OFFERYNNAU STATUDOL CYMRU

## 2008 Rhif 2671 (Cy.235)

# ARDRETHU A PHRISIO, CYMRU

## Rheoliadau Ardrethu Annomestig (Hereditamentau Cyfathrebu) (Prisio, Newid Rhestri ac Apelau a Diwrnod Perthnasol) (Cymru) 2008

### NODIYN ESBONIADOL

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

Llywodraethir y modd y prisir hereditamentau annomestig gan Atodlen 6 i Ddeddf Cyllid Llywodraeth Leol 1988 ("Deddf 1988"). Mae Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005 yn rhoi'r hawl i drethdalwyr mewn rhai amgylchiadau wneud cynnig i swyddog prisio y dylid newid y gwerth ardrethol a ddangosir ar gyfer eu hereditament mewn rhestr ardrethu. Rheoliadau Ardrethu Annomestig (Y Diwrnod Perthnasol ar gyfer Newid Rhestri) 1992 sy'n llywodraethu'r diwrnod y dylid cyfeirio ato wrth ystyried materion penodol mewn perthynas â'r hereditament at ddibenion prisio.

Mae'r Rheoliadau hyn yn caniatáu i British Telecommunications ("BT") gynnig newid yng ngwerth ardrethol ei hereditament o ganlyniad i ddadfwndelu dolennau lleol yn llawn. Y dolennau lleol a ddadfwndelwyd yn llawn yw'r parau sengl o wifrau copr, sy'n cysylltu mangreoedd cwsmeriaid â'r gyfnewidfa teleffon leol ac y mae'r cwsmeriaid yn derbyn gwasanaethau teleffon a band eang trwyddynt. Mae'r dolennau yn rhan o hereditament BT yn rhinwedd rheoliad 8 o Reoliadau Rhestr Ardrethu Canolog (Cymru) 2005

Mae'r Rheoliadau hyn yn gymwys mewn perthynas â chofnod BT yn y rhestr ardrethu canolog a ddaeth i rym ar y 1 Ebrill 2005 a rhestrau ardrethu dilynol, a'u heffaith yw y ceir gwneud cynnig mewn perthynas â chofnodion o'r 1 Ebrill 2005 ymlaen. Mae'r pwer i

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The valuation of non-domestic hereditaments is governed by Schedule 6 to the Local Government Finance Act 1988 ("the 1988 Act"). The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005 give ratepayers the right in certain circumstances to make a proposal to a valuation officer that the rateable value shown for their hereditament in a rating list should be changed. The Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 govern the day by reference to which certain matters relating to the hereditament should be considered for the purposes of valuation.

These Regulations allow British Telecommunications ("BT") to make a proposal to alter the rateable value of its hereditament as a consequence of the full unbundling of local loops. Fully unbundled local loops are the single pair of copper wires that connect a customer's premises to the local telephone exchange through which the customer is receiving both telephone and broadband services. They comprise part of BT's hereditament by virtue of regulation 8 of the Central Rating List (Wales) Regulations 2005.

The Regulations apply in relation to BT's entry in the central rating list that came into force on 1 April 2005 and subsequent rating lists, with the effect that a proposal can be made with respect to entries from 1 April 2005 onwards. The power to make regulations

wneud rheoliadau sy'n cynnwys darparu o ba ddiwrnod y bydd newid mewn rhestr yn cael effaith, gan gynnwys darparu bod y newid i gael effaith ôl-weithredol, yn adran 55(6) o Ddeddf 1988.

Pan wneir cynnig o ganlyniad i'r Rheoliadau hyn, mater i'r swyddog prisio fydd asesu a yw dadfwndelu dolennau lleol yn gyflawn wedi effeithio o gwbl ar werth ardrethol hereditament BT.

containing provision as to the day from which an alteration of a list is to have effect, including provision that the alteration is to have retrospective effect, is in section 55(6) of the 1988 Act.

When a proposal is made as a result of these Regulations, it will be for the valuation officer to assess whether the full unbundling of local loops has had any impact on the rateable value of BT's hereditament.

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| | |
|---|---|
| *Gwnaed* | *6 Hydref 2008* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* | *8 Hydref 2008* |
| *Yn dod i rym* | *31 Hydref 2008* |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2), (4) a (6), 143(1) a (2) a 146(6), o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraffau 2(6A) ac (8) o Atodlen 6 i'r Ddeddf honno(**1**) ac a freinir bellach yng Ngweinidogion Cymru(**2**).

**RHAN 1**

Rhagarweiniol

**Enwi, cymhwyso a chychwyn**

**1**.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Hereditamentau Cyfathrebu) (Prisio, Newid Rhestri ac Apelau a Diwrnod Perthnasol) (Cymru) 2008.

(**1**) 1988 p. 41. Diwygiwyd adran 55(4) a pharagraff 2(8) o Atodlen 6, a mewnosodwyd paragraff 2(6A) o Atodlen 6, gan baragraffau 30(2), 38(8) a 38(6), yn eu trefn, o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 (p. 42).

(**2**) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o ran Cymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1988 yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

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## The Non-Domestic Rating (Communications Hereditaments) (Valuation, Alteration of Lists and Appeals and Material Day) (Wales) Regulations 2008

| | |
|---|---|
| *Made* | *6 October 2008* |
| *Laid before the National Assembly for Wales* | *8 October 2008* |
| *Coming into force* | *31 October 2008* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 55(2), (4) and (6), 143(1) and (2) and 146(6) of, and paragraph 2(6A) and (8) of Schedule 6 to, the Local Government Finance Act 1988(**1**) and now vested in the Welsh Ministers(**2**).

**PART 1**

Preliminary

**Title, application and commencement**

**1**.—(1) The title of these Regulations is The Non-Domestic Rating (Communications Hereditaments) (Valuation, Alteration of Lists and Appeals and Material Day) (Wales) Regulations 2008.

(**1**) 1988 c. 41. Section 55(4) and paragraph 2(8) of Schedule 6 were amended, and paragraph 2(6A) of Schedule 6 was inserted, by paragraphs 30(2), 38(8) and 38(6) respectively of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

(**2**) The powers of the Secretary of State were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the reference to the Local Government Finance Act 1988 in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers under section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 31 Hydref 2008.

**Dehongli**

**2**. Yn y Rheoliadau hyn—

ystyr "BT" yw British Telecommunications plc;

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

ystyr "dolen leol a ddadfwndelwyd yn llawn" ("*fully unbundled local loop*") yw dolen leol a ddadfwndelwyd sydd wedi ei gosod ar rent neu ei thrwyddedu gan BT i unrhyw berson ar gyfer pob defnydd sy'n gynwysedig mewn monitro, prosesu neu drosglwyddo cyfathrebiadau neu signalau ar gyfer darparu gwasanaethau cyfathrebu electronig;

mae i "ddolen leol a ddadfwndelwyd" yr ystyr a roddir i ("*unbundled local loop*") gan reoliad 8(5) o'r Rheoliadau Rhestr Ganolog;

"yr hereditament" ("*the hereditament*") yw'r hereditament a ddisgrifir yn rheoliad 8(1) o'r Rheoliadau Rhestr Ganolog

ystyr "Rheoliadau NRhA" ("*ALA Regulations*") yw Rheoliadau Ardrethu Annomestig (Newid Rhestri ac Apelau) (Cymru) 2005(**1**); ac

ystyr "Rheoliadau Rhestr Ganolog" ("*Central List Regulations*") yw Rheoliadau Rhestr Ardrethu Canolog (Cymru) 2005(**2**).

**RHAN 2**

Prisio

**Prisio hereditamentau cyfathrebu penodol**

**3**. Rhaid rhagdybio bod gosod ar rent neu drwyddedu dolen leol a ddadfwndelwyd yn llawn gan BT i unrhyw berson yn fater sy'n effeithio ar gyflwr ffisegol yr hereditament neu fwynhad ffisegol ohono at y diben o brisio'r hereditament yn unol â pharagraff 2(5) neu (6) o Atodlen 6 i Ddeddf 1988 (ardrethu annomestig: prisio).

(**1**) O.S. 2005/758(Cy.63), y gwnaed diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 2005/422(W40), a ddiwygiwyd gan O.S. 2008/2671 (Cy.235); diwygiwyd hefyd gan offerynnau eraill, ond nid oes yr un yn berthnasol.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 31 October 2008.

**Interpretation**

**2**. In these Regulations—

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

"ALA Regulations" ("*Rheoliadau NRhA*") means the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(**1**);

"BT" means British Telecommunications plc;

"Central List Regulations" ("*Rheoliadau Rhestr Ganolog*") means the Central Rating List (Wales) Regulations 2005(**2**);

"fully unbundled local loop" ("*dolen leol a ddadfwndelwyd yn llawn*") means an unbundled local loop which BT has let or licensed to any person for all uses that comprise the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services;

"the hereditament" ("*yr hereditament*") means the hereditament described in regulation 8(1) of the Central List Regulations; and

"unbundled local loop" ("*dolen leol a ddadfwndelwyd*") has the meaning given by regulation 8(5) of the Central List Regulations.

**PART 2**

Valuation

**Valuation of certain communications hereditaments**

**3**. The letting or licensing by BT to any person of a fully unbundled local loop is to be assumed for the purpose of valuing the hereditament pursuant to paragraph 2(5) or (6) of Schedule 6 to the 1988 Act (non-domestic rating: valuation) to be a matter affecting the physical state or physical enjoyment of the hereditament.

(**1**) S.I. 2005/758(W.63), to which there are amendments not relevant to these Regulations.

(**2**) S.I. 2005/422(W40), amended by S.I. 2008/2671 (W.235); there are other amending instruments but none is relevant.

## RHAN 3

Newid Rhestri ac Apelau

**Newid perthnasol mewn amgylchiadau**

**4**.—(1) Ceir gwneud cynnig i newid y gwerth ardrethol a ddangosir ar gyfer yr hereditament mewn rhestr ardrethu canolog a luniwyd ar 1 Ebrill 2005 neu ar ôl hynny, o dan reoliad 4(1)(b) (amgylchiadau pan ganiateir gwneud cynigion) a Rhan 3 (newid rhestri ardrethu canolog) o'r Rheoliadau NRhA, o ganlyniad i osod ar rent neu drwyddedu dolen leol a ddadfwndelwyd yn llawn gan BT i unrhyw berson.

(2) Mewn perthynas â chynnig o'r fath, mae rheoliad 4(1)(b) o'r Rheoliadau NRhA i gael effaith fel pe bai "material change of circumstances" yn cynnwys y mater y rhagdybir gan reoliad 3 yn y Rheoliadau hyn fel ei fod yn effeithio ar gyflwr ffisegol yr hereditament neu fwynhad ffisegol ohono at y diben o'i brisio yn unol â pharagraff 2(5) neu (6) o Atodlen 6 i Ddeddf 1988.

**Addasu rheoliad 6 o'r Rheoliadau NRhA**

**5**. Pan wneir cynnig yn unol â rheoliad 4(1), mae rheoliad 6(1)(e)(ii) o'r Rheoliadau NRhA i gael effaith fel pe bai hefyd yn mynnu bod datganiad yn cael ei gynnwys sy'n nodi nifer y dolennau lleol a ddadfwndelwyd yn llawn sy'n gynwysedig yn yr hereditament ar y dyddiad effeithiol a gynigir yn y cynnig hwnnw.

## RHAN 4

Diwrnod Perthnasol

**Diwrnod perthnasol ar gyfer prisio**

**6**. Mae rheoliad 3(7)(b)(i) o Reoliadau Ardrethu Annomestig (Y Diwrnod Perthnasol ar gyfer Newid Rhestri) 1992(**1**) i gael effaith, mewn perthynas a chynnig a wneir yn unol â rheoliad 4(1) o'r Rheoliadau hyn fel pe bai'r diwrnod perthnasol ar gyfer unrhyw ddolen leol benodol a ddadfwndelwyd yn llawn yw'r diwrnod y'i gosodwyd ar rent neu y'i trwyddedwyd gan BT.

(**1**) O.S. 1992/556, a ddiwygiwyd gan O.S. 2005/758(Cy.63); diwygiwyd hefyd gan offerynnau eraill, ond nid oes yr un yn berthnasol.

## PART 3

Alteration of Lists and Appeals

**Material change of circumstances**

**4**.—(1) A proposal to alter the rateable value shown for the hereditament in a central rating list compiled on or after 1 April 2005 may be made under regulation 4(1)(b) (circumstances in which proposals may be made) and Part 3 (alteration of central rating lists) of the ALA Regulations as a consequence of the letting or licensing of a fully unbundled local loop by BT to any person.

(2) In relation to such a proposal, regulation 4(1)(b) of the ALA Regulations is to have effect as if "material change of circumstances" included the matter assumed by regulation 3 of these Regulations to affect the hereditament's physical state or the physical enjoyment of it for the purpose of valuing it pursuant to paragraph 2(5) or (6) of Schedule 6 to the 1988 Act.

**Modification of regulation 6 of the ALA Regulations**

**5**. Where a proposal is made pursuant to regulation 4(1), regulation 6(1)(e)(ii) of the ALA Regulations is to have effect as if it also required the inclusion of a statement specifying the number of fully unbundled local loops that are comprised in the hereditament as at the effective date proposed in that proposal.

## PART 4

Material Day

**Material day for valuation**

**6**. Regulation 3(7)(b)(i) of the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992(**1**) is to have effect, in relation to a proposal made pursuant to regulation 4(1) of these Regulations, as if the material day in relation to any particular fully unbundled local loop were the day on which BT let or licensed it.

(**1**) S.I. 1992/556, amended by S.I. 2005/758(W.63); there are other amending instruments but none is relevant.

*Brian Gibbons*

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

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

6 Hydref 2008

6 October 2008

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