



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1076 (Cy. 52)

2001 No. 1076 (W. 52)

**TALIADAU CYMUNEDOL,
CYMRU**

**COMMUNITY CHARGES,
WALES**

Y DRETH GYNGOR, CYMRU

COUNCIL TAX, WALES

**ARDRETHU A PHRSIO,
CYMRU**

**RATING AND VALUATION,
WALES**

Rheoliadau Taliadau Cymunedol, Y
Dreth Gyngor ac Ardrethu
Annomestig (Gorfodi) (Llysoedd
Ynadon) (Cymru) 2001

The Community Charges, Council
Tax and Non-Domestic Rating
(Enforcement) (Magistrates'
Courts) (Wales) Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Mae'r Rheoliadau, sy'n dod i rym yn unol â rheoliad 1, yn diwygio, mewn perthynas â Chymru, yr offerynnau canlynol, sef,

- Rheoliadau Taliadau Cymunedol
(Gweinyddu a Gorfodi) 1989;
- Rheoliadau Ardrethu Annomestig
(Casglu a Gorfodi) (Rhestrau Lleol) 1989;
- Rheoliadau'r Dreth Gyngor
(Gweinyddu a Gorfodi) 1992;

a hynny er mwyn cymryd i ystyriaeth ddyfodiad i rym adran 78 o Ddeddf Cyfle i Gael Cyfiawnder 1999 (p.22), ac Atodlen 11 iddi, sy'n uno'r fainc ynadon cyflogedig ac yn ei hailenwi, ac adran 90 o'r Ddeddf honno ac Atodlen 13 iddi sy'n darparu ar gyfer trosglwyddo swyddogaethau gweinyddol clerod ustusiaid i brif weithredwyr ustusiaid.

The Regulations, which come into force in accordance with regulation 1, amend, in relation to Wales, the following instruments to take account of the coming into force of section 78 of, and Schedule 11 to, the Access to Justice Act 1999 (c.22) which unify and rename the stipendiary magistrates' bench and of section 90 of and Schedule 13 to that Act which provide for the transfer of the administrative functions of justices' clerks to justices' chief executives namely,

- the Community Charges (Administration and Enforcement) Regulations 1989;
- the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989;
- the Council Tax (Administration and Enforcement) Regulations 1992.

In relation to England corresponding provision has been made in respect of the unification and renaming of the stipendiary bench by the Community Charges, Council Tax and Non-Domestic Rating (Enforcement)

Mewn perthynas â Lloegr mae darpariaeth gyfatebol wedi'i gwneud ar gyfer uno'r fainc ynadon cyflogedig a'i hailenwi gan Reoliadau Taliadau Cymunedol, Y Dreth Gyngor ac Ardrethu Annomestig (Gorfodi) (Llysoedd Ynadon) (Lloegr) 2000 (O.S. 2000/2026) ac i'w gwneud gan reoliadau pellach ar gyfer trosglwyddo swyddogaethau gweinyddol clercod ustusiaid i brif weithredwyr ustusiaid.

(Magistrates' Court) (England) Regulations 2000 (S.I. 2000/2026) and is to be made by further regulations in respect of the transfer of the administrative functions of justices' clerks to justices' chief executives.

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*Wedi'u gwneud**13 Mawrth 2001**Made**13th March 2001**Yn dod i rym yn unol â rheoliad 1**Coming into force in accordance with
regulation 1*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan baragraffau 1 a 13(b) o Atodlen 4 a pharagraff 1 o Atodlen 9 i Ddeddf Cyllid Llywodraeth Leol 1988(a) a pharagraffau 1(1) a 13(b) o Atodlen 4 i Ddeddf Cyllid Llywodraeth Leol 1992(b) a phob pŵer arall sy'n galluogi'r Ysgrifennydd Gwladol yn y cyswllt hwnnw ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(c).

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred on the Secretary of State by paragraphs 1 and 13(b) of Schedule 4 and paragraph 1 of Schedule 9 to the Local Government Finance Act 1988(a) and paragraphs 1(1) and 13(b) of Schedule 4 to the Local Government Finance Act 1992(b) and of all other powers enabling the Secretary of State in that behalf and now vested in the National Assembly for Wales(c).

Enwi, cychwyn a chymhwysio

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Cymunedol, Y Dreth Gyngor ac Ardrethu Annomestig (Gorfodi) (Llysoedd Ynadon) (Cymru) 2001 .

(2) Yn ddarostyngedig i baragraff (3), daw'r Rheoliadau hyn i rym ar 1 Ebrill 2001.

Citation, commencement and application

1.-(1) These Regulations may be cited as the Community Charges, Council Tax and Non-Domestic Rating (Enforcement) (Magistrates' Courts) (Wales) Regulations 2001

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2001.

(a) 1988 p.41. Diddymwyd adran 22 yr oedd Atodlen 4 yn effeithiol odani gan adran 117(2) o Ddeddf Cyllid Llywodraeth Leol 1992 (p.14), ac Atodlen 14 iddi, ond o dan adran 118(1) o'r Ddeddf 1992 honno nid yw'r diddymu i effeithio ar weithrediad y darpariaethau hynny mewn perthynas ag unrhyw dâl cymunedol ar gyfer diwrnod cyn 1 Ebrill 1993 neu mewn perthynas ag unrhyw flwyddyn ariannol sy'n dechrau cyn y dyddiad hwnnw.

(b) 1992 p.14.

(c) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol cyfeirir atynt, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(a) 1988 c.41. Section 22, under which Schedule 4 had effect, was repealed by section 117(2) of, and Schedule 14 to, the Local Government Finance Act 1992 (c.14), but under section 118(1) of that Act of 1992 the repeal is not to affect the operation of those provisions in relation to any community charge in respect of a day falling before 1st April 1993 or in relation to any financial year beginning before that date.

(b) 1992 c.14.

(c) The cited functions of the Secretary of State 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) to which there are amendments not relevant to these Regulations.

(3) Daw rheoliad 3 i rym ar y diwrnod y daw adran 90 (trosglwyddo swyddogaethau clercod i brif weithredwyr) o Ddeddf Cyfle i Gael Cyfiawnder 1999 i rym (a).

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

Diwygio'r Rheoliadau

2.-(1) Ym mhob un o'r darpariaethau y mae paragraff (2) yn gymwys iddi, yn lle "stipendiary magistrate" rhowch "District Judge (Magistrates' Courts)"(b).

(2) Dyma'r darpariaethau y mae'r paragraff hwn yn gymwys iddynt:

- (a) rheoliad 47(2) o Reoliadau Taliadau Cymunedol (Gweinyddu a Gorfodi) 1989(c);
- (b) rheoliad 21(2) o Reoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989(ch); ac
- (c) rheoliad 53(2) o Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(d).

3.-(1) Ym mhob un o'r darpariaethau y mae paragraff (2) yn gymwys iddynt, yn lle "clerk of the court" rhowch "justices' chief executive for the court" (dd).

(2) Dyma'r darpariaethau y mae'r paragraff hwn yn gymwys iddynt:

- (a) rheoliad 52(4) o Reoliadau Taliadau Cymunedol (Gweinyddu a Gorfodi) 1989 (e);

(3) Regulation 3 shall come into force on the day on which section 90 (transfer of clerks' functions to chief executives) of the Access to Justice Act 1999 comes into force(a).

(4) These Regulations apply to Wales only.

Amendment of Regulations

2.-(1) In each of the provisions to which paragraph (2) applies, for "stipendiary magistrate" substitute "District Judge (Magistrates' Courts)"(b).

(2) The provisions to which this paragraph applies are:

- (a) regulation 47(2) of the Community Charges (Administration and Enforcement) Regulations 1989(c);
- (b) regulation 21(2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(d); and
- (c) regulation 53(2) of the Council Tax (Administration and Enforcement) Regulations 1992(e).

3.-(1) In each of the provisions to which paragraph (2) applies, for "clerk of the court" substitute "justices' chief executive for the court"(f).

(2) The provisions to which this paragraph applies are:

- (a) regulation 52(4) of the Community Charges (Administration and Enforcement) Regulations 1989(g);

(a) 1999 p.22. Daw adran 90 i rym ar y diwrnod a bennir gan yr Arglwydd Ganghellor drwy orchymyn o dan adran 108(1).

(b) Mae Adran 78 o Ddeddf Cyfle i Gael Cyfiawnder 1999 yn rhoi yn lle adrannau 11 i 20 o Ddeddf Ynadon Heddwch 1997 (p.25), sy'n darparu ar gyfer ynadon cyflogedig, adrannau 10A i 10E newydd sy'n darparu ar gyfer Barnwyr Rhanbarth (Llysoedd Ynadon) yn eu lle. Mae paragraff 22 o Atodlen 14 i'r Ddeddf 1999 honno yn darparu bod unrhyw berson sy'n ynad cyflogedig neu'n ynad cyflogedig metropolitaidd yn union cyn y daw adran 78 i rym i gael ei drin (oni fyddai'n ofynnol ymddiswyddo bryd hynny oherwydd oedran) fel un sydd wedi'i benodi'n Farnwr Dosbarth (Llys Ynadon) bryd hynny.

(c) O.S. 1989/438, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(ch) O.S. 1989/1058, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(d) O.S. 1992/613, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(dd) Mae adran 90(5) o Ddeddf Cyfle i Gael Cyfiawnder 1999 yn darparu mai holl swyddogaethau clercod ustusiaid yw eu swyddogaethau gweinyddol at ddibenion yr adran honno ar wahân i'r rhai sy'n swyddogaethau cyfreithiol o fewn yr ystyr a roddir iddynt gan adran 48(2) o Ddeddf Ynadon Heddwch 1997 (p.25) fel y'i hamnewidiwyd gan adran 89(1) o'r Ddeddf 1999 honno.

(e) O.S. 1989/438, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(a) 1999 c.22. Section 90 comes into force on such day as the Lord Chancellor appoints by order under section 108(1).

(b) Section 78 of the Access to Justice Act 1999 substitutes for sections 11 to 20 of the Justices of the Peace Act 1997 (c.25), which provide for stipendiary magistrates, new sections 10A to 10E which provide for District Judges (Magistrates' Courts) in place of them. Paragraph 22 of Schedule 14 to that Act of 1999 provides for any person who is a stipendiary magistrate or metropolitan stipendiary magistrate immediately before the time section 78 comes into force to be treated (unless required by reason of age to vacate office at that time) as having been appointed to be a District Judge (Magistrates' Court) at that time.

(c) S.I. 1989/438, to which there are amendments not relevant to these Regulations.

(d) S.I. 1989/1058, to which there are amendments not relevant to these Regulations.

(e) S.I. 1992/613 to which there are amendments not relevant to these Regulations.

(f) Section 90(5) of the Access to Justice Act 1999 provides that for the purposes of that section the administrative functions of justices' clerks are all their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997 (c.25) as substituted by section 89(1) of that Act of 1999.

(g) S.I. 1989/438, to which there are amendments not relevant to these Regulations.

(b) rheoliad 23 (4) o Reoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 (a); ac

(c) rheoliad 57(3) o Reoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 (b).

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

(b) regulation 23 (4) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (a); and

(c) regulation 57(3) of the Council Tax (Administration and Enforcement) Regulations 1992(b).

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

D.Elis Thomas

13 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

13th March 2001

The Presiding Officer of the National Assembly

(a) O.S. 1989/1058, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) O.S. 1992/613, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(c) 1998 p.38.

(a) S.I. 1989/1058, to which there are amendments not relevant to these Regulations.

(b) S.I. 1992/613, to which there are amendments not relevant to these Regulations.

(c) 1998 c.38.

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