

OFFERYNNAU STATUDOL CYMRU

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ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Diwygio) (Cymru) 2000

Wedi'u gwneud - - 17 Mawrth 2000
Yn dod i rym - - 1 Ebrill 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2) i (6), 140 a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988(1) a pharagraffau 1 ac 8 o Atodlen 11 iddi, a phob pwêr arall sy'n ei alluogi yn y cyswllt hwnnw, ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(2), ac ar ôl ymgynghori â Chyngor y Tribiwnlysoedd yn ôl gofynion adran 8 o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992(3):

Cymhwyso, enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn, sy'n gymwys i Gymru'n unig, yw Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Diwygio) (Cymru) 2000 a deaunt i rym ar 1 Ebrill 2000.

(1) Yn y Rheoliadau hyn, mae cyfeiriadau at reoliad â rhif, oni fydd y cyd-destun yn mynnu fel arall, yn golygu'r rheoliad sy'n dwyn y rhif hwnnw yn Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) 1993(4).

Diwygio Rheoliadau 1993

2. Diwygir Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) 1993 yn unol â darpariaethau canlynol y Rheoliadau hyn.

- (1) 1988 (p.41). Diwygiwyd adran 55(4) a (5) gan Atodlen 5, paragraff 30, i Ddeddf Llywodraeth Leol a Thai 1989, (p.42). Diwygiwyd adran 55(5) ymhellach gan Atodlen 13, paragraff 67, i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14). Diwygiwyd adran 140 gan Atodlen 13, paragraff 78, i Ddeddf Cyllid Llywodraeth Leol 1992. Diwygiwyd adran 143(2) gan Atodlen 13, paragraff 81, i Ddeddf Cyllid Llywodraeth Leol 1988. Diwygiwyd Atodlen 11 paragraff 1 gan Atodlen 13, paragraff 88, i Ddeddf Cyllid Llywodraeth Leol 1992 a diwygiwyd paragraff 8 gan y cyfryw Atodlen 13, paragraff 88 a chan adran 1(3) o Ddeddf Ardrethu Annomestig (Gwybodaeth) 1996 (p.13).
- (2) Trosglwyddwyd y pwerau hyn, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (3) 1992 (p.53). Mae diwygiadau i reoliad 8 nad ydynt yn berthnasol i'r Rheoliadau hyn. *Gweler* cofnod 28, trethiant lleol, yn Atodlen 1 i'r Ddeddf 1992 honno ynglŷn â thribiwnlysoedd prisio.
- (4) O.S. 1993/291; O.S. 1994/1809 a 1995/609 yw'r offerynau diwygio perthnasol.

Cyfnodau ar gyfer gwneud cynigion: Rhestr 1990

3. Yn rheoliad 4 (sy'n gymwys i gynigion i newid rhestr a luniwyd ar 1 Ebrill 1990), ym mharagraff (4), ar ôl "the decision was given," mewnosoder "but in either case before 1st April 2001,".

Cyfnodau ar gyfer gwneud cynigion: Rhestr 1995

4. Yn rheoliad 4B —

(a) yn lle'r pennawd ac o'r dechrau hyd at "1st April 1995" ym mharagraff (1), amnewidier —

"Periods in which proposals may be made: 1995 List

4B.—(1) Subject to paragraphs (2) to (4), a proposal to alter the list compiled on 1st April 1995", a

(b) ym mharagraff (3), yn lle "later" amnewidier "earlier".

Cyfnodau ar gyfer gwneud cynigion: Rhestr 2000 ac ymlaen

5. Ar ôl rheoliad 4B, mewnosoder —

"Periods in which proposals may be made: 2000 and subsequent lists

4C.—(1) Subject to paragraphs (2) to (4), a proposal to alter a list compiled on or after 1st April 2000 may be made at any time before the day on which the next list is compiled.

(2) A proposal on the grounds set out in regulation 4A(1)(c) may only be made within six months of the date of the alteration.

(3) A proposal on the grounds set out in regulation 4A(1)(d) may only be made within six months of either the decision in question or the day on which the next list is compiled, whichever is the earlier.

(4) A proposal on the ground set out in regulation 4A(1)(e) may only be made within six months of the day on which the alteration in the list was made."

Y dull o wneud cynigion etc. a'r cynigion yr ymdrinnir â hwy fel rhai annilys

6. Yn rheoliad 5A (y dull o wneud cynigion a'r wybodaeth sydd i'w chynnwys), ym mharagraff (1)(d)(iii), ar ôl "regulation 4B(4)" mewnosoder "or 4C(4)".

7. Yn rheoliad 7 (cynigion yr ymdrinnir â hwy fel rhai annilys), ym mharagraff (3), ar ôl "regulation 4B" mewnosoder "or regulation 4C" ac, ym mharagraff (4), ar y diwedd ychwaneger "or regulation 4C."

Yr amser y bydd effaith y newid yn dechrau

8. Yn rheoliad 13 —

(a) yn lle'r pennawd a pharagraff (1), amnewidier—

"Time from which alteration is to have effect: pre-2000 lists

13. —

(1) Subject to regulations 15, 16 and 44, this regulation has effect in relation to alterations to any list compiled before 1st April 2000.", a

(b) ar ôl paragraff (8B), ychwaneger—

“(8C) Notwithstanding the foregoing provisions of this regulation, where an alteration falls to be made after 31st March 2001, it shall have retrospective effect only if it is made in pursuance of a proposal.”.

9. Ar ôl rheoliad 13, mewnosoder —

“Time from which alteration is to have effect: general

13A. –

(1) Subject to regulation 44, this regulation has effect in relation to alterations to a list compiled on or after 1st April 2000.

(2) Subject to paragraphs (3) and (14), when an alteration is made to correct any inaccuracy in the list on the day it was compiled, then

(a) where the alteration is made in pursuance of a proposal, it shall have effect —

(i) if the proposal is served on the valuation officer on or before 30th September in the financial year⁽⁵⁾ in which the list is compiled, from the day on which the list is compiled;

(ii) if the proposal is served on the valuation officer after 30th September in that year but before the end of that year, from 1st October in that year; or

(iii) if the proposal is served on the valuation officer after the end of that year, from the first day in the financial year in which the proposal is served, and

(b) where the alteration is not made in pursuance of a proposal, the alteration shall have effect from the first day of the financial year in which the alteration is made.

(3) An alteration made as a consequence of a hereditament coming into existence or ceasing to exist in the circumstances described in paragraph (4) shall have effect from the day on which the circumstances giving rise to the alteration occurred.

(4) The circumstances mentioned in paragraph (3) are those in which —

(a) property previously rated as a single hereditament becomes liable to be rated in parts,

(b) property previously rated in parts becomes liable to be rated as a single hereditament, or

(c) any part of a hereditament becomes part of a different hereditament.

(5) Subject to paragraphs (7) and (14) —

(a) where an alteration is made in pursuance of a proposal on the grounds of a material change of circumstances, other than a change to which paragraph (3) or (9) applies, the alteration shall have effect from the day on which the circumstances giving rise to the alteration first arose or the first day in the financial year in which the proposal is served, whichever is the later, and

(b) where an alteration is made on the grounds of a material change of circumstances, other than a change to which paragraph (3) or (9) applies, and is not made in pursuance of a proposal, the alteration shall have effect from the day on which the circumstances giving rise to the alteration arose or the first day of the financial year in which the alteration is made whichever is the later.

6) Subject to paragraphs (7) and (14), where an alteration is made so as —

(5) ystyr “blwyddyn ariannol” yw cyfnod o 12 mis yn dechrau ar 1 Ebrill, gweler adran 145(3) o Ddeddf Cyllid Llywodraeth Leol 1988.

- (a) to show in the list a hereditament which, since the list was compiled —
 - (i) has come into existence; or
 - (ii) has ceased to be exempt from non-domestic rating; or
 - (iii) has ceased to be, or become, required to be shown in the central list; or
 - (iv) has ceased to be, or come to form, a part of an authority's area by virtue of a change in that area, or
- (b) to reflect in a list part of a hereditament which, since the list was compiled, has ceased to be exempt, the alteration shall have effect from —
 - (aa) where it is made in pursuance of a proposal, the day that would apply under paragraph 5(a), or
 - (bb) where it is not made in pursuance of a proposal, the day that would apply under paragraph 5(b).

(7) For the purpose of paragraphs (5) and (6), where an alteration is made in pursuance of a proposal served during April in any financial year subsequent to that in which a list is compiled and the circumstances giving rise to the alteration first arose in March immediately preceding the month of April in which the proposal is served, then the proposal shall be treated as served in that preceding month,

- (8) Notwithstanding paragraph (5), where an alteration is made —
 - (a) to show in or delete from a list any hereditament which, since the list was compiled —
 - (i) has ceased to exist; or
 - (ii) has become or has ceased to be domestic property; or
 - (iii) has become exempt from non-domestic rating,

or
 - (b) to reflect in a list part of a hereditament becoming or ceasing to be domestic property or becoming exempt,

the alteration shall have effect from the day on which the circumstances giving rise to the alteration occurred.

(9) Notwithstanding the foregoing provisions of this regulation, where a list is altered to give effect to a completion notice, the alteration shall, subject to paragraph (10), have effect from the day specified in the notice.

- (10) Where under Schedule 4A to the Act(6) a different day is —
 - (a) substituted by a subsequent notice under paragraph 1(3) of that Schedule, or
 - (b) agreed under paragraph 3 of that Schedule, or
 - (c) determined in pursuance of an appeal under paragraph 4 of that Schedule,

the alteration shall have effect from the day so substituted, agreed or, as the case may be, determined.

(11) Where, for the purposes of paragraphs (3), (5), (6) or (8), the day on which the relevant circumstances arose is not reasonably ascertainable, then, —

- (a) where an alteration is made in pursuance of a proposal, the alteration shall have effect from the day on which the proposal was served on the valuation officer, and
- (b) in any other case, the alteration shall have effect from the day on which it is made.

(6) Mewnsoedir Atodlen 4A i Ddeddf Cyllid Llywodraeth Leol 1988 gan Ddeddf Llywodraeth Leol a Thai 1989 (p.42), Atodlen 5 ac fe'r diwygiwyd gan Ddeddf Cyllid Llywodraeth Leol 1992 (p.14)

(12) Notwithstanding the foregoing provisions of this regulation, where an alteration is made because the rateable value or any other information shown in the list for a hereditament is shown, by reason of a decision of a valuation tribunal, the Lands Tribunal or a court determining an appeal or application for review from either such tribunal, to be or to have been inaccurate, the alteration shall have effect from the day on which the list became inaccurate.

(13) Subject to paragraph (14), an alteration made to correct an inaccuracy in a list which arose in the course of making an alteration in connection with any of the matters mentioned in the foregoing paragraphs of this regulation shall have effect —

- (a) if made in pursuance of a proposal, from the day on which the previous alteration fell to have effect, or
- (b) in any other case, from that day or from the first day in the financial year in which the correcting alteration is made, whichever is the later.

(14) An alteration made to correct an inaccuracy (other than one which has arisen by reason of an error or default on the part of a ratepayer) —

- (a) in the list on the day it was compiled, or
- (b) which arose in the course of making a previous alteration in connection with matters mentioned in the foregoing paragraphs of this regulation,

and which increases the rateable value shown in the list for the hereditament to which the inaccuracy relates shall have effect from the day on which the alteration is made.”.

Hawliau Hysbysebu

10. Yn rheoliad 14(1) (hawliau hysbysebu), yn lle “regulation 13” amnewidier “regulations 13 and 13A”.

Y rhestr ardrethu ganolog

11. Yn rheoliad 19(2) (hereditamentau perthnasol), mewnosoder yn y lle priodol yn rhestr y rheoliadau —

“4C” a “13A (except paragraphs (6)(a)(iv), (9) and (10))”.

Tystiolaeth

12. Yn rheoliad 41 (tystiolaeth – cyffredinol) —

- (a) ym mharagraff (3)(a), yn lle “two” amnewidier “three” a hepgorer “, specifying in relation to any information to be so used the documents or other media in or on which that information is held and the hereditament or hereditaments to which it relates,” a
- (b) ar ôl paragraff 3(a), dileer “and” a mewnosoder —
 - “(aa) the notice specifies in relation to any information to be so used —
 - (i) the documents or other media in or on which that information is held;
 - (ii) the hereditament or hereditaments to which it relates, and the rateable value or rateable values in the list current at the date of the notice;
 - (iii) the name and address of the person providing the information; and
 - (iv) a summary of the terms of any lease (including the rent, dates of rental reviews and description of the repairing obligations); and”.

Cyflwyno hysbysiadau

13. Yn rheoliad 50 (cyflwyno hysbysiadau) —

(a) ar ôl paragraff (1)(a), mewnosoder —

“(aa) by sending it to that person or that agent by e-mail (electronic mail) or fax or other similar means which are capable of producing a document containing the text of the notice;”,

(b) yn lle paragraff 4(b), amnewidier —

“(b) by delivering it or sending it to the office of the valuation officer by post or by the electronic means described in paragraph (1)(aa) (and where e-mail or fax is used to the address or fax number given for that purpose by or on behalf of the valuation officer).”, ac

(c) ym mharagraff (5), ar ôl is-baragraff (a), hepgorer “and” ac ar ôl is-baragraff (b), ychwaneger —

“;and

(c) any notice sent by the means described in paragraph (1)(aa) shall be regarded as sent when it is received in a legible form.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7).

17 Mawrth 2000

D Elis Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn, sy'n dod i rym ar 1 Ebrill 2000, yn diwygio ymhellach Reoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) 1993. Mae Rheoliadau 1993 (fel y'u diwygiwyd) yn gymwys i Gymru a Lloegr. Mae Rheoliadau 1993 yn ymwneud â newid rhestri ardrethu annomestig a luniwyd o dan Ddeddf Cyllid Llywodraeth Leol 1988 ac maent yn ymdrin â newid y rhestri hynny gan swyddogion prisio; cynigion i newid gan bersonau eraill ac apelau i driwlysoedd prisio lle ceir anghytundeb rhwng cynnig gan swyddog prisio a pherson arall. Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys i Gymru'n unig.

Mae'r Rheoliadau hyn yn darparu ar gyfer —

- (a) y cyfnod y ceir gwneud cynigion i newid y rhestri a luniwyd ar 1 Ebrill 1990 ac 1 Ebrill 1995 a'r rhestri a lunnir ar 1 Ebrill 2000 ac ymlaen (rheoliadau 3 i 5) gyda diwygiadau canlyniadol ynglŷn â gwybodaeth sydd i'w chynnwys mewn cynnig (rheoliad 6) a chynigion yr ymdrinnir â hwy fel rhai annilys (rheoliad 7);
- (b) yr amser pan fydd newid i restr i gael effaith (rheoliadau 8 a 9) gyda diwygiad canlyniadol ynghylch hysbysebu hereditamentau (rheoliad 10);
- (c) cymhwyso'r diwygiadau mewn perthynas â hereditamentau sy'n cael eu cynnwys ar y rhestr ardrethu annomestig ganolog (rheoliad 11);
- (ch) y dystiolaeth sydd i'w defnyddio gan swyddog prisio mewn achos apêl neu gyfeiriad at gymrodeddu (rheoliad 12); a
- (d) cyflwyno hysbysiadau (rheoliad 13).