

OFFERYNNAU STATUDOL CYMRU

2001 Rhif 1439 (Cy. 101)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Tribiwnlysoedd Prisio (Diwygio) (Cymru) 2001

*Wedi'u gwneud - - 5 Ebrill 2001
Yn dod i rym - - 30 Ebrill 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 143(2) o Ddeddf Cyllid Llywodraeth Leol 1988(1), a pharagraffau 1 a 5 o Atodlen 11 iddi, sydd bellach wedi'u trosglwyddo i Gynulliad Cenedlaethol Cymru(2), yn gwneud y Rheoliadau canlynol:

Enwi, cymhwys o a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlysoedd Prisio (Diwygio) (Cymru) 2001, maent yn gymwys i Gymru yn unig a deuant i rym ar 30 Ebrill 2001.

Diwygio Rheoliadau 1995

2. Mae Rheoliadau Tribiwnlysoedd Prisio (Cymru) 1995(3) yn cael eu diwygio fel y darperir yn Rheoliadau 3 i 5 isod.

Penodi aelodau

3. Mae Rheoliad 3 yn cael ei ddiwygio fel a ganlyn:

(a) yn lle paragraffau (1) i (4) rhowch:

“(1) The members of a tribunal established by Regulation 2, subject to paragraphs (2), (2A), (2B) and (3) below, are to be appointed by:

(a) the councils prescribed in relation to that tribunal in column 4 of Schedule 1 (“the councils”) and the president jointly, and

(b) the National Assembly for Wales, after consultation with the president of the tribunal.

(2) The maximum number of members that can be appointed by the councils and the president is the number specified in relation to that tribunal in column 3 of Schedule 1 and

(1) [1988 p.41](#).

(2) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ([O.S. 1999/672](#)).

(3) [O.S. 1995/3056](#).

the maximum number of members that can be appointed by a council and the president is the number specified in relation to that council in column 5 of Schedule 1.

(2A) The minimum number of members that must be appointed by the councils and the president is two-thirds of the number specified in relation to that tribunal in column 3 of Schedule 1 and the minimum number of members that must be appointed by a council and the president is two-thirds of the number specified in relation to that council in column 5 of Schedule 1.

(2B) The National Assembly for Wales must appoint a minimum of one member for each of the tribunals named in column 2 of Schedule 1.

(3) Where at the expiry of 3 months from a vacancy occurring, a council and the president have failed to make an appointment in accordance with paragraph (1), that appointment may be made by the National Assembly for Wales after consultation with the president.

(4) No appointment under paragraph (1) shall be valid if its effect would be that the number of members of the tribunal, appointed by that council and the president, who are members of the council exceed one third of the total number of members of the tribunal appointed by that council and the president.”.

- (b) ym mharagraff 5, yn lle “an appointing council” rhowch “a council”.

Diwygiadau canlyniadol i Reoliadau 1995

4.—(1) Mae Rheoliad 4 yn cael ei ddiwygio fel a ganlyn:

- (a) yn lle paragraff (1) rhowch y canlynol:

“(1) Each appointment of a member will have effect for such period not exceeding 6 years as the person or persons making the appointment may specify, after consultation in the case of an appointment by the National Assembly for Wales with the president of the tribunal.”,

- (b) yn is-baragraff (b) o baragraff (2) rhowch “or (3A)” ar ôl “under paragraph (3)”,

- (c) yn lle paragraff (3), rhowch y canlynol:

“(3) The council by which any member was jointly appointed will, if so directed by the National Assembly for Wales after consultation with the council and with the president, by notice in writing give that member such period of notice of termination of office under this paragraph as may be directed.

(3A) The National Assembly for Wales may, after consultation with the president, give to any member appointed by it notice in writing giving such period of notice of termination of office as it may determine.”.

- (2) Ym mharagraff 4 o Reoliad 14, yn lle “an appointing council” rhowch “a council”.

- (3) Yng ngholofn 4 o Atodlen 1, yn lle “Appointing councils” rhowch “Councils” ac yng ngholofn 5 o Atodlen 1, yn lle “each appointing council” rhowch “each council”.

Awdurdodaeth

5. Mae Rheoliad 35 (apelau'r dreth gyngor: awdurdodaeth) yn cael ei ddiwygio drwy fewnosod y paragraff canlynol ar ôl paragraff (4):

“(4A) Where it appears to the president of a tribunal which, but for this paragraph, would deal with an appeal, that by reason of a conflict of interests, or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National

Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.”.

Diwygio Rheoliadau'r Dreth Gyngor (Addasu Rhestrau ac Apelau) 1993

6. Mae Rheoliad 17 (awdurdodaeth: eithriad) o Reoliadau'r Dreth Gyngor (Addasu Rhestrau ac Apelau) 1993(4) yn cael ei ddiwygio drwy fewnosod ar ôl paragraffau (1A) a (2) (sy'n gymwys yn Lloegr yn unig):

“(3) In Wales, where it appears to the president of a tribunal that by reason of a conflict of interests or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.

(4) In Wales, where the appellant is a former member or former employee of the tribunal by which, in pursuance of any provision of this regulation, his or her appeal would be dealt with, and the president determines that it will not be dealt with by that tribunal, it will be dealt with by such other tribunal as may be appointed for the purpose by the National Assembly for Wales.”.

Diwygio Rheoliadau Ardrethu Annomestig (Addasu Rhestrau ac Apelau) 1993

7. Mae Rheoliad 32 (awdurdoddaeth: eithriad) o Reoliadau Ardrethu Annomestig (Addasu Rhestrau ac Apelau) 1993(5) yn cael ei ddiwygio drwy fewnosod ar ôl paragraffau (1A) a (2) (sy'n gymwys yn Lloegr yn unig):

“(3) In Wales, where it appears to the president of a tribunal that by reason of a conflict of interests or the appearance of such a conflict, it would be inappropriate for an appeal to be dealt with by that tribunal, the National Assembly for Wales will, on being so notified by the president, appoint another tribunal to deal with that appeal.

(4) In Wales, where the appellant is a former member or former employee of the tribunal by which, in pursuance of any provision of this regulation, his or her appeal would be dealt with, and the president determines that it will not be dealt with by that tribunal, it will be dealt with by such other tribunal as may be appointed for the purpose by the National Assembly for Wales.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(6)

5 Ebrill 2001

*D. Elis Thomas
Llywydd y Cynulliad Cenedlaethol*

(4) O.S. 1993/290.

(5) O.S. 1993/291.

(6) 1998 p.38.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

EXPLANATORY NOTE

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

Sefydlodd Rheoliadau Tribiwnlysoedd Prisio (Cymru) 1995 (“Rheoliadau 1995”) dribiwnlysoedd a gweithdrefnau i ddarparu ar gyfer apelau mewn perthynas â'r tâl cymunedol (sydd wedi'i ddiddymu bellach) a thaliadau'r dreth gyngor, ardrethu a phrisio.

Mae'r rheoliadau hyn yn diwygio Rheoliadau 1995 er mwyn newid y ffordd y caiff aelodau'r tribiwnlysoedd eu penodi. Y cynghorau sir neu'r cynghorau bwrdeistref sirol (a elwid “y cynghorau penodi”) a arferai benodi'r aelodau, ond erbyn hyn, gellir eu penodi drwy'i ddau ddull canlynol:

- (1) gan y cynghorau penodi (sydd wedi'u hailenwi “y cynghorau” yn unig bellach) a llywydd tribiwnlys yn gweithredu ar y cyd, a
- (2) gan Gynlliad Cenedlaethol Cymru.

Mae'r diwygiadau hefyd yn ei gwneud yn bosibl i lai o aelodau gael eu penodi i'r tribiwnlysoedd, yn ddarostyngedig i isafswm o ddau draean o nifer yr aelodau a bennir yn Rheoliadau 1995 (sef yr uchafswm aelodau).

Mae'r Rheoliadau hefyd yn gwneud darpariaeth i Gynlliad Cenedlaethol Cymru benodi tribiwnlys gwahanol i ymdrin ag apêl os bydd gwrthdrawiad buddiannau neu'r hyn sy'n edrych fel gwrthdrawiad buddiannau yn codi. Mae darpariaethau tebyg hefyd yn cael eu hychwanegu at Reoliadau'r Dreth Gyngor (Addasu Rhestrau ac Apelau) 1993 a Rheoliadau Ardrethu Annomestig (Addasu Rhestrau ac Apelau) 1993 i'r graddau y mae'r rheiny'n gymwys i Gymru.