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

2009 Rhif 2706 (Cy.225)

Y DRETH GYNGOR, CYMRU

ARDRETHU A PHRISIO, CYMRU

Gorchymyn y Dreth Gyngor ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989, Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 a Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 o ran Cymru. Mae'n darparu ar gyfer cyflwyno hysbysiadau a gwybodaeth benodol drwy gyfathrebiad electronig ar berson sydd wedi cytuno i dderbyn cyflwyniad electronig.

Mae erthygl 3 yn mewnosod diffiniadau newydd yn rheoliad 1 o'r Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989 ("Rheoliadau 1989").

Mae erthygl 4(2) yn ychwanegu paragraffau newydd i reoliad 2 o Reoliadau 1989.

O dan y paragraff (3) newydd o reoliad 2 caniateir cyflwyno unrhyw hysbysiad o dan Ran II (Bilio) neu o dan reoliad 11 (Gorchmynion dyled: camau rhagarweiniol) o Reoliadau 1989 neu unrhyw wybodaeth y mae angen ei chyflenwi pan gyflwynir hysbysiadau galw am dalu yn rhinwedd Rheoliadau Ardrethu Annomestig (Hysbysiadau Galw am Dalu) (Cymru) 1993 yn electronig ar berson sydd wedi cytuno i dderbyn dogfennau o'r fath drwy gyflwyniad electronig. Fel arall, os yw'r awdurdod bilio wedi cytuno â'r derbynnydd, caniateir cyhoeddi'r dogfennau hyn ar wefan a chaniateir i'r awdurdod bilio hysbysu'r

derbynnydd ei fod wedi gwneud hynny, ac o ble y gellir canfod yr hysbysiad neu’r wybodaeth a sut mae cael atynt.

Mae’r paragraff (4) newydd yn darparu y bernir y bydd hysbysiad o dan Ran II neu o dan reoliad 11 wedi cael ei gyflwyno at ddibenion unrhyw achos cyfreithiol ar yr ail ddiwrnod busnes ar ôl y diwrnod y’i hanfonwyd neu, os cyhoeddwyd ef ar wefan, ar yr ail ddiwrnod busnes ar ôl hysbysu ei gyhoeddi.

Mae’r paragraff (5) newydd yn darparu fod rhaid i’r sawl sy’n cael hysbysiadau neu wybodaeth o’r fath hysbysu’r awdurdod bilio yn ysgrifenedig o unrhyw newid yn eu cyfeiriad electronig.

Mae’r paragraffau (6) a (7) newydd yn eu trefn yn gwneud darpariaeth i’r derbynnydd dynnu’n ôl ei gytundeb i dderbyn dogfennau o’r fath drwy gyflwyniad electronig neu i gael at ddogfennau o’r fath ar wefan.

Mae’r Gorchymyn hwn hefyd yn diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 o ran Cymru.

Mae erthygl 6 yn mewnosod diffiniadau newydd yn rheoliad 2 ac mae erthygl 7 yn disodli rheoliad 3. Mae’r rheoliad 3(1) newydd yn caniatáu cyflwyno’n electronig hysbysiadau y mae angen i Weinidogion Cymru eu cyflwyno (yn benodol hysbysiadau galw am dalu o dan reoliad 4 a hysbysiadau galw am dalu pellach o dan reoliad 8). Oni fydd trethdalwr yn pennu cyfeiriad ar gyfer cyflwyniad electronig, bydd y trethdalwr hwnnw yn parhau i gael hysbysiadau ar bapur. Mae paragraffau (3) a (4) o’r rheoliad 3 newydd yn darparu fod rhaid i’r rheini sy’n cael hysbysiadau electronig roi gwybod i Weinidogion Cymru yn ysgrifenedig o unrhyw newid yn eu cyfeiriad electronig ac y caniateir iddynt dynnu’n ôl eu cytundeb i dderbyn cyflwyniad electronig.

Diwygir Rheoliadau’r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 mewn modd cyffelyb i Reoliadau 1989 gan erthygl 9 sy’n mewnosod diffiniadau newydd yn rheoliad 1 a chan erthygl 10 sy’n ychwanegu paragraffau (4) i (8) newydd at reoliad 2.

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Gorchymyn y Dreth Gyngor ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009

Gwnaed	*01 Hydref 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*06 Hydref 2009*
Yn dod i rym	*31 Hydref 2009*

Mae Gweinidogion Cymru, (a) gan ystyried fod awdurdodi defnyddio cyfathrebiadau electronig gan y Gorchymyn hwn at unrhyw ddiben yn gyfryw ag na fyddai'r rhychwant (os oes un) y bydd cofnodion o bethau a wnaed at y diben hwnnw ar gael yn llai boddhaol mewn achosion lle defnyddir cyfathrebiadau electronig nac mewn achosion eraill; (b) gyda chydsyniad yr Ysgrifennydd Gwladol(**1**); ac (c) drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau

(**1**) *Gweler* adran 10(5) o Ddeddf Cyfathrebiadau Electronig 2000 (p.7).

Electronig 2000(**1**) ac a freiniwyd bellach ynddynt hwy(**2**) drwy hyn yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw’r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009 a daw i rym ar 31 Hydref 2009.

(2) Mae’r Gorchymyn hwn yn gymwys o ran Cymru.

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

2. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989(**3**) yn unol ag erthyglau 3 a 4 isod.

3. Yn rheoliad 1 (enwi, cychwyn a dehongli) ym mharagraff (2)—

(a) ar ôl y geiriau “In these Regulations” mewnosoder “—”;

(b) ar ôl y diffiniad o “the Act” mewnosoder—

““address” in relation to electronic communications, includes any number or address used for the purposes of such communications;

“business day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**4**) in England and Wales;

“demand notice regulations” means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(**5**);

(**1**) 2000 p.7.

(**2**) Trosglwyddwyd y swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000 i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi. Trosglwyddwyd y pwerau y gwnaed Rheoliadau’r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 (O.S. 1992/613), Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989 (O.S. 1989/1058) a Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 (O.S. 1989/2260) oddi tanynt, o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); *gweler* y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1988 a Deddf Cyllid Llywodraeth Leol 1992 yn Atodlen 1. Yn ddiweddarach breiniwyd y swyddogaethau yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 iddi.

(**3**) O.S. 1989/1058 y mae iddynt ddiwygiadau nad ydynt yn berthnasol i’r Gorchymyn hwn.

(**4**) 1971 p.80.

(**5**) O.S. 1993/252.

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(**1**);

(b) by other means but while in an electronic form.".

4.—(1) Diwygir rheoliad 2 (cyflwyno hysbysiadau) fel a ganlyn.

(2) Ar ôl paragraff (2) mewnosoder—

"(3) Without prejudice to section 233 of the Local Government Act 1972 and paragraphs (1) and (2) above and subject to paragraphs (4) to (7) below, any notice required or authorised to be given to or served by a billing authority on any person by a provision of Part II of these Regulations or by Regulation 11, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served:

(a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or

(b) is treated as given, served or supplied to that person where—

(i) the billing authority and that person have agreed for that purpose that any documents containing the notice or information may be accessed by that person on a website;

(ii) the document is a document to which that agreement applies;

(iii) the billing authority has published the document on a website; and

(iv) that person is notified, in a manner for the time being agreed for those purposes between that person and the billing authority, of—

(aa) the publication of the document on a website;

(**1**) 2003 p.21.

(bb) the address of that website; and

(cc) the place on the website where the document may be accessed.

(4) For the purpose of any legal proceedings, a notice given by a means described in paragraph (3), unless the contrary is proved, is treated as served on the second business day after—

(a) it was sent in accordance with paragraph (3)(a); or

(b) notification of its publication was given in accordance with paragraph (3)(b)(iv).

(5) A person who has notified an address for the purpose of paragraph (3)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(6) A person who has notified an address for the purpose of paragraph (3)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has entered into an agreement with the billing authority under paragraph (3)(b)(i) may, by notice in writing to the billing authority, inform the authority that they no longer wish to be a party to the agreement; and where such notice is given, the agreement is treated as revoked on the third business day after the date on which the notice is received by the billing authority.".

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989

5. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989(**1**) yn unol ag erthyglau 6 a 7.

6. Yn rheoliad 2(1), mewnosoder y diffiniadau canlynol yn y mannau priodol—

(a) ""address" in relation to electronic communications includes any number or address used for the purposes of such communications;";

(**1**) O.S. 1989/2260.

(b) ““business day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**1**) in England and Wales;”; and

(c) ““electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(**2**);

(b) by other means but while in an electronic form;”.

7. Yn lle rheoliad 3 rhodder—

“**Service of notices**

3.—(1) Any notice required or authorised by these Regulations to be served on a person by the Welsh Ministers may be served—

(a) in the case of a body corporate, by addressing the notice or information to the secretary of the body and—

(i) delivering it to the secretary,

(ii) leaving it at or sending it by post to the secretary at the registered or principal office of the body, or

(iii) sending it to the secretary by electronic communication to such address as may be notified by the secretary for that purpose; and

(b) in any other case, by—

(i) delivering the notice or information to the person,

(ii) leaving it at or sending it by post to the person at that person’s last place of abode or an address given by that person at which service will be accepted, or

(iii) sending it to the person by electronic communication to such an address as may be notified by that person for that purpose.

(2) For the purpose of any legal proceedings, a notice given by the means described in paragraph (1)(a)(iii) or (b)(iii), unless the

(**1**) 1971 p.80.
(**2**) 2003 p.21.

contrary is proved, is treated as served on the second business day after it was sent.

(3) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) must, by notice in writing to the Welsh Ministers, advise the Welsh Ministers of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(4) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) may, by notice in writing to the Welsh Ministers, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(5) Where a company registered outside the United Kingdom has an office in the United Kingdom, that office is treated for the purpose of paragraph (1)(a)(ii) as its principal office, and where it has more than one office in the United Kingdom its principal office in the United Kingdom is treated as its principal office for that purpose.”.

Diwygio Rheoliadau’r Dreth Gyngor (Gweinyddu a Gorfodi) 1992

8. Diwygir Rheoliadau’r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(**1**) yn unol ag erthyglau 9 a 10 isod.

9.—(1) Diwygir rheoliad 1 (enwi, cychwyn a dehongli) fel a ganlyn.

(2) Ym mharagraff (2) ar ôl y diffiniad o “the Act” mewnosoder—

““address” in relation to electronic communications includes any number or address used for the purposes of such communications;

“business day” means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**2**) in England and Wales;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(**1**) O.S. 1992/613 y mae diwygiadau iddynt nad ydynt yn berthnasol i’r Gorchymyn hwn.

(**2**) 1971 p.80.

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(**1**);

(b) by other means but while in an electronic form;”.

(3) Ym mharagraff (2), yn y diffiniad o “demand notice regulations” ar ôl y geiriau “as is mentioned in paragraph 2(4)(e)” mewnosoder “or 2(4)(j)”.

10.—(1) Diwygir rheoliad 2 (cyflwyno hysbysiadau) fel a ganlyn.

(2) Ar ôl paragraff (3) mewnosoder—

“(4) Without prejudice to section 233 of the Local Government Act 1972 and paragraphs (1), (2) and (3) above and subject to paragraphs (5) to (8) below, any notice required or authorised to be given to or served by a billing authority on any person by a provision of Part II, III or V of these Regulations or by Regulation 33, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part V of these Regulations) is served:

(a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or

(b) is to be treated as given, served or supplied to that person where—

(i) the billing authority and that person have agreed for that purpose that any document containing that notice or information may be accessed by that person on a website;

(ii) the document is a document to which that agreement applies;

(iii) the billing authority has published the document on a website; and

(iv) that person is notified, in a manner for the time being agreed for that purpose between that person and the billing authority, of—

(aa) the publication of the document on a website;

(bb) the address of that website; and

(**1**) 2003 p.21.

(cc) the place on the website where the document may be accessed.

(5) For the purpose of any legal proceedings, a notice given by a means described in paragraph (4), unless the contrary is proved, is treated as served on the second business day after—

(a) it was sent in accordance with paragraph (4)(a); or

(b) notification of its publication was given in accordance with paragraph (4)(b)(iv).

(6) A person who has notified an address for the purpose of paragraph (4)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has notified an address for the purpose of paragraph (4)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(8) A person who has entered into an agreement with the billing authority under paragraph (4)(b)(i) may, by notice in writing to the billing authority, inform the authority that they no longer wish to be party to the agreement; and where such notice is given, the agreement must be treated as revoked on the third business day after the date on which the notice is received by the billing authority.".

Brian Gibbons

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

01 Hyderf 2009