



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1808 (Cy.139)

2005 No. 1808 (W.139)

**CAFFAEL TIR,
CYMRU**

**ACQUISITION OF LAND,
WALES**

**Rheoliadau Taliadau Colli Cartref
(Symiau Rhagnodedig)
(Cymru) 2005**

**The Home Loss Payments
(Prescribed Amounts) (Wales)
Regulations 2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn cynyddu uchafsymiau ac isafsymiau'r taliadau colli cartref sy'n daladwy o dan Ddeddf Iawndal Tir 1973 ("y Ddeddf") i'r rhai sydd â buddiant perchennog mewn annedd. Maent yn cynyddu hefyd swm y taliad colli cartref sy'n daladwy mewn unrhyw achos arall.

These Regulations, which apply in relation to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 ("the Act") to those with an owner's interest in a dwelling. They also increase the amount of home loss payment payable in any other case.

Mae hawl gan berson sydd wedi'i ddadleoli drwy brynu gorfodol neu o dan amgylchiadau eraill a bennir yn adran 29 o'r Ddeddf i gael taliad colli cartref. Cafodd y sail bresennol ar gyfer asesu swm y taliad colli cartref ei sefydlu drwy ddiwygiadau a wnaed i'r Ddeddf yn Neddf Cynllunio a Phrynu Gorfodol 1991.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment. The present basis for assessing the amount of home loss payment was established by amendments to the Act in the Planning and Compulsory Purchase Act 1991.

Pan fo gan berson sy'n meddiannu annedd ar ddyddiad y dadleoli fuddiant perchennog, mae adran 30(1) o'r Ddeddf yn darparu bod swm y taliad colli cartref yn cael ei gyfrifo fel canran o werth y buddiant hwnnw ar y farchnad, a hynny'n ddarostyngedig i uchafswm ac isafswm.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Mae adran 30(2) yn rhagnodi swm y taliad colli cartref mewn unrhyw achos arall.

Section 30(2) prescribes the amount of the home loss payment in any other case.

Mae rheoliad 2(a) o'r Rheoliadau hyn yn cynyddu'r uchafswm sy'n daladwy o dan adran 30(1) o'r Ddeddf o £34,000 i £38,000 ac mae rheoliad 2(b) yn cynyddu'r isafswm o £3,400 i £3,800. Mae rheoliad 2(c) yn cynyddu'r taliad colli cartref sy'n daladwy, o dan adran 30(2) o'r Ddeddf, mewn unrhyw achos arall o £3,400 i £3,800.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £34,000 to £38,000 and regulation 2(b) increases the minimum amount from £3,400 to £3,800. Regulation 2(c) increases the home loss payment payable, under section 30(2) of the Act, in any other case from £3,400 to £3,800.

Dim ond uchafsymiau ac isafsymiau'r taliadau colli cartref sydd wedi'u newid ac nid oes unrhyw newid yn y ganran sy'n daladwy o werth marchnad buddiant y person sydd wedi'i ddadleoli yn yr anedd.

Mae'r symiau diwygiedig yn gymwys pan fo'r dadleoli'n digwydd ar 1 Medi 2005 neu ar ôl hynny.

Mae'r Rheoliadau hyn yn darparu y bydd Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2004 yn parhau i fod yn effeithiol o ran dadleoli sy'n digwydd cyn y dyddiad y daw'r Rheoliadau hyn i rym ond ar wahân i hynny maent wedi'u dirymu.

Only the maximum and minimum amounts of home loss payments are changed and there is no change to the percentage payable of the market value of the displaced person's interest in the dwelling.

The revised amounts apply where the displacement occurs on or after 1 September 2005.

These Regulations provide that the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2004 will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force but are otherwise revoked.

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(Cymru) 2005****The Home Loss Payments
(Prescribed Amounts) (Wales)
Regulations 2005**

Wedi'u gwneud 5 Gorffennaf 2005
Yn dod i rym 1 Medi 2005

Made 5 July 2005
Coming into force 1 September 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 30(5) o Ddeddf Iawndal Tir 1973(1) ("y Ddeddf") ac sy'n arferadwy bellach gan Gynulliad Cenedlaethol Cymru o ran Cymru(2), yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(1) ("the Act") and now exercisable by the National Assembly for Wales in relation to Wales(2), makes the following Regulations:

Enwi, cychwyn a chymhwysu

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2005 a deuant i rym ar 1 Medi 2005.

Title, commencement and application

1.-(1) The title of these Regulations is the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2005 and they come into force on 1 September 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Symiau diwygiedig y taliad colli cartref

2. Pan fo'r dyddiad dadleoli ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ei ôl-

- (a) £38,000 yw uchafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf;
- (b) £3,800 yw isafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf; ac
- (c) £3,800 yw swm rhagnodedig y taliad colli cartref at ddibenion adran 30(2) o'r Ddeddf.

Revised amounts of home loss payment

2. When the date of displacement is on or after the day on which these Regulations come into force -

- (a) the prescribed maximum amount of home loss payment for the purposes of section 30(1) of the Act is £38,000;
- (b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £3,800; and
- (c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £3,800.

(1) 1973 p.26; amnewidiwyd adran 30 gan adran 68(3) o Ddeddf Cynllunio ac Iawndal 1991 p.34 yn effeithiol o 25 Medi 1991 ymlaen (*gweler* O.S. 1991/ 2067, erthygl 3).

(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adran 30, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1.

(1) 1973 c.26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 c.34 with effect from 25 September, 1991 (*see* S.I. 1991/ 2067, article 3).

(2) The powers of the Secretary of State under section 30 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1.

Dirymu ac arbed

3.-(1)Yn ddarostyngedig i baragraff (2), dirymir Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2004(1).

(2) Bydd y Rheoliadau a grybwyllwyd ym mharagraff (1) yn parhau i fod yn effeithiol o ran dadleoli sy'n digwydd cyn y dyddiad y daw'r Rheoliadau hyn i rym.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

5 Gorffennaf 2005

Revocation and savings

3.-(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2004(1) are revoked.

(2) The Regulations mentioned in paragraph (1) will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

5 July 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) O.S. 2004/1758 (Cy.189).

(2) 1998 p.38.

(1) S.I. 2004/1758 (W.189).

(2) 1998 c.38.

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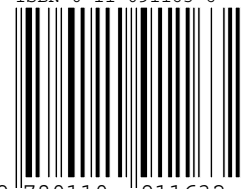
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