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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 371 (Cy.37)**

**2008 No. 371 (W.37)**

**TAI, CYMRU**

**HOUSING, WALES**

Gorchymyn Tai (Hawl i Brynu)  
(Blaenoriaeth Arwystlon) (Cymru)  
2008

The Housing (Right to Buy)  
(Priority of Charges) (Wales) Order  
2008

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn pennu tri corff yn sefydliadau benthyca cymeradwy at ddibenion adran 156 o Ddeddf Tai 1985 ("Deddf 1985") yn ychwanegol at y cyrff sydd eisoes wedi'u pennu yn yr adran honno a chan Orchymnion blaenorol.

This Order specifies three bodies as approved lending institutions for the purposes of section 156 of the Housing Act 1985 ("the 1985 Act") in addition to the bodies already specified in that section and by previous Orders.

Mae adran 156 o Ddeddf 1985 yn darparu bod y rhwymedigaeth a all godi i ad-dalu gostyngiad o dan gyfamod a roddir gan y tenant ac sy'n ofynnol o dan adran 155 o Ddeddf 1985 yn arwystl cyfreithiol ar y ty annedd, ond bod blaenoriaeth drosto gan arwystl cyfreithiol sy'n sicrhau swm sy'n cael ei fenthycu i'r tenant gan sefydliad benthyca cymeradwy er mwyn galluogi'r tenant i arfer yr hawl i brynu.

Section 156 of the 1985 Act provides that the liability to repay discount that may arise under a covenant by the tenant required by section 155 of the 1985 Act, constitutes a legal charge on the dwelling-house, but that a legal charge securing an amount advanced to the tenant by an approved lending institution for the purpose of enabling the tenant to exercise the right to buy has priority over it.

At ddibenion yr adran, mae cymdeithasau adeiladu, banciau, cwmnïau yswiriant, cymdeithasau cyfeillgar ac unrhyw gorff arall a bennir, neu yppennir ei ddisgrifiad, mewn gorchymyn a wneir, o ran Cymru, gan Weinidogion Cymru, yn sefydliadau benthyca cymeradwy.

Approved lending institutions for the purposes of the section are building societies, banks, insurance companies, friendly societies and any other body which is specified, or is of a class or description specified, in an order made, in relation to Wales, by the Welsh Ministers.

Mae cyrff o'r fath hefyd yn dod yn sefydliadau benthyca cymeradwy at ddibenion adran 36 o Ddeddf 1985 ac adran 12 o Ddeddf Tai 1996.

Such bodies also become approved lending institutions for the purposes of section 36 of the 1985 Act and section 12 of the Housing Act 1996.

Yn ychwanegol, gan fod adran 156 o Ddeddf 1985 yn cael ei chymhwyso gan adran 171A o'r Ddeddf honno at achosion pan ddiogelir hawl tenant i brynu, a chan adran 17 o Ddeddf Tai 1996 at achosion pan fo gan denant yr hawl i gaffael o dan adran 16 o'r Ddeddf honno, daw'r cyrff a bennwyd yn sefydliadau benthyca cymeradwy at ddibenion yr hawliau hynny.

In addition, as section 156 of the 1985 Act is applied by section 171A of that Act to cases in which a tenant's right to buy is preserved and by section 17 of the Housing Act 1996 to cases in which a tenant has the right to acquire under section 16 of that Act, the specified bodies become approved lending institutions for the purposes of those rights.

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**The Housing (Right to Buy)  
(Priority of Charges) (Wales) Order  
2008**

*Gwnaed* 14 Chwefror 2008  
*Yn dod i rym* 28 Chwefror 2008

*Made* 14 February 2008  
*Coming into force* 28 February 2008

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 156(4) o Ddeddf Tai 1985(1) ac sydd bellach wedi eu breinio ynddynt hwy i'r graddau y maent yn arferadwy yng Nghymru(2):

The Welsh Ministers make the following Order in exercise of the powers conferred on the Secretary of State by section 156(4) of the Housing Act 1985(1) which are now vested in them so far as exercisable in Wales(2):

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Hawl i Brynu) (Blaenoriaeth Arwystlon) (Cymru) 2008 a daw i rym ar 28 Chwefror 2008.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Title, commencement and application**

1.—(1) The title of this Order is the Housing (Right to Buy) (Priority of Charges) (Wales) Order 2008 and it comes into force on 28 February 2008.

(2) This Order applies in relation to Wales.

**Cyrff penodedig**

2. Pennir y cyrff canlynol yn sefydliadau benthyca cymeradwy at ddibenion adran 156(3) o Ddeddf Tai 1985—

(a) Accord Mortgages Limited (Cwmni Rhif 02139881);

**Specified bodies**

2. The following bodies are specified as approved lending institutions for the purposes of section 156(3) of the Housing Act 1985—

(a) Accord Mortgages Limited (Company No. 02139881);

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- (1) 1985 p.68; diwygiwyd adran 156(4) gan Ddeddf Tai 1988 p.50, Atodlen 17, paragraff 106 a chan Ran XIII o Atodlen 19 i Ddeddf Tai 1996 p.52.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol a geir yn Neddf Tai 1985 o ran Cymru i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672 erthygl 2, Atodlen 1 iddo). Cafodd swyddogaethau Cynulliad Cenedlaethol Cymru eu breinio yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 p.32 a pharagraff 30 o Atodlen 11 iddi.
- (3) Diwygiwyd adran 156 hefyd gan Ddeddf Tai a Chynllunio 1986 p.63, Atodlen 5, paragraff 1(2) a (5) a chan adran 120(3) a (4) o Ddeddf Diwygio Cyfraith Lesdaliad, Tai a Datblygu Trefol 1993 p.28.

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- (1) 1985 c.68; section 156(4) was amended by the Housing Act 1988 c.50, Schedule 17, paragraph 106 and by Part XIII of Schedule 19 to the Housing Act 1996 c.52.
- (2) The functions of the Secretary of State contained in the Housing Act 1985 in relation to Wales were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672 article 2, Schedule 1). The functions of the National Assembly for Wales were vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 c. 32.
- (3) Section 156 was also amended by the Housing and Planning Act 1986 c.63, Schedule 5, paragraph 1(2) and (5) and by section 120(3) and (4) of the Leasehold Reform, Housing and Urban Development Act 1993 c.28.

- (b) Beacon Homeloans Limited (Cwmni Rhif 05304252);
- (c) Morgan Stanley Bank International Limited (Cwmni Rhif 03722571).

- (b) Beacon Homeloans Limited (Company No. 05304252);
- (c) Morgan Stanley Bank International Limited (Company No. 03722571).

*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

14 Chwefror 2008

14 February 2008

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