



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 3237 (Cy.242) (C.138)

2005 No. 3237 (W.242) (C.138)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Deddf Tai 2004
(Cychwyn Rhif 2) (Cymru)
2005**

**The Housing Act 2004
(Commencement No. 2) (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 dwyn i rym ddarpariaethau amrywiol Deddf Tai 2004 ("Deddf 2004") o ran Cymru.

This Order brings into force various provisions of the Housing Act 2004 ("the 2004 Act") in relation to Wales.

Mae darpariaethau canlynol Deddf 2004 a restrir o dan erthygl 2 yn dod i rym ar 25 Tachwedd 2005:

The following provisions of the 2004 Act listed under article 2 come into force on 25 November 2005:

- (a) adran 4 (sy'n caniatáu i awdurdod tai lleol arolygu mangreoedd preswyl yn ei ardal er mwyn penderfynu a oes unrhyw berygl categori 1 neu 2 yn bod yn y mangreoedd hynny);
- (b) adran 55 (mae is-adrannau (1) a (2) ohoni yn gosod cwmpas y darpariaethau trwyddedu ar gyfer tai amlfeddiannaeth ("HMOs") o dan Ran 2 o Ddeddf 2004);
- (c) adran 56 (sy'n galluogi awdurdodau lleol i ddynodi ardal yn ardal sy'n ddarostyngedig i drwyddedu ychwanegol o ran HMOs a bennir);
- (ch) adran 57 (sy'n nodi'r materion y mae'n rhaid i awdurdod tai lleol eu hystyried cyn arfer y pwerau a geir yn adran 56 o Ddeddf 2004);
- (d) adran 79 (sy'n nodi cwmpas y darpariaethau trwyddedu ar gyfer tai sydd o fewn Rhan 3 o Ddeddf 2004);
- (dd) adran 80 (sy'n galluogi awdurdod tai lleol i ddynodi ardal yn ardal sy'n ddarostyngedig i drwyddedu dethol os yw'n ardal o alw bychan am dai, neu os y gall ddod yn ardal felly, neu os oes ynddi broblem sylweddol a pharhaus o ran ymddygiad gwrth-gymdeithasol);

- (a) section 4 (which allows a local housing authority to inspect residential premises in their district with a view to determining whether any category 1 or 2 hazard exists on those premises);
- (b) section 55 (subsections (1) and (2) of which set out the scope of the licensing provisions for houses in multiple occupation ("HMOs") under Part 2 of the 2004 Act);
- (c) section 56 (which enables local authorities to designate an area to be subject to additional licensing in respect of specified HMOs);
- (d) section 57 (which sets out the matters that a local housing authority must consider before exercising the powers in section 56 of the 2004 Act);
- (e) section 79 (which sets out the scope of the licensing provisions for houses in Part 3 of the 2004 Act);
- (f) section 80 (which enables a local housing authority to designate an area as subject to selective licensing if it is, or may become, an area of low housing demand or has a significant and persistent problem with anti social behaviour);

- (e) adran 81 (sy'n nodi'r materion y mae'n rhaid i'r awdurdod tai lleol eu hystyried cyn arfer y pwerau a geir dan adran 80 o Ddeddf 2004);
- (f) adran 179 (sy'n diwygio Deddf Tai 1996 drwy fewnosod adrannau 125A a 125B newydd sy'n caniatáu ymestyn tenantiaeth ragarweiniol am hyd at chwe mis);
- (ff) adran 192 (sy'n diwygio Deddf Tai 1985 ("Deddf 1985") drwy fewnosod adran 121A newydd sy'n galluogi landlordiaid tenantiaid diogel i geisio gorchymyn llys sy'n atal dros dro yr hawl i brynu am gyfnod penodol ar sail ymddygiad gwrth-gymdeithasol);
- (g) adran 193 (sy'n diwygio adran 138 o Ddeddf 1985 drwy fewnosod is-adrannau (2A) i (2D) newydd sy'n rhwystro tenant rhag gallu mynnu cwblhau gwerthiant hawl i brynu os oes cais yn yr arfaeth am orchymyn israddio, gorchymyn atal dros dro, neu orchymyn meddiant ar sail ymddygiad gwrth-gymdeithasol);
- (ng) adran 194 (sy'n caniatáu i unrhyw berson ddarparu gwybodaeth berthnasol i landlord tenant diogel er mwyn galluogi'r landlord i arfer swyddogaethau sy'n gysylltiedig â'r darpariaethau a fewnosodir gan adrannau 191 i 193 o Ddeddf 2004); ac
- (h) adran 237 (sy'n galluogi awdurdod tai lleol i ddefnyddio gwybodaeth y mae wedi ei gael at ddibenion budd-dâl tai neu'r dreth gyngor er mwyn cyflawni ei swyddogaethau o dan Rannau 1 i 4 o Ddeddf 2004).
- (g) section 81 (which sets out the matters the local housing authority must consider before exercising the powers under section 80 of the 2004 Act);
- (h) section 179 (which amends the Housing Act 1996 by inserting new sections 125A and 125B which allow an introductory tenancy to be extended by up to six months);
- (i) section 192 (which amends the Housing Act 1985 ("the 1985 Act") by inserting a new section 121A which enables landlords of secure tenants to seek an order from the court suspending the right to buy for a specified period on the grounds of anti-social behaviour);
- (j) section 193 (which amends section 138 of the 1985 Act by inserting new subsections (2A) to (2D) which prevent a tenant being able to compel completion of a right to buy sale if an application is pending for a demotion order, a suspension order, or a possession order sought on the grounds of anti-social behaviour);
- (k) section 194 (which allows any person to provide relevant information to the landlord of a secure tenant to enable the landlord to exercise functions connected with the provisions inserted by sections 191 to 193 of the 2004 Act); and
- (l) section 237 (which enables a local housing authority to use information which it has obtained for housing benefit or council tax purposes in order to carry out its functions under Parts 1 to 4 of the 2004 Act).

NODYN AR Y GORCHYMYN CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Deddf 2004 wedi'u dwyn i rym yng Nghymru drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y ddarpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 191	14 Gorffennaf 2005	2005/1814(Cy. 144)(C. 75)
Adran 227	14 Gorffennaf 2005	2005/1814(Cy. 144)(C. 75)
Adran 228	14 Gorffennaf 2005	2005/1814(Cy. 144)(C. 75)

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The following provisions of the 2004 Act have been brought into force in Wales by a Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 191	14 July 2005	2005/1814(W. 144)(C. 75)
Section 227	14 July 2005	2005/1814(W. 144)(C. 75)
Section 228	14 July 2005	2005/1814(W. 144)(C. 75)

Adran 265(1) (yn rhannol)	14 Gorffennaf 2005	2005/1814 (Cy. 144)(C. 75)
Atodlen 12	14 Gorffennaf 2005	2005/1814(Cy. 144)(C. 75)
Atodlen 15 (yn rhannol)	14 Gorffennaf 2005	2005/1814(Cy. 144)(C. 75)

Section 265(1) (partially)	14 July 2005	2005/1814(W. 144)(C. 75)
Schedule 12	14 July 2005	2005/1814(W. 144)(C. 75)
Schedule 15 (partially)	14 July 2005	2005/1814(W. 144)(C. 75)

2005 Rhif 3237 (Cy.242) (C.138)**2005 No. 3237 (W.242) (C.138)****TAI, CYMRU****HOUSING, WALES****Gorchymyn Deddf Tai 2004
(Cychwyn Rhif 2) (Cymru)
2005****The Housing Act 2004
(Commencement No. 2) (Wales)
Order 2005***Wedi'i wneud**22 Tachwedd 2005**Made**22 November 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 270(4) a (5) o Ddeddf Tai 2004(1), drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by section 270(4) and (5) of the Housing Act 2004(1), hereby makes the following Order:

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

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai 2004 (Cychwyn Rhif 2) (Cymru) 2005.

1.-(1) The title of this Order is the Housing Act 2004 (Commencement No. 2) (Wales) Order 2005.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Tai 2004; ac

"the 2004 Act" ("*Deddf 2004*") means the Housing Act 2004; and

ystyr "y dyddiad cychwyn" ("*the commencement date*") yw 25 Tachwedd 2005.

"the commencement date" ("*y dyddiad cychwyn*") means 25 November 2005.

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

(3) This Order applies in relation to Wales.

Darpariaethau sy'n dod i rym ar y dyddiad cychwyn**Provisions coming into force on the commencement date**

2. Mae darpariaethau canlynol Deddf 2004 yn dod i rym ar y dyddiad cychwyn—

2. The following provisions of the 2004 Act come into force on the commencement date—

(a) Adran 4 i'r graddau nad yw eisoes mewn grym;

(a) Section 4 to the extent that it is not already in force;

(b) adran 55, is-adrannau (1), (2) a pharagraffau (a) a (b) o is-adran (5);

(b) section 55, subsections (1), (2) and paragraphs (a) and (b) of subsection (5);

(c) adrannau 56 a 57;

(c) sections 56 and 57;

(ch) adrannau 79 ac 80, i'r graddau nad ydynt eisoes mewn grym;

(d) sections 79 and 80, to the extent that they are not already in force;

(d) adran 81;

(e) section 81;

(dd) adran 179;

(f) section 179;

(e) adrannau 192 i 194; ac

(g) sections 192 to 194; and

(f) adran 237.

(h) section 237.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

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

22 Tachwedd 2005

22 November 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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