

**FIRST ANNUAL REPORT ON THE
IMPLEMENTATION AND OPERATION OF PART 2
(FINANCE) OF THE WALES ACT 2014**

First Annual Report on the Implementation and Operation of Part 2 (Finance) of the Wales Act 2014

Presented to Parliament pursuant to Section 23(1)(b) of
the Wales Act 2014

Presented to the National Assembly for Wales pursuant to
Section 23(1)(c) of the Wales Act 2014

December 2015



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FOREWORD

The Wales Act 2014 devolves a comprehensive package of tax and borrowing powers to the National Assembly for Wales and the Welsh Government, giving them more tools to strengthen the economy and create more jobs.

One year on from its enactment, this report sets out progress in implementing the tax and borrowing powers being devolved under Part 2 of the Act. A great deal of progress has been made: business rates have been fully devolved and work is well underway to ensure Welsh taxes to replace Stamp Duty Land Tax and Landfill Tax come on stream in 2018. There is a great deal more to do, but the first year of implementation provides a solid foundation to work from.

The last year has also seen the Government map a path to a clear, robust and lasting devolution settlement for Wales. The draft Wales Bill, published in October, implements the St David's Day Agreement announced by the Prime Minister in February. It provides for a clearer devolution settlement, based on a reserved powers model, and a strengthening of devolution by devolving further powers to the Assembly and the Welsh Government.

A more accountable Assembly and Welsh Government are fundamental to the new devolution arrangements. Last month the Government announced a floor in Welsh relative funding of 115% of comparable spending in England, and our intention to remove the requirement for a referendum in order to implement the Welsh Rates of Income Tax.

These changes, and our continuing work to implement the devolution of tax and borrowing powers under the Wales Act 2014, will build a stronger Wales within a strong United Kingdom. It will mean strengthened, more accountable devolved government for Wales, with the Assembly and Welsh Government having the right tools to enable Wales to develop as a nation.

**RT HON STEPHEN CRABB MP
SECRETARY OF STATE FOR WALES**

CHAPTER 1

INTRODUCTION

Scope and Content of this Report

1. This report on Part 2 of the Wales Act 2014 is the first published since the Act gained Royal Assent on 17 December 2014.
2. Part 2 of the Wales Act 2014 deals exclusively with the devolution of financial powers. These include:
 - the creation of new Welsh Rates of Income Tax;
 - the disapplication of UK Stamp Duty Land Tax in Wales and provision for the introduction of a new Welsh tax on land transactions;
 - the disapplication of UK Landfill Tax in Wales and provision for the introduction of a new Welsh tax on disposals to landfill;
 - provision for borrowing by Welsh Ministers; and
 - the power to create new devolved taxes.
3. The financial provisions will be implemented over a number of years with the timetables for Stamp Duty Land Tax and Landfill Tax having been set out in the Command Paper¹ which accompanied the publication of the Wales Bill in March 2014.
4. In order that both Parliament and the National Assembly for Wales (the Assembly) are fully informed through this process, section 23 of the Wales Act 2014 requires the Secretary of State for Wales and Welsh Ministers to report annually on the implementation of this part of the Act. In order that both Parliament and the Assembly are informed of the views of both administrations: the Secretary of State for Wales is required to report to Parliament and provide a copy of the report to Welsh Ministers. Welsh Ministers are required to lay the report before the Assembly, and to report themselves to the Assembly and provide a copy to the Secretary of State. The Secretary of State is required to lay the Welsh Ministers' report before both Houses of Parliament. Both Governments will continue to report until the first anniversary of the day on which the last provisions of Part 2 come into force.
5. Section 23(7) of the Wales Act 2012 requires the annual reports to contain:
 - (a) *a statement of the steps which have been taken, whether by the maker of the report or by others, since the making of the previous report (or, in the case of the first report, since the passing of this Act) towards the commencement of the provisions of this Part,*
 - (b) *a statement of the steps which the maker of the report proposes should be taken, whether by the maker of the report or by others, towards the commencement of the provisions of this Part,*
 - (c) *an assessment of the operation of the provisions of this Part which have been commenced,*

¹ Cm 8838 *Wales Bill: Financial Empowerment and Accountability*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294470/Wales_Bill_Command_Paper_-_English.pdf

- (d) *an assessment of the operation of any other powers to devolve taxes to the Assembly or to change the powers of the Welsh Ministers to borrow money, and of any other changes affecting the provisions inserted or amended by this Part,*
 - (e) *the effect of this Part on the amount of any payments made by the Secretary of State under section 118 of GOWA 2006 (payments into the Welsh Consolidated Fund), and*
 - (f) *any other matters concerning the sources of revenue for the Welsh Government that the maker of the report considers should be brought to the attention of Parliament or the Assembly.*
6. Annex A provides a detailed list of the paragraphs in this report which address each of these requirements. However, the report is not limited to these requirements, and may also contain any other matters that each Government believes to be relevant or useful to both Parliament and the Assembly.

CHAPTER 2

WELSH RATES OF INCOME TAX

7. The Wales Act 2014 established that subject to the outcome of a referendum in Wales on the introduction of Welsh Rates of Income Tax, the main UK rates of income tax will be reduced by 10p for those defined as Welsh taxpayers, and the Assembly will be able to set, annually, new Welsh Rates of Income Tax (WRIT) which will be added to the reduced UK rates. The rest of the income tax structure will remain a non-devolved matter, and continue to be determined by the UK Parliament.
8. In the Spending Review and Autumn Statement 2015 we stated that we will legislate to remove the requirement to hold a referendum to implement the WRIT. The Government intends to implement this change in the new Wales Bill, which was published in draft form on 20 October 2015.
9. The UK Government will discuss the change with interested stakeholders, including the Welsh Government, in the coming months.

CHAPTER 3

WELSH TAXES ON LAND TRANSACTIONS AND DISPOSALS TO LANDFILL

Introduction

10. The Wales Act 2014 provides for the power to tax land transactions and waste disposals to landfill sites in Wales to be devolved to the Welsh Government and for Stamp Duty Land Tax (SDLT) and Landfill Tax to be disapplied in Wales. The Welsh Government have announced they will be introducing a Land Transaction Tax (LTT) and a Landfill Disposals Tax (LDT), which are expected to be introduced in April 2018. The UK taxes will cease to apply in Wales at this point and a corresponding adjustment will be made to the Welsh block grant.

Steps taken towards implementation

11. The Welsh Government has also announced they will be setting up a new body – the Welsh Revenue Authority (WRA) – to oversee the administration of its devolved taxes. The Tax Collection and Management (Wales) Bill, which will create the WRA and puts in place the legal framework for the collection and management of devolved taxes in Wales, was introduced into the Assembly on 13 July 2015.
12. The Welsh Government has announced that HMRC is the preferred partner to work with the WRA in administering the LTT. The WRA will administer the LDT, working with Natural Resources Wales on compliance activity.
13. HMRC has been developing proposals for how it will administer LTT. Its intention is to adapt its existing SDLT computer system to operate the devolved tax and to use existing experienced staff working on SDLT to carry out administration activities (for example, processing returns and following-up errors).
14. HMRC will also be undertaking some compliance work on LTT, which it proposes would be carried out by a specialist team based in Wales working closely with the operational team and the WRA. The Welsh Government has said that the WRA will undertake complex compliance and avoidance work for LTT – HMRC will work with Welsh Government to establish how the two organisations can most effectively work together on these cases.
15. HMRC's estimate of the costs of implementing their aspects of the LTT was reported to the Assembly Finance Committee in a letter from the Welsh Minister for Finance and Government Business on 4 November. The set-up costs are estimated to be between £2.5 million and £3 million and the running costs up to £1 million a year. HMRC may be required to charge VAT on some implementation activity, which would increase these figures – discussions are ongoing with the Welsh Government on this point.
16. Alongside this activity, HMRC has been working with officials from the Welsh Government to increase their understanding of HMRC's administration of SDLT and Landfill Tax and HMRC's broader tax powers. HMRC staff have also twice given evidence to the Assembly's Finance Committee in support of the Committee's inquiries into devolved tax matters.

Further steps that will be taken towards implementation

17. During the next year, HMRC will continue to refine its proposals for implementing the LTT. This will be particularly focused on agreeing how issues such as information sharing and interactions between the WRA and HMRC on compliance matters should be implemented. HMRC intends to set up a project to manage this activity and also develop a plan for 'switching off' SDLT in Wales.
18. In relation to Landfill Tax, HMRC will focus on planning for the transfer of full responsibility to the Assembly for the taxation of the disposal of waste to landfill from April 2018. A communications plan to provide information to Landfill Tax operators and users of landfill sites in Wales will be developed.
19. HMRC will also continue to help the Welsh Government and the WRA to build capability by providing further support in understanding HMRC's administration of taxes, in particular issues relating to SDLT and Landfill Tax.
20. The devolution of both taxes will be accompanied by a corresponding adjustment to the block grant. Further information on the effects of the tax powers on the Welsh block grant can be found in chapter 6 of this report.

CHAPTER 4

BORROWING POWERS

21. The provisions in the Wales Act 2014 enable Welsh Ministers to borrow for the following purposes from April 2018

- The Act retained the Welsh Government's existing in-year current borrowing powers of up to £500m, whereby Welsh Ministers can borrow from the National Loans Fund (NLF) via the Secretary of State for Wales in order to provide a working balance to the Welsh Consolidated Fund (WCF) or to manage in-year volatility of receipts (where actual income differs from the forecast receipts for that month);
- The Act extended the circumstances under which the Welsh Government can access current borrowing. This enables the Welsh Government to borrow across years to deal with differences between the full year forecast and outturn receipts for devolved taxes. This across years borrowing must again be from the NLF via the Secretary of State for Wales, can be up to £200m each year (within the existing £500m overall cap) and must be repaid within 4 years.
- The statutory capital borrowing limit was set by the Wales Act 2014 at £500 million. This limit was set to reflect the c.£200 million of devolved tax revenues from April 2018 and also to enable the Welsh Government to proceed with improvements to the M4 (should it choose to do so) in advance of an element of income tax being devolved. Within the overall limit, HM Treasury agreed that the Welsh Government can borrow up to £125 million each year (from 2018-19 onwards).

22. In advance of implementing the Welsh Government's new borrowing powers in April 2018, the Government has agreed that the Welsh Government can use its existing, more limited, borrowing powers to proceed with improvements to the M4 (should it choose to do so). The amounts that the Welsh Government can borrow during this period are subject to HM Treasury agreement. This arrangement therefore provides the Welsh Government with the option to begin investing in the M4 in anticipation of devolved tax revenues. As this effectively gives the Welsh Government early access to their new borrowing powers, any amounts borrowed under these existing powers will count towards the £500 million cap.

23. In addition to borrowing from the NLF as above and from commercial banks, the St David's Day Command Paper ²committed that the Welsh Government will be able to issue bonds to borrow for capital expenditure.

Steps towards implementation

24. The UK and Welsh Governments are now working to agree a detailed process for enabling borrowing from the National Loans Fund. We will also be taking forward the creation of Welsh Bonds in due course.

² Cm 9020 *Powers For a Purpose: Towards a Lasting Devolution Settlement for Wales*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408587/47683_CM9020_ENGLISH.pdf

CHAPTER 5

POWER TO CREATE NEW TAXES

25. With the agreement of both governments, further existing taxes can now be devolved and the Assembly is able to introduce new Wales-specific taxes. These powers support the ongoing evolution of devolved responsibilities and provide the Assembly with a new means of achieving policy outcomes, as well as potentially raising additional revenues.

Steps towards implementation

26. A process for creating new taxes and/or devolving existing taxes was set out in the Command Paper that accompanied the Wales Act 2014 (see footnote 1).
27. A range of criteria for assessing proposals for new taxes was set out in the Command Paper and the UK Government is committed to working with the Welsh Government to assess any such proposals in a timely manner.
28. This power came into force on the same date as the Wales Act 2014.

CHAPTER 6

EFFECT OF NEW POWERS ON THE WELSH BLOCK GRANT

29. A fundamental principle of tax devolution is that an element of the block grant is exchanged for the ability to levy taxes. The arrangements for block grant adjustments in relation to the Wales Act 2014 will be agreed by the Joint Exchequer Committee.
30. The Command Paper (see footnote 1) set out the arrangements for a block grant adjustment in relation to the WRIT, reflecting a recommendation of the Silk Commission. Under these arrangements, the initial adjustment reflects the tax foregone by the UK Government, and this is then grown via the indexed deduction mechanism originally proposed by the Holtham Commission. The full details of these arrangements can be found in the Command Paper. The UK and Welsh governments will discuss the implementation of this mechanism alongside the introduction of the WRIT.
31. As the Silk Commission didn't make a recommendation for the block grant adjustment mechanism in relation to the fully devolved taxes (Stamp Duty Land Tax and Landfill Tax), the Command Paper set out a potential approach. This involves an initial adjustment (again reflecting the tax foregone by the UK Government) and then a small percentage reduction in all subsequent Barnett consequentials (to reflect the proportion of Welsh Government spending that is funded by the two taxes). Since the paper was published, a funding floor in the level of relative funding provided to the Welsh Government has been introduced. We will therefore continue to discuss the approach to these block grant adjustments with the Welsh Government, in order to agree a fair adjustment mechanism that works alongside both the Barnett Formula and the funding floor.

CHAPTER 7

OTHER ACTIVITIES TOWARDS IMPLEMENTATION

Forecasts by the Office for Budget Responsibility (OBR)

32. The OBR began publishing forecasts of Welsh taxes alongside the Autumn Statement 2014 and will continue to publish these forecasts twice a year. The forecasts at the Autumn Statement 2015 reflected the taxes that will be devolved to the Welsh Government under the Wales Act 2014, including 10 pence of each income tax band.

Cash Reserve

33. The Command Paper (footnote 1) set out that the UK Government will provide the Welsh Government with the ability to pay surplus tax revenues into a cash reserve to help manage the volatility in its budget resulting from its new tax powers.

34. The cash reserve will become operational alongside the devolution of SDLT and Landfill Tax in 2018.

CHAPTER 8

OTHER REPORTING REQUIREMENTS

35. In addition to the areas covered discussed in previous chapters (**make footnote - steps taken towards implementation, steps yet to be taken and effect of provisions on the block grant**), section 23 of the Wales Act 2014 requires annual reports on Part 2 of the Act to include:

- an assessment of the operation of the provisions of Part 2 that have been implemented;
- an assessment of the operation of any other powers to devolve taxes to the Assembly or to change the powers of the Welsh Ministers to borrow money, and of any other changes affecting the provisions inserted or amended by Part 2;
- a statement of the effect of Part 2 on the amount of any payments made by the Secretary of State under section 118 of the Government of Wales Act 2006 (payments into the Welsh Consolidated Fund); and
- any other matters concerning the sources of revenue for the Welsh Government that the maker of the report considers should be brought to the attention of Parliament or the Assembly.

36. This report is the first following the Act receiving Royal Assent in December 2014. It should be noted that, in accordance with section 29(2)(b) of the Act, all provisions of Part 2 came into force two months after enactment with the exception of the sections relating to the WRIT and borrowing by Welsh Ministers. The borrowing provisions will require Orders from HM Treasury before they are fully implemented. An assessment of the operation of the borrowing provisions will therefore follow in future annual reports. The Government has committed to removing the requirement for a referendum in order to implement the WRIT and intends to make this change in the forthcoming Wales Bill.

37. In addition to the Wales Act 2014 provisions, Non-Domestic Rates were fully devolved on 1 April 2015 as recommended by the Silk Commission. While the Welsh Government already sets the rates (so no legislation was required in the Wales Act 2014), the revenues generated didn't previously have a direct impact on the funding available to the Welsh Government. From April 2015, under full devolution, the Welsh Government retains all Non-Domestic Rates generated in Wales rather than a population share of changes in UK Government spending funded by English Non-Domestic Rates.

CONCLUSION

38. Section 23 of the Wales Act 2014 stipulates that the Annual Report on the implementation and operation of Part 2 of that Act should be laid on or before the anniversary of the date on which Royal Assent was received (17 December 2014).
39. The past year has seen the first steps in moving toward the full implementation of the Act. Legislation is being scrutinised by the Assembly that will take forward the implementation of devolved taxes on land transactions and disposals to landfill and the UK Government has committed that the Welsh Government will be able to issue bonds in future to borrow for capital expenditure.
40. In addition, the UK Government has set out its intention to remove the requirement for a referendum on the devolution of a portion of income tax as provided for in the Wales Act.
41. The next annual report on the implementation of Part 2 of the Wales Act 2014 will be published, in accordance with Section 23(3)(b) of the Act, before 17 December 2016.

Annex A – Reporting Requirements in the Scotland Act 2012 and where they are addressed in this report

1. *a statement of the steps that have been taken, whether by the maker of the report or by others, since the making of the previous report (or, in the case of the first report, since the passing of this Act) towards implementation of the provisions of this Part,*

Chapter 2: Paragraph 8
Chapter 3: Paragraphs 11-16
Chapter 4: Paragraphs 22-23
Chapter 5: Paragraphs 26-28

2. *a statement of the steps that the maker of the report proposes should be taken, whether by the maker of the report or by others, towards the implementation of the provisions of this Part,*

Chapter 2: Paragraphs 9
Chapter 3: Paragraphs 17-20
Chapter 4: Paragraph 24

3. *an assessment of the operation of the provisions of this Part that have been implemented,*

see Chapter 9

4. *an assessment of the operation of any other powers to devolve taxes to the Assembly or to change the powers of the Welsh Ministers to borrow money, and of any other changes affecting the provisions inserted or amended by this Part,*

see Chapter 9

5. *a statement of the effect of this Part on the amount of any payments made by the Secretary of State under section 118 of GOWA 2006 (payments into the Welsh Consolidated Fund), and*

see Chapter 9

6. *any other matters concerning the sources of revenue for the Welsh Government that the maker of the report considers should be brought to the attention of Parliament or the Assembly.*

see Chapter 9

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1. datganied o'r camau sydd wedi'u cymryd, boed gan y sawl sydd wedi'gwnued yr adroddiad neu arroddiad cyntaf, ers passio'r Ddeddf hon) tûag at weithredu darpariatebau'r rhian hon,
- Penrhod 2: Paragraph 8
Penrhod 3: Paragraph 11-16
Penrhod 4: Paragraph 22-23
Penrhod 5: Paragraph 26-28
2. datganied ynglyn â'r camau y mae'r sawl sydd wedi'gwnued yr adroddiad yn gynnig y dylid eu cymyd, boed gan y sawl sydd wedi'gwnued yr adroddiad neu gan eraill, tûag at weithredu darpariatebau'r Rhian hon,
- Penrhod 2: Paragraph 9
3. asesiad o ddarpariatebau'r Rhian hon sydd wedi' rhoi ar waith:
4. asesiad o weithredu unrhwy bwerau eraill i ddatganolli trethi i'r Cynulliad neu i sŵn effeithio ar y darpariatebau a gyrrhwysewyd neu a ddilwynigwyd yn sgil Rhian 2, newid pwrâu Gweinidogion Cymru i fenthyca arfian, ac unrhwy newidiadau eraill
5. datganied ynglyn ag effaith Rhian 2 ar swm unrhwy daliadau a wneir gan yr Ysgrifennuedd Gwladol o dan argraff 118 o Ddeddf Llywodraeth Cymru 200 (taliadau i Gronfa Gyfunol Cymru);
6. unrhwy faterion eraill sy'n berhnasol i ffynonebau cyllid i Llywodraeth Cymru y maer' sawl sy'n gwneud yr adroddiad yn ystyried y dylid tyndu sylwr Senedd neu'r Cynulliad iddynt.

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38. Mae Adran 23 o Ddeddf Gymru 2014 yn pennu y dyliid gosod yr arroddiad dyddiad derbyn Cydsyniad Brenhinol neu cyn hyunny (17 Rhagfyr 2014). Blwyddol am weithredu Rhian 2 o'r Ddeddf honno a'i rhoi ar wath ar ben-blwydd
39. Yn ystod y flwyddyn ddiwethaf, gwelewyd y camau cyntaf wrth inni symlud ymlaneu at roi'r Ddeddf ar wath yn llawn. Mae'r Cyngiliad yn craftru ar ddeddfwriaeth a safleoedd trilenwi ac mae Llywodraeth y Deyrnas Unedig wedi mynd i gwaranit Cyfarfod Llywodraeth Gymru'n gallu cyhoeddi bondiau yn y dyfodol i fenthyca ar gyfer fydd ymianein i weithredu tr ethi datganiadolig ar drafodaethau tir a gwaredu i safleoedd trilenwi ac mae Llywodraeth y Deyrnas Unedig wedi mynd i gwaranit cyfarfod.
40. At hyunny, mae Llywodraeth y Deyrnas Unedig wedi dweu mai ei bwriad yw darparwyd ar ei gyfer yn Neddf Gymru dileu'r gofyniad i gynnial reffrendwm ar ddatganioli cyfran o'r dreft incwm y
41. Cyhoeddir yr arroddiad blwyddol nesaf am weithredu Rhian 2 o Ddeddf Gymru 2014, yn uol ag Adran 23(3)(b) o'r Ddeddf, cyn 17 Rhagfyr 2016.

37. Yn ogystal a darpariaethau Deddf Cymru 2014, datganolwyd Arddethi Annomesting yn llwyr ar 1 Ebrill 2015, yn unol ag argymhellion Comisiwn Sifil. Er bod Lywodraeth Cymru elosoes yn gosoed yr arddethi (ac feily naed oedd gofyn i cael deddfwrtaeth yn Neddf Cymru 2014), nid oedd y cylid a gyllid a gyrrchwyd yn cael effaith uniongyrchol ar y cylid oedd ar gael i Lywodraeth Cymru. Ers mis Ebrill 2015, ar drefn weddi datganiol i llofn, bydd Lywodraeth Cymru'n cadw'r holl Arddethi Annomesting a gyrrchir yn Nghymru yn hytrach na chyfran o'r newidiadau yng ngwariant Lywodraeth y Deymas Unedig ar sail y boblogaeth, a arbenir drwy Drefthi Annomesting Lloegr.

- Assessiaid o weithredu unrhyw bwerau eraill i ddatganioli trethi i'r Cyngiliad neu i newid pwerau Gweinidogion Cymru i fenthyga aran, ac unrhyw newidiadau eraill sy'n effeithio ar y darpariaethau a gyrrhwyd neu a ddilwygydd yn sglil Rhian 2;
 - datganiad ynglynn ag effaith Rhian 2 am swm unrhyw daliadau a wneir gan yr Ysgrifenniada Gwladol o dan aran 118 o Ddeddf Llywodraeth Cymru 2006 (taliadau i Gronfa Gyfunol Cymru); ac unrhyw faterion eraill sy'n berthnasol i ffynoneillau cyllid i Llywodraeth unrhwy mae'r sawl sy'n gwneud yr arddoddiaid yn ystyried y dylid tynuu syŵr Senedd neu'r Cyngiliad iddynt.

35.Yn ogyrstal â'r meysydd a dradroddwyd yn y penodau blaenorol (troednodyn - camau a gymerwyd tugen at weithredu, camau i'w cymryd efo, ac effaith y darpariaethau ar y grant bloc), mae ardan 23 o Ddeddf Cymru 2014 yn mynnu bod arroddiadau blynyddol am Ran 2 o'r Ddeddf yn cynnwys:

GOFYNIION ADRODD ERAILL

CAMAU PELLACH IW CYMRYD TUGAG AT ROI HYN AR WAITH

Rhagolygon y Swyddfa Cyfrifoldeb Cyllidebol (y Swyddfa) 32. Dechreuaodd y Swyddfa gyhoeddil rhagolygon ar gyfer trethi Cymru o ochr a datganiad yr Hydref yn 2014 a bydd yn parhau i gyhoeddil rhagolygon hyn gan gynnwys 10 ceiniog ym mhoel band treth incwm.

Datganiad yr Hydref yn 2014 a bydd yn parhau i gyhoeddil rhagolygon hyn ddiwywaiith y ffwyddyin. Roedd y rhagolygon yn Natganiad yr Hydref yn 2015 yn adlewyrchiur trethi a datganiol i Lywodraeth Cymru o dan Ddeddf Cymru 2014,

Cronfa Wrrh Gefn

33. Roedd y Papur Gorchymyn (troednodyn 1) yn dwedu y bydd Lywodraeth y Deyrnas Unedig yn rhoi gallu i roedi sefyllfa gyfnewidol ei chyllideb a fydd yn codi yn groalfa wrth gefn i'w helpu i roi sefyllfa gyfnewidol i'r dalaith sy'n weddill i sgil ei phwerau trethu newydd.

Stamp a'r Dreth Dirienwi yn 2018.

29. Un o eglwysdodoriion syflawnol datganoli tr ethi i galu i gofod tr ethi. Bydd gofynu cael cydnuddeb Cydwyllgor Y Trysorlys ynglyn a'r treftadau ar gyfer addasiaidau i'r grant bloc yng Nghyngylltedd Cydwyllgor Y Ddeddf Cymru 2014.

30. Yn y Papur Gorchymyn (gwele'r troednoeddyn 1), mae'r treftadau ar gyfer addasur grant bloc yng Nghyswilt Cyfraddau Treth lncwm Cymr u, gan adlewyrchu un o argyfheilleion Comisiwn Sili. O dan y treftadau hyn, mae'r addasiaid cychwynnol yn adlewyrchur dreth y bydd Lywodraeth y Deyrnas Unedig yn ei hildio, ac yna, datblygir hyn drwy ddefnyddio'r mechanwaith didyannu weddi fyngrefoi a gyngiwyd yn wreiddiol gan Gomisiwn Holtham. Mae manylion llawn y treftadau hyn i w gweld yn y Papur Gorchymyn. Bydd llywodraeth y Deyrnas Unedig a llywodraeth Cymr u yn trafod gweithredu'r mechanwaith hwn oher yn ochr a chyflwyno

31. Ni chathwyd argymhelliaid gan Gomisiwn Siliq yng Nghylch y mecanwaith ar gyfer addasu'r grant bloc gyda goflog ar y trethi a ddatganiolir yn llwyr ('Treth Dir y Dreth Stamp a'r Dreth Dirlenwi), ac feily awgrymwyd dull posibl yn y Papur Gorchymyn. Mae hyn yn golegu addasiad cychwynnol (unwaiith eto'n adlewyrchiwr dreth sy'n cael ei hildio gan Lywodraeth Y Deyrnas Unedig) ac yn osiungiad canranol bychan yn holl symau diliynianol Barmett (i adlewyrchiwr gyfran o wariant Lywodraeth Cymru sy'n cael ei harannu drwy'r dref). Ers cyhoeddir papur, cyflwynwyd lefel gyllid waeadol ar gyfer y cyllid cymharol a roddir i Lywodraeth Cymru. Byddwn fellyn parhau i drafod â Llywodraeth Cymru sut i fynd ati i ymdrin âr addasiadau hyn ir grant bloc, er mwyn cyfuno ar fefanwaith addasu teg sy'n gweithio ochr yn ochr a Formwla Barmett a hefyd âr trefniau cyllid gwaelodol.

24. Mae Llywodraeth y Deyrnas Unedig a Llywodraeth Cymru bellach yn gweithio i gyntuno ar broses fawwl er mwyn galluogi benthyga o'r Gronfa Benthygiadau Cenedlaethol. Byddwn hefyd yn bwrw ymlaeu i greu Bondiau Cymru mae o law.
25. Gyda chytundeb y ddywyd i ddarparu hagor o dreti sy'n bodoli eisoes yn awr ac mae'r Cyngiliad yn gallu cyflwyno trethi newydd penodol i Gymru. Mae'r pŵer hyn yn cefnogi esblygu parhaus ar gyfrifoldebau datganiolledig ac mae'n rhai ffodd newydd i'r Cyngiliad wrieddus canlyniaidau polisi, yn ogystal o bosibl â chodi cyllid ychwanegol.
26. Roedd proses ar gyfer creu trethi newydd a/neu datganiol trethi presennol yn y Papur Gorchymyn a gyhoeddwyd gyda Deddf Cymru 2014 (gwele'r troednod ym 1).
27. Roedd y Papur Gorchymyn yn cynnwys cyfres o feini prawf ar gyfer asesu cynigiol ynglŷn â threthi newydd ac mae Llywodraeth y Deyrnas Unedig wedi ymrwydro i weithio gyda Llywodraeth Cymru i asesu unrhyw gyngiolion o'r faint mewn da byd.
28. Daeth y pŵer hwn i rym ar yr un dyddiad â Deddf Cymru 2014.

Camau a gymerwyd tâg at roi hyn ar waith

PWER I GREU TRETII NEWYDD

PENNOD 5

Camau a gymerwyd tudag ar roi hyd yn ar wath

gyfer gwariant cyfafat.

budd Llywodraeth Gymru yn gallu dyroddi bondiau er mwyn cael benthyg arian ar o faintiau masnachol, roedd Pawb Gorchymyn Didd Gwyl Dewi² yn ymwymo y 23. Yn ogystal â benthyg a'r Gronfa Benthygolau Cenedlaethol fel y nodir uchod ac

cap o £500 milion. unhyw symlai a gallt frenhysg o dan y pwerau presennol hyn yn cyffit tudag at y Gymru yn gallu manesiol ar ei phwerau benthyg a newydd yn gynnar, budd ddatganioli trethi. Gan fod hy'n mewm gwirionedd yngolgyu bod Llywodraeth Gymru ddewisi dechrau buddsoddi yr M4 gan ragweld y cyllid a ddaw drwy gyntundeb Trysorlys EM. Felly, mae'r treftadau hwn yn ystod y gall Llywodraeth gweliannau i'r M4 (os bydd yn dewis gwneud hynni). Mae'r symlau y caitif ddefnyddio'r phwerau benthyg a cytuno y caiff Llywodraeth Gymru 2018, mae Llywodraeth y Deyrnas Unedig wedi cytuno a hefyd er mwyn ymlaen a hyd at £125 milion bob blwyddyn (o 2018-19 ym Mae).

cyffredinol, roedd Trysorlys EM yn cytuno y caiff Llywodraeth Gymru benthyg a gwneud hynni) cyn datganoli effen o'r dreth incwm. O fewn y terfyn Llywodraeth Gymru i fwriadu a gweliannau i'r M4 (os bydd yn dewis treth datganoleidi a weidi o fis Ebrill 2018 ymlaen a hefyd er mwyn galluogi 500 milion. Penwyd y terfyn hwn er mwyn adlewyrchiur c. £200 o gyllid yn Neddf Gymru 2014, y terfyn benthyg a cyfafat statudol a benwyd oedd blynedd.

fewn cyfanswm y cap presennol, sef £500m) a rhaid ei ad-dal o fewn 4 ysgrifennuodd Gwladol Gymru. Gall fod yn hyd at £200m bob blwyddyn (o drws blynddoedd dded o'r Gronfa Benthygolau Cenedlaethol drwy drwy drefti sydd wedi'u datganoli. Unwaith eto, rhaid i'r benthyg a hwn ar gwasanaethau rhwng y rhagamcaniun gyfran ar deryniadau alladro Gymru i benthyg arian ar drws blynddoedd er mwyn ymdopi a ragwelwyd ar gyfer y mis hwnnw);

fewn blwyddyn (le bydd yr incwm gwirioneddol yn wasanol i'r deryniadau a Cronfa Gyfunol Gymru neu er mwyn rheoli natur gyfreidwadol deryniadau o ysgrifennuodd Gwladol Gymru er mwyn drapau balans gwethiol ar gyfer Gweiniadogion Gymru benthygolau Cenedlaethol drwy fwyddyd yn cael eu cadw ar y lefel presennol, sef hyd at £500m. Gall yn y Ddeddf roedd pwerau benthyg a cyfrebol Llywodraeth Gymru yn ystod y benthyg arian at y dibenion a ganlyn o fis Ebrill 2018 ymlaen -

21. Mae darpariaethau Deddf Gymru 2014 yn galluogi Gweiniadogion Gymru i

16. Ochr yn ochr a'r gwaith hwn, mae Cyllid a Thollau EM wedi bod yn gweithio gyda swyddogaigion Llywodraeth Cymru er mwyn iddynt ddeall yn well sut mae Cyllid a Thollau EM yn gweiniddu Treth Dir Y Drefh Stamp ar' Drefh Dirlenwi i ddwywai a'i bwerau tr ethu ehangach, Mae staff Cyllid a Thollau EM hefyd wedi rhoi tystiolaeth ymchwilio i faterion sy'n ymnu eu a threthi datganolledig.
17. Yn ystod y ffwyddy nesaf, bydd Cyllid a Thollau EM yn parhau i frreiñ i gyngigion ar gyfer gweithredur Drefh Trafolaiddau Tir. Bydd hyn yn canolbwynio'n benodol ar gyntuno ynglyn â sut i dylid ymdrin â materion meges rhannu gwybodaeth a rhwng Awdurdod Cyllid Cyfryngau a Chyllid a Thollau EM ym mases cymdeithio rhwng Awdurdod Cyllid Cyfryngau a Chyllid a Thollau EM hefyd yn bwrriadu sefydlu prosiect i roi safleoedd trifenwi o fis Ebrill 2018 ymaen. Datblygir cynllun cyfarthrebu i roi gwybodaeth i weithredwyr y Drefh Dirlenwi a defnyddwyr safleoedd trifenwi yng drosgylwyddo cyfrifoldeb llawn i'r Cynulliad am dreftu gwaredu gwasstraff i 18. O ran y Drefh Dirlenwi, bydd Cyllid a Thollau EM yn canolbwynio ar gyntllunio i Nghymru.
19. Bydd Cyllid a Thollau EM hefyd yn parhau i helpu Llywodraeth Cymru ac Awdurdod Cyllid Cymru i fetihin eu gallu drwy ddarparu rhagor o gyromorff bobl ddeall sut mae Cyllid a Thollau EM yn gweiniddu trethi, yn enwedig yngylch materion sy'n berthnasol i Drefh Dir Y Drefh Stamp ar' Drefh Dirlenwi.
20. Wrth ddatganolir ddyw dreth, bydd y grant bloc yn cael ei addasu i wneud iawn bloc Cymru i'w gweld ym mhennoed 6 o'r adroddiad hwn.

15. Cylchymwyd amcangyfrif Cyllid a Thollau EM o gosbau rhoi eu heffenau o'r Drefn Traffodolau Tir ar wath i Bwylgor Cyllid y Cynulliad mewn llythren gan Weinidog hyd at £1 milliwn y flwyddyn. Mae'n bosibl y byddai rhaid i Cyllid a Thollau EM byddai'r cosbau sefydlu rhwng £2.5 milliwn a £3 milliwn ac y byddai'r cosbau cynnal gyllid a Busnes y Llywodraeth yng Nghymru ar 4 Tachwedd. Amcangyfrif y traftadau Tir ar wath i Bwylgor Cyllid y Cynulliad mewn llythren gan Weinidog pwynt hwn.

14. Bydd Cyllid a Thollau EM hefyd yn gwnued rhwmpaint o wath cydymffurfio ar y gweithio sy'n berthnasol i'r Dreth Traffodolau Tir - bydd Cyllid a Thollau EM yn ac osgoi sy'n berthnasol i'r Dreth Traffodolau Tir, gwaith cymhleth ym mae's cydymffurfio bwdi Awdurdod Cyllid Gymru. Mae Llywodraeth Gymru wedi dwedu y gweithredol ac Awdurdod Cyllid Gymru. Mae gwaith cymhleth ym mae's cydymffurfio arbennigol sy'n gweithio yng Nghymru ac yn gweithio'n agos gyda'r tir dim dreth Traffodolau Tir, gan gyrraing y byddai hyd yn cael ei wneud gan dim trywydd gwaliau).

13. Mae Cyllid a Thollau EM wedi bod yn datblygu cynigion ar gyfer sut y bydd yn ar honno i wneud y gwaith gwineiddu (er enghraift, prosesu datganialau a dilynn dreth ddatganoledig a defnyddio staff proffiol sydd gan addo eisoes sy'n gweithio mae'n ei defnyddio ar hyd o bryd ar gyfer Treth Dir y Dreth Stamp i weithredol gweinyddwr Dreth Traffodolau Tir. Ei fwriad yw addasur system gyfrifiaidol

12. Mae Llywodraeth Gymru wedi cyhoeddi mair partner a ffefir ganddi i weithio gydag Awdurdod Cyllid Gymru i weinyddwr Dreth Traffodolau Tir yw Cyllid a Thollau Ei Malwhyd. Bydd Awdurdod Cyllid Gymru'n gweinyddwr Dreth Traffodolau Tir, gan weithio gyda Chyfoeth Naturiol Gymru ar weithgareddau

11. Mae Llywodraeth Gymru hefyd wedi cyhoeddi y bydd yn sefydlu corff newydd - Camau a gymerwyd tâg at roi hyd yn ar wath datganoledeg yng Nghymru i'r Cynulliad ar 13 Gorffennaf 2015. Cyflwynwyd Bili Casglu a Rheoli Trethi (Cymru), a fydd yn creu Awdurdod Cyllid Awdrurdod Cyllid Gymru - i oruchwilio gweinyddu ei threthi datganoledeg. Awdrurdod Cyllid Gymru wedi cyhoeddi mair partner a ffefir ganddi i weithio

10. Mae Deddf Gymru 2014 yn darparu ar gyfer datganolir pwera i drefnu traffodolau ar gyfer datgymrwysos Treth Dir y Dreth Stamp a'r Dreth Dirienwi yng Nghymru. Mae Llywodraeth Gymru wedi cyhoeddi y bydd yn cyflwyno Treth Traffodolau Tir a gyfeir datgymrwysos Treth Dir y Dreth Stamp a'r Dreth Dirienwi yng Nghymru. Mae Deddf Gymru 2014 yn darparu ar gyfer datganolir pwera i drefnu traffodolau am hyd. Rhagareiniad

TRETHI TRAFFODIADAU TIR A GWAREDU I SAFLEOEDD TIRLENNWI YNG NGHYMRU

7. Sefydliwyd drwy Ddeddf Cymru 2014, yn amodol ar ganlyniad refferendwm yng Nghymru ynglyn â chyflwyno Cyfraddau Treth incwm i Gymru, y caiff prif gyfraddau treth incwm y Deyrnas Unedig eu goswmg 10c i'r rheini sy'n cael eu diffiniu'n drefnidiwr Cymru, ac y bydd y Cynulliad yn cael gosod, bob blwyddyn, gyfraddau Treth incwm newydd i Gymru a gaiff eu hychwanegu at gyfraddau Gyrfaiddau Treth incwm newydd i Gymru a gaiff a fydd yn pennu hy'n o gostyngol y Deyrnas Unedig. Bydd gweddill y strwythur treth incwm yn parhau'n fater sydd heb ei ddatganiol, a Senedd y Deyrnas Unedig a fydd yn pennu hy'n o hyd.
8. Yn yr Adolygiad o Wariant a Datganiad yr Hydref yn 2015, dywedwyd y byddwn yn deddfu i ddileu'r gofyniaid i gynnal raffrendwm er mwyn rhoi Cyfraddau Treth incwm Cymru ar waith. Mae'r Lywodraeth yn bwriadu rhoi newid hwn ar waith yn ddiogel i ddileu'r gofyniaid a gyhoeddwyd ar ei ffurf ddrfft ar 20 Hydref 2015.
9. Bydd Lywodraeth y Deyrnas Unedig yn trafod y newid gyda rhanddeiliaid perthnasol, gan gyrru Llywodraeth Cymru, yn y misoedd nesaf.

CYFRADDAU TRETH INCWM CYMRU

- (c) aseisiod o sut mae unrhwyd bwerau erall! Rhian hon sydd wedi'u cychwyn yn cael eu rhoi ar waith,
- (d) aseisiod o sut mae unrhwyd datganoli trethi i'r Cynulliad neu i newid powerau Gwleidiogion Cymru i fenthyca arfian wedi'u rhoi ar waith, ac o unrhwyd newidiadau erall sy'n effeithio ar y darpariaethau a gynhwyswyd
- (e) effaith y Rhian hon ar swm unrhwyd daliadau gan yr Ysgrifennnydd Gwladol o dan ardan 118 o Ddeddf Llywodraeth Cymru 2006 (taliadau i Gronfa Cymrwy mae'r sawl sy'n gwneud yr adroddiad yn ystyried y dylid tyndu sylwr (f) unrhwyd faterion erall sy'n berthnasol i ffynonellau cylid Llywodraeth Senedd neu'r Cynulliad atyn).
6. Yn Awdiaid A rhoddir rhestr o'r paragraffau yn yr adroddiad hwn sy'n ymatebi i gofynnion hyn, ac fe gall hafyd gywnwys unrhwyd faterion erall y mae'r nall bob un o'r gofynnion hyn. Serch hynny, nid yw'r adroddiad yn gyflyngedig i'r Lywodraeth neu'r lall yn credu eu bod yn berthnasol neu'n ddefnyddiol i'r Senedd ac i'r Cynulliad.

(b) datganiad am y camau y mae'r sawl sy'n gwneud yr arroddiad yn cynnig y dyliid eu cymryd, boed hynn y gan y sawl sy'n gwneud yr arroddiad neu gan eraill, tuag at gychwyn darpariaethau'r Rhan hon,

(a) datganiad am y camau a gymerwyd, boed hydny gan y sawl sydd wedi gwneud yr arroddiad neu gan erall, ers gwnaed yr arroddiad blaenorol (neu, yn achos yr arroddiad cyntaf, ers pasio'r Ddeddf hon) tuag at gychwyn darpariaethau'r Rhan hon,

5. Yn ôl Adran 23(7) o Ddeddf Gymru 2012, mae gofyn i'r arroddiadau blynyddol gyrrawys: [cyfeithiad o'r Ddeddf Saesneg yw'r canlynol]

4. Er mwyn i'r Senedd a Chynulliad Cenedlaethol Gymru (y Cyngiliad) gael gwybodaeth lawn drwy gydol y roses hon, mae aran 23 o Ddeddf Gymru 2014 yn ei gwneud yn ofynnol i ysgrifennu yd Gwladol Gymru a Gweinidogion Gymru gyflwyno arroddiad bob blwyddyn am weithredu'r rhai hon o'r Ddeddf. Er mwyn i'r Senedd ar Cyngiliad wybod beth yw barn y ddwy weiniaddieth: Er mwyn i'r Senedd gwerthu'r ddeddf i'r Senedd. Mae gofyn i'r Senedd a darparu copi o'r arroddiad i ysgrifennu yd Gwladol Gymru arrodd i'r Senedd i'r Senedd. Mae gofyn i'r Senedd a darparu copi o'r arroddiad i ysgrifennu yd Gwladol. Mae gofyn i'r Senedd a darparu copi o'r arroddiad i ysgrifennu yd Gwladol, rhoi arroddiad eu hunain i'r Cyngiliad, a darparu copi i'r ysgrifennu yd Cyngiliad, Mae gofyn i'r Senedd a darparu copi o'r arroddiad Gwladol osod arroddiad Gweinidogion Gwladol. Bydd y ddwy Lywodraeth yn parhau i gyflwyno arroddiadau tan ben-blwydd cyntaf y diwrnod y daeth darpariaethau o'r Rhan 2 i'r Senedd.

3. Rhoddir y ddiplomaethau arainnol ar wali drog nifer o flynyddoedd ac mae'r amserenni ar gyfer Treth Dir Y Drefh Stamp ar Drefh Diliennwi wedi'u cynnwys yn y Papur Gorchymyn¹ a o ghyhoeddwyd gyda Bil Cymrw ym mis Mawrth 2014.

- ddatgymhwysos Treth Dir Treth Stamp y Deyrnas Unedig yng Nghymru;
 - a darparu ar gyfer crywyo treth newydd ar draddodiadau trir yng Nghymru;
 - datgymhwysos Treth Ddirnenwir Deyrnas Unedig yng Nghymru a darparu ar gyfer crywyo treth newydd ar draddodiadau trir yng Nghymru;
 - datgymhwysos Treth Ddirnenwir Deyrnas Unedig yng Nghymru a darparu ar gyfer crywyo treth newydd ar draddodiadau trir yng Nghymru;
 - datgymhwysos Treth Ddirnenwir Deyrnas Unedig yng Nghymru a darparu ar gyfer crywyo treth newydd ar draddodiadau trir yng Nghymru;
 - darpariaeth i Weinidogion Cymrw allu benthyga;
 - tirlenwi yng Nghymru;
 - darparau ar gyfer crywyo treth newydd ar warediadau i safleoedd tirlenwi yng Nghymru;
 - darparau ar gyfer crywyo treth newydd ar warediadau i safleoedd tirlenwi yng Nghymru;
 - y pwera i greu trethi datganaoleg neu ydd.

2. Mae Rhian 2 o Ddeddf Cymru 2014 yn ymddyri a datganiol pwerau araniol yn unig. Mae'r rhain yn cynnwys:

Cwmpas a Chynllwyd yr Adroddiad hwn
1. Yr adroddiad hwn am Ran 2 o Ddeddf Cymru 2014 yw'r cyntaf sydd wedi'i gyhoedd ei'r Ddeddf gaeaf cydsyniad Brenhinol ar 17 Rhagfyr 2014.

RHAGARWEINIAID

YSGRIFFENNHYDD GWLADOL CYMRU
Y GWR ANRHYDDEDDUS STEPHEN CRAIBB AS

Bydd y newidiadau hyn, a'n gwylt parhaus i ddatganioli pwerau trethu a benthyca o dan Ddeaddf Gymru 2014, yn addeiladu Gymru gyfrach o fewn Teyrnas Unedig yng Nghymru i ddarparu fel cenedl.

Mae cael Cyngiliad a Llywodraeth yng Nghymru sy'n wylleu i'r hanfodol o'r terfiaidau datganiol newydd. Fis diwethaf, cyhoeddodd y Llywodraeth gyllid gwaleolol cymharol i Gymru, sef 115% o'r gwariant cyfraddol yn Lloegr, a'n bwriad o ddilieu'r gofyniad i gyrraedd er mwyn rhoi Cyfraddau Treth lncwm Cymru ar waith.

Yn ystod y ffwyddyn ddiwedd y hafyd, gwelewyd y Lywodraeth yn mapio llwybr at setiaid datganiol caðarn i Gymru a fydd ym para. Mae Bili draftt Gymru, a gyhoeddwyd ym mis Hydref, yn rhoi ar waith Gyntnderedd Dydd Gwyl Dewi a gyhoeddwyd gan Brit Weinidog y Deyrnas Unedig ym mis Chwefror. Mae'n darparu ar gyfer setiaid datganiol eglurach, a hwnnw wedi'i seilio ar fodel cadw pweru a chryffau datganiol drwy ddatganiol rhagor o bwerau i'r Cyngiliad ac i Lywodraeth Gymru.

Ffwyddyn ar ol deddfu, mae'r arroddiaid hwn yn sôn am y cynydd sydd wedi'i wneud o ran gweithredu'r pwerau trethu a benthygac a ddatganiolwyd o dan Ran 2 o'r Ddeddf. Mae llawer iawn o gynydd wedi'i wneud; mae ardroethi busnes wedi'u datganioli'n llwyr a'r gwarchi wedi'i hen ddechrau i sicrhau bod tr ethi yn lle Treth Dir y Dreth Stamp ar Dreth Dirienw yn cael eu rhoi ar wthi yn 2018. Mae llawer o wthi i'w wneud eto, ond mae'r ffwyddyn weithredu gyntaf yn sylfaen gadarn ar gyfer bwrw ymaben.

Mae Deddf Cyfrifiad 2014 yn datganioli pecyn Cenedlaethol a Llywodraeth Cymru, gan roi rhagor o safnau iddynt i gynulliad Cenedlaethol Cyfrifiad Cynhyrastwr o dweud trethu a benthyga grifynu'r economi a chreu rhagor o swyddi.

RHAGAIR

Feri hargraffwyd yn y Deyrnas Unedig ar ran RheoIwr Llyfra Ei Mawrhydi yn correspondence@walesoifice.gsi.gov.uk

Dylid anfon unrhyw ymholaiddau ynglŷn â'r cyhoeddiaid hwn atom ni Mae'r cyhoeddiaid hwn ar gael yn www.gov.uk/government/publications

Os ydym wedi nodi unrhyw wybodaeth am hawlfraint tryddydd parti, bydd angen i chi gal mai'n ymddyddiadau'n ddilys a'n ydych chi'n eithrio'n ddilys. London TW9 4DU, neu anfonwch e-bost i: psi@nationalarchives.gsi.gov.uk, neu ysgrifennwch at: Information Policy Team, The National Archive, Kew,
nationalarchives.gov.uk/doc/open-government-licence/version/3

Twyddedir y cyhoeddiaid hwn o dan delerau'r Drwydded Lywodraeth Agorol f3.0 ac eithrio lle y nodir fel arall. I weld y drwydded hon, eŵch i

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Yr Adroddiad Blynyddol Cynntaf am Weithredu a Rhoi ar Waith Ran 2 (Cyllid) o Ddeddf Cymru ag Ardan 23(1)(b) o Ddeddf Cymru 2014

Fe'i cyflwynwyd i'r Senedd yn unol ag Ardan 23(1)(b) o
ag Ardan 23(1)(c) o Ddeddf Cymru 2014

Rhagfyr 2015

**YR ADRODDIAD BLYNHYDDOL CYNTAF AM
WEITHREDU A RHODI AR WAITH RAN 2
(CYLLID) O DDEDF CYMRU 2014**