SMC19

Tynnir eich sylw at ddarpariaethau Adran 55 Deddf 1979. Yn unol â hwy, gall y rhai sy’n tybio iddynt gael cam yn sgil y penderfyniad yn y llythyr amgaeëdig herio ei ddilysrwydd trwy gais I’r Uchel Lys o fewn chwe wythnos I ddyddiad y penderfyniad. Gellir gwneud cais I’r llys am y rhesymau a ganlyn:

a. nid yw’r penderfyniad oddi mewn I rym y Ddeddf (hynny yw, mae’r Llywodraeth Cymru wedi gweithredu y tu hwnt I’w rym);

b. ni chydymffurfiwyd ag un o’r gofynion perthnasol ac oherwydd hynny niweidiwyd lles yr ymgeisydd yn sylweddol.

Caiff y “gofynion perthnasol” eu diffinio yn Adran 55 Deddf 1979: hwy yw gofynion y Ddeddf honno a Deddf Tribiwnlysoedd ac Ymchwiliadau 1971, neu unrhyw ddeddf a ddisodlwyd ganddi, a gofynion unrhyw orchmynion, rheoliadau neu reolau a wnaed yn unol â’r Deddfau hynny neu unrhyw Ddeddfau a ddisodlwyd ganddynt.

Cynghorir y rhai sy’n credu bod ganddynt reswm dros herio’r penderfyniad I geisio cyngor cyfreithiol cyn gweithredu.

Your attention is drawn to the provisions of Section 55 of the 1979 Act under which a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds on which an application may be made to the court are:

a. that a decision is not within the powers of the Act (that is, the Welsh Government has exceeded its powers);

b. that any of the relevant requirements have not been complied with and the applicant’s interest has been substantially prejudiced by the failure to comply.

“The relevant requirements” are defined in Section 55 of the 1979 Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or any of the Acts replaced by those Acts.

A person who thinks he may have grounds for challenging the decision is advised to seek legal advice before taking any action.