



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2008 Rhif 2997 (Cy.262)

2008 No. 2997 (W.262)

**ARDRETHU A PHRSIO,
CYMRU**

**RATING AND VALUATION,
WALES**

Rheoliadau Ardrethu Annomestig
(Darpariaethau Amrywiol)
(Diwygio)(Cymru)
2008

The Non-Domestic Rating
(Miscellaneous Provisions)
(Amendment) (Wales) Regulations
2008

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 i Ddeddf Cyllid Llywodraeth Leol 1988 ("Deddf 1988") yn darparu bod gwerth ardrethol hereditament annomestig i'w benderfynu drwy gyfeirio at y rhent y gellir yn rhesymol ddisgwyl ei gael, yn ôl yr amcangyfrif, am 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 is to 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 na cheir tystiolaeth fwy uniongyrchol o werth rhent, mae gwerth ardrethol hereditament annomestig yn cael ei benderfynu, yn lle hynny, drwy ddatgyfalafu cyfanswm gwerth cyfalaf amcangyfrifedig yr hereditament (yr enw ar hyn yw "the contractor's basis of valuation"). Rhagnodir y cyfraddau datgyfalafu 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 rhagnodir y cyfraddau ynddynt yn Rheoliad 2.

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 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 rates.

Mae Gweinidogion Cymru, wrth wneud y Rheoliadau hyn, yn diwygio, yn effeithiol o 11 Rhagfyr 2008, y cyfraddau datgyfalafu a ragnodir gan Reoliad 2 o Reoliadau 1989.

The Welsh Ministers in making these Regulations amend, with effect from 11 December 2008, the decapitalisation rates prescribed by Regulation 2 of the 1989 Regulations.

Mae Asesiad Effaith Rheoleiddiol wedi ei baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi o <http://www.cynulliadcymru.org/bus-home/buslegislation/bus-legislation-sub>.

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy can be obtained at <http://www.assemblywales.org/bus-home/buslegislation/bus-legislation-sub>.

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CYMRU**

Rheoliadau Ardrethu Annomestig
(Darpariaethau Amrywiol)
(Diwygio) (Cymru)
2008

Gwnaed 17 Tachwedd 2008
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 19 Tachwedd 2008
Yn dod i rym 11 Rhagfyr 2008

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 143(1) o Ddeddf Cyllid Llywodraeth Leol 1988(1) a pharagraff 2(8) o Atodlen 6 iddi, ac a freiniwyd bellach yng Ngweinidogion Cymru(2).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Diwygio) (Cymru) 2008 a deuant i rym ar 11 Rhagfyr 2008.

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

**Diwygio Rheoliadau Ardrethu Annomestig
(Darpariaethau Amrywiol) (Rhif 2) 1989**

2.—(1) Diwygir Rheoliad 2 o Reoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) 1989(3) (Prisio ar sail y contractiwr) fel a ganlyn.

(1) 1988 p. 41.

(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol, o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1988 yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(3) O.S. 1989 Rhif 2303 (fel y'i diwygiwyd).

2008 No. 2997 (W.262)

**RATING AND VALUATION,
WALES**

The Non-Domestic Rating
(Miscellaneous Provisions)
(Amendment) (Wales) Regulations
2008

Made 17 November 2008
*Laid before the National
Assembly for Wales* 19 November 2008
Coming into force 11 December 2008

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by section 143(1) of, and paragraph 2(8) of Schedule 6 to, the Local Government Finance Act 1988(1) and now vested in the Welsh Ministers(2).

Title, commencement and application

1.—(1) The title of these Regulations is The Non-Domestic Rating (Miscellaneous Provisions) (Amendment) (Wales) Regulations 2008 and they come into force on the 11 December 2008.

(2) These Regulations apply in relation to Wales.

**Amendment to the Non-Domestic Rating
(Miscellaneous Provisions) (No 2) Regulations 1989**

2.—(1) Regulation 2 of the Non-Domestic Rating (Miscellaneous Provisions) (No 2) Regulations 1989(3) (Valuation on the contractor's basis) is amended as follows.

(1) 1988 c. 41.

(2) The powers of the Secretary of State were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the reference to the Local Government Finance Act 1988 in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) S.I. 1989 No. 2303 (as amended).

(2) Ym mharagraff (1C) hepgorer y geiriau "or after".

(3) Ar ôl paragraff (1C) mewnosoder— "(1D) Paragraph (2D) of this regulation applies in relation to a hereditament, shown in a non-domestic rating list compiled on or after 1 April 2010, the rateable value of which is being ascertained using the contractor's basis of valuation."

(4) Ar ôl paragraff (2C) mewnosoder—"(2D) In applying the provisions of the Act referred to in paragraph (2) of this regulation in circumstances where paragraph (1D) of this regulation applies, the appropriate rate is to be assumed to be—

- (a) in the case of a defence hereditament, an educational hereditament, a health care hereditament or a hereditament which is wholly a public convenience 2.97 per cent; and
- (b) in any other case 4.5 per cent."

(2) In paragraph (1C) omit the words "or after".

(3) After paragraph (1C) insert— "(1D) Paragraph (2D) of this regulation applies in relation to a hereditament, shown in a non-domestic rating list compiled on or after 1 April 2010, the rateable value of which is being ascertained using the contractor's basis of valuation."

(4) After paragraph (2C) insert—"(2D) In applying the provisions of the Act referred to in paragraph (2) of this regulation in circumstances where paragraph (1D) of this regulation applies, the appropriate rate is to be assumed to be—

- (a) in the case of a defence hereditament, an educational hereditament, a health care hereditament or a hereditament which is wholly a public convenience 2.97 per cent; and
- (b) in any other case 4.5 per cent."

Brian Gibbons

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one of the Welsh Ministers

17 Tachwedd 2008

17 November 2008

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