



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1535 (Cy.152)(C.54)

2006 No. 1535 (W.152)(C.54)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Deddf Tai 2004
(Cychwyn Rhif 3 a Darpariaethau
Trosiannol ac Arbedion) (Cymru)
2006**

**The Housing Act 2004
(Commencement No. 3 and
Transitional Provisions and
Savings) (Wales) Order 2006**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Y Gorchymyn hwn yw'r trydydd Gorchymyn Cychwyn sy'n cael ei wneud o dan Ddeddf Tai 2004 ("y Ddeddf") ac mae'n dwyn i rym yng Nghymru ddarpariaethau pellach sydd yn y Ddeddf, yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion a wneir yn yr Atodlen i'r Gorchymyn.

This Order is the third Commencement Order made under the Housing Act 2004 ("the Act") and brings further provisions of the Act into force in Wales, subject to the transitional provisions and savings made in the Schedule to the Order.

Mae'r Gorchymyn yn dwyn i rym ar 16 Mehefin 2006 ddarpariaethau amrywiol Deddf 2004 a restrir o dan erthygl 2.

The Order brings into force on 16 June 2006 various provisions of the Act listed under article 2.

Mae erthygl 2 yn dwyn i rym y rhan fwyaf o'r darpariaethau yn y Rhannau canlynol o'r Ddeddf ar 16 Mehefin i'r graddau nad ydynt eisoes mewn grym:

Article 2 brings into force most of the provisions of the following Parts of the Act on 16 June to the extent they are not already in force:

Rhan 1, sy'n cyflwyno system newydd i awdurdodau tai lleol ar gyfer asesu amodau tai a gorfodi safonau tai. Mae Rhan 1 yn disodli Rhan 6 o Ddeddf Tai 1985 (hysbysiadau trwsio) ac yn diwygio Rhan 9 o'r Ddeddf honno (chwalu slymiau).

Part 1, which introduces a new system for local housing authorities to assess housing conditions and enforce housing standards. Part 1 replaces Part 6 of the Housing Act 1985 (repair notices) and amends Part 9 of that Act (slum clearance).

Rhan 2, sy'n darparu bod yr awdurdodau hynny yn trwyddedu tai amlfeddiannaeth ac sy'n disodli Rhan 11 o Ddeddf Tai 1985.

Part 2, which provides for the licensing by such authorities of houses in multiple occupation and replaces Part 11 of the Housing Act 1985.

Rhan 3, sy'n darparu bod yr awdurdodau hynny yn trwyddedu'n ddetholus letyau preswyl eraill.

Part 3, which provides for the selective licensing by such authorities of other residential accommodation.

Rhan 4, sy'n darparu ar gyfer rheolaeth ychwanegol gan yr awdurdodau hynny mewn perthynas â lletyau preswyl drwy wneud gorchymynion rheoli a gorchymynion rheoli anheddau gwag a chyflwyno gorchymynion gorlenwi.

Part 4, which provides for additional control by such authorities in relation to residential accommodation by the making of management orders and empty dwelling management orders and the service of overcrowding notices.

Rhan 7, sy'n darparu ar gyfer tribiwnlysoedd eiddo

Part 7, which provides for residential property

preswyl ac sy'n cynnwys darpariaethau atodol a therfynol at ddibenion y Ddeddf.

Mae Erthygl 2 yn dwyn i rym y darpariaethau sy'n weddill yn Rhannau 2 i 4 a'r rhai sy'n ymwneud â thrangwyddau yn Rhannau 2 a 3, y broses o wneud gorchymynion ad-dalu rhent o ganlyniad i weithredu mangre y mae'n ofynnol ei thrwyddedu o dan y Rhannau hynny ond nad yw wedi'i thrwyddedu ac i'r ffaith bod tribiwnlys eiddo preswyl wedi awdurdodi gwneud gorchymyn interim i reoli annedd wag o dan Bennod 2 o Ran 4. Mae Erthygl 2 yn dwyn i rym hefyd fân ddiwygiadau neu ddiwygiadau canlyniadol yn Atodlen 15, a diddymiadau yn Atodlen 16 i'r Ddeddf a'r rhain yn gysylltiedig â'r darpariaethau eraill sy'n cael eu dwyn i rym gan y Gorchymyn.

Nodyn ynghylch Gorchymynion Cychwyn Blaenorol

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

Mae darpariaethau canlynol Deddf Tai 2004 wedi'u dwyn i rym yng Nghymru gan orchymyn cychwyn a wnaed cyn dyddiad y Gorchymynion hwn:

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>Rhif O.S.</i>
Adran 4	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adran 55(1) a (2) a pharagraffau (a) a (b) o is-adran (5)	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adrannau 56 a 57	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adrannau 79-81	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adran 179	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adran 191	14 Gorffennaf 2005	2005/1814 (Cy. 144) (C. 75)
Adrannau 192-194	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adrannau 227 a 228	14 Gorffennaf 2005	2005/1814 (Cy.144) (C. 75)

tribunals and contains other supplementary and final provisions for the purposes of the Act.

Article 2 brings into force the remaining provisions of Parts 2 to 4 and those that relate to offences in Parts 2 and 3, the making of rent repayment orders in consequence of operating premises required to be licensed under those Parts which are not licensed and the authorisation by a residential property tribunal of the making of an interim empty dwelling management order under Chapter 2 of Part 4. Article 2 also brings into force minor or consequential amendments in Schedule 15, and repeals in Schedule 16 to the Act which are associated with the other provisions brought into force by the Order.

Note as to Previous Commencement Orders

(This note is not part of the Order)

The following provisions of the Housing Act 2004 have been brought into force in Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
Section 4	25 November 2005	2005/3237 (W. 242) (C. 138)
Section 55(1) and (2) and paragraphs (a) and (b) of subsection (5)	25 November 2005	2005/3237 (W. 242) (C.138)
Sections 56 and 57	25 November 2005	2005/3237 (W. 242) (C. 138)
Sections 79-81	25 November 2005	2005/3237 (W. 242) (C. 138)
Section 179	25 November 2005	2005/3237 (W. 242) (C. 138)
Section 191	14 July 2005	2005/1814 (W. 144) (C. 75)
Sections 192-194	25 November 2005	2005/3237 (W. 242) (C. 138)
Sections 227 and 228	14 July 2005	2005/1814 (W. 144) (C. 75)

Adran 237	25 Tachwedd 2005	2005/3237 (Cy. 242) (C. 138)
Adran 265(1) ac Atodlen 15 (yn rhannol)	14 Gorffennaf 2005	2005/1814 (Cy. 144) (C. 75)
Atodlen 12	14 Gorffennaf 2005	2005/1814 (Cy. 144) (C. 75)

Section 237	25 November 2005	2005/3237 (W. 242) (C. 138)
Section 265(1) and Schedule 15(partially)	14 July 2005	2005/1814 (W. 144) (C. 75)
Schedule 12	14 July 2005	2005/1814 (W. 144) (C. 75)

2006 Rhif 1535 (Cy.152)(C.54)**2006 No. 1535 (W.152)(C.54)****TAI, CYMRU****HOUSING, WALES****Gorchymyn Deddf Tai 2004
(Cychwyn Rhif 3 a Darpariaethau
Trosiannol ac Arbedion) (Cymru)
2006****The Housing Act 2004
(Commencement No. 3 and
Transitional Provisions and
Savings) (Wales) Order 2006***Wedi'i wneud**13 Mehefin 2006**Made**13 June 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 76(6), 250(2) a 270(4), (5) a (10) o Ddeddf Tai 2004(1), yn gwneud y Gorchymyn a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 76(6), 250(2) and 270(4), (5) and (10) of the Housing Act 2004(1), makes the following Order:

Enwi, dehongli a chymhwyso**Title, interpretation and application**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai 2004 (Cychwyn Rhif 3 a Darpariaethau Trosiannol ac Arbedion) (Cymru) 2006.

1.-(1) The title of this Order is the Housing Act 2004 (Commencement No. 3 and Transitional Provisions and Savings) (Wales) Order 2006.

(2) Yn y Gorchymyn hwn-

(2) In this Order-

- (a) ystyr "Deddf 1985" ("*the 1985 Act*") yw Deddf Tai 1985(2)
- (b) ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Tai 2004;
- (c) ystyr "y dyddiad cychwyn" ("*the commencement date*") yw 16 Mehefin 2006; ac
- (ch) mae unrhyw gyfeiriad at ddiddymiad yn gyfeiriad at ddiddymiad a gynhwysir yn Atodlen 16 i Ddeddf 2004.

- (a) "the 1985 Act" ("*Deddf 1985*") means the Housing Act 1985(2);
- (b) "the 2004 Act" ("*Deddf 2004*") means the Housing Act 2004;
- (c) "the commencement date" ("*y dyddiad cychwyn*") means 16 June 2006; and
- (d) any reference to a repeal is to a repeal contained in Schedule 16 to the 2004 Act.

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

(3) This Order applies in relation to Wales.

(1) 2004 p.34. Mae'r pwerau a roddir gan adran 270(4), (5) a (10) yn arferadwy, mewn perthynas â Chymru, gan Gynulliad Cenedlaethol Cymru. *Gweler* y diffiniad o "appropriate national authority" yn adran 261(1) o Ddeddf 2004.

(2) 1985 p.68.

(1) 2004 c.34. The powers conferred by section 270(4), (5) and (10) 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) 1985 c.68.

Darpariaethau sy'n dod i rym ar y dyddiad cychwyn

2. Mae darpariaethau canlynol Deddf 2004 yn dod i rym ar y dyddiad cychwyn-

- (a) i'r graddau nad ydynt eisoes mewn grym(1), adrannau 1, 3, 5 i 8, 10 i 52, 54, 55, 58 i 78, 82 i 147, 229 i 232, 235, 236, 238 i 243, Atodlenni 1 i 7 ac Atodlen 13;
- (b) adran 265(1) i'r graddau y mae'n ymwneud â pharagraffau 2 i 6, 8 i 36 a 38 i 44 o Atodlen 15 (mân ddiwygiadau a diwygiadau canlyniadol);
- (c) adran 266 i'r graddau y mae'n ymwneud â'r diddymadau yn y Deddfau canlynol-
 - (i) Deddf Cymdeithasau Cyfeillgar a Diwydiannol a Darbodus 1968(2);
 - (ii) Deddf Iawndal Tir 1973(3);
 - (iii) Deddf Hedfan Sifil 1982(4);
 - (iv) Deddf Cartrefi Symudol 1983(5);
 - (v) Deddf 1985;
 - (vi) Deddf Cymdeithasau Tai 1985(6);
 - (vii) Deddf Tai (Darpariaethau Canlyniadol) 1985(7);
 - (viii) Deddf Meysydd Awyr 1986(8);
 - (ix) Deddf Tai 1988(9);
 - (x) Deddf Trydan 1989(10);
 - (xi) Deddf Llywodraeth Leol a Thai 1989(11);
 - (xii) Deddf Tai 1996(12);
 - (xiii) Deddf Grantiau Tai, Adeiladu ac Adfywio(13); a
 - (xiv) Deddf Trafnidiaeth 2000(14).

(1) I'r graddau y mae darpariaeth yn Deddf 2004 yn rhoi pŵer i wneud gorchymyn neu reoliadau sy'n arferadwy gan Gynulliad Cenedlaethol Cymru, daeth i rym adeg pasio'r Ddeddf honno yn rhinwedd adran 270(2)(b) o'r Ddeddf. Mae rhai darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn eisoes wedi'u dwyn i rym yn rhannol gan orchymynion cychwyn cynharach.

- (2) 1968 p.55.
- (3) 1973 p.26.
- (4) 1982 p.16.
- (5) 1983 p.34.
- (6) 1985 p.69.
- (7) 1985 p.71.
- (8) 1986 p.31.
- (9) 1988 p.50.
- (10) 1989 p.29.
- (11) 1989 p.42.
- (12) 1996 p.52.
- (13) 1996 p.53.
- (14) 2000 p.38.

Provisions coming into force on the commencement date

2. The following provisions of the 2004 Act come into force on the commencement date-

- (a) in so far as they are not already in force(1), sections 1, 3, 5 to 8, 10 to 52, 54, 55, 58 to 78, 82 to 147, 229 to 232, 235, 236, 238 to 243, Schedules 1 to 7 and Schedule 13;
- (b) section 265(1) in so far as it relates to paragraphs 2 to 6, 9 to 36 and 38 to 44 of Schedule 15 (minor and consequential amendments);
- (c) section 266 in so far as it relates to the repeals in-
 - (i) the Friendly and Industrial and Provident Societies Act 1968(2);
 - (ii) the Land Compensation Act 1973(3);
 - (iii) the Civil Aviation Act 1982(4);
 - (iv) the Mobile Homes Act 1983(5);
 - (v) the 1985 Act;
 - (vi) the Housing Associations Act 1985(6);
 - (vii) the Housing (Consequential Provisions) Act 1985(7);
 - (viii) the Airports Act 1986(8);
 - (ix) the Housing Act 1988(9);
 - (x) the Electricity Act 1989(10);
 - (xi) the Local Government and Housing Act 1989(11);
 - (xii) the Housing Act 1996(12);
 - (xiii) the Housing Grants, Construction and Regeneration Act 1996(13); and
 - (xiv) the Transport Act 2000(14).

(1) So far as a provision of the 2004 Act confers power to make an order or regulations exercisable by the National Assembly for Wales it came into force on the passing of that Act by virtue of section 270(2)(b) of the Act. Some provisions brought into force by this Order have already been brought into force partially by earlier commencement orders.

- (2) 1968 c.55.
- (3) 1973 c.26.
- (4) 1982 c.16.
- (5) 1983 c.34.
- (6) 1985 c.69.
- (7) 1985 c.71.
- (8) 1986 c.31.
- (9) 1988 c.50.
- (10) 1989 c.29.
- (11) 1989 c.42.
- (12) 1996 c.52.
- (13) 1996 c.53.
- (14) 2000 c.38.

Darpariaethau trosiannol ac arbedion

3. Bydd yr Atodlen yn effeithiol at ddibenion gwneud darpariaethau trosiannol ac arbedion mewn cysylltiad â dyfodiad i rym y darpariaethau a grybwyllir yn erthygl 2.

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

13 Mehefin 2006

Llywydd y Cynulliad Cenedlaethol

Transitional provisions and savings

3. The Schedule has effect for the purpose of making transitional provisions and savings in connection with the coming into force of provisions mentioned in article 2.

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

13 June 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

RHAN 1

CAMAU O DAN DDEDDF 1985 SY'N
YMWNEUD AG ANFFITRWYDD**Hysbysiadau trwsio**

1.-(1) Bydd hysbysiad trwsio a gyflwynwyd o dan adran 189 neu 190 o Ddeddf 1985 cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw onid yw'n hysbysiad y mae is-baragraff (2) yn gymwys iddo.

(2) Mae'r is-baragraff hwn yn gymwys i hysbysiad trwsio-

- (a) sydd wedi dod yn weithredol yn y modd a grybwyllir yn adran 189(4) neu 190(4) o Ddeddf 1985 cyn y dyddiad cychwyn; neu
- (b) y mae apêl ynglŷn ag ef wedi'i dwyn o dan adran 191 o'r Ddeddf honno cyn y dyddiad hwnnw.

(3) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2007, ni fydd diddymu adrannau 189 i 208, 345, 398, 604 a 604A o Ddeddf 1985, ac Atodlen 10 iddi, yn effeithiol mewn perthynas â hysbysiad trwsio y mae is-baragraff (2) yn gymwys iddo.

(4) Pan fo-

- (a) apêl ynglŷn â hysbysiad trwsio y mae is-baragraff (2) yn gymwys iddo yn cael ei chaniatáu; a
- (b) y barnwr yn cynnwys yn ei farn ddyfarniad fel a grybwyllir yn adran 191(3) o Ddeddf 1985,

rhaid i'r awdurdod tai lleol gymryd y dyfarniad i ystyriaeth os bydd wedyn yn ystyried cymryd camau o'r math a grybwyllir yn adran 5(2) neu 7(2) o Ddeddf 2004 ynglŷn â'r fangre o dan sylw.

(5) Bydd hysbysiad trwsio y mae is-baragraff (2) yn gymwys iddo yn peidio â bod yn effeithiol ar 16 Mehefin 2007 ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â'r hysbysiad cyn y dyddiad hwnnw.

(6) Ni fydd diddymu adran 191(3A)(b) o Ddeddf 1985 yn effeithiol mewn perthynas â gorchymyn a wnaed gan lys o dan y paragraff hwnnw cyn y dyddiad hwnnw.

PART 1

ACTION UNDER THE 1985 ACT
RELATING TO UNFITNESS**Repair notices**

1.-(1) A repair notice served under section 189 or 190 of the 1985 Act before the commencement date ceases to have effect on that date unless it is a notice to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a repair notice-

- (a) which has become operative as mentioned in section 189(4) or 190(4) of the 1985 Act before the commencement date; or
- (b) in respect of which an appeal has been brought under section 191 of that Act before that date.

(3) During the period beginning on the commencement date and ending on 15 June 2007, the repeal of sections 189 to 208, 345, 398, 604 and 604A of, and Schedule 10 to, the 1985 Act do not have effect in relation to a repair notice to which sub-paragraph (2) applies.

(4) Where-

- (a) an appeal in respect of a repair notice to which sub-paragraph (2) applies is allowed; and
- (b) the judge includes in the judgment a finding such as is mentioned in section 191(3) of the 1985 Act,

the local housing authority must take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) A repair notice to which sub-paragraph (2) applies ceases to have effect on 16 June 2007 except in relation to anything done in connection with the notice before that date.

(6) The repeal of section 191(3A)(b) of the 1985 Act does not have effect in relation to an order made by a court under that paragraph before that date.

(7) Ni fydd y diwygiad a wnaed gan baragraff 4(2) o Atodlen 15 i Ddeddf 2004 (sy'n diwygio Deddf Iawndal Tir 1973) yn effeithiol mewn perthynas â hysbysiad trwsio y mae is-baragraff (2) yn gymwys iddo.

Gorchymynion cau

2.-(1) Bydd gorchymyn cau a wnaed o dan adran 264 neu 368(4) o Ddeddf 1985 cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw onid yw'n orchymyn y mae is-baragraff (2) yn gymwys iddo.

(2) Mae'r is-baragraff hwn yn gymwys i orchymyn cau-

- (a) sydd wedi dod yn weithredol yn y modd a grybwyllir yn adran 268(2) o Ddeddf 1985 cyn y dyddiad cychwyn; neu
- (b) y mae apêl yn ei gylch wedi'i dwyn o dan adran 269 o'r Ddeddf honno cyn y dyddiad hwnnw.

(3) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2008, ni fydd y canlynol yn effeithiol mewn perthynas â gorchymyn cau y mae is-baragraff (2) yn gymwys iddo-

- (a) diddymu adrannau 264, 267(2) a (3), 269(2A) a (3A), 276 i 278, 368, 395, 396, 397, 604 a 604A o Ddeddf 1985;
- (b) y diddymiaid yn adrannau 317, 319(1)(b) a 323 o'r Ddeddf honno; ac
- (c) y diwygiadau a wnaed gan adran 48(2) a (4) o Ddeddf 2004, a pharagraffau 13, 14, 22, 26, 27 a 33 o Atodlen 15 iddi.

(4) Pan fo-

- (a) apêl ynglŷn â gorchymyn cau y mae is-baragraff (2) yn gymwys iddo yn cael ei chaniatáu; a
- (b) y barnwr yn cynnwys yn ei farn ddyfarniad fel a grybwyllir yn adran 269(3A) o Ddeddf 1985,

rhaid i'r awdurdod tai lleol gymryd y dyfarniad i ystyriaeth os bydd wedyn yn ystyried cymryd camau o'r math a grybwyllir yn adran 5(2) neu 7(2) o Ddeddf 2004 ynglŷn â'r fangre o dan sylw.

(5) Bydd gorchymyn cau y mae is-baragraff (2) yn gymwys iddo yn peidio â bod yn effeithiol ar 16 Mehefin 2008 ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â'r gorchymyn cyn y dyddiad hwnnw.

(6) Ni fydd y diwygiadau a wnaed gan-

- (a) paragraffau 3, 4(3), 5 a 6 o Atodlen 15 i Ddeddf 2004 (sy'n diwygio Deddf Iawndal Tir 1973); a
- (b) paragraffau 30 a 31 o'r Atodlen honno (sy'n cymryd lle'r darpariaethau iawndal yn Neddf

(7) The amendment made by paragraph 4(2) of Schedule 15 to the 2004 Act (which amends the Land Compensation Act 1973) does not have effect in relation to a repair notice to which sub-paragraph (2) applies.

Closing orders

2.-(1) A closing order made under section 264 or 368(4) of the 1985 Act before the commencement date ceases to have effect on that date unless it is an order to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a closing order-

- (a) which has become operative as mentioned in section 268(2) of the 1985 Act before the commencement date; or
- (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) During the period beginning on the commencement date and ending on 15 June 2008, the following does not have effect in relation to a closing order to which sub-paragraph (2) applies-

- (a) the repeal of sections 264, 267(2) and (3), 269(2A) and (3A), 276 to 278, 368, 395, 396, 397, 604 and 604A of the 1985 Act;
- (b) the repeals in sections 317, 319(1)(b) and 323 of that Act; and
- (c) the amendments made by section 48(2) and (4) of, and paragraphs 13, 14, 22, 26, 27 and 33 of Schedule 15 to the 2004 Act.

(4) Where-

- (a) an appeal in respect of a closing order to which sub-paragraph (2) applies is allowed; and
- (b) the judge includes in the judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority must take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) A closing order to which sub-paragraph (2) applies ceases to have effect on 16 June 2008 except in relation to anything done in connection with the order before that date.

(6) The amendments made by-

- (a) paragraphs 3, 4(3), 5 and 6 of Schedule 15 to the 2004 Act (which amend the Land Compensation Act 1973); and
- (b) paragraphs 30 and 31 of that Schedule (which substitute compensation provisions of the

Tai 1985),

yn effeithiol mewn perthynas â gorchymyn cau y mae is-baragraff (2) yn gymwys iddo.

Gorchymynion dymchwel

3.-(1) Bydd gorchymyn dymchwel a wnaed o dan adran 265 neu 279 o Ddeddf 1985 cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw onid yw'n orchymyn y mae is-baragraff (2) yn gymwys iddo.

(2) Mae'r is-baragraff hwn yn gymwys i orchymyn dymchwel-

- (a) sydd wedi dod yn weithredol yn y modd a grybwyllir yn adran 268(2) o Ddeddf 1985 cyn y dyddiad cychwyn; neu
- (b) y mae apêl ynglŷn ag ef wedi'i dwyn o dan adran 269 o'r Ddeddf honno cyn y dyddiad hwnnw.

(3) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2008, ni fydd y canlynol yn effeithiol mewn perthynas â gorchymyn dymchwel y mae is-baragraff (2) yn gymwys iddo-

- (a) diddymu adrannau 269(2A) a (3A), 604 a 604A o Ddeddf 1985;
- (b) y diddymiadau yn adran 323 o'r Ddeddf honno; ac
- (c) y diwygiadau a wnaed gan adrannau 46 a 48(2) i (4) o Ddeddf 2004, a pharagraffau 13 i 18, 21, 22, 26, 27 a 33 o Atodlen 15 iddi.

(4) Pan fo-

- (a) apêl ynglŷn â gorchymyn dymchwel y mae is-baragraff (2) yn gymwys iddo yn cael ei chaniatáu; a
- (b) y barnwr yn cynnwys yn ei farn ddyfarniad fel a grybwyllir yn adran 269(3A) o Ddeddf 1985,

rhaid i'r awdurdod tai lleol gymryd y dyfarniad i ystyriaeth os byddant wedyn yn ystyried cymryd camau o fath a grybwyllir yn adran 5(2) neu 7(2) o Ddeddf 2004 Act ynglŷn â'r fangre o dan sylw.

(5) Yn ystod y cyfnod a grybwyllir yn is-baragraff (3)-

- (a) bydd adran 275 o Ddeddf 1985 (gorchymynion dymchwel: amnewid gorchymynion cau) yn effeithiol mewn perthynas â gorchymyn dymchwel y mae is-baragraff (2) yn gymwys iddo fel petai-
- (i) y geiriau "and make a closing order as respects the premises" yn is-adran (1) wedi'u hepgor; a
- (ii) y geiriau canlynol wedi'u rhoi yn lle is-adran (2)-

Housing Act 1985),

do not have effect in relation to a closing order to which sub-paragraph (2) applies.

Demolition orders

3.-(1) A demolition order made under section 265 or 279 of the 1985 Act before the commencement date ceases to have effect on that date unless it is an order to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a demolition order-

- (a) which has become operative as mentioned in section 268(2) of the 1985 Act before the commencement date; or
- (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) During the period beginning on the commencement date and ending on 15 June 2008, the following do not have effect in relation to a demolition order to which sub-paragraph (2) applies-

- (a) the repeal of sections 269(2A) and (3A), 604 and 604A of the 1985 Act;
- (b) the repeals in section 323 of that Act; and
- (c) the amendments made by sections 46 and 48(2) to (4) of, and paragraphs 13 to 18, 21, 22, 26, 27, and 33 of Schedule 15 to the 2004 Act.

(4) Where-

- (a) an appeal in respect of a demolition order to which sub-paragraph (2) applies is allowed; and
- (b) the judge includes in the judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority must take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) During the period mentioned in sub-paragraph (3)-

- (a) section 275 of the 1985 Act (demolition orders: substitution of closing orders) has effect in relation to a demolition order to which sub-paragraph (2) applies as if-
- (i) in subsection (1) the words "and make a closing order as respects the premises" were omitted; and
- (ii) for subsection (2) there were substituted-

"(2) The authority must serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises."; a

(b) bydd is-adran (2) o adran 304 o Ddeddf 1985 (gorchymyn cau sydd i'w wneud ynglŷn ag adeilad rhestredig sy'n ddarostyngedig i adran 265) yn effeithiol mewn perthynas â gorchymyn o'r fath fel petai'r geiriau "and they must serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises" wedi'u rhoi yn lle'r geiriau ar ôl "operative".

(6) Bydd gorchymyn dymchwel y mae is-baragraff (2) yn gymwys iddo yn peidio â bod yn effeithiol ar 16 Mehefin 2008 ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â'r gorchymyn cyn y dyddiad hwnnw.

(7) Ni fydd y diwygiadau a wnaed gan-

(a) paragraffau 3, 4(3), 5 a 6 o Atodlen 15 i Ddeddf 2004; a

(b) paragraffau 30 a 31 o'r Atodlen honno,

yn effeithiol mewn perthynas â gorchymyn dymchwel y mae is-baragraff (2) yn gymwys iddo.

Gorchymynion adeilad rhwystrol

4. Bydd gorchymyn adeilad rhwystrol a gyflwynwyd o dan adran 284 o Ddeddf 1985 cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â'r gorchymyn cyn y dyddiad hwnnw.

Ardaloedd clirio

5.-(1) Ni fydd y diwygiadau a wnaed gan adran 47 o Ddeddf 2004, a paragraffau 19, 22, 26 a 27 o Atodlen 15 iddi, yn effeithiol mewn perthynas ag ardal y datganwyd ei bod yn ardal glirio o dan adran 289(3)(b) o Ddeddf 1985 cyn y dyddiad cychwyn.

(2) Mae'r is-baragraff hwn yn gymwys pan fo awdurdod tai lleol, cyn y dyddiad cychwyn-

(a) wedi cyflwyno hysbysiad o dan adran 289(2B)(a) o Ddeddf 1985 o'i fwriad i gynnwys adeilad mewn ardal sydd i ddod yn ardal glirio; ond

(b) heb basio penderfyniad o dan adran 289(3)(b) o'r Ddeddf honno yn datgan bod yr ardal yn ardal glirio.

(3) Pan fo is-baragraff (2) yn gymwys-

(a) bydd yr hysbysiad a grybwyllir ym mharagraff (a) o'r is-baragraff hwnnw yn peidio â bod yn effeithiol; a

"(2) The authority must serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises."; and

(b) subsection (2) of section 304 of the 1985 Act (closing order to be made in respect of listed building subject to section 265) has effect in relation to such an order as if for the words after "operative" there were substituted the words "and they must serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises".

(6) A demolition order to which sub-paragraph (2) applies ceases to have effect on 16 June 2008 except in relation to anything done in connection with the order before that date.

(7) The amendments made by-

(a) paragraphs 3, 4(3), 5 and 6 of Schedule 15 to the 2004 Act; and

(b) paragraphs 30 and 31 of that Schedule,

do not have effect in relation to a demolition order to which sub-paragraph (2) applies.

Obstructive building orders

4. An obstructive building order served under section 284 of the 1985 Act before the commencement date ceases to have effect on that date except in relation to anything done in connection with the order before that date.

Clearance areas

5.-(1) The amendments made by section 47 of, and paragraphs 19, 22, 26 and 27 of Schedule 15 to, the 2004 Act do not have effect in relation to an area declared to be a clearance area under section 289(3)(b) of the 1985 Act before the commencement date.

(2) This sub-paragraph applies where, before the commencement date, a local housing authority-

(a) have served notice under section 289(2B)(a) of the 1985 Act of intention to include a building in an area which is to be a clearance area; but

(b) have not passed a resolution under section 289(3)(b) of that Act declaring the area to be a clearance area.

(3) Where sub-paragraph (2) applies-

(a) the notice mentioned in paragraph (a) of that sub-paragraph ceases to have effect; and

- (b) bydd gofynion adran 289(2B)(b) ac (c) a (2F) yn peidio â bod yn gymwys i'r awdurdod tai lleol.

Prynu tai sy'n agored i gael eu dymchwel neu eu cau

6.-(1) Bydd hysbysiad o benderfyniad i brynu mangre a gyflwynwyd o dan adran 300(2)(a) o Ddeddf 1985 cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw onid yw'n hysbysiad y mae is-baragraff (2) yn gymwys iddo.

(2) Mae'r is-baragraff hwn yn gymwys i hysbysiad o benderfyniad-

- (a) sydd wedi dod yn weithredol o dan adran 268(2) o Ddeddf 1985(1) cyn y dyddiad cychwyn; neu
- (b) y mae apêl ynglŷn ag ef wedi'i dwyn o dan adran 269 o'r Ddeddf honno cyn y dyddiad hwnnw.

(3) Ni fydd y diwygiadau a wnaed gan adran 48(2) o Ddeddf 2004, a pharagraffau 13, 14, 20, 21, 26 a 27 o Atodlen 15 iddi, yn effeithiol mewn perthynas â hysbysiad o benderfyniad y mae is-baragraff (2) yn gymwys iddo.

Cynigion perchennog ar gyfer ailddatblygu

7.-(1) Mae'r paragraff hwn yn gymwys mewn perthynas ag unrhyw gynigion a gyflwynwyd i awdurdod tai lleol o dan is-adran (1) o adran 308 o Ddeddf 1985 (cymeradwyo cynigion perchennog ar gyfer ailddatblygu) cyn y dyddiad cychwyn.

(2) Pan na fydd hysbysiad o dan is-adran (2) o'r adran honno wedi'i roi cyn y dyddiad hwnnw, bydd yr awdurdod yn peidio â bod yn ddarostyngedig i ofynion yr is-adran honno ar neu ar ôl y dyddiad hwnnw.

(3) Yn ddarostyngedig i is-baragraff (4), bydd unrhyw hysbysiad a roddwyd o dan yr is-adran honno cyn y dyddiad hwnnw yn peidio â bod yn effeithiol ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad ag ef cyn y dyddiad hwnnw.

(4) Os bydd yr awdurdod, ar neu ar ôl y dyddiad hwnnw, yn ystyried cymryd camau o fath a grybwyllir yn adran 5(2) neu 7(2) o Ddeddf 2004 ynglŷn â'r fangre y mae'r hysbysiad hwnnw'n ymwneud â hi, rhaid i'r awdurdod, pan fydd yn gwneud ei benderfyniad, gymryd i ystyriaeth yr hysbysiad ac i ba raddau y bwriwyd ymlaen â'r ailddatblygu yn unol â'r cynigion ac o fewn y terfynau amser a bennwyd yn yr hysbysiad (yn ddarostyngedig i unrhyw amrywiad neu estyniad a gymeradwywyd gan yr awdurdod cyn y dyddiad hwnnw).

(1) Mae adran 300(2)(b) o Ddeddf Tai 1985 yn cymhwyso adrannau 268(2) a 269(1), (2), (3) a (6) o'r Ddeddf honno i hysbysiad o dan adran 300 fel y maent yn gymwys i orchymyn dymchwel neu orchymyn cau.

- (b) the requirements of section 289(2B)(b) and (c) and (2F) cease to apply to the local housing authority.

Purchase of houses liable to be demolished or closed

6.-(1) A notice of determination to purchase premises served under section 300(2)(a) of the 1985 Act before the commencement date ceases to have effect on that date unless it is a notice to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a notice of determination-

- (a) which has become operative under section 268(2) of the 1985 Act(1) before the commencement date; or
- (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) The amendments made by section 48(2) of, and paragraphs 13, 14, 20, 21, 26 and 27 of Schedule 15 to, the 2004 Act do not have effect in relation to a notice of determination to which sub-paragraph (2) applies.

Owner's proposals for re-development

7.-(1) This paragraph applies in relation to any proposals submitted to a local housing authority under subsection (1) of section 308 of the 1985 Act (approval of owner's proposals for re-development) before the commencement date.

(2) Where notice under subsection (2) of that section has not been given before that date, the authority ceases to be subject to the requirements of that subsection on and after that date.

(3) Subject to sub-paragraph (4), any notice given under that subsection before that date ceases to have effect except in relation to anything done in connection with it before that date.

(4) If the authority, on or after that date, consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises to which such a notice relates, the authority must, when making their decision, take into account the notice and the extent to which re-development has been proceeded with in accordance with the proposals and within the time-limits specified in the notice (subject to any variation or extension approved by the authority before that date).

(1) Section 300(2)(b) of the Housing Act 1985 applies sections 268(2) and 269(1), (2), (3) and (6) of that Act to a notice under section 300 as they apply to a demolition or closing order.

Cynigion perchennog ar gyfer gwella neu newid

8.-(1) Yn ddarostyngedig i is-baragraff (2), bydd unrhyw gynigion a gyflwynwyd gan berchennog, neu dystysgrif a ddyroddwyd gan awdurdod tai lleol, o dan adran 310 o Ddeddf 1985 (gwelliannau neu newidiadau gan berchennog) cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â hwy cyn y dyddiad hwnnw.

(2) Ni fydd diddymu adran 311(2) o Ddeddf 1985 (cynigion sydd i'w trin fel gwrthwynebiad i orchymyn prynu gorfodol) yn effeithiol mewn perthynas â chynigion-

- (a) a gyflwynwyd gan berchennog o dan adran 310 o'r Ddeddf honno; a
- (b) a drosglwyddwyd gan yr awdurdod tai lleol i Gynulliad Cenedlaethol Cymru o dan adran 311(1) o'r Ddeddf honno,

cyn y dyddiad cychwyn.

Awdurdodiad gan lys i gyflawni gwaith ar fangre anffit etc.

9. Ni fydd y diwygiadau a wnaed gan adran 48(5) o Ddeddf 2004, a pharagraffau 25 i 27 o Atodlen 15 iddi, yn effeithiol mewn perthynas â chais a wnaed i'r llys o dan adran 318 o Ddeddf 1985 cyn y dyddiad cychwyn.

Hysbysiadau gohirio gweithredu etc.

10.-(1) Yn ddarostyngedig i is-baragraff (3), bydd unrhyw hysbysiad gohirio gweithredu a gyflwynwyd o dan adran 81 o Ddeddf Grantiau Tai, Adeiladu ac Adfywio 1996 ("Deddf 1996") cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar y dyddiad hwnnw ac eithrio mewn perthynas ag unrhyw beth a wnaed mewn cysylltiad â'r hysbysiad cyn y dyddiad hwnnw.

(2) Ni fydd diddymu adran 86 o Ddeddf 1996 (anffitrwydd i breswiliad dynol etc: pŵer i wella gweithdrefnau gorfodi) yn effeithiol mewn perthynas ag unrhyw apêl a ddygir o dan adran 191 (hysbysiadau trwsio) neu 269 (gorchmynion cau a gorchmynion dymchwel) o Ddeddf 1985 cyn y dyddiad cychwyn.

(3) Ni fydd diddymu adrannau 87 (anffitrwydd i breswiliad dynol etc: pŵer i godi tâl am gamau gorfodi) ac 88 (adennill tâl am gamau gorfodi) yn effeithiol mewn perthynas â'r canlynol-

- (a) unrhyw gamau a grybwyllir yn adran 87(1) o'r Ddeddf honno ac sydd wedi'u cymryd cyn y dyddiad cychwyn ; neu
- (b) apêl fel a grybwyllir yn adran 87(6) o'r Ddeddf honno, a honno'n apêl sydd wedi'i dwyn cyn y dyddiad hwnnw.

Owner's proposals for improvement or alteration

8.-(1) Subject to sub-paragraph (2), any proposals submitted by an owner, or certificate issued by a local housing authority, under section 310 of the 1985 Act (owner's improvements or alterations) before the commencement date cease to have effect on that date except in relation to anything done in connection with them before that date.

(2) The repeal of section 311(2) of the 1985 Act (proposals to be treated as objection to compulsory purchase order) does not have effect in relation to proposals-

- (a) submitted by an owner under section 310 of that Act; and
- (b) transmitted by the local housing authority to the National Assembly for Wales under section 311(1) of that Act,

before the commencement date.

Authorisation by court of execution of works on unfit premises etc.

9. The amendments made by section 48(5) of, and paragraphs 25 to 27 of Schedule 15 to, the 2004 Act do not have effect in relation to an application made to the court under section 318 of the 1985 Act before the commencement date.

Deferred action notices etc.

10.-(1) Subject to sub-paragraph (3), a deferred action notice served under section 81 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act") before the commencement date ceases to have effect on that date except in relation to anything done in connection with the notice before that date.

(2) The repeal of section 86 of the 1996 Act (unfitness for human habitation etc: power to improve enforcement procedures) does not have effect in relation to any appeal brought under section 191 (repair notices) or 269 (closing and demolition orders) of the 1985 Act before the commencement date.

(3) The repeal of sections 87 (unfitness for human habitation etc: power to charge for enforcement action) and 88 (recovery of charge for enforcement action) do not have effect in relation to-

- (a) any action of a kind mentioned in section 87(1) of that Act which has been taken before the commencement date; or
- (b) an appeal such as is mentioned in section 87(6) of that Act which has been brought before that date.

RHAN 2

MESURAU SY'N YMWNEUD Â THAI AMLFEDDIANNAETH O DAN RAN 11 O DDEDDF TAI 1985

Dehongli'r Rhan hon

1.-(1) Yn y Rhan hon, ystyr "bloc fflatiau perthnasol a addaswyd" yw adeilad neu ran o'r adeilad sydd-

- (i) yn floc fflatiau a addaswyd ac y mae adran 257 o Ddeddf 2004 yn gymwys iddo; a
- (ii) yn dŷ amlfeddiannaeth at ddibenion Rhan 11 o Ddeddf 1985;
- (b) ystyr "HMO rhagnodedig" yw HMO(1) sy'n dod o dan y disgrifiad a ragnodwyd gan Gynulliad Cenedlaethol Cymru mewn Gorchymyn a wnaed o dan adran 55 o Ddeddf 2004; ac
- (c) ystyr "cynllun perthnasol" yw cynllun cofrestru a wnaed o dan adran 346 o Ddeddf 1985 sy'n cynnwys unrhyw un o'r darpariaethau rheoli neu'r darpariaethau rheoli arbennig a ddisgrifir yn adran 347, 348, 348A, 348B, 348C, 348D, 348E neu 348F o'r Ddeddf honno.

(2) Ni fydd diddymu adrannau 345, 398, 399 a 400 o Ddeddf 1985 (sy'n rhoi ystyron ymadroddion a ddefnyddir yn Rhan 11 o Ddeddf 1985) yn effeithiol i'r graddau y mae'r adrannau hynny'n berthnasol i ddehongli unrhyw ddarpariaeth yn y Rhan hon sy'n cyfeirio at Ran 11 o'r Ddeddf honno neu unrhyw ddarpariaeth yn y Rhan 11 honno.

Cynlluniau Cofrestru

2.-(1) Yn ddarostyngedig i is-baragraff (2), yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar y dyddiad y mae rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru o dan adran 61(5) o Ddeddf 2004 yn dod i rym, ni fydd diddymu adrannau 346, 346A, 346B, 347, 348, 348A i 348G, 350, 351 a 395 i 397 o Ddeddf 1985 yn effeithiol mewn perthynas ag unrhyw gynllun cofrestru sydd-

- (a) yn cydymffurfio â chynllun model a baratoir gan Gynulliad Cenedlaethol Cymru o dan adran 346B o Ddeddf 1985; neu
- (b) sy'n cael ei gadarnhau gan Gynulliad Cenedlaethol Cymru cyn y dyddiad cychwyn,

i'r graddau y mae'r cynllun hwnnw'n gymwys i floc fflatiau perthnasol sydd wedi'i addasu.

(2) Ni chaniateir i unrhyw gynllun cofrestru newydd gael ei wneud o dan adran 346(1) ar neu ar ôl y dyddiad cychwyn.

PART 2

MEASURES RELATING TO HOUSES IN MULTIPLE OCCUPATION UNDER PART 11 OF THE HOUSING ACT 1985

Interpretation of Part

1.-(1) In this Part, "relevant converted block of flats" means a building or a part of a building which is-

- (i) a converted block of flats to which section 257 of the 2004 Act applies; and
- (ii) a house in multiple occupation for the purposes of Part 11 of the 1985 Act;
- (b) "prescribed HMO" means a HMO(1) that falls within the description prescribed by the National Assembly for Wales when an Order under section 55 of the 2004 Act comes into force; and
- (c) "relevant scheme" means a registration scheme made under section 346 of the 1985 Act containing any of the control provisions or special control provisions described in section 347, 348, 348A, 348B, 348C, 348D, 348E or 348F of that Act.

(2) The repeal of sections 345, 398, 399 and 400 of the 1985 Act (which give meanings of expressions used in Part 11 of the 1985 Act) do not have effect in so far as those sections are relevant to the construction of any provision of this Part which refers to Part 11 of that Act or any provision of that Part 11.

Registration Schemes

2.-(1) Subject to sub-paragraph (2), during the period beginning on the commencement date and ending on the date when regulations made by the National Assembly for Wales under section 61(5) of the 2004 Act come into force, the repeal of sections 346, 346A, 346B, 347, 348, 348A to 348G, 350, 351 and 395 to 397 of the 1985 Act do 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) is confirmed by the National Assembly for Wales before the commencement date,

in so far as such scheme applies to a relevant converted block of flats.

(2) No new registration scheme may be made under section 346(1) on or after the commencement date.

(1) I gael ystyr "HMO" gweler adran 77 o Ddeddf 2004.

(1) For the meaning of HMO see section 77 of the 2004 Act.

(3) Er gwaethaf diddymu adrannau 346 a 347 o Ddeddf 1985, caiff awdurdod tai lleol ddefnyddio'r wybodaeth a gynhwysir mewn unrhyw gofrestr y mae wedi'i llunio a'i chynnal o dan adran 346-

- (a) at unrhyw ddiben sy'n gysylltiedig ag arfer unrhyw un o swyddogaethau'r awdurdod o dan Rannau 1 i 4 o Ddeddf 2004 mewn perthynas â HMOs; neu
- (b) at ddibenion ymchwilio a oes unrhyw dramgwydd wedi'i gyflawni o dan unrhyw un o'r Rhannau hynny neu o dan Ran 11 o Ddeddf 1985 mewn perthynas â HMOs.

Ardaloedd y bernir eu bod wedi'u dynodi o dan adran 56 o Ddeddf 2004

3.-(1) Mae'r is-baragraff hwn yn gymwys i unrhyw ardal y mae awdurdod tai lleol wedi gwneud cynllun perthnasol ar ei chyfer.

(2) Ar y dyddiad cychwyn bernir bod awdurdod tai lleol wedi dynodi, o dan adran 56(1) o Ddeddf 2004, bob ardal y mae is-baragraff (1) yn gymwys iddi yn ardal sy'n ddarostyngedig i drwyddedu ychwanegol mewn perthynas â'r HMOs a gofrestrwyd o dan gynllun o'r fath.

(3) Mae dynodiad y bernir ei fod wedi'i wneud o dan is-baragraff (2) yn dod i rym ar y dyddiad cychwyn.

(4) Nid yw gofynion adrannau 56(2) i (6), 57, 58 a 59(1) a (2) o Ddeddf 2004 yn gymwys o ran dynodiadau y bernir eu bod wedi'u gwneud o dan is-baragraff (2).

(5) Mae is-baragraffau (6), (7) ac (8) yn gymwys i ddynodiad y bernir ei fod wedi'i wneud o dan is-baragraff (2).

(6) O fewn y cyfnod o dri mis sy'n dechrau ar y dyddiad cychwyn, rhaid i'r awdurdod tai lleol gyhoeddi hysbysiad sy'n datgan pa ardaloedd yn ei ddosbarth sy'n ardaloedd dynodedig o ganlyniad i gael eu hystyried yn ardaloedd dynodedig o dan is-baragraff (2) yn y modd a ddisgrifir yn is-baragraff (7).

(7) Rhaid i'r hysbysiad gael ei gyhoeddi'n unol â rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru o dan adrannau 59 a 60 o Ddeddf 2004

(8) Mae adran 60 o Ddeddf 2004 (hyd y dynodiad, adolygu'r dynodiad a'i ddirymu) yn gymwys i ddynodiad y bernir ei fod wedi'i wneud o dan is-adran (2) ac, at ddibenion is-adran (2) o'r adran honno, bernir bod yr awdurdod tai lleol wedi pennu 16 Mehefin 2009 fel yr amser y mae'r dynodiad hwnnw yn peidio â bod yn effeithiol.

(3) Notwithstanding the repeal of sections 346 and 347 of the 1985 Act, a local housing authority may use the information contained in any register it has compiled and maintained under section 346-

- (a) for any purpose connected with the exercise of any of the authority's functions under Parts 1 to 4 of the 2004 Act in relation to HMOs; or
- (b) for the purposes of investigating whether any offence has been committed under any of those Parts or under Part 11 of the 1985 Act in relation to HMOs.

Areas deemed to be designated under section 56 of the 2004 Act

3.-(1) This sub-paragraph applies to any area for which a local housing authority have made a relevant scheme.

(2) On the commencement date a local housing authority is deemed to have designated, under section 56(1) of the 2004 Act, each area to which sub-paragraph (1) applies as subject to additional licensing in relation to the HMOs registered under such a scheme.

(3) A designation deemed to have been made under sub-paragraph (2) comes into force on the commencement date.

(4) The requirements of sections 56(2) to (6), 57, 58 and 59(1) and (2) of the 2004 Act do not apply in relation to designations that are deemed to have been made under sub-paragraph (2).

(5) Sub-paragraphs (6), (7) and (8) apply to a designation deemed to have been made under sub-paragraph (2).

(6) Within the period of three months beginning on the commencement date the local housing authority must publish a notice stating which areas in its district are designated areas as a result of being deemed to be designated areas under sub-paragraph (2) in the manner described in sub-paragraph (7).

(7) The notice must be published in accordance with regulations made by the National Assembly for Wales under sections 59 and 60 of the 2004 Act.

(8) Section 60 of the 2004 Act (duration, review and revocation of designation) applies to a designation deemed to have been made under subsection (2) and, for the purposes of subsection (2) of that section, the local housing authority is deemed to have specified 16 June 2009 as the time at which that designation ceases to have effect.

HMOs a gofrestrir o dan gynlluniau perthnasol penodol: trefniadau trosiannol ynghylch cyflwyno trwyddedau

4.-(1) Yn ddarostyngedig i is-baragraff (2), mae'r paragraff hwn yn gymwys i HMO sydd yn union cyn y dyddiad cychwyn wedi'i gofrestru o dan gynllun perthnasol ac sydd naill ai-

- (a) yn HMO rhagnodedig; neu
- (b) wedi'i leoli mewn ardal y bernir bod dynodiad wedi'i wneud ynglŷn â hi o dan baragraff 3(2).

(2) Nid yw'r paragraff hwn yn gymwys i HMO sy'n floc fflatiau a addaswyd ac y mae adran 257 o Ddeddf 2004 yn gymwys iddo.

(3) Bernir bod awdurdod tai lleol wedi rhoi trwydded ar gyfer HMO y mae'r paragraff hwn yn gymwys iddo i unrhyw berson yr oedd, cyn y dyddiad cychwyn, wedi'i gofnodi ar y gofrestr a awdurdodwyd gan y cynllun perthnasol fel y person sy'n rheoli'r HMO.

(4) Yn ddarostyngedig i'r is-baragraffau canlynol, o ran trwydded y bernir ei bod wedi'i rhoi o dan is-baragraff (3)-

- (a) rhaid iddi gael ei thrin at holl ddibenion Deddf 2004 fel trwydded o dan Ran 2 o'r Ddeddf honno;
- (b) rhaid barnu bod y dyddiad cychwyn wedi'i bennu ynddi fel y dyddiad y mae'r drwydded yn dod i rym;
- (c) onid yw wedi'i therfynu o'r blaen gan adran 68(7) neu wedi'i dirymu o dan adran 70 o Ddeddf 2004, rhaid iddi barhau mewn grym tan y byddai cofrestrriad yr HMO o dan y cynllun perthnasol wedi dod i ben⁽¹⁾; ac
- (ch) rhaid barnu ei bod wedi'i rhoi o dan yr un amodau â'r rhai a osodwyd ar y cofrestrriad o dan y cynllun perthnasol.

(5) Nid yw'r amodau y bernir bod trwydded o'r fath wedi'i rhoi odanynt yn cynnwys unrhyw amodau a osodwyd ar gofrestrriad HMO o dan gynllun perthnasol sy'n ymwneud â'r canlynol-

- (a) hysbysiad trwsio a gyflwynwyd o dan adrannau 189 neu 190 o Ddeddf 1985;
- (b) hysbysiad a gyflwynwyd o dan adran 352 o'r Ddeddf honno (pŵer i'w gwneud yn ofynnol i waith gael ei gyflawni i wneud mangre yn ffit ar gyfer y nifer o feddianwyr); neu
- (c) cyfarwyddyd meddiannaeth a wnaed o dan adran 348D o'r Ddeddf honno na ellid ei osod fel amod o dan adran 67(2) o Ddeddf 2004.

HMOs registered under certain relevant schemes: transitional arrangements relating to introduction of licensing

4.-(1) Subject to sub-paragraph (2), this paragraph applies to an HMO which immediately before the commencement date is registered under a relevant scheme and is either-

- (a) a prescribed HMO; or
- (b) situated within an area in respect of which a designation is deemed to have been made under paragraph 3(2).

(2) This paragraph does not apply to an HMO which is a converted block of flats to which section 257 of the 2004 Act applies.

(3) A local housing authority is deemed to have granted a licence in respect of a HMO to which this paragraph applies to any person who, before the commencement date, was recorded on the register authorised by the relevant scheme as the person managing the HMO.

(4) Subject to the following sub-paragraphs, a licence deemed to have been granted under sub-paragraph (3) must-

- (a) be treated for all purposes of the 2004 Act as a licence under Part 2 of that Act;
- (b) be deemed to specify in it the commencement date as the date the licence comes into force;
- (c) unless previously terminated by section 68(7) or revoked under section 70 of the 2004 Act, continue in force until the date that the HMO's registration under the relevant scheme would have expired⁽¹⁾; and
- (d) be deemed to have been granted on the same conditions as those attached to the registration under the relevant scheme.

(5) The conditions on which such a licence are deemed to have been granted do not include any conditions attaching to a HMO's registration under a relevant scheme which relates to-

- (a) a repair notice served under sections 189 or 190 of the 1985 Act;
- (b) a notice served under section 352 of that Act (power to require execution of works to render premises fit for number of occupants); or
- (c) an occupancy direction made under section 348D of that Act which could not be imposed as a condition under section 67(2) of the 2004 Act.

⁽¹⁾ Yn ôl adran 346A(2)(a) o Ddeddf 1985 mae cofrestrriad o dan gynllun a wnaed o dan adran 346 yn gofrestrriad am gyfnod o bum mlynedd o ddyddiad y cofrestru.

⁽¹⁾ By section 346A(2)(a) of the 1985 Act registration under a scheme made under section 346 is for a period of five years from the date of registration.

(6) O fewn y cyfnod o dri mis sy'n dechrau ar y dyddiad cychwyn rhaid i'r awdurdod tai lleol-

- (a) anfon at y person y bernir bod y drwydded wedi'i rhoi iddo o dan is-baragraff (3) ("ddeiliad y drwydded") fanylion y drwydded gan gynnwys-
 - (i) amodau'r drwydded; a
 - (ii) y dyddiad y daw'r drwydded i ben; a
- (b) os bydd y drwydded yn dod i ben mewn llai na 6 mis ar ôl y dyddiad cychwyn, anfon at ddeiliad y drwydded hysbysiad yn rhoi gwybod iddo fod angen iddo wneud cais am drwydded newydd pan fydd y drwydded yn dod i ben.

(7) Nid yw Atodlen 4 (trwyddedau o dan Rannau 2 a 3: amodau mandadol) a Rhan 1 o Atodlen 5 (trwyddedau o dan Rannau 2 a 3: gweithdrefn ac apelau) i Ddeddf 2004 yn gymwys o ran trwydded y bernir ei bod wedi'i rhoi o dan is-baragraff (3).

(8) Mae cofrestrriad HMO o dan gynllun perthnasol y bernir bod trwydded wedi'i rhoi ar ei gyfer o dan is-baragraff (3) yn peidio â bod yn effeithiol ar y dyddiad cychwyn.

(9) Ni chodir tâl ar ddeiliad y drwydded am unrhyw gostau a dynnir gan yr awdurdod tai lleol sy'n cymryd unrhyw gamau o dan y paragraff hwn.

Ceisiadau am gofrestru HMO sydd heb eu penderfynu ar y dyddiad cychwyn: trefniadau trosiannol

5.-(1) Mae'r paragraff hwn yn gymwys i gais am gofrestru, o dan gynllun perthnasol, HMO rhagnodedig neu HMO sydd wedi'i leoli mewn ardal y bernir bod dynodiad wedi'i wneud mewn perthynas â hi o dan baragraff 3(2) a hwnnw'n gais-

- (a) sydd wedi'i wneud i awdurdod tai lleol cyn y dyddiad cychwyn ac sydd heb ei dynnu'n ôl; a
- (b) nad yw'r awdurdod hwnnw wedi gwneud penderfyniad amdano cyn y dyddiad hwnnw.

(2) Rhaid i'r awdurdod ddod i benderfyniad ar y cais yn y modd y byddai wedi gwneud pe na bai Rhan 11 o Ddeddf 1985 wedi'i diddymu.

(3) Os yw'r awdurdod yn penderfynu bod yr HMO yn bodloni'r amodau ar gyfer cofrestru o dan gynllun perthnasol, rhaid iddo beidio â'i gofrestru ond yn lle hynny rhaid iddo roi trwydded i'r person a bennir yn y cais fel y person sy'n rheoli'r HMO-

- (a) am gyfnod o bum mlynedd sy'n dechrau ar y dyddiad cychwyn; a
- (b) yn ddarostyngedig i'r un amodau (ac eithrio unrhyw amod o ddisgrifiad a grybwyllir ym mharagraff 4(5)(a), (b) neu (c)) â'r rhai y

(6) Within the period of three months beginning on the commencement date the local housing authority must-

- (a) send to the person to whom the licence is deemed to have been granted under sub-paragraph (3) ("the licence holder") particulars of the licence including-
 - (i) the conditions of the licence; and
 - (ii) the date of expiry of the licence; and
- (b) if the licence expires less than 6 months after the commencement date, send to the licence holder a notice informing the licence holder of the need to apply for a new licence on the expiry of the licence.

(7) Schedule 4 (licences under Parts 2 and 3: mandatory conditions) and Part 1 of Schedule 5 (licences under Parts 2 and 3: procedure and appeals) to the 2004 Act do not apply in relation to a licence deemed to have been granted under sub-paragraph (3).

(8) Registration of an HMO under a relevant scheme in respect of which a licence is deemed to have been granted under sub-paragraph (3) ceases to have effect on the commencement date.

(9) The licence holder must not be charged for any costs incurred by the local housing authority taking any action under this paragraph.

Applications for HMO registration outstanding on the commencement date: transitional arrangements

5.-(1) This paragraph applies to an application for registration under a relevant scheme of a prescribed HMO or a HMO which is situated within an area in respect of which a designation is deemed to have been made under paragraph 3(2)-

- (a) which has been made to a local housing authority before the commencement date and not been withdrawn; and
- (b) on which that authority has not made a decision before that date.

(2) The authority must reach its decision on the application as it would have done if Part 11 of the 1985 Act had not been repealed.

(3) Where the authority decides that the HMO satisfies the conditions for registration under a relevant scheme, it must not register it but must instead grant a licence to the person specified in the application as the person managing the HMO-

- (a) for a period of five years beginning on the commencement date; and
- (b) subject to the same conditions (other than any condition of a description mentioned in paragraph 4(5)(a), (b) or (c)) that it would have

byddai wedi'u gosod petai wedi cofrestru'r HMO o dan y cynllun perthnasol.

(4) Pan fo'r awdurdod yn penderfynu nad yw'r HMO yn bodloni'r amodau ar gyfer cofrestru o dan y cynllun, rhaid iddo-

- (a) hysbysu'r ceisydd o'r angen i wneud cais am drwydded o dan adran 63 o Ddeddf 2004; a
- (b) rhoi copi o'r ffurflen i'r ceisydd, pan fo'r awdurdod yn darparu ffurflen i wneud cais o'r fath i geiswyr am drwydded.

(5) Ni chodir tâl ar ddeiliad y drwydded am unrhyw gostau a dynnir gan yr awdurdod tai lleol sy'n cymryd unrhyw gamau o dan y paragraff hwn.

(6) Pan fo ceisydd y mae is-baragraff (4) yn gymwys iddo wedi talu ffi am ei gais am gofrestru o dan gynllun perthnasol, rhaid peidio â'i gwneud yn ofynnol iddo dalu ffi am ei gais am drwydded o dan adran 63 o Ddeddf 2004.

Ffitrwydd tŷ amlfeddiannaeth ar gyfer y nifer o feddianwyr

6.-(1) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar y dyddiad y mae rheoliadau sy'n cael eu gwneud gan Gynulliad Cenedlaethol Cymru o dan adran 61(5) o Ddeddf 2004 yn dod i rym, ni fydd diddymu adrannau 352, 352A na 353 yn effeithiol mewn perthynas â HMO sy'n floc fflatiau perthnasol a addaswyd.

(2) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac yn dod i ben ar 15 Mehefin 2007-

- (a) ni fydd diddymu adrannau 352, 352A a 353 o Ddeddf 1985, ac Atodlen 10 iddi, yn effeithiol mewn perthynas ag unrhyw hysbysiad a gyflwynwyd o dan adran 352(1) o'r Ddeddf honno cyn y dyddiad cychwyn; a
- (b) ni fydd diddymu adrannau 354, 355, 356, 396 neu 397 o Ddeddf 1985 yn effeithiol mewn perthynas â chyflawni unrhyw dramgwydd a gyflawnwyd cyn y dyddiad cychwyn 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.

(3) O ran apêl a ddygwyd o dan is-adran (2) o adran 357 o Ddeddf 1985 cyn y dyddiad cychwyn, ni fydd penderfyniad llys i amrywio, neu i beidio â dirymu, cyfarwyddyd o dan adran 354 o'r Ddeddf honno yn effeithiol.

Hysbysiadau gorlenwi

7.-(1) Bydd hysbysiad a gyflwynwyd o dan adran 358(1) o Ddeddf 1985 (cyflwyno hysbysiad gorlenwi) cyn y dyddiad cychwyn yn peidio â bod yn effeithiol ar

imposed if it had registered the HMO under the relevant scheme.

(4) Where the authority decides that the HMO does not satisfy the conditions for registration under the scheme, it must-

- (a) inform the applicant of the need to apply for a licence under section 63 of the 2004 Act; and
- (b) where the authority provides applicants for a licence with a form for making such an application, supply the applicant with a copy of the form.

(5) The licence holder must not be charged for any costs incurred by the local housing authority taking any action under this paragraph.

(6) Where an applicant to whom sub-paragraph (4) applies has paid a fee for the application for registration under a relevant scheme, the applicant must not be required to pay a fee for the application for a licence under section 63 of the 2004 Act.

Fitness of a house in multiple occupation for the number of occupants

6.-(1) During the period beginning on the commencement date and ending on the date when regulations made by the National Assembly for Wales under section 61(5) of the 2004 Act come into force, the repeal of sections 352, 352A or 353, do not have effect in relation to a HMO which is a relevant converted block of flats.

(2) During the period beginning on the commencement date and ending on 15 June 2007-

- (a) the repeal of sections 352, 352A and 353 of, and Schedule 10 to, the 1985 Act do not have effect in relation to any notice served under section 352(1) of that Act before the commencement date; and
- (b) the repeal of sections 354, 355, 356, 395, 396 or 397 of the 1985 Act do not have effect in relation to the commission of any offence committed before the commencement date under-
 - (i) subsection (2) of section 355 of that Act; or
 - (ii) subsection (2) of section 356 of that Act.

(3) In relation to an appeal brought under subsection (2) of section 357 of the 1985 Act before the commencement date a decision of a court to vary, or not to revoke, a direction under section 354 of that Act does not have effect.

Overcrowding notices

7.-(1) A notice served under section 358(1) of the 1985 Act (service of overcrowding notice) before the commencement date ceases to have effect on that date

y dyddiad hwnnw onid yw'n hysbysiad y mae is-baragraff (2) yn gymwys iddo.

- (2) Mae'r is-baragraff hwn yn gymwys i hysbysiad-
- (a) sydd wedi dod yn weithredol o dan adran 358(3) o Ddeddf 1985 cyn y dyddiad cychwyn; neu
 - (b) y mae apêl ynglŷn ag ef wedi'i dwyn o dan adran 362 o'r Ddeddf honno cyn y dyddiad hwnnw.

(3) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2008, ni fydd diddymu adrannau 358 i 364, 395, 396 a 397 o Ddeddf 1985 yn effeithiol mewn perthynas â hysbysiad a gyflwynwyd y mae is-baragraff (2) yn gymwys iddo.

Moddion dianc rhag tân

8. Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2008, ni fydd diddymu adrannau 365, 368, 395, 396 neu 397 o Ddeddf 1985 yn effeithiol mewn perthynas ag ymrwymiad a dderbyniwyd gan awdurdod tai lleol o dan is-adran (2) o adran 368 o'r Ddeddf honno cyn y dyddiad cychwyn.

Safonau Rheoli

9.-(1) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar y dyddiad y mae rheoliadau sy'n cael eu gwneud gan Gynulliad Cenedlaethol Cymru o dan adran 61(5) o Ddeddf 2004 yn dod i rym, ni fydd diddymu adrannau 369, 372, 373 a 378 o Ddeddf 1985 yn effeithiol mewn perthynas â bloc fflatiau perthnasol a addaswyd.

(2) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac yn dod i ben ar 15 Mehefin 2007-

- (a) ni fydd diddymu adrannau 369, 395, 396 a 397 o Ddeddf 1985 yn effeithiol mewn perthynas â chyflawni unrhyw dramgwydd o dan reoliadau a wnaed o dan adran 369 o'r Ddeddf honno cyn y dyddiad cychwyn;
- (b) ni fydd diddymu adran 372 o Ddeddf 1985 yn effeithiol mewn perthynas ag unrhyw hysbysiad a gyflwynwyd o dan is-adran (1) o'r adran honno cyn y dyddiad hwnnw; ac
- (c) ni fydd diddymu adran 373 o Ddeddf 1985 yn effeithiol mewn perthynas ag unrhyw apêl a ddygwyd o dan is-adran (1) o'r adran honno cyn y dyddiad hwnnw.

Gwaith a wnaed gan awdurdod tai lleol a gorfodi

10.-(1) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar y dyddiad y mae rheoliadau sy'n cael eu gwneud gan Gynulliad Cenedlaethol Cymru o dan adran 61(5) o Ddeddf 2004

unless it is a notice to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a notice-

- (a) which has become operative under section 358(3) of the 1985 Act before the commencement date; or
- (b) in respect of which an appeal has been brought under section 362 of that Act before that date.

(3) During the period beginning on the commencement date and ending on 15 June 2008 the repeal of sections 358 to 364, 395, 396 and 397 of the 1985 Act will not have effect in relation to a notice served to which sub-paragraph (2) applies.

Means of escape from fire

8. During the period beginning on the commencement date and ending on 15 June 2008 the repeal of sections 365, 368, 395, 396 or 397 of the 1985 Act will not have effect in relation to an undertaking accepted by a local housing authority under subsection (2) of section 368 of that Act before the commencement date.

Standards of Management

9.-(1) During the period beginning on the commencement date and ending on the date when regulations made by the National Assembly for Wales under section 61(5) of the 2004 Act come into force, the repeal of sections 369, 372, 373 and 378 of the 1985 Act will not have effect in relation to a relevant converted block of flats.

(2) During the period beginning on the commencement date and ending on 15 June 2007-

- (a) the repeal of sections 369, 395, 396 and 397 of the 1985 Act will not have effect in relation to the commission of any offence under regulations made under section 369 of that Act before the commencement date;
- (b) the repeal of section 372 of the 1985 Act does not have effect in relation to any notice served under subsection (1) of that section before that date; and
- (c) the repeal of section 373 of the 1985 Act does not have effect in relation to an appeal brought under subsection (1) of that section before that date.

Works carried out by a local housing authority and enforcement

10.-(1) During the period beginning on the commencement date and ending on the date when regulations made by the National Assembly for Wales under section 61(5) of the 2004 Act come into force,

yn dod i rym, ni fydd diddymu adran 375 yn effeithiol mewn perthynas â bloc fflatiau perthnasol a addaswyd.

(2) Yn ystod y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ar 15 Mehefin 2008, ni fydd diddymu adrannau 375, 376, 377, 377A a 378 o Ddeddf 1985, ac Atodlen 10 iddi, yn effeithiol mewn perthynas ag unrhyw hysbysiad a gyflwynwyd o dan adran 352 neu 372 o'r Ddeddf honno cyn y dyddiad cychwyn.

Gorchymynion Rheoli

11.-(1) Mae'r paragraff hwn yn gymwys i orchymyn rheoli a wnaed o dan adran 379(1) o Ddeddf 1985 cyn y dyddiad cychwyn.

(2) Ni fydd diddymu adrannau 379 i 397 o Ddeddf 1985, ac Atodlen 13 iddi, yn effeithiol mewn perthynas â gorchymyn rheoli y mae'r paragraff hwn yn gymwys iddo.

(3) Cyhyd ag y bydd gorchymyn rheoli y mae'r paragraff hwn yn gymwys iddo yn parhau mewn grym ar neu ar ôl y dyddiad cychwyn, ni fydd darpariaethau Rhan 2 a 3, a Phennod 1 o Ran 4, o Ddeddf 2004 yn effeithiol mewn perthynas â thŷ sy'n ddarostyngedig i'r gorchymyn.

(4) Mae'r is-baragraff hwn yn gymwys i dŷ sy'n ddarostyngedig i orchymyn rheoli y mae'r paragraff hwn yn gymwys iddo os yw'r tŷ, ar y dyddiad, neu'n union cyn y dyddiad, y mae'r gorchymyn yn dod i ben neu'n cael ei ddirymu yn unol ag adran 392 o Ddeddf 1985-

- (a) yn HMO y mae'n ofynnol iddo fod wedi'i drwyddedu o dan Ran 2 neu 3 o Ddeddf 2004 ond nad yw wedi'i drwyddedu felly a bod yr awdurdod tai lleol o'r farn naill ai-
 - (i) nad oes unrhyw obaith rhesymol y caiff ei drwyddedu felly yn y dyfodol agos, neu
 - (ii) bod yr amod ynghylch iechyd a diogelwch a ddisgrifir yn adran 104 o Ddeddf 2004 wedi'i fodloni; neu
- (b) yn dŷ nad yw'n un y mae'n ofynnol ei drwyddedu o dan Ran 2 o Ddeddf 2004 ond bod yr awdurdod tai lleol o'r farn bod yr amod hwnnw wedi'i fodloni mewn perthynas â'r tŷ hwnnw.

(5) Nid yw'n ofynnol i'r awdurdod tai lleol wneud gorchymyn rheoli interim o dan adran 102 o Ddeddf 2004 cyn gwneud gorchymyn rheoli terfynol o dan adran 113 o'r Ddeddf honno ynglŷn â thŷ y mae is-baragraff (4) yn gymwys iddo.

(6) Mae adran 113 o Ddeddf 2004 yn effeithiol at ddibenion gwneud gorchymyn rheoli terfynol ynglŷn â thŷ y mae is-baragraff (4) yn gymwys iddo fel petai-

the repeal of section 375 does not have effect in relation a relevant converted block of flats.

(2) During the period beginning on the commencement date and ending on 15 June 2008 the repeal of sections 375, 376, 377, 377A and 378 of, and Schedule 10 to, the 1985 Act will not have effect in relation to any notice served under section 352 or 372 of that Act before the commencement date.

Control Orders

11.-(1) This paragraph applies to a control order made under section 379(1) of the 1985 Act before the commencement date.

(2) The repeal of sections 379 to 397 of, and Schedule 13 to, the 1985 Act will not have effect in relation to a control order to which this paragraph applies.

(3) For so long as a control order to which this paragraph applies continues in force on and after the commencement date, the provisions of Part 2 and 3 and Chapter 1 of Part 4 of the 2004 Act will not have effect in relation to the house which is subject to the order.

(4) This sub-paragraph applies to a house which is subject to a control order to which this paragraph applies if, on the date, or immediately before the date, the order expires or is revoked in accordance with section 392 of the 1985 Act, the house is-

- (a) a HMO which is required to be licensed under Part 2 or 3 of the 2004 Act but is not so licensed and the local housing authority consider either-
 - (i) that there is no reasonable prospect of it being so licensed in the near future, or
 - (ii) that the health and safety condition described in section 104 of the 2004 Act is satisfied; or
- (b) is a house other than one which is required to be licensed under Part 2 of the 2004 Act but in relation to which the local housing authority considers that that condition is satisfied.

(5) The local housing authority is not required to make an interim management order under section 102 of the 2004 Act before making a final management order under section 113 of that Act in respect of a house to which sub-paragraph (4) applies.

(6) Section 113 of the 2004 Act has effect for the purpose of the making of a final management order in respect of a house to which sub-paragraph (4) applies as if-

- (a) yn is-adran (1) y geiriau "who have made an interim management order in respect of a house under section 102 ("the IMO")" wedi'u hepgor; a
- (b) yn is-adrannau (2) a (3)-
 - (i) y cyfeiriadau at yr IMO wedi'u dehongli fel cyfeiriadau at y gorchymyn rheoli y mae'r paragraff hwn yn gymwys iddo; a
 - (ii) y cyfeiriadau at y dyddiad dod i ben wedi'u dehongli fel cyfeiriadau at y dyddiad a grybwyllir yn is-baragraff (4).

(7) Mae adran 114 o Ddeddf 2004 yn effeithiol at ddibenion gwneud gorchymyn rheoli terfynol ynglŷn â thŷ y mae is-baragraff (4) yn gymwys iddo fel petai-

- (a) cyfeiriadau at "new final management order" yn gyfeiriadau at orchymyn rheoli terfynol a wnaed o dan adran 113 o'r Ddeddf honno fel y'i haddaswyd gan is-baragraff (6); a
- (b) cyfeiriadau at yr "existing order" yn is-adrannau (5) i (7) yn gyfeiriadau at y gorchymynion rheoli y mae'r paragraff hwn yn gymwys iddynt.

(8) Mae gorchymyn rheoli y mae is-baragraff 4 yn gymwys iddo yn aros mewn grym hyd nes-

- (a) y bydd gorchymyn rheoli interim o dan adran 102 o Ddeddf 2004 wedi'i wneud;
- (b) y bydd gorchymyn rheoli terfynol o dan adran 113 o Ddeddf 2004 wedi'i wneud; neu
- (c) y bydd yr awdurdod tai lleol yn penderfynu na ddylid gwneud y naill fath o orchymyn na'r llall o'r rhai a ddisgrifir ym mharagraffau (a) neu (b) o'r is-baragraff hwn.

- (a) in subsection (1) the words "who have made an interim management order in respect of a house under section 102 ("the IMO")" were omitted; and
- (b) in subsections (2) and (3)-
 - (i) references to the IMO were construed as references to the control order to which this paragraph applies; and
 - (ii) references to the expiry date of the IMO were construed as references to the date mentioned in sub-paragraph (4).

(7) Section 114 of the 2004 Act has effect for the purpose of the making of a final management order in respect of a house to which sub-paragraph (4) applies as if-

- (a) references to a "new final management order" were references to a final management order made under section 113 of that Act as modified by sub-paragraph (6); and
- (b) references to the "existing order" in subsections (5) to (7) were references to the control orders to which this paragraph applies.

(8) A control order to which sub-paragraph 4 applies remains in force until-

- (a) an interim management order under section 102 of the 2004 Act is made;
- (b) a final management order under section 113 of the 2004 Act is made; or
- (c) the local housing authority decide that neither type of order described in paragraphs (a) or (b) of this sub-paragraph should be made.