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CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 1307 (Cy. 263)

2022 No. 1307 (W. 263)

**ARDRETHU A PHRISIO,
CYMRU**

**RATING AND VALUATION,
WALES**

Rheoliadau Ardrethu Annomestig
(Personau y Mae'n Ofynnol Iddynt
Ddarparu Gwybodaeth, a
Chyflwyno Hysbysiadau) (Cymru)
2022

The Non-Domestic Rating (Persons
Required to Supply Information and
Service of Notices) (Wales)
Regulations 2022

NODYN ESBONIADOL

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

Mae paragraff 5(1B) o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988 (“y Ddeddf”) yn darparu y caiff cyngor sir neu gyngor bwrdeistref sirol yng Nghymru (“awdurdod bilio”) gyflwyno hysbysiad i bersonau penodol yn ei gwneud yn ofynnol iddynt ddarparu gwybodaeth mewn perthynas â hereditament yn ardal yr awdurdod bilio hwnnw. Mae'r personau hynny'n cynnwys person sy'n cynnal busnes mewn perthynas â'r hereditament hwnnw, o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

Mae'r Rheoliadau hyn yn pennu disgrifiadau o'r mathau o fusnes a gynhelir gan berson mewn perthynas â hereditament.

Maent hefyd yn gwneud darpariaeth ynghylch sut y caiff awdurdod bilio beri bod hysbysiad yn cael ei gyflwyno i berson y mae paragraff 5(1D) o Atodlen 9 i'r Ddeddf yn gymwys iddo.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 5(1B) of Schedule 9 to the Local Government Finance Act 1988 (“the Act”) provides that a county council or county borough council in Wales (a “billing authority”) may serve a notice on certain persons requiring them to supply information in relation to a hereditament in that billing authority's area. Those persons include a person who is carrying on a business in relation to that hereditament, of a description specified in regulations made by the Welsh Ministers.

These Regulations specify descriptions of the types of business being carried on by a person in relation to a hereditament.

They also make provision as to how a billing authority may effect service of a notice on a person to whom paragraph 5(1D) of Schedule 9 to the Act applies.

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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(Personau y Mae'n Ofynnol Iddynt
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The Non-Domestic Rating (Persons
Required to Supply Information and
Service of Notices) (Wales)
Regulations 2022

Gwnaed 7 Rhagfyr 2022
Yn dod i rym 1 Ebrill 2023

Made 7 December 2022
Coming into force 1 April 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan baragraff 5(1D)(c) o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988(1), ac a roddir i Gynulliad Cenedlaethol Cymru gan baragraffau 5F(1) a 5F(2)(b)(2) o'r Atodlen honno ac a freiniwyd bellach ynddynt hwy(3).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 5(1D)(c) of Schedule 9 to the Local Government Finance Act 1988(1), and conferred on the National Assembly for Wales by paragraphs 5F(1) and 5F(2)(b)(2) of that Schedule and now vested in them(3).

Gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad yn unol ag adran 143(9AZA) o'r Ddeddf honno(4).

A draft of this instrument has been laid before and approved by resolution of Senedd Cymru in accordance with section 143(9AZA) of that Act(4).

(1) 1988 p. 41; mewnosodwyd paragraffau 5(1B) i 5(1D) o Atodlen 9 gan adran 151(2)(b) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) ("Deddf 2021").
(2) Mewnosodwyd paragraff 5F gan adran 72(4) o Ddeddf Llywodraeth Leol 2003 (p. 26).
(3) Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru ym mharagraff 5F i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
(4) Mewnosodwyd adran 143(9AZA) gan adran 151(10) o Ddeddf 2021. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

(1) 1988 c. 41; paragraphs 5(1B) to 5(1D) of Schedule 9 were inserted by the Local Government and Elections (Wales) Act 2021 (asc 1) ("the 2021 Act"), section 151(2)(b).
(2) Paragraph 5F was inserted by the Local Government Act 2003 (c. 26), section 72(4).
(3) The powers of the National Assembly for Wales in paragraph 5F were 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).
(4) Section 143(9AZA) was inserted by the 2021 Act, section 151(10). See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Personau y Mae'n Ofynnol Iddynt Ddarparu Gwybodaeth, a Chyflwyno Hysbysiadau) (Cymru) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2023.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “awdurdod bilio” (“*billing authority*”) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

mae i “cyfathrebiad electronig” yr ystyr a roddir i “electronic communication” yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Cyllid Llywodraeth Leol 1988;

mae i “hereditament” yr ystyr a roddir i “hereditament” yn adran 64 o'r Ddeddf.

Disgrifiad o bersonau y mae'n ofynnol iddynt ddarparu gwybodaeth

3. At ddiben paragraff 5(1D)(c) o Atodlen 9 i'r Ddeddf, caiff awdurdod bilio gyflwyno hysbysiad i berson sy'n cynnal busnes fel—

- (a) person sy'n darparu gwasanaethau sy'n ymwneud ag ardrethu annomestig i berson o fewn paragraff 5(1D)(a) a (b) o Atodlen 9 i'r Ddeddf;
- (b) ymgymerwr dŵr neu ymgymerwr carthffosiaeth o fewn ystyr Deddf y Diwydiant Dŵr 1991(2);
- (c) trawsgludwr nwy o fewn yr ystyr a roddir i “gas transporter” gan adran 7 (trwyddedu trawsgludwyr nwy cyhoeddus) o Ddeddf Nwy 1986(3);
- (d) cyflenwr nwy o fewn yr ystyr a roddir i “gas supplier” gan adran 7A (trwyddedu cyflenwyr nwy a chlodwyr nwy) o Ddeddf Nwy 1986(4);

(1) 2000 p. 7; diwygiwyd adran 15(1) gan baragraff 158 o Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21).

(2) 1991 p. 56.

(3) 1986 p. 44; amnewidiwyd adran 7 gan adran 5 o Ddeddf Nwy 1995 (p. 45). Diwygiwyd adran 7(1) wedi hynny gan adran 76(2) o Ddeddf Cyfleustodau 2000 (p. 27). Nid yw diwygiadau eraill a wnaed i adran 7 yn berthnasol i'r Rheoliadau hyn.

(4) Mewnosodwyd adran 7A gan adran 6(1) o Ddeddf Nwy 1995 (p. 45). Diwygiwyd is-adran (2) wedi hynny gan baragraff 2 o Atodlen 6 i Ddeddf Cyfleustodau 2000 (p. 27). Diwygiwyd is-adran (3) gan adran 149(7) o Ddeddf Ynni 2004 (p. 20). Nid yw diwygiadau eraill a wnaed i adran 7A yn berthnasol i'r Rheoliadau hyn.

Title and commencement

1.—(1) The title of these Regulations is the Non-Domestic Rating (Persons Required to Supply Information and Service of Notices) (Wales) Regulations 2022.

(2) These Regulations come into force on 1 April 2023.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Local Government Finance Act 1988;

“billing authority” (“*awdurdod bilio*”) means a county council or county borough council in Wales;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);

“hereditament” (“*hereditament*”) has the meaning given in section 64 of the Act.

Description of Persons Required to Supply Information

3. For the purpose of paragraph 5(1D)(c) of Schedule 9 to the Act, a billing authority may serve a notice on a person who is carrying on a business as—

- (a) a person providing services relating to non-domestic rating to a person within paragraph 5(1D)(a) and (b) of Schedule 9 to the Act;
- (b) a water undertaker or sewerage undertaker within the meaning of the Water Industry Act 1991(2);
- (c) a gas transporter within the meaning given by section 7 (licensing of public gas transporters) of the Gas Act 1986(3);
- (d) a gas supplier within the meaning given by section 7A (licencing of gas suppliers and gas shippers) of the Gas Act 1986(4);

(1) 2000 c. 7; section 15(1) was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

(2) 1991 c. 56.

(3) 1986 c. 44; section 7 was substituted by the Gas Act 1995 (c. 45), section 5. Section 7(1) was subsequently amended by the Utilities Act 2000 (c. 27), section 76(2). Other amendments made to section 7 are not relevant to these Regulations.

(4) Section 7A was inserted by the Gas Act 1995 (c. 45), section 6(1). Subsection (2) was subsequently amended by the Utilities Act 2000 (c. 27), Schedule 6, paragraph 2. Subsection (3) was amended by the Energy Act 2004 (c. 20), section 149(7). Other amendments made to section 7A are not relevant to these Regulations.

- (e) dosbarthwr trydan o fewn yr ystyr a roddir i “electricity distributor” gan adran 6 (trwyddedau sy’n awdurdodi cyflenwi, etc.) o Ddeddf Trydan 1989(1);
- (f) cyflenwr trydan o fewn yr ystyr a roddir i “electricity supplier” gan adran 6 o Ddeddf Trydan 1989(2);
- (g) darparwr cyfathrebiadau cyhoeddus o fewn yr ystyr a roddir i “public communications provider” gan adran 151(1) (dehongli Pennod 1) o Ddeddf Cyfathrebiadau 2003(3).

- (e) an electricity distributor within the meaning given by section 6 (licences authorising supply, etc.) of the Electricity Act 1989(1);
- (f) an electricity supplier within the meaning of section 6 of the Electricity Act 1989(2);
- (g) a public communications provider within the meaning given by section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(3).

Cyflwyno hysbysiadau

4.—(1) Heb ragfarnu adran 233 o Ddeddf Llywodraeth Leol 1972(4) (cyflwyno hysbysiad gan awdurdodau lleol) ac yn ddarostyngedig i baragraff (4), caiff awdurdod bilio gyflwyno hysbysiad i unrhyw berson y mae paragraff 5(1D) o Atodlen 9 i’r Ddeddf yn gymwys iddo—

- (a) drwy ei ddanfôn â llaw i’r person;
- (b) drwy ei adael ym mhriod gyfeiriad y person;
- (c) drwy ei anfon i briod gyfeiriad y person drwy’r post;
- (d) drwy ei anfon at y person drwy gyfathrebiad electronig.

(2) At ddibenion paragraff (1), priod gyfeiriad person yw—

- (a) yn achos corff corfforedig, cyfeiriad swyddfa gofrestredig neu brif swyddfa’r corff;
- (b) yn achos partneriaeth, cyfeiriad prif swyddfa’r bartneriaeth;
- (c) yn unrhyw achos arall, cyfeiriad hysbys olaf y person.

(3) Mae’r hysbysiad i’w drin fel pe bai wedi ei ddanfôn â llaw o dan baragraff (1)(a)—

- (a) yn achos corff corfforedig, os yw’n cael ei ddanfôn â llaw i ysgrifennydd neu glerc y corff;
- (b) yn achos partneriaeth, os yw’n cael ei ddanfôn â llaw i bartner neu berson sydd â rheolaeth dros fusnes y bartneriaeth neu sy’n rheoli busnes y bartneriaeth.

Service of notices

4.—(1) Without prejudice to section 233 of the Local Government Act 1972(4) (service of notice by local authorities) and subject to paragraph (4), a billing authority may serve a notice on any person to whom paragraph 5(1D) of Schedule 9 to the Act applies—

- (a) by hand delivering it to the person;
- (b) by leaving it at the person’s proper address;
- (c) by sending it to the person’s proper address by post;
- (d) by sending it to the person by electronic communication.

(2) For the purposes of paragraph (1), a person’s proper address is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a partnership, the address of the principal office of the partnership;
- (c) in any other case, the person’s last known address.

(3) The notice is to be treated as having been hand delivered under paragraph (1)(a)—

- (a) in the case of a body corporate, if it is hand delivered to the secretary or clerk of the body;
- (b) in the case of a partnership, if it is hand delivered to a partner or a person having control or management of the partnership business.

(1) 1989 p. 29; amnewidiwyd adran 6 gan adran 30 o Ddeddf Cyfleustodau 2000 (p. 27). Diwygiwyd adran 6(1)(c) wedi hynny gan Ran 1 o Atodlen 23(1) i Ddeddf Ynni 2004 (p. 20). Nid yw diwygiadau eraill a wnaed i adran 6 yn berthnasol i’r Rheoliadau hyn.
 (2) Diwygiwyd adran 6(1)(d) gan O.S. 2012/2400. Nid yw diwygiadau eraill a wnaed i adran 6 yn berthnasol i’r Rheoliadau hyn.
 (3) 2003 p. 21.
 (4) 1972 p. 70.

(1) 1989 c. 29; section 6 was substituted by the Utilities Act 2000 (c. 27), section 30. Section 6(1)(c) was subsequently amended by the Energy Act 2004 (c. 20), Schedule 23(1), Part 1. Other amendments made to section 6 are not relevant to these Regulations.
 (2) Section 6(1)(d) was amended by S.I. 2012/2400. Other amendments made to section 6 are not relevant to these Regulations.
 (3) 2003 c. 21.
 (4) 1972 c. 70.

(4) Pan fo unrhyw hysbysiad i'w gyflwyno i berson a bennir ym mharagraff 5(1D)(a) neu (b) o Atodlen 9 i'r Ddeddf, caniateir cyfeirio'r hysbysiad hwnnw at "perchennog" neu "meddiannydd" yr hereditament, heb enw na disgrifiad pellach.

(4) Where any notice is to be served on a person specified in paragraph 5(1D)(a) or (b) of Schedule 9 to the Act, such notice may be addressed by the description of "owner" or "occupier" of the hereditament, without further name or description.

Rebecca Evans

Y Gweinidog Cyllid a Llywodraeth Leol, un o
Weinidogion Cymru
7 Rhagfyr 2022

Minister for Finance and Local Government, one of
the Welsh Ministers
7 December 2022

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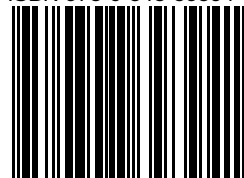
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