



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 401 (Cy. 71)

2018 No. 401 (W. 71)

**TRETH TRAFODIADAU TIR,
CYMRU**

**LAND TRANSACTION TAX,
WALES**

**Rheoliadau Treth Trafodiadau Tir
(Darpariaethau Trosiannol)
(Cymru) (Diwygio) 2018**

**The Land Transaction Tax
(Transitional Provisions) (Wales)
(Amendment) Regulations 2018**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Treth Trafodiadau Tir (Darpariaethau Trosiannol) (Cymru) 2018 er mwyn gwneud darpariaeth drosiannol bellach mewn cysylltiad ag achos penodol pan fo les cyfnod penodol yn parhau am gyfnod o fwy na blwyddyn ar ôl ei dyddiad terfynu contractiol (cyfnod a elwir yn gyfnod "dal drosodd"), ac yn cael ei hadnewyddu a'i hól-ddyddio wedi hynny i ddiwrnod yn ystod y cyfnod dal drosodd.

These Regulations amend the Land Transaction Tax (Transitional Provisions) (Wales) Regulations 2018 to make further transitional provision in respect of a specific case where a fixed term lease continues for a period of more than a year after its contractual termination date (a period known as "holdover"), and is subsequently renewed and backdated to a day during holdover.

Pan fo'r amodau ym mharagraff 8(1) o Atodlen 6 i Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017 wedi eu bodloni, caiff y rhent sy'n daladwy o dan y les newydd ei ostwng at ddibenion y dreth trafodiadau tir gan swm y rhent trethadwy sy'n daladwy mewn cysylltiad â'r denantiaeth dal drosodd.

Where the conditions in paragraph 8(1) of Schedule 6 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 have been met, rent payable under the new lease is reduced for the purposes of land transaction tax by the amount of taxable rent payable in respect of the holdover tenancy.

Mae'r diwygiad a wneir gan reoliad 2 yn sicrhau bod y gostyngiad sydd ar gael o dan baragraff 8(3) o'r Atodlen honno yn gymwys mewn cysylltiad â lesioedd a roddir cyn 1 Ebrill 2018 ond a adnewyddir ar y dyddiad hwnnw neu wedi hynny, er gwaethaf y ffaith bod treth dir y dreth stamp i'w chodi ar y rhent a oedd yn daladwy yn ystod y cyfnod dal drosodd.

The amendment made by regulation 2 ensures that the reduction available under paragraph 8(3) of that Schedule applies in respect of leases granted prior to 1 April 2018 but renewed on or after that date, notwithstanding that the rent payable during the holdover was chargeable to stamp duty land tax.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**TRETH TRAFODIADAU TIR,
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**Rheoliadau Treth Trafodiadau Tir
(Darpariaethau Trosiannol)
(Cymru) (Diwygio) 2018**

Gwnaed 22 Mawrth 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Mawrth 2018

Yn dod i rym 1 Ebrill 2018

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 78(1) o Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017(1).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Treth Trafodiadau Tir (Darpariaethau Trosiannol) (Cymru) (Diwygio) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2018.

**Diwygio Rheoliadau Treth Trafodiadau Tir
(Darpariaethau Trosiannol) (Cymru) 2018**

2. Ar ôl rheoliad 9 o Reoliadau Treth Trafodiadau Tir (Darpariaethau Trosiannol) (Cymru) 2018(2), mewnosoder—

“Tenantiaethau dal drosodd

9A.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r hen les y cyfeirir ati ym mharagraff 8(1) o'r Atodlen wedi ei rhoi cyn y dyddiad cychwyn.

(1) 2017 decc 1.
(2) O.S. 2018/126 (Cy. 31).

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**LAND TRANSACTION TAX,
WALES**

**The Land Transaction Tax
(Transitional Provisions) (Wales)
(Amendment) Regulations 2018**

Made 22 March 2018

Laid before the National Assembly for Wales
23 March 2018

Coming into force 1 April 2018

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 78(1) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(1).

Title and commencement

1.—(1) The title of these Regulations is the Land Transaction Tax (Transitional Provisions) (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 1 April 2018.

**Amendment of the Land Transaction Tax
(Transitional Provisions) (Wales) Regulations 2018**

2. After regulation 9 of the Land Transaction Tax (Transitional Provisions) (Wales) Regulations 2018(2), insert—

“Holdover tenancies

9A.—(1) This regulation applies where the old lease referred to in paragraph 8(1) of the Schedule has been granted prior to the commencement date.

(1) 2017 anaw 1.
(2) S.I. 2018/126 (W. 31).

(2) Pan fo'r rheoliad hwn yn gymwys—

- (a) mae paragraff 8(1) o'r Atodlen yn gymwys i'r hen les;
- (b) mae paragraff 8(3)(b) a (4) o'r Atodlen yn cael effaith fel pe bai "sy'n dod i ben ar y dyddiad cyn y dyddiad y rhoddir y les newydd" yn cael ei roi yn lle "sy'n dod i ben ar ddiwedd y blynnyddoedd dal drosodd cyfan"; ac
- (c) mae'r "rhent trethadwy" sy'n daladwy mewn cysylltiad â'r denantiaeth dal drosodd at ddibenion paragraff 8(3) a (5)(b) o'r Atodlen i gynnwys y swm a ystyriwyd wrth bennu'r dreth a oedd i'w chodi o dan ddarpariaethau Atodlen 5 i DC 2003 am y cyfnod hwnnw.

(3) Yn y rheoliad hwn, ystyr "yr Atodlen" yw Atodlen 6 i'r Ddeddf TTT."

(2) Where this regulation applies—

- (a) paragraph 8(1) of the Schedule applies to the old lease;
- (b) paragraph 8(3)(b) and (4) of the Schedule has effect as if for "ending at the end of the whole years of holdover" there were substituted "ending on the date before the date on which the new lease is granted"; and
- (c) the "taxable rent" payable in respect of the holdover tenancy for the purposes of paragraph 8(3) and (5)(b) of the Schedule is to include the amount that was taken into account in determining the tax chargeable under the provisions of Schedule 5 to the FA 2003 for that period.

(3) In this regulation, "the Schedule" means Schedule 6 to the LTT Act."

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid, un o Weinidogion Cymru
22 Mawrth 2018

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Cabinet Secretary for Finance, one of the Welsh Ministers
22 March 2018

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