

Nodiadau canllaw ar gyfer llenwi'r ffurflen gais i orfodi penderfyniad neu setliad amodol ACAS (Ffurflen COT3) mae angen caniatâd y llys arno i fynd rhagddo

Mae'r nodiadau canlynol yn gyfarwyddyd cam-wrth-gam ar gyfer llenwi ffurflen **N322A**. Maent yn dweud wrthy ch ba wybodaeth sy'n angenrheidiol ar gyfer pob un o baragraffau neu adrannau'r ffurflen. Efallai y byddai ystyried taflenni EX328 ac EX329 o gymorth i chi gan eu bod yn cynnwys gwybodaeth am sut mae defnyddio'r ffurflen hon.

1. Llenwch y manylion naill ai yn y blwch penderfyniad neu'r blwch setliad, gan ddibynnu ar fath eich hawliad - mae'n rhaid i chi gynnwys copi o'ch penderfyniad neu setliad ACAS gyda'r ffurflen hon.
2. Os ydych yn gorfodi setliad amodol ACAS nid yw gweddill yr adran hon yn berthnasol i chi, ewch i adran 1 - manylion y ceisydd.
3. Os eich hawliad yw gorfodi penderfyniad Tribiwnlys neu Lys ar wahân i'r Uchel Lys neu'r llys sirol, ewch yn eich blaen gyda'r adran hon.
4. Rhowch enw'r Tribiwnlys neu'r Llys sy'n rhoi'r gorchymyn yr ydych am ei orfodi.
5. Rhowch y cyfeirnod a roddwyd i'ch achos gwreiddiol gan y Llys neu'r Tribiwnlys hwnnw. Gellir gweld hwn ar gopi gwreiddiol eich penderfyniad.
6. Rhowch fanylion yr adran a'r Ddeddf sy'n eich galluogi i gofrestru'r hawliad hwn gyda'r llys sirol ar gyfer gorfodi (ee adran 36 Deddf Cynnal Plant 1991).

Adran 1 – Manylion y Ceisydd

7. Rhowch eich manylion cyswllt llawn.

Notes for guidance on completing the application form to enforce a decision or ACAS conditional settlement (Form COT3) that requires permission of the court to proceed

The following notes are a step-by-step guide to completing form **N322A**. They tell you what information is needed for each of the paragraphs or sections in the form. It may assist you to consider leaflets EX328 and EX329 as they cover use of this form.

1. Complete details in either the decision or settlement box depending upon the type of your claim - a copy of your decision or ACAS settlement must accompany this application.
2. If you are enforcing an ACAS conditional settlement the rest of this section does not apply to you, go to section 1 - applicant's details.
3. If your claim is to enforce a decision of a Tribunal or a Court other than the High Court or the county court continue with this section.
4. Enter the name of the Tribunal or Court granting the order you wish to enforce.
5. Enter the reference given by that Court or Tribunal to your original case. This can be found on the original copy of your decision.
6. Enter the details of the section and Act that allows you to register this claim with the county court for enforcement (eg. section 36 Child Support Act 1991).

Section 1 – Applicant's details

7. Enter your full contact details.

Adran 2 – Manylion yr atebydd

8. Rhowch enw a chyfeiriad y sawl (cwmni/ffyrn) yr ydych yn hawlio arian ganddo. Dylai hyn fod yr un fath â'r manylion a nodwyd ar gopi gwreiddiol eich penderfyniad neu'ch setliad y mae'n rhaid i chi eu ffeilio gyda'r cais.

Adran 3 - Swm sy'n ddyledus yn awr

9. Rhowch gyfanswm y swm sy'n ddyledus ar eich hawliad (peidiwch â chynnwys dim o'r costau llys y byddwch yn eu talu i gofrestru neu i orfodi eich achos yn y llys. Caiff y costau hyn eu hychwanegu yn ddiweddarach).
10. Mae gan bob Tribiwnlys ac ACAS ei reolau a'i reoliadau ei hun ynghylch llog. Os oes gennych hawl i hawlio llog dylid nodi'r manylion a'r cyfrifiadau yn yr adran hon.

Adran 4 - Setliad amodol ACAS (Ffurflen COT3)

11. Os **nad** ydych yn gorfodi setliad amodol ACAS, peidiwch â llenwi'r adran hon nac adran 5 - datganiad mewn materion ACAS ond ewch i adran 6 - datganiad gwirionedd.
12. Rhowch fanylion yr amod cyntaf sydd ynghlwm â'ch setliad yn y blwch cyntaf.
13. Eglurwch sut yr ydych wedi cydymffurfio â'r amod hwnnw yn y blwch nesaf.
14. Gwnewch yr un fath ar gyfer yr holl amodau eraill (os oes mwy nag un) gan ddefnyddio'r ddau flwch nesaf a'r dalen(nau) ychwanegol os oes angen.

Adran 5 - Datganiad mewn materion ACAS

15. Er mwyn gwneud cais i gofrestru eich setliad gyda'r Llys ar gyfer gorfodi mae angen i chi gadarnhau i'r Llys nad yw'r Atebydd wedi gwneud cais am ddatganiad nad oes modd iddo dalu'r arian sy'n ddyledus i chi. Os ydych yn sicr bod hyn yn wir yna ticiwch y blwch.

Adran 6 - Datganiad Gwirionedd

16. Rhaid i chi, eich twnai neu'ch cyfaill cyfreitha lofnodi hwn, fel sy'n briodol.
17. Efallai y dygir achos o ddirmyg llys yn erbyn rhywun sy'n llofnodi datganiad gwirionedd heb gredu'n onest ei fod yn wir.

Section 2 – Respondent's details

8. Enter the name and address of the person (company/firm) you are claiming the money from. This should be the same as the details quoted on the original copy of your decision or settlement which you must file with the application.

Section 3 – Amount now owing

9. Enter in the total amount outstanding on your claim (do not include any of the court costs you will be paying to register or enforce your case in the court. These costs will be added later).
10. Each Tribunal and ACAS has its own rules and regulations regarding interest. If you are entitled to claim interest the details and the calculations should be entered in this section.

Section 4 – ACAS conditional settlement (Form COT3)

11. If you are **not** enforcing an ACAS conditional settlement do not complete this section or section 5 - declaration in ACAS matters but go to section 6 - statement of truth.
12. Give the details of the first condition attached to your settlement in the first box.
13. Explain how you have complied with that condition in the next box.
14. Do the same for each of the other conditions (if more than one) using the next two boxes and an additional sheet(s) if necessary.

Section 5 – Declaration in ACAS matters

15. In order to apply to register your settlement with the Court for enforcement you need to confirm to the Court that the Respondent has not applied for a declaration that the money owed to you is not payable. If you are certain this is the case then tick the box.

Section 6 – Statement of Truth

16. This must be signed by you, by your solicitor or your litigation friend, as appropriate.
17. Proceedings for contempt of court may be brought against any person who signs a statement of truth without an honest belief in its truth.