



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 1027 (Cy. 220)**

**2022 No. 1027 (W. 220)**

**TRETH TRAFODIADAU TIR,  
CYMRU**

**LAND TRANSACTION TAX,  
WALES**

**Rheoliadau Treth Trafodiadau Tir  
(Bandiau Treth a Chyfraddau Treth)  
(Cymru) (Diwygio) 2022**

**The Land Transaction Tax (Tax  
Bands and Tax Rates) (Wales)  
(Amendment) Regulations 2022**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018 (O.S. 2018/128) ("Rheoliadau 2018") er mwyn mewnosod bandiau treth a chyfraddau treth canrannol diwygiedig ar gyfer trafodiadau eiddo preswyl.

These Regulations amend the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018 (S.I. 2018/128) ("the 2018 Regulations") so as to insert revised tax bands and percentage tax rates for residential property transactions.

Mae rheoliad 3 yn cymhwyso'r bandiau treth a'r cyfraddau treth canrannol diwygiedig at drafodiadau eiddo preswyl pan fo'r dyddiad y mae'r trafodiad yn cael effaith ar neu ar ôl 10 Hydref 2022.

Regulation 3 applies the revised tax bands and percentage tax rates to residential property transactions where the effective date of the transaction falls on or after 10 October 2022.

Mae rheoliad 4 yn mynd ymlaen i nodi eithriadau i gymhwysiad cyffredinol y bandiau treth a'r cyfraddau treth canrannol diwygiedig mewn cysylltiad â thrafodiadau eiddo preswyl. Pan fo'r dyddiad y mae'r trafodiadau hyn yn cael effaith ar neu ar ôl 10 Hydref 2022, ond cafodd contractau eu cyfnewid, neu cafodd y contract hwnnw ei gyflawni'n sylweddol cyn 10 Hydref 2022, caiff y prynwr ddewis cymhwyso'r bandiau treth a'r cyfraddau treth canrannol a oedd ar waith cyn i'r Rheoliadau hyn ddod i rym at y trafodiad hwnnw. Ni ellir gwneud dewis o'r fath mewn amgylchiadau a nodir yn rheoliad 5. Rhaid gwneud y dewis yn unol â gofynion rheoliad 6, sydd hefyd yn darparu na ellir ond gwneud dewis o'r fath os na fyddai hynny'n arwain at godi mwy o dreth na fyddai wedi digwydd fel arall.

Regulation 4 goes on to set out exceptions to the general application of the revised tax bands and percentage tax rates in respect of residential property transactions. Where the effective date for such transactions falls on or after 10 October 2022, but contracts were exchanged, or substantial performance of that contract took place prior to 10 October 2022, the buyer may elect to apply the tax bands and percentage tax rates that were in place before these Regulations came into force to that transaction. Such an election cannot be made in circumstances set out at regulation 5. The election must be made in accordance with the requirements of regulation 6, which also provides that such an election can only be made if it would not result in more tax being chargeable than would otherwise have been the case.

Mae rheoliad 7 yn nodi'r bandiau treth a'r cyfraddau treth canrannol diwygiedig a fydd yn gymwys i'r trafodiadau a bennir yn rheoliad 3.

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 ac ar wefan Llywodraeth Cymru yn [www.llyw.cymru](http://www.llyw.cymru).

Regulation 7 sets out the revised tax bands and percentage tax rates that are to apply to the transactions specified in regulation 3.

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 and on the Welsh Government website at [www.gov.wales](http://www.gov.wales).

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CYMRU**

Rheoliadau Treth Trafodiadau Tir  
(Bandiau Treth a Chyfraddau Treth)  
(Cymru) (Diwygio) 2022

*Cymeradwywyd gan Senedd Cymru*

*Gwnaed* 6 Hydref 2022  
*Gosodwyd* gerbron *Senedd*  
*Cymru* 7 Hydref 2022  
*Yn dod i rym* 10 Hydref 2022

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

**Enwi a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) (Diwygio) 2022 a deuant i rym ar 10 Hydref 2022.

**Dehongli**

2. Yn y Rheoliadau hyn—  
(a) ystyr “Rheoliadau 2018” (“*the 2018 Regulations*”) yw Rheoliadau Treth Trafodiadau Tir (Bandiau Treth a Chyfraddau Treth) (Cymru) 2018(2);

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**LAND TRANSACTION TAX,  
WALES**

The Land Transaction Tax (Tax  
Bands and Tax Rates) (Wales)  
(Amendment) Regulations 2022

*Approved by Senedd Cymru*

*Made* 6 October 2022  
*Laid before Senedd Cymru* 7 October 2022  
*Coming into force* 10 October 2022

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

**Title and commencement**

1. The title of these Regulations is the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) (Amendment) Regulations 2022 and they come into force on 10 October 2022.

**Interpretation**

2. In these Regulations,—  
(a) “the 2018 Regulations” means the Land Transaction Tax (Tax Bands and Tax Rates) (Wales) Regulations 2018(2);

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(1) 2017 dccc 1.  
(2) O.S. 2018/128 (Cy. 32), fel y'i diwygiwyd gan O.S. 2020/794 (Cy. 174) ac O.S. 2020/1618 (Cy. 339).

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(1) 2017 anaw 1.  
(2) S.I. 2018/128 (W.32), as amended by S.I. 2020/794 (W.174) and S.I. 2020/1618 (W.339).

- (b) mae i eiriau ac ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag sydd iddynt yn Neddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017.

## Cymhwyso

3. Yn ddarostyngedig i reoliad 4, mae'r Rheoliadau hyn yn cael effaith mewn perthynas â thrafodiadau eiddo preswyl—

- (a) sydd â dyddiad cael effaith ar neu ar ôl 10 Hydref 2022; a
- (b) y mae Tabl 1 o'r Atodlen i Reoliadau 2018 yn gymwys iddynt.

4. Nid yw'r Rheoliadau hyn yn cael effaith mewn perthynas ag unrhyw drafodiad a bennir yn rheoliad 3—

- (a) os yw'r prynwr yn gwneud dewis yn unol â rheoliad 6; a
- (b) naill ai:
  - (i) y rhoddir effaith i'r trafodiad yn unol â chontract yr ymrwymwyd iddo ac a gyflawnwyd yn sylweddol cyn 10 Hydref 2022; neu
  - (ii) y rhoddir effaith i'r trafodiad yn unol â chontract yr ymrwymwyd iddo ond nas cyflawnwyd yn sylweddol cyn 10 Hydref 2022 ac nad yw wedi ei eithrio gan reoliad 5.

5. Mae trafodiad wedi ei eithrio gan y rheoliad hwn os yw'n drafodiad a bennir yn rheoliad 3 y rhoddir effaith iddo yn unol â chontract yr ymrwymwyd iddo cyn 10 Hydref 2022 ac—

- (a) pan geir unrhyw amrywiad i'r contract, neu pan aseir hawliau o dan y contract, ar neu ar ôl 10 Hydref 2022;
- (b) pan roddir effaith i'r trafodiad o ganlyniad i arfer unrhyw opsiwn, hawl rhagbrynu neu hawl debyg ar neu ar ôl 10 Hydref 2022; neu
- (c) pan geir, ar neu ar ôl 10 Hydref 2022, aseiniad, is-werthiant neu drafodiad arall yn ymwneud â'r cyfan neu ran o bwnc y contract, y caiff person heblaw'r prynwr o dan y contract hawl i alw am drosglwyddiad o ganlyniad iddo.

6.—(1) Rhaid i ddewis o dan reoliad 4—

- (a) cael ei gynnwys mewn ffurflen dreth a gyflwynir i ACC mewn cysylltiad â'r trafodiad, neu mewn diwygiad i'r ffurflen honno; a

- (b) words and expressions used in these Regulations have the same meaning as they have in the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.

## Application

3. Subject to regulation 4, these Regulations have effect in relation to residential property transactions—

- (a) with an effective date on or after 10 October 2022; and
- (b) to which Table 1 of the Schedule to the 2018 Regulations applies.

4. These Regulations do not have effect in relation to any transaction specified in regulation 3—

- (a) if the buyer makes an election in accordance with regulation 6; and
- (b) either:
  - (i) the transaction is effected in pursuance of a contract entered into and substantially performed before 10 October 2022; or
  - (ii) the transaction is effected in pursuance of a contract entered into but not substantially performed before 10 October 2022 and is not excluded by regulation 5.

5. A transaction is excluded by this regulation if it is a transaction specified in regulation 3 which is effected in pursuance of a contract entered into before 10 October 2022 and where—

- (a) there is any variation of the contract, or assignment of rights under the contract, on or after 10 October 2022;
- (b) the transaction is effected in consequence of the exercise on or after 10 October 2022 of any option, right of pre-emption or similar right; or
- (c) on or after 10 October 2022 there is an assignment, subsale or other transaction relating to the whole or part of the subject-matter of the contract as a result of which a person other than the buyer under the contract becomes entitled to call for a transfer.

6.—(1) An election under regulation 4 must—

- (a) be included in a return made to the WRA in respect of the transaction, or in an amendment of that return; and

(b) cydymffurfio ag unrhyw ofynion a bennir gan ACC ynghylch ei ffurf neu'r modd y caiff ei gynnwys.

(2) Ni chaiff prynwr ond gwneud dewis o dan reoliad 4 pan nad yw effaith dewis o'r fath yn arwain at godi mwy o dreth na fyddai wedi digwydd fel arall.

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

7.—(1) Mae'r Atodlen i Reoliadau 2018 wedi ei diwygio fel a ganlyn—

(2) Yn lle Tabl 1 rhodder—

#### “Tabl 1

##### Trafodiadau eiddo preswyl

<i>Band treth</i>	<i>Y gydnabyddiaeth berthnasol</i>	<i>Y gyfradd dreth ganrannol</i>
Band cyfradd sero	Nid mwy na £225,000	0%
Y band treth cyntaf	Mwy na £225,000 ond nid mwy na £400,000	6%
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%

”.

(b) comply with any requirements specified by the WRA as to its form or the manner of its inclusion.

(2) A buyer may only make an election under regulation 4 where the effect of such an election does not result in more tax being chargeable than would otherwise have been the case.

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

7.—(1) The Schedule to the 2018 Regulations is amended as follows—

(2) For Table 1 substitute—

#### “Table 1

##### Residential property transactions

<i>Tax band</i>	<i>Relevant consideration</i>	<i>Percentage tax rate</i>
Zero rate band	Not more than £225,000	0%
First tax band	More than £225,000 but not more than £400,000	6%
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%

”.

*Rebecca Evans*

Y Gweinidog Cyllid a Llywodraeth Leol, un o Weinidogion Cymru  
6 Hydref 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Minister for Finance and Local Government, one of the Welsh Ministers  
6 October 2022

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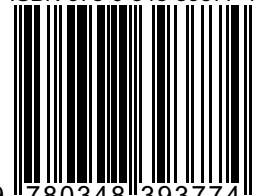




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ISBN 978-0-348-39377-4



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