CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 1856 (Cy.206)

CAFFAEL TIR, CYMRU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn codi uchafswm ac isafswm y taliadau colli cartref sy'n daladwy o dan Ddeddf Iawndal Tir 1973 ("y Ddeddf") i'r rhai sydd â buddiant perchennog mewn annedd. Maent hefyd yn codi swm y taliad colli cartref sy'n daladwy mewn unrhyw achos arall.

Mae gan berson sy'n cael ei ddisodli o annedd o ganlyniad i bryniant gorfodol neu o dan yr amgylchiadau eraill a nodir yn adran 29 o'r Ddeddf yr hawl i daliad colli cartref. Sefydlwyd y sail bresennol ar gyfer asesu maint taliad colli cartref gan ddiwygiadau i'r Ddeddf a wnaed gan Ddeddf Cynllunio ac Iawndal 1991.

Os digwydd i berson sy'n meddiannu annedd ar y dyddiad disodli fod â buddiant perchennog, mae adran 30(1) o'r Ddeddf yn darparu i swm y taliad colli cartref gael ei gyfrif fel canran o werth y buddiant hwnnw ar y farchnad, a'r swm hwnnw'n ddarostyngedig i uchafswm a lleiafswm.

Mae adran 30(2) yn rhagnodi maint y taliad colli cartref mewn unrhyw achos arall.

Yn sgil ymgynghoriad, mae rheoliad 2(a) o'r Rheoliadau hyn yn codi'r uchafswm sy'n daladwy o dan adran 30(1) o'r Ddeddf o £15,000 i £31,000 ac mae rheoliad 2(b) yn codi'r lleiafswm o £1,500 i £3,100. Mae rheoliad 2(c) yn codi'r taliad colli cartref sy'n daladwy o dan adran 30(2) o'r Ddeddf, mewn unrhyw achos arall, o £1,500 i £3,100.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 1856 (W.206)

ACQUISITION OF LAND, WALES

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 ("the Act") to those with an owner's interest in a dwelling. They also increase the amount of home loss payment payable in any other case.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment. The present basis for assessing the amount of home loss payment was established by amendments to the Act in the Planning and Compulsory Purchase Act 1991.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Section 30(2) prescribes the amount of the home loss payment in any other case.

Following consultation, regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £15,000 to £31,000 and regulation 2(b) increases the minimum amount from £1,500 to £3,100. Regulation 2(c) increases the home loss payment payable, under section 30(2) of the Act, in any other case from £1,500 to £3,100.

Dim ond uchafswm a lleiafswn y taliadau colli cartref sy'n cael eu newid ac nid oes newid i'r ganran daladwy o werth ar y farchnad buddiant y person sy'n cael ei ddisodli.

Mae'r symiau diwygiedig yn gymwys pan fydd dyddiad y disodli yn digwydd ar 1 Medi 2003 neu wedi hynny.

Only the maximum and minimum amounts of home loss payments are changed and there is no change to the percentage payable of the market value of the displaced person's interest in the dwelling.

The revised amounts apply where the displacement occurs on or after the 1st September 2003.

2003 Rhif 1856 (Cy.206)

CAFFAEL TIR, CYMRU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2003

Wedi'u gwneud 16 Gorffennaf 2003

Yn dod i rym 1 Medi 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 30(5) o Ddeddf Iawndal Tir 1973(**a**) ("y Ddeddf") ac sydd bellach yn arferadwy gan Gynulliad Cenedlaethol Cymru mewn perthynas â Chymru(**b**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2003 ac maent yn dod i rym ar 1 Medi 2003.

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

Symiau taliad colli cartref diwygiedig

2. Pan fydd y dyddiad disodli ar y dydd y daw'r Rheoliadau i rym neu wedi hynny-

(a) yr uchafswm taliad colli cartref rhagnodedig at bwrpas adran 30(1) o'r Ddeddf yw £31,000;

(b) yr isafswm taliad colli cartref rhagnodedig at bwrpas adran 30(1) o'r Ddeddf yw £3,100; ac

(c) swm y taliad colli cartref rhagnodedig at bwrpas adran 30(2) o'r Ddeddf yw £3,100.

(a) 1973 p.26; mewnosodwyd adran 30 gan adran 68(3) o Ddeddf Cynllunio ac Iawndal 1991 p.34, a hynny'n effeithiol o 25 Medi 1991 (*gweler* O.S. 1991/2067, erthygl 3).

(b) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adran 30, 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) erthygl 2 ac Atodlen 1.

2003 No. 1856 (W.206)

ACQUISITION OF LAND, WALES

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003

Made 16th July 2003

Coming into force 1st September 2003

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(**a**) ("the Act") and now exercisable by the National Assembly for Wales in relation to Wales(**b**), makes the following Regulations:

Citation, commencement and application

1.-(1) These Regulations may be cited as the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003 and come into force on 1st September 2003.

(2) These Regulations apply to Wales.

Revised amounts of home loss payment

2. Where the date of displacement is on or after the day on which these Regulations come into force -

(a) the prescribed maximum amount of home loss payment for the purposes of section 30(1) of the Act is £31,000;

(b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £3,100; and

(c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £3,100.

(a) 1973 c.26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 c.34 with effect from 25th September, 1991 (*see* S.I. 1991/ 2067, article 3).

(b) The powers of the Secretary of State under section 30 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), article 2; and Schedule 1.

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

16 Gorffennaf 2003

Llywydd y Cynulliad Cenedlaethol

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

16th July 2003

D.Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 p.38

(a) 1998 c.38.

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