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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 2653 (Cy. 261)**

**2014 No. 2653 (W. 261)**

**Y DRETH GYNGOR, CYMRU**

**COUNCIL TAX, WALES**

Gorchymyn y Dreth Gyngor  
(Anheddau Trethadwy) (Diwygio)  
(Cymru) 2014

The Council Tax (Chargeable  
Dwellings) (Amendment) (Wales)  
Order 2014

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn cael ei wneud o dan adrannau 3(5)(b) a 113(1) o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") ac mae'n diwygio Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) 1992 ("Gorchymyn 1992").

This Order is made under sections 3(5)(b) and 113(1) of the Local Government Finance Act 1992 ("the 1992 Act") and amends the Council Tax (Chargeable Dwellings) Order 1992 ("the 1992 Order").

Mae adran 3 o Ddeddf 1992 yn diffinio "dwelling" at ddibenion darpariaeth y dreth gyngor ar gyfer Cymru a Lloegr. Mae erthygl 3 o Orchymyn 1992 yn ei gwneud yn ofynnol trin eiddo sengl sy'n cynnwys mwy nag un uned hunangynhaliol fel pe bai wedi ei ffurfio o'r un nifer o anheddau â'r nifer o unedau hunangynhaliol yn yr eiddo hwnnw. Diffinnir "single property" yng Ngorchymyn 1992 fel eiddo a fyddai, ar wahân i'r Gorchymyn hwnnw, yn un annedd o fewn ystyr "one dwelling" yn adran 3 o Ddeddf 1992.

Section 3 of the 1992 Act defines a dwelling for the purposes of council tax provision for England and Wales. Article 3 of the 1992 Order requires a single property containing more than one self-contained unit to be treated as comprising the same number of dwellings as there are self-contained units within that property. A single property is defined in the 1992 Order as a property which would apart from that Order be one dwelling within the meaning of section 3 of the 1992 Act.

Mae Gorchymyn 1992 wedi ei ddiwygio unwaith o'r blaen i ddarparu nad yw unedau hunangynhaliol ar wahân mewn cartref gofal yn cael eu hystyried yn anheddau ar wahân (gweler erthygl 3A o Orchymyn 1992, a fewnosodwyd gan Orchymyn y Dreth Gyngor (Anheddau Taladwy, Anheddau Esempt a Diystyru Gostyngiadau) (Diwygio) (Cymru) 2004).

The 1992 Order has been amended once before to provide that separate self-contained units in a care home are not classed as separate dwellings (see article 3A of the 1992 Order, inserted by the Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) (Amendment) (Wales) Order 2004).

Mae erthygl 3 o'r Gorchymyn hwn yn mewnosod erthygl 3B newydd i Orchymyn 1992. Effaith hyn yw fod yn rhaid trin lloches (o fewn ystyr y diffiniad o "refuge" a fewnosodir i erthygl 2 o Orchymyn 1992 gan erthygl 3 o'r Gorchymyn hwn) yng Nghymru fel un annedd at ddiben darpariaeth y dreth gyngor, hyd yn oed os yw'r eiddo wedi ei ffurfio o fwy nag un uned hunangynhaliol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Y Gangen Trethi Lleol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Article 3 of this Order inserts a new article 3B into the 1992 Order. The effect of this is that a refuge (within the meaning of the definition inserted into article 2 of the 1992 Order by article 3 of this Order) in Wales must be treated as one dwelling for the purpose of council tax provision, even if the property comprises more than one self-contained unit.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Local Taxation Branch, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**Y DRETH GYNGOR, CYMRU**

**COUNCIL TAX, WALES**

Gorchymyn y Dreth Gyngor  
(Anheddau Trethadwy) (Diwygio)  
(Cymru) 2014

The Council Tax (Chargeable  
Dwellings) (Amendment) (Wales)  
Order 2014

*Gwnaed* 24 Medi 2014

*Made* 24 September 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 1 Hydref 2014

*Laid before the National Assembly for Wales*  
1 October 2014

*Yn dod i rym* 22 Hydref 2014

*Coming into force* 22 October 2014

Mae Gweinidogion Cymru(1), drwy arfer y pwerau a roddwyd iddynt gan adrannau 3(5)(b) a 113(1) o Ddeddf Cyllid Llywodraeth Leol 1992(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers(1), in exercise of the powers conferred by sections 3(5)(b) and 113(1) of the Local Government Finance Act 1992(2), make the following Order:

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) (Diwygio) (Cymru) 2014 a daw i rym ar 22 Hydref 2014.

1.—(1) The title of this Order is the Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order 2014 and it comes into force on 22 October 2014.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

**Dehongli**

**Interpretation**

2. Yn y Gorchymyn hwn—

2. In this Order—

ystyr “Gorchymyn 1992” (“*the 1992 Order*”) yw Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) 1992(3).

“the 1992 Order” (“*Gorchymyn 1992*”) means the Council Tax (Chargeable Dwellings) Order 1992(3).

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(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn ymwneud â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(2) 1992 p. 14.

(3) O.S. 1992/549.

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(1) Functions of the Secretary of State, in so far as they related to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then transferred 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).

(2) 1992 c. 14.

(3) S.I. 1992/549.

### Diwygio Gorchymyn y Dreth Gyngor (Anheddau Trethadwy) 1992

3. Mae Gorchymyn 1992 wedi ei ddiwygio fel a ganlyn—

- (a) yn erthygl 2, ar ôl y diffiniad o “multiple property” mewnosoder—

““refuge” means a building in Wales which is operated by a person otherwise than for profit and is used wholly or mainly for the temporary accommodation of persons who have been subject to any incident or pattern of incidents of—

- (i) controlling, coercive or threatening behaviour;
- (ii) physical violence;
- (iii) abuse of any other description (whether physical or mental in nature); or
- (iv) threats of any such violence or abuse,

from persons to whom they are or were married, are or were in a civil partnership or with whom they are or were co-habiting”;

- (b) yn erthygl 3, yn lle “article 3A” rhodder “articles 3A and 3B”;
- (c) ar ôl erthygl 3A, mewnosoder yr erthygl a ganlyn—

“**3B.** A refuge must be treated as a single dwelling.”

### Amendment to the Council Tax (Chargeable Dwellings) Order 1992

3. The 1992 Order is amended as follows—

- (a) in article 2, after the definition of “multiple property” insert—

““refuge” means a building in Wales which is operated by a person otherwise than for profit and is used wholly or mainly for the temporary accommodation of persons who have been subject to any incident or pattern of incidents of—

- (i) controlling, coercive or threatening behaviour;
- (ii) physical violence;
- (iii) abuse of any other description (whether physical or mental in nature); or
- (iv) threats of any such violence or abuse,

from persons to whom they are or were married, are or were in a civil partnership or with whom they are or were co-habiting”;

- (b) in article 3, for “article 3A” substitute “articles 3A and 3B”;
- (c) after article 3A, insert the following article—

“**3B.** A refuge must be treated as a single dwelling.”

*Leighton Andrews*

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru  
24 Medi 2014

Minister for Public Services, one of the Welsh Ministers  
24 September 2014

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