OFFERYNNAU STATUDOL CYMRU

2011 Rhif 446 (Cy.67)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2011

NODYN ESBONIADOL

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

Mae adrannau 32 a 43 o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") yn disgrifio, yn ôl eu trefn, sut y mae awdurdodau bilio a phrif awdurdodau praeseptio i gyfrifo eu hanghenion cyllideb ar gyfer blwyddyn ariannol. Mae adrannau 33 a 44 o'r Ddeddf honno yn disgrifio, yn ôl eu trefn, sut y mae awdurdodau bilio a phrif awdurdodau praeseptio i gyfrifo swm sylfaenol eu treth cyngor.

Mae'r Rheoliadau hyn yn gwneud diwygiadau ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011.

Mae Rheoliadau 2(a), 3, 4(a)(i) a 5(a) o'r Rheoliadau hyn yn hepgor cyfeiriadau at "relevant special grant" o adrannau 32, 33, 43 a 44 o Ddeddf 1992 gan nad oes unrhyw grantiau arbennig yn cael eu diffinio yn grantiau arbennig perthnasol ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011.

Mae Rheoliadau 2(b) a 4(b) yn mewnosod diffiniadau o symiau sy'n daladwy o ran ardrethi annomestig a ailddosberthir a'r grant cynnal refeniw yn adrannau 32 a 43 o Ddeddf 1992. Diben hyn yw i sicrhau nad yw'r symiau ardrethi annomestig a ailddosberthir a'r grant cynnal refeniw a gedwir allan o'r cyfrifiad ar gyfer gofynion cyllideb yn yr adrannau hynny ond yn ymwneud â'r cyfryw symiau sy'n daladwy o dan yr Adroddiadau Cyllid Llywodraeth Leol yn eu trefn am y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011. Mae'r un diffiniadau yn gymwys hefyd i adrannau 33 a 44 o Ddeddf 1992. Mae Rheoliad 4(b) hefyd yn diffinio "floor funding" yn adran 43 drwy fewnosod is-adran (6F) ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011.

WELSH STATUTORY INSTRUMENTS

2011 No. 446 (W.67)

LOCAL GOVERNMENT, WALES

The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 32 and 43 of the Local Government Finance Act 1992 ("the 1992 Act") set out respectively how a billing authority and a major precepting authority are to calculate their budget requirements for a financial year. Sections 33 and 44 of that Act set out respectively how a billing authority and a major precepting authority are to calculate the basic amount of their council tax.

These Regulations make amendments for the financial year beginning on 1 April 2011.

Regulations 2(a), 3, 4(a)(i) and 5(a) of these Regulations omit references to "relevant special grant" from sections 32, 33, 43 and 44 of the 1992 Act since no special grants are being defined as relevant special grants for the financial year beginning on 1 April 2011.

Regulations 2(b) and 4(b) insert the definitions of sums payable in respect of redistributed non-domestic rates and revenue support grant in sections 32 and 43 of the 1992 Act. The purpose is to ensure that the amounts of redistributed non-domestic rates and revenue support grant excluded from the budget requirement calculation in those sections relate only to such amounts payable under the respective Local Government Finance Reports for the financial year beginning on 1 April 2011. The same definitions also apply to sections 33 and 44 of the 1992 Act. Regulation 4(b) also defines "floor funding" in section 43 by inserting subsection (6F) for the financial year beginning on 1 April 2011.

Mae Rheoliadau 4(a)(ii) a 5(b) yn diwygio ymhellach adrannau 43 a 44 o Ddeddf 1992 fel bod prif awdurdodau praeseptio yng Nghymru yn gorfod ystyried unrhyw gyllid gwaelodol a geir oddi wrth yr Ysgrifennydd Gwladol am y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011 wrth wneud y cyfrifiad gofynnol am y flwyddyn honno.

Regulations 4(a)(ii) and 5(b) further amend sections 43 and 44 of the 1992 Act, such that major precepting authorities in Wales must take into account any floor funding received from the Secretary of State for the financial year beginning on 1 April 2011 when making the required calculation for that year.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 446 (Cy.67)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2011

Gwnaed	*16 Chwefror 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*18 Chwefror 2011*
Yn dod i rym	*28 Chwefror 2011*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 32(9), 33(4), 43(7), 44(4) a 113(2) o Ddeddf Cyllid Llywodraeth Leol 1992(**1**) ac sydd bellach wedi eu breinio ynddynt(**2**).

Enwi, cychwyn, cymhwyso a dehongli

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2011, a deuant i rym ar 28 Chwefror 2011.

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

(3) Mae'r Rheoliadau hyn yn gymwys o ran y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 2011.

(4) Yn y Rheoliadau hyn ystyr "Deddf 1992" yw Deddf Cyllid Llywodraeth Leol 1992.

(**1**) 1992 p.14; diwygiwyd adran 32(9) gan baragraff 4 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19).

(**2**) Trosglwyddwyd y swyddogaethau hyn, o ran Cymru, i Gynulliad Cenedlaethol Cymru o dan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, ac yna i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2011 No. 446 (W.67)

LOCAL GOVERNMENT, WALES

The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011

Made	*16 February 2011*
Laid before the National Assembly for Wales	*18 February 2011*
Coming into force	*28 February 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 32(9), 33(4), 43(7), 44(4) and 113(2) of the Local Government Finance Act 1992(**1**) and now vested in them(**2**).

Title, commencement, application and interpretation

1.–(1) The title of these Regulations is The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011 and they come into force on 28 February 2011.

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

(3) These Regulations apply in relation to the financial year beginning 1 April 2011.

(4) In these Regulations "the 1992 Act" means the Local Government Finance Act 1992.

(**1**) 1992 c.14; section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (c.19).

(**2**) These functions were transferred, in relation to Wales, to the National Assembly for Wales under article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and subsequently to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

Cyfrifo anghenion cyllideb (awdurdodau bilio)

2. Mae adran 32 o Ddeddf 1992 yn cael effaith fel petai'r canlynol wedi ei wneud–

(a) bod y geiriau "or relevant special grant" yn is-adran (3)(a)(**1**) wedi eu hepgor; a

(b) bod yr is-adran a ganlyn wedi ei mewnosod ar ôl is-adran (12)(**2**)–

"(12A) In this section and section 33 below–

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.1) 2011-2012 (Final Settlement - Councils) approved by resolution of the National Assembly for Wales pursuant to section 84H(2)(**3**) of, and paragraph 11B(1)(**4**) of Schedule 8 to, the Local Government Finance Act 1988 on 15 February 2011; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.".

Cyfrifo swm sylfaenol y dreth gyngor (awdurdodau bilio)

3. Mae adran 33(1) o Ddeddf 1992(**5**) yn cael effaith fel petai'r geiriau "or relevant special grant" yn eitem P wedi eu hepgor.

Calculation of budget requirement (billing authorities)

2. Section 32 of the 1992 Act has effect as if–

(a) in subsection (3)(a)(**1**) the words "or relevant special grant" were omitted; and

(b) after subsection (12) the following subsection were inserted(**2**)–

"(12A) In this section and section 33 below–

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.1) 2011-2012 (Final Settlement-Councils) approved by resolution of the National Assembly for Wales pursuant to section 84H(2)(**3**) of, and paragraph 11B(1)(**4**) of Schedule 8 to, the Local Government Finance Act 1988 on 15 February 2011; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report. ".

Calculation of basic amount of council tax (billing authorities)

3. Section 33(1) of the 1992 Act(**5**) has effect as if in item P the words "or relevant special grant" were omitted.

(**1**) Diwygiwyd adran 32(3)(a) gan baragraff 4 o Atodlen 12 i Ddeddf Llywodraeth Leol (Cymru) 1994, Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol a Chronfeydd) (Cymru) 1994 (O.S. 1994/246) a Rheoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol a Chronfeydd) 1995 (O.S. 1995/234). Fe'i haddaswyd hefyd, mewn perthynas â'r flwyddyn ariannol 2010-2011, gan reoliad 2(a) o Reoliadau Awdurdodau Lleol (Addasu Cyfrifiadau Angenrheidiol) (Cymru) 2010 (O.S. 2010/317 (Cy.41)).

(**2**) Addaswyd adran 32 hefyd gan reoliad 2(b) o O.S. 2010/317 (Cy.41) fel ei bod yn cael effaith fel petai adran (12A) newydd wedi ei mewnosod mewn perthynas â'r flwyddyn ariannol 2010-2011.

(**3**) 1988 p.41; amnewidiwyd adran 84H (a roddwyd yn lle adran 84H fel y'i mewnosodwyd gan adran 40(1) o Ddeddf Llywodraeth Leol 2003 (p.26) ac Atodlen 2 iddi) gan erthygl 3 o Orchymyn Deddf Llywodraeth Cymru 2006 (Addasiadau Canlyniadol a Darpariaethau Trosiannol) 2007 ac Atodlen 1 iddi (O.S. 2007/1388).

(**4**) Amnewidiwyd paragraff 11B(1) (a roddwyd yn lle paragraff 11B(1) fel y'i mewnosodwyd gan adran 40(1) o Ddeddf Llywodraeth Leol 2003 ac Atodlen 2 iddi) gan erthygl 3 o O.S. 2007/1388 ac Atodlen 1 iddo.

(**5**) Diwygiwyd adran 33(1) gan O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd hefyd mewn perthynas â'r flwyddyn ariannol 2010-2011 gan reoliad 3 o O.S. 2010/317 (Cy.41).

(**1**) Section 32(3)(a) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994, the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246) and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I.1995/234). It was also modified in relation to the financial year 2010-2011 by regulation 2(a) of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2010 (S.I. 2010/317 (W.41)).

(**2**) Section 32 was also modified by regulation 2(b) of S.I. 2010/317 (W.41) to have effect as if a new section (12A) were inserted in relation to the financial year 2010-2011.

(**3**) 1988 c.41; section 84H was substituted (for section 84H as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003 (c.26)) by article 3 of, and Schedule 1 to, the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

(**4**) Paragraph 11B(1) was substituted (for paragraph 11B(1) as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003) by article 3 of, and Schedule 1 to, S.I. 2007/1388.

(**5**) Section 33(1) was amended by S.I. 1994/246 and S.I. 1995/234. It was also modified in relation to the financial year 2010-2011 by regulation 3 of S.I. 2010/317 (W.41).

Cyfrifo anghenion cyllideb (prif awdurdodau praeseptio)

4. Mae adran 43 o Ddeddf 1992 yn cael effaith fel petai'r canlynol wedi ei wneud–

(a) yn is-adran (3)(a)(i)(**1**)–

(i) bod y geiriau "relevant special grant" wedi eu hepgor; a

(ii) bod y geiriau "floor funding" wedi eu mewnosod o flaen "or police grant;"; a

(b) bod yr is-adrannau a ganlyn wedi eu mewnosod ar ôl is-adran (6D)(**2**)–

""(6E) In this section and section 44 below–

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.2) 2011-2012 (Final Settlement-Police Authorities) approved by resolution of the National Assembly for Wales pursuant to section 84H(2) of, and paragraph 11B(1) of Schedule 8 to, the Local Government Finance Act 1988 on 16 February 2011; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.

(6F) In this section and section 44 below "floor funding" means grant payable to a major precepting authority by the Secretary of State in addition to the police grant referred to in subsection (6C).".

Cyfrifo swm sylfaenol y dreth gyngor (prif awdurdodau praeseptio)

5. Mae adran 44(1) o Ddeddf 1992(**3**) yn cael effaith fel petai'r canlynol wedi ei wneud–

(a) bod y geiriau "relevant special grant" yn eitem P wedi eu hepgor; a

(b) bod y geiriau "floor funding" yn eitem P wedi eu mewnosod o flaen y geiriau "or police grant;".

(**1**) Diwygiwyd adran 43(3)(a) gan O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd hefyd, mewn perthynas â'r flwyddyn ariannol 2010-2011, gan reoliad 4(a) o O.S. 2010/317 (Cy.41).

(**2**) Addaswyd adran 43 gan reoliad 4(b) o O.S. 2010/317 (Cy. 41) fel ei bod yn cael effaith fel petai yr is-adrannau newydd 43(6E) a (6F) wedi eu mewnosod mewn perthynas â'r flwyddyn ariannol 2010-2011.

(**3**) Diwygiwyd adran 44(1) gan O.S. 1994/246 ac O.S. 1995/234. Fe'i haddaswyd hefyd, gan reoliad 5 o O.S. 2010/317 (Cy.41), mewn perthynas â'r flwyddyn ariannol 2010-2011.

Calculation of budget requirement (major precepting authorities)

4. Section 43 of the 1992 Act has effect as if–

(a) in subsection (3)(a)(i)(**1**)–

(i) the words "relevant special grant" were omitted; and

(ii) the words "floor funding" were inserted before "or police grant;"; and

(b) after subsection (6D) the following subsections were inserted(**2**)–

"(6E) In this section and section 44 below–

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.2) 2011-2012 (Final Settlement-Police Authorities) approved by resolution of the National Assembly for Wales pursuant to section 84H(2) of, and paragraph 11B(1) of Schedule 8 to, the Local Government Finance Act 1988 on 16 February 2011; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.

(6F) In this section and section 44 below "floor funding" means grant payable to a major precepting authority by the Secretary of State in addition to the police grant referred to in subsection (6C).".

Calculation of basic amount of council tax (major precepting authorities)

5. Section 44(1) of the 1992 Act(**3**) has effect as if in item P–

(a) the words "relevant special grant" were omitted; and

(b) the words "floor funding" were inserted before "or police grant;".

(**1**) Section 43(3)(a) was amended by S.I. 1994/246 and S.I. 1995/234. It was also modified in relation to the financial year 2010-2011 by regulation 4(a) of S.I. 2010/317 (W.41).

(**2**) Section 43 was modified by regulation 4(b) of S.I. 2010/317 (W.41) to have effect as if new subsections 43(6E) and (6F) were inserted in relation to the financial year 2010-2011.

(**3**) Section 44(1) was amended by S.I. 1994/246 and S.I. 1995/234. It was also modified by regulation 5 of S.I. 2010/317 (W.41) in relation to the financial year 2010-2011.

Carl Sargeant

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

16 Chwefror 2011

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

16 February 2011

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