



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 681 (Cy.69)

2004 No. 681 (W.69)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Rheoliadau Tribiwnlysoedd Priso
Lesddaliadau (Gweithdrefn)
(Cymru) 2004**

**The Leasehold Valuation Tribunals
(Procedure) (Wales) Regulations
2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rheoleiddio'r drefn y mae'n rhaid ei dilyn o ran ceisiadau sy'n cael eu gwneud i driwiwnlys priso lesddaliadau. Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

These Regulations regulate the procedure to be followed in connection with applications made to a leasehold valuation tribunal. These Regulations apply to Wales only.

Maent yn disodli, gyda diwygiadau, Reoliadau Pwyllgor Asesu Rhenti (Cymru a Lloegr) (Tribiwnlys Priso Lesddaliad) 1993, (i'r graddau y maent yn perthyn i Gymru) a ddirymir, yn ddarostyngedig i'r ddarpariaeth arbed yn rheoliad 25.

They replace, with amendments, the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993, (in so far as they relate to Wales) which are revoked, subject to the saving provision contained in regulation 25.

Mae rheoliad 3 yn darparu i fanylion cyffredinol gael eu cynnwys gyda phob cais ac i fanylion penodedig gael eu cynnwys gyda cheisiadau penodedig fel a nodir yn yr Atodlenni.

Regulation 3 provides for general particulars to be included with all applications and specified particulars to be included with specified applications as set out in the Schedules.

Mae rheoliad 4 yn darparu i hysbysiad gael ei roi gan geisydd ac atebydd pan wneir cais o dan Ran 4 o Ddeddf Landlord a Thenant 1987, tra mae rheoliad 5 yn darparu i hysbysiad gael ei roi gan y triwiwnlys yn achos ceisiadau eraill.

Regulation 4 provides for notice to be given by the applicant and respondent where an application is made under Part 4 of the Landlord and Tenant Act 1987, while regulation 5 provides for notice to be given by the tribunal in the case of other applications.

Mae rheoliad 5 yn rhoi disgrisiwn i'r triwiwnlys roi hysbysiad drwy hysbysebu'n lleol hefyd.

Regulation 5 also gives the tribunal the discretion to give notice by local advertisement.

Mae rheoliad 6 yn darparu'r weithdrefn sydd i gael ei dilyn pan fydd person yn gofyn am gael ymuno fel parti â'r achos.

Regulation 6 provides for the procedure to be followed where a person requests to be joined as a party to the proceedings.

Mae rheoliad 7 yn darparu bod caniatâd i drin cais fel cais sydd wedi'i dynnu yn ôl os nad oes ffi wedi'i thalu am gyfnod o fis wedi iddi fod yn daladwy.

Regulation 7 provides that an application may be treated as withdrawn if a fee is not paid for a period of one month from the date on which it becomes due.

Mae rheoliadau 8-10 yn darparu ar gyfer sicrhau cysondeb pan fydd ceisiadau niferus yn cael eu gwneud neu o bosibl yn cael eu gwneud o ran yr un materion neu faterion sydd yr un peth yn y bôn.

Mae rheoliad 11 yn darparu ar gyfer gwrthod ceisiadau sy'n wacsaw, blinderus neu'n gamddefnydd arall o broses y tribiwnlys.

Mae rheoliad 12 yn darparu ar gyfer adolygiadau cyn treial ac sy'n caniatáu i'r tribiwnlys roi unrhyw gyfarwyddiadau sy'n angenrheidiol er mwyn cynnal yr achos yn hwylus ac yn ddarvoudus.

Mae rheoliad 13 yn darparu ar gyfer penderfynu ar gais heb wrandawriad llafar ac mae'n caniatáu i aelod unigol o'r panel a ddarperir ar ei gyfer yn Atodlen 10 i Ddeddf Rhenti 1977, ac a benodwyd gan yr Arglwydd Ganghellor, wneud hynny.

Mae rheoliad 14 yn darparu ar gyfer gwrandawriadau, mae'n caniatáu i'r tribiwnlys benderfynu'r weithdrefn ac yn rhoi i'r tribiwnlys y disgrisiwn i roi llai na 21 o ddiwrnodau o hysbysiad o'r gwrandawriad o dan amgylchiadau eithriadol.

Mae rheoliad 15 yn darparu i wrandawriad nad yw wedi dechrau neu wrandawriad sydd ar ei ganol gael ei ohirio.

Mae rheoliad 16 yn sicrhau bod y partiön yn cael copïau o'r dogfennau angenrheidiol.

Mae rheoliad 17 yn darparu ar gyfer archwilio tŷ, tir ac adeiladau neu ardal sy'n destun cais neu unrhyw dŷ, tir ac adeiladau neu ardal debyg.

Mae rheoliad 18 yn darparu ar gyfer cofnodi penderfyniadau sy'n gysylltiedig â cheisiadau ac mae'n galluogi cofnodi'r rhesymau dros benderfyniad mewn dogfen ar wahân ar ôl i'r penderfyniad gael ei gofnodi. Mae hefyd yn gwneud darpariaeth ar gyfer cywiro dogfen sy'n cofnodi penderfyniad neu resymau.

Mae rheoliad 19 yn darparu bod caniatâd i benderfyniad gan y tribiwnlys, gyda chaniatâd y llys sirol, gael ei orfodi yn yr un ffordd â gorchmynion llys sirol.

Mae rheoliad 20 yn darparu ar gyfer ceisio caniatâd i apelio i'r Tribiwnlys Tiroedd.

Mae rheoliad 21 yn darparu i aelod o'r Cyngor Tribiwnlysoedd fod yn bresennol mewn unrhyw wrandawriad neu archwiliad.

Mae rheoliad 22 yn darparu bod rhaid i unrhyw hysbysiad a roddir gan y tribiwnlys o dan baragraff 4 o Atodlen 12 i Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ("Deddf 2002"), gynnwys datganiad bod unrhyw berson sy'n methu, heb esgus rhesymol, â chydymffurfio â'r hysbysiad, yn cyflawni tramgwydd ac mae'n agored, o'i gollfarnu'n ddiannod, i ddirwy nad

Regulations 8-10 provide for securing consistency where numerous applications are or may be brought in respect of the same or substantially the same matters.

Regulation 11 provides for the dismissal of applications which are frivolous, vexatious or otherwise an abuse of process of the tribunal.

Regulation 12 provides for pre-trial reviews and allows the tribunal to give any directions that may be necessary for the expeditious and economical disposal of proceedings.

Regulation 13 provides for the determination of an application without an oral hearing and allows for such determinations to be undertaken by a single member of the panel provided for in Schedule 10 to the Rent Act 1977, who has been appointed by the Lord Chancellor.

Regulation 14 provides for hearings, it allows the tribunal to determine the procedure and gives the tribunal the discretion to give less than 21 days notice of the hearing where there are exceptional circumstances.

Regulation 15 provides for a hearing to be postponed or adjourned.

Regulation 16 ensures that the parties receive copies of the necessary documents.

Regulation 17 provides for the inspection of the house, premises or area which is the subject of the application, or any comparable house, premises or area.

Regulation 18 provides for the recording of decisions in respect of applications and enables the reasons for a decision to be recorded in a separate document after the decision has been recorded. It also makes provision for the correction of a document recording a decision or reasons.

Regulation 19 provides that any decision of the tribunal may, with the permission of the county court, be enforced in the same way as orders of such a court.

Regulation 20 provides for seeking permission to appeal to the Lands Tribunal.

Regulation 21 provides for the attendance at any hearing or inspection by a member of the Council on Tribunals.

Regulation 22 provides that any notice given by the tribunal under paragraph 4 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"), shall include a statement that any person who fails without reasonable excuse to comply with the notice commits an offence and is liable on summary conviction to a fine not exceeding level 3 on

yw'n uwch na lefel 3 ar y raddfa safonol.

Mae rheoliad 23 yn darparu ar gyfer rhoi hysbysiadau a dogfennau eraill. Mae'n caniatáu rhoi'r hysbysiadau a dogfennau o'r fath yn electronig gyda chydysniad y derbynydd.

Mae rheoliad 24 yn rhoi disgrisiwn i dribiwnlys estyn unrhyw gyfnod o amser a osodir yn y Rheoliadau neu a osodir mewn hysbysiad a anfonir o dan y Rheoliadau.

Mae Atodlen 1 yn disgrifio'r ceisiadau sydd dan lywodraeth y rheoliadau hyn. Mae'n cynnwys ceisiadau o dan adran 20ZA sy'n ei gwneud yn ofynnol i landlordiaid ymgynghori â thenantiaid ynghylch gwaith o fath arbennig, ceisiadau sy'n ymwneud â thaliadau gweinyddol a cheisiadau sy'n ymwneud â'r hawl i reoli. Cyflwynwyd y ceisiadau hyn gan Ddeddf 2002.

Mae Atodlen 2 yn rhestru'r manylion a'r dogfennau y mae'n ofynnol eu cynnwys ynghyd â chais.

Mae Arfarniad Rheoliadol wedi'i baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi o'r Gyfarwyddiaeth Dai, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ (Ffôn 029 20 823025).

the standard scale.

Regulation 23 provides for the giving of notices and other documents. It allows such notices and documents to be given electronically with the consent of the recipient.

Regulation 24 gives the tribunal a discretion to extend any time period set out in the Regulations or set out in a notice sent under the Regulations.

Schedule 1 describes the applications which are governed by these Regulations. It includes applications under section 20ZA regarding the requirement on landlords to consult tenants for particular works, applications relating to administration charges and applications relating to the right to manage. These applications have been introduced by the 2002 Act.

Schedule 2 lists the particulars and documents required to be included with an application.

A Regulatory Appraisal has been prepared in connection with these Regulations. A copy may be obtained from the Housing Directorate, the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 029 20 823025).

2004 Rhif 681 (Cy.69)**2004 No. 681 (W.69)****LANDLORD A THENANT,
CYMRU****LANDLORD AND TENANT,
WALES****Rheoliadau Tribiwnlysoedd Prasio
Lesddaliadau (Gweithdrefn)
(Cymru) 2004****The Leasehold Valuation Tribunals
(Procedure) (Wales) Regulations
2004**

Wedi'u gwneud 9 Mawrth 2004
Yn dod i rym 31 Mawrth 2004

Made 9th March 2004
Coming into force 31st March 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a freiniwyd ynddo gan adran 35(5) o Ddeddf Landlord a Tenant(a) ac Atodlen 12 i Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002(b) ac ar ôl ymgynghori â'r Cyngor Tribiwnlysoedd, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers vested in it under section 35(5) of the Landlord and Tenant Act 1987(a) and Schedule 12 to the Commonhold and Leasehold Reform Act 2002(b), and after consultation with the Council on Tribunals, hereby makes the following Regulations:

Enwi, cychwyn a chymhwysio

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlysoedd Prasio Lesddaliadau (Gweithdrefn) (Cymru) 2004.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2004.

(3) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag unrhyw gais a wneir, neu achos a drosglwyddir o lys, i dribiwnlys prasio lesddaliadau(c) mewn perthynas â thir ac adeiladau yng Nghymru ar 31 Mawrth 2004 neu ar ôl hynny.

Name, commencement, and application

1.-(1) These Regulations are called the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004.

(2) These Regulations shall come into force on 31st March 2004.

(3) These Regulations apply in relation to any application made, or proceedings transferred from a court, to a leasehold valuation tribunal(c) in respect of premises in Wales on or after 31st March 2004.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "atebydd" ("*respondent*") yw

Interpretation

2. In these Regulations -

"the 1985 Act" ("*Deddf 1985*") means the Landlord and Tenant Act 1985(d);

(a) 1987 p.31; adran 35(5) a ddiwygiwyd gan adran 163(2) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15) ("*Deddf 2002*"). Trosglwyddwyd swyddogaethau Ysgrifennydd Gwladol Cymru o dan adran 35(5) i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672). O dan adran 177 o Ddeddf 2002, mae cyfeiriadau yn Neddf 1987 yn O.S. 1999/672 i'w trin fel cyfeiriadau at y Ddeddf honno fel y'i diwygiwyd gan ran 2 o Ddeddf 2002.

(b) 2002 p.15; gweler adran 179(1) am y diffiniad o "the appropriate national authority" o ran Cymru.

(c) Gweler adran 173 o Ddeddf 2002.

(a) 1987 c.31; section 35(5) amended by section 163(2) of the Commonhold and Leasehold Reform Act 2002 (c.15) ("the 2002 Act"). The functions of the Secretary of State under section 35(5) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672. Under section 177 of the 2002 Act, references to the 1987 Act in S.I. 1999/672 are to be treated as references to that Act as amended by Part 2 of the 2002 Act.

(b) 2002 c.15; see section 179(1) for the definition of "the appropriate national authority" as respects Wales.

(c) See section 173 of the 2002 Act.

(d) 1985 c. 70.

- (a) y person y mae ceisydd yn ceisio gorchymyn neu benderfyniad oddi wrth dribiwnlys yn ei erbyn; neu
- (b) y person sy'n ddiffynnydd neu'n atebdydd mewn achos gerbron llys ac a drosglwyddir gan orchymyn y llys i dribiwnlys;

ystyr "cais" ("*application*") yw, heblaw at ddibenion rheoliadau 1, 20 a 25 -

- (a) cais i dribiwnlys o ddisgrifiad a bennir yn Atodlen 1, neu
- (b) cais a drosglwyddwyd;

ystyr "cais a drosglwyddwyd" ("*transferred application*") yw'r rhannau hynny o achos gerbron llys ac sy'n ymwneud â chwestiwn sy'n dod o fewn awdurdodaeth tribiwnlys ac a drosglwyddwyd i'r tribiwnlys i'w penderfynu gan orchymyn y llys;

mae i "cais cynrychioladol" ("*representative application*") yr ystyr a roddir iddo yn rheoliad 8;

ystyr "ceisydd" ("*applicant*") yw

- (a) y person sy'n gwneud cais i dribiwnlys, neu
- (b) y person sy'n hawlydd neu'n geisydd mewn achos gerbron llys ac a drosglwyddir drwy orchymyn y llys i dribiwnlys;

mae i "cymdeithas tenantiaid cydnabyddedig" yr un ystyr ag sydd i "recognized tenants' association" yn adran 29 o Ddeddf 1985(a);

ystyr "Deddf 1985" ("*the 1985 Act*") yw Deddf Landlord a Tenant 1985;(b);

ystyr "Deddf 1987" ("*the 1987 Act*") yw Deddf Landlord a Tenant 1987;

ystyr "Deddf 1993" ("*the 1993 Act*") yw Deddf Diwygio Cyfraith Lesddaliadau, Tai a Datblygu Trefol 1993(c);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002; ac

ystyr "tribiwnlys" ("*tribunal*") yw tribiwnlys prisio lesddaliadau.

Manylion ceisiadau

3.-(1) Dyma'r manylion y mae'n rhaid eu cynnwys ynghyd â chais -

- (a) enw a chyfeiriad y ceisydd;

(a) Diwygiwyd gan baragraff 10 o Atodlen 2 i Ddeddf Landlord a Tenant 1987.

(b) 1985 p.70.

(c) 1993 p.28.

"the 1987 Act" ("*Deddf 1987*") means the Landlord and Tenant Act 1987;

"the 1993 Act" ("*Deddf 1993*") means the Leasehold Reform, Housing and Urban Development Act 1993(a);

"the 2002 Act" ("*Deddf 2002*") means the Commonhold and Leasehold Reform Act 2002;

"applicant" ("*ceisydd*") means -

- (a) the person making an application to a tribunal, or
- (b) the person who is the claimant or applicant in proceedings before a court which are transferred by order of the court to a tribunal;

"application" ("*cais*") means, other than for the purposes of regulations 1, 20 and 25 -

- (a) an application to a tribunal of a description specified in Schedule 1, or
- (b) a transferred application;

"recognised tenants' association" ("*cymdeithas tenantiaid cydnabyddedig*") has the same meaning as in section 29 of the 1985 Act(b);

"representative application" ("*cais cynrychioladol*") has the meaning given in regulation 8;

"respondent" ("*atebydd*") means -

- (a) the person against whom an applicant seeks an order or determination from a tribunal; or
- (b) the person who is the defendant or respondent in proceedings before a court which are transferred by order of the court to a tribunal;

"transferred application" ("*cais a drosglwyddwyd*") means so much of proceedings before a court as relate to a question falling within the jurisdiction of a tribunal as have been transferred to the tribunal for determination by order of the court; and

"tribunal" ("*tribiwnlys*") means a leasehold valuation tribunal.

Particulars of applications

3.-(1) The particulars to be included with an application are -

- (a) the name and address of the applicant;

(a) 1993 c.28.

(b) Amended by paragraph 10 of Schedule 2 to the Landlord and Tenant Act 1987.

- (b) enw a chyfeiriad yr atebydd;
- (c) enw a chyfeiriad unrhyw landlord neu denant y tir a'r adeiladau y mae'r cais yn ymwneud â hwy;
- (ch) cyfeiriad y tir a'r adeiladau y mae'r cais yn ymwneud â hwy; a
- (d) datganiad bod y ceisydd yn credu bod y ffeithiau a ddatgenir yn y cais yn wir.

(2) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 1 o Atodlen 1 (rhyddfrenio a lesuedd estynedig) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 1 o Atodlen 2 ynghyd â'r cais.

(3) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 2 o Atodlen 1 (taliadau gwasanaeth, taliadau gweinyddol a thaliadau ystad) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 2 o Atodlen 2 ynghyd â'r cais.

(4) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 3 o Atodlen 1 (cynlluniau rheoli ystadau) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 3 o Atodlen 2 ynghyd â'r cais.

(5) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 4 o Atodlen 1 (hawl i reoli) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 4 o Atodlen 2 ynghyd â'r cais.

(6) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 5 o Atodlen 1 (penodi rheolwr) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 5 o Atodlen 2 ynghyd â'r cais.

(7) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 6 o Atodlen 1 (amrywio lesuedd) rhaid cynnwys y manylion a'r dogfennau a restrir ym mharagraff 6 o Atodlen 2 ynghyd â'r cais.

(8) Mae caniatâd i hepgor unrhyw un o'r gofynion yn y paragraffau uchod neu eu llacio os yw'r tribiwnlys yn fodlon bod -

- (a) y manylion a'r dogfennau a gynhwysir ynghyd â chais yn ddigonol i alluogi i'r cais gael ei benderfynu; a
- (b) na fydd unrhyw ragfarn yn cael ei hachosi, neu'n debygol o gael ei hachosi, i unrhyw barti i'r cais.

Hysbysu cais o dan Ran 4 o Ddeddf 1987

4.-(1) Rhaid i'r ceisydd roi hysbysiad o gais o dan Ran 4 o Ddeddf 1987 (amrywio lesdaliadau) i'r atebydd ac i unrhyw berson y mae'r ceisydd yn gwybod, neu sydd â rheswm dros gredu, ei bod yn debygol o gael ei effeithio gan unrhyw amrywiad a bennir yn y cais.

(2) Wrth gael hysbysiad o dan baragraff (1) rhaid i'r

- (b) the name and address of the respondent;
- (c) the name and address of any landlord or tenant of the premises to which the application relates;
- (d) the address of the premises to which the application relates; and
- (e) a statement that the applicant believes that the facts stated in the application are true.

(2) Where an application is of a description specified in paragraph 1 of Schedule 1 (enfranchisement and extended leases) the particulars and documents listed in paragraph 1 of Schedule 2 shall be included with the application.

(3) Where an application is of a description specified in paragraph 2 of Schedule 1 (service charges, administration charges and estate charges) the particulars and documents listed in paragraph 2 of Schedule 2 shall be included with the application.

(4) Where an application is of a description specified in paragraph 3 of Schedule 1 (estate management schemes) the particulars and documents listed in paragraph 3 of Schedule 2 shall be included with the application.

(5) Where an application is of a description specified in paragraph 4 of Schedule 1 (right to manage) the particulars and documents listed in paragraph 4 of Schedule 2 shall be included with the application.

(6) Where an application is of a description specified in paragraph 5 of Schedule 1 (appointment of manager) the particulars and documents listed in paragraph 5 of Schedule 2 shall be included with the application.

(7) Where an application is of a description specified in paragraph 6 of Schedule 1 (variation of leases) the particulars and documents listed in paragraph 6 of Schedule 2 shall be included with the application.

(8) Any of the requirements in the preceding paragraphs may be dispensed with or relaxed if the tribunal is satisfied that -

- (a) the particulars and documents included with an application are sufficient to enable the application to be determined; and
- (b) no prejudice will, or is likely to, be caused to any party to the application.

Notice of application under Part 4 of the 1987 Act

4.-(1) The applicant shall give notice of an application under Part 4 of the 1987 Act (variation of leases) to the respondent and to any person who the applicant knows, or has reason to believe, is likely to be affected by any variation specified in the application.

(2) On receipt of the notice under paragraph (1) the

atebydd roi hysbysiad o'r cais i unrhyw berson nad yw eisoes wedi'i hysbysu o dan y paragraff hwnnw, y mae'r atebydd yn gwybod, neu y mae ganddo reswm dros gredu, ei fod yn debygol o gael ei effeithio gan unrhyw amrywiad a bennir yn y cais.

Hysbysu cais gan driwlynys

5.-(1) Wrth dderbyn cais, heblaw cais a wneir o dan Ran 4 o Ddeddf 1987, rhaid i'r triwlynys anfon copi o'r cais a phob un o'r dogfennau sy'n mynd gydag ef at bob person a enwir ynddo yn atebydd.

(2) Wrth dderbyn cais o ddisgrifiad a bennir ym mharagraff 2 o Atodlen 1 (taliadau gwasanaeth, taliadau gweinyddol a thaliadau ystad), rhaid i'r triwlynys roi hysbysiad o'r cais at -

- (a) ysgrifennydd unrhyw gymdeithas denantiaid gydnabyddedig a grybwyllir yn y manylion a gynhwysir yn y cais; a
- (b) unrhyw berson, y mae ei enw a'i gyfeiriad gan y triwlynys, ac y mae'r triwlynys o'r farn ei bod yn debygol y bydd yn cael ei effeithio'n sylweddol gan y cais.

(3) Wrth dderbyn cais caiff y triwlynys roi hysbysiad i unrhyw berson arall y mae o'r farn ei fod yn briodol.

(4) Rhaid i unrhyw hysbysiad a roddir o dan baragraff (2) neu (3) gynnwys datganiad bod caniatâd i unrhyw berson wneud cais i'r triwlynys o dan reoliad 6 i gael ymuno fel parti â'r achos ynghyd â manylion am sut y gellir gofyn am hynny.

(5) Mae caniatâd i roi unrhyw hysbysiad o dan baragraff (2) neu (3) drwy hysbyseb leol.

(6) Yn y rheoliad hwn, ystyr "hysbyseb leol" yw hysbysiad a gyhoeddir mewn dau bapur newydd (dylai o leiaf un ohonynt fod yn bapur newydd a ddosberthir yn rhad ac am ddim) sy'n cylchredeg yn yr ardal lle mae'r tir a'r adeiladau y mae'r cais yn ymwneud â hwy.

Cais i gael ei drin fel ceisydd neu atebydd

6.-(1) Caiff unrhyw berson ofyn i'r triwlynys am gael ymuno fel parti â'r achos.

- (2) Os gofynir am rhywbeth o dan baragraff (1) -
- (a) mae caniatâd i'w wneud heb hysbysiad. a
 - (b) rhaid iddo bennu a yw'r person sy'n gofyn am hynny yn dymuno cael ei drin fel -
 - (i) ceisydd; neu
 - (ii) atebydd

i'r cais.

(3) Caiff y triwlynys ganiatáu neu wrthod i berson ymuno fel parti â'r achos o dan baragraff (1).

respondent shall give notice of the application to any person not already notified under that paragraph, who the respondent knows, or has reason to believe, is likely to be affected by any variation specified in the application.

Notice of application by tribunal

5.-(1) On receipt of an application, other than an application made under Part 4 of the 1987 Act, the tribunal shall send a copy of the application and each of the documents accompanying it to each person named in it as a respondent.

(2) On receipt of an application of a description specified in paragraph 2 of Schedule 1 (service charges, administration charges and estate charges), the tribunal shall give notice of the application to -

- (a) the secretary of any recognised tenants' association mentioned in the particulars included in the application; and
- (b) any person, whose name and address the tribunal has, who the tribunal considers is likely to be significantly affected by the application.

(3) On receipt of an application the tribunal may give notice to any other person it considers appropriate.

(4) Any notice given under paragraph (2) or (3) shall include a statement that any person may make a request to the tribunal under regulation 6 to be joined as a party to the proceedings with details as to how such a request can be made.

(5) Any notice given under paragraph (2) or (3) may be given by local advertisement.

(6) In this regulation, "local advertisement" means publication of the notice in two newspapers (at least one of which should be a freely distributed newspaper) circulating in the locality in which the premises to which the application relates is situated.

Request to be treated as an applicant or respondent

6.-(1) Any person may make a request to the tribunal to be joined as a party to the proceedings.

- (2) Any request under paragraph (1) -
- (a) may be made without notice; and
 - (b) shall specify whether the person making the request wishes to be treated as -
 - (i) an applicant; or
 - (ii) a respondent,

to the application.

(3) The tribunal may grant or refuse a request under paragraph (1).

(4) Cyn gynted â phosibl wedi iddo ddod i benderfyniad ar ganiatáu i berson ymuno fel parti â'r achos o dan baragraff (1), rhaid i'r tribiwnlys -

- (a) hysbysu'r person sy'n gofyn am gael ymuno fel parti â'r achos o'r penderfyniad a'r rhesymau amdano; a
- (b) anfon copi o'r hysbysiad at y ceisydd a'r atebydd.

(5) Rhaid trin unrhyw berson y caniateir iddo ymuno fel parti â'r achos o dan baragraff (1) fel ceisydd neu atebydd at ddibenion rheoliadau 8 i 18, 20 a 24.

(6) Yn y rheoliadau a grybwyllir ym mharagraff (5) rhaid i unrhyw gyfeiriad at -

- (a) ceisydd, neu
- (b) atebydd

gael eu dehongli fel petaent yn cynnwys person a drinnir felly o dan y rheoliad hwn a rhaid dehongli unrhyw gyfeiriad at barti fel petai'n cynnwys person o'r fath.

Peidio â thalu ffioedd

7.-(1) Mewn unrhyw achos pan na thelir ffi sy'n daladwy o dan reoliad 4 neu 5 o Reoliadau Tribiwnlysoedd Prisio Lesddaliad (Ffioedd) (Cymru) 2004(a) yn unol â'r Rheoliadau hynny, rhaid i'r tribiwnlys beidio â mynd ymhellach â'r cais y mae'r ffi yn ymwneud ag ef hyd nes telir y ffi.

(2) Pan fydd ffi heb ei thalu am gyfnod o fis ar ôl y dyddiad pryd y mae'n ddyledus, rhaid trin y cais fel petai wedi'i dynnu yn ôl oni bai bod y tribiwnlys yn fodlon bod sail resymol dros beidio â gwneud hynny.

Ceisiadau cynrychioladol a darpariaethau eraill i sicrhau cysondeb.

8.-(1) Pan ymddengys i dribiwnlys fod nifer o geisiadau -

- (a) wedi'u gwneud mewn perthynas â'r un materion, neu faterion sy'n sylweddol yr un peth; neu
- (b) yn cynnwys rhai materion sydd yr un peth neu sy'n sylweddol yr un peth.

caiff y tribiwnlys gynnig penderfynu ar ddim ond un o'r ceisiadau hynny ("y cais cynrychioladol") i gynrychioli'r holl geisiadau am y materion hynny sydd yr un peth neu'n sylweddol yr un peth ("y materion cyffredin"), a rhaid iddo roi hysbysiad o'r cynnig i bartïon pob un o'r ceisiadau hynny.

(2) Rhaid i hysbysiad o dan baragraff (1) -

- (a) pennu'r materion cyffredin;
- (b) pennu'r cais y mae'r tribiwnlys yn bwriadu penderfynu arno fel y cais cynrychioliadol;

(4) As soon as possible after reaching its decision on a request under paragraph (1), the tribunal shall -

- (a) notify the person making the request of the decision and the reasons for it; and
- (b) send a copy of the notification to the applicant and the respondent.

(5) Any person whose request under paragraph (1) is granted shall be treated as an applicant or respondent, as the case may be, for the purposes of regulations 8 to 18, 20 and 24.

(6) In the regulations mentioned in paragraph (5) any reference to -

- (a) an applicant, or
- (b) a respondent,

shall be construed as including a person treated as such under this regulation and any reference to a party shall be construed as including any such person.

Non-payment of fees

7.-(1) In any case where a fee which is payable under regulation 4 or 5 of the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004(a) is not paid in accordance with those Regulations, the tribunal shall not proceed further with the application to which the fee relates until the fee is paid.

(2) Where a fee remains unpaid for a period of one month from the date on which it becomes due, the application shall be treated as withdrawn unless the tribunal is satisfied that there are reasonable grounds not to do so.

Representative applications and other provisions for securing consistency

8.-(1) Where it appears to a tribunal that numerous applications -

- (a) have been made in respect of the same or substantially the same matters; or
- (b) include some matters which are the same or substantially the same,

the tribunal may propose to determine only one of those applications ("the representative application") as representative of all of the applications on those matters which are the same or substantially the same ("the common matters"), and shall give notice of the proposal to the parties to all such applications.

(2) A notice under paragraph (1) shall -

- (a) specify the common matters;
- (b) specify the application which the tribunal proposes to determine as the representative

(a) O.S. 2004/683 (Cy.71).

(a) S.I. 2004/683 (W.71).

- (c) esbonio y bydd penderfyniad y tribiwnlys ar y materion cyffredin yn y cais cynrychioliadol yn gymwys i'r materion cyffredin mewn unrhyw gais a wneir gan berson y rhoddwyd hysbysiad iddo o dan y paragraff hwnnw;
- (ch) gwahodd gwrthwynebiadau i fwriad y tribiwnlys i benderfynu ar y cais cynrychioliadol; a
- (d) pennu'r cyfeiriad y gellir anfon gwrthwynebiadau iddo a'r dyddiad (sef nid llai na 21 o ddiwrnodau ar ôl y dyddiad pan anfonwyd yr hysbysiad) erbyn pryd y mae'n rhaid i'r tribiwnlys gael y gwrthwynebiadau.

(3) Os na ddaw gwrthwynebiad i law ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw -

- (a) rhaid i'r tribiwnlys benderfynu ar y cais cynrychioliadol yn unol â'r Rheoliadau hyn;
- (b) nid oes angen i'r tribiwnlys benderfynu ar y materion a grybwyllir ym mharagraff (1)(a) mewn unrhyw gais arall a wneir gan berson y rhoddwyd hysbysiad iddo o dan baragraff (1); a
- (c) rhaid cofnodi penderfyniad y tribiwnlys mewn perthynas â'r cais cynrychioliadol fel penderfyniad y tribiwnlys mewn perthynas â'r materion cyffredin mewn unrhyw gais arall o'r fath.

(4) Pan ddaw gwrthwynebiad i law ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw -

- (a) nid yw is-baragraffau (a) i (c) o baragraff (3) yn gymwys ond i'r ceisiadau hynny nas gwrthwynebwyd, a
- (b) mae caniatâd i benderfynu ar gais a wrthwynebwyd ynghyd â'r cais cynrychioliadol.

Ceisiadau dilynol pan roddir hysbysiad o'r cais cynrychioliadol

9.-(1) Os, ar ôl penderfynu ar gais cynrychioliadol, y mae cais dilynol yn cael ei wneud sy'n cynnwys unrhyw un o'r materion cyffredin y penderfynodd y tribiwnlys arno wrth benderfynu ar y cais cynrychioliadol, ac os yw'r ceisydd yn berson y rhoddwyd hysbysiad iddo o dan reoliad 8(1), rhaid i'r tribiwnlys roi hysbysiad i'r partïon i'r cais dilynol o -

- (a) y materion sydd, ym marn y tribiwnlys, yn faterion cyffredin yn y cais dilynol a'r cais cynrychioliadol;
- (b) y penderfyniad a gofnodwyd mewn perthynas â'r materion cyffredin yn y cais cynrychioliadol;

application;

- (c) explain that the tribunal's decision on the common matters in the representative application will apply to the common matters in any application made by a person to whom notice has been given under that paragraph;
- (d) invite objections to the tribunal's proposal to determine the representative application; and
- (e) specify the address to which objections may be sent and the date (being not less than 21 days after the date that the notice was sent) by which the objections must be received by the tribunal.

(3) Where no objection is received on or before the date specified in the notice -

- (a) the tribunal shall determine the representative application in accordance with these Regulations;
- (b) the tribunal need not determine the matters mentioned in paragraph (1)(a) in any other application made by a person to whom a notice under paragraph (1) has been given; and
- (c) the decision of the tribunal in respect of the representative application shall be recorded as the decision of the tribunal in respect of the common matters in any such other application.

(4) Where an objection is received on or before the date specified in the notice -

- (a) sub-paragraphs (a) to (c) of paragraph (3) shall apply only to those applications in respect of which no objection was made, and
- (b) the application in respect of which an objection was made may be determined together with the representative application.

Subsequent applications where notice of the representative application given

9.-(1) If, after a representative application has been determined, a subsequent application is made which includes any of the common matters on which the tribunal has made a decision in its determination of the representative application, and the applicant is a person to whom a notice under regulation 8(1) was given, the tribunal shall give notice to the parties to the subsequent application of -

- (a) the matters which, in the opinion of the tribunal, are the common matters in the subsequent application and the representative application;
- (b) the decision recorded in respect of the common matters in the representative application;

- (c) y dyddiad pan roddwyd hysbysiad o dan reoliad 8(1) i'r ceisydd;
- (ch) bwriad y tribiwnlys i gofnodi penderfyniad y tribiwnlys ar y materion cyffredin yn y cais dilynol mewn termau sydd yn union yr un fath â'r penderfyniad yn y cais cynrychioladol;
- (d) y cyfeiriad y gellir anfon gwrthwynebiadau i gynnig y tribiwnlys a'r dyddiad (sef nid llai na 21 o ddiwrnodau ar ôl y dyddiad pan anfonwyd yr hysbysiad) erbyn pryd y mae'n rhaid i'r tribiwnlys gael y gwrthwynebiadau; ac
- (dd) datganiad bod rhaid i unrhyw wrthwynebiad gynnwys y sail dros ei wneud ac, yn benodol, a honnir na chafwyd yr hysbysiad o dan reoliad 8(1) gan y person sy'n gwrthwynebu.

(2) Os na ddaw gwrthwynebiad i law ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw -

- (a) nid oes angen i'r tribiwnlys benderfynu ar y materion a grybwyllir ym mharagraff 1(a); a
- (b) rhaid i benderfyniad y tribiwnlys mewn perthynas â'r materion cyffredin yn y cais cynrychioladol gael ei gofnodi fel penderfyniad y tribiwnlys mewn perthynas â'r materion cyffredin yn y cais dilynol.

(3) Pan ddaw gwrthwynebiad i gynnig y tribiwnlys ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw -

- (a) rhaid i'r tribiwnlys ystyried y gwrthwynebiad wrth benderfynu ar y cais dilynol; a
- (b) os yw'r tribiwnlys yn gwrthod gwrthwynebiad, caiff y tribiwnlys gofnodi'r penderfyniad ym mharagraff (1)(b) fel penderfyniad y tribiwnlys yn y cais dilynol.

Ceisiadau dilynol pan na roddir hysbysiad o gais cynrychioladol

10.-(1) Os, ar ôl penderfynu ar gais cynrychioladol, y mae cais dilynol yn cael ei wneud sy'n cynnwys unrhyw un o'r materion cyffredin y mae'r tribiwnlys wedi penderfynu arno wrth benderfynu ar y cais cynrychioladol, ac os nad yw'r ceisydd yn berson y rhoddwyd hysbysiad iddo o dan reoliad 8(1), rhaid i'r tribiwnlys roi hysbysiad i'r partïon i'r cais dilynol o -

- (a) y materion sydd, ym marn y tribiwnlys, yn faterion cyffredin yn y cais dilynol a'r cais cynrychioladol;
- (b) y penderfyniad a gofnodwyd mewn perthynas â'r materion cyffredinol hynny yn y cais cynrychioladol;
- (c) bwriad y tribiwnlys i gofnodi'i benderfyniad ar y materion cyffredin yn y cais dilynol mewn termau sydd yn union yr un fath â'r penderfyniad yn y cais cynrychioladol; a

- (c) the date on which notice under regulation 8(1) was given to the applicant;
- (d) the tribunal's proposal to record the tribunal's decision on the common matters in the subsequent application in identical terms to the decision in the representative application;
- (e) the address to which objections to the tribunal's proposal may be sent and the date (being not less than 21 days after the date that the notice was sent) by which such objections must be received by the tribunal; and
- (f) a statement that any objection must include the grounds on which it is made and, in particular, whether it is alleged that the notice under regulation 8(1) was not received by the person making the objection.

(2) Where no objection is received on or before the date specified in the notice -

- (a) the tribunal need not determine the matters mentioned in paragraph 1(a); and
- (b) the decision of the tribunal in respect of the common matters in the representative application shall be recorded as the decision of the tribunal in respect of the common matters in the subsequent application.

(3) Where an objection is received to the tribunal's proposal on or before the date specified in the notice -

- (a) the tribunal shall consider the objection when determining the subsequent application; and
- (b) if the tribunal dismisses the objection, it may record the decision mentioned in paragraph (1)(b) as the decision of the tribunal in the subsequent application.

Subsequent applications where notice of representative application not given

10.-(1) If, after a representative application has been determined, a subsequent application is made which includes any of the common matters on which the tribunal has made a decision in its determination of the representative application, and the applicant is not a person to whom a notice under regulation 8(1) was given, the tribunal shall give notice to the parties to the subsequent application of -

- (a) the matters which, in the opinion of the tribunal, are the common matters in the subsequent application and the representative application;
- (b) the decision recorded in respect of those common matters in the representative application;
- (c) the tribunal's proposal to record its decision on the common matters in the subsequent application in identical terms to the decision in the representative application; and

(ch) y cyfeiriad y gellir anfon gwrthwynebiadau i gynnis y tribiwnlys a'r dyddiad (sef nid llai na 21 o ddiwrnodau ar ôl y dyddiad pan anfonwyd yr hysbysiad) erbyn pryd y mae'n rhaid i'r tribiwnlys gael y gwrthwynebiadau.

(2) Os na ddaw gwrthwynebiad i law ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw -

- (a) nid oes angen i'r tribiwnlys benderfynu ar y materion a grybwyllir ym mharagraff 1(a); a
- (b) rhaid i benderfyniad y tribiwnlys mewn perthynas â'r materion cyffredin yn y cais cynrychioladol gael ei gofnodi fel penderfyniad y tribiwnlys mewn perthynas â'r materion cyffredin yn y cais dilynol.

(3) Pan ddaw gwrthwynebiad i law ar y dyddiad a bennir yn yr hysbyseb neu cyn y dyddiad hwnnw rhaid i'r tribiwnlys benderfynu ar y cais yn unol â darpariaethau canlynol y Rheoliadau hyn.

Gwrthod ceisiadau gwacsaw etc.

11.-(1) Yn ddarostyngedig i baragraff (2), -

- (a) pan ymddengys i dribiwnlys bod cais naill ai'n wacsaw neu'n flinderus neu'n gamddefnydd o broses y tribiwnlys fel arall; neu
- (b) pan fydd atebydd cais yn gofyn i'r tribiwnlys wrthod cais fel cais gwacsaw neu gais blinderus neu gais sydd fel arall yn gamddefnydd o broses y tribiwnlys.

caiff y tribiwnlys wrthod y cais, yn gyfan neu'n rhannol.

(2) Cyn gwrthod cais o dan baragraff (1) rhaid i'r tribiwnlys roi hysbysiad i'r ceisydd yn unol â pharagraff (3).

(3) Rhaid i unrhyw hysbysiad o dan baragraff (2) ddatgan -

- (a) bod y tribiwnlys â'i fryd ar wrthod y cais;
- (b) y sail sydd ganddo dros fod â'i fryd ar wrthod y cais;
- (c) y dyddiad (nid llai na 21 o ddiwrnodau ar ôl y dyddiad pan anfonwyd yr hysbysiad) erbyn pryd y caiff y ceisydd ofyn am gael ymddangos gerbron y tribiwnlys a chael ei wrando ganddo ynghylch y cwestiwn a ddylid gwrthod y cais.

(4) Ni chaniateir gwrthod cais -

- (a) onid yw'r ceisydd yn methu â gofyn i'r tribiwnlys cyn y dyddiad a grybwyllir ym mharagraff (3)(c); neu
- (b) pan fydd ceisydd yn methu â gofyn am hynny, oni bai bod y tribiwnlys wedi clywed y ceisydd a'r atebydd, neu unrhyw un ohonynt a fu yn y

(d) the address to which objections to the tribunal's proposal may be sent and the date (being not less than 21 days after the date that the notice was sent) by which such objections must be received by the tribunal.

(2) Where no objection is received on or before the date specified in the notice -

- (a) the tribunal need not determine the matters mentioned in paragraph (1)(a); and
- (b) the decision of the tribunal in respect of the common matters in the representative application shall be recorded as the decision of the tribunal in respect of the common matters in the subsequent application.

(3) Where an objection is received to the tribunal's proposal on or before the date specified in the notice the tribunal shall determine the application in accordance with the following provisions of these Regulations.

Dismissal of frivolous etc. applications

11.-(1) Subject to paragraph (2), where -

- (a) it appears to a tribunal that an application is frivolous or vexatious or otherwise an abuse of process of the tribunal; or
- (b) the respondent to an application makes a request to the tribunal to dismiss an application as frivolous or vexatious or otherwise an abuse of the process of the tribunal,

the tribunal may dismiss the application, in whole or in part.

(2) Before dismissing an application under paragraph (1) the tribunal shall give notice to the applicant in accordance with paragraph (3).

(3) Any notice under paragraph (2) shall state -

- (a) that the tribunal is minded to dismiss the application;
- (b) the grounds on which it is minded to dismiss the application;
- (c) the date (being not less than 21 days after the date that the notice was sent) before which the applicant may request to appear before and be heard by the tribunal on the question whether the application should be dismissed.

(4) An application may not be dismissed unless -

- (a) the applicant makes no request to the tribunal before the date mentioned in paragraph (3)(c); or
- (b) where the applicant makes such a request, the tribunal has heard the applicant and the respondent, or such of them as attend the

gwrandawriad, ar gwestiwn gwrthod y cais.

hearing, on the question of the dismissal of the application.

Adolygiad cyn treial

12.-(1) Caiff tribiwnlys, naill ai o'i ben a'i bastwn ei hun neu os yw parti yn gofyn am hynny, gynnal adolygiad cyn treial mewn perthynas â chais.

(2) Rhaid i'r tribiwnlys roi i'r partïon nid llai na 14 o ddiwrnodau o hysbysiad (neu hysbysiad llai os yw'r partïon yn gytûn ar hynny) o ddyddiad, amser a lle'r adolygiad cyn treial.

- (3) Yn yr adolygiad cyn treial rhaid i'r tribiwnlys -
- (a) rhoi unrhyw gyfarwyddyd sydd ym marn y tribiwnlys yn angenrheidiol neu'n ddymunol er mwyn sicrhau bod yr achos yn cael ei gynnal yn gyfiawn, yn hwylus ac yn ddarvoudus;
 - (b) ymdrechu i sicrhau bod y partïon yn gwneud pob addefiad a chytundeb y dylasant yn rhesymol eu gwneud mewn perthynas â'r achos; a
 - (c) cofnodi mewn unrhyw orchymyn a wneir yn yr adolygiad cyn treial unrhyw addefiad neu gytundeb neu unrhyw wrthodiad i wneud yr addefiadau neu'r cytundebau hynny.

(4) Mae caniatâd i unrhyw aelod unigol o'r panel y darperir ar ei gyfer yn Atodlen 10 o Ddeddf Renti 1977(a) arfer swyddogaethau'r tribiwnlys mewn perthynas ag adolygiad cyn treial neu yn ystod adolygiad cyn treial sy'n gymwys i'w harfer(b).

Penderfynu heb wrandawriad

13.-(1) Caiff tribiwnlys benderfynu ar gais heb wrandawriad llafar, yn unol â darpariaethau canlynol y rheoliad hwn -

- (a) os yw'r atebydd yn datgan yn ysgrifenedig nad yw'n gwrthwynebu'r cais;
- (b) os yw'r atebydd yn tynnu unrhyw wrthwynebiad i'r cais yn ôl; neu
- (c) os yw'r ceisydd a'r atebydd yn cytuno i hynny yn ysgrifenedig.

(2) Rhaid i'r tribiwnlys -

- (a) hysbysu'r partïon bod y cais i'w benderfynu heb wrandawriad llafar;
- (b) gwahodd sylwadau ysgrifenedig ar y cais;
- (c) gosod terfynau amser ar gyfer anfon unrhyw sylwadau ysgrifenedig i'r tribiwnlys; a
- (ch) manylu ar sut mae'r tribiwnlys yn bwriadu penderfynu ar y mater heb wrandawriad llafar.

(a) 1977 p.42; y mae diwygiadau iddo nad ydynt yn gymwys i'r rheoliadau hyn.

(b) I gael gwybod pwy sy'n gymwys, gweler paragraff 5(3) o Atodlen 12 i Ddeddf 2002.

Pre-trial review

12.-(1) The tribunal may, whether on its own initiative or at the request of a party, hold a pre-trial review in respect of an application.

(2) The tribunal shall give the parties not less than 14 days notice (or such shorter notice as the parties agree to) of the date, time and place of the pre-trial review.

(3) At the pre-trial review the tribunal shall -

- (a) give any direction that appears to the tribunal necessary or desirable for securing the just, expeditious and economical disposal of proceedings;
- (b) endeavour to secure that the parties make all such admissions and agreements as ought reasonably to be made by them in relation to the proceedings; and
- (c) record in any order made at the pre-trial review any such admission or agreement or any refusal to make such admission or agreement.

(4) The functions of the tribunal in relation to, or at, a pre-trial review may be exercised by any single member of the panel provided for in Schedule 10 to the Rent Act 1977(a) who is qualified to exercise them(b).

Determination without a hearing

13.-(1) A tribunal may determine an application without an oral hearing, in accordance with the following provisions of this regulation, if -

- (a) the respondent states in writing that he does not oppose the application;
- (b) the respondent withdraws any opposition to the application; or
- (c) the applicant and respondent so agree in writing.

(2) The tribunal shall -

- (a) notify the parties that the application is to be determined without an oral hearing;
- (b) invite written representations on the application;
- (c) set time limits for sending any written representations to the tribunal; and
- (d) set out how the tribunal intends to determine the matter without an oral hearing.

(a) 1977 c.42; to which there are amendments not relevant to these Regulations.

(b) For who is qualified, see paragraph 5(3) of Schedule 12 to the 2002 Act.

- (3) Ar unryw adeg cyn penderfynu ar y cais -
- (a) caiff y ceisydd neu'r atebdydd ofyn i'r tribiwnlys am gael ei glywed; neu
 - (b) caiff y tribiwnlys roi hysbysiad i'r partïon ei fod yn bwriadu penderfynu ar y cais mewn gwrandawriad yn unol â rheoliad 14.

(4) Pan ofynnir am rhywbeth o dan baragraff (3) neu pan roddir hysbysiad o dano, rhaid penderfynu ar y cais yn unol â rheoliad 14.

(5) Mae caniatâd i arfer swyddogaethau'r tribiwnlys mewn perthynas â chais sydd i'w benderfynu heb wrandawriad llafar gan aelod unigol o'r panel y darperir ar ei gyfer yn Atodlen 10 i Ddeddf Renti 1977, os penodwyd ef i'r panel hwnnw gan yr Arglwydd Ganghellor.

Gwrandawriadau

14.-(1) Yn ddarostyngedig i reoliadau 8(3), 9(2) a 10(2), rhaid i wrandawriad gael ei gynnal ar y dyddiad ac ar yr amser ac yn y lle a benodwyd gan y tribiwnlys.

(2) Rhaid i'r tribiwnlys hysbysu'r partïon am y dyddiad, yr amser a'r lle a benodwyd ar gyfer y gwrandawriad.

(3) Yn ddarostyngedig i baragraff (4) rhaid hysbysu o dan baragraff (2) nid llai na 21 o ddiwrnodau (neu gyfnod llai y mae'r partïon yn gytûn arno) cyn y dyddiad a benodwyd.

(4) O dan amgylchiadau eithriadol caiff y tribiwnlys, heb gytundeb y partïon, hysbysu dyddiad, amser a lle'r gwrandawriad nid llai na 21 o ddiwrnodau cyn y dyddiad benodwyd; ond rhaid i'r hysbysiad hwnnw gael ei roi cyn gynted â phosibl a benodwyd a rhaid i'r hysbysiad bennu beth yw'r amgylchiadau eithriadol.

(5) Caiff y tribiwnlys drefnu i gais gael ei wrando ynghyd ag un neu ragor o geisiadau eraill.

(6) Rhaid i wrandawriad fod yn gyhoeddus oni bai, o dan amgylchiadau arbennig yr achos, bod y tribiwnlys yn penderfynu bod rhaid i wrandawriad neu ran o wrandawriad gael ei gynnal yn breifat.

- (7) Yn ystod y gwrandawriad -
- (a) rhaid i'r tribiwnlys benderfynu ar y weithdrefn (yn ddarostyngedig i'r Rheoliadau hyn) a'r drefn y mae'n rhaid gwrandawrio ar y personau sy'n ymddangos ger ei fron ynddi;
 - (b) caiff person sy'n ymddangos gerbron tribiwnlys wneud hynny naill ai ei hun neu drwy gynrychiolydd a awdurdodwyd gan y person hwnnw, boed y cynrychiolydd yn fargyfreithiwr neu'n gyfreithiwr ai peidio; ac
 - (c) caiff person sy'n ymddangos gerbron y tribiwnlys roi tystiolaeth drosto'i hun, galw tystion, a chroesholi unrhyw dystion a elwir gan unrhyw berson arall sy'n ymddangos.

- (3) At any time before the application is determined -
- (a) the applicant or the respondent may make a request to the tribunal to be heard; or
 - (b) the tribunal may give notice to the parties that it intends to determine the application at a hearing in accordance with regulation 14.

(4) Where a request is made or a notice given under paragraph (3) the application shall be determined in accordance with regulation 14.

(5) The functions of the tribunal in relation to an application to be determined without an oral hearing may be exercised by a single member of the panel provided for in Schedule 10 to the Rent Act 1977, if he was appointed to that panel by the Lord Chancellor.

Hearings

14.-(1) Subject to regulations 8(3), 9(2) and 10(2), a hearing shall be on the date and at the time and place appointed by the tribunal.

(2) The tribunal shall give notice to the parties of the appointed date, time and place of the hearing.

(3) Subject to paragraph (4), notice under paragraph (2) shall be given not less than 21 days (or such shorter period as the parties may agree) before the appointed date.

(4) In exceptional circumstances the tribunal may, without the agreement of the parties, give less than 21 days notice of the appointed date, time and place of the hearing; but any such notice must be given as soon as possible before the appointed date and the notice must specify what the exceptional circumstances are.

(5) The tribunal may arrange that an application shall be heard together with one or more other applications.

(6) A hearing shall be in public unless, in the particular circumstances of the case, the tribunal decide that a hearing or part of a hearing shall be held in private.

- (7) At the hearing -
- (a) the tribunal shall determine the procedure (subject to these Regulations) and the order in which the persons appearing before it are to be heard;
 - (b) a person appearing before the tribunal may do so either in person or by a representative authorised by that person, whether or not that representative is a barrister or a solicitor; and
 - (c) a person appearing before the tribunal may give evidence on their own behalf, call witnesses, and cross-examine any witnesses called by any other person appearing.

(8) Os nad yw parti yn ymddangos mewn gwrandawriad, caiff y tribiwnlys fynd â'r gwrandawriad yn ei flaen os yw'n fodlon bod hysbysiad wedi'i roi i'r parti hwnnw yn unol â'r Rheoliadau hynny.

Gohirio

15.-(1) Yn ddarostyngedig i baragraff (2) caiff y tribiwnlys ohirio (boed cyn, neu ar ôl iddo gychwyn) gwrandawriad neu adolygiad cyn-treial o'i ben a'i bastwn ei hun neu os yw parti yn gofyn am hynny.

(2) Pan ofynnir am ohirio (boed cyn, neu ar ôl iddo gychwyn) gwrandawriad rhaid i'r tribiwnlys beidio â'i ohirio ac eithrio pan fydd o'r farn ei bod yn rhesymol gwneud hynny gan ystyried -

- (a) y sail dros ofyn amdano;
- (b) yr amser y gofynnwyd amdano; a
- (c) cyfleuster y partïon eraill.

(3) Rhaid i'r tribiwnlys roi hysbysiad rhesymol o unrhyw wrandawriad sydd wedi'i ohirio naill ai cyn iddo ddechrau neu ar ôl iddo ddechrau i'r partïon.

Dogfennau

16.-(1) Cyn dyddiad y gwrandawriad, rhaid i'r tribiwnlys gymryd pob cam rhesymol i sicrhau y rhoddir i bob un o'r partïon -

- (a) copi o unrhyw ddogfen sy'n berthnasol i'r achos (neu ddigon o ddarnau o'r ddogfen neu fanylion amdani) ac y mae wedi'i chael gan unrhyw barti arall wedi'i chael (heblaw dogfen sydd eisoes ym meddiant y person hwnnw neu un y darparwyd copi ohono i'r person hwnnw o'r blaen); a
- (b) copi o unrhyw ddogfen sy'n ymgorffori canlyniadau unrhyw ymholiadau perthnasol a wnaethpwyd gan y tribiwnlys, neu ar ei gyfer, at ddibenion yr achos.

(2) Mewn gwrandawriad, os nad yw parti eisoes wedi cael dogfen berthnasol neu gopi o ddogfen berthnasol, neu ddigon o ddarnau ohono neu ddigon o fanylion amdani, yna oni bai -

- (a) bod y person hwnnw yn cytuno i'r gwrandawriad barhau; neu
- (b) bod y tribiwnlys yn barnu bod gan y person hwnnw ddigon o gyfle i drin y materion y mae'r ddogfen yn ymwneud â hwy heb ohirio'r gwrandawriad,

rhaid i'r tribiwnlys ohirio'r gwrandawriad am gyfnod y mae'n ei farnu y bydd yn rhoi digon o gyfle i'r person drin y materion hynny.

Archwilio

17.-(1) Caiff tribiwnlys archwilio -

- (a) y tŷ, y tir a'r adeiladau neu'r ardal sy'n destun y

(8) If a party does not appear at a hearing, the tribunal may proceed with the hearing if it is satisfied that notice has been given to that party in accordance with these Regulations.

Postponement and adjournment

15.-(1) Subject to paragraph (2) the tribunal may postpone or adjourn a hearing or pre-trial review either on its own initiative or at the request of a party.

(2) Where a postponement or adjournment has been requested the tribunal shall not postpone or adjourn the hearing except where it considers it is reasonable to do so having regard to -

- (a) the grounds for the request;
- (b) the time at which the request is made; and
- (c) the convenience of the other parties.

(3) The tribunal shall give reasonable notice of any postponed or adjourned hearing to the parties.

Documents

16.-(1) Before the date of the hearing, the tribunal shall take all reasonable steps to ensure that each of the parties is given -

- (a) a copy of any document relevant to the proceedings (or sufficient extracts from or particulars of the document) which has been received from any other party (other than a document already in that person's possession or one of which that person has previously been supplied with a copy); and
- (b) a copy of any document which embodies the results of any relevant enquiries made by or for the tribunal for the purposes of the proceedings.

(2) At a hearing, if a party has not previously received a relevant document or a copy of, or sufficient extracts from or particulars of, a relevant document, then unless -

- (a) that person consents to the continuation of the hearing; or
- (b) the tribunal considers that that person has a sufficient opportunity to deal with the matters to which the document relates without an adjournment of the hearing,

the tribunal shall adjourn the hearing for a period which it considers will give that person a sufficient opportunity to deal with those matters.

Inspections

17.-(1) A tribunal may inspect -

- (a) the house, premises or area which is the

cais; neu

- (b) unrhyw dŷ, tir ac adeiladau neu ardal sy'n debyg ac y tynnir ei sylw ato neu ati.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r tribiwnlys roi cyfle i'r partïon fod yn bresennol mewn archwiliad.

(3) Er mwyn cynnal archwiliad, neu fod yn bresennol mewn archwiliad, rhaid cael unrhyw gydsyniad sy'n angenrheidiol.

(4) Pan fydd archwiliad i'w gynnal yn achos cais sydd i'w benderfynu o dan reoliad 13, rhaid i'r tribiwnlys roi hysbysiad i'r partïon.

(5) Pan fydd archwiliad i'w gynnal cyn gwrandawriad, rhaid i'r tribiwnlys roi hysbysiad i'r partïon.

(6) Pan fydd archwiliad i'w gynnal yn ystod gwrandawriad neu ar ôl diwedd gwrandawriad, rhaid i'r tribiwnlys roi hysbysiad i'r partïon yn ystod y gwrandawriad.

(7) Rhaid i hysbysiad o dan baragraff (4), (5) neu (6) -

- (a) datgan dyddiad, amser a lle'r archwiliad.
(b) cael ei roi nid llai na 14 o ddiwrnodau cyn y dyddiad hwnnw.

(8) Pan gynhelir archwiliad ar ôl diwedd gwrandawriad, caiff y tribiwnlys ailagor y gwrandawriad ar sail unrhyw fater sy'n codi o'r archwiliad.

(9) Rhaid i'r tribiwnlys roi hysbysiad rhesymol o ddyddiad, amser a lle'r gwrandawriad a ailagorir i'r partïon.

(10) Mae caniatâd i hepgor neu lacio unrhyw un o'r gofynion hysbysu yn y paragraffau uchod -

- (a) os yw'r partïon yn cydsynio; neu
(b) os yw'r tribiwnlys yn fodlon bod y partïon wedi cael digon o hysbysiad.

Penderfyniadau

18.-(1) Mae'r rheoliad hwn yn gymwys i benderfyniad ar gais gan -

- (a) tribiwnlys; neu
(b) aelod unigol, fel a grybwyllwyd yn rheoliad 13(5).

(2) Os cynhaliwyd gwrandawriad, mae caniatâd i roi'r penderfyniad yn llafar ar ddiwedd y gwrandawriad.

(3) Ym mhob achos, rhaid i benderfyniad gael ei gofnodi mewn dogfen cyn gynted â phosibl ar ôl i'r penderfyniad gael ei wneud.

(4) Nid oes angen i benderfyniad a roddwyd neu a gofnodwyd yn unol â pharagraff (2) neu (3) gofnodi'r

subject of the application; or

- (b) any comparable house, premises or area to which its attention is directed.

(2) Subject to paragraph (3), the tribunal shall give the parties an opportunity to attend an inspection.

(3) The making of, and attendance at, an inspection is subject to any necessary consent being obtained.

(4) Where an inspection is to be made in the case of an application which is to be determined under regulation 13, the tribunal shall give notice to the parties.

(5) Where an inspection is to be made before a hearing, the tribunal shall give notice to the parties.

(6) Where an inspection is to be made during or after the close of a hearing, the tribunal shall give notice to the parties at the hearing.

(7) A notice under paragraph (4), (5) or (6) shall -

- (a) state the date, time and place of the inspection;
(b) be given not less than 14 days before that date.

(8) Where an inspection is made after the close of a hearing, the tribunal may reopen the hearing on account of any matter arising from the inspection.

(9) The tribunal shall give reasonable notice of the date, time and place of the reopened hearing to the parties.

(10) Any of the requirements for notice in the preceding paragraphs may be dispensed with or relaxed -

- (a) with the consent of the parties; or
(b) if the tribunal is satisfied that the parties have received sufficient notice.

Decisions

18.-(1) This regulation applies to a decision on the determination of an application by -

- (a) a tribunal; or
(b) a single member, as mentioned in regulation 13(5).

(2) If a hearing was held, the decision may be given orally at the end of the hearing.

(3) A decision shall, in every case, be recorded in a document as soon as possible after the decision has been made.

(4) A decision given or recorded in accordance with paragraph (2) or (3) need not record the reasons for the

rhesymau dros y penderfyniad.

(5) Pan na fydd y ddogfen a grybwyllir ym mharagraff (3) yn cofnodi'r rhesymau dros y penderfyniad, rhaid eu cofnodi mewn dogfen ar wahân ar ôl i'r penderfyniad gael ei gofnodi.

(6) Rhaid i ddogfen sy'n cofnodi penderfyniad, neu'r rhesymau dros benderfyniad, gael ei llofnodi a'i dyddio gan berson priodol.

(7) Caiff person priodol, drwy gyfrwng tystysgrif a lofnodwyd ac a ddyddiwyd gan y person hwnnw, gywiro unrhyw gamgymeriadau clerigol mewn dogfen neu unrhyw wallau ynddi a achoswyd gan lithriad neu esgeulustod.

(8) Yn y rheoliad hwn, ystyr "person priodol" yw -

(a) pan benderfynwyd ar gais gan aelod unigol fel a grybwyllir yn rheoliad 13(5) -

- (i) yr aelod unigol; neu
- (ii) os bydd y person yn absennol neu yn anghymwys, aelod arall o'r tribiwnlys a benodwyd gan yr Arglwydd Ganghellor;

(b) ym mhob achos arall -

- (i) cadeirydd y tribiwnlys; neu
- (ii) os bydd y person yn absennol neu yn anghymwys, aelod arall o'r tribiwnlys.

(9) Rhaid anfon copi o unrhyw ddogfen sy'n cofnodi penderfyniad, neu'r rhesymau dros benderfyniad, a chopi o unrhyw gywiriad a ardstyir o dan baragraff (7) at bob parti.

Gorfodi

19. Caniateir i unrhyw un o benderfyniadau'r tribiwnlys, gyda chaniatâd y llys sirol, gael ei orfodi yn yr un ffordd â gorchmynion llys sirol.

Caniatâd i apelio

20. Pan fydd parti yn gwneud cais i dribiwnlys ar gyfer caniatâd i apelio i'r Tribiwnlys Tiroedd -

- (a) rhaid gwneud y cais i'r triwiwnlys cyn pen cyfnod o 21 diwrnod sy'n dechrau ar y dyddiad pan anfonwyd y ddogfen sy'n cofnodi'r rhesymau dros y penderfyniad o dan reoliad 18 at y parti hwnnw; a
- (b) rhaid i'r tribiwnlys gyflwyno copi o'r cais i bob parti arall.

Presenoldeb aelod ar Gyngor Tribiwnlysoedd

21. Caiff aelod o'r Cyngor Tribiwnlysoedd sy'n gweithio yn rhinwedd y swydd honno -

- (a) bod yn bresennol mewn unrhyw wrandawriad a gynhelir, boed yn gyhoeddus neu'n breifat, yn unol â'r Rheoliadau hyn;

decision.

(5) Where the document mentioned in paragraph (3) does not record the reasons for the decision, they shall be recorded in a separate document as soon as possible after the decision has been recorded.

(6) A document recording a decision, or the reasons for a decision, shall be signed and dated by an appropriate person.

(7) An appropriate person may, by means of a certificate signed and dated by that person, correct any clerical mistakes in a document or any errors arising in it from an accidental slip or omission.

(8) In this regulation, "appropriate person" means -

(a) where an application was determined by a single member as mentioned in regulation 13(5) -

- (i) the single member; or
- (ii) in the event of the person's absence or incapacity, another member of the tribunal who was appointed by the Lord Chancellor;

(b) in any other case -

- (i) the chairman of the tribunal; or
- (ii) in the event of the person's absence or incapacity, another member of the tribunal.

(9) A copy of any document recording a decision, or the reasons for a decision, and a copy of any correction certified under paragraph (7) shall be sent to each party.

Enforcement

19. Any decision of the tribunal may, with the permission of the county court, be enforced in the same way as orders of such a court.

Permission to appeal

20. Where a party makes an application to a tribunal for permission to appeal to the Lands Tribunal -

- (a) the application shall be made to the tribunal within the period of 21 days starting with the date on which the document which records the reasons for the decision under regulation 18 was sent to that party; and
- (b) a copy of the application shall be served by the tribunal on every other party.

Attendance by member of Council on Tribunals

21. A member of the Council on Tribunals, who is acting in that capacity, may -

- (a) attend any hearings held, whether in public or private, in accordance with these Regulations;

- (b) bod yn bresennol mewn unrhyw archwiliad y cafwyd unrhyw gydsyniad angenrheidiol ar ei gyfer;
- (c) bod yn bresennol yn ystod trafodion tribiwnlys mewn perthynas â chais, ond ni chaiff gymryd rhan ynddynt.

- (b) attend any inspection for which any necessary consent has been obtained;
- (c) be present during, but not take part in, a tribunal's deliberations in respect of an application.

Gwybodaeth sy'n ofynnol gan dribiwnlys

22. Pan fydd tribiwnlys yn cyflwyno hysbysiad sy'n gwneud rhoi gwybodaeth yn ofynnol o dan baragraff 4 o Atodlen 12 i Ddeddf 2002, rhaid i'r hysbysiad gynnwys datganiad i'r perwyl bod unrhyw berson sy'n methu, heb esgus rhesymol, â chydymffurfio â'r hysbysiad, yn cyflawni tramgwydd ac bydd yn agored, o'i gollfarnu'n ddiannod, i ddiryw nad yw'n uwch na lefel 3 ar y raddfa safonol.

Information required by tribunal

22. Where a tribunal serves a notice requiring information to be given under paragraph 4 of Schedule 12 to the 2002 Act, the notice shall contain a statement to the effect that any person who fails without reasonable excuse to comply with the notice commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Hysbysiadau

23. Pan fydd yn ofynnol i'r tribiwnlys roi neu anfon unrhyw hysbysiad neu unrhyw ddogfen arall o dan y Rheoliadau hyn at berson, cydymffurfir â'r gofyniad yn ddigonol -

- (a) os yw'n cael ei ddsbarthu neu ei anfon drwy bost wedi ei dalu ymlaen llaw at y person hwnnw yng nghyfeiriad arferol y person hwnnw neu ei gyfeiriad hysbys diwethaf;
- (b) os yw'n cael ei anfon at y person hwnnw drwy gyfrwng ffacs neu unrhyw gyfrwng cyfathrebu electronig arall sy'n cynhyrchu testun o'r ddogfen;
- (c) pan fydd y person hwnnw wedi penodi asiant neu gynrychiolydd i weithredu ar ran y person hwnnw-
 - (i) os yw'n cael ei ddsbarthu neu ei anfon drwy bost wedi'i dalu ymlaen llaw at yr asiant neu'r cynrychiolydd yng nghyfeiriad yr asiant neu'r cynrychiolydd ac a roddir i'r tribiwnlys; neu
 - (ii) os yw'n cael ei anfon at yr asiant neu'r cynrychiolydd drwy ffacs neu unrhyw gyfrwng cyfathrebu arall sy'n cynhyrchu testun o'r ddogfen.

(2) Mae caniatâd i anfon hysbysiad neu ddogfen arall fel a grybwyllir ym mharagraffau (1) (b) neu (c)(ii) dim ond os yw'r person hwnnw neu asiant y person hwnnw wedi cydsynio i hynny.

(3) Rhaid ystyried hysbysiad neu unrhyw ddogfen arall a grybwyllir ym mharagraffau (1)(b) neu (c)(ii) fel petai wedi'i anfon pan fydd ei destun yn dod i law mewn ffurf ddarllenadwy.

(4) Mae'r paragraff hwn yn gymwys-

- (a) pan fydd y canlynol yn wir am dderbynydd arfaethedig -

Notices

23.-(1) Where any notice or other document is required under these Regulations to be given or sent to a person by the tribunal, it shall be sufficient compliance with the requirement if -

- (a) it is delivered or sent by pre-paid post to that person at that person's usual or last known address;
- (b) it is sent to that person by fax or other means of electronic communication which produces a text of the document;
- (c) where that person has appointed an agent or representative to act on that person's behalf-
 - (i) it is delivered or sent by pre-paid post to the agent or representative at the address of the agent or representative supplied to the tribunal; or
 - (ii) it is sent to the agent or representative by fax or other means of electronic communication which produces a text of the document.

(2) A notice or other document may be sent as mentioned in paragraphs (1)(b) or (c)(ii) only if that person or that person's agent has given consent.

(3) A notice or other document sent as mentioned in paragraphs (1)(b) or (c)(ii) shall be regarded as sent when the text of it is received in legible form.

(4) This paragraph applies where -

- (a) an intended recipient -

- (i) ar ôl holi'n ddiwyd, nid oes modd dod o hyd iddo;
 - (ii) bu farw ac nid oes ganddo gynrychiolydd presennol; neu
 - (iii) y mae y tu allan i'r Deyrnas Unedig; neu
- (b) os am unrhyw reswm arall nid yw'n rhwydd rhoi neu anfon hysbysiad neu ddogfen arall yn unol â'r Rheoliadau hyn.

(5) Pan fydd paragraff (4) yn gymwys, caiff y tribiwnlys -

- (a) peidio â rhoi nac anfon yr hysbysiad neu'r ddogfen arall; neu
- (b) caiff roi cyfarwyddiadau ar gyfer cyflwyniad dirprwyol ar y fath ffurf arall (boed drwy hysbyseb mewn papur newydd neu fel arall) neu'r fath dull arall y mae'r tribiwnlys yn ei faru'n briodol.

Caniatáu rhagor o amser

24.-(1) Mewn achos penodol, caiff y tribiwnlys estyn unrhyw gyfnod a ragnodir gan y Rheoliadau hyn, neu a ragnodir gan hysbysiad a roddir o dan y Rheoliadau hyn, y mae'n ofynnol gwneud unrhyw beth ynddo neu yr awdurdodir gwneud unrhywbeth ynddo.

(2) Caiff parti ofyn i'r tribiwnlys estyn unrhyw un o'r cyfnodau hynny ond rhaid iddo wneud hynny cyn i'r cyfnod ddod i ben.

Dirymu ac arbed

25.-(1) Yn ddarostyngedig i baragraff (2) dirymir Rheoliadau'r Pwyllgor Asesu Rhenti (Cymru a Lloegr) (Tribiwnlys Prisio Lesddaliadau) 1993(a) ("Rheoliadau 1993") mewn perthynas â Chymru.

(2) Nid yw'r dirymiad ym mharagraff (1) yn effeithiol mewn perthynas ag unrhyw gais a wneir, neu achos a drosglwyddir o lys, i dribiwnlys cyn 31 Mawrth 2004.

- (i) cannot be found after all diligent enquiries have been made;
- (ii) has died and has no personal representative; or
- (iii) is out of the United Kingdom; or

(b) for any other reason a notice or other document cannot readily be given or sent in accordance with these Regulations.

(5) Where paragraph (4) applies, the tribunal may -

- (a) dispense with the giving or sending of the notice or other document ; or
- (b) may give directions for substituted service in such other form (whether by advertisement in a newspaper or otherwise) or manner as the tribunal think fit.

Allowing further time

24.-(1) In a particular case, the tribunal may extend any period prescribed by these Regulations, or prescribed by a notice given under these Regulations, within which anything is required or authorised to be done.

(2) A party may make a request to the tribunal to extend any such period but must do so before that period expires.

Revocation and saving

25.-(1) Subject to paragraph (2) the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993(a) ("the 1993 Regulations") are hereby revoked in relation to Wales.

(2) The revocation in paragraph (1) shall not have effect in relation to any application made, or proceedings transferred from a court, to a tribunal before 31st March 2004.

(a) O.S. 1993/2408 fel y'i diwygiwyd gan O.S. 1996/2305, O.S. 1997/74 ac O.S. 1997/1854.

(a) S.I. 1993/2408, as amended by S.I. 1996/2305, S.I. 1997/74 and S.I. 1997/1854.

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)

9 Mawrth 2004

9th March 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

Disgrifiad o'r Ceisiadau

Descriptions of Applications

Rhyddfrefinio ac estyn lesuoedd**1. Ceisiadau o dan -**

- (a) adran 21 o Ddeddf Diwygio Cyfraith Lesddaliad 1967 ;
- (b) adran 13 o Ddeddf 1987;
- (c) adran 31 o'r Ddeddf honno;
- (ch) adran 24 o Ddeddf 1993;
- (d) adran 25 o'r Ddeddf honno;
- (dd) adran 27 o'r Ddeddf honno;
- (e) adran 48 o'r Ddeddf honno;
- (f) adran 51 o'r Ddeddf honno;
- (ff) adran 88 o'r Ddeddf honno;
- (g) adran 91 o'r Ddeddf honno;
- (ng) adran 94 o'r Ddeddf honno; a
- (h) paragraff 2 o Atodlen 14 i'r Ddeddf honno.

Taliadau gwasanaeth, taliadau gweinyddol a thaliadau ystad**2. Ceisiadau o dan -**

- (a) adran 20ZA o Ddeddf 1985**(b)**;
- (b) adran 27A o'r Ddeddf honno**(c)**;
- (c) paragraff 8 o'r Atodlen i'r Ddeddf honno**(ch)**;
- (ch) adran 159 o Ddeddf 2002;
- (d) paragraff 3 o Atodlen 11 i'r Ddeddf honno; a
- (dd) paragraff 5 o Atodlen 11 i'r Ddeddf honno.

Cynlluniau rheoli ystadau**3. Ceisiadau o dan Bennod 4 o Ran 1 i Ddeddf 1993.****Hawl i reoli****4. Ceisiadau o dan -**

- (a) adran 84 o Ddeddf 2002;
- (b) adran 85 o'r Ddeddf honno;
- (c) adran 88 o'r Ddeddf honno;
- (ch) adran 94 o'r Ddeddf honno;

(a) 1967 p.88

(b) Mewnosodwyd gan adran 151 o Ddeddf 2002 o 30 Mawrth 2004 (O.S. 2004/669 (Cy.62) (C.25)).

(c) Mewnosodwyd gan adran 155 o Ddeddf 2002 o 30 Mawrth 2004 (O.S. 2004/669 (Cy.62) (C.25)).

(ch) Diwygiwyd gan adran 180 o Ddeddf 2002 ac Atodlen 14 iddi o 30 Mawrth 2004 (O.S. 2004/669 (Cy.62) (C.25)).

Enfranchisement and extended leases**1. Applications under -**

- (a) section 21 of the Leasehold Reform Act 1967**(a)**;
- (b) section 13 of the 1987 Act;
- (c) section 31 of that Act;
- (d) section 24 of the 1993 Act;
- (e) section 25 of that Act;
- (f) section 27 of that Act;
- (g) section 48 of that Act;
- (h) section 51 of that Act;
- (i) section 88 of that Act;
- (j) section 91 of that Act;
- (k) section 94 of that Act; and
- (l) paragraph 2 of Schedule 14 to that Act.

Service Charges, administration charges and estate charges**2. Applications under -**

- (a) section 20ZA of the 1985 Act**(b)**;
- (b) section 27A of that Act**(c)**;
- (c) paragraph 8 of the Schedule to that Act**(d)**;
- (d) section 159 of the 2002 Act;
- (e) paragraph 3 of Schedule 11 to that Act; and
- (f) paragraph 5 of Schedule 11 to that Act.

Estate management schemes**3. Applications under Chapter 4 of Part 1 to the 1993 Act.****Right to manage****4. Applications under -**

- (a) section 84 of the 2002 Act;
- (b) section 85 of that Act;
- (c) section 88 of that Act;
- (d) section 94 of that Act;

(a) 1967 c.88.

(b) Inserted by section 151 of the 2002 Act from 30th March 2004 (S.I. 2004/669 (W.62) (C.25)).

(c) Inserted by section 155 of the 2002 Act from 30th March 2004 (S.I. 2004/669 (W.62) (C.25)).

(d) Amended by section 180 of and Schedule 14 to the 2002 Act from 30th March 2004 (S.I. 2004/669 (W.62) (C.25)).

- (d) adran 99 o'r Ddeddf honno; a
(dd)paragraff 5 o Atodlen 6 i'r Ddeddf honno.

Penodi rheolwr

5. Ceisiadau o dan -
(a) adran 22 o Ddeddf Landlord a Tenant 1987; a
(b) adran 24 o'r Ddeddf honno.

Amrywio lesioedd

6. Ceisiadau o dan Ran 4 o Ddeddf 1987.

Cost achosion

7. Ceisiadau o dan adran 20C o Ddeddf 1985.

ATODLEN 2

Rheoliad 3

Manylion Ceisiadau

Rhyddfrenio ac estyn lesioedd

1.-(1) Copi o unrhyw hysbysiad a gyflwynir mewn perthynas â'r rhyddfraint.

(2) Enw a chyfeiriad y rhydd-ddeiliad ac unrhyw landlord canol.

(3) Enw a chyfeiriad unrhyw berson sydd â morgais neu unrhyw arwystl arall dros fuddiant yn y tir a'r adeiladau sy'n destun y cais ac a ddelir gan y rhydd-ddeiliad neu unrhyw landlord arall.

(4) Pan wneir cais o dan adran 21(2) o'r Ddeddf Diwygio Cyfraith Lesddaliad 1967(a), enw a chyfeiriad yr is-denant, a chopi o unrhyw gytundeb ar gyfer yr is-denantiaeth.

(5) Pan wneir cais o dan adran 13 o Ddeddf 1987(b), y dyddiad pryd cafodd y landlord yr eiddo a thelerau'r caffael gan gynnwys unrhyw symiau a dalwyd.

Taliadau gwasanaeth, taliadau gweinyddol a thaliadau ystad

2.-(1) Pan wneir cais o dan adran 27A o Ddeddf 1985, enw a chyfeiriad ysgrifennydd unrhyw gymdeithas tenantiaid gydnabyddedig.

(2) Pan wneir cais o dan baragraff 3 o Atodlen 11 i Ddeddf 2002, drafft o'r amrywiad arfaethedig.

- (e) section 99 of that Act; and
(f) paragraph 5 of Schedule 6 to that Act.

Appointment of a manager

5. Applications under -
(a) section 22 of the Landlord and Tenant Act 1987; and
(b) section 24 of that Act.

Variation of leases

6. Applications under Part 4 of the 1987 Act.

Cost of proceedings

7. Applications under section 20C of the 1985 Act.

SCHEDULE 2

Regulation 3

Particulars of Applications

Enfranchisement and extended leases

1.-(1) A copy of any notice served in relation to the enfranchisement.

(2) The name and address of the freeholder and any intermediate landlord.

(3) The name and address of any person having a mortgage or other charge over an interest in the premises the subject of the application held by the freeholder or other landlord.

(4) Where an application is made under section 21(2) of the Leasehold Reform Act 1967(a), the name and address of the sub-tenant, and a copy of any agreement for the sub-tenancy.

(5) Where an application is made under section 13 of the 1987 Act(b), the date on which the landlord acquired the property and the terms of acquisition including the sums paid.

Service charges, administration charges and estate charges

2.-(1) Where an application is made under section 27A of the 1985 Act, the name and address of the secretary of any recognised tenants' association.

(2) Where an application is made under paragraph 3 of Schedule 11 to the 2002 Act, a draft of the proposed variation.

(a) Diwygiwyd gan adran 142 o Ddeddf Tai 1980 ac Atodlen 22 iddi.
(b) Mewnosodwyd gan adran 92(1) ac Atodlen 6 i Ddeddf Tai 1996 (p).

(a) Amended by section 142 and Schedule 22 to the Housing Act 1980.
(b) Substituted by section 92(1) and Schedule 6 to the Housing Act

(3) Copi o'r les neu, pan fydd yn briodol, copi o'r cynllun rheoli ystad.

Taliadau o dan gynlluniau rheoli ystadau

3.-(1) Copi o unrhyw gytundeb rheoli ystâd neu'r cynllun rheoli ystad arfaethedig.

(2) Datganiad bod y ceisydd naill ai -

- (a) yn fod dynol;
- (b) yn gorff cynrychioladol o fewn ystyr adran 71(3) o Ddeddf 1993; neu
- (c) yn awdurdod perthnasol o fewn ystyr adran 73(5) o'r Ddeddf honno.

(3) Pan wneir cais o dan adran 70 o Ddeddf 1993, copi o'r hysbysiad a roddir gan y ceisydd o dan adran 70(4) o'r Ddeddf honno.

(4) Os digwydd y canlynol-

- (a) bod cais i gymeradwyo'r cynllun;
- (b) bod cais i gymeradwyo addasu ardal cynllun sydd eisoes yn bodoli; neu
- (c) bod cais i gymeradwyo amrywio cynllun sydd eisoes yn bodoli,

disgrifiad o ardal -

- (i) y cynllun arfaethedig;
- (ii) yr addasiad arfaethedig; neu
- (iii) yr amrywiad arfaethedig,

gan gynnwys dull o adnabod yr ardal drwy gyfrwng map neu blan.

(5) Pan wneir cais o dan adran 70 o Ddeddf 1993, copi o unrhyw gydsyniad a roddir gan Gynulliad Cenedlaethol Cymru o dan adran 72(1) o'r Ddeddf honno.

Hawl i reoli

4.-(1) Enw a chyfeiriad ar gyfer cyflwyno i'r cwmni Hawl i Reoli (o fewn ystyr Pennod 1 o Ran 2 o Ddeddf 2002)(a).

(2) Enw a chyfeiriad y rhydd-ddeiliad, unrhyw landlord canol ac unrhyw reolwr.

(3) Copi o femoradwm ac erthyglau cymdeithasiad y cwmni Hawl i Reoli.

(4) Pan wneir cais o dan adran 84(3) o Ddeddf 2002, copi o'r hysbysiad hawlio a chopi o'r gwrth-hysbysiad sy'n dod i law.

(5) Pan wneir cais o dan adran 85(2) o Ddeddf 2002 -

- (a) datganiad bod gofynion adrannau 78 a 79 o Ddeddf 2002 wedi cael eu cyflawni;
- (b) copi o'r hysbysiad a roddir o dan adran 85(3) o Ddeddf 2002 ynghyd â datganiad bod yr

(a) *Gweler* adran 73 o Ddeddf 2002.

(3) A copy of the lease or, where appropriate, a copy of the estate management scheme.

Estate management charges

3.-(1) A copy of any estate management agreement or the proposed estate management scheme.

(2) A statement that the applicant is either -

- (a) a natural person;
- (b) a representative body within the meaning of section 71(3) of the 1993 Act; or
- (c) a relevant authority within the meaning of section 73(5) of that Act.

(3) Where an application is made under section 70 of the 1993 Act, a copy of the notice given by the applicant under section 70(4) of that Act.

(4) Where -

- (a) approval is sought for a scheme;
- (b) approval is sought to modify the area of an existing scheme; or
- (c) approval is sought to vary an existing scheme,

a description of the area of -

- (i) the proposed scheme;
- (ii) the proposed modification; or
- (iii) the proposed variation,

including identification of the area by a map or plan.

(5) Where an application is made under section 70 of the 1993 Act, a copy of any consent given by the National Assembly for Wales under section 72(1) of that Act.

Right to manage

4.-(1) The name and address for service of the RTM company (within the meaning of Chapter 1 of Part 2 of the 2002 Act)(a).

(2) The name and address of the freeholder, any intermediate landlord and any manager.

(3) A copy of the memorandum and articles of association of the RTM company.

(4) Where an application is made under section 84(3) of the 2002 Act, a copy of the claim notice and a copy of the counter notice received.

(5) Where an application is made under section 85(2) of the 2002 Act -

- (a) a statement that the requirements of sections 78 and 79 of the 2002 Act are fulfilled;
- (b) a copy of the notice given under section 85(3) of the 2002 Act together with a statement that

(a) *See* section 73 of the 2002 Act.

hysbysiad hwnnw wedi cael ei gyflywno i bob un o'r tenantiaid cymwys;

- (c) datganiad sy'n disgrifio'r amgylchiadau pan na ellir cadarnhau pwy yw'r landlord neu pan na ellir dod o hyd iddo.

(6) Pan wneir cais o dan adran 94(3) o Ddeddf 2002, amcangyfrif o swm y taliadau gwasanaeth sydd heb eu neilltuo sydd wedi cronni.

(7) Pan wneir cais o dan adran 99(1) o Ddeddf 2002, disgrifiad o'r gymeradwyaeth a chopi o'r les berthnasol.

(8) Pan fydd cais o ddisgrifiad a bennir ym mharagraff 5 o Atodlen 6 i Ddeddf 2002, y dyddiad a'r amgylchiadau pryd peidiodd yr hawl i arfer yr hawl i reoli o fewn y pedair blynedd ddiwethaf.

Penodi rheolwr

5.-(1) Ac eithrio pan wneir cais o dan adran 22(3) o Ddeddf 1987, copi o'r hysbysiad a gyflwynir o dan adran 22 o'r Ddeddf honno.

(2) Pan wneir cais o dan adran 24(9) o'r Ddeddf honno, copi o'r gorchymyn rheoli.

Amrywio lesoedd

6.-(1) Enwau a chyfeiriadau unrhyw berson y cyflwynir hysbysiad iddo yn unol â Rheoliad 4 o'r rheoliadau hyn.

(2) Drafft o'r amrywiad a geisir.

such notice has been served on all qualifying tenants;

- (c) a statement describing the circumstances in which the landlord cannot be identified or traced.

(6) Where an application is made under section 94(3) of the 2002 Act an estimate of the amount of the accrued uncommitted service charges.

(7) Where an application is made under section 99(1) of the 2002 Act, a description of the approval sought and a copy of the relevant lease.

(8) Where an application is made under paragraph 5 of Schedule 6 to the 2002 Act, the date and circumstances in which the right to exercise the right to manage has ceased within the past four years.

Appointment of manager

5.-(1) Other than where an application is made under section 22(3) of the 1987 Act, a copy of the notice served under section 22 of that Act.

(2) Where an application is made under section 24(9) of that Act, a copy of the management order.

Variation of leases

6.-(1) The names and addresses of any person served with a notice in accordance with regulation 4 of these Regulations.

(2) A draft of the variation sought.

OFFERYNNAU STATUDOL

2004 Rhif 681 (Cy.69)

**LANDLORD A THENANT,
CYMRU**

Rheoliadau Tribiwnlysoedd Priso
Lesddaliadau (Gweithdrefn)
(Cymru) 2004

STATUTORY INSTRUMENTS

2004 No. 681 (W.69)

**LANDLORD AND TENANT,
WALES**

The Leasehold Valuation Tribunals
(Procedure) (Wales) Regulations
2004

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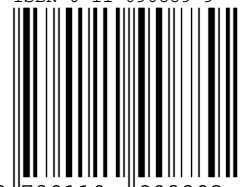
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