OFFERYNNAU STATUDOL CYMRU

2013 Rhif 547 (Cy.59)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Tribiwnlys Prisio Cymru (Cymru) (Diwygio) 2013

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tribiwnlys Prisio Cymru 2010 ("y Rheoliadau Tribiwnlys") sy'n sefydlu Tribiwnlys Prisio Cymru ac yn gwneud darpariaeth ynghylch ei aelodaeth, ei weinyddiaeth a'i weithdrefnau.

Mae'r diwygiadau yn cymryd i ystyriaeth cynlluniau gostyngiadau'r dreth gyngor lleol a gyflwynir gan awdurdodau bilio yn unol â Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012 neu sy'n gymwys yn ddiofyn yn rhinwedd paragraff 6(1)(e) o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992 ("Deddf 1992").

O dan adran 16 o Ddeddf 1992, caiff person apelio i Dribiwnlys Prisio Cymru ("y Tribiwnlys") os yw'r person hwnnw wedi ei dramgwyddo gan benderfyniad a wnaed gan awdurdod bilio ynghylch y swm o dreth gyngor sy'n daladwy. Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau Tribiwnlys fel y caiff y Tribiwnlys ddelio ag apelau mewn perthynas â chynlluniau gostyngiadau'r dreth gyngor.

Mae rheoliad 2(2), (8) a (9) yn diwygio'r Rheoliadau Tribiwnlys i ddarparu ar gyfer y nifer lleiaf a'r nifer mwyaf o aelodau y caniateir eu penodi i'r Tribiwnlys.

Mae rheoliad 2(3) i (7) yn diwygio Rhan 5 o'r Rheoliadau Tribiwnlys sy'n ymwneud ag apelau a wneir mewn cysylltiad â'r dreth gyngor. Mae rheoliad 2(4) yn diwygio'r rheoliad sy'n nodi'r wybodaeth y mae'n rhaid ei darparu i'r Tribiwnlys mewn cais am

WELSH STATUTORY INSTRUMENTS

2013 No. 547 (W.59)

LOCAL GOVERNMENT, WALES

The Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Valuation Tribunal for Wales Regulations 2010 ("the Tribunal Regulations") that establish the Valuation Tribunal for Wales and make provision about its membership, administration and procedures.

The amendments take account of the introduction of local council tax reduction schemes made by billing authorities in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 or that apply in default by virtue of paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992 ("the 1992 Act").

Under section 16 of the 1992 Act, a person may appeal to the Valuation Tribunal for Wales ("the Tribunal") if that person is aggrieved by a decision made by a billing authority about the amount of council tax that is payable. These Regulations amend the Tribunal Regulations so that the Tribunal may deal with appeals in relation to council tax reduction schemes.

Regulation 2(2), (8) and (9) amends the Tribunal Regulations to provide for the minimum and maximum number of members that may be appointed to the Tribunal.

Regulation 2(3) to (7) amends Part 5 of the Tribunal Regulations that relates to appeals made in respect of council tax. Regulation 2(4) amends the regulation that sets out the information that must be provided to the Tribunal on an application for a council tax appeal.

apêl treth gyngor. Mae rheoliad 2(5) yn galluogi'r Tribiwnlys i ddileu apêl pan fo awdurdod bilio wedi dyfarnu'r gostyngiad mwyaf posibl yn y dreth gyngor o dan ei gynllun gostyngiadau'r dreth gyngor neu o dan y cynllun sy'n gymwys yn ddiofyn.

Mae rheoliad 2(6) yn diwygio'r Rheoliadau Tribiwnlys fel bod yr wybodaeth a ddarperir yn unol â rheoliadau a wneir o dan adran 131 o Ddeddf Diwygio Lles 2012 yn dderbyniadwy fel tystiolaeth gerbron y Tribiwnlys mewn apelau treth gyngor.

Mae rheoliad 2(7) yn diwygio'r Rheoliadau Tribiwnlys er mwyn galluogi'r Tribiwnlys i gynnal gwrandawiadau sy'n ymwneud â'r dreth gyngor yn breifat pan fo er budd cyfiawnder i wneud hynny.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn a gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 2(5) enables the Tribunal to strike out an appeal where a billing authority has awarded the maximum possible reduction in council tax under its council tax reduction scheme or under the scheme that applies in default.

Regulation 2(6) amends the Tribunal Regulations so that information supplied in pursuance of regulations made under section 131 of the Welfare Reform Act 2012 is admissible as evidence before the Tribunal in council tax appeals.

Regulation 2(7) amends the Tribunal Regulations to enable the Tribunal to conduct hearings relating to council tax in private where it is in the interests of justice to do so.

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 and a copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 547 (Cy.59)

LLYWODRAETH LEOL, CYMRU

Rheoliadau Tribiwnlys Prisio Cymru (Cymru) (Diwygio) 2013

Gwnaed	*6 Mawrth 2013*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*11 Mawrth 2013*
Yn dod i rym	*1 Ebrill 2013*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 140(4) a 143(1) o Ddeddf Cyllid Llywodraeth Leol 1988(**1**) a pharagraffau 1, 5(1) ac 8 o Atodlen 11 iddi ac a freiniwyd bellach ynddynt hwy.

Mae Gweinidogion Cymru wedi ymgynghori â'r Cyngor Cyfiawnder Gweinyddol a Thribiwnlysoedd yn unol â pharagraff 24 o Atodlen 7 i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodaeth 2007(**2**).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlys Prisio Cymru (Cymru) (Diwygio) 2013 a deuant i rym ar 1 Ebrill 2013.

(**1**) 1988 p. 41. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 140(4) a 143(1) o Ddeddf Cyllid Llywodraeth Leol 1988 a pharagraffau 1, 5(1) ac 8 o Atodlen 11 iddi, 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). Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau hynny bellach wedi eu breinio yng Ngweinidogion Cymru. Gwnaed diwygiadau perthnasol i Atodlen 11 gan adran 117(1) o Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14) ac Atodlen 13 iddi; adran 127(1) o Ddeddf Llywodraeth Leol 2003 (p. 26) ac Atodlen 7 iddi ac adran 219(1) o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28) ac Atodlen 15 iddi. Mae diwygiadau eraill i Atodlen 11 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 2007 p. 15.

WELSH STATUTORY INSTRUMENTS

2013 No. 547 (W.59)

LOCAL GOVERNMENT, WALES

The Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013

Made	*6 March 2013*
Laid before the National Assembly for Wales	*11 March 2013*
Coming into force	*1 April 2013*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 140(4) and 143(1) of, and paragraphs 1, 5(1), and 8 of Schedule 11 to, the Local Government Finance Act 1988(**1**) and now vested in them.

The Welsh Ministers have consulted with the Administrative Justice and Tribunals Council in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**2**).

Title and commencement

1. The title of these Regulations is the Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013 and they come into force on 1 April 2013.

(**1**) 1988 c. 41. The functions of the Secretary of State under sections 140(4) and 143(1) of, and paragraphs 1, 5(1) and 8 of Schedule 11 to, the Local Government Finance Act 1988 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). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) those functions are now vested in the Welsh Ministers. Relevant amendments were made to Schedule 11 by section 117(1) of, and Schedule 13 to, the Local Government Finance Act 1992 (c. 14); section 127(1) of, and Schedule 7 to, the Local Government Act 2003 (c.26) and section 219(1) of, and Schedule 15 to, the Local Government and Public Involvement in Health Act 2007 (c. 28). There are other amendments to Schedule 11 that are not relevant to these Regulations.

(**2**) 2007 c. 15.

Diwygio Rheoliadau

2.—(1) Mae Rheoliadau Tribiwnlys Prisio Cymru 2010(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 9 (penodi aelodau'r tribiwnlys prisio)—

(a) yn lle paragraff (2) rhodder—

"(2) Y nifer lleiaf o aelodau y mae'n rhaid i gyngor a'r Llywydd eu penodi yw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 4 o Atodlen 1.";

(b) ar ôl paragraff (2) mewnosoder—

"(2A) Y nifer mwyaf o aelodau y caiff cyngor a'r Llywydd eu penodi yw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 5 o Atodlen 1.";

(c) yn lle paragraff (3) rhodder—

"(3) At ddiben y rheoliad hwn, ni fydd swydd wag yn digwydd ac eithrio pan fo nifer yr aelodau a benodwyd gan gyngor a'r Llywydd—

(a) yn syrthio islaw'r nifer a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 4 o Atodlen 1; neu

(b) yn syrthio islaw nifer yr aelodau a bennir mewn perthynas â'r cyngor hwnnw yng ngholofn 5 o Atodlen 1 ac yn syrthio islaw'r nifer sy'n ofynnol, ym marn y Llywydd, i gyflawni swyddogaethau'r Tribiwnlys.";

(d) ym mharagraff (5) yn lle "5" rhodder "6".

(3) Yn rheoliad 27 (dehongli) ar ôl y diffiniad o "cosb" mewnosoder—

"ystyr "cynllun gostyngiadau'r dreth gyngor" ("council tax reduction scheme") yw cynllun a wneir gan awdurdod bilio yn unol â Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012(**2**) neu'r cynllun sy'n gymwys yn ddiofyn yn rhinwedd paragraff 6(1)(e) o Atodlen 1B i Ddeddf 1992;".

(4) Yn rheoliad 30 (cychwyn apêl)—

(a) ar ddiwedd is-baragraff (2)(b) hepgorer "ac";

(b) ar ddiwedd is-baragraff (2)(c) yn lle "." rhodder "; ac";

(c) ar ôl is-baragraff (2)(c) mewnosoder—

"(ch) pan fo'r apelydd hefyd wedi gwneud apêl i'r Tribiwnlys Haen Gyntaf yn unol â Rheoliadau Budd-dal Tai a Budd-dal y Dreth Gyngor (Penderfyniadau ac Apelau) 2001(**3**) a

(**1**) O.S. 2010/713 (Cy. 69).

(**2**) O.S. 2012/3144 (Cy. 316).

(**3**) O.S. 2001/1002.

Amendment of Regulations

2.—(1) The Valuation Tribunal for Wales Regulations 2010(**1**) are amended as follows.

(2) In regulation 9 (appointment of valuation tribunal members)—

(a) for paragraph (2) substitute—

"(2) The minimum number of members that must be appointed by a council and the President is the number specified in relation to that council in column 4 of Schedule 1.";

(b) after paragraph (2) insert—

"(2A) The maximum number of members that may be appointed by a council and the President is the number specified in relation to that council in column 5 of Schedule 1.";

(c) for paragraph (3) substitute—

"(3) For the purpose of this regulation, a vacancy only occurs when the number of members appointed by a council and the President—

(a) falls below the number specified in relation to that council in column 4 of Schedule 1; or

(b) falls below the number of members specified in relation to that council in column 5 of Schedule 1 and falls below the number required, in the view of the President, to carry out the Tribunal's functions.";

(d) in paragraph (5) for "5" substitute "6".

(3) In regulation 27 (interpretation) after the definition of "clerk" insert—

""council tax reduction scheme" ("*cynllun gostyngiadau'r dreth gyngor*") means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012(**2**) or the scheme that applies in default by virtue of paragraph 6(1)(e) of Schedule 1B to the 1992 Act;".

(4) In regulation 30 (initiating an appeal)—

(a) at the end of subparagraph (2)(b) omit "and";

(b) at the end of subparagraph (2)(c) for "." substitute "; and";

(c) after subparagraph (2)(c) insert—

"(d) where the appellant has also made an appeal to the First-tier Tribunal in accordance with the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**3**)

(**1**) S.I. 2010/713 (W. 69).

(**2**) S.I. 2012/3144 (W. 316).

(**3**) S.I. 2001/1002.

bod yr apêl yn codi materion cyffredin o ffaith gyda'r apêl a wneir o dan adran 16 o Ddeddf 1992, copi o'r hysbysiad a ddarperir yn unol â rheoliad 20(1) o'r Rheoliadau hynny ac unrhyw wybodaeth arall y mae'n ofynnol ei darparu o dan reoliad 20 o'r Rheoliadau hynny.

(2A) Rhaid i hysbysiad am apêl a roddir o dan baragraff (2) ddod gyda chopi o unrhyw hysbysiad ysgrifenedig a ddarperir gan yr awdurdod bilio yn unol ag adran 16(7)(a) neu (b).".

(5) Ar ôl rheoliad 32 (tynnu'n ôl) mewnosoder—

"**Dileu trafodion**

32A.—(1) Caiff y Tribiwnlys Prisio ddileu apêl neu ran o apêl—

(a) pan fo'r apêl, neu ran o'r apêl, yn ymwneud â phenderfyniad awdurdod bilio i ddyfarnu gostyngiad o dan ei gynllun gostyngiadau'r dreth gyngor; a

(b) pan fo'r awdurdod bilio wedi dyfarnu'r gostyngiad mwyaf y caniateir iddo ei ddyfarnu o dan ei gynllun.

(2) Pan fo rhan yn unig o'r apêl yn dod o fewn paragraff (1), dim ond y rhan honno o'r apêl y caiff y Tribiwnlys Prisio ei dileu.

(3) Ni chaiff y Tribiwnlys Prisio ddileu apêl, neu ran o apêl, cyn rhoi cyfle yn gyntaf i'r apelydd gyflwyno sylwadau mewn perthynas â'r dileu arfaethedig.".

(6) Yn rheoliad 37 (trefn y gwrandawiad - panelau apêl)—

(a) yn lle paragraff (3) rhodder—

"(3) Rhaid cynnal y gwrandawiad yn gyhoeddus oni bai bod y Panel Apêl yn gorchymyn fel arall gan ei fod wedi ei fodloni ei fod er budd cyfiawnder i gynnal gwrandawiad, neu ran o wrandawiad, yn breifat.";

(b) ar ôl paragraff (3) mewnosoder—

"(3A) Pan fo gwrandawiad i'w gynnal yn breifat, caiff y Panel Apêl benderfynu pwy a gaiff fod yn bresennol yn y gwrandawiad neu ran o'r gwrandawiad.".

(7) Yn rheoliad 38(1) (tystiolaeth: cyffredinol) ar ôl "Ddeddf honno" mewnosoder "neu adran 131 o Ddeddf Diwygio Lles 2012"(**1**).

(8) Yn enw colofn 4 o Atodlen 1 yn lle "Nifer" rhodder "Nifer lleiaf".

(9) Yn lle colofn 5 yn Atodlen 1 rhodder—

(**1**) 2012 p. 5.

and the appeal raises common issues of fact with the appeal made under section 16 of the 1992 Act, a copy of the notice provided in accordance with regulation 20(1) of those Regulations and any other information required to be provided under regulation 20 of those Regulations.

(2A) A notice of appeal given under paragraph (2) must be accompanied by a copy of any written notification provided by the billing authority in accordance with section 16(7)(a) or (b).".

(5) After regulation 32 (withdrawal) insert—

"**Striking out proceedings**

32A.—(1) The Valuation Tribunal may strike out an appeal or part of an appeal where—

(a) the appeal, or part of the appeal, relates to a billing authority's decision to award a reduction under its council tax reduction scheme; and

(b) the reduction awarded is the maximum reduction that the billing authority may have awarded under its scheme.

(2) Where only part of an appeal falls within paragraph (1), the Valuation Tribunal may only strike out that part of the appeal.

(3) The Valuation Tribunal may not strike out an appeal, or part of an appeal, without first giving the appellant an opportunity to make representations in relation to the proposed striking out.".

(6) In regulation 37 (conduct of the hearing - appeal panels)—

(a) for paragraph (3) substitute—

"(3) The hearing must take place in public unless the Appeal Panel otherwise orders on being satisfied that it is in the interests of justice to hold a hearing, or part of a hearing, in private.";

(b) after paragraph (3) insert—

"(3A) Where the hearing is to be held in private, the Appeal Panel may determine who is permitted to attend the hearing or part of the hearing.".

(7) In regulation 38(1) (evidence: general) after "1992 Act" insert "or section 131 of the Welfare Reform Act 2012"(**1**).

(8) In the title to column 4 of Schedule 1 for "Number" substitute "Minimum number".

(9) For column 5 in Schedule 1 substitute—

(**1**) 2012 c. 5.

"5	6
Nifer mwyaf o aelodau sydd i'w penodi gan bob cyngor	**Nifer mwyaf o aelodau sy'n aelodau o'r cyngor**
8	3
13	5
7	3
10	4
14	5
8	3
10	4
7	3
10	4
10	4
10	4
10	4
10	4
19	7
7	3
16	6
10	4
7	3
13	5
11	4
10	4
16	6".

"5	6
Maximum number of members to be appointed by each council	**Maximum number of members who are members of the council**
8	3
13	5
7	3
10	4
14	5
8	3
10	4
7	3
10	4
10	4
10	4
10	4
10	4
19	7
7	3
16	6
10	4
7	3
13	5
11	4
10	4
16	6".

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o Weinidogion Cymru

6 Mawrth 2013

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

6 March 2013

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LLYWODRAETH LEOL, CYMRU

Rheoliadau Tribiwnlys Prisio Cymru (Cymru) (Diwygio) 2013

WELSH STATUTORY INSTRUMENTS

2013 No. 547 (W.59)

LOCAL GOVERNMENT, WALES

The Valuation Tribunal for Wales (Wales) (Amendment) Regulations 2013

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