OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2025 Rhif 273 (Cy. 55)

2025 No. 273 (W. 55)

ARDRETHU A PHRISIO, CYMRU

RATING AND VALUATION, WALES

Rheoliadau Ardrethu Annomestig (Tynnu'n Ôl Ryddhad Elusennol i Ysgolion Annibynnol) (Cymru) 2025

The Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Deddf Cyllid Llywodraeth Leol 1988 ("Deddf 1988") o ran Cymru i dynnu rhyddhad elusennol ardrethu annomestig yn ôl o ysgolion annibynnol sydd â statws elusennol, gan eu gwneud yn gyson ag ysgolion annibynnol nad ydynt â statws elusennol.

Mae adran 43 o Ddeddf 1988 (hereditamentau a feddiennir: atebolrwydd a rhyddhadau) yn pennu'r amodau y mae rhaid eu bodloni er mwyn i drethdalwr sy'n meddiannu hereditament fod yn atebol am ardreth annomestig. Gosodir atebolrwydd y trethdalwr ar gyfer blwyddyn ariannol y codir swm ynglŷn â hi drwy gyfrifo'r swm a godir ar gyfer pob diwrnod y codir swm ynglŷn ag ef o dan Atodlen 4ZA i Ddeddf 1988 (hereditamentau a feddiennir: swm a godir).

Mae Adran 45 o Ddeddf 1988 (hereditamentau heb eu meddiannu: atebolrwydd a rhyddhadau) yn pennu'r amodau y mae rhaid eu bodloni er mwyn i drethdalwr sy'n berchen ar hereditament heb ei feddiannu fod yn atebol am ardreth annomestig. Gosodir atebolrwydd y trethdalwr ar gyfer blwyddyn ariannol y codir swm ynglŷn â hi drwy gyfrifo'r swm a godir ar gyfer pob diwrnod y codir swm ynglŷn ag ef o dan Atodlen 4ZB i Ddeddf 1988 (hereditamentau heb eu meddiannu: swm a godir).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Finance Act 1988 ("the 1988 Act") in relation to Wales to withdraw non-domestic rating charitable relief from independent schools with charitable status, bringing them in line with independent schools which do not have charitable status.

Section 43 of the 1988 Act (occupied hereditaments: liability and reliefs) specifies the conditions that must be met for a ratepayer in occupation of a hereditament to be liable for a non-domestic rate. The ratepayer's liability for a chargeable financial year is set by calculating the chargeable amount for each chargeable day under Schedule 4ZA to the 1988 Act (occupied hereditaments: chargeable amount).

Section 45 of the 1988 Act (unoccupied hereditaments: liability and reliefs) specifies the conditions that must be met for a ratepayer who owns an unoccupied hereditament to be liable for a non-domestic rate. The ratepayer's liability for a chargeable financial year is set by calculating the chargeable amount for each chargeable day under Schedule 4ZB to the 1988 Act (unoccupied hereditaments: chargeable amount).

Mae paragraff 2(2) o Atodlen 4ZA a pharagraff 2(2) o Atodlen 4ZB yn y drefn honno yn nodi'r rhyddhad mandadol sydd i'w gymhwyso i daliadau ardrethi annomestig ar gyfer hereditamentau a feddiennir a hereditamentau heb eu meddiannu pan fo, ar y diwrnod o dan sylw, y trethdalwr yn elusen neu'n ymddiriedolwyr i elusen, a phan fo'r amodau cymhwystra eraill wedi eu bodloni.

Paragraph 2(2) of Schedule 4ZA and paragraph 2(2) of Schedule 4ZB respectively set out the mandatory relief to be applied to payments of non-domestic rates for occupied and unoccupied hereditaments where, on the day concerned, the ratepayer is a charity or trustees for a charity, and the other eligibility conditions are met.

Mae rheoliad 3 o'r Rheoliadau hyn yn datgymhwyso paragraff 2 o Atodlen 4ZA i Ddeddf 1988 ar gyfer hereditamentau a feddiennir yng Nghymru pan fo'r hereditament yn cael ei ddefnyddio'n gyfan gwbl neu'n bennaf ar gyfer cynnal busnes fel ysgol annibynnol. Mae rheoliad 4 yn datgymhwyso paragraff 2 o Atodlen 4ZB i Ddeddf 1988 ar gyfer hereditamentau heb eu meddiannu yng Nghymru pan fo'n ymddangos, pan gaiff yr hereditament ei ddefnyddio nesaf, y caiff ei ddefnyddio'n gyfan gwbl neu'n bennaf ar gyfer cynnal busnes fel ysgol annibynnol.

Regulation 3 of these Regulations disapplies paragraph 2 of Schedule 4ZA to the 1988 Act for occupied hereditaments in Wales where the hereditament is wholly or mainly used for carrying on business as an independent school. Regulation 4 disapplies paragraph 2 of Schedule 4ZB to the 1988 Act for unoccupied hereditaments in Wales where it appears that, when it is next in use, the hereditament will be wholly or mainly used for carrying on business as an independent school.

Bydd ysgolion annibynnol sydd â statws elusennol y mae a wnelont yn gyfan gwbl neu'n bennaf â darparu addysg amser llawn i bobl y cynhelir cynllun datblygu unigol ar eu cyfer yn parhau i fod yn gymwys am ryddhad.

Independent schools with charitable status which are wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is being maintained will continue to be eligible for relief.

Mae rheoliadau 3 a 4 hefyd yn pennu bod ystyr "independent school" ("ysgol annibynnol") a nodir yn adran 463 o Ddeddf Addysg 1996 yn gymwys i baragraff 2 o Atodlen 4ZA a pharagraff 2 o Atodlen 4ZB i Ddeddf 1988, a bod i "individual development plan" ("cynllun datblygu unigol") yr ystyr a roddir gan adran 10 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018.

Regulations 3 and 4 also specify that the meaning of "independent school" set out in section 463 of the Education Act 1996 applies to paragraph 2 of Schedule 4ZA and paragraph 2 of Schedule 4ZB to the 1988 Act, and that "individual development plan" has the meaning given by section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

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.

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.

2025 Rhif 273 (Cy. 55)

ARDRETHU A PHRISIO, CYMRU

Rheoliadau Ardrethu Annomestig (Tynnu'n Ôl Ryddhad Elusennol i Ysgolion Annibynnol) (Cymru) 2025

Gwnaed *5 Mawrth 2025*

Yn dod i rym *1 Ebrill 2025*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir iddynt gan baragraff 8C o Atodlen 4ZA i Ddeddf Cyllid Llywodraeth Leol 1988(**1**) a pharagraff 2C o Atodlen 4ZB iddi.

Yn unol ag adran 143A(5)(h) ac (i)(**2**) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardrethu Annomestig (Tynnu'n Ôl Ryddhad Elusennol i Ysgolion Annibynnol) (Cymru) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2025.

(**1**) 1988 p. 41. Mewnosodwyd Atodlen 4ZA yn Neddf Cyllid Llywodraeth Leol 1988 gan adran 1(3) o Ddeddf Ardrethu Annomestig 2023 (p. 53) a mewnosodwyd Atodlen 4ZB yn Neddf Cyllid Llywodraeth Leol 1988 gan adran 2(4) o Ddeddf Ardrethu Annomestig 2023. Mewnosodwyd paragraff 8C yn Atodlen 4ZA gan adran 5(2)(a) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 (dsc 6) a mewnosodwyd paragraff 2C yn Atodlen 4ZB gan adran 5(3)(a) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024.

(**2**) Mewnosodwyd adran 143A(5)(h) ac (i) yn Neddf Cyllid Llywodraeth Leol 1988 gan adran 14 o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024.

2025 No. 273 (W. 55)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025

Made *5 March 2025*

Coming into force *1 April 2025*

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by paragraph 8C of Schedule 4ZA and paragraph 2C of Schedule 4ZB to the Local Government Finance Act 1988(**1**).

In accordance with section 143A(5)(h) and (i)(**2**) of that Act, a draft of this instrument has been laid before and approved by resolution of Senedd Cymru.

Title and coming into force

1.—(1) The title of these Regulations is the Non-Domestic Rating (Withdrawal of Charitable Relief for Independent Schools) (Wales) Regulations 2025.

(2) These Regulations come into force on 1 April 2025.

(**1**) 1988 c. 41. Schedule 4ZA was inserted into the Local Government Finance Act 1988 by section 1(3) of the Non-Domestic Rating Act 2023 (c. 53) and Schedule 4ZB was inserted into the Local Government Finance Act 1988 by section 2(4) of the Non-Domestic Rating Act 2023. Paragraph 8C was inserted into Schedule 4ZA by section 5(2)(a) of the Local Government Finance (Wales) Act 2024 (asc 6) and paragraph 2C was inserted into Schedule 4ZB by section 5(3)(a) of the Local Government Finance (Wales) Act 2024.

(**2**) Section 143A(5)(h) and (i) was inserted into the Local Government Finance Act 1988 by section 14 of the Local Government Finance (Wales) Act 2024.

Diwygio Deddf Cyllid Llywodraeth Leol 1988.

2. Mae Deddf Cyllid Llywodraeth Leol 1988 wedi ei diwygio yn unol â rheoliadau 3 a 4.

Diwygio Atodlen 4ZA (hereditamentau a feddiennir: swm a godir)

3. Yn Atodlen 4ZA (hereditamentau a feddiennir: swm a godir), ar ôl paragraff 2 (rhyddhad ardrethi elusennol)(**1**), mewnosoder—

"2A(1) Paragraff 2 does not apply where the hereditament is situated in Wales and, on the day concerned, the hereditament is wholly or mainly used for the purposes of carrying on business as an independent school that is not an independent school within sub-paragraph (2).

(2) An independent school is within this sub-paragraph if it is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained.

(3) In this paragraph—

(a) "independent school" has the meaning given by section 463 of the Education Act 1996(**2**), and

(b) "individual development plan" has the meaning given by section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018."

Diwygio Atodlen 4ZB (hereditamentau heb eu meddiannu: swm a godir)

4. Yn Atodlen 4ZB (hereditamentau heb eu meddiannu: swm a godir), ym mharagraff 2 (rhyddhad ardrethi elusennol)(**3**), ar ôl is-baragraff (7) mewnosoder—

"(7A) Sub-paragraph (3) does not apply where, on the day concerned, it appears that when next in use the hereditament will be wholly or mainly used for the purposes of

(**1**) Mae paragraff 2 o Atodlen 4ZA wedi ei ddiwygio gan adran 11(2)(b) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 gydag effaith o 1 Ebrill 2025 (gweler adran 23(3)(a) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024.

(**2**) 1996 p. 56. Amnewidiwyd adran 463 gan adran 172 o Ddeddf Addysg 2002 (p. 32) ac fe'i diwygiwyd gan O.S. 2010/1158; paragraff 43 o Atodlen 3 i Ddeddf Plant a Theuluoedd 2014 (p. 6); O.S. 2016/413 (Cy. 131); a pharagraff 4(20) o Atodlen 1 i Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2).

(**3**) Mewnosodir paragraff 2(3) i (8) yn Atodlen 4ZB gan adran 6(3) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024 gydag effaith o 1 Ebrill 2025 (gweler adran 23(3)(b) o Ddeddf Cyllid Llywodraeth Leol (Cymru) 2024).

Amendments to the Local Government Finance Act 1988

2. The Local Government Finance Act 1988 is amended in accordance with regulations 3 and 4.

Amendments to Schedule 4ZA (occupied hereditaments: chargeable amount)

3. In Schedule 4ZA (occupied hereditaments: chargeable amount), after paragraph 2 (charitable rate relief)(**1**), insert—

"2A(1) Paragraph 2 does not apply where the hereditament is situated in Wales and, on the day concerned, the hereditament is wholly or mainly used for the purposes of carrying on business as an independent school that is not an independent school within sub-paragraph (2).

(2) An independent school is within this sub-paragraph if it is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained.

(3) In this paragraph—

(a) "independent school" has the meaning given by section 463 of the Education Act 1996(**2**), and

(b) "individual development plan" has the meaning given by section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018."

Amendments to Schedule 4ZB (unoccupied hereditaments: chargeable amount)

4. In Schedule 4ZB (unoccupied hereditaments: chargeable amount), in paragraph 2 (charitable rate relief)(**3**), after sub-paragraph (7) insert—

"(7A) Sub-paragraph (3) does not apply where, on the day concerned, it appears that when next in use the hereditament will be wholly or mainly used for the purposes of

(**1**) Paragraph 2 of Schedule 4ZA is amended by section 11(2)(b) of the Local Government Finance (Wales) Act 2024 with effect from 1 April 2025 (see section 23(3)(a) of the Local Government Finance (Wales) Act 2024).

(**2**) 1996 c. 56. Section 463 was substituted by section 172 of the Education Act 2002 (c. 32) and amended by S.I. 2010/1158; paragraph 43 of Schedule 3 to the Children and Families Act 2014 (c. 6); S.I. 2016/413 (W. 131); and paragraph 4(20) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2).

(**3**) Paragraph 2(3) to (8) is inserted into Schedule 4ZB by section 6(3) of the Local Government Finance (Wales) Act 2024 with effect from 1 April 2025 (see section 23(3)(b) of the Local Government Finance (Wales) Act 2024).

carrying on business as an independent school that is not an independent school within sub-paragraph (7B).

(7B) An independent school is within this sub-paragraph if it is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained.

(7C) In sub-paragraphs (7A) and (7B)—

(a) "independent school" has the meaning given by section 463 of the Education Act 1996, and

(b) "individual development plan" has the meaning given by section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018."

carrying on business as an independent school that is not an independent school within sub-paragraph (7B).

(7B) An independent school is within this sub-paragraph if it is wholly or mainly concerned with providing full-time education to persons for whom an individual development plan is maintained.

(7C) In sub-paragraphs (7A) and (7B)—

(a) "independent school" has the meaning given by section 463 of the Education Act 1996, and

(b) "individual development plan" has the meaning given by section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018."

Mark Drakeford

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg, un o Weinidogion Cymru
5 Mawrth 2025

Cabinet Secretary for Finance and Welsh Language, one of the Welsh Ministers
5 March 2025

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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