



Cynulliad Cenedlaethol Cymru

The National Assembly for Wales

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2000 Rhif 717 (Cy. 24)

2000 No. 717 (W. 24)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Awdurdodau Lleol
(Newid Cyfrifiadau Angenrheidiol)
(Cymru) 2000**

**The Local Authorities (Alteration
of Requisite Calculations) (Wales)
Regulations 2000**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Awdurdodau praeseptio yw'r rhai hynny sydd yn derbyn cyllid drwy'r dreth gyngor ond sydd ddim yn ei gasglu eu hunain. Mae awdurdod praeseptio yn pennu praesept ar gyfer y swm sydd ei angen i ariannu y rhan hwnnw o'i wariant sydd ddim yn cael ei gyllido gan grantiau llywodraeth ganol, adrethu annomestig wedi'i ail-ddosbarthu ac incwm arall. Mae hwn yn cael ei gasglu drwy'r dreth gyngor gan awdurdodau bilio sef y cynghorau sir a'r cynghorau bwrdeistrefi sirol yng Nghymru. Yng Nghymru, yr awdurdodau heddlu yw'r unig brif awdurdodau praeseptio.

Mae adrannau 32 a 43 o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") yn nodi yn eu trefn sut mae awdurdod bilio ac awdurdod praeseptio yn eu trefn i gyfrifo'u hanghenion cyllidebol am flwyddyn ariannol ac mae adrannau 33 a 44 o Ddeddf 1992 yn nodi yn eu trefn sut mae'r awdurdodau hyn i gyfrifo swm sylfaenol eu treth gyngor.

Mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i'r cyfrifiadau sy'n angenrheidiol o dan adran 33 o Ddeddf 1992 fel y maent yn gymwys i'r awdurdodau bilio yng Nghymru. Effaith y Rheoliadau yw dileu'r gofyniad (a ragnodwyd yn adran 33(3C)) y byddai'n ofynnol, pan fyddai cyllideb awdurdod o'r fath yn fwy na swm rhagnodedig, i'r awdurdod gynyddu swm sylfaenol ei dreth gyngor er mwyn cymryd i ystyriaeth ostyngiad dilynol yn y cymhorthdal ar gyfer budd-dâl y dreth gyngor a gâi ei dalu iddo.

Precepting authorities are those which receive funding via the council tax but do not collect it themselves. A precepting authority sets a precept for the amount needed to finance that part of its spending not covered by central government grants, redistributed non-domestic rates and other income. This is collected through the council tax by billing authorities which in Wales are county and county borough councils. In Wales the police authorities are the only major precepting authorities.

Sections 32 and 43 of the Local Government Finance Act 1992 ("the 1992 Act") set out respectively how a billing authority and a major precepting authority respectively are to calculate their budget requirements for a financial year and sections 33 and 44 of the 1992 Act set out respectively how such authorities are to calculate the basic amount of their council tax.

These Regulations make further amendments to the calculations required by section 33 of the 1992 Act as they apply to billing authorities in Wales. The effect of them is to remove the requirement (which was prescribed in section 33(3C)) that when such an authority's budget exceeded a prescribed figure, the authority would be required to increase the basic amount of its council tax to take account of a consequent reduction in the council tax benefit subsidy which would be paid to it.

Darparodd Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol) (Cymru) 1999 na ddylai'r "police grant" fel y'i diffinnir yn adran 43(6A) o Ddeddf 1992 fod yn gymwys i'r awdurdodau praeseptio pennaf yng Nghymru, gan osod yn ei le ddiffiniad amgen a oedd yn gymwys i adrannau 43 a 44 o Ddeddf 1992. Mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i'r diffiniad amgen drwy amnewid diffiniadau newydd yn adran 43(6C) a (6D). Mae i'r newidiadau hyn effaith ar 29 Chwefror 2000.

The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 1999 provided that "police grant" as defined in section 43(6A) of the 1992 Act should not apply to major precepting authorities in Wales and substituted an alternative definition which applied to sections 43 and 44 of the 1992 Act. These Regulations make further amendments to the alternative definition by substituting new definitions in section 43(6C) and (6D). These changes take effect on 29th February 2000.

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Wedi'u gwneud 28 Chwefror 2000
Yn dod i rym 29 Chwefror 2000

Made 28th February 2000
Coming into force 29th February 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 32(9)(a), 33(4)(b), 43(7) a 113 o Ddeddf Cyllid Llywodraeth Leol 1992 sydd bellach wedi'u breinio ynddo i'r graddau eu bod yn arferadwy yng Nghymru (c).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 32(9)(a), 33(4)(b), 43(7) and 113 of the Local Government Finance Act 1992 which are now vested in it so far as exercisable in Wales(c).

Enwi, cychwyn, cymhwyso a dehongli

1.- (1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol) (Cymru) 2000 a deuant i rym ar 29 Chwefror 2000.

(2) Mae'r Rheoliadau hyn yn gymwys yng Nghymru yn unig.

(3) Yn y Rheoliadau hyn mae cyfeiriad at adran â rhif yn gyfeiriad at adran o Ddeddf Cyllid Llywodraeth Leol 1992.

Citation, commencement, application and interpretation

1.-(1) These Regulations may be cited as the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2000 and shall come into force on 29th February 2000.

(2) These Regulations apply only to Wales.

(3) In these Regulations a reference to a numbered section is a reference to a section of the Local Government Finance Act 1992.

Cyfrifo swm sylfaenol y dreth (awdurdodau bilio)

2. Yn adran 33, hepgorer isadrannau (3C) a (3D)(ch).

Calculation of basic amount of tax (billing authorities)

2. In section 33, omit subsections (3C) and (3D)(d).

(a) 1992 p.14; diwygiwyd adran 32(9) gan baragraff 4 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19)

(b) Diwygiwyd Adran 33 gan baragraff 5 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru)1994, Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol a Chronfeydd) 1994 (O.S. 1994/246), Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol a Chronfeydd) 1995 (O.S. 1995/234) a Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol) (Cymru) (O.S. 1999/296).

(c) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(ch) Mewnosodwyd Adrannau 33(3C) a 33(3D) gan Reoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol) (Cymru) 1999 (O.S. 1999/296).

(a) 1992 c.14; section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (c.19).

(b) Section 33 was amended by paragraph 5 of Schedule 12 to the Local Government (Wales) Act 1994, the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246), the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234) and the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 1999 (S.I. 1999/296).

(c) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(d) Sections 33 (3C) and 33 (3D) were inserted by the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 1999 (S.I. 1999/296).

**Cyfrifo anghenion cyllidebol (awdurdodau
praeseptio pennaf)**

3.-(1) Diwygir adran 43(a) fel a ganlyn.

(2) Yn lle isadran (6C), gosoder -

"(6C) In relation to a major precepting authority in Wales in this section and section 44 below "police grant" means the total amount of grant payable to that authority in accordance with the relevant police grant report."

(3) Yn lle isadran (6D) gosoder -

"(6D) In subsection (6C) above "the relevant police grant report" means for a financial year commencing on or after 1st April 2000 the police grant report for that year approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996(b)".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(c)

28 Chwefor 2000

Llywydd y Cynulliad Cenedlaethol

**Calculation of budget requirement (major
precepting authorities)**

3.-(1) Section 43(a) is amended as follows.

(2) For subsection (6C), substitute -

"(6C) In relation to a major precepting authority in Wales in this section and section 44 below "police grant" means the total amount of grant payable to that authority in accordance with the relevant police grant report."

(3) For subsection (6D) substitute -

"(6D) In subsection (6C) above "the relevant police grant report" means for a financial year commencing on or after 1st April 2000 the police grant report for that year approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996(b)."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(c)

28th February 2000

D.Elis Thomas

The Presiding Officer of the National Assembly

(a) Diwygiwyd Adran 43 gan Reoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol a Chronfeydd) 1995 (O.S. 1995/234) a Rheoliadau Awdurdodau Lleol (Newid Cyfrifiadau Angenrheidiol) (Cymru) 1999 (O.S. 1999/296).

(b) 1996. p.16.

(c) 1998 p.38.

(a) Section 43 was amended by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234) and the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 1999 (S.I. 1999/296).

(b) 1996. c.16.

(c) 1998 c.38.

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