

Cynulliad Cenedlaethol Cymru

The National Assembly for Wales

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2000 Rhif (Cy.)

2000 No. (W.)

ARDRETHU A PHRSIO, CYMRU

RATING AND VALUATION, WALES

**Gorchymyn Railtrack plc (Gwerth Ardrethol)
(Cymru) 2000**

**The Railtrack plc (Rateable Value) (Wales)
Order 2000**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

O ran yr hereditamentau annomestig sydd i'w dangos ar y rhestr ardrethu canolog i Gymru, caiff Cynulliad Cenedlaethol Cymru, o dan baragraff 3(2) o Atodlen 6 i Ddeddf Cyllid Llywodraeth Leol 1988, ddarparu, drwy orchymyn, na ddylid eu prisio ar gyfer ardrethu annomestig ar y sail a nodir ym mharagraffau 2 i 2C o'r Atodlen honno (hynny yw, drwy gyfeirio at y rhent y byddai tenant tybiedig yn ei dalu am hereditament ar sail flynyddol), ond caiff ddarparu y bydd gwerthoedd ardrethol yr hereditamentau hynny fel y'u pennir yn y gorchymyn neu fel y penderfynir arnynt yn unol â rheolau rhagnodedig.

Under paragraph 3(2) of Schedule 6 to the Local Government Finance Act 1988, the National Assembly for Wales may by order provide that non-domestic hereditaments of a description shown in a central rating list are not to be valued for non-domestic rating on the basis set out in paragraphs 2 to 2C of that Schedule (that is to say, by reference to the rent a hypothetical tenant would pay for a hereditament on an annual basis), but that their rateable values shall be such as are specified in the order or determined in accordance with prescribed rules.

Mae erthygl 4 o'r Gorchymyn hwn yn rhagnodi gwerth ardrethol yr hereditament a gynhwysir, yn rhinwedd Rheoliadau Rhestr Ardrethu Canolog (Cymru) 1999, yn y rhestr ganolog mewn perthynas â Railtrack plc, ar gyfer y blynyddoedd ariannol sy'n dechrau ar 1 Ebrill 2000 neu ar ôl hynny.

Article 4 of this Order prescribes the rateable value of the hereditament entered, by virtue of the Central Rating List (Wales) Regulations 1999, in the central list in respect of Railtrack plc, for financial years beginning on or after 1st April 2000.

Mae erthygl 5 yn darparu ar gyfer y ffactor y mae'n rhaid cyfeirio ato wrth addasu'r gwerth hwnnw er mwyn penderfynu'r gwerth ardrethol ar gyfer y blynyddoedd ariannol sy'n dechrau ar 1 Ebrill 2001 neu ar ôl hynny ynglŷn â'r hereditament yr ystyrir bod Railtrack plc yn ei feddiannu.

Article 5 provides for the factor by reference to which that value is to be adjusted for the purposes of determining the rateable value for financial years beginning on or after 1st April 2001 in respect of the hereditament treated as occupied by Railtrack plc.

Mae erthygl 6 o'r Gorchymyn hwn yn diddymu, yn ddarostyngedig i rai eithriadau, gydag effaith o 1 Ebrill 2000 ymlaen, Orchymyn y Rheilffyrdd (Gwerthoedd Ardrethol) 1994, a oedd (fel y'i diwygiwyd) yn gymwys mewn perthynas â'r blynyddoedd sy'n dechrau ar 1 Ebrill 1995 neu ar ôl hynny.

Article 6 of this order revokes, subject to certain savings, with effect from 1st April 2000, the Railways (Rateable Values) Order 1994, which (as amended) applied in respect of years commencing on or after 1st April 1995.

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2000 Rhif (Cy.)

2000 No. (W.)

ARDRETHU A PHRSIO, CYMRU

RATING AND VALUATION, WALES

**Gorchymyn Railtrack plc (Gwerth Ardrethol)
(Cymru) 2000**

**The Railtrack plc (Rateable Value) (Wales)
Order 2000**

Wedi'i wneud..... [2000

Made 2000

Yn dod i rym 1 Ebrill 2000

Coming into force 1st April 2000

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 143(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1988^(a) a pharagraff 3(2) o Atodlen 6 iddi ac a freiniwyd ynddo bellach, i'r graddau y maent yn arferadwy yng Nghymru^(b).

The National Assembly for Wales makes the following Order in exercise of the powers conferred on the Secretary of State by sections 143(1) and (2) of, and paragraph 3(2) of Schedule 6 to, the Local Government Finance Act 1988^(a), which are now vested in it, so far as exercisable in Wales^(b).

Enwi, cychwyn a chymhwyso

Citation, commencement and application

1.(1) Enw'r Gorchymyn hwn yw Gorchymyn Railtrack plc (Gwerth Ardrethol) (Cymru) 2000 a daw i rym ar 1 Ebrill 2000.

1. (1) This Order may be cited as the Railtrack plc (Rateable Value) (Wales) Order 2000 and shall come into force on 1st April 2000.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru'n unig.

(2) This Order applies only to Wales.

Dehongli

Interpretation

2. Yn y Gorchymyn hwn-

2. In this Order –

ystyr "amcangyfrif o hyd y trac perthnasol" ("*estimated relevant track length*") yw hyd y trac, wedi'i fynegi mewn cilometrau, yr amcangyfrifir y caiff ei gynnwys yn rheilffyrdd Railtrack;

"the Act" ("*y Ddeddf*") means the Local Government Finance Act 1988;

"the Central List Regulations" ("*y Rheoliadau Rhestr Ganolog*") means the Central Rating List (Wales) Regulations 1999^(c);

ystyr "blwyddyn" ("*year*") yw blwyddyn ariannol daladwy;

"central list" ("*rhestr ganolog*") means the central non-domestic rating list for Wales compiled on or after 1st April 2000;

ystyr "blwyddyn berthnasol" ("*relevant year*") yw unrhyw flwyddyn y mae gwerth ardrethol i'w benderfynu ar ei chyfer yn unol â'r Gorchymyn hwn;

"estimated relevant track length" ("*amcangyfrif o hyd y trac perthnasol*"), means the length of track, expressed in kilometres, estimated to be comprised in the railways of Railtrack;

ystyr "blwyddyn flaenorol berthnasol" ("*relevant preceding year*") yw'r flwyddyn sy'n dod cyn blwyddyn berthnasol;

"Railtrack" ("*Railtrack*") means Railtrack plc;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Cyllid

"relevant hereditament" ("*hereditament*")

Llywodraeth Leol 1988;

ystyr "hereditament perthnasol" ("*relevant hereditament*") yw'r hereditament a ddisgrifir yn Rhan 4 o Atodlen y Rheoliadau Rhestr Ganolog;

ystyr "Railtrack" ("*Railtrack*") yw Railtrack plc;

ystyr "y Rheoliadau Rhestr Ganolog" ("*the Central List Regulations*") yw Rheoliadau Rhestr Ardrethu Canolog (Cymru) 1999^(c);

ystyr "rhestr ganolog" ("*central list*") yw rhestr ardrethu annomestig canolog Cymru a luniwyd ar 1 Ebrill 2000 neu ar ôl hynny; ac

ystyr "trac" ("*track*") yw'r ystyr a roddir i "track" gan adran 83 o Ddeddf Rheilffyrdd 1993^(ch)

perthnasol") means the hereditament described in Part 4 of the Schedule to the Central List Regulations;

"relevant year" ("*blwyddyn berthnasol*") means any year for which a rateable value is to be determined in accordance with this Order;

"relevant preceding year" ("*blwyddyn flaenorol berthnasol*") means the year preceding a relevant year;

"track" ("*trac*") has the meaning given by section 83 of the Railways Act 1993^(d); and

"year" ("*blwyddyn*") means a chargeable financial year.

Talgrynnu rhifau

Rounding of numbers

3. Pan (ar wahân i'r erthygl hon) fydd unrhyw werth ardrethol y penderfynir arno o dan y Gorchymyn hwn yn cynnwys ffracsiwn o bunt-

3. Where (apart from this article) any rateable value determined under this Order would include a fraction of a pound –

(a) rhaid talgrynnu'r ffracsiwn i un bunt, os bydd yn fwy na 50c, a

(b) rhaid anwybyddu'r ffracsiwn os bydd yn 50c neu'n llai.

(a) if the fraction would exceed 50p it shall be made up to one pound;

(b) if the fraction would be 50p or less it shall be ignored.

Gwerthoedd ardrethol

Rateable values

4. Yn achos yr hereditament perthnasol, ni fydd paragraffau 2 i 2C o Atodlen 6 i'r Ddeddf^(d) yn gymwys mewn unrhyw flwyddyn y bydd y rhestr ganolog mewn grym ar ei chyfer, a gwerth ardrethol yr hereditament hwnnw mewn unrhyw flwyddyn felly fydd-

4. In the case of the relevant hereditament, paragraphs 2 to 2C of Schedule 6 to the Act^(e) shall not apply in any year for which the central list is in force, and the rateable value of that hereditament in any such year –

(a) yn y flwyddyn sy'n dechrau ar 1 Ebrill 2000, £6,240,000, a

(a) in the year beginning on 1st April 2000 shall be £6,240,000 and

(b) mewn unrhyw flwyddyn arall sy'n dechrau ar 1 Ebrill 2001 neu ar ôl hynny, y swm a geir drwy gymhwyso'r rheolau a ragnodir yn Erthygl 5.

(b) in any other year beginning on or after 1 April 2001 shall be the amount produced by applying the rules prescribed in Article 5.

Y ffactor ailgyfrifo

Recalculation factor

5. –(1) Mewn unrhyw flwyddyn sy'n dechrau ar 1 Ebrill 2001, neu ar ôl hynny, gwerth ardrethol yr hereditament perthnasol fydd y swm a geir drwy adio £6,240,000 a'r ffactor ailgyfrifo a gyfrifir o dan yr Erthygl hon.

5. –(1) In any year beginning on or after 1st April 2001, the rateable value of the relevant hereditament shall be the amount produced by adding £6,240,000 and the recalculation factor calculated under this Article.

(2) Yn ddarostyngedig i baragraff (4), mae'r paragraff hwn yn gymwys at ddibenion cyfrifo'r ffactor ailgyfrifo pan yw'r swm

(2) Subject to paragraph (4), this paragraph applies for the purposes of calculating the recalculation factor where in relation to a relevant year the amount produced by calculating in relation to the relevant hereditament in accordance with the formula –

$$\frac{k - K}{K}$$

K

yn 0.05, -0.05 neu unrhyw rif sydd rhwng y rhifau hyn.

$$k - K$$

K

is 0.05, -0.05 or any number between those numbers.

(3) Y ffactor ailgyfrifo ynglŷn â blwyddyn berthnasol y mae paragraff (2) yn gymwys iddi yw 0.

(3) The recalculation factor in relation to a relevant year in respect of which paragraph (2) applies is 0.

(4) Ynglŷn â blwyddyn berthnasol-

(a) y mae'r swm a gyfrifir mewn perthynas â hi yn unol â pharagraff (2) yn fwy na 0.05 neu'n llai na -0.05, neu

(4) In relation to a relevant year –

(a) in respect of which the amount calculated in accordance with paragraph (2) is greater than 0.05 or less than -0.05, or

(b) nad yw paragraff (2) yn gymwys mewn perthynas â hi mewn perthynas â'r flwyddyn flaenorol berthnasol,

(b) in respect of which paragraph (2) does not apply in respect of the relevant preceding year,

y ffactor ailgyfrifo yw'r swm a geir drwy gyfrifo yn unol â'r fformwla –

$T k - K$

K

the recalculation factor is the amount produced by calculating in accordance with the formula –

(5) At ddibenion yr erthygl hon –

gwerth T yw £6,240,000;

K yw'r amcangyfrif o hyd y trac perthnasol ar 31 Mawrth 2000;

k yw'r amcangyfrif o hyd y trac perthnasol ar 31 Mawrth yn y flwyddyn flaenorol berthnasol.

(5) For the purposes of this article –

T has the value £6,240,000;

K is the estimated relevant track length as at 31st March 2000;

k is the estimated relevant track length as at 31st March in the relevant preceding year.

Diddymiadau ac eithriadau

Revocations and savings

6. –(1) Yn ddarostyngedig i baragraff (2), drwy hyn diddymir y canlynol gydag effaith o 1 Ebrill 2000 -

6. –(1) Subject to paragraph (2), the following are hereby revoked with effect from 1st April 2000 –

(a) Gorchymyn y Rheilffyrdd (Gwerthoedd Ardrethol) 1994^(dd);

(a) the Railways (Rateable Values) Order 1994^(f);

(b) Gorchymyn y Rheilffyrdd (Gwerthoedd Ardrethol) (Diwygio) 1999^(e).

(b) the Railways (Rateable Values) (Amendment) Order 1999^(g).

(2) Bydd darpariaethau'r Gorchymynion a grybwyllir ym mharagraff (1) yn dal i gael effaith ar 1 Ebrill 2000 ac ar ôl hynny at y dibenion canlynol a'r dibenion sy'n gysylltiedig â hwy -

(2) The provisions of the Orders mentioned in paragraph (1) shall continue to have effect on and after 1st April 2000 for the purposes of, and for purposes connected with –

(a) unrhyw newid mewn rhestr ganolog a luniwyd cyn 1 Ebrill 2000, neu

(a) any alteration of a central list compiled before 1st April 2000, or

(b) unrhyw ddarpariaeth a wneir gan reoliadau o dan adran 58^(f) (darpariaeth arbennig ar gyfer 1995 ymlaen) o'r Ddeddf o ran y swm taladwy mewn perthynas â hereditament am gyfnod perthnasol cyn 1 Ebrill 2000 fel y'i diffinnir yn yr adran honno.

(b) any provision made by regulations under section 58^(h) (special provision for 1995 onwards) of the Act as to the chargeable amount as regards a hereditament for a relevant period prior to 1st April 2000 as defined in that section.

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

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

[] 2000

[] 2000

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1988 p.41; *Gweler* adran 146(6) am ddiffiniad o "prescribed". Diwygiwyd adran 143 (2) gan baragraff 72(2) o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 (p.42). Diwygiwyd paragraff 3 o Atodlen 6 gan baragraff 38(12) a (13) o Atodlen 5 i Ddeddf 1989.

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

(c) O.S. 1999/

(ch) 1993 p.43.

(d) Diwygiwyd paragraff 2 gan baragraffau 38 (3) i (11) o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989, a mewnosodwyd paragraffau 2A a 2B ganddynt. Mewnosodwyd paragraff 2C gan adran 2 o Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p.29).

(dd) O.S. 1994/3284.

(e) O.S. 1999/1003.

(f) Diwygiwyd adran 58 gan baragraff 68 o Atodlen 13 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14), adran 2 o Ddeddf Ardrethu Annomestig 1994 (p.3) ac adran 1 o Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p.29).

(ff) 1998 p.38.

(a) 1988 c.41. See section 146(6) for the definition of "prescribed". Section 143(2) is amended by paragraph 72(2) of Schedule 5 to the Local Government and Housing Act 1989 (c.42). Paragraph 3 of Schedule 6 is amended by paragraph 38(12) and (13) of Schedule 5 to the 1989 Act.

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

(c) S.I. 1999/

(d) 1993 c.43.

(e) Paragraph 2 is amended by, and paragraphs 2A and 2B are inserted by, paragraph 38(3) to (11) of Schedule 5 to the Local Government and Housing Act 1989. Paragraph 2C is inserted by section 2 of the Local Government and Rating Act 1997 (c.29).

(f) S.I. 1994/3284.

(g) S.I. 1999/1003.

(h) Section 58 is amended by paragraph 68 of Schedule 13 to the Local Government Finance Act 1992 (c.14), section 2 of the Non-Domestic Rating Act 1994 (c.3) and section 1 of the Local Government and Rating Act 1997 (c.29).

(i) 1998 c.38.