OFFERYNNAU STATUDOL CYMRU

2004 Rhif 2921 (Cy.260)

Y DRETH GYNGOR, CYMRU

Gorchymyn y Dreth Gyngor (Anheddau Taladwy, Anheddau Esempt a Diystyru Gostyngiadau) (Diwygio) (Cymru) 2004

Wedi'i wneud	- -	*9 Tachwedd 2004*
Yn dod i rym	- -	*1 Ebrill 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 3(5)(a), 4 a 113 o Ddeddf Cyllid Llywodraeth Leol 1992(**1**)a pharagraff 7 o Atodlen 1 iddi, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor (Anheddau Taladwy, Anheddau Esempt a Diystyru Gostyngiadau) (Diwygio) (Cymru) 2004 a daw i rym ar 1 Ebrill 2005.

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

Diwygio Gorchymyn y Dreth Gyngor (Anheddau Taladwy) 1992

2. Mae Gorchymyn y Dreth Gyngor (Anheddau Taladwy) 1992(**2**) wedi'i ddiwygio fel a ganlyn:

(a) yn erthygl 2, ar ôl y diffiniad o "the Act", mewnosoder —

> ""care home" means a care home within the meaning of the Care Standards Act 2000(**3**), in respect of which a person is registered in accordance with Part 2 of that Act;"

(b) yn erthygl 3, o flaen "Where" mewnosoder "Subject to article 3A,";

(c) ar ôl erthygl 3, mewnosoder yr erthygl ganlynol —

> "**3A.** A care home shall be treated as comprising the number of dwellings found by adding one to the number of self-contained units occupied by, or if currently unoccupied, provided for the purpose of accommodating the person registered in

(**1**) 1992 (p.14). Trosglwyddwyd y pwerau hyn, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672); gweler y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1992 yn Atodlen 1.

(**2**) O.S. 1992/549, y mae diwygiadau perthnasol wedi'u gwneud iddo gan Orchymyn Diwygio y Dreth Gyngor (Anheddau Taladwy, Anheddau Esempt a Diystyru Gostyngiadau) 1997 (O.S. 1997/656).

(**3**) 2000 p.14.

respect of it in accordance with Part 2 of the Care Standards Act 2000, and each such unit shall be treated as a dwelling.".

Diwygio Gorchymyn y Dreth Gyngor (Anheddau Esempt) 1992

3. Yn erthygl 3 o Orchymyn y Dreth Gyngor (Anheddau Esempt) 1992(**4**), rhodder yn lle Dosbarth I—

"Class I: an unoccupied dwelling which was previously the sole or main residence of a person who is an owner or tenant of the dwelling and who —

(a) for the purpose of receiving personal care required by that person by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder has his sole or main residence in another place (not being a hospital, care home, independent hospital or hostel within the meaning of paragraphs 6 or 7 of Schedule 1 to the Act or accommodation provided in Scotland by a care home service within the meaning of section 2(3) of the Regulation of Care (Scotland) Act 2001(**5**)); and

(b) has been a relevant absentee for the whole of the period since the dwelling last ceased to be his residence;".

Diwygio Gorchymyn y Dreth Gyngor (Diystyru Gostyngiadau) 1992

4. Yn lle erthygl 6 o Orchymyn y Dreth Gyngor (Diystyru Gostyngiadau) 1992(**6**) rhodder —

"**6.** For the purposes of paragraph 7 of Schedule 1 to the Act, "hostel" means —

(a) premises approved under section 9(1) of the Criminal Justice and Court Services Act 2000(**7**)), or

(b) a building or part of a building —

(i) which is solely or mainly used for the provision of residential accommodation in other than separate and self-contained sets of premises, together with personal care, for persons who require such personal care by reason of old age, disablement, past or present alcohol or drug dependence or past or present mental disorder, and

(ii) which is not a care home or independent hospital for the purposes of that paragraph.".

(**4**) O.S. 1992/558 y mae diwygiadau perthnasol wedi'u gwneud iddo gan Orchymyn y Dreth Gyngor (Anheddau Esempt) (Diwygio) 1994 (O.S. 1994/539).
(**5**) 2001 dsa 8.
(**6**) O.S. 1992/548.
(**7**) 2000 p.18.