



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 2681 (Cy.187)

2005 No. 2681 (W.187)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Tai (Hawl i Brynu)
(Gwybodaeth i Denantiaid Diogel)
(Cymru) 2005**

**The Housing (Right to Buy)
(Information to Secure Tenants)
(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 Rhan 5 o Ddeddf Tai 1985 ("y Ddeddf") yn rhoi i denantiaid diogel landlordiaid penodol hawl i brynu eu cartrefi, yn ddarostyngedig i eithriadau penodedig. Mae adran 189 o Ddeddf Tai 2004 yn mewnosod adrannau 121AA a 121B newydd yn Rhan 5 o'r Ddeddf, gan ddisodli'r ddyletswydd yn adran 104(1)(b) o'r Ddeddf sy'n ymwneud â landlordiaid yn darparu gwybodaeth mewn cysylltiad â'r hawl i brynu. O dan yr adrannau newydd hyn rhaid i landlord tenantiaid diogel yn awr roi i'r tenantiaid hynny ddogfen sy'n cynnwys gwybodaeth ar y materion (ac yn gyfyngedig i'r materion hynny) a bennir gan Gynulliad Cenedlaethol Cymru mewn gorchymyn. Caiff landlordiaid ddarparu gwybodaeth yn y ffurf y maent yn ystyried ei bod yn briodol, cyhyd â'i bod yn cwmpasu'r materion penodedig. Rhaid bod y ddogfen ar gael ym mhrif swyddfeydd y landlord ac mewn lleoedd eraill y mae'n ystyried sydd yn briodol, a rhaid rhoi copi o fersiwn gyfredol y ddogfen yn ddi-dâl i unrhyw berson sy'n gofyn amdani.

Mae erthygl 3 yn darparu bod y materion a nodir yn yr Atodlen yn cael eu pennu fel y rhai y mae'n rhaid darparu gwybodaeth amdanynt. Mae erthygl 4 yn pennu pryd y mae'n rhaid cyhoeddi'r ddogfen. Mae erthygl 5 yn rhoi manylion pryd y mae'n rhaid rhoi'r ddogfen i denantiaid diogel. Mae'n rhaid anfon y ddogfen at y tenantiaid cyn gynted ag y bo'n ymarferol ar ôl ei chyhoeddi gyntaf, pryd bynnag y diwygir hi, a beth bynnag o leiaf unwaith bob pum mlynedd. Rhaid rhoi copi o'r ddogfen i bob tenant newydd ar yr adeg y llofnodir y denantiaeth.

Part 5 of the Housing Act 1985 ("the Act") confers on the secure tenants of certain landlords a right to buy their homes, subject to specific exceptions. Section 189 of the Housing Act 2004 inserts new sections 121AA and 121B in Part 5 of the Act, replacing the duty in section 104(1)(b) of the Act regarding provision by landlords of information in connection with the right to buy. Under these new sections a landlord of secure tenants must now supply those tenants with a document containing information on the matters (and restricted to those matters) specified by the National Assembly for Wales in an order. Landlords may provide information in the form that they consider appropriate, so long as it covers the specified matters. The document must be available at the landlord's principal offices and at such other places it considers appropriate, and a copy of the current version of the document must be supplied free of charge to any person requesting it.

Article 3 provides that the matters set out in the Schedule are specified as those on which information must be provided. Article 4 specifies when the document must be published. Article 5 gives details of when the document must be supplied to secure tenants. Tenants must be sent the document as soon as practicable after it is first published, whenever it is revised, and in any case at least once in every five years. Each new tenant must be given a copy of the document at the time of signing the tenancy.

Mae adrannau 121AA a 121B o'r Ddeddf yn cyfeirio'n unig at denantiaid diogel sy'n arfer yr hawl i brynu neu'r hawl i gaffael ar delerau rhentu i forgeisio. Ni phennir yr wybodaeth ar yr hawl i gaffael ar delerau rhentu i forgeisio oherwydd bod adran 190 o Ddeddf Tai 2004 yn darparu nad yw'n bosibl ar ôl 18 Gorffennaf 2005 i arfer yr hawl honno. Bydd ceisiadau a wnaed cyn y dyddiad hwnnw yn parhau i fod yn ddilys.

Drwy adran 171C(1) o'r Ddeddf ac adran 17(2) o Ddeddf Tai 1996, mae Rhan 5 o'r Ddeddf yn gymwys hefyd i'r tenantiaid hynny sydd â'r hawl i brynu a ddiogelwyd neu'r hawl i gaffael. Yn unol â hynny, mae adrannau 121AA a 121B, a'r Gorchymyn hwn hefyd yn gymwys i'r tenantiaid hynny.

Sections 121AA and 121B of the Act refer only to secure tenants exercising the right to buy or the right to acquire on rent to mortgage terms. Information on the right to acquire on rent to mortgage terms is not specified because section 190 of the Housing Act 2004 provides that from 18 July 2005 it is no longer possible to exercise that right. Applications made before that date continue to be valid.

By section 171C(1) of the Act and section 17(2) of the Housing Act 1996, Part 5 of the Act applies also to those tenants who have the preserved right to buy or the right to acquire. Accordingly sections 121AA and 121B, and this Order also apply to those tenants.

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TAI, CYMRU

HOUSING, WALES

Gorchymyn Tai (Hawl i Brynu)
(Gwybodaeth i Denantiaid Diogel)
(Cymru) 2005The Housing (Right to Buy)
(Information to Secure Tenants)
(Wales) Order 2005*Wedi'i wneud* 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 Gorchymyn canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 121AA a 121B o Ddeddf Tai 1985(1) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru(2):

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by sections 121AA and 121B of the Housing Act 1985(1) which are now vested in the National Assembly for Wales in so far as exercisable in relation to Wales(2):

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

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Hawl i Brynu) (Gwybodaeth i Denantiaid Diogel) (Cymru) 2005 a daw i rym ar 28 Medi 2005.

1.-(1) The title of this Order is the Housing (Right to Buy) (Information to Secure Tenants) (Wales) Order 2005 and it comes into force on 28 September 2005.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

Dehongli**Interpretation**

2. Yn y Gorchymyn hwn—

2. In this Order—

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

"the Act" ("*y Ddeddf*") means the Housing Act 1985;

ystyr "y ddogfen" ("*the document*") yw'r ddogfen a baratowyd gan landlord yn unol ag adran 121AA o'r Ddeddf;

"the document" ("*y ddogfen*") means the document prepared by a landlord in accordance with section 121AA of the Act;

ystyr "landlord" ("*landlord*") yw corff sy'n gosod tai annedd o dan denantiaethau diogel.

"landlord" ("*landlord*") means a body which lets dwelling-houses under secure tenancies.

(1) 1985 p.68. Mewnosodwyd adrannau 121AA a 121B gan adran 189 o Ddeddf Tai 2004 (p.34). Drwy adran 270(3) o'r Ddeddf honno daeth adran 189 i rym ar 18 Ionawr 2005. Drwy adran 267 o Ddeddf Tai 2004 mae cyfeiriadau at Ddeddf Tai 1985 i'w trin fel cyfeiriadau at y Ddeddf honno fel y'i diwygiwyd yn rhinwedd Deddf Tai 2004.

(2) *Gweler* O.S. 1999/672. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 121AA, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo.

(1) 1985 c.68. Sections 121AA and 121B are inserted by section 189 of the Housing Act 2004 (c.34). By section 270(3) of that Act section 189 came into force on 18 January 2005. By section 267 of the Housing Act 2004 references to the Housing Act 1985 are to be treated as references to that Act as amended by virtue of the Housing Act 2004.

(2) *See* S.I. 1999/672. The functions of the Secretary of State under section 121AA are, 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.

Materion y mae'n rhaid rhoi gwybodaeth amdanynt i denantiaid diogel

3. Mae'r materion a nodir yn yr Atodlen i'r Gorchymyn hwn yn faterion a bennir at ddibenion adran 121AA o'r Ddeddf.

Pryd y mae'n rhaid cyhoeddi'r ddogfen

4.-(1) Rhaid i landlord gyhoeddi'r ddogfen o fewn dau fis ar ôl i'r Gorchymyn hwn ddod i rym.

(2) Os bydd landlord yn diwygio'r ddogfen o dan adran 121AA(4) o'r Ddeddf rhaid iddo gyhoeddi'r ddogfen yn ei ffurf ddiwygiedig o fewn mis o'r diwygio.

Pryd y mae'n rhaid rhoi copi o'r ddogfen

5.-(1) Ar ôl cyhoeddi'r ddogfen yn unol ag erthygl 4(1) neu (2) rhaid i landlord roi copi o'r ddogfen—

- (a) cyn gynted ag y bo'n rhesymol ymarferol i bob un o'i denantiaid diogel ar yr adeg honno; a
- (b) i bob tenant diogel newydd wedyn, ar yr adeg y llofnodir y denantiaeth.

(2) Rhaid i landlord roi i bob un o'i denantiaid diogel gopi o fersiwn gyfredol y ddogfen o leiaf unwaith ym mhob cyfnod o bum mlynedd gan ddechrau ar y dyddiad pan roddwyd y ddogfen yn unol ag erthygl 5(1)(a).

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

27 Medi 2005

Llywydd y Cynulliad Cenedlaethol

Matters about which information is to be provided to secure tenants

3. The matters set out in the Schedule to this Order are specified for the purposes of section 121AA of the Act.

When the document must be published

4.-(1) A landlord must publish the document within two months of this Order coming into force.

(2) Where a landlord revises the document under section 121AA(4) of the Act it must publish the document in its revised form within one month of the revision.

When the document must be supplied

5.-(1) Following publication of the document in accordance with article 4(1) or (2) a landlord must supply a copy of the document —

- (a) as soon as is reasonably practicable to each of its secure tenants at that time; and
- (b) to each subsequent new secure tenant at the time the tenancy is signed.

(2) A landlord must supply each of its secure tenants with a copy of the current version of the document at least once in every period of five years beginning with the date on which the document was supplied pursuant to article 5(1)(a).

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

27 September 2005

D. Elis-Thomas

The Presiding Officer of the National Assembly

YR ATODLEN

SCHEDULE

Erthygl 3

Article 3

Materion y mae'n rhaid rhoi gwybodaeth amdanynt i denantiaid diogel

Matters about which information must be given to secure tenants

1. Amlinelliad o effaith darpariaethau Rhan 5 o'r Ddeddf o ran—

1. An outline of the effect of the provisions of Part 5 of the Act relating to—

- (a) yr amgylchiadau pan ellir a phan na ellir arfer yr hawl i brynu;
- (b) yr eithriadau i'r hawl i brynu a nodir yn Atodlen 5 i'r Ddeddf;
- (c) y weithdrefn ar gyfer hawlio'r arfer hawl i brynu;
- (ch) y dull o gyfrifo'r pris sy'n daladwy am y tŷ annedd gan denant sy'n arfer yr hawl i brynu; a
- (d) y gweithdrefnau hysbysu oedi ar gyfer landlordiaid a thenantiaid a nodir yn adran 153A a 153B a hysbysyadau cwblhau'r landlord o dan adran 140 a 141 o'r Ddeddf.

- (a) the circumstances in which the right to buy can and cannot be exercised;
- (b) the exceptions to the right to buy set out in Schedule 5 to the Act;
- (c) the procedure for claiming to exercise the right to buy;
- (d) the method of calculation of the price payable for the dwelling-house by a tenant exercising the right to buy; and
- (e) the delay notice procedures for landlords and tenants set out in section 153A and 153B and the landlord's notices to complete under section 140 and 141 of the Act.

2.-(1) Y ffaith ei bod yn debygol y tynnir costau cychwynnol gan denant diogel sy'n arfer ei hawl i brynu.

2.-(1) The fact that initial costs are likely to be incurred by a secure tenant exercising the right to buy.

(2) Mae'r cyfeiriad ym mharagraff (1) at gostau cychwynnol yn cynnwys costau o ran—

(2) The reference in paragraph (1) to initial costs includes costs in respect of—

- (a) y doll stampiau;
- (b) ffioedd cyfreithiol ac arolygu;
- (c) ffioedd prisio a chostau sy'n gysylltiedig â chymryd morgais.

- (a) stamp duty;
- (b) legal and survey fees;
- (c) valuation fees and costs associated with taking out a mortgage.

3.-(1) Y ffaith ei bod yn debygol y bydd tenant diogel yn gorfod gwneud taliadau rheolaidd fel perchennog tŷ annedd.

3.-(1) The fact that a secure tenant will be likely to have to make regular payments as an owner of a dwelling-house.

(2) Mae'r cyfeiriad ym mharagraff (1) at daliadau rheolaidd yn cynnwys taliadau o ran—

(2) The reference in paragraph (1) to regular payments includes payments in respect of—

- (a) unrhyw forgais neu arwystl ar y tŷ annedd;
- (b) yswiriant adeiladau, yswiriant bywyd, ac yswiriant diogelu taliadau morgais;
- (c) y dreth gyngor;
- (ch) gwasanaethau dŵr, carthffosiaeth, nwy, trydan, neu gyfleustodau eraill.

- (a) any mortgage or charge on the dwelling-house;
- (b) building insurance, life assurance, and mortgage payment protection insurance;
- (c) council tax;
- (d) water, sewerage, gas, electricity, or other utility services.

4. Risg adfeddiannu'r tŷ annedd os na wneir y taliadau morgais yn rheolaidd.

4. The risk of repossession of the dwelling-house if regular mortgage payments are not made.

5. Er mwyn cynnal yr eiddo mewn cyflwr da, y ffaith ei bod yn debygol y bydd yn rhaid i berchennog tŷ annedd dynnu gwariant a allai gynnwys talu taliadau gwasanaeth (blynyddol yn ogystal ag o ran gwaith mawr) lle bo'n briodol.

5. The fact that in order to keep the property maintained and in good repair an owner of a dwelling-house will be likely to have to incur expenditure which may include payment of service charges (both annual and in respect of major works) where appropriate.

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