OFFERYNNAU
STATUDOL CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 2845 (Cy.255)

CAFFAEL TIR, CYMRU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2008

NODYN ESBONIADOL

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

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

Mae hawl gan berson a ddadleolir o annedd drwy brynu gorfodol neu o dan amgylchiadau eraill a bennir yn adran 29 o'r Ddeddf i gael taliad colli cartref. Cafodd y sail bresennol ar gyfer asesu swm y taliad colli cartref ei sefydlu drwy ddiwygiadau a wnaed i'r Ddeddf yn Neddf Cynllunio ac Iawndal 1991.

Mewn achosion pan fo gan berson sy'n meddiannu annedd ar ddyddiad y dadleoli fuddiant perchennog, mae adran 30(1) o'r Ddeddf yn darparu bod swm y taliad colli cartref yn cael ei gyfrifo fel canran o werth y buddiant hwnnw ar y farchnad, a hynny'n ddarostyngedig i uchafswm ac isafswm.

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

Mae Rheoliad 2(a) o'r Rheoliadau hyn yn cynyddu'r uchafswm sy'n daladwy o dan adran 30(1) o'r Ddeddf o £44,000 i £47,000 ac mae rheoliad 2(b) yn cynyddu'r isafswm o £4,400 i £4,700. Mae Rheoliad 2(c) yn cynyddu'r taliad colli cartref sy'n daladwy, o dan adran 30(2) o'r Ddeddf, mewn unrhyw achos arall o £4,400 i £4,700.

2008 No. 2845 (W.255)

ACQUISITION OF LAND, WALES

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2008

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 Compensation 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.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £44,000 to £47,000 and regulation 2(b) increases the minimum amount from £4,400 to £4,700. Regulation 2(c) increases the home loss payment payable, under section 30(2) of the Act, in any other case from £4,400 to £4,700.

Dim ond uchafsymiau ac isafsymiau'r taliadau colli cartref a newidir ac nid oes unrhyw newid yn y ganran sy'n daladwy o werth ar y farchnad o fuddiant y person a ddadleolir.

Mae'r symiau diwygiedig yn gymwys pan fo'r dadleoli'n digwydd ar 25 Tachwedd 2008 neu ar ôl hynny.

Mae'r Rheoliadau hyn yn darparu y bydd Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2007 yn parhau i fod yn effeithiol o ran dadleoli sy'n digwydd cyn y dyddiad y daw'r Rheoliadau hyn i rym ond ar wahân i hynny fe'u dirymir.

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 25 November 2008.

These Regulations provide that the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2007 will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force but are otherwise revoked.

OFFERYNNAU
STATUDOL CYMRU

2008 Rhif 2845 (Cy.255)

CAFFAEL TIR, CYMRU

Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2008

Gwnaed	*2 Tachwedd 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Tachwedd 2008*
Yn dod i rym	*25 Tachwedd 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 30(5) o Ddeddf Iawndal Tir 1973(**1**) ("y Ddeddf") ac sy'n arferadwy bellach ganddynt hwy o ran Cymru(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2008 a deuant i rym ar 25 Tachwedd 2008.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Symiau diwygiedig y taliad colli cartref

2. Pan fo'r dyddiad dadleoli ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ei ôl—

(a) £47,000 yw uchafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf;

(**1**) 1973 p.26; amnewidiwyd adran 30 gan adran 68(3) o Ddeddf Cynllunio ac Iawndal 1991 (p.34) gydag effaith o 25 Medi 1991 ymlaen (*gweler* O.S. 1991/ 2067, erthygl 3).

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 30, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2; ac Atodlen 1. Cafodd swyddogaethau Cynulliad Cenedlaethol Cymru o dan y cyfryw adran eu trosglwyddo i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH
STATUTORY INSTRUMENTS

2008 No. 2845 (W.255)

ACQUISITION OF LAND, WALES

The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2008

Made	*2 November 2008*
Laid before the National Assembly for Wales	*4 November 2008*
Coming into force	*25 November 2008*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(**1**) ("the Act") and now exercisable by them in relation to Wales(**2**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2008 and they come into force on 25 November 2008.

(2) These Regulations apply in relation to Wales.

Revised amounts of home loss payment

2. When 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 £47,000;

(**1**) 1973 c.26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c.34) with effect from 25 September, 1991 (*see* S.I. 1991/ 2067, article 3).

(**2**) The functions 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. The functions of the National Assembly for Wales under the said section were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(b) £4,700 yw isafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf; ac

(c) £4,700 yw swm rhagnodedig y taliad colli cartref at ddibenion adran 30(2) o'r Ddeddf.

Dirymu ac arbed

3.—(1) Yn ddarostyngedig i baragraff (2), dirymir Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2007(**1**).

(2) Bydd y Rheoliadau a grybwyllwyd ym mharagraff (1) yn parhau i fod yn effeithiol o ran dadleoli sy'n digwydd cyn y dyddiad y daw'r Rheoliadau hyn i rym.

(b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £4,700; and

(c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £4,700.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2007(**1**) are revoked.

(2) The Regulations mentioned in paragraph (1) will continue to have effect in relation to a displacement occurring before the date on which these Regulations come into force.

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

2 Tachwedd 2008

Minister for the Environment, Sustainability and Housing, one of the Welsh Ministers

2 November 2008

(**1**) O.S. 2007/2372 (Cy.195).

(**1**) S.I. 2007/2372 (W.195).

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