Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 143A(5)(e) ac (f) o Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41).

OFFERYNNAU STATUDOL CYMRU DRAFFT

2026 Rhif

Rheoliadau Ardrethu Annomestig (Trefniadau Osgoi Artiffisial) (Rhestrau Lleol) (Cymru) 2026

Gwnaed	*****
Yn dod i rym	*1 Ebrill 2026*

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 143A(5)(e) and (f) of the Local Government Finance Act 1988 (c. 41).

DRAFT WELSH STATUTORY INSTRUMENTS

2026 No.

The Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026

Made	*****
Coming into force	*1 April 2026*

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 143A(5)(e) ac (f) o Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41).

O F F E R Y N N A U   S T A T U D O L   C Y M R U   D R A F F T

2026 Rhif

ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Trefniadau Osgoi Artiffisial) (Rhestrau Lleol) (Cymru) 2026

NODYN ESBONIADOL

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

Mae adrannau 63F i 63M o Ddeddf Cyllid Llywodraeth Leol 1988 ("y Ddeddf"), a fewnosodwyd gan adran 13 o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024, yn gwneud darpariaeth ynghylch gwrthweithio manteision sy'n deillio o drefniadau artiffisial i osgoi atebolrwydd ardrethi annomestig mewn perthynas â hereditamentau yng Nghymru.

Mae'r Rheoliadau hyn yn disgrifio'r mathau o drefniadau osgoi, mewn perthynas â hereditamentau ar y rhestrau ardrethu annomestig lleol, sy'n artiffisial at ddibenion adrannau 63F i 63I a 63K i 63M o'r Ddeddf (oni bai bod awdurdod bilio yn penderfynu fel arall). Maent hefyd yn gwneud darpariaeth mewn perthynas â chosbau a diwygiadau canlyniadol i is-ddeddfwriaeth.

Disgrifir y mathau o drefniadau sy'n artiffisial yn rheoliad 3 o'r Rheoliadau hyn, ac yn yr Atodlen iddynt. Y rhain yw: trefniadau pan na fo hereditament wedi ei feddiannu ar sail fasnachol, pan fo'r talwr ardrethi wedi ei ddirwyn i ben yn wirfoddol, pan fo'r perchennog neu'r meddiannydd yn dangos nodweddion ac ymddygiadau penodol, neu pan fo nodweddion penodol i feddiannaeth yr hereditament. Fodd bynnag, mae rheoliad 3(2) yn galluogi awdurdod bilio i benderfynu nad yw trefniant o fath a bennir yn yr Atodlen yn artiffisial ar ôl rhoi sylw i'r holl amgylchiadau. Caiff amgylchiadau o'r fath gynnwys (ond nid ydynt yn gyfyngedig iddynt) y rheini a restrir yn rheoliad 3(3).

Mae rheoliad 4 yn gwneud darpariaeth mewn perthynas â'r gosb a osodir pan fo person wedi methu â thalu swm sy'n ddyledus i awdurdod bilio am ei fod wedi gwneud trefniant artiffisial a'r wybodaeth y mae rhaid ei chynnwys mewn hysbysiadau sy'n gosod cosbau o'r fath ("hysbysiadau cosb").

Mae rheoliad 5 yn gwneud darpariaeth o ran sut y caiff awdurdod bilio beri bod hysbysiadau a roddir o dan adran 63K(1) o'r Ddeddf ("hysbysiadau adran 63K") a hysbysiadau cosb yn cael eu cyflwyno.

Mae rheoliad 6 yn diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 ("Rheoliadau 1989"), sy'n llywodraethu bilio, casglu ac adennill ardrethi annomestig nas talwyd. Mae'r diwygiadau hyn yn sicrhau y bydd Rheoliadau 1989 yn gymwys i swm sy'n daladwy gan dalwr ardrethi o ganlyniad i'r ffaith bod yr awdurdod bilio yn cymhwyso adrannau 63F i 63I a 63K i 63L o'r Ddeddf a'r Rheoliadau hyn. Mae'r diwygiadau hefyd yn darparu, pan fo hysbysiad adran 63K wedi ei gyflwyno i'r talwr ardrethi hwnnw, na chyflwynir hysbysiad galw am dalu mewn cysylltiad â'r swm sy'n daladwy tan ar ôl i'r terfynau amser ar gyfer adolygu'r hysbysiad adran 63K ac apelio yn ei erbyn ddod i ben.

Mae rheoliad 7 yn diwygio Rheoliadau Ardrethu Annomestig (Newid Rhestrau ac Apelau) (Cymru) 2023 i sicrhau bod darpariaethau perthnasol yn y Rheoliadau hynny'n gymwys mewn perthynas ag apelau a ddygir yn erbyn hysbysiadau adran 63K.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Polisi a Diwygio Ardrethi Annomestig, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd o dan adran 143A(5)(e) ac (f) o Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41).

O F F E R Y N N A U   S T A T U D O L   C Y M R U   D R A F F T

2026 Rhif

ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Trefniadau Osgoi Artiffisial) (Rhestrau Lleol) (Cymru) 2026

Gwnaed	*****
Yn dod i rym	*1 Ebrill 2026*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan baragraffau 1 ac 11(1A) o Atodlen 11 i Ddeddf Cyllid Llywodraeth Leol 1988(**1**) ac a freiniwyd bellach ynddynt hwy(**2**), ac wrth arfer y pwerau a roddwyd iddynt gan adrannau 63H(1)(a) a (3)(a), 63M(1) a (5), a 143A(3) o'r Ddeddf honno(**3**), ac adran 22(1)(a) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024(**4**).

Yn unol â gweithdrefn gymeradwyo'r Senedd a gymhwysir gan adran 143A(5)(e) ac (f) o Ddeddf Cyllid Llywodraeth Leol 1988(**5**) gosodwyd drafft o'r offeryn statudol Cymreig hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

(**1**) 1988 p. 41. Diwygiwyd paragraff 1 gan baragraff 4 o Atodlen 15 i Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28). Mewnosodwyd a diwygiwyd paragraff 11(1A) gan baragraffau 13(3)(b) a 18(2)(b) o'r Atodlen i Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 (dsc 6), yn y drefn honno.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Mae'r swyddogaethau hyn bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**3**) Mewnosodwyd adrannau 63F i 63M gan adran 13 o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 ("Deddf 2024"). Mewnosodwyd adran 143A gan adran 14 o Ddeddf 2024.

(**4**) 2024 dsc 6.

(**5**) Mewnosodwyd adran 143A gan adran 14 o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024. Gweler hefyd adran 37G o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

RHAN 1

Cyflwyniad

Enwi a dod i rym

1.—(1) Enw’r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Trefniadau Osgoi Artiffisial) (Rhestrau Lleol) (Cymru) 2026.

(2) Daw’r Rheoliadau hyn i rym ar 1 Ebrill 2026.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “awdurdod bilio” (“*billing authority*”) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

mae i “cwmni” yr ystyr a roddir i “company” yn adran 1(1) o Ddeddf Cwmnïau 2006(**6**);

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

mae i “hereditament” yr ystyr a roddir i “hereditament” gan adran 64 o’r Ddeddf(**7**);

ystyr “hysbysiad adran 63K” (“*section 63K notice*”) yw hysbysiad a roddir gan awdurdod bilio o dan adran 63K(1) o’r Ddeddf;

mae i “meddiannydd” yr ystyr a roddir i “occupier” yn adran 65 o’r Ddeddf(**8**);

mae i “perchennog” yr ystyr a roddir i “owner” yn adran 65 o’r Ddeddf;

ystyr “rhestr leol” (“*local list*”) yw rhestr a lunnir ac a gedwir yn unol ag adran 41ZA o’r Ddeddf(**9**);

ystyr “talwr ardrethi” (“*ratepayer*”), fel y mae’n gymwys i hereditament, yw’r meddiannydd neu, os nad yw’r hereditament wedi ei feddiannu, y perchennog;

mae “trefniant” (“*arrangement*”) yn cynnwys (ymhlith pethau eraill) unrhyw weithred, unrhyw ddigwyddiad, unrhyw gytundeb, unrhyw weithrediad, unrhyw addewid, unrhyw gynllun, unrhyw drafodiad, unrhyw ddealltwriaeth neu unrhyw ymgymeriad (pa un a ellir ei gorfodi neu ei orfodi’n gyfreithiol ai peidio), ac mae cyfeiriadau at drefniant i’w darllen fel petaent yn cynnwys—

(a) cyfres o drefniadau, a

(b) unrhyw ran o drefniant neu unrhyw gam o drefniant sy’n cynnwys mwy nag un rhan neu gam;

ystyr “unigolyn â rheolaeth sylweddol” (“*individual with significant control*”) yw unigolyn y mae ei fanylion wedi eu cynnwys yng nghofrestr y cwmni o bobl â

(**6**) 2006 p. 46.

(**7**) Diwygiwyd adran 64 gan baragraff 2 o Atodlen 10 i Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14), Atodlen 4 i Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p. 29), adran 66 o Ddeddf Llywodraeth Leol 2003 (p. 26) a pharagraff 1(13) o’r Atodlen i Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024. Mae diwygiadau eraill nad ydynt yn berthnasol i’r offeryn hwn.

(**8**) Diwygiwyd adran 65 gan baragraff 34 o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) ac adran 2(3)(a) o Ddeddf Llywodraeth Leol ac Ardrethu 1997 (p. 29).

(**9**) Mewnosodwyd adran 41ZA gan adran 2(3) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024.

rheolaeth sylweddol yn unol â Rhan 21A o Ddeddf Cwmnïau 2006([10]) fel y mae'n cael effaith pan ddaw'r Rheoliadau hyn i rym.

RHAN 2

Trefniadau osgoi artiffisial

Mathau o drefniadau

3.—(1) Mae'r Atodlen i'r Rheoliadau hyn yn pennu mathau o drefniadau sy'n artiffisial at ddibenion adran 63H(1)(a) o'r Ddeddf.

(2) Ond nid yw trefniant o unrhyw fath a bennir yn yr Atodlen yn artiffisial os gwneir penderfyniad gan awdurdod bilio i'r perwyl hwnnw gan roi sylw i'r holl amgylchiadau.

(3) Caiff yr amgylchiadau y cyfeirir atynt ym mharagraff (2) gynnwys—

(a) a yw'r meddiannydd, neu a oedd y meddiannydd, yn gweithredu busnes nad yw, neu nad oedd, ei brif ddiben yn ymwneud â lleihau atebolrwydd ardrethi annomestig;

(b) cyfran yr hereditament sy'n cael ei meddiannu, neu a oedd yn cael ei meddiannu, i gynnal y busnes a weithredir, neu a weithredwyd, gan y meddiannydd;

(c) y cyfnod amser y meddiannir neu y meddiannwyd yr hereditament amdano;

(d) a yw nodweddion yr hereditament yn gydnaws â phrif ddiben y busnes sy'n cael ei gynnal yno.

Cosbau

4.—(1) Rhaid i awdurdod bilio osod cosb ar berson y mae hysbysiad adran 63K wedi ei roi iddo pan—

(a) na fo'r hysbysiad adran 63K wedi ei dynnu'n ôl,

(b) bo'r amod neu'r amodau ym mharagraff (2) sy'n berthnasol wedi eu bodloni, ac

(c) bo'r person wedi methu â thalu swm sy'n ddyledus mewn hysbysiad galw am dalu a gyflwynwyd gan yr awdurdod bilio yn unol â rheoliad 4(1) o Reoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989([11]) o ganlyniad i'r hysbysiad adran 63K.

(2) Mae'r amodau fel a ganlyn—

(a) mae'r terfyn amser ar gyfer gofyn am adolygiad o dan adran 63K(4) o'r Ddeddf wedi dod i ben ac, os yw'r hysbysiad adran 63K wedi ei gadarnhau yn dilyn adolygiad, mae'r terfyn amser ar gyfer apelio yn erbyn yr hysbysiad o dan adran 63L(2) o'r Ddeddf hefyd wedi dod i ben([12]);

(b) os yw'r hysbysiad adran 63K yn ddarostyngedig i apêl o dan adran 63L(2) o'r Ddeddf, mae wedi ei gadarnhau gan dribiwnlys prisio a sefydlwyd o dan baragraff

([10]) Mewnosodwyd Rhan 21A gan baragraff 1 o Atodlen 3 i Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015 (p. 26) ac fe'i diwygiwyd wedyn gan O.S. 2016/136, 2017/693, 2019/348 a 2020/645. Mae diwygiadau eraill i Ran 21A naill ai nad ydynt yn berthnasol neu nad ydynt mewn grym eto.

([11]) O.S. 1989/1058, a ddiwygiwyd gan O.S. 1991/141, 1993/616, 2023/1154 (Cy. 199) a 2024/37 (Cy. 12); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

([12]) Gweler adran 63L(2) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 a rheoliad 32(1B) o O.S. 2023/350 (Cy. 51) (a fewnosodir gan y Rheoliadau hyn), ynghylch y terfyn amser ar gyfer gwneud apelau o'r fath.

1 o Atodlen 11 i'r Ddeddf ac mae'r terfyn amser ar gyfer apelio'r hysbysiad i'r Uwch Dribiwnlys wedi dod i ben(**13**);

(c) os yw'r hysbysiad adran 63K yn ddarostyngedig i apêl o dan reoliad 56(1)(aa) o Reoliadau Ardrethu Annomestig (Newid Rhestrau ac Apelau) (Cymru) 2023(**14**), mae wedi ei gadarnhau gan yr Uwch Dribiwnlys.

(3) Y gosb sy'n daladwy yw—

(a) £500, a

(b) 3% o werth ardrethol yr hereditament o dan sylw a ddangosir ar y rhestr leol ar ddyddiad yr hysbysiad adran 63K.

(4) Pan fo awdurdod bilio yn gosod cosb o dan y rheoliad hwn, rhaid iddo roi hysbysiad ysgrifenedig i'r person yn nodi—

(a) swm y gosb,

(b) y rhesymau dros osod y gosb,

(c) sut y caniateir talu,

(d) y cyfnod y mae rhaid talu o'i fewn, na chaiff fod yn llai nag 21 o ddiwrnodau sy'n dechrau â diwrnod yr hysbysiad, ac

(e) canlyniadau peidio â thalu gan gynnwys adennill unrhyw gosb sy'n weddill yn unol â pharagraff (5).

(5) Caiff yr awdurdod bilio adennill unrhyw gosb sy'n weddill a osodir o dan y rheoliad hwn fel dyled sifil sy'n ddyledus i'r awdurdod.

Cyflwyno hysbysiadau

5.—(1) Rhoddir hysbysiad adran 63K neu hysbysiad o dan reoliad 4(4) o'r Rheoliadau hyn yn ddilys i berson os—

(a) yw wedi ei ddanfon â llaw i'r person hwnnw;

(b) yw wedi ei ddanfon at y person hwnnw yn ei briod gyfeiriad;

(c) yw wedi ei anfon i briod gyfeiriad y person hwnnw drwy'r post;

(d) yw wedi ei anfon at y person hwnnw drwy gyfathrebiad electronig.

(2) At ddibenion paragraff (1), priod gyfeiriad person yw—

(a) yn achos corff corfforedig, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;

(b) yn achos partneriaeth, cyfeiriad prif swyddfa'r bartneriaeth;

(c) mewn unrhyw achos arall, cyfeiriad hysbys diwethaf y person.

(3) Mae'r hysbysiad i'w drin fel pe bai wedi ei ddanfon â llaw o dan baragraff (1)(a)—

(a) yn achos corff corfforedig, os yw'n cael ei ddanfon â llaw i ysgrifennydd neu glerc y corff;

(b) yn achos partneriaeth, os yw'n cael ei ddanfon â llaw i bartner neu berson a chanddo reolaeth dros fusnes y bartneriaeth neu sy'n rheoli busnes y bartneriaeth.

(4) Yn y rheoliad hwn, mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(**15**).

(**13**) Gweler rheoliad 56(4) a (5) o O.S. 2023/350 (Cy. 51) ynghylch y terfyn amser ar gyfer gwneud apelau o'r fath.
(**14**) O.S. 2023/350 (Cy. 51); yr offerynnau diwygio perthnasol yw O.S. 2025/1323 (Cy. 217) ac O.S. xx/xx (Cy. xx).
(**15**) 2000 p. 7. Diwygiwyd adran 15(1) gan baragraff 158 o Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21).

(5) Gweler adran 233 o Ddeddf Llywodraeth Leol 1972([16]) ar gyfer darpariaeth ychwanegol am y dulliau y caiff awdurdodau bilio gyflwyno dogfennau drwyddynt.

RHAN 3

Diwygiadau canlyniadol i is-ddeddfwriaeth

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989

6.—(1) Mae Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1) (dehongli a chymhwyso Rhan 2) yn lle'r diffiniad o "the amount payable" rhodder—

""the amount payable"—

(a) for a chargeable financial year or part of a chargeable financial year in relation to a ratepayer, a billing authority and a hereditament in England means—

(i) the amount the ratepayer is liable to pay to the authority as regards the hereditament in respect of the year or part under—

(aa) section 43 or 45([17]) of the Act, whether calculated by reference to any provision of or made under Schedule 4ZA, 4ZB or 7A([18]) to the Act or by reference to an amount or rules determined or prescribed under section 47(1)(a), 57A(3)(a) or 58(3)(a)([19]) of the Act, and

(bb) section 11 of the BRS Act, whether calculated by reference to section 13 of the BRS Act([20]) (chargeable amount) or determined in accordance with rules set by the levying authority under section 15 of the BRS Act (BRS relief), or

(ii) where an amount falls to be credited by the billing authority against the ratepayer's liability in respect of the year or part, the amount (if any) by which the amount referred to in paragraph (i) above exceeds the amount falling to be so credited;

(**16**) 1972 p. 70. Mae diwygiadau nad ydynt yn berthnasol i'r offeryn hwn.

(**17**) Diwygiwyd adran 43 gan baragraff 60 o Atodlen 13 i Ddeddf Cyllid Llywodraeth Leol 1992 (p. 14) ac adran 1(1) o Ddeddf Ardrethu Annomestig 2023 (p. 53). Diwygiwyd adran 45 gan baragraff 23 o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989, paragraff 1 o Atodlen 2 i Ddeddf Ardrethu (Eiddo Gwag) 2007 (p. 9), adran 2 o Ddeddf Ardrethu Annomestig 2023, a pharagraff 1(4) o'r Atodlen i Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024.

(**18**) Mewnosodwyd Atodlenni 4ZA a 4ZB yn Neddf Cyllid Llywodraeth Leol 1988 gan adrannau 1(3) a 2(4) o Ddeddf Ardrethu Annomestig 2023 yn y drefn honno. Mewnosodwyd Atodlen 7A gan baragraff 40 o Atodlen 5 i Ddeddf Llywodraeth Leol a Thai 1989.

(**19**) Diwygiwyd adran 47(1)(a) gan baragraff 65(1) o Atodlen 13 i Ddeddf Cyllid Llywodraeth Leol 1992 ac adran 69(2) o Ddeddf Lleoliaeth 2011 (p. 20). Mewnosodwyd adran 57A gan adran 65(1) o Ddeddf Llywodraeth Leol 2003. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Amnewidiwyd adrannau 57A(3)(a) a (b) a 58(3)(a) a (b) gan baragraffau 4(b) a 5(b) o'r Atodlen i Ddeddf Ardrethu Annomestig 2023 yn y drefn honno, ond nid yw'r diffiniad o "the amount payable" yn Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 fel y mae'n gymwys o ran Lloegr wedi ei ddiwygio yn unol â hynny.

(**20**) Mae "BRS" wedi ei ddiffinio yn O.S. 1989/1058 fel Deddf Taliadau Atodol Ardrethi Busnes 2009 (p. 7). Diwygiwyd adran 11 gan baragraff 13(2) o'r Atodlen i Ddeddf Ardrethu Annomestig 2023 ("Deddf 2023"). Diwygiwyd adran 13 gan adran 2(2)(a) o Ddeddf Ardrethi Annomestig (Toiledau Cyhoeddus) 2021 (p. 13) a pharagraff 13(4) o'r Atodlen i Ddeddf 2023.

(b) for a chargeable financial year or part of a chargeable financial year in relation to a ratepayer, a billing authority and a hereditament in Wales means—

(i) the amount the ratepayer is liable to pay to the authority as regards the hereditament in respect of the year or part under section 43 or 45 of the Act, whether calculated—

(aa) by reference to any provision of or made under Schedule 4ZA, 4ZB or 7A to the Act;

(bb) by reference to an amount determined or prescribed under section 47(1)(a) or 58(3)(**21**) of the Act;

(cc) as a result of applying sections 63F to 63L of the Act (so far as relevant) and regulations under section 63H(1)(a) of the Act, or

(ii) where an amount falls to be credited by the billing authority against the ratepayer's liability in respect of the year or part, the amount (if any) by which the amount referred to in paragraph (i) above exceeds the amount falling to be so credited;".

(3) Yn rheoliad 5(1) (cyflwyno hysbysiadau galw am dalu)—

(a) yn is-baragraff (a), ar ôl "sub-paragraph (b)" mewnosoder "or (c)";

(b) ar ddiwedd is-baragraff (b), yn lle "." rhodder ", or";

(c) ar ôl is-baragraff (b) mewnosoder—

"(c) if a billing authority in Wales has given notice under section 63K(1) of the Act to a person who is to be treated as liable as regards the hereditament concerned under section 43 or 45 of the Act, the first day after—

(i) the time limit for requesting a review under section 63K(4) has expired, or

(ii) if a notice under section 63K(1) of the Act has been confirmed following a review, the time limit for appealing the notice under section 63L has expired."

Diwygio Rheoliadau Ardrethu Annomestig (Newid Rhestrau ac Apelau) (Cymru) 2023

7.—(1) Mae Rheoliadau Ardrethu Annomestig (Newid Rhestrau ac Apelau) (Cymru) 2023 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli: cyffredinol)—

(a) ym mharagraff (1)—

(i) yn y diffiniad o "apêl", ar ôl is-baragraff (b) mewnosoder—

"(ba) adran 63L o'r Ddeddf (apelau i dribiwnlys prisio);";

(ii) yn y lle priodol mewnosoder—

"ystyr "hysbysiad adran 63K" ("*section 63K notice*") yw hysbysiad o dan adran 63K(1) o'r Ddeddf a gadarnheir yn unol ag adran 63K(5) o'r Ddeddf;";

(b) ym mharagraff (3), ar ôl is-baragraff (b) mewnosoder—

(**21**) Amnewidiwyd adran 58(3) gan baragraff 5(b) o'r Atodlen i Ddeddf Ardrethu Annomestig 2023.

“(ba) pan fo apêl yn cael ei gwneud o dan adran 63L o’r Ddeddf, yr awdurdod perthnasol;”.

(3) Yn rheoliad 32 (apelau yn erbyn hysbysiadau cwblhau neu yn erbyn gosod cosbau Atodlen 9)—

(a) yn y pennawd, ar ôl “Apelau yn erbyn” mewnosoder “hysbysiadau adran 63K,”;

(b) ar ôl paragraff (1A) mewnosoder—

“(1B) Rhaid i berson sy’n dymuno apelio yn erbyn hysbysiad adran 63K gyflwyno hysbysiad apêl i TPC fel ei fod yn dod i law o fewn y cyfnod o 30 o ddiwrnodau sy’n dechrau â’r diwrnod y mae’r awdurdod perthnasol yn hysbysu’r person am ei gasgliadau yn unol ag adran 63K(6) o’r Ddeddf.”;

(c) ym mharagraff (2)—

(i) yn is-baragraff (a), ar ôl “hysbysiad bod y gosb wedi ei gosod” mewnosoder “neu’r hysbysiad adran 63K”;

(ii) yn is-baragraff (ba), ar ôl “Atodlen 9 i’r Ddeddf” mewnosoder “neu hysbysiad adran 63K”;

(d) ym mharagraff (3), yn lle “neu (1A)” rhodder “, (1A) neu (1B)”;

(e) ym mharagraff (4), yn lle “ac (1A)” rhodder “, (1A) ac (1B)”.

(4) Yn rheoliad 35 (trefniadau ar gyfer apelau)—

(a) ym mharagraff (1), ar ôl is-baragraff (b) mewnosoder—

“(ba) o dan adran 63L o’r Ddeddf,”;

(b) yn lle paragraff (3) rhodder—

“(3) Mae paragraffau (3A) a (3B) yn gymwys pan fo’r apelau a ganlyn yn ymwneud â’r un eiddo—

(a) apêl o dan reoliad 24 ac apêl o dan reoliad 10A o Reoliadau’r Dreth Gyngor (Newid Rhestri ac Apelau) 1993(**22**), neu

(b) apêl o dan adran 63L o’r Ddeddf ac apêl o dan reoliad 24 a/neu apêl o dan reoliad 10A o Reoliadau’r Dreth Gyngor (Newid Rhestri ac Apelau) 1993.

(3A) Rhaid i Lywydd Tribiwnlys Prisio Cymru sicrhau yr ymdrinnir â’r apelau ym mharagraff (3)(a) neu (b) yn y drefn y mae’n ymddangos i’r Llywydd a fydd yn sicrhau buddiannau cyfiawnder orau.

(3B) Rhaid i’r canlynol gael eu cysylltu yn barti i’r apelau—

(a) y swyddog rhestru pan fo apêl yn cael ei gwneud o dan reoliad 24 o’r Rheoliadau hyn, a

(b) yr SP pan fo apêl yn cael ei gwneud o dan reoliad 10A o Reoliadau’r Dreth Gyngor (Newid Rhestri ac Apelau) 1993.”;

(c) ym mharagraff (4), yn lle “(3)” rhodder “(3B)”.

(5) Yn rheoliad 56(1) (apelau), ar ôl is-baragraff (a) mewnosoder—

“(aa) ar apêl o dan adran 63L o’r Ddeddf;”.

(**22**) O.S. 1993/290, a ddiwygiwyd gan O.S. 2025/1323 (Cy. 217). Mae diwygiadau eraill nad ydynt yn berthnasol i’r offeryn hwn.

Enw
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg, un o Weinidogion Cymru
Dyddiad

YR ATODLEN

Rheoliad 3(1)

Mathau o drefniadau osgoi artiffisial

Math 1 – Nid yw'r feddiannaeth ar sail fasnachol

1. Mae trefniant yn drefniant artiffisial at ddibenion adran 63H(1)(a) o'r Ddeddf pan fo'n gwneud person ("P") y meddiannydd ar hereditament ac nid yw'r hereditament wedi ei feddiannu ar sail fasnachol am fod un neu ragor o'r canlynol yn gymwys—

(a) nid yw'n ofynnol i P wneud taliad yn gydnabyddiaeth am feddiannu'r hereditament;

(b) mae'r taliad y mae rhaid i P ei wneud yn gydnabyddiaeth am feddiannu'r hereditament—

(i) yn sylweddol is na'r lefel y gellid yn rhesymol fod wedi ei chael ar y farchnad agored ar y diwrnod yr ymrwymwyd i'r trefniant, neu

(ii) yn cael ei wrthbwyso neu ei ganslo'n gyfan gwbl neu'n rhannol gan drafodion eraill;

(c) mae un neu ragor o'r partïon i'r trefniant (gan gynnwys person sy'n darparu gwasanaethau sy'n ymwneud ag ardrethu annomestig) wedi nodi (pa un ai yn benodol yn y trefniant ei hun neu'r ddogfennaeth sy'n ymwneud ag ef, neu fel arall) liniaru atebolrwydd ardrethi annomestig fel un o ddibenion y trefniant, neu fel cymhelliant drosto;

(d) nid oes gan P asedau a fyddai'n ei alluogi i weithredu mewn perthynas â'r hereditament yn y modd a honnir.

Math 2 – Mae'r talwr ardrethi wedi ei ddirwyn i ben yn wirfoddol

2.—(1) Mae trefniant rhwng person ("L") a roddodd y les, y denantiaeth neu unrhyw ffurf arall ar gytundeb am feddiannaeth a pherson arall ("P") yn drefniant artiffisial at ddibenion adran 63H(1)(a) o'r Ddeddf pan fo'n gwneud P yn dalwr ardrethi yr hereditament a bod naill ai is-baragraff (2) neu (3) neu'r ddau ohonynt yn gymwys.

(2) Cyn ymrwymo i'r trefniant â P, ymrwymodd L i drefniant â pherson arall ("X") pan ddaeth X yn dalwr ardrethi hereditament (naill ai'r hereditament y cyfeirir ato yn is-baragraff (1) neu hereditament arall), ac—

(a) cafodd X, pan oedd yn barti i'r trefniant hwnnw, ei ddirwyn i ben yn wirfoddol o dan Benodau 2 i 5 o Ran 4 o Ddeddf Ansolfedd 1986(**23**), a

(b) ar y diwrnod y mae L yn ymrwymo i'r trefniant â P, mae gan P gysylltiad cymhwysol ag X.

(**23**) 1986 p. 45. Diwygiwyd Penodau 2 i 5 o Ran 4 gan baragraffau 16 i 30 o Atodlen 9 i Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015, paragraff 6 o Atodlen 5 i Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15) ac adran 77(1) o Ddeddf Trosedd Economaidd a Thryloywder Corfforaethol 2023 (p. 56), paragraff 9 o Atodlen 3 i Ddeddf Ansolfedd Corfforaethol a Llywodraethiant 2020 (p. 12) ac O.S. 2001/1090, 2003/2096, 2007/2194, 2009/1941, 2010/18 a 2019/146. Addaswyd Rhan 4 hefyd gan adran 21 o Ddeddf Anghymhwyso Cyfarwyddwyr Cwmnïau 1986 (p. 46). Mae diwygiadau ac addasiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(3) Mae gan P gysylltiad cymhwysol ag L neu â pherson sy'n darparu gwasanaethau i L sy'n ymwneud ag ardrethu annomestig, ar y diwrnod yr ymrwymir i'r trefniant, a bod naill ai paragraff (a) neu (b) neu'r ddau ohonynt yn gymwys—

(a) cyn ymrwymo i'r trefniant â P, ymrwymodd L i drefniant â pherson arall ("Y") pan ddaeth Y yn dalwr ardrethi yr hereditament (naill ai'r hereditament y cyfeirir ato yn is-baragraff (1) neu hereditament arall), ac—

(i) ar y diwrnod yr ymrwymwyd i'r trefniant hwnnw, yr oedd gan Y gysylltiad cymhwysol ag L neu â pherson sy'n darparu gwasanaethau i L sy'n ymwneud ag ardrethu annomestig, a

(ii) cafodd Y, pan oedd yn barti i'r trefniant hwnnw, ei ddirwyn i ben yn wirfoddol o dan Benodau 2 i 5 o Ran 4 o Ddeddf Ansolfedd 1986;

(b) o fewn 3 blynedd i'r diwrnod yr ymrwymwyd i'r trefniant rhwng L a P, yr oedd P wedi ei ddirwyn i ben yn wirfoddol, neu yr oedd P wrthi'n cael ei ddirwyn i ben yn wirfoddol, o dan Benodau 2 i 5 o Ran 4 o Ddeddf Ansolfedd 1986.

(4) Mae person i'w drin fel pe bai ganddo gysylltiad cymhwysol â pherson arall—

(a) pan fo'r ddau berson yn gwmnïau, neu pan oedd un ohonynt neu'r ddau ohonynt yn gwmnïau, ac

(i) bod y naill yn is-gwmni i'r llall, neu yr oedd y naill yn is-gwmni i'r llall,

(ii) bod y ddau yn is-gwmnïau i'r un cwmni, neu yr oedd un ohonynt neu'r ddau ohonynt yn is-gwmnïau i'r un cwmni,

(iii) bod yr un person naill ai'n gyfarwyddwr i'r ddau gwmni, neu'n unigolyn â rheolaeth sylweddol dros y ddau gwmni, neu yr oedd yr un person naill ai'n gyfarwyddwr i'r ddau gwmni, neu'n unigolyn â rheolaeth sylweddol dros y ddau gwmni, neu

(iv) bod yr un person yn gyfarwyddwr i un cwmni ac yn unigolyn â rheolaeth sylweddol dros y cwmni arall, neu yr oedd yr un person yn gyfarwyddwr i un cwmni ac yn unigolyn â rheolaeth sylweddol dros y cwmni arall, neu

(b) pan mai un person yn unig sy'n gwmni, neu a oedd yn gwmni, a bod gan y person arall neu yr oedd gan y person arall ("yr ail berson") fuddiant yn y cwmni hwnnw a fyddai, pe bai'r ail berson yn gwmni, yn golygu ei fod yn gwmni daliannol y llall.

(5) Yn y paragraff hwn, mae i "cwmni daliannol" ac "is-gwmni" yr ystyron a roddir i "holding company" a "subsidiary" yn y drefn honno yn adran 1159 o Ddeddf Cwmnïau 2006.

Math 3 – Mae'r perchennog neu'r meddiannydd yn dangos nodweddion neu ymddygiadau penodol

3.—(1) Mae trefniant yn drefniant artiffisial at ddibenion adran 63H(1)(a) o'r Ddeddf pan fo un neu ragor o'r canlynol yn gymwys mewn perthynas â'r hereditament—

(a) methodd y perchennog, y meddiannydd neu'r person a roddodd y les, y denantiaeth neu unrhyw ffurf arall ar gytundeb am feddiannaeth â darparu enw'r talwr ardrethi mewn ymateb i gais am yr wybodaeth honno o dan baragraff 5(1B) o Atodlen 9 i’r Ddeddf(**24**) o fewn y cyfnod a bennir ym mharagraff 5A(1)(**25**) o’r Atodlen honno;

(b) mae’r trefniant yn gwneud person (“P”) y talwr ardrethi ac nid oes gan P unrhyw gysylltiad â’r gweithrediad na’r gweithgarwch economaidd sy’n digwydd ar yr hereditament neu mewn perthynas ag ef;

(c) mae’r trefniant, rhwng person (“L”) a roddodd y les, y denantiaeth neu unrhyw ffurf arall ar gytundeb am feddiannaeth a pherson arall (“P”), yn gwneud P y talwr ardrethi ac, ar y diwrnod yr ymrwymwyd i’r trefniant, yr oedd P yn gyflogai, yn gontractwr, yn bartner neu’n berthynas agos i L;

(d) mae’r trefniant yn gwneud person (“P”), neu gwmni, ffyrm neu ymddiriedolaeth y mae P yn gyfarwyddwr iddo neu iddi, yn bartner iddo neu iddi, yn ymddiriedolwr elusen iddo neu iddi neu’n unigolyn â rheolaeth sylweddol drosto neu drosti, y talwr ardrethi ac ar y diwrnod yr ymrwymwyd i’r trefniant, mae un neu ragor o’r canlynol yn gymwys—

(i) yn y 2 flynedd flaenorol, yr oedd P wedi ei euogfarnu o dan adran 767(1) o Ddeddf Cwmnïau 2006 o gynnal busnes neu arfer unrhyw bwerau benthyca cwmni cyhoeddus nad oedd ganddo dystysgrif fasnachu;

(ii) yn y 2 flynedd flaenorol, yr oedd P yn ddarostyngedig i ddatganiad a ddyroddwyd gan lys am fasnachu twyllodrus neu fasnachu ar gam o dan adran 213(2), 214(1), 246ZA(2) neu 246ZB(1) o Ddeddf Ansolfedd 1986(**26**), neu erthygl 177 neu 178(1) o Orchymyn Ansolfedd (Gogledd Iwerddon) 1989(**27**);

(iii) yr oedd P wedi ei anghymhwyso rhag bod yn gyfarwyddwr cwmni, naill ai yn rhinwedd gorchymyn anghymhwyso neu ymgymeriad anghymwyso o dan adran 1 neu 1A o Ddeddf Anghymhwyso Cyfarwyddwyr Cwmnïau 1986(**28**), neu erthygl 3 neu 4 o Orchymyn Anghymhwyso Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(**29**), heb ganiatâd y llys i fod yn gyfarwyddwr mewn cysylltiad â’r talwr ardrethi;

(iv) yr oedd P wedi ei anghymhwyso rhag bod yn ymddiriedolwr elusen neu’n ymddiriedolwr i’r elusen honno o dan adran 178 neu 181A o Ddeddf Elusennau 2011(**30**), adran 69 o Ddeddf Elusennau a Buddsoddi gan

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(**24**) Mewnosodwyd paragraff 5(1B) gan adran 151(2)(b) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1).

(**25**) Mewnosodwyd paragraff 5A gan adran 72(4) o Ddeddf Llywodraeth Leol 2003. Diwygiwyd paragraff 5A(1) gan adran 151(3)(a) o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021. Gwneir diwygiadau pellach i baragraff 5A(1) yn rhinwedd paragraff 13(2)(e)(i) o’r Atodlen i Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 ar ddyddiad sydd i’w bennu.

(**26**) Addaswyd adran 213(2) gan adrannau 21(5) a 25 o Ddeddf Anghymhwyso Cyfarwyddwyr Cwmnïau 1986. Mewnosodwyd adrannau 246ZA a 246ZB gan adran 117(2) o Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015.

(**27**) O.S. 1989/2405 (G.I. 19), a ddiwygiwyd gan O.S. 2009/1941. Mae diwygiadau eraill nad ydynt yn berthnasol i’r offeryn hwn.

(**28**) 1986 p. 46. Diwygiwyd adran 1 gan adran 5(1) a (2) o Ddeddf Ansolfedd 2000 (p. 39) a pharagraff 2 o Atodlen 4 iddi, a pharagraff 2(2) o Atodlen 13 i Ddeddf Cyllid 2024 (p. 3). Mewnosodwyd adran 1A gan adran 6(2) o Ddeddf Ansolfedd 2000 ac fe’i diwygiwyd gan baragraff 2(3) o Atodlen 13 i Ddeddf Cyllid 2024.

(**29**) O.S. 2002/3150 (G.I. 4). Diwygiwyd erthyglau 3 a 4 gan baragraff 9(3) a (4) o Atodlen 8 i Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015. Diwygiwyd erthygl 3 hefyd gan O.S. 2005/1454 (G.I. 9).

(**30**) 2011 p. 25. Diwygiwyd adran 178 gan adrannau 4(5) a 9(3) i (6) o Ddeddf Elusennau (Diogelu a Buddsoddi Cymdeithasol) 2016 (p. 4) a pharagraff 9 o Atodlen 3 i Ddeddf Sancsiynau a Gwrth-Gwyngalchu Arian 2018 (p. 13), ac O.S. 2012/2404, 2016/481, 2019/466, 2019/573 a 2019/577. Mewnosodwyd adran 181A gan adran 10(2) o Ddeddf Elusennau (Diogelu a Buddsoddi Cymdeithasol) 2016 ac fe’i diwygiwyd gan O.S. 2016/997.

Ymddiriedolwyr (Yr Alban) 2005(**31**) neu adran 86 o Ddeddf Elusennau (Gogledd Iwerddon) 2008(**32**);

(v) yn y 2 flynedd flaenorol, yr oedd P wedi ei euogfarnu o drosedd o dan adran 216 o Ddeddf Ansolfedd 1986(**33**) neu erthygl 180 o Orchymyn Ansolfedd (Gogledd Iwerddon) 1989(**34**) (cyfyngiad ar ailddefnyddio enwau cwmnïau);

(vi) yr oedd P yn ddarostyngedig i orchymyn cyfyngiadau methdaliad, gorchymyn cyfyngiadau methdaliad interim, neu ymgymeriad cyfyngiadau methdaliad, o dan Atodlen 4A i Ddeddf Ansolfedd 1986(**35**), Rhan 13 o Ddeddf Methdaliad (Yr Alban) 2016(**36**), neu Atodlen 2A i Orchymyn Ansolfedd (Gogledd Iwerddon) 1989(**37**).

(2) Yn is-baragraff (1)(c), ystyr "perthynas agos" yw rhiant, rhiant mabwysiadol, llys-riant, rhiant yng nghyfraith, mab, mab yng nghyfraith, merch, merch yng nghyfraith, llysfab, llysferch, mab mabwysiadol, merch fabwysiadol, brawd neu chwaer (pa un ai o waed cyfan neu hanner gwaed), llysfrawd, llyschwaer, neu bartner unrhyw berson o'r fath.

(3) Yn is-baragraffau (1)(c) a (2), ystyr "partner" yw—

(a) gŵr neu wraig neu bartner sifil y person hwnnw, neu

(b) os yw'r person yn byw gyda pherson arall fel pe baent yn gwpl priod neu'n bartneriaid sifil, y person arall hwnnw.

(4) Yn is-baragraff (1)(d)—

ystyr "ffyrm" ("*firm*") yw unrhyw endid arall, pa un a yw'n berson cyfreithiol ai peidio, nad yw'n unigolyn ac mae'n cynnwys corff corfforedig, corfforaeth undyn a phartneriaeth neu gymdeithas anghorfforedig arall;

ystyr "ymddiriedolwr elusen" yw person sy'n dod o fewn y diffiniad o "charity trustees" yn adran 177 o Ddeddf Elusennau 2011.

Math 4 – Mae i'r feddiannaeth nodweddion penodol

4.—(1) Mae trefniant yn drefniant artiffisial at ddibenion adran 63H(1)(a) o'r Ddeddf pan fo un o'r canlynol neu'r ddau ohonynt yn gymwys i feddiannaeth yr hereditament—

(a) mae'r feddiannaeth yn fuddiol yn bennaf oherwydd ei bod yn cyfrannu at gynnal busnes lliniaru ardrethi annomestig;

(b) mae budd y feddiannaeth yn deillio'n gyfan gwbl neu'n bennaf o drosglwyddydd WiFi neu Bluetooth (ac unrhyw gyfarpar cysylltiedig) a ddefnyddir ar gyfer marchnata electronig lleol neu hysbysebu electronig lleol.

(2) Ym mharagraff 4(1)(a), ystyr "busnes lliniaru ardrethi annomestig" yw busnes neu berson sy'n rhan o'r gwaith o weithredu (gan gynnwys cynghori, cydgysylltu neu reoli) gynllun neu gynlluniau at y brif ddiben o leihau atebolrwydd ardrethi annomestig.

(**31**) 2005 dsa 10. Diwygiwyd adran 69 gan baragraff 211 o Atodlen 8 i Ddeddf Elusennau 2006 (p. 50), paragraff 107 o Atodlen 7 i Ddeddf Elusennau 2011 ac adrannau 4(2) a 5(2) a (3) o Ddeddf Elusennau (Rheoleiddio a Gweinyddu) (yr Alban) 2023 (dsa 5).

(**32**) 2008 p. 12. Diwygiwyd adran 86 gan baragraff 138 o Atodlen 7 i Ddeddf Elusennau 2011 ac adran 3(3) o Ddeddf Elusennau (Gogledd Iwerddon) 2013 (p. 3).

(**33**) Addaswyd adran 216 gan adrannau 21(5) a 25 o Ddeddf Anghymhwyso Cyfarwyddwyr Cwmnïau 1986. Mae diwygiadau ac addasiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(**34**) O.S. 1989/2405 (G.I. 19), a ddiwygiwyd gan O.S. 2009/1941.

(**35**) Mewnosodwyd Atodlen 4A gan adran 257 o Ddeddf Menter 2002 (p. 40) ac Atodlen 20 iddi, ac fe'i diwygiwyd gan baragraff 63 o Atodlen 19 i Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) ac adran 135(2)(b) o Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015.

(**36**) dsa 21.

(**37**) O.S. 1989/2405 (G.I. 10); yr offeryn diwygio perthnasol yw O.S. 2015/1455 (G.I. 19).

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 143A(5)(e) and (f) of the Local Government Finance Act 1988 (c. 41).

DRAFT WELSH STATUTORY INSTRUMENTS

2026 No.

RATING AND VALUATION, WALES

The Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 63F to 63M of the Local Government Finance Act 1988 (“the Act”), which were inserted by section 13 of the Local Government Finance (Wales) Act 2024, make provision about counteracting advantages arising from artificial arrangements for the avoidance of non-domestic rates liability in relation to hereditaments in Wales.

These Regulations describe the types of avoidance arrangements, in relation to hereditaments on the local non-domestic rating lists, which are artificial for the purposes of sections 63F to 63I and 63K to 63M of the Act (unless a billing authority determines otherwise). They also make provision in relation to penalties and consequential amendments to secondary legislation.

The types of arrangements which are artificial are described in regulation 3 of, and the Schedule to, these Regulations. These are: arrangements where a hereditament is not occupied on a commercial basis, where the ratepayer has been wound up voluntarily, where the owner or occupier exhibits particular characteristics and behaviours, or where the occupation of the hereditament has certain characteristics. However, regulation 3(2) enables a billing authority to determine that an arrangement of a type specified in the Schedule is not artificial after having regard to all the circumstances. Such circumstances may include (but are not limited to) those listed in regulation 3(3).

Regulation 4 makes provision in relation to the penalty imposed where a person has failed to pay an amount due to a billing authority in consequence of having made an artificial arrangement and the information which must be contained in notices imposing such penalties (“penalty notices”).

Regulation 5 makes provision as to how a billing authority may effect service of notices given under section 63K(1) of the Act ("section 63K notices") and penalty notices.

Regulation 6 amends the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 ("the 1989 Regulations"), which govern the billing, collection and recovery of unpaid non-domestic rates. These amendments ensure that the 1989 Regulations will apply to an amount payable by a ratepayer as a result of the billing authority applying sections 63F to 63I and 63K to 63L of the Act and these Regulations. The amendments also provide that where a section 63K notice has been served on that ratepayer, a demand notice in respect of the amount payable will not be served until after the deadlines for reviewing and appealing the section 63K notice have expired.

Regulation 7 amends the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 to ensure that relevant provisions of those Regulations apply in relation to appeals brought against section 63K notices.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Non-Domestic Rates Policy and Reform Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Draft Regulations laid before Senedd Cymru in accordance with the Senedd approval procedure under section 143A(5)(e) and (f) of the Local Government Finance Act 1988 (c. 41).

D R A F T   W E L S H   S T A T U T O R Y   I N S T R U M E N T S

2026 No.

RATING AND VALUATION, WALES

The Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026

Made	*****
Coming into force	*1 April 2026*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by paragraphs 1 and 11(1A) of Schedule 11 to the Local Government Finance Act 1988(**1**) and now vested in them(**2**), and in exercise of the powers conferred on them by sections 63H(1)(a) and (3)(a), 63M(1) and (5), and 143A(3) of that Act(**3**), and section 22(1)(a) of the Local Government Finance (Wales) Act 2024(**4**).

In accordance with the Senedd approval procedure applied by section 143A(5)(e) and (f) of the Local Government Finance Act 1988(**5**) a draft of this Welsh statutory instrument was laid before, and approved by resolution of, Senedd Cymru.

(**1**) 1988 c. 41. Paragraph 1 was amended by paragraph 4 of Schedule 15 to the Local Government and Public Involvement in Health Act 2007 (c. 28). Paragraph 11(1A) was inserted and amended by paragraphs 13(3)(b) and 18(2)(b) of the Schedule to the Local Government Finance (Wales) Act 2024 (asc 6), respectively.

(**2**) The functions of the Secretary of State were transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). These functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) Sections 63F to 63M were inserted by section 13 of the Local Government Finance (Wales) Act 2024 (“the 2024 Act”). Section 143A was inserted by section 14 of the 2024 Act.

(**4**) 2024 asc 6.

(**5**) Section 143A was inserted by section 14 of the Local Government Finance (Wales) Act 2024. See also section 37G of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

PART 1

Introduction

Title and coming into force

1.—(1) The title of these Regulations is the Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026.

(2) These Regulations come into force on 1 April 2026.

Interpretation

2. In these Regulations—

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

"arrangement" ("*trefniant*") includes (among other things) any action, event, agreement, operation, promise, scheme, transaction, understanding or undertaking (whether legally enforceable or not), and references to an arrangement are to be read as including—

(a) a series of arrangements, and

(b) any part or stage of an arrangement comprised of more than one part or stage;

"billing authority" ("*awdurdod bilio*") means a county council or county borough council in Wales;

"company" ("*cwmni*") has the meaning given in section 1(1) of the Companies Act 2006(**6**);

"hereditament" ("*hereditament*") has the meaning given by section 64 of the Act(**7**);

"individual with significant control" ("*unigolyn â rheolaeth sylweddol*") means an individual whose particulars are contained in the company's register of people with significant control in accordance with Part 21A of the Companies Act 2006(**8**) as it has effect when these Regulations come into force;

"local list" ("*rhestr leol*") means a list compiled and maintained in accordance with section 41ZA of the Act(**9**);

"occupier" ("*meddiannydd*") has the meaning given in section 65 of the Act(**10**);

"owner" ("*perchennog*") has the meaning given in section 65 of the Act;

(**6**) 2006 c. 46.

(**7**) Section 64 was amended by paragraph 2 of Schedule 10 to the Local Government Finance Act 1992 (c. 14), Schedule 4 to the Local Government and Rating Act 1997 (c. 29), section 66 of the Local Government Act 2003 (c. 26) and paragraph 1(13) of the Schedule to the Local Government Finance (Wales) Act 2024. There are other amendments not relevant to this instrument.

(**8**) Part 21A was inserted by paragraph 1 of Schedule 3 to the Small Business, Enterprise and Employment Act 2015 (c. 26) and subsequently amended by S.I. 2016/136, 2017/693 2019/348 and 2020/645. There are other amendments to Part 21A either not relevant or not yet in force.

(**9**) Section 41ZA was inserted by section 2(3) of the Local Government Finance (Wales) Act 2024.

(**10**) Section 65 was amended by paragraph 34 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42) and section 2(3)(a) of the Local Government and Rating Act 1997 (c. 29).

“ratepayer” (“*talwr ardrethi*”), as it applies to a hereditament, means the occupier or, if the hereditament is not occupied, the owner;

“section 63K notice” (“*hysbysiad adran 63K*”) means a notice given by a billing authority under section 63K(1) of the Act.

PART 2

Artificial avoidance arrangements

Types of arrangements

3.—(1) The Schedule to these Regulations specifies types of arrangements which are artificial for the purposes of section 63H(1)(a) of the Act.

(2) But an arrangement of any type specified in the Schedule is not artificial if a determination is made by a billing authority to that effect having regard to all the circumstances.

(3) The circumstances referred to in paragraph (2) may include—

(a) whether the occupier is or was operating a business whose predominant purpose is or was not related to reducing non-domestic rates liability;

(b) the proportion of the hereditament that is or was being occupied to conduct the business operated by the occupier;

(c) the period of time for which the hereditament is or was occupied;

(d) whether the characteristics of the hereditament are compatible with the predominant purpose of the business being conducted there.

Penalties

4.—(1) A billing authority must impose a penalty on a person who has been given a section 63K notice where—

(a) the section 63K notice has not been withdrawn,

(b) the condition or conditions in paragraph (2) that are relevant are met, and

(c) the person has failed to pay an amount due in a demand notice served by the billing authority in accordance with regulation 4(1) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(**11**) in consequence of the section 63K notice.

(2) The conditions are that—

(a) the time limit for requesting a review under section 63K(4) of the Act has expired and, if the section 63K notice has been confirmed following a review, the time limit for appealing the notice under section 63L(2) of the Act has also expired(**12**);

(b) if the section 63K notice is subject to an appeal under section 63L(2) of the Act, it has been confirmed by a valuation tribunal established under paragraph 1 of Schedule 11 to the Act and the time limit for appealing the notice to the Upper Tribunal has expired(**13**);

(**11**) S.I. 1989/1058, amended by S.I. 1991/141, 1993/616, 2023/1154 (W. 199) and 2024/37 (W. 12); there are other amending instruments but none is relevant to these Regulations.

(**12**) See section 63L(2) of the Local Government Finance (Wales) Act 2024 and regulation 32(1B) of S.I. 2023/350 (W. 51) (inserted by these Regulations), as to the time limit for making such appeals.

(**13**) See regulation 56(4) and (5) of S.I. 2023/350 (W. 51) as to the time limit for making such appeals.

(c) if the section 63K notice is subject to an appeal under regulation 56(1)(aa) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023(**14**), it has been confirmed by the Upper Tribunal.

(3) The penalty payable is—

(a) £500, and

(b) 3% of the rateable value of the hereditament concerned shown in the local list on the date of the section 63K notice.

(4) Where a billing authority imposes a penalty under this regulation, it must give notice in writing to the person stating—

(a) the amount of the penalty,

(b) the reasons for imposing the penalty,

(c) how payment may be made,

(d) the period within which payment must be made, which must not be less than 21 days beginning with the day of the notice, and

(e) the consequences of non-payment including the recovery of any outstanding penalty in accordance with paragraph (5).

(5) Any outstanding penalty imposed under this regulation may be recovered by the billing authority as a civil debt due to the authority.

Service of notices

5.—(1) A section 63K notice or a notice under regulation 4(4) of these Regulations is validly given to a person if—

(a) it is hand delivered to that person;

(b) it is delivered to that person at their proper address;

(c) it is sent to that person's proper address by post;

(d) it is sent to that person by electronic communication.

(2) For the purposes of paragraph (1), a person's proper address is—

(a) in the case of a body corporate, the address of the registered or principal office of the body;

(b) in the case of a partnership, the address of the principal office of the partnership;

(c) in any other case, the person's last known address.

(3) The notice is to be treated as having been hand delivered under paragraph (1)(a)—

(a) in the case of a body corporate, if it is hand delivered to the secretary or clerk of the body;

(b) in the case of a partnership, if it is hand delivered to a partner or a person having control or management of the partnership business.

(4) In this regulation, "electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000(**15**).

(5) See section 233 of the Local Government Act 1972(**16**) for additional provision about the methods by which billing authorities may serve documents.

(**14**) S.I. 2023/350 (W. 51); relevant amending instruments are S.I. 2025/1323 (W. 217) and S.I. xx/xx (W. xx).
(**15**) 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).
(**16**) 1972 c. 70. There are amendments not relevant to this instrument.

PART 3

Consequential amendments to secondary legislation

Amendments to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

6.—(1) The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 are amended as follows.

(2) In regulation 3(1) (interpretation and application of Part 2) for the definition of "the amount payable" substitute—

""the amount payable"—

(a) for a chargeable financial year or part of a chargeable financial year in relation to a ratepayer, a billing authority and a hereditament in England means—

(i) the amount the ratepayer is liable to pay to the authority as regards the hereditament in respect of the year or part under—

(aa) section 43 or 45(**17**) of the Act, whether calculated by reference to any provision of or made under Schedule 4ZA, 4ZB or 7A(**18**) to the Act or by reference to an amount or rules determined or prescribed under section 47(1)(a), 57A(3)(a) or 58(3)(a)(**19**) of the Act, and

(bb) section 11 of the BRS Act, whether calculated by reference to section 13 of the BRS Act(**20**) (chargeable amount) or determined in accordance with rules set by the levying authority under section 15 of the BRS Act (BRS relief), or

(ii) where an amount falls to be credited by the billing authority against the ratepayer's liability in respect of the year or part, the amount (if any) by which the amount referred to in paragraph (i) above exceeds the amount falling to be so credited;

(b) for a chargeable financial year or part of a chargeable financial year in relation to a ratepayer, a billing authority and a hereditament in Wales means—

(**17**) Section 43 was amended by paragraph 60 of Schedule 13 to the Local Government Finance Act 1992 (c. 14) and section 1(1) of the Non-Domestic Rating Act 2023 (c. 53). Section 45 was amended by paragraph 23 of Schedule 5 to the Local Government and Housing Act 1989, paragraph 1 of Schedule 2 to the Rating (Empty Properties) Act 2007 (c. 9), section 2 of the Non-Domestic Rating Act 2023, and paragraph 1(4) of the Schedule to the Local Government Finance (Wales) Act 2024.

(**18**) Schedules 4ZA and 4ZB were inserted into the Local Government Finance Act 1988 by sections 1(3) and 2(4) of the Non-Domestic Rating Act 2023 respectively. Schedule 7A was inserted by paragraph 40 of Schedule 5 to the Local Government and Housing Act 1989.

(**19**) Section 47(1)(a) was amended by paragraph 65(1) of Schedule 13 to the Local Government Finance Act 1992 and section 69(2) of the Localism Act 2011 (c. 20). Section 57A was inserted by section 65(1) of the Local Government Act 2003. There are other amendments not relevant to these Regulations. Sections 57A(3)(a) and (b) and 58(3)(a) and (b) were substituted by paragraphs 4(b) and 5(b) of the Schedule to the Non-Domestic Rating Act 2023 respectively, but the definition of "the amount payable" in the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 as it applies in relation to England has not been amended accordingly.

(**20**) "BRS" is defined in S.I. 1989/1058 as the Business Rate Supplements Act 2009 (c. 7). Section 11 was amended by paragraph 13(2) of the Schedule to the Non-Domestic Rating Act 2023 ("the 2023 Act"). Section 13 was amended by section 2(2)(a) of the Non-Domestic Rates (Public Lavatories) Act 2021 (c. 13) and paragraph 13(4) of the Schedule to the 2023 Act.

(i) the amount the ratepayer is liable to pay to the authority as regards the hereditament in respect of the year or part under section 43 or 45 of the Act, whether calculated—

(aa) by reference to any provision of or made under Schedule 4ZA, 4ZB or 7A to the Act;

(bb) by reference to an amount determined or prescribed under section 47(1)(a) or 58(3)(**21**) of the Act;

(cc) as a result of applying sections 63F to 63L of the Act (so far as relevant) and regulations under section 63H(1)(a) of the Act, or

(ii) where an amount falls to be credited by the billing authority against the ratepayer's liability in respect of the year or part, the amount (if any) by which the amount referred to in paragraph (i) above exceeds the amount falling to be so credited;".

(3) In regulation 5(1) (service of demand notices)—

(a) in sub-paragraph (a), after "sub-paragraph (b)" insert "or (c)";

(b) at the end of sub-paragraph (b), for "." substitute ", or";

(c) after sub-paragraph (b) insert—

"(c) if a billing authority in Wales has given notice under section 63K(1) of the Act to a person who is to be treated as liable as regards the hereditament concerned under section 43 or 45 of the Act, the first day after—

(i) the time limit for requesting a review under section 63K(4) has expired, or

(ii) if a notice under section 63K(1) of the Act has been confirmed following a review, the time limit for appealing the notice under section 63L has expired."

Amendments to the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023

7.—(1) The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 are amended as follows.

(2) In regulation 2 (interpretation: general)—

(a) in paragraph (1)—

(i) in the definition of "appeal", after sub-paragraph (b) insert—

"(ba) section 63L of the Act (appeals to a valuation tribunal);";

(ii) at the appropriate place insert—

""section 63K notice" ("*hysbysiad adran 63K*") means a notice under section 63K(1) of the Act which is confirmed in accordance with section 63K(5) of the Act;";

(b) in paragraph (3), after sub-paragraph (b) insert—

"(ba) where an appeal is made under section 63L of the Act, the relevant authority;".

(**21**) Section 58(3) was substituted by paragraph 5(b) of the Schedule to the Non-Domestic Rating Act 2023.

(3) In regulation 32 (appeals against completion notices or imposition of Schedule 9 penalties)—

(a) in the heading, after "Appeals against" insert "section 63K notices,";

(b) after paragraph (1A) insert—

"(1B) A person who wishes to appeal against a section 63K notice must serve a notice of appeal to the VTW so that it is received within the period of 30 days beginning with the day on which the relevant authority notifies the person of its conclusions in accordance with section 63K(6) of the Act.";

(c) in paragraph (2)—

(i) in sub-paragraph (a), after "notice of the imposition of the penalty" insert "or the section 63K notice";

(ii) in sub-paragraph (ba), after "Schedule 9 to the Act" insert "or a section 63K notice";

(d) in paragraph (3), for "or (1A)" substitute ", (1A) or (1B)";

(e) in paragraph (4), for "and (1A)" substitute ", (1A) and (1B)".

(4) In regulation 35 (arrangements for appeals)—

(a) in paragraph (1), after sub-paragraph (b) insert—

"(ba) section 63L of the Act,";

(b) for paragraph (3) substitute—

"(3) Paragraphs (3A) and (3B) apply where the following appeals relate to the same property—

(a) an appeal under regulation 24 and an appeal under regulation 10A of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**22**), or

(b) an appeal under section 63L of the Act and an appeal under regulation 24 and/or an appeal under regulation 10A of the Council Tax (Alteration of Lists and Appeals) Regulations 1993.

(3A) The President of the Valuation Tribunal must ensure the appeals in paragraph (3)(a) or (b) are dealt with in the order which appears to the President to best secure the interests of justice.

(3B) The following must be joined as a party to the appeals—

(a) the listing officer where an appeal is made under regulation 24 of these Regulations, and

(b) the VO where an appeal is made under regulation 10A of the Council Tax (Alteration of Lists and Appeals) Regulations 1993.";

(c) in paragraph (4), for "(3)" substitute "(3B)".

(5) In regulation 56(1) (appeals), after sub-paragraph (a) insert—

"(aa) an appeal under section 63L of the Act;".

(**22**) S.I. 1993/290, amended by S.I. 2025/1323 (W. 217). There are other amendments not relevant to this instrument.

Name
Cabinet Secretary for Finance and Welsh Language, one of the Welsh Ministers
Date

SCHEDULE

Regulation 3(1)

Types of artificial avoidance arrangements

Type 1 – The occupation is not on a commercial basis

1. An arrangement is an artificial arrangement for the purposes of section 63H(1)(a) of the Act where it makes a person ("P") the occupier of a hereditament and the hereditament is not occupied on a commercial basis because one or more of the following applies—

(a) P is not required to make payment in consideration for their occupation of the hereditament;

(b) the payment which P must make in consideration for their occupation of the hereditament is—

(i) significantly below the level which could reasonably have been obtained on the open market on the day the arrangement was entered into, or

(ii) offset or cancelled in whole or in part by other transactions;

(c) one or more parties to the arrangement (including a person providing services relating to non-domestic rating) has identified (whether expressly in the arrangement itself or documentation relating to it, or otherwise) the mitigation of non-domestic rates liability as a purpose of, or motivation for, the arrangement;

(d) P does not have assets which would enable them to act in relation to the hereditament in the manner which is claimed.

Type 2 – The ratepayer has been wound up voluntarily

2.—(1) An arrangement between a person ("L") who granted the lease, tenancy or any other form of agreement for occupation and another person ("P") is an artificial arrangement for the purposes of section 63H(1)(a) of the Act where it makes P the ratepayer of the hereditament and either or both of sub-paragraphs (2) and (3) apply.

(2) Prior to entering into the arrangement with P, L entered into an arrangement with another person ("X") where X became the ratepayer of a hereditament (either the hereditament referred to in sub-paragraph (1) or another hereditament), and—

(a) X, whilst a party to that arrangement, was wound up voluntarily under Chapters 2 to 5 of Part 4 of the Insolvency Act 1986(**23**), and

(b) on the day L enters into the arrangement with P, P has a qualifying connection with X.

(**23**) 1986 c. 45. Chapters 2 to 5 of Part 4 were amended by paragraphs 16 to 30 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015, paragraph 6 of Schedule 5 to the Commonhold and Leasehold Reform Act 2002 (c. 15) and section 77(1) of the Economic Crime and Corporate Transparency Act 2023 (c. 56), paragraph 9 of Schedule 3 to the Corporate Insolvency and Governance Act 2020 (c. 12) and S.I. 2 2001/1090, 2003/2096, 2007/2194, 2009/1941, 2010/18 and 2019/146. Part 4 was also modified by section 21 of the Company Directors Disqualification Act 1986 (c. 46). There are other amendments and modifications which are not relevant to this instrument.

(3) P has a qualifying connection with L or with a person providing services to L relating to non-domestic rating, on the day the arrangement is entered into, and either or both of paragraphs (a) and (b) apply—

(a) prior to entering into the arrangement with P, L entered into an arrangement with another person ("Y") where Y became the ratepayer of the hereditament (either the hereditament referred to in sub-paragraph (1) or another hereditament), and—

(i) on the day that arrangement was entered into, Y had a qualifying connection with L or a person providing services to L relating to non-domestic rating, and

(ii) Y, whilst a party to that arrangement, was wound up voluntarily under Chapters 2 to 5 of Part 4 of the Insolvency Act 1986;

(b) within 3 years of the day the arrangement was entered into between L and P, P was, or is in the process of being, wound up voluntarily under Chapters 2 to 5 of Part 4 of the Insolvency Act 1986.

(4) A person is to be treated as having a qualifying connection with another person—

(a) where both persons are, or one or both were, companies, and

(i) one is, or was, a subsidiary of the other,

(ii) both are, or one or both were, subsidiaries of the same company,

(iii) the same person is, or was, either a director of, or an individual with significant control over, both companies, or

(iv) the same person is, or was, a director of one company and an individual with significant control over the other company, or

(b) where only one person is, or was, a company and the other person ("the second person") has or had such an interest in that company as would, if the second person were a company, result in it being the holding company of the other.

(5) In this paragraph, "holding company" and "subsidiary" have the meanings given in section 1159 of the Companies Act 2006.

Type 3 – The owner or occupier exhibits particular characteristics or behaviours

3.—(1) An arrangement is an artificial arrangement for the purposes of section 63H(1)(a) of the Act when one or more of the following applies in relation to the hereditament—

(a) the owner, occupier or person who granted the lease, tenancy or any other form of agreement for occupation failed to provide the name of the ratepayer in response to a request for such information under paragraph 5(1B) of Schedule 9 to the Act(**24**) within the period specified in paragraph 5A(1)(**25**) of that Schedule;

(b) the arrangement makes a person ("P") the ratepayer and P has no connection to the operation or economic activity taking place on or in relation to the hereditament;

(**24**) Paragraph 5(1B) was inserted by section 151(2)(b) of the Local Government and Elections (Wales) Act 2021 (asc 1).

(**25**) Paragraph 5A was inserted by section 72(4) of the Local Government Act 2003. Paragraph 5A(1) was amended by section 151(3)(a) of the Local Government and Elections (Wales) Act 2021. Further amendments to paragraph 5A(1) will be made by virtue of paragraph 13(2)(e)(i) of the Schedule to the Local Government Finance (Wales) Act 2024 on a date to be appointed.

(c) the arrangement, between a person ("L") who granted the lease, tenancy or any other form of agreement for occupation and another person ("P"), makes P the ratepayer and, on the day the arrangement was entered into, P was an employee, contractor, partner or close relative of L;

(d) the arrangement makes a person ("P"), or a company, firm or trust for which P is a director, partner, charity trustee or an individual with significant control, the ratepayer and on the day the arrangement was entered into, one or more of the following applies—

(i) within the previous 2 years, P had been convicted under section 767(1) of the Companies Act 2006 of doing business or exercising any borrowing powers of a public company which did not have a trading certificate;

(ii) within the previous 2 years, P was subject to a declaration issued by a court for fraudulent or wrongful trading under section 213(2), 214(1), 246ZA(2) or 246ZB(1) of the Insolvency Act 1986(**26**), or article 177 or 178(1) of the Insolvency (Northern Ireland) Order 1989(**27**);

(iii) P was disqualified from being a company director, either by virtue of a disqualification order or a disqualification undertaking under section 1 or 1A of the Company Directors Disqualification Act 1986(**28**), or article 3 or 4 of the Company Directors Disqualification (Northern Ireland) Order 2002(**29**), without the leave of the court to be a director in respect of the ratepayer;

(iv) P was disqualified from being a charity trustee or trustee for that charity under section 178 or 181A of the Charities Act 2011(**30**), section 69 of the Charities and Trustee Investment (Scotland) Act 2005(**31**) or section 86 of the Charities Act (Northern Ireland) 2008(**32**);

(v) within the previous 2 years, P was convicted of an offence under section 216 of the Insolvency Act 1986(**33**) or article 180 of the Insolvency (Northern Ireland) Order 1989(**34**) (restriction on re-use of company names);

(vi) P was subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order, or a bankruptcy restrictions undertaking, under Schedule 4A to the Insolvency Act 1986(**35**), Part 13 of the Bankruptcy (Scotland)

(**26**) Section 213(2) was modified by sections 21(5) and 25 of the Company Directors Disqualification Act 1986. Sections 246ZA and 246ZB were inserted by section 117(2) of the Small Business, Enterprise and Employment Act 2015.

(**27**) S.I. 1989/2405 (N.I. 19), amended by S.I. 2009/1941. There are other amendments not relevant to this instrument.

(**28**) 1986 c. 46. Section 1 was amended by section 5(1) and (2) of, and paragraph 2 of Schedule 4 to, the Insolvency Act 2000 (c. 39) and paragraph 2(2) of Schedule 13 to the Finance Act 2024 (c. 3). Section 1A was inserted by section 6(2) of the Insolvency Act 2000 and amended by paragraph 2(3) of Schedule 13 to the Finance Act 2024.

(**29**) S.I. 2002/3150 (N.I. 4). Articles 3 and 4 were amended by paragraph 9(3) and (4) of Schedule 8 to the Small Business, Enterprise and Employment Act 2015. Article 3 was also amended by S.I. 2005/1454 (N.I. 9).

(**30**) 2011 c. 25. Section 178 was amended by sections 4(5) and 9(3) to (6) of the Charities (Protection and Social Investment) Act 2016 (c. 4) and paragraph 9 of Schedule 3 to the Sanctions and Anti-Money Laundering Act 2018 (c. 13), and S.I. 2012/2404, 2016/481, 2019/466, 2019/573 and 2019/577. Section 181A was inserted by section 10(2) of the Charities (Protection and Social Investment) Act 2016 and amended by S.I. 2016/997.

(**31**) 2005 asp 10. Section 69 was amended by paragraph 211 of Schedule 8 to the Charities Act 2006 (c. 50), paragraph 107 of Schedule 7 to the Charities Act 2011 and sections 4(2) and 5(2) and (3) of the Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5).

(**32**) 2008 c. 12. Section 86 was amended by paragraph 138 of Schedule 7 to the Charities Act 2011 and section 3(3) of the Charities Act (Northern Ireland) 2013 (c. 3).

(**33**) Section 216 was modified by sections 21(5) and 25 of the Company Directors Disqualification Act 1986. There are other amendments and modifications which are not relevant to this instrument.

(**34**) S.I. 1989/2405 (N.I. 19), amended by S.I. 2009/1941.

(**35**) Schedule 4A was inserted by section 257 of, and Schedule 20 to, the Enterprise Act 2002 (c. 40) and amended by paragraph 63 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and section 135(2)(b) of the Small Business, Enterprise and Employment Act 2015.

Act 2016(**36**), or Schedule 2A to the Insolvency (Northern Ireland) Order 1989(**37**).

(2) In sub-paragraph (1)(c), “close relative” means a parent, adoptive parent, step-parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-son, step-daughter, adoptive son, adoptive daughter, brother or sister (whether of full-blood or half-blood), step-brother, step-sister, or the partner of any such person.

(3) In sub-paragraphs (1)(c) and (2), “partner” means—

(a) the husband or wife or civil partner of that person, or

(b) if the person is living together with another person as if they were a married couple or civil partners, that other person.

(4) In sub-paragraph (1)(d)—

“charity trustee” (“*ymddiriedolwr elusen*”) means a person who falls within the definition of “charity trustees” in section 177 of the Charities Act 2011;

“firm” (“*ffyrm*”) means any other entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association.

Type 4 – The occupation exhibits certain characteristics

4.—(1) An arrangement is an artificial arrangement for the purposes of section 63H(1)(a) of the Act when one or both of the following applies to the occupation of the hereditament—

(a) the occupation is beneficial primarily because it contributes to the carrying on of a non-domestic rates mitigation business;

(b) the benefit of the occupation wholly or mainly arises from a WiFi or Bluetooth transmitter (and any associated apparatus) used for localised electronic marketing or advertising.

(2) In paragraph 4(1)(a), “non-domestic rates mitigation business” means a business or person involved with the operation (including advising, co-ordinating or managing) of a scheme or schemes for the predominant purpose of reducing non-domestic rates liability.

(**36**) asp 21.
(**37**) S.I. 1989/2405 (N.I. 10); relevant amending instrument is S.I. 2015/1455 (N.I. 19).