OFFERYNNAU STATUDOL CYMRU

2004 Rhif 785 (Cy.82)

Y DRETH GYNGOR, CYMRU

Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Diwygio) (Cymru) 2004

Wedi'u gwneud	- -	*16 Mawrth 2004*
Yn dod i rym	- -	*18 Mawrth 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 113(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1992(**1**), paragraffau 1 a 4(2) o Atodlen 2 iddi, a pharagraffau 1, 3, 5, 11A a 12A o Atodlen 4 iddi, ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(**2**), a thrwy ddibynnu ar y pwerau a roddwyd yn uniongyrchol i Gynulliad Cenedlaethol Cymru gan adran 113(4) o'r Ddeddf honno a chan baragraff 20(b) o Atodlen 4 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Diwygio) (Cymru) 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Daw'r rheoliadau hyn i rym ar 18 Mawrth 2004.

Diwygio Rheoliadau

2.—(1) Diwygir Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(**3**) yn unol â darpariaethau canlynol y Rheoliadau hyn.

(**1**) 1992 p.14.

(**2**) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adrannau 113(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1992, paragraff 1 a 4(2) o Atodlen 2 iddi, a pharagraffau 1, 3, 5, 11A a 12A o Atodlen 4 iddi i Gynulliad Cenedlaethol Cymru yn unol ag erthygl 2(2) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Mewnosodwyd adran 113(4) yn Neddf 1992 gan adran 127(1) o Ddeddf Llywodraeth Leol 2003 (2003 p.26), a pharagraffau 40, 52(1) a (5) o Atodlen 7 iddi. Mewnosodwyd paragraff 20(b) o Atodlen 4 yn Neddf 1992 gan adran 127(1) o Ddeddf 2003 a chan baragraffau 40 a 54 o Atodlen 7 iddi.

(**3**) O.S. 1992/613.

Enwi, cychwyn, a dehongli

3. Yn rheoliad 1(2), ar ôl y diffiniad o "demand notice regulations", mewnosoder y diffiniadau canlynol(**4**)—

""discount" means a discount under section 11 or section 12 of the Act, or a reduction in the amount of council tax payable for a dwelling under section 13A of the Act where the dwelling falls into a class for which the billing authority has determined under section 13A(3) that liability shall be reduced otherwise than to nil;

"exempt dwelling" means a dwelling which is exempt from council tax under the Exempt Dwellings Order or a dwelling which falls into a class for which the billing authority has determined under section 13A(3) of the Act that the amount of council tax payable shall be reduced to nil."

Darganfod a oes hawl i gael disgownt a swm y disgownt hwnnw

4. Yn lle rheoliad 14 rhodder—

"**14.** Before making any calculation for the purposes of Part V of these Regulations of the chargeable amount in respect of any dwelling in its area, a billing authority shall take reasonable steps to ascertain whether that amount is subject to a discount, and if so, the amount of that discount."

Gorchmynion dyled

5.—(1) Yn rheoliad 32(1), yn y diffiniad o "liability order" ar ôl "regulation 34" mewnosoder "or regulation 36A(5)".

(2) Ar ôl rheoliad 36 mewnosoder y rheoliad canlynol(**5**)—

"**Quashing and substitution of liability orders**

36A.—(1) Where—

(a) a magistrates' court has made a liability order pursuant to regulation 34(6); and

(b) the authority on whose application the liability order was made considers that the order should not have been made,

the authority may apply to a magistrates' court to have the liability order quashed.

(2) Where, on an application by an authority in accordance with paragraph (1) above, the magistrates' court is satisfied that the liability order should not have been made, it shall quash the order.

(3) Where an authority makes an application under paragraph (1) for a liability order ("the original order") to be quashed, and a lesser amount than the amount for which the original order was made has fallen due under paragraph (3) or (4) of regulation 23 (including those paragraphs as applied as mentioned in regulation 28A(2)) and is wholly or partly unpaid or (in a case where a final notice is required under regulation 33) the amount stated in the final notice is wholly or partly unpaid at the expiry of the period of seven days beginning with the day on which the notice was issued, the billing authority may also apply to the magistrates' court for an order against the person by whom the lesser amount was payable.

(4) Paragraphs (2) to (5) of regulation 34 shall apply to applications under paragraph (3) above.

(**4**) Diwygiwyd Rheoliad 1(2) gan Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Diwygio) 1992 (O.S. 1992/3008).
(**5**) Diwygiwyd Rheoliad 36 gan Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Rhif 2) 1993 (O.S. 1993/733).

(5) Where, having quashed a liability order in accordance with paragraph (2) above, the magistrates' court is satisfied that, had the original application for the liability order been for a liability order in respect of a lesser sum payable, such an order could properly have been made, it shall make a liability order in respect of the aggregate of—

(a) that lesser sum payable; and

(b) any sum included in the quashed order in respect of the costs reasonably incurred by the authority in obtaining the quashed order."

Gwneud gorchymyn atafaelu enillion

6. Yn rheoliad 37—

(a) ym mharagraff (1) yn lle "any outstanding sum which is or forms part of the amount in respect of which the liability order was made" rhodder "the appropriate amount"(**6**);

(b) ar ôl paragraff (1) mewnosoder —

"(1A) For the purposes of this regulation the appropriate amount is the aggregate of —

(a) any outstanding sum which is or forms part of the amount in respect of which the liability order was made; and

(b) where the authority concerned has sought to levy an amount by distress and sale of the debtor's goods under regulation 45 and the person making the distress has reported that he was unable (for whatever reason) to find any or sufficient goods of the debtor on which to levy the amount —

(i) a sum determined in accordance with Schedule 5 in respect of charges connected with the distress, and

(ii) if the authority has applied for the issue of a warrant committing the debtor to prison in accordance with regulation 47, the authority's reasonable costs incurred up to the time of the making of the order under regulation 37, in making one or more of the applications referred to in Schedule 6, but not exceeding the amount specified for that application in Schedule 6.".

Gorchmynion codi tâl

7. Yn rheoliad 50—

(a) yn lle paragraff (1) rhodder—

"(1) An application to the appropriate court may be made under this regulation where—

(a) a magistrates' court has made one or more liability orders pursuant to either regulation 34(6) or 36A(5);

(b) the amount mentioned in regulation 34(7)(a) or 36A(5)(a) in respect of which the liability order was made, or, where more than one liability order was made, the aggregate of the amounts mentioned in regulation 34(7)(a) or 36A(5)(a) in respect of which each such liability order was made, is an amount the debtor is liable to pay under Part V; and

(c) at the time that the application under this regulation is made at least £1000 of the amount in respect of which the liability order was made, or, where more

(**6**) Diwygiwyd Rheoliad 37(1) gan Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) (Diwygio) 1998 (O.S. 1998/295).