OFFERYNNAU STATUDOL CYMRU

2018 Rhif 1113 (Cy. 231)

CAFFAEL TIR, CYMRU

DIGOLLEDU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn cynyddu uchafsymiau ac isafsymiau'r taliadau colli cartref sy'n daladwy o dan Ddeddf Digolledu Tir 1973 ("y Ddeddf") i'r rhai sy'n meddiannu annedd sydd â buddiant perchennog. Mae'r Rheoliadau hyn yn cynyddu hefyd swm y taliad colli cartref sy'n daladwy o dan y Ddeddf mewn unrhyw achos arall.

Mae hawl gan berson a ddadleolir o annedd drwy brynu gorfodol neu o dan amgylchiadau eraill a bennir yn adran 29 o'r Ddeddf i gael taliad colli cartref.

Mewn achosion pan fo gan berson sy'n meddiannu annedd ar ddyddiad y dadleoli fuddiant perchennog, mae adran 30(1) o'r Ddeddf yn darparu bod swm y taliad colli cartref yn cael ei gyfrifo fel canran o werth y buddiant hwnnw ar y farchnad, a hynny'n ddarostyngedig i uchafswm ac isafswm.

Mae adran 30(2) o'r Ddeddf yn pennu swm y taliad colli cartref mewn unrhyw achos arall.

Mae rheoliad 2(a) o'r Rheoliadau hyn yn cynyddu'r uchafswm sy'n daladwy o dan adran 30(1) o'r Ddeddf o £57,500 i £59,000 ac mae rheoliad 2(b) yn cynyddu'r isafswm o £5,7500 i £5,900.

Mae rheoliad 2(c) yn cynyddu'r taliad colli cartref mewn unrhyw achos arall, o dan adran 30(2) o'r Ddeddf, o £5,750 i £5,900.

WELSH STATUTORY INSTRUMENTS

2018 No. 1113 (W. 231)

ACQUISITION OF LAND, WALES

COMPENSATION

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 ("the Act") to those occupying a dwelling who have an owner's interest. These Regulations also increase the amount of home loss payment payable under the Act in any other case.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Section 30(2) of the Act specifies the amount of the home loss payment in any other case.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £57,500 to £59,000 and regulation 2(b) increases the minimum amount from £5,750 to £5,900.

Regulation 2(c) increases the home loss payment in any other case, under section 30(2) of the Act, from £5,750 to £5.900.

Mae’r symiau diwygiedig yn gymwys pan fo’r dadleoli’n digwydd ar 3 Rhagfyr 2018 neu ar ôl hynny.

Mae rheoliad 3 yn dirymu, gydag arbedion, Reoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2017.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn.

The revised amounts apply where the displacement occurs on or after 3 December 2018.

Regulation 3 revokes, with savings, the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2017.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. 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 these Regulations.

OFFERYNNAU STATUDOL CYMRU

2018 Rhif 1113 (Cy. 231)

CAFFAEL TIR, CYMRU

DIGOLLEDU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2018

Gwnaed	*24 Hydref 2018*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*25 Hydref 2018*
Yn dod i rym	*3 Rhagfyr 2018*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adran 30(5) o Ddeddf Digolledіad Tir 1973(**1**) ac sy'n arferadwy bellach ganddynt hwy o ran Cymru(**2**):

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2018 a deuant i rym ar 3 Rhagfyr 2018.

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

(3) Yn y Rheoliadau hyn ystyr "y Ddeddf" ("*the Act*") yw Deddf Digolledіad Tir 1973.

(**1**) 1973 p. 26; amnewidiwyd adran 30 gan adran 68(3) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) gydag effaith o 25 Medi 1991 (*gweler* erthygl 3 o O.S. 1991/2067).

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

WELSH STATUTORY INSTRUMENTS

2018 No. 1113 (W. 231)

ACQUISITION OF LAND, WALES

COMPENSATION

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2018

Made	*24 October 2018*
Laid before the National Assembly for Wales	*25 October 2018*
Coming into force	*3 December 2018*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(**1**) and now exercisable by them in relation to Wales(**2**):

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2018 and they come into force on 3 December 2018.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the Act" ("*y Ddeddf*") means the Land Compensation Act 1973.

(**1**) 1973 c. 26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c. 34) with effect from 25 September 1991 (*see* S.I. 1991/2067, article 3).

(**2**) The functions of the Secretary of State under section 30 were, so far as exercisable in relation to Wales, 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. The functions of the National Assembly for Wales under section 30 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Diwygio symiau rhagnodedig y taliad colli cartref

2. Pan fo dyddiad y dadleoli ar 3 Rhagfyr 2018 neu ar ôl hynny—

(a) £59,000 yw uchafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf;

(b) £5,900 yw isafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf; ac

(c) £5,900 yw swm rhagnodedig y taliad colli cartref at ddibenion adran 30(2) o'r Ddeddf.

Dirymu ac arbed

3.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2017(**1**) wedi eu dirymu.

(2) Bydd y Rheoliadau y cyfeirir atynt ym mharagraff (1) yn parhau i gael effaith mewn perthynas â dadleoli sy'n digwydd cyn 3 Rhagfyr 2018.

Revision of prescribed amounts for home loss payment

2. When the date of displacement is on or after 3 December 2018—

(a) the prescribed maximum amount of home loss payment for the purposes of section 30(1) of the Act is £59,000;

(b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £5,900; and

(c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £5,900.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2017(**1**) are revoked.

(2) The Regulations referred to in paragraph (1) will continue to have effect in relation to a displacement occurring before 3 December 2018.

Rebecca Evans

Y Gweinidog Tai ac Adfywio, o dan awdurdod Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

24 Hydref 2018

Minister for Housing and Regeneration, under the authority of the Cabinet Secretary for Local Government and Public Services, one of the Welsh Ministers

24 October 2018

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(**1**) O.S. 2017/996 (Cy. 254).

(**1**) S.I. 2017/996 (W. 254).

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