



# Deddf Llywodraeth Leol ac Etholiadau (Cymru) 2021

2021 dsc 1

## RHAN 8

### CYLLID LLYWODRAETH LEOL

*Ardrethu annomestig*

#### **151 Pwerau awdurdodau bilio i'w gwneud yn ofynnol darparu gwybodaeth sy'n ymwneud â hereditamentau**

(1) Mae Atodlen 9 i [Ddeddf Cyllid Llywodraeth Leol 1988 \(p. 41\)](#) (gweinyddu mewn perthynas ag ardrethu annomestig) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 5—

- (a) yn is-baragraff (1A), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
- (b) ar ôl is-baragraff (1A) (yr wybodaeth sydd i'w chynnwys mewn hysbysiad a roddir gan swyddog prasio) mewnosoder—

“(1B) A billing authority in Wales may serve a notice on a person to whom sub-paragraph (1D) applies, requesting the person to supply to the authority information—

- (a) which is specified in the notice,
- (b) which relates to a hereditament in the authority's area specified in the notice, and
- (c) which the authority reasonably believes will assist it in carrying out functions conferred or imposed on it by or under this Part.

(1C) A notice under sub-paragraph (1B) must state that the billing authority believes the information will assist it in carrying out functions conferred or imposed on it by or under this Part.

- (1D) This sub-paragraph applies to—
- (a) a person who is an owner of the hereditament specified in the notice under sub-paragraph (1B);
  - (b) a person who is an occupier of such a hereditament;
  - (c) a person who, in relation to the hereditament specified in the notice under sub-paragraph (1B), is carrying on a business of a description specified in regulations made by the Welsh Ministers.”;
- (c) yn is-baragraff (2), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
- (d) ar ôl is-baragraff (2) mewnosoder—
- “(2A) A person on whom a notice is served under sub-paragraph (1B) must supply the information requested in the form and manner specified in the notice.”;
- (e) yn is-baragraff (4), yn lle “this paragraph” rhodder “sub-paragraph (1)”;
- (f) ar ôl is-baragraff (4) mewnosoder—
- “(5) If a notice has been served on a person under sub-paragraph (1B), and in supplying information in purported compliance with sub-paragraph (2A) the person makes a statement knowing it to be false in a material particular or recklessly makes a statement which is false in a material particular, the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) Ym mharagraff 5A (cosb am fethu â chydymffurfio â chais am wybodaeth o fewn y cyfnod gofynnol)—
- (a) yn is-baragraff (1) ar ôl “paragraph 5(2)” mewnosoder “or (2A)”;
  - (b) yn is-baragraff (2)—
    - (i) ar ôl “valuation officer” mewnosoder “or, as the case may be, billing authority concerned”;
    - (ii) ym mharagraff (a), ar ôl “paragraph 5(2)” mewnosoder “or (2A)”;
  - (c) yn is-baragraff (3), ar ôl “paragraph 5(2)” mewnosoder “or (2A)”.
- (4) Ym mharagraff 5B (pŵer i liniaru neu ddileu cosb), ar ôl “valuation officer” mewnosoder “or, as the case may be, billing authority”;
- (5) Ym mharagraff 5C(6)(a), ar ôl “paragraph 5(2)” mewnosoder “or (2A)”.
- (6) Ym mharagraff 5D(1) (adennill cosb fel dyled sifil), yn lle’r geiriau o “be recovered” hyd at y diwedd rhodder “—
- (a) in a case which relates to a request for information made by a valuation officer, be recovered by the valuation officer concerned as a civil debt due to the valuation officer;
  - (b) in a case which relates to a request for information made by a billing authority in Wales, be recovered by the authority concerned as a civil debt due to the authority.”
- (7) Ym mharagraff 5E (cyrchfan derbyniadau am gosbau)—
- (a) mae’r testun presennol yn dod yn is-baragraff (1);
  - (b) ar ôl yr is-baragraff hwnnw mewnosoder—

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- “(2) Any sums received by a billing authority in Wales by way of penalty under paragraph 5A above must be paid into the Welsh Consolidated Fund.”
- (8) Ym mharagraff 5F (pŵer Gweinidogion Cymru i wneud rheoliadau mewn perthynas â Chymru mewn cysylltiad â hysbysiadau a ddyroddir gan swyddogion prisio), ar ôl is-baragraff (2)(a) mewnosoder—
- “(aa) provision enabling a billing authority in Wales to request or obtain information for the purpose of identifying a person to whom paragraph 5(1D) above applies;”
- (9) Ym mharagraff 5H (pŵer swyddog prisio i wneud gwybodaeth yn ofynnol gan awdurdodau bilio), ar ôl “is to be served” mewnosoder “by the officer”.
- (10) Yn adran 143 (y gofynion gweithdrefnol ar gyfer gorchmynion a rheoliadau), ar ôl is-adran (9A) mewnosoder—
- “(9AZA) The power of the Welsh Ministers to make regulations under paragraph 5(1D) (c) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”

## **152 Gofyniad i ddarparu i awdurdodau bilio wybodaeth sy’n berthnasol wrth benderfynu a yw person yn atebol i dalu ardrethi annomestig**

- (1) Mae [Deddf Cyllid Llywodraeth Leol 1988 \(p. 41\)](#) wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 9 (gweinyddu mewn perthynas ag ardrethi annomestig), ar ôl paragraff 6A mewnosoder—
- “6AA (1) The Welsh Ministers may by regulations require persons to provide to billing authorities in Wales information relevant to determining—
- (a) whether a person is, as regards a hereditament in Wales, subject to a non-domestic rate in respect of a chargeable financial year;
  - (b) where a person is, as regards a hereditament in Wales, subject to a non-domestic rate, the amount the person is liable to pay.
- (2) Regulations under sub-paragraph (1) must specify—
- (a) the information to be provided,
  - (b) the persons who must provide the information,
  - (c) the circumstances in which the information is to be provided, and
  - (d) the period within which the information is to be provided.
- (3) The regulations may provide that a billing authority may impose a financial penalty on a person who fails to comply with a requirement in the regulations to provide information.
- (4) If provision is made under sub-paragraph (3)—
- (a) the penalty specified in the regulations must be £500;
  - (b) the regulations must require any sum received by a billing authority by way of penalty to be paid into the Welsh Consolidated Fund;

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- (c) the regulations may include provision for any penalty to be recovered by the billing authority concerned as a civil debt due to the authority;
  - (d) the regulations must include provision enabling a person on whom a financial penalty is imposed to require a review of the imposition of the penalty or its amount by the billing authority that imposed the penalty;
  - (e) the regulations must include provision enabling a person on whom a financial penalty is imposed to appeal against the imposition of the penalty or its amount to a valuation tribunal established under paragraph 1 of Schedule 11.
- (5) The regulations may provide that a person who knowingly or recklessly provides information required under the regulations which is false in a material particular is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The Welsh Ministers may by regulations substitute a different amount for the amount for the time being specified in sub-paragraph (4)(a).”
- (3) Yn adran 143 (y gofynion gweithdrefnol ar gyfer gorchmynion a rheoliadau), ar ôl is-adran (9AA) mewnosoder—
- “(9AB) The power of the Welsh Ministers to make regulations under paragraph 6AA(1) or (5) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”
- (4) Yn Rhan 2 o Atodlen 11 (tribiwnlysoedd prisio: Cymru), ar ôl paragraff 2(ca) mewnosoder—
- “(cb) regulations under paragraph 6AA of Schedule 9 above;”.

### **153 Pwerau awdurdodau bilio i arolygu eiddo**

- (1) Mae Atodlen 9 i [Ddeddf Cyllid Llywodraeth Leol 1988 \(p. 41\)](#) (gweinyddu mewn perthynas ag ardrethu annomestig) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraff 7 (pŵer swyddog prisio i fynd i eiddo yng Nghymru at ddibenion prisio), mewnosoder—
- “7A (1) A billing authority in Wales may enter and survey a hereditament in its area if the authority has grounds for believing that the inspection is required for the purpose of carrying out functions conferred or imposed upon it by or under this Part.
- (2) But the billing authority must obtain the approval of a valuation tribunal established under paragraph 1 of Schedule 11 before it exercises the power under sub-paragraph (1) above.
- (3) After the tribunal has given its approval, the billing authority must give at least 24 hours’ notice in writing of the proposed exercise of the power.
- (4) A person who proposes to exercise the power under sub-paragraph (1) above must if required produce written evidence of authority to carry out the inspection.

- (5) A person who wilfully delays or obstructs a person in the exercise of a power under this paragraph is liable on summary conviction to a fine not exceeding level 1 on the standard scale.”
- (3) Yn y croesbennawd sy'n dod o flaen paragraff 6B (pŵer swyddog prisio i fynd i eiddo yn Lloegr at ddibenion prisio), yn lle “Power” rhodder “Powers”.
- (4) Yn lle'r croesbennawd sy'n dod o flaen paragraff 8 (dyletswydd ar swyddogion prisio i roi mynediad at wybodaeth sy'n ymwneud â rhestrau prisio), rhodder “Access to information”.
- (5) Yn Rhan 2 o Atodlen 11 (tribiwnlysoedd prisio: Cymru), o flaen paragraff 2(d) mewnosoder—
- “(cc) paragraph 7A of Schedule 9 above;”.

## 154 Lluosyddion

- (1) Mae [Deddf Cyllid Llywodraeth Leol 1988 \(p. 41\)](#) wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 7 (ardrethu annomestig: lluosyddion)—
- (a) ym mharagraff 5(3), ar y dechrau mewnosoder “In relation to England,”;
- (b) ym mharagraff 5(4), ar y dechrau mewnosoder “In relation to England,”;
- (c) ym mharagraff 5(5), ar ôl “C” mewnosoder “, in relation to England,”;
- (d) ar ôl paragraff 5(5), mewnosoder—
- “(5A) In relation to Wales—
- (a) B is the consumer prices index for September of the financial year preceding the year concerned, and
- (b) C is the consumer prices index for September of the financial year which precedes that preceding the year concerned.
- (5B) But where the base month for the consumer prices index for September of the financial year which precedes that preceding the year concerned (the first year) differs from that for the index for September of the year which precedes the year concerned (the second year), C is the figure which the Welsh Ministers calculate would have been the consumer prices index for September of the first year if the base month for that index had been the same as the base month for the index for September of the second year.”;
- (e) ar ôl paragraff 5(9) mewnosoder—
- “(9A) References in sub-paragraphs (5A) and (5B) to the consumer prices index are to the general index of consumer prices (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board.
- (9B) For the purposes of sub-paragraph (5B) the base month for the retail prices index for September of a particular year is the month for which the consumer prices index is taken to be 100 and by reference to which the index for the September in question is calculated.”;
- (f) ar ôl paragraff 5(13) mewnosoder—

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“(13A) The Welsh Ministers may by regulations amend, repeal or disapply sub-paragraphs (5A), (5B), (9A) and (9B) so as to—

- (a) substitute for references to the consumer prices index references to another index, or
- (b) provide that—
  - (i) B is a figure specified or described in (or calculated in a manner specified in) the regulations;
  - (ii) C is a figure so specified or described (or so calculated).

(13B) The power to make regulations under sub-paragraph (13A) shall be exercisable by statutory instrument.

(13C) Regulations under sub-paragraph (13A), in their application to a particular financial year (including regulations amending or revoking others) shall not be effective unless they are approved by resolution of Senedd Cymru before the approval by Senedd Cymru of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).”;

- (g) ym mharagraff 5, hepgorer is-baragraffau (14) a (15);
- (h) ar ôl paragraff 6(2) mewnosoder—

“(2A) Where the financial year is one for which the Welsh Ministers have calculated a figure for C under paragraph 5(5B), the notice must contain the figure they have calculated.”;

- (i) ar ôl paragraff 6(4B) mewnosoder—

“(4C) A calculation made by the Welsh Ministers under this paragraph is also invalid if made at a time when regulations made under paragraph 5(13A) which are effective in relation to the year have not come into force.”;

- (j) ym mharagraff 6(5), ar ôl “calculation” mewnosoder “made by the Secretary of State”.

(3) Yn adran 143 (gorchmynion a rheoliadau)—

- (a) yn is-adran (2), yn lle “or the Treasury” rhodder “, the Treasury or the Welsh Ministers”;
- (b) yn is-adran (9), yn lle “The power to make an order” rhodder “The powers to make an order or regulations”.

### **155 Diwygio Pennod 3 o Ran 5 o Ddeddf Cyllid Llywodraeth Leol 1988**

(1) Mae Pennod 3 o Ran 5 o [Ddeddf Cyllid Llywodraeth Leol 1988 \(p. 41\)](#) (grant cynnal refeniw: Cymru) wedi ei diwygio fel a ganlyn.

(2) Yn adran 84J (cyfrifo'r grant sy'n daladwy i awdurdodau derbyn), yn is-adran (4) ar ôl “subsection (1) or” mewnosoder “by virtue of subsection”.

(3) Yn adran 84K (talw grant i awdurdodau derbyn)—

- (a) yn is-adran (1), yn lle “section 84J(2)” rhodder “section 84J(1)”;
- (b) yn is-adrannau (2) a (5), yn lle “under section 84J(4)” rhodder “by virtue of section 84J(2)”.

- (4) Yn adran 84M (ailgyfrifo grant yn dilyn adroddiad diwygio), yn is-adran (6) ar ôl “subsection (2) or” mewnosoder “by virtue of subsection”.
- (5) Yn adran 84N (talw grant yn dilyn adroddiad diwygio), yn is-adrannau (1) a (4) yn lle “(4)” rhodder “by virtue of section 84M(4)”.
- (6) Yn adran 84P (terfynau amser ar gyfer gwybodaeth), yn is-adran (1) yn lle “under section 84J(2) or (4) or 84M(2) or (4)” rhodder “—
  - (a) under section 84J(1) or by virtue of section 84J(2), or
  - (b) under section 84M(2) or by virtue of section 84M(4)”.

#### *Y dreth gyngor*

### **156 Atebolrwydd ar y cyd ac yn unigol i dalu'r dreth gyngor**

Yn Atodlen 1 i [Ddeddf Cyllid Llywodraeth Leol 1992 \(p. 14\)](#) (personau a ddiystyrir at ddibenion disgownt), ar ôl paragraff 11 (personau o ddisgrifiadau eraill) mewnosoder—

- “12 (1) Regulations under paragraph 11 made by the Welsh Ministers may amend Chapter 1 of Part 1 (but not this Schedule) for the purpose of providing that a person who, under the regulations, is to be disregarded for the purposes of discount on a particular day is also not to be jointly or severally liable to pay council tax in respect of any chargeable dwelling and that day.
- (2) Regulations which make provision as described in sub-paragraph (1) may also make provision about how liability to pay the council tax in respect of a dwelling is to be determined.”

### **157 Tynnu ymaith y pŵer i ddarparu ar gyfer carcharu dyledwyr y dreth gyngor**

- (1) Mae Atodlen 4 i [Ddeddf Cyllid Llywodraeth Leol 1992 \(p. 14\)](#) (gorfodi) wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 8(1) (traddodi i garchar), ar ôl “provide” mewnosoder “, in relation to the recovery of any sum which has become payable to a billing authority in England,”.
- (3) Ym mharagraff 20 (dehongli), yn lle “paragraph 6” rhodder “paragraphs 5(1A)(b)(ii), 6 and 8”.

### **158 Y weithdrefn ar gyfer rheoliadau a gorchmynion penodol a wneir o dan Ddeddf Cyllid Llywodraeth Leol 1992**

- (1) Mae [Deddf Cyllid Llywodraeth Leol 1992 \(p. 14\)](#) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 32 (cyfrifo anghenion cyllideb gan brif gynghorau yng Nghymru), ar ôl is-adran (9) mewnosoder—

“(9A) A statutory instrument containing regulations under subsection (9) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (3) Yn adran 33 (cyfrifo swm sylfaenol y dreth gyngor gan brif gynghorau yng Nghymru), ar ôl is-adran (5) mewnosoder—

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“(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

(4) Yn adran 41 (dyroddi praeptau gan awdurdodau praeptio lleol yng Nghymru), ar ôl is-adran (3) mewnosoder—

“(3A) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

(5) Yn adran 43 (cyfrifo anghenion cyllideb gan brif awdurdodau praeptio yng Nghymru), ar ôl is-adran (7) mewnosoder—

“(7A) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

(6) Yn adran 44 (cyfrifo swm sylfaenol y dreth gyngor gan brif awdurdodau praeptio yng Nghymru), ar ôl is-adran (5) mewnosoder—

“(5A) A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

(7) Yn adran 113 (darpariaeth gyffredinol ynglŷn â gorchmynion a rheoliadau a wneir o dan y Ddeddf), ar ôl is-adran (4) mewnosoder—

“(5) Paragraphs 33 and 34 of Schedule 11 to the Government of Wales Act 2006 make provision about the Senedd Cymru procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”