CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2000 Rhif 3383 (Cy. 221)

ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Offer Telathrebu) (Cymru) 2000

NODYN ESBONIADOL

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

O dan adran 64(3) o Ddeddf Cyllid Llywodraeth Leol 1988, caiff yr Ysgrifennydd Gwladol wneud rheoliadau sy'n darparu bod rhaid i unrhyw beth a fyddai (heblaw am y rheoliadau) yn fwy nag un hereditament gael ei drin fel un hereditament.

Yn rhinwedd adran 65(4) o'r Ddeddf honno, gall rheoliadau a wneir o dan adran 64(3) gynnwys rheolau ar gyfer darganfod a yw'r hereditament i gael ei drin fel pe bai wedi'i feddiannu a phwy sydd i gael ei drin fel y perchennog neu'r meddiannydd.

Mae'r pwerau hyn bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru.

Mae'r Rheoliadau hyn yn darparu bod offer telathrebu sydd wedi'i gysylltu â hereditament telathrebu neu sydd wedi'i leoli ar hereditament telathrebu, ac a fyddai fel arall yn un neu fwy o hereditamentau gwahanol, i gael ei drin fel hereditament unigol gyda'r hereditament telathrebu.

Yn ddarostyngedig i eithriadau penodol, bydd yr hereditament unigol hwnnw i'w drin fel pe bai ym meddiant neu berchenogaeth y person sydd â'r hawl i gael taliad am ddefnyddio unrhyw ran o'r safle gan weithredydd offer telathrebu.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2000 No. 3383 (W. 221)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Telecommunications Apparatus) (Wales) Regulations 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 64(3) of the Local Government Finance Act 1988, the Secretary of State may make regulations which provide that anything which would (apart from the regulations) be more than one hereditament shall be treated as one hereditament.

By virtue of section 65(4) of that Act, regulations made under section 64(3) may include rules for ascertaining whether the hereditament shall be treated as occupied and who shall be treated as the owner or occupier.

These powers are now vested in the National Assembly for Wales.

These Regulations provide that telecommunications apparatus which is attached to or situated on a telecommunications hereditament and which would otherwise constitute one or more separate hereditaments shall be treated as a single hereditament with the telecommunications hereditament.

Subject to specified exceptions, that single hereditament shall be treated as being in the occupation or ownership of the person who is entitled to receive payment for the use of any part of the site by an operator of telecommunications apparatus.

OFFERYNNAU STATUDOL

2000 Rhif 3383 (Cy. 221)

ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Offer Telathrebu) (Cymru) 2000

Wedi'u gwneud	*12 Rhagfyr 2000*
Yn dod i rym	*1 Ebrill 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 64(3)(**a**) a 65(4)(**b**), o Ddeddf Cyllid Llywodraeth Leol 1988, ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(**c**) :-

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Offer Telathrebu) (Cymru) 2000 a deuant i rym ar 1 Ebrill 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "offer wedi'i eithrio" ("*excepted apparatus*") yw offer telathrebu a feddiennir gan berson -

(a) 1988 (p.41); diwygiwyd adran 64 gan adran 139 o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) a pharagraffau 33 a 79(3) o Atodlen 5 iddi; gan adran 104 o Ddeddf Cyllid Llywodraeth Leol 1992 (p.14) a pharagraff 2 o Atodlen 10 iddi; gan adran 103 o Ddeddf yr Heddlu 1996 (p. 16) a Rhan I o Atodlen 9 iddi; gan adran 134(1) o Ddeddf yr Heddlu 1997 (p. 50) a pharagraff 55 o Atodlen 9 iddi, a chan adrannau 2(2) a 33 o Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p. 29) ac Atodlen 3 iddi a chan baragraff 25 o Atodlen 4 iddi.

(b) 1998 (p.41); diwygiwyd adran 65 gan adrannau 2(3)(a), 2(3)(b) a 33(2) o Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p.29) ac atodlen 4 iddi a chan adran 139 o Ddeddf Llywodraeth Leol a Thai 1989 (p.42) a pharagraffau 34 a 79(3) o Atodlen 5 iddi.

(c) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672)

STATUTORY INSTRUMENTS

2000 No. 3383 (W. 221)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Telecommunications Apparatus) (Wales) Regulations 2000

Made	*12th December 2000*
Coming into force	*1st April 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 64(3)(**a**) and 65(4)(**b**), of the Local Government Finance Act 1988, and which are now vested in the National Assembly for Wales so far as exerciseable in Wales(**c**):-

Citation, commencement and application

1.-(1) These Regulations may be cited as the Non-Domestic Rating (Telecommunications Apparatus) (Wales) Regulations 2000 and shall come into force on 1st April 2001.

(2) These Regulations apply to Wales only.

Interpretation

2. In these Regulations -

"excepted apparatus" ("*offer wedi'i eithrio*") means telecommunications apparatus which is occupied by a person -

(a) 1988 (c.41); section 64 was amended by section 139 of and paragraphs 33 and 79(3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42), by section 104 of and paragraph 2 of Schedule 10 to the Local Government Finance Act 1992 (c.14), by section 103 of and Part I of Schedule 9 to the Police Act 1996 (c. 16), by section 134 (1) and paragraph 55 of Schedule 9 to the Police Act 1997 (c. 50) and by sections 2(2) and 33 of and Schedule 3 to and paragraph 25 of Schedule 4 to the Local Government and Rating Act 1997 (c. 29).

(b) 1998 (c. 41); section 65 was amended by sections 2(3)(a), 2(3)(b) and 33(2) of and schedule 4 to the Local Government and Rating Act 1997 (c. 29) and by section 139 of and paragraphs 34 and 79(3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

(c) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(a) y dangosir ei enw am y tro mewn rhestr ardrethu annomestig canolog; a

(b) nad yw'n gynhaliwr mewn perthynas â'r safle y mae'r offer wedi'i leoli arno neu yn gysylltiedig ag ef;

ystyr "cynhaliwr" ("*host*") yw'r person sydd â'r hawl i gael taliad mewn perthynas â defnyddio unrhyw ran o safle gan unrhyw berson arall sy'n weithredydd sy'n meddiannu offer telathrebu;

ystyr "Deddf 1949" ("*the 1949 Act*") yw Deddf Telegraffiaeth Radio 1949(**a**);

ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Telathrebu 1984(**b**);

ystyr "gweithredydd ("*operator*") yw unrhyw berson sydd wedi'i drwyddedu i redeg system delathrebu o dan adran 1 o Ddeddf 1949 neu adran 7 o Ddeddf 1984;

mae "offer telathrebu" ("*telecommunications apparatus*") yn cynnwys -

(a) offer telathrebu o fewn yr ystyr a roddir i "telecommunications apparatus" gan Atodlen 2 i Ddeddf 1984 a ddefnyddir, neu a ddyluniwyd i'w ddefnyddio, ar gyfer -

(i) telegraffiaeth radio o fewn yr ystyr a roddir i "wireless telegraphy" gan adran 19 o Ddeddf 1949, neu

(ii) darlledu; a

(b) strwythurau o natur cabanau neu adeiladau eraill (gan gynnwys strwythurau sy'n ffurfio rhan yn unig o adeilad) a ddefnyddir, neu a ddyluniwyd i'w defnyddio, dim ond i gartrefu offer o fewn y disgrifiad ym mharagraff (a);

ynghyd ag unrhyw offer atodol a feddiennir at ddibenion gweithredydd yn unig;

ystyr "hereditament telathrebu" ("*telecommunications hereditament*") yw safle a feddiennir gan offer telathrebu yn unig sy'n cael ei weithredu neu ei berchenogi gan fwy nag un gweithredydd ac er mwyn penderfynu a yw hereditament yn cael ei feddiannu gan offer telathrebu yn unig, anwybyddir presenoldeb personél ar y safle, a llety ar eu cyfer, yn unswydd ar gyfer cynnal-a-chadw, trwsio, gweithredu neu ddiogelu'r offer.

(a) 1949 (p.54).

(b) 1984 (p.12).

(a) whose name is for the time being shown in a central non-domestic rating list; and

(b) who is not the host in relation to the site on which the apparatus is situated or to which it is attached;

"host" ("*cynhaliwr*") means the person who has the right to receive payment in respect of the use of any part of a site by any other person who is an operator occupying telecommunications apparatus;

"operator" ("*gweithredydd*") means any person licensed for the running of a telecommunications system under section 1 of the 1949 Act or section 7 of the 1984 Act;

"telecommunications apparatus" ("*offer telathrebu*") includes -

(a) telecommunications apparatus within the meaning given by Schedule 2 to the 1984 Act which is used, or designed for use, for -

(i) wireless telegraphy within the meaning given by section 19 of the 1949 Act, or

(ii) broadcasting; and

(b) structures in the nature of huts or other buildings (including structures forming part only of a building) used, or designed for use, solely to house apparatus within the description in paragraph (a);

together with any ancillary equipment occupied exclusively for the purposes of an operator;

"telecommunications hereditament" ("*hereditament telathrebu*") means a site occupied exclusively by telecommunications apparatus operated or owned by more than one operator and for the purposes of determining whether a hereditament is exclusively occupied by telecommunications apparatus, the presence on the site of, and of accommodation for, personnel for the sole purpose of maintaining, repairing, operating or safeguarding that apparatus shall be disregarded;

"the 1949 Act" ("*Deddf 1949*") means the Wireless Telegraphy Act 1949(**a**);

"the 1984 Act" ("*Deddf 1984*") means the Telecommunications Act 1984(**b**).

(a) 1949 (c.54).

(b) 1984 (c.12).

Trin offer telathrebu

3.-(1) Mae'r paragraff hwn yn gymwys i offer telathrebu, heblaw offer wedi'i eithrio -

(a) sy'n gysylltiedig â hereditament telathrebu neu wedi'i leoli ynddo neu arno; a

(b) a feddiennir neu a berchenogir yn y fath fodd ag i ffurfio (ar wahân i'r rheoliad hwn) un neu ragor o hereditamentau.

(2) Rhaid trin offer telathrebu y mae paragraff (1) yn gymwys iddo a'r hereditament y mae wedi'i gysylltu ag ef, yn ddarostyngedig i baragraff (3), fel hereditament unigol sydd ym meddiant neu berchenogaeth y cynhaliwr.

(3) Nid yw paragraff (2) yn gymwys os yw hereditament telathrebu ar adeilad neu strwythur, neu yn ffurfio rhan o adeilad neu strwythur y mae'r cyfan neu unrhyw ran ohono ym mherchenogaeth neu ym meddiant y cynhaliwr at unrhyw ddiben heblaw darparu neu weithredu safle ar gyfer offer telathrebu.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998 (**a**).

12 Rhagfyr 2000

D. Elis Thomas

Llywydd y Cynulliad Cenedlaethol

Treatment of telecommunications apparatus

3.-(1) This paragraph applies to telecommunications apparatus, other than excepted apparatus, which is -

(a) attached to or situated in or on a telecommunications hereditament; and

(b) so occupied or owned as to constitute (apart from this regulation) one or more hereditaments.

(2) Telecommunications apparatus to which paragraph (1) applies and the hereditament to which it is attached shall, subject to paragraph (3), be treated as a single hereditament in the occupation or ownership of the host.

(3) Paragraph (2) does not apply where a telecommunications hereditament is on or forms part of a building or structure all or any part of which is owned or occupied by the host for any purpose other than the provision of or operation of a site for telecommunications apparatus.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**).

12th December 2000

D. Elis Thomas

The Presiding Officer of the National Assembly

(a) 1998 (p.38).

(a) 1998 (c.38).

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