



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 794 (Cy. 174)

2020 No. 794 (W. 174)

**TRETH TRAFODIADAU TIR,
CYMRU**

**LAND TRANSACTION TAX,
WALES**

Rheoliadau Treth Trafodiadau Tir
(Amrywio Dros Dro Gyfraddau a
Bandiau ar gyfer Trafodiadau Eiddo
Preswyl) (Cymru) 2020

The Land Transaction Tax
(Temporary Variation of Rates and
Bands for Residential Property
Transactions) (Wales) Regulations
2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018 (O.S. 2018/128 (Cy. 32)) ("Rheoliadau 2018") i ddarparu ar gyfer amrywiad dros dro i'r bandiau treth a'r cyfraddau treth canrannol ar gyfer treth trafodiadau tir sy'n gymwys i drafodiadau eiddo preswyl penodol.

Mae rheoliad 2 yn cymhwyso'r amrywiad dros dro i drafodiadau eiddo preswyl sydd â dyddiad cael effaith ar 27 Gorffennaf 2020 neu ar ôl hynny, ond cyn 1 Ebrill 2021. Pan fo contract wedi ei gyflawni'n sylweddol cyn 1 Ebrill 2021, ond bod y cwblhau yn digwydd ar y dyddiad hwnnw neu ar ôl hynny, ni fydd unrhyw dreth ychwanegol i'w chodi yn rhinwedd adran 10 o Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017 ("Deddf TTT") ar yr amod mai'r unig reswm y mae treth ychwanegol i'w chodi yw oherwydd bod y cwblhau wedi digwydd ar y dyddiad hwnnw neu ar ôl hynny.

Mae trafodiad trethadwy yn drafodiad eiddo preswyl os yw o fewn y disgrifiad a geir yn adran 24(6) o'r Ddeddf TTT.

Mae rheoliad 3 yn pennu'r bandiau treth a'r cyfraddau treth canrannol sy'n gymwys i'r trafodiadau hynny a bennir gan reoliad 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018 (S.I. 2018/128 (W. 32)) ("the 2018 Regulations") to provide for a temporary variation to the tax bands and percentage tax rates of land transaction tax applicable to certain residential property transactions.

Regulation 2 applies the temporary variation to residential property transactions with an effective date on or after 27 July 2020, but before 1 April 2021. Where a contract is substantially performed before 1 April 2021, but completion takes place on or after that date, no additional tax will be chargeable by virtue of section 10 of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 ("the LTT Act") as long as the only reason additional tax is chargeable is because completion has occurred on or after that date.

A chargeable transaction is a residential property transaction if it falls within the description contained in section 24(6) of the LTT Act.

Regulation 3 specifies the tax bands and percentage tax rates applicable to those transactions specified by regulation 2.

Mae Rheoliadau 2018 yn parhau i wneud darpariaeth ar gyfer y cyfraddau treth a'r bandiau treth sy'n gymwys i drafodiadau trethadwy—

- (a) nad ydynt o fewn y disgrifiad o drafodiad eiddo preswyl, neu
- (b) sy'n digwydd cyn 27 Gorffennaf 2020 neu ar 1 Ebrill 2021 neu ar ôl hynny.

Mae'r dreth i'w chyfrifo yn unol ag adrannau 27 ac 28 o'r Ddeddf TTT.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The 2018 Regulations continue to make provision for the tax rates and tax bands applicable to chargeable transactions which—

- (a) do not fall within the description of a residential property transaction, or
- (b) take place before 27 July 2020 or on or after 1 April 2021.

Tax is to be calculated in accordance with sections 27 and 28 of the LTT 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, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Bandiau ar gyfer Trafodiadau Eiddo
Preswyl) (Cymru) 2020

The Land Transaction Tax
(Temporary Variation of Rates and
Bands for Residential Property
Transactions) (Wales) Regulations
2020

Cymeradwywyd gan Senedd Cymru

Approved by Senedd Cymru

Gwnaed 22 Gorffennaf 2020

Made 22 July 2020

*Gosodwyd gerbron Senedd
Cymru* 24 Gorffennaf 2020

Laid before Senedd Cymru 24 July 2020

Yn dod i rym 27 Gorffennaf 2020

Coming into force 27 July 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 24(1) a 78(1) o Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 24(1) and 78(1) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(1).

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Treth Trafodiadau Tir (Amrywio Dros Dro Gyfraddau a Bandiau ar gyfer Trafodiadau Eiddo Preswyl) (Cymru) 2020.

1.—(1) The title of these Regulations is the Land Transaction Tax (Temporary Variation of Rates and Bands for Residential Property Transactions) (Wales) Regulations 2020.

(2) Daw'r Rheoliadau hyn i rym ar 27 Gorffennaf 2020.

(2) These Regulations come into force on 27 July 2020.

(3) Yn y Rheoliadau hyn, ystyr “y Ddeddf TTT” yw Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017.

(3) In these Regulations, “the LTT Act” means the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.

(4) Mae i eiriau ac ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag a roddir iddynt yn y Ddeddf TTT.

(4) Words and expressions used in these Regulations have the same meaning as they have in the LTT Act.

(1) 2017 dccc 1. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

(1) 2017 anaw 1. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

Cymhwyso

2.—(1) Mae'r Rheoliadau hyn yn cael effaith mewn perthynas ag unrhyw drafodiad trethadwy—

- (a) sy'n drafodiad eiddo preswyl, a
- (b) sydd â dyddiad cael effaith ar 27 Gorffennaf 2020 neu ar ôl hynny, ond cyn 1 Ebrill 2021(1).

(2) Mae paragraff (3) yn gymwys pan fo—

- (a) o ganlyniad i adran 10(4) o'r Ddeddf TTT, y dyddiad y mae'r trafodiad yn cael effaith ar 27 Gorffennaf 2020 neu ar ôl hynny ond cyn 1 Ebrill 2021, a
- (b) y contract o dan sylw yn cael ei gwblhau drwy drosglwyddiad ar 1 Ebrill 2021 neu ar ôl hynny.

(3) Pan fo'r paragraff hwn yn gymwys, nid yw adran 10(5)(b) o'r Ddeddf TTT yn gymwys mewn perthynas â'r trosglwyddiad hwnnw os mai'r unig reswm y byddai (oni bai am y rheoliad hwn) wedi bod yn gymwys yw nad yw'r addasiadau a wneir gan y Rheoliadau hyn yn cael effaith mewn perthynas â'r trosglwyddiad hwnnw.

Bandiau treth a chyfraddau treth canrannol

3. Mae'r Atodlen i'r Rheoliadau hyn yn pennu'r bandiau treth a'r cyfraddau treth canrannol ar gyfer trafodiadau eiddo preswyl y mae'r Rheoliadau hyn yn gymwys iddynt at ddibenion adran 24(1) o'r Ddeddf TTT.

Diwygio Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018

4.—(1) Mae Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

- (a) mae'r testun presennol yn dod yn baragraff (1);
- (b) ar ddechrau paragraff (1), mewnosoder “Yn ddarostyngedig i baragraff (2),”;
- (c) ar ôl paragraff (1) mewnosoder—

Application

2.—(1) These Regulations have effect in relation to any chargeable transaction that—

- (a) is a residential property transaction, and
- (b) has an effective date on or after 27 July 2020, but before 1 April 2021(1).

(2) Paragraph (3) applies where—

- (a) as a result of section 10(4) of the LTT Act, the effective date of the transaction falls on or after 27 July 2020 but before 1 April 2021, and
- (b) the contract concerned is completed by a transfer on or after 1 April 2021.

(3) Where this paragraph applies, section 10(5)(b) of the LTT Act does not apply in relation to that transfer if the sole reason that (but for this regulation) it would have applied is that the modifications made by these Regulations have no effect in relation to that transfer.

Tax bands and percentage tax rates

3. The Schedule to these Regulations specifies the tax bands and percentage tax rates for residential property transactions to which these Regulations apply for the purposes of section 24(1) of the LTT Act.

Amendment of the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018

4.—(1) The Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018(2) are amended as follows.

(2) In regulation 2—

- (a) the existing text becomes paragraph (1);
- (b) at the beginning of paragraph (1), insert “Subject to paragraph (2),”;
- (c) after paragraph (1) insert—

(1) Gweler Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018 (O.S. 2018/128 (Cy. 32)) ynghylch cymhwyso cyfraddau a bandiau i drafodiadau eiddo preswyl sydd â dyddiad cael effaith cyn 27 Gorffennaf 2020 neu ar 1 Ebrill 2021 neu ar ôl hynny.

(2) O.S. 2018/128 (Cy. 32).

(1) See the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018 (S.I. 2018/128 (W. 32)) as to the application of rates and bands to residential property transactions with an effective date before 27 July 2020 or on or after 1 April 2021.

(2) S.I. 2018/128 (W. 32).

“(2) Nid yw’r Rheoliadau hyn yn cael effaith mewn perthynas ag unrhyw drafodiad trethadwy sy’n ddarostyngedig i Reoliadau Treth Trafodiadau Tir (Amrywio Dros Dro Gyfraddau a Bandiau ar gyfer Trafodiadau Eiddo Preswyl) (Cymru) 2020.”

“(2) These Regulations do not have effect in relation to any chargeable transaction that is subject to the Land Transaction Tax (Temporary Variation of Rates and Bands for Residential Property Transactions) (Wales) Regulations 2020.”

Rebecca Evans

Y Gweinidog Cyllid a’r Trefnydd, un o Weinidogion
Cymru
22 Gorffennaf 2020

Minister for Finance and Trefnydd, one of the Welsh
Ministers
22 July 2020

YR ATODLEN Rheoliad 3

SCHEDULE Regulation 3

Tabl: Trafodiadau eiddo preswyl

<i>Band treth</i>	<i>Y gydnabyddiaeth berthnasol</i>	<i>Y gyfradd dreth ganrannol</i>
Band cyfradd sero	Nid mwy na £250,000	0%
Y band treth cyntaf	Mwy na £250,000 ond nid mwy na £400,000	5%
Yr ail fand treth	Mwy na £400,000 ond nid mwy na £750,000	7.5%
Y trydydd band treth	Mwy na £750,000 ond nid mwy na £1,500,000	10%
Y pedwerydd band treth	Mwy na £1,500,000	12%

Table: Residential property transactions

<i>Tax band</i>	<i>Relevant consideration</i>	<i>Percentage tax rate</i>
Zero rate band	Not more than £250,000	0%
First tax band	More than £250,000 but not more than £400,000	5%
Second tax band	More than £400,000 but not more than £750,000	7.5%
Third tax band	More than £750,000 but not more than £1,500,000	10%
Fourth tax band	More than £1,500,000	12%

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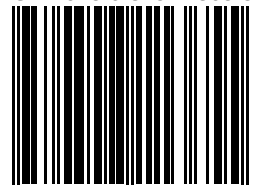
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