

Hysbysiad apelydd

Respondent's notice

At ddefnydd swyddfa'n unig

Dyddiad derbyn

Dyddiad cyhoeddi

Rhif yr achos apêl

Enw llawn y person y mae'r achos yn ymwneud ag ef/hi (dyma'r person nad oes ganddo allu, neu yr honnir nad oes ganddo allu)

SÊL

For office use only

Date received

Date issued

Appeal case no.

Full name of person to whom the proceedings relate (this is the person who lacks, or is alleged to lack, capacity)

SEAL

Darllenwch hwn i ddechrau

- Rhaid i chi ffeilio'r hysbysiad atebydd hwn os cyflwynir i chi hysbysiad apelydd COP35 a'ch bod yn dymuno:
 - apelio am resymau gwahanol yn erbyn yr un gorchymyn; neu
 - gofyn i'r llys gadarnhau gorchymyn barnwr y tro cyntaf am resymau gwahanol neu ychwanegol i'r rhai a roddwyd gan farnwr y tro cyntaf.
- Does dim angen i chi ffeilio hysbysiad atebydd os ydych chi'n:
 - cytuno â'r gorchymyn gwreiddiol a'r rhesymau a roddwyd gan farnwr y tro cyntaf; neu
 - yn cytuno â'r apelydd ac yn cefnogi'r apêl.
- Gelwir y person cyntaf i apelio yn erbyn penderfyniad y llys yn apelydd. Mae unrhyw barti arall yn yr apêl yn cael ei alw'n atebydd.

Please read first

- You must file this respondent's notice if you are served with a COP35 appellant's notice and you wish to:
 - appeal on different grounds against the same order; or
 - ask the court to uphold the order of the first instance judge for reasons different from, or additional to, those given by the first instance judge.
- You do not need to file a respondent's notice if you:
 - agree with the original order and reasons given by the first instance judge; or
 - agree with the appellant and support the appeal.
- The first person to appeal against any decision of the court is called the appellant. Any other party to the appeal is a respondent.

- Rhaid i chi ffeilio eich hysbysiad atebydd:
 - o fewn y terfyn amser a bennwyd gan farnwr y tro cyntaf; neu
 - lle nad yw barnwr y tro cyntaf wedi gosod cyfyngiad amser, cyn pen 21 diwrnod gan ddechrau o'r dyddiad pryd y cyflwynwyd i chi:
 - hysbysiad yr apelydd, lle y mae caniatâd i apelio wedi'i roi neu nad yw'n angenrheidiol; neu
 - hysbysiad bod caniatâd wedi'i roi; neu
 - hysbysiad bod y cais am ganiatâd a'r apêl i gael eu clywed gyda'i gilydd.
- Efallai y bydd rhaid i chi dalu am unrhyw gostau a gyfyd yn ystod yr achos. Os bydd y llys o'r farn eich bod wedi ymddwyn yn afresymol, gellir gorchymyn i chi dalu costau partïon eraill.
- Defnyddiwch ddalen bapur ar wahân i barhau os oes angen mwy o le arnoch i ateb cwestiwn. Ysgrifennwch rif yr achos apêl, eich enw, enw'r person y mae'r cais yn ymwneud ag ef/hi a rhif y cwestiwn yr ydych yn ei ateb ar ddalen ar wahân.
- Ceir nodiadau cyfarwyddyd pellach ar ddiwedd y ffurflen hon.
- Os ydych angen cymorth i lenwi'r ffurflen hon, edrychwch ar y wefan, www.gwasanaeth-llysoeddem.gov.uk neu www.direct.gov.uk am fwy o arweiniad neu wybodaeth, neu cysylltwch â Gwasanaeth Ymholiadau'r Llys ar 0300 456 4600 neu courtsofprotectionenquiries@hmcourts-service.gsi.gov.uk.
- Ni all staff y Llys Gwarchod roi cyngor cyfreithiol. Os oes angen cyngor cyfreithiol arnoch, cysylltwch â thwrnai.
- You must file your respondent's notice:
 - within the time limit set by the first instance judge; or
 - where the first instance judge has set no time limit, within 21 days beginning with the date you were served with:
 - the appellant's notice, where permission to appeal has been given or is not required; or
 - notification that permission has been granted; or
 - notification that the application for permission and the appeal are to be heard together.
- You may need to pay for any costs you incur during proceedings. If the court considers that you have acted unreasonably you can be ordered to pay the costs incurred by other parties.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write the appeal case number, your name, the name of the person to whom the application relates, and the number of the question you are answering on each separate sheet.
- There are additional guidance notes at the end of this form.
- If you need help completing this form please check the website, www.hmcourts-service.gov.uk or www.direct.gov.uk, for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or courtsofprotectionenquiries@hmcourts-service.gsi.gov.uk.
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Adran 1 – Manylion yr achos apêl

1.1 Rhif yr Achos

Adran 2 – Eich manylion (yr atebydd)

2.1 Eich manylion

Mr. Mrs. Miss
 Ms. Arall _____

Enw cyntaf

Enw(au) canol

Cyfenw

2.2 Cyfeiriad (yn cynnwys y cod post)

Rhif ffôn	<input type="text"/>
Rhif ffacs	<input type="text"/>
Rhif DX	<input type="text"/>

Cyfeiriad ebost

2.3 A oes twrnai yn eich cynrychioli?

Oes Nac oes

Os Oes, rhowch fanylion y twrnai.

Enw

Cyfeiriad (yn cynnwys y cod post)

Section 1 – Details of the case being appealed

1.1 Case number

Section 2 – Your details (the respondent)

2.1 Your details

Mr. Mrs. Miss
 Ms. Other _____

First name

Middle name(s)

Last name

2.2 Address (including postcode)

Telephone no.	<input type="text"/>
Fax no.	<input type="text"/>
DX no.	<input type="text"/>

E-mail address

2.3 Is a solicitor representing you?

Yes No

If Yes, please give the solicitor's details.

Name

Address (including postcode)

Rhif ffôn	
Rhif ffacs	
Rhif DX	

Cyfeiriad e-bost

Telephone no.	
Fax no.	
DX no.	

E-mail address

2.4 I ba gyfeiriad y dylid anfon pob dogfen swyddogol?

- Eich cyfeiriad
- Cyfeiriad y twrnai
- Cyfeiriad arall
(rhowch fanylion os gwelwch yn dda)

2.4 To which address should all official documentation be sent?

- Your address
- Solicitor's address
- Other address
(please provide details)

Adran 3 – Cais am ganiatâd i wneud apêl wahanol

Os mai dim ond eisiau gofyn i farnwr yr apêl gadarnhau dyfarniad neu orchymyn barnwr y tro cyntaf yr ydych, nid oes angen caniatâd arnoch – ewch i adran 4 os gwelwch yn dda.

3.1 A oes angen caniatâd y llys arnoch chi i apelio? (gweler nodyn 1)

- Oes
- Nac oes, rwy'n apelio yn erbyn gorchymyn traddodi i garchar

3.2 Os Oes, a roddwyd caniatâd i apelio?

- Oes
- Naddo, rwyf nawr yn gofyn am ganiatâd i apelio

Section 3 – Application for permission to make a different appeal

If you wish only to ask that the appeal judge upholds the judgment or order of the first instance judge you do not require permission - please go to section 4.

3.1 Do you need permission from the court to appeal? (see note 1)

- Yes
- No, I am appealing an order for committal to prison

3.2 If Yes, has permission to appeal been granted?

- Yes
- No, I now seek permission to appeal

Adran 4 – Manylion yr ymateb i'r apêl

Section 4 - Details of response to appeal

4.1 Natur y penderfyniad yr ydych yn dymuno apelio yn ei erbyn (**gweler nodyn 2**)

- Penderfyniad rheoli achos
- Caniatawyd neu gwrthodwyd cais interim
- Penderfyniad terfynol
- Arall (rhowch fanylion os gwelwch yn dda)

4.1 Nature of decision you wish to appeal (**see note 2**)

- Case management decision
- Grant or refusal of an interim application
- Final decision
- Other (please give details)

4.2 Beth ydych chi'n gofyn i farnwr yr apêl ei wneud? (**gweler nodyn 3**)

4.2 What are you asking the appeal judge to do? (**see note 3**)

4.3 Os ydych chi'n gofyn i farnwr yr apêl gadarnhau, roi o'r naill du neu amrywio rhan o'r gorchymyn, nodwch pa ran os gwelwch yn dda.

4.3 If you are asking the appeal judge to affirm, set aside or vary part of the order please specify which part.

4.4 Os ydych chi'n gofyn i farnwr yr apêl gadarnhau gorchymyn am resymau gwahanol neu ychwanegol, nodwch pa rai os gwelwch yn dda.

4.4 If you are asking the appeal judge to uphold an order on different or additional grounds please specify those grounds.

Rhan 5 – Rhesymau dros ymateb i apêl a dadl fframwaith

Section 5 – Grounds for response to an appeal and skeleton argument

5.1 Nodwch yma eich rhesymau dros apelio. (gweler nodyn 4)

5.1 Please set out your grounds for appeal. (see note 4)

5.2 Defnyddiwch y ffurflen dadl fframwaith COP37 ar gyfer eich dadleuon i gefnogi eich rhesymau dros apelio.

5.2 Please use the COP37 skeleton argument form for your arguments in support of your grounds for appeal.

Mae dadl fframwaith: (ticiwch un blwch yn unig)

A skeleton argument: (tick only one box)

- wedi'i ffeilio gyda'r hysbysiad hwn; neu
- i ddilyn cyn pen 21 diwrnod i ffeilio'r hysbysiad hwn.

- is filed with this notice; or
- will follow within 21 days of filing this notice.

Adran 6 – Ceisiadau eraill

Cwblhewch yr adran hon os ydych chi'n gofyn am orchymyn sy'n ychwanegol i'r gorchymyn y gofynnwyd amdano yn Adran 4.2. Os gwnewch geisiadau eraill gyda'ch hysbysiad atebydd gall y llys un ai ddelio gyda'r rhain mewn unrhyw wrandawriad sy'n ymdrin â'ch cais am ganiatâd i apelio, neu mewn gwrandawriad arall ar wahân cyn gwrandawriad eich apêl.

6.1 Ydych chi'n gofyn am ohirio gweithredu unrhyw orchymyn yn eich erbyn?

Ydw Nac ydw

Os Ydw, nodwch pam eich bod yn gwneud cais am ohirio gweithredu.

6.2 Ydych chi'n gwneud cais am estyniad amser ar gyfer ffeilio'r hysbysiad atebydd?
(gweler nodyn 5)

Ydw Nac ydw

Os Ydw, nodwch y rhesymau dros yr oedi.

6.3 Ydych chi'n gwneud unrhyw geisiadau eraill i'r llys?
(gweler nodyn 6)

Ydw Nac ydw

Os Ydw, nodwch pa orchymyn yr ydych yn gofyn i'r llys ei wneud a nodwch y rhesymau dros eich cais.

Section 6 – Other applications

Please complete this section if you are asking for orders in addition to the order asked for in section 4.2. If you make other applications with your respondent's notice the court can either deal with these at any hearing which deals with your application for permission to appeal, or at another separate hearing before the hearing of your appeal.

6.1 Are you applying for a stay of execution of any order against you?

Yes No

If Yes, please state why you are applying for a stay of execution.

6.2 Are you applying for an extension of time for filing the respondent's notice?
(see note 5)

Yes No

If Yes, please state the reasons for the delay.

6.3 Are you making any other applications to the court? (see note 6)

Yes No

If Yes, please state what order you are asking the court to make and state the reasons for your application.

Tystiolaeth i gefnogi

6.4 Rhaid i unrhyw dystiolaeth i gefnogi ceisiadau eraill gael ei ffeilio gyda'r hysbysiad atebydd hwn. Os ydych chi'n rhoi unrhyw dystiolaeth ysgrifenedig ynghlwm, defnyddiwch y ffurflen datganiad tyst COP24 os gwelwch yn dda.

Tystiolaeth ynghlwm

Evidence in support

6.4 Any evidence in support of other applications must be filed with this respondent's notice. If you are attaching any written evidence please use the COP24 witness statement form.

Evidence attached

Adran 7 – Dogfennau ategol

7.1 I gefnogi eich apêl dylech ffeilio gyda'r hysbysiad hwn bob dogfen berthnasol a restrir isod. I ddangos pa ddogfennau yr ydych yn eu ffeilio, ticiwch y blychau priodol os gwelwch yn dda.

- Dau gopi o'ch hysbysiad atebydd ar gyfer y llys (h.y. y gwreiddiol ac un copi);
- Un copi o'ch dadl fframwaith;
- Copi wedi'i selio o'r gorchymyn yr apelir yn ei erbyn;
- Copi o unrhyw orchymyn yn rhoi caniatâd neu'n gwrthod caniatâd i apelio ynghyd â chopi o resymau'r barnwr dros roi neu wrthod caniatâd i apelio;
- Unrhyw ddatganiadau neu affidafidau gan dystion i gefnogi unrhyw geisiadau eraill a gynhwyswyd yn eich hysbysiad atebydd;
- Unrhyw ddogfennau eraill yr ystyriwch yn rhesymol sy'n angenrheidiol i alluogi'r llys i ddod i benderfyniad ar wrandawriad eich cais neu apêl; a
- Pha ddogfennau bynnag eraill ag a gyfarwyddir gan y llys.

Section 7 – Supporting documents

7.1 To support your appeal you should file all relevant documents listed below with this notice. To show which documents you are filing, please tick the appropriate boxes.

- Two copies of your respondent's notice for the court (i.e. the original and one copy);
- One copy of your skeleton argument;
- A sealed copy of the order being appealed;
- A copy of any order giving or refusing permission to appeal, together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- Any witness statements or affidavits in support of any other applications included in your respondent's notice;
- Any other documents which you reasonably consider necessary to enable the court to reach its decision on the hearing of your application or appeal; and
- Such other documents as the court may direct.

Rhan 8 - Datganiad gwirionedd

Mae'r datganiad gwirionedd hwn i'w lofnodi gennych chi, eich twrnai neu eich cyfaill cyfreitha.

* (Rwy'n credu)(Mae'r atebydd yn credu) bod y ffeithiau a nodir yn yr hysbysiad atebydd hwn yn wir.

Llofnodwyd

*Atebydd (cyfaill cyfreitha'r Atebydd)(twrnai'r Atebydd)

Enw

Dyddiad

Enw'r ffym

Safle neu swydd a ddelir

* Dilëwch yr opsiynau mewn cromfachau nad ydynt yn berthnasol.

Section 8 - Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

* (I believe) (The respondent believes) that the facts stated in this respondent's notice are true.

Signed

*Respondent('s solicitor)('s litigation friend)

Name

Date

Name of firm

Position or office held

* Please delete the options in brackets that do not apply.

**Yn awr darllenwch nodyn 7 ynghylch
beth i'w wneud nesaf.**

**Now read note 7 about what you
need to do next.**

Nodiadau cyfarwyddyd

Nodyn 1

Cais am ganiatâd i wneud apêl wahanol

Nid ydych angen caniatâd gan y llys apêl os yw'r gorchymyn yr ydych yn apelio yn ei erbyn yn orchymyn ar gyfer traddodi i garchar.

Mae angen caniatâd arnoch i apelio yn erbyn unrhyw orchymyn arall. Ni roddir caniatâd i apelio ond lle bo:

- y llys o'r farn y byddai gan yr apêl siawns dda o lwyddo; neu
- rhyw reswm cryf arall paham y dylid clywed yr apêl.

Nodyn 2

Natur y penderfyniad yr ydych yn dymuno apelio yn ei erbyn

Mae penderfyniadau rheoli achos yn cynnwys gorchymynion yn ymwneud â'r canlynol:

- amserlen ar gyfer gwrandawriad;
- ffeilio a chyfnwid gwybodaeth (tystion ac arbenigwyr);
- datgelu dogfennau; neu
- ychwanegu parti at achos.

Gallai caniatáu neu wrthod cais interim gynnwys gwaharddeb i'ch atal rhag gwneud rhywbeth neu ddatganiad yn cadarnhau bod gweithred yn gyfreithlon.

Nodyn 3

Beth ydych chi'n gofyn i farnwr yr apêl ei wneud?

Mae angen i chi egluro yn adran 4.2 pa orchymyn yr ydych yn gofyn i'r llys ei wneud. Byddwch yn benodol ynghylch beth yr ydych yn gofyn i farnwr yr apêl ei wneud. Mae gan y barnwr apêl hawl i:

- gadarnhau, roi o'r naill du neu amrywio unrhyw orchymyn a wnaed gan farnwr y tro cyntaf;
- cyfeirio unrhyw hawliad neu fater i'r barnwr hwnnw ei benderfynu;
- gorchymyn gwrandawriad newydd; neu
- wneud gorchymyn costau.

Guidance notes

Note 1

Application for permission to make a different appeal

You do not need permission from the court to appeal if the order you are appealing against is an order for committal to prison.

You do need permission to appeal against any other order. Permission to appeal will be granted only where:

- the court considers that the appeal would have a real prospect of success; or
- there is some other compelling reason why the appeal should be heard.

Note 2

Nature of the decision you want to appeal

Case management decisions include orders relating to:

- the timetable for hearing;
- the filing and exchange of information (of witnesses and experts);
- disclosure of documents; or
- adding a party to proceedings.

A grant or refusal of an interim application might include an injunction to prevent you from doing something or a declaration confirming an action is lawful.

Note 3

What are you asking the appeal judge to do?

You need to explain in section 4.2 what order you are asking the court to make. Please be specific about what you are asking the appeal judge to do. The appeal judge has the power to:

- affirm, set aside or vary any order made by the first instance judge;
- refer any claim or issue to that judge for determination;
- order a new hearing; or
- make a costs order.

Nodyn 4**Rhesymau dros ymateb i apêl**

Rhaid i'ch ymateb chi i apêl fod yn seiliedig ar resymau perthnasol. Mae hyn yn berthnasol os ydych yn dymuno apelio yn erbyn y gorchymyn, neu os ydych yn dymuno i farnwr yr apêl gadarnhau'r gorchymyn am resymau gwahanol neu ychwanegol. Ni fydd barnwr apêl yn caniatáu apêl ond yn erbyn penderfyniad sy'n anghywir neu'n anghyfiawn oherwydd anghysondeb trefniadol neu anghysondeb arall yn yr achos gerbron barnwr y tro cyntaf.

Nodwch yn fyr eich rhesymau dros apelio neu dros geisio cadarnhau'r gorchymyn. Cofiwch na chewch gynnwys unrhyw resymau dros apelio neu dros gadarnhau'r gorchymyn sy'n dibynnu ar dystiolaeth newydd (hynny yw, tystiolaeth sydd wedi dod ar gael ers i'r gorchymyn gael ei wneud). Chewch chi ddim cyflwyno tystiolaeth newydd yn eich apêl oni fo'r llys yn caniatáu i chi wneud hynny (gweler adran 6).

Nodyn 5**Estyniad amser ar gyfer ffeilio'r hysbysiad atebydd**

Pan fo'r amser ar gyfer ffeilio eich hysbysiad atebydd wedi dod i ben, mae angen i chi ffeilio'r hysbysiad hwn a chynnwys cais am estyniad amser. Mae angen i chi nodi'r rheswm/rhesymau dros yr oedi a'r camau a gymerwyd gennych i geisio osgoi'r oedi.

Nodyn 6**Ceisiadau eraill**

Os ydych chi'n dymuno cyflwyno tystiolaeth newydd yn eich apêl mae angen i chi wneud cais i'r llys am gael gwneud hynny. Rhaid i chi ddweud wrth y llys paham nad oedd y dystiolaeth ar gael i farnwr y tro cyntaf ac egluro paham eich bod yn credu ei bod yn angenrheidiol ar gyfer yr apêl.

Nodyn 7**Beth i'w wneud nesaf**

Dychwelwch hysbysiad yr atebydd a'r dogfennau ategol at:

Y Llys Gwarchod
Archway Tower
2 Junction Road
Llundain N19 5SZ

Os bydd eich dadl fframwaith yn dilyn eich hysbysiad atebydd, rhaid iddi gael ei ffeilio cyn pen 21 diwrnod i'r hysbysiad atebydd.

Note 4**Grounds for response to appeal**

Your response to an appeal must be based on relevant grounds. This applies if you wish to appeal the order, or if you wish the appeal judge to uphold the order on different or additional grounds. An appeal judge will only allow an appeal against a decision that is either wrong or unjust because of a serious procedural or other irregularity in the proceedings before the first instance judge.

Please set out briefly your grounds for appeal or for seeking to uphold the order. Remember that you must not include any grounds for appeal or for upholding the order that rely on new evidence (that is evidence that has become available since the order was made). You may not produce new evidence in your appeal unless the court allows you to do so (see section 6).

Note 5**Extension of time for filing the respondent's notice**

Where the time for filing your respondent's notice has expired, you need to file this notice and include an application for an extension of time. You need to state the reason(s) for the delay and the steps you have taken in attempting to avoid the delay.

Note 6**Other applications**

If you wish to produce new evidence in your appeal you need to apply to the court to do so. You need to tell the court why the evidence was not available to the first instance judge and explain why you think it is necessary for the appeal.

Note 7**What you need to do next**

Please return the respondent's notice and supporting documents to:

Court of Protection
Archway Tower
2 Junction Road
London N19 5SZ

If your skeleton argument will follow your respondent's notice, it must be filed within 21 days of the respondent's notice.

Rhaid i unrhyw ddogfennau ategol na allwch eu cael mewn pryd i'w ffeilio gyda'ch hysbysiad atebydd gael eu ffeilio gyda'r llys o fewn yr amser a gyfarwyddir gan y llys, a chyn gynted â phosibl beth bynnag.

Any supporting documents that you cannot obtain in time to file with your respondent's notice must be filed with the court in such time as the court may direct, and in any case as soon as possible.

Nodyn 8

Beth sy'n digwydd nesaf?

Os oes angen caniatâd arnoch i apelio

Bydd y llys yn dweud wrthyfch a yw caniatâd yn cael ei roi, ei wrthod neu os pennwyd dyddiad ar gyfer gwrando'r cais am ganiatâd.

Os rhoddir caniatâd, bydd y llys yn cyflwyno'ch hysbysiad apelydd ac yn dychwelyd copi wedi ei selio.

Bydd angen i chi gyflwyno copi i'r apelydd ac unrhyw atebwyr eraill.

Os oes gennych chi ganiatâd eisoes, neu nad oes angen caniatâd i apelio arnoch

Bydd y llys yn cyflwyno'ch hysbysiad apelydd ac yn dychwelyd copi wedi ei selio. Bydd angen i chi gyflwyno copi i'r apelydd ac unrhyw atebwyr eraill.

Note 8

What happens next?

If you need permission to appeal

The court will tell you if permission is granted, refused or if a date has been fixed for a hearing of the application for permission.

If permission is granted, the court will issue your respondent's notice and will return a sealed copy. You will need to serve a copy on the appellant and any other respondents.

If you already have permission, or do not need permission to appeal

The court will issue your respondent's notice and will return a sealed copy. You will need to serve a copy on the appellant and any other respondents.

