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WELSH STATUTORY
INSTRUMENTS

2009 Rhif 1260 (Cy.112)

2009 No. 1260 (W.112)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Tai (Rhoi
Tenantiaethau yn lle Tenantiaethau
a Derfynwyd) (Olynydd-
landlordiaid) (Cymru) 2009**

**The Housing (Replacement of
Terminated Tenancies) (Successor
Landlords) (Wales) Order
2009**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae Atodlen 11 i Ddeddf Tai ac Adfywio 2008, a gyflwynir gan adran 299 o'r Ddeddf honno, yn gwneud darpariaeth mewn perthynas â thenant y daeth ei denantiaeth tŷ annedd ("y denantiaeth wreiddiol") i ben o ganlyniad i orchymyn meddiant ond sy'n dal i fyw yn y tŷ annedd. Mae Rhan 2 o Atodlen 11 i'r Ddeddf honno ("Rhan 2") yn darparu bod tenantiaeth newydd, yn yr amgylchiadau a bennir yn y Rhan honno, yn cael ei thrin fel pe bai'n digwydd rhwng y cyn-landlord a'r cyn-denant ar y dyddiad cychwyn. Diffinnir "y dyddiad cychwyn" ("the commencement date") ym mharagraff 26 o Atodlen 11 fel y dyddiad pryd y daw adran 299 i rym at ddibenion ac eithrio gwneud gorchymynion o dan Ran 2. Mae'r darpariaethau yn Rhan 2 yn gymwys pan fo hawl gan y cyn-landlord, ar y dyddiad hwnnw, i osod y tŷ annedd.

Schedule 11 to the Housing and Regeneration Act 2008, which is introduced by section 299 of that Act, makes provision in relation to a tenant whose tenancy of a dwelling-house ("the original tenancy") ended as a result of a possession order but who continues to live in the dwelling-house. Part 2 of Schedule 11 to that Act ("Part 2") provides that, in the circumstances specified in that Part, a new tenancy is treated as arising between the ex-landlord and the ex-tenant on the commencement date. "The commencement date" is defined in paragraph 26 of Schedule 11 as the date on which section 299 comes into force for purposes other than making orders under Part 2. The provisions in Part 2 apply where, on that date the ex-landlord is entitled to let the dwelling-house.

Mae'r Gorchymyn hwn, sy'n gymwys o ran tai annedd yng Nghymru, yn darparu i Ran 2 fod yn gymwys, yn ddarostyngedig i addasiadau penodedig, i achosion olynydd-landlordiaid. Achos o drosglwyddo buddiant y cyn-landlord yn y tŷ annedd i berson arall ar ôl i'r denantiaeth wreiddiol ddod i ben ond cyn "y dyddiad cychwyn", a bod y buddiant, ar y dyddiad hwnnw, yn perthyn i'r trosglwyddai cychwynnol neu i drosglwyddai dilynol (yr "olynydd-landlord") yw achos olynydd-landlord. Yn yr amgylchiadau a bennir yn Rhan 2, fel y'i haddaswyd, caiff tenantiaeth newydd ei thrin, ar y dyddiad y daw'r Gorchymyn hwn i rym, fel pe bai'n digwydd rhwng yr olynydd-landlord a'r cyn-denant.

This Order, which applies in relation to dwelling-houses in Wales, provides for Part 2 to apply, subject to specified modifications, to successor landlord cases. A successor landlord case is one where the ex-landlord's interest in the dwelling-house was transferred to another person after the original tenancy ended but before "the commencement date" and, on that date, belongs to the initial transferee or a subsequent transferee (the "successor landlord"). In the circumstances specified in Part 2, as modified, on the date this Order comes into force, a new tenancy is treated as arising between the successor landlord and the ex-tenant.

Mae Asesiad Effaith Rheoleiddiol llawn wedi ei baratoi mewn cysylltiad â'r Gorchymyn hwn. Gellir

A full Regulatory Impact Assessment has been prepared in connection with this Order. A copy can be

cael copi gan y Gyfarwyddiaeth Dai, Llywodraeth
Cynulliad Cymru, Rhyd-y-car, Merthyr Tudful CF48
1UZ (ffôn 01685 729611).

obtained from Housing Directorate, Welsh Assembly
Government, Rhydycar, Merthyr Tydfil CF48 1UZ
(telephone 01685 729611).

2009 Rhif 1260 (Cy.112)

2009 No. 1260 (W.112)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Tai (Rhoi
Tenantiaethau yn lle Tenantiaethau
a Derfynwyd) (Olynydd-
landlordiaid) (Cymru) 2009**

**The Housing (Replacement of
Terminated Tenancies) (Successor
Landlords) (Wales) Order
2009**

Gwnaed 19 Mai 2009
Yn dod i rym 20 Mai 2009

Made 19 May 2009
Coming into force 20 May 2009

Yn unol ag adran 320(8) o Ddeddf Tai ac Adfywio 2008(1), cafodd drafft o'r offeryn hwn ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

In accordance with section 320(8) of the Housing and Regeneration Act 2008(1), a draft of this instrument was laid before, and approved by a resolution of, the National Assembly for Wales.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan baragraff 24 o Atodlen 11 i'r Ddeddf honno;

The Welsh Ministers make the following Order in exercise of the powers conferred by paragraph 24 of Schedule 11 to that Act;

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Rhoi Tenantiaethau yn lle Tenantiaethau a Derfynwyd) (Olynydd-landlordiaid) (Cymru) 2009 a daw i rym drannoeth y diwrnod y'i gwneir.

(2) Mae'r Gorchymyn hwn yn gymwys o ran tai annedd yng Nghymru.

Title, commencement and application

1.—(1) The title of this Order is the Housing (Replacement of Terminated Tenancies) (Successor Landlords) (Wales) Order 2009 and it comes into force on the day after it is made.

(2) This Order applies in relation to dwelling-houses in Wales.

Rhoi tenantiaethau yn lle tenantiaethau a derfynwyd: achosion olynydd-landlordiaid

2. Mae Rhan 2 o Atodlen 11 i Ddeddf Tai ac Adfywio 2008 (rhoi tenantiaethau yn lle tenantiaethau penodol a derfynwyd) yn gymwys, yn ddarostyngedig i'r addasiadau a bennir yn erthyglau 3 i 7, i achosion olynydd-landlordiaid(2).

Replacement of terminated tenancies: successor landlord cases

2. Part 2 of Schedule 11 to the Housing and Regeneration Act 2008 (replacement of certain terminated tenancies) applies, subject to the modifications specified in articles 3 to 7, to successor landlord cases(2).

(1) 2008 p.17.

(2) *Gweler* paragraff 24(2) o Atodlen 11.

(1) 2008 c.17.

(2) *See* paragraph 24(2) of Schedule 11.

Amgylchiadau sy'n golygu rhoi tenantiaethau yn lle tenantiaethau a derfynwyd

3. Mae paragraff 16 (amgylchiadau sy'n golygu rhoi tenantiaethau yn lle tenantiaethau a derfynwyd) yn gymwys fel pe bai, yn is-baragraff (1)—

- (a) yn lle "ex-landlord", y tro cyntaf a'r eildro y mae'r gair hwnnw'n ymddangos, y geiriau "successor landlord" wedi eu rhoi; a
- (b) yn lle paragraff (b), y canlynol wedi ei roi —
"(b)the ex-tenant has not entered into another tenancy with—
 - (i) the successor landlord, or
 - (ii) any initial transferee or subsequent transferee who is not the successor landlord,

after the date on which the original tenancy ended but before the commencement date."

Natur tenantiaethau a roddir yn lle tenantiaethau a derfynwyd

4. Mae paragraff 17 yn gymwys fel pe bai'r canlynol wedi ei roi yn ei le—

"17. The new tenancy is to be—

- (a) a secure tenancy if—
 - (i) the original tenancy was—
 - (aa) a secure tenancy,
 - (bb) an assured tenancy (whether or not an assured shorthold tenancy),
 - (cc) an introductory tenancy, or
 - (dd) a demoted tenancy,
 - (ii) the new tenancy satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985(1),
 - (iii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988(2), cannot be an assured tenancy,
 - (iv) where the original tenancy was an assured shorthold tenancy or an introductory tenancy, no election by the successor landlord under section 124 of the Housing Act 1996(3) is in force on the day on which the new tenancy arises, and

Circumstances in which replacement tenancies arise

3. Paragraph 16 (circumstances in which replacement tenancies arise) applies as if in subparagraph (1)—

- (a) for "ex-landlord", in the first and second places where that word occurs, "successor landlord" were substituted; and
- (b) for paragraph (b) there were substituted—
"(b)the ex-tenant has not entered into another tenancy with—
 - (i) the successor landlord, or
 - (ii) any initial transferee or subsequent transferee who is not the successor landlord,

after the date on which the original tenancy ended but before the commencement date."

Nature of replacement tenancies

4. Paragraph 17 applies as if there were substituted for it—

"17. The new tenancy is to be—

- (a) a secure tenancy if—
 - (i) the original tenancy was—
 - (aa) a secure tenancy,
 - (bb) an assured tenancy (whether or not an assured shorthold tenancy),
 - (cc) an introductory tenancy, or
 - (dd) a demoted tenancy,
 - (ii) the new tenancy satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985(1),
 - (iii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988(2), cannot be an assured tenancy,
 - (iv) where the original tenancy was an assured shorthold tenancy or an introductory tenancy, no election by the successor landlord under section 124 of the Housing Act 1996(3) is in force on the day on which the new tenancy arises, and

(1) 1985 p.68; gweler yn benodol adrannau 79(1) a (2), 80 ac 81. Diwygiwyd adran 80 gan adran 24(2) o Ddeddf Tai a Chynllunio 1986 (p.63), a pharagraff 26 o Ran II o Atodlen 5 iddi, adrannau 83(2) a 140 o Ddeddf Tai 1988 (p.50) ac Atodlen 18 iddi (o ran arbedion, gweler adran 35 o Ddeddf Tai 1988), ac adrannau 140 a 152 o Ddeddf Llywodraeth Cymru 1998 (p.38) a pharagraff 5 o Atodlen 16 iddi a Rhan IV o Atodlen 8 iddi ac O.S. 1996/2325.

(2) 1988 p.50.

(3) 1996 p.52.

(1) 1985 c.68; see in particular sections 79(1) and (2), 80 and 81. Section 80 was amended by section 24(2) of, and paragraph 26 of Part II of Schedule 5 to, the Housing and Planning Act 1986 (c. 63), sections 83(2) and 140 of, and Schedule 18 to, the Housing Act 1988 (c.50) (for savings, see section 35 of the Housing Act 1988), and sections 140 and 152 of, and paragraph 5 of Schedule 16 and Part IV of Schedule 8 to, the Government of Wales Act 1998 (c. 38) and S.I. 1996/2325.

(2) 1988 c.50.

(3) 1996 c.52.

- (v) where the original tenancy was a demoted tenancy, the successor landlord is not a person entitled to apply for an order of the court under section 82A of the Housing Act 1985 (a demotion order)(1),
- (b) an assured shorthold tenancy if—
 - (i) the original tenancy was—
 - (aa) an assured shorthold tenancy,
 - (bb) an introductory tenancy, or
 - (cc) a demoted tenancy(2),
 - (ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,
 - (iii) the new tenancy is not one which falls within any paragraph of Schedule 2A to the Housing Act 1988(3),
 - (iv) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985, and
 - (v) where the original tenancy was a demoted tenancy, the successor landlord is not a registered social landlord,
- (c) an assured tenancy which is not an assured shorthold tenancy if—
 - (i) the original tenancy was—
 - (aa) an assured tenancy which was not an assured shorthold tenancy, or
 - (bb) a secure tenancy,
 - (ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy, and
 - (iii) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,
- (d) an introductory tenancy if—
 - (i) the original tenancy was—
 - (aa) an introductory tenancy, or
 - (bb) an assured shorthold tenancy,

- (v) where the original tenancy was a demoted tenancy, the successor landlord is not a person entitled to apply for an order of the court under section 82A of the Housing Act 1985 (a demotion order)(1),
- (b) an assured shorthold tenancy if—
 - (i) the original tenancy was—
 - (aa) an assured shorthold tenancy,
 - (bb) an introductory tenancy, or
 - (cc) a demoted tenancy(2),
 - (ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,
 - (iii) the new tenancy is not one which falls within any paragraph of Schedule 2A to the Housing Act 1988(3),
 - (iv) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985, and
 - (v) where the original tenancy was a demoted tenancy, the successor landlord is not a registered social landlord,
- (c) an assured tenancy which is not an assured shorthold tenancy if—
 - (i) the original tenancy was—
 - (aa) an assured tenancy which was not an assured shorthold tenancy, or
 - (bb) a secure tenancy,
 - (ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy, and
 - (iii) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,
- (d) an introductory tenancy if—
 - (i) the original tenancy was—
 - (aa) an introductory tenancy, or
 - (bb) an assured shorthold tenancy,

(1) Mewnwsodwyd adran 82A gan adran 14(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p.38) ac fe'i diwygiwyd gan baragraff 12 o Atodlen 14 i Ddeddf yr Heddlu a Chyfiawnder 2006 (p.48).

(2) *Gweler* y diffiniad o 'demoted tenancy' ym mharagraff 26(1) o Atodlen 11 i Ddeddf Tai ac Adfywio 2008.

(3) Mewnwsodwyd Atodlen 2A gan adran 96(2) o Ddeddf Tai 1996 ac Atodlen 7 iddi.

(1) Section 82A was inserted by section 14(2) of the Anti-social Behaviour Act 2003 (c.38) and amended by paragraph 12 of Schedule 14 to the Police and Justice Act 2006 (c.48).

(2) *See* definition of 'demoted tenancy' in paragraph 26(1) of Schedule 11 to the Housing and Regeneration Act 2008.

(3) Schedule 2A was inserted by section 96(2) of, and Schedule 7 to, the Housing Act 1996.

- (ii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,
- (iii) an election by the successor landlord under section 124 of the Housing Act 1996 is in force on the day on which the new tenancy arises, and
- (iv) but for that election, the new tenancy would be a secure tenancy because it satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,
- (e) a demoted tenancy to which section 20B of the Housing Act 1988(1) applies if—
 - (i) the original tenancy was a demoted tenancy, and
 - (ii) the successor landlord is a registered social landlord, or
- (f) a demoted tenancy to which section 143A of the Housing Act 1996(2) applies if—
 - (i) the original tenancy was a demoted tenancy, and
 - (ii) the new tenancy satisfies the first and second conditions in section 143A of the Housing Act 1996."

- (ii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,
- (iii) an election by the successor landlord under section 124 of the Housing Act 1996 is in force on the day on which the new tenancy arises, and
- (iv) but for that election, the new tenancy would be a secure tenancy because it satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,
- (e) a demoted tenancy to which section 20B of the Housing Act 1988(1) applies if—
 - (i) the original tenancy was a demoted tenancy, and
 - (ii) the successor landlord is a registered social landlord, or
- (f) a demoted tenancy to which section 143A of the Housing Act 1996(2) applies if—
 - (i) the original tenancy was a demoted tenancy, and
 - (ii) the new tenancy satisfies the first and second conditions in section 143A of the Housing Act 1996."

Natur tenantiaethau a roddir yn lle tenantiaethau a derfynwyd - darpariaethau pellach

5. Mae paragraff 18 yn gymwys fel pe bai—

- (a) yn is-baragraff (3), yn lle "ex-landlord", y geiriau "successor landlord" wedi eu rhoi; a
- (b) yn lle is-baragraff (6), y canlynol wedi ei roi—

"(6) The terms and conditions of a new secure tenancy which arises by virtue of paragraph 17(a), where the original tenancy was—

 - (a) an assured tenancy,
 - (b) an introductory tenancy, or
 - (c) a demoted tenancy

are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a secure tenancy and not an assured tenancy, an introductory tenancy or a demoted tenancy (as the case may be).

(7) The terms and conditions of a new assured shorthold tenancy which arises by virtue of paragraph 17(b), where the original tenancy was—

Nature of replacement tenancies - further provisions

5. Paragraph 18 applies as if—

- (a) in sub-paragraph (3) for "ex-landlord" there were substituted "successor landlord"; and
- (b) for sub-paragraph (6) there were substituted—

"(6) The terms and conditions of a new secure tenancy which arises by virtue of paragraph 17(a), where the original tenancy was—

 - (a) an assured tenancy,
 - (b) an introductory tenancy, or
 - (c) a demoted tenancy

are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a secure tenancy and not an assured tenancy, an introductory tenancy or a demoted tenancy (as the case may be).

(7) The terms and conditions of a new assured shorthold tenancy which arises by virtue of paragraph 17(b), where the original tenancy was—

(1) Mewnosodwyd adran 20B gan adran 15(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003.

(2) Mewnosodwyd adran 143A gan adran 14(5) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003, a pharagraff 1 o Atodlen 1 iddi.

(1) Section 20B was inserted by section 15(1) of the Anti-social Behaviour Act 2003.

(2) Section 143A was inserted by section 14(5) of, and paragraph 1 of Schedule 1 to, the Anti-social Behaviour Act 2003.

- (a) an introductory tenancy, or
- (b) a demoted tenancy

are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an assured shorthold tenancy and not an introductory tenancy or a demoted tenancy (as the case may be).

(8) The terms and conditions of a new assured tenancy which arises by virtue of paragraph 17(c), where the original tenancy was a secure tenancy, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an assured tenancy and not a secure tenancy.

(9) The terms and conditions of a new introductory tenancy which arises by virtue of paragraph 17(d), where the original tenancy was an assured shorthold tenancy, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an introductory tenancy and not an assured shorthold tenancy.

(10) The terms and conditions of a new demoted tenancy which arises by virtue of paragraph 17(e), where the original tenancy was a demoted tenancy to which section 143A of the Housing Act 1996 applied, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a demoted tenancy to which section 20B of the Housing Act 1988 applies and not a demoted tenancy to which section 143A of the Housing Act 1996 applies.

(11) The terms and conditions of a new demoted tenancy which arises by virtue of paragraph 17(f), where the original tenancy was a demoted tenancy to which section 20B of the Housing Act 1988 applied, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a demoted tenancy to which section 143A of the Housing Act 1996 applies and not a demoted tenancy to which section 20B of the Housing Act 1988 applies."

Parhad tenantiaethau

6. Mae paragraff 21 (parhad tenantiaethau) yn gymwys fel pe bai—

- (a) paragraff (a) o is-baragraff (2) wedi ei hepgor;
- (b) ar ôl is-baragraff (2), y canlynol wedi ei fewnosod—

"(2A) Where the ex-tenant was a successor in relation to the original tenancy, the ex-tenant shall be treated as a successor in relation to the new tenancy."; and

- (c) for sub-paragraphs (3) to (5) there were substituted—

"(3) In proceedings on a claim of a description specified in sub-paragraph (7), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having

- (a) an introductory tenancy, or
- (b) a demoted tenancy

are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an assured shorthold tenancy and not an introductory tenancy or a demoted tenancy (as the case may be).

(8) The terms and conditions of a new assured tenancy which arises by virtue of paragraph 17(c), where the original tenancy was a secure tenancy, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an assured tenancy and not a secure tenancy.

(9) The terms and conditions of a new introductory tenancy which arises by virtue of paragraph 17(d), where the original tenancy was an assured shorthold tenancy, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is an introductory tenancy and not an assured shorthold tenancy.

(10) The terms and conditions of a new demoted tenancy which arises by virtue of paragraph 17(e), where the original tenancy was a demoted tenancy to which section 143A of the Housing Act 1996 applied, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a demoted tenancy to which section 20B of the Housing Act 1988 applies and not a demoted tenancy to which section 143A of the Housing Act 1996 applies.

(11) The terms and conditions of a new demoted tenancy which arises by virtue of paragraph 17(f), where the original tenancy was a demoted tenancy to which section 20B of the Housing Act 1988 applied, are to be treated as modified so far as necessary to reflect the fact that the new tenancy is a demoted tenancy to which section 143A of the Housing Act 1996 applies and not a demoted tenancy to which section 20B of the Housing Act 1988 applies."

Continuity of tenancies

6. Paragraph 21 (continuity of tenancies) applies as if—

- (a) paragraph (a) of sub-paragraph (2) were omitted;
- (b) after sub-paragraph (2) there were inserted—

"(2A) Where the ex-tenant was a successor in relation to the original tenancy, the ex-tenant shall be treated as a successor in relation to the new tenancy."; and

- (c) for sub-paragraphs (3) to (5) there were substituted—

"(3) In proceedings on a claim of a description specified in sub-paragraph (7), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having

continued during the termination period until the relevant interest was transferred to the initial transferee.

(4) In proceedings on a claim of a description specified in sub-paragraph (8), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having continued during the termination period until the relevant interest was transferred to the successor landlord.

(5) In proceedings on a claim of a description specified in sub-paragraph (9), the court concerned may order that, for the purposes of the claim, the new tenancy is to be treated as having commenced when the relevant interest was transferred to the successor landlord.

(6) In proceedings on a claim of a description specified in sub-paragraph (8) together with a claim of a description specified in sub-paragraph (9), where those claims relate to the same alleged breach, the court concerned may order that, for the purposes of the claims, the original tenancy and the new tenancy are to be treated as—

- (a) the same tenancy, and
- (b) a tenancy which continued uninterrupted throughout the termination period.

(7) The following are claims specified for the purposes of sub-paragraph (3)—

- (a) a claim by the ex-tenant or the ex-landlord against the other for breach of a term or condition of the original tenancy—
 - (i) in respect of which proceedings are brought on or after the commencement date, or
 - (ii) in respect of which proceedings were brought, but were not finally determined, before that date, and
- (b) a claim by the ex-tenant against the ex-landlord for breach of statutory duty—
 - (i) where the alleged breach occurred before the relevant interest was transferred to the initial transferee, and
 - (ii) in respect of which proceedings are or were brought as mentioned in paragraph (a)(i) or (ii).

(8) Where any rights or liabilities in relation to the original tenancy were transferred to the successor landlord, the following is a claim specified for the purposes of sub-paragraph (4): a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the original tenancy in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(9) The following are claims specified for the

continued during the termination period until the relevant interest was transferred to the initial transferee.

(4) In proceedings on a claim of a description specified in sub-paragraph (8), the court concerned may order that, for the purposes of the claim, the original tenancy is to be treated as having continued during the termination period until the relevant interest was transferred to the successor landlord.

(5) In proceedings on a claim of a description specified in sub-paragraph (9), the court concerned may order that, for the purposes of the claim, the new tenancy is to be treated as having commenced when the relevant interest was transferred to the successor landlord.

(6) In proceedings on a claim of a description specified in sub-paragraph (8) together with a claim of a description specified in sub-paragraph (9), where those claims relate to the same alleged breach, the court concerned may order that, for the purposes of the claims, the original tenancy and the new tenancy are to be treated as—

- (a) the same tenancy, and
- (b) a tenancy which continued uninterrupted throughout the termination period.

(7) The following are claims specified for the purposes of sub-paragraph (3)—

- (a) a claim by the ex-tenant or the ex-landlord against the other for breach of a term or condition of the original tenancy—
 - (i) in respect of which proceedings are brought on or after the commencement date, or
 - (ii) in respect of which proceedings were brought, but were not finally determined, before that date, and
- (b) a claim by the ex-tenant against the ex-landlord for breach of statutory duty—
 - (i) where the alleged breach occurred before the relevant interest was transferred to the initial transferee, and
 - (ii) in respect of which proceedings are or were brought as mentioned in paragraph (a)(i) or (ii).

(8) Where any rights or liabilities in relation to the original tenancy were transferred to the successor landlord, the following is a claim specified for the purposes of sub-paragraph (4): a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the original tenancy in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(9) The following are claims specified for the

purposes of sub-paragraph (5)—

- (a) a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the new tenancy, and
- (b) a claim by the ex-tenant against the successor landlord for breach of statutory duty, where the alleged breach occurred after the relevant interest was transferred to the successor landlord,

in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(10) For the purposes of sub-paragraphs (7) to (9) proceedings must be treated as finally determined if—

- (a) they are withdrawn,
- (b) any appeal is abandoned, or
- (c) the time for appealing has expired without an appeal being brought."

Dehongli

7. Mae is-baragraff (1) o baragraff 26 (atodol) yn gymwys fel pe bai—

- (a) ar ôl y diffiniad o "ex-tenant", y canlynol wedi ei fewnosod—

"initial transferee" means the person to whom the relevant interest was transferred by the ex-landlord after the end of the original tenancy and before the commencement date,";

- (b) ar ôl y diffiniad o "possession order", y canlynol wedi ei fewnosod—

"registered social landlord" has the same meaning as in Part 1 of the Housing Act 1996,

"relevant interest" means the interest of the ex-landlord in the dwelling-house which was let under an original tenancy,";

- (c) ar ôl y diffiniad o "secure tenancy", y canlynol wedi ei fewnosod—

"subsequent transferee" means any person to whom, before the commencement date, the relevant interest was transferred after the transfer from the ex-landlord to the initial transferee,";

(ch) yn y diffiniad o "successor"—

- (i) ar ôl ""successor"", y geiriau ", except in the expression "successor landlord"" wedi eu mewnosod;
- (ii) yn lle "a new tenancy which is", ym mhob man lle y mae'r geiriau hynny'n ymddangos, y geiriau "an original tenancy which was, or a new tenancy which is," wedi eu rhoi; a
- (iii) ym mharagraff (a), yn lle "or which is a demoted tenancy", y geiriau ", or in

purposes of sub-paragraph (5)—

- (a) a claim by the ex-tenant or the successor landlord against the other for breach of a term or condition of the new tenancy, and
- (b) a claim by the ex-tenant against the successor landlord for breach of statutory duty, where the alleged breach occurred after the relevant interest was transferred to the successor landlord,

in respect of which proceedings are or were brought as mentioned in sub-paragraph (7)(a)(i) or (ii).

(10) For the purposes of sub-paragraphs (7) to (9) proceedings must be treated as finally determined if—

- (a) they are withdrawn,
- (b) any appeal is abandoned, or
- (c) the time for appealing has expired without an appeal being brought."

Interpretation

7. Sub-paragraph (1) of paragraph 26 (supplementary) applies as if—

- (a) after the definition of "ex-tenant" there were inserted—

"initial transferee" means the person to whom the relevant interest was transferred by the ex-landlord after the end of the original tenancy and before the commencement date,";

- (b) after the definition of "possession order" there were inserted—

"registered social landlord" has the same meaning as in Part 1 of the Housing Act 1996,

"relevant interest" means the interest of the ex-landlord in the dwelling-house which was let under an original tenancy,";

- (c) after the definition of "secure tenancy" there were inserted—

"subsequent transferee" means any person to whom, before the commencement date, the relevant interest was transferred after the transfer from the ex-landlord to the initial transferee,";

(d) in the definition of "successor"—

- (i) after ""successor"" there were inserted ", except in the expression "successor landlord"";
- (ii) for "a new tenancy which is", in each place where those words occur, there were substituted "an original tenancy which was, or a new tenancy which is,"; and
- (iii) in paragraph (a), for "or which is a demoted tenancy" there were substituted "

relation to an original tenancy which was, or a new tenancy which is, a demoted tenancy" wedi eu rhoi; a

(d) ar ôl y diffiniad o "successor", y canlynol wedi ei fewnosod—

"successor landlord" means the initial transferee, or, as the case may be, a subsequent transferee, to whom the relevant interest belongs on the commencement date,".

or in relation to an original tenancy which was, or a new tenancy which is, a demoted tenancy"; and

(e) after the definition of "successor" there were inserted—

"successor landlord" means the initial transferee, or, as the case may be, a subsequent transferee, to whom the relevant interest belongs on the commencement date,".

Jocelyn Davies

Y Dirprwy Weinidog dros Dai o dan awdurdod y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

19 Mai 2009

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Deputy Minister for Housing under authority of the Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

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Gorchymyn Tai (Rhoi
Tenantiaethau yn lle Tenantiaethau
a Derfynwyd) (Olynydd-
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