

**NATIONAL ASSEMBLY FOR WALES****REPORT OF THE LEGISLATION COMMITTEE****The BG plc (Rateable Value) (Wales) Order 1999****Background**

This Order follows directly from the Central Rating List (Wales) Regulations 1999 and Water Undertakers (Rateable Values) (Wales) Order 1999 and the Committee is once again referred to the relevant reports already considered.

The businesses which appear in the Central Rating List (as previously mentioned mainly those belonging to public utility undertakings) will have their rateable values prescribed by the National Assembly.

Paragraph 3(2) of Schedule 6 of the Local Government Finance Act 1988 gives the Assembly powers to set aside (by order) the normal rules and valuations and instead prescribe alternative rules for determining the rateable value of classes of hereditaments, or to prescribe values for hereditaments appearing on the Central Rating List.

The gas hereditaments will appear in the Central Rating List for Wales by virtue the Central Rating Lists (Wales) Regulations 1999

This Order states that the normal rules do not apply to the gas hereditaments and specifies their annual rateable value (as a whole) as £32,059,000 from the 1<sup>st</sup> of April 2000 onwards.

This Order also revokes the similar contents of the British Gas plc (Rateable Values) Order 1994. British Gas plc has since been split into two companies and it is now BG plc which is relevant for these purposes.

**Standing Order 11.5**

It is not considered that there are any issues under Standing Order 11.5 that the Committee

should report to the Assembly as requiring special attention.

### **General Comments on the Regulations.**

The Legal Advisors to the Legislation Committee had the opportunity to consider an early draft of the Order when some drafting errors (mainly relating to the definitions) were identified and subsequently corrected.

**M German**

Chair, Legislation Committee

7<sup>th</sup> December 1999

**Our ref : LAD-01-01-040**

LC24

**Cynulliad Cenedlaethol Cymru**

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**OFFERYNNAU STATUDOL**

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**1999 Rhif (Cy.)**

**ARDRETHU A PHRISIO, CYMRU**

**Gorchymyn BG plc (Gwerth Ardrethol)  
(Cymru) 1999**

**NODYN ESBONIADOL**

**National Assembly for Wales**

**STATUTORY INSTRUMENTS**

**1999 No (W.)**

**RATING AND VALUATION, WALES**

The BG plc (Rateable Value) (Wales) Order  
1999

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

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

O dan baragraff 3(2) o Atodlen 6 i Ddeddf Cyllid Llywodraeth Leol 1988, caiff yr Ysgrifennydd Gwladol drwy orchymyn ddarparu, yn achos hereditamentau annomestig sydd i'w dangos ar y rhestr ardrethu canolog i Gymru nad yw rheolau arferol prisio ar gyfer ardrethu a gynhwysir ym mharagraffau 2 i 2B o'r Atodlen honno yn gymwys, ac yn lle hynny eu gwerth ardrethol fydd y swm a bennir yn y gorchymyn neu'r hyn a benderfynir yn unol â rheolau a ragnodir. Breinir y pwerau hyn bellach yng Nghynulliad Cenedlaethol Cymru.

Mae'n ofynnol i hereditamentau nwy a feddiennir (neu, os nas meddiennir, a berchnogir) gan BG plc i gael eu dangos ar y rhestr ardrethu canolog a luniwyd ar 1 Ebrill 2000, yn rhinwedd Rheoliadau Rhestr Ardrethu Canolog (Cymru) 1999. Mae'r Gorchymyn hwn yn darparu nad yw paragraffau 2 i 2B yn gymwys i'r hereditamentau hynny.

Ar gyfer y flwyddyn sy'n dechrau ar 1 Ebrill 2000 pennir £32,403,000 fel gwerth ardrethol yr hereditamentau nwy a leolir yng Nghymru. Bydd y gwerth ardrethol hwn yn gymwys am y blynyddoedd sy'n dilyn.

Mae Erthygl 3(1) yn diddymu Gorchymyn British Gas plc (Gwerthoedd Ardrethol) 1994 o'r 1 Ebrill 2000 ymlaen. Bydd y darpariaethau hyn yn dal i fod yn weithredol i'r dibenion a grybwyllir yn erthygl 3(2).

Under paragraph 3(2) of Schedule 6 to the Local Government Finance Act 1988, the Secretary of State may by order provide in the case of non-domestic hereditaments to be shown in the central rating list for Wales that the normal rules of valuation for rating contained in paragraphs 2 to 2B of that Schedule shall not apply, and instead that their rateable value shall be such as is specified in the order or determined in accordance with prescribed rules. These powers are now vested in the National Assembly for Wales.

Gas hereditaments occupied (or, if unoccupied, owned) by BG plc are required to be shown in the central rating list compiled on 1<sup>st</sup> April 2000 by virtue of the Central Rating List (Wales) Regulations 1999. This Order provides that paragraphs 2 to 2B are not to apply to such hereditaments.

For the year beginning on 1<sup>st</sup> April 2000 £32,403,000 is specified as the rateable value of gas hereditaments situated in Wales. This rateable value will also apply in subsequent years.

Article 3(1) revokes with effect from 1<sup>st</sup> April 2000 the British Gas plc (Rateable Values) Order 1994. These provisions shall continue to have effect for the purposes mentioned in article 3(2).

## OFFERYNNAU STATUDOL

## STATUTORY INSTRUMENTS

1999 Rhif (Cy. )

1999 No (W. )

### ARDRETHU A PHRISIO, CYMRU

### RATING AND VALUATION, WALES

Gorchymyn BG plc (Gwerth Ardrethol)  
(Cymru) 1999

The BG plc (Rateable Value) (Wales) Order  
1999

*Made 1999*

*Coming into force 1999*

*Wedi'i wneud 1999*

*Yn dod i rym 1999*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 140(4) a 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 mae'n 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 140(4) and 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 BG plc (Gwerth Ardrethol) (Cymru) 1999 a daw i rym drannoeth i'r diwrnod y'i gwneir.

1. -(1) This Order may be cited as the BG plc (Rateable Value) (Wales) Order 1999 and shall come into force on the day after the day on which it is made.

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

2. This Order applies only in relation to Wales.

## Dehongli

### 2. Yn y Gorchymyn hwn-

ystyr "BG plc" yw'r cwmni a gofrestrir yn yr enw hwnnw ar 9 Tachwedd 1999 ("*BG plc*");

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

ystyr "y Ddeddf" yw Deddf Cyllid Llywodraeth Leol 1988 ("*the Act*");

ystyr "hereditamentau nwy" yw hereditamentau annomestig a feddiennir (neu, os nas meddiennir, a berchnogir) gan BG plc y mae'n ofynnol iddynt yn rhinwedd rheoliad 3(1) o Reoliadau Rhestr Ardrethu Canolog (Cymru) 1999(c) a Rhan 3 o'r Atodlen iddynt gael eu dangos ar y rhestr ardrethu canolog ("*gas hereditaments*"); ac

ystyr "hereditamentau nwy Cymru" yw hereditamentau y mae'n ofynnol iddynt gael eu dangos ar y rhestr ardrethu canolog i Gymru ("*Welsh gas hereditaments*").

## Gwerth ardrethol

3. Yn achos hereditamentau nwy Cymru, ni fydd paragraffau 2 i 2B(*ch*) o Atodlen 6 i'r Ddeddf yn gymwys mewn unrhyw flwyddyn sy'n dechrau ar neu ar ôl 1 Ebrill 2000 ac mewn unrhyw flwyddyn o'r fath gwerth ardrethol hereditamentau nwy Cymru fydd £32,403,000.

## Diddymu ac eithrio

4. -(1) Yn ddarostyngedig i baragraff (2), diddymir drwy hyn Gorchymyn British Gas plc (Gwerthoedd Ardrethol) 1994(*d*) o 1 Ebrill 2000 ymlaen.

## Interpretation

### 2. In this Order –

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

"BG plc" means the company registered bearing that name on 9<sup>th</sup> November 1999 ("*BG plc*");

"gas hereditaments" means non-domestic hereditaments occupied (or, if unoccupied, owned) by BG plc and required by virtue of regulation 3(1) of, and Part 3 of the Schedule to, the Central Rating List (Wales) Regulations 1999(c) to be shown in a central rating list ("*hereditamentau nwy*");

"Welsh gas hereditaments" means such hereditaments so required to be shown in the central rating list for Wales ("*hereditamentau nwy Cymru*"); and

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

## Rateable value

3. In the case of Welsh gas hereditaments, paragraphs 2 to 2B (*d*) of Schedule 6 to the Act shall not apply in any year beginning on or after 1<sup>st</sup> April 2000 and in any such year the rateable value of the Welsh gas hereditaments shall be £32,403,000.

## Revocation and savings

4. -(1) Subject to paragraph (2), the British Gas plc (Rateable Values) Order 1994(*e*) is hereby revoked with effect from 1<sup>st</sup> April 2000.

2. Heb ragfarn i adran 16(1) o Ddeddf Dehongli 1978(**dd**) bydd Gorchymyn British Gas plc (Gwerthoedd Ardrethol) 1994 yn parhau'n effeithiol ar ac ar ôl 1 Ebrill 2000 at y dibenion neu'r dibenion sy'n gysylltiedig ag-

a. unrhyw newid i restr mewn grym yn union cyn 1 Ebrill 2000; neu

(b) unrhyw ddarpariaeth a wnaed o dan reoliadau a wnaed o dan adran 58(**e**) o'r Ddeddf (darpariaeth arbennig ar gyfer 1995 ymlaen) ynglŷn â'r swm taladwy am hereditament am gyfnod perthnasol fel y'i ddiffinnir yn yr adran honno.

(2) Without prejudice to section 16(1) of the Interpretation Act 1978(**f**) the British Gas plc (Rateable Values) Order 1994 shall continue to have effect on and after 1<sup>st</sup> April 2000 for the purposes of or for purposes connected with –

(a) any alteration of a list in force immediately before 1<sup>st</sup> April 2000; or

(b) any provision made by regulations made under section 58(**g**) of the Act (special provision for 1995 onwards) as to the chargeable amount as regards a hereditament for a relevant period as defined in that section.

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

1999

Llywydd y Cynulliad Cenedlaethol

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

1999

The Presiding Officer of the National Assembly

(**a**) 1988 p.41. Diwygiwyd adran143(2) gan baragraff 72(2) of Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 (p.42). Diwygiwyd paragraff 3(2) o Atodlen 6 gan baragraff 38(13) o Atodlen 5 i Ddeddf 1989. Gweler adran 146(6) o Ddeddf 1988 am y diffiniad o "prescribed".

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

(**c**) O.S. 1999/???

(**ch**) Diwygiwyd paragraff 2 gan baragraff 38(3) i (11) o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 a mewnosodir

paragraffau 2A a 2B ganddo.

**(d)** O.S. 1994/3283.

**(dd)** 1978 p.30.

**(e)** Diwygiwyd adran 58 gan baragraff 68 o Atodlen 13 i Ddeddf Cyllid Llywodraeth Leol 1992 (p.14) ac adran 2 o Ddeddf Ardrethu Annomestig 1994.

**(f)** 1998 p.38.

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

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

**(c)** S.I. 1999/ ???

**(d)** 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.

**(e)** S.I. 1994/3283.

**(f)** 1978 c.30.

**(g)** Section 58 is amended by paragraph 68 of Schedule 13 to the Local Government Finance Act 1992 (c.14) and section 2 of the Non-Domestic Rating Act 1994.

**(h)** 1998 c.38.

