



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1353 (Cy.101) (C.59)

2005 No. 1353 (W.101) (C.59)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

Gorchymyn Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 3 ac Arbediad a Darpariaeth Drosiannol) (Cymru) 2005

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 3 and Saving and Transitional Provision) (Wales) Order 2005

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 dwyn i rym ddarpariaethau pellach Rhan 2 (Diwygio Cyfraith Lesddaliad) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ("Deddf 2002").

This Order brings into force further provisions of Part 2 (Leasehold Reform) of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act").

Daw darpariaethau Deddf 2002 a grybwyllir yn erthygl 2 o'r Gorchymyn i rym, o ran Cymru, ar 31 Mai 2005. Maent yn cynnwys:

The provisions of the 2002 Act mentioned in article 2 of the Order will come into force, in relation to Wales, on 31 May 2005. They include:

- (a) darpariaethau sy'n diwygio adran 18(1) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 ("Deddf 1993") ac Atodlen 6 iddi. Prif effaith y diwygiadau yw y bydd y pris sydd i'w dalu am y rhydd-ddaliad, pan fo'n cael ei brynu gan denantiaid cymwys, yn adlewyrchu gwerth y buddiannau sy'n cael eu dal gan yr holl landlordiaid yn yr eiddo o dan sylw ar y dyddiad y mae hysbysiad o'r hawliad i arfer yr hawl i ryddfreniad ar y cyd yn cael ei roi o dan adran 13 o Ddeddf 1993 (adran 126). Mae darpariaeth drosiannol berthnasol yn erthygl 3(1) ac arbediad perthnasol yn erthygl 3(2);
- (b) darpariaethau newydd y caiff deiliaid lesoedd hir, mewn amgylchiadau penodol, yswirio eu tai odanynt ac eithrio gydag yswiriwr a enwir neu a gymeradwyir gan y landlord (adran 164);
- (c) darpariaethau newydd sy'n ei gwneud yn ofynnol i landlordiaid hysbysu deiliaid lesoedd hir bod rhent yn ddyledus (adran 166);

- (a) provisions amending section 18(1) of, and Schedule 6 to, the Leasehold Reform, Housing and Urban Development Act 1993 ("the 1993 Act"). The principal effect of the amendments is that the price to be paid for the freehold, where it is bought by qualifying tenants, will reflect the value of the interests held by all the landlords in the property concerned at the date on which notice of the claim to exercise the right to collective enfranchisement is given under section 13 of the 1993 Act (section 126). There is a relevant transitional provision in article 3(1) and a relevant saving in article 3(2);
- (b) new provisions under which, in certain circumstances, long leaseholders may insure their houses otherwise than with an insurer nominated or approved by the landlord (section 164);
- (c) new provisions requiring landlords to notify long leaseholders that rent is due (section 166);

- (ch) darpariaethau newydd sy'n atal landlord deiliad les hir rhag arfer hawl ailfynediad neu hawl fforffedu oherwydd methiant y lesddeiliad i dalu rhent, taliadau gwasanaeth neu daliadau gweinyddu pan nad yw'r swm sydd heb ei dalu a'r cyfnod y mae unrhyw ran o'r swm hwnnw wedi bod yn daladwy ar ei gyfer yn fwy na'r swm a'r cyfnod a ragnodir mewn rheoliadau (adran 167);
- (d) darpariaethau newydd sy'n atal landlord deiliad les hir rhag cyflwyno hysbysiad fforffedu oherwydd bod cyfamod neu amod yn y les wedi'i dorri oni bai bod y lesddeiliad yn cyfaddef ei fod wedi'i dorri, neu fod llys neu dribiwnlys cymrodeddu wedi penderfynu'n derfynol bod y toriad wedi digwydd (adrannau 168 a 169). Mae arbediad, sy'n berthnasol i adran 168, yn erthygl 3(3); ac
- (dd) newidiadau i'r amodau y mae'n rhaid eu bodloni cyn y gall landlord deiliad les hir arfer hawl ailfynediad neu hawl fforffedu oherwydd methiant i dalu taliadau gwasanaeth (adran 170). Mae arbediad perthnasol yn erthygl 3(4).

- (d) new provisions preventing the landlord of a long leaseholder from exercising a right of re-entry or forfeiture on account of the leaseholder's failure to pay rent, service or administration charges where the unpaid amount and the period for which any part of it has been payable do not exceed the amount and period prescribed by regulations (section 167);
- (e) new provisions preventing the landlord of a long leaseholder from serving a forfeiture notice in respect of a breach of covenant or condition in the lease unless the leaseholder admits the breach, or a court or arbitral tribunal has finally determined that the breach has occurred (sections 168 and 169). There is a saving, relevant to section 168, in article 3(3); and
- (f) changes to the conditions that must be satisfied before the landlord of a long leaseholder can exercise a right of re-entry or forfeiture for failure to pay service charges (section 170). There is a relevant saving in article 3(4).

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Deddf 2002 wedi'u dwyn i rym yng Nghymru drwy Orchymnion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2002 Act have been brought into force in Wales by Commencement Orders made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>O.S. Rhif</i>
Adrannau 71 i 73	30 Mawrth 2004	2004/669
Adran 74	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adrannau 75 i 77	30 Mawrth 2004	2004/669
Adran 78	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adran 79	30 Mawrth 2004	2004/669
Adran 80	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Sections 71 to 73	30 March 2004	2004/669
Section 74	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Sections 75 to 77	30 March 2004	2004/669
Section 78	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Section 79	30 March 2004	2004/669
Section 80	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669

Adrannau 81 i 83	30 Mawrth 2004	2004/669
Adran 84	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adrannau 85 i 91	30 Mawrth 2004	2004/669
Adran 92	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adrannau 93 i 103	30 Mawrth 2004	2004/669
Adrannau 105 i 109	30 Mawrth 2004	2004/669
Adran 110	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adrannau 111 i 113	30 Mawrth 2004	2004/669
Adrannau 114 i 120	1 Ionawr 2003	2002/3012
Adran 122 (yn rhannol)	1 Ionawr 2003	2002/3012
Adran 125	1 Ionawr 2003	2002/3012
Adrannau 127 i 147	1 Ionawr 2003	2002/3012
Adrannau 148 i 150	30 Mawrth 2004	2004/669
Adran 151	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adrannau 152 a 153 (yn rhannol)	1 Ionawr 2003	2002/3012
Adran 155	30 Mawrth 2004	2004/669
Adran 156 (yn rhannol)	1 Ionawr 2003	2002/3012
Adran 157 (yn rhannol)	30 Mawrth 2004	2004/669
Adrannau 158 a 159	30 Mawrth 2004	2004/669

Sections 81 to 83	30 March 2004	2004/669
Section 84	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Sections 85 to 91	30 March 2004	2004/669
Section 92	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Sections 93 to 103	30 March 2004	2004/669
Sections 105 to 109	30 March 2004	2004/669
Section 110	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Sections 111 to 113	30 March 2004	2004/669
Sections 114 to 120	1 January 2003	2002/3012
Section 122 (partially)	1 January 2003	2002/3012
Section 125	1 January 2003	2002/3012
Sections 127 to 147	1 January 2003	2002/3012
Sections 148 to 150	30 March 2004	2004/669
Section 151	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Sections 152 and 153 (partially)	1 January 2003	2002/3012
Section 155	30 March 2004	2004/669
Section 156 (partially)	1 January 2003	2002/3012
Section 157 (partially)	30 March 2004	2004/669
Sections 158 and 159	30 March 2004	2004/669

Adrannau 160 i 162	1 Ionawr 2003	2002/3012
Adran 163	30 Mawrth 2004	2004/669
Adran 164 (yn rhannol)	1 Ionawr 2003	2002/3012
Adrannau 166 a 167 (yn rhannol)	1 Ionawr 2003	2002/3012
Adran 171 (yn rhannol)	1 Ionawr 2003	2002/3012
Adran 172 (yn rhannol)	30 Mawrth 2004	2004/669
Adran 173	30 Mawrth 2004	2004/669
Adran 174	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Adran 175	30 Mawrth 2004	2004/669
Adran 176 (yn rhannol)	30 Mawrth 2004	2004/669
Adran 180 (yn rhannol)	1 Ionawr 2003 30 Mawrth 2004	2002/3012 2004/669
Atodlen 6	30 Mawrth 2004	2004/669
Atodlen 7	30 Mawrth 2004	2004/669
Atodlen 9	30 Mawrth 2004	2004/669
Atodlen 10 (yn rhannol)	30 Mawrth 2004	2004/669
Atodlen 11	30 Mawrth 2004	2004/669
Atodlen 12	1 Ionawr 2003 (yn rhannol) 30 Mawrth 2004 (y gweddill)	2002/3012 2004/669
Atodlen 13 (yn rhannol)	30 Mawrth 2004	2004/669
Atodlen 14 (yn rhannol)	1 Ionawr 2003 30 Mawrth 2004	2002/3012 2004/669

Sections 160 to 162	1 January 2003	2002/3012
Section 163	30 March 2004	2004/669
Section 164 (partially)	1 January 2003	2002/3012
Sections 166 and 167 (partially)	1 January 2003	2002/3012
Section 171 (partially)	1 January 2003	2002/3012
Section 172 (partially)	30 March 2004	2004/669
Section 173	30 March 2004	2004/669
Section 174	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Section 175	30 March 2004	2004/669
Section 176 (partially)	30 March 2004	2004/669
Section 180 (partially)	1 January 2003 30 March 2004	2002/3012 2004/669
Schedule 6	30 March 2004	2004/669
Schedule 7	30 March 2004	2004/669
Schedule 9	30 March 2004	2004/669
Schedule 10 (partially)	30 March 2004	2004/669
Schedule 11	30 March 2004	2004/669
Schedule 12	1 January 2003 (partially) 30 March 2004 (remainder)	2002/3012 2004/669
Schedule 13 (partially)	30 March 2004	2004/669
Schedule 14 (partially)	1 January 2003 30 March 2004	2002/3012 2004/669

Mae Gorchymyn Deddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 5 ac Arbediad a Darpariaeth Drosiannol) 2004 (O.S. 2004/3056) (p.127) wedi dwyn i rym, o ran Cymru a Lloegr, adran 180 o Ddeddf 2002 i'r graddau y mae'n ymwneud â diddymu yn Atodlen 14 adran 104 o'r Ddeddf honno.

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 5 and Saving and Transitional Provision) Order 2004 (S.I. 2004/3056) (c.127) has brought into force, in relation to England and Wales, section 180 of the 2002 Act in so far as it relates to the repeal in Schedule 14 of section 104 of that Act.

Mae darpariaethau yn Rhan 1 o Ddeddf 2002 (Cyfunddaliad) wedi'u dwyn i rym o ran Cymru a Lloegr gan y Gorchmynion Cychwyn canlynol -

Gorchymyn Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 3) 2003 (O.S. 2003/2377) (p.91); a

Gorchymyn Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 4) 2004 (O.S. 2004/1832) (p.76).

Provisions in Part 1 of the 2002 Act (Commonhold) have been brought into force in relation to England and Wales by the following Commencement Orders -

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 3) Order 2003 (S.I. 2003/2377) (c.91); and

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 4) Order 2004 (S.I. 2004/1832) (c.76).

2005 Rhif 1353 (Cy.101) (C.59)**2005 No. 1353 (W.101) (C.59)****LANDLORD A THENANT,
CYMRU****LANDLORD AND TENANT,
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Gorchymyn Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 3 ac Arbediad a Darpariaeth Drosiannol) (Cymru) 2005

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 3 and Saving and Transitional Provision) (Wales) Order 2005

*Wedi'i wneud**17 Mai 2005**Made**17 May 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 181 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002(1), drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by section 181 of the Commonhold and Leasehold Reform Act 2002(1), hereby makes the following Order:

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

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (Cychwyn Rhif 3 ac Arbediad a Darpariaeth Drosiannol) (Cymru) 2005.

1.-(1) The name of this Order is the Commonhold and Leasehold Reform Act 2002 (Commencement No. 3 and Saving and Transitional Provision) (Wales) Order 2005.

(2) Yn y Gorchymyn hwn, oni ddywedir fel arall, mae cyfeiriadau at adrannau yn gyfeiriadau at adrannau o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ac Atodlenni iddi.

(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of, and Schedules to, the Commonhold and Leasehold Reform Act 2002.

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru

(3) This Order applies to Wales.

Darpariaethau sy'n dod i rym yng Nghymru ar 31 Mai 2005**Provisions coming into force in Wales on 31 May 2005**

2. Yn ddarostyngedig i erthygl 3, daw'r darpariaethau canlynol i rym yng Nghymru ar 31 Mai 2005 -

2. Subject to article 3, the following provisions shall come into force in Wales on 31 May 2005 -

- (a) adran 126,
- (b) adran 157, i'r graddau y mae'n ymwneud â pharagraff 15 o Atodlen 10,
- (c) adran 164, i'r graddau nad yw eisoes mewn grym,
- (ch) adran 165,
- (d) adrannau 166 a 167, i'r graddau nad ydynt eisoes mewn grym,
- (dd) adrannau 168 i 170,
- (e) adran 171, i'r graddau nad yw eisoes mewn

- (a) section 126,
- (b) section 157, in so far as it relates to paragraph 15 of Schedule 10,
- (c) section 164, to the extent that it is not already in force,
- (d) section 165,
- (e) sections 166 and 167, to the extent that they are not already in force,
- (f) sections 168 to 170,
- (g) section 171, to the extent that it is not already

(1) 2002 p.15. Gweler y diffiniad o "the appropriate national authority" yn adran 181(4).

(1) 2002 c.15. See the definition of "the appropriate authority" in section 181(4).

grym,

- (f) yn adran 172, is-adrannau (1) i (5), ac eithrio i'r graddau y maent yn ymwneud â chymhwysiad adrannau 21 i 22 o Ddeddf Landlord a Tenant 1985(1), fel y'u hamnewidir neu fel y'u mewnosodir gan adrannau 152 i 154, i'r Goron,
- (ff) adran 176 ac Atodlen 13, i'r graddau nad ydynt eisoes mewn grym, a
- (g) adran 180, i'r graddau y mae'n ymwneud â diddymu yn Atodlen 14 -
 - (i) y diffiniad o "the valuation date" ym mharagraff 1(1) o Atodlen 6 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993(2);
 - (ii) adran 82 o Ddeddf Tai 1996(3); a
 - (iii) ym mharagraff 18(2) o Atodlen 10 i'r Ddeddf honno, paragraff (b) a'r gair "and" sydd o'i flaen.

Arbediad a darpariaeth drosiannol

3.-(1) Yn ystod y cyfnod sy'n dechrau ar 31 Mai 2005 ac sy'n dod i ben ar y dyddiad y mae adrannau 121 i 124 yn dod i rym yn llawn, bydd paragraff 4(2) o Atodlen 6 i Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 yn effeithiol fel petai'r geiriau "persons who are participating tenants immediately before a binding contract is entered into in pursuance of the initial notice" wedi'u rhoi yn lle'r geiriau "participating tenants".

(2) Ni fydd adran 126 yn effeithiol o ran -

- (a) hysbysiadau a roddir cyn 31 Mai 2005 o dan adran 13 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993; neu
- (b) ceisiadau a wneir cyn 31 Mai 2005 o dan adran 26 o'r Ddeddf honno.

(3) Ni fydd adran 168 yn effeithiol o ran hysbysiadau a gyflwynir o dan adran 146(1) o Ddeddf Cyfraith Eiddo 1925(4) cyn 31 Mai 2005 ynghylch torri unrhyw gyfamod neu amod gan denant.

(4) Ni fydd y diwygiadau a wnaed gan adran 170 yn effeithiol o ran hysbysiadau a gyflwynir o dan adran 146(1) o Ddeddf Cyfraith Eiddo 1925 cyn 31 Mai 2005.

(1) 1985 p.70. (Caiff adrannau 21, 21A, 21B a 22 eu hamnewid neu eu mewnosod pan ddaw adrannau 152 i 154 o Ddeddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 i rym yn llawn).

(2) 1993 p.28.

(3) 1996 p.52.

(4) 1925 p.20.

in force,

- (h) in section 172, subsections (1) to (5), except to the extent that they relate to the application to the Crown of sections 21 to 22 of the Landlord and Tenant Act 1985(1), as substituted or inserted by sections 152 to 154,
- (i) section 176 and Schedule 13, to the extent that they are not already in force, and
- (j) section 180, in so far as it relates to the repeals in Schedule 14 of -
 - (i) the definition of "the valuation date" in paragraph 1(1) of Schedule 6 to the Leasehold Reform, Housing and Urban Development Act 1993(2);
 - (ii) section 82 of the Housing Act 1996(3); and
 - (iii) in paragraph 18(2) of Schedule 10 to that Act, paragraph (b) and the word "and" before it.

Saving and transitional provision

3.-(1) During the period beginning with 31 May 2005 and ending on the date on which sections 121 to 124 come fully into force, paragraph 4(2) of Schedule 6 to the Leasehold Reform, Housing and Urban Development Act 1993 shall have effect as if, for "participating tenants", there were substituted "persons who are participating tenants immediately before a binding contract is entered into in pursuance of the initial notice".

(2) Section 126 shall not have effect as regards -

- (a) notices given before 31 May 2005 under section 13 of the Leasehold Reform, Housing and Urban Development Act 1993; or
- (b) applications made before 31 May 2005 under section 26 of that Act.

(3) Section 168 shall not have effect as regards notices served under section 146(1) of the Law of Property Act 1925(4) before 31 May 2005 in respect of a breach by a tenant of any covenant or condition.

(4) The amendments made by section 170 shall not have effect as regards notices served under section 146(1) of the Law of Property Act 1925 before 31 May 2005.

(1) 1985 c.70. (Sections 21, 21A, 21B and 22 will be substituted or inserted when sections 152 to 154 of the Commonhold and Leasehold Reform Act 2002 come fully into force).

(2) 1993 c.28.

(3) 1996 c.52.

(4) 1925 c.20.

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

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

17 Mai 2005

17 May 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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