CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 233 (Cy.33)

LANDLORD A THENANT

Rheoliadau Tenantiaethau Preswyl Hir (Prif Ffurflenni) (Diwygio) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio dwy ffurflen sydd wedi'u rhagnodi at ddibenion Atodlen 10 i Ddeddf Llywodraeth Leol a Thai 1989 (diogelwch deiliadaeth wrth derfynu tenantiaethau preswyl hir).

Mae'r ffurflenni y mae'r diwygio hwn yn effeithio arnynt i'w gweld yn yr Atodlen i Reoliadau Tenantiaethau Preswyl Hir (Prif Ffurflenni) 1997. Mae newidiadau yn cael eu gwneud i'r nodiadau ar ddiwedd Ffurflenni 1 a 2 yn dilyn y diwygiad i adran 16 o Ddeddf Diwygio Cyfraith Prydlesi 1967 gan adran 143 o Ddeddf Cyd-ddeiliadaeth a Diwygio Cyfraith Prydlesi 2002 (a gafodd ei dwyn i rym yng Nghymru ar 1 Ionawr 2003 gan O.S. 2002/3012 (Cy.284)(C.96)). Mae yna newidiadau drafftio eraill.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 233 (W.33)

LANDLORD AND TENANT

The Long Residential Tenancies (Principal Forms) (Amendment) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two forms which are prescribed for the purposes of Schedule 10 to the Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies).

The forms affected are set out in the Schedule to the Long Residential Tenancies (Principal Forms) Regulations 1997. Changes are made to the notes at the end of Forms 1 and 2 following the amendment of section 16 of the Leasehold Reform Act 1967 by section 143 of the Commonhold and Leasehold Reform Act 2002 (which was brought into force in Wales on 1st January 2003 by S.I. 2002/3012 (W.284)(C.96)). There are other drafting changes.

OFFERYNNAU STATUDOL

2003 Rhif 233 (Cy.33)

LANDLORD A THENANT

Rheoliadau Tenantiaethau Preswyl Hir (Prif Ffurflenni) (Diwygio) (Cymru) 2003

Wedi'u gwneud	*5 Chwefror 2003*
Yn dod i rym	*28 Chwefror 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan baragraff 4(1) o Atodlen 10 i Ddeddf Llywodraeth Leol a Thai 1989(**a**), a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tenantiaethau Preswyl Hir (Prif Ffurflenni) (Diwygio) (Cymru) 2003 a deuant i rym ar 28 Chwefror 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio

2.-(1) Mae Ffurflenni 1 a 2 yn yr Atodlen i Reoliadau Tenantiaethau Preswyl Hir (Prif Ffurflenni) 1997(**b**) yn cael eu diwygio fel a ganlyn.

(2) Yn lle nodiadau 2 a 3 ar ddiwedd pob ffurflen, rhowch-

(a) 1989 p.42. *Gweler* y diffiniad o "prescribed" yn adran 45(1) o Ddeddf Tai 1988 (p.50), sy'n effeithiol yn rhinwedd paragraff 2(2) yn Atodlen 10 i Ddeddf 1989. Trosglwyddir Swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy mewn perthynas a Chymru, i Gynulliad Cenedlaethol Cymru, gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2, Atodlen 1.

(b) O.S. 1997/3008.

STATUTORY INSTRUMENTS

2003 No. 233 (W.33)

LANDLORD AND TENANT

The Long Residential Tenancies (Principal Forms) (Amendment) (Wales) Regulations 2003

Made	*5th February 2003*
Coming into force	*28th February 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989(**a**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Title, commencement and extent

1.-(1) These Regulations are called the Long Residential Tenancies (Principal Forms) (Amendment) (Wales) Regulations 2003 and shall come into force on 28th February 2003.

(2) These Regulations extend to Wales only.

Amendment

2.-(1) Forms 1 and 2 in the Schedule to the Long Residential Tenancies (Principal Forms) Regulations 1997(**b**) are amended as follows.

(2) For notes 2 and 3 at the end of each form, substitute-

(a) 1989 c. 42. *See* the definition of "prescribed" in section 45(1) of the Housing Act 1988 (c.50), which has effect by virtue of Paragraph 2(2) of Schedule 10 to the 1989 Act. Functions of the Secretary of State, so far as exercisable in relation to Wales, are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 Article 2, Schedule 1.

(b) S.I. 1997/3008.

"Note 2: Schedule 10 to the Local Government and Housing Act 1989 provides that a tenant of residential property under a long residential tenancy has a right, at the end of the original term of the tenancy, to continue as a tenant on the same terms as before unless the landlord ends the tenancy in accordance with the provisions of that Act. But see also Note 3.

Note 3: In certain circumstances, Schedule 10 does not apply and the landlord can end your tenancy by giving notice in accordance with the ordinary requirements of the law. These circumstances include cases where:

(a) you pay more than a low rent (see paragraph 2(4) and (5) of Schedule 10) unless the property is a house and the tenancy has been extended under section 14 of the Leasehold Reform Act 1967, in which case Schedule 10 applies regardless of whether a low rent is being paid;

(b) the property has a high rateable value (see paragraph 2 of Schedule 1 to the Housing Act 1988, unless the long tenancy was granted after 31st March 1990, in which case paragraph 1(2A) of Schedule 10 applies);

(c) the tenancy does not meet certain requirements for the existence of an assured tenancy set out in Part 1 of Schedule 1 to the Housing Act 1988 - for instance because the landlord is the Crown, a local authority or another exempt landlord;

(d) the property is a flat whose lease was extended under Chapter 2 of Part 1 of the Leasehold Reform Housing and Urban Development Act 1993, by virtue of section 59 of that Act.

The above is not intended to give a full account of all the circumstances in which Schedule 10 does not apply. Legal advice should be sought if there is any doubt as to whether Schedule 10 applies in a particular case."(a).

Cymhwyso

3. Nid oes dim yn y Rheoliadau hyn yn effeithio ar ddilysrwydd hysbysiad a gyflwynwyd cyn i'r Rheoliadau hyn ddod i rym.

(a) Mewnosodwyd paragraff 1(2A) yn Atodlen 10 i Ddeddf 1989 a diwygiwyd is-baragraffau 2(4) a 2(5) o Atodlen 10 i Ddeddf 1989 gan reoliad 2 yn Rheoliadau Cyfeinadau at Ardreth (Tai) 1990 (O.S. 1990/434), a pharagraff 31 i'r Atodlen i'r Rheoliadau.

"Note 2: Schedule 10 to the Local Government and Housing Act 1989 provides that a tenant of residential property under a long residential tenancy has a right, at the end of the original term of the tenancy, to continue as a tenant on the same terms as before unless the landlord ends the tenancy in accordance with the provisions of that Act. But see also Note 3.

Note 3: In certain circumstances, Schedule 10 does not apply and the landlord can end your tenancy by giving notice in accordance with the ordinary requirements of the law. These circumstances include cases where:

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(b) the property has a high rateable value (see paragraph 2 of Schedule 1 to the Housing Act 1988, unless the long tenancy was granted after 31st March 1990, in which case paragraph 1(2A) of Schedule 10 applies);

(c) the tenancy does not meet certain requirements for the existence of an assured tenancy set out in Part 1 of Schedule 1 to the Housing Act 1988 - for instance because the landlord is the Crown, a local authority or another exempt landlord;

(d) the property is a flat whose lease was extended under Chapter 2 of Part 1 of the Leasehold Reform Housing and Urban Development Act 1993, by virtue of section 59 of that Act.

The above is not intended to give a full account of all the circumstances in which Schedule 10 does not apply. Legal advice should be sought if there is any doubt as to whether Schedule 10 applies in a particular case."(a).

Application

3. Nothing in these Regulations affects the validity of a notice served before the coming into force of these Regulations.

(a) Paragraph 1(2A) of Schedule 10 to the 1989 Act was inserted and sub-paragraphs 2(4) and 2(5) of Schedule 10 to the 1989 Act were amended by Regulation 2 of and paragraph 31 of the Schedule to the references to Rating (Housing) Regulations 1990 (S.I. 1990/434).

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

5 Chwefror 2003

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

5th February 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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