OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2018 Rhif 285 (Cy. 54)

TRETHI, CYMRU

Rheoliadau Deddf Casglu a Rheoli Trethi (Cymru) 2016 (Darpariaethau Canlyniadol ac Atodol) 2018

2018 No. 285 (W. 54)

TAXES, WALES

The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 188 o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016 ("y Ddeddf").

Mae rheoliad 2 yn diwygio Atodlen 1 i Reoliadau Contractau Cyhoeddus 2015 er mwyn darparu bod Awdurdod Cyllid Cymru ("ACC") i'w drin fel "central government authority" at ddibenion y Rheoliadau hynny.

Mae rheoliad 3 yn diwygio Atodlen 19 i Ddeddf Cydraddoldeb 2010 er mwyn darparu bod ACC i'w drin fel "relevant Welsh authority" at ddibenion y Ddeddf honno.

Mae rheoliad 4 yn diwygio Gorchymyn Cynulliad Cenedlaethol Cymru (Anghymhwyso) 2015 er mwyn darparu bod cadeirydd ac aelodau anweithredol ACC wedi eu hanghymhwyso rhag dod yn aelodau o Gynulliad Cenedlaethol Cymru.

Mae rheoliad 5 yn diwygio Deddf Enillion Troseddau 2002 er mwyn gwneud darpariaeth atodol mewn cysylltiad ag adran 186 (enillion troseddau) o'r Ddeddf.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 188 of the Tax Collection and Management (Wales) Act 2016 ("the Act").

Regulation 2 amends Schedule 1 to the Public Contracts Regulations 2015 to provide that the Welsh Revenue Authority ("WRA") is to be treated as a "central government authority" for the purposes of those Regulations.

Regulation 3 amends Schedule 19 to the Equality Act 2010 to provide that WRA is to be treated as a "relevant Welsh authority" for the purposes of that Act.

Regulation 4 amends the National Assembly for Wales (Disqualification) Order 2015 to provide that the chairperson and non-executive members of WRA are disqualified from becoming members of the National Assembly for Wales.

Regulation 5 amends the Proceeds of Crime Act 2002 in order to make supplemental provision in connection with section 186 (proceeds of crime) of the Act.

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.

2018 Rhif 285 (Cy. 54)

TRETHI, CYMRU

Rheoliadau Deddf Casglu a Rheoli Trethi (Cymru) 2016 (Darpariaethau Canlyniadol ac Atodol) 2018

Gwnaed	*26 Chwefror 2018*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*5 Mawrth 2018*
Yn dod i rym	*1 Ebrill 2018*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 188 o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016(**1**).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Casglu a Rheoli Trethi (Cymru) 2016 (Darpariaethau Canlyniadol ac Atodol) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2018.

Diwygio Rheoliadau Contractau Cyhoeddus 2015

2. Yn Atodlen 1 i Reoliadau Contractau Cyhoeddus 2015(**2**) (awdurdodau llywodraeth ganolog), ar ôl "Welsh NHS Bodies" mewnosoder—

"The Welsh Revenue Authority".

(**1**) 2016 dccc 6.
(**2**) O.S. 2015/102, a ddiwygiwyd gan O.S. 2016/275; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

2018 No. 285 (W. 54)

TAXES, WALES

The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018

Made	*26 February 2018*
Laid before the National Assembly for Wales	*5 March 2018*
Coming into force	*1 April 2018*

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 188 of the Tax Collection and Management (Wales) Act 2016(**1**).

Title and commencement

1.—(1) The title of these Regulations is the Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018.

(2) These Regulations come into force on 1 April 2018.

Amendment of the Public Contracts Regulations 2015

2. In Schedule 1 to the Public Contracts Regulations 2015(**2**) (central government authorities), after "Welsh NHS Bodies" insert—

"The Welsh Revenue Authority".

(**1**) 2016 anaw 6.
(**2**) S.I. 2015/102, amended by S.I. 2016/275; there are other amending instruments but none is relevant.

Diwygio Deddf Cydraddoldeb 2010

3. Yn Rhan 2 o Atodlen 19 i Ddeddf Cydraddoldeb 2010(**1**) (awdurdodau cyhoeddus: awdurdodau Cymreig perthnasol), o dan y pennawd "other public authorities", cyn "The Auditor General for Wales or Archwilydd Cyffredinol Cymru." mewnosoder—

"The Welsh Revenue Authority or Awdurdod Cyllid Cymru."

Amendment of the Equality Act 2010

3. In Part 2 of Schedule 19 to the Equality Act 2010(**1**) (public authorities: relevant Welsh authorities), under the heading "other public authorities", before "The Auditor General for Wales or Archwilydd Cyffredinol Cymru." insert—

"The Welsh Revenue Authority or Awdurdod Cyllid Cymru."

Diwygio Gorchymyn Cynulliad Cenedlaethol Cymru (Anghymhwyso) 2015

4. Yn yr Atodlen i Orchymyn Cynulliad Cenedlaethol Cymru (Anghymhwyso) 2015(**2**) (swyddi sy'n anghymhwyso'r deiliad rhag bod yn aelodau o Gynulliad Cenedlaethol Cymru), mewnosoder y cofnod a ganlyn yn y lle priodol yn y tabl—

Amendment of the National Assembly for Wales (Disqualification) Order 2015

4. In the Schedule to the National Assembly for Wales (Disqualification) Order 2015(**2**) (offices disqualifying holders from membership of the National Assembly for Wales), insert the following entry at the appropriate place in the table—

"Awdurdod Cyllid Cymru	Cadeirydd ac aelodau a benodwyd o dan adran 3(1)(b) o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016".

"Welsh Revenue Authority	Chairperson and members appointed under section 3(1)(b) of the Tax Collection and Management (Wales) Act 2016".

Diwygio Deddf Enillion Troseddau 2002

5. Mae Deddf Enillion Troseddau 2002(**3**) wedi ei diwygio fel a ganlyn—

(a) yn adran 47A(2)(**4**) (adrannau 47B i 47S: ystyr "appropriate officer"), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(b) yn adran 47G(3)(c) (cymeradwyaeth briodol), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(c) yn adran 68(3)(c) (ceisiadau ac apelau), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(d) yn adran 290(4)(c)(**5**) (cymeradwyaeth ymlaen llaw), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

Amendment of the Proceeds of Crime Act 2002

5. The Proceeds of Crime Act 2002(**3**) is amended as follows—

(a) in section 47A(2)(**4**) (sections 47B to 47S: meaning of "appropriate officer"), after "Secretary of State" insert "or the Welsh Ministers";

(b) in section 47G(3)(c) (appropriate approval), after "Secretary of State" insert "or the Welsh Ministers";

(c) in section 68(3)(c) (applications and appeals), after "Secretary of State" insert "or the Welsh Ministers";

(d) in section 290(4)(c)(**5**) (prior approval), after "Secretary of State" insert "or the Welsh Ministers";

(**1**) 2010 p. 15.
(**2**) O.S. 2015/1536, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**3**) 2002 p. 29.
(**4**) Mewnosodwyd adrannau 47A i 47S gan adran 55(1) a (2) o Ddeddf Plismona a Throsedd 2009 (p. 26).
(**5**) Mewnosodwyd adran 290(4)(c) gan adran 79 o Ddeddf Troseddu Difrifol 2007 (p. 27), a pharagraffau 1 a 3(1) a (2) o Atodlen 11 iddi.

(**1**) 2010 c. 15.
(**2**) S.I. 2015/1536 , to which there are amendments not relevant to these Regulations.
(**3**) 2002 c. 29.
(**4**) Sections 47A to 47S were inserted by the Policing and Crime Act 2009 (c. 26), section 55(1) and (2).
(**5**) Section 290(4)(c) was inserted by the Serious Crime Act 2007 (c. 27), section 79 and Schedule 11, paragraphs 1 and 3(1) and (2).

(e) yn adran 303A(1)(**1**) (ymchwilwyr ariannol), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(f) yn adran 352(7)(**2**) (gwarantau chwilio ac ymafael), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(g) yn adran 353(11)(**3**) (gofynion pan na fo gorchymyn cyflwyno ar gael), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(h) yn adran 378(2)(d) (uwch-swyddogion priodol mewn ymchwiliad atafaelu), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(i) yn adran 378(3AA)(b)(**4**) (uwch-swyddogion priodol mewn ymchwiliad arian parod dan gadwad), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers";

(j) yn adran 378(3B)(**5**) (swyddogion priodol mewn ymchwiliad arian parod dan gadwad), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers"; a

(k) yn adran 378(6)(c) (uwch-swyddogion priodol mewn ymchwiliad gwyngalchu arian), ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers".

(e) in section 303A(1)(**1**) (financial investigators), after "Secretary of State" insert "or the Welsh Ministers";

(f) in section 352(7)(**2**) (search and seizure warrants), after "Secretary of State" insert "or the Welsh Ministers";

(g) in section 353(11)(**3**) (requirements where production order not available), after "Secretary of State" insert "or the Welsh Ministers";

(h) in section 378(2)(d) (senior appropriate officers in a confiscation investigation), after "Secretary of State" insert "or the Welsh Ministers";

(i) in section 378(3AA)(b)(**4**) (senior appropriate officers in a detained cash investigation), after "Secretary of State" insert "or the Welsh Ministers";

(j) in section 378(3B)(**5**) (appropriate officers in a detained cash investigation), after "Secretary of State" insert "or the Welsh Ministers"; and

(k) in section 378(6)(c) (senior appropriate officers in a money laundering investigation), after "Secretary of State" insert "or the Welsh Ministers".

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid, un o Weinidogion Cymru
26 Chwefror 2018

Cabinet Secretary for Finance, one of the Welsh Ministers
26 February 2018

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(**1**) Mewnosodwyd adran 303A gan adran 79 o Ddeddf Troseddu Difrifol 2007, a pharagraffau 1 a 13 o Atodlen 11 iddi.
(**2**) Mewnosodwyd adran 352(7) gan adran 80(2) o Ddeddf Troseddu Difrifol 2007.
(**3**) Mewnosodwyd adran 353(11) gan adran 80(4) o Ddeddf Troseddu Difrifol 2007.
(**4**) Mewnosodwyd adran 378(3AA)(b) gan adran 49(b) o Ddeddf Troseddu a'r Llysoedd 2013 (p. 22), a pharagraffau 24 a 27(1) a (2) o Ran 2 o Atodlen 19 iddi.
(**5**) Mewnosodwyd adran 378(3B) gan adran 80(8) o Ddeddf Troseddu Difrifol 2007.

(**1**) Section 303A was inserted by the Serious Crime Act 2007, section 79 and Schedule 11, paragraphs 1 and 13.
(**2**) Section 352(7) was inserted by the Serious Crime Act 2007, section 80(2).
(**3**) Section 353(11) was inserted by the Serious Crime Act 2007, section 80(4).
(**4**) Section 378(3AA)(b) was inserted by the Crime and Courts Act 2013 (c. 22), section 49(b) and Schedule 19, Part 2, paragraphs 24 and 27(1) and (2).
(**5**) Section 378(3B) was inserted by the Serious Crime Act 2007, section 80(8).

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