

# CYNULLIAD CENEDLAETHOL CYMRU

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## OFFERYNNAU STATUDOL

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**2006 Rhif (Cy.)**

### **LLYWODRAETH LEOL, CYMRU**

**Rheoliadau Awdurdodau Lleol  
(Cyllid Cyfalaf a Chyfrifyddu)  
(Cymru) (Diwygio) 2006**

#### **NODYN ESBONIADOL**

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

Mae Rhan I o Ddeddf Llywodraeth Leol 2003 (“Deddf 2003”) yn caniatáu i Gynulliad Cenedlaethol Cymru ddarparu ar gyfer system cyllid cyfalaf llywodraeth leol. Defnyddiodd Cynulliad Cenedlaethol Cymru y pwerau o dan Ddeddf 2003 i wneud Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) 2003 (“Rheoliadau 2003”) a oedd yn cyflwyno system newydd cyllid cyfalaf llywodraeth leol. Gwneir y Rheoliadau hyn o dan yr un pwerau ar y cyfan a gwneir diwygiadau i Reoliadau 2003.

Mae rheoliad 4 o'r Rheoliadau hyn yn mewnosod diffiniad o “small scale disposal”, a diffiniadau eraill at ddibenion yr ymadrodd hwnnw, yn rheoliad 1(4) o Reoliadau 2003. Mae gwarediad ar raddfa fach yn warediad gan awdurdod lleol o fuddiant mewn tir ac arno dai pan fo Cynulliad Cenedlaethol Cymru wedi cydsynio i'r gwarediad yn ddarostyngedig i'r ffaith bod yr awdurdod lleol wedi'i fodloni nad yw mwyafrif y tenantiaid diogel a chychwynnol yn wrthwynebus iddo. Nid yw gwarediad yn warediad ar raddfa fach onid yw cyfanswm nifer y tai annedd a waredir gan yr awdurdod yn y cyfnod o bum mlynedd sy'n dod i ben ar ddyddiad y gwaredu ddim mwy na 499.

Mae rheoliad 5 o'r Rheoliadau hyn yn darparu i warediadau ar raddfa fach gael eu heithrio o'r gofyniad i gronni derbyniadau wrth waredu tir ac arno dai sydd yn rheoliad 10 o Reoliadau 2003. Mae rheoliad 5 hefyd yn darparu ar gyfer cynnwys rheoliad newydd 10(9) yn Rheoliadau 2003.

Mae rheoliad 6 o'r Rheoliadau hyn yn eithrio gwarediadau ar raddfa fach pan fo'n rhaid penderfynu derbyniadau cyfalaf damcaniaethol ar eu cyfer o dan reoliad 15 o Reoliadau 2003.

Mae rheoliad 7 yn diwygio rheoliad 20 o Reoliadau 2003 fel bod taliad o ardoll ar warediad o dan Ddeddf Diwygio Lesddaliad, Tai a Datblygu Trefol 1993 yn cael ei drin fel gwariant cyfalaf.

Mae rheoliad 8 o'r Rheoliadau hyn yn diwygio'r darpariaethau yn rheoliad 22 o Reoliadau 2003 ynghylch cyfrifo isafswm y ddarpariaeth refeniw. Diwygir y cyfrifo i sicrhau na fydd unrhyw newid yn y gofyniad yn y cyllid cyfalaf tai yn effeithio ar gyfrifo gofyniad cyllid cyfalaf cronfa'r cyngor, ac o'r herwydd cyfrifo isafswm darpariaeth refeniw cronfa'r cyngor. Mae rheoliad 8 hefyd yn diwygio rheoliad 22 o Reoliadau 2003 fel na fyddai'n ofynnol i awdurdod lleol yng Nghymru wneud cyfraniadau cronni i Gynulliad Cenedlaethol Cymru ond pan fyddai gofyniad cyllid cyfalaf Cyfrif Refeniw Tai agoriadol presennol yr awdurdod lleol hwnnw, neu ofyniad cyllid cyfalaf nawdd Cyfrif Refeniw Tai agoriadol yr awdurdod lleol hwnnw, yn ddim, neu'n swm negyddol.

## 2006 Rhif (Cy.)

### LLYWODRAETH LEOL, CYMRU

#### Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) (Diwygio) 2006

*Wedi'u gwneud* 2006

*Yn dod i rym* 1 Ebrill 2006

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 9(3), 10, 11, 16(2), 21, 23(1) a (2), 24, 123(1) a (2) a 124 o Ddeddf Llywodraeth Leol 2003(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

#### Enwi, cychwyn a cymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) (Diwygio) 2006 a deuant i rym ar 1 Ebrill 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Awdurdodau Lleol yng Nghymru.

#### Dehongli

2.—(1) Yn y Rheoliadau hyn mae unrhyw gyfeiriad at Ran, adran eu Atodlen yn gyfeiriad at Ran neu adran o Ddeddf Llywodraeth Leol 2003 neu at Atodlen iddi oni nodir fel arall.

(2) Yn y Rheoliadau hyn ystyr "Rheoliadau 2003" yw Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) 2003(2).

#### Diwygiadau i Reoliadau 2003

3. Diwygir Rheoliadau 2003 yn unol â rheoliadau 4 i 8.

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(1) 2003 p.26.

(2) O.S. 2003/3239 (Cy.319).

## Diwygio rheoliad 1 o Reoliadau 2003

4. Yn rheoliad 1(4) (enwi, cychwyn, cymhwyso a dehongli) o Reoliadau 2003—

- (a) o flaen y diffiniad o “the 1997 Regulations” mewnosoder —

““the 1993 Act” means the Leasehold Reform Housing and Urban Development Act 1993(1);”

- (b) ar ddiwedd y diffiniad o “the 1997 Regulations” mewnosoder “;”;

- (c) ar ôl y diffiniad o “the 1997 Regulations” mewnosoder —

““associates” has the same meaning as in section 135 of the 1993 Act (disposals of dwelling-houses by local authorities);”;

- (ch) ar ôl y diffiniad o “dwelling” mewnosoder—

““dwelling-house” has the same meaning as in section 135 of the 1993 Act;”;

- (d) ar ôl y diffiniad o “housing land” mewnosoder—

““introductory tenant” has the same meaning as in chapter 1 of Part V of the Housing Act 1996 (introductory tenancies);

- (dd) ar ôl y diffiniad o “local authority” mewnosoder—

““long lease” means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;”;

- (e) yn y diffiniad o “qualifying disposal” —

rhodder “1993 Act” yn lle “Leasehold Reform Housing and Urban Development Act 1993”;

- (f) ar ôl y diffiniad o “qualifying disposal” mewnosoder—

““relevant disposal period” means the period of 5 years ending with the date of the disposal;

““secure tenant” has the same meaning as in Part IV of the Housing Act 1985(2) (secure tenancies and rights of secure tenants); and

““small scale disposal” means a disposal by a local authority of an interest in housing land to any person where —

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(1) 1993 p.28.

(2) 1985 c.68.

- (a) the National Assembly for Wales has given consent to the disposal under section 32 (power to dispose of land held for the purposes of Part II) or 43 (consent required for certain disposals not within section 32) of the Housing Act 1985;
  - (b) it has given that consent subject to the conditions that the Local Authority —
    - (i) takes reasonable steps to ascertain whether the majority of secure tenants and introductory tenants who would be affected by the disposal are not opposed to it; and
    - (ii) is satisfied that, at the time of the disposal, the majority of those tenants are not likely to be opposed to the disposal;
- and
- (c) the aggregate of the following, namely —
    - (i) the number of dwelling-houses included in the disposal; and
    - (ii) the number of dwelling-houses which, within the relevant disposal period, have been previously disposed of by the local authority to that person, or that person and any associates of that person taken together,

is not more than 499,

but for the purposes of this definition, a disposal of any dwelling-house must be disregarded if at the time of the disposal the local authority's interest in the dwelling house is or was subject to a long lease.”

### **Diwygio rheoliad 10 o Reoliadau 2003**

5.—(1) Yn rheoliad 10 (cronni derbyniadau o warediadau o dir ac arno dai) o Reoliadau 2003 —

- (a) ym mharagraff (1) ar ôl “revenue account” mewnosoder —
  - “or a housing revenue account which is debt free for HRA subsidy purposes”;
- (b) ym mharagraff (1) ar ôl “qualifying disposal” mewnosoder —
  - “or a small scale disposal”;
- (c) ar ôl paragraff (2) mewnosoder —
  - “ (2A) for the purposes of paragraph (1) “a housing revenue account which is debt free for HRA subsidy purposes” means a

housing revenue account where the opening HRA subsidy capital financing requirement as defined in accordance with Regulation 22(2) is nil or negative”.

(ch) dileer paragraff (9) a mewnosoder —

“(9)(a) Subject to paragraph (9)(d) for the purposes of paragraph (4)(b) a disposal means a disposal of —

- (i) an interest in land where the land is held for the purposes of Part II of the Housing Act 1985 (provision of housing accommodation) and if there is a building situated on the land, the building does not, in the whole or in part, comprise a dwelling; or
  - (ii) an interest in a dwelling where the dwelling was normally let, or available for letting, for the purposes of Part II of the Housing Act 1985 (provision of housing accommodation) and the authority make the disposal by granting a shared ownership lease (within the meaning given to that expression in section 622 of the Housing Act 1985), or on condition that the purchaser, for the purpose of repairing or improving the dwelling, will carry out significant works within a specified period; or
  - (iii) an interest in a lease, other than a shared ownership lease, where the authority estimate that not less than 90 percent of the capital value of the lease has been, or is to be, received by them within one year after the date of disposal.
- (b) Paragraph (9)(a) (iii) is only applicable to paragraph (4)(b) where the authority make the disposal by —
- (i) conveying the freehold interest in the dwelling;
  - (ii) granting a lease for a term of not less than 125 years;
  - (iii) granting a shared ownership lease; or
  - (iv) assigning their leasehold interest in the dwelling; and

for the purposes of this paragraph a “shared ownership lease” means a lease of a dwelling granted on payment of a premium which is calculated by reference to a percentage of the value of the dwelling or

the cost of providing it, and is not less than 25 percent of that value or cost.

(c) Paragraph (9)(a)(iii) shall not apply to a disposal (“the current disposal”) of an interest in a dwelling which has at any time been occupied under a relevant lease granted by the authority, unless —

- (i) since the last date on which the dwelling was so occupied, the authority has disposed of an interest in it under Part V of the Housing Act 1985 (the right to buy), or chapter 1 of Part I of the Housing Act 1980 (the right to buy), or with a relevant consent, to a person who, when that person acquired that interest, occupied, or intended to occupy, the dwelling as that person’s only or principal home;
- (ii) that disposal was made more than five years before the current disposal;
- (iii) at any time within that period the authority acquired a further interest in the dwelling; and
- (iv) the dwelling is a house within the meaning which that expression has in section 44 of the Housing Act 1985.

(d) In paragraph (9)(c) —

“relevant consent” means a consent to a disposal of land given by the Secretary of State to local authorities generally under section 32 or 43 of the Housing Act 1985, section 22 of the Housing and Building Control Act 1984 or section 104 of the Housing Act 1957;

“relevant lease” means —

- (i) a secure tenancy within the meaning which that expression has in Part IV of the Housing Act 1985 (secure tenancies and rights of secure tenants);
- (ii) an introductory tenancy within the meaning which that expression has in Chapter 1 of Part V of the Housing Act 1996; or
- (iii) any other lease, other than a shared ownership lease within the meaning given to it in paragraph (9)(b).”.

### **Diwygio rheoliad 15 o Reoliadau 2003**

6. Yn rheoliad 15(1) (derbyniadau heb fod yn arian) o Reoliadau 2003 ar ôl “qualifying disposal” mewnosoder —

“or a small scale disposal”.

### **Diwygio rheoliad 20 o Reoliadau 2003**

7.—(1) Yn rheoliad 20 (gwariant sydd i’w ystyried yn wariant cyfalaf) o Reoliadau 2003 —

(a) yn is-baragraff (f) o baragraff (1) rhodder “;” yn lle “.”;

(b) ar ôl is-baragraff (f) o baragraff (1) mewnosoder:

“ (g) the payment of any levy by a local authority under section 136 of the 1993 Act (levy on disposals)”.

### **Diwygio rheoliad 22 o Reoliadau 2003**

8.—(1) Yn rheoliad 22 (cyfrifo isafswm darpariaeth refeniw) o Reoliadau 2003 —

(a) ym mharagraff (1) rhodder —

“ $\frac{4[(CFR - HC) - A]}{100}$ ”

yn lle “ $\frac{4[CFR - (A + HC)]}{100}$ ”;

(b) ym mharagraff (2) ar ôl y diffiniad o “opening HRA capital financing requirements” mewnosoder —

“opening HRA subsidy capital financing requirement” means for the financial year beginning on 1 April 2006 and any subsequent financial year, the amount calculated in accordance with paragraph (3A);”

(c) ar ôl paragraff (3) mewnosoder —

“(3A) the amount referred to in the definition of “opening HRA subsidy capital financing requirements” in paragraph (2) has the same meaning for that current year in the Housing Revenue Account Subsidy (Wales) Determination made under sections 80 and 87 of the Local Government and Housing Act 1989 for that year.”.

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

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(1) 1998 p.38.



Dyddiad

Llywydd y Cynulliad Cenedlaethol

