



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2005 Rhif 2680 (Cy.186)**

**2005 No. 2680 (W.186)**

## **TAI, CYMRU**

## **HOUSING, WALES**

**Rheoliadau Tai (Hawl Cynnig  
Cyntaf) (Cymru) 2005**

**The Housing (Right of First  
Refusal) (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'n ofynnol i landlordiaid tenantiaid diogel sy'n prynu eu cartrefi o dan y cynllun Hawl i Brynu (y nodir ei delerau yn Rhan 5 o Ddeddf Tai 1985 ("Deddf 1985")), gan adran 156A o Ddeddf 1985 osod cyfamed mewn trawsgludiadau a lesiodd i'r perwyl, am gyfnod o ddeng mlynedd ar ôl i'r eiddo gael ei drosglwyddo i'r tenant o dan y cynllun Hawl i Brynu, na fydd gwaredu perthnasol nad yw'n waredu esempt (diffinnir y termau "relevant disposal" ac "exempted disposal" yn adrannau 159 a 160 o Ddeddf 1985 yn eu trefn), oni chafodd yr amodau rhagnodedig eu bodloni ("cyfamed hawl cynnig cyntaf"). Mae'r offeryn hwn yn cynnwys yr amodau rhagnodedig.

The landlords of secure tenants buying their homes under the Right to Buy scheme (the terms of which are contained in Part 5 of the Housing Act 1985 (the "1985 Act")), are required by section 156A of the 1985 Act to impose a covenant in conveyances and grants of leases to the effect that, for a period of ten years after the property is transferred to the tenant under the Right to Buy, there must be no relevant disposal which is not an exempted disposal (these terms are defined in sections 159 and 160 of the 1985 Act respectively), unless the prescribed conditions have been satisfied (a "right of first refusal covenant"). This instrument contains the prescribed conditions.

Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol bod perchenogion eiddo y mae'r cyfamed ynghlwm wrtho sy'n dymuno gwneud gwarediad perthnasol nad yw'n warediad esempt, yn gyntaf yn gorfod cynnig yr eiddo i'r landlord blaenorol i'w brynu, ei olynydd yn y teitl neu berson a enwebwyd ganddo. O ran eiddo lesddaliadol, rhaid cyflwyno'r hysbysiad i'r landlord blaenorol, neu'r landlord cyfredol o dan y les os nad ef yw'r landlord blaenorol (rheoliad 5). Os yw'r eiddo yn rhydd-ddaliadol, rhaid cyflwyno'r hysbysiad i'r landlord blaenorol os yw'r person hwnnw yn dal mewn bodolaeth, neu fel arall i'r awdurdod tai lleol ar gyfer yr ardal y lleolir yr eiddo ynnddi (rheoliad 4).

These Regulations require that the owners of properties bound by the covenant who wish to make a relevant disposal which is not an exempted disposal, must first offer the property for purchase by its former landlord, its successor in title or a person nominated by it. In relation to a leasehold property, the notice must be served upon the former landlord, or the current landlord under the lease if that is not the former landlord (regulation 5). If the property is freehold, the notice must be served upon the former landlord if that person is still in existence, otherwise upon the local housing authority for the area in which the property is situated (regulation 4).

Mae gan y sawl sy'n cael hysbysiad cynnig gyfnod o 8 wythnos naill ai i dderbyn y cynnig ei hunan, neu i enwebu person arall i dderbyn y cynnig (rheoliad 6). Os nad yw'r sawl sy'n cael hysbysiad cynnig yn dymuno derbyn y cynnig ei hunan, nac yn dymuno enwebu landlord cymdeithasol arall, yna rhaid iddo gyflwyno hysbysiad gwrthod i'r perchennog (rheoliad 7).

The recipient of an offer notice has a period of 8 weeks in which to either accept the offer itself, or to nominate another person to accept the offer (regulation 6). If a recipient of an offer notice wishes neither to accept an offer itself, nor to nominate another social landlord, then it must serve a rejection notice upon the owner (regulation 7).

Yr unig bersonau y gellir eu henwebu i dderbyn cynnig yw'r landlordiaid cymdeithasol a bennir yn rheoliad 8. Cyn y gellir enwebu landlord cymdeithasol, rhaid ei fod wedi cadarnhau'n ysgrifenedig ei fod yn dymuno derbyn y cynnig drwy enwebiad.

Os na fydd unrhyw landlord cymdeithasol yn derbyn y cynnig o fewn y terfyn amser o 8 wythnos, yna mae'r perchennog yn rhydd i waredu'r eiddo fel y gwêl y perchennog yn dda. Er hynny, os na fydd y perchennog wedi gwneud hynny o fewn 12 mis, ac yna y mae wedyn yn dymuno gwaredu'r eiddo, rhaid cyflwyno hysbysiad cynnig newydd (rheoliad 9).

Rhaid i'r landlord cymdeithasol ymrwymo i contract cyfrwymol i brynu'r eiddo naill ai o fewn 12 wythnos ar ôl derbyn y cynnig, neu o fewn 4 wythnos ar ôl derbyn hysbysiad ysgrifenedig oddi wrth y perchennog sy'n dweud bod y perchennog yn barod i gwblhau'r trafodiad, p'un bynnag yw'r hiraf. Os na chydymffurfir â'r terfyn amser, yna mae'r perchennog yn rhydd i waredu'r eiddo fel y gwêl y perchennog yn dda (rheoliad 10).

Mae'r Rheoliadau hyn hefyd yn gymwys i gyfamodau hawl cynnig cyntaf a osodwyd o ran eiddo a brynwyd gan denantiaid sicr o dan y cynllun Hawl i Brynu a Ddiogelwyd (gweler adrannau 171A-H o Ddeddf 1985), y cynllun Hawl i Gaffael (gweler adrannau 16 a 17 o Ddeddf Tai 1996), ac eiddo a werthwyd yn wirfoddol ar ddisgownt gan awdurdodau lleol (gweler adran 32 o Ddeddf 1985) a landlordiaid cymdeithasol cofrestredig (gweler adran 8 o Ddeddf Tai 1996). Mae eiddo a gaiff ei brynu o dan unrhyw un o'r cynlluniau hyn yn gyffredinol yn ddarostyngedig i gyfamod hawl cynnig cyntaf. Mae rheoliadau 16 a 17 yn cynnwys yr addasiadau angenrheidiol yn achos gwerthu eiddo a gaffaelwyd o ganlyniad i'r gwaredu gwirfoddol hwn. Wrth gymhwyso rheoliadau 16 a 17 caiff y termau "relevant disposal" ac "exempted disposal" eu diffinio yn Rhan 1 o Ddeddf 1985 ac adran 15 o Ddeddf Tai 1996 yn eu trefn.

The only persons who can be nominated to accept an offer are the social landlords specified in regulation 8. Before a social landlord can be nominated, they must have confirmed in writing that they wish to accept the offer by nomination.

If no social landlord accepts the offer within the 8 week time limit, then the owner is free to dispose of the property as the owner sees fit. However, if the owner has not done so within 12 months, and then subsequently wishes to dispose of the property, a fresh offer notice must be served (regulation 9).

The social landlord must enter into a binding contract for the purchase of the property within either 12 weeks of accepting the offer, or within 4 weeks of receipt of a written notice from the owner saying that the owner is ready to complete the transaction, whichever is longer. If this time limit is not complied with, then the owner is free to dispose of the property as the owner sees fit (regulation 10).

These Regulations also apply to right of first refusal covenants imposed in relation to properties bought by assured tenants under the Preserved Right to Buy scheme (see sections 171A-H of the 1985 Act), the Right to Acquire scheme (see sections 16 and 17 of the Housing Act 1996), and properties sold voluntarily at a discount by local authorities (see section 32 of the 1985 Act) and registered social landlords (see section 8 of the Housing Act 1996). Properties bought under any of these schemes are generally subject to a right of first refusal covenant. Regulations 16 and 17 contain the necessary modifications in the case of sales of property acquired as a result of these voluntary disposals. In applying regulations 16 and 17 the term relevant disposal and exempted disposal are defined in Part 1 of the 1985 Act and section 15 of the Housing Act 1996 respectively.

**2005 Rhif 2680 (Cy.186)****2005 No. 2680 (W.186)****TAI, CYMRU****HOUSING, WALES****Rheoliadau Tai (Hawl Cynnig  
Cyntaf) (Cymru) 2005****The Housing (Right of First  
Refusal) (Wales) Regulations 2005***Wedi'u gwneud* 27 Medi 2005*Made* 27 September 2005*Yn dod i rym* 28 Medi 2005*Coming into force* 28 September 2005

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 36A, 156A a 171C o Ddeddf Tai 1985(1), ac adrannau 12A a 17(2) i (5) o Ddeddf Tai 1996(2) 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 given to the Secretary of State by sections 36A, 156A and 171C of the Housing Act 1985(1), and sections 12A and 17(2) to (5) of the Housing Act 1996(2) which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales:

**Enwi, cychwyn, dehongli a chymhwyso****Title, commencement, interpretation and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai (Hawl Cynnig Cyntaf) (Cymru) 2005 a deuant i rym ar 28 Medi 2005.

1.-(1) The title of these Regulations is the Housing (Right of First Refusal) (Wales) Regulations 2005 and they come into force on 28 September 2005.

(2) Yn y Rheoliadau hyn—

(2) In these Regulations—

ystyr "awdurdod tai lleol" ("*local housing authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

"the 1985 Act" ("*Deddf 1985*") means the Housing Act 1985;

ystyr "Deddf 1985" ("*the 1985 Act*") yw Deddf Tai 1985;

"acceptance notice" ("*hysbysiad derbyn*") means a notice which complies with the requirements of regulation 12(2);

(1) 1985 p.68. Mewnosodwyd adran 36A gan adran 197 o Ddeddf Tai 2004 (p.34) a mewnosodwyd adran 156A gan adran 188 o'r Ddeddf honno. Mewnosodwyd adran 171C gan adran 8(1), (3) o Ddeddf Tai a Chynllunio 1986 (p.63) ac fe'i diwygiwyd gan adran 127(2), (3) o Ddeddf Tai 1988 (p.50), a chan baragraff 19 o Atodlen 21 i Ddeddf Diwygio Lesddaliad, Tai a Datblygu Trefol 1993 (p.28), ac a ddiddymwyd yn rhannol gan Atodlen 22 i Ddeddf 1993. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 171C, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 36A a 156A yn arferadwy gan Gynulliad Cenedlaethol Cymru o ran Cymru yn rhinwedd adran 267 o Ddeddf Tai 2004 ac O.S. 1999/672.

(1) 1985 c.68. Section 36A was inserted by section 197 of the Housing Act 2004 (c.34) and section 156A was inserted by section 188 of that Act. Section 171C was inserted by section 8(1), (3) of the Housing and Planning Act 1986 (c.63) and was amended by section 127(2), (3) of the Housing Act 1988 (c.50), and by paragraph 19 of Schedule 21 to the Leasehold Reform, Housing and Urban Development Act 1993 (c.28), and partly repealed by Schedule 22 to the 1993 Act. The Secretary of State's functions under section 171C, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The Secretary of State's functions under sections 36A and 156A are exercisable by the National Assembly for Wales in relation to Wales by virtue of section 267 of the Housing Act 2004 and S.I. 1999/672.

(2) 1996 p.52. Mewnosodwyd adran 12A gan adran 200 o Ddeddf Tai 2004. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 17(2)-(5), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1. Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adran 12A yn arferadwy gan Gynulliad Cenedlaethol Cymru, o ran Cymru, yn rhinwedd adran 267 o Ddeddf Tai 2004 ac O.S. 1999/672.

(2) 1996 c.52. Section 12A was inserted by section 200 of the Housing Act 2004. The Secretary of State's functions under section 17(2)-(5), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The Secretary of State's functions under section 12A are exercisable by the National Assembly for Wales, in relation to Wales, by virtue of section 267 of the Housing Act 2004 and S.I. 1999/672.

ystyr "eiddo" ("*property*") yw eiddo sy'n ddarostyngedig i gyfamod hawl cynnig cyntaf a osodwyd o dan adran 156A o Ddeddf 1985;

ystyr "hysbysiad cynnig" ("*offer notice*") yw hysbysiad sy'n cydymffurfio â gofynion rheoliad 12(1);

ystyr "hysbysiad derbyn" ("*acceptance notice*") yw hysbysiad sy'n cydymffurfio â gofynion rheoliad 12(2);

ystyr "hysbysiad gwrthod" ("*rejection notice*") yw hysbysiad sy'n cydymffurfio â gofynion rheoliad 12(3);

ystyr "landlord blaenorol" ("*former landlord*") yw'r landlord a waredodd yr eiddo o dan Ran 5 o Ddeddf 1985; ac

ystyr "perchennog" ("*owner*") yw'r person sydd yn berchennog rhydd-ddaliadol neu lesddaliadol eiddo ac a gyfrwymwyd gan gyfamod hawl cynnig cyntaf a osodwyd o dan adran 156A o Ddeddf 1985.

(3) Mae'r Rheoliadau hyn yn gymwys os gosodwyd cyfamod hawl cynnig cyntaf mewn perthynas â thŷ annedd a leolir yng Nghymru.

### **Darpariaethau gweithredol ar gyfer eiddo lesddaliadol a rhydd-ddaliadol**

2.-(1) Mae'r Rheoliadau hyn yn gymwys pan fydd gwarediad perthnasol, heblaw gwarediad esempt, o fuddiant y perchennog yn yr eiddo.

(2) Os bydd gan y perchennog fuddiant lesddaliadol rhaid i'r perchennog gydymffurfio â gofynion rheoliad 3.

(3) Os bydd gan y perchennog fuddiant rhydd—ddaliadol rhaid i'r perchennog gydymffurfio â gofynion rheoliad 4.

### **Cyflwyno hysbysiad cynnig - eiddo lesddaliadol**

3. Rhaid i'r perchennog gyflwyno hysbysiad cynnig—

- (a) i'r landlord blaenorol, os yw'n dal i fod yn landlord; neu
- (b) os nad yw'r landlord blaenorol yn dal i fod yn landlord, i'r person y breinir y buddiant mewn rifiersiwn ynddo ar hyn o bryd.

### **Cyflwyno hysbysiad cynnig - eiddo rhydd-ddaliadol**

4. Rhaid i'r perchennog gyflwyno hysbysiad cynnig—

- (a) i'r landlord blaenorol (os yw'r person hwnnw yn dal mewn bodolaeth); neu
- (b) os nad yw'r landlord blaenorol yn dal mewn bodolaeth, i'r awdurdod tai lleol ar gyfer yr ardal y lleolir yr eiddo ynddi.

"former landlord" ("*landlord blaenorol*") means the landlord which disposed of the property under Part 5 of the 1985 Act;

"local housing authority" ("*awdurdod tai lleol*") means a county council or county borough council in Wales;

"offer notice" ("*hysbysiad cynnig*") means a notice which complies with the requirements of regulation 12(1);

"owner" ("*perchennog*") means the person who is the freehold or leasehold owner of a property and who is bound by a right of first refusal covenant imposed under section 156A of the 1985 Act;

"property" ("*eiddo*") means a property which is subject to a right of first refusal covenant imposed under section 156A of the 1985 Act; and

"rejection notice" ("*hysbysiad gwrthod*") means a notice which complies with the requirements of regulation 12(3).

(3) These Regulations apply where a right of first refusal covenant has been imposed in relation to a dwelling-house situated in Wales.

### **Operative provisions for leasehold and freehold properties**

2.-(1) These Regulations apply where there is to be a relevant disposal, other than an exempted disposal, of the owner's interest in the property.

(2) Where the owner has a leasehold interest the owner must comply with the requirements of regulation 3.

(3) Where the owner has a freehold interest the owner must comply with the requirements of regulation 4.

### **Service of offer notice - leasehold property**

3. The owner must serve an offer notice on—

- (a) the former landlord, if it is still the landlord; or
- (b) if the former landlord is not still the landlord, the person in which the reversionary interest is currently vested.

### **Service of offer notice - freehold property**

4. The owner must serve an offer notice on—

- (a) the former landlord (if that person is still in existence); or
- (b) if the former landlord is not still in existence, the local housing authority for the area in which the property is situated.

### **Cydnabod cael hysbysiad cynnig**

5.-(1) Rhaid i'r sawl sy'n cael hysbysiad cynnig o dan naill ai reoliad 3 neu 4 anfon cydnabyddiaeth at y perchennog ei fod wedi ei gael cyn gynted ag y bo'n rhesymol ymarferol.

(2) Rhaid i'r gydnabyddiaeth ei fod wedi cael yr hysbysiad—

- (a) pennu'r dyddiad y cafwyd yr hysbysiad cynnig; a
- (b) esbonio effaith rheoliadau 6 i 10, mewn termau syml.

### **Hysbysiadau derbyn**

6.-(1) Os bydd y sawl sy'n cael hysbysiad cynnig yn dymuno derbyn y cynnig, rhaid iddo wneud hynny o fewn y cyfnod o 8 wythnos sy'n dechrau ar y dyddiad y cafwyd yr hysbysiad.

(2) Os derbynnir cynnig rhaid gwneud hynny drwy hysbysiad derbyn, ac ynddo rhaid i'r sawl sy'n cael yr hysbysiad cynnig naill ai—

- (a) derbyn y cynnig ei hunan; neu
- (b) enwebu person arall i dderbyn y cynnig yn unol â rheoliad 8.

(3) Nid yw cyflwyno hysbysiad derbyn gan unrhyw berson sydd â'r hawl i wneud hynny yn rhoi unrhyw hawl i berchennog yr eiddo i'w gwneud yn ofynnol i'r person hwnnw brynu'r eiddo oni fydd ac hyd nes y bydd y person hwnnw'n ymrwymo i gcontract cyfrwymol i werthu yn unol â rheoliad 10.

### **Hysbysiadau gwrthod**

7.-(1) Rhaid i'r sawl sy'n cael hysbysiad cynnig gyflwyno hysbysiad gwrthod cyn gynted â'i fod wedi penderfynu nad yw'n dymuno naill ai—

- (a) derbyn y cynnig ei hunan; neu
- (b) enwebu person arall i dderbyn y cynnig yn unol â rheoliad 8.

(2) Rhaid cyflwyno'r hysbysiad gwrthod o fewn 8 wythnos ar ôl y dyddiad y cafwyd yr hysbysiad cynnig.

### **Enwebu person arall i dderbyn cynnig**

8.-(1) Caiff y sawl sy'n cael hysbysiad cynnig enwebu person arall i dderbyn y cynnig.

(2) Yr unig bersonau y gellir eu henwebu i dderbyn cynnig yw'r personau hynny sydd naill ai—

- (a) wedi'u cofrestru'n landlord cymdeithasol o dan Ran 1 o Ddeddf Tai 1996; neu

### **Acknowledgement of receipt of offer notice**

5.-(1) The recipient of an offer notice under either regulation 3 or 4 must send an acknowledgement of receipt to the owner as soon as reasonably practicable.

(2) The acknowledgement of receipt must—

- (a) specify the date of receipt of the offer notice; and
- (b) explain the effect of regulations 6 to 10, in simple terms.

### **Acceptance notices**

6.-(1) Where the recipient of an offer notice wishes to accept the offer, it must do so within the period of 8 weeks beginning with the date of receipt of the notice.

(2) Acceptance of an offer must be by acceptance notice, in which the recipient of the offer notice must either—

- (a) itself accept the offer; or
- (b) nominate another person to accept the offer in accordance with regulation 8.

(3) The service of an acceptance notice by any person entitled to do so does not confer any right on the owner of the property to require that person to purchase the property unless and until that person enters into a binding contract for sale in accordance with regulation 10.

### **Rejection notices**

7.-(1) The recipient of an offer notice must serve a rejection notice as soon as it has decided that it does not wish to either—

- (a) accept the offer itself; or
- (b) nominate another person to accept the offer in accordance with regulation 8.

(2) The rejection notice must be served within 8 weeks from the date of receipt of the offer notice.

### **Nomination of another person to accept an offer**

8.-(1) The recipient of an offer notice may nominate another person to accept the offer.

(2) The only persons who can be nominated to accept an offer are those who either—

- (a) are registered as a social landlord under Part 1 of the Housing Act 1996; or

(b) yn cyflawni'r amod landlord yn adran 80(1) o Ddeddf 1985.

(3) Cyn y gellir enwebu person i dderbyn cynnig penodol, rhaid bod y person hwnnw wedi dangos yn ddiamwys yn ysgrifenedig i'r sawl sy'n cael hysbysiad cynnig ei fod yn dymuno cael ei enwebu i dderbyn y cynnig.

(4) At ddibenion y rheoliad hwn, mae'r ymadrodd "yn ysgrifenedig" yn cynnwys dogfen a drosglwyddwyd gan ffacs neu fodd electronig arall.

### **Gwaredu eiddo a gofyniad am hysbysiad cynnig pellach**

9.-(1) Os bydd perchennog wedi cyflwyno hysbysiad cynnig a bod y sawl sy'n ei gael—

(a) heb gyflwyno naill ai hysbysiad derbyn neu hysbysiad gwrthod o fewn 8 wythnos ar ôl y dyddiad y cafwyd yr hysbysiad cynnig; neu

(b) wedi cyflwyno hysbysiad gwrthod,

yna, yn ddarostyngedig i baragraff (2), caiff y perchennog waredu'r eiddo fel y gwêl y perchennog yn dda; ac fydd y Rheoliadau hyn yn gymwys i unrhyw warediad o'r eiddo ar ôl hynny gan y perchennog.

(2) Os bydd y perchennog, ar ôl i'r cyfnod o 12 mis ddod i ben, fel y penderfynwyd yn unol â pharagraffau (3) neu (4) fel y bo'n briodol, yn cadw'r buddiant yn yr eiddo, bydd y Rheoliadau hyn yn gymwys os bydd gwarediad o'r math a ddisgrifir yn rheoliad 2(1).

(3) Yn yr amgylchiadau y cyfeirir atynt ym mharagraff (1)(a), mae'r cyfnod o 12 mis yn dechrau drannoeth y diwrnod pan ddaw'r cyfnod o 8 wythnos i ben.

(4) Yn yr amgylchiadau y cyfeirir atynt ym mharagraff (1)(b), mae'r cyfnod o 12 mis yn dechrau drannoeth y diwrnod pan gyflwynwyd yr hysbysiad gwrthod.

### **Terfyn amser ar gyfer cwblhau'r pryniant**

10.-(1) Rhaid i berson sy'n derbyn cynnig, ymrwymo i gontract cyfrwymol gyda'r perchennog er mwyn prynu'r eiddo—

(a) dim hwyrach na 12 wythnos ar ôl y dyddiad y cyflwynwyd yr hysbysiad derbyn i'r perchennog; neu

(b) dim hwyrach na 4 wythnos ar ôl y dyddiad y cafwyd hysbysiad ysgrifenedig oddi wrth y perchennog fod y perchennog yn barod i gwblhau;

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(1) Diwygiwyd adran 80 gan baragraff 26 o Atodlen 5 i Ddeddf Tai a Chynllunio 1986, adrannau 83(2) a 140 o Ddeddf Tai 1988 ac Atodlen 18 iddi, adrannau 140 a 152 o Ddeddf Llywodraeth Cymru 1998 ac Atodlenni 16 a 18 iddi, ac O.S. 1996/2325.

(b) fulfil the landlord condition in section 80(1) of the 1985 Act.

(3) Before a person can be nominated to accept a particular offer, that person must have given an unequivocal indication in writing to the recipient of the offer notice that it wishes to be nominated to accept the offer.

(4) For the purposes of this regulation, "in writing" includes a document transmitted by facsimile or other electronic means.

### **Disposal of property and requirement for further offer notice**

9.-(1) Where an owner has served an offer notice and the recipient—

(a) has not served either an acceptance notice or a rejection notice within 8 weeks from the date of receipt of the offer notice; or

(b) has served a rejection notice,

then, subject to paragraph (2), the owner may dispose of the property as the owner sees fit; and these Regulations will not apply to any subsequent disposal of the property by the owner.

(2) If after the expiry of the period of 12 months, as determined in accordance with paragraphs (3) or (4) as appropriate, the owner retains the interest in the property, these Regulations apply if there is to be a disposal of a kind described in regulation 2(1).

(3) In the circumstances referred to in paragraph (1)(a), the 12 month period begins the day after the expiry of the 8 week period.

(4) In the circumstances referred to in paragraph (1)(b), the 12 month period begins the day after that on which the rejection notice is served.

### **Time limit for completion of purchase**

10.-(1) A person who accepts an offer must enter into a binding contract with the owner for the purchase of the property—

(a) not later than 12 weeks after the date on which the acceptance notice is served on the owner; or

(b) not later than 4 weeks after the date of receipt of written notification from the owner that the owner is ready to complete;

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(1) Section 80 was amended by paragraph 26 of Schedule 5 to the Housing and Planning Act 1986, sections 83(2) and 140 of, and Schedule 18 to, the Housing Act 1988, sections 140 and 152 of, and Schedules 16 and 18 to, the Government of Wales Act 1998, and S.I. 1996/2325.

p'un bynnag yw'r diweddaraf.

(2) Os na chydymffurfir â'r terfyn amser ym mharagraff (1), yna mae'r perchennog yn rhydd i waredu'r eiddo fel y gwêl y perchennog yn dda; ac ni fydd y Rheoliadau hyn yn gymwys i unrhyw warediad o'r eiddo ar ôl hynny gan y perchennog.

(3) Os bydd y naill barti neu'r llall neu'r ddau yn gofyn i'r Prisiwr Dosbarth benderfynu gwerth yr eiddo yn unol ag adran 158 o Ddeddf 1985, eithrir o'r cyfnod cyfrifo ym mharagraff (1) yr amser o'r dyddiad y cafwyd y cais gan y Prisiwr Dosbarth hyd at y dyddiad yr hysbysir y gwerth a benderfynir i'r partïon.

### Cyfrifo amser

11. Wrth gyfrifo cyfnod at unrhyw ddiben yn y Rheoliadau hyn, gyda'r eithriad o'r cyfnod o 12 mis yn rheoliad 9, ni chynhwysir dydd Nadolig, dydd Gwener y Groglith, neu ddiwrnod sy'n wyl y banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971(1).

### Cynnwys hysbysiadau

12.-(1) Rhaid i hysbysiad cynnig—

- (a) bod yn ysgrifenedig;
- (b) datgan bod y perchennog yn dymuno gwaredu'r eiddo, gan roi ei gyfeiriad post llawn;
- (c) datgan bod yna gyfamod sy'n ei gwneud yn ofynnol i'r perchennog gynnig yr eiddo yn gyntaf i'r sawl sy'n cael yr hysbysiad;
- (ch) o ran yr eiddo y mae'r hysbysiad yn ymwneud ag ef—
  - (i) pennu a ydyw'r eiddo yn dŷ, yn fflat neu'n rhandy;
  - (ii) pennu nifer yr ystafelloedd gwely;
  - (iii) rhoi manylion y system wresogi;
  - (iv) pennu unrhyw welliannau neu newidiadau strwythurol a wnaed ers y pryniant; a
- (d) datgan y cyfeiriad lle gall y sawl sy'n cael yr hysbysiad gyflwyno hysbysiadau i'r perchennog.

(2) Rhaid i hysbysiad derbyn—

- (a) bod yn ysgrifenedig;
- (b) dangos yn eglur a yw'r person sy'n rhoi'r hysbysiad—
  - (i) yn derbyn y cynnig; neu
  - (ii) yn enwebu person arall i dderbyn y cynnig; ac
- (c) rhoi cyfeiriad post llawn a rhif ffôn unrhyw enwebai.

(3) Rhaid i hysbysiad gwrthod—

whichever is later.

(2) If the time limit in paragraph (1) is not complied with, the owner may dispose of the property as the owner sees fit; and these Regulations will not apply to any subsequent disposal of the property by the owner.

(3) If either or both of the parties request that the District Valuer determine the value of the property in accordance with section 158 of the 1985 Act, the time from the date that the request is received by the District Valuer until the date that the determined value is notified to the parties is excluded from the calculation of the period in paragraph (1).

### Computation of time

11. In calculating a period for any purpose of these Regulations, with the exception of the 12 month period in regulation 9, Christmas Day, Good Friday, or a day which under the Banking and Financial Dealings Act 1971(1) is a bank holiday, are excluded.

### Contents of notices

12.-(1) An offer notice must—

- (a) be in writing;
- (b) state that the owner wishes to dispose of the property, giving its full postal address;
- (c) state that there is a covenant requiring the owner to first offer the property to the recipient of the notice;
- (d) in relation to the property to which the notice relates—
  - (i) specify whether the property is a house, a flat or a maisonette;
  - (ii) specify the number of bedrooms;
  - (iii) give details of the heating system;
  - (iv) specify any improvements or structural changes which have been made since the purchase; and
- (e) state the address at which the recipient can serve notices upon the owner.

(2) An acceptance notice must—

- (a) be in writing;
- (b) indicate clearly whether the person giving the notice is—
  - (i) accepting the offer; or
  - (ii) nominating another person to accept the offer; and
- (c) provide the full postal address and telephone number of any nominee.

(3) A rejection notice must—

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(1) 1971 p.80.

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(1) 1971 c.80.

- (a) bod yn ysgrifenedig; a
- (b) datgan bod y person yn gwrthod y cynnig i brynu'r eiddo.

### Cyflwyno hysbysiadau

13. Ceir cyflwyno hysbysiadau o dan y Rheoliadau hyn naill ai drwy draddodi personol, neu drwy'r post.

### Gwaredu eiddo a gaffaelwyd o dan hawl i brynu a gadwyd

14. Gan eithrio rheoliadau 15 i 17, bydd y Rheoliadau hyn hefyd yn gymwys os bydd gwarediad perthnasol, heblaw gwarediad esempt, o fuddiant perchennog mewn eiddo a gaffaelwyd wrth arfer yr hawl a roddwyd gan adran 171A(1) o Ddeddf 1985.

### Gwaredu eiddo a gaffaelwyd o dan hawl i gaffael

15. Gan eithrio rheoliadau 14, 16 a 17 bydd y Rheoliadau hyn hefyd yn gymwys os bydd gwarediad perthnasol, heblaw gwarediad esempt, o fuddiant perchennog mewn eiddo a gaffaelwyd wrth arfer yr hawl a roddwyd gan adran 16 o Ddeddf Tai 1996(2).

### Gwaredu eiddo a gaffaelwyd drwy waredu gwirfoddol ar ddisgownt gan awdurdod lleol

16.-(1) Gan eithrio rheoliadau 14, 15, a 17, bydd y Rheoliadau hyn hefyd yn gymwys os bydd gwarediad perthnasol, heblaw gwarediad esempt, o fuddiant perchennog mewn eiddo a gaffaelwyd ar ddisgownt oddi wrth awdurdod lleol a ddefnyddiodd ei bŵer i waredu tir yn adran 32(3) o Ddeddf 1985, yn ddarostyngedig i'r addasiadau canlynol.

(2) Yn rheoliad 1—

- (a) yn lle'r diffiniad o "landlord blaenorol" rhodder—

"ystyr "perchennog blaenorol" ("*former owner*") yw'r awdurdod lleol a waredodd yr eiddo o dan adran 32 o Ddeddf 1985";

- (b) yn lle'r diffiniad o "perchennog" rhodder—

"ystyr "perchennog" ("*owner*") yw'r person sydd yn berchennog rhydd-ddaliadol neu lesddaliadol yr eiddo ac sy'n gyfrwymol i gyfamod hawl cynnig cyntaf a osodwyd o dan adran 36A o Ddeddf 1985"; ac

- (a) be in writing; and
- (b) state that the person is rejecting the offer to purchase the property.

### Service of notices

13. Notices under these Regulations may be served either by personal delivery, or by post.

### Disposal of property acquired under preserved right to buy

14. With the exception of regulations 15 to 17, these Regulations also apply if there is to be a relevant disposal, other than an exempted disposal, of the owner's interest in a property acquired in exercise of the right conferred by section 171A(1) of the 1985 Act.

### Disposal of property acquired under right to acquire

15. With the exception of regulations 14, 16 and 17 these Regulations also apply if there is to be a relevant disposal, other than an exempted disposal, of the owner's interest in a property acquired in exercise of the right conferred by section 16 of the Housing Act 1996(2).

### Disposal of property acquired on voluntary disposal at a discount by local authority

16.-(1) With the exception of regulations 14, 15, and 17, these Regulations also apply if there is to be a relevant disposal, other than an exempted disposal, of the owner's interest in a property acquired at a discount from a local authority using its power to dispose of land in section 32(3) of the 1985 Act, subject to the following modifications.

(2) In regulation 1—

- (a) for the definition of "former landlord" substitute—

""former owner" ("*perchennog blaenorol*") means the local authority which disposed of the property under section 32 of the 1985 Act";

- (b) for the definition of "owner" substitute—

""owner" ("*perchennog*") means the person who is the freehold or leasehold owner of the property and who is bound by a right of first refusal covenant imposed under section 36A of the 1985 Act"; and

(1) Mewnosodwyd adran 171A gan adran 8(1), (3) o Ddeddf Tai a Chynllunio 1986.

(2) Diwygiwyd adran 16 gan adran 140 o Ddeddf Llywodraeth Cymru 1998 ac Atodlen 16 iddi, adran 406(1) o Ddeddf Cyfathrebu 2003 (p.21) ac Atodlen 17 iddi ac adran 202(1), (2) o Ddeddf Tai 2004.

(3) Diwygiwyd adran 32 gan O.S. 1997/74.

(1) Section 171A was inserted by section 8(1), (3) of the Housing and Planning Act 1986.

(2) Section 16 was amended by section 140 of and Schedule 16 to the Government of Wales Act 1998, section 406(1) of and Schedule 17 to the Communications Act 2003 (c.21) and section 202(1), (2) of the Housing Act 2004.

(3) Section 32 was amended by S.I. 1997/74.



(c) yn lle'r diffiniad o "eiddo" rhodder—

"ystyr "eiddo" ("*property*") yw eiddo sy'n ddarostyngedig i gyfamod hawl cynnig cyntaf a osodwyd o dan adran 36A o Ddeddf 1985".

(3) Yn rheoliad 10(3), yn lle "adran 158" rhodder "adran 36B(1)".

(4) Ble bynnag y mae'r ymadrodd "landlord blaenorol" yn digwydd rhodder "perchennog blaenorol".

### **Gwaredu eiddo a gaffaelwyd drwy waredu gwirfoddol ar ddisgownt gan landlord cymdeithasol cofrestredig**

17.-(1) Gan eithrio rheoliadau 14 i 16, bydd y Rheoliadau hyn hefyd yn gymwys os bydd gwarediad perthnasol, heblaw gwarediad esempt, o fuddiant perchennog mewn eiddo a gaffaelwyd ar ddisgownt oddi wrth landlord cymdeithasol cofrestredig a ddefnyddiodd ei bŵer i waredu tir yn adran 9(2) o Ddeddf Tai 1996, yn ddarostyngedig i'r addasiadau canlynol.

(2) Yn rheoliad 1—

(a) yn lle'r diffiniad o "landlord blaenorol" rhodder—

"ystyr "perchennog blaenorol" ("*former owner*") yw'r landlord cymdeithasol cofrestredig a waredodd yr eiddo o dan adran 9 o Ddeddf Tai 1996";

(b) yn lle'r diffiniad o "perchennog" rhodder—

"ystyr "perchennog" ("*owner*") yw'r person sydd yn berchennog rhydd-ddaliadol neu lesddaliadol yr eiddo ac sy'n gyfrwymol i gyfamod hawl cynnig cyntaf a osodwyd o dan adran 12A o Ddeddf Tai 1996"; ac

(c) yn lle'r diffiniad o "eiddo" rhodder—

"ystyr "eiddo" ("*property*") yw eiddo sy'n ddarostyngedig i gyfamod hawl cynnig cyntaf a osodwyd o dan adran 12A o Ddeddf Tai 1996"

(3) Yn rheoliad 10(3), yn lle "adran 158 o Ddeddf 1985" rhodder "adran 12B(3) o Ddeddf Tai 1996".

(4) Ble bynnag y mae'r ymadrodd "landlord blaenorol" yn digwydd rhodder "perchennog blaenorol".

(c) for the definition of "property" substitute—

""property" ("*eiddo*") means a property which is subject to a right of first refusal covenant imposed under section 36A of the 1985 Act".

(3) In regulation 10(3), for "section 158" substitute "section 36B(1)".

(4) For all occurrences of the term "former landlord" substitute "former owner".

### **Disposal of property acquired on voluntary disposal at a discount by registered social landlord**

17.-(1) With the exception of regulations 14 to 16, these Regulations also apply if there is to be a relevant disposal, other than an exempted disposal, of the owner's interest in a property acquired at a discount from a registered social landlord using its power to dispose of land in section 9(2) of the Housing Act 1996, subject to the following modifications.

(2) In regulation 1—

(a) for the definition of "former landlord" substitute—

""former owner" ("*perchennog blaenorol*") means the registered social landlord which disposed of the property under section 9 of the Housing Act 1996";

(b) for the definition of "owner" substitute—

""owner" ("*perchennog*") means the person who is the freehold or leasehold owner of the property and who is bound by a right of first refusal covenant imposed under section 12A of the Housing Act 1996"; and

(c) for the definition of "property" substitute—

""property" ("*eiddo*") means a property which is subject to a right of first refusal covenant imposed under section 12A of the Housing Act 1996".

(3) In regulation 10(3), for "section 158 of the 1985 Act" substitute "section 12B(3) of the Housing Act 1996".

(4) For all occurrences of the term "former landlord" substitute "former owner".

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(1) Mewnosodwyd adran 36B gan adran 197 o Ddeddf Tai 2004.

(2) Diwygiwyd adran 9 gan adrannau 140 a 152 o Ddeddf Llywodraeth Cymru 1998 ac Atodlenni 16 ac 18 iddi.

(3) Mewnosodwyd adran 12B gan adran 200 o Ddeddf Tai 2004.

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(1) Section 36B was inserted by section 197 of the Housing Act 2004.

(2) Section 9 was amended by sections 140 and 152 of, and Schedules 16 and 18 to, the Government of Wales Act 1998.

(3) Section 12B was inserted by section 200 of the Housing Act 2004.

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)

27 Medi 2005

27 September 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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OFFERYNNAU STATUDOL

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**2005 Rhif 2680 (Cy.186)**

**TAI, CYMRU**

Rheoliadau Tai (Hawl Cynnig  
Cyntaf) (Cymru) 2005

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STATUTORY INSTRUMENTS

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**2005 No. 2680 (W.186)**

**HOUSING, WALES**

The Housing (Right of First  
Refusal) (Wales) Regulations 2005

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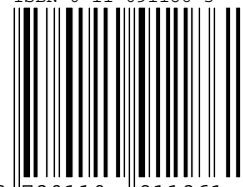
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