



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1357 (Cy.105)

2005 No. 1357 (W.105)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

Rheoliadau Taliadau Gwasanaeth
(Gofynion Ymgynghori)
(Diwygio) (Cymru) 2005

The Service Charges (Consultation
Requirements) (Amendment)
(Wales) Regulations 2005

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 diwygio Rheoliad 4 ("Rheoliad 4") o Reoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) 2004. Mae rheoliad 4 yn darparu ar gyfer cymhwyso adran 20 o Ddeddf Landlord a Thenant 1985 ("Deddf 1985") at gytundebau arbennig yr ymrwymwyd iddynt, gan neu ar ran landlord neu uwch landlord, am gyfnod o fwy na deuddeg mis ("cytundebau hir-dymor cymwys"), os yw costau perthnasol (a ddiffinnir yn adran 18(2) o Ddeddf 1985) a dynnir o dan y cytundeb mewn unrhyw gyfnod cyfrifydda yn fwy na swm sy'n peri bod cyfraniad perthnasol unrhyw denant, o ran y cyfnod hwnnw, yn fwy na £100. Mae adran 20 o Ddeddf 1985 yn gosod terfynau ar y swm y mae tenantiaid yn ei gyfrannu at daliadau gwasanaeth o ran cytundebau hir-dymor cymwys oni chydymffurfiwyd â'r gofynion ymgynghori yn Rheoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) 2004 neu oni hepgorwyd y gofynion ymgynghori gan driwlynlys prisio lesdaliad.

Mae'r diwygiadau a wneir gan y Rheoliadau'n effeithio ar unrhyw landlord sy'n bwriadu ymrwymo i gytundeb hir-dymor cymwys ar neu ar ôl 31 Mai 2005 ond dim ond os nad yw'r person hwnnw eisoes wedi cwblhau cyfrifon taliadau gwasanaeth sy'n cyfeirio at gytundeb hir-dymor cymwys o ran yr anheddau y mae'r cytundeb arfaethedig i fod yn berthnasol iddynt.

Mae'r Rheoliadau'n addasu'r modd y gweithredir paragraff (3) o Reoliad 4, sy'n ymwneud â'r diffiniad o'r term "cyfnod cyfrifydda" a ddefnyddir ym

These Regulations amend regulation 4 ("Regulation 4") of the Service Charges (Consultation Requirements) (Wales) Regulations 2004. Regulation 4 provides for the application of section 20 of the Landlord and Tenant Act 1985 ("the 1985 Act") to certain agreements entered into, by or on behalf of a landlord or superior landlord, for a term of more than twelve months ("qualifying long term agreements"), where relevant costs (defined in section 18(2) of the 1985 Act) incurred under the agreement in any accounting period exceed an amount which results in the relevant contribution of any tenant, in respect of that period, being more than £100. Section 20 of the 1985 Act imposes limitations on the amount of tenants' contributions to service charges in respect of qualifying long term agreements unless the consultation requirements in the Service Charges (Consultation Requirements) (Wales) Regulations 2004 have been complied with or dispensed with by a leasehold valuation tribunal.

The amendments are made by the Regulations and affect any landlord who intends to enter into a qualifying long term agreement on or after 31 May 2005 but only if that person has not previously made up service charge accounts referable to a qualifying long term agreement in respect of the dwellings to which the intended agreement is to relate.

The Regulations modify the operation of paragraph (3) of Regulation 4, which relates to the definition of the term "accounting period" that is used in paragraph

mharagraff (1) o'r rheoliad hwnnw. Bydd adran 20 o Ddeddf 1985 yn gymwys yn yr amgylchiadau a grybwyllir uchod os bydd cyfraniad perthnasol unrhyw denant at gostau perthnasol i'w tynnu o dan y cytundeb yn y cyfnod o ddeuddeng mis yn cychwyn ar y dyddiad perthnasol yn fwy na £100. At y diben hwn, y dyddiad perthnasol yw dyddiad cychwyn y cyfnod cyntaf y mae taliadau gwasanaeth yn daladwy ar ei gyfer gan denant o dan les ar annedd y mae'r cytundeb arfaethedig yn berthnasol iddi. Effaith paragraffau (2) a (4) o Reoliad 4 yw y bydd pob cyfnod cyfrifydda dilynol yn gyfnod o ddeuddeng mis yn cychwyn cyn gynted ag y bydd y cyfnod cyfrifydda blaenorol wedi dod i ben.

(1) of that regulation. Section 20 of the 1985 Act will apply in the circumstances mentioned above if the relevant contribution of any tenant to relevant costs to be incurred under the agreement in the period of twelve months beginning with the relevant date exceed £100. For this purpose, the relevant date is that on which the first period for which service charges are payable by a tenant under a lease of a dwelling to which the intended agreement relates begins. The effect of paragraphs (2) and (4) of Regulation 4 is that each subsequent accounting period will be a period of twelve months beginning as soon as the previous accounting period has ended.

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(Gofynion Ymgynghori)
(Diwygio) (Cymru) 2005****The Service Charges (Consultation
Requirements) (Amendment)
(Wales) Regulations 2005**

Wedi'u gwneud 17 Mai 2005
Yn dod i rym 31 Mai 2005

Made 17 May 2005
Coming into force 31 May 2005

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 20(4) a (5) a 20ZA(3) i (6) o Ddeddf Landlord a Thenant 1985(1) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru.

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred by sections 20(4) and (5) and 20ZA(3) to (6) of the Landlord and Tenant Act 1985(1), which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Diwygio) (Cymru) 2005 a deuant i rym ar 31 Mai 2005.

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

Title, commencement and application

1.—(1) The title of these Regulations is the Service Charges (Consultation Requirements) (Amendment) (Wales) Regulations 2005 and they shall come into force on 31 May 2005.

(2) These Regulations apply in relation to Wales.

Diwygio Rheoliadau

2. Diwygir rheoliad 4 (Cymhwyso adran 20 i gytundebau hir-dymor cymwys) o Reoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) 2004(2) -

- (a) ym mharagraff (3), drwy roi yn lle "Yn" y geiriau "Yn ddarostyngedig i baragraff (3A), yn"; a
- (b) drwy fewnosod, ar ôl paragraff (3), y paragraff canlynol -

Amendment of Regulations

2. Regulation 4 (Application of section 20 to qualifying long term agreements) of the Service Charges (Consultation Requirements) (Wales) Regulations 2004(2) is amended -

- (a) in paragraph (3), by the substitution, for "In", of "Subject to paragraph (3A), in"; and
- (b) by the insertion, after paragraph (3) of the following paragraph -

(1) 1985 p.70. Cafodd adran 20 ei hamnewid, ac adran 20ZA ei mewnosod, gan adran 151 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15). *Gweler* hefyd baragraff 4 o Atodlen 7 i'r Ddeddf honno ar gyfer addasiadau sy'n berthnasol i adrannau 20 ac 20ZA sy'n ymwneud â'r hawl i reoli o dan Bennod 1 o Ran 2 o'r Ddeddf honno. Trosglwyddir swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 20 a 20ZA, i'r graddau y maent yn arferadwy yng Nghymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2; *gweler* y cofnod yn Atodlen 1 i Ddeddf Landlord a Thenant 1985. *Gweler* hefyd adran 177 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(2) O.S. 2004/684 (Cy.72).

(1) 1985 c.70. Section 20 was substituted, and section 20ZA inserted, by section 151 of the Commonhold and Leasehold Reform Act 2002 (c.15). *See* also paragraph 4 of Schedule 7 to that Act for modifications relevant to sections 20 and 20ZA associated with the right to manage under Chapter 1 of Part 2 of that Act. The functions of the Secretary of State under sections 20 and 20ZA are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; *see* the entry in Schedule 1 for the Landlord and Tenant Act 1985. *See* also section 177 of the Commonhold and Leasehold Reform Act 2002.

(2) S.I. 2004/684 (W.72).

"(3A) Os yw landlord -

- (a) yn bwriadu ymrwymo i gytundeb hir-dymor cymwys ar neu ar ôl 31 Mai 2005; a
- (b) ar unrhyw bryd rhwng 31 Hydref 2003 a 31 Mai 2005, heb gwblhau cyfrifon sy'n berthnasol i daliadau gwasanaeth sy'n cyfeirio at gytundeb hir-dymor cymwys ac sy'n daladwy mewn cysylltiad â'r anheddau y mae'r cytundeb arfaethedig yn berthnasol iddynt,

y dyddiad perthnasol yw dyddiad cychwyn y cyfnod cyntaf y mae'r taliadau gwasanaeth sy'n cyfeirio at y cytundeb arfaethedig yn daladwy o dan delerau lesoedd yr anheddau hynny."

"(3A) Where a landlord -

- (a) intends to enter into a qualifying long term agreement on or after 31 May 2005; and
- (b) has not at any time between 31 October 2003 and 31 May 2005 made up accounts relating to service charges referable to a qualifying long term agreement and payable in respect of the dwellings to which the intended agreement is to relate,

the relevant date is the date on which begins the first period for which service charges referable to that intended agreement are payable under the terms of the leases of those dwellings."

Llofnodwyd ar ran y Cynulliad Cenedlaethol 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

(1) 1998 p.38.

(1) 1998 c.38.

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