



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 129 (Cy. 17)

2014 No. 129 (W. 17)

Y DRETH GYNGOR, CYMRU

COUNCIL TAX, WALES

Rheoliadau'r Dreth Gyngor
(Gweinyddu a Gorfodi) (Diwygio)
(Cymru) 2014

The Council Tax (Administration
and Enforcement) (Amendment)
(Wales) Regulations 2014

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 ("Rheoliadau 1992") yn gwneud darpariaeth ynglŷn â bilio, casglu a gorfodi'r dreth gyngor. Mae'r Rheoliadau hyn yn diwygio Rheoliadau 1992 mewn perthynas â Chymru, er mwyn cymryd i ystyriaeth gyflwyno cynlluniau gostyngiadau'r dreth gyngor lleol, a wneir gan yr awdurdodau bilio yn unol â Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2013 ("Rheoliadau 2013"), neu sy'n gymwys yn ddiodyn yn rhinwedd paragraff 6(1)(e) o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992. Mae'r diwygiadau a wneir i Reoliadau 1992 yn galluogi cymryd y gostyngiadau a wneir yn unol â Rheoliadau 2013 i ystyriaeth wrth filio a gorfodi'r dreth gyngor.

Mae Rheoliadau 3 i 9 yn rhoi cyfeiriadau at Reoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2013 a Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Cynllun Diofyn) (Cymru) 2013 yn lle'r cyfeiriadau o fewn Rheoliadau 1992 at Reoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Cynllun Diofyn) (Cymru) 2012 a Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012.

Darpariaethau arbed yw rheoliadau 10 ac 11 sy'n darparu nad yw'r diwygiadau a wneir i Reoliadau 1992 yn cael effaith mewn perthynas ag unrhyw geisiadau a wneir neu ostyngiadau a ddyfernir yn unol â Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a

The Council Tax (Administration and Enforcement) Regulations 1992 ("the 1992 Regulations") make provision about the billing, collection and enforcement of council tax. These Regulations amend the 1992 Regulations in relation to Wales to take into account the introduction of local council tax reduction schemes made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 ("the 2013 Regulations") or which apply in default by virtue of paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992. The amendments made to the 1992 Regulations enable reductions made in accordance with the 2013 Regulations to be taken into account in the billing and enforcement of council tax.

Regulations 3 to 9 substitute references within the 1992 Regulations to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 and the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012, with references to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013.

Regulations 10 and 11 are savings provisions which provide that the amendments made to the 1992 Regulations do not have effect in respect of any applications made or deductions awarded in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations

Gofynion Rhagnodedig (Cymru) 2012 neu gynllun sy'n gymwys yn ddiodyn ar 1 Ebrill 2013.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

2012 or a scheme which applies in default on 1 April 2013.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Council Tax (Administration
and Enforcement) (Amendment)
(Wales) Regulations 2014**

Gwnaed 22 Ionawr 2014

Made 22 January 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Ionawr 2014

Laid before the National Assembly for Wales
24 January 2014

Yn dod i rym 14 Chwefror 2014

Coming into force 14 February 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 113(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1992(1) a pharagraffau 1(1), 2(2), 2(4)(a) a (j), 4, 5 ac 8 i 10 o Atodlen 2 i'r Ddeddf honno, ac a freiniwyd bellach ynddynt hwy(2).

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by section 113(1) and (2) of, and paragraphs 1(1), 2(2), 2(4)(a) and (j), 4, 5 and 8 to 10 of Schedule 2 to, the Local Government Finance Act 1992(1) and now vested in them(2).

RHAN 1

PART 1

Cyffredinol

General

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Diwygio) (Cymru) 2014.

1.—(1) The title of these Regulations is the Council Tax (Administration and Enforcement) (Amendment) (Wales) Regulations 2014.

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- (1) 1992 p.14. Diwygiwyd adran 113 gan baragraffau 40 a 52 o Atodlen 7 i Ddeddf Llywodraeth Leol 2003 (p.26), adran 80(1) a (4) i (6) o Ddeddf Lleoliaeth 2011 (p.20). Diwygiwyd paragraff 2(4)(j) o Atodlen 2 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14) gan adran 16 (1) a (3) o Ddeddf Cyllid Llywodraeth Leol 2012 (p.17). Diwygiwyd paragraff 4 o Atodlen 2 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14) gan adran 12(1) ac (8) i (13) o Ddeddf Cyllid Llywodraeth Leol 2012 (p.17). Diwygiwyd paragraff 8 o Atodlen 2 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14) gan baragraffau 40 a 53 (1) a (2) o Atodlen 7 i Ddeddf Llywodraeth Leol 2003 (p.26).
- (2) Mae swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, wedi'u trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Trosglwyddwyd y swyddogaethau hynny yn ddiweddarach i Weindogion Cymru yn rhinwedd paragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

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- (1) 1992 c.14. Section 113 was amended by paragraphs 40 and 52 of Schedule 7 to the Local Government Act 2003 (c.26), section 80(1) and (4) to (6) of the Localism Act 2011 (c.20). Paragraph 2(4)(j) of Schedule 2 to the Local Government Finance Act 1992 (c.14) was amended by section 16 (1) and (3) of the Local Government Finance Act 2012 (c.17). Paragraph 4 of Schedule 2 to the Local Government Finance Act 1992 (c.14) was amended by section 12(1) and (8) to (13) of the Local Government Finance Act 2012 (c.17). Paragraph 8 of Schedule 2 to the Local Government Finance Act 1992 (c.14) was amended by paragraphs 40 and 53 (1) and (2) of Schedule 7 to the Local Government Act 2003 (c.26).
- (2) Functions of the Secretary of State, so far as exercisable in relation to Wales, were 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. Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Daw'r Rheoliadau hyn i rym ar 14 Chwefror 2014 ac maent yn gymwys o ran Cymru.

(2) These Regulations come into force on 14 February 2014 and apply in relation to Wales.

RHAN 2 Diwygiadau

Diwygio Rheoliadau

2. Diwygir Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(1) yn unol â rheoliadau 3 i 9.

3. Yn rheoliad 1(2) (enwi, cychwyn a dehongli)—

- (a) yn is-baragraff (a) o'r diffiniad o "discount" yn lle "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012"(2) rhodder "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013"(3);
- (b) yn is-baragraff (a) o'r ddiffiniad o "exempt dwelling" yn lle "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012" rhodder "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013".

4. Ym mharagraff (3) o reoliad 9 (rhagdybiaethau ynghylch anheddau)—

- (a) yn lle is-baragraff (a) rhodder—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013”(4);
- (b) yn lle is-baragraff (b) rhodder—

“(b) a provision contained in an authority's scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013.”.

5. Yn rheoliad 10 (hysbysiad o ragdybiaeth)—

- (a) ym mharagraff (6A), yn y lle cyntaf y mae'n ymddangos, yn lle "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012" rhodder "Council

PART 2 Amendments

Amendment of Regulations

2. The Council Tax (Administration and Enforcement) Regulations 1992(1) are amended in accordance with regulations 3 to 9.

3. In regulation 1(2) (citation, commencement and interpretation)—

- (a) in sub-paragraph (a) of the definition of "discount" for "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012"(2) substitute "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013"(3);
- (b) in sub-paragraph (a) of the definition of "exempt dwelling" for "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012" substitute "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013".

4. In paragraph (3) of regulation 9 (assumptions as to dwellings)—

- (a) for sub-paragraph (a) substitute—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013”(4);
- (b) for sub-paragraph (b) substitute—

“(b) a provision contained in an authority's scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013.”.

5. In regulation 10 (notification of assumption)—

- (a) in paragraph (6A), in the first place in which it appears, for "Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012" substitute

(1) O.S. 1992/613. Cafodd diwygiadau perthnasol eu gwneud gan O.S. 1992/3008, O.S. 1995/22, O.S. 2004/785, O.S. 2009 / 2706, O.S. 2013/62 (Cy.13) ac O.S. 2013/570 (Cy.66).
(2) O.S. 2012/3144 (Cy.316) fel y'u diwygiwyd gan O.S. 2013/112 (Cy.17).
(3) O.S. 2013/3029 (Cy.301).
(4) O.S. 2013/3035 (Cy.303).

(1) S.I. 1992/613. Relevant amendments were made by S.I. 1992/3008, S.I. 1995/22, S.I. 2004/785, S.I. 2009 / 2706, S.I. 2013/62 (W.13) and S.I. 2013/570 (W.66).
(2) S.I. 2012/3144 (W.316) as amended by S.I. 2013/112 (W.17).
(3) S.I. 2013/3029 (W.301).
(4) S.I. 2013/3035 (W.303).

Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”;

- (b) ym mharagraff (6A) yn lle is-baragraff (b)(i) rhodder—

“(i) informing the person affected of the duty imposed by paragraph 113(1) of the scheme prescribed by the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 or contained in the authority’s scheme by virtue of paragraph 7(1) of Schedule 13 to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, as the case may be;”

6. Ym mharagraff (1A) o reoliad 11 (cywiro rhagdybiaethau) yn lle “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012” rhodder “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”.

7. Ym mharagraff (3) o reoliad 15 (rhagdybiaethau ynghylch disgownt)—

- (a) yn lle is-baragraff (a) rhodder—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013”;

- (b) Yn lle is-baragraff (b) rhodder—

“(b) a provision contained in the authority’s scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013;”.

8. Ym mharagraff (1A) o reoliad 16 (cywiro rhagdybiaethau ynghylch disgownt) yn lle “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012” rhodder “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”.

9. Ym mharagraff (2A) o reoliad 20 (hysbysiadau galw am dalu: taliadau sy'n ofynnol)—

- (a) yn lle is-baragraff (a) rhodder—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulation 2013;”;

- (b) yn lle is-baragraff (b) rhodder—

“Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”;

- (b) in paragraph (6A) for sub-paragraph (b)(i) substitute—

“(i) informing the person affected of the duty imposed by paragraph 113(1) of the scheme prescribed by the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 or contained in the authority’s scheme by virtue of paragraph 7(1) of Schedule 13 to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, as the case may be;”

6. In paragraph (1A) of regulation 11 (correction of assumptions) for “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012” substitute “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”.

7. In paragraph (3) of regulation 15 (assumptions as to discount)—

- (a) for sub-paragraph (a) substitute—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013”;

- (b) For sub-paragraph (b) substitute—

“(b) a provision contained in the authority’s scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013;”.

8. In paragraph (1A) of regulation 16 (correction of discount assumptions) for “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012” substitute “Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013”.

9. In paragraph (2A) of regulation 20 (demand notices: payments required)—

- (a) for sub-paragraph (a) substitute—

“(a) paragraph 116(2)(c) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulation 2013;”;

- (b) for sub-paragraph (b) substitute—

“(b) a provision contained in an authority’s scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013,”.

“(b) a provision contained in an authority’s scheme by virtue of regulation 34(3) of, and paragraph 10(2)(c) of Schedule 13 to, the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013,”.

RHAN 3 Arbedion

PART 3 Savings

Dehongli

10. Yn y Rhan hon o'r Rheoliadau—

ystyr “cynllun 2013” (“*2013 scheme*”) yw cynllun a wneir gan awdurdod bilio yn unol â Rheoliadau 2012 neu sy'n gymwys yn ddiofyn ar 1 Ebrill 2013 yn unol â pharagraff 6(1)(e) o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992;

ystyr “Rheoliadau 1992” (“*1992 Regulations*”) yw Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992;

ystyr “Rheoliadau 2012” (“*2012 Regulations*”) yw Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012.

Darpariaeth Arbed

11. Nid yw'r diwygiadau a wneir i Reoliadau 1992 gan reoliadau 3 i 9 yn cael effaith mewn perthynas ag unrhyw geisiadau a wneir neu ostyngiadau a ddyfernir yn unol â darpariaethau cynllun 2013.

Interpretation

10. In this Part of the Regulations—

“1992 Regulations” (“*Rheoliadau 1992*”) means the Council Tax (Administration and Enforcement) Regulations 1992;

“2012 Regulations” (“*Rheoliadau 2012*”) means the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012;

“2013 scheme” (“*cynllun 2013*”) means a scheme made by a billing authority in accordance with the 2012 Regulations or which applies in default on 1 April 2013 in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992.

Saving Provision

11. The amendments made to the 1992 Regulations by regulations 3 to 9 do not have effect in relation to any applications made or reductions awarded in accordance with the provisions of a 2013 scheme.

Lesley Griffiths

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth, un o Weinidogion Cymru

22 Ionawr 2014

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

22 January 2014

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