



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1706 (Cy.168)

2006 No. 1706 (W.168)

TAI, CYMRU

HOUSING, WALES

Gorchymyn Tai (Gorchmynion Rheoli Dros Dro) (Amgylchiadau Rhagnodedig) (Cymru) 2006

The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006

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 rhagnodi'r categori o amgylchiadau y mae angen eu bodloni cyn y gall tribiwnlys eiddo preswyl awdurdodi awdurdod tai lleol i wneud gorchymyn rheoli dros dro mewn perthynas â thŷ y mae adran 103 o Ddeddf Tai 2004 ("y Ddeddf") yn gymwys iddo.

This Order prescribes the category of circumstances that need to be satisfied before a residential property tribunal can authorise a local housing authority to make an interim management order in respect of a house to which section 103 of the Housing Act 2004 ("the Act") applies.

Gorchymyn a wneir gan awdurdod tai lleol mewn perthynas â thŷ amlfeddiannaeth fel y'i diffinnir yn adrannau 254 i 259 o'r Ddeddf neu mewn perthynas â thŷ y mae Rhan 3 o'r Ddeddf yn gymwys iddo yw gorchymyn rheoli dros dro. Mae adran 102 o'r Ddeddf yn disgrifio'r amgylchiadau pan fo raid i'r awdurdod tai lleol wneud gorchymyn rheoli dros dro a'r amgylchiadau pan fo ganddo ddisgresiwn i wneud hynny. Rhaid i dribiwnlys eiddo preswyl awdurdodi gwneud gorchymyn o'r fath dan ddisgresiwn.

An interim management order is an order made by a local housing authority in respect of a house in multiple occupation as defined in sections 254 to 259 of the Act or a house to which Part 3 of the Act applies. Section 102 of the Act describes the circumstances in which a local housing authority must make an interim management order and when it has discretion to do so. The discretionary making of such an order must be authorised by a residential property tribunal.

Mae adran 103 yn gwneud darpariaeth arbennig ynglŷn â thŷ a feddiennir naill ai o dan denantiaeth neu drwydded unigol nad yw'n denantiaeth neu'n drwydded esempt o dan adran 79(3) neu (4) o'r Ddeddf, neu a feddiennir o dan ddwy neu fwy o denantiaethau neu o drwyddedau mewn perthynas â gwahanol anheddau o'i fewn, heb fod yr un ohonynt yn denantiaeth esempt o dan adran 79(3) neu (4) o'r Ddeddf.

Section 103 makes special provision about a house which is occupied either under a single tenancy or licence that is not an exempt tenancy or licence under section 79(3) or (4) of the Act, or under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy under section 79(3) or (4) of the Act.

O dan adran 103(2) ni chaiff tribiwnlys eiddo preswyl awdurdodi awdurdod tai lleol i wneud gorchymyn rheoli dros dro mewn perthynas â thŷ o'r fath onid yw'r amodau a gynhwysir yn adrannau 103(3) a (4) o'r Ddeddf yn cael eu bodloni.

Under section 103(2) a residential property tribunal may only authorise a local housing authority to make an interim management order in respect of such a house if the conditions contained in sections 103(3) and (4) of the Act are satisfied.

Yr amod yn adran 103(3) yw bod yr amgylchiadau ynglŷn â'r tŷ yn disgyn o fewn categori o amgylchiadau a ragnodwyd. Yr amod yn adran 103(4) yw bod angen

The condition in section 103(3) is that the circumstances relating to the house fall within a category of prescribed circumstances. The condition in

gwneud gorchymyn at ddibenion gwarchod iechyd, diogelwch neu les personau sy'n meddiannu'r tŷ neu sy'n ymweld ag ef neu sy'n ymwneud mewn modd arall â gweithgareddau cyfreithlon yng nghyffiniau'r tŷ.

Mae'r Gorchymyn hwn yn rhagnodi'r amgylchiadau at ddibenion yr amod yn adran 103(3). Yr amodau hynny yw bod yr ardal y mae'r tŷ wedi ei leoli ynnddi yn profi problem sylweddol a chyson sy'n cael ei hachosi gan ymddygiad gwrth-gymdeithasol, ac y gellir priodoli'r broblem, yn gyfangwbl neu'n rhannol, i un sy'n meddiannu'r tŷ, a bod y landlord yn landlord yn y sector breifat a'i fod yn methu â chymryd camau y byddai'n briodol i'r landlord eu cymryd i wrthsefyll y broblem.

Mae arfarniad rheoliadol llawn o'r effeithiau y bydd y Gorchymyn hwn yn ei gael ar gael oddi wrth Uned y Sector Breifat, Yr Adran Cyfiawnder Cymdeithasol ac Adfywio, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ; (ffôn:-02920825111);

(e-bost:-HousingIntranet@wales.gsi.gov.uk).

section 103(4) is that the making of an order is necessary for the purposes of protecting the health, safety or welfare of persons occupying, visiting or otherwise engaging in the lawful activities in the vicinity of the house.

This Order prescribes the circumstances for the purposes of the condition in section 103(3). These are that the area in which the house is situated is experiencing a significant and persistent problem caused by anti-social behaviour, that the problem is attributable, in whole or in part, to an occupier of the house, that the landlord is a private sector landlord and is failing to take action which would be appropriate for the landlord to take to combat the problem.

A full regulatory appraisal of the effects that this Order will have is available from the Private Sector Unit, Department for Social Justice and Regeneration, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ; (telephone:-02920825111);

(e-mail:- HousingIntranet@wales.gsi.gov.uk).

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The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006

Wedi'u gwneud 27 Mehefin 2006

Made 27 June 2006

Yn dod i rym 30 Mehefin 2006

Coming into force 30 June 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 103(5)(a) a (6) o Ddeddf Tai 2004(1) drwy hyn yn gwneud y Gorchymyn a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by section 103(5)(a) and (6) of the Housing Act 2004(1) makes the following Order:

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

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Gorchymynion Rheoli Dros Dro) (Amgylchiadau Rhagnodedig) (Cymru) 2006 a daw i rym ar 30 Mehefin 2006.

1.-(1) The title of this Order is The Housing (Interim Management Orders) (Prescribed Circumstances) (Wales) Order 2006 and it comes into force on 30 June 2006.

(2) Mae'r Gorchymyn hwn yn gymwys i dai yng Nghymru y mae adran 103 o Ddeddf Tai 2004 ("y Deddf") yn gymwys iddynt(2).

(2) This Order applies to houses in Wales to which section 103 of the Housing Act 2004 ("*the Act*") applies(2).

Amgylchiadau rhagnodedig ar gyfer awdurdodi gorchymynion rheoli dros dro y mae'r Gorchymyn hwn yn gymwys iddynt**Prescribed circumstances for authorisation of interim management orders to which this Order applies**

2.-(1) Mae'r amgylchiadau a ganlyn yn amgylchiadau a ragnodwyd at ddibenion adran 103(3) o'r Ddeddf-

2.-(1) The following circumstances are prescribed for the purposes of section 103(3) of the Act-

- (a) bod yr ardal y mae'r tŷ wedi ei leoli ynnddi yn profi problem sylweddol a chyson sy'n cael ei hachosi gan ymddygiad gwrth-gymdeithasol(3);
- (b) y gellir priodoli'r broblem honno, yn gyfangwbl neu'n rhannol, i un sy'n meddiannu'r tŷ;

- (a) the area in which the house is located is experiencing a significant and persistent problem caused by anti-social behaviour(3);
- (b) that problem is attributable, in whole or in part, to the anti-social behaviour of an occupier of the house;

(1) 2004 p. 34. Mae'r pwerau a roddir gan adran 103(5) o'r Ddeddf yn arferadwy, o ran Cymru, gan Gynulliad Cenedlaethol Cymru ac, o ran Lloegr, gan yr Ysgrifennydd Gwladol. *Gweler* y diffiniad o "the appropriate national authority" ("yr awdurdod cenedlaethol priodol") yn adran 261(1).

(2) *Gweler* adran 103(1) o Ddeddf Tai 2004. Am ystyr "house" ("tŷ") gweler adrannau 103(7) a 99 o'r Ddeddf.

(3) Am ystyr "*anti-social behaviour*" (ymddygiad gwrth-gymdeithasol) gweler adran 57(5) o'r Ddeddf.

(1) 2004 c. 34. The powers conferred by section 103(5) of the Act are exercisable, as respects Wales, by the National Assembly for Wales and, as respects England, by the Secretary of State. *See* the definition of "the appropriate national authority" in section 261(1).

(2) *See* section 103(1) of the Housing Act 2004. For the meaning of "house" *see* sections 103(7) and 99 of the Act.

(3) For the meaning of "*anti-social behaviour*" *see* section 57(5) of the Act.

- (c) bod landlord y tŷ yn landlord yn y sector breifat;
- (ch) bod landlord y tŷ yn methu â chymryd camau i wrthsefyll y broblem honno y byddai'n briodol i landlord eu cymryd; a
- (d) bydd gwneud gorchymyn rheoli dros dro, pan gyfunir ef â mesurau eraill a gymerir yn yr ardal gan yr awdurdod tai lleol, neu gan bersonau eraill ynghyd â'r awdurdod tai lleol, yn arwain at leihad yn y broblem honno neu at ei dileu.

(2) Yn yr erthygl hon nid yw "landlord yn y sector breifat" yn cynnwys landlord cymdeithasol cofrestredig yn ystyr Rhan 1 o Ddeddf Tai 1996(1)

- (c) the landlord of the house is a private sector landlord;
- (d) the landlord of the house is failing to take action to combat that problem which it would be appropriate for a landlord to take; and
- (e) the making of an interim management order, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, will lead to a reduction in, or elimination of that problem.

(2) In this article "private sector landlord" does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996(1)

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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

27 Mehefin 2006

27 June 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1996 p. 52.

(2) 1998 p. 38.

(1) 1996 c. 52.

(2) 1998 c. 38.