



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 684 (Cy.72)

2004 No. 684 (W.72)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

Rheoliadau Taliadau Gwasanaeth
(Gofynion Ymgynghori) (Cymru)
2004

The Service Charges (Consultation
Requirements) (Wales) Regulations
2004

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys mewn perthynas â Chymru'n unig, yn ymwneud â'r swm y gellir gofyn i denantiaid ei gyfrannu, trwy dalu taliadau gwasanaeth, ac â'r costau perthnasol a dynnir gan landlordiaid wrth gyflawni gwaith neu o dan gytundebau penodol. Onid yw landlord yn cydymffurfio â gofynion ymgynghori rhagnodedig neu'n cael gollyngiad gan dribiwnlys priso lesddaliadau o dan adran 20(9) o Ddeddf Landlord a Thenant 1985 o ran pob un neu unrhyw un o'r gofynion hynny, mae cyfraniadau a wneir gan denantiaid fel taliadau gwasanaeth yn gyfyngedig.

These Regulations, which apply only in relation to Wales, relate to the amount that tenants can be required to contribute, by the payment of service charges, to relevant costs incurred by landlords in carrying out works or under certain agreements. Unless a landlord complies with prescribed consultation requirements or obtains a dispensation from a leasehold valuation tribunal under section 20(9) of the Landlord and Tenant Act 1985 in respect of all or any of those requirements, tenants' contributions by way of service charges are limited.

Mae rheoliad 3(1) yn esemptio'r canlynol o'r gofynion ymgynghori sy'n gymwys i gytundebau sydd am gyfnod o fwy na 12 mis ("cytundebau hir-dymor cymwys"):

Regulation 3(1) exempts from the consultation requirements applicable to agreements for a term of more than 12 months ("qualifying long term agreements"):

- (a) contractau cyflogaeth;
- (b) cytundebau rhwng corff rheoli tenantiaid neu gorff rheoli hyd braich (corff a sefydlwyd o dan adran 2 o Ddeddf Llywodraeth Leol 2000) ac awdurdod tai lleol o dan adran 27 o Ddeddf Tai 1985 (cytundebau rheoli);
- (c) cytundebau rhwng cwmni daliannol ac unrhyw un o'i is-gwmnïau neu rhwng dau neu fwy o is-gwmnïau'r un cwmni daliannol; ac
- (ch) cytundebau sydd am dymor o ddim mwy na phum mlynedd ac sy'n gysylltiedig ag adeiladau neu dir ac adeiladau eraill nad oes iddynt denantiaid pan wneir y cytundeb.

- (a) contracts of employment;
- (b) agreements between a tenant management organisation or an arms length management organisation (a body established under section 2 of the Local Government Act 2000) and a local housing authority under section 27 of the Housing Act 1985 (management agreements);
- (c) agreements between a holding company and any of its subsidiaries or between two or more subsidiaries of the same holding company; and
- (d) agreements for a term of not more than five years relating to buildings or other premises which are untenanted when the agreement is entered into.

Mae rheoliad 3(2) yn darparu nad yw cytundeb yr ymrwymir iddo cyn i'r Rheoliadau hyn ddod i rym yn gytundeb hir-dymor cymwys hyd yn oed os oes mwy na 12 mis o gyfnod y cytundeb yn weddill pan ddaw'r Rheoliadau hyn i rym.

Mae rheoliad 3(3) yn darparu nad yw cytundeb am gyfnod o fwy na 12 mis yn gytundeb hir-dymor cymwys os yw'n darparu ar gyfer cyflawni gwaith ar adeilad neu ar unrhyw dir ac adeiladau eraill ("gwaith cymwys") y cyhoeddwyd hysbysiad yn eu cylch yng Nghyfnodolyn Swyddogol yr Undeb Ewropeaidd (" y Cyfnodolyn Swyddogol") (i gydymffurfio â rheolau caffael yr UE) cyn i'r Rheoliadau hyn ddod i rym.

Mae rheoliad 4 yn gosod terfyn o £100 mewn unrhyw gyfnod cyfrifydda (fel y'i diffinnir yn rheoliad 4(2)) mewn perthynas â thaliadau gwasanaeth y gellir eu priodoli i ddarparu nwyddau neu wasanaethau, neu i gyflawni gwaith, o dan gytundeb hir-dymor cymwys. Bydd y terfyn hwnnw'n gymwys onid yw'r landlord yn cydymffurfio â'r gofynion ymgynghori a ragnodir gan reoliad 5 neu'n cael gollyngiad gan dribiwnlys prasio lesddaliadau mewn perthynas â phob un neu unrhyw rai o'r gofynion hynny.

Mae rheoliad 5 yn ymdrin â'r gofynion ymgynghori sy'n gymwys i gytundebau hir-dymor cymwys. Ac eithrio yn yr achosion a grybwyllir isod, y gofynion ymgynghori yw'r rhai a bennir yn Atodlen 1. Pan fydd y Rheoliadau hyn yn dod i rym neu ar ôl hynny, os (i gydymffurfio â rheolau caffael yr UE) bydd yn ofynnol cyhoeddi yn y Cyfnodolyn Swyddogol hysbysiad ynghylch nwyddau neu wasanaethau sydd i'w darparu neu waith sydd i'w gyflawni o dan y cytundeb, y gofynion ymgynghori yw'r rhai a nodir yn Atodlen 2. Os bydd person yn mynd yn denant o ganlyniad i arfer yr hawl i gael les hir o dan adran 138 o Ddeddf Tai 1985 (hawl i brynu) (gan gynnwys yr adran honno fel y'i cymhwysir mewn perthynas â'r hawl i brynu sydd wedi'i chadw o dan adran 171A o'r Ddeddf honno neu â'r hawl i gaffael o dan adran 16 o Ddeddf Tai 1996) dim ond y gofynion ymgynghori hynny sy'n gymwys i'r cytundeb ac sydd, ar ôl y degfed diwrnod ar hugain o denantiaeth y person hwnnw, yn dal yn ofynion na chydymffurfiwyd eisoes â hwy, y mae'n ofynnol i landlord gydymffurfio â hwy.

Mae rheoliad 6 yn gosod terfyn o £250 ar gyfraniad tenant mewn perthynas â thaliadau gwasanaeth sydd wedi'u priodoli i waith cymwys. Bydd y terfyn hwnnw'n gymwys onid yw'r landlord yn cydymffurfio â'r gofynion ymgynghori a ragnodir gan reoliad 7 neu'n cael gollyngiad gan dribiwnlys prasio lesddaliadau mewn perthynas â phob un neu unrhyw rai o'r gofynion hynny.

Mae rheoliad 7 yn ymdrin â'r gofynion ymgynghori sy'n berthnasol i waith cymwys o'r math a ddisgrifir yn y rheoliad hwnnw. Mewn perthynas â gwaith cymwys arall, mae gofynion ymgynghori o dan adran 20 o Ddeddf Landlord a Tenant 1985, fel yr oedd yn union

Regulation 3(2) provides that an agreement entered into before the coming into force of these Regulations is not a qualifying long term agreement even if more than 12 months of the term of the agreement remain when these Regulations come into force.

Regulation 3(3) provides that an agreement for a term of more than 12 months is not a qualifying long term agreement if it provides for the carrying out of works on a building or any other premises ("qualifying works") for which notice has been published in the Official Journal of the European Union ("the Official Journal") (to comply with EU procurement rules) before these Regulations come into force.

Regulation 4 imposes a limit of £100 in any accounting period (defined in regulation 4(2)) in respect of service charges attributable to the provision of goods or services, or the carrying out of works, under a qualifying long term agreement. That limit will apply unless the landlord complies with the consultation requirements prescribed by regulation 5 or obtains a dispensation from a leasehold valuation tribunal in respect of all or any of those requirements.

Regulation 5 deals with the consultation requirements applicable to qualifying long term agreements. Except in the cases mentioned below, the consultation requirements are those specified in Schedule 1. Where, on or after the coming into force of these Regulations, notice is required to be published in the Official Journal (to comply with EU procurement rules) of goods or services to be provided or works to be carried out under the agreement, the consultation requirements are those set out in Schedule 2. Where a person becomes a tenant as the result of exercising the right to be granted a long lease under section 138 of the Housing Act 1985 (right to buy) (including that section as applied in relation to the preserved right to buy under section 171A of that Act or the right to acquire under section 16 of the Housing Act 1996) the landlord is only required to comply with such of the consultation requirements applicable to the agreement as remain to be complied with after the thirtieth day of that person's tenancy.

Regulation 6 imposes a limit of £250 as regards a tenant's contribution in respect of service charges attributable to qualifying works. That limit will apply unless the landlord complies with the consultation requirements prescribed by regulation 7 or obtains a dispensation from a leasehold valuation tribunal in respect of all or any of those requirements.

Regulation 7 deals with the consultation requirements relevant to qualifying works of the descriptions specified in that regulation. In relation to other qualifying works, the consultation requirements under section 20 of the Landlord and Tenant Act 1985,

cyn yr amnewid a wnaed gan adran 151 o Ddeddf Cydddeiliadaeth a Diwygio Cyfraith Lesddaliad 2002, yn parhau i fod yn gymwys yn rhinwedd erthygl 3 o Orchymyn Deddf Cydddeiliadaeth a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 2 ac Arbedion) (Cymru) 2004 (O.S. 2004/669 (Cy.62) (C.25)).

Mae paragraff (1) o reoliad 7 yn ymwneud â gwaith cymwys sy'n destun cytundeb hir-dymor cymwys. Yn ddarostyngedig i eithriad y mae paragraff (5) yn darparu ar ei gyfer ("eithriad paragraff (5)"), y gofynion ymgynghori yw'r rhai a nodir yn Atodlen 3 i'r Rheoliadau.

Mae paragraffau (2) at (4) yn ymwneud â gwaith cymwys nad yw'n destun cytundeb hir-dymor cymwys.

Mae paragraff (2) yn ymwneud â'r gofynion ymgynghori mewn achos y mae paragraff (3) yn gymwys iddo. Yn ddarostyngedig i eithriad paragraff (5), y gofynion ymgynghori mewn achos o'r fath yw'r rhai a nodir yn Atodlen 3 (yr un gofynion ag sy'n gymwys i waith cymwys o dan gytundebau hir-dymor cymwys).

Mae paragraff (3) yn gymwys os yw gwaith cymwys yn cael ei gyflawni:

- (a) ar neu ar ôl y dyddiad sydd ddau fis ar ôl y dyddiad y daw'r Rheoliadau hyn i rym o dan gytundeb yr ymrwymir iddo cyn daw'r Rheoliadau hyn i rym; neu
- (b) o dan gytundeb am fwy na 12 mis os cyhoeddir hysbysiad o'r gwaith hwnnw yn y Cyfnodolyn Swyddogol cyn daw'r Rheoliadau hyn i rym.

Mae paragraff (4) yn gymwys i achosion nad yw paragraff (3) yn gymwys iddynt. Pan yw'n ofynnol cyhoeddi hysbysiad o'r gwaith cymwys yn y Cyfnodolyn Swyddogol (er mwyn cydymffurfio â rheolau caffael yr UE), ac yn ddarostyngedig i eithriad paragraff (5), y gofynion ymgynghori yw'r rhai sydd wedi'u nodi yn Rhan 1 o Atodlen 4. Pan nad yw'n ofynnol cyhoeddi hysbysiad yn y Cyfnodolyn Swyddogol, ac yn ddarostyngedig i eithriad paragraff (5), y gofynion ymgynghori yw'r rhai a nodir yn Rhan 2 o Atodlen 4.

Mae eithriad paragraff (5) yn gymwys pan yw person yn mynd yn denant o ganlyniad i arfer yr hawl i gael les hir wedi'i roi iddo o dan adran 138 o Ddeddf Tai 1985 (gan gynnwys yr adran honno fel y'i cymhwysir mewn perthynas â hawl i brynu a gadwyd o dan adran 171A o'r Ddeddf honno neu'r hawl i gaffael o dan adran 16 o Ddeddf Tai 1996). Yn yr achos hwnnw, ac mewn perthynas â'r person hwnnw ac â'r gwaith cymwys penodol hwnnw, dim ond y gofynion ymgynghori hynny, sy'n gymwys i'r gwaith hwnnw ac sydd, ar ôl y degfed dydd ar hugain o denantiaeth y person hwnnw, yn dal yn ofynion na chydymffurfwyd â hwy eisoes, y mae'n ofynnol i landlord gydymffurfio â hwy.

as it stood immediately before the substitution effected by section 151 of the Commonhold and Leasehold Reform Act 2002, continue to apply by virtue of article 3 of the Commonhold and Leasehold Reform Act 2002 (Commencement No.2 and Savings) (Wales) Order 2004 (S.I. 2004/669 (W.62) (C.25)).

Paragraph (1) of regulation 7 relates to qualifying works that are the subject of a qualifying long term agreement. Subject to the exception for which paragraph (5) provides ("the paragraph (5) exception"), the consultation requirements are those set out in Schedule 3 to the Regulations.

Paragraphs (2) to (4) relate to qualifying works that are not the subject of a qualifying long term agreement.

Paragraph (2) deals with the consultation requirements in a case to which paragraph (3) applies. Subject to the paragraph (5) exception, the consultation requirements in such a case are those set out in Schedule 3 (the same requirements as apply to qualifying works under qualifying long term agreements).

Paragraph (3) applies where qualifying works are carried out:

- (a) on or after the date that falls two months after the date on which these Regulations come into force under an agreement entered into before these Regulations come into force; or
- (b) under an agreement for more than 12 months where notice of those works was published in the Official Journal before these Regulations come into force.

Paragraph (4) applies to cases to which paragraph (3) does not apply. Where notice of the qualifying works is required to be published in the Official Journal (to comply with EU procurement rules), and subject to the paragraph (5) exception, the consultation requirements are those set out in Part 1 of Schedule 4. Where notice is not required to be published in the Official Journal, and subject to the paragraph (5) exception, the consultation requirements are those set out in Part 2 of Schedule 4.

The paragraph (5) exception applies where a person becomes a tenant as the result of exercising the right to be granted a long lease under section 138 of the Housing Act 1985 (including that section as applied in relation to the preserved right to buy under section 171A of that Act or the right to acquire under section 16 of the Housing Act 1996). In that case, and in relation to that person and particular qualifying works, the landlord is only required to comply with such of the consultation requirements applicable to those works as remain to be complied with after the thirtieth day of that person's tenancy.

Mae Arfarniad Rheoliadol wedi'i baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi o'r Gyfarwyddiaeth Dai, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ (Ffôn 029 20 823025).

A Regulatory Appraisal has been prepared in connection with these Regulations. A copy may be obtained from the Housing Directorate, The National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 029 20 823025).

2004 Rhif 684 (Cy.72)**2004 No. 684 (W.72)****LANDLORD A THENANT,
CYMRU****LANDLORD AND TENANT,
WALES****Rheoliadau Taliadau Gwasanaeth
(Gofynion Ymgynghori) (Cymru)
2004****The Service Charges (Consultation
Requirements) (Wales) Regulations
2004**

Wedi'u gwneud 9 Mawrth 2004
Yn dod i rym 31 Mawrth 2004

Made 9th March 2004
Coming into force 31st March 2004

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol, drwy arfer y pwerau a roddwyd iddo gan adrannau 20(4) a (5) a 20ZA(3) i (6) o Ddeddf Landlord a Tenant 1985(a), ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy mewn perthynas â Chymru(b).

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred by sections 20(4) and (5) and 20ZA(3) to (6) of the Landlord and Tenant Act 1985(a), which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales(b).

Enwi, cychwyn a chymhwysio**Name, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Gwasanaethau (Gofynion Ymgynghori) (Cymru) 2004 a deuant i rym ar 31 Mawrth 2004.

1.-(1) These Regulations are called the Service Charges (Consultation Requirements) (Wales) Regulations 2004 and shall come into force on 31st March 2004.

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

(2) These Regulations apply in relation to Wales only.

(3) Mae'r Rheoliadau hyn yn gymwys pan fo landlord-

(3) These Regulations apply where a landlord-

(a) yn bwriadu ymrwmo i gytundeb hir-dymor cymwys y mae adran 20 o Ddeddf Landlord a Tenant 1985 yn gymwys iddo(c) ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; neu

(a) intends to enter into a qualifying long term agreement to which section 20 of the Landlord and Tenant Act 1985 applies(c) on or after the date on which these Regulations come into force; or

(a) 1985 p.70. Amnewidiwyd adran 20, a mewnosodwyd adran 20ZA, gan adran 151 o Ddeddf Cyd-ddeiliadaeth a Diwygio Cyfraith Lesddaliad 2002 (p. 15). *Gweler hefyd* baragraff 4 o Atodlen 7 i'r Ddeddf honno am addasiadau sy'n berthnasol i adrannau 20 and 20ZA sy'n gysylltiedig â'r hawl i reoli o dan Bennod 1 o Ran 2 o'r Ddeddf honno. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 20 a 20ZA, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2; *gweler* y cofnod yn Atodlen 1 am Ddeddf Landlord a Tenant 1985. *Gweler hefyd* adran 177 o Ddeddf Cyd-ddeiliadaeth a Diwygio Cyfraith Lesddaliad 2002.

(a) 1985 c.70. Section 20 was substituted, and section 20ZA inserted, by section 151 of the Commonhold and Leasehold Reform Act 2002 (c. 15). *See also* paragraph 4 of Schedule 7 to that Act for modifications relevant to sections 20 and 20ZA associated with the right to manage under Chapter 1 of Part 2 of that Act. The functions of the Secretary of State under sections 20 and 20ZA are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; *see* the entry in Schedule 1 for the Landlord and Tenant Act 1985. *See also* section 177 of the Commonhold and Leasehold Reform Act 2002.

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) *Gweler* adran 20ZA(2) a rheoliadau 3 a 4 o'r Rheoliadau hyn.

(c) *See* section 20ZA(2) and regulations 3 and 4 of these Regulations.

(b) yn bwriadu cyflawni gwaith cymwys y mae'r adran(a) honno'n gymwys iddo ar neu ar ôl y dyddiad hwnnw.

(b) intends to carry out qualifying works to which that section(a) applies on or after that date.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "adran 20" ("*section 20*") yw adran 20 (cyfyngu ar daliadau gwasanaeth: gofynion ymgynghori) o Ddeddf 1985;

ystyr "adran 20ZA" ("*section 20ZA*") yw adran 20ZA (gofynion ymgynghori: atodol) o'r Ddeddf honno;

ystyr "cyfnod perthnasol" ("*relevant period*"), mewn perthynas â hysbysiad, yw'r cyfnod o 30 diwrnod yn cychwyn ar ddyddiad yr hysbysiad;

ystyr "Deddf 1985" ("*the 1985 Act*") yw Deddf Landlord a Tenant 1985(b);

ystyr "hysbysiad cyhoeddus" ("*public notice*") yw hysbysiad a gyhoeddir yng Nghyfnodolyn Swyddogol yr Undeb Ewropeaidd yn unol â Rheoliadau Contractau Gwaith Cyhoeddus 1991(c), Rheoliadau Contractau Gwasanaethau Cyhoeddus 1993(ch) neu Reoliadau Contractau Cyflenwad Cyhoeddus 1995(d);

ystyr "materion perthnasol" ("*relevant matters*"), mewn perthynas â chytundeb a gynigir, yw'r nwyddau neu'r gwasanaethau sydd i'w darparu neu'r gwaith sydd i'w gyflawni (yn ôl y digwydd) o dan y cytundeb;

ystyr "person a enwebwyd" ("*nominated person*") yw person y cynigir ei enw mewn ymateb i wahoddiad a wneir fel y crybwyllir ym mharagraff 1(3) o Atodlen 1 neu baragraff 1(3) o Ran 2 o Atodlen 4; ac ystyr "enwebiad" ("*nomination*") yw unrhyw gynnig o'r fath;

ystyr "perthynas agos" ("*close relative*"), mewn perthynas â pherson, yw priod neu un sy'n cyd-fyw â'r person hwnnw, rhiant, rhiant-yng-nghyfraith, mab, mab-yng-nghyfraith, merch, merch-yng-nghyfraith, brawd, brawd-yng-nghyfraith, chwaer, chwaer-yng-nghyfraith, llysrant, llysfab neu lysferch y person hwnnw;

ystyr "tenant RTB" ("*RTB tenant*"), mewn

Interpretation

2.-(1) In these Regulations-

"the 1985 Act" ("*Deddf 1985*") means the Landlord and Tenant Act 1985(b);

"close relative" ("*perthynas agos*"), in relation to a person, means a spouse or cohabitee, a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, step-parent, step-son or step-daughter of that person;

"cohabitee" ("*un sy'n cyd-fyw*"), in relation to a person, means-

- (a) a person of the opposite sex who is living with that person as husband or wife; or
- (b) a person of the same sex living with that person in a relationship which has the characteristics of the relationship between husband and wife;

"nominated person" ("*person a enwebwyd*") means a person whose name is proposed in response to an invitation made as mentioned in paragraph 1(3) of Schedule 1 or paragraph 1(3) of Part 2 of Schedule 4; and "nomination" ("*enwebiad*") means any such proposal;

"public notice" ("*hysbysiad cyhoeddus*") means notice published in the Official Journal of the European Union pursuant to the Public Works Contracts Regulations 1991(c), the Public Services Contracts Regulations 1993(d) or the Public Supply Contracts Regulations 1995(e);

"relevant matters" ("*materion perthnasol*"), in relation to a proposed agreement, means the goods or services to be provided or the works to be carried out (as the case may be) under the agreement;

"relevant period" ("*cyfnod perthnasol*"), in relation to a notice, means the period of 30 days beginning with the date of the notice;

"RTB tenancy" ("*tenantiaeth RTB*") means the tenancy of an RTB tenant;

(a) *Gweler* adran 20(3) a rheoliad 6 o'r Rheoliadau hyn. Ar gyfer cymhwyso adran 20, fel y'i deddfwyd yn wreiddiol, mewn achosion trosiannol, *gweler* erthygl 3 o Orchymyn Deddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 2 ac Arbedion) (Cymru) 2004 (O.S. 2004/669 (Cy.62) (C.25)).

(b) 1985 p. 70.

(c) O.S. 1991/2680, y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

(ch) O.S. 1993/3228, y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

(d) O.S. 1995/201, y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

(a) *See* section 20(3) and regulation 6 of these Regulations. For the application of section 20, as originally enacted, in transitional cases, see article 3 of the Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004 (S.I. 2004/669 (W.62) (C.25)).

(b) 1985 c. 70.

(c) S.I. 1991/2680, to which there are amendments not relevant to these Regulations.

(d) S.I. 1993/3228, to which there are amendments not relevant to these Regulations.

(e) S.I. 1995/201, to which there are amendments not relevant to these Regulations.

perthynas â landlord, yw person sydd wedi mynd yn denant i'r landlord yn rhinwedd adran 138 o Ddeddf Tai 1985(a) (dyletswydd landlord i drosglwyddo rhydd-ddaliad neu roi les), adran 171A o'r Ddeddf honno (achosion lle y cadwyd yr hawl i brynu), neu adran 16 o Ddeddf Tai 1996(b) (hawl tenant i gaffael annedd)(c) o dan brydles y mae ei thelerau'n cynnwys gofyniad bod y tenant yn ysgwyddo rhan resymol o'r costau hynny a dynnir gan y landlord ac y sonnir amdanynt ym mharagraffau 16A i 16D o Atodlen 6 i'r Ddeddf honno (taliadau gwasanaeth a chyfraniadau eraill sy'n daladwy gan y tenant)(ch);

ystyr "tenantiaeth RTB" ("*RTB tenancy*") yw tenantiaeth tenant RTB;

ystyr "un sy'n cyd-fyw" ("*cohabitee*"), mewn perthynas â pherson, yw-

- (a) person o'r rhyw arall sy'n byw gyda'r person hwnnw fel pe bai'n ŵr neu'n wraig iddo; neu
- (b) person o'r un rhyw sy'n byw gyda'r person hwnnw mewn perthynas y mae iddi'r un nodweddion ag sydd i'r berthynas rhwng gŵr a gwraig;

(2) At ddibenion unrhyw amcangyfrif sydd i'w roi gan y landlord ac y mae unrhyw un o ddarpariaethau'r Rheoliadau hyn yn ei wneud yn ofynnol-

- (a) cynhwysir treth ar werth lle y bo'n gymwys; a
- (b) pan fo a wnelo'r amcangyfrif â chytundeb a gynigir, tybied mai dim ond gyda threigl amser y bydd y cytundeb yn dod i ben.

Cytundebau nad ydynt yn gytundebau hir-dymor cymwys

3.-(1) Nid yw cytundeb yn gytundeb hir-dymor cymwys(d)-

- (a) os contract cyflogaeth ydyw; neu

"RTB tenant" ("*tenant RTB*"), in relation to a landlord, means a person who has become a tenant of the landlord by virtue of section 138 of the Housing Act 1985(a) (duty of landlord to convey freehold or grant lease), section 171A of that Act (cases in which right to buy is preserved), or section 16 of the Housing Act 1996(b) (right of tenant to acquire dwelling)(c) under a lease whose terms include a requirement that the tenant shall bear a reasonable part of such costs incurred by the landlord as are mentioned in paragraphs 16A to 16D of Schedule 6 to that Act (service charges and other contributions payable by the tenant)(d);

"section 20" ("*adran 20*") means section 20 (limitation of service charges: consultation requirements) of the 1985 Act;

"section 20ZA" ("*adran 20ZA*") means section 20ZA (consultation requirements: supplementary) of that Act.

(2) For the purposes of any estimate required by any provision of these Regulations to be made by the landlord-

- (a) value added tax shall be included where applicable; and
- (b) where the estimate relates to a proposed agreement, it shall be assumed that the agreement will terminate only by effluxion of time.

Agreements that are not qualifying long term agreements

3.-(1) An agreement is not a qualifying long term agreement(e)-

- (a) if it is a contract of employment; or

(a) 1985 p.68.

(b) 1996 p.52.

(c) Cymhwysir adran 138 o Ddeddf Tai 1985 (p. 68) mewn perthynas ag adran 171A gan adran 171C. Mewnosodwyd adrannau 171A and 171C gan Ddeddf Tai a Chynllunio 1986 (p. 63), adran 8. *Gweler hefyd* Orchymyn Tai (Estyn yr Hawl i Brynu) 1993 (O.S. 1993/2240) a Rheoliadau Tai (Cadw'r Hawl i Brynu) 1993 (O.S.1993/2241). Cymhwysir adran 138 mewn perthynas ag adran 16 o Ddeddf Tai 1996 (p. 52) gan adran 17 o'r Ddeddf honno. *Gweler hefyd* Reoliadau Tai (Hawl i Gaffael) 1997 (O.S. 1997/619).

(ch) *Gweler hefyd* adran 139 a Rhannau 1 and 3 o Atodlen 6 i Ddeddf Tai 1985. Mewnosodwyd paragraffau 16A i 16D yn Rhan 3 o Atodlen 6 gan Ddeddf Tai a Chynllunio 1986 (p.63), adran 4(4).

(d) *Gweler* y diffiniad yn adran 20ZA(2) o Ddeddf Landlord a Tenant 1985, a fewnosodwyd gan adran 151 o Ddeddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002.

(a) 1985 c.68.

(b) 1996 c.52.

(c) Section 138 of the Housing Act 1985 (c. 68) is applied in relation to section 171A by section 171C. Sections 171A and 171C were inserted by the Housing and Planning Act 1986 (c. 63), section 8. *See also* the Housing (Extension of Right to Buy) Order 1993 (S.I. 1993/2240) and the Housing (Preservation of Right to Buy) Regulations 1993 (S.I. 1993/2241). Section 138 is applied in relation to section 16 of the Housing Act 1996 (c. 52) by section 17 of that Act. *See also* the Housing (Right to Acquire) Regulations 1997 (S.I. 1997/619).

(d) *See also* section 139 and Parts 1 and 3 of Schedule 6 to the Housing Act 1985. Paragraphs 16A to 16D in Part 3 of Schedule 6 were inserted by the Housing and Planning Act 1986 (c.63), section 4(4).

(e) *See* the definition in section 20ZA(2) of the Landlord and Tenant Act 1985, inserted by section 151 of the Commonhold and Leasehold Reform Act 2002.

- (b) os cytundeb rheoli ydyw a wnaed gan awdurdod tai lleol(a) ac-
 - (i) corff rheoli tenantiaid; neu
 - (ii) corff a sefydlwyd o dan adran 2 o Ddeddf Llywodraeth Leol 2000(b);
- (c) os yw'r partïon i'r cytundeb -
 - (i) yn gwmni daliannol ac yn un neu fwy o'i is-gwmnïau; neu
 - (ii) yn ddau neu fwy o is-gwmnïau'r un cwmni daliannol;
- (ch) os-
 - (i) pan ymrwymir i'r cytundeb, nad oes tenantiaid i'r adeilad neu i'r tir ac adeiladau eraill y mae a wnelo'r cytundeb â hwy; a
 - (ii) cytundeb am dymor nad yw'n fwy na phum mlynedd yw'r cytundeb.

(2) Nid yw cytundeb yr ymrwymir iddo gan neu ar ran y landlord neu uwch-landlord-

- (a) cyn y daw'r Rheoliadau hyn i rym; a
- (b) am gyfnod o fwy na deuddeng mis,

yn gytundeb hir-dymor cymwys, er bod mwy na deuddeng mis o'r cyfnod yn dal yn weddill pan ddaw'r Rheoliadau hyn i rym.

(3) Nid yw cytundeb am dymor o fwy na deuddeng mis, yr ymrwymir iddo, gan neu ar ran y landlord neu uwch-landlord, ac sy'n darparu ar gyfer cyflawni gwaith cymwys y rhoddwyd hysbysiad cyhoeddus ohono cyn y dyddiad y daw'r Rheoliadau hyn i rym, yn gytundeb hir-dymor cymwys.

(4) Ym mharagraff (1)-

ystyr "corff rheoli tenantiaid" ("*tenant management organisation*") yw'r ystyr a roddir iddo gan adran 27AB(8) o Ddeddf Tai 1985(c);

ystyr "cwmni daliannol" ("*holding company*") ac "is-gwmnïau" ("*subsidiaries*") yw'r ystyr sydd iddynt yn Neddf Cwmnïau 1985(ch); ac

ystyr "cytundeb rheoli" ("*management agreement*") yw'r ystyr a roddir iddo gan adran 27(2) o Ddeddf Tai 1985(d).

- (b) if it is a management agreement made by a local housing authority(a) and-
 - (i) a tenant management organisation; or
 - (ii) a body established under section 2 of the Local Government Act 2000(b);
- (c) if the parties to the agreement are-
 - (i) a holding company and one or more of its subsidiaries; or
 - (ii) two or more subsidiaries of the same holding company;
- (d) if-
 - (i) when the agreement is entered into, there are no tenants of the building or other premises to which the agreement relates; and
 - (ii) the agreement is for a term not exceeding five years.

(2) An agreement entered into, by or on behalf of the landlord or a superior landlord-

- (a) before the coming into force of these Regulations; and
- (b) for a term of more than twelve months,

is not a qualifying long term agreement, notwithstanding that more than twelve months of the term remain unexpired on the coming into force of these Regulations.

(3) An agreement for a term of more than twelve months entered into, by or on behalf of the landlord or a superior landlord, which provides for the carrying out of qualifying works for which public notice has been given before the date on which these Regulations come into force, is not a qualifying long term agreement.

(4) In paragraph (1)-

"holding company" and "subsidiaries" have the same meaning as in the Companies Act 1985(c);

"management agreement" has the meaning given by section 27(2) of the Housing Act 1985(d); and

"tenant management organisation" has the meaning given by section 27AB(8) of the Housing Act 1985(e).

(a) *Gweler* adran 38 o Ddeddf Landlord a Tenant 1985 ac adran 1 o Ddeddf Tai 1985.

(b) 2000 p.22.

(c) Mewnosodwyd adran 27AB gan Ddeddf Diwygio Cyfraith Lesddaliad, Tai, a Datblygu Trefol Act 1993 (p.28), adran 132. *Gweler hefyd* reoliad 1(4) o Reoliadau Tai (Hawl i Reoli) 1994 (O.S. 1994/627).

(ch) 1985 p.6. Mae'r diffiniadau o "holding company" a "subsidiary" yn adran 736. Rhoddwyd yr adran honno ac adran 736A yn lle'r adran wreiddiol 736 gan Ddeddf Cwmnïau 1989 (p. 40), adran 144(1).

(d) 1985 p.68. Amnewidiwyd adran 27(2) gan O.S. 2003/940.

(a) *See* section 38 of the Landlord and Tenant Act 1985 and section 1 of the Housing Act 1985.

(b) 2000 c.22.

(c) 1985 c.6. Definitions of "holding company" and "subsidiary" are in section 736. That section and section 736A were substituted for the original section 736 by the Companies Act 1989 (c. 40), section 144(1).

(d) 1985 c.68. Section 27(2) was substituted by S.I. 2003/940.

(e) Section 27AB was inserted by the Leasehold Reform, Housing and Urban Development Act 1993 (c.28), section 132. *See also* regulation 1(4) of the Housing (Right to Manage) Regulations 1994 (S.I. 1994/627).

Cymhwyso adran 20 i gytundebau hir-dymor cymwys

4.-(1) Bydd adran 20 yn gymwys i gytundebau hir-dymor cymwys os bydd costau perthnasol(a) a dynnir o dan y cytundeb mewn unrhyw gyfnod cyfrifydda yn fwy na swm sy'n peri bod cyfraniad perthnasol unrhyw denant, mewn perthynas â'r cyfnod hwnnw, yn fwy na £100.

(2) Ym mharagraff (1), ystyr "cyfnod cyfrifydda" yw cyfnod-

- (a) sy'n dechrau ar y dyddiad perthnasol, a
- (b) sy'n gorffen ar y dyddiad sydd ddeuddeng mis ar ôl y dyddiad perthnasol.

(3) Yn achos y cyfnod cyfrifydda cyntaf, y dyddiad perthnasol yw-

- (a) y dyddiad y bydd y cyfnod sy'n cynnwys y dyddiad y daw'r Rheoliadau hyn i rym yn gorffen, os cwblheir y cyfrifon perthnasol am gyfnodau o ddeuddeng mis, neu
- (b) y dyddiad y daw'r Rheoliadau hyn i rym, os na chwblhawyd y cyfrifon felly.

(4) Yn achos cyfnodau cyfrifydda canlynol, y dyddiad perthnasol yw'r dyddiad sy'n dod yn union ar ôl diwedd y cyfnod cyfrifydda blaenorol.

Y gofynion ymgynghori: cytundebau hir-dymor cymwys

5.-(1) Yn ddarostyngedig i baragraffau (2) a (3), mewn perthynas â chytundebau hir-dymor cymwys y mae adran 20 yn gymwys iddynt, y gofynion ymgynghori at ddibenion yr adran honno ac adran 20ZA yw'r gofynion a bennir yn Atodlen 1.

(2) Os oes angen rhoi hysbysiad cyhoeddus o'r materion perthnasol y mae a wnelo'r cytundeb hir-dymor cymwys â hwy, y gofynion ymgynghori at ddibenion adrannau 20 a 20ZA, o ran y cytundeb, yw'r gofynion a bennir yn Atodlen 2.

(3) Mewn perthynas â thenant RTB ac a chytundeb hir-dymor cymwys penodol, nid oes dim ym mharagraff (1) neu (2) yn ei gwneud yn ofynnol i landlord gydymffurfio ag unrhyw un o'r gofynion ymgynghori sy'n gymwys i'r cytundeb hwnnw ac sy'n codi cyn yr unfed dydd ar ddeg ar hugain o'r denantiaeth RTB.

Cymhwyso adran 20 i waith cymwys

6. At ddibenion is-adran (3) o adran 20 y swm priodol yw swm sy'n peri bod cyfraniad perthnasol unrhyw denant yn fwy na £250.

Application of section 20 to qualifying long term agreements

4.-(1) Section 20 shall apply to a qualifying long term agreement if relevant costs(a) incurred under the agreement in any accounting period exceed an amount which results in the relevant contribution of any tenant, in respect of that period, being more than £100.

(2) In paragraph (1), "accounting period" means the period-

- (a) beginning with the relevant date, and
- (b) ending with the date that falls twelve months after the relevant date.

(3) In the case of the first accounting period, the relevant date is-

- (a) if the relevant accounts are made up for periods of twelve months, the date on which the period that includes the date on which these Regulations come into force ends, or
- (b) if the accounts are not so made up, the date on which these Regulations come into force.

(4) In the case of subsequent accounting periods, the relevant date is the date immediately following the end of the previous accounting period.

The consultation requirements: qualifying long term agreements

5.-(1) Subject to paragraphs (2) and (3), in relation to qualifying long term agreements to which section 20 applies, the consultation requirements for the purposes of that section and section 20ZA are the requirements specified in Schedule 1.

(2) Where public notice is required to be given of the relevant matters to which a qualifying long term agreement relates, the consultation requirements for the purposes of sections 20 and 20ZA, as regards the agreement, are the requirements specified in Schedule 2.

(3) In relation to a RTB tenant and a particular qualifying long term agreement, nothing in paragraph (1) or (2) requires a landlord to comply with any of the consultation requirements applicable to that agreement that arise before the thirty-first day of the RTB tenancy.

Application of section 20 to qualifying works

6. For the purposes of subsection (3) of section 20 the appropriate amount is an amount which results in the relevant contribution of any tenant being more than £250.

(a) *Gweler* adran 18(2) o Ddeddf Landlord a Tenant 1985.

(a) *See* section 18(2) of the Landlord and Tenant Act 1985.

Y gofynion ymgynghori: gwaith cymwys

7.-(1) Yn ddarostyngedig i baragraff (5), os yw gwaith cymwys (pa un ai wrth ei hun neu ynghyd â materion eraill) yn destun cytundeb hir-dymor cymwys y mae adran 20 yn gymwys iddo, y gofynion ymgynghori at ddibenion yr adran honno ac adran 20ZA, mewn cysylltiad â'r gwaith hwnnw, yw'r gofynion a bennir yn Atodlen 3.

(2) Yn ddarostyngedig i baragraff (5), mewn achos y mae paragraff (3) yn gymwys iddo, y gofynion ymgynghori at ddibenion adran 20 ac adran 20ZA, mewn cysylltiad â gwaith cymwys y cyfeirir ato yn y paragraff hwnnw, yw'r rhai a bennir yn Atodlen 3.

(3) Mae'r paragraff hwn yn gymwys-

- (a) os cyflawnir gwaith ar unrhyw adeg ar neu ar ôl y dyddiad sydd ddau fis ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, a hynny o dan gytundeb yr ymrwymir iddo, gan neu ar ran y landlord neu uwch-landlord, cyn y daw'r Rheoliadau hyn i rym; neu
- (b) os cyflawnir, unrhyw bryd ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, waith cymwys y rhoddwyd hysbysiad cyhoeddus ohono cyn y dyddiad hwnnw, a hynny o dan gytundeb sydd am gyfnod o fwy na deuddeg mis ac yr ymrwymir iddo, gan neu ar ran y landlord neu uwch-landlord.

(4) Ac eithrio mewn achos y mae paragraff (3) yn gymwys iddo, ac yn ddarostyngedig i baragraff (5), os nad yw gwaith cymwys yn destun cytundeb hir-dymor cymwys y mae adran 20 yn gymwys iddo, y gofynion ymgynghori at ddibenion yr adran honno ac adran 20ZA, mewn cysylltiad â'r gwaith hwnnw yw-

- (a) y rhai a bennir yn Rhan 1 o Atodlen 4, mewn achos y mae'n ofynnol rhoi hysbysiad cyhoeddus o'r gwaith hwnnw;
- (b) y rhai a bennir yn Rhan 2 o'r Atodlen honno, mewn unrhyw achos arall.

(5) Mewn perthynas â thenant RTB a gwaith cymwys penodol, nid oes dim ym mharagraff (1), (2) neu (4) sy'n ei gwneud yn ofynnol i landlord gydymffurfio ag unrhyw un o'r gofynion ymgynghori sy'n gymwys i'r cytundeb hwnnw ac sy'n codi cyn yr unfed dydd ar ddeg ar hugain o'r denantiaeth RTB.

The consultation requirements: qualifying works

7.-(1) Subject to paragraph (5), where qualifying works are the subject (whether alone or with other matters) of a qualifying long term agreement to which section 20 applies, the consultation requirements for the purposes of that section and section 20ZA, as regards those works, are the requirements specified in Schedule 3.

(2) Subject to paragraph (5), in a case to which paragraph (3) applies the consultation requirements for the purposes of sections 20 and 20ZA, as regards qualifying works referred to in that paragraph, are those specified in Schedule 3.

(3) This paragraph applies where-

- (a) under an agreement entered into, by or on behalf of the landlord or a superior landlord, before the coming into force of these Regulations, qualifying works are carried out at any time on or after the date that falls two months after the date on which these Regulations come into force; or
- (b) under an agreement for a term of more than twelve months entered into, by or on behalf of the landlord or a superior landlord, qualifying works for which public notice has been given before the date on which these Regulations come into force are carried out at any time on or after that date.

(4) Except in a case to which paragraph (3) applies, and subject to paragraph (5), where qualifying works are not the subject of a qualifying long term agreement to which section 20 applies, the consultation requirements for the purposes of that section and section 20ZA, as regards those works-

- (a) in a case where public notice of those works is required to be given, are those specified in Part 1 of Schedule 4;
- (b) in any other case, are those specified in Part 2 of that Schedule.

(5) In relation to a RTB tenant and particular qualifying works, nothing in paragraph (1), (2) or (4) requires a landlord to comply with any of the consultation requirements applicable to that agreement that arise before the thirty-first day of the RTB tenancy.

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

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

9 Mawrth 2004

9th March 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN 1

Rheoliad 5(1)

GOFYNION YMGYNGHORI AR GYFER
CYTUNDEBAU HIR-DYMOR CYMWYS
AC EITHRIO'R RHEINI Y MAE ANGEN
RHOI HYSBYSIAD CYHOEDDUS
OHONYNT

Hysbysiad o fwriad

1.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i ymrwymo i'r cytundeb-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig(a).

(2) Rhaid i'r hysbysiad-

- (a) disgrifio'r materion perthnasol yn gyffredinol neu bennu ym mha le a pha bryd y gellir archwilio disgrifiad o'r materion perthnasol;
- (b) datgan rhesymau'r landlord dros ystyried bod angen ymrwymo i'r cytundeb;
- (c) datgan rhesymau'r landlord dros ystyried bod angen cyflawni'r gwaith hwnnw, os gwaith cymwys yw'r materion perthnasol neu os ydynt yn cynnwys gwaith cymwys;
- (ch) gwahodd sylwadau ysgrifenedig mewn perthynas â'r cytundeb arfaethedig; a
- (d) pennu-
 - (i) y cyfeiriad lle y dylid anfon sylwadau o'r fath;
 - (ii) bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(3) Rhaid hefyd i'r hysbysiad wahodd pob tenant a'r gymdeithas (os o gwbl) i gynnig, o fewn y cyfnod perthnasol, enw person y dylai'r landlord geisio cael ganddo amcangyfrif mewn cysylltiad â'r materion perthnasol.

Archwilio'r disgrifiad o'r materion perthnasol

2.-(1) Os yw hysbysiad o dan baragraff 1 yn pennu lle ac amser ar gyfer archwilio-

- (a) rhaid i'r lle a'r amser a bennir felly fod yn rhesymol; a
- (b) rhaid i ddisgrifiad o'r materion perthnasol fod

(a) *Gweler* adran 29(1) o Ddeddf Landlord a Tenant 1985 a ddiwygiwyd gan Ddeddf Landlord a Tenant 1987 (p.31), Atodlen 2, paragraff 10.

SCHEDULE 1

Regulation 5(1)

CONSULTATION REQUIREMENTS FOR
QUALIFYING LONG TERM AGREEMENTS
OTHER THAN THOSE FOR WHICH
PUBLIC NOTICE IS
REQUIRED

Notice of intention

1.-(1) The landlord shall give notice in writing of intention to enter into the agreement-

- (a) to each tenant; and
- (b) where a recognised tenants' association(a) represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) describe, in general terms, the relevant matters or specify the place and hours at which a description of the relevant matters may be inspected;
- (b) state the landlord's reasons for considering it necessary to enter into the agreement;
- (c) where the relevant matters consist of or include qualifying works, state the landlord's reasons for considering it necessary to carry out those works;
- (d) invite the making, in writing, of observations in relation to the proposed agreement; and
- (e) specify-
 - (i) the address to which such observations may be sent;
 - (ii) that they must be delivered within the relevant period; and
 - (iii) the date on which the relevant period ends.

(3) The notice shall also invite each tenant and the association (if any) to propose, within the relevant period, the name of a person from whom the landlord should try to obtain an estimate in respect of the relevant matters.

Inspection of description of relevant matters

2.-(1) Where a notice under paragraph 1 specifies a place and hours for inspection-

(a) *See* section 29(1) of the Landlord and Tenant Act 1985, which was amended by the Landlord and Tenant Act 1987 (c.31), Schedule 2, paragraph 10.

ar gael i'w archwilio, yn rhad ac am ddim, yn y lle hwnnw ac yn ystod yr oriau hynny.

(2) Os nad oes cyfleusterau ar gael i wneud copïau ar yr adegau y gellir archwilio'r disgrifiad, yna os gofynna'r tenant am gopi, rhaid i'r landlord ei ddarparu ar ei gyfer yn rhad ac am ddim.

Dyletswydd i ystyried sylwadau mewn perthynas â chytundeb arfaethedig

3. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn cysylltiad â'r cytundeb arfaethedig, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Amcangyfrifon

4.-(1) Os ceir un enwebiad gan gymdeithas tenantiaid gydnabyddedig (pa un a geir enwebiad gan unrhyw denant ai peidio), a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif gan y person a enwebwyd.

(2) Os ceir un enwebiad gan un o'r tenantiaid yn unig (pa un a geir enwebiad gan gymdeithas tenantiaid gydnabyddedig ai peidio) a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif gan y person a enwebwyd.

(3) Os ceir un enwebiad gan fwy nag un tenant (pa un a geir enwebiad gan gymdeithas tenantiaid gydnabyddedig ai peidio) a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif-

- (a) gan y personau a gafodd y nifer fwyaf o enwebiadau; neu
- (b) os nad oes personau o'r fath, ond bod dau (neu fwy) o bersonau wedi derbyn yr un nifer o enwebiadau, a bod y nifer hwnnw'n fwy na'r enwebiadau a gafodd unrhyw berson arall, gan un o'r ddau berson hynny (neu fwy); neu
- (c) mewn unrhyw achos arall, gan unrhyw berson a enwebwyd.

(4) Os ceir mwy nag un enwebiad gan unrhyw denant a mwy nag un enwebiad gan gymdeithas tenantiaid gydnabyddedig, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif-

- (a) gan o leiaf un person a enwebwyd gan denant; a
- (b) gan o leiaf un person a enwebwyd gan y gymdeithas, ac eithrio person y gofynnwyd am amcangyfrif ganddo fel y crybwyllir ym mharagraff (a).

Paratoi cynigion y landlord

5.-(1) Rhaid i'r landlord baratoi, yn unol â

- (a) the place and hours so specified must be reasonable; and
- (b) a description of the relevant matters must be available for inspection, free of charge, at that place and during those hours.

(2) If facilities to enable copies to be taken are not made available at the times at which the description may be inspected, the landlord shall provide to any tenant, on request and free of charge, a copy of the description.

Duty to have regard to observations in relation to proposed agreement

3. Where, within the relevant period, observations are made in relation to the proposed agreement by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Estimates

4.-(1) Where, within the relevant period, a single nomination is made by a recognised tenants' association (whether or not a nomination is made by any tenant), the landlord shall try to obtain an estimate from the nominated person.

(2) Where, within the relevant period, a single nomination is made by only one of the tenants (whether or not a nomination is made by a recognised tenants' association), the landlord shall try to obtain an estimate from the nominated person.

(3) Where, within the relevant period, a single nomination is made by more than one tenant (whether or not a nomination is made by a recognised tenants' association), the landlord shall try to obtain an estimate-

- (a) from the person who received the most nominations; or
- (b) if there is no such person, but two (or more) persons received the same number of nominations, being a number in excess of the nominations received by any other person, from one of those two (or more) persons; or
- (c) in any other case, from any nominated person.

(4) Where, within the relevant period, more than one nomination is made by any tenant and more than one nomination is made by a recognised tenants' association, the landlord shall try to obtain an estimate-

- (a) from at least one person nominated by a tenant; and
- (b) from at least one person nominated by the association, other than a person from whom an estimate is sought as mentioned in paragraph (a).

darpariaethau canlynol y paragraff hwn, o leiaf ddau gynnig mewn cysylltiad â'r materion perthnasol.

(2) Rhaid i o leiaf un o'r cynigion gynnig bod y nwyddau neu'r gwasanaethau'n cael eu darparu, neu fod y gwaith yn cael ei wneud (yn ôl y digwydd), gan berson nad oes ganddo unrhyw gysylltiad o gwbl â'r landlord.

(3) Os cafwyd amcangyfrif gan berson a enwebwyd, rhaid i'r landlord baratoi cynnig ar sail yr amcangyfrif hwnnw.

(4) Rhaid i bob cynnig gynnwys datganiad o'r materion perthnasol.

(5) Rhaid i bob cynnig gynnwys datganiad, mewn cysylltiad â phob parti i'r cytundeb arfaethedig ac eithrio'r landlord-

- (a) yn rhoi enw a chyfeiriad y parti; a
- (b) yn datgan unrhyw gysylltiad (ac eithrio'r cytundeb arfaethedig) sydd rhwng y parti a'r landlord.

(6) At ddibenion is-baragraff (2) ac is-baragraff (5)(b), rhaid tybio bod cysylltiad rhwng parti (yn ôl y digwydd) a'r landlord-

- (a) os cwmni yw'r landlord, os yw'r parti'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu os yw'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (b) os cwmni yw'r landlord, a bod y parti'n bartner mewn partneriaeth, os oes unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (c) os cwmnïau yw'r landlord a'r parti ill dau, os oes unrhyw un o gyfarwyddwyr neu reolwyr un cwmni yn un o gyfarwyddwr neu reolwyr y cwmni arall, neu'n mynd i fod yn un o gyfarwyddwr neu reolwyr y cwmni arall;
- (ch) os cwmni yw'r parti, os yw'r landlord yn un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath; neu
- (d) os cwmni yw'r parti a bod y landlord yn bartner mewn partneriaeth, os oes unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath.

(7) Os yw'n rhesymol ymarferol i'r landlord amcangyfrif, o ran uned breswyl pob tenant a'r materion perthnasol, y cyfraniad perthnasol y gellir ei briodoli i'r materion perthnasol y mae a wnelo'r cytundeb arfaethedig â hwy, rhaid i bob cynnig gynnwys datganiad yn nodi'r cyfraniad

Preparation of landlord's proposals

5.-(1) The landlord shall prepare, in accordance with the following provisions of this paragraph, at least two proposals in respect of the relevant matters.

(2) At least one of the proposals must propose that goods or services are provided, or works are carried out (as the case may be), by a person wholly unconnected with the landlord.

(3) Where an estimate has been obtained from a nominated person, the landlord must prepare a proposal based on that estimate.

(4) Each proposal shall contain a statement of the relevant matters.

(5) Each proposal shall contain a statement, as regards each party to the proposed agreement other than the landlord-

- (a) of the party's name and address; and
- (b) of any connection (apart from the proposed agreement) between the party and the landlord.

(6) For the purposes of sub-paragraphs (2) and (5)(b), it shall be assumed that there is a connection between a party (as the case may be) and the landlord-

- (a) where the landlord is a company, if the party is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (b) where the landlord is a company, and the party is a partner in a partnership, if any partner in that partnership is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (c) where both the landlord and the party are companies, if any director or manager of one company is, or is to be, a director or manager of the other company;
- (d) where the party is a company, if the landlord is a director or manager of the company or is a close relative of any such director or manager; or
- (e) where the party is a company and the landlord is a partner in a partnership, if any partner in that partnership is a director or manager of the company or is a close relative of any such director or manager.

(7) Where, as regards each tenant's unit of occupation and the relevant matters, it is reasonably

amcangyfrifedig hwnnw.

(8) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (7); a
- (b) yw'n rhesymol ymarferol i'r landlord amcangyfrif, mewn cysylltiad â'r adeilad neu â thir ac adeiladau eraill y mae a wnelo'r cytundeb arfaethedig â hwy, gyfanswm gwariant y landlord o dan y cytundeb arfaethedig;

rhaid i bob cynnig gynnwys datganiad yn nodi'r gwariant amcangyfrifedig hwnnw.

(9) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (7) neu is-baragraff (8)(b); a
- (b) yw'n rhesymol ymarferol i'r landlord gadarnhau'r gost bresennol fesul uned neu'r gyfradd bresennol fesul awr neu ddiwrnod sy'n gymwys i'r materion perthnasol,

rhaid i bob cynnig gynnwys datganiad yn nodi'r gost neu'r gyfradd honno.

(10) Os cynnig i benodi asiant gan y landlord yw'r materion perthnasol neu os yw'r materion perthnasol yn cynnwys hynny a bod yr asiant i gyflawni rhwymedigaethau'r landlord at y tenantiaid sy'n gysylltiedig â rheoli gan y landlord dir ac adeiladau y mae a wnelo'r cytundeb â hwy, rhaid i bob cynnig gynnwys datganiad-

- (a) yn nodi am y person yr arfaethir ei benodi-
 - (i) ei fod, neu nad yw yn ôl y digwydd, yn aelod o gorff proffesiynol neu gymdeithas fasnach; a
 - (ii) ei fod, yn ôl y digwydd, neu nad yw, yn dilyn unrhyw god ymarfer neu gynllun achredu gwirfoddol sy'n berthnasol i swyddogaethau'r asiantau sy'n rheoli; a
- (b) os yw'r person yn aelod o gorff proffesiynol neu gymdeithas fasnach, enw'r corff neu'r gymdeithas.

(11) Rhaid i bob cynnig gynnwys datganiad yn nodi'r darpariaethau (os oes rhai) a wneir ar gyfer amrywio unrhyw swm a bennir sydd yn y cytundeb arfaethedig neu sydd i'w benderfynu oddi tano.

(12) Rhaid i bob cynnig gynnwys datganiad yn nodi pa mor hir y bwriedir i'r cytundeb barhau.

(13) Os gwneir sylwadau y mae'n ofynnol i'r landlord eu hystyried (yn unol â pharagraff 3), rhaid i bob cynnig gynnwys datganiad yn rhoi crynodeb o'r

practicable for the landlord to estimate the relevant contribution attributable to the relevant matters to which the proposed agreement relates, each proposal shall contain a statement of that estimated contribution.

(8) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in subparagraph (7); and
- (b) it is reasonably practicable for the landlord to estimate, as regards the building or other premises to which the proposed agreement relates, the total amount of the landlord's expenditure under the proposed agreement,

each proposal shall contain a statement of that estimated expenditure.

(9) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in subparagraph (7) or (8)(b); and
- (b) it is reasonably practicable for the landlord to ascertain the current unit cost or hourly or daily rate applicable to the relevant matters,

each proposal shall contain a statement of that cost or rate.

(10) Where the relevant matters comprise or include the proposed appointment by the landlord of an agent to discharge any of the landlord's obligations to the tenants which relate to the management by the landlord of premises to which the agreement relates, each proposal shall contain a statement-

- (a) that the person whose appointment is proposed-
 - (i) is or, as the case may be, is not, a member of a professional body or trade association; and
 - (ii) subscribes or, as the case may be, does not subscribe, to any code of practice or voluntary accreditation scheme relevant to the functions of managing agents; and
- (b) if the person is a member of a professional body or trade association, of the name of the body or association.

(11) Each proposal shall contain a statement as to the provisions (if any) for variation of any amount specified in, or to be determined under, the proposed agreement.

(12) Each proposal shall contain a statement of the intended duration of the proposed agreement.

(13) Where observations are made to which (in accordance with paragraph 3) the landlord is required

sylwadau ac yn nodi ymateb y landlord iddynt.

Hysbysiad o gynigion y landlord

6.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o'r cynigion a baratowyd o dan baragraff 5-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) O ran yr hysbysiad-

- (a) rhaid anfon gydag ef gopi o bob cynnig neu nodi ym mha le a pha bryd y gellir archwilio'r cynigion;
- (b) rhaid iddo wahodd sylwadau ysgrifenedig mewn perthynas â'r cynigion; a
- (c) rhaid iddo bennu-
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(3) Bydd paragraff 2 yn gymwys i gynigion a fydd ar gael i'w harchwilio o dan y paragraff hwn fel y mae'n gymwys i ddisgrifiad o'r materion perthnasol a fydd ar gael i'w harchwilio o dan y paragraff hwnnw.

Dyletswydd i ystyried sylwadau mewn perthynas â chynigion

7. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn perthynas â chynigion y landlord, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Dyletswydd wrth ymrwymo i gytundeb

8.-(1) Yn ddarostyngedig i is-baragraff (2), os yw'r landlord yn ymrwymo i gytundeb y mae a wnelo â materion perthnasol, rhaid i'r landlord, o fewn 21 diwrnod i ymrwymo i'r cytundeb, drwy hysbysiad ysgrifenedig at bob tenant a chymdeithas tenantiaid gydnabyddedig (os o gwbl)-

- (a) datgan y rhesymau dros wneud y cytundeb hwnnw neu bennu ym mha le a pha bryd y gellir archwilio datganiad o'r rhesymau hynny; a
- (b) crynhoi sylwadau ac ymateb iddynt neu bennu'r lle a'r amser y gellir archwilio'r crynodeb a'r ymateb, os gwneir sylwadau y mae'n ofynnol i'r landlord eu hystyried (yn unol â pharagraff 7).

(2) Nid yw gofynion is-baragraff (1) yn gymwys os yw person y gwnaed y cytundeb gydag ef yn berson a

to have regard, each proposal shall contain a statement summarising the observations and setting out the landlord's response to them.

Notification of landlord's proposals

6.-(1) The landlord shall give notice in writing of proposals prepared under paragraph 5-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) be accompanied by a copy of each proposal or specify the place and hours at which the proposals may be inspected;
- (b) invite the making, in writing, of observations in relation to the proposals; and
- (c) specify-
 - (i) the address to which such observations may be sent;
 - (ii) that they must be delivered within the relevant period; and
 - (iii) the date on which the relevant period ends.

(3) Paragraph 2 shall apply to proposals made available for inspection under this paragraph as it applies to a description of the relevant matters made available for inspection under that paragraph.

Duty to have regard to observations in relation to proposals

7. Where, within the relevant period, observations are made in relation to the landlord's proposals by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Duty on entering into agreement

8.-(1) Subject to sub-paragraph (2), where the landlord enters into an agreement relating to relevant matters, the landlord shall, within 21 days of entering into the agreement, by notice in writing to each tenant and the recognised tenants' association (if any)-

- (a) state the reasons for making that agreement or specify the place and hours at which a statement of those reasons may be inspected; and
- (b) where observations are made to which (in accordance with paragraph 7) the landlord is required to have regard, summarise the observations and respond to them or specify the place and hours at which that summary and response may be inspected.

enwebwyd neu os yw wedi cyflwyno'r amcangyfrif isaf.

(3) Bydd paragraff 2 yn gymwys i ddatganiad, crynodeb ac ymateb a fydd ar gael i'w harchwilio o dan y paragraff hwn fel y mae'n gymwys i ddisgrifiad o'r materion perthnasol a fydd ar gael i'w archwilio o dan y paragraff hwnnw.

ATODLEN 2

Rheoliad 5(2)

GOFYNION YMGYNGHORI AR GYFER CYTUNDEBAU HIR-DYMOR CYMWYS Y MAE ANGEN RHOI HYSBYSIAD CYHOEDDUS OHONYNT

Hysbysiad o fwriad

1.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i ymrwymo i'r cytundeb-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) Rhaid i'r hysbysiad-

- (a) disgrifio'r materion perthnasol yn gyffredinol neu bennu ym mha le a pha bryd y gellir archwilio disgrifiad o'r materion perthnasol;
- (b) datgan rhesymau'r landlord dros ystyried bod angen ymrwymo i'r cytundeb;
- (c) datgan rhesymau'r landlord dros ystyried bod angen cyflawni'r gwaith hwnnw, os gwaith cymwys yw'r materion perthnasol neu os ydynt yn cynnwys gwaith cymwys;
- (ch) datgan mai'r rheswm pam nad yw'r landlord yn gwahodd y rhai y rhoddir yr hysbysiad iddynt i enwebu personau y dylai'r landlord geisio gofyn iddynt am amcangyfrif ar gyfer y materion perthnasol, yw bod hysbysiad cyhoeddus o'r materion perthnasol i'w roi;
- (d) gwahodd sylwadau ysgrifenedig mewn perthynas â'r materion perthnasol; a
- (dd) pennu-
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a

(2) The requirements of sub-paragraph (1) do not apply where the person with whom the agreement is made is a nominated person or submitted the lowest estimate.

(3) Paragraph 2 shall apply to a statement, summary and response made available for inspection under this paragraph as it applies to a description of the relevant matters made available for inspection under that paragraph.

SCHEDULE 2

Regulation 5(2)

CONSULTATION REQUIREMENTS FOR QUALIFYING LONG TERM AGREEMENTS FOR WHICH PUBLIC NOTICE IS REQUIRED

Notice of intention

1.-(1) The landlord shall give notice in writing of intention to enter into the agreement-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) describe, in general terms, the relevant matters or specify the place and hours at which a description of the relevant matters may be inspected;
- (b) state the landlord's reasons for considering it necessary to enter into the agreement;
- (c) where the relevant matters consist of or include qualifying works, state the landlord's reasons for considering it necessary to carry out those works;
- (d) state that the reason why the landlord is not inviting recipients of the notice to nominate persons from whom the landlord should try to obtain an estimate for the relevant matters is that public notice of the relevant matters is to be given;
- (e) invite the making, in writing, of observations in relation to the relevant matters; and
- (f) specify-
 - (i) the address to which such observations may be sent;

(iii) y dyddiad y daw'r cyfnod perthnasol i ben.

Archwilio disgrifiad o faterion perthnasol

2.-(1) Os yw hysbysiad o dan baragraff 1 yn pennu lle ac amser ar gyfer archwilio-

- (a) rhaid i'r lle a'r amser a bennir felly fod yn rhesymol; a
- (b) rhaid i ddisgrifiad o'r materion perthnasol fod ar gael i'w archwilio, yn rhad ac am ddim, yn y lle hwnnw ac yn ystod yr oriau hynny.

(2) Os nad oes cyfleusterau ar gael i wneud copïau ar yr adegau y gellir archwilio'r disgrifiad, yna os gofynna'r tenant am gopi, rhaid i'r landlord ei ddarparu ar ei gyfer yn rhad ac am ddim.

Dyletswydd i ystyried sylwadau sy'n ymwneud â materion perthnasol

3. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn cysylltiad â'r materion perthnasol, a hynny o o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Paratoi cynnig y landlord

4.-(1) Rhaid i'r landlord baratoi cynnig mewn cysylltiad â'r cytundeb arfaethedig, yn unol â darpariaethau canlynol y paragraff hwn.

(2) Rhaid i'r cynnig gynnwys datganiad-

- (a) yn nodi enw a chyfeiriad pob parti i'r cytundeb arfaethedig (ac eithrio'r landlord); a
- (b) yn datgan unrhyw gysylltiad (ac eithrio'r cytundeb arfaethedig) sydd rhwng y landlord ac unrhyw barti arall.

(3) At ddiben is-baragraff (2)(b), rhaid tybio bod cysylltiad rhwng parti a'r landlord-

- (a) os cwmni yw'r landlord, ac os yw'r parti'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu os yw'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (b) os cwmni yw'r landlord, a bod y parti'n bartner mewn partneriaeth, ac os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (c) os cwmnïau yw'r landlord a'r parti ill dau, ac os yw unrhyw un o gyfarwyddwyr neu reolwyr un cwmni yn un o gyfarwyddwr neu reolwr y

(ii) that they must be delivered within the relevant period; and

(iii) the date on which the relevant period ends.

Inspection of description of relevant matters

2.-(1) Where a notice under paragraph 1 specifies a place and hours for inspection-

- (a) the place and hours so specified must be reasonable; and
- (b) a description of the relevant matters must be available for inspection, free of charge, at that place and during those hours.

(2) If facilities to enable copies to be taken are not made available at the times at which the description may be inspected, the landlord shall provide to any tenant, on request and free of charge, a copy of the description.

Duty to have regard to observations in relation to relevant matters

3. Where, within the relevant period, observations are made in relation to the relevant matters by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Preparation of landlord's proposal

4.-(1) The landlord shall prepare, in accordance with the following provisions of this paragraph, a proposal in respect of the proposed agreement.

(2) The proposal shall contain a statement-

- (a) of the name and address of every party to the proposed agreement (other than the landlord); and
- (b) of any connection (apart from the proposed agreement) between the landlord and any other party.

(3) For the purpose of sub-paragraph (2)(b), it shall be assumed that there is a connection between the landlord and a party-

- (a) where the landlord is a company, if the party is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (b) where the landlord is a company, and the party is a partner in a partnership, if any partner in that partnership is, or is to be, a director or manager of the company or is a close relative of any such director or manager;

cwmni arall, neu'n mynd i fod yn un o gyfarwyddwr neu reolwyr y cwmni arall;

- (ch) os cwmni yw'r parti, ac os yw'r landlord yn un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath; neu
- (d) os cwmni yw'r parti a bod y landlord yn bartner mewn partneriaeth, ac os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath.

(4) Os yw'n rhesymol ymarferol i'r landlord amcangyfrif, o ran uned breswyl pob tenant, y cyfraniad perthnasol sydd i'w dynnu gan y tenant, ac y gellir ei briodoli i'r materion perthnasol y mae a wnelo'r cytundeb arfaethedig â hwy, rhaid i bob cynnig gynnwys datganiad yn nodi'r cyfraniad hwnnw.

(5) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (4); a
- (b) yw'n rhesymol ymarferol i'r landlord amcangyfrif cyfanswm gwariant y landlord o dan y cytundeb arfaethedig mewn cysylltiad â'r adeilad neu dir ac adeiladu eraill y mae a wnelo'r cytundeb arfaethedig â hwy;

rhaid i'r cynnig gynnwys datganiad yn nodi'r gwariant amcangyfrifedig hwnnw.

(6) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (4) neu is-baragraff (5)(b); a
- (b) os yw'n rhesymol ymarferol i'r landlord gadarnhau'r gost bresennol fesul uned neu'r gyfradd bresennol fesul awr neu ddiwrnod sy'n gymwys i'r materion perthnasol y mae a wnelo'r cytundeb arfaethedig ag ef,

rhaid i bob cynnig gynnwys datganiad yn nodi'r gost neu'r gyfradd honno.

(7) Os nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (6)(b), rhaid i'r cynnig gynnwys datganiad o'r rhesymau pam na all y landlord gydymffurfio, a nodi'r dyddiad y mae'r landlord yn disgwyl y bydd yn gallu darparu amcangyfrif, cost neu gyfradd.

(8) Os cynnig i benodi asiant gan y landlord yw'r materion perthnasol neu os yw'r materion perthnasol yn cynnwys hynny a bod yr asiant i gyflawni rhwymedigaethau'r landlord at y tenantiaid, sy'n gysylltiedig â rheoli gan y landlord dir ac adeiladau y mae a wnelo'r cytundeb â hwy, rhaid i bob cynnig gynnwys datganiad -

- (a) yn nodi am y person yr arfaethir ei benodi-
 - (i) ei fod, neu nad yw, yn ôl y digwydd, yn

- (c) where both the landlord and the party are companies, if any director or manager of one company is, or is to be, a director or manager of the other company;
- (d) where the party is a company, if the landlord is a director or manager of the company or is a close relative of any such director or manager; or
- (e) where the party is a company and the landlord is a partner in a partnership, if any partner in that partnership is a director or manager of the company or is a close relative of any such director or manager.

(4) Where, as regards each tenant's unit of occupation, it is reasonably practicable for the landlord to estimate the relevant contribution to be incurred by the tenant attributable to the relevant matters to which the proposed agreement relates, the proposal shall contain a statement of that contribution.

(5) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in subparagraph (4); and
- (b) it is reasonably practicable for the landlord to estimate, as regards the building or other premises to which the proposed agreement relates, the total amount of the landlord's expenditure under the proposed agreement,

the proposal shall contain a statement of the amount of that estimated expenditure.

(6) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in subparagraph (4) or (5)(b); and
- (b) it is reasonably practicable for the landlord to ascertain the current unit cost or hourly or daily rate applicable to the relevant matters to which the proposed agreement relates,

the proposal shall contain a statement of that cost or rate.

(7) Where it is not reasonably practicable for the landlord to make the estimate mentioned in subparagraph (6)(b), the proposal shall contain a statement of the reasons why the landlord cannot comply and the date by which the landlord expects to be able to provide an estimate, cost or rate.

(8) Where the relevant matters comprise or include the proposed appointment by the landlord of an agent to discharge any of the landlord's obligations to the tenants which relate to the management by the landlord of premises to which the agreement relates, each proposal shall contain a statement-

- (a) that the person whose appointment is

aelod o gorff proffesiynol neu gymdeithas fasnach; a

(ii) ei fod, neu nad yw, yn ôl y digwydd, yn rhan o unrhyw god ymarfer neu gynllun achredu gwirfoddol sy'n berthnasol i swyddogaethau'r asiantau sy'n rheoli; a

(b) enw'r corff neu'r gymdeithas, os yw'r person yn aelod o gorff proffesiynol neu gymdeithas fasnach.

(9) Rhaid i bob cynnig gynnwys datganiad yn nodi pa mor hir y bwriedir i'r cytundeb barhau.

(10) Os gwneir sylwadau y mae'n ofynnol i'r landlord eu hystyried (yn unol â pharagraff 3), rhaid i bob cynnig gynnwys datganiad yn rhoi crynodeb o'r sylwadau ac yn nodi ymateb y landlord iddynt.

Hysbysiad o gynnig y landlord

5.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o'r cynnig sydd wedi'i baratoi o dan baragraff 4-

(a) i bob tenant; a

(b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) O ran yr hysbysiad-

(a) rhaid anfon gydag ef gopi o'r cynnig neu bennu ynddo ym mha le a pha bryd y gellir archwilio'r cynnig;

(b) rhaid iddo wahodd sylwadau ysgrifenedig, mewn perthynas â'r cynnig; a

(c) rhaid iddo bennu -

(i) y cyfeiriad lle y dylid anfon y sylwadau hynny;

(ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a

(iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(3) Bydd paragraff 2 yn gymwys i gynnig a fydd ar gael i'w archwilio o dan y paragraff hwn fel y mae'n gymwys i ddisgrifiad a fydd ar gael i'w archwilio o dan y paragraff hwnnw.

Dyletswydd i ystyried sylwadau mewn perthynas â chynigion

6. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn perthynas â chynnig y landlord, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Ymateb y landlord i sylwadau

7. Os gwneir sylwadau y mae'n ofynnol i'r landlord (yn unol â pharagraff 6) eu hystyried, rhaid i'r landlord, o fewn 21 diwrnod i'w derbyn, ddatgan ymateb y

proposed-

(i) is or, as the case may be, is not, a member of a professional body or trade association; and

(ii) subscribes or, as the case may be, does not subscribe, to any code of practice or voluntary accreditation scheme relevant to the functions of managing agents; and

(b) if the person is a member of a professional body or trade association, of the name of the body or association.

(9) Each proposal shall contain a statement of the intended duration of the proposed agreement.

(10) Where observations are made to which (in accordance with paragraph 3) the landlord is required to have regard, the proposal shall contain a statement summarising the observations and setting out the landlord's response to them.

Notification of landlord's proposal

5.-(1) The landlord shall give notice in writing of the proposal prepared under paragraph 4-

(a) to each tenant; and

(b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

(a) be accompanied by a copy of the proposal or specify the place and hours at which the proposal may be inspected;

(b) invite the making, in writing, of observations in relation to the proposal; and

(c) specify-

(i) the address to which such observations may be sent;

(ii) that they must be delivered within the relevant period; and

(iii) the date on which the relevant period ends.

(3) Paragraph 2 shall apply to a proposal made available for inspection under this paragraph as it applies to a description made available for inspection under that paragraph.

Duty to have regard to observations in relation to proposal

6. Where, within the relevant period, observations are made in relation to the landlord's proposal by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Landlord's response to observations

7. Where observations are made to which (in

landlord i'r sylwadau a hynny mewn hysbysiad ysgrifenedig i'r person a wnaeth y sylwadau.

Gwybodaeth atodol

8. Os yw cynnig a baratowyd o dan baragraff 4 yn cynnwys datganiad o'r math a grybwyllir yn is-baragraff (7) o'r paragraff hwnnw, rhaid i'r landlord, o fewn 21 diwrnod i dderbyn digon o wybodaeth i alluogi'r landlord i amcangyfrif y swm, y gost neu'r gyfradd y cyfeirir atynt yn is-baragraff (4), (5) neu (6) o'r paragraff hwnnw, roi hysbysiad ysgrifenedig o'r swm, y gost neu'r gyfradd-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

ATODLEN 3

Rheoliad 7(1) a (2)

GOFYNION YMGYNGHORI AR GYFER GWAITH CYMWYS O DAN GYTUNDEBAU HIR-DYMOR CYMWYS A CHYTUNDEBAU Y MAE RHEOLIAD 7(3) YN GYMWYS IDDYNT

Hysbysiad o fwriad

1.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i gyflawni gwaith cymwys -

- (a) i bob tenant; a
 - (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.
- (2) Rhaid i'r hysbysiad-
- (a) disgrifio'n gyffredinol y gwaith y cynigir ei gyflawni neu bennu ym mha le a pha bryd y gellir archwilio disgrifiad o'r gwaith arfaethedig;
 - (b) datgan rhesymau'r landlord dros ystyried bod angen cyflawni'r gwaith arfaethedig;
 - (c) cynnwys datganiad o gyfanswm y gwariant amcangyfrifedig y mae'n debygol y bydd y landlord yn ei dynnu wrth wneud y gwaith arfaethedig ac yn gysylltiedig ag ef;
 - (ch) gwahodd sylwadau ysgrifenedig, mewn perthynas â'r gwaith arfaethedig neu â gwariant amcangyfrifedig y landlord;
 - (d) pennu -
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;

accordance with paragraph 6) the landlord is required to have regard, the landlord shall, within 21 days of their receipt, by notice in writing to the person by whom the observations were made, state the landlord's response to the observations.

Supplementary information

8. Where a proposal prepared under paragraph 4 contains such a statement as is mentioned in sub-paragraph (7) of that paragraph, the landlord shall, within 21 days of receiving sufficient information to enable the landlord to estimate the amount, cost or rate referred to in sub-paragraph (4), (5) or (6) of that paragraph, give notice in writing of the estimated amount, cost or rate (as the case may be)-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

SCHEDULE 3

Regulation 7(1) and (2)

CONSULTATION REQUIREMENTS FOR QUALIFYING WORKS UNDER QUALIFYING LONG TERM AGREEMENTS AND AGREEMENTS TO WHICH REGULATION 7(3) APPLIES

Notice of intention

1.-(1) The landlord shall give notice in writing of intention to carry out qualifying works-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) describe, in general terms, the works proposed to be carried out or specify the place and hours at which a description of the proposed works may be inspected;
- (b) state the landlord's reasons for considering it necessary to carry out the proposed works;
- (c) contain a statement of the total amount of the estimated expenditure likely to be incurred by the landlord on and in connection with the proposed works;
- (d) invite the making, in writing, of observations in relation to the proposed works or the landlord's estimated expenditure;

- (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
- (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

Archwilio disgrifiad o waith arfaethedig

2.-(1) Os yw hysbysiad o dan baragraff 1 yn pennu lle ac amser ar gyfer archwilio-

- (a) rhaid i'r lle a'r amser a bennir felly fod yn rhesymol; a
- (b) rhaid i ddisgrifiad o'r gwaith arfaethedig fod ar gael i'w archwilio, yn rhad ac am ddim, yn y lle hwnnw ac yn ystod yr oriau hynny.

(2) Os nad oes cyfleusterau ar gael i wneud copïau ar yr adegau y gellir archwilio'r disgrifiad, yna os gofynna'r tenant am gopi, rhaid i'r landlord ei ddarparu ar ei gyfer yn rhad ac am ddim.

Dyletswydd i ystyried sylwadau mewn perthynas â'r gwaith a'r gwariant amcangyfrifedig arfaethedig

3. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn cysylltiad â'r gwaith arfaethedig neu â gwariant amcangyfrifedig y landlord, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Ymateb y landlord i sylwadau

4. Os gwneir sylwadau y mae'n ofynnol i'r landlord (yn unol â pharagraff 3) eu hystyried, rhaid i'r landlord, o fewn 21 diwrnod i'w derbyn, ddatgan ymateb y landlord i'r sylwadau, a hynny mewn hysbysiad ysgrifenedig i'r person a wnaeth y sylwadau.

(e) specify-

- (i) the address to which such observations may be sent;
- (ii) that they must be delivered within the relevant period; and
- (iii) the date on which the relevant period ends.

Inspection of description of proposed works

2.-(1) Where a notice under paragraph 1 specifies a place and hours for inspection-

- (a) the place and hours so specified must be reasonable; and
- (b) a description of the proposed works must be available for inspection, free of charge, at that place and during those hours.

(2) If facilities to enable copies to be taken are not made available at the times at which the description may be inspected, the landlord shall provide to any tenant, on request and free of charge, a copy of the description.

Duty to have regard to observations in relation to proposed works and estimated expenditure

3. Where, within the relevant period, observations are made in relation to the proposed works or the landlord's estimated expenditure by any tenant or the recognised tenants' association, the landlord shall have regard to those observations.

ATODLEN 4

Rheoliad 7(4)

GOFYNION YMGYNGHORI AR GYFER
GWAITH CYMWYS AC EITHRIO GWAITH
O DAN GYTUNDEBAU HIR-DYMOR
CYMWYS NEU GYTUNDEBAU Y MAE
RHEOLIAD 7(3) YN GYMWYS IDDYNT

RHAN 1

GOFYNION YMGYNGHORI AR GYFER
GWAITH CYMWYS Y MAE ANGEN RHOI
HYSBYSIAD CYHOEDDUS OHONYNT

Hysbysiad o fwriad

1.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i gyflawni gwaith cymwys -

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) Rhaid i'r hysbysiad-

- (a) disgrifio'n gyffredinol y gwaith y cynigir ei gyflawni neu bennu ym mha le a pha bryd y gellir archwilio disgrifiad o'r gwaith arfaethedig;
- (b) datgan rhesymau'r landlord dros ystyried bod angen cyflawni'r gwaith arfaethedig;
- (c) datgan mai'r rheswm pam nad yw'r landlord yn gwahodd y rhai sy'n derbyn yr hysbysiad i enwebu personau y dylai'r landlord geisio cael ganddynt amcangyfrif ar gyfer cyflawni'r gwaith, yw bod hysbysiad cyhoeddus o'r gwaith i'w roi;
- (ch) gwahodd sylwadau ysgrifenedig mewn perthynas â'r gwaith arfaethedig; a
- (d) pennu -
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

4. Where observations are made to which (in accordance with paragraph 3) the landlord is required to have regard, the landlord shall, within 21 days of their receipt, by notice in writing to the person by whom the observations were made, state the landlord's response to the observations.

SCHEDULE 4

Regulation 7(4)

CONSULTATION REQUIREMENTS FOR
QUALIFYING WORKS OTHER THAN
WORKS UNDER QUALIFYING LONG
TERM AGREEMENT OR AGREEMENTS
TO WHICH REGULATION 7(3) APPLIES

PART 1

CONSULTATION REQUIREMENTS FOR
QUALIFYING WORKS FOR WHICH
PUBLIC NOTICE IS REQUIRED

Notice of intention

1.-(1) The landlord shall give notice in writing of intention to carry out qualifying works-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) describe, in general terms, the works proposed to be carried out or specify the place and hours at which a description of the proposed works may be inspected;
- (b) state the landlord's reasons for considering it necessary to carry out the proposed works;
- (c) state that the reason why the landlord is not inviting recipients of the notice to nominate persons from whom the landlord should try to obtain an estimate for carrying out the works is that public notice of the works is to be given;

(d) invite the making, in writing, of observations in relation to the proposed works; and

(e) specify-

- (i) the address to which such observations may be sent;
- (ii) that they must be delivered within the relevant period; and
- (iii) the date on which the relevant period ends.

Archwilio disgrifiad o waith arfaethedig

2.-(1) Os yw hysbysiad o dan baragraff 1 yn pennu lle ac amser ar gyfer archwilio-

- (a) rhaid i'r lle a'r amser a bennir felly fod yn rhesymol; a
- (b) rhaid i ddisgrifiad o'r gwaith arfaethedig fod ar gael i'w archwilio, yn rhad ac am ddim, yn y lle hwnnw ac yn ystod yr oriau hynny.

(2) Os nad oes cyfleusterau ar gael i wneud copïau ar yr adegau y gellir archwilio'r disgrifiad, yna os gofynna'r tenant am gopi o'r disgrifiad, rhaid i'r landlord ei ddarparu ar ei gyfer yn rhad ac am ddim.

Dyletswydd i ystyried sylwadau mewn perthynas â'r gwaith arfaethedig

3. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn cysylltiad â'r gwaith arfaethedig, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Paratoi datganiad contract y landlord

4.-(1) Rhaid i'r landlord baratoi, yn unol â darpariaethau canlynol y paragraff hwn, ddatganiad mewn perthynas â'r contract arfaethedig y cyflawnir y gwaith arfaethedig oddi tano.

(2) Rhaid i'r datganiad nodi-

- (a) enw a chyfeiriad y person y mae'r landlord yn bwriadu ymrwymo i gontract gydag ef; a
- (b) manylion unrhyw gysylltiad (ac eithrio'r contract arfaethedig) rhyngddynt.

(3) At ddiben is-baragraff (2)(b), rhaid tybio bod cysylltiad rhwng person a'r landlord-

- (a) os cwmni yw'r landlord, ac os yw'r person yn un o gyfarwyddwyr neu reolwyr y cwmni neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu os yw'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (b) os cwmni yw'r landlord, a bod y person yn bartner mewn partneriaeth, ac os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (c) os cwmnïau yw'r landlord a'r person ill dau, ac os yw unrhyw un o gyfarwyddwyr neu reolwyr un cwmni yn un o gyfarwyddwr neu reolwyr y cwmni arall, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni arall;
- (ch) os cwmni yw'r person, ac os yw'r landlord yn un o gyfarwyddwyr neu reolwyr y cwmni

Inspection of description of proposed works

2.-(1) Where a notice under paragraph 1 specifies a place and hours for inspection-

- (a) the place and hours so specified must be reasonable; and
- (b) a description of the proposed works must be available for inspection, free of charge, at that place and during those hours.

(2) If facilities to enable copies to be taken are not made available at the times at which the description may be inspected, the landlord shall provide to any tenant, on request and free of charge, a copy of the description.

Duty to have regard to observations in relation to proposed works

3. Where, within the relevant period, observations are made in relation to the proposed works by any tenant or the recognised tenants' association, the landlord shall have regard to those observations.

Preparation of landlord's contract statement

4.-(1) The landlord shall prepare, in accordance with the following provisions of this paragraph, a statement in respect of the proposed contract under which the proposed works are to be carried out.

(2) The statement shall set out-

- (a) the name and address of the person with whom the landlord proposes to contract; and
- (b) particulars of any connection between them (apart from the proposed contract).

(3) For the purpose of sub-paragraph (2)(b) it shall be assumed that there is a connection between a person and the landlord-

- (a) where the landlord is a company, if the person is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (b) where the landlord is a company, and the person is a partner in a partnership, if any partner in that partnership is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (c) where both the landlord and the person are companies, if any director or manager of one company is, or is to be, a director or manager of the other company;
- (d) where the person is a company, if the landlord is a director or manager of the company or is a

neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath; neu

- (d) os cwmni yw'r person a bod y landlord yn bartner mewn partneriaeth, ac os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath.

(4) Os yw'n rhesymol ymarferol i'r landlord amcangyfrif, o ran uned breswyl pob tenant, swm y cyfraniad perthnasol sydd i'w dynnu gan y tenant ac sydd i'w briodoli i'r gwaith y mae a wnelo'r contract arfaethedig ag ef, rhaid pennu'r swm amcangyfrifedig hwnnw yn y datganiad.

(5) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (4); a
- (b) os yw'n rhesymol ymarferol i'r landlord amcangyfrif, mewn cysylltiad â'r adeilad neu dir ac adeiladu eraill y mae a wnelo'r contract arfaethedig â hwy, gyfanswm gwariant y landlord o dan y cytundeb arfaethedig,

rhaid pennu'r swm amcangyfrifedig hwnnw yn y datganiad.

(6) Os-

- (a) nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (4) neu is-baragraff (5)(b); a
- (b) os yw'n rhesymol ymarferol i'r landlord gadarnhau'r gost bresennol fesul uned neu'r gyfradd bresennol fesul awr neu ddiwrnod sy'n gymwys i'r gwaith y mae a wnelo'r contract arfaethedig ag ef,

rhaid pennu'r gost neu'r gyfradd honno yn y datganiad.

(7) Os nad yw'n rhesymol ymarferol i'r landlord roi'r amcangyfrif a grybwyllir yn is-baragraff (6)(b), rhaid nodi yn y datganiad y rhesymau pam na all y landlord gydymffurfio ynghyd â'r dyddiad y mae'r landlord yn disgwyl y bydd yn gallu darparu swm, cost neu gyfradd amcangyfrifedig.

(8) Os gwneir sylwadau y mae'n ofynnol i'r landlord eu hystyried (yn unol â pharagraff 3), rhaid i'r datganiad gynnwys crynodeb o'r sylwadau a nodi ymateb y landlord iddynt.

Hysbysiad o contract arfaethedig

5.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i ymrwymo i'r contract arfaethedig-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r

close relative of any such director or manager; or

- (e) where the person is a company and the landlord is a partner in a partnership, if any partner in that partnership is a director or manager of the company or is a close relative of any such director or manager.

(4) Where, as regards each tenant's unit of occupation, it is reasonably practicable for the landlord to estimate the amount of the relevant contribution to be incurred by the tenant attributable to the works to which the proposed contract relates, that estimated amount shall be specified in the statement.

(5) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in sub-paragraph (4); and
- (b) it is reasonably practicable for the landlord to estimate, as regards the building or other premises to which the proposed contract relates, the total amount of the landlord's expenditure under the proposed contract,

that estimated amount shall be specified in the statement.

(6) Where-

- (a) it is not reasonably practicable for the landlord to make the estimate mentioned in sub-paragraph (4) or (5)(b); and
- (b) it is reasonably practicable for the landlord to ascertain the current unit cost or hourly or daily rate applicable to the works to which the proposed contract relates,

that cost or rate shall be specified in the statement.

(7) Where it is not reasonably practicable for the landlord to make the estimate mentioned in sub-paragraph (6)(b), the reasons for being unable to comply and the date by which the landlord expects to be able to provide an estimated amount, cost or rate shall be specified in the statement.

(8) Where observations are made to which (in accordance with paragraph 3) the landlord is required to have regard, the statement shall summarise the observations and set out the landlord's response to them.

Notification of proposed contract

5.-(1) The landlord shall give notice in writing of intention to enter into the proposed contract-

- (a) to each tenant; and
- (b) where a recognised tenants' association

tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) O ran yr hysbysiad-

- (a) Rhaid iddo fod yn ddatganiad a baratowyd yn unol â pharagraff 4 ("datganiad paragraff 4") neu rhaid bod datganiad o'r fath gydag ef, neu iddo bennu ym mha le a pha bryd y gellir archwilio'r datganiad hwnnw;
- (b) Rhaid i'r hysbysiad wahodd sylwadau ysgrifenedig mewn perthynas ag unrhyw fater a grybwyllir yn natganiad paragraff 4;
- (c) Rhaid i'r hysbysiad bennu -
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(3) Pan sicrheir bod datganiad paragraff 4 ar gael i'w archwilio, rhaid i baragraff 2 fod yn gymwys mewn perthynas â'r datganiad hwnnw fel y mae'n gymwys mewn perthynas â disgrifiad o'r gwaith arfaethedig sydd ar gael i'w archwilio o dan y paragraff hwnnw.

Ymateb y landlord i sylwadau

6. Os gwneir sylwadau yn ymateb i'r gwahoddiad yn yr hysbysiad o dan baragraff 5, rhaid i'r landlord ddatgan ymateb y landlord i'r sylwadau, a hynny o fewn 21 diwrnod i'w derbyn ac mewn hysbysiad ysgrifenedig at y person a wnaeth y sylwadau.

Gwybodaeth atodol

7. Os yw datganiad a gaiff ei baratoi o dan baragraff 4(7) yn pennu rhesymau'r landlord dros fethu cydymffurfio ag is-baragraff (6) o'r paragraff hwnnw, rhaid i'r landlord, o fewn 21 diwrnod i dderbyn digon o wybodaeth i'w alluogi i amcangyfrif y swm, y gost neu'r gyfradd y cyfeirir atynt yn is-baragraff (4), (5) neu (6) o'r paragraff hwnnw, roi hysbysiad ysgrifenedig o'r swm, y gost neu'r gyfradd amcangyfrifedig (yn ôl y digwydd)-

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

RHAN 2

GOFYNIION YMGYNGHORI AR GYFER
GWAITH CYMWYS NAD OES ANGEN
RHOI HYSBYSIAD CYHOEDDUS
OHONYNT

represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) comprise, or be accompanied by, the statement prepared in accordance with paragraph 4 ("the paragraph 4 statement") or specify the place and hours at which that statement may be inspected;
- (b) invite the making, in writing, of observations in relation to any matter mentioned in the paragraph 4 statement;
- (c) specify-
 - (i) the address to which such observations may be sent;
 - (ii) that they must be delivered within the relevant period; and
 - (iii) the date on which the relevant period ends.

(3) Where the paragraph 4 statement is made available for inspection, paragraph 2 shall apply in relation to that statement as it applies in relation to a description of proposed works made available for inspection under that paragraph.

Landlord's response to observations

6. Where observations are made in response to the invitation in the notice under paragraph 5, the landlord shall, within 21 days of their receipt, by notice in writing to the person by whom the observations were made, state the landlord's response to the observations.

Supplementary information

7. Where a statement prepared under paragraph 4(7) specifies the landlord's reasons for being unable to comply with sub-paragraph (6) of that paragraph, the landlord shall, within 21 days of receiving sufficient information to enable the landlord to estimate the amount, cost or rate referred to in sub-paragraph (4), (5) or (6) of that paragraph, give notice in writing of the estimated amount, cost or rate (as the case may be)-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

PART 2

CONSULTATION REQUIREMENTS FOR
QUALIFYING WORKS FOR WHICH
PUBLIC NOTICE IS NOT REQUIRED

Hysbysiad o fwriad

1.-(1) Rhaid i'r landlord roi hysbysiad ysgrifenedig o fwriad i gyflawni gwaith cymwys -

- (a) i bob tenant; a
- (b) i'r gymdeithas, os cynrychiolir rhai o'r tenantiaid neu'r tenantiaid i gyd gan gymdeithas tenantiaid gydnabyddedig.

(2) Rhaid i'r hysbysiad-

- (a) disgrifio'n gyffredinol y gwaith y cynigir ei gyflawni neu bennu ym mha le a pha bryd y gellir archwilio disgrifiad o'r gwaith arfaethedig;
- (b) datgan rhesymau'r landlord dros ystyried bod angen cyflawni'r gwaith arfaethedig;
- (c) gwahodd sylwadau ysgrifenedig, mewn perthynas â'r gwaith arfaethedig; a
- (ch) pennu-
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(3) Rhaid hefyd i'r hysbysiad wahodd pob tenant a'r gymdeithas (os oes un) i gynnig, o fewn y cyfnod perthnasol, enw person y dylai'r landlord geisio cael ganddo amcangyfrif mewn cysylltiad â chyflawni'r gwaith arfaethedig .

Archwilio disgrifiad o waith arfaethedig

2.-(1) Os yw hysbysiad o dan baragraff 1 yn pennu lle ac amser ar gyfer archwilio-

- (a) rhaid i'r lle a'r amser a bennir felly fod yn rhesymol; a
- (b) rhaid i ddisgrifiad o'r gwaith arfaethedig fod ar gael i'w archwilio, yn rhad ac am ddim, yn y lle hwnnw ac yn ystod yr oriau hynny.

(2) Os nad oes cyfleusterau ar gael i wneud copiâu ar yr adegau y gellir archwilio'r disgrifiad, yna os gofynna'r tenant am gopi, rhaid i'r landlord ei ddarparu ar ei gyfer yn rhad ac am ddim.

Dyletswydd i ystyried sylwadau mewn perthynas â'r gwaith arfaethedig

3. Os gwneir sylwadau gan unrhyw denant neu gymdeithas tenantiaid gydnabyddedig mewn cysylltiad â'r gwaith arfaethedig, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Amcangyfrifon ac ymateb i sylwadau

4.-(1) Os ceir enwebiad gan gymdeithas tenantiaid

Notice of intention

1.-(1) The landlord shall give notice in writing of intention to carry out qualifying works-

- (a) to each tenant; and
- (b) where a recognised tenants' association represents some or all of the tenants, to the association.

(2) The notice shall-

- (a) describe, in general terms, the works proposed to be carried out or specify the place and hours at which a description of the proposed works may be inspected;
- (b) state the landlord's reasons for considering it necessary to carry out the proposed works;
- (c) invite the making, in writing, of observations in relation to the proposed works; and
- (d) specify-
 - (i) the address to which such observations may be sent;
 - (ii) that they must be delivered within the relevant period; and
 - (iii) the date on which the relevant period ends.

(3) The notice shall also invite each tenant and the association (if any) to propose, within the relevant period, the name of a person from whom the landlord should try to obtain an estimate for the carrying out of the proposed works.

Inspection of description of proposed works

2.-(1) Where a notice under paragraph 1 specifies a place and hours for inspection-

- (a) the place and hours so specified must be reasonable; and
- (b) a description of the proposed works must be available for inspection, free of charge, at that place and during those hours.

(2) If facilities to enable copies to be taken are not made available at the times at which the description may be inspected, the landlord shall provide to any tenant, on request and free of charge, a copy of the description.

Duty to have regard to observations in relation to proposed works

3. Where, within the relevant period, observations are made in relation to the proposed works by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Estimates and response to observations

4.-(1) Where, within the relevant period, a

gydnabyddedig (pa un a geir enwebiad gan unrhyw denant ai peidio), a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif gan y person a enwebwyd.

(2) Os ceir enwebiad gan un o'r tenantiaid yn unig (pa un a geir enwebiad gan gymdeithas tenantiaid gydnabyddedig ai peidio), a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif gan y person a enwebwyd.

(3) Os ceir un enwebiad gan fwy nag un tenant (pa un a geir enwebiad gan gymdeithas tenantiaid gydnabyddedig ai peidio), a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif-

- (a) gan y person a gafodd y nifer fwyaf o enwebiadau; neu
- (b) os nad oes person o'r fath, ond bod dau (neu fwy) o bersonau wedi derbyn yr un nifer o enwebiadau, a bod y nifer hwnnw'n fwy na'r enwebiadau a gafodd unrhyw berson arall, oddi wrth un o'r ddau berson hynny (neu fwy); neu
- (c) mewn unrhyw achos arall, gan unrhyw berson a enwebwyd.

(4) Os ceir mwy nag un enwebiad gan unrhyw denant a mwy nag un enwebiad gan gymdeithas tenantiaid gydnabyddedig, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord geisio cael amcangyfrif-

- (a) gan o leiaf un person a enwebwyd gan denant; a
- (b) gan o leiaf un person a enwebwyd gan y gymdeithas, ac eithrio person y gofynnir iddo am amcangyfrif fel y crybwyllir ym mharagraff (a).

(5) Rhaid i'r landlord, yn unol â'r is-baragraff hwn ac is-baragraffau (6) i (9)-

- (a) cael amcangyfrifon am gyflawni'r gwaith arfaethedig;
- (b) cyflenwi'n rhad ac am ddim ddatganiad ("datganiad paragraff (b)") sy'n nodi-
 - (i) o ran o leiaf ddau o'r amcangyfrifon, y swm a benodwyd sydd yn yr amcangyfrif fel cost amcangyfrifedig y gwaith arfaethedig; a
 - (ii) crynodeb o unrhyw sylwadau sydd wedi'u gwneud yn unol â pharagraff 3 ac ymateb y landlord iddynt; a
- (c) sicrhau bod yr holl amcangyfrifon ar gael i'w harchwilio.

(6) Rhaid i o leiaf un o'r amcangyfrifon fod yn amcangyfrif gan berson nad oes cysylltiad o gwbl rhyngddo a'r landlord.

(7) At ddiben paragraff (6), rhaid tybio bod cysylltiad rhwng person a'r landlord-

nomination is made by a recognised tenants' association (whether or not a nomination is made by any tenant), the landlord shall try to obtain an estimate from the nominated person.

(2) Where, within the relevant period, a nomination is made by only one of the tenants (whether or not a nomination is made by a recognised tenants' association), the landlord shall try to obtain an estimate from the nominated person.

(3) Where, within the relevant period, a single nomination is made by more than one tenant (whether or not a nomination is made by a recognised tenants' association), the landlord shall try to obtain an estimate-

- (a) from the person who received the most nominations; or
- (b) if there is no such person, but two (or more) persons received the same number of nominations, being a number in excess of the nominations received by any other person, from one of those two (or more) persons; or
- (c) in any other case, from any nominated person.

(4) Where, within the relevant period, more than one nomination is made by any tenant and more than one nomination is made by a recognised tenants' association, the landlord shall try to obtain an estimate-

- (a) from at least one person nominated by a tenant; and
- (b) from at least one person nominated by the association, other than a person from whom an estimate is sought as mentioned in paragraph (a).

(5) The landlord shall, in accordance with this sub-paragraph and sub-paragraphs (6) to (9)-

- (a) obtain estimates for the carrying out of the proposed works;
- (b) supply, free of charge, a statement ("the paragraph (b) statement") setting out-
 - (i) as regards at least two of the estimates, the amount specified in the estimate as the estimated cost of the proposed works; and
 - (ii) a summary of any observations made in accordance with paragraph 3 and the landlord's response to them; and
- (c) make all of the estimates available for inspection.

(6) At least one of the estimates must be that of a person wholly unconnected with the landlord.

(7) For the purpose of paragraph (6), it shall be

- (a) os cwmni yw'r landlord, os yw'r person yn un o gyfarwyddwyr neu reolwyr y cwmni neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu os yw'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (b) os cwmni yw'r landlord, bod y person yn bartner mewn partneriaeth, ac os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni, neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath;
- (c) os cwmnïau yw'r landlord a'r person ill dau, os yw unrhyw un o gyfarwyddwyr neu reolwyr un cwmni yn un o gyfarwyddwr neu reolwyr y cwmni arall, neu'n mynd i fod yn un o gyfarwyddwyr neu reolwyr y cwmni arall;
- (ch) os cwmni yw'r person, os yw'r landlord yn un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath; neu
- (d) os cwmni yw'r person a bod y landlord yn bartner mewn partneriaeth, os yw unrhyw bartner yn y bartneriaeth honno'n un o gyfarwyddwyr neu reolwyr y cwmni neu'n perthyn yn agos i unrhyw gyfarwyddwr neu reolwr o'r fath.

(8) Os yw'r landlord wedi cael amcangyfrif gan berson a enwebwyd, rhaid i'r amcangyfrif hwnnw fod yn un o'r rhai y mae a wnelo datganiad paragraff (b) â hwy.

(9) Rhaid rhoi datganiad paragraff (b) i'r canlynol a sicrhau bod yr amcangyfrifon ar gael i'w harchwilio ganddynt-

- (a) pob tenant; a
- (b) ysgrifennydd y gymdeithas tenantiaid gydnabyddedig (os oes un).

(10) Rhaid i'r landlord, drwy hysbysiad ysgrifenedig a anfonir at bob tenant ac at y gymdeithas (os oes un)-

- (a) pennu ym mha le a pha bryd y gellir archwilio'r amcangyfrifon;
- (b) gwahodd sylwadau ysgrifenedig mewn perthynas â'r amcangyfrifon hynny;
- (c) pennu-
 - (i) y cyfeiriad lle y dylid anfon y sylwadau hynny;
 - (ii) ei bod yn rhaid iddynt gyrraedd o fewn y cyfnod perthnasol; a
 - (iii) y dyddiad y daw'r cyfnod perthnasol i ben.

(11) Bydd paragraff 2 yn gymwys i amcangyfrifon a fydd ar gael i'w harchwilio o dan y paragraff hwn fel y mae'n gymwys i ddisgrifiad o waith arfaethedig a fydd ar gael i'w archwilio o dan y paragraff hwnnw.

assumed that there is a connection between a person and the landlord-

- (a) where the landlord is a company, if the person is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (b) where the landlord is a company, and the person is a partner in a partnership, if any partner in that partnership is, or is to be, a director or manager of the company or is a close relative of any such director or manager;
- (c) where both the landlord and the person are companies, if any director or manager of one company is, or is to be, a director or manager of the other company;
- (d) where the person is a company, if the landlord is a director or manager of the company or is a close relative of any such director or manager; or
- (e) where the person is a company and the landlord is a partner in a partnership, if any partner in that partnership is a director or manager of the company or is a close relative of any such director or manager.

(8) Where the landlord has obtained an estimate from a nominated person, that estimate must be one of those to which the paragraph (b) statement relates.

(9) The paragraph (b) statement shall be supplied to, and the estimates made available for inspection by-

- (a) each tenant; and
- (b) the secretary of the recognised tenants' association (if any).

(10) The landlord shall, by notice in writing to each tenant and the association (if any)-

- (a) specify the place and hours at which the estimates may be inspected;
- (b) invite the making, in writing, of observations in relation to those estimates;
- (c) specify-
 - (i) the address to which such observations may be sent;
 - (ii) that they must be delivered within the relevant period; and
 - (iii) the date on which the relevant period ends.

(11) Paragraph 2 shall apply to estimates made available for inspection under this paragraph as it applies to a description of proposed works made available for inspection under that paragraph.

Dyletswydd i ystyried sylwadau mewn perthynas ag amcangyfrifon

5. Os bydd unrhyw denant neu gymdeithas tenantiaid gydnabyddedig yn gwneud sylwadau mewn cysylltiad â'r amcangyfrifon, a hynny o fewn y cyfnod perthnasol, rhaid i'r landlord ystyried y sylwadau hynny.

Dyletswydd wrth ymrwymo i gontract

6. Yn ddarostyngedig i is-baragraff (2), os bydd y landlord yn ymrwymo i gontract ar gyfer cyflawni gwaith cymwys, rhaid i'r landlord, o fewn 21 diwrnod i ymrwymo i'r contract, drwy hysbysiad ysgrifenedig at bob tenant a chymdeithas tenantiaid gydnabyddedig (os oes un)-

- (a) datgan y rhesymau dros ddyfarnu'r contract neu nodi ym mha le a pha bryd y gellir archwilio datganiad o'r rhesymau hynny; a
- (b) rhoi crynodeb o'r sylwadau a nodi ymateb y landlord iddynt, os gwneir sylwadau y mae'n ofynnol i'r landlord eu hystyried (yn unol â pharagraff 5).

(2) Nid yw gofynion is-baragraff (1) yn gymwys os yw person yr ymrwymwyd i'r contract gydag ef yn berson a enwebwyd neu os yw wedi cyflwyno'r amcangyfrif isaf.

(3) Bydd paragraff 2 yn gymwys i ddatganiad a fydd ar gael i'w archwilio o dan y paragraff hwn fel y mae'n gymwys i ddisgrifiad o waith cymwys a fydd ar gael i'w archwilio o dan y paragraff hwnnw.

Duty to have regard to observations in relation to estimates

5. Where, within the relevant period, observations are made in relation to the estimates by any tenant or recognised tenants' association, the landlord shall have regard to those observations.

Duty on entering into contract

6.-(1) Subject to sub-paragraph (2), where the landlord enters into a contract for the carrying out of qualifying works, the landlord shall, within 21 days of entering into the contract, by notice in writing to each tenant and the recognised tenants' association (if any)-

- (a) state reasons for awarding the contract or specify the place and hours at which a statement of those reasons may be inspected; and
- (b) where observations are made to which (in accordance with paragraph 5) the landlord was required to have regard, summarise the observations and set out the landlord's response to them.

(2) The requirements of sub-paragraph (1) do not apply where the person with whom the contract is made is a nominated person or submitted the lowest estimate.

Paragraph 2 shall apply to a statement made available for inspection under this paragraph as it applies to a description of proposed works made available for inspection under that paragraph.