



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 1000 (Cy.106)

2004 No. 1000 (W.106)

**ARDRETHU A PHRSIO,
CYMRU**

**RATING AND VALUATION,
WALES**

Rheoliadau Ardrethu Annomestig
(Darpariaethau Amrywiol)
(Diwygio) (Cymru)
2004

The Non-Domestic Rating
(Miscellaneous Provisions)
(Amendment) (Wales) Regulations
2004

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Paragraff 2 o Atodlen 6 o Ddeddf Cyllid Llywodraeth Leol 1988 ("Deddf 1988") yn darparu bod gwerth ardrethol hereditament annomestig yn cael ei benderfynu trwy gyfeirio at y rhent y gellid disgwyl yn rhesymol ei ddefnyddio, yn ôl yr amcangyfrif, i osod yr hereditament o flwyddyn i flwyddyn.

Paragraph 2 of Schedule 6 to the Local Government Finance Act 1988 ("the 1988 Act") provides that the rateable value of a non-domestic hereditament shall be ascertained by reference to the rent at which it is estimated the hereditament might reasonably be expected to be let from year to year.

Yn yr achosion hynny lle nad oes tystiolaeth fwy uniongyrchol o werth rhent, yn hytrach, penderfynir ar werth ardrethol hereditament annomestig trwy ddatgyfalafu cyfanswm gwerth cyfalaf amcangyfrifedig yr hereditament (yr enw ar hyn yw "sail prisio'r contractiwr"). Rhagnodir y cyfraddau datgyfalafu gan Reoliadau a wnaed gan yr Ysgrifennydd Gwladol o dan baragraff 2(8) o Atodlen 6 i Ddeddf 1988. Y prif Reoliadau a wnaed o dan y pŵer hwn yw Rheoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) 1989 (fel y'u diwygiwyd) ("Rheoliadau 1989"), y mae Rheoliad 2 ohonynt yn rhagnodi'r cyfraddau presennol.

In those cases where there is no more direct evidence of rental value, the rateable value of a non-domestic hereditament is instead ascertained by decapitalising the estimated total capital value of the hereditament (this is known as "the contractor's basis of valuation"). The decapitalisation rates are prescribed by Regulations made by the Secretary of State under paragraph 2(8) of Schedule 6 to the 1988 Act. The principal Regulations made under this power are the Non-Domestic Rating (Miscellaneous Provisions) (No 2) Regulations 1989 (as amended) ("the 1989 Regulations"), Regulation 2 of which prescribes the current rates.

I'r graddau y mae'n ymwneud â Chymru, mae'r pŵer i wneud Rheoliadau o dan baragraff 2(8) o Atodlen 6 i Ddeddf 1988 wedi'i drosglwyddo i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999. Drwy ddibynnu ar y pŵer hwn, mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau hyn i ddiwygio, gydag effaith o 1 Ebrill 2005, y cyfraddau datgyfalafu a ragnodwyd gan Reoliad 2 o Reoliadau 1989.

Insofar as it relates to Wales, the power to make Regulations under paragraph 2(8) of Schedule 6 to the 1988 Act has been transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999. In reliance on this power, the National Assembly for Wales is making these Regulations to amend, with effect from the 1st of April 2005, the decapitalisation rates prescribed by Regulation 2 of the 1989 Regulations.

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**ARDRETHU A PHRISIO,
CYMRU**

**Rheoliadau Ardrethu Annomestig
(Darpariaethau Amrywiol)
(Diwygio) (Cymru)
2004**

Wedi'u gwneud 30 Mawrth 2004
Yn dod i rym 1 Ebrill 2004

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 143(1) a 143(4A) o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraff 2(8) o Atodlen 6 iddi(a) sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy mewn perthynas â Chymru(b).

Cymhwyso, enwi a chychwyn

1. Enw'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yw Rheoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Diwygio) (Cymru) 2004 a deuant i rym ar 1 Ebrill 2004.

Prisio ar sail y contractiwr

2.-(1) Diwygir Rheoliad 2 o Reoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) 1989(c) fel a ganlyn.

(2) Ar ôl paragraff (1B) mewnosoder-

"(1C) Paragraph (2C) of this regulation applies in relation to a hereditament shown in a non-domestic rating list compiled on or after the 1st of April 2005 the rateable value of which is being ascertained using the contractor's basis of valuation."

(3) Ar ôl paragraff (2B) mewnosoder -

(a) 1988 p.41.

(b) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adrannau 143(1) a 143(4A) o Ddeddf Cyllid Llywodraeth Leol 1988, a pharagraff 2(8) o Atodlen 6 iddi, i Gynulliad Cenedlaethol Cymru yn unol ag erthygl 2(2) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddi.

(c) O.S. 1989/2303.

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**RATING AND VALUATION,
WALES**

**The Non-Domestic Rating
(Miscellaneous Provisions)
(Amendment) (Wales) Regulations
2004**

Made 30th March 2004
Coming into force 1st April 2004

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 143(1) and 143(4A) of, and paragraph 2(8) of Schedule 6 to, the Local Government Finance Act 1988(a) now vested in the National Assembly for Wales so far as exercisable in relation to Wales(b).

Application, name and commencement

1. These Regulations, which apply to Wales only, are called The Non-Domestic Rating (Miscellaneous Provisions) (Amendment) (Wales) Regulations 2004 and shall come into force on the 1st April 2004.

Valuation on the contractor's basis

2.-(1) Regulation 2 of the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989(c) is amended as follows.

(2) After paragraph (1B) there is inserted-

"(1C) Paragraph (2C) of this regulation applies in relation to a hereditament shown in a non-domestic rating list compiled on or after the 1st of April 2005 the rateable value of which is being ascertained using the contractor's basis of valuation."

(3) After paragraph (2B) there is inserted-

(a) 1988 c.41.

(b) The powers of the Secretary of State under sections 143(1) and 143(4A) of, and paragraph 2(8) of Schedule 6 to the Local Government Finance Act 1988 were transferred to the National Assembly for Wales pursuant to article 2(2) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 1989/2303.

"(2C) In applying the provisions of the Act referred to in paragraph (2) of this regulation in circumstances where paragraph (1C) of this regulation applies, the appropriate rate shall be assumed to be-

- (a) in the case of a defence hereditament, an educational hereditament or a healthcare hereditament, 3.3%; and
- (b) in any other case, 5.0%".

"(2C) In applying the provisions of the Act referred to in paragraph (2) of this regulation in circumstances where paragraph (1C) of this regulation applies, the appropriate rate shall be assumed to be-

- (a) in the case of a defence hereditament, an educational hereditament or a healthcare hereditament, 3.3%; and
- (b) in any other case, 5.0%".

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

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

30 Mawrth 2004

30th March 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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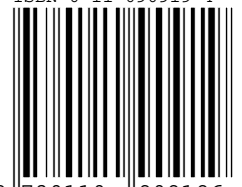
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