



**Cynulliad Cenedlaethol Cymru**

**The National Assembly for Wales**

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OFFERYNNAU STATUDOL

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STATUTORY INSTRUMENTS

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**2000 Rhif 908 (Cy. 39)**

**2000 No. 908 (W. 39)**

**ARDRETHU A PHRISIO,  
CYMRU**

**RATING AND VALUATION,  
WALES**

Rheoliadau Ardrethu Annomestig  
(Darpariaethau Amrywiol) (Rhif 2)  
(Diwygio) (Cymru) 2000

The Non-Domestic Rating  
(Miscellaneous Provisions) (No. 2)  
(Amendment) (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)*

Mae paragraff 2 o Atodlen 6 i Ddeddf Cyllid Llywodraeth Leol 1988 yn ei gwneud yn ofynnol i werth ardrethol hereditament annomestig gael ei ganfod drwy gyfeirio at y rhent yr amcangyfrifir y byddai'n rhesymol ei ddisgwyl wrth osod yr hereditament o flwyddyn i flwyddyn.

Mae rheoliad 2 o Reoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) 1989 yn darparu ar gyfer prisio drwy gyfeirio at gost dybiannol adeiladu hereditament ("sail y contractiwr"), lle nad oes dystiolaeth fwy uniongyrchol o werth rhent, ac yn pennu'r gyfradd ganrannol flynyddol sydd i'w chymhwyso at y gost adeiladu dybiannol.

Mae paragraff (1A) o Reoliad 2 yn cymhwyso'r gyfradd benodedig at hereditament a ddangosir ar restr ardrethu annomestig a luniwyd ar 1 Ebrill 1995 ac mae'r Rheoliadau hyn yn ymestyn y cymhwysiad hwnnw i hereditament a ddangosir ar restr ardrethu annomestig Cymru sydd i'w llunio ar 1 Ebrill 2000.

Hefyd, mae'r Rheoliadau hyn yn ychwanegu "defence hereditament" (fel y'i ddiffinnir) i'r mathau o hereditament y pennir ym mharagraff (2A) (b) o Reoliad 2 ac yn diwygio'r diffiniadau o "educational hereditament" a "school" yn sgil Deddf Addysg 1996.

Paragraph 2 of Schedule 6 to the Local Government Finance Act 1988 requires the rateable value of a non-domestic hereditament to be ascertained by reference to the rent at which it is estimated the hereditament might reasonably be expected to be let from year to year.

Regulation 2 of the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989 makes provision for valuation by reference to the notional cost of constructing a hereditament ("the contractor's basis"), where there is no more direct evidence of rental value, and specifies the annual percentage rate which is to be applied to the notional cost of construction.

Paragraph (1A) of Regulation 2 applies the specified rate to a hereditament shown in a non-domestic rating list compiled on 1st April 1995 and these Regulations extend that application to a hereditament shown in the non-domestic rating list for Wales which is to be compiled on 1st April 2000.

These Regulations also add a "defence hereditament" (as defined) to the types of hereditament which are specified in paragraph (2A) (b) of Regulation 2 and amend the definitions of "educational hereditament" and "school" in consequence of the Education Act 1996.

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(Diwygio) (Cymru) 2000The Non-Domestic Rating  
(Miscellaneous Provisions) (No. 2)  
(Amendment) (Wales) Regulations  
2000

*Wedi'u gwneud* 27 Mawrth 2000  
*Yn dod i rym* 1 Ebrill 2000

*Made* 27th March 2000  
*Coming into force* 1st April 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 143(1) o, a pharagraff 2(8) o Atodlen 6 i, Ddeddf Cyllid Llywodraeth Leol 1988(a), ac a freiniwyd ynddo i'r graddau y maent yn arferadwy yng Nghymru(b):

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by section 143(1) of and paragraph 2(8) of Schedule 6 to the Local Government Finance Act 1988(a), which are now vested in it so far as exercisable in Wales(b):

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) (Diwygio) (Cymru) 2000 a deuant i rym ar 1 Ebrill 2000.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) (Amendment) (Wales) Regulations 2000 and shall come into force on 1st April 2000

(2) These Regulations apply to Wales only.

**Diwygio rheoliadau**

2.—(1) Diwygir Rheoliad 2 o Reoliadau Ardrethu Annomestig (Darpariaethau Amrywiol) (Rhif 2) 1989(e) yn unol â'r paragraffau canlynol.

(2) Ym mharagraff (1A), ar ôl "1st April 1995", mewnosoder "or 1st April 2000".

(3) Ym mharagraff (2A), yn is-baragraff (a), ar ôl "in the case of", mewnosoder "a defence hereditament".

(4) Ym mharagraff (3), ar ôl y diffiniad o "the appropriate rate", mewnosoder "defence hereditament" means a hereditament which is occupied (or if unoccupied, owned) by the Secretary of State for Defence";

**Amendment of Regulations**

2.—(1) Regulation 2 of the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989(e) is amended in accordance with the following paragraphs.

(2) In paragraph (1A), after "1st April 1995", insert "or 1st April 2000".

(3) In paragraph (2A), in subparagraph (a), after "in the case of", insert "a defence hereditament".

(4) In paragraph (3), after the definition of "the appropriate rate", insert "defence hereditament" means a hereditament which is occupied (or if unoccupied, owned) by the Secretary of State for Defence";

(a) 1988 p.41. Diwygiwyd paragraff 2(8) o Atodlen 6 gan baragraff 38(8) o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 (p.42). Gweler adran 146(6) ar gyfer y diffiniad o "prescribed".

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

(c) O.S. 1989/2303, a ddiwygiwyd gan O.S. 1993/544 ac O.S. 1994/3122.

(a) 1988 c.41. Paragraph 2(8) of Schedule 6 was amended by paragraph 38(8) of Schedule 5 to the Local Government and Housing Act 1989 (c.42). See section 146(6) for the definition of "prescribed".

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

(c) S.I. 1989/2303, amended by S.I. 1993/544 and S.I. 1994/3122.

(5) Ym mharagraff (3), ym mharagraff (b) o'r diffiniad o "educational hereditament" —

(a) yn lle "section 41 of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992 ('the 1992 Act')", rhodder "section 2 of the Education Act 1996 ('the 1996 Act')";

(b) ar ôl "the Education Reform Act 1988", mewnosoder "(the 1988 Act)"; ac

(c) yn is-baragraff (ii), yn lle "the 1992 Act", rhodder "the Further and Higher Education Act 1992 ('the 1992 Act')".

(6) Ym mharagraff (3), yn y diffiniad o "school", yn lle "section 114(1) of the 1944 Act", rhodder "section 4 of the 1996 Act".

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

27 Mawrth 2000

Llywydd y Cynulliad Cenedlaethol

(5) In paragraph (3), in paragraph (b) of the definition of "educational hereditament" —

(a) for "section 41 of the Education Act 1944 as read with section 14 of the Further and Higher Education Act 1992 ('the 1992 Act')", substitute "section 2 of the Education Act 1996 ('the 1996 Act')";

(b) after "the Education Reform Act 1988", insert "(the 1988 Act)"; and

(c) in sub-paragraph (ii), for "the 1992 Act", substitute "the Further and Higher Education Act 1992 ('the 1992 Act')".

(6) In paragraph (3), in the definition of "school", for "section 114(1) of the 1944 Act", substitute "section 4 of the 1996 Act".

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

27th March 2000

*D. Elis Thomas*

The Presiding Officer of the National Assembly

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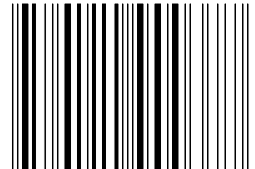
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