



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1853 (Cy.203)

2003 No. 1853 (W.203)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Tai (Hawl i Brynu)
(Blaenoriaeth Arwystlon) (Cymru)
2003**

**The Housing (Right to Buy)
(Priority of Charges) (Wales) Order
2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn pennu Blemain Finance Ltd (Rhif cwmni 1185052) fel sefydliad benthg cymeradwy i ddibenion adran 156 o Ddeddf Tai 1985 (blaenoriaeth arwystlon ar warediadau o dan yr hawl i brynu), yn ogystal â'r cyrff hynny sydd eisoes wedi'u pennu gan yr adran honno neu mewn Gorchymynion blaenorol.

This Order specifies Blemain Finance Ltd (Company No. 1185052) as an approved lending institution for the purposes of section 156 of the Housing Act 1985 (priority of charges on disposals under the right to buy), in addition to the bodies already specified in that section or in previous Orders.

Mae adran 156 yn darparu bod yr atebolrwydd i adalu gostyngiad a all godi o dan gyfamod gan y tenant sy'n ofynnol o dan adran 155 o Ddeddf 1985 yn gyfystyr ag arwystl cyfreithiol ar y tŷ annedd ond bod gan arwystl cyfreithiol, sy'n sicrhau swm sy'n cael ei fenthyca i'r tenant gan sefydliad benthg cymeradwy er mwyn galluogi'r tenant i arfer yr hawl i brynu, flaenoriaeth drosto.

Section 156 provides that the liability to repay discount that may arise under a covenant by the tenant which is required by section 155 of the 1985 Act constitutes a legal charge on the dwelling-house but that a legal charge securing an amount advanced to the tenant by an approved lending institution for the purpose of enabling the tenant to exercise the right to buy has priority over it.

At ddibenion yr adran mae sefydliadau benthg cymeradwy yn gymdeithasau adeiladu, yn fanciau, yn gwmmniau yswiriant, yn gymdeithasau cyfeillgar ac yn unrhyw gorff arall a bennir, neu y pennir ei ddsbarth neu ei ddisgrifiad, mewn gorchymyn a wneir, mewn perthynas â Chymru, gan Gynulliad Cenedlaethol Cymru.

Approved lending institutions for the purposes of the section are building societies, banks, insurance companies, friendly societies and any other body which is specified, or is of a class or description specified, in an order made, in relation to Wales, by the National Assembly for Wales.

Mae'r cyrff hyn hefyd yn dod yn sefydliadau benthg cymeradwy i ddibenion adran 36 o Ddeddf 1985 (blaenoriaeth arwystlon ar warediadau gwirfoddol gan awdurdodau lleol) ac adran 12 o Ddeddf Tai 1996 (blaenoriaeth arwystlon ar warediadau gwirfoddol gan landlordiaid cymdeithasol cofrestredig).

Such bodies also become approved lending institutions for the purposes of section 36 of the 1985 Act (priority of charges on voluntary disposals by local authorities) and section 12 of the Housing Act 1996 (priority of charges on voluntary disposals by registered social landlords).

Yn ychwanegol, gan fod adran 156 o Ddeddf Tai 1985 yn cael ei chymhwyso gan adran 171A o'r Ddeddf

In addition, as section 156 of the Housing Act 1985 is applied by section 171A of that Act to cases in which

honno at achosion lle diogelir hawl tenant i brynu a chan adran 17 o Ddeddf Tai 1996 at achosion lle mae gan denant hawl i gaffael o dan adran 16 o'r Ddeddf honno, daw'r cyrff a bennwyd yn sefydliadau benthyg cymeradwy i ddibenion yr hawliau hynny.

a tenant's right to buy is preserved and by section 17 of the Housing Act 1996 to cases in which a tenant has the right to acquire under section 16 of that Act, the specified bodies become approved lending institutions for the purposes of those rights.

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(Blaenoriaeth Arwystlon) (Cymru)
2003****The Housing (Right to Buy)
(Priority of Charges) (Wales) Order
2003***Wedi'i wneud* 16 Gorffennaf 2003*Made* 16th July 2003*Yn dod i rym* 31 Gorffennaf 2003*Coming into force* 31st July 2003

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 156(4) o Ddeddf Tai 1985(a) sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(b):

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by section 156(4) of the Housing Act 1985(a) which are now vested in the National Assembly for Wales so far as exercisable in Wales(b):

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Hawl i Brynu) (Blaenoriaeth Arwystlon) (Cymru) 2003 a daw i rym ar 31 Gorffennaf 2003.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru'n unig.

Name, commencement and application

1.-(1) The name of this Order is the Housing (Right to Buy) (Priority of Charges) (Wales) Order 2003 and it comes into force on 31 July 2003.

(2) This Order applies to Wales only.

Corff a bennir

2. Pennir Blemain Finance Ltd (Rhif cwmni 1185052) yn sefydliad benthyg cymeradwy i ddibenion adran 156(c) o Ddeddf Tai 1985 (blaenoriaeth arwystlon).

Specified body

2. Blemain Finance Ltd (Company No. 1185052) is specified as an approved lending institution for the purposes of section 156(c) of the Housing Act 1985 (priority of charges).

(a) 1985 p.68; diwygiwyd adran 156(4) gan Ddeddf Tai 1988 (p.50), Atodlen 17, paragraff 106 a chan Ran XIII o Atodlen 19 i Ddeddf Tai 1996 (p.52).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) Diwygiwyd adran 156 hefyd gan Ddeddf Tai a Chynllunio 1986 (p.63), Atodlen 5, paragraff 1(2) a (5) a chan adran 120(3) a (4) o Ddeddf Diwygio Cyfraith Prydlesi, Tai, Datblygu Trefol 1993 (p.28).

(a) 1985 c.68; section 156(4) was amended by the Housing Act 1988 (c.50), Schedule 17, paragraph 106 and by Part XIII of Schedule 19 to the Housing Act 1996 (c.52).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) Section 156 was also amended by the Housing and Planning Act 1986 (c.63), Schedule 5, paragraph 1(2) and (5) and by section 120(3) and (4) of the Leasehold Reform, Housing and Urban Development Act 1993 (c.28).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

16 Gorffennaf 2003

16th July 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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