



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 670 (Cy.63)

2004 No. 670 (W.63)

LANDLORD A THENANT

LANDLORD AND TENANT

**Rheoliadau Diwygio Cyfraith
Lesddaliad (Rhyddfrenio ar y Cyd
ac Adnewyddu Lesddaliad)
(Diwygio) (Cymru) 2004**

**The Leasehold Reform (Collective
Enfranchisement and Lease
Renewal) (Amendment) (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 yn diwygio Rheoliadau Diwygio Cyfraith Lesddaliad (Rhyddfrenio ar y Cyd ac Adnewyddu Lesddaliad) 1993 sy'n nodi'r weithdrefn sydd i'w dilyn mewn perthynas â hawliadau am ryddfrenio ar y cyd ac adnewyddu Lesddaliad a wneir o dan Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p.28) ("Deddf 1993"). Mae'r Rheoliadau hyn yn gymwys i hawliadau o'r fath a wneir mewn perthynas â thir ac adeiladau yng Nghymru ar neu ar ôl y dyddiad y daw'r Rheoliadau i rym.

These Regulations amend the Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993 which set out the procedure to be followed in relation to claims for collective enfranchisement and lease renewal made under the Leasehold Reform, Housing and Urban Development Act 1993 (c.28) ("the 1993 Act"). These Regulations apply to such claims made in respect of premises in Wales on or after the date the Regulations come into force.

Mae'r diwygiadau yn digwydd o ganlyniad i ddiwygiadau a wneir i adrannau 13 a 39 o Ddeddf 1993 gan adran 120 ac Atodlen 14 o Ddeddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15) sy'n diddymu'r prawf preswyllo yn Neddf 1993: un o'r rheolau cymhwysio i denantiaid sy'n gwneud hawliadau am ryddfrenio ar y cyd ac adnewyddu les. Yn achos hawliad am adnewyddu les, roedd y prawf preswyllo yn Neddf 1993 yn ei gwneud yn ofynnol i bob tenant unigol sy'n gwneud yr hawliad fod wedi meddiannu'r fflat y gwnaed yr hawliad mewn perthynas â hi fel unig gartref neu brif gartref am y deuddeg mis diwethaf neu am gyfnodau sy'n dod i gyfanswm o dair blynedd yn y deng mlynedd diwethaf. Yn achos hawliadau am ryddfrenio ar y cyd, roedd y prawf yn ei gwneud yn ofynnol i ddim llai nag un hanner o'r tenantiaid y gwnaed yr hawliad ar y cyd ganddynt fod wedi meddiannu eu fflatiau fel eu hunig neu eu prif gartref am y deuddeg mis diwethaf neu am gyfnodau sy'n dod i gyfanswm o dair blynedd yn y deng mlynedd diwethaf.

The amendments are consequential to amendments made to sections 13 and 39 of the 1993 Act by section 120 and Schedule 14 of the Commonhold and Leasehold Reform Act 2002 (c.15) abolishing the residence test in the 1993 Act: one of the qualifying rules for tenants making claims for collective enfranchisement and lease renewal. In the case of a claim for lease renewal, the residence test in the 1993 Act required each individual tenant making the claim to have occupied the flat in respect of which the claim was made as an only or principal home for the last twelve months or for periods amounting to three years in the last ten years. In the case of claims for collective enfranchisement, the test required not less than one-half of the tenants by whom the collective claim was made to have occupied their flats as their only or principal home for the last twelve months or for periods amounting to three years in the last ten years.

Mewn perthynas ag adnewyddu les, mae'r prawf wedi'i ddisodli gan ofyniad bod yn rhaid i'r tenant fod wedi bod yn brydleswr hir ar y fflat am ddwy flynedd. Mewn perthynas â rhyddfrenio ar y cyd, nid yw'r prawf wedi'i ddisodli gan neu'i ddiwygio gan unrhyw ofyniad arall.

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).

In respect of lease renewal, the test has been replaced with a requirement that the tenant has to have been a long leaseholder of the flat for two years. In respect of collective enfranchisement, the test has not been replaced or amended by any other requirement.

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).

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**Rheoliadau Diwygio Cyfraith
Lesddaliad (Rhyddfrenio ar y Cyd
ac Adnewyddu Lesddaliad)
(Diwygio) (Cymru) 2004**

**The Leasehold Reform (Collective
Enfranchisement and Lease
Renewal) (Amendment) (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, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 98 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993(a) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by section 98 of the Leasehold Reform, Housing and Urban Development Act 1993(a) and now vested in the National Assembly for Wales(b), hereby makes the following Regulations:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Diwygio Cyfraith Lesddaliad (Rhyddfrenio ar y Cyd ac Adnewyddu Lesddaliad) (Diwygio) (Cymru) 2004 a deuant i rym ar 31 Mawrth 2004.

Name and commencement

1. These Regulations are called the Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004 and shall come into force on the 31st March 2004.

Cymhwys

2. Mae'r Rheoliadau hyn yn gymwys yn unig -
- mewn perthynas â thir ac adeiladau yng Nghymru;
 - i achosion lle mae hysbysiad o dan adran 13 (hysbysiad gan denantiaid cymwys o hawliad i arfer hawl i ryddfrenio ar y cyd) neu adran 42 (hysbysiad gan denant cymwys o hawliad i arfer hawl i gaffael les newydd) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 yn cael ei gyflwyno ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym.

Application

2. These Regulations apply only-
- in respect of premises in Wales;
 - to cases where a notice under section 13 (notice by qualifying tenants of claim to exercise right to collectively enfranchise) or section 42 (notice by qualifying tenant of claim to exercise right to acquire a new lease) of the Leasehold Reform, Housing and Urban Development Act 1993 is served on or after the date these Regulations come into force.

(a) 1993 p. 28.

(b) Trosglwyddwyd swyddogaethau Ysgrifennydd Gwladol Cymru o dan adran 98 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 i Gynulliad Cenedlaethol Cymru yn unol ag erthygl 2(2) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo.

(a) 1993 c.28.

(b) The powers of the Secretary of State under section 98 of the Leasehold Reform, Housing and Urban Development Act 1993 were transferred to the National Assembly for Wales pursuant to article 2(2) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

Diwygiadau

3. Diwygir Rheoliadau Diwygio Cyfraith Lesddaliad (Rhyddfrenio ar y Cyd ac Adnewyddu Lesddaliad) 1993(a) fel a ganlyn-

- (a) dileer paragraff 2 o Atodlen 1; a
- (b) yn lle is-baragraff (4)(1) o Atodlen 2 rhodder -

"(1) The landlord may require the tenant to deduce his title to his tenancy, by giving him notice within the period of twenty one days beginning with the relevant date."

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

9 Mawrth 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

Amendments

3. The Leasehold Reform (Collective Enfranchisement and Lease Renewal) Regulations 1993(a) shall be amended as follows-

- (a) delete paragraph 2 of Schedule 1; and
- (b) for sub-paragraph 4(1) of Schedule 2 substitute-

"(1) The landlord may require the tenant to deduce his title to his tenancy, by giving him notice within the period of twenty one days beginning with the relevant date."

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

9th March 2004

The Deputy Presiding Officer of the National Assembly

(a) O.S. 1993/2407.
(b) 1998 p.38.

(a) S.I. 1993/2407.
(b) 1998 c.38.

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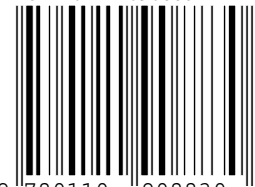
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