



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 521 (Cy.82)

2012 No. 521 (W.82)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

Rheoliadau Awdurdodau Lleol
(Addasu Cyfrifiadau
Angenrheidiol) (Cymru) 2012

The Local Authorities (Alteration
of Requisite Calculations) (Wales)
Regulations 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adrannau 32 a 43 o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") yn disgrifio, yn ôl eu trefn, sut mae awdurdod bilio a phrif awdurdod praeseptio i gyfrifo eu hanghenion cyllideb ar gyfer blwyddyn ariannol. Mae adrannau 33 a 44 o'r Ddeddf honno yn disgrifio, yn ôl eu trefn, sut mae awdurdod bilio a phrif awdurdod praeseptio i gyfrifo swm sylfaenol eu treth cyngor.

Sections 32 and 43 of the Local Government Finance Act 1992 ("the 1992 Act") set out respectively how a billing authority and a major precepting authority are to calculate their budget requirements for a financial year. Sections 33 and 44 of that Act set out respectively how a billing authority and a major precepting authority are to calculate the basic amount of their council tax.

Mae rheoliadau 2 i 5 yn gwneud diwygiadau ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012.

Regulations 2 to 5 make amendments for the financial year beginning on 1 April 2012.

Mae rheoliadau 2(a), 3, 4(a)(i) a 5(a) o'r Rheoliadau hyn yn hepgor cyfeiriadau at "relevant special grant" o adrannau 32, 33, 43 a 44 o Ddeddf 1992 gan nad oes grantiau arbennig yn cael eu diffinio yn grantiau arbennig perthnasol ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012.

Regulations 2(a), 3, 4(a)(i) and 5(a) of these Regulations omit references to "relevant special grant" from sections 32, 33, 43 and 44 of the 1992 Act since no special grants are being defined as relevant special grants for the financial year beginning on 1 April 2012.

Mae rheoliadau 2(b) a 4(b) yn mewnosod y diffiniadau o symiau sy'n daladwy o ran ardrethi annomestig a ailddosberthir a'r grant cynnal refeniw yn adrannau 32 a 43 o Ddeddf 1992. Diben hyn yw sicrhau nad yw'r symiau ardrethi annomestig a ailddosberthir a'r grant cynnal refeniw a gedwir allan o'r cyfrifiad ar gyfer anghenion cyllideb yn yr adrannau hynny ond yn ymwneud â'r cyfryw symiau sy'n daladwy o dan yr Adroddiadau Cyllid Llywodraeth Leol yn eu trefn am y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012. Mae'r un diffiniadau yn gymwys hefyd i adrannau 33 a 44 o Ddeddf 1992. Mae rheoliad 4(b) hefyd yn diffinio "floor funding" yn adran 43 drwy fewnosod is-adran (6D) ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012.

Regulations 2(b) and 4(b) insert the definitions of sums payable in respect of redistributed non-domestic rates and revenue support grant in sections 32 and 43 of the 1992 Act. The purpose is to ensure that the amounts of redistributed non-domestic rates and revenue support grant excluded from the budget requirement calculation in those sections relate only to such amounts payable under the respective Local Government Finance Reports for the financial year beginning on 1 April 2012. The same definitions also apply to sections 33 and 44 of the 1992 Act. Regulation 4(b) also defines "floor funding" in section 43 by inserting subsection (6D) for the financial year beginning on 1 April 2012.

Mae rheoliadau 4(a)(ii) a 5(b) yn diwygio ymhellach adrannau 43 a 44 o Ddeddf 1992, fel bod prif awdurdodau praeseptio yng Nghymru yn gorfod ystyried unrhyw gyllid gwaelodol a geir oddi wrth yr Ysgrifennydd Gwladol am y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012 wrth wneud y cyfrifiad gofynnol am y flwyddyn honno.

Mae rheoliad 6 yn diwygio adran 32(5)(b) o Ddeddf 1992 drwy roi'r geiriau "Welsh Ministers" yn lle "Secretary of State".

Regulations 4(a)(ii) and 5(b) further amend sections 43 and 44 of the 1992 Act, such that major precepting authorities in Wales must take into account any floor funding received from the Secretary of State for the financial year beginning on 1 April 2012 when making the required calculation for that year.

Regulation 6 amends section 32(5)(b) of the 1992 Act by substituting the words "Welsh Ministers" for "Secretary of State".

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LLYWODRAETH LEOL,
CYMRU

Rheoliadau Awdurdodau Lleol
(Addasu Cyfrifiadau
Angenrheidiol) (Cymru) 2012

<i>Gwnaed</i>	22 Chwefror 2012
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	27 Chwefror 2012
<i>Yn dod i rym</i>	28 Chwefror 2012

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 32(9), 33(4), 43(7), 44(4) a 113(2) o Ddeddf Cyllid Llywodraeth Leol 1992(1) ac sydd bellach wedi eu breinio ynddynt hwy(2).

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2012 a deuant i rym ar 28 Chwefror 2012.

(2) Mae'r Rheoliadau hyn yn gymwys o ran awdurdodau yng Nghymru.

(3) Mae rheoliadau 2 i 5 yn gymwys o ran y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2012.

(4) Yn y Rheoliadau hyn ystyr "Deddf 1992" ("*the 1992 Act*") yw Deddf Cyllid Llywodraeth Leol 1992.

(1) 1992 p.14. Diwygiwyd adran 32(9) gan baragraff 4 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19) a chan baragraff 10(10) o Atodlen 7 i Ddeddf Lleoliaeth 2011 (p.20). Diwygiwyd adrannau 33(4), 43(7) a 44(4), yn y drefn honno, gan baragraffau 11(6), 20(8) a 21(5) a (6) o Atodlen 7 i Ddeddf Lleoliaeth 2011. Daeth Atodlen 7 i Ddeddf Lleoliaeth 2011 i rym ar 3 Rhagfyr 2011 (gweler erthygl 2(i) o O.S. 2011/2896). Diwygiwyd adran 113(2) gan baragraff 52 o Atodlen 7 i Ddeddf Llywodraeth Leol 2003 (p.26).

(2) Trosglwyddwyd y swyddogaethau hyn, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru o dan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, ac yna i Weindogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

2012 No. 521 (W.82)

LOCAL GOVERNMENT,
WALES

The Local Authorities (Alteration
of Requisite Calculations) (Wales)
Regulations 2012

<i>Made</i>	22 February 2012
<i>Laid before the National Assembly for Wales</i>	27 February 2012
<i>Coming into force</i>	28 February 2012

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 32(9), 33(4), 43(7), 44(4) and 113(2) of the Local Government Finance Act 1992(1) and now vested in them(2).

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2012 and they come into force on 28 February 2012.

(2) These Regulations apply in relation to authorities in Wales.

(3) Regulations 2 to 5 apply in relation to the financial year beginning on 1 April 2012.

(4) In these Regulations "the 1992 Act" ("*Deddf 1992*") means the Local Government Finance Act 1992.

(1) 1992 c.14. Section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (c.19) and by paragraph 10(10) of Schedule 7 to the Localism Act 2011 (c.20). Sections 33(4), 43(7) and 44(4) were amended by, respectively, paragraphs 11(6), 20(8) and 21(5) and (6) of Schedule 7 to the Localism Act 2011. Schedule 7 to the Localism Act 2011 came into force on 3 December 2011 (see article 2(i) of S.I. 2011/2896). Section 113(2) was amended by paragraph 52 of Schedule 7 to the Local Government Act 2003 (c.26).

(2) These functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales under article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and subsequently to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

Cyfrifo anghenion cyllideb (awdurdodau bilio)

2. Mae adran 32 o Ddeddf 1992 yn cael effaith fel petai'r canlynol wedi ei wneud—

- (a) bod y geiriau "or relevant special grant" yn is-adran (3)(a)(1) wedi eu hepgor; a
- (a) bod yr is-adran a ganlyn wedi ei mewnosod ar ôl is-adran (12)(2)—

"(12A) In this section and section 33 below—

- (a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.1) 2012-2013 (Final Settlement-Councils) approved by resolution of the National Assembly for Wales pursuant to section 84H(2)(3) of, and paragraph 11B(1)(4) of Schedule 8 to, the Local Government Finance Act 1988 on 10 January 2012; and
- (b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report."

Calculation of budget requirement (billing authorities)

2. Section 32 of the 1992 Act has effect as if—

- (a) in subsection (3)(a)(1) the words "or relevant special grant" were omitted; and
- (b) after subsection (12) the following subsection were inserted(2)—

"(12A) In this section and section 33 below—

- (a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.1) 2012-2013 (Final Settlement-Councils) approved by resolution of the National Assembly for Wales pursuant to section 84H(2)(3) of, and paragraph 11B(1)(4) of Schedule 8 to, the Local Government Finance Act 1988 on 10 January 2012; and
- (b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report. "

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- (1) Diwygiwyd adran 32(3)(a) gan baragraff 4 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994, Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol a Chronfeydd) 1994 (O.S. 1994/246) a Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol a Chronfeydd) 1995 (O.S. 1995/234). Fe'i haddaswyd mewn perthynas â'r flwyddyn ariannol 2011-2012 gan reoliad 2(a) o Reoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2011 (O.S. 2011/446 (Cy.67)). Fe'i diwygiwyd hefyd gan baragraff 10(5) o Atodlen 7 i Ddeddf Lleoliaeth 2011.
 - (2) Addaswyd adran 32 hefyd gan reoliad 2(b) o O.S. 2011/446 (Cy.67) fel ei bod yn cael effaith fel petai is-adran (12A) newydd wedi ei mewnosod mewn perthynas â'r flwyddyn ariannol 2011-2012.
 - (3) 1988 p.41; amnewidiwyd adran 84H (yn lle adran 84H fel y'i mewnosodwyd gan adran 40(1) o Ddeddf Llywodraeth Leol 2003 (p.26) ac Atodlen 2 iddi) gan erthygl 3 o Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 (O.S. 2007/1388) ac Atodlen 1 iddo.
 - (4) Amnewidiwyd paragraff 11B(1) (yn lle paragraff 11B(1) fel y'i mewnosodwyd gan adran 40(1) o Ddeddf Llywodraeth Leol 2003 ac Atodlen 2 iddi) gan erthygl 3 o O.S. 2007/1388 ac Atodlen 1 iddo.

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- (1) Section 32(3)(a) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994, the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246) and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234). It was modified in relation to the financial year 2011-2012 by regulation 2(a) of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011 (S.I. 2011/446 (W.67)). It was also amended by paragraph 10(5) of Schedule 7 to the Localism Act 2011.
 - (2) Section 32 was also modified by regulation 2(b) of S.I. 2011/446 (W.67) to have effect as if a new subsection (12A) were inserted in relation to the financial year 2011-2012.
 - (3) 1988 c.41; section 84H was substituted (for section 84H as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003 (c.26)) by article 3 of, and Schedule 1 to, the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).
 - (4) Paragraph 11B(1) was substituted (for paragraph 11B(1) as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003) by article 3 of, and Schedule 1 to, S.I. 2007/1388.

Cyfrifo swm sylfaenol y dreth gyngor (awdurdodau bilio)

3. Mae adran 33(1) o Ddeddf 1992(1) yn cael effaith fel petai'r geiriau "or relevant special grant" yn eitem P wedi eu hepgor.

Cyfrifo anghenion cyllideb (prif awdurdodau praeseptio)

4. Mae adran 43 o Ddeddf 1992 yn cael effaith fel petai'r canlynol wedi ei wneud—

- (a) yn is-adran (3)(a)(i)(2)—
 - (i) bod y geiriau "relevant special grant" wedi eu hepgor; a
 - (ii) bod y geiriau "floor funding" wedi eu mewnosod o flaen "or police grant;" a
- (b) bod yr is-adrannau a ganlyn wedi eu mewnosod ar ôl is-adran (6B)(3)—

"(6C) In this section and section 44 below—

- (a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.2) 2012-2013 (Final Settlement-Police Authorities) approved by resolution of the National Assembly for Wales pursuant to section 84H(2) of, and paragraph 11B(1) of Schedule 8 to, the Local Government Finance Act 1988 on 21 February 2012; and
- (b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.

(6D) In this section and section 44 below "floor funding" means grant payable to a major precepting authority by the Secretary of State in addition to the police grant referred to in subsection (6A)."

Calculation of basic amount of council tax (billing authorities)

3. Section 33(1) of the 1992 Act(1) has effect as if in item P the words "or relevant special grant" were omitted.

Calculation of budget requirement (major precepting authorities)

4. Section 43 of the 1992 Act has effect as if—

- (a) in subsection (3)(a)(i)(2)—
 - (i) the words "relevant special grant" were omitted; and
 - (ii) the words "floor funding" were inserted before "or police grant;" and
- (b) after subsection (6B) the following subsections were inserted(3)—

"(6C) In this section and section 44 below—

- (a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.2) 2012-2013 (Final Settlement-Police Authorities) approved by resolution of the National Assembly for Wales pursuant to section 84H(2) of, and paragraph 11B(1) of Schedule 8 to, the Local Government Finance Act 1988 on 21 February 2012; and
- (b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.

(6D) In this section and section 44 below "floor funding" means grant payable to a major precepting authority by the Secretary of State in addition to the police grant referred to in subsection (6A)."

(1) Diwygiwyd adran 33(1) gan baragraff 5(2) o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994, O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd hefyd mewn perthynas â'r flwyddyn ariannol 2011-2012 gan reoliad 3 o O.S. 2011/446 (Cy.67). Fe'i diwygiwyd hefyd gan baragraff 11(3) o Atodlen 7 i Ddeddf Lleoliaeth 2011.

(2) Diwygiwyd adran 43(3)(a) gan O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd mewn perthynas â'r flwyddyn ariannol 2011-2012, gan reoliad 4(a) o O.S. 2011/446 (Cy.67). Fe'i diwygiwyd hefyd gan baragraff 20(5) o Atodlen 7 i Ddeddf Lleoliaeth 2011.

(3) Addaswyd adran 43 gan reoliad 4(b) o O.S. 2011/446 (Cy.67) fel ei bod yn cael effaith fel petai yr is-adrannau newydd (6E) a (6F) wedi eu mewnosod ar ôl is-adran (6D) mewn perthynas â'r flwyddyn ariannol 2011-2012. Amnewidiwyd is-adrannau (6A) a (6B) yn lle is-adrannau (6A) i (6D) gan baragraff 20(7) o Atodlen 7 i Ddeddf Lleoliaeth 2011.

(1) Section 33(1) was amended by paragraph 5(2) of Schedule 12 to the Local Government (Wales) Act 1994, S.I. 1994/246 and S.I. 1995/234. It was modified in relation to the financial year 2011-2012 by regulation 3 of S.I. 2011/446 (W.67). It was also amended by paragraph 11(3) of Schedule 7 to the Localism Act 2011.

(2) Section 43(3)(a) was amended by S.I. 1994/246 and S.I. 1995/234. It was modified in relation to the financial year 2011-2012 by regulation 4(a) of S.I. 2011/446 (W.67). It was also amended by paragraph 20(5) of Schedule 7 to the Localism Act 2011.

(3) Section 43 was modified by regulation 4(b) of S.I. 2011/446 (W.67) to have effect as if new subsections (6E) and (6F) were inserted after subsection (6D) in relation to the financial year 2011-2012. Subsections (6A) and (6B) were substituted for subsections (6A) to (6D) by paragraph 20(7) of Schedule 7 to the Localism Act 2011.

Cyfrifo swm sylfaenol y dreth gyngor (prif awdurdodau praeseptio)

5. Mae adran 44(1) o Ddeddf 1992(1) yn cael effaith fel petai'r canlynol wedi ei wneud yn eitem P—

- (a) bod y geiriau "relevant special grant" wedi eu hepgor; a
- (b) bod y geiriau "floor funding" wedi eu mewnosod o flaen y geiriau "or police grant;".

Diwygio adran 32(5)(b) o Ddeddf 1992

6. Yn adran 32(5)(b) o Ddeddf 1992(2), yn lle "Secretary of State" rhodder "Welsh Ministers".

Calculation of basic amount of council tax (major precepting authorities)

5. Section 44(1) of the 1992 Act(1) has effect as if in item P—

- (a) the words "relevant special grant" were omitted; and
- (b) the words "floor funding" were inserted before "or police grant;".

Amendment of section 32(5)(b) of the 1992 Act

6. In section 32(5)(b) of the 1992 Act(2), for "Secretary of State" substitute "Welsh Ministers".

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

Minister for Local Government and Communities, one of the Welsh Ministers

22 Chwefror 2012

22 February 2012

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(1) Diwygiwyd adran 44(1) gan O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd gan reoliad 5 o O.S. 2011/446 (Cy.67) mewn perthynas â'r flwyddyn ariannol 2011-2012. Fe'i diwygiwyd hefyd gan baragraff 21(3) o Atodlen 7 i Ddeddf Lleoliaeth 2011.

(2) Amnewidiwyd adran 32(5) gan baragraff 10(7) o Atodlen 7 i Ddeddf Lleoliaeth 2011.

(1) Section 44(1) was amended by S.I. 1994/246 and S.I. 1995/234. It was modified by regulation 5 of S.I. 2011/446 (W.67) in relation to the financial year 2011-2012. It was also amended by paragraph 21(3) of Schedule 7 to the Localism Act 2011.

(2) Section 32(5) was substituted by paragraph 10(7) of Schedule 7 to the Localism Act 2011.

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