OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1864 (Cy.202)

TAI, CYMRU

Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) (Diwygio) (Cymru) 2011

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) 1992 ("Rheoliadau 1992") sy'n darparu bod awdurdodau tai yn cael gwneud benthyciadau i'w tenantiaid mewn cysylltiad â ffioedd gwasanaeth am atgyweiriadau neu welliannau. Mae'r diwygiadau sy'n gymwys o ran Cymru'n unig, yn ymwneud â benthyciadau sy'n cael eu gwneud o dan y pŵer disgresiynol yn rheoliad 5 o Reoliadau 1992. Caiff y pŵer hwnnw ei arfer, mewn cysylltiad â fflatiau, gan "awdurdodau tai". Mae'r term Saesneg "housing authority", sy'n cyfateb i'r term Cymraeg "awdurdod tai" at ddibenion y diwygiadau hyn, wedi ei ddiffinio yn adran 450B(4) o Ddeddf Tai 1985.

Mae rheoliad 2 yn disodli rheoliad 6(2) o Reoliadau 1992 i ddarparu bod benthyciad sy'n cael ei wneud o dan y pŵer yn rheoliad 5 yn cael bod ar delerau nad ydynt yn ei gwneud yn ofynnol bod llog yn cael ei dalu neu sy'n ei gwneud yn ofynnol bod llog yn cael ei dalu ar ran yn unig o'r benthyciad.

Mae rheoliad 3 yn diwygio paragraff 1 o Atodlen 2 i Reoliadau 1992 o ganlyniad i'r rheoliad 6(2) newydd.

WELSH STATUTORY INSTRUMENTS

2011 No. 1864 (W.202)

HOUSING, WALES

The Housing (Service Charge Loans) (Amendment) (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Housing (Service Charge Loans) Regulations 1992 ("the 1992 Regulations") which provide for housing authorities to make loans to their tenants in respect of service charges for repairs or improvements. The amendments which apply only in relation to Wales, relate to loans made under the discretionary power in regulation 5 of the 1992 Regulations. That power may be exercised, in respect of flats, by "housing authorities". The term "housing authority" for the purposes of these amendments is defined in section 450B(4) of the Housing Act 1985.

Regulation 2 substitutes regulation 6(2) of the 1992 Regulations to provide that a loan made under the power in regulation 5 may be on terms that do not require the payment of interest or that require the payment of interest on only part of the loan.

Regulation 3 amends paragraph 1 of Schedule 2 to the 1992 Regulations in consequence of the new regulation 6(2).

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1864 (Cy.202)

TAI, CYMRU

Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) (Diwygio) (Cymru) 2011

Gwnaed	*26 Gorffennaf 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*27 Gorffennaf 2011*
Yn dod i rym	*19 Awst 2011*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 450B a 450C o Ddeddf Tai 1985(**1**), ac a freiniwyd bellach ynddynt hwy(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) (Diwygio) (Cymru) 2011 a deuant i rym ar 19 Awst 2011.

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

(**1**) 1985 p. 68.

(**2**) Mewnosodwyd adrannau 450B a 450C gan adran 5 o Ddeddf Tai a Chynllunio 1986 (p.63). Diwygiwyd adran 450B gan Ddeddf Llywodraeth Cymru 1998 (p.38), adran 140, Atodlen 16, paragraffau 5 a 17 a chan Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15), adran 150, Atodlen 9, paragraffau 1 a 3. Diwygiwyd adran 450B hefyd gan O.S. 2008/3002 ac O.S. 2010/866. Diwygiwyd adran 450C gan adran 308 o Ddeddf Tai ac Adfywio 2008 (p.17). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 450B a 450C, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) erthygl 2 ac Atodlen 1. O dan baragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32), mae'r swyddogaethau a oedd gynt yn arferadwy gan Gynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru.

WELSH STATUTORY INSTRUMENTS

2011 No. 1864 (W.202)

HOUSING, WALES

The Housing (Service Charge Loans) (Amendment) (Wales) Regulations 2011

Made	*26 July 2011*
Laid before the National Assembly for Wales	*27 July 2011*
Coming into force	*19 August 2011*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 450B and 450C of the Housing Act 1985(**1**), and which are now vested in them(**2**), make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Housing (Service Charge Loans) (Amendment) (Wales) Regulations 2011 and they come into force on 19 August 2011.

(2) These Regulations apply in relation to Wales.

(**1**) 1985 c. 68.

(**2**) Sections 450B and 450C were inserted by section 5 of the Housing and Planning Act 1986 (c.63). Section 450B was amended by the Government of Wales Act 1998 (c.38), section 140, Schedule 16, paragraphs 5 and 17 and by the Commonhold and Leasehold Reform Act 2002 (c.15), section 150, Schedule 9, paragraphs 1 and 3. Section 450B was also amended by S.I. 2008/3002 and S.I. 2010/866. Section 450C was amended by section 308 of the Housing and Regeneration Act 2008 (c.17). The functions of the Secretary of State under sections 450B and 450C, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2 and Schedule 1. Under paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), functions formerly exercised by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 1992" ("*the 1992 Regulations*") yw Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) 1992(**1**).

Telerau benthyca

2. Mae Rheoliadau 1992 wedi eu diwygio drwy roi'r canlynol yn lle paragraff (2) o reoliad 6 (telerau benthyca)—

"(2) A loan made by virtue of regulation 5 may be made on terms that—

(a) do not require the payment of interest; or

(b) require the payment of interest only on part of the loan;

and shall otherwise, subject to paragraph (3), be on such terms as the lender may determine.".

Cyfradd y llog

3. Mae Rheoliadau 1992 wedi eu diwygio, ym mharagraff 1 o Atodlen 2, drwy fewnosod ar ôl y gair "loan" y geiriau "or the part of it on which interest is payable".

(3) In these Regulations "the 1992 Regulations" means the Housing (Service Charge Loans) Regulations 1992(**1**).

Terms of loan

2. The 1992 Regulations are amended in regulation 6 (terms of loans) by the substitution for paragraph (2) of—

"(2) A loan made by virtue of regulation 5 may be made on terms that—

(a) do not require the payment of interest; or

(b) require the payment of interest only on part of the loan;

and shall otherwise, subject to paragraph (3), be on such terms as the lender may determine.".

The rate of interest

3. The 1992 Regulations are amended, in paragraph 1 of Schedule 2, by the insertion after "loan" of "or the part of it on which interest is payable".

Huw Lewis

Y Gweinidog Tai, Adfywio a Threftadaeth, un o Weinidogion Cymru

26 Gorffennaf 2011

Minister for Housing, Regeneration and Heritage, one of the Welsh Ministers

26 July 2011

©Ⓗ Hawlfraint y Goron 2011

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2011

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

(**1**) O.S. 1992/1708, a ddiwygiwyd gan O.S. 2008/2831. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 1992/1708, amended by S.I. 2008/2831. There are other amendments of which none are relevant to these Regulations.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1864 (Cy.202)

TAI, CYMRU

Rheoliadau Tai (Benthyciadau Ffioedd Gwasanaeth) (Diwygio) (Cymru) 2011

WELSH STATUTORY INSTRUMENTS

2011 No. 1864 (W.202)

HOUSING, WALES

The Housing (Service Charge Loans) (Amendment) (Wales) Regulations 2011

£4.00

W1009/08/11 ON