



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 2822 (Cy.245)

2006 No. 2822 (W.245)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Tai (Gorchmynion
Rheoli a Gorchmynion Rheoli
Anheddau Gwag) (Darpariaethau
Atodol) (Cymru) 2006**

**Housing (Management Orders and
Empty Dwelling Management
Orders) (Supplemental Provisions)
(Wales) Regulations 2006**

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 yn gwneud darpariaethau atodol pan fydd yr awdurdod tai lleol i'w drin fel lesddeiliad o dan les mangre sy'n ddarostyngedig i orchymyn rheoli interim neu derfynol a wnaed o dan Bennod 1 o Ran 4 o Ddeddf Tai 2004 ("y Ddeddf") neu orchymyn rheoli anheddau gwag ("GRhAG"), a hwnnw'n orchymyn interim neu derfynol, a wnaed o dan Bennod 2 o Ran 4 o'r Ddeddf.

These Regulations make supplementary provisions where the local housing authority is to be treated as the lessee under a lease of premises that are subject to an interim or final management order made under Chapter 1 of Part 4 of the Housing Act 2004 ("the Act") or an interim or final empty dwelling management order ("EDMO") made under Chapter 2 of Part 4 of the Act.

Gorchymyn a wnaed gan awdurdod tai lleol mewn cysylltiad â thŷ amlfeddiannaeth fel y'i diffinnir yn adrannau 254 o'r Ddeddf neu â thŷ y mae Rhan 3 o'r Ddeddf yn gymwys iddo yw gorchymyn rheoli interim. Fe'i gwneir i ddiogelu iechyd a diogelwch meddianwyr tŷ neu fangreoddd cyfagos ac i hybu rheoli eiddo'r tŷ. Gorchymyn (sy'n dod i ben heb fod yn fwy na phum mlynedd ar ôl ei wneud ac) a wneir gan awdurdod tai lleol at ddiben sicrhau bod y tŷ'n cael ei reoli'n briodol ar sail hirdymor yn unol â chynllun rheoli a geir yn y gorchymyn yw gorchymyn rheoli terfynol. (Adran 101 o'r Ddeddf).

An interim management order is an order made by a local housing authority in respect of a house in multiple occupation as defined in section 254 of the Act or a house to which Part 3 of the Act applies. It is made to protect the health and safety of occupiers of a house or neighbouring premises and promote the house's property management. A final management order is an order (expiring not more than five years after it is made) which is made by a local housing authority for the purpose of securing the proper management of the house on a long term basis in accordance with a management scheme contained in the order. (Section 101 of the Act).

Mae GRhAG interim yn orchymyn a wneir gan awdurdod tai lleol i'w alluogi i gymryd camau er mwyn sicrhau bod annedd yn cael ei meddiannu, ac yn parhau i fod yn un a feddiennir. Rhaid i awdurdod tai lleol wneud ymdrechion rhesymol i hysbysu'r perchennog perthnasol ei fod yn ystyried gwneud gorchymyn o'r fath ac i ganfod pa gamau y mae'r perchennog perthnasol yn eu cymryd, neu'n bwriadu eu cymryd, i sicrhau bod yr eiddo'n cael ei feddiannu. Gwneir GRhAG terfynol i olynu GRhAG interim er mwyn

An interim EDMO is an order made by a local housing authority to enable it to take steps for the purpose of securing that a dwelling becomes and continues to be occupied. A local housing authority must make reasonable efforts to notify the relevant proprietor that they are considering making such an order and to ascertain what steps the relevant proprietor is taking, or is intending to take, to secure that the property is occupied. A final EDMO is made in succession to an interim EDMO for the purpose of

sicrhau bod annedd yn cael ei meddiannu (adrannau 132 ac 133 o'r Ddeddf).

Unwaith y bydd gorchymyn rheoli interim neu derfynol neu GRhAG mewn grym mae'r awdurdod tai lleol yn caffael, mewn perthynas â'r fangre, hawliau a ddisgrifir ym Mhenodau 1 a 2 o Ran 4 o'r Ddeddf. Nid yw'r awdurdod, fodd bynnag, yn caffael unrhyw ystad neu fuddiant yn y fangre ac nid oes ganddo bwer felly i'w gwaredu. Os yw landlord uniongyrchol y fangre (neu ran o fangre, ac eithrio yn achos GRhAGau) yn lesddeiliad y fangre (neu ran ohoni) o dan les, mae'r awdurdod tai lleol i'w drin fel pe bai'n lesddeiliad yn ei le (ond yn dal heb gaffael ystad neu fuddiant). (Adrannau 107 a 116 o'r Ddeddf, a pharagraffau 2 a 10 o Atodlen 7 iddi).

Mae rheoliad 3 yn gymwys pan fydd awdurdod tai lleol i'w drin fel lesddeiliad mangre yn lle person arall ("y person perthnasol"). Mae'n ei gwneud yn ofynnol i awdurdod tai lleol hysbysu lesydd uniongyrchol y person perthnasol hwnnw bod gorchymyn rheoli neu GRhAG wedi'i wneud ac iddo egluro canlyniadau'r gorchymyn. Mae'n darparu i'r awdurdod tai lleol fod yn atebol am dalu rhent tir, taliadau gwasanaeth a thaliadau eraill sy'n ddyledus ganddo fel pe bai yn lesddeiliad, a hynny o'r dyddiad y daw'r gorchymyn i rym, ond mae'n ei gwneud yn ofynnol i gopïau o unrhyw hysbysiadau a gyflwynir i'r awdurdod tai lleol gael eu hanfon i'r person perthnasol.

Mae arfarniad rheoliadol wedi'i wneud mewn cysylltiad â'r Rheoliadau hyn ac mae ar gael oddi wrth Uned y Sector Preifat, Yr Adran Cyfiawnder Cymdeithasol ac Adfywio, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ, e-bost: housing@wales.gsi.gov.uk

securing that a dwelling is occupied (Sections 132 and 133 of the Act).

Once an interim or final management order or EDMO is in force the local housing authority obtain rights in relation to the premises, which are described in Chapters 1 and 2 of Part 4 of the Act. The authority do not, however, acquire any estate or interest in the premises and so have no power of disposition. Where the immediate landlord of the premises (or, except in the case of EDMOs, of part of premises) is lessee under a lease of the premises (or part) the local housing authority is to be treated as if they were the lessee instead (but still without acquiring an estate or interest). (Sections 107 and 116 of, and paragraphs 2 and 10 of Schedule 7 to, the Act).

Regulation 3 applies where a local housing authority are to be treated as lessee of premises instead of another person ("the relevant person"). It requires the local housing authority to give notice to the immediate lessor of that relevant person that a management order or EDMO has been made and explain the consequences of the order. It provides for the local housing authority to be liable for the payment of ground rent, service charges and other charges due as if it were the lessee, from date the order comes into force, but requires the relevant person to be sent copies of any notices served on the local housing authority.

A regulatory appraisal has been carried out in connection with these Regulations and is available from the Private Sector Unit, Department for Social Justice and Regeneration, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ e-mail: housing@wales.gsi.gov.uk

2006 Rhif 2822 (Cy.245)**2006 No. 2822 (W.245)****TAI, CYMRU****HOUSING, WALES****Rheoliadau Tai (Gorchmynion Rheoli a Gorchmynion Rheoli Anheddau Gwag) (Darpariaethau Atodol) (Cymru) 2006****Housing (Management Orders and Empty Dwelling Management Orders) (Supplemental Provisions) (Wales) Regulations 2006**

Wedi'u gwneud 25 Hydref 2006
Yn dod i rym 26 Hydref 2006

Made 25 October 2006
Coming into force 26 October 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 145 o Ddeddf Tai 2004(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by section 145 of the Housing Act 2004(1), hereby makes the following Regulations:

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

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai (Gorchmynion Rheoli a Gorchmynion Rheoli Anheddau Gwag) (Darpariaethau Atodol) (Cymru) 2006 a deuant i rym ar y 26 Hydref 2006.

1.–(1) The title of these Regulations is the Housing (Management Orders and Empty Dwelling Management Orders) (Supplemental Provisions) (Wales) Regulations 2006 and they come into force on 26 October 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in Wales.

Dehongli**Interpretation**

2. Yn y Rheoliadau hyn –

2. In these regulations –

- (a) ystyr "y Ddeddf" ("*the Act*") yw Deddf Tai 2004;
- (b) ystyr "gorchymyn" ("*order*") yw
 - (i) gorchymyn rheoli interim(2);
 - (ii) gorchymyn rheoli terfynol(3);
 - (iii) GRhAG interim(4); neu
 - (iv) GRhAG terfynol(5);

- (a) "the Act" means the Housing Act 2004;
- (b) "order" means –
 - (i) an interim management order(2);
 - (ii) a final management order(3);
 - (iii) an interim EDMO(4); or
 - (iv) a final EDMO(5);

(1) 2004 p.34. Mae'r pŵer a roddir gan adran 145 yn arferadwy, o ran Cymru, gan Gynulliad Cenedlaethol Cymru. *Gweler* y diffiniad o "appropriate national authority" yn adran 261(1) o'r Ddeddf.

(1) 2004 c.34. The power conferred by section 145 is exercisable, as respects Wales, by the National Assembly for Wales. *See* the definition of the "appropriate national authority" in section 261(1) of the Act.

(2) *Gweler* adran 101 (3) o'r Ddeddf.

(2) *See* section 101 (3) of the Act.

(3) *Gweler* adran 101 (4) o'r Ddeddf.

(3) *See* section 101 (4) of the Act.

(4) *Gweler* adran 132 (1)(a) a (2) o'r Ddeddf.

(4) *See* section 132 (1)(a) and (2) of the Act.

(5) *Gweler* adran 132 (1)(b) a (3) o'r Ddeddf.

(5) *See* section 132 (1)(b) and (3) of the Act.

- (c) ystyr "mangre" ("*premises*") yw tŷ(1), y mae Pennod 1 o Ran 4 o'r Ddeddf yn gymwys iddo neu annedd(2) y mae Pennod 2 o Ran 4 o'r Ddeddf yn gymwys iddi; ac
- (ch) ystyr "y person perthnasol" ("*the relevant person*"), mewn perthynas â les mangre (neu ran o fangre), yw'r person (ac eithrio, yn ôl y digwydd, adran 107(5) neu 116(5) o'r Ddeddf, neu baragraff 2(6) neu 10(6) o Atodlen 7 iddi) sy'n lesddeiliad o dan y les.

Darpariaethau atodol

3.–(1) Os yw awdurdod tai lleol, o dan –

- (a) adran 107 (5) neu 116(5) o'r Ddeddf; neu
- (b) paragraff 2(6) neu 10(6) o Atodlen 7 i'r Ddeddf,

i'w drin fel lesddeiliad mangre (neu ran o fangre) o dan les(3), mae'r paragraffau a ganlyn yn gymwys.

(2) Cyn gynted ag y gwneir gorchymyn rhaid i'r awdurdod tai lleol sy'n gwneud y gorchymyn gyflwyno i lesydd uniongyrchol y person perthnasol ("y lesydd") hysbysiad yn cynnwys y manylion a ganlyn –

- (a) y math o orchymyn drwy gyfeirio at ddarpariaeth berthnasol y Ddeddf y mae'r gorchymyn wedi'i wneud oddi tani;
- (b) y dyddiad y daw'r gorchymyn i rym;
- (c) crynodeb o'r effaith a gaiff y gorchymyn ar ddilysrwydd y les, drwy gyfeirio at y ddarpariaeth berthnasol yn y Ddeddf; ac
- (ch) enw a chyfeiriad yr awdurdod tai lleol ac unrhyw berson a awdurdodir i dderbyn ar eu rhan unrhyw alwad yn y dyfodol am dalu rhent tir, taliadau gwasanaeth neu daliadau eraill sy'n ddyledus, neu unrhyw hysbysadau neu ddogfennau eraill mewn cysylltiad â'r fangre.

(3) O'r dyddiad y daw'r gorchymyn i rym nid yw'r awdurdod tai lleol na'r person perthnasol i fod yn atebol am dalu rhent tir, taliadau gwasanaeth neu daliadau eraill sy'n ddyledus o dan y les, p'un a ydynt yn ddyledus cyn neu ar ôl dyddiad y gorchymyn –

- (a) os yw'r hysbysiad a ddisgrifir ym mharagraff (2) wedi'i gyflwyno i'r lesydd; a
- (b) os yw'r lesydd yn methu ag anfon at yr awdurdod tai lleol ac unrhyw berson a awdurdodir yn unol â pharagraff 3(2)(ch) i alw am y cyfryw daliad.

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- (1) Caniateir gwneud gorchymyn rheoli anheddau gwag interim neu derfynol mewn cysylltiad â thy amfeddiannaeth neu dy Rhan 3 (gweler adran 146 o'r Ddeddf ac adrannau 79 a 254).
 - (2) Caniateir gwneud gorchymyn rheoli anheddau gwag interim neu derfynol mewn cysylltiad ag annedd (gweler adran 132(4)(a) a (b)).
 - (3) Am ystyr "les"("lease"), "lesddeiliad" ("lessee") a "lesydd" ("lessor") gweler adran 262(1) i (5) o'r Ddeddf.

- (c) "premises" means a house(1), to which Chapter 1 of Part 4 of the Act applies or a dwelling(2) to which chapter 2 of Part 4 of the Act applies; and
- (d) "the relevant person", in relation to a lease of premises (or part of premises), means the person who (apart from, as the case may be, section 107(5) or 116(5) of, or paragraph 2(6) or 10(6) of Schedule 7 to, the Act) is the lessee under the lease.

Supplementary provisions

3.–(1) Where, under –

- (a) section 107(5) or 116(5) of the Act; or
- (b) paragraph 2(6) or 10(6) of Schedule 7 to the Act,

a local housing authority is to be treated as a lessee of premises (or a part of premises) under a lease(3), the following paragraphs apply.

(2) As soon as an order is made the local housing authority making the order must serve on the immediate lessor of the relevant person ("the lessor") a notice with the following details –

- (a) the type of order by reference to the relevant provision of the Act under which the order has been made;
- (b) the date the order comes into force;
- (c) a summary of the effect the order has on the validity of the lease, by reference to the relevant provision of the Act; and
- (d) the name and address of the local housing authority and any person authorised to receive on their behalf any future demand for ground rent, service charges or other charges due, or any notices or other documents in respect of the premises.

(3) From the date the order comes into force neither the local housing authority nor the relevant person is to be liable for the payment of ground rent, service charges or other charges due under the lease, whether due before or after the date of the order if –

- (a) the notice described in paragraph (2) has been served on the lessor; and
- (b) the lessor fails to send the demand for such payment to the local housing authority and any person authorised in accordance with paragraph 3 (2) (d).

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- (1) An interim or final empty dwelling management order may be made in respect of an HMO or a Part 3 house (see section 146 of the Act and sections 79 and 254).
 - (2) An interim or final empty dwelling management order may be made in respect of a dwelling (see section 132(4)(a) and (b)).
 - (3) For the meaning of "lease", "lessee" and "lessor" see section 262 (1) to (5) of the Act.

(4) Yn ddarostyngedig i baragraff 3(3) o'r dyddiad y daw'r gorchymyn i rym –

- (a) mae'r awdurdod tai lleol yn atebol am dalu unrhyw rent tir, taliadau gwasanaeth neu daliadau eraill y gelwir am iddynt eu talu ac sy'n dod yn ddyledus o dan y les mewn cysylltiad â chyfnod ar ôl y cyfryw ddyddiad;
- (b) caiff awdurdod tai lleol dalu unrhyw rent, taliadau gwasanaeth neu daliadau eraill sy'n parhau'n ddyledus mewn cysylltiad â chyfnod cyn y cyfryw ddyddiad;
- (c) caiff awdurdod tai lleol gwestiynu pa mor rhesymol yw unrhyw alwadau am y cyfryw daliadau y cyfeirir atynt yn is-baragraffau (a) neu (b), p'un ai ar eu rhan hwy eu hunain neu ar ran y person perthnasol; ac
- (ch) rhaid i awdurdod tai lleol anfon copi o unrhyw alwad am dalu rhent tir, taliadau gwasanaeth neu daliadau eraill, neu unrhyw hysbysiad arall neu ddogfen arall y maent yn ei dderbyn neu ei derbyn gan y lesydd, at y person perthnasol (os gwyddys ble mae'r person perthnasol) a hynny o fewn 10 niwrnod i'r alwad ddod i law.

(5) Os bydd y person perthnasol y mae copi o alwad am dalu, o hysbysiad neu o ddogfen arall o dan baragraff (4)(ch) yn dod i'w law, yn dymuno herio unrhyw fater a gaiff ei gynnwys ynddo neu ynddi, rhaid i'r awdurdod tai lleol ddarparu'r cyfryw wybodaeth a'r cyfryw gymorth ag y gall fod yn rhesymol i'r person perthnasol ofyn amdano neu amdani.

(6) Ni chaiff y person perthnasol ofyn i'r awdurdod tai lleol ohirio talu unrhyw rent tir, taliadau gwasanaeth neu daliadau eraill y mae'n rhesymol i'r awdurdod tai lleol fod o'r farn eu bod yn ddyledus neu'n parhau'n ddyledus o dan y les, p'un a yw'r person perthnasol yn cwestiynu galwad am y cyfryw daliad ai peidio.

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

25 Hydref 2006

Llywydd y Cynulliad Cenedlaethol

(4) Subject to paragraph 3 (3) from the date the order comes into force the local housing authority –

- (a) are liable to pay any ground rent, service charges or other charges demanded of them that fall due under the lease in respect of a period after such date;
- (b) may pay any outstanding ground rent, service charges or other charges due in respect of a period before such date;
- (c) may challenge the reasonableness of any demands for such payments referred to in subparagraphs (a) or (b), whether on their own behalf or on behalf of the relevant person; and
- (d) must send a copy of any demand for payment of ground rent, service charges or other charges, or any other notice or other document they receive from the lessor, to the relevant person (if the relevant person's whereabouts are known) within 10 days of receiving it.

(5) Where the relevant person receiving a copy of a demand, notice or other document under paragraph (4)(d) wishes to dispute any matter contained in it the local housing authority must provide such information and assistance as the relevant person may reasonably require.

(6) The relevant person may not require the local housing authority to delay payment of any ground rent, service charge or other charges that the local housing authority reasonably believe are due or outstanding under the lease, whether or not the relevant person disputes a demand for such payment.

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

25 October 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

2006 Rhif 2822 (Cy.245)

TAI, CYMRU

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Rheoli a Gorchmynion Rheoli
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