

LEGISLATION COMMITTEE – CHECKLIST

Legislation Committee number:

LC72

Title:

The Non-Domestic Rating
(Demand Notices)
(Amendment) (Wales)
Regulations 2000

Associated Documents :

- Report of the Legal Advisor

LC72(R)

Legislation Committee consideration (date)

28 March 2000

Urgency procedures (if applicable)

Coming into Force:

20 March 2000

Any further comments:

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

Non-Domestic Rating (Demand Notices)

(Amendment) (Wales) Regulations 2000

Background

Schedule 9 of the Local Government Finance Act 1988 enables the National Assembly to make Regulations containing such provision as considered fit in relation to the collection and recovery of amounts payable by way of non-domestic rating.

Section 26 of the Welsh Language Act 1993 provides for any documents or notices used for such a purpose to be bilingual.

The Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993 specify the contents of demand notices and provide for accompanying explanatory information in both languages.

These Regulations amend the explanatory information to reflect the establishment of the National Assembly and the revaluation of hereditaments subject to non-domestic rating.

Standing Order 11.5

There is a drafting error in Regulation 2 as the definition "demand notice" is unnecessary as it does not appear elsewhere in the Regulation.

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General Observations

Regulation 1

There is an error here as the English language version includes a Welsh word – "Mawrth" obviously should read "March".

Regulation 3 – page 5

There is a row section of text at the bottom of page 5, separately from the rest of the document ("information about the new appeals").

The first paragraph after "backdating of proposals and appeals" which set out 3 different scenarios depending on when appeals are made could have been made more "user friendly" if split into 3 separate paragraphs.

DYLAN M HUGHES

Assistant Legal Adviser

Legislation Committee

17 March 2000

Our ref: LAD 01-01-081

<u>Cynulliad Cenedlaethol Cymru</u>		<u>National Assembly for Wales</u>
<u>OFFERYNNAU</u> <u>STATUDOL</u>		<u>STATUTORY</u> <u>INSTRUMENTS</u>
 2000 Rhif (Cy.)		2000 No. (W.)
ARDRETHU A PHRSIO, CYMRU		<u>RATING AND VALUATION, WALES</u>
Rheoliadau Ardrethu Annomestig (Hysbysiadau Hawlio) (Diwygio) (Cymru) 2000		The Non-Domestic Rating (Demand Notices) (Amendment) (Wales) Regulations 2000
<u>NODYN ESBONIADOL</u> <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)</i>		<u>EXPLANATORY NOTE</u> <i>(This note does not form part of the Regulations.)</i>

Mae Rheoliadau Ardrethu Annomestig (Hysbysiadau Hawlio) (Cymru) 1993 yn darparu ynglŷn â chynnwys hysbysiadau hawlio ardrethi sy'n cael eu cyhoeddi gan awdurdodau bilio yng Nghymru a bod gwybodaeth yn yr iaith briodol yn cyd-fynd â'r hysbysiadau hynny.

Mae'r rheoliadau hyn yn diwygio'r wybodaeth esboniadol y mae rhaid i awdurdodau bilio yng Nghymru ei darparu i adlewyrchu'r ffaith bod swyddogaethau perthnasol wedi'u trosglwyddo i Gynulliad Cenedlaethol Cymru a bod hereditamentau sy'n ddarostyngedig i ardrethi annomestig yn cael eu hailbrisio yn 2000.

The Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993 provide for the contents of rate demand notices which are issued by billing authorities in Wales and for such notices to be accompanied by explanatory information in the appropriate language.

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These regulations make amendments to the explanatory information which must be supplied by billing authorities in Wales to reflect both the transfer of relevant functions to the National Assembly for Wales and the revaluation in 2000 of hereditaments subject to non-domestic rating.

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OFFERYNNAU

STATUDOL

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STATUTORY

INSTRUMENTS

2000 Rhif (Cy.)

2000 No. (W.)

ARDRETHU A PHRSIO, CYMRU

RATING AND VALUATION, WALES

Rheoliadau Ardrethu Annomestig (Hysbysiadau Hawlio) (Diwygio) (Cymru) 2000

The Non-Domestic Rating (Demand Notices) (Amendment) (Wales) Regulations 2000

Wedi'u gwneud 17 Mawrth 2000

Yn dod i rym 20 Mawrth 2000

Made 17th March 2000

Coming into force 20th March 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan baragraffau 1, 2(2) a 6A(1) o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988**(a)** ac adran 26(3) o Ddeddf yr Iaith Gymraeg 1993 **(b)** ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau eu bod yn arferadwy yng Nghymru**(c)**:

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by paragraphs 1, 2(2) and 6A(1) of Schedule 9 to the Local Government Finance Act 1988 **(a)** and section 26(3) of the Welsh Language Act 1993**(b)** which are now vested in the National Assembly for Wales so far as exercisable in Wales**(c)**:

Enwi a chychwyn

Citation and commencement

1. Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Hysbysiadau Hawlio) (Diwygio) (Cymru) 2000 a deuant i rym ar Mawrth 2000.

1. These Regulations may be cited as The Non-Domestic Rating (Demand Notices) (Amendment) (Wales) Regulations 2000 and shall come into force on Mawrth 2000. .

Dehongli

Interpretation

2. Yn y Rheoliadau hyn –

2. In these Regulations –

ystyr "hysbysiad hawlio" ("*demand notice*") yw'r ystyr a briodolir i "demand notice" yn y prif Reoliadau;

ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau Ardrethu Annomestig (Hysbysiadau Hawlio) (Cymru) 1993**(ch)**;

"the principal Regulations" ("*y prif Reoliadau*") means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993**(d)**;

"demand notice" ("*hysbysiad hawlio*") has the same meaning as in the principal Regulations.

<p>Diwygiadau i'r prif Reoliadau</p>		<p>Amendments of the principal Regulations</p>
<p>3.-(1) Diwygir y prif Reoliadau yn unol â'r paragraffau canlynol.</p>		<p>3.-(1) The principal Regulations shall be amended in accordance with the following paragraphs.</p>
<p>2. Ym mharagraff 1 o Ran I o Atodlen 2 yn y nodyn â'r pennawd "Non-Domestic Rates" yn lle "Government" rhwch "National Assembly for Wales".</p>		<p>(2) In paragraph 1 of Part I of Schedule 2 in the note headed "Non-Domestic Rates" for "Government" substitute "National Assembly for Wales".</p>
<p>(3) Ym mharagraff 1 o Ran I o Atodlen 2 yn y nodyn â'r pennawd "Rateable Value" yn lle "1st April 1995" rhwch "1st April 2000" ac yn lle "1st April 1993" rhwch "1st April 1998".</p>		<p>(3) In paragraph 1 of Part I of Schedule 2 in the note headed "Rateable Value" for "1st April 1995" substitute "1st April 2000" and for "1st April 1993" substitute "1st April 1998".</p>
<p>(4) Ym mharagraff 1 o Ran I o Atodlen 2 yn y nodyn â'r pennawd "National Non-Domestic Rating Multiplier" yn lle "Government" rhwch "National Assembly for Wales".</p> <p>(5) Ym mharagraff 1 o Ran 1 o Atodlen 2 ar ôl y nodyn â'r pennawd "National Non-Domestic Rating Multiplier" mewnosodwch y canlynol –</p> <p>" Backdating of proposals and appeals</p> <p>The effect of successful proposals or appeals against new rateable values for 1st April 2000 will be backdated to 1st April 2000 provided that they are made before 1st October 2000. The effect of successful proposals or appeals made after 30th September 2000 but before 1st April 2001</p>		<p>(4) In paragraph 1 of Part I of Schedule 2 in the note headed "National Non-Domestic Rating Multiplier" for "Government" substitute "National Assembly for Wales".</p> <p>5. In paragraph 1 of Part I of Schedule 2 after the note headed "National Non-Domestic Rating Multiplier" insert the following –</p> <p>" Backdating of proposals and appeals</p> <p>The effect of successful proposals or appeals against new rateable values for 1st April 2000 will be backdated to 1st April 2000 provided that they are made before 1st October 2000. The effect of successful proposals or appeals made after 30th September 2000 but before 1st April 2001 will be backdated to a day falling on or after</p>

will be backdated to a day falling on or after 1st October 2000. The effect of successful proposals or appeals made in a later financial year will be backdated to a day falling on or after 1st April in that financial year.

Information about the circumstances in which a change in rateable value may be proposed and how such a proposal may be made is available from the local valuation office shown above. Further

information about the new appeals

1st October 2000. The effect of successful proposals or appeals made in a later financial year will be backdated to a day falling on or after 1st April in that financial year.

Information about the circumstances in which a change in rateable value may be proposed and how such a proposal may be made is available from the local valuation office shown above. Further

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information about the new appeal

arrangements may be obtained from *name of billing authority* or from the National Assembly for Wales, Local Taxation Team, Cathays Park, Cardiff CF10 3NQ."

(6) Ym mharagraff 1 o Ran I o Atodlen 2 yn lle'r nodyn â'r pennawd "Transitional Arrangements" rhowch y canlynol –

"Transitional arrangements

Transitional arrangements will phase in the effect of significant changes in liability which arise from the 2000 revaluation of non-domestic property. Where appropriate, these arrangements will operate until March 2003. There are limits on the percentage by which bills may increase or decrease each year. Special rules deal with changes in rateable value. Further information about transitional arrangements may be obtained from *name of billing authority* or from the Valuation Office Agency website at www.vo.gov.uk".

(7) Ym mharagraff 1 o Ran II o Atodlen 2 yn y nodyn â'r pennawd "Trethi Annomestig" yn lle "y Llywodraeth" rhowch "Gynulliad Cenedlaethol Cymru".

information about the new appeal

arrangements may be obtained from *name of billing authority* or from the National Assembly for Wales, Local Taxation Team, Cathays Park, Cardiff CF10 3NQ."

(6) In paragraph 1 of Part I of Schedule 2 for the note headed "Transitional Arrangements" substitute the following –

"Transitional arrangements

Transitional arrangements will phase in the effect of significant changes in liability which arise from the 2000 revaluation of non-domestic property. Where appropriate, these arrangements will operate until March 2003. There are limits on the percentage by which bills may increase or decrease each year. Special rules deal with changes in rateable value. Further information about transitional arrangements may be obtained from *name of billing authority* or from the Valuation Office Agency website at www.vo.gov.uk".

(7) In paragraph 1 of Part II of Schedule 2 in the note headed "Trethi Annomestig" for "y Llywodraeth" substitute "Gynulliad Cenedlaethol Cymru".

(8) Ym mharagraff 1 o Ran II o Atodlen 2 yn y nodyn â'r pennawd "Gwerth Trethiannol" yn lle "1 Ebrill 1995" rhowch "1 Ebrill 2000" ac yn lle "1 Ebrill 1993" rhowch "1 Ebrill 1998".

(8) In paragraph 1 of Part II of Schedule 2 in the note headed "Gwerth Trethiannol" for "1 Ebrill 1995" substitute "1 Ebrill 2000" and for "1 Ebrill 1993" substitute "1 Ebrill 1998".

(9) Ym mharagraff 1 o Ran II o Atodlen 2 yn y nodyn â'r pennawd "Lluosydd Trethu Annomestig Cenedlaethol" yn lle "y Llywodraeth" rhowch "Gynulliad Cenedlaethol Cymru".

(9) In paragraph 1 of Part II of Schedule 2 in the note headed "Lluosydd Trethu Annomestig Cenedlaethol" for "y Llywodraeth" substitute "Gynulliad Cenedlaethol Cymru".

(10) Ym mharagraff 1 o Ran II o Atodlen 2 ar ôl y nodyn â'r pennawd "Lluosydd Trethu Annomestig Cenedlaethol" mewnosodwch y canlynol –

10. In paragraph 1 of Part II of Schedule 2 after the note headed "Lluosydd Trethu Annomestig Cenedlaethol" insert the following –

"Ôl-ddyddio cynigion ac apelau

Bydd effaith cynigion neu apelau llwyddiannus yn erbyn y gwerthoedd ardrethol newydd ar gyfer 1 Ebrill 2000 yn cael ei hôl-ddyddio i 1 Ebrill 2000 ar yr amod eu bod yn cael eu gwneud cyn 1 Hydref 2000. Bydd effaith cynigion neu apelau llwyddiannus sydd wedi'u gwneud ar ôl 30 Medi 2000 ond cyn

1 Ebrill 2001 yn cael ei hôl-ddyddio i ddiwrnod sy'n syrthio ar neu ar ôl

1 Hydref 2000. Bydd effaith cynigion neu apelau llwyddiannus a wneir mewn blwyddyn ariannol ddiweddarach yn cael ei hôl-ddyddio i ddiwrnod sy'n syrthio ar neu ar ôl 1 Ebrill yn y flwyddyn ariannol honno.

Mae gwybodaeth am yr amgylchiadau y gellir cynnig newid yn y gwerth ardrethol odanynt ac am sut y gellir gwneud cynnig

"Ôl-ddyddio cynigion ac apelau

Bydd effaith cynigion neu apelau llwyddiannus yn erbyn y gwerthoedd ardrethol newydd ar gyfer 1 Ebrill 2000 yn cael ei hôl-ddyddio i 1 Ebrill 2000 ar yr amod eu bod yn cael eu gwneud cyn 1 Hydref 2000. Bydd effaith cynigion neu apelau llwyddiannus sydd wedi'u gwneud ar ôl 30 Medi 2000 ond cyn

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Mae gwybodaeth am yr amgylchiadau y

o'r fath ar gael o'r swyddfa brisio leol a ddangosir uchod. Gellir cael gwybodaeth bellach am yr apelau newydd oddi wrth *enw'r awdurdod bilio* neu oddi wrth Gynulliad Cenedlaethol Cymru, Y Tîm Trethiant Lleol, Parc Cathays, Caerdydd CF10 3NQ."

gellir cynnig newid yn y gwerth ardrethol odanynt ac am sut y gellir gwneud cynnig o'r fath ar gael o'r swyddfa brisio leol a ddangosir uchod. Gellir cael gwybodaeth bellach am yr apelau newydd oddi wrth *enw'r awdurdod bilio* neu oddi wrth Gynulliad Cenedlaethol Cymru, Y Tîm Trethiant Lleol, Parc Cathays, Caerdydd CF10 3NQ."

(11) Ym mharagraff 1 o Ran II o Atodlen 2 yn lle'r nodyn â'r pennawd "Trefniadau trosiannol" rhowch y canlynol –

"Trefniadau trosiannol

Bydd trefniadau trosiannol yn graddolgyflwyno effaith newidiadau sylweddol i'r hyn sy'n daladwy sy'n deillio o ail-brisio eiddo annomestig yn 2000. Lle bo'n briodol, bydd y trefniadau hyn ar waith tan fis Mawrth 2003. Ceir terfynau ar ganran y cynnydd neu'r gostyngiad y gellir eu cael ar filiau pob blwyddyn. Mae rheolau arbennig yn trafod newidiadau yn y gwerth ardrethol. Gellir cael gwybodaeth bellach am y trefniadau trosiannol oddi wrth *enw'r awdurdod bilio* neu oddi ar wefan Asiantaeth y Swyddfa Brisio yn www.voa.gov.uk".

(11) In paragraph 1 of Part II of Schedule 2 for the note headed "Trefniadau trosiannol" substitute the following –

"Trefniadau trosiannol

Bydd trefniadau trosiannol yn graddolgyflwyno effaith newidiadau sylweddol i'r hyn sy'n daladwy sy'n deillio o ail-brisio eiddo annomestig yn 2000. Lle bo'n briodol, bydd y trefniadau hyn ar waith tan fis Mawrth 2003. Ceir terfynau ar ganran y cynnydd neu'r gostyngiad y gellir eu cael ar filiau pob blwyddyn. Mae rheolau arbennig yn trafod newidiadau yn y gwerth ardrethol. Gellir cael gwybodaeth bellach am y trefniadau trosiannol oddi wrth *enw'r awdurdod bilio* neu oddi ar wefan Asiantaeth y Swyddfa Brisio yn www.voa.gov.uk".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(d).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(e)

[] 2000

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Llywydd y Cynulliad

The Presiding Officer

Cenedlaethol

of the National Assembly

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1988 p.41; gwnaed y diwygiadau perthnasol i Atodlen 9 gan Ddeddf Llywodraeth Leol a Thai 1989, Atodlen 5, paragraff 44, a chan Ddeddf Cyllid Llywodraeth Leol 1992, Atodlen 13, paragraff 87.

(a) 1988 c.41; relevant amendments to Schedule 9 were made by the Local Government and Housing Act 1989, Schedule 5, paragraph 44, and the Local Government Finance Act 1992, Schedule 13, paragraph 87.

(b) 1993 p.38.

(b) 1993 c.38.

(c) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(ch) O.S. 1993/252, y gwnaed diwygiadau perthnasol iddo gan O.S. 1995/284.

(d) S.I. 1993/252, to which relevant amendments were made by S.I. 1995/284.

(d) 1998 p.38.

(e) 1998 c.38.