



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 528 (Cy.73)

2011 No. 528 (W.73)

**Y DRETH GYNGOR, CYMRU
ARDRETHU A PHRISIO,
CYMRU**

**COUNCIL TAX, WALES
RATING, WALES**

Rheoliadau'r Dreth Gyngor ac
Ardrethu Annomestig (Diwygio)
(Cymru) 2011

The Council Tax and Non-
Domestic Rating (Amendment)
(Wales) Regulations 2011

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 gwneud diwygiadau i Reoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 (O.S. 1989/1058) ("Rheoliadau 1989") a Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 (O.S. 1992/613) ("Rheoliadau 1992"). Mewn perthynas â'r ddwy set o Reoliadau

These Regulations make amendments to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058) ("the 1989 Regulations") and the Council Tax (Administration and Enforcement) Regulations 1992 (S.I. 1992/613) ("the 1992 Regulations"). In relation to both sets of Regulations

- rhagnodir uchafsymiau ar gyfer y costau y caiff awdurdod bilio'u hadennill mewn cysylltiad â cheisiadau am orchmynion dyled; a
- cynyddir y costau mewn cysylltiad â thraddodi, y caiff awdurdod bilio'u hadennill mewn rhai amgylchiadau.

- there are prescribed maxima for the costs which a billing authority may recover in connection with applications for liability orders; and
- the costs connected with committal that a billing authority can in certain circumstances recover are increased.

Daw'r Rheoliadau i rym ar 1 Ebrill 2011 ac y maent yn gymwys o ran awdurdodau bilio yng Nghymru (rheoliad 1).

The Regulations come into force on 1 April 2011 and apply in relation to billing authorities in Wales (regulation 1).

Mae rheoliad 2 yn diwygio Rheoliadau 1989 (mewn perthynas ag ardrethu annomestig). Rhagnodir mai'r uchafswm y ceir ei ganiatáu i awdurdodau bilio am gostau mewn cysylltiad â chais am orchmyn dyled, gan gynnwys costau cychwyn y cais, yw £70. Disodlir Atodlen 4 i Reoliadau 1989 (costau mewn cysylltiad â thraddodi) gan yr atodlen yn Atodlen 1 i'r Rheoliadau hyn.

Regulation 2 amends the 1989 Regulations (relating to non-domestic rating). The maximum amount which can be allowed for billing authorities for costs in connection with an application for a liability order, including the costs for instituting the application, is prescribed as £70. Schedule 4 to the 1989 Regulations (costs connected with committal) is substituted by the schedule in Schedule 1 to these Regulations.

Mae rheoliad 3 yn diwygio Rheoliadau 1992 (mewn perthynas â'r dreth gyngor). Rhagnodir mai'r uchafswm y ceir ei ganiatáu i awdurdodau bilio am gostau mewn

Regulation 3 amends the 1992 Regulations (relating to council tax). The maximum amount which can be allowed for billing authorities for costs in connection

cysylltiad â chais am orchymyn dyled, gan gynnwys costau cychwyn y cais yw £70. Disodlir Atodlen 6 i Reoliadau 1992 (costau mewn cysylltiad â thraddodi) gan yr atodlen yn Atodlen 2 i'r Rheoliadau hyn.

with an application for a liability order, including the costs for instituting the application, is prescribed as £70. Schedule 6 to the 1992 Regulations (costs connected with committal) is substituted by the schedule in Schedule 2 to these Regulations.

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Ardrethu Annomestig (Diwygio)
(Cymru) 2011**

**The Council Tax and Non-
Domestic Rating (Amendment)
(Wales) Regulations 2011**

Gwnaed 21 Chwefror 2011

Made 21 February 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 25 Chwefror 2011

*Laid before the National
Assembly for Wales* 25 February 2011

Yn dod i rym 1 Ebrill 2011

Coming into force 1 April 2011

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan—

- (a) adrannau 143(2) a 146(6) o Ddeddf Cyllid Llywodraeth Leol 1988(1) a pharagraffau 1 a 3(3) o Atodlen 9 i'r Ddeddf honno, a
- (b) adran 113(2) o Ddeddf Cyllid Llywodraeth Leol 1992(2) a pharagraffau 1, 2, 3, 17 a 20 o Atodlen 4 i'r Ddeddf honno,

ac a freinir bellach ynddynt hwy(3).

Enwi, cychwyn a chymhwysio

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Dreth Gyngor ac Ardrethu Annomestig (Diwygio) (Cymru) 2011 a deuant i rym ar 1 Ebrill 2011.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by:

- (a) sections 143(2) and 146(6) of, and paragraphs 1 and 3(3) of Schedule 9 to, the Local Government Finance Act 1988(1), and
- (b) section 113(2) of, and paragraphs 1, 2, 3, 17 and 20 of Schedule 4 to, the Local Government Finance Act 1992(2),

and now vested in them(3).

Title, commencement and application

1.—(1) The title of these Regulations is The Council Tax and Non-Domestic Rating (Amendment) (Wales) Regulations 2011 and they come into force on 1 April 2011.

(1) 1988 p.41. Diwygiwyd paragraff 1 o Atodlen 9 yn rhagolygol gan baragraff 89 o Atodlen 13 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 (p.15). Diwygiwyd paragraff 3(3) gan baragraff 87(2)(b) o Atodlen 13 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14).

(2) 1992 p.14. Diwygiwyd paragraff 1 o Atodlen 4 yn rhagolygol gan baragraff 107(2) o Atodlen 13 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007.

(3) Mae'r pwerau hyn bellach wedi'u breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy o ran Cymru. Trosglwyddwyd hwy cyn hynny i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cofnodion yn Atodlen 1 ar gyfer Deddf Cyllid Llywodraeth Leol 1988 a Deddf Cyllid Llywodraeth Leol 1992. Yn rhinwedd paragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32), trosglwyddwyd hwy i Weiniogion Cymru.

(1) 1988 c.41.Paragraph 1 of Schedule 9 has been prospectively amended by paragraph 89 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c.15). Paragraph 3(3) was amended by paragraph 87(2)(b) of Schedule 13 to the Local Government Finance Act 1992 (c.14).

(2) 1992 c.14.Paragraph 1 of Schedule 4 has been prospectively amended by paragraph 107(2) of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007.

(3) These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entries in Schedule 1 for the Local Government Finance Act 1988 and the Local Government Finance Act 1992. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(2) Mae'r Rheoliadau hyn yn gymwys o ran awdurdodau bilio(1) yng Nghymru.

(3) Nid yw'r Rheoliadau hyn yn gymwys i—

- (a) cais am orchymyn dyled a gychwynwyd cyn 1 Ebrill 2011, neu
- (b) cais o fath a grybwyllwyd yn y tablau a ddisodlwyd gan yr Atodlenni i'r Rheoliadau hyn ac a wneir cyn 1 Ebrill 2011.

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989

2.—(1) Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989(2) fel a ganlyn.

(2) Yn rheoliad 12 (cais am orchymyn dyled)—

- (a) ym mharagraff (6)(b), ar ôl "the order", mewnosoder "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";
- (b) ym mharagraff (7), ar ôl "the application", mewnosoder "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) Yn lle Atodlen 4, rhodder yr atodlen sydd yn Atodlen 1 i'r Rheoliadau hyn.

Diwygio Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992

3.—(1) Diwygir Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(3) fel a ganlyn.

(2) Yn rheoliad 34 (cais am orchymyn dyled)—

- (a) ym mharagraff (7)(b), ar ôl "the order", mewnosoder "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";

(2) These Regulations apply in relation to billing authorities(1) in Wales.

(3) These Regulations do not apply to—

- (a) an application for a liability order instituted before 1 April 2011, or
- (b) an application which is of a type mentioned in the tables substituted by the Schedules to these Regulations which is made before 1 April 2011.

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

2.—(1) The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(2) are amended as follows.

(2) In regulation 12 (application for liability order)—

- (a) in paragraph (6)(b), after "the order" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";
- (b) in paragraph (7), after "the application" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) For Schedule 4 substitute the schedule in Schedule 1 to these Regulations.

Amendment of the Council Tax (Administration and Enforcement) Regulations 1992

3.—(1) The Council Tax (Administration and Enforcement) Regulations 1992(3) are amended as follows.

(2) In regulation 34 (application for liability order)—

- (a) in paragraph (7)(b), after "the order" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";

(1) Diffinnir y term "billing authority" yn adran 144(2) o Ddeddf Cyllid Llywodraeth Leol 1988 ac adran 69(1) o Ddeddf Cyllid Llywodraeth Leol 1992. Mae'r diffiniad yn adran 144(2) o Ddeddf Cyllid Llywodraeth Leol 1988 yn gweithredu drwy gyfeirio at Ran 1 o Ddeddf Cyllid Llywodraeth Leol 1992.

(2) O.S. 1989/1058. Yr offerynnau perthnasol sy'n diwygio yw O.S. 1998/3089, 1990/145, 1992/474, 1993/616, 1998/3089, 2003/1714 (Cy.182).

(3) O.S. 1992/613. Yr offerynnau perthnasol sy'n diwygio yw O.S. 1992/3008, 1994/505, 1998/295, 2003/1715 (Cy.183).

(1) The term "billing authority" is defined in section 144(2) of the Local Government Finance Act 1988 and section 69(1) of the Local Government Finance Act 1992. The definition in section 144(2) of the Local Government Finance Act 1988 operates by reference to Part 1 of the Local Government Finance Act 1992.

(2) S.I. 1989/1058. Relevant amending instruments are S.I. 1998/3089, 1990/145, 1992/474, 1993/616, 1998/3089, 2003/1714 (W.182).

(3) S.I. 1992/613. Relevant amending instruments are S.I. 1992/3008, 1994/505, 1998/295, 2003/1715 (W.183).

(b) ym mharagraff (8), ar ôl "the application", mewnosoder "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) Yn lle Atodlen 6, rhodder yr atodlen sydd yn Atodlen 2 i'r Rheoliadau hyn.

(b) in paragraph (8), after "the application" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) For Schedule 6 substitute the schedule in Schedule 2 to these Regulations.

Carl Sargeant

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

21 Chwefror 2011

Minister for Social Justice and Local Government, one of the Welsh Ministers

21 February 2011

ATODLEN 1
"SCHEDULE 4

Regulation 16(6A) and (6B)

Costs connected with committal

Application	Maximum Costs
For making an application for a warrant of commitment	£305.00
For making an application for a warrant of arrest	£145.00."

ATODLEN 2
"SCHEDULE 6

Regulation 47(6A) and (6B)

Costs connected with committal

Application	Maximum Costs
For making an application for a warrant of commitment	£305.00
For making an application for a warrant of arrest	£145.00."

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SCHEDULE 1
"SCHEDULE 4

Regulation 16(6A) and (6B)

Costs connected with committal

Application	Maximum Costs
For making an application for a warrant of commitment	£305.00
For making an application for a warrant of arrest	£145.00."

SCHEDULE 2
"SCHEDULE 6

Regulation 47(6A) and (6B)

Costs connected with committal

Application	Maximum Costs
For making an application for a warrant of commitment	£305.00
For making an application for a warrant of arrest	£145.00."

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