



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 1351 (Cy.99)**

**2005 No. 1351 (W.99)**

**TAI, CYMRU**

**HOUSING, WALES**

**Gorchymyn Tai (Hawl i Brynu)  
(Blaenoriaeth Arwystlon) (Cymru)  
2005**

**The Housing (Right to Buy)  
(Priority of Charges) (Wales) Order  
2005**

**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 pedwar corff yn sefydliadau benthycy cymeradwy at 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. Mae adran 156 o Ddeddf Tai 1985 yn arferadwy gan Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999.

This Order specifies four bodies as approved lending institutions 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. Section 156 of the Housing Act 1985 is exercisable by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999.

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 fenthycy i'r tenant gan sefydliad benthycy 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 cymdeithasau adeiladu, banciau, cwmnïau yswiriant, cymdeithasau cyfeillgar ac unrhyw gorff arall a bennir, neu y pennir ei ddisgrifiad, mewn gorchymyn a wneir, o ran Cymru, gan Gynulliad Cenedlaethol Cymru yn sefydliadau benthycy cymeradwy.

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 cyrff o'r fath hefyd yn dod yn sefydliadau benthycy cymeradwy at 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 (achosion lle y diogelir yr hawl i brynu) o'r Ddeddf honno at achosion lle y diogelir hawl tenant i brynu, a chan adran 17 (hawl tenant i gaffael annedd: darpariaethau atodol) o Ddeddf Tai 1996 at achosion lle y mae gan denant yr hawl i gaffael o dan adran 16 (hawl tenant i gaffael annedd) o'r Ddeddf honno, daw'r cyrff a bennwyd yn sefydliadau benthyca cymeradwy at ddibenion yr hawliau hynny.

In addition, as section 156 of the Housing Act 1985 is applied by section 171A (cases in which right to buy is preserved) of that Act to cases in which a tenant's right to buy is preserved and by section 17 (right of tenant to acquire dwelling: supplementary provisions) of the Housing Act 1996 to cases in which a tenant has the right to acquire under section 16 (right of tenant to acquire dwelling) of that Act, the specified bodies become approved lending institutions for the purposes of those rights.

**2005 Rhif 1351 (Cy.99)****2005 No. 1351 (W.99)****TAI, CYMRU****HOUSING, WALES****Gorchymyn Tai (Hawl i Brynu)  
(Blaenoriaeth Arwystlon) (Cymru)  
2005****The Housing (Right to Buy)  
(Priority of Charges) (Wales) Order  
2005***Wedi'i wneud* 17 Mai 2005*Made* 17 May 2005*Yn dod i rym* 31 Mai 2005*Coming into force* 31 May 2005

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(1) sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy yng Nghymru(2):

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(1) which are now vested in the National Assembly for Wales so far as exercisable in Wales(2):

**Enwi, cychwyn a chymhwyso****Name, commencement and application**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Hawl i Brynu) (Blaenoriaeth Arwystlon) (Cymru) 2005 a daw i rym ar 31 Mai 2005.

1.-(1) The name of this Order is the Housing (Right to Buy) (Priority of Charges) (Wales) Order 2005 and it comes into force on 31 May 2005.

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

(2) This Order applies to Wales only.

**Corff a bennir****Specified body**

2. Pennir y cyrff canlynol yn sefydliadau benthyca cymradwy at ddibenion adran 156(3) o Ddeddf Tai 1985 (blaenoriaeth arwystlon) -

2. The following bodies are specified as approved lending institutions for the purposes of section 156(3) of the Housing Act 1985 (priority of charges) -

- (a) Cheshire Mortgage Corporation Limited (Cwmni Rhif 02613335);
- (b) London Scottish Finance Limited (Cwmni Rhif 00233259);
- (c) Money Partners Limited (Cwmni Rhif 04992438);
- (ch) Money Partners Finance Limited (Cwmni Rhif 05299032).

- (a) Cheshire Mortgage Corporation Limited (Company No. 02613335);
- (b) London Scottish Finance Limited (Company No. 00233259);
- (c) Money Partners Limited (Company No. 04992438); and
- (d) Money Partners Finance Limited (Company No. 05299032).

(1) 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).

(1) 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).

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

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

(3) 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 Lesdaliad, Tai a Datblygu Trefol 1993 (p.28).

(3) 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(1).

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

17 Mai 2005

17 May 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(1) 1998 p.38.

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(1) 1998 c.38.

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