CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 915 (Cy.118)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) (Diwygio) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) 1997 ("Rheoliadau 1997 ") er mwyn ymdrin ag effeithiau cymhwyso safon gyfrifo newydd 'FRS 17' i awdurdodau lleol, ac mae'r safon yn ei gwneud yn ofynnol i rwymedigaethau yn y dyfodol ar gyfer budd-daliadau ymddeol gael eu cydnabod yng nghyfrifon yr awdurdodau lleol.

Mae adran 42 o Ddeddf Llywodraeth Leol a Thai 1989 yn darparu nad oes angen i wariant penodol awdurdod lleol gael ei dalu o gyfrif refeniw'r awdurdod. Mae'r Rheoliadau hyn, a wnaed o dan yr adran honno yn diwygio Rheoliadau 1997 drwy fewnosod rheoliad newydd sy'n darparu nad oes angen bod gwariant ar rwymedigaethau ar gyfer budd-daliadau ymddeol a neilltuodd awdurdod lleol i gronfa bensiwn fel y mae'n ofynnol gan arferion cyfrifo priodol yn cael ei dalu o gyfrif refeniw.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 915 (W.118)

LOCAL GOVERNMENT, WALES

The Local Authorities (Capital Finance) (Amendment) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Capital Finance) Regulations 1997 ("the 1997 Regulations") in order to deal with the effects of the application to local authorities of a new accounting standard, 'FRS 17', which requires future liabilities for retirement benefits to be recognised in local authorities' accounts.

Section 42 of the Local Government and Housing Act 1989 provides that certain expenditure of a local authority is not required to be charged to a revenue account of the authority. These Regulations, made under that section, amend the 1997 Regulations by inserting a new regulation which provides that expenditure on liabilities for retirement benefits which a local authority has appropriated to a pension reserve as required by proper accounting practices need not be charged to a revenue account.

OFFERYNNAU STATUDOL

2003 Rhif 915 (Cy.118)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) (Diwygio) (Cymru) 2003

Wedi'u gwneud	*26 Mawrth 2003*
Yn dod i rym	*1 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pŵer a roddwyd i'r Ysgrifennydd Gwladol gan adran 42(4) o Ddeddf Llywodraeth Leol a Thai 1989(**a**) sydd wedi'i freinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y mae'n arferadwy yng Nghymru(**b**):

Enw, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) (Diwygio) (Cymru) 2003 a deuant i rym ar 1 Ebrill 2003.

(2) Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys i awdurdodau lleol yng Nghymru yn unig.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 1997" ("*the 1997 Regulations*") yw Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) 1997(**c**).

Diwygio Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf) 1997

2. Ar ôl rheoliad 12A (Gwariant nad oes angen ei dynnu o gyfrif refeniw - gwariant at ddibenion cyfalaf ar eiddo yn y Cyfrif Refeniw Tai) o Reoliadau 1997 mewnosodir -

"Expenditure by a local authority in Wales not required to be charged to a revenue account - expenditure in respect of liabilities for retirement benefits

(a) 1989 p.42.

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

(c) O.S. 1997/319, a ddiwygiwyd gan O.S. 2000/3237. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

STATUTORY INSTRUMENTS

2003 No. 915 (W.118)

LOCAL GOVERNMENT, WALES

The Local Authorities (Capital Finance) (Amendment) (Wales) Regulations 2003

Made	*26th March 2003*
Coming into force	*1st April 2003*

The National Assembly for Wales makes the following Regulations, in exercise of the power given to the Secretary of State by section 42(4) of the Local Government and Housing Act 1989(**a**) which is now vested in the National Assembly for Wales so far as exercisable in Wales(**b**):

Name, commencement, application and interpretation

1.-(1) These Regulations are called the Local Authorities (Capital Finance) (Amendment) (Wales) Regulations 2003 and shall come into force on 1st April 2003.

(2) The amendments made by these Regulations apply only to local authorities in Wales.

(3) In these Regulations "the 1997 Regulations" ("*Rheoliadau 1997*") means the Local Authorities (Capital Finance) Regulations 1997(**c**).

Amendment of the Local Authorities (Capital Finance) Regulations 1997

2. After regulation 12A (Expenditure not required to be charged to a revenue account - expenditure for capital purposes on property within the Housing Revenue Account) of the 1997 Regulations insert -

"Expenditure not required to be charged to a revenue account - expenditure in respect of liabilities for retirement benefits

(a) 1989 c.42.

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

(c) S.I. 1997/319 amended by S.I. 2000/3237. There are other amendments not relevant to these Regulations.

12B.-(1) Expenditure by a local authority in Wales in respect of liabilities for retirement benefits appropriated to a pension reserve in accordance with proper practices shall be expenditure falling within section 42(2).

(2) For the purposes of paragraph (1) "retirement benefits" means benefits payable pursuant to -

(a) the Local Government Pension Scheme Regulations 1997(**a**);

(b) the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000(**b**);

(c) the Firemen's Pension Scheme Order 1992(**c**);

(d) the Police Pensions Regulations 1987(**ch**); and

(e) the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997(**d**).

(f) any other regulations made under section 24 of the Superannuation Act 1972 (Compensation for loss of office, etc)(**dd**).".

12B.-(1) Expenditure by a local authority in Wales in respect of liabilities for retirement benefits appropriated to a pension reserve in accordance with proper practices shall be expenditure falling within section 42(2).

(2) For the purposes of paragraph (1) "retirement benefits" means benefits payable pursuant to -

(a) the Local Government Pension Scheme Regulations 1997(**a**);

(b) the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000(**b**);

(c) the Firemen's Pension Scheme Order 1992(**c**);

(d) the Police Pensions Regulations 1987(**d**);

(e) the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997(**e**).

(f) any other regulations made under section 24 of the Superannuation Act 1972 (Compensation for loss of office, etc)(**f**).".

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

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

26 Mawrth 2003

26th March 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) O.S. 1997/1612, a ddiwygiwyd gan O.S. 1998/1238, 1999/1212 a 3438, 2000/1164 a 3025, 2001/1481 a 3401 a 2002/206.

(b) O.S. 2000/1410.

(c) O.S. 1992/129.

(ch) O.S. 1987/257, a ddiwygiwyd gan O.S. 1988/1339, 1990/805, 1992/2349, 1994/641, 1996/867, 1998/577, 2000/843 a 1549 a 2001/3888.

(d) O.S. 1997/311, a ddiwygiwyd gan O.S. 1998/2256 a 1999/608.

(dd) 1972 p.11.

(e) 1998 p.38.

(a) S.I. 1997/1612 amended by S.I. 1998/1238, 1999/1212 and 3438, 2000/1164 and 3025, 2001/1481 and 3401 and 2002/206.

(b) S.I. 2000/1410.

(c) S.I. 1992/129.

(d) S.I. 1987/257 amended by S.I. 1988/1339, 1990/805, 1992/2349, 1994/641, 1996/867, 1998/577, 2000/843 and 1549 and 2001/3888.

(e) S.I. 1997/311 amended by S.I. 1998/2256 and 1999/608.

(f) 1972 c.11.

(g) 1998 c.38.

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The Local Authorities (Capital Finance) (Amendment) (Wales) Regulations 2003

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