OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2018 Rhif 2 (Cy. 2)

TRETH TRAFODIADAU TIR, CYMRU

Rheoliadau Treth Trafodiadau Tir (Gweinyddu) (Cymru) 2018

2018 No. 2 (W. 2)

LAND TRANSACTION TAX, WALES

The Land Transaction Tax (Administration) (Wales) Regulations 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer materion amrywiol sy'n ymwneud â gweinyddu'r dreth trafodiadau tir.

Mae Rhan 2 o'r Rheoliadau hyn yn nodi'r amgylchiadau pan fo'n rhaid i Awdurdod Cyllid Cymru ("ACC") ddyroddi tystysgrif yn sgil cael ffurflen dreth trafodiadau tir a materion eraill sy'n ymwneud â'r dystysgrif.

Mae adran 65(1) o Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017 ("y Ddeddf TTT") yn gwahardd Prif Gofrestrydd Tir Cofrestrfa Tir Ei Mawrhydi rhag diwygio'r gofrestr teitlau mewn cysylltiad â thrafodiad tir hysbysadwy hyd nes y bydd tystysgrif o'r fath wedi ei chyflwyno.

Mae rheoliad 3 yn gwneud darpariaeth ynghylch yr amodau sydd i'w bodloni cyn i ACC ddyroddi tystysgrif.

Mae rheoliad 4 yn rhagnodi ffurf a chynnwys tystysgrif a ddyroddir gan ACC.

Mae rheoliad 5 yn gwneud darpariaeth ynghylch dyroddi tystysgrif ACC ddyblyg mewn achosion pan fo'r dystysgrif wreiddiol wedi ei cholli neu ei dinistrio.

Mae rheoliad 6 yn gwneud darpariaeth ynghylch dyroddi tystysgrifau ACC lluosog pan ddychwelir ffurflen dreth trafodiadau tir sy'n ymwneud â mwy nag un trafodiad.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for various matters relating to the administration of land transaction tax.

Part 2 of these Regulations sets out the circumstances in which the Welsh Revenue Authority ("WRA") must issue a certificate following receipt of a land transaction return and other matters relating to the certificate.

Section 65(1) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 ("the LTT Act") prohibits the Chief Land Registrar of Her Majesty's Land Registry from amending the register of title in respect of a notifiable land transaction until such a certificate has been produced.

Regulation 3 makes provision about the conditions to be met before a certificate is issued by WRA.

Regulation 4 prescribes the form and content of a certificate issued by WRA.

Regulation 5 makes provision about the issue of a duplicate WRA certificate in cases where the original certificate has been lost or destroyed.

Regulation 6 makes provision about the issue of multiple WRA certificates where a land transaction return is made relating to more than one transaction.

Mae Rhan 3 o'r Rheoliadau hyn yn rhagnodi'r dystiolaeth y mae'n rhaid ei chyflwyno i ACC pan gaiff rhyddhad ei hawlio o dan Atodlen 11 i'r Ddeddf TTT yn achos trafodiadau tir penodol sy'n gysylltiedig â bondiau buddsoddi cyllid arall.

Mae rheoliad 7 yn rhagnodi'r dystiolaeth y mae'n rhaid i'r dyroddwr bond ei darparu i ACC at ddiben paragraff 9(1) o Atodlen 11 i'r Ddeddf TTT. Mae'r dystiolaeth a ragnodir gan y rheoliad hwn i ddangos bod pridiant tir cyfreithiol o blaid ACC wedi ei gofnodi yn y gofrestr teitlau a gedwir gan y Prif Gofrestrydd Tir.

Mae rheoliad 8 yn rhagnodi'r dystiolaeth y mae'n rhaid i'r dyroddwr bond ei darparu i ACC at ddiben paragraff 16 o Atodlen 11 i'r Ddeddf TTT. Mae'r dystiolaeth a ragnodir gan y rheoliad hwn i ddangos bod pob un o amodau 1 i 3 a 5 i 7 wedi eu bodloni er mwyn gollwng y pridiant tir cyfreithiol a gofrestrwyd yn unol â pharagraff 9(1) o'r Atodlen honno.

Mae rheoliad 9 yn rhagnodi'r dystiolaeth y mae'n rhaid i'r dyroddwr bond ei darparu i ACC at ddiben paragraff 18(4)(a) o Atodlen 11 i'r Ddeddf TTT, pan fo'r tir amnewid yng Nghymru. Mae'r dystiolaeth a ragnodir gan y rheoliad hwn i ddangos bod y tir gwreiddiol wedi ei drosglwyddo i'r perchennog gwreiddiol.

Mae rheoliad 10 yn rhagnodi'r dystiolaeth y mae'n rhaid i'r dyroddwr bond ei darparu i ACC at ddibenion paragraff 18(5) o Atodlen 11 i'r Ddeddf TTT. Mae'r dystiolaeth a ragnodir gan y rheoliad hwn i ddangos bod y tir gwreiddiol wedi ei drosglwyddo i'r perchennog gwreiddiol, a bod amodau 1 i 3 wedi eu bodloni mewn perthynas â'r tir amnewid, nad yw yng Nghymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Part 3 of these Regulations prescribes evidence which must be submitted to WRA where relief is claimed under Schedule 11 to the LTT Act in the case of certain land transactions connected to alternative finance investment bonds.

Regulation 7 prescribes evidence which must be provided to WRA by the bond-issuer for the purpose of paragraph 9(1) of Schedule 11 to the LTT Act. The evidence prescribed by this regulation is to demonstrate that a legal charge in favour of WRA has been entered into the register of title maintained by the Chief Land Registrar.

Regulation 8 prescribes evidence which must be provided to WRA by the bond-issuer for the purpose of paragraph 16 of Schedule 11 to the LTT Act. The evidence prescribed by this regulation is to demonstrate that each of conditions 1 to 3 and 5 to 7 has been met to discharge the legal charge registered in pursuance of paragraph 9(1) of that Schedule.

Regulation 9 prescribes evidence which must be provided to WRA by the bond-issuer for the purpose of paragraph 18(4)(a) of Schedule 11 to the LTT Act, where the replacement land is in Wales. The evidence prescribed by this regulation is to demonstrate that the original land has been transferred to the original owner.

Regulation 10 prescribes evidence which must be provided to WRA by the bond-issuer for the purposes of paragraph 18(5) of Schedule 11 to the LTT Act. The evidence prescribed by this regulation is to demonstrate that the original land has been transferred to the original owner, and that conditions 1 to 3 are met in relation to the replacement land, which is not in Wales.

The Welsh Minsters' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations..

2018 Rhif 2 (Cy. 2)

TRETH TRAFODIADAU TIR, CYMRU

Rheoliadau Treth Trafodiadau Tir (Gweinyddu) (Cymru) 2018

Gwnaed	*4 Ionawr 2018*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*8 Ionawr 2018*
Yn dod i rym	*1 Ebrill 2018*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 65(5) a 78(1) o Ddeddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017(**1**), a pharagraffau 2, 9(1), 16 a 18(4)(a) a (5) o Atodlen 11 iddi.

RHAN 1

Cyffredinol

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Treth Trafodiadau Tir (Gweinyddu) (Cymru) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2018.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "yr Atodlen" ("*the Schedule*") yw Atodlen 11 i'r Ddeddf TTT;

(**1**) 2017 dccc 1.

2018 No. 2 (W. 2)

LAND TRANSACTION TAX, WALES

The Land Transaction Tax (Administration) (Wales) Regulations 2018

Made	*4 January 2018*
Laid before the National Assembly for Wales	*8 January 2018*
Coming into force	*1 April 2018*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 65(5) and 78(1) of, and paragraphs 2, 9(1), 16 and 18(4)(a) and (5) of Schedule 11 to, the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(**1**).

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Land Transaction Tax (Administration) (Wales) Regulations 2018.

(2) These Regulations come into force on 1 April 2018.

Interpretation

2. In these Regulations—

"the LTT Act" ("*y Ddeddf TTT*") means the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017;

(**1**) 2017 anaw 1.

ystyr "CUT" ("*UTRN*") yw'r cyfeirnod unigryw trafodiad a ddyrennir i drafodiad tir gan ACC at ddibenion treth trafodiadau tir;

"dyroddwr bond" ("*bond-issuer*") yw "B" fel y darperir ar ei gyfer gan baragraff 6 o'r Atodlen;

ystyr "y Ddeddf TTT" ("*the LTT Act*") yw Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017; a

"perchennog gwreiddiol" ("*original owner*") yw "A" fel y darperir ar ei gyfer gan baragraff 6 o'r Atodlen.

"the Schedule" ("*yr Atodlen*") means Schedule 11 to the LTT Act;

"bond-issuer" ("*dyroddwr bond*") is "B" as provided for by paragraph 6 of the Schedule;

"original owner" ("*perchennog gwreiddiol*") is "A" as provided for by paragraph 6 of the Schedule; and

"UTRN" ("*CUT*") means the unique transaction reference number allocated by WRA to a land transaction for the purposes of land transaction tax.

RHAN 2

Tystysgrifau ACC

Amodau sydd i'w bodloni cyn y dyroddir tystysgrif ACC

3.—(1) Yn ddarostyngedig i baragraff (2), rhaid i dystysgrif ACC gael ei dyroddi pan fo ACC wedi ei fodloni—

(a) bod ffurflen dreth wedi ei dychwelyd mewn cysylltiad â thrafodiad tir hysbysadwy; a

(b) bod y ffurflen dreth (ynghyd ag unrhyw ffurflenni treth eraill sy'n ofynnol)—

(i) wedi ei chwblhau; a

(ii) yn cynnwys y datganiad sy'n ofynnol gan adran 53 o'r Ddeddf TTT.

(2) Pan fo ffurflen dreth yn ymwneud â thrafodiad trethadwy, rhaid i ACC fod wedi ei fodloni hefyd—

(a) bod y ffurflen dreth yn cynnwys hunanasesiad fel sy'n ofynnol gan adran 44(2)(b) o'r Ddeddf TTT; a

(b) ar sail yr wybodaeth a gynhwysir yn y ffurflen dreth, yr ymddengys bod yr hunanasesiad yn gywir.

Ffurf a chynnwys tystysgrifau ACC

4. Rhaid i dystysgrif ACC fod yn ysgrifenedig a rhaid iddi gynnwys yr wybodaeth a ganlyn—

(a) cyfeiriad y tir y mae'r trafodiad yn ymwneud ag ef;

(b) unrhyw rif teitl ar gyfer y tir yn y gofrestr teitlau a gedwir gan y Prif Gofrestrydd Tir sydd wedi ei ddarparu ar y ffurflen dreth;

(c) unrhyw gyfeirnod unigryw eiddo y Rhestr Gyfeiriadau Genedlaethol sydd wedi ei ddarparu ar y ffurflen dreth;

(d) disgrifiad o'r trafodiad;

PART 2

WRA Certificates

Conditions to be met before a WRA certificate is issued

3.—(1) Subject to paragraph (2), a WRA certificate must be issued where WRA is satisfied that—

(a) a return has been made in respect of a notifiable land transaction; and

(b) the return (together with any other returns that are required)—

(i) has been completed; and

(ii) includes the declaration required by section 53 of the LTT Act.

(2) Where a return relates to a chargeable transaction, WRA must also be satisfied that—

(a) the return includes a self-assessment as required by section 44(2)(b) of the LTT Act; and

(b) on the basis of the information contained in the return, the self-assessment appears to be correct.

Form and content of WRA certificates

4. A WRA certificate must be in writing and must contain the following information—

(a) the address of the land to which the transaction relates;

(b) any title number of the land in the register of title maintained by the Chief Land Registrar which has been provided in the return;

(c) any National Address Gazetteer unique property reference number which has been provided in the return;

(d) a description of the transaction;

(e) y dyddiad y mae'r trafodiad yn cael effaith; ac

(f) enw'r prynwr a'r gwerthwr.

Tystysgrifau ACC dyblyg

5. Os yw ACC wedi ei fodloni bod tystysgrif ACC wedi ei cholli neu ei dinistrio, caniateir dyroddi tystysgrif ACC ddyblyg.

Tystysgrifau ACC lluosog

6.—(1) Pan ddychwelir ffurflen dreth sy'n ymwneud â mwy nag un trafodiad, caiff y prynwr wneud cais i ACC ddyroddi tystysgrifau ACC ar wahân mewn cysylltiad â phob un o'r trafodiadau y mae'r ffurflen dreth yn ymwneud â hwy.

(2) Pan fo'r prynwr yn gwneud cais o dan baragraff (1), rhaid i ACC ddarparu tystysgrifau ar wahân mewn cysylltiad â phob un o'r trafodiadau hynny.

(e) the effective date of the transaction; and

(f) the name of the buyer and seller.

Duplicate WRA certificates

5. If WRA is satisfied that a WRA certificate has been lost or destroyed, a duplicate WRA certificate may be issued.

Multiple WRA certificates

6.—(1) Where a return is made relating to more than one transaction, the buyer may request that WRA issues separate WRA certificates in respect of each of the transactions to which the return relates.

(2) Where the buyer makes a request under paragraph (1), WRA must provide separate certificates in respect of each of those transactions.

RHAN 3

Bondiau Buddsoddi Cyllid Arall – Tystiolaeth Ragnodedig

Tystiolaeth ragnodedig at ddiben paragraff 9(1) o'r Atodlen

7. Y dystiolaeth ragnodedig at ddiben paragraff 9(1) o'r Atodlen (amod 4 ar gyfer gweithredu rhyddhadau) yw—

(a) unrhyw ddogfen a ddarparwyd gan y Prif Gofrestrydd Tir sy'n cadarnhau bod pridiant tir cyfreithiol wedi ei gofnodi yn y gofrestr teitlau o blaid ACC; a

(b) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r perchennog gwreiddiol i'r dyroddwr bond.

Tystiolaeth ragnodedig at ddiben paragraff 16 o'r Atodlen

8. Y dystiolaeth ragnodedig at ddiben paragraff 16 o'r Atodlen (gollwng pridiant tir pan fodlonir amodau ar gyfer rhyddhad) yw—

(a) datganiad gan y dyroddwr bond, neu berson a awdurdodir i weithredu ar ran y dyroddwr bond, fod pob un o amodau 1 i 3 a 5 i 7 wedi eu bodloni;

(b) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r perchennog gwreiddiol i'r dyroddwr bond;

PART 3

Alternative Finance Investment Bonds – Prescribed Evidence

Prescribed evidence for the purpose of paragraph 9(1) of the Schedule

7. The prescribed evidence for the purpose of paragraph 9(1) of the Schedule (condition 4 for operation of reliefs) is—

(a) any document provided by the Chief Land Registrar confirming that a legal charge has been entered in the register of title in favour of WRA; and

(b) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the original owner to the bond-issuer.

Prescribed evidence for the purpose of paragraph 16 of the Schedule

8. The prescribed evidence for the purpose of paragraph 16 of the Schedule (discharge of charge when conditions for relief met) is—

(a) a statement from the bond-issuer, or a person authorised to act on behalf of the bond-issuer, that all of conditions 1 to 3 and 5 to 7 have been met;

(b) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the original owner to the bond-issuer;

(c) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r dyroddwr bond i'r perchennog gwreiddiol; a

(d) unrhyw ddogfen fel y'i darparwyd gan y Prif Gofrestrydd Tir sy'n cadarnhau bod y tir wedi ei gofrestru yn enw'r perchennog gwreiddiol.

Tystiolaeth ragnodedig at ddiben paragraff 18(4)(a) o'r Atodlen

9. Y dystiolaeth ragnodedig at ddiben paragraff 18(4)(a) o'r Atodlen (tir amnewid sydd yng Nghymru) yw—

(a) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r perchennog gwreiddiol i'r dyroddwr bond;

(b) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r dyroddwr bond i'r perchennog gwreiddiol; ac

(c) unrhyw ddogfen fel y'i darparwyd gan y Prif Gofrestrydd Tir sy'n cadarnhau bod y tir gwreiddiol wedi ei gofrestru yn enw'r perchennog gwreiddiol.

Tystiolaeth ragnodedig at ddiben paragraff 18(5) o'r Atodlen

10. Y dystiolaeth ragnodedig at ddiben paragraff 18(5) o'r Atodlen (tir amnewid nad yw yng Nghymru) yw—

(a) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r perchennog gwreiddiol i'r dyroddwr bond;

(b) y CUT ar gyfer y ffurflen dreth yr hawliwyd rhyddhad rhag treth arni mewn perthynas â'r trafodiad pan drosglwyddwyd tir o'r dyroddwr bond i'r perchennog gwreiddiol;

(c) unrhyw ddogfen sy'n profi nad yw'r tir amnewid yng Nghymru a bod amodau 1 i 3 yn Rhan 3 o'r Atodlen wedi eu bodloni mewn perthynas â'r tir hwnnw; a

(d) unrhyw ddogfen fel y'i darparwyd gan y Prif Gofrestrydd Tir sy'n cadarnhau bod y tir gwreiddiol wedi ei gofrestru yn enw'r perchennog gwreiddiol.

(c) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the bond-issuer to the original owner; and

(d) any document as provided by the Chief Land Registrar confirming that the land has been registered in the name of the original owner.

Prescribed evidence for the purpose of paragraph 18(4)(a) of the Schedule

9. The prescribed evidence for the purpose of paragraph 18(4)(a) of the Schedule (replacement land in Wales) is—

(a) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the original owner to the bond-issuer;

(b) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the bond-issuer to the original owner; and

(c) any document as provided by the Chief Land Registrar confirming that the original land has been registered in the name of the original owner.

Prescribed evidence for the purpose of paragraph 18(5) of the Schedule

10. The prescribed evidence for the purpose of paragraph 18(5) of the Schedule (replacement land not in Wales) is—

(a) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the original owner to the bond-issuer;

(b) the UTRN for the return on which relief from tax was claimed in relation to the transaction where land was transferred from the bond-issuer to the original owner;

(c) any document that proves that the replacement land is not in Wales and that conditions 1 to 3 in Part 3 of the Schedule have been met in relation to that land; and

(d) any document as provided by the Chief Land Registrar confirming that the original land has been registered in the name of the original owner.

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid, un o Weinidogion Cymru
4 Ionawr 2018

Cabinet Secretary for Finance, one of the Welsh Ministers
4 January 2018

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Rheoliadau Treth Trafodiadau Tir (Gweinyddu) (Cymru) 2018

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