



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 331 (Cy.44)

2002 No. 331 (W.44)

**ARDRETHU A PHRISIO,
CYMRU**

**RATING AND VALUATION,
WALES**

Gorchymyn Ardrethu Annomestig
(Rhyddhad Ardrethi Gwledig)
(Cymru) 2002

The Non-Domestic Rating (Rural
Rate Relief) (Wales) Order
2002

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

O dan adran 42A o Ddeddf Cyllid Llywodraeth Leol 1998 ("y Ddeddf"), mae'n ofynnol i bob cyngor sir a phob cyngor bwrdeistref sirol yng Nghymru ("awdurdod bilio") lunio a chadw rhestr ar gyfer pob blwyddyn daladwy ("rhestr aneddiadau gwledig") sy'n enwi'r aneddiadau gwledig sydd yn gyfan gwbl neu yn rhannol o fewn ardal yr awdurdod, ac sydd ym marn yr awdurdod heb boblogaeth o fwy na 3,000 ar 31 Rhagfyr yn union cyn dechrau'r flwyddyn ariannol daladwy o dan sylw ac sydd yn y flwyddyn ariannol honno yn gyfan gwbl neu'n rhannol o fewn ardal sydd wedi'i dynodi'n ardal wledig at ddibenion yr adran.

Each county and county borough council in Wales ("billing authority") is required by section 42A of the Local Government Finance Act 1988 ("the Act") to compile and maintain for each chargeable financial year a list ("rural settlement list") which identifies settlements which are wholly or partly within the authority's area, appear to the authority to have had a population of not more than 3,000 on the 31st December immediately preceding the beginning of the chargeable financial year in question and are in that financial year wholly or partly within an area designated by order as a rural area for the purposes of the section.

Yr ardaloedd gwledig yng Nghymru sydd wedi'u dynodi at ddibenion adran 42A o'r Ddeddf yw'r rhai a grybwyllir yn yr Atodlen i Orchymyn Ardrethu Annomestig (Aneddiadau Gwledig) (Cymru) 1998 ("Gorchymyn 1998").

The rural areas in Wales which have been designated for the purposes of section 42A of the Act are those mentioned in the Schedule to the Non-Domestic Rating (Rural Settlements) (Wales) Order 1998 ("the 1998 Order").

Yn rhinwedd darpariaethau adran 43(6A) a (6B) o'r Ddeddf mae swm taladwy yr ardreth annomestig am ddiwrnod taladwy yn cael ei leihau os yw'r hereditament o dan sylw, ar y diwrnod o dan sylw, o fewn anheddiad a enwyd yn rhestr yr awdurdod bilio o aneddiadau gwledig am y flwyddyn ariannol daladwy ac nad yw gwerth trethiannol yr hereditament a ddangosir yn y rhestr ardrethu annomestig leol ar ddechrau'r flwyddyn honno yn fwy nag unrhyw swm a ragnodir gan orchymyn ac os yw naill ai'r cyfan neu ran o'r hereditament yn cael eu defnyddio ar y diwrnod o dan sylw yn siop gyffredinol gymwys neu yn swyddfa bost gymwys neu os oes unrhyw amodau a ragnodir gan orchymyn wedi'u bodloni.

By virtue of the provisions of section 43(6A) and (6B) of the Act the chargeable amount of non-domestic rate for a chargeable day is reduced where on the day concerned the hereditament is within a settlement identified in the billing authority's rural settlement list for the chargeable financial year and the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of that year is not more than any amount prescribed by order and on the day concerned either the whole or part of the hereditament is used as a qualifying general store or qualifying post office or any conditions prescribed by order are satisfied.

Yn rhinwedd darpariaethau adran 47(1), (3) a (3A) o'r Ddeddf, gall y swm taladwy ar gyfer diwrnod taladwy gael ei leihau os oes penderfyniad gan yr awdurdod bilio ar waith yn ystod y diwrnod taladwy neu yn ystod cyfnod sy'n cynnwys y diwrnod taladwy, i'r perwyl bod adran 47 yn gymwys mewn perthynas â'r hereditament o dan sylw ac os yw'r hereditament o dan sylw, ar ddiwrnod taladwy, o fewn anheddiad sydd wedi'i enwi yn rhestr aneddiadau gwledig yr awdurdod bilio am y flwyddyn ariannol daladwy y mae'r diwrnod hwnnw yn digwydd ynddi ac os nad yw gwerth trethiannol yr hereditament a ddangosir yn y rhestr ardrethu annomestig leol ar ddechrau'r flwyddyn ariannol daladwy yn fwy nag unrhyw swm a ragnodir gan orchymyn.

Yn ôl Erthygl 3 o Orchymyn 1998, rhagnodir mai £5,000 yw uchafswm y gwerth trethiannol at ddibenion adran 43(6B)(b) a rhagnodir mai £10,000 yw uchafswm y gwerth trethiannol at ddibenion adran 47(3A)(b).

Mae'r Gorchymyn hwn yn diddymu Erthygl 3 o Orchymyn 1998 ac yn rhagnodi mai £9,000 (yn achos tafarn neu orsaf betrol) a £6,000 (mewn unrhyw achos arall) yw'r uchafswm at ddibenion adran 43(6B)(b) ac mai £12,000 yw'r uchafswm at ddibenion adran 47(3A)(b).

Hefyd, mae'r Gorchymyn yn peri bod rhyddhad ardrethi gorfodol ar gael yn ehangach o dan adran 43(6A) drwy ragnodi, at ddibenion adran 43(6B)(c)(ii), yr amodau nad yw hereditament yn cael ei ddefnyddio dim ond i arddangos hysbysebion neu ar gyfer parcio cerbydau modur neu ar gyfer offer telathrebu neu beiriant arian awtomatig ac nad yw'n cael ei ddefnyddio yn gyfan gwbl neu'n rhannol fel siop gyffredinol neu swyddfa bost ac nad yw'n perthyn i'r Goron.

By virtue of the provisions of section 47(1), (3) and (3A) of the Act the chargeable amount for a chargeable day may be reduced if, during a period which consists of or includes the chargeable day, a decision of the billing authority concerned operates to the effect that section 47 applies as regards the hereditament concerned and if on the chargeable day the hereditament is within a settlement identified in the billing authority's rural settlement list for the chargeable financial year in which that day falls and if the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of the chargeable financial year is not more than any amount prescribed by order.

By Article 3 of the 1998 Order £5,000 is prescribed as the maximum amount of rateable value for the purpose of section 43(6B)(b) and £10,000 is prescribed as the maximum amount of rateable value for the purpose of section 47(3A)(b).

This Order revokes Article 3 of the 1998 Order and prescribes £9,000 (in the case of a public house or a petrol filling station) and £6,000 (in any other case) as the maximum amount for the purpose of section 43(6B)(b) and £12,000 as the maximum amount for the purpose of section 47(3A)(b).

In addition the Order extends the availability of mandatory rate relief under section 43(6A) by prescribing for the purpose of section 43(6B)(c)(ii) the conditions that the hereditament is not used exclusively for the display of advertisements or the parking of motor vehicles or for telecommunications apparatus or an automatic teller machine and is not used wholly or partly as a general store or post office and is not the property of the Crown.

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CYMRU****RATING AND VALUATION,
WALES****Gorchymyn Ardrethu Annomestig
(Rhyddhad Ardrethi Gwledig)
(Cymru) 2002****The Non-Domestic Rating (Rural
Rate Relief) (Wales) Order
2002***Wedi'i wneud* 13 Chwefror 2002*Made* 13th February 2002*Yn dod i rym* 1 Ebrill 2002*Coming into force* 1st April 2002

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 43(6B)(b) a (c)(ii) a 47(3A)(b) o Ddeddf Cyllid Llywodraeth Leol 1988(a) sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru (b).

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by sections 43(6B)(b) and (c)(ii) and 47(3A)(b) of the Local Government Finance Act 1988 (a) which are now vested in the National Assembly for Wales so far as exercisable in Wales(b).

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Gorchymyn hwn yw Gorchymyn Ardrethu Annomestig (Rhyddhad Ardrethi Gwledig) (Cymru) 2002 a daw i rym ar 1 Ebrill 2002.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.

Name, commencement and application

1. -(1) The name of this Order is the Non-Domestic Rating (Rural Rate Relief) (Wales) Order 2002 and it shall come into force on 1st April 2002.

(2) This Order applies to Wales only.

Dehongli

2. Yn y Gorchymyn hwn -

ystyr "Deddf 1949" ("*1949 Act*") yw Deddf Telegraffiaeth Ddiwifr 1949(c);

ystyr "Deddf 1984" ("*1984 Act*") yw Deddf Telathrebu 1984(ch);

ystyr "Deddf 1988" ("*1988 Act*") yw Deddf Cyllid Llywodraeth Leol 1988;

ystyr "gorsaf betrol" ("*petrol filling station*") yw safle lle mae petrol neu danwyddau eraill ar gyfer moduron yn cael eu hadwerthu i'r cyhoedd yn gyffredinol, yn danwydd ar gyfer cerbydau modur sydd wedi'u bwriadu neu wedi'u haddasu i'w defnyddio ar ffyrdd;

Interpretation

2. In this Order -

"1949 Act" ("*Deddf 1949*") means the Wireless Telegraphy Act 1949(c);

"1984 Act" ("*Deddf 1984*") means the Telecommunications Act 1984(d);

"1988 Act" ("*Deddf 1988*") means the Local Government Finance Act 1988;

"automatic teller machine" ("*peiriant arian awtomatig*") means an automated facility providing self-service access to a range of banking services;

"general store" ("*siop gyffredinol*") means premises on which a trade or business consisting wholly or mainly

(a) 1988 p.41.

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

(c) 1949 p. 54.

(ch) 1984 p. 12.

(a) 1988 c.41.

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

(c) 1949 c. 54.

(d) 1984 c. 12.

mae "offer telathrebu" ("*telecommunications apparatus*") yn cynnwys -

- (a) offer telathrebu o fewn yr ystyr a roddir i "telecommunications apparatus" gan Atodlen 2 i Ddeddf 1984 sy'n cael ei ddefnyddio, neu sydd wedi'i ddylunio i gael ei ddefnyddio, ar gyfer
 - (i) telegraffiaeth ddiwifr o fewn yr ystyr a roddir i "wireless telegraphy" gan adran 19 o Ddeddf 1949, neu
 - (ii) darlledu; a
- (b) strwythurau ar lun cytiau neu adeiladau eraill (gan gynnwys strwythurau sy'n ffurfio rhan yn unig o adeilad) sy'n cael eu defnyddio, neu sydd wedi'u dylunio i gael eu defnyddio dim ond i gynnwys offer sy'n dod o fewn y disgrifiad ym mharagraff (a);

ynghyd ag unrhyw offer atodol a feddiennir dim ond at ddibenion person sydd wedi'i drwyddedu i redeg system delathrebu o dan adran 1 o Ddeddf 1949 neu adran 7 o Ddeddf 1984;

ystyr "peiriant arian awtomatig" ("*automatic teller machine*") yw cyfleuster awtomataidd sy'n cynnig cyswllt hunan-wasanaeth ag amrediad o wasanaethau banc;

ystyr "siop gyffredinol" ("*general store*") yw safle lle rhedir masnach neu fusnes sy'n cynnwys yn bennaf adwerthu bwyd i bobl ei fwyta (heblaw melysion) a nwyddau ty cyffredinol;

ystyr "swyddfa bost" ("*post office*") yw safle a ddefnyddir at ddibenion darparrydd gwasanaethau cyffredinol o fewn yr ystyr a roddir i "universal service provider" gan Ddeddf Gwasanaethau Post 2000(a) ac mewn cysylltiad â darparu gwasanaeth post cyffredinol o fewn yr ystyr a roddir i "universal postal service" gan y Ddeddf honno; ac

ystyr "tafarn" ("*public house*") yw safle y mae angen mewndrwydded ynadon ar ei gyfer o fewn yr ystyr a roddir i "justices' on-licence" gan Ddeddf Trwyddedu 1964(b) (heblaw trwydded Rhan IV o fewn yr ystyr a roddir i "Part IV licence" gan y Ddeddf honno).

Terfyn gwerth trethiannol

3. Mewn perthynas â hereditament a ddangosir yn rhestr ardrethu annomestig awdurdod bilio yng Nghymru -

- (a) y swm a ragnodir at ddibenion adran 43(6B)(b) o Ddeddf 1988 yw -
 - (i) yn achos tafarn neu orsaf betrol, £9,000; a
 - (ii) mewn unrhyw achos arall, £6,000; a
- (b) y swm a ragnodir at ddibenion adran 47(3A)(b)

of the sale by retail of both food for human consumption (other than confectionery) and general household goods is carried on;

"petrol filling station" ("*gorsaf betrol*") means premises on which petrol or other automotive fuels are sold by retail to the general public for fuelling motor vehicles intended or adapted for use on roads;

"post office" ("*swyddfa bost*") means premises which are used for the purposes of a universal service provider within the meaning given by the Postal Services Act 2000(a) and in connection with the provision of a universal postal service within the meaning given by that Act:

"public house" ("*tafarn*") means premises for which a justices' on-licence within the meaning given by the Licensing Act 1964(b) (other than a Part IV licence within the meaning given by that Act) is required; and

"telecommunications apparatus" ("*offer telathrebu*") includes -

- (a) telecommunications apparatus within the meaning given by Schedule 2 to the 1984 Act which is used, or designed for use, for
 - (i) wireless telegraphy within the meaning given by section 19 of the 1949 Act, or
 - (ii) broadcasting; and
- (b) structures in the nature of huts or other buildings (including structures forming part only of a building) used, or designed for use, solely to house apparatus falling within the description in paragraph (a);

together with any ancillary equipment occupied exclusively for the purposes of a person licensed for the running of a telecommunications system under section 1 of the 1949 Act or section 7 of the 1984 Act.

Rateable value limit

3. In relation to a hereditament shown in the local non-domestic rating list of a Welsh billing authority -

- (a) the amount prescribed for the purpose of section 43(6B)(b) of the 1988 Act is -
 - (i) in the case of a public house or a petrol filling station, £9,000; and
 - (ii) in any other case, £6,000; and
- (b) the amount prescribed for the purpose of

(a) 2000 p. 26. *Gweler* adran 4.

(b) 1964 p. 26. *Gweler* adran 1.

(a) 2000 c. 26. *See* section 4.

(b) 1964 c. 26. *See* section 1.

o Ddeddf 1988 yw £12,000.

section 47(3A)(b) of the 1988 Act is £12,000.

Amodau ar gyfer rhyddhad

4. Yr amodau a ragnodir at ddibenion adran 43(6B)(c)(ii) o Ddeddf 1988 yw nad yw'r hereditament -

- (a) yn cael ei ddefnyddio at y canlynol yn unig -
 - (i) arddangos hysbysebion, neu
 - (ii) parcio cerbydau modur, neu
 - (iii) offer telathrebu, neu
 - (iv) peiriant arian awtomatig;
- (b) yn cael ei ddefnyddio yn gyfan gwbl neu'n rhannol fel siop gyffredinol neu swyddfa bost; ac
- (c) yn eiddo i'r Goron.

Diddymu

5. Mae Erthygl 3 o Orchymyn Ardrethu Annomestig (Aneddiadau Gwledig) (Cymru) 1998(a) wedi'i ddiddymu.

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

13 Chwefror 2002

Conditions for relief

4. The conditions prescribed for the purpose of section 43(6B)(c)(ii) of the 1988 Act are that the hereditament -

- (a) is not used exclusively for -
 - (i) the display of advertisements, or
 - (ii) the parking of motor vehicles, or
 - (iii) telecommunications apparatus, or
 - (iv) an automatic teller machine;
- (b) is not used wholly or partly as a general store or post office; and
- (c) is not the property of the Crown.

Revocation

5. Article 3 of the Non-Domestic Rating (Rural Settlements) (Wales) Order 1998(a) is revoked.

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

13th February 2002

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National
Assembly

(a) O.S. 1998/2963.

(b) 1998 p. 38.

(a) S.I. 1998/2963.

(b) 1998 c. 38.

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