

Rhybudd Cyflwyno Cais (Ffurflen N244) – Canllawiau

Ni all staff y llys roi cyngor cyfreithiol. Os bydd angen gwybodaeth neu gyngor am broblem gyfreithiol arnoch chi, gallwch gysylltu â Galw Gwasanaeth Cyfreithiol Cymunedol ar 0845 345 4 345 neu www.clsdirect.org.uk neu Ganolfan Cyngor Ar Bopeth. Mae manylion eich swyddfeydd lleol a'u rhifau cyswllt ar gael ar eu gwefan – www.citizensadvice.org.uk

Talu ffi'r llys

Mae ffi'r llys yn daladwy gan ddibynnu ar ba fath o gais yr ydych yn ei wneud. Er enghraifft:

- Gwneud cais am roi dyfarniad o'r naill du
- Gwneud cais am amrywio dyfarniad neu ohirio gorfodaeth
- Gwneud cais am wŷs neu am orchymyn i dyst fod yn bresennol
- Gwneud cais drwy gydsyniad, neu heb gyflwyno'r rhybudd cyflwyno cais, am ddyfarniad neu orchymyn.

Does dim rhaid talu ffi ar gyfer gwneud cais drwy gydsyniad i ohirio gwrandawriad os yw'r llys yn ei dderbyn o leiaf 14 diwrnod cyn dyddiad y gwrandawriad.

Beth os na alla i fforddio'r ffi?

Os gallwch ddangos y byddai talu ffi'r llys yn achosi caledi gormodol i chi, efallai y byddwch yn gymwys i gael eich esgusodi rhag talu rhan o'r ffi.

I gael mwy o wybodaeth, neu i wneud cais am gael gostwng y ffi, gofynnwch i staff y llys am gopi o'r llyfryn a'r ffurflen EX160A - Ffioedd Llys - A oes rhaid i mi eu talu? Maent ar gael hefyd o swyddfa unrhyw lys sirol neu gallwch llawrlwytho copi o'r daflen oddi ar ein gwefan www.gwasanaeth-llysoeddem.gov.uk

Llenwi'r ffurflen

Cwestiwn 3

Nodwch pa orchymyn yr ydych yn gwneud cais amdano a pham; e.e. i ohirio'r gwrandawriad oherwydd..., i roi dyfarniad yn fy erbyn i o'r naill du oherwydd... ac ati

Cwestiwn 5

Bydd angen gwrandawriad ar y rhan fwyaf o'r ceisiadau, a bydd disgwyl i chi fod yn bresennol. Bydd y llys yn dynodi amser a dyddiad ar gyfer gwrandawriad y cais. Nodwch mewn llythyr eglurhaol unrhyw ddyddiadau nad ydych chi ar gael yn y chwe wythnos nesaf.

Dim ond yn yr amgylchiadau canlynol y bydd y llys yn delio â'r cais 'heb wrandawriad'.

- Pan fydd pob parti'n cytuno â thelerau'r gorchymyn y gwneir cais amdano;

Application Notice (Form N244) – Notes for Guidance

Court Staff cannot give legal advice. If you need information or advice on a legal problem you can contact Community Legal Service Direct on 0845 345 4 345 or www.clsdirect.org.uk, or a Citizens Advice Bureau. Details of your local offices and contact numbers are available via their website www.citizensadvice.org.uk

Paying the court fee

A court fee is payable depending on the type of application you are making. For example:

- To apply for judgment to be set aside
- To apply to vary a judgment or suspend enforcement
- To apply for a summons or order for a witness to attend
- To apply by consent, or without service of the application notice, for a judgment or order.

No fee is payable for an application by consent for an adjournment of a hearing if it is received by the court at least 14 days before the date of the hearing.

What if I cannot afford the fee?

If you show that a payment of a court fee would involve undue hardship to you, you may be eligible for a fee concession.

For further information, or to apply for a fee concession, ask court staff for a copy of the combined booklet and form EX160A - Court fees - Do I have to pay them? This is also available from any county court office, or a copy of the leaflet can be downloaded from our website www.hmcourts-service.gov.uk

Completing the form

Question 3

Set out what order you are applying for and why; e.g. to adjourn the hearing because..., to set aside a judgment against me because... etc.

Question 5

Most applications will require a hearing and you will be expected to attend. The court will allocate a hearing date and time for the application. Please indicate in a covering letter any dates that you are unavailable within the next six weeks.

The court will only deal with the application 'without a hearing' in the following circumstances.

- Where all the parties agree to the terms of the order being asked for;

- Pan fydd pob parti'n cytuno y dylai'r llys ddelio â'r cais heb wrandawriad, neu
- Pan gred y llys na fyddai gwrandawriad yn addas.

Er mwyn cael gwrandawriad dros y ffôn, rhaid bod gan o leiaf un o'r partiön sy'n ymwneud â'r achos gynrychiolaeth gyfreithiol. Ni fydd gwrandawriad dros y ffôn yn addas ar gyfer pob cais, ac mae'n bosibl y bydd y llys yn gwrthod eich cais.

Cwestiwn 6

Os nad ydych yn gwybod pa mor hir fydd y gwrandawriad, peidiwch â dyfalu, a gadewch y blychau hyn yn wag.

Cwestiwn 7

Os oes dyddiad gwrandawriad neu gyfnod treial eisoes wedi'i ddynodi ar gyfer eich achos, nodwch fanylion y dyddiadau hynny yn y blwch.

Cwestiwn 8

Os gwrandawriad eich achos yn yr Uchel Lys neu mewn Cofrestrfa Ddosbarth, nodwch ai Meistr, Barnwr Rhanbarth ynteu Farnwr fydd yn delio â'r achos.

Cwestiwn 9

Nodwch yn y blwch a ddarperir pwy yr ydych eisiau i'r llys anfon copi o'r cais atynt.

Cwestiwn 10

Yn yr adran hon, nodwch y wybodaeth yr ydych eisiau i'r llys ei hystyried er mwyn cefnogi eich cais.

Os ydych am ddibynnu:

- **ar ddatganiad tyst**, ticiwch y blwch cyntaf ac atodi'r datganiad gyda'r rhybudd cyflwyno cais. Mae ffurflen datganiad tyst ar gael gan swyddfa'r llys, dim ond i chi ofyn.
- **ar ddatganiad achos**, ticiwch yr ail flwch os ydych yn bwriadu dibynnu ar fanylion yr hawliad neu'r amddiffyniad er mwyn cefnogi'ch cais.
- **ar dystiolaeth** ysgrifenedig ar y ffurflen hon, ticiwch y trydydd blwch a nodi'r manylion yn y blwch a ddarperir. Rhaid i chi hefyd lenwi'r datganiad gwirionedd. Efallai y dygir achos o ddirmyg llys yn erbyn rhywun sy'n llofnodi datganiad gwirionedd heb gredu'n onest ei fod yn wir.

Cwestiwn 11

Rhaid cynnwys eich cyfeiriad a'ch manylion cyswllt presennol yn y cais, a'i lofnodi. Os ydych chi'n cytuno y gall y llys a'r partiön eraill gyfathrebu â chi drwy Gyfnewid Dogfennau, dros y ffôn, dros ffacs neu drwy e-bost, llenwch y manylion.

Cyn dychwelyd eich ffurflen i'r llys

Ydych chi wedi:

- llofnodi'r ffurflen ar dudalen 3,
- amgáu'r ffi gywir neu gais ar gyfer dileu'r ffi,
- gwneud digon o gopiâu o'ch cais a'ch dogfennau ategol. Bydd angen i chi roi un copi i bob parti i'w gyflwyno, ac un copi ar gyfer y llys.

- Where all the parties agree that the court should deal with the application without a hearing, or
- Where the court does not consider that a hearing would be appropriate.

Telephone hearings are only available in applications where at least one of parties involved in the case is legally represented. Not all applications will be suitable for a telephone hearing and the court may refuse your request.

Question 6

If you do not know how long the hearing will take do not guess but leave these boxes blank.

Question 7

If your case has already been allocated a hearing date or trial period please insert details of those dates in the box.

Question 8

If your case is being heard in the High Court or a District Registry please indicate whether it is to be dealt with by a Master, District Judge or Judge.

Question 9

Please indicate in the box provided who you want the court to send a copy of the application to.

Question 10

In this section please set out the information you want the court to take account of in support of the application you are making.

If you wish to rely on:

- **a witness statement**, tick the first box and attach the statement to the application notice. A witness statement form is available on request from the court office.
- **a statement of case**, tick the second box if you intend to rely on your particulars of claim or defence in support of your application.
- **written evidence** on this form, tick the third box and enter details in the space provided. You must also complete the statement of truth. Proceedings for contempt of court may be brought against a person who signs a statement of truth without an honest belief in its truth.

Question 11

The application must be signed and include your current address and contact details. If you agree that the court and the other parties may communicate with you by Document Exchange, telephone, facsimile or email, complete the details

Before returning your form to the court

Have you:

- signed the form on page 3,
- enclosed the correct fee or an application for fee concession,
- made sufficient copies of your application and supporting documentation. You will need to submit one copy for each party to be served and one copy for the court.