



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 941 (Cy. 234)

2017 No. 941 (W. 234)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Tribiwnlys Prasio
Cymru (Diwygio) 2017**

**The Valuation Tribunal for Wales
(Amendment) Regulations 2017**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae rheoliadau 3 i 15 yn diwygio Rheoliadau Tribiwnlys Prasio Cymru 2010 (“Rheoliadau 2010”). Mae rheoliadau 17 a 18 yn diwygio Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005 (“y Rheoliadau Ardrethu Annomestig”).

Regulations 3 to 15 amend the Valuation Tribunal for Wales Regulations 2010 (“the 2010 Regulations”). Regulations 17 and 18 amend the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 (“the NDR Regulations”).

Mae rheoliadau 4, 5 a 6 yn diwygio gweithrediad ac aelodaeth Cyngor Llywodraethu'r Tribiwnlys Prasio. Mae'r diwygiadau yn caniatáu i Weinidogion Cymru benodi hyd at dri pherson i fod yn aelodau o'r Cyngor Llywodraethu. Bydd y cynrychiolwyr cenedlaethol newydd hefyd yn aelodau o'r Cyngor Llywodraethu, ynghyd â'r Llywydd. Mae'r diwygiadau yn ei gwneud yn ofynnol i o leiaf bedwar aelod o'r Cyngor Llywodraethu fod yn bresennol er mwyn ffurfio cworwm mewn cyfarfod o'r Cyngor Llywodraethu.

Regulations 4, 5 and 6 amend the operation and membership of the Governing Council of the Valuation Tribunal. The amendments allow the Welsh Ministers to appoint up to three persons to be members of the Governing Council. The newly created national representatives will also be members of the Governing Council, as well as the President. The amendments require at least four members of the Governing Council to be present, for a meeting of the Governing Council to be quorate.

Mae rheoliad 7 yn sefydlu Panel Penodiadau'r Cyngor Llywodraethu. O dan reoliad 13, rhaid i'r Panel Penodiadau gadw cofnodion o'i gyfarfodydd.

Regulation 7 establishes the Appointments Panel of the Governing Council. Under regulation 13, the Appointments Panel must prepare minutes of its meetings.

Mae rheoliadau 8, 9 a 15 yn diwygio sut y penodir aelodau'r Tribiwnlys Prasio. O 1 Rhagfyr 2017, penodir aelodau'r Tribiwnlys Prasio gan y Panel Penodiadau. Penodir aelodau newydd am gyfnod o 5 mlynedd a chaniateir eu hailbenodi am gyfnod pellach o 5 mlynedd os byddant, erbyn diwedd cyfnod eu hailbenodiad, wedi gwasanaethu am gyfnod o 10 mlynedd ar y mwyaf fel aelod o'r Tribiwnlys Prasio. Caniateir i aelodau presennol o'r Tribiwnlys Prasio sydd wedi gwasanaethu am gyfnod o fwy na 10 mlynedd fel aelod gael eu hailbenodi am un cyfnod pellach o 5 mlynedd.

Regulations 8, 9 and 15 amend how members of the Valuation Tribunal are appointed. From 1 December 2017, members of the Valuation Tribunal are appointed by the Appointments Panel. New members will be appointed for a 5 year term and may be re-appointed for a further 5 year term if, at the end of their period of re-appointment they would have served no more than 10 years as a member of the Valuation Tribunal. Existing members of the Valuation Tribunal who have served more than 10 years as a member may be re-appointed for one further 5 year term.

Mae rheoliad 10 yn ymestyn cyfnod swydd y Llywydd o ddwy flynedd i dair blynedd.

Mae rheoliadau 11 a 15 yn diwygio sut mae Cadeiryddion yn cael eu penodi. Mae Cadeiryddion i'w penodi gan y Panel Penodiadau.

Mae rheoliad 12 yn disodli'r pedwar cynrychiolydd rhanbarthol â thri chynrychiolydd cenedlaethol. Mae rheoliad 22 yn diddymu swydd y dirprwy gynrychiolydd rhanbarthol.

Mae rheoliad 15 yn gwneud nifer o ddiwygiadau i weithdrefn ethol y Llywydd a nodir yn Atodlen 2 i Reoliadau 2010. Mae'r weithdrefn hon hefyd yn gymwys i'r cynrychiolwyr cenedlaethol.

Mae rheoliadau 17 a 18 yn diwygio'r Rheoliadau Ardrethu Annomestig er mwyn caniatáu i apelau o dan y Rheoliadau hyn gael eu penderfynu heb wrandawiad.

Mae rheoliadau 19 i 22 yn gwneud darpariaethau trosiannol mewn perthynas â'r Rheoliadau hyn.

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 yr Is-adran Cyllid Llywodraeth Leol a Pherfformiad Gwasanaethau Cyhoeddus, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Regulation 10 extends the President's term of office from two years to three years.

Regulations 11 and 15 amend how Chairpersons are appointed. Chairpersons are to be appointed by the Appointments Panel.

Regulation 12 replaces the four regional representatives with three national representatives. Regulation 22 abolishes the office of deputy regional representative.

Regulation 15 makes a number of amendments to the election procedure for the President set out in Schedule 2 to the 2010 Regulations. This procedure also applies to the national representatives.

Regulations 17 and 18 amend the NDR Regulations to enable appeals under these Regulations to be disposed of without a hearing.

Regulations 19 to 22 make transitional provisions in relation to these Regulations.

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 Local Government Finance and Public Services Performance Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2017 Rhif 941 (Cy. 234)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Tribiwnlys Priso
Cymru (Diwygio) 2017**

Gwnaed 25 Medi 2017
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 27 Medi 2017
Yn dod i rym 1 Rhagfyr 2017

2017 No. 941 (W. 234)

**LOCAL GOVERNMENT,
WALES**

**The Valuation Tribunal for Wales
(Amendment) Regulations 2017**

Made 25 September 2017
Laid before the National Assembly for Wales
27 September 2017
Coming into force 1 December 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 140(4) a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988(1), a pharagraffau 1, 5, 6(2), 7A, 8 ac 11 o Atodlen 11 iddi, ac a freiniwyd bellach ynddynt hwy(2).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlys Priso Cymru (Diwygio) 2017.

(2) Daw'r Rheoliadau hyn i rym ar 1 Rhagfyr 2017.

(3) Yn y Rheoliadau hyn—

(a) ystyr “Rheoliadau 2010” (“*the 2010 Regulations*”) yw Rheoliadau Tribiwnlys Priso Cymru 2010(3); a

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 140(4) and 143(1) and (2) of, and paragraphs 1, 5, 6(2), 7A, 8 and 11 of Schedule 11 to, the Local Government Finance Act 1988(1) on the Secretary of State and now vested in them(2).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Valuation Tribunal for Wales (Amendment) Regulations 2017.

(2) These Regulations come into force on 1 December 2017.

(3) In these Regulations—

(a) “the 2010 Regulations” (“*Rheoliadau 2010*”) means the Valuation Tribunal for Wales Regulations 2010(3); and

(1) 1988 p. 41. Gwnaed diwygiadau perthnasol i Atodlen 11 gan baragraffau 3, 8, 10, 11 a 15 o Atodlen 15 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28). Mae diwygiadau eraill i Atodlen 11 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 140(4) a 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraffau 1, 5, 6(2), 7A, 8 ac 11 o Atodlen 11 iddi, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau hynny bellach wedi eu breinio yng Ngweinidogion Cymru.

(3) O.S. 2010/713 (Cy. 69), fel y'i diwygiwyd gan O.S. 2013/547 (Cy. 59), O.S. 2014/554 (Cy. 66) ac O.S. 2016/481.

(1) 1988 c. 41. Relevant amendments were made to Schedule 11 by paragraphs 3, 8, 10, 11 and 15 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007 (c. 28). There are other amendments to Schedule 11 that are not relevant to these Regulations.

(2) The functions of the Secretary of State under sections 140(4) and 143(1) and (2) of, and paragraphs 1, 5, 6(2), 7A, 8 and 11 of Schedule 11 to, the Local Government Finance Act 1988 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) those functions are now vested in the Welsh Ministers.

(3) S.I. 2010/713 (W. 69), as amended by S.I. 2013/547 (W. 59), S.I. 2014/554 (W. 66) and S.I. 2016/481.

- (b) ystyr “y Rheoliadau Ardrethu Annomestig” (“*the NDR Regulations*”) yw Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005(1).

- (b) “the NDR Regulations” (“*y Rheoliadau Ardrethu Annomestig*”) means the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(1).

Diwygio Rheoliadau 2010

2. Mae Rheoliadau 2010 wedi eu diwygio yn unol â rheoliadau 3 i 15.

3. Yn rheoliad 3(1) (dehongli)—

- (a) ar ôl y diffiniad o “Llywydd” (“*President*”) mewnosoder—
“ystyr “Panel Penodiadau” (“*Appointments Panel*”) yw Panel Penodiadau’r Cyngor Llywodraethu a sefydlwyd o dan reoliad 8A;”;
- (b) ar ôl y diffiniad o “Cyngor Llywodraethu” (“*Governing Council*”) mewnosoder—
“ystyr “cynrychiolydd cenedlaethol” (“*national representative*”) yw cynrychiolydd cenedlaethol a benodir o dan reoliad 13;”;
- (c) hepgorer y diffiniad o “cynrychiolydd rhanbarthol” (“*regional representative*”).

4. Ar ôl rheoliad 5 (sefydlu’r Cyngor Llywodraethu) mewnosoder—

“Cworwm ar gyfer cyfarfod y Cyngor Llywodraethu

5A. Nid oes cworwm mewn cyfarfod o’r Cyngor Llywodraethu oni bai bod pedwar neu ragor o aelodau’r Cyngor Llywodraethu yn bresennol.”

5. Yn rheoliad 6 (aelodaeth y Cyngor Llywodraethu)—

- (a) yn lle paragraff (1)(b) rhodder—
“(b) y cynrychiolwyr cenedlaethol a benodir yn unol â rheoliad 13; ac”;
- (b) ym mharagraff (1)(c) yn lle “berson” rhodder “bersonau”;
- (c) hepgorer paragraff (2).

6. Yn rheoliad 7 (apwyntai Gweinidogion Cymru)—

- (a) ym mharagraff (1) yn lle “un person yn aelod” rhodder “hyd at dri pherson yn aelodau”;
- (b) hepgorer paragraff (2).

Amendment to the 2010 Regulations

2. The 2010 Regulations are amended in accordance with regulations 3 to 15.

3. In regulation 3(1) (interpretation)—

- (a) after the definition of “appeal” (“*apêl*”) insert—
““Appointments Panel” (“*Panel Penodiadau*”) means the Appointments Panel of the Governing Council established under regulation 8A;”;
- (b) after the definition of “Governing Council” (“*Cyngor Llywodraethu*”) insert—
““national representative” (“*cynrychiolydd cenedlaethol*”) means a national representative appointed under regulation 13;”;
- (c) omit the definition of “regional representative” (“*cynrychiolydd rhanbarthol*”).

4. After regulation 5 (establishment of the Governing Council) insert—

“Quorum for a meeting of the Governing Council

5A. A meeting of the Governing Council is not quorate unless four or more members of the Governing Council are present.”

5. In regulation 6 (membership of the Governing Council)—

- (a) for paragraff (1)(b) substitute—
“(b) the national representatives appointed in accordance with regulation 13; and”;
- (b) in paragraff (1)(c) for “person” substitute “persons”;
- (c) omit paragraff (2).

6. In regulation 7 (Welsh Ministers’ appointee)—

- (a) in paragraff (1) for “one person” substitute “up to three persons”;
- (b) omit paragraff (2).

(1) O.S. 2005/758 (Cy. 63), fel y’i diwygiwyd gan O.S. 2006/1035 (Cy. 105) ac O.S. 2010/713 (Cy. 69).

(1) S.I. 2005/758 (W. 63), as amended by S.I. 2006/1035 (W. 105) and S.I. 2010/713 (W. 69).

7. Ar ôl rheoliad 8 mewnosoder—

“Panel Penodiadau’r Cyngor Llywodraethu

8A.—(1) Ar 1 Rhagfyr 2017 sefydlir Panel Penodiadau’r Cyngor Llywodraethu.

(2) Rhaid i’r Panel Penodiadau gynnwys tri aelod o’r Cyngor Llywodraethu.

(3) Pan fo’r Panel Penodiadau yn penodi Cadeiryddion, ni chaniateir i’r Panel Penodiadau gynnwys unrhyw bersonau a benodir gan Weinidogion Cymru o dan reoliad 7.”

8. Yn lle rheoliad 9 (penodi aelodau’r Tribiwnlys Prasio) rhodder—

“Nifer aelodau’r Tribiwnlys Prasio a’u penodiad

9.—(1) Mae’r Tribiwnlys Prasio yn cynnwys rhwng 16 o aelodau a—

- (a) o 1 Rhagfyr 2017 hyd 31 Mawrth 2018, 145 o aelodau;
- (b) o 1 Ebrill 2018 hyd 31 Mawrth 2019, 135 o aelodau;
- (c) o 1 Ebrill 2019 hyd 31 Mawrth 2020, 120 o aelodau; neu
- (ch) o 1 Ebrill 2020, 105 o aelodau.

(2) At ddibenion y rheoliad hwn, bydd swydd yn wag pan fydd nifer yr aelodau yn is na—

- (a) 16; neu
- (b) nifer yr aelodau a ddisgrifir ym mharagraff (1)(a) i (ch), ac ym marn y Llywydd, y nifer sy’n ofynnol er mwyn cyflawni swyddogaethau’r Tribiwnlys Prasio.

(3) Pa fo swydd yn wag, rhaid i’r Panel Penodiadau benodi person i lenwi’r swydd.

(4) Pan na fo swydd wag wedi ei llenwi gan y Panel Penodiadau o fewn 3 mis o fod yn swydd wag, caiff Gweinidogion Cymru, ar ôl ymgynghori â’r Llywydd, benodi person i lenwi’r swydd wag.

(5) Ni chaniateir i berson gael ei benodi o dan y rheoliad hwn, os bydd, erbyn diwedd cyfnod ei benodiad, wedi gwasanaethu am gyfnod o 10 mlynedd neu fwy fel aelod o’r Tribiwnlys Prasio.

(6) Ond caniateir i berson a oedd yn aelod o’r Tribiwnlys Prasio cyn i’r Rheoliadau hyn ddod i rym gael ei benodi am gyfnod nad yw’n hwy na phum mlynedd.”

7. After regulation 8 insert—

“Appointments Panel of the Governing Council

8A.—(1) On 1 December 2017 there will be established an Appointments Panel of the Governing Council.

(2) The Appointments Panel must consist of three members of the Governing Council.

(3) Where the Appointments Panel appoints Chairpersons, the Appointments Panel must not consist of any persons appointed by the Welsh Ministers under regulation 7.”

8. For regulation 9 (appointment of Valuation Tribunal members) substitute—

“Number of Valuation Tribunal members and their appointment

9.—(1) The Valuation Tribunal consists of between 16 members and—

- (a) from 1 December 2017 until 31 March 2018, 145 members;
- (b) from 1 April 2018 until 31 March 2019, 135 members;
- (c) from 1 April 2019 until 31 March 2020, 120 members; or
- (d) from 1 April 2020, 105 members.

(2) For the purposes of this regulation, a vacancy arises when the number of members falls below—

- (a) 16; or
- (b) the number of members described in paragraph (1)(a) to (d) and in the view of the President, the number required to carry out the Valuation Tribunal’s functions.

(3) Where a vacancy arises, the Appointments Panel must appoint a person to fill the vacancy.

(4) Where a vacancy has not been filled by the Appointments Panel within 3 months of the vacancy arising, the Welsh Ministers may, after consultation with the President, appoint a person to fill the vacancy.

(5) A person may not be appointed under this regulation, if at the end of the period of appointment they would have served 10 years or more as a member of the Valuation Tribunal.

(6) But, a person who was a member of the Valuation Tribunal before these Regulations come into force may be appointed for a period not exceeding five years.”

9. Yn rheoliad 10 (parhad aelodaeth o'r Tribiwnlys Prasio)—

- (a) yn lle paragraff (1) rhodder—
“(1) Bydd penodiad pob aelod o dan reoliad 9 yn cael effaith am gyfnod o bum mlynedd.”;
- (b) ym mharagraff (2)(a) yn lle “a bennir o dan baragraff (1)” rhodder “o bum mlynedd”;
- (c) yn lle paragraff (3) rhodder—
“(3) Rhaid i'r Panel Penodiadau, os cyfarwyddir hwy i wneud hynny gan Weinidogion Cymru, derfynu cyfnod swydd aelod drwy roi hysbysiad ysgrifenedig i'r aelod hwnnw.”;
- (d) ar ôl paragraff (3) mewnosoder—
“(4) Cyn rhoi cyfarwyddyd o dan baragraff (3), rhaid i Weinidogion Cymru ymgynghori â'r Panel Penodiadau.”

10. Yn rheoliad 11 (Llywydd y Tribiwnlys Prasio)—

- (a) ym mharagraff (4)(a), yn lle “ddwy flynedd” rhodder “dair blynedd”;
- (b) hepgorer paragraff (8).

11. Yn rheoliad 12 (Cadeiryddion y Tribiwnlys Prasio)—

- (a) yn lle paragraff (2) rhodder—
“(2) Bydd y Llywydd yn un o'r Cadeiryddion a rhaid i'r Panel Penodiadau benodi nifer y Cadeiryddion sydd weddill o fewn y cyfnod a ragnodir.”;
- (b) ym mharagraff (3), yn lle “etholiad wedi ei gynnal” rhodder “penodiad wedi ei wneud”.

12. Yn lle rheoliad 13 (cynrychiolwyr rhanbarthol y Tribiwnlys Prasio) rhodder—

“Cynrychiolwyr Cenedlaethol y Tribiwnlys Prasio

13.—(1) Pan fo swydd yn wag, rhaid i aelodau'r Tribiwnlys Prasio benodi tri cynrychiolydd cenedlaethol o blith ei aelodau.

(2) Rhaid i'r penodiad o dan baragraff (1) gael ei wneud yn unol â Rhan 1 o Atodlen 2.

(3) At ddibenion y rheoliad hwn, bydd swydd yn wag pan fydd nifer y cynrychiolwyr cenedlaethol yn llai na thri.

(4) Pan na fo penodiad wedi ei wneud ar ddiwedd cyfnod o dri mis sy'n dechrau â'r dyddiad y daw'r swydd yn wag, rhaid i

9. In regulation 10 (duration of membership of the Valuation Tribunal)—

- (a) for paragraph (1) substitute—
“(1) Each appointment of a member under regulation 9 has effect for a period of five years.”;
- (b) in paragraph (2)(a) for “specified under paragraph (1)” substitute “of five years”;
- (c) for paragraph (3) substitute—
“(3) The Appointments Panel must, if so directed by the Welsh Ministers, give a member notice in writing terminating that member's term of office.”;
- (d) after paragraph (3) insert—
“(4) Before giving a direction under paragraph (3), the Welsh Ministers must consult the Appointments Panel.”

10. In regulation 11 (the President of the Valuation Tribunal)—

- (a) in paragraph (4)(a) for “two” substitute “three”;
- (b) omit paragraph (8).

11. In regulation 12 (Chairpersons of the Valuation Tribunal)—

- (a) for paragraph (2) substitute—
“(2) The President will constitute one of the Chairpersons and the Appointments Panel must appoint the remaining number of Chairpersons within the prescribed period.”;
- (b) in paragraph (3) for “election” substitute “appointment”.

12. For regulation 13 (regional representatives of the Valuation Tribunal) substitute—

“National representatives of the Valuation Tribunal

13.—(1) Where there is a vacancy, members of the Valuation Tribunal must, appoint three national representatives from among their number.

(2) The appointment under paragraph (1) must be made in accordance with Part 1 of Schedule 2.

(3) For the purposes of this regulation, a vacancy occurs when the number of national representatives falls below three.

(4) Where at the expiry of three months beginning with the date on when a vacancy occurs, no appointment has taken place, the

Weinidogion Cymru, ar ôl ymgynghori â'r Llywydd, benodi cynrychiolydd cenedlaethol o blith yr aelodau i lenwi'r swydd honno.

(5) Bydd cynrychiolydd cenedlaethol yn dal y swydd hyd nes y bydd pa un bynnag o'r canlynol yn digwydd gyntaf—

- (a) diwedd y cyfnod o dair blynedd sy'n dilyn y dyddiad yr ymgymerodd y cynrychiolydd cenedlaethol â'i swydd;
- (b) y cynrychiolydd cenedlaethol yn peidio â bod yn aelod o'r Tribiwnlys Prisio;
- (c) y cynrychiolydd cenedlaethol yn ymddiswyddo drwy roi hysbysiad ysgrifenedig i'r Llywydd;
- (ch) hysbysiad terfynu o dan baragraff (6) yn cael effaith.

(6) O ran y Llywydd—

- (a) caiff, ar ôl ymgynghori â'r Cyngor Llywodraethu, derfynu cyfnod swydd y cynrychiolydd cenedlaethol drwy roi hysbysiad ysgrifenedig i'r cynrychiolydd cenedlaethol hwnnw; a
- (b) rhaid iddo, os cyfarwyddir ef i wneud hynny gan Weinidogion Cymru, derfynu cyfnod swydd y cynrychiolydd cenedlaethol drwy roi hysbysiad ysgrifenedig i'r cynrychiolydd cenedlaethol hwnnw.

(7) Cyn rhoi cyfarwyddyd dan baragraff (6)(b) rhaid i Weinidogion Cymru ymgynghori â'r Llywydd."

13. Yn rheoliad 19(1) (cofnodion) ar ôl "y Cyngor Llywodraethu" mewnosoder ", y Panel Penodiadau".

14. Hepgorer Atodlen 1 (penodi aelodau).

15. Yn Atodlen 2 (gweithdrefn ethol)—

- (a) hepgorer paragraff 6;
- (b) yn lle paragraff 7 rhodder—

"7. Rhaid i enwebiadau—

- (a) cael eu gwneud gan ymgeiswyr i'r prif weithredwr; a
- (b) cael eu hanfon ynghyd â datganiad na chaiff fod yn llai na 250 o eiriau nac yn fwy na 500 o eiriau a gyflenwir ar gyfer ei ddsbarthu gyda'r hysbysiad o bôl."

(c) yn lle paragraff 8 rhodder—

"8. Os na fydd nifer yr ymgeiswyr am swydd wag yn fwy na nifer y swyddi gwag, mae'r ymgeisydd neu'r ymgeiswyr i'w benodi neu eu penodi."

Welsh Ministers must, after consultation with the President, appoint a national representative from among the members to fill that vacancy.

(5) A national representative holds office until whichever of the following first occurs—

- (a) the expiration of the period of three years from the date on which the national representative takes office;
- (b) the national representative ceases to be a member of the Valuation Tribunal;
- (c) the national representative resigns by giving notice in writing to the President;
- (d) notice of termination under paragraph (6) takes effect.

(6) The President—

- (a) may, after consultation with the Governing Council, terminate the national representative's term of office by giving the national representative written notice; and
- (b) must, if so directed by the Welsh Ministers, terminate the national representative's term of office by giving the national representative written notice.

(7) Before giving a direction under paragraph (6)(b) the Welsh Ministers must consult the President."

13. In regulation 19(1) (minutes) after "the Governing Council" insert "the Appointments Panel".

14. Omit Schedule 1 (appointment of members).

15. In Schedule 2 (election procedure)—

- (a) omit paragraph 6;
- (b) for paragraph 7 substitute—

"7. Nominations must be—

- (a) made by a candidate to the chief executive; and
- (b) accompanied by a statement of no less than 250 words and no more than 500 words supplied for circulation with the notice of poll."

(c) for paragraph 8 substitute—

"8. If the number of candidates for a vacancy does not exceed the number of vacancies, the candidate or candidates are to be appointed."

- (d) yn lle paragraff 9 rhodder—
 “9. Os yw nifer yr ymgeiswyr yn fwy na nifer y swyddi gwag, rhaid cynnal etholiad gan ddefnyddio papurau pleidleisio (“pôl”).”;
- (e) hepgorer paragraff 11;
- (f) ym mharagraff 12—
- (i) yn lle “rhanbarthol” yn y lle cyntaf y mae’n ymddangos rhodder “cenedlaethol”;
- (ii) yn is-baragraff (a)(i) hepgorer y geiriau o “, a benodwyd” i “yn wag”;
- (iii) yn lle is-baragraff (c) rhodder—
 “(c) yr aelod neu’r aelodau a etholir yn gynrychiolwyr cenedlaethol fydd yr aelod neu’r aelodau sydd â’r nifer mwyaf o’r pleidleisiau a fwriwyd, hyd at y nifer o gynrychiolwyr cenedlaethol sydd i’w hethol.”;
- (g) ym mharagraff 14 hepgorer “o leiaf 21 diwrnod”;
- (h) yn lle paragraff 15(c) rhodder—
 “(c) cael ei anfon ynghyd ag unrhyw ddatganiad a gyflenwir gan ymgeisydd o dan baragraff 7(b).”;
- (i) hepgorer paragraffau 17 i 19;
- (j) hepgorer paragraff 22;
- (k) ym mharagraff 24 hepgorer is-baragraffau (2) i (4);
- (l) ym mharagraff 25—
- (i) hepgorer is-baragraff (2);
- (ii) yn is-baragraff (3)—
- (aa) ar ôl “yw” mewnosoder “aelod o’r Tribiwnlys Prisio sy’n aelod ar y dyddiad yr anfonir yr hysbysiad o bôl.”;
- (bb) hepgorer paragraffau (a) i (c);
- (iii) hepgorer is-baragraffau (4) a (5).

- (d) for paragraph 9 substitute—
 “9. If the number of candidates exceed the number of vacancies, an election by voting papers (a poll) must be held.”;
- (e) omit paragraph 11;
- (f) in paragraph 12—
- (i) for “regional” where it first appears substitute “national”;
- (ii) in sub-paragraph (a)(i) omit the words from “, who was appointed” to “representative arises”;
- (iii) for sub-paragraph (c) substitute—
 “(c) the member or members elected as national representative will be the member or members with the highest number of votes cast, up to the number of national representatives to be elected.”;
- (g) in paragraph 14 omit “at least 21 days”;
- (h) for paragraph 15(c) substitute—
 “(c) be accompanied by any statement supplied by a candidate under paragraph 7(b).”;
- (i) omit paragraphs 17 to 19;
- (j) omit paragraph 22;
- (k) in paragraph 24, omit sub-paragraphs (2) to (4);
- (l) in paragraph 25—
- (i) omit sub-paragraph (2);
- (ii) in sub-paragraph (3)—
- (aa) after “means” insert “a member of the Valuation Tribunal who is a member on the date on which the notice of poll is sent.”;
- (bb) omit paragraphs (a) to (c);
- (iii) omit sub-paragraphs (4) and (5).

Diwygio’r Rheoliadau Ardrethu Annomestig

16. Mae’r Rheoliadau Ardrethu Annomestig wedi eu diwygio yn unol â rheoliadau 17 a 18.

17. Ar ôl rheoliad 25 (penderfynu drwy sylwadau ysgrifenedig) o’r Rheoliadau Ardrethu Annomestig mewnosoder—

“Disposal by written representations – where parties have come to an agreement

25A.—(1) The valuation tribunal may dispose of an appeal under these Regulations without a hearing if—

Amendment to the NDR Regulations

16. The NDR Regulations are amended in accordance with regulations 17 and 18.

17. After regulation 25 (disposal by written representations) of the NDR Regulations insert—

“Disposal by written representations – where parties have come to an agreement

25A.—(1) The valuation tribunal may dispose of an appeal under these Regulations without a hearing if—

- (a) a party informs the valuation tribunal in writing—
 - (i) that parties have come to an agreement;
 - (ii) what that agreement is and the decision the valuation tribunal is asked to make; and
 - (iii) that parties agree for the appeal to be disposed of without a hearing; and
- (b) the clerk sends a notice to all parties to the proceedings stating—
 - (i) the valuation tribunal is minded to dispose of the appeal without a hearing;
 - (ii) the decision the valuation tribunal is minded to take; and
 - (iii) that any party can object to the appeal being disposed of without a hearing.

(2) If a notice is sent under paragraph (1)(b), a party may request to the clerk that the appeal be disposed of with a hearing.

(3) A request under paragraph (2) must be made in writing and received by the clerk within 4 weeks of the date on which the clerk sent a notice under paragraph (1)(b).

(4) The valuation tribunal must not dispose of an appeal without a hearing if—

- (a) in the opinion of the clerk, the appeal raises issues of public importance such as to require that hearing be held;
- (b) a period of four weeks from which the notice under paragraph (1)(b) was sent has not elapsed; or
- (c) a party to the appeal has requested a hearing.

(5) The functions of the valuation tribunal under this Regulation may be performed on its behalf by the clerk.”

18. Ar ôl rheoliad 27(4) (hysbysiad o wrandawriad) o’r Rheoliadau Ardrethu Annomestig mewnosoder—

“(5) Where a hearing is requested under regulation 25A(2) and the hearing is postponed, the clerk must inform parties to the proceedings if the valuation tribunal is of the view that parties to the proceedings can come to an agreement.”

- (a) a party informs the valuation tribunal in writing—
 - (i) that parties have come to an agreement;
 - (ii) what that agreement is and the decision the valuation tribunal is asked to make; and
 - (iii) that parties agree for the appeal to be disposed of without a hearing; and
- (b) the clerk sends a notice to all parties to the proceedings stating—
 - (i) the valuation tribunal is minded to dispose of the appeal without a hearing;
 - (ii) the decision the valuation tribunal is minded to take; and
 - (iii) that any party can object to the appeal being disposed of without a hearing.

(2) If a notice is sent under paragraph (1)(b), a party may request to the clerk that the appeal be disposed of with a hearing.

(3) A request under paragraph (2) must be made in writing and received by the clerk within 4 weeks of the date on which the clerk sent a notice under paragraph (1)(b).

(4) The valuation tribunal must not dispose of an appeal without a hearing if—

- (a) in the opinion of the clerk, the appeal raises issues of public importance such as to require that hearing be held;
- (b) a period of four weeks from which the notice under paragraph (1)(b) was sent has not elapsed; or
- (c) a party to the appeal has requested a hearing.

(5) The functions of the valuation tribunal under this Regulation may be performed on its behalf by the clerk.”

18. After regulation 27(4) (notice of hearing) of the NDR Regulations insert—

“(5) Where a hearing is requested under regulation 25A(2) and the hearing is postponed, the clerk must inform parties to the proceedings if the valuation tribunal is of the view that parties to the proceedings can come to an agreement.”

Darpariaethau trosiannol

19.—(1) Ar 1 Rhagfyr 2017 mae unrhyw berson a oedd yn gynrychiolydd rhanbarthol, yn union cyn y dyddiad hwnnw, yn cael ei benodi'n gynrychiolydd cenedlaethol.

(2) Mae cyfnod swydd person a benodir o dan baragraff (1) yn dod i ben ar yr un diwrnod ag y byddai ei gyfnod swydd yn gynrychiolydd rhanbarthol wedi dod i ben.

20. Ar 1 Rhagfyr 2017 caiff unrhyw berson a oedd, yn union cyn y dyddiad hwnnw, yn aelod neu'n Gadeirydd y Tribiwnlys Prisio barhau i ddal a gadael ei swydd yn unol â thelerau'r offeryn sy'n ei benodi.

21. Nid yw rheoliadau 17 a 18 yn gymwys i unrhyw apêl o dan y Rheoliadau Ardrethu Annomestig a gyfeiriwyd at y Tribiwnlys Prisio cyn 1 Rhagfyr 2017.

22. Bydd dirprwy gynrychiolwyr rhanbarthol a benodir o dan reoliad 13 o Reoliadau 2010 yn peidio â dal swydd fel dirprwy gynrychiolwyr rhanbarthol y diwrnod y daw'r Rheoliadau hyn i rym.

Transitional provisions

19.—(1) On 1 December 2017 any person who, immediately before that date was a regional representative is appointed a national representative.

(2) The term of office for a person appointed under paragraph (1) ends on the same day as their term of office as regional representative would have ended.

20. On 1 December 2017 any person who immediately before that date was a member or Chairperson of the Valuation Tribunal continues to hold and vacate their office in accordance with the terms of the instrument appointing them.

21. Regulations 17 and 18 do not apply to any appeal under the NDR Regulations which was referred to the Valuation Tribunal before 1 December 2017.

22. Deputy regional representatives appointed under regulation 13 of the 2010 Regulations cease to hold office as deputy regional representatives the day these Regulations come into force.

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth
Leol, un o Weinidogion Cymru
25 Medi 2017

©Hawlfraint y Goron 2017

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Cabinet Secretary for Finance and Local Government,
one of the Welsh Ministers
25 September 2017

© Crown copyright 2017

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 941 (Cy. 234)

2017 No. 941 (W. 234)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

Rheoliadau Tribiwnlys Priso
Cymru (Diwygio) 2017

The Valuation Tribunal for Wales
(Amendment) Regulations 2017

£6.00

W201709251001 09/2017

<http://www.legislation.gov.uk/id/wsi/2017/941>

ISBN 978-0-348-20147-5



9 780348 201475