



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 638 (Cy.71)

2013 No. 638 (W.71)

Y DRETH GYNGOR, CYMRU

COUNCIL TAX, WALES

Gorchymyn y Dreth Gyngor
(Diystyriadau Disgownt)
(Diwygio) (Cymru) 2013

The Council Tax (Discount
Disregards) (Amendment) (Wales)
Order 2013

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Gorchymyn y Dreth Gyngor (Diystyriadau Disgownt) 1992 ("Gorchymyn 1992") yn rhagnodi amodau y mae'n rhaid i bersonau sydd â nam meddyliol difrifol a gwahanol bersonau o ddisgrifiadau eraill eu cyflawni er mwyn cael eu diystyried at ddibenion disgowntiau'r dreth gyngor y mae adran 11 o Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992") yn rhagnodi ar eu cyfer.

The Council Tax (Discount Disregards) Order 1992 ("the 1992 Order") prescribes conditions which must be fulfilled by severely mentally impaired persons and various persons of other descriptions in order for them to be disregarded for the purposes of council tax discounts which are prescribed for by section 11 of the Local Government Finance Act 1992 ("the 1992 Act").

Er mwyn i berson sydd â nam meddyliol difrifol gael ei ddiystyried at ddibenion disgowntiau'r dreth gyngor mae Gorchymyn 1992 yn rhagnodi bod yn rhaid iddo fod yn derbyn budd-dal cymwys. Mae erthygl 2(a) a (b) yn diwygio amodau Gorchymyn 1992 fel bod y rhan o'r taliad annibyniaeth bersonol sydd ar gyfer byw bob dydd yn cael ei chynnwys o fewn y diffiniad o fudd-dal cymwys.

The 1992 Order prescribes that to be disregarded for the purposes of council tax discounts a severely mentally impaired person must be in receipt of a qualifying benefit. Article 2(a) and (b) amends the conditions of the 1992 Order so that the daily living component of personal independence payment is included within the definition of a qualifying benefit.

Mae erthygl 2(c) yn diwygio ymhellach Orchymyn 1992 er mwyn cynnwys credyd cynhwysol, sy'n cynnwys swm i'w dalu i berson oherwydd gallu cyfyngedig y person hwnnw i weithio neu allu cyfyngedig i wneud gweithgareddau gwaith neu weithgareddau sy'n ymwneud â gwaith, yn y diffiniad o fudd-dal cymwys.

Article 2(c) further amends the 1992 Order to include universal credit, which comprises of an amount paid to a person due to that person's limited capability for work or limited capability for work and work related activity, within the definition of a qualifying benefit.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, nid ystyriwyd bod angen cynnal asesiad effaith rheoleiddiol ar y costau a'r manteision tebygol o gydymffurfio â'r Gorchymyn hwn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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Y DRETH GYNGOR, CYMRU

**Gorchymyn y Dreth Gyngor
(Diystiriadau Disgownt)
(Diwygio) (Cymru) 2013**

Gwnaed 18 Mawrth 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 18 Mawrth 2013

Yn dod i rym yn unol â rheoliad 1

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan baragraff 2 o Atodlen 1 i Ddeddf Cyllid Llywodraeth Leol 1992(1) ac a freiniwyd bellach ynddynt hwy(2).

Enwi, cychwyn a chymhwysu

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor (Diystiriadau Disgownt) (Diwygio) (Cymru) 2013.

(2) Yn ddarostyngedig i baragraff (3), mae'r Gorchymyn hwn yn dod i rym ar 8 Ebrill 2013.

(3) Mae erthygl 2(c) yn dod i rym ar 29 Ebrill 2013.

(4) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(1) 1992 p.14.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

2013 No. 638 (W.71)

COUNCIL TAX, WALES

**The Council Tax (Discount
Disregards) (Amendment) (Wales)
Order 2013**

Made 18 March 2013

*Laid before the National
Assembly for Wales* 18 March 2013

*Coming into force in accordance with
regulation 1*

The Welsh Ministers make the following Order in exercise of the powers conferred upon the Secretary of State by paragraph 2 of Schedule 1 to the Local Government Finance Act 1992(1) and now vested in them(2).

Title, commencement and application

1.—(1) The title of this Order is the Council Tax (Discount Disregards) (Amendment) (Wales) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on 8 April 2013.

(3) Article 2(c) comes into force on 29 April 2013.

(4) This Order applies in relation to Wales.

(1) 1992 c.14.

(2) Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diwygio Gorchymyn y Dreth Gyngor (Diystiriadau Disgownt) 1992

2. Mae paragraff (2) o erthygl 3 o Orchymyn y Dreth Gyngor (Diystiriadau Disgownt) 1992(1) wedi ei ddiwygio fel a ganlyn—

- (a) ar ddiwedd is-baragraff (k)(2) yn lle "." rhodder ";;";
- (b) ar ôl is-baragraff (k) mewnosoder—

"(l) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012(3);";
- (c) ar ôl is-baragraff (l) mewnosoder—

"(m) universal credit under Part 1 of the Welfare Reform Act 2012 the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013(4) in respect of the fact that the person in question has limited capability for work or limited capability for work and work-related activity or would include such an amount but for regulation 27(4) or 29(4) of those Regulations."

Amendment of the Council Tax (Discount Disregards) Order 1992

2. Paragraph (2) of article 3 of the Council Tax (Discount Disregards) Order 1992(1) is amended as follows—

- (a) at the end of sub-paragraph (k)(2) for "." substitute ";;";
- (b) after sub-paragraph (k) insert—

"(l) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012(3);";
- (c) after sub-paragraph (l) insert—

"(m) universal credit under Part 1 of the Welfare Reform Act 2012 the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013(4) in respect of the fact that the person in question has limited capability for work or limited capability for work and work-related activity or would include such an amount but for regulation 27(4) or 29(4) of those Regulations."

Lesley Griffiths

Y Gweinidog Llywodraeth Leol a Busnes y
Llywodraeth, un o Weinidogion Cymru

Minister for Local Government and Government
Business, one of the Welsh Ministers

18 Mawrth 2013

18 March 2013

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Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

- (1) O.S. 1992/548. Diwygiwyd paragraff (2) gan O.S. 1994/543; O.S. 1995/619, O.S. 1996/636 ac O.S. 1997/656.
- (2) Mewnosodwyd paragraff (k) gan O.S. 1996/636.
- (3) 2012 p.5.
- (4) O.S. 2013/376.

- (1) S.I. 1992/548. Paragraph (2) has been amended by S.I. 1994/543; S.I. 1995/619; S.I. 1996/636 and S.I. 1997/656.
- (2) Paragraph (k) was inserted by S.I. 1996/636.
- (3) 2012 c.5.
- (4) S.I. 2013/376.

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Y DRETH GYNGOR, CYMRU

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