



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2007 Rhif 3231 (Cy.283)

2007 No. 3231 (W.283)

TAI, CYMRU

HOUSING, WALES

Rheoliadau Tai Amlfeddiannaeth
(Blociau Fflatiau Penodol)
(Addasiadau i Ddeddf Tai 2004 a
Darpariaethau Trosiannol ar gyfer
HMOs adran 257) (Cymru)
2007

The Houses in Multiple
Occupation (Certain Blocks of
Flats) (Modifications to the
Housing Act 2004 and Transitional
Provisions for section 257 HMOs)
(Wales) Regulations 2007

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 addasu Rhan 2 (trwyddedu tai amlfeddiannaeth) a Rhan 4 (darpariaethau rheoli ychwanegol mewn perthynas â lletyau preswyl) o Ddeddf Tai 2004 ("y Ddeddf") ac adran 263 o'r Ddeddf ym maes ei gweithrediad at ddibenion y Rhannau hynny, mewn perthynas â thy amlfeddiannaeth (HMO) y mae adran 257 o'r Ddeddf yn gymwys iddo ("HMO adran 257").

These Regulations modify Part 2 (licensing of houses in multiple occupation) and Part 4 (additional control provisions in relation to residential accommodation) of the Housing Act 2004 ("the Act") and section 263 of the Act in its operation for the purposes of those Parts, in relation to a house in multiple occupation (HMO) to which section 257 of the Act applies (a "section 257 HMO").

Mae adran 257 o'r Ddeddf yn gymwys i adeilad neu ran o adeilad a droswyd yn fflatiau hunangynhwysol, ac sydd wedi'u ffurfio o'r fflatiau hynny, os nad oedd y gwaith adeiladu a wnaed mewn cysylltiad â'r addasu yn cydymffurfio â safonau adeiladu priodol a'u bod yn dal i beidio â chydymffurfio â hwy, a bod llai na dwy ran o dair o'r fflatiau hunangynhwysol wedi'u perchenfeddiannu. Mae fflat wedi'i berchenfeddiannu os yw wedi'i feddiannu gan berson y mae les wedi'i rhoi iddo am gyfnod o fwy nag 21 o flynyddoedd neu gan berson y mae ganddo'r ystad rydd-ddaliol yn y bloc fflatiau a addaswyd, neu gan aelod o aelwyd person o fewn y naill neu'r llall o'r ddau ddisgrifiad hwnnw.

Section 257 of the Act applies to a building or a part of a building which has been converted into, and consists of, self-contained flats if the building work undertaken in connection with the conversion did not comply with appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner-occupied. A flat is owner-occupied if it is occupied by a person who has a lease granted for a term of more than 21 years or by a person who has the freehold estate in the converted block of flats, or by a member of the household of a person within either of those two descriptions.

Mae'r Rheoliadau yn addasu, at ddibenion Rhan 2 o'r Ddeddf, mewn cysylltiad ag HMO adran 257-

The Regulations modify, for the purposes of Part 2 of the Act, in respect of a section 257 HMO-

y diffiniad o "person having control" (rheoliadau 3 a 9);

the definition of "person having control" (regulations 3 and 9);

y materion y mae'n rhaid i awdurdod tai lleol fodloni ei hun amdanynt wrth benderfynu a ddylid

the matters about which a local housing authority must satisfy itself when deciding whether or not to

rhoi trwydded neu beidio (rheoliadau 4 a 5);

amodau'r drwydded (rheoliadau 6 ac 11);

y person y caniateir i orchymyn ad-dalu rhent gael ei wneud mewn cysylltiad ag ef (rheoliad 7);

yr amgylchiadau y caniateir i hysbysiad o dan adran 21 o Ddeddf Tai 1988 gael ei gyflwyno odanynt (rheoliad 8).

Mae'r rheoliadau hyn yn addasu hefyd adran 139 o'r Ddeddf mewn cysylltiad â chyflwyno hysbysiadau gorlenwi mewn cysylltiad ag HMOs adran 257(rheoliad 11).

Mae'r Rheoliadau yn gwneud darpariaethau trosiannol hefyd mewn cysylltiad ag HMOs adran 257 a gofrestrwyd o'r blaen mewn cynllun cofrestru o dan Ran 11 o Ddeddf Tai 1985 (rheoliad 13). Diddymwyd Rhan 11 o'r Ddeddf gan Orchymyn Deddf Tai 2004 (Cychwyn Rhif 3 a Darpariaethau Trosiannol ac Arbedion) (Cymru) 2006 (O.S. 2006/1535) (Cy. 152) ar 16 Mehefin 2006 mewn cysylltiad â phob HMO ac eithrio HMOs adran 257. Darparodd y Gorchymyn hwnnw y byddai diddymiad Rhan 11 o Ddeddf Tai 1985 yn dod yn weithredol mewn cysylltiad ag adeilad neu ran o adeilad sy'n HMO adran 257 ac yn dy amlfeddiannaeth at ddibenion Rhan 11 o Ddeddf Tai 1985 ar y dyddiad y daw rheoliadau a wnaed o dan adran 61(5) i rym.

Nid oes dim yn y Rheoliadau hyn yn effeithio ar swyddogaethau trwyddedu awdurdod lleol o dan Ran 2 o'r Ddeddf mewn perthynas â fflat sydd wedi'i leoli o fewn HMO adran 257.

Lluniwyd asesiad rheoleiddiol llawn o effaith yr offerynnau statudol i ategu darpariaethau'r Ddeddf mewn perthynas â thrwyddedu HMOs a thrwyddedu dethol lletyau preifat eraill a rentir a gorchymynion rheoli (Rhannau 2, 3 a Phennod 1 o Ran 4 o'r Ddeddf) yn Chwefror 2006 ac mae ar gael o Uned y Sector Preifat, Y Gyfarwyddiaeth Dai, Llywodraeth Cynulliad Cymru, Swyddfa Merthyr Tudful, Rhyd-y-car, Merthyr Tudful, CF48 1UZ, ffôn 01685 729193, neu anfoner neges e-bost at huw.mclean@wales.gsi.gov.uk.

grant a licence (regulations 4 and 5);

the licence conditions (regulations 6 and 11);

the person in respect of whom a rent repayment order may be made (regulation 7); and

the circumstances when a notice under section 21 of the Housing Act 1988 may be served (regulation 8).

These Regulations also modify section 139 of the Act in respect of the service of overcrowding notices in respect of section 257 HMOs (regulation 11).

The Regulations also make transitional provisions in respect of section 257 HMOs which were previously registered in a registration scheme under Part 11 of the Housing Act 1985 (regulation 13). Part 11 of the Act was repealed by the Housing Act 2004 (Commencement No. 3 and Transitional Provisions and Savings) (Wales) Order 2006 (S.I. 2006/1535) (W. 152) on 16 June 2006 in respect of all HMOs other than section 257 HMOs. That Order provided that the repeal of Part 11 of the Housing Act 1985 would take effect in respect of a building or a part of a building which is both a section 257 HMO and a house in multiple occupation for the purpose of Part 11 of the Housing Act 1985 on the date on which regulations made under section 61(5) come into force.

Nothing in these Regulations affects a local authority's licensing functions under Part 2 of the Act in relation to a flat that is situated within a section 257 HMO.

A full regulatory impact assessment of the statutory instruments to supplement the provisions of the Act in relation to the licensing of HMOs and the selective licensing of other private rented accommodation and management orders (Parts 2, 3 and Chapter 1 of Part 4 of the Act) was produced in February 2006 and is available from the Private Sector Unit, Housing Directorate, Welsh Assembly Government, Merthyr Tydfil Office, Rhydycar, Merthyr Tydfil, CF48 1UZ, telephone 01685 729193, or email huw.mclean@wales.gsi.gov.uk.

2007 Rhif 3231 (Cy.283)

TAI, CYMRU

**Rheoliadau Tai Amlfeddiannaeth
(Blociau Fflatiau Penodol)
(Addasiadau i Ddeddf Tai 2004 a
Darpariaethau Trosiannol ar gyfer
HMOs adran 257) (Cymru)
2007**

Gwnaed 12 Tachwedd 2007

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 13 Tachwedd 2007

Yn dod i rym 5 Rhagfyr 2007

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 61(5), 146(3)(a) a 250(2) o Ddeddf Tai 2004(1) ac a freiniwyd bellach(2) yng Ngweinidogion Cymru, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai Amlfeddiannaeth (Blociau Fflatiau Penodol) (Addasiadau i Ddeddf Tai 2004 a Darpariaethau Trosiannol ar gyfer HMOs adran 257) (Cymru) 2007 a deuant i rym ar 5 Rhagfyr 2007.

(2) Mae'r Rheoliadau hyn yn gymwys i HMOs adran 257(3) yng Nghymru.

2007 No. 3231 (W.283)

HOUSING, WALES

**The Houses in Multiple
Occupation (Certain Blocks of
Flats) (Modifications to the
Housing Act 2004 and Transitional
Provisions for section 257 HMOs)
(Wales) Regulations 2007**

Made 12 November 2007

*Laid before the National
Assembly for Wales* 13 November 2007

Coming into force 5 December 2007

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 61(5), 146(3)(a) and 250(2) of the Housing Act 2004(1) and now vested(2) in the Welsh Ministers, make the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Houses in Multiple Occupation (Certain Blocks of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for section 257 HMOs) (Wales) Regulations 2007 and they come into force on 5 December 2007.

(2) These Regulations apply to section 257 HMOs(3) in Wales.

(1) 2004 p.34. Mae'r pwerau a roddwyd gan adrannau 61(5), 146(3) a 250(2) o'r Ddeddf yn arferadwy, o ran Cymru, gan Gynulliad Cenedlaethol Cymru. *Gweler* y diffiniad o'r "appropriate national authority" yn adran 261(1) o Ddeddf 2004.

(2) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32) mae'r swyddogaethau a oedd gynt yn arferadwy gan Gynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru.

(3) I gael ystyr "section 257 HMO" *gweler* adrannau 61(5) a 146(4) o'r Ddeddf. I gael ystyr "HMO" *gweler* adrannau 254 i 259 o'r Ddeddf.

(1) 2004 c.34. The powers conferred by sections 61(5), 146(3) and 250(2) of the Act are exercisable, as respects Wales, by the National Assembly for Wales. *See* the definition of the "appropriate national authority" in section 261(1) of the 2004 Act.

(2) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(3) For the meaning of "section 257 HMO" *see* sections 61(5) and 146(4) of the Act. For the meaning of "HMO" *see* sections 254 to 259 of the Act.

Addasiadau i Ran 2 o Ddeddf Tai 2004 (trwyddedu tai amlfeddiannaeth)

2. Mae darpariaethau Rhan 2 (trwyddedu tai amlfeddiannaeth) o Ddeddf Tai 2004 ("y Ddeddf") yn cael effaith mewn perthynas ag HMO adran 257, yn ddarostyngedig i'r addasiadau a bennir yn rheoliadau 3 i 10.

3. Yn adran 61 (gofyniad i HMOs gael eu trwyddedu), ar ôl is-adran (6) ychwaneger—

"(7) In this Part the "person having control" in respect of a section 257 HMO is—

- (a) in relation to an HMO in respect of which no person has been granted a long lease of a flat within the HMO, the person who receives the rack rent for the HMO, whether on his own account or as an agent or trustee of another person;
- (b) in relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, the person who falls within the first paragraph of subsection (8) to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.

(8) A person falls within this subsection if the person—

- (a) has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002(1);
- (b) has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987(2);
- (c) is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or
- (d) has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002.

(9) In this section "long lease" means a lease that—

- (a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or
- (b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,

Modifications to Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation)

2. The provisions of Part 2 (licensing of houses in multiple occupation) of the Housing Act 2004 ("the Act") have effect in relation to a section 257 HMO, subject to the modifications specified in regulations 3 to 10.

3. In section 61 (requirement for HMOs to be licensed) after subsection (6) add—

"(7) In this Part the "person having control" in respect of a section 257 HMO is—

- (a) in relation to an HMO in respect of which no person has been granted a long lease of a flat within the HMO, the person who receives the rack rent for the HMO, whether on his own account or as an agent or trustee of another person;
- (b) in relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, the person who falls within the first paragraph of subsection (8) to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.

(8) A person falls within this subsection if the person—

- (a) has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002(1);
- (b) has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987(2);
- (c) is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or
- (d) has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002.

(9) In this section "long lease" means a lease that—

- (a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or
- (b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,

(1) 2002 p.15.

(2) 1987 p.31. Mae adran 24 wedi'i diwygio gan Ddeddf Tai 1996 (p. 31) a Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(1) 2002 c.15.

(2) 1987 c. 31. Section 24 has been amended by the Housing Act 1996 (c. 31) and the Commonhold and Leasehold Reform Act 2002.

and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term."

4. Yn adran 64 (rhoi neu wrthod trwydded), hepgorer is-adran (3)(a) ac yn lle is-adran (4) rhodder—

"(4) When deciding whether the proposed licence holder is a fit and proper person to be the licence holder the local housing authority must take into consideration whether that person has control of the HMO and the extent to which he has control over it."

5. Yn adran 65 (proffion ynghylch addasrwydd at amlfeddiannaeth)—

(a) yn lle is-adran (1) rhodder—

"(1) The local housing authority cannot be satisfied that the house is reasonably suitable for occupation as a section 257 HMO if they consider that—

- (a) the common parts of the HMO; or
- (b) any flat within the HMO other than a flat let on a long lease,

fail to meet prescribed standards."(1);

(b) ar ôl is-adran (1) ychwaneger—

"(1A) Where a house becomes a section 257 HMO as a result of conversion works carried out on the house after 5 December 2007, any flat within the HMO in respect of which a long lease is granted after that date shall be treated for the purpose of subsection (1) as though no such lease has been granted unless—

- (a) the local housing authority are satisfied that the appropriate building standards have been met in relation to that flat; or
- (b) the local housing authority are satisfied that the lease has been granted by a person other than the freeholder or head lessor of the whole of the HMO.";

(c) hepgorer is-adran (2);

(ch) ym mharagraff (a) o is-adran (4) hepgorer "number,"; a

(d) ar ôl is-adran (4) ychwaneger—

"(5) In this section "long lease" has the same meaning as in section 61(9)."

6. Yn adran 67 (amodau'r drwydded) ar ôl is-adran (1), mewnosoder—

"(1A) For the purposes of section 67(1) a licence may not include a condition that regulates the use, occupation or contents of any part of an HMO unless the condition relates to a matter over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control."

and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term."

4. In section 64 (grant or refusal of a licence) omit subsection (3)(a) and for subsection (4) substitute—

"(4) When deciding whether the proposed licence holder is a fit and proper person to be the licence holder the local housing authority must take into consideration whether that person has control of the HMO and the extent to which he has control over it."

5. In section 65 (tests as to suitability for multiple occupation)—

(a) for subsection (1) substitute—

"(1) The local housing authority cannot be satisfied that the house is reasonably suitable for occupation as a section 257 HMO if they consider that—

- (a) the common parts of the HMO; or
- (b) any flat within the HMO other than a flat let on a long lease,

fail to meet prescribed standards."(1);

(b) after subsection (1) add—

"(1A) Where a house becomes a section 257 HMO as a result of conversion works carried out on the house after 5 December 2007, any flat within the HMO in respect of which a long lease is granted after that date shall be treated for the purpose of subsection (1) as though no such lease has been granted unless—

- (a) the local housing authority are satisfied that the appropriate building standards have been met in relation to that flat; or
- (b) the local housing authority are satisfied that the lease has been granted by a person other than the freeholder or head lessor of the whole of the HMO.";

(c) omit subsection (2);

(d) in paragraph (a) of subsection (4) omit "number,"; and

(e) after subsection (4) add—

"(5) In this section "long lease" has the same meaning as in section 61(9)."

6. In section 67 (licence conditions) after subsection (1) insert—

"(1A) For the purposes of section 67(1) a licence may not include a condition that regulates the use, occupation or contents of any part of an HMO unless the condition relates to a matter over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control."

(1) Gweler Atodlen 3 i O.S. 2006/1715 (Cy.177) sy'n rhagnodi safonau o dan adran 65(4).

(1) See Schedule 3 to S.I. 2006/1715 (W.177) which prescribes standards under section 65(4).

7. Yn adran 73 (canlyniadau eraill rhedeg HMOs sydd heb eu trwyddedu: gorchmynion ad-dalu rhent), yn is-adran (10)–

- (a) yn lle'r diffiniad o "the appropriate person", rhodder–

""the appropriate person", in relation to any payment of housing benefit or periodical payments payable in connection with occupation of a part of a section 257 HMO means the person who at the time when such benefit or payments were made was the person–

- (a) having control of the HMO; and
(b) entitled to receive on his own account periodical payments in connection with such occupation of the part of the HMO in respect of which the payment or housing benefit relates."; a
(b) ar ôl y diffiniad o "periodical payments" mewnosoder–

""rent" does not include ground rent, service charges or insurance charges paid under the terms of a lease in respect of a flat within a section 257 HMO."

8. Yn adran 75 (canlyniadau eraill rhedeg HMOs sydd heb eu trwyddedu: cyfyngiadau ar derfynu tenantiaethau)–

- (a) yn lle is-adran (1) rhodder–

"(1) No section 21 notice may be given in relation to a shorthold tenancy of a flat in an unlicensed section 257 HMO by the person having control of the HMO so long as it remains such an HMO."; a

- (b) ar ôl is-adran (2), mewnosoder–

"(3) Subsection (1) does not affect the right of any person (other than the person having control of a section 257 HMO) to serve a section 21 notice in respect of a shorthold tenancy of a flat in such an HMO."

9. Yn adran 78 (mynegai o ymadroddion sydd wedi'u diffinio: Rhan 2) yn y cofnod sy'n ymwneud â pherson sydd â rheolaeth, yn lle'r cyfeiriad at adran 263(1) a (2), rhodder cyfeiriad at adran 61(7).

10. Yn Atodlen 4–

- (a) ym mharagraff (1) ar ôl "conditions" mewnosoder "but in the case of a licence under Part 2, this is subject to sub-paragraph (6)";
(b) ar ôl is-baragraff (5), mewnosoder–

"(6) The conditions contained in sub-paragraphs (2) to (5) apply only in relation to any part of a section 257 HMO over which the licence holder exercises control, or over which it would be reasonable to expect that he would exercise control."

7. In section 73 (other consequences of operating unlicensed HMOs: rent repayment orders) in subsection (10)–

- (a) for the definition of "the appropriate person" substitute–

""the appropriate person", in relation to any payment of housing benefit or periodical payments payable in connection with occupation of a part of a section 257 HMO means the person who at the time when such benefit or payments were made was the person–

- (a) having control of the HMO; and
(b) entitled to receive on his own account periodical payments in connection with such occupation of the part of the HMO in respect of which the payment or housing benefit relates."; and
(b) after the definition of "periodical payments" insert–

""rent" does not include ground rent, service charges or insurance charges paid under the terms of a lease in respect of a flat within a section 257 HMO."

8. In section 75 (other consequences of operating unlicensed HMOs: restrictions on terminating tenancies)–

- (a) for subsection (1) substitute–

"(1) No section 21 notice may be given in relation to a shorthold tenancy of a flat in an unlicensed section 257 HMO by the person having control of the HMO so long as it remains such an HMO."; and

- (b) after subsection (2) insert–

"(3) Subsection (1) does not affect the right of any person (other than the person having control of a section 257 HMO) to serve a section 21 notice in respect of a shorthold tenancy of a flat in such an HMO."

9. In section 78 (index of defined expressions: Part 2) in the entry relating to a person having control for the reference to section 263(1) and (2) substitute a reference to section 61(7).

10. In Schedule 4–

- (a) in paragraph (1) after "conditions" insert "but in the case of a licence under Part 2, this is subject to sub-paragraph (6)";
(b) after sub-paragraph (5) insert–

"(6) The conditions contained in sub-paragraphs (2) to (5) apply only in relation to any part of a section 257 HMO over which the licence holder exercises control, or over which it would be reasonable to expect that he would exercise control."

Addasiad i Ran 4 o'r Ddeddf (darpariaethau rheoli ychwanegol mewn perthynas â lletyau preswyl)

11. Mae adran 139 o'r Ddeddf (cyflwyno hysbysiadau gorlenwi) yn cael effaith mewn perthynas ag HMO adran 257 fel petai'r canlynol wedi'i fewnosod ar ddiwedd paragraff 1(b)–

"(1A) This Chapter also applies, in the case of a section 257 HMO which is required to be licensed under Part 2, to any flat within that HMO in respect of which a long lease has been granted and over which the licence holder cannot reasonably be expected to exercise control.

(1B) In subsection (1A) "long lease" means a lease that–

- (a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or
- (b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,

and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term."

Addasiad i adran 263 o'r Ddeddf

12.-(1) Mae adran 263 o'r Ddeddf (ystyr "person having control" a "person managing" etc) yn cael effaith fel petai'r canlynol wedi'i fewnosod ar ôl is-adran (1)–

"(1A) Subsection (1) does not apply to any reference in Parts 2 or 4 to "person having control" where the reference relates to a person having control of a section 257 HMO.

(1B) Any reference in Part 4 to a person having control in respect of a section 257 HMO has the same meaning as in section 61(7)."

Modification to Part 4 of the Act (additional control provisions in relation to residential accommodation)

11. Section 139 of the Act (service of overcrowding notices) has effect in relation to a section 257 HMO as if at the end of paragraph 1(b) there were inserted–

"(1A) This Chapter also applies, in the case of a section 257 HMO which is required to be licensed under Part 2, to any flat within that HMO in respect of which a long lease has been granted and over which the licence holder cannot reasonably be expected to exercise control.

(1B) In subsection (1A) "long lease" means a lease that–

- (a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or
- (b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,

and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term."

Modification to section 263 of the Act

12.-(1) Section 263 of the Act (meaning of "person having control" and "person managing" etc) has effect as if, after subsection (1), there were inserted–

"(1A) Subsection (1) does not apply to any reference in Parts 2 or 4 to "person having control" where the reference relates to a person having control of a section 257 HMO.

(1B) Any reference in Part 4 to a person having control in respect of a section 257 HMO has the same meaning as in section 61(7)."

Diddymu Rhan 11 o Ddeddf Tai 1985: darpariaethau trosiannol

13.-(1) Yn ystod y cyfnod sy'n dechrau ar 5 Rhagfyr 2007(1) ac sy'n dod i ben ar 5 Rhagfyr 2008, ni fydd diddymu adrannau 346, 346A, 346B, 347, 348, 348A i 348G, 350, 351 a 395 i 397 o Ddeddf Tai 1985(2) ("Deddf 1985") yn cael effaith mewn perthynas ag unrhyw gynllun cofrestru—

- (a) sy'n cydymffurfio â chynllun model a baratowyd gan Gynulliad Cenedlaethol Cymru o dan adran 346B o Ddeddf 1985; neu
- (b) a gadarnhawyd gan Gynulliad Cenedlaethol Cymru cyn 30 Mehefin 2006,

i'r graddau y mae'r cynllun hwnnw'n gymwys i floc fflatiau perthnasol a addaswyd ac sydd wedi'i gofrestru neu y mae'n ofynnol iddo gael ei gofrestru o dan y cynllun hwnnw.

(2) Yn ystod y cyfnod sy'n dechrau ar 5 Rhagfyr 2007 ac sy'n dod i ben ar 5 Rhagfyr 2008, caiff y ffi ganiataol uchaf sy'n daladwy adeg cofrestru, neu ailgofrestru, bloc fflatiau perthnasol a addaswyd ei chyfrifo fel un pumed o'r ffi y gallai'r awdurdod tai lleol sy'n gweithredu'r cynllun cofrestru ei chodi.

(3) Yn ystod y cyfnod sy'n dechrau ar 5 Rhagfyr 2007 ac sy'n dod i ben ar 5 Rhagfyr 2008—

- (a) ni fydd diddymu adrannau 352, 352A a 353 o Ddeddf 1985, ac Atodlen 10 iddi, yn cael effaith mewn perthynas ag unrhyw hysbysiad a gyflwynir cyn 5 Rhagfyr 2008 o dan adran 352(1) o'r Ddeddf honno mewn perthynas â bloc fflatiau perthnasol a addaswyd; a
- (b) ni fydd diddymu adrannau 354, 355, 356, a 395 i 397 o Ddeddf 1985 yn cael effaith mewn perthynas â chyflawni cyn 5 Rhagfyr 2008 unrhyw dramgwydd ynghylch bloc fflatiau perthnasol a addaswyd o dan—
 - (i) is-adran (2) o adran 355 o'r Ddeddf honno; neu
 - (ii) is-adran (2) o adran 356 o'r Ddeddf honno.

Repeal of Part 11 of the Housing Act 1985: transitional provisions

13.-(1) During the period beginning on 5 December 2007(1) and ending on 5 December 2008, the repeal of sections 346, 346A, 346B, 347, 348, 348A to 348G, 350, 351 and 395 to 397 of the Housing Act 1985(2) ("the 1985 Act") does not have effect in relation to any registration scheme which—

- (a) conforms to a model scheme prepared by the National Assembly for Wales under section 346B of the 1985 Act; or
- (b) was confirmed by the National Assembly for Wales before 30 June 2006,

in so far as such scheme applies to a relevant converted block of flats that is registered or required to be registered under such scheme.

(2) During the period beginning on 5 December 2007 and ending on 5 December 2008, the maximum permissible fee payable on registration, or re-registration, of a relevant converted block of flats will be calculated as one fifth of the fee that would normally be chargeable by the local housing authority operating the registration scheme.

(3) During the period beginning on 5 December 2007 and ending on 5 December 2008—

- (a) the repeal of sections 352, 352A and 353 of, and Schedule 10 to, the 1985 Act will not have effect in relation to any notice served before 5 December 2008 under section 352(1) of that Act in relation to a relevant converted block of flats; and
- (b) the repeal of sections 354, 355, 356, and 395 to 397 of the 1985 Act will not have effect in relation to the commission before 5 December 2008 of any offence concerning a relevant converted block of flats under—
 - (i) subsection (2) of section 355 of that Act; or
 - (ii) subsection (2) of section 356 of that Act.

(1) O dan baragraff 2(1) o Ran 2 o'r Atodlen i Ddeddf Tai 2004 (Cychwyn Rhif 3 a Darpariaethau ac Arbedion Trosiannol) (Cymru) 2006 (O.S. 2006/1535 (Cy. 152)), yn ystod y cyfnod sy'n dechrau ar 16 Mehefin 2006 ac sy'n dod i ben ar y dyddiad y mae rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru o dan adran 61(5) o'r Ddeddf yn dod i rym, ni chafodd diddymiad adrannau penodol a oedd wedi'u cynnwys yn Rhan 11 o'r Ddeddf Tai, y rhoddwyd effaith iddo gan y Gorchymyn hwnnw, effaith mewn perthynas â "bloc fflatiau perthnasol a addaswyd". Mae "bloc fflatiau perthnasol a addaswyd" wedi'i ddiffinio yn y Gorchymyn hwnnw fel adeilad neu ran o'r adeilad sy'n floc fflatiau a addaswyd ac y mae adran 257 o Ddeddf 2004 yn gymwys iddo ac yn dy amlfeddiannaeth at ddibenion Rhan 11 o Ddeddf Tai 1985. Mae'r rheoliad hwn yn gwneud darpariaeth drosiannol bellach mewn perthynas â'r cyfryw floc fflatiau perthnasol a addaswyd.

(2) 1985 p. 68.

(1) Under paragraph 2(1) of Part 2 of the Schedule to the Housing Act 2004 (Commencement No. 3 and Transitional Provisions and Savings) (Wales) Order 2006 (S.I. 2006/1535 (W. 152)), during the period beginning on 16 June 2006 and ending on the date when regulations made by the National Assembly for Wales under section 61(5) of the Act come into force, the repeal of certain sections contained in Part 11 of the Housing Act effected by that Order did not have effect in relation to a "relevant converted block of flats". "Relevant converted block of flats" is defined in that Order as a building or part of a building which is a converted block of flats to which section 257 of the Housing Act 2004 applies and a house in multiple occupation for the purposes of Part 11 of the Housing Act 1985. This regulation makes further transitional provision in relation to such relevant converted blocks of flats.

(2) 1985 c. 68.

(4) O ran apêl a ddygir o dan is-adran (2) o adran 357 o Ddeddf 1985 cyn 5 Rhagfyr 2007, ni fydd penderfyniad llys i amrywio, neu i beidio â dirymu, cyfarwyddyd o dan adran 354 o'r Ddeddf honno yn cael effaith.

(5) Yn ystod y cyfnod sy'n dechrau ar 5 Rhagfyr 2007 ac sy'n dod i ben ar 5 Rhagfyr 2008—

- (a) ni fydd diddymu adrannau 369 a 395 i 397 o Ddeddf 1985 yn cael effaith mewn perthynas â chyflawni cyn 5 Rhagfyr 2007 unrhyw dramgwydd o dan reoliadau a wnaed o dan adran 369 o'r Ddeddf honno sy'n dramgwydd ynghylch bloc fflatiau perthnasol a addaswyd;
- (b) ni fydd diddymu adran 372 o Ddeddf 1985 yn cael effaith mewn perthynas ag unrhyw hysbysiad a gyflwynwyd o dan is-adran (1) o'r adran honno ynghylch bloc fflatiau perthnasol a addaswyd cyn y dyddiad hwnnw; ac
- (c) ni fydd diddymu adran 373 o Ddeddf 1985 yn cael effaith mewn perthynas ag apêl a wnaed cyn 5 Rhagfyr 2007 o dan is-adran (1) o'r adran honno ynghylch bloc fflatiau perthnasol a addaswyd.

(6) Yn ystod y cyfnod sy'n dechrau ar 5 Rhagfyr 2007 ac sy'n dod i ben ar 5 Rhagfyr 2009 ni fydd diddymu adrannau 375 i 377A a 378 o Ddeddf 1985, ac Atodlen 10 iddi, yn cael effaith mewn perthynas ag unrhyw hysbysiad a gyflwynwyd cyn 5 Rhagfyr 2007 o dan adran 352 neu 372 o'r Ddeddf honno ynghylch bloc fflatiau perthnasol a addaswyd.

(7) Yn y rheoliad hon, ystyr "bloc fflatiau perthnasol a addaswyd" ("*relevant converted block of flats*") yw adeilad neu ran o'r adeilad sydd—

- (a) yn floc fflatiau a addaswyd y mae adran 257 o Ddeddf 2004 yn gymwys iddo; a
- (b) ty amlfeddiannaeth at ddibenion Rhan 11 o Ddeddf 1985.

(4) In relation to an appeal brought under subsection (2) of section 357 of the 1985 Act before 5 December 2007, a decision of a court to vary, or not to revoke, a direction under section 354 of that Act will not have effect.

(5) During the period beginning on 5 December 2007 and ending on 5 December 2008—

- (a) the repeal of sections 369 and 395 to 397 of the 1985 Act will not have effect in relation to the commission before 5 December 2007 of any offence under regulations made under section 369 of that Act concerning a relevant converted block of flats;
- (b) the repeal of section 372 of the 1985 Act will not have effect in relation to any notice served under subsection (1) of that section concerning a relevant converted block of flats before that date; and
- (c) the repeal of section 373 of the 1985 Act will not have effect in relation to an appeal made before 5 December 2007 under subsection (1) of that section concerning a relevant converted block of flats.

(6) During the period beginning on 5 December 2007 and ending on 5 December 2009 the repeal of sections 375 to 377A and 378 of, and Schedule 10 to, the 1985 Act will not have effect in relation to any notice served before 5 December 2007 under section 352 or 372 of that Act concerning a relevant converted block of flats.

(7) In this regulation "relevant converted block of flats" ("*bloc fflatiau perthnasol a addaswyd*") means a building or a part of a building which is—

- (a) a converted block of flats to which section 257 of the 2004 Act applies; and
- (b) a house in multiple occupation for the purposes of Part 11 of the 1985 Act.

Jocelyn Davies

O dan awdurdod y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

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

12 Tachwedd 2007

12 November 2007

OFFERYNNAU STATUDOL
CYMRU

2007 Rhif 3231 (Cy.283)

TAI, CYMRU

Rheoliadau Tai Amlfeddiannaeth
(Blociau Fflatiau Penodol)
(Addasiadau i Ddeddf Tai 2004 a
Darpariaethau Trosiannol ar gyfer
HMOs adran 257) (Cymru)
2007

WELSH
STATUTORY INSTRUMENTS

2007 No. 3231 (W.283)

HOUSING, WALES

The Houses in Multiple
Occupation (Certain Blocks of
Flats) (Modifications to the
Housing Act 2004 and Transitional
Provisions for section 257 HMOs)
(Wales) Regulations 2007

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