OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2013 Rhif 1722 (Cy. 166)

2013 No. 1722 (W. 166)

TAI, CYMRU

HOUSING, WALES

Gorchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol i Ddeddf Cartrefi Symudol 1983) (Cymru) 2013

The Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) (Wales) Order 2013

NODYN ESBONIADOL

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

Mae adran 318 o Ddeddf Tai ac Adfywio 2008 ("Deddf 2008") yn diwygio adran 5 o Ddeddf Cartrefi Symudol 1983 ("Deddf 1983"), er mwyn dwyn tir, a feddiennir gan awdurdod lleol ar gyfer safle carafannau sy'n darparu llety i sipsiwn a theithwyr, o fewn y diffiniad o safleoedd gwarchodedig at ddibenion Deddf 1983. Pwrpas y Gorchymyn hwn yw gwneud diwygiadau yn Neddf 1983 sy'n ganlyniadol ar ddwyn i rym adran 318 o Ddeddf 2008 mewn perthynas â Chymru ac ar wneud darpariaethau trosiannol perthynol, a wnaed o dan adran 322 o'r Ddeddf honno. Mae'r diwygiadau canlyniadol hyn yn efelychu'r diwygiadau a wnaed yn Neddf 1983 mewn perthynas â Lloegr gan Orchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol i Ddeddf Cartrefi Symudol 1983) 2011(**1**)

Effaith y diwygiadau canlyniadol a bennir yn erthygl 2 o'r Gorchymyn hwn yw—

(a) bod hawl meddiannydd i wneud cais i'r llys neu i dribiwnlys, os yw'r perchennog yn methu â darparu datganiad ysgrifenedig, wedi ei datgymhwyso ar gyfer meddianwyr lleiniau pontio ar safleoedd sipsiwn a theithwyr awdurdodau lleol yng Nghymru; a

(**1**) O.S. 2011/1004.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 318 of the Housing and Regeneration Act 2008 ("the 2008 Act") amends section 5 of the Mobile Homes Act 1983 ("the 1983 Act") so as to bring land occupied by a local authority as a caravan site providing accommodation for gypsies and travellers within the definition of protected sites for the purposes of the 1983 Act. The purpose of this Order is to make amendments to the 1983 Act which are consequential on the coming into force of section 318 of the 2008 Act in relation to Wales and on the making of related transitional provisions made under section 322 of that Act. These consequential amendments replicate the amendments made to the 1983 Act in relation to England by The Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011(**1**)

The effect of the consequential amendments set out in article 2 of this Order is that —

(a) the right of an occupier to apply to the court or a tribunal if the owner fails to provide a written statement is disapplied for occupiers of transit pitches on local authority gypsy and traveller sites in Wales; and

(**1**) S.I. 2011/1004.

(b) bod hawl sydd gan barti i'r cytundeb, i wneud cais i'r llys neu i dribiwnlys ynglŷn â thelerau'r cytundeb, o fewn 6 mis ar ôl gwneud y cytundeb neu ar ôl rhoi'r datganiad ysgrifenedig, wedi ei datgymhwyso ar gyfer lleiniau pontio yng Nghymru.

Lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth Yr Adran Cymunedau a Llywodraeth Leol, Parc Cathays, Caerdydd, CF10 3NQ.

(b) the right of a party to the agreement to apply to the court or a tribunal as to the terms of the agreement within 6 months of it being made or of the written statement being given is disapplied for transit pitches in Wales.

A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Department for Local Government and Communities, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 1722 (Cy. 166)

TAI, CYMRU

Gorchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol i Ddeddf Cartrefi Symudol 1983) (Cymru) 2013

Gwnaed	*10 Gorffennaf 2013*
Yn dod i rym	*10 Gorffennaf 2013*

Gwneir y Gorchymyn hwn gan Weinidogion Cymru drwy arfer y pwerau a roddir gan adrannau 320 a 321 o Ddeddf Tai ac Adfywio 2008(**1**).

Yn unol ag adran 320(8)(a) o Ddeddf Tai ac Adfywio 2008, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru, a chymeradwywyd ef drwy benderfyniad Cynulliad Cenedlaethol Cymru.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol i Ddeddf Cartrefi Symudol 1983) (Cymru) 2013, a daw i rym ar 10 Gorffennaf 2013.

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

(3) Nid yw'r diwygiadau a wneir gan y Gorchymyn hwn yn gymwys mewn perthynas ag unrhyw gytundeb y mae Deddf Cartrefi Symudol 1983(**2**) yn gymwys iddo, cyn dyfodiad i rym adran 318 o Ddeddf Tai ac Adfywio 2008.

(**1**) 2008 p.17.
(**2**) 1983 p.34. Yng Nghymru a Lloegr, amnewidiwyd adran 1 a diwygiwyd adran 2 gan adrannau 206 a 265 o Ddeddf Tai 2004 (p.34) a pharagraff 9 o Atodlen 15 i'r Ddeddf honno.

WELSH STATUTORY INSTRUMENTS

2013 No. 1722 (W. 166)

HOUSING, WALES

The Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) (Wales) Order 2013

Made	*10 July 2013*
Coming into force	*10 July 2013*

This Order is made by the Welsh Ministers in exercise of the powers conferred by sections 320 and 321 of the Housing and Regeneration Act 2008(**1**).

In accordance with section 320(8)(a) of the Housing and Regeneration Act 2008, a draft of this instrument was laid before, and approved by a resolution of, the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of this Order is the Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) (Wales) Order 2013 and it comes into force on 10 July 2013.

(2) This Order applies in relation to Wales.

(3) The amendments made by this Order do not apply in relation to any agreement to which the Mobile Homes Act 1983(**2**) applies before the coming into force of section 318 of the Housing and Regeneration Act 2008.

(**1**) 2008 c.17.
(**2**) 1983 c.34. In England and Wales, section 1 was substituted, and section 2 was amended, by sections 206 and 265 and paragraph 9 of Schedule 15 to, the Housing Act 2004 (c. 34).

Diwygiadau canlyniadol

2.—(1) Mae Deddf Cartrefi Symudol 1983 wedi ei diwygio fel a ganlyn.

(2) Yn adran 1(8A) ar ôl "England" rhodder "and Wales".

(3) Yn adran 2(6) ar ôl "England" rhodder "and Wales".

Consequential amendments

2.—(1) The Mobile Homes Act 1983 is amended as follows.

(2) In section 1(8A) after "England" insert "and Wales".

(3) In section 2(6) after "England" insert "and Wales".

Jeff Cuthbert

Y Gweinidog Cymunedau a Threchi Tlodi, un o Weinidogion Cymru

10 Gorffennaf 2013

Minister for Communities and Tackling Poverty, one of the Welsh Ministers

10 July 2013

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