifenedig, tystiolaeth ysgrifenedig (ac eithrio tystiolaeth ysgrifenedig y ceir copi ohoni yn unol â rheoliad 50 (tystiolaeth ysgrifenedig sy'n hwy)) neu ddogfennau eraill a geir gan barti ar ôl diwedd y cyfnod datganiad achos, at y parti arall.

(2) Os cyflwynir cais apêl neu gais hawlio, datganiad achos, diwygiad, datganiad atodol, sylw ysgrifenedig, tystiolaeth ysgrifenedig neu ddogfen arall i Ysgrifennydd y Tribiwnlys ar ôl yr amser a ragnodir gan y Rheoliadau hyn, rhaid i Ysgrifennydd y Tribiwnlys beidio ag anfon copi o'r hyn a gyflwynir felly at y parti arall, onid estynnir y terfyn amser gan y Llywydd o dan reoliad 69.

(3) Pan fo Ysgrifennydd y Tribiwnlys yn anfon unrhyw gopiâu o ddogfennau y cyfeirir atynt ym mharagraff (1) at barti sydd eisoes wedi hysbysu Ysgrifennydd y Tribiwnlys, wrth ymateb i ymholiadau a wnaed o dan reoliad 26(a)(i) a (ii), nad yw'r parti'n dymuno bod yn bresennol na chael ei gynrychioli yn y gwrandawriad, rhaid i Ysgrifennydd y Tribiwnlys ofyn a yw'r parti'n dymuno newid yr ymateb hwnnw ar sail y copiâu a gafwyd.

Copy documents for parties

24.—(1) Subject to paragraph (2), the Secretary of the Tribunal must—

- (a) send to the local authority or the responsible body a copy of any amendment to the appeal application or the claim application received during the case statement period;
- (b) at the end of the case statement period send a copy of each party's case statement and written evidence to the other party;
- (c) immediately send copies of any amendments or supplementary statements, written representations, written evidence (other than written evidence of which a copy is received in accordance with regulation 50 (late written evidence)) or other documents received from a party after the end of the case statement period to the other party.

(2) If an appeal application or a claim application, a case statement, amendment, supplementary statement, written representation, written evidence or other document is submitted to the Secretary of the Tribunal after the time prescribed by these Regulations, the Secretary of the Tribunal must not send a copy of it to the other party unless the President extends the time limit under regulation 69.

(3) Where the Secretary of the Tribunal sends any copies of documents referred to in paragraph (1) to a party who has already informed the Secretary of the Tribunal in response to the enquiries made under regulation 26(a)(i) and (ii) that the party does not wish to attend or be represented at the hearing, the Secretary of the Tribunal must ask whether the party wishes to amend that response on the basis of the copies received.

Methiant i gyflwyno datganiad achos ac absenoldeb gwrthwynebiad

25.—(1) Caiff y panel tribiwnlys benderfynu'r apêl neu'r hawliad heb wrandawriad neu drwy gynnal gwrandawriad—

- (a) os na chaiff Ysgrifennydd y Tribiwnlys ddatganiad achos gan yr awdurdod lleol neu'r corff cyfrifol o fewn y cyfnod datganiad achos;
- (b) os yw'r awdurdod lleol neu'r corff cyfrifol yn datgan mewn ysgrifen nad yw'n gwrthwynebu—
 - (i) yr apêl sy'n ymwneud â chynnwys datganiad y plentyn neu benderfyniad i beidio â chynnal datganiad y plentyn; neu
 - (ii) yr hawliad;
- (c) os yw'r awdurdod lleol neu'r corff cyfrifol yn tynnu'n ôl ei wrthwynebiad i'r canlynol—
 - (i) yr apêl sy'n ymwneud â chynnwys datganiad y plentyn neu benderfyniad i beidio â chynnal datganiad y plentyn; neu
 - (ii) yr hawliad.

(2) Os yw'r panel tribiwnlys yn penderfynu'r apêl neu'r hawliad heb wrandawriad, rhaid iddo wneud hynny ar sail y cais apêl neu'r cais hawlio ac unrhyw ddogfennaeth arall a ddaeth i law neu a ddiwygiwyd eisoes yn unol â rheoliad 20(3).

(3) Os yw'r panel tribiwnlys yn penderfynu cynnal gwrandawriad yn unol â pharagraff (1), caiff ddyroddi cyfarwyddyd sy'n gwahardd yr awdurdod lleol neu'r corff cyfrifol rhag bod yn bresennol yn y gwrandawriad na chael ei gynrychioli yn y gwrandawriad.

(4) Os yw'r apêl yn ymwneud ag—

- (a) yr hyn a gynhwysir mewn datganiad plentyn, ni fydd datganiad nad yw'r awdurdod lleol yn gwrthwynebu'r apêl, neu ei fod yn tynnu ei wrthwynebiad yn ôl, yn cael effaith hyd nes y bo'r awdurdod lleol yn cyflwyno i Ysgrifennydd y Tribiwnlys gadarnhad ysgrifenedig o'r diwygiadau (os oes rhai) y mae'r awdurdod lleol yn cytuno i'w gwneud yn natganiad y plentyn;
- (b) penderfyniad i beidio â chynnal datganiad, ni fydd datganiad nad yw'r awdurdod lleol yn gwrthwynebu'r apêl, neu ei fod yn tynnu ei wrthwynebiad yn ôl, yn cael effaith hyd nes y bo'r awdurdod lleol yn cyflwyno i Ysgrifennydd y Tribiwnlys gadarnhad ysgrifenedig o benderfyniad yr awdurdod lleol i beidio â gwrthwynebu'r apêl neu i dynnu ei wrthwynebiad yn ôl.

Failure to submit a case statement and absence of opposition

25.—(1) The tribunal panel may determine the appeal or the claim without a hearing or by holding a hearing if—

- (a) the Secretary of the Tribunal does not receive a case statement from the local authority or the responsible body within the case statement period;
- (b) the local authority or the responsible body states in writing that it does not resist—
 - (i) the appeal which relates to the contents of the child's statement or a decision to cease to maintain the child's statement; or
 - (ii) the claim;
- (c) the local authority or the responsible body withdraws its opposition to—
 - (i) the appeal which relates to the contents of the child's statement or a decision to cease to maintain the child's statement; or
 - (ii) the claim.

(2) Where the tribunal panel determines the appeal or the claim without a hearing it must do so on the basis of the appeal application or claim application and any other documentation already received or amended in accordance with regulation 20(3).

(3) If the tribunal panel decides to hold a hearing in accordance with paragraph (1), it may issue a direction precluding the local authority or the responsible body from attending the hearing or being represented at the hearing.

(4) If the appeal relates to—

- (a) the contents of a child's statement, no statement that the local authority does not resist the appeal or that it withdraws its opposition may take effect until the local authority submits to the Secretary of the Tribunal written confirmation of the amendments (if any) it agrees to make to the child's statement;
- (b) a decision to cease to maintain a statement, no statement that the local authority does not resist the appeal or that it withdraws its opposition may take effect until the local authority submits to the Secretary of the Tribunal written confirmation of its decision not to resist the appeal or to withdraw its opposition.

Ymholiadau'r Tribiwnlys

Ymholiadau gan Ysgrifennydd y Tribiwnlys

26. Rhaid i Ysgrifennydd y Tribiwnlys ar unrhyw adeg ar ôl cael y cais apêl neu'r cais hawlio—

- (a) gofyn i bob parti—
 - (i) a yw'r parti'n bwriadu bod yn bresennol yn y gwrandawriad ai peidio;
 - (ii) a yw'r parti yn dymuno cael ei gynrychioli yn y gwrandawriad yn unol â rheoliad 53 ac os felly, enw'r cynrychiolydd;
 - (iii) a yw'r parti'n bwriadu galw tystion ac os felly, enwau'r tystion arfaethedig, eu galwedigaethau, ac a oes arbenigwr meddygol neu arbenigwr arall yn eu plith;
 - (iv) a oes ar y parti, neu dyst, angen cymorth oherwydd nam cyfathrebu, ac os felly, manylion y math o cymorth cyfathrebu sy'n ofynnol;
 - (v) a oes gan y parti, neu dyst y bwriedir ei alw, unrhyw anabledau a allai olygu y byddai'n ofynnol gwneud addasiadau rhesymol;
 - (vi) a yw'r parti yn dymuno i berson fod yn bresennol fel sylwedydd yn y gwrandawriad ac os felly, enw'r person hwnnw;
 - (vii) a yw'r parti'n dymuno i unrhyw berson fod yn bresennol yn y gwrandawriad i fynegi safbwyntiau a dymuniadau'r plentyn, ac os felly, enw a chyfeiriad person o'r fath ac, os yw'n berthnasol, cysylltiad y person â'r plentyn;
- (b) rhoi gwybod i bob parti—
 - (i) am effaith rheoliad 43(6) a darpariaeth rheoliad 46(2); a
 - (ii) os digwydd i ateb i unrhyw un o'r ymholiadau o dan is-baragraff (a) newid ar ôl i barti ymateb i'r ymholiadau hynny, bod rhaid i'r parti dan sylw roi gwybod ar unwaith i Ysgrifennydd y Tribiwnlys mewn ysgrifen.

Methiant i ymateb i ymholiadau a wnaed gan Ysgrifennydd y Tribiwnlys

27.—(1) Caiff y Llywydd orchymyn—

- (a) bod y cais apêl neu'r cais hawlio yn cael ei ddileu ar y sail bod methiant yr apelydd neu'r hawlydd i gydymffurfio ag ymholiadau, a wnaed gan Ysgrifennydd y Tribiwnlys o dan reoliad 26, yn rhagfarnu neu'n oedi gwrandawriad teg o'r apêl neu'r hawliad;

Tribunal enquiries

Enquiries by the Secretary of the Tribunal

26. The Secretary of the Tribunal must at any time after receiving the appeal application or the claim application—

- (a) ask each party—
 - (i) whether or not the party intends to attend the hearing;
 - (ii) whether the party wishes to be represented at the hearing in accordance with regulation 53 and if so the name of the representative;
 - (iii) whether the party intends to call witnesses and if so the names of the proposed witnesses, their occupations, and whether any of the witnesses is a medical or other expert;
 - (iv) whether the party or a witness requires assistance because of a communication impairment and if so, details of the type of communication assistance required;
 - (v) whether the party or a witness to be called has any disabilities that may require reasonable adjustments to be made;
 - (vi) whether the party wishes a person to attend the hearing as an observer and if so the name of such person;
 - (vii) whether the party wishes any person to attend the hearing to communicate the views and wishes of the child and if so the name and address of such person and if relevant, the person's connection to the child;
- (b) inform each party—
 - (i) of the effect of regulation 43(6) and the provision of regulation 46(2); and
 - (ii) that where an answer to any of the enquiries under sub-paragraph (a) changes after a party has responded to the enquiries, the party concerned must immediately inform the Secretary of the Tribunal in writing.

Failure to respond to enquiries made by the Secretary of the Tribunal

27.—(1) The President may order—

- (a) that the appeal application or the claim application is struck out on the grounds that the appellant's or the claimant's failure to comply with enquiries made by the Secretary of the Tribunal under regulation 26, prejudices, or delays, the fair hearing of the appeal or the claim;

- (b) na chaiff yr awdurdod lleol neu'r corff cyfrifol gymryd unrhyw gam pellach yn yr apêl neu'r hawliad na bod yn bresennol yn y gwrandawriad na chael ei gynrychioli yno ar y sail bod methiant yr awdurdod lleol neu'r corff cyfrifol i gydymffurfio ag ymholiadau, a wnaed gan Ysgrifennydd y Tribiwnlys o dan reoliad 26, yn rhagfarnu neu'n oedi gwrandawriad teg o'r apêl neu'r hawliad.

(2) Cyn gwneud gorchymyn o dan baragraff (1), rhaid i'r Llywydd roi hysbysiad i'r parti y bwriadfa'r Llywydd wneud gorchymyn yn ei erbyn, gan wahodd sylwadau ganddo, a rhaid i'r Llywydd ystyried unrhyw sylwadau a wneir.

(3) At ddibenion y rheoliad hwn—

- (a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti y caiff, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) a bennir yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar;
- (b) bydd sylwadau wedi eu gwneud—
- (i) yn achos sylwadau ysgrifenedig, os gwneir hwy o fewn y cyfnod penodedig; a
- (ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(4) Os dilêir cais apêl neu gais hawlio o dan baragraff (1)(a), ystyrir bod yr achos y mae'r apêl neu'r hawliad yn ymwneud ag ef wedi ei derfynu.

Pwerau rheoli'r Tribiwnlys

Pwerau cyffredinol

28.—(1) Caiff y Llywydd wneud cyfarwyddiadau ymarfer.

(2) At ddibenion y Rheoliadau hyn ystyr "cyfarwyddiadau ymarfer" ("*practice directions*") yw cyfarwyddiadau ymarfer a ddyroddir gan y Llywydd i roi cyngor ymarferol ar sut i ddehongli'r Rheoliadau hyn.

(3) Mae pŵer y Llywydd i wneud cyfarwyddiadau ymarfer o dan baragraff (1) yn cynnwys pŵer i amrywio neu ddirymu'r cyfarwyddiadau ymarfer.

(4) Rhaid i'r Llywydd gyhoeddi cyfarwyddiadau ymarfer a wnaed o dan baragraff (1), ac unrhyw amrywiad neu ddirymiad o gyfarwyddiadau ymarfer, yn y modd sy'n briodol ym marn y Llywydd.

Pŵer i ddileu'r apêl neu'r hawliad

29.—(1) Rhaid i Ysgrifennydd y Tribiwnlys, yn

- (b) that the local authority or the responsible body may not take any further step in the appeal or claim and may not attend the hearing or be represented at the hearing on the grounds that the local authority or the responsible body's failure to comply with enquiries made by the Secretary of the Tribunal under regulation 26, prejudices, or delays, the fair hearing of the appeal or the claim.

(2) Before making an order under paragraph (1), the President must give the party against whom the President proposes to make an order a notice inviting representations and must consider any representations made.

(3) For the purposes of this regulation—

- (a) a notice inviting representations must inform the party that within a period (no less than 5 working days) specified in the notice, the party may either make written representations or request an opportunity to make oral representations;
- (b) representations are made if—
- (i) in the case of written representations, they are made within the specified period; and
- (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(4) If an appeal application or a claim application is struck out under paragraph (1)(a) the proceedings to which the appeal or claim relates are considered to be concluded.

The Tribunal's management powers

General powers

28.—(1) The President may make practice directions.

(2) For the purposes of these Regulations "practice directions" means practice directions issued by the President to provide practical advice on how to interpret these Regulations.

(3) The power of the President to make practice directions under paragraph (1) includes a power to vary or revoke practice directions.

(4) The President must publish practice directions made under paragraph (1), and any variation or revocation of practice directions, in such manner as the President considers appropriate.

Power to strike out the appeal or claim

29.—(1) The Secretary of the Tribunal must, at any

ystod unrhyw gam mewn apêl neu hawliad, os gwneir cais gan yr awdurdod lleol neu'r corff cyfrifol neu os cyfarwyddir felly gan y Llywydd neu'r panel tribiwnlys, gyflwyno hysbysiad i'r apelydd neu'r hawlydd sy'n datgan bod cynnig wedi ei wneud i ddileu'r cyfan neu ran o'r apêl neu'r hawliad, ar un o'r seiliau a bennir ym mharagraff (2) neu oherwydd diffyg erlyniad.

(2) Y seiliau y cyfeirir atynt ym mharagraff (1) yw bod yr apêl neu'r hawliad—

- (a) wedi ei wneud rywfodd ac eithrio'n unol â'r Rheoliadau hyn;
- (b) heb fod o fewn awdurdodaeth y Tribiwnlys, neu nad yw bellach o fewn awdurdodaeth y Tribiwnlys;
- (c) heb ddatgelu seiliau rhesymol;
- (ch) yn camddefnyddio proses y Tribiwnlys.

(3) Rhaid i'r hysbysiad o dan baragraff (1) wahodd yr apelydd neu'r hawlydd i wneud sylwadau.

(4) At ddibenion y rheoliad hwn—

- (a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r apelydd neu'r hawlydd y caiff yr apelydd neu'r hawlydd, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) a bennir yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar;
- (b) bydd sylwadau wedi eu gwneud—
 - (i) yn achos sylwadau ysgrifenedig, os gwneir hwy o fewn y cyfnod penodedig; a
 - (ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod penodedig.

(5) Caiff y Llywydd neu'r panel tribiwnlys, ar ôl ystyried unrhyw sylwadau a wneir gan yr apelydd neu'r hawlydd, orchymyn dileu'r cyfan neu ran o'r apêl neu'r hawliad, ar un o'r seiliau a bennir ym mharagraff (2) neu oherwydd diffyg erlyniad.

(6) Ceir gwneud gorchymyn o dan baragraff (5) heb gynnal gwrandawriad, oni fydd yr apelydd neu'r hawlydd yn gofyn am gyfle i wneud sylwadau llafar.

(7) Os gwneir sylwadau llafar yn unol â pharagraff (6), caiff y Llywydd neu'r panel tribiwnlys ystyried y sylwadau llafar ar ddechrau'r gwrandawriad o sylwedd yr apêl neu'r hawliad.

(8) Os dilëir y cyfan o'r cais apêl neu'r cais hawlio o dan baragraff (5), tybir bod yr achos y mae'r apêl neu'r hawliad yn ymwneud ag ef wedi ei derfynu.

stage of the appeal or claim if the local authority or the responsible body applies, or the President or the tribunal panel so directs, serve a notice on the appellant or the claimant stating that it has been proposed that the whole or part of the appeal or the claim should be struck out on one of the grounds specified in paragraph (2) or for want of prosecution.

(2) The grounds referred to in paragraph (1) are that the appeal or the claim—

- (a) is made otherwise than in accordance with these Regulations;
- (b) is not, or is no longer, within the jurisdiction of the Tribunal;
- (c) discloses no reasonable grounds;
- (d) is an abuse of the Tribunal's process.

(3) The notice under paragraph (1) must invite the appellant or the claimant to make representations.

(4) For the purposes of this regulation—

- (a) a notice inviting representations must inform the appellant or the claimant that the appellant or the claimant may, within a period (no less than 5 working days) specified in the notice, either make written representations or request an opportunity to make oral representations;
- (b) representations are made if—
 - (i) in the case of written representations, they are made within the specified period; and
 - (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the specified period.

(5) The President or the tribunal panel may, after considering any representations made by the appellant or the claimant, order that the whole or part of the appeal or the claim is struck out on one of the grounds specified in paragraph (2) or for want of prosecution.

(6) An order under paragraph (5) may be made without holding a hearing unless the appellant or the claimant requests the opportunity to make oral representations.

(7) If oral representations are made in accordance with paragraph (6), the President or the tribunal panel may consider the oral representations at the beginning of the hearing of the substantive appeal or claim.

(8) If the whole of an appeal application or a claim application is struck out under paragraph (5) the proceedings to which the appeal or claim relates are deemed to be concluded.

Gorchymyn i ddiwygio datganiad achos

30.—(1) Caiff y Llywydd neu'r panel tribiwnlys, os yr ystyrir yn briodol gan y Llywydd neu'r panel tribiwnlys, yn ystod unrhyw gam o'r apêl neu'r hawliad, orchymyn diwygio datganiad achos parti ar y sail nad yw'n datgelu seiliau rhesymol dros wneud yr apêl neu'r hawliad neu oherwydd ei fod yn camddefnyddio proses y Tribiwnlys.

(2) Cyn gwneud gorchymyn o dan baragraff (1), rhaid i'r Llywydd neu'r panel tribiwnlys roi hysbysiad i'r parti y mae'r Llywydd neu'r panel tribiwnlys yn bwriadu gwneud gorchymyn yn ei erbyn, gan wahodd sylwadau ganddo, a rhaid i'r Llywydd neu'r panel tribiwnlys ystyried unrhyw sylwadau a wneir.

(3) At ddibenion y rheoliad hwn—

- (a) rhaid i hysbysiad sy'n gwahodd sylwadau roi gwybod i'r parti y caiff, o fewn cyfnod (o ddim llai na 5 niwrnod gwaith) a bennir yn yr hysbysiad, naill ai wneud sylwadau ysgrifenedig neu ofyn am gyfle i wneud sylwadau llafar;
- (b) bydd sylwadau wedi eu gwneud—
 - (i) yn achos sylwadau ysgrifenedig, os gwneir hwy o fewn y cyfnod a bennir felly; a
 - (ii) yn achos sylwadau llafar, os yw'r parti sy'n bwriadu eu gwneud wedi gofyn am gyfle i wneud hynny o fewn y cyfnod a bennir felly.

Tystiolaeth a chyflwyniadau

31.—(1) Caiff y Llywydd neu'r panel tribiwnlys roi cyfarwyddiadau ar—

- (a) y materion y mae'n ofynnol cael dystiolaeth neu gyflwyniadau yn eu cylch;
- (b) natur y dystiolaeth neu'r cyflwyniadau sy'n ofynnol;
- (c) pa un a ganiateir i'r partiön ddarparu dystiolaeth arbenigol ai peidio, neu a yw'n ofynnol iddynt wneud hynny, ac os felly, a oes raid i'r partiön ar y cyd benodi un arbenigwr i ddarparu dystiolaeth o'r fath;
- (ch) y modd y darperir unrhyw dystiolaeth neu gyflwyniadau, a chaiff hynny gynnwys cyfarwyddyd i'w rhoi—
 - (i) ar lafar mewn gwrandawriad; neu
 - (ii) fel cyflwyniadau ysgrifenedig neu ddatganiad tyst ysgrifenedig; a
- (d) yr amser erbyn pryd y darperir unrhyw dystiolaeth neu gyflwyniadau.

(2) Caiff y Llywydd neu'r panel tribiwnlys gyfarwyddo, mewn perthynas ag apêl—

- (a) rhiant y plentyn i roi'r plentyn ar gael i'w archwilio neu'i asesu gan berson proffesiynol

Order to amend case statement

30.—(1) The President or the tribunal panel may, if the President or the tribunal panel thinks fit at any stage of the appeal or the claim, order that a party's case statement is amended on the grounds that it discloses no reasonable grounds for bringing the appeal or the claim or it is an abuse of the Tribunal's process.

(2) Before making an order under paragraph (1), the President or the tribunal panel must give the party against whom the President or the tribunal panel proposes to make the order, a notice inviting representations and must consider any representations made.

(3) For the purposes of this regulation—

- (a) a notice inviting representations must inform the party that, within a period (no less than 5 working days) specified in the notice, the party may either make written representations or request an opportunity to make oral representations;
- (b) representations are made if—
 - (i) in the case of written representations, they are made within the period so specified; and
 - (ii) in the case of oral representations, the party proposing to make them has requested an opportunity to do so within the period so specified.

Evidence and submissions

31.—(1) The President or the tribunal panel may give directions on—

- (a) the issues which require evidence or submissions;
- (b) the nature of the evidence or submissions required;
- (c) whether the parties are permitted or required to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence;
- (d) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—
 - (i) orally at a hearing; or
 - (ii) by written submissions or witness statement; and
- (e) the time by which any evidence or submissions are to be provided.

(2) The President or the tribunal panel may direct in relation to an appeal—

- (a) the parent of the child to make the child available for examination or assessment by a

sydd â chymhwyster addas; neu

- (b) y person sy'n gyfrifol am ysgol neu leoliad addysgol i ganiatáu i berson proffesiynol sydd â chymhwyster addas gael mynediad i'r ysgol neu'r lleoliad addysgol at y diben o asesu'r plentyn neu'r ddarpariaeth a wneir, neu sydd i'w gwneud, ar gyfer y plentyn.

(3) Caiff y Llywydd neu'r panel tribiwnlys ystyried bod methiant person, sy'n barti yn yr apêl, i gydymffurfio â gofyniad a wneir o dan baragraff (2), yn absenoldeb unrhyw reswm da dros fethiant o'r fath, yn fethiant i gydweithredu â'r Tribiwnlys.

(4) Caiff y Llywydd neu'r panel tribiwnlys—

- (a) derbyn tystiolaeth, pa un a fyddai'r dystiolaeth yn dderbyniadwy ai peidio mewn treial sifil yng Nghymru neu Loegr;
- (b) allgáu tystiolaeth a fyddai, fel arall, yn dderbyniadwy—
 - (i) os na ddarparwyd y dystiolaeth o fewn yr amser a ganiateid gan gyfarwyddyd;
 - (ii) os darparwyd y dystiolaeth rywfodd arall mewn modd nad oedd yn cydymffurfio â chyfarwyddyd; neu
 - (iii) os byddai'n annheg rywfodd arall pe derbynnid y dystiolaeth.

Cyfarwyddiadau wrth baratoi ar gyfer gwrandawriad

32.—(1) Caiff y Llywydd neu'r panel tribiwnlys, pan wneir cais gan barti neu ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan, roi pa bynnag gyfarwyddiadau i barti ar unrhyw fater sy'n codi mewn perthynas â'r apêl neu'r hawliad ac a ystyrir yn briodol gan y Llywydd neu'r panel tribiwnlys, gan gynnwys y cyfryw gyfarwyddiadau a ddarperir yn rheoliadau 34 a 35, i alluogi'r partiön i baratoi ar gyfer y gwrandawriad neu gynorthwyo'r Llywydd neu'r panel tribiwnlys i benderfynu'r materion.

(2) Rhaid i gais gan barti am gyfarwyddiadau gael ei wneud yn ysgrifenedig i Ysgrifennydd y Tribiwnlys.

(3) Rhaid i barti sy'n cyflwyno cais am gyfarwyddiadau i Ysgrifennydd y Tribiwnlys, oni chyflwynir y cais ynghyd â chydysyniad ysgrifenedig y parti arall, gyflwyno copi o'r cais i'r parti arall.

(4) Os bydd y parti arall yn gwrthwynebu'r cyfarwyddiadau a geisir, rhaid i'r Llywydd neu'r panel tribiwnlys ystyried y gwrthwynebiad, ac os yw'r Llywydd neu'r panel tribiwnlys o'r farn bod angen hynny ar gyfer penderfynu'r cais, rhaid rhoi cyfle i'r partiön wneud sylwadau.

(5) Os, ym marn y Llywydd neu'r panel tribiwnlys, na cheid amser rhesymol cyn gwrandawriad y rhoddyd hysbysiad ohono o dan reoliad 41(1), i

suitably qualified professional person; or

- (b) the person responsible for a school or educational setting to allow a suitably qualified professional person to have access to the school or educational setting for the purpose of assessing the child or the provision made, or to be made, for the child.

(3) The President or the tribunal panel may consider a failure by a person who is a party to the appeal to comply with a requirement made under paragraph (2), in the absence of any good reason for such failure, as a failure to co-operate with the Tribunal.

(4) The President or the tribunal panel may—

- (a) admit evidence whether or not the evidence would be admissible in a civil trial in England or Wales;
- (b) exclude evidence that would otherwise be admissible where—
 - (i) the evidence was not provided within the time allowed by a direction;
 - (ii) the evidence was otherwise provided in a manner that did not comply with a direction; or
 - (iii) it would otherwise be unfair to admit the evidence.

Directions in preparation for a hearing

32.—(1) The President or the tribunal panel may, on the application of a party or on the President's or the tribunal panel's own initiative, give such directions to a party on any matter arising in connection with the appeal or claim as the President or the tribunal panel thinks fit, including such directions as are provided in regulations 34 and 35 to enable the parties to prepare for the hearing or to assist the President or the tribunal panel to determine the issues.

(2) An application by a party for directions must be made in writing to the Secretary of the Tribunal.

(3) A party who submits an application for directions to the Secretary of the Tribunal must unless the application is accompanied by the written consent of the other party serve a copy of the application on the other party.

(4) If the other party objects to the directions sought, the President or the tribunal panel must consider the objection and, if the President or the tribunal panel consider it necessary for the determination of the application, must give the parties an opportunity to make representations.

(5) If in the opinion of the President or the tribunal panel there would not be a reasonable time before a hearing of which notice has been given under

gydymffurfio â chyfarwyddyd y gwneir cais amdano gan barti, caiff y Llywydd neu'r panel tribiwnlys—

- (a) os bodlonwyd ef y gallai cydymffurfio â'r cyfarwyddyd gynorthwyo'r panel tribiwnlys i benderfynu'r materion, ohirio'r gwrandawriad cyn ei gychwyn o dan reoliad 51; neu
- (b) gwrthod y cais.

(6) Rhaid i gyfarwyddyd—

- (a) cynnwys datganiad o'r canlyniadau posibl i'r apêl neu'r hawliad fel y'u darperir gan reoliad 36, pe bai parti'n methu â chydymffurfio â'r cyfarwyddyd o fewn yr amser a ganiateir gan y Llywydd neu'r panel tribiwnlys;
- (b) oni fydd y person y cyfeirir y cyfarwyddyd ato wedi cael cyfle i wrthwynebu'r cyfarwyddyd, neu wedi cydsynio mewn ysgrifed i'r cais am y cyfarwyddyd, cynnwys datganiad i'r perwyl y caiff y person hwnnw wneud cais i'r Llywydd neu'r panel tribiwnlys o dan reoliad 33 am amrywio'r cyfarwyddyd neu'i osod o'r neilltu.

(7) Pan fo'r Llywydd neu'r panel tribiwnlys, yn unol â rheoliad 38(1), yn gorchymyn—

- (a) bod apêl i'w chlywed ar y cyd â hawliad, caiff y cyfarwyddiadau a roddir o dan baragraff (1), ymwneud â'r apêl yn unig;
- (b) bod hawliad i'w glywed ar y cyd ag apêl, caiff y cyfarwyddiadau a roddir o dan baragraff (1), ymwneud â'r hawliad yn unig.

(8) Pan fo paragraff (7)(a) yn gymwys, caiff y Llywydd neu'r panel tribiwnlys ystyried a fyddai'n fuddiol, o ran penderfynu'r apêl a'r hawliad yn effeithlon ac er budd y partiön, pe rhoddid yr un cyfarwyddiadau, neu gyfarwyddiadau tebyg, mewn perthynas â'r apêl ag a roddwyd yn yr hawliad.

(9) Pan fo paragraff (7)(b) yn gymwys, caiff y Llywydd neu'r panel tribiwnlys ystyried a fyddai'n fuddiol, o ran penderfynu'r hawliad a'r apêl yn effeithlon ac er budd y partiön, pe rhoddid yr un cyfarwyddiadau, neu gyfarwyddiadau tebyg, mewn perthynas â'r hawliad ag a roddwyd yn yr apêl.

(10) Os yw'n ymddangos i'r Llywydd neu'r panel tribiwnlys fod mater yn codi mewn apêl neu hawliad y mae'n rhaid ei benderfynu cyn y gwrandawriad ar sylwedd yr apêl neu'r hawliad, ac na ellir ei benderfynu'n briodol drwy roi cyfarwyddiadau, caiff y Llywydd neu'r panel tribiwnlys wysio'r partiön i ymddangos gerbron y Llywydd neu'r panel tribiwnlys at y diben hwnnw, a chaiff roi unrhyw gyfarwyddiadau angenrheidiol mewn perthynas â'u hymddangosiad.

Amrywio cyfarwyddiadau neu'u gosod o'r neilltu

33.—(1) Os na chafodd parti y cyfeirir cyfarwyddyd ato gyfle i wrthwynebu rhoi'r cyfarwyddyd hwnnw, ac nad oedd wedi cydsynio mewn ysgrifed â'r cais am y cyfarwyddyd hwnnw, caiff y parti hwnnw wneud cais

regulation 41(1) to comply with a direction for which a party applies, the President or the tribunal panel may—

- (a) if satisfied that compliance with the direction may assist the tribunal panel to determine the issues, postpone the hearing under regulation 51; or
- (b) refuse the application.

(6) A direction must—

- (a) include a statement of the possible consequences for the appeal or claim as provided by regulation 36 of a party's failure to comply with the direction within the time allowed by the President or the tribunal panel;
- (b) unless the person to whom the direction is addressed had an opportunity to object to the direction, or gave his or her written consent to the application for it, contain a statement to the effect that that person may apply to the President or the tribunal panel under regulation 33 to vary or set aside the direction.

(7) Where, in accordance with regulation 38(1) the President or the tribunal panel orders—

- (a) that an appeal is heard together with a claim, the directions given under paragraph (1), may relate to the appeal only;
- (b) that a claim is heard together with an appeal, the directions given under paragraph (1), may relate to the claim only.

(8) Where paragraph (7)(a) applies, the President or the tribunal panel may consider whether it is in the interests of the efficient disposal of the appeal and the claim, and in the interests of the parties, that the directions given with respect to the appeal are the same as, or similar to, those given in the claim.

(9) Where paragraph (7)(b) applies, the President or the tribunal panel may consider whether it is in the interests of the efficient disposal of the claim and the appeal, and in the interests of the parties, that the directions given with respect to the claim are the same as, or similar to, those given in the appeal.

(10) Where it appears to the President or the tribunal panel that there is an issue in an appeal or claim which must be determined prior to the substantive hearing of the appeal or the claim and which cannot properly be determined by the giving of directions, the President or the tribunal panel may summon the parties to appear before the President or the tribunal panel for this purpose and may give any necessary directions relating to their appearance.

Varying or setting aside directions

33.—(1) Where a party to whom a direction is addressed had no opportunity to object to the giving of the direction and did not give written consent to the application for it, that party may apply at any time to

i'r Llywydd neu'r panel tribiwnlys, ar unrhyw adeg drwy hysbysiad i Ysgrifennydd y Tribiwnlys, am i'r cyfarwyddyd gael ei amrywio neu'i osod o'r neilltu.

(2) Rhaid i'r Llywydd neu'r panel tribiwnlys beidio ag amrywio'r cyfarwyddyd na'i osod o'r neilltu heb yn gyntaf hysbysu'r partiön ac ystyried unrhyw sylwadau a wneir ganddynt.

Manylion a datganiadau atodol

34. Caiff y Llywydd neu'r panel tribiwnlys roi cyfarwyddiadau sy'n ei gwneud yn ofynnol bod unrhyw barti yn darparu, naill ai yn natganiad achos y parti hwnnw neu ynghyd â'r datganiad achos, pa bynnag fanylion neu ddatganiadau atodol y gofynnir amdanynt yn rhesymol ar gyfer penderfynu'r apêl neu'r hawliad.

Datgelu dogfennau a deunydd arall

- 35.—(1) Caiff y Llywydd neu'r panel tribiwnlys—
- (a) cyfarwyddo parti i gyflwyno i'r Llywydd neu'r panel tribiwnlys erbyn dyddiad penodedig unrhyw ddogfen neu ddeunydd arall y gofynnir amdani neu amdano gan y Llywydd neu'r panel tribiwnlys, ac sydd o fewn gallu'r parti hwnnw i'w chyflwyno neu gyflwyno;
 - (b) rhoi cyfarwyddyd ar—
 - (i) unrhyw fater y mae'n ofynnol datgelu tystiolaeth yn eu cylch;
 - (ii) natur a maint y datgeliad;
 - (iii) y modd y mae'r ddogfen neu dystiolaeth arall i'w darparu i'r Tribiwnlys; a
 - (iv) allgáu unrhyw ddogfen neu dystiolaeth arall sy'n amherthnasol, yn ddiangen neu a gaffaelwyd yn amhriodol.

(2) Caiff y Llywydd neu'r panel tribiwnlys osod amod ar gyflenwi copi o unrhyw ddogfen neu ddeunydd arall a gyflwynir wrth gydymffurfio â chyfarwyddyd a roddir o dan baragraff (1), bod rhaid i'r parti sy'n ei gael ddefnyddio'r copi at ddibenion yr apêl neu'r hawliad yn unig.

(3) Caiff y Llywydd neu'r panel tribiwnlys ofyn am ymgymeriad ysgrifenedig yr ufuddheir i'r amod y cyfeirir ato ym mharagraff (2) cyn cyflenwi copi.

(4) Caiff y Llywydd neu'r panel tribiwnlys ganiatáu gorchymyn i barti ar gyfer y math o ddatgelu neu archwilio dogfennau (gan gynnwys cymryd copïau) y gellid ei ganiatáu o dan Reolau'r Weithdrefn Sifil 1998(1).

(5) Rhaid i orchymyn o dan baragraff (4) gynnwys cyfeiriad—

the President or the tribunal panel, by notice to the Secretary of the Tribunal, for the direction to be varied or set aside.

(2) The President or the tribunal panel must not vary the direction or set it aside without first notifying the parties and considering any representations made by them.

Particulars and supplementary statements

34. The President or the tribunal panel may give directions requiring any party to provide in or with that party's case statement such particulars or supplementary statements as may reasonably be required for the determination of the appeal or the claim.

Disclosure of documents and other material

- 35.—(1) The President or the tribunal panel may—
- (a) direct a party to submit to the President or the tribunal panel by a specified date any document or other material which the President or the tribunal panel may require and which it is in the power of that party to submit;
 - (b) give a direction on—
 - (i) any issue on which disclosure of evidence is required;
 - (ii) the nature and extent of the disclosure;
 - (iii) the manner in which the document or other evidence is to be provided to the Tribunal; and
 - (iv) the exclusion of any document or other evidence which is irrelevant, unnecessary or improperly obtained.

(2) The President or the tribunal panel may impose a condition on the supply of a copy of any document or other material submitted in compliance with a direction given under paragraph (1) that the party receiving it must use the copy only for the purposes of the appeal or claim.

(3) The President or the tribunal panel may require a written undertaking to observe the condition referred to in paragraph (2) before supplying a copy.

(4) The President or the tribunal panel may grant to a party an order for such disclosure or inspection of documents (including the taking of copies) as might be granted under the Civil Procedure Rules 1998(1).

(5) An order under paragraph (4) must contain a reference—

(1) O.S. 1998/3132 - Rhan 31.

(1) S.I. 1998/3132 - Part 31.

- (a) mewn perthynas ag apêl, bod unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio â'r gofynion ynglŷn â datgelu neu archwilio dogfennau, yn atebol o dan adran 336 o Ddeddf 1996, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn uwch na lefel 3 ar y raddfa safonol;
- (b) mewn perthynas â hawliad, bod unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio â'r gofynion ynglŷn â datgelu neu archwilio dogfennau, yn atebol o dan baragraff 6(8) o Atodlen 17 i Ddeddf 2010, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn uwch na lefel 3 ar y raddfa safonol.

- (a) in relation to an appeal, that under section 336 of the 1996 Act, any person who without reasonable excuse fails to comply with requirements regarding disclosure or inspection of documents is liable on summary conviction to a fine not exceeding level 3 on the standard scale;
- (b) in relation to a claim, that under paragraph 6(8) of Schedule 17 to the 2010 Act, any person who without reasonable excuse fails to comply with requirements regarding disclosure or inspection of documents is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Methiant i gydymffurfio â chyfarwyddiadau

36.—(1) Os na fydd parti wedi cydymffurfio â chyfarwyddyd a roddir o dan y Rheoliadau hyn o fewn yr amser a bennir yn y cyfarwyddyd, caiff y Llywydd neu'r panel tribiwnlys—

- (a) os yr apelydd neu'r hawlydd yw'r parti diffygiol, wrthod yr apêl neu'r hawliad heb wrandawriad;
- (b) os yr awdurdod lleol neu'r corff cyfrifol, yw'r parti diffygiol, benderfynu'r apêl neu'r hawliad heb wrandawriad;
- (c) cynnal gwrandawriad—
 - (i) heb hysbysu'r parti diffygiol, lle na fydd y parti diffygiol yn bresennol nac yn cael ei gynrychioli; neu
 - (ii) pan fo'r partïon wedi eu hysbysu o'r gwrandawriad yn unol â rheoliad 41(1), a rhoi cyfarwyddyd nad oes hawl gan y parti diffygiol, nac unrhyw berson sy'n bwriadu cynrychioli'r parti hwnnw neu roi tystiolaeth ar ei ran, i fod yn bresennol yn y gwrandawriad.

(2) Yn y rheoliad hwn ystyr "y parti diffygiol" ("*the party in default*") yw'r parti a fethodd â chydymffurfio â'r cyfarwyddyd.

Cyfuno apelau neu hawliadau

37.—(1) Os oes mwy nag un apêl yn ymwneud â'r un plentyn, neu'n galw am benderfyniad ar yr un mater i raddau sylweddol, caiff y Llywydd orchymyn bod yr apelau i'w clywed ar y cyd.

(2) Os oes mwy nag un hawliad yn ymwneud â'r un plentyn, neu'n galw am benderfyniad ar yr un mater i raddau sylweddol, caiff y Llywydd orchymyn bod yr hawliadau i'w clywed ar y cyd.

(3) Caiff y Llywydd wneud gorchymyn sy'n amrywio neu'n dirymu gorchymyn cynharach a wnaed o dan baragraffau (1) neu (2).

(4) Yn ddarostyngedig i baragraff (5), caiff y Llywydd ddyroddi gorchymyn o dan y rheoliad hwn yn

Failure to comply with directions

36.—(1) If a party has not complied with a direction given under these Regulations within the time specified in the direction the President or the tribunal panel may—

- (a) where the party in default is the appellant or the claimant, dismiss the appeal or the claim without a hearing;
- (b) where the party in default is the local authority or the responsible body, determine the appeal or the claim without a hearing;
- (c) hold a hearing—
 - (i) without notifying the party in default, at which the party in default is not present or represented; or
 - (ii) where the parties have been notified of the hearing in accordance with regulation 41(1), and direct that neither the party in default nor any person that intends to represent that party or give evidence on that party's behalf is entitled to attend the hearing.

(2) In this regulation "the party in default" ("*y parti diffygiol*") means the party which has failed to comply with the direction.

Consolidating appeals or claims

37.—(1) If more than one appeal relates to the same child, or requires a decision on substantially the same issue, the President may order that the appeals are heard together.

(2) If more than one claim relates to the same child, or requires a decision on substantially the same issue, the President may order that the claims are heard together.

(3) The President may make an order varying or revoking an earlier order made under paragraphs (1) or (2).

(4) Subject to paragraph (5), the President may issue an order under this regulation on the written request of

dilyn cais ysgrifenedig gan y naill barti neu'r llall neu ar gymhelliad y Llywydd ei hunan.

(5) Rhaid peidio â gwneud gorchymyn o dan y rheoliad hwn onid yw'n ymddangos, ym marn y Llywydd, yn deg ac yn gyfiawn gwneud hynny, a chyn gwneud gorchymyn, rhaid rhoi cyfle i bob parti, ym mhob un o'r apelau neu'r hawliadau yr effeithir arnynt, gael ei glywed.

Cyfuno hawliadau gydag apelau

38.—(1) Yn ddarostyngedig i baragraffau (2) a (3), pan fo hawliad yn ymwneud â'r un plentyn a naill ai'n tarddu o'r un amgylchiadau neu'n gofyn am benderfyniad ar yr un mater, i raddau sylweddol, ag apêl, caiff y Llywydd orchymyn bod yr hawliad i'w glywed ar y cyd â'r apêl.

(2) Nid oes dim ym mharagraff (1) sy'n caniatáu i'r Llywydd wneud gorchymyn os nad yw'r person wedi gwneud apêl o fewn y terfyn amser ar gyfer apelau o'r fath a ddarperir gan reoliad 12(1) neu gan unrhyw estyniad amser a ganiateir o dan y Rheoliadau hyn.

(3) Ni chaiff y Llywydd wneud gorchymyn o dan baragraff (1) ac eithrio pan na fyddai gwneud y gorchymyn yn achosi oedi gormodol cyn penderfynu'r apêl, a chan gydymffurfio yn ogystal â gofynion paragraff (6).

(4) Caiff y Llywydd wneud gorchymyn sy'n amrywio neu'n dirymu gorchymyn cynharach a wnaed o dan baragraff (1).

(5) Yn ddarostyngedig i baragraff (6), caiff y Llywydd ddyroddi gorchymyn o dan y rheoliad hwn, yn dilyn cais ysgrifenedig gan y naill barti neu'r llall neu ar gymhelliad y Llywydd ei hunan.

(6) Rhaid peidio â gwneud gorchymyn o dan y rheoliad hwn onid yw gwneud hynny yn ymddangos yn deg ac yn gyfiawn, ym marn y Llywydd, a chyn gwneud gorchymyn, rhaid rhoi cyfle i bob parti, ym mhob un o'r hawliadau neu'r apelau yr effeithir arnynt, gael ei glywed.

Ychwanegu ac amnewid partion

39.—(1) Caiff person wneud cais am ei gysylltu fel parti i'r apêl neu'r hawliad.

(2) Caiff y Llywydd neu'r panel tribiwnlys wneud gorchymyn i gysylltu person fel parti i'r apêl neu'r hawliad—

- (a) os gwneir cais ysgrifenedig o dan baragraff (1); neu
- (b) ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan, pan nad oes cais ysgrifenedig wedi ei wneud, ond y person yn cydsynio i gael ei gysylltu fel parti i'r apêl neu'r hawliad.

either party or on the President's own initiative.

(5) An order made under this regulation must only be made if it appears, in the opinion of the President, to be fair and just to do so and before an order is made each party to every appeal or claim affected must be given an opportunity to be heard.

Consolidating claims together with appeals

38.—(1) Subject to paragraphs (2) and (3), where a claim relates to the same child and either arises from the same circumstances or requires a decision on substantially the same issue as an appeal, the President may order that the claim is heard with the appeal.

(2) Nothing in paragraph (1) permits the President to make an order if a person has failed to make an appeal within the time limit for such appeals provided for by regulation 12(1) or by any extension of time granted under these Regulations.

(3) The President may only make an order under paragraph (1) if, in addition to complying with the requirements of paragraph (6), the making of an order would not cause undue delay to the determination of the appeal.

(4) The President may make an order varying or revoking an earlier order made under paragraph (1).

(5) Subject to paragraph (6), the President may issue an order under this regulation on the written request of either party or on the President's own initiative.

(6) An order made under this regulation must only be made if it appears, in the opinion of the President, to be fair and just to do so, and before an order is made each party to every claim or appeal affected must be given an opportunity to be heard.

Addition and substitution of parties

39.—(1) A person may make an application to be joined as a party to the appeal or the claim.

(2) The President or the tribunal panel may make an order to join a person as a party to the appeal or the claim—

- (a) if a written application is made under paragraph (1); or
- (b) on the President's or the tribunal panel's own initiative if no written application has been made but a person consents to be joined as a party to the appeal or the claim.

(3) Caiff y Llywydd neu'r panel tribiwnlys wneud gorchymyn i amnewid parti—

- (a) os yw person anghywir wedi ei enwi'n barti; neu
- (b) os oes angen yr amnewid oherwydd newid yn yr amgylchiadau er pan gychwynwyd yr apêl neu'r hawliad.

(4) Os gwneir gorchymyn o dan baragraff (2) neu (3) caiff y Llywydd neu'r panel tribiwnlys wneud pa bynnag gyfarwyddiadau canlyniadol, neu ymholiadau o dan reoliad 26, a ystyrir yn briodol gan y Llywydd neu'r panel tribiwnlys.

(5) Oni fydd y Llywydd neu'r panel tribiwnlys yn cyfarwyddo'n wahanol, rhaid trin person a benodir neu a amnewidir o dan y rheoliad hwn fel parti at ddibenion unrhyw ddarpariaeth yn y Rheoliadau hyn sy'n ei gwneud yn ofynnol cyflwyno neu anfon dogfen, neu roi hysbysiad, i neu at barti yn yr apêl neu'r hawliad.

Trosglwyddo apêl

40.—(1) Mae'r rheoliad hwn yn gymwys i achosion mewn perthynas ag apêl a wnaed gan apelydd ac eithrio apelydd sydd â hawl i wneud apêl o dan reoliadau a wnaed o dan adran 17(1) a (2) o Fesur Addysg (Cymru) 2009.

(2) Yn ddarostyngedig i baragraff (3), caiff y Llywydd gyfeirio achos mewn perthynas ag apêl i'r Tribiwnlys Haen Gyntaf os oes awdurdodaeth gan y Tribiwnlys Haen Gyntaf mewn perthynas â'r achos.

(3) Rhaid peidio â chyfeirio o dan baragraff (2) oni fydd hysbysiad wedi ei roi i'r partïon.

(4) Os trosglwyddir achos mewn perthynas ag apêl i'r Tribiwnlys gan y Tribiwnlys Haen Gyntaf, caiff y Tribiwnlys barhau â'r achos os oes awdurdodaeth gan y Tribiwnlys mewn perthynas â'r achos hwnnw.

Gwrandawiaidau a phenderfyniadau

Hysbysu dyddiad, lleoliad ac amser gwrandawiaidau

41.—(1) Yn ddarostyngedig i ddarpariaethau paragraff (2) a rheoliad 42, rhaid i Ysgrifennydd y Tribiwnlys, ar ôl ymgynghori â'r partïon, bennu dyddiad, lleoliad ac amser y gwrandawiad ac anfon hysbysiad sy'n nodi dyddiad, lleoliad ac amser y gwrandawiad at bob parti.

(2) Os yw Ysgrifennydd y Tribiwnlys wedi gofyn i barti ddarparu manylion o'r adegau y byddai ar gael i fod yn bresennol mewn gwrandawiad, a'r parti hwnnw heb gydymffurfio â'r cais, caiff Ysgrifennydd y Tribiwnlys fynd ymlaen i restru'r apêl neu'r hawliad ar gyfer gwrandawiad heb ymgynghori ymhellach.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r

(3) The President or the tribunal panel may make an order to substitute a party if—

- (a) the wrong person has been named as a party; or
- (b) the substitution has become necessary because of a change in circumstances since the start of the appeal or the claim.

(4) If an order is made under paragraph (2) or (3) the President or the tribunal panel may make such consequential directions, or enquiries under regulation 26 as the President or the tribunal panel considers appropriate.

(5) Unless the President or the tribunal panel directs otherwise, a person appointed or substituted under this regulation must be treated as a party for the purpose of any provision in these Regulations requiring a document to be served on, or sent to, or notice to be given to a party to the appeal or claim.

Transfer of appeal

40.—(1) This regulation applies to proceedings in relation to an appeal made by an appellant other than an appellant entitled to make an appeal under regulations made under section 17(1) and (2) of the Education (Wales) Measure 2009.

(2) Subject to paragraph (3), the President may refer proceedings in relation to an appeal to the First-tier Tribunal if the First-tier Tribunal has jurisdiction in relation to the proceedings.

(3) A reference under paragraph (2) must not be made unless notice has been given to the parties.

(4) If proceedings in relation to an appeal are transferred to the Tribunal by the First-tier Tribunal the Tribunal may continue with the proceedings if the Tribunal has jurisdiction in relation to the proceeding.

Hearings and decisions

Notice of date, place and time of hearings

41.—(1) Subject to the provisions of paragraph (2) and regulation 42, the Secretary of the Tribunal must, after consultation with the parties, fix the date, place and time of the hearing and send to each party a notice specifying the date, place and time of the hearing.

(2) If the Secretary of the Tribunal has asked a party to provide details of their availability to attend a hearing and a party fails to comply with the request, the Secretary of the Tribunal may proceed to list the appeal or claim for hearing without further consultation.

(3) Subject to paragraph (4), the notice of hearing

hysbysiad o wrandawriad y cyfeirir ato ym mharagraff (1) gael ei anfon—

- (a) mewn perthynas â gwrandawriad o dan reoliadau 25, 27, 29, 56 neu 57, ddim hwyrach na 5 niwrnod gwaith cyn y dyddiad a bennwyd ar gyfer gwrandawriad;
- (b) mewn unrhyw achos arall, ddim hwyrach na 10 niwrnod gwaith cyn y dyddiad a bennwyd ar gyfer y gwrandawriad; neu
- (c) mewn unrhyw achos, o fewn cyfnod o amser byrrach cyn y dyddiad a bennwyd ar gyfer y gwrandawriad yn is-baragraffau (3)(a) neu (3)(b), fel a gytunir rhwng y partïon.

(4) Rhaid i Ysgrifennydd y Tribiwnlys gynnwys yn yr hysbysiad o wrandawriad, neu gyda'r hysbysiad o wrandawriad—

- (a) gwybodaeth a chanllawiau, mewn ffurf a gymeradwyir gan y Llywydd, ynglŷn â phresenoldeb y partïon a'r tystion yn y gwrandawriad, dod â dogfennau, a'r hawl i gynrychiolaeth neu gymorth fel a ddarperir gan reoliad 53; a
- (b) datganiad sy'n esbonio'r canlyniadau posibl os methir â bod yn bresennol, a'r hawl sydd gan y canlynol i gyflwyno sylwadau ysgrifenedig—
 - (i) yr apelydd neu'r hawlydd os na fydd yr apelydd neu'r hawlydd yn bresennol nac yn cael ei gynrychioli;
 - (ii) yr awdurdod lleol neu'r corff cyfrifol os na chynrychiolir ef ac os cyflwynodd ddatganiad o'i achos, oni fydd wedi datgan mewn ysgrifen nad yw'n gwrthwynebu'r apêl neu'r hawliad, neu wedi tynnu'n ôl ei wrthwynebiad i'r apêl neu'r hawliad.

(5) Yn ddarostyngedig i baragraff (6), caiff y Llywydd neu'r panel tribiwnlys newid lleoliad ac amser unrhyw wrandawriad, a rhaid i Ysgrifennydd y Tribiwnlys roi i'r partïon ddim llai na 5 niwrnod gwaith (neu gyfnod llai fel a gytunir rhwng y partïon) o rybudd ynghylch lleoliad ac amser newydd y gwrandawriad.

(6) Os yw'r partïon yn bresennol pan fydd y Llywydd neu'r panel tribiwnlys yn cyhoeddi lleoliad ac amser newydd y gwrandawriad, ni fydd yn ofynnol rhoi hysbysiad pellach.

(7) Nid oes dim ym mharagraffau (1) neu (5) sy'n gosod rhwymedigaeth ar Ysgrifennydd y Tribiwnlys i ymgynghori ag unrhyw berson nad oes hawl ganddo i'w gynrychioli yn y gwrandawriad, nac anfon hysbysiad at unrhyw berson o'r fath.

Pŵer i benderfynu apêl neu hawliad heb wrandawriad

42.—(1) Caiff y Llywydd neu'r panel tribiwnlys benderfynu'r apêl neu'r hawliad neu unrhyw fater

referred to in paragraph (1) must be sent—

- (a) in relation to a hearing under regulations 25, 27, 29, 56 or 57, no later than 5 working days before the date fixed for a hearing;
- (b) in any other case, no later than 10 working days before the date fixed for the hearing; or
- (c) in any case, within a shorter period of time before the date fixed for the hearing in subparagraphs 3(a) or 3(b) as the parties may agree.

(4) The Secretary of the Tribunal must include in or with the notice of hearing—

- (a) information and guidance, in a form approved by the President, as to attendance at the hearing of the parties and witnesses, the bringing of documents, and the right of representation or assistance as provided by regulation 53; and
- (b) a statement explaining the possible consequences of non-attendance and the right to make representations in writing by—
 - (i) the appellant or the claimant if the appellant or the claimant does not attend and is not represented;
 - (ii) the local authority or the responsible body if it is not represented and if it has submitted a statement of its case, unless it stated in writing that it did not resist the appeal or the claim or withdrew its opposition to the appeal or the claim.

(5) Subject to paragraph (6), the President or the tribunal panel may alter the place and time of any hearing and the Secretary of the Tribunal must give the parties no less than 5 working days (or a shorter time as the parties agree) notice of the new place and time of the hearing.

(6) If the parties are present when the President or the tribunal panel announce the new place and time place of the hearing, no further notice is required.

(7) Nothing in paragraphs (1) or (5) oblige the Secretary of the Tribunal to consult or send a notice to any person who is not entitled to be represented at the hearing.

Power to determine the appeal or claim without a hearing

42.—(1) The President or the tribunal panel may determine the appeal or the claim or any particular

penodol heb wrandawiad—

- (a) os yw'r partïon yn cytuno felly mewn ysgrifen; neu
- (b) yn yr amgylchiadau a ddisgrifir yn rheoliad 25 (methiant i gyflwyno datganiad achos ac absenoldeb gwrthwynebiad) neu 36 (methiant i gydymffurfio â chyfarwyddiadau).

(2) Cyn gwneud penderfyniad o dan baragraff (1), rhaid i'r panel tribiwnlys ystyried unrhyw sylwadau ysgrifenedig a gyflwynwyd eisoes gan y partïon, (at ddibenion y rheoliad hwn, trinnir y cais apêl neu'r cais hawlio a datganiadau achos y partïon fel pe baent yn sylwadau ysgrifenedig).

Gwrandawidiadau cyhoeddus a phreifat: trefniadau ac eithriadau

43.—(1) Yn ddarostyngedig i baragraff (2), rhaid cynnal pob un o wrandawidiadau'r Tribiwnlys yn breifat.

(2) Caiff y Llywydd neu'r panel tribiwnlys wneud gorchymyn bod gwrandawiad neu ran o wrandawiad i'w gynnal yn gyhoeddus os yw'r partïon yn cydsynio i gael gwrandawiad cyhoeddus ac os bodlonir y Llywydd neu'r panel tribiwnlys na fyddai gwrandawiad cyhoeddus—

- (a) yn rhagfarnu lles neu fuddiannau'r plentyn; a
- (b) yn caniatáu gwrandawiad teg o'r apêl neu'r hawliad.

(3) Yn ddarostyngedig i baragraff (6), mae hawl gan y personau canlynol i fod yn bresennol mewn gwrandawiad er gwaethaf ei gynnal yn breifat—

- (a) y partïon;
- (b) cynrychiolwyr y partïon;
- (c) tystion y partïon; ac
- (ch) unrhyw berson sydd wedi cyflwyno datganiad o addasrwydd i'r Tribiwnlys yn unol â rheoliad 66 er mwyn gweithredu fel cyfaill achos.

(4) Mae hawl gan y personau canlynol hefyd i fod yn bresennol mewn gwrandawiad er gwaethaf ei gynnal yn breifat—

- (a) y plentyn pan nad yw'r plentyn yn barti i'r apêl neu'r hawliad;
- (b) rhiant y plentyn, pan nad yw'r rhiant yn barti i'r apêl neu'r hawliad;
- (c) y clerc i'r panel tribiwnlys ac Ysgrifennydd y Tribiwnlys;
- (ch) y Llywydd, Cadeirydd neu aelod o'r panel addysg (pan nad yw'n eistedd fel aelod o'r panel tribiwnlys);
- (d) person sy'n cael ei hyfforddi fel Cadeirydd, aelod o'r panel addysg neu glerc i'r panel tribiwnlys;

issue without a hearing—

- (a) if the parties so agree in writing; or
- (b) in the circumstances described in regulation 25 (failure to submit a case statement and absence of opposition) or 36 (failure to comply with directions).

(2) Before making a determination under paragraph (1), the tribunal panel must consider any representations in writing already submitted by the parties (for the purpose of this regulation the appeal application or the claim application and the parties' case statements are treated as representations in writing).

Public and private hearings: arrangements and exceptions

43.—(1) Subject to paragraph (2), all hearings of the Tribunal must be in private.

(2) The President or the tribunal panel may make an order that a hearing or part of a hearing is to be held in public if the parties agree to a public hearing and the President or the tribunal panel is satisfied that a public hearing would—

- (a) not prejudice the welfare or interests of the child; and
- (b) allow for the fair hearing of the appeal or claim.

(3) Subject to paragraph (6), the following persons are entitled to attend a hearing even though it is held in private—

- (a) the parties;
- (b) the parties representatives;
- (c) the parties witnesses; and
- (d) any person who has submitted a declaration of suitability to the Tribunal in accordance with regulation 66 to act as a case friend.

(4) The following persons are also entitled to attend a hearing even though it is held in private—

- (a) the child where the child is not a party to the appeal or claim;
- (b) a parent of the child where the parent is not a party to the appeal or the claim;
- (c) the clerk to the tribunal panel and the Secretary of the Tribunal;
- (d) the President, a Chair, or an education panel member (when not sitting as a member of the tribunal panel);
- (e) a person undergoing training as a Chair, an education panel member or as a clerk to the tribunal panel;

- (dd) person sy'n gweithredu ar ran y Llywydd i hyfforddi neu oruchwylio clerod i banelau tribiwnlys;
- (e) dehonglwr;
- (f) unrhyw berson sy'n rhoi cymorth angenrheidiol arall i berson sy'n eistedd fel aelod o'r panel tribiwnlys neu sydd â hawl i fod yn bresennol yn y gwrandawriad o ganlyniad i'r rheoliad hwn;
- (ff) unrhyw berson a enwyd gan yr apelydd neu'r hawlydd wrth ymateb i'r ymholiad o dan reoliad 26(a)(vii) oni fydd y Llywydd neu'r panel tribiwnlys wedi penderfynu rhaid i unrhyw berson o'r fath beidio â bod yn bresennol yn y gwrandawriad ac wedi hysbysu'r apelydd neu'r hawlydd yn unol â hynny.

(5) Caiff y Llywydd neu'r panel tribiwnlys, gyda chydysyniad y partiön neu'u cynrychiolwyr sy'n bresennol mewn gwirionedd, ganiatáu i unrhyw berson arall fod yn bresennol mewn gwrandawriad a gynhelir yn breifat.

(6) Heb ragfarnu unrhyw bwerau eraill a allai fod ganddo, caiff y Llywydd neu'r panel tribiwnlys allgáu o wrandawriad, neu o ran ohono—

- (a) person y mae ei ymddygiad, ym marn y Llywydd neu'r panel tribiwnlys, wedi amharu, neu'n debygol o amharu ar y gwrandawriad;
- (b) person y mae ei bresenoldeb, ym marn y Llywydd neu'r panel tribiwnlys, wedi gwneud neu'n debygol o'i gwneud yn anodd i unrhyw berson roi tystiolaeth, neu wneud sylwadau sy'n angenrheidiol ar gyfer cynnal y gwrandawriad yn briodol;
- (c) cynrychiolydd neu dyst nad oedd parti wedi ei enwi, heb esgus rhesymol, wrth ymateb i'r ymholiad gan Ysgrifennydd y Tribiwnlys o dan reoliad 26.

(7) Ac eithrio fel a ddarperir yn rheoliad 46(3) a (4) ni chaiff unrhyw un o'r personau a grybwyllir ym mharagraffau (4) neu (5), ac eithrio yn achos y personau a bennir yn is-baragraffau (c), (e), ac (f) o baragraff (4) i'r graddau y mae'u priod ddyletsyddau'n mynnu, gymryd unrhyw ran yn y gwrandawriad nac ychwaith (pan fo ganddynt hawl neu ganiatâd i aros) yn ystyriaethau'r panel tribiwnlys.

Gorchmynion sy'n cyfyngu ar adrodd

44.—(1) Pan fo gwneud hynny'n ymddangos yn briodol, caiff y Llywydd neu'r panel tribiwnlys wneud gorchmyn sy'n cyfyngu ar gyhoeddi, neu'n gwahardd cyhoeddi, unrhyw ddeunydd sy'n debygol o arwain aelodau o'r cyhoedd at adnabod yr apelydd, yr hawlydd, plentyn neu berson arall, os tybir na ddylent gael eu hadnabod.

(2) Yn y rheoliad hwn mae "cyhoeddi" ("*publishing*"), heb ragfarnu cyffredinolrwydd yr

- (f) a person acting on behalf of the President in the training or supervision of clerks to tribunal panels;
- (g) an interpreter;
- (h) any person giving other necessary assistance to a person sitting as a member of the tribunal panel or entitled to attend the hearing further to this regulation;
- (i) any person named by the appellant or the claimant in response to the enquiry under regulation 26(a)(vii) unless the President or the tribunal panel has determined that any such person must not attend the hearing and has notified the appellant or the claimant accordingly.

(5) The President or the tribunal panel with the consent of the parties or their representatives actually present may permit any other person to attend a hearing which is held in private.

(6) Without prejudice to any other powers it may have, the President or the tribunal panel may exclude from a hearing, or part of it—

- (a) a person whose conduct in the opinion of the President or the tribunal panel has disrupted or is likely to disrupt the hearing;
- (b) a person whose presence in the opinion of the President or the tribunal panel has made or is likely to make it difficult for any person to give evidence or make the representations necessary for the proper conduct of the hearing;
- (c) a representative or witness whom a party omitted to name, without reasonable cause, in response to the enquiry by the Secretary of the Tribunal under regulation 26.

(7) Except as provided in regulation 46(3) and (4) none of the persons mentioned in paragraphs (4) or (5) may, except in the case of the persons specified in subparagraphs (c), (g), and (h) of paragraph (4) as their respective duties require, take any part in the hearing or (where entitled or permitted to remain) in the deliberations of the tribunal panel.

Restricted reporting orders

44.—(1) If it appears appropriate to do so the President or the tribunal panel may make an order limiting or prohibiting the publishing of any matter that is likely to lead members of the public to identify the appellant, claimant, child or other person, where it is considered that they should not be identified.

(2) In this regulation "publishing" ("*cyhoeddi*") includes, without prejudice to the generality of that

ymadrodd hwnnw, yn cynnwys—

- (a) cyhoeddi unrhyw ddeunydd mewn gwasanaeth rhaglenni, fel y diffinnir "programme service" gan adran 201 o Ddeddf Darlledu 1990(1); a
- (b) peri cyhoeddi unrhyw ddeunydd.

(3) Caiff y Llywydd neu'r panel tribiwnlys wneud gorchymyn o dan y rheoliad hwn mewn perthynas â chyfnod cyfyngedig, ac amrywio neu ddirymu gorchymyn a wneir o dan y rheoliad hwn.

Y weithdrefn mewn gwrandawriad

45.—(1) Ar ddechrau'r gwrandawriad rhaid i'r Cadeirydd esbonio'r drefn y mae'r panel tribiwnlys yn bwriadu ei mabwysiadu ar gyfer yr achos.

(2) Rhaid i'r panel tribiwnlys gynnal y gwrandawriad mewn modd yr ystyria'n briodol er mwyn egluro'r materion a thrin yr achos yn deg a chyfiawn, gan osgoi ffurfioldeb diangen yn yr achos, i'r graddau yr ystyria'n briodol.

(3) Rhaid i'r panel tribiwnlys benderfynu ym mha drefn y clywir y partïon a pha faterion sydd i'w penderfynu.

(4) Caiff y panel tribiwnlys, os bodlonir ef fod gwneud hynny'n deg a chyfiawn, ganiatáu—

- (a) i'r apelydd neu'r hawlydd ddibynnu ar seiliau nas datganwyd yn y cais apêl neu'r cais hawlio nac yn y datganiad achos, a rhoi tystiolaeth nas cyflwynwyd i'r awdurdod lleol neu'r corff cyfrifol, cyn nac ar y pryd y gwnaed y penderfyniad a herir;
- (b) i'r awdurdod lleol neu'r corff cyfrifol ddibynnu ar seiliau nas pennwyd yn ei ddatganiad achos.

(5) Os yw aelod o'r panel tribiwnlys ac eithrio'r Cadeirydd yn absennol, ar ddechrau'r gwrandawriad neu ar ôl hynny—

- (a) caiff y ddau aelod arall, gyda chydysyniad y partïon, gynnal y gwrandawriad, ac os digwydd hynny mae'r panel tribiwnlys i'w ystyried wedi ei gyfansoddi'n briodol, a chaiff y ddau aelod hynny wneud penderfyniad y panel tribiwnlys;
- (b) rhaid i'r aelod sy'n absennol beidio ag ailymuno â'r gwrandawriad.

Tystiolaeth mewn gwrandawriad

46.—(1) Yn ddarostyngedig i reoliad 43(6), mae hawl gan y partïon yng nghwrs y gwrandawriad i roi tystiolaeth, galw tystion, holi unrhyw dyst ac annerch y panel tribiwnlys ar y dystiolaeth, gan gynnwys y dystiolaeth ysgrifenedig a gyflwynwyd cyn y gwrandawriad, yn ogystal ag yn gyffredinol ar destun yr apêl neu'r hawliad.

expression—

- (a) publishing any matter in a programme service, as defined by section 201 of the Broadcasting Act 1990(1); and
- (b) causing any matter to be published.

(3) An order under this regulation may be made in respect of a limited period and may be varied or revoked by the President or the tribunal panel.

Procedure at hearing

45.—(1) At the beginning of the hearing the Chair must explain the order of proceedings which the tribunal panel proposes to adopt.

(2) The tribunal panel must conduct the hearing in a manner it considers appropriate to clarify the issues and to handle the proceedings fairly and justly avoiding, as far as it considers appropriate, unnecessary formality in its proceedings.

(3) The tribunal panel must determine the order in which the parties are heard and the issues determined.

(4) The tribunal panel may, if it is satisfied that it is fair and just to do so, permit—

- (a) the appellant or the claimant to rely on grounds not stated in the appeal application or the claim application or the case statement and to produce evidence not presented to the local authority or the responsible body before or at the time it took the disputed decision;
- (b) the local authority or the responsible body to rely on grounds not specified in its case statement.

(5) If, at or after the beginning of a hearing a member of the tribunal panel other than the Chair is absent—

- (a) the hearing may, with the consent of the parties, be conducted by the other two members and in that event the tribunal panel is to be regarded as properly constituted and the decision of the tribunal panel may be taken by those two members;
- (b) the absent member must not rejoin the hearing.

Evidence at hearing

46.—(1) Subject to regulation 43(6), in the course of the hearing the parties are entitled to give evidence, to call witnesses, to question any witness and to address the tribunal panel both on the evidence, including the written evidence submitted before the hearing, and generally on the subject matter of the appeal or the claim.

(1) 1990 p.42.

(1) 1990 c.42.

(2) Nid oes hawl gan barti i alw mwy na dau dyst i roi tystiolaeth ar lafar (yn ychwanegol at unrhyw dyst y mae ei bresenoldeb yn ofynnol yn unol â pharagraff (6)).

(3) Caiff y Llywydd neu'r panel tribiwnlys ganiatáu i'r personau canlynol roi tystiolaeth ac annerch y panel tribiwnlys ar destun yr apêl neu'r hawliad—

- (a) y plentyn, pan nad yw'r plentyn yn barti i'r apêl neu'r hawliad;
- (b) rhiant y plentyn, pan nad yw'r rhiant yn barti i'r apêl neu'r hawliad;
- (c) person sydd wedi cyflwyno datganiad o addasrwydd i'r Tribiwnlys yn unol â rheoliad 66 er mwyn gweithredu fel cyfaill achos.

(4) Caiff y Llywydd neu'r panel tribiwnlys ganiatáu—

- (a) i'r person, os oes un, a enwyd mewn ymateb i ymholiad o dan reoliad 26(a)(vii) roi tystiolaeth ac annerch y panel tribiwnlys ar safbwyntiau a dymuniadau'r plentyn;
- (b) i'r awdurdod lleol neu'r corff cyfrifol i holi'r person a bennir yn is-baragraff (a) ynglŷn ag unrhyw dystiolaeth neu anerchiad a wnaed i'r panel tribiwnlys.

(5) Ceir rhoi tystiolaeth gerbron y panel tribiwnlys naill ai—

- (a) ar lafar; neu
- (b) drwy ddatganiad ysgrifenedig os cyflwynir y cyfryw dystiolaeth ynghyd â'r cais apêl neu'r cais hawlio neu'r datganiad achos neu'n unol â rheoliad 50.

(6) Caiff y Llywydd neu'r panel tribiwnlys, yn ystod unrhyw gam o'r apêl neu'r hawliad, bennu bod presenoldeb personol unrhyw wneuthurwr o unrhyw ddatganiad ysgrifenedig yn ofynnol.

(7) Caiff y Llywydd neu'r panel tribiwnlys gymryd tystiolaeth ynghylch unrhyw ffaith sy'n ymddangos yn berthnasol i'r Llywydd neu'r panel tribiwnlys.

(8) Caiff y Llywydd neu'r panel tribiwnlys ei gwneud yn ofynnol bod unrhyw barti neu dyst yn rhoi tystiolaeth ar lw neu drwy gadarnhad, ac at y diben hwnnw ceir gweinyddu llw neu gadarnhad yn y ffurf gywir, neu ei gwneud yn ofynnol bod unrhyw dystiolaeth a roddir drwy ddatganiad ysgrifenedig yn cael ei rhoi drwy ddatganiad o wirionedd.

Newid tyst

47.—(1) Ceir newid y person a enwyd gan barti fel tyst ar ei ran, wrth ymateb i ymholiad a wnaed o dan reoliad 26, gan y parti hwnnw, os bydd Ysgrifennydd y Tribiwnlys wedi cael hysbysiad ysgrifenedig, a chopi o'r hysbysiad wedi ei gyflwyno i'r parti arall ddim hwyrach na 5 niwrnod gwaith cyn y gwrandauiad.

(2) A party is not entitled to call more than two witnesses to give evidence orally (in addition to any witness whose attendance is required in accordance with paragraph (6)).

(3) The President or the tribunal panel may permit the following persons to give evidence and address the tribunal panel on the subject matter of the appeal or the claim—

- (a) the child where the child is not a party to the appeal or the claim;
- (b) the parent of the child where the parent is not a party to the appeal or the claim;
- (c) a person who has submitted a declaration of suitability to the Tribunal in accordance with regulation 66 to act as a case friend.

(4) The President or the tribunal panel may permit—

- (a) the person, if any, named in response to an enquiry under regulation 26(a)(vii) to give evidence and address the tribunal panel on the child's views and wishes;
- (b) the local authority or the responsible body to question the person specified in sub-paragraph (a) in relation to any evidence or address made to the tribunal panel.

(5) Evidence before the tribunal panel may be given—

- (a) orally; or
- (b) by written statement if such evidence is submitted with the appeal application or claim application or the case statement or in accordance with regulation 50.

(6) The President or the tribunal panel may at any stage of the appeal or the claim require the personal attendance of any maker of any written statement.

(7) The President or the tribunal panel may receive evidence of any fact which appears to the President or the tribunal panel to be relevant.

(8) The President or the tribunal panel may require any party or witness to give evidence on oath or affirmation, and for that purpose there may be administered an oath or affirmation in the correct form, or may require any evidence given by a written statement to be given by statement of truth.

Change of witness

47.—(1) The person named as a party's witness in response to an enquiry made under regulation 26 may be changed by that party if written notification is received by the Secretary of the Tribunal and a copy of the notification served on the other party no later than 5 working days before the hearing.

(2) Rhaid i unrhyw gais i newid tyst, a wneir llai na 5 niwrnod gwaith cyn y gwrandawriad, gael ei benderfynu gan y Llywydd neu'r panel tribiwnlys.

Gwysio tyst

48.—(1) Yn ddarostyngedig i baragraffau (2) i (5), caiff y Llywydd neu'r panel tribiwnlys, pan wneir cais gan barti neu ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan, ei gwneud yn ofynnol drwy wŷs bresenoldeb unrhyw berson fel tyst mewn gwrandawriad, ar y cyfryw adeg ac yn y cyfryw le a bennir yn y wŷs ac mewn unrhyw ohiriad o'r gwrandawriad hwnnw neu o weddill y gwrandawriad hwnnw, ac yn y gwrandawriad, ei fod yn ateb unrhyw gwestiynau neu'n dangos unrhyw ddogfennau neu ddeunydd arall a gedwir gan, neu sydd o dan reolaeth, y person hwnnw ac sy'n ymwneud ag unrhyw fater dan sylw yn yr apêl neu'r hawliad.

(2) Rhaid peidio â gorfodi unrhyw berson i roi unrhyw dystiolaeth neu ddangos unrhyw ddogfen neu ddeunydd arall, na ellid gorfodi'r person i'w rhoi neu i'w dangos mewn treial o achos mewn llys barn.

(3) Wrth arfer y pŵer a roddir gan y rheoliad hwn, rhaid i'r Llywydd neu'r panel tribiwnlys gymryd i ystyriaeth yr angen i ddiogelu unrhyw fater sy'n ymwneud ag amgylchiadau personol agos neu amgylchiadau ariannol, neu sy'n cynnwys gwybodaeth a fynegwyd neu a gafwyd yn gyfrinachol.

(4) Ni cheir ei gwneud yn ofynnol drwy wŷs bod person yn bresennol oni roddwyd o leiaf 5 niwrnod gwaith o rybudd o'r gwrandawriad i'r person hwnnw, neu, os rhoddwyd llai na 5 niwrnod gwaith, oni fydd y person wedi rhoi gwybod i'r Llywydd neu'r panel tribiwnlys fod y person yn derbyn y rhybudd a roddwyd.

(5) Ni cheir ei gwneud yn ofynnol drwy wŷs bod person yn bresennol ac yn rhoi tystiolaeth neu'n dangos unrhyw ddogfen, oni fydd swm o arian wedi ei dalu neu'i gynnig, sy'n rhesymol ddigonol i dalu treuliau angenrheidiol presenoldeb y person hwnnw.

(6) Rhaid i barti sy'n gofyn am wŷs tyst wneud cais ysgrifenedig i Ysgrifennydd y Tribiwnlys, o leiaf 8 niwrnod gwaith cyn y gwrandawriad, neu'n ddiweddarach os yw'r person y cyfeirir y wŷs ato yn cydsynio mewn ysgrifen.

(7) Rhaid i wŷs tyst gynnwys—

- (a) mewn perthynas ag apêl, datganiad bod unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw ofyniad i fod yn bresennol i roi tystiolaeth ac, os gofynnir am hynny yn y wŷs, i ddangos dogfennau, yn atebol o dan adran 336 o Ddeddf 1996, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn uwch na lefel 3 ar y raddfa safonol;
- (b) mewn perthynas â hawliad, datganiad bod

(2) Any application to change a witness made less than 5 working days before the hearing must be determined by the President or the tribunal panel.

Summoning a witness

48.—(1) Subject to paragraphs (2) to (5), the President or the tribunal panel may, on the application of a party or on the President's or the tribunal panel's own initiative, require by summons any person to attend as a witness at a hearing at such time and place as may be specified in the summons, and at any postponement or adjournment of that hearing, and at the hearing to answer any questions or produce any documents or other material in the person's custody or under the person's control which relate to any matter in question in the appeal or claim.

(2) No person must be compelled to give any evidence or produce any document or other material that the person could not be compelled to give or produce at a trial of an action in a court of law.

(3) In exercising the power conferred by this regulation, the President or the tribunal panel must take into account the need to protect any matter that relates to intimate personal circumstances or financial circumstances or consists of information communicated or obtained in confidence.

(4) No person may be required to attend in compliance with a summons unless the person has been given at least 5 working days notice of the hearing or, if less than 5 working days, the person has informed the President or the tribunal panel that the person accepts the notice given.

(5) No person may be required in compliance with a summons to attend and give evidence or to produce any document unless a sum reasonably sufficient to cover the necessary expenses of the person's attendance is paid or tendered.

(6) A party seeking a witness summons must apply in writing to the Secretary of the Tribunal at least 8 working days before the hearing, or later if the person to whom the summons is to be addressed consents in writing.

(7) A witness summons must contain—

- (a) in relation to an appeal, a statement that under section 336 of the 1996 Act, any person who without reasonable excuse fails to comply with any requirement to attend to give evidence and, if the summons so requires, to produce documents is liable on summary conviction to a fine not exceeding level 3 on the standard scale;
- (b) in relation to a claim, a statement that, under

unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw ofyniad i fod yn bresennol i roi tystiolaeth ac, os gofynnir am hynny yn y wŷs, i ddangos dogfennau, yn atebol o dan baragraff 6(8) o Atodlen 17 i Ddeddf 2010, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn uwch na lefel 3 ar y raddfa safonol; a

(c) datganiad o effaith paragraff (8).

(8) Caiff person y cyfeirir gwŷs tyst ato wneud cais i'r Llywydd neu'r panel tribiwnlys, drwy roi hysbysiad i Ysgrifennydd y Tribiwnlys, i amrywio'r wŷs neu'i gosod o'r neilltu.

(9) Rhaid i'r Llywydd neu'r panel tribiwnlys beidio ag amrywio na gosod o'r neilltu wŷs tyst heb yn gyntaf hysbysu'r parti a wnaeth gais am ddyroddi'r wŷs tyst ac ystyried unrhyw sylwadau a wnaed gan y parti hwnnw.

Tystiolaeth dros y teleffon, cyswllt fideo neu ddulliau eraill

49. Caiff y Llywydd, naill ai pan wneir cais gan barti neu ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan, ganiatáu i barti neu i dyst roi tystiolaeth dros y teleffon, drwy gyswllt fideo neu drwy unrhyw dull arall o gyfathrebu, os bodlonir ef na fyddai hynny'n rhagfarnu ar gyrraedd amcan gor-redol y Rheoliadau hyn.

Tystiolaeth ysgrifenedig sy'n hwyr

50.—(1) Ar ddechrau'r gwrandawriad, caiff parti gyflwyno tystiolaeth ysgrifenedig bellach ar gyfer ei derbyn—

- (a) os yw'r partïon yn cytuno i dderbyn y dystiolaeth bellach; neu
- (b) os yw'r dystiolaeth yn bodloni'r amodau a bennir ym mharagraff (2).

(2) Yr amodau y cyfeirir atynt ym mharagraff (1)(b) yw—

- (a) nad oedd y dystiolaeth ar gael ac nad oedd modd, yn rhesymol, iddi fod ar gael i'r parti hwnnw cyn diwedd y cyfnod datganiad achos; a
- (b) y cyflwynwyd copi o'r dystiolaeth i Ysgrifennydd y Tribiwnlys a chyflwynwyd copi o'r dystiolaeth i'r parti arall o leiaf 5 niwrnod gwaith cyn y gwrandawriad.

(3) Ni cheir derbyn tystiolaeth ysgrifenedig bellach a gyflwynir yn unol â pharagraff (1)(b) ac eithrio, yn ddarostyngedig i baragraff (4), pan fo'r Llywydd neu'r panel tribiwnlys o'r farn, ar ôl ystyried unrhyw sylwadau gan y parti arall, nad yw maint a ffurf y dystiolaeth honno'n debygol o rwystro cynnal y gwrandawriad yn effeithlon.

paragraph 6(8) of Schedule 17 to the 2010 Act, any person who without reasonable excuse fails to comply with any requirement to attend to give evidence and, if the summons so requires, to produce documents is liable on summary conviction to a fine not exceeding level 3 on the standard scale; and

(c) a statement of the effect of paragraph (8) .

(8) A person to whom a witness summons is addressed may apply to the President or the tribunal panel, by notice to the Secretary of the Tribunal, to vary it or set it aside.

(9) The President or the tribunal panel must not vary or set aside the witness summons without first notifying the party who applied for the issue of the witness summons and considering any representations made by that party.

Evidence by telephone, video link or other means

49. The President may, on the application of a party or on the President's or the tribunal panel's own initiative, permit a party or a witness to give evidence by telephone, through a video link or by any other means of communication, if satisfied that this would not prejudice the achievement of the overriding objective of these Regulations.

Late written evidence

50.—(1) At the beginning of the hearing, a party may submit for admission further written evidence if—

- (a) the parties agree to the admission of the further evidence; or
- (b) the evidence satisfies the conditions set out in paragraph (2).

(2) The conditions referred to in paragraph (1)(b) are that—

- (a) the evidence was not, and could not reasonably have been, available to that party before the end of the case statement period; and
- (b) a copy of the evidence was submitted to the Secretary of the Tribunal and served on the other party at least 5 working days before the hearing.

(3) Further written evidence submitted in accordance with paragraph (1)(b) may only, subject to paragraph (4), be admitted if, after considering any representations from the other party, the President or the tribunal panel is of the opinion that the extent and form of the evidence is such that it is unlikely to impede the efficient conduct of the hearing.

(4) Rhaid peidio â derbyn tystiolaeth ysgrifenedig bellach os byddai ei derbyn, ym marn y Llywydd neu'r panel tribiwnlys, yn groes i fuddiannau cyfiawnder.

(5) Pan na fodlonir yr amodau ym mharagraff (2), caiff y Llywydd neu'r panel tribiwnlys roi caniatâd i barti gyflwyno tystiolaeth ysgrifenedig bellach yn y gwrandawriad os yw'r Llywydd neu'r panel tribiwnlys o'r farn yr achosid risg ddifrifol o ragfarn yn erbyn y parti sy'n ceisio dibynnu ar y dystiolaeth honno pe na dderbynnid hi.

Gohirio gwrandawriad cyn ei gychwyn

51.—(1) Caiff y Llywydd neu'r panel tribiwnlys, naill ai ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan neu ar gais parti, mewn amgylchiadau eithriadol, wneud gorchymyn i ohirio gwrandawriad cyn ei gychwyn.

(2) Rhaid i gais gan barti o dan baragraff (1)—

- (a) cael ei wneud mewn ysgrifen, gan ddatgan y rhesymau yn llawn;
- (b) dod i law Ysgrifennydd y Tribiwnlys, a chael ei gyflwyno gan y ceisydd i'r parti arall, o leiaf 5 niwrnod gwaith cyn y gwrandawriad.

(3) Os gwneir gorchymyn o dan baragraff (1), rhaid i Ysgrifennydd y Tribiwnlys roi i'r partion ddim llai na 5 niwrnod gwaith (neu ba bynnag gyfnod byrrach a gytunir gan y partion) o rybudd o ddyddiad y gwrandawriad newydd.

(4) Nid oes dim ym mharagraff (3) sy'n gosod rhwymedigaeth ar Ysgrifennydd y Tribiwnlys i ymgynghori ag unrhyw berson nad oes hawl ganddo i gael ei gynrychioli yn y gwrandawriad, nac anfon hysbysiad at unrhyw berson o'r fath.

Gohiriadau ar ôl cychwyn a chyfarwyddiadau

52.—(1) Caiff y Llywydd neu'r panel tribiwnlys ohirio gwrandawriad ar ôl ei gychwyn.

(2) Pan ohirir gwrandawriad ar ôl ei gychwyn—

- (a) caiff y Llywydd neu'r panel tribiwnlys roi cyfarwyddiadau y mae'n rhaid cydymffurfio â hwy cyn ailgychwyn y gwrandawriad neu yn y gwrandawriad ar ôl ailgychwyn;
- (b) caiff y Cadeirydd gyhoeddi casgliadau dros dro a gyrhaeddwyd gan y panel tribiwnlys. Nid yw'r casgliadau dros dro yn benderfyniad y panel tribiwnlys.

(3) Caiff cyfarwyddyd o dan baragraff (2)(a) ei gwneud yn ofynnol bod parti'n darparu pa bynnag fanylion, tystiolaeth neu ddatganiadau y gofynnir amdanynt yn rhesymol ar gyfer penderfynu'r apêl neu'r hawliad.

(4) Os yw parti'n methu â chydymffurfio â

(4) Further written evidence must not be admitted if, in the opinion of the President or the tribunal panel, admission would be contrary to the interests of justice.

(5) If the conditions in paragraph (2) are not met, the President or the tribunal panel may give a party permission to submit further written evidence at the hearing if the President or the tribunal panel is of the opinion that unless the evidence is admitted, there is a serious risk of prejudice to the party seeking to rely on it.

Postponement of hearing

51.—(1) The President or the tribunal panel may, on the President's or the tribunal panel's own initiative or on the application of a party, in exceptional circumstances, make an order to postpone a hearing.

(2) An application by a party under paragraph (1) must be—

- (a) made in writing stating reasons in full;
- (b) received by the Secretary of the Tribunal, and served by the applicant on the other party, at least 5 working days before the hearing.

(3) If an order is made under paragraph (1) the Secretary of the Tribunal must give the parties no less than 5 working days (or such shorter time as the parties agree) notice of the new hearing date.

(4) Nothing in paragraph (3) obliges the Secretary of the Tribunal to consult or send a notice to any person who is not entitled to be represented at the hearing.

Adjournments and directions

52.—(1) The President or the tribunal panel may adjourn a hearing.

(2) When a hearing is adjourned—

- (a) the President or the tribunal panel may give directions to be complied with before or at the resumed hearing;
- (b) the Chair may announce provisional conclusions reached by the tribunal panel. The provisional conclusions are not a decision of the tribunal panel.

(3) A direction under paragraph (2)(a) may require a party to provide such particulars, evidence or statements as may reasonably be required for the determination of the appeal or the claim.

(4) If a party fails to comply with a direction made

chyfarwyddyd a wneir o dan baragraff (2)(a), caiff y panel tribiwnlys gymryd y ffaith honno i ystyriaeth wrth benderfynu'r apêl neu'r hawliad neu wrth benderfynu a ddylid gwneud gorchymyn ar gyfer costau.

(5) Os cyhoeddir lleoliad ac amser gwrandawriad a ohiriwyd ar ôl ei gychwyn, yn y gwrandawriad cyn ei ohirio felly, ni fydd unrhyw hysbysiad pellach yn ofynnol.

Cynrychioli mewn gwrandawriad

53.—(1) Yn ddarostyngedig i baragraff (2), mewn unrhyw wrandawriad neu ran o wrandawriad—

- (a) caiff yr apelydd neu'r hawlydd gynnal yr apêl neu hawliad (gyda chymorth gan un person os yw'r apelydd neu'r hawlydd yn dymuno), neu caiff ymddangos a chael ei gynrychioli gan un person, pa un a oes cymwysterau cyfreithiol gan y person hwnnw ai peidio;
- (b) caiff yr awdurdod lleol neu'r corff cyfrifol ymddangos a chael ei gynrychioli gan un person, pa un a oes cymwysterau cyfreithiol gan y person hwnnw ai peidio.

(2) Caiff y Llywydd neu'r panel tribiwnlys roi caniatâd—

- (a) i'r apelydd neu'r hawlydd gael cymorth neu gael ei gynrychioli gan fwy nag un person;
- (b) i'r awdurdod lleol neu'r corff cyfrifol gael ei gynrychioli gan fwy nag un person.

(3) Os nad yw parti'n bwriadu bod yn bresennol neu gael ei gynrychioli yn y gwrandawriad, caiff y parti hwnnw, ddim hwyrach na 5 niwrnod gwaith cyn y gwrandawriad, anfon at Ysgrifennydd y Tribiwnlys sylwadau ysgrifenedig ychwanegol i gefnogi achos y parti hwnnw.

Methiant i fod yn bresennol mewn gwrandawriad

54.—(1) Os yw parti'n peidio â bod yn bresennol neu gael ei gynrychioli mewn gwrandawriad yr hysbyswyd y parti hwnnw ohono, caiff y panel tribiwnlys—

- (a) oni fodlonir y panel tribiwnlys fod rheswm digonol dros y cyfryw absenoldeb, glywed a phenderfynu'r apêl neu'r hawliad yn absenoldeb y parti hwnnw; neu
- (b) gohirio'r gwrandawriad cyn ei gychwyn neu ei ohirio ar ôl ei gychwyn fel y bo'n briodol.

(2) Cyn penderfynu apêl neu hawliad yn absenoldeb parti, rhaid i'r panel tribiwnlys ystyried unrhyw sylwadau ysgrifenedig a gyflwynwyd gan y parti hwnnw wrth ymateb i'r hysbysiad o wrandawriad, ac at ddibenion y rheoliad hwn mae'r cais apêl neu'r cais hawlio a datganiadau achos y parti'n i'w trin fel pe baent yn sylwadau ysgrifenedig.

under paragraph (2)(a) the tribunal panel may take account of that fact when determining the appeal or the claim or deciding whether to make an order for costs.

(5) If the place and time of an adjourned hearing is announced at the hearing before the adjournment, no further notice is required.

Representation at hearing

53.—(1) Subject to paragraph (2), at any hearing or part of a hearing—

- (a) the appellant or claimant may conduct the appeal or claim (with assistance from one person if the appellant or the claimant wishes), or may appear and be represented by one person whether or not legally qualified;
- (b) the local authority or the responsible body may appear and be represented by one person whether or not legally qualified.

(2) The President or the tribunal panel may grant permission—

- (a) for the appellant or claimant to obtain assistance or be represented by more than one person;
- (b) for the local authority or the responsible body to be represented by more than one person.

(3) If a party does not intend to attend or be represented at the hearing the party may, no later than 5 working days before the hearing, send to the Secretary of the Tribunal additional written representations in support of that party's case.

Failure to attend hearing

54.—(1) If a party fails to attend or be represented at a hearing of which that party had been notified, the tribunal panel may—

- (a) unless satisfied that there is sufficient reason for such absence, hear and determine the appeal or claim in the party's absence; or
- (b) postpone or adjourn the hearing, as appropriate.

(2) Before disposing of an appeal or claim in the absence of a party, the tribunal panel must consider any representations in writing submitted by that party in response to the notice of hearing and, for the purpose of this regulation the appeal application or claim application and the parties' case statements are to be treated as representations in writing.

Penderfyniad y panel tribiwnlys

55.—(1) At y diben o gyrraedd ei benderfyniad rhaid i'r panel tribiwnlys, ac at y diben o drafod mater gweithdrefnol caiff y panel tribiwnlys, er gwaethaf unrhyw beth a gynhwysir yn y Rheoliadau hyn, orchymyn i bob person adael yr eisteddiad o'r panel tribiwnlys ac eithrio aelodau'r panel tribiwnlys ac unrhyw rai o'r personau a grybwyllir yn rheoliad 43(4)(c) i (dd), neu, fel y mynno'u priod ddyletswyddau, rheoliad 43(4)(e) ac (f).

(2) Caiff y panel tribiwnlys wneud penderfyniad drwy fwyafrif, a phan gyfansoddir y panel tribiwnlys o ddau aelod o dan reoliad 45(5) bydd gan y Cadeirydd ail bleidlais neu bleidlais fwrw.

(3) Ceir naill ai roi penderfyniad y panel tribiwnlys ar lafar ar ddiwedd y gwrandawriad neu ohirio'r penderfyniad, ac ym mhob achos, pa un a gynhaliwyd gwrandawriad ai peidio, rhaid cofnodi'r penderfyniad ar unwaith mewn dogfen y mae'n rhaid cynnwys ynddi neu fel atodiad iddi hefyd, ac eithrio mewn achos a benderfynir drwy gydsyniad, ddatganiad o'r rhesymau (mewn ffurf gryno) dros benderfyniad y panel tribiwnlys, a rhaid i ddogfen o'r fath gael ei llofnodi a'i dyddio gan y Cadeirydd.

(4) Ni chaiff penderfyniad a roddir ar lafar na'r ddogfen y cyfeirir ati ym mharagraff (3) gynnwys unrhyw gyfeiriad at wneud y penderfyniad drwy fwyafrif (os dyna a ddigwyddodd) nac at unrhyw farn lleiafrif.

(5) Rhaid cofnodi pob penderfyniad y panel tribiwnlys yn y Gofrestr.

(6) Rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r ddogfen y cyfeirir ati ym mharagraff (3), cyn gynted ag y bo'n ymarferol, at bob parti ynghyd â chanllawiau, mewn ffurf a gymeradwyir gan y Llywydd, ar yr amgylchiadau pan fo hawl i apelio yn erbyn penderfyniad y panel tribiwnlys ac ar y weithdrefn sydd i'w dilyn.

(7) Pan fo rheoliadau 15(11)(a) neu 67(2) yn gymwys, rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r dogfennau y cyfeirir atynt ym mharagraff (6) at yr apelydd neu'r hawlydd yn ogystal ag at y cynrychiolydd neu'r cyfaill achos.

(8) Mae pob penderfyniad i'w drin fel pe bai wedi ei wneud ar y dyddiad yr anfonir copi o'r ddogfen sy'n ei gofnodi at yr apelydd neu'r hawlydd (pa un a gyhoeddwyd y penderfyniad yn gynharach ar ddiwedd y gwrandawriad ai peidio).

Ar ôl y gwrandawriad

Cais neu gynnig ar gyfer adolygiad o benderfyniad y Tribiwnlys

56.—(1) Caiff parti wneud cais i Ysgrifennydd y Tribiwnlys am i benderfyniad y Llywydd neu'r panel

Tribunal panel's decision

55.—(1) For the purposes of arriving at its decision the tribunal panel must, and for the purposes of discussing a question of procedure may, notwithstanding anything contained in these Regulations, order all persons to withdraw from the sitting of the tribunal panel other than the members of the tribunal panel and any of the persons mentioned in regulation 43(4)(c) to (f), or, as their respective duties require, regulation 43(4)(g) and (h).

(2) A decision of the tribunal panel may be taken by a majority and where the tribunal panel is constituted by two members under regulation 45(5) the Chair has a second or casting vote.

(3) The decision of the tribunal panel may be given orally at the end of the hearing or reserved and, in any event, whether there has been a hearing or not, must be recorded immediately in a document which except in the case of a decision by consent, must also contain, or have annexed to it, a statement of the reasons (in summary form) for the tribunal panel's decision, and such document must be signed and dated by the Chair.

(4) Neither a decision given orally nor the document referred to in paragraph (3) may contain any reference to the decision being by majority (if that is the case) or to any opinion of a minority.

(5) Every decision of the tribunal panel must be entered in the Register.

(6) The Secretary of the Tribunal must send a copy of the document referred to in paragraph (3) as soon as is practicable to each party, accompanied by guidance, in a form approved by the President, about the circumstances in which there is a right to appeal against the tribunal panel decision and the procedure to be followed.

(7) Where regulations 15(11)(a) or 67(2) apply the Secretary of the Tribunal must send a copy of the documents referred to in paragraph (6) to the appellant or claimant in addition to the representative or the case friend.

(8) Every decision is to be treated as having been made on the date on which a copy of the document recording it is sent to the appellant or claimant (whether or not the decision has previously been announced at the end of the hearing).

After the hearing

Application or proposal for review of the Tribunal's decision

56.—(1) A party may apply to the Secretary of the Tribunal for the decision of the President or the

tribiwnlys gael ei adolygu ar y seiliau—

- (a) bod y penderfyniad wedi ei wneud yn anghywir oherwydd gwall pwysig ar ran gweinyddiaeth y Tribiwnlys;
- (b) bod gan barti a oedd â hawl i gael ei glywed yn y gwrandawriad, ond a fethodd ag ymddangos neu gael ei gynrychioli, reswm da a digonol dros beidio ag ymddangos;
- (c) bod gwall amlwg a phwysig yn y penderfyniad; neu
- (ch) bod buddiannau cyfiawnder yn gwneud hynny'n ofynnol.

(2) Rhaid i gais am adolygu penderfyniad y Llywydd neu'r panel tribiwnlys gael ei wneud—

- (a) mewn ysgrifen gan ddatgan y seiliau;
- (b) ddim hwyrach nag 28 diwrnod ar ôl y dyddiad yr anfonwyd y penderfyniad at y partïon.

(3) Caiff y Llywydd—

- (a) ar gais parti neu ar gymhelliad y Llywydd ei hunan, adolygu a gosod o'r neilltu neu amrywio unrhyw benderfyniad a wnaed gan y Llywydd, ar un o'r seiliau y cyfeirir atynt ym mharagraff (1);
- (b) gwrthod cais am adolygiad o benderfyniad y Llywydd yn unol â pharagraff (6).

(4) Caiff y Llywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos—

- (a) ar gais parti neu ar gymhelliad y Llywydd neu'r Cadeirydd ei hunan, adolygu a gosod o'r neilltu neu amrywio unrhyw benderfyniad a wnaed gan y panel tribiwnlys ar un o'r seiliau y cyfeirir atynt ym mharagraff (1);
- (b) gwrthod cais am adolygiad o benderfyniad y panel tribiwnlys yn unol â pharagraff (6).

(5) Caiff Cadeirydd y panel tribiwnlys a benderfynodd yr achos orchymyn cynnal ail wrandawriad, gerbron yr un panel tribiwnlys neu gerbron panel tribiwnlys sydd wedi'i gyfansoddi'n wahanol.

(6) Caiff Llywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos wrthod y cyfan neu ran o gais am adolygiad os, ym marn y Llywydd neu'r Cadeirydd, nad oes siawns resymol i'r cais cyfan hwnnw neu'r rhan honno lwyddo.

(7) Oni fydd cais am adolygiad wedi ei wrthod yn unol â pharagraff (6), rhaid i'r adolygiad gael ei benderfynu, ar ôl rhoi cyfle i'r partïon gael eu clywed—

- (a) gan y Llywydd, os gwnaed y penderfyniad gan y Llywydd;
- (b) os gwnaed y penderfyniad gan banel

tribunal panel to be reviewed on the grounds that—

- (a) the decision was wrongly made as a result of a material error on the part of the Tribunal administration;
- (b) a party, who was entitled to be heard at the hearing but failed to appear or to be represented, had good and sufficient reason for failing to appear;
- (c) there was an obvious and material error in the decision; or
- (d) the interests of justice so require.

(2) An application that a decision of the President or the tribunal panel is reviewed must be made—

- (a) in writing stating the grounds;
- (b) no later than 28 days after the date on which the decision was sent to the parties.

(3) The President may—

- (a) on the application of a party or on the President's own initiative, review and set aside or vary any decision made by the President on a ground referred to in paragraph (1);
- (b) refuse an application for a review of the President's decision in accordance with paragraph (6).

(4) The President or the Chair of the tribunal panel which decided the case may—

- (a) on the application of a party, or on the President's or Chair's own initiative, review and set aside or vary any decision made by the tribunal panel on a ground referred to in paragraph (1);
- (b) refuse an application for a review of the tribunal panel's decision in accordance with paragraph (6).

(5) The Chair of the tribunal panel which decided the case may order a rehearing before the same or a differently constituted tribunal panel.

(6) An application for a review may be refused in whole or part by the President, or the Chair of the tribunal panel which decided the case, if in the President's or the Chair's opinion the whole or part of it has no reasonable chance of success.

(7) Unless an application for a review is refused in accordance with paragraph (6), the review must be determined after the parties have had an opportunity to be heard—

- (a) by the President, where the decision was made by the President;
- (b) where the decision was made by a tribunal

tribiwnlys, gan y Llywydd neu'r panel tribiwnlys a wnaeth y penderfyniad neu gan banel tribiwnlys arall a benodir gan y Llywydd.

(8) Os yw Llywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos, ar gymhelliad y Llywydd neu'r Cadeirydd ei hunan, yn cynnig y dylid adolygu penderfyniad—

- (a) rhaid i Ysgrifennydd y Tribiwnlys gyflwyno hysbysiad i'r partïon ddim hwyrach nag 28 diwrnod ar ôl y dyddiad yr anfonwyd y penderfyniad at y partïon; a
- (b) rhaid rhoi cyfle i'r partïon gael eu clywed.

(9) Wrth benderfynu cais neu gynnig ar gyfer adolygiad o dan baragraffau (3), (4) neu (7), caiff y Llywydd neu'r Cadeirydd roi cyfarwyddiadau y mae'n rhaid cydymffurfio â hwy, cyn neu yn ystod y gwrandawriad o'r adolygiad.

(10) Os yw parti'n methu â chydymffurfio â chyfarwyddyd a wneir o dan baragraff (9), caiff y panel tribiwnlys gymryd y ffaith honno i ystyriaeth wrth benderfynu'r adolygiad neu benderfynu a ddylid gwneud gorchymyn ar gyfer costau.

(11) Caiff y Llywydd neu'r Cadeirydd, os gwneir cais gan barti, roi caniatâd i'r parti hwnnw newid tyst at ddibenion y gwrandawriad o'r adolygiad.

(12) Rhaid i gais a wneir o dan baragraff (11), ddod i law Ysgrifennydd y Tribiwnlys, a rhaid i'r ceisydd gyflwyno'r cais i'r parti arall, ddim hwyrach na 14 diwrnod gwaith cyn y gwrandawriad o'r adolygiad.

(13) Rhaid i'r Llywydd neu'r Cadeirydd roi cyfle i'r partïon gael eu clywed ynglŷn ag unrhyw gais a wneir o dan baragraff (11).

(14) Os gosodir penderfyniad o'r neilltu neu os amrywir penderfyniad yn dilyn adolygiad o dan y rheoliad hwn, rhaid i Ysgrifennydd y Tribiwnlys newid y cofnod yn y Gofrestr a rhaid iddo hysbysu'r partïon yn unol â hynny.

Adolygiad o benderfyniad y Tribiwnlys i beidio ag estyn y cyfnod a ganiateir ar gyfer cychwyn achos

57.—(1) Pan wneir penderfyniad gan y Llywydd i beidio ag estyn yr amser a ganiateir o dan reoliad 16 ar gyfer cyflwyno cais apêl, ceir adolygu'r penderfyniad hwnnw o dan reoliad 56, ar gais person, fel pe bai'r person hwnnw'n barti i'r apêl.

(2) Pan fo'r Llywydd yn penderfynu peidio ag ystyried hawliad y tu allan i'r amser, o dan baragraff 4(3) o Atodlen 17 i Ddeddf 2010, ceir adolygu'r penderfyniad hwnnw o dan reoliad 56, ar gais person, fel pe bai'r person hwnnw'n barti i'r hawliad.

(3) Os gwneir cais am adolygiad o dan baragraffau (1) neu (2), rhaid i Ysgrifennydd y Tribiwnlys

panel, by the President or the tribunal panel which made the decision or by another tribunal panel appointed by the President.

(8) If the President or the Chair of the tribunal panel which decided the case proposes, on the President's or the Chair's own initiative, that a decision is reviewed—

- (a) the Secretary of the Tribunal must serve notice on the parties no later than 28 days after the date on which the decision was sent to the parties; and
- (b) the parties must have an opportunity to be heard.

(9) In determining an application or a proposal for a review under paragraphs (3), (4) or (7), the President or the Chair may give directions to be complied with before or at the hearing of the review.

(10) If a party fails to comply with a direction made under paragraph (9), the tribunal panel may take account of that fact when determining the review or deciding whether to make an order for costs.

(11) The President or the Chair may on the application of a party, give permission for that party to change a witness for the purpose of the review hearing.

(12) An application made under paragraph (11), must be received by the Secretary of the Tribunal and served by the applicant on the other party, no later than 14 days before the review hearing.

(13) The President or the Chair must give the parties the opportunity to be heard on any application made under paragraph (11).

(14) If a decision is set aside or varied following a review under this regulation the Secretary of the Tribunal must alter the entry in the Register and must notify the parties accordingly.

Review of Tribunal's decision not to extend the period in which proceedings must be commenced

57.—(1) A decision by the President not to extend the time for submitting an appeal application under regulation 16 may be reviewed under regulation 56 on the application of a person as if the person was a party to the appeal.

(2) Where the President decides not to consider a claim which is out of time, under paragraph 4(3) of Schedule 17 to the 2010 Act, that decision may be reviewed under regulation 56 on the application of a person as if the person was a party to the claim.

(3) If an application for review is made under paragraphs (1) or (2), the Secretary of the Tribunal

gyflwyno copi o'r cais i'r awdurdod lleol neu'r corff cyfrifol a rhoi i'r awdurdod lleol neu'r corff cyfrifol hysbysiad yn gwahodd sylwadau ysgrifenedig o fewn cyfnod penodedig.

Ystyried cais am ganiatâd i apelio i'r Uwch Dribiwnlys

58.—(1) Pan ddaw cais i'w law o dan reoliad 39A o Reoliadau'r Tribiwnlys Anghenion Addysgol Arbennig 2001, neu reoliad 39A o Reoliadau Tribiwnlys Anghenion Addysgol Arbennig ac Anabledd (Darpariaethau Cyffredinol a Gweithdrefn Hawliadau Anabledd) 2002 am ganiatâd i apelio i'r Uwch Dribiwnlys, rhaid i Lywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos ystyried yn gyntaf, gan gymryd i ystyriaeth yr amcan gor-redol yn rheoliad 6, a ddylai adolygu penderfyniad y Tribiwnlys yn unol â rheoliad 56 ai peidio, oni fydd y Llywydd neu'r Cadeirydd eisoes wedi adolygu'r penderfyniad, neu wedi penderfynu peidio ag adolygu'r penderfyniad.

(2) Pan fo'r Llywydd neu'r Cadeirydd yn penderfynu peidio ag adolygu'r penderfyniad, neu'n adolygu'r penderfyniad ac yn penderfynu peidio â chymryd unrhyw gamau mewn perthynas â'r penderfyniad, neu ran ohono, rhaid i'r Llywydd neu'r Cadeirydd ystyried wedyn a ddylai roi caniatâd i apelio mewn perthynas â'r penderfyniad, neu'r rhan honno ohono.

Pŵer i atal dros dro benderfyniad y Tribiwnlys

59. Caiff Llywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos, ar gais, neu ar gymhelliad y Llywydd neu'r Cadeirydd ei hunan, wneud gorchymyn i atal dros dro effaith penderfyniad y panel tribiwnlys tra'n disgwyl am benderfyniad gan y Llywydd neu'r Cadeirydd neu'r Uwch Dribiwnlys ar gais am ganiatâd i apelio yn erbyn y penderfyniad hwnnw ac unrhyw apêl neu adolygiad ohono.

Gorchymynion yr Uwch Dribiwnlys neu'r Llys

60.—(1) Os caiff unrhyw benderfyniad gan y Tribiwnlys ei osod o'r neilltu, ei amrywio neu'i newid mewn unrhyw ffordd gan orchymyn yr Uwch Dribiwnlys neu'r Llys, rhaid i Ysgrifennydd y Tribiwnlys newid y cofnod yn y Gofrestr i gyfateb i'r gorchymyn hwnnw, a rhaid iddo hysbysu'r partïon yn unol â hynny.

(2) Os dychwelir yr apêl neu'r hawliad, drwy orchymyn yr Uwch Dribiwnlys neu'r Llys, i'w hailglywed neu i'w ailglywed gan y Tribiwnlys, rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r partïon y caiff pob parti, yn ystod cyfnod o 15 niwrnod gwaith (neu gyfnod byrrach a gytunir rhwng y partïon) gyflwyno datganiad achos atodol a thystiolaeth ysgrifenedig bellach.

(3) Os caiff gorchymyn i ddileu'r cais apêl neu'r cais hawlio ei ddiddymu neu'i osod o'r neilltu gan yr Uwch

must serve a copy of the application on the local authority or the responsible body and give the local authority or the responsible body a notice inviting written representations within a specified period.

Consideration of an application for permission to appeal to the Upper Tribunal

58.—(1) On receiving an application under regulation 39A of the Special Educational Needs Tribunal Regulations 2001, or regulation 39A of the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002, for permission to appeal to the Upper Tribunal the President or the Chair of the tribunal panel which decided the case must first consider, taking into account the overriding objective in regulation 6, whether to review the Tribunal's decision in accordance with regulation 56 unless the President or the Chair have already reviewed the decision or decided not to review the decision.

(2) If the President or the Chair decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision, or part of it, the President or the Chair must then consider whether to give permission to appeal in relation to the decision or that part of it.

Power to suspend Tribunal's decision

59. The President or the Chair of the tribunal panel which decided the case may, on application or on the President's or the Chair's own initiative, make an order to suspend the effect of the tribunal panel's decision pending the determination by the President or the Chair or the Upper Tribunal of an application for permission to appeal against, and any appeal or review of, that decision.

Orders of the Upper Tribunal or the Court

60.—(1) If any decision of the Tribunal is set aside, varied or altered in any way by order of the Upper Tribunal or the Court, the Secretary of the Tribunal must alter the entry in the Register to correspond to that order and must notify the parties accordingly.

(2) If the appeal or the claim is remitted to the Tribunal by order of the Upper Tribunal or the Court to be reheard, the Secretary of the Tribunal must notify the parties that, during a period of 15 working days (or a shorter period as agreed by the parties) each party may submit a supplementary case statement and further written evidence.

(3) If an order to strike out the appeal application or the claim application is quashed or set aside by the

Dribiwnlys neu'r Llys, rhaid i Ysgrifennydd y Tribiwnlys hysbysu'r partïon—

- (a) mewn achos pan nad oedd y cyfnod datganiad achos wedi dod i ben cyn i'r gorchymyn i ddileu gael effaith—
 - (i) y bydd cyfnod datganiad achos newydd yn dechrau; a
 - (ii) y caiff y partïon, o fewn y cyfnod datganiad achos newydd, gyflwyno'r ddogfennaeth y cyfeirir ati yn is-baragraff (b) mewn perthynas â datganiad achos neu dystiolaeth a gyflwynwyd cyn i'r dileu gael effaith; neu
- (b) pan nad yw is-baragraff (a) yn gymwys, bod gan bob parti gyfnod o 15 niwrnod gwaith (neu gyfnod byrrach a gytunir rhwng y partïon) i gyflwyno datganiad achos atodol a thystiolaeth ysgrifenedig bellach.

(4) Rhaid i Ysgrifennydd y Tribiwnlys anfon copi o'r holl ddatganiadau achos a thystiolaeth ysgrifenedig a geir gan barti yn ystod y cyfnodau y cyfeirir atynt ym mharagraffau (2) a (3)(b) at y parti arall.

Cydymffurfiaeth

Cydymffurfio â gorchymynion y panel tribiwnlys - apelau

61.—(1) Yn ddarostyngedig i baragraff (5), os yw'r panel tribiwnlys, yn dilyn ei benderfyniad mewn perthynas ag apêl, yn gwneud gorchymyn sy'n ei gwneud yn ofynnol bod awdurdod lleol yn cyflawni gweithred y cyfeirir ati ym mharagraff (2) rhaid i'r awdurdod lleol gyflawni'r weithred honno o fewn y cyfnod amser a bennir ym mharagraff (2).

(2) Yn achos gorchymyn—

- (a) i wneud asesiad, rhaid i'r awdurdod lleol hysbysu—
 - (i) y rhiant, bod rhaid iddo wneud asesiad o dan adran 323(4) neu 329A(7) o Ddeddf 1996, yn ôl fel y digwydd, o fewn 5 wythnos; a
 - (ii) os y plentyn oedd yr apelydd, y plentyn, bod rhaid iddo wneud asesiad o dan adran 329A(7) o Ddeddf 1996 o fewn 5 wythnos;
- (b) i wneud a chynnal datganiad, rhaid i'r awdurdod lleol wneud datganiad o fewn 5 wythnos;
- (c) sy'n anfon achos yn ôl at yr awdurdod lleol o dan adran 325(3)(c) o Ddeddf 1996, rhaid i'r awdurdod lleol, o fewn 2 wythnos, gyflwyno i'r rhiant ac i'r plentyn gopi o'r datganiad arfaethedig a hysbysiad o dan baragraffau 2(1) a 2B(2), yn eu trefn, o Atodlen 27 i Ddeddf 1996, neu roi hysbysiad i'r rhiant ac i'r plentyn—

Upper Tribunal or the Court, the Secretary of the Tribunal must notify the parties—

- (a) in the case where the case statement period had not expired before the order to strike out took effect—
 - (i) that a new case statement period is to commence; and
 - (ii) that, within the new case statement period, the parties may submit the documentation referred to in sub-paragraph (b) in respect of a case statement or evidence submitted before the strike out took effect; or
- (b) where sub-paragraph (a) does not apply, that each party has a period of 15 working days (or a shorter period as the parties may agree in writing) to submit a supplementary case statement and further written evidence.

(4) The Secretary of the Tribunal must send a copy of all case statements and written evidence received from a party during the periods referred to in paragraphs (2) and (3)(b) to the other party.

Compliance

Compliance with tribunal panel orders - appeals

61.—(1) Subject to paragraph (5), if the tribunal panel, following its decision in relation to an appeal, makes an order requiring a local authority to perform an action referred to in paragraph (2) the local authority must perform that action within the time period specified in paragraph (2).

(2) In the case of an order—

- (a) to make an assessment, the local authority must notify—
 - (i) the parent that it must make an assessment under section 323(4) or 329A(7) of the 1996 Act as the case may be within 5 weeks; and
 - (ii) where the child was the appellant, the child that it must make an assessment under section 329A(7) of the 1996 Act within 5 weeks;
- (b) to make and maintain a statement, the local authority must make a statement within 5 weeks;
- (c) remitting a case back to the local authority under section 325(3)(c) of the 1996 Act, the local authority must within 2 weeks serve a copy of a proposed statement and a notice on the parent and the child under paragraphs 2(1) and 2B(2) of Schedule 27 to the 1996 Act respectively, or give notice to the parent and the child—

- (i) o dan adran 325(1) o Ddeddf 1996 ei fod wedi penderfynu peidio â gwneud datganiad;
- (ii) o'i resymau am y penderfyniad hwnnw;
- (iii) o hawl y rhiant a'r plentyn i apelio i'r Tribiwnlys yn erbyn y penderfyniad hwnnw; a
- (iv) o'r terfyn amser y mae'n rhaid gwneud apêl i'r Tribiwnlys oddi mewn iddo;
- (ch) i ddiwygio datganiad, rhaid i'r awdurdod lleol gyflwyno hysbysiad diwygio i'r rhiant ac i'r plentyn o dan baragraff 2A o Atodlen 27 i Ddeddf 1996 o fewn 5 wythnos;
- (d) i barhau i gynnal datganiad, rhaid i'r awdurdod lleol barhau i gynnal y datganiad gydag effaith ar unwaith;
- (dd) i barhau i gynnal ac i ddiwygio datganiad, rhaid i'r awdurdod lleol barhau i gynnal y datganiad gydag effaith ar unwaith a rhaid iddo gyflwyno i'r rhiant ac i'r plentyn hysbysiad diwygio o dan baragraff 2A o Atodlen 27 i Ddeddf 1996 o fewn 5 wythnos;
- (e) i osod enw ysgol a bennir gan y rhiant neu'r plentyn yn lle enw ysgol neu sefydliad arall a bennir yn natganiad y plentyn, rhaid i'r awdurdod lleol, yn ddarostyngedig i baragraff (3) bennu'r ysgol a bennir gan y rhiant neu'r plentyn o fewn 2 wythnos; ac
- (f) sy'n gwrthod apêl yn erbyn penderfyniad i beidio â chynnal datganiad, rhaid i'r awdurdod lleol beidio â chynnal y datganiad hwnnw ar unwaith neu ar ddyddiad a gynigiwyd gan yr awdurdod lleol, pa un bynnag yw'r diweddaraf.

(3) Os yw gorchymyn yn ei gwneud yn ofynnol bod awdurdod lleol yn cydymffurfio â'r ddau is-baragraff (ch) ac (e) o baragraff (2), neu'r ddau is-baragraff (dd) ac (e), o baragraff (2), rhaid i'r awdurdod lleol bennu'r ysgol a bennir gan y rhiant neu'r plentyn o fewn 5 wythnos.

(4) Ym mhob achos ym mharagraffau (2) a (3), mae'r cyfnod yn dechrau ar y diwrnod gwaith cyntaf ar ôl gwneud y gorchymyn.

(5) Nid oes raid i'r awdurdod lleol gydymffurfio â'r cyfnodau amser y cyfeirir atynt ym mharagraffau (2) a (3) os yw gwneud hynny yn anymarferol oherwydd—

- (a) amgylchiadau personol eithriadol sy'n effeithio ar y rhiant neu, os y plentyn oedd yr apelydd, y plentyn yn ystod y cyfnod o amser;
- (b) bod y rhiant neu, os y plentyn oedd yr apelydd, y plentyn, yn absennol o ardal yr awdurdod lleol am gyfnod parhaol o ddim llai na 2 wythnos, neu pan fo paragraff (3) yn gymwys, dim llai na 5 wythnos, yn ystod y cyfnod o amser;
- (c) bod y rhiant yn dynodi bod y rhiant yn dymuno cyflwyno sylwadau i'r awdurdod lleol

- (i) under section 325(1) of the 1996 Act that they have decided not to make a statement;
- (ii) of their reasons for that decision;
- (iii) of the parent and the child's right of appeal against that decision to the Tribunal; and
- (iv) of the time limit within which an appeal to the Tribunal must be made;
- (d) to amend a statement, the local authority must serve an amendment notice on the parent and the child under paragraph 2A of Schedule 27 to the 1996 Act within 5 weeks;
- (e) to continue to maintain a statement, the local authority must continue to maintain the statement with immediate effect;
- (f) to continue to maintain and to amend a statement, the local authority must continue to maintain the statement with immediate effect and must serve an amendment notice on the parent and the child under paragraph 2A of Schedule 27 to the 1996 Act within 5 weeks;
- (g) to substitute the name of the school or other institution specified in a child's statement with the name of a school specified by the parent or child, the local authority must, subject to paragraph (3), specify the school specified by the parent or child within 2 weeks; and
- (h) dismissing an appeal against a determination to cease to maintain a statement, the local authority must cease to maintain that statement immediately or on a date proposed by the local authority, whichever is the later.

(3) If an order requires a local authority to comply with both sub-paragraphs (d) and (g) of paragraph (2), or both sub-paragraphs (f) and (g) of paragraph (2), the local authority must specify the school specified by the parent or child within 5 weeks.

(4) In each case in paragraphs (2) and (3), the period begins on the first working day after the order was made.

(5) The local authority need not comply with the time periods referred to in paragraphs (2) and (3) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the parent or, where the appellant was the child, the child during the time period;
- (b) the parent or, where the appellant was the child, the child is absent from the area of the local authority for a continuous period of no less than 2 weeks, or where paragraph (3) applies no less than 5 weeks, during the time period;
- (c) the parent has indicated that the parent wishes to make representations to the local authority

ynghylch yr hyn a gynhwysir yn y datganiad, o dan baragraff 4(1) o Atodlen 27 i Ddeddf 1996 ar ôl diwedd y cyfnod o 15 niwrnod ar gyfer cyflwyno sylwadau o'r fath, a ddarperir ym mharagraff 4(4) o'r Atodlen honno;

- (ch) bod cyfarfod rhwng y rhiant a swyddog o'r awdurdod lleol wedi ei gynnal o dan baragraff 4(1) o Atodlen 27 i Ddeddf 1996, a'r rhiant, o dan baragraff 4(2) o'r Atodlen honno, wedi ei gwneud yn ofynnol bod cyfarfod arall o'r fath, neu gyfarfod gyda'r person priodol, yn cael ei drefnu; neu
- (d) bod yr awdurdod lleol wedi anfon cais ysgrifenedig at Weinidogion Cymru i ofyn am eu cydsyniad o dan adran 347(5) o Ddeddf 1996 i'r plentyn gael ei addysgu mewn ysgol annibynnol nas cymeradwywyd gan Weinidogion Cymru, ac nad oedd yr awdurdod lleol wedi cael y cyfryw gydsyniad o fewn 3 wythnos o'r diwrnod yr anfonwyd y cais.

Cydymffurfio â chais apelydd pan fo awdurdod lleol yn ildio apêl

62.—(1) Yn ddarostyngedig i baragraff (3), os trinnir apêl i'r Tribiwnlys, o dan adran 326A(2) o Ddeddf 1996, fel pe bai wedi ei phenderfynu o blaid yr apelydd, rhaid i'r awdurdod lleol—

- (a) yn achos apêl o dan adran 325 o Ddeddf 1996, wneud datganiad o fewn 5 wythnos;
- (b) yn achos apêl o dan adran 328, 329 neu 329A o Ddeddf 1996, wneud asesiad o fewn 5 wythnos; ac
- (c) yn achos apêl o dan baragraff 8(3) o Atodlen 27 i Ddeddf 1996 yn erbyn penderfyniad i beidio â chydymffurfio â chais yr apelydd i roi enw ysgol a gynhelir yn lle enw'r ysgol neu'r sefydliad a bennir yn y datganiad, gydymffurfio â'r cais hwnnw o fewn 2 wythnos.

(2) Ym mhob achos ym mharagraff (1), mae'r cyfnod yn dechrau ar y diwrnod gwaith cyntaf wedi i'r awdurdod lleol hysbysu'r Tribiwnlys nad yw'n gwrthwynebu'r apêl.

(3) Nid oes raid i'r awdurdod lleol gydymffurfio â'r terfynau amser y cyfeirir atynt ym mharagraff (1) os yw gwneud hynny yn anymarferol oherwydd—

- (a) amgylchiadau personol eithriadol sy'n effeithio ar y rhiant neu, os y plentyn oedd yr apelydd, y plentyn yn ystod y cyfnod perthnasol o amser;
- (b) bod y rhiant neu, os y plentyn oedd yr apelydd, y plentyn, yn absennol o ardal yr awdurdod lleol am gyfnod parhaol o ddim llai na 2 wythnos yn ystod y cyfnod perthnasol o amser;

about the content of the statement under paragraph 4(1) of Schedule 27 to the 1996 Act after the expiry of the 15 day period for making such representations provided for in paragraph 4(4) of that Schedule;

- (d) a meeting between the parent and an officer of the local authority has been held under paragraph 4(1) of Schedule 27 to the 1996 Act and the parent under paragraph 4(2) of that Schedule has either required that another such meeting is arranged or has required that a meeting with the appropriate person is arranged; or
- (e) the local authority have sent a written request to the Welsh Ministers seeking their consent under section 347(5) of the 1996 Act to the child being educated at an independent school which is not approved by them and such consent has not been received by the local authority within 3 weeks of the day on which the request was sent.

Compliance with appellant's request when a local authority concedes an appeal

62.—(1) Subject to paragraph (3) if, under section 326A(2) of the 1996 Act, an appeal to the Tribunal is treated as having been determined in favour of the appellant, the local authority must—

- (a) in the case of an appeal under section 325 of the 1996 Act, make a statement within 5 weeks;
- (b) in the case of an appeal under section 328, 329 or 329A of the 1996 Act, make an assessment within 5 weeks; and
- (c) in the case of an appeal under paragraph 8(3) of Schedule 27 to the 1996 Act against a determination not to comply with the appellant's request to substitute the name of a maintained school for the name of the school or institution specified in the statement, comply with that request within 2 weeks.

(2) In each case in paragraph (1), the period begins on the first working day after the local authority notifies the Tribunal that it does not oppose the appeal.

(3) The local authority need not comply with the time limits referred to in paragraph (1) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the parent or, where the appellant is the child, the child during the relevant time period;
- (b) the parent or, where the appellant is the child, the child is absent from the area of the local authority for a continuous period of no less than 2 weeks during the relevant time period;

- (c) bod y rhiant wedi dynodi bod y rhiant yn dymuno cyflwyno sylwadau i'r awdurdod lleol ynghylch yr hyn a gynhwysir yn y datganiad, o dan baragraff 4(1) o Atodlen 27 i Ddeddf 1996 ar ôl diwedd y cyfnod o 15 niwrnod ar gyfer gwneud sylwadau o'r fath a ddarperir ym mharagraff 4(4) o'r Atodlen honno;
- (ch) bod cyfarfod rhwng y rhiant a swyddog o'r awdurdod lleol wedi ei gynnal o dan baragraff 4(1) o Atodlen 27 i Ddeddf 1996, a'r rhiant, o dan baragraff 4(2) o'r Atodlen honno, wedi ei gwneud yn ofynnol bod cyfarfod arall o'r fath, neu gyfarfod gyda'r person priodol, yn cael ei drefnu, neu
- (d) bod yr awdurdod lleol wedi anfon cais ysgrifenedig at Weinidogion Cymru i ofyn am eu cydsyniad o dan adran 347(5) o Ddeddf 1996 i'r plentyn gael ei addysgu mewn ysgol annibynnol nas cymeradwywyd gan Weinidogion Cymru, ac nad oedd yr awdurdod lleol wedi cael y cyfryw gydsyniad o fewn 3 wythnos o'r diwrnod yr anfonwyd y cais.

- (c) the parent has indicated that the parent wishes to make representations to the local authority about the content of the statement under paragraph 4(1) of Schedule 27 to the 1996 Act after the expiry of the 15 day period for making such representations provided for in paragraph 4(4) of that Schedule;
- (d) a meeting between the parent and an officer of the local authority has been held under paragraph 4(1) of Schedule 27 to the 1996 Act and the parent under paragraph 4(2) of that Schedule has either required that another such meeting is arranged or has required that a meeting with the appropriate person is arranged, or
- (e) the local authority have sent a written request to the Welsh Ministers seeking their consent under section 347(5) of the 1996 Act to the child being educated at an independent school which is not approved by them and such consent has not been received by the local authority within 3 weeks of the day on which the request was sent.

RHAN C

CYFEILLION ACHOS

Cymhwyso

63. Mae rheoliadau 64 i 68 yn gymwys i apelydd neu hawlydd ac eithrio apelydd neu hawlydd sy'n rhiant plentyn sy'n destun y cais apêl neu'r cais hawlio.

Gofyniad am gyfaill achos

64.—(1) Yn ddarostyngedig i baragraff (2), caiff apelydd neu hawlydd gynnal achos mewn perthynas ag apêl neu hawliad heb gyfaill achos.

(2) Ni chaiff apelydd neu hawlydd gynnal achos pan fo'r Llywydd neu'r panel tribiwnlys wedi gwneud canfyddiad nad oes gan yr apelydd neu'r hawlydd ddealltwriaeth ddigonol i gyfranogi, neu barhau i gyfranogi fel parti yn yr apêl neu'r hawliad heb gyfaill achos.

(3) Rhaid i'r cwestiwn a oes gan yr apelydd neu'r hawlydd ddealltwriaeth ddigonol ai peidio i gynnal achos heb gyfaill achos, pa un a godir y cwestiwn—

- (a) gan barti i'r apêl neu'r hawliad; neu
- (b) gan y Llywydd neu'r panel tribiwnlys, ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan,

gael ei benderfynu gan y Llywydd neu'r panel tribiwnlys.

PART C

CASE FRIENDS

Application

63. Regulations 64 to 68 apply to an appellant or a claimant other than an appellant or claimant who is a parent of a child who is the subject of the appeal application or the claim application.

Requirement for case friend

64.—(1) Subject to paragraph (2), an appellant or a claimant may conduct proceedings in relation to an appeal or claim without a case friend.

(2) An appellant or a claimant may not conduct proceedings where the President or the tribunal panel has made a finding that the appellant or the claimant does not have sufficient understanding to participate or continue to participate as a party to the appeal or the claim without a case friend.

(3) The question of whether the appellant or the claimant has sufficient understanding to conduct proceedings without a case friend, whether raised—

- (a) by a party to the appeal or the claim; or
- (b) by the President or the tribunal panel, of the President's or the tribunal panel's own initiative,

is to be determined by the President or the tribunal panel.

(4) Pan fo paragraff (3)(a) yn gymwys, mater i'r parti hwnnw fydd bodloni'r Llywydd neu'r panel tribiwnlys nad oes gan yr apelydd neu'r hawlydd ddealltwriaeth ddigonol i gynnal achos heb gyfaill achos.

(5) Caiff y Llywydd neu'r panel tribiwnlys glywed unrhyw dystiolaeth a ystyrir yn berthnasol gan y Llywydd neu'r panel tribiwnlys, er mwyn penderfynu'r cwestiwn o dan baragraff (3).

(6) Rhaid i unrhyw wrandawriad a gynhelir i benderfynu'r cwestiwn beidio â chael ei gynnal yn gyhoeddus.

(7) Caiff y Llywydd neu'r panel tribiwnlys allgáu o'r gwrandawriad, neu o ran ohono, unrhyw berson y mae ei bresenoldeb, ym marn y Llywydd neu'r panel tribiwnlys, yn debygol o'i gwneud yn anodd i'r apelydd neu'r hawlydd wneud sylwadau.

(8) Pan fo'r Llywydd neu'r panel tribiwnlys wedi gwneud canfyddiad yn unol â pharagraff (2), rhaid i'r Llywydd neu'r panel tribiwnlys gyfarwyddo'r apelydd neu'r hawlydd i benodi cyfaill achos.

Pwy gaiff fod yn gyfaill achos

65. Caiff person weithredu fel cyfaill achos ar yr amod, yn unig nad yw'r person wedi ei wahardd o weithgarwch a reoleiddir mewn perthynas â phlant o fewn ystyr adran 3(2)(a) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1).

Sut y daw person yn gyfaill achos

66.—(1) Rhaid i berson sy'n dymuno gweithredu fel cyfaill achos gyflwyno datganiad o addasrwydd i'r Tribiwnlys.

(2) Rhaid i'r datganiad o addasrwydd ddatgan—

- (a) enw a chyfeiriad y person sy'n dymuno gweithredu fel cyfaill achos i'r apelydd neu'r hawlydd ac, os ydynt ar gael, rhif teleffon, rhif ffacs a chyfeiriad e-bost y person hwnnw;
- (b) enw a dyddiad geni'r apelydd neu'r hawlydd;
- (c) perthynas neu gysylltiad y person â'r apelydd neu'r hawlydd;
- (ch) bod y person yn bodloni'r amodau a'r gofynion a bennir yn rheoliad 65 ac yn adran 332ZC(2) o Ddeddf 1996(2).

(1) 2006 p.47. O dan adran 3(2)(a) o Ddeddf Diogelu Grwpiau Hyglwyf 2006, gwaherddir person o weithgarwch a reoleiddir mewn perthynas â phlant os yw enw'r person wedi ei gynnwys yn y rhestr yn Rhan 1 o Atodlen 3 i'r Ddeddf honno ("*the children's barred list*") ("*y rhestr wahardd ar gyfer plant*").

(2) Mae adran 332ZC(2) o Ddeddf 1996 yn darparu bod rhaid i gyfaill achos plentyn gyflwyno sylwadau ac arfer hawliau yn deg a chymwys, bod heb unrhyw fuddiant sy'n groes i fuddiant y plentyn, a sicrhau y cymerir pob cam ac y gwneir pob penderfyniad gan y cyfaill achos er budd y plentyn a chan ystyried safbwyntiau'r plentyn.

(4) Where paragraph (3)(a) applies, it is for that party to satisfy the President or the tribunal panel that the appellant or the claimant does not have sufficient understanding to conduct the proceedings without a case friend.

(5) The President or the tribunal panel may hear any evidence that the President or the tribunal panel considers relevant to determine the question under paragraph (3).

(6) Any hearing held for the determination of the question must not take place in public.

(7) The President or the tribunal panel may exclude from the hearing, or part of it, any person whose presence is likely, in the opinion of the President or the tribunal panel, to make it difficult for the appellant or the claimant to make representations.

(8) Where the President or the tribunal panel has made a finding in accordance with paragraph (2), the President or the tribunal panel must direct the appellant or the claimant to appoint a case friend.

Who may be a case friend

65. A person may only act as a case friend if the person is not barred from regulated activity relating to children within the meaning of section 3(2)(a) of the Safeguarding Vulnerable Groups Act 2006(1).

How a person becomes a case friend

66.—(1) A person who wishes to act as a case friend must submit a declaration of suitability to the Tribunal.

(2) The declaration of suitability must state—

- (a) the name and address of the person who wishes to act as the appellant's or claimant's case friend and if available, the person's telephone number, fax number and email address;
- (b) the name and date of birth of the appellant or claimant;
- (c) the person's relationship or connection to the appellant or claimant;
- (d) that the person satisfies the conditions and requirements specified in regulation 65 and section 332ZC(2) of the 1996 Act(2).

(1) 2006 c.47. Under section 3(2)(a) of the Safeguarding Vulnerable Groups Act 2006, a person is barred from regulated activity relating to children if the person's name is included in the list in Part 1 of Schedule 3 to that Act ("*the children's barred list*").

(2) 332ZC(2) of the 1996 Act provides that a child's case friend must make representations and exercise rights fairly and competently, have no interest adverse to that of the child and ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child's views.

(3) Rhaid i'r datganiad o addasrwydd gynnwys—

- (a) safbwyntiau rhiant yr apelydd neu riant yr hawlydd ynglŷn â dymuniad y person i weithredu fel cyfaill achos yr apelydd neu'r hawlydd; neu
- (b) esboniad pam nad yw'r person wedi canfod safbwyntiau'r rhiant.

(4) Yn ddarostyngedig i baragraff (5) rhaid cyflwyno'r datganiad addasrwydd ynghyd â thystysgrif datgeliad manylach a ddyroddwyd gan y Swyddfa Cofnodion Troseddol sy'n cadarnhau addasrwydd y person i weithio gyda phlant.

(5) Nid yw'r gofyniad ym mharagraff (4) yn gymwys pan fo'r person sy'n dymuno gweithredu fel cyfaill achos yn rhiant, llys-riant, brawd, llysfrawd, chwaer, llyschwaer, taid (tad-cu), nain (mam-gu), ewythr, modryb, nai neu nyth i'r apelydd neu'r hawlydd.

(6) Rhaid i Ysgrifennydd y Tribiwnlys—

- (a) cofnodi ar gofrestr y Tribiwnlys rif y dystysgrif datgeliad ynghyd â'r dyddiad dechrau a'r dyddiad gorffen;
- (b) defnyddio'r gwasanaeth dosbarthiad cofnodedig i ddychwelyd y dystysgrif datgeliad i'r person.

(7) Caniateir i'r datganiad addasrwydd gael ei gyflwyno ynghyd â thystiolaeth i gefnogi addasrwydd y person i weithredu fel cyfaill achos.

(8) Rhaid i'r datganiad o addasrwydd gael ei lofnodi gan y person sy'n dymuno gweithredu fel cyfaill achos yr apelydd neu'r hawlydd.

(9) Rhaid i'r person sy'n dymuno gweithredu fel cyfaill achos y plentyn gyflwyno copi o'r datganiad addasrwydd i—

- (a) y partïon yn yr achos; a
- (b) rhiant yr apelydd neu riant yr hawlydd.

Camau mewn achosion

67.—(1) Os yw'r Llywydd neu'r panel tribiwnlys, yn ystod yr apêl neu'r hawliad, yn gwneud canfyddiad o dan reoliad 64(2), ni chaiff unrhyw barti gymryd cam pellach yn yr apêl neu'r hawliad heb ganiatâd y Llywydd neu'r panel tribiwnlys, hyd nes y bydd ac oni fydd person sy'n dymuno gweithredu fel cyfaill achos yr apelydd neu'r hawlydd wedi cyflwyno datganiad o addasrwydd i'r Tribiwnlys yn unol â rheoliad 66.

(2) Pan fo person wedi cyflwyno datganiad addasrwydd o dan reoliad 66, rhaid i Ysgrifennydd y Tribiwnlys anfon yr holl ddogfennau a hysbysiadau sy'n ymwneud â'r apêl neu'r hawliad at y cyfaill achos yn hytrach nag at yr apelydd neu'r hawlydd.

(3) Pan fo paragraff (2) yn gymwys, rhaid dehongli cyfeiriadau yn y Rheoliadau hyn (sut bynnag y'u

(3) The declaration of suitability must include—

- (a) the views of the appellant's or the claimant's parent in relation to the person's wish to act as the appellant's or the claimant's case friend; or
- (b) an explanation of why the person has not established the parent's views.

(4) Subject to paragraph (5) the declaration of suitability must be accompanied by an enhanced disclosure certificate issued by the Criminal Records Bureau confirming the person's suitability to work with children.

(5) The requirement in paragraph (4) does not apply where the person who wishes to act as the case friend is the appellant's or the claimant's parent, step-parent, brother, step-brother, sister, step-sister, grand-parent, uncle, aunt, nephew or niece.

(6) The Secretary of the Tribunal must—

- (a) record on the Tribunal's register the disclosure certificate's number and the start and expiry date;
- (b) use the recorded delivery service to return the disclosure certificate to the person.

(7) The declaration of suitability may be accompanied by evidence to support the person's suitability to act as a case friend.

(8) The declaration of suitability must be signed by the person who wishes to act as the appellant's or the claimant's case friend.

(9) The person who wishes to act as the child's case friend must serve a copy of the declaration of suitability on—

- (a) the parties to the proceedings; and
- (b) the appellant's or the claimant's parent.

Steps in proceedings

67.—(1) If during the appeal or the claim the President or the tribunal panel make a finding under regulation 64(2), no party may take any further step in the appeal or the claim without the President's or the tribunal panel's permission until and unless a person who wishes to act as the appellant's or the claimant's case friend has submitted a declaration of suitability to the Tribunal in accordance with regulation 66.

(2) Where a person has submitted a declaration of suitability under regulation 66, the Secretary of the Tribunal must send all documents and notices concerning the appeal or claim to the case friend instead of the appellant or the claimant.

(3) If paragraph (2) applies references in these Regulations (however expressed) to sending

mynegir) at anfon dogfennau at yr apelydd neu'r hawlydd, neu roi hysbysiad i'r apelydd neu'r hawlydd, fel cyfeiriadau at anfon dogfennau at y cyfaill agos, neu roi hysbysiad i'r cyfaill achos.

Diswyddo cyfaill achos

68.—(1) Caiff person weithredu fel cyfaill achos oni fydd y Llywydd neu'r panel tribiwnlys yn cyfarwyddo na chaiff y person weithredu, neu na chaiff barhau i weithredu, fel cyfaill achos.

(2) Caiff y Llywydd neu'r panel tribiwnlys roi cyfarwyddyd yn unol â pharagraff (1), ar gymhelliad y Llywydd neu'r panel tribiwnlys ei hunan neu ar gais, os bodlonir ef—

- (a) nad yw'r person yn bodloni unrhyw un o'r amodau a bennir yn rheoliad 65 ac yn adran 332ZC(2) o Ddeddf 1996; neu
- (b) bod rheswm da arall yn bodoli.

(3) Caiff y canlynol wneud cais am gyfarwyddyd i ddiswyddo cyfaill achos—

- (a) un o'r partion;
- (b) y cyfaill achos.

(4) Rhaid i gais am gyfarwyddyd i ddiswyddo cyfaill achos gael ei gefnogi gan dystiolaeth.

(5) Os gwneir cyfarwyddyd o dan baragraff (1), caiff y Llywydd neu'r panel tribiwnlys—

- (a) cyfarwyddo'r apelydd neu'r hawlydd i benodi cyfaill achos newydd; a
- (b) gohirio ystyriaeth o'r apêl neu'r hawliad hyd nes y penodir cyfaill achos newydd gan yr apelydd neu'r hawlydd.

(6) Rhaid i Ysgrifennydd y Tribiwnlys gyflwyno hysbysiad i'r partion ynglŷn ag unrhyw gyfarwyddyd a wneir o dan baragraff (1) gan ddatgan—

- (a) nad yw'r person yn gweithredu bellach fel cyfaill achos yr apelydd neu'r hawlydd; a
- (b) pan fo person arall wedi ei roi yn ei le fel cyfaill achos, enw a chyfeiriad y cyfaill achos newydd ar gyfer cyflwyno hysbysadau a dogfennau.

(7) Rhaid i Ysgrifennydd y Tribiwnlys gyflwyno copi o'r cyfarwyddyd a wneir o dan baragraff (1) i'r person a ddiswyddwyd fel y cyfaill achos.

documents to, or giving notice to, the appellant or the claimant must be construed as references to sending documents to, or giving notice to, the case friend.

Removing a case friend

68.—(1) A person may act as a case friend unless the President or the tribunal panel directs that the person may not, or may not continue to, act as a case friend.

(2) The President or the tribunal panel may make a direction in accordance with paragraph (1) on the President's or the tribunal panel's own initiative or on application, if satisfied that—

- (a) the person does not meet any of the conditions set out in regulation 65 and section 332ZC(2) of the 1996 Act; or
- (b) other good reason exists.

(3) An application for a direction to remove a case friend may be made by—

- (a) a party;
- (b) the case friend.

(4) An application for a direction to remove a case friend must be supported by evidence.

(5) Where a direction is made under paragraph (1) the President or the tribunal panel—

- (a) may direct the appellant or the claimant to appoint a new case friend; and
- (b) may stay the appeal or the claim until the appellant or the claimant has appointed a new case friend.

(6) The Secretary of the Tribunal must serve notice on the parties of any direction made under paragraph (1) stating—

- (a) that the person no longer acts as the appellant's or the claimant's case friend; and
- (b) where a person has been substituted as a case friend, the name and address of the new case friend for service of notices and documents.

(7) The Secretary of the Tribunal must serve a copy of a direction made under paragraph (1) on the person who has been removed as the case friend.

RHAN CH

AMRYWIOL

Estyn yr amser

69.—(1) Yn ddarostyngedig i baragraff (2), caiff y Llywydd, pan wneir cais gan barti, neu ar gymhelliad y Llywydd ei hunan, gyfarwyddo bod cyfnod o amser, yn y Rheoliadau hyn neu mewn cyfarwyddyd a wneir odanynt, i gael ei estyn.

(2) Dim ond os yw'r Llywydd o'r farn bod gwneud hynny yn deg ac yn gyfiawn y caiff y Llywydd estyn cyfnod o amser yn unol â pharagraff (1).

(3) Caiff y Llywydd estyn cyfnod o amser, o ba bynnag gyfnod a ystyrir yn briodol gan y Llywydd.

(4) Pan fo'r Llywydd wedi estyn cyfnod o amser, rhaid dehongli cyfeiriad at y cyfnod hwnnw o amser yn y Rheoliadau hyn, neu mewn cyfarwyddyd a wneir odanynt, fel pe bai'n gyfeiriad at y cyfnod o amser a estynnwyd felly.

Tynnu'n ôl

70. Caiff person dynnu apêl neu hawliad yn ôl—

- (a) drwy roi hysbysiad i Ysgrifennydd y Tribiwnlys ar unrhyw adeg cyn gwrandawriad; neu
- (b) ar lafar mewn gwrandawriad.

Gorchmynion ar gyfer costau a threuliau

71.—(1) Fel rheol, rhaid i Lywydd neu Gadeirydd y panel tribiwnlys a benderfynodd yr achos beidio â gwneud gorchmyn mewn perthynas â chostau a threuliau, ond, yn ddarostyngedig i baragraff (3), caiff wneud gorchmyn o'r fath—

- (a) yn erbyn parti pan fo'r Llywydd neu'r Cadeirydd o'r farn bod y parti wedi bod yn gyfrifol am weithred neu anwaith amhriodol, afresymol neu esgeulus, neu am unrhyw fethiant i gydymffurfio â chyfarwyddyd, neu am unrhyw oedi y gellid, gyda diwydrwydd, fod wedi ei osgoi, neu, fod ymddygiad y parti, wrth wneud neu wrthwynebu'r apêl neu'r hawliad, wedi bod yn afresymol;
- (b) yn erbyn cynrychiolydd os yw'r Llywydd neu'r Cadeirydd o'r farn bod y cynrychiolydd yn gyfrifol am weithred neu anwaith amhriodol, afresymol neu esgeulus, neu am unrhyw fethiant i gydymffurfio â chyfarwyddyd, neu am unrhyw oedi y gellid, gyda diwydrwydd, fod wedi ei osgoi;
- (c) yn erbyn parti a fethodd â bod yn bresennol neu gael ei gynrychioli mewn gwrandawriad yr hysbyswyd y parti hwnnw ohono yn briodol;
- (ch) yn erbyn yr awdurdod lleol neu gorff cyfrifol a

PART D

MISCELLANEOUS

Extension of time

69.—(1) Subject to paragraph (2), the President may, on application of a party or on the President's own initiative, direct that a period of time in these Regulations or a direction made under them is extended.

(2) The President may only extend a period of time in accordance with paragraph (1) if the President considers it fair and just to do so.

(3) The President may extend a period of time by such period as the President thinks fit.

(4) Where the President has extended a period of time, reference in these Regulations or in a direction made under them to that period of time must be construed as a reference to the period of time so extended.

Withdrawal

70. A person may withdraw an appeal or a claim—

- (a) by giving notice to the Secretary of the Tribunal at any time before a hearing; or
- (b) orally at a hearing.

Orders for costs and expenses

71.—(1) The President or the Chair of the tribunal panel which decided the case must not normally make an order in respect of costs and expenses, but may, subject to paragraph (3), make such an order—

- (a) against a party if the President or the Chair is of the opinion that a party has been responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided or that the party's conduct in making or resisting the appeal or claim was unreasonable;
- (b) against a representative if the President or the Chair is of the opinion that the representative is responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided;
- (c) against a party who has failed to attend or be represented at a hearing of which that party has been duly notified;
- (d) against the local authority or responsible body

- fethodd â chyflwyno datganiad achos o dan reoliad 21;
- (d) yn erbyn yr awdurdod lleol neu gorff cyfrifol os yw'r Llywydd neu'r Cadeirydd o'r farn bod y penderfyniad a herir yn afresymol.
- (2) Ceir gwneud unrhyw orchymyn mewn perthynas â chostau a threuliau—
- (a) mewn perthynas ag unrhyw gostau a threuliau a achoswyd, neu unrhyw lwfansau a dalwyd; neu
- (b) mewn perthynas â'r cyfan, neu unrhyw ran, o unrhyw lwfans (ac eithrio lwfansau a delir i aelodau o'r Tribiwnlys) a delir gan Weinidogion Cymru i unrhyw berson at ddibenion, neu mewn cysylltiad â phresenoldeb y person hwnnw mewn gwrandawriad Tribiwnlys.
- (3) Ceir gwneud gorchymyn ar gyfer costau ar gais parti neu ar gymhelliad y Llywydd neu'r Cadeirydd ei hunan.
- (4) Rhaid i barti sy'n gwneud cais am orchymyn o dan baragraff (3)—
- (a) cyflwyno cais ysgrifenedig a rhestr o'r costau a hawlir i Ysgrifennydd y Tribiwnlys; a
- (b) cyflwyno copi o'r cais a'r rhestr o gostau i'r person y bwriedir gwneud y gorchymyn yn ei erbyn.
- (5) Ceir gwneud cais am orchymyn o dan baragraff (3) ar unrhyw adeg yn ystod yr apêl neu'r hawliad ond ni cheir ei wneud yn hwyrach nag 28 diwrnod ar ôl y dyddiad—
- (a) pan ddyroddwyd yr hysbysiad gan y panel tribiwnlys a oedd yn cofnodi'r penderfyniad a oedd yn penderfynu'n derfynol ar bob mater yn yr apêl neu'r hawliad;
- (b) ar ôl tynnu'n ôl yr apêl neu'r hawliad, pan wnaed gorchymyn gan y panel tribiwnlys yn gwrthod yr apêl neu'r hawliad;
- (c) yn dilyn ildiad yr awdurdod lleol i'r apêl, pan ddyroddwyd yr hysbysiad o benderfyniad gan y panel tribiwnlys.
- (6) Yn achos cais am orchymyn o dan baragraff (3)—
- (a) rhaid i'r Llywydd neu'r Cadeirydd ei wrthod os yw'r parti yn gofyn i'r Tribiwnlys ystyried mater sydd y tu allan i'w bwerau;
- (b) caiff y Llywydd neu'r Cadeirydd ei wrthod yn gyfan gwbl neu'n rhannol os, ym marn y Llywydd neu'r Cadeirydd, nad oes siawns resymol y gall y cyfan neu'r rhan ohono lwyddo.
- (7) Oni wrthodir cais am orchymyn o dan baragraff
- where it has not submitted a case statement under regulation 21;
- (e) against the local authority or the responsible body where the President or the Chair considers that the disputed decision was unreasonable.
- (2) Any order in respect of costs and expenses may be made—
- (a) as respects any costs and expenses incurred, or any allowances paid; or
- (b) as respects the whole, or any part, of any allowance (other than allowances paid to members of the Tribunal) paid by the Welsh Ministers to any person for the purposes of, or in connection with, a person's attendance at a Tribunal hearing.
- (3) An order for costs may be made on the application of a party or on the President's or the Chair's own initiative.
- (4) A party making an application for an order under paragraph (3) must—
- (a) submit a written application and a schedule of costs claimed to the Secretary of the Tribunal; and
- (b) serve a copy of the application and schedule of costs on the person against whom it is proposed that the order is made.
- (5) An application for an order under paragraph (3) may be made at any time during the appeal or the claim but may not be made later than 28 days from the date on which the tribunal panel—
- (a) issued the decision notice recording the decision which finally disposed of all issues in the appeal or the claim;
- (b) upon withdrawal of the appeal or the claim, made an order dismissing the appeal or the claim;
- (c) following the local authority's concession to the appeal, issued the decision notice.
- (6) An application for an order under paragraph (3)—
- (a) must be refused by the President or the Chair if a party is asking the Tribunal to consider a matter which is outside its powers;
- (b) may be refused in whole or part by the President or the Chair if, in the President's or the Chair's opinion, the whole or part of it has no reasonable chance of success.
- (7) Unless an application for an order is refused

(6), rhaid ei benderfynu ar ôl rhoi cyfle i'r parti a'r person y bwriedir gwneud y gorchymyn yn ei erbyn gael eu clywed gan y Llywydd neu'r Cadeirydd.

(8) Os gwneir gorchymyn o dan baragraff (3), caiff y Llywydd neu'r Cadeirydd roi cyfarwyddiadau y mae'n rhaid cydymffurfio â hwy cyn neu yn ystod y gwrandawriad costau.

(9) Os digwydd i barti fethu â chydymffurfio â chyfarwyddyd a roddwyd o dan baragraff (8), caiff y Llywydd neu'r Cadeirydd gymryd y ffaith honno i ystyriaeth wrth benderfynu pa un a wneir gorchymyn ar gyfer costau ai peidio.

(10) Caiff gorchymyn o dan baragraff (3) ei gwneud yn ofynnol bod y parti neu'r cynrychiolydd y gwneir y gorchymyn yn ei erbyn yn talu i barti naill ai swm penodedig mewn perthynas â'r costau a'r treuliau a achoswyd i'r parti arall hwnnw mewn cysylltiad â'r apêl neu'r hawliad, neu'r cyfan neu ran o'r cyfryw gostau, fel y'u hasesir, oni chytunir arnynt rywfodd arall.

(11) Rhaid i orchymyn ar gyfer asesu costau o dan y rheoliad hwn ganiatáu i'r llys sirol wneud asesiad manwl o gostau yn unol â Rheolau'r Weithdrefn Sifil 1998, naill ai ar y sail safonol neu, os pennir hynny yn y gorchymyn, ar sail indemniad.

Pŵer i arfer swyddogaethau'r Llywydd a'r Cadeirydd

72.—(1) Yn ddarostyngedig i baragraff (2), caiff Cadeirydd arfer unrhyw swyddogaeth y mae'n ofynnol i'r Llywydd, neu yr awdurdodir y Llywydd i'w harfer o dan y Rheoliadau hyn.

(2) Ni chaiff Cadeirydd arfer swyddogaeth o dan reoliad 28 o'r Rheoliadau hyn.

(3) Os yw, yn unol â pharagraff (1)—

- (a) yn ofynnol bod Cadeirydd yn dewis Cadeirydd i banel tribiwnlys, caiff ddewis ei hunan;
- (b) Cadeirydd yn gwneud penderfyniad, bydd rheoliadau 56 a 57 yn gymwys mewn perthynas â'r penderfyniad hwnnw fel pe baent yn cyfeirio at Gadeirydd yn lle'r Llywydd.

(4) Yn ddarostyngedig i reoliad 77(6), os bydd farw'r Cadeirydd neu os â'n analluog, neu os yw'n peidio â bod yn aelod o banel y cadeiryddion, yn dilyn penderfyniad o'r panel tribiwnlys, caiff y Llywydd neu Gadeirydd arall a benodir o banel y cadeiryddion arfer swyddogaethau'r Cadeirydd.

Pŵer i arfer swyddogaethau aelod o'r panel addysg mewn perthynas ag adolygiad

73.—(1) Os bydd farw, neu os â'n analluog, aelod o'r panel tribiwnlys ac eithrio'r Cadeirydd, neu os yw

under paragraph (6), it must be determined after the party and the person against whom it is proposed that the order is made have had an opportunity to be heard by the President or the Chair.

(8) If an order is made under paragraph (3), the President or the Chair may give directions to be complied with before or at the costs hearing.

(9) If a party fails to comply with a direction given under paragraph (8) the President or the Chair may take account of that fact when deciding whether to make an order for costs.

(10) An order under paragraph (3) may require the party or representative against whom it is made to pay a party either a specified sum in respect of the costs and expenses incurred by that other party in connection with the appeal or claim or the whole or part of such costs as assessed if not otherwise agreed.

(11) An order under this regulation for costs to be assessed must allow the county court to make a detailed assessment of costs in accordance with the Civil Procedure Rules 1998 either on the standard basis or if specified in the order on the indemnity basis .

Power to exercise the functions of the President and Chair

72.—(1) Subject to paragraph (2), a Chair may exercise any function which these Regulations require or authorise the President to do.

(2) A Chair may not exercise a function under regulation 28 of these Regulations.

(3) Where in accordance with paragraph (1), a Chair—

- (a) is required to select the Chair to a tribunal panel, a Chair may select themselves;
- (b) makes a decision, regulations 56 and 57 apply in relation to that decision as if they referred to a Chair in place of the President.

(4) Subject to regulation 77(6), in the event of the death or incapacity of the Chair, or if the Chair ceases to be a member of the chairmen's panel, following the decision of the tribunal panel, the functions of the Chair may be exercised by the President or another Chair appointed from the chairmen's panel.

Power to exercise the functions of an education panel member in relation to a review

73.—(1) In the event of the death or incapacity of a member of the tribunal panel other than the Chair, or if

person yn peidio â bod yn aelod o'r panel addysg, yn dilyn penderfyniad o'r panel tribiwnlys, caiff y ddau aelod arall ymgymryd â swyddogaethau'r panel tribiwnlys mewn perthynas ag unrhyw adolygiad o benderfyniad.

(2) Nid yw'r rheoliad hwn yn gymwys i banel tribiwnlys—

- (a) a gyfansoddir o ddau aelod yn unol â rheoliad 45(5);
- (b) yr awdurdodwyd unrhyw berson i weithredu yn lle ei Gadeirydd yn unol â rheoliad 72(4).

Ysgrifennydd y Tribiwnlys

74. Caiff aelod arall o staff y Tribiwnlys, a awdurdodir gan y Llywydd, gyflawni un o swyddogaethau Ysgrifennydd y Tribiwnlys.

Y Gofrestr

75.—(1) Rhaid i Ysgrifennydd y Tribiwnlys gadw Cofrestr o'r apelau a'r hawliadau a gofrestrir gan y Tribiwnlys.

(2) Rhaid gwneud cofnod yn y Gofrestr o bob apêl a hawliad, a rhaid i'r cofnod ym mhob achos gynnwys y manylion canlynol pan fo'n briodol—

- (a) enwau a chyfeiriadau'r partïon;
- (b) manylion cryno o natur yr apêl neu'r hawliad;
- (c) dyddiad unrhyw wrandawriad, gan gynnwys unrhyw wrandawriad ar faterion rhagarweiniol neu achlysurol, a phan fo'n briodol, natur y gwrandawriad;
- (ch) manylion o unrhyw gyfarwyddiadau neu orchmynion a ddyroddir; a
- (d) y ddogfen y cofnodwyd penderfyniad y panel tribiwnlys ynddi o dan reoliad 55(3).

(3) Ceir cadw'r Gofrestr neu unrhyw ran ohoni mewn ffurf electronig.

Cyhoeddi

76.—(1) Caiff y Llywydd wneud pa bynnag drefniadau a ystyrir yn briodol gan y Llywydd ar gyfer cyhoeddi penderfyniadau panel tribiwnlys.

(2) Ceir cyhoeddi penderfyniadau yn electronig.

(3) Ceir cyhoeddi penderfyniad mewn ffurf olygedig, neu'n ddarostyngedig i unrhyw ddileadau, os yw'r Llywydd o'r farn bod hynny'n briodol, gan roi sylw i—

- (a) yr angen i ddiogelu lles a buddiannau'r plentyn neu unrhyw berson arall;

a person ceases to be a member of the education panel, following the decision of the tribunal panel, the functions of the tribunal panel in relation to any review of a decision may be undertaken by the other two members.

(2) This regulation does not apply to a tribunal panel—

- (a) which is constituted of two members in accordance with regulation 45(5);
- (b) of which any person is authorised to act in place of the Chair in accordance with regulation 72(4).

The Secretary of the Tribunal

74. A function of the Secretary of the Tribunal may be performed by another member of the staff of the Tribunal authorised by the President.

Register

75.—(1) The Secretary of the Tribunal must keep a Register of appeals and claims registered by the Tribunal.

(2) There must be entered in the Register a note of all appeals and claims registered, and the entry for each case must contain the following particulars where appropriate—

- (a) the names and addresses of the parties;
- (b) brief details of the nature of the appeal or the claim;
- (c) the date of any hearing including any hearing on preliminary or incidental matters, and, where appropriate, the nature of the hearing;
- (d) details of any directions or orders issued; and
- (e) the document in which the decision of the tribunal panel has been recorded under regulation 55(3).

(3) The Register or any part of it may be kept in electronic form.

Publication

76.—(1) The President may make such arrangements as the President considers appropriate for the publication of tribunal panel decisions.

(2) Decisions may be published electronically.

(3) A decision may be published in an edited form, or subject to any deletions, where the President considers that it is appropriate having had regard to—

- (a) the need to safeguard the welfare and interests of the child or any other person;

- (b) yr angen i barchu bywyd preifat unrhyw berson;
- (c) unrhyw sylwadau ar y mater a ddarparwyd gan unrhyw berson mewn ysgrifen i'r Llywydd neu'r panel tribiwnlys ar unrhyw adeg cyn cyhoeddi, o dan y trefniadau a wnaed o dan baragraff (1).

(4) Rhaid cyhoeddi penderfyniad y panel tribiwnlys mewn modd a fydd yn sicrhau bod enw'r plentyn yn parhau'n anhysbys.

Afreoleidd-dra

77.—(1) Ni chaiff afreoleidd-dra, sy'n tarddu o fethiant i gydymffurfio ag unrhyw ddarpariaeth o'r Rheoliadau hyn, o gyfarwyddyd ymarfer neu o unrhyw gyfarwyddyd gan y Llywydd neu'r panel tribiwnlys cyn i'r panel tribiwnlys gyrraedd ei benderfyniad beri, yn ei hunan, bod yr achos yn ddi-rym.

(2) Os daw unrhyw afreoleidd-dra o'r fath i sylw'r panel tribiwnlys, caiff y panel tribiwnlys, os tybia y gallai unrhyw berson fod wedi ei ragfarnu gan yr afreoleidd-dra, roi pa bynnag gyfarwyddiadau a ystyria'n gyfiawn cyn cyrraedd ei benderfyniad i gywiro'r afreoleidd-dra.

(3) Caiff y Cadeirydd neu'r Llywydd (yn ôl fel y digwydd), ar unrhyw adeg, gywiro camgymeriadau clerigol mewn unrhyw ddogfen sy'n cofnodi cyfarwyddyd neu benderfyniad y panel tribiwnlys neu gyfarwyddyd neu benderfyniad y Llywydd ac a baratowyd gan neu ar ran y Tribiwnlys, neu wallau mewn dogfennau o'r fath a achoswyd gan lithriadau neu hepgorion damweiniol, drwy gyfrwng tystysgrif a lofnodir gan y Cadeirydd neu'r Llywydd.

(4) Rhaid i Ysgrifennydd y Tribiwnlys, cyn gynted ag y bo'n ymarferol, anfon copi at bob parti o unrhyw ddogfen gywiredig sy'n cynnwys rhesymau dros benderfyniad y panel tribiwnlys.

(5) Pan fo person wedi penodi cynrychiolydd yn unol â rheoliad 18, rhaid i Ysgrifennydd y Tribiwnlys (er gwaethaf rheoliad 15(11)(a)) anfon copi o'r ddogfen y cyfeirir ati ym mharagraff (4) at y person yn ogystal ag at y cynrychiolydd.

(6) Pan fo'n ofynnol o dan y Rheoliadau hyn bod Cadeirydd yn lofnodi dogfen, ond na all y Cadeirydd wneud hynny oherwydd marwolaeth neu analluedd, rhaid i aelodau eraill y panel tribiwnlys lofnodi'r ddogfen ac ardystio bod y Cadeirydd yn analluog i'w lofnodi.

Profi dogfennau ac ardystio penderfyniadau

78.—(1) Mae dogfen sy'n honni bod yn ddogfen a ddyroddwyd gan Ysgrifennydd y Tribiwnlys ar ran y Llywydd neu'r panel tribiwnlys, oni phrofir i'r gwrthwyneb, i'w hystyried yn ddogfen a ddyroddwyd felly.

- (b) the need to respect the private life of any person;
- (c) any representations on the matter which any person has provided in writing to the President or the tribunal panel at any time prior to publication under the arrangements made under paragraph (1).

(4) A decision of the tribunal panel must be published in such manner as to protect the anonymity of the child.

Irregularities

77.—(1) An irregularity resulting from failure to comply with any provision of these Regulations, a practice direction or of any direction of the President or the tribunal panel before the tribunal panel has reached its decision may not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the tribunal panel, the tribunal panel may, if it considers that any person may have been prejudiced by the irregularity, give such directions as it thinks just before reaching its decision to remedy the irregularity.

(3) Clerical mistakes in any document recording a direction or decision of the tribunal panel or a direction or decision of the President produced by or on behalf of the Tribunal or errors arising in such documents from accidental slips or omissions may at any time be corrected by the Chair or the President (as the case may be) by certificate signed by the Chair or the President.

(4) The Secretary of the Tribunal must as soon as practicable send a copy of any corrected document containing reasons for the tribunal panel's decision, to each party.

(5) Where a person has appointed a representative in accordance with regulation 18, the Secretary of the Tribunal must (notwithstanding regulation 15(11)(a)) send a copy of the document referred to in paragraph (4) to the person as well as the representative.

(6) Where these Regulations require the Chair to sign a document, but by reason of death or incapacity the Chair is unable to do so, the other members of the tribunal panel must sign it and certify that the Chair is unable to sign.

Proof of documents and certification of decisions

78.—(1) A document purporting to be a document issued by the Secretary of the Tribunal on behalf of the President or the tribunal panel is, unless the contrary is proved, to be considered to be a document so issued.

(2) Bydd dogfen sy'n honni ei bod wedi ei hardystio gan Ysgrifennydd y Tribiwnlys fel copi cywir o ddogfen sy'n cynnwys penderfyniad y panel tribiwnlys, oni phrofir i'r gwrthwyneb, yn dystiolaeth ddiogonol o gynnwys y ddogfen honno.

Y dull o anfon, rhoi neu gyflwyno hysbysiadau a dogfennau

79.—(1) Rhaid i hysbysiad a roddir o dan y Rheoliadau hyn fod mewn ysgrifen, a rhaid i barti y mae'n ofynnol iddo, o dan y Rheoliadau hyn, hysbysu Ysgrifennydd y Tribiwnlys o fater, wneud hynny mewn ysgrifen.

(2) Rhaid i hysbysiadau a dogfennau sydd i'w darparu o dan y Rheoliadau hyn gael—

- (a) eu hanfon drwy'r post rhagdaledig at Ysgrifennydd y Tribiwnlys neu'u danfon â llaw i swyddfa'r Tribiwnlys neu ba bynnag swyddfa arall yr hysbysir y partïon ohoni gan Ysgrifennydd y Tribiwnlys;
- (b) eu hanfon drwy drawsyrriad ffacsimili i'r rhif a bennwyd ar gyfer y Tribiwnlys;
- (c) eu hanfon drwy e-bost i'r cyfeiriad a bennwyd ar gyfer y Tribiwnlys; neu
- (ch) eu hanfon neu'u danfon drwy ba bynnag dull arall a ganiateir neu a gyfarwyddir gan y Tribiwnlys.

(3) Rhaid i barti sy'n anfon hysbysiad neu ddogfen at y Tribiwnlys drwy e-bost neu drawsyrriad ffacsimili beidio â thrin yr hysbysiad neu'r ddogfen fel pe bai wedi ei ddanfon neu'i danfon oni cheir cydnabyddiaeth o hynny gan y Tribiwnlys.

(4) Yn ddarostyngedig i baragraff (5), os yw parti'n darparu rhif ffacsimili, cyfeiriad e-bost neu fanylion eraill ar gyfer cyflwyno hysbysiadau neu ddogfennau iddo, rhaid i'r parti hwnnw dderbyn danfon dogfennau ato drwy'r dull hwnnw.

(5) Os yw parti'n rhoi gwybod i'r Tribiwnlys ac i'r parti arall rhaid peidio â defnyddio dull cyfathrebu penodol, ac eithrio'r post rhagdaledig neu ddanfon â llaw, i ddarparu dogfennau i'r parti hwnnw, rhaid peidio â defnyddio'r dull hwnnw o gyfathrebu.

(6) Os yw'r Tribiwnlys neu barti yn anfon dogfen at barti neu at y Tribiwnlys drwy e-bost neu unrhyw dull cyfathrebu electronig arall, caiff y derbynnydd ofyn i'r anfonwr ddarparu copi caled o'r ddogfen honno i'r derbynnydd. Rhaid i'r derbynnydd wneud cais o'r fath cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael y ddogfen yn electronig.

(7) Caiff y Tribiwnlys a phob parti gymryd yn ganiataol mai'r cyfeiriad a ddarperir gan barti neu gynrychiolydd yw'r cyfeiriad y mae'n rhaid anfon neu ddanfon dogfennau iddo, ac y bydd yn parhau felly oni chânt hysbysiad ysgrifenedig i'r gwrthwyneb.

(2) A document purporting to be certified by the Secretary of the Tribunal as a true copy of a document containing a decision of the tribunal panel is, unless the contrary is proved, to be sufficient evidence of its contents.

Method of sending, submitting or serving notices and documents

79.—(1) A notice given under these Regulations must be in writing and a party whom the Regulations require to notify a matter to the Secretary of the Tribunal must do so in writing.

(2) Notices and documents to be provided under these Regulations must be—

- (a) sent by pre-paid post to the Secretary of the Tribunal or delivered by hand to the office of the Tribunal or such other office as the Secretary of the Tribunal may notify to the parties;
- (b) sent by facsimile transmission to the number specified for the Tribunal;
- (c) sent by email to the address specified for the Tribunal; or
- (d) sent or delivered by such other method as the Tribunal may permit or direct.

(3) A party who sends a notice or document to the Tribunal by email or facsimile transmission must not treat the notice or document as having been delivered unless its delivery has been acknowledged by the Tribunal.

(4) Subject to paragraph (5), if a party provides a facsimile number, email address or other details for the service of notices or documents to them, that party must accept delivery of documents by that method.

(5) If a party informs the Tribunal and the other party that a particular form of communication, other than pre-paid post or delivery by hand, must not be used to provide documents to that party, that form of communication must not be used.

(6) If the Tribunal or a party sends a document to a party or the Tribunal by email or any other electronic means of communication, the recipient may request that the sender provide a hard copy of the document to the recipient. The recipient must make such a request as soon as reasonably practicable after receiving the document electronically.

(7) The Tribunal and each party may assume that the address provided by a party or a representative is and remains the address to which documents must be sent or delivered unless they receive written notification to the contrary.

(8) Ceir anfon yr hysbysiadau a'r dogfennau yr awdurdodir neu y gwneir yn ofynnol bod y Llywydd, y panel tribiwnlys neu Ysgrifennydd y Tribiwnlys yn eu hanfon o dan y Rheoliadau hyn (yn ddarostyngedig i baragraff (10)) naill ai drwy'r post dosbarth cyntaf, drwy drawsyrriad ffacsimili, drwy e-bost, neu gellir eu danfon—

(a) yn achos parti—

(i) i gyfeiriad y parti hwnnw ar gyfer cyflwyno fel a bennir yn y cais apêl neu'r cais hawlio neu mewn ateb ysgrifenedig neu mewn hysbysiad o dan baragraff (9), neu

(ii) os nad oes cyfeiriad ar gyfer cyflwyno wedi ei bennu felly, i'r cyfeiriad olaf sy'n hysbys ar gyfer y parti hwnnw; a

(b) yn achos unrhyw berson arall, i breswylfa neu fan busnes y person hwnnw, neu, os yw'r person yn gorfforaeth, i swyddfa gofrestredig neu brif swyddfa'r gorfforaeth.

(9) Caiff parti, ar unrhyw adeg, drwy roi hysbysiad i Ysgrifennydd y Tribiwnlys newid cyfeiriad y parti hwnnw ar gyfer cyflwyno o dan y Rheoliadau hyn.

(10) Rhaid defnyddio'r gwasanaeth danfon cofnodedig yn lle'r post dosbarth cyntaf i gyflwyno gwys sy'n mynnu cael presenoldeb tyst a ddyroddir o dan reoliad 48.

(11) Rhaid tybio bod hysbysiad neu ddogfen a anfonwyd gan y Tribiwnlys drwy'r post dosbarth cyntaf yn unol â'r Rheoliadau hyn, ac nas dychwelwyd at y Tribiwnlys, wedi ei gael neu'i chael gan y derbynnydd ar yr ail ddiwrnod gwaith ar ôl y dyddiad postio oni ddangosir i'r gwrthwyneb.

(12) Rhaid tybio, oni ddangosir i'r gwrthwyneb, mai'r dyddiad postio yw'r dyddiad a ddangosir yn y marc post ar yr amlen sy'n cynnwys yr hysbysiad neu'r ddogfen.

(13) Rhaid tybio bod hysbysiad neu ddogfen a anfonir gan y Tribiwnlys at barti drwy e-bost neu drawsyrriad ffacsimili wedi ei ddanfôn neu'i danfon pan geir yr hysbysiad neu'r ddogfen mewn ffurf ddarllenadwy.

(14) Os, am unrhyw reswm digonol, na ellir cyflwyno unrhyw ddogfen neu hysbysiad yn y modd a ragnodir o dan y rheoliad hwn, caiff y Llywydd neu'r panel tribiwnlys naill ai hepgor y cyflwyno, neu wneud gorchymyn ar gyfer cyflwyno ym mha bynnag ddull amgen a ystyrir yn briodol gan y Llywydd neu'r panel tribiwnlys, a rhaid bod cyflwyno yn y dull amgen hwnnw'n cael yr un effaith â chyflwyno yn y modd a ragnodir o dan y rheoliad hwn.

Cyfrifo amser

80.—(1) Rhaid i weithred sy'n ofynnol gan y Rheoliadau hyn, gan gyfarwyddyd ymarfer neu gyfarwyddyd ac sydd i'w gwneud ar ddiwrnod penodol

(8) Notices and documents which these Regulations authorise or require the President, the tribunal panel or the Secretary of the Tribunal to send may (subject to paragraph (10)) either be sent by first class post, by facsimile transmission to, by email to or delivered at—

(a) in the case of a party—

(i) the party's address for service specified in the appeal application or the claim application or in a written reply or in a notice under paragraph (9), or

(ii) if no address for service has been so specified the party's last known address; and

(b) in the case of any other person, the person's place of residence or business or if the person is a corporation, the corporation's registered or principal office.

(9) A party may at any time by notice to the Secretary of the Tribunal change that party's address for service under these Regulations.

(10) The recorded delivery service must be used instead of first class post for service of a summons issued under regulation 48 requiring the attendance of a witness.

(11) A notice or document sent by the Tribunal by first class post in accordance with these Regulations, and not returned to the Tribunal, is to be taken to have been received by the addressee on the second working day after the date of posting, unless the contrary is shown.

(12) The date of posting is to be presumed, unless the contrary is shown, to be the date shown in the postmark on the envelope in which the notice or document is contained.

(13) A notice or document sent by the Tribunal to a party using email or facsimile transmission is to be taken to have been delivered when it is received in legible form.

(14) Where for any sufficient reason service of any document or notice cannot be effected in the manner prescribed under this regulation, the President or the tribunal panel may dispense with service or make an order for substituted service in such manner as the President or the tribunal panel may deem fit and such service must have the same effect as service in the manner prescribed under this regulation.

Calculating time

80.—(1) An act required by these Regulations, a practice direction or a direction to be done on or by a particular day must be done by 5pm on that day.

neu erbyn diwrnod penodol gael ei gwneud erbyn 5pm ar y diwrnod hwnnw.

(2) Os yw'r amser a bennir gan y Rheoliadau hyn, gan gyfarwyddyd ymarfer neu gan gyfarwyddyd ar gyfer gwneud unrhyw weithred yn gorffen ar ddiwrnod nad yw'n ddiwrnod gwaith, mae'r weithred wedi ei gwneud yn brydlon os yw wedi ei gwneud ar y diwrnod gwaith canlynol.

(3) Os yw'r amser ar gyfer cychwyn achos drwy ddarparu'r cais apêl neu'r cais hawliad i'r Tribiwnlys o dan reoliad 12 yn gorffen ar ddiwrnod rhwng 25 Rhagfyr a 1 Ionawr gan gynnwys y dyddiau hynny, neu ar unrhyw ddiwrnod ym mis Awst—

- (a) mae'r cais apêl neu'r cais hawliad wedi ei ddarparu yn brydlon os daw i law'r Tribiwnlys ar y diwrnod gwaith cyntaf ar ôl 1 Ionawr neu 31 Awst, fel y bo'n briodol; a
- (b) rhaid peidio â chyfrif y dyddiau rhwng 25 Rhagfyr a 1 Ionawr gan gynnwys y dyddiau hynny nac unrhyw ddiwrnod ym mis Awst wrth gyfrifo'r amser erbyn pryd y mae'n rhaid gwneud unrhyw weithred arall.

(4) Nid yw paragraff (3)(b) yn gymwys pan fo'r Tribiwnlys yn cyfarwyddo bod rhaid i weithred gael ei gwneud erbyn dyddiad penodedig neu ar ddyddiad penodedig.

Llofnodi dogfennau

81. Pan yw'n ofynnol o dan y Rheoliadau hyn bod dogfen wedi ei llofnodi, bodlonir y gofyniad hwnnw—

- (a) os yw'r llofnod wedi ei ysgrifennu; neu
- (b) yn achos dogfen a gyfathrebwyd yn electronig yn unol â'r Rheoliadau hyn, gan lofnod electronig y person y mae'n ofynnol iddo'i llofnodi.

(2) If the time specified by these Regulations, a practice direction or a direction for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.

(3) If the time for commencing proceedings by providing the appeal application or the claim application to the Tribunal under regulation 12 ends on a day from 25 December to 1 January inclusive, or on any day in August—

- (a) the appeal application or the claim application is provided in time if it is received by the Tribunal on the first working day after 1 January or 31 August, as appropriate; and
- (b) the days from 25 December to 1 January inclusive and any day in August must not be counted when calculating the time by which any other act must be done.

(4) Paragraph 3(b) does not apply where the Tribunal directs that an act must be done by or on a specified date.

Signature of documents

81. Where these Regulations require a document to be signed, that requirement is satisfied—

- (a) if the signature is written; or
- (b) in the case of a document which is communicated electronically in accordance with these Regulations by the electronic signature of the person who is required to sign it.

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

Minister for Education and Skills, one of the Welsh Ministers

8 Chwefror 2012

8 February 2012

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