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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 1469 (Cy. 140) (C. 57)**

**2013 No. 1469 (W. 140) (C. 57)**

**TAI, CYMRU**

**HOUSING, WALES**

**Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 3 a  
Darpariaethau Trosiannol, Darfodol  
ac Arbed) (Cymru) 2013**

**The Housing and Regeneration Act  
2008 (Commencement No. 3 and  
Transitional, Transitory and Saving  
Provisions) (Wales) Order 2013**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae erthygl 2 o'r Gorchymyn hwn yn pennu mai 10 Gorffennaf 2013 yw'r diwrnod y bydd adran 318 (safleoedd cartrefi symudol gwarchoddedig i gynnwys safleoedd ar gyfer sipswn a theithwyr) o Ddeddf Tai ac Adfywio 2008 ("Deddf 2008") a diddymiadau perthynol yn Atodlen 16 i'r Ddeddf honno yn cael eu dwyn i rym mewn perthynas â Chymru.

Article 2 of this Order appoints 10 July 2013 as the day on which section 318 (protected mobile home sites to include sites for gypsies and travellers) of the Housing and Regeneration Act 2008 ("the 2008 Act") and related repeals in Schedule 16 to that Act are brought into force in relation to Wales.

Canlyniad cychwyn adran 318, fydd gwneud cytundebau mewn perthynas â lleiniau ar gyfer sipswn a theithwyr ar safleoedd awdurdodau lleol yng Nghymru yn ddarostyngedig i Ddeddf Cartrefi Symudol 1983 ("Deddf 1983"). Mae hyn yn efelychu'r hyn a wnaed yn Lloegr gan Orchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 8 a Darpariaethau Trosiannol, Darfodol ac Arbed) 2011(1), a gychwynnodd adran 318 o Ddeddf 2008 mewn perthynas â Lloegr ar 30 Ebrill 2011.

The commencement of section 318 will result in agreements in respect of pitches on local authority gypsy and traveller sites in Wales becoming subject to the Mobile Homes Act 1983 ("the 1983 Act"). This replicates what was achieved in England by the Housing and Regeneration Act 2008 (Commencement No. 8 and Transitional, Transitory and Saving Provisions) Order 2011(1) which commenced section 318 of the 2008 Act in relation to England on 30 April 2011.

Mae erthyglau 3 i 7 yn gwneud darpariaethau trosiannol, darfodol ac arbed mewn perthynas â chytundebau ynghylch lleiniau ar gyfer sipswn a theithwyr ar safleoedd awdurdodau lleol. Mae erthygl 3 yn arbed datgymwysiadau o ddarpariaethau penodol ynglŷn â chytundebau ynghylch lleiniau pontio. Yn fras, mae'r datgymwysiadau hyn yn peri nad yw'r terfyn amser o 28 diwrnod ar gyfer darparu datganiad ysgrifenedig, yr hawl i geisio gorchymyn tribiwnlys mewn perthynas â rhoi datganiad ysgrifenedig a'r hawl i wneud cais i'r tribiwnlys am ddiwygio telerau cytundeb o'r fath, yn gymwys i'r cytundebau hynny.

Articles 3 to 7 are transitional, transitory and saving provisions in relation to agreements for pitches on local authority gypsy and traveller sites. Article 3 saves the disapplication of certain provisions in relation to agreements for transit pitches. Broadly these disapplications mean that the 28 day time limit for providing a written statement, the right to seek a tribunal order in relation to the giving of a written statement, and the right to apply to the tribunal to amend the terms of such an agreement, do not apply to these agreements.

Mae erthygl 4 yn darparu y bydd Deddf 1983 yn gymwys i bob cytundeb ar gyfer gosod cartref symudol ar safle sipsiwn a theithwyr awdurdod lleol sy'n bodoli yng Nghymru pan gychwynnir adran 318 o Ddeddf 2008, fel y byddai'n gymwys i unrhyw gytundeb o'r fath a wneid ar ôl y cychwyn. O ganlyniad, bydd y telerau a bennir yn Atodlen 1 i Ddeddf 1983, fel y'u mewnosodwyd gan Orchymyn Deddf Cartrefi Symudol 1983 (Diwygio Atodlen 1) (Cymru) 2013, yn oblygedig mewn cytundebau o'r fath.

Mae erthygl 5 yn datgymhwyso, mewn perthynas â chytundeb presennol, ddarpariaethau penodol yn adrannau 1 a 2 o Ddeddf 1983 ac Atodlen 1 i'r Ddeddf honno (a fewnosodwyd yn Neddf 1983 gan Orchymyn Deddf Cartrefi Symudol 1983 (Diwygio Atodlen 1) (Cymru) 2013).

Mae erthygl 6 yn ddarpariaeth ddarfodol sy'n gwneud yn ofynnol bod awdurdodau lleol yn rhoi datganiad ysgrifenedig i feddianwyr lleiniau parhaol o fewn 28 diwrnod i'r diwrnod penodedig; ac y mae'r erthygl (a'r Atodlen i'r Gorchymyn) yn pennu'r hyn y mae'n rhaid i'r datganiad ei gynnwys.

Mae erthygl 7 yn ddarpariaeth arbed gyffredinol, sy'n sicrhau nad effeithir ar hawliau a rhwymedigaethau o dan y cytundebau presennol, o ganlyniad i gymhwyso Deddf 1983 i'r trefniadau presennol.

## **NODYN YNGHYLCH GORCHMYNION CYCHWYN BLAENOROL**

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

Mae'r darpariaethau o Ddeddf Tai ac Adfywio 2008 ("Deddf 2008") yn y tabl isod wedi eu dwyn i rym mewn perthynas â Chymru gan Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Mae amryw o ddarpariaethau Deddf 2008 hefyd wedi eu dwyn i rym mewn perthynas â Lloegr yn unig gan yr Offerynnau Statudol canlynol:

O.S. 2008/3068, O.S. 2009/803, O.S. 2009/2096 ac O.S. 2011/1002.

*Gweler* hefyd adran 325(6) o Ddeddf 2008 am y darpariaethau a ddaeth i rym ar 22 Gorffennaf 2008 (y diwrnod y pasiwyd Deddf 2008).

*Gweler* hefyd adran 325(2) o Ddeddf 2008 am y darpariaethau a ddaeth i rym ar 22 Medi 2008 (sef ar ddiwedd cyfnod o 2 fis ar ôl pasio Deddf 2008).

Article 4 provides that the 1983 Act shall apply to all agreements to station a mobile home on a local authority gypsy and traveller site in Wales which exist on the commencement of section 318 of the 2008 Act as it would apply to any such agreement made after the commencement. As a result, the terms set out in Schedule 1 to the 1983 Act, as inserted by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2013 will be implied to such agreements.

Article 5 disapplies, in relation to an existing agreement, certain provisions of sections 1 and 2 of, and Schedule 1 to, the 1983 Act (inserted into that Act by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2013).

Article 6 is a transitory provision which requires local authorities to give a written statement to the occupiers of permanent pitches within 28 days of the appointed day and it (and the Schedule to the Order) sets out what such a statement must include.

Article 7 is a general saving provision to ensure that rights and liabilities under existing agreements are not affected by the application of the 1983 Act to existing agreements.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The provisions of the Housing and Regeneration Act 2008 ("the 2008 Act") in the table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

Various provisions of the 2008 Act have also been brought into force in relation to England only by the following Statutory Instruments:

S.I. 2008/3068, S.I. 2009/803, S.I. 2009/2096 and S.I. 2011/1002.

*See* also section 325(6) of the 2008 Act for the provisions which came into force on 22 July 2008 (the day on which the 2008 Act was passed).

*See* also section 325(2) of the 2008 Act for the provisions which came into force on 22 September 2008 (at the end of 2 months from when the 2008 Act was passed).

<i>Darpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhifyr O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
adran 308	19 Awst 2011	O.S. 2011/1863 (Cy. 201)	section 308	19 August 2011	S.I. 2011/1863 (W.201)
adran 309 (yn rhannol)	26 Gorffennaf 2011	O.S. 2011/1863 (Cy. 201)	section 309 (in part)	26 July 2011	S.I. 2011/1863 (W. 201)
adran 309 (yn llawn)	19 Awst 2011	O.S. 2011/1863 (Cy. 201)	section 309 (in full)	19 August 2011	S.I. 2011/1863 (W.201)
adran 315 (yn rhannol)	30 Mawrth 2009	O.S. 2009/773 (Cy. 65)	section 315 (in part)	30 March 2009	S.I. 2009/773 (W. 65)

Mae'r darpariaethau yn Neddf 2008 sydd yn y tabl isod wedi eu dwyn i rym o ran Cymru a Lloegr gan yr Ysgrifennydd Gwladol cyn dyddiad y Gorchymyn hwn.

The provisions in the 2008 Act in the table below have been brought into force in relation to England and Wales by the Secretary of State before the date of this Order.

<i>Darpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhifyr O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
adrannau 1 i 3 ac Atodlen 1	8 Medi 2008	O.S. 2008/2358	sections 1 to 3 and Schedule 1	8 September 2008	S.I. 2008/2358
adran 4	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2010/862	section 4	8 September 2008, 1 December 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2010/862
adrannau 5 i 18 ac Atodlenni 2 i 4	1 Rhagfyr 2008	O.S. 2008/3068	sections 5 to 18 and Schedules 2 to 4	1 December 2008	S.I. 2008/3068
adran 19	1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/3068 ac O.S. 2010/862	section 19	1 December 2008 and 1 April 2010	S.I. 2008/3068 and S.I. 2010/862
adrannau 20 i 30	1 Rhagfyr 2008	O.S. 2008/3068	sections 20 to 30	1 December 2008	S.I. 2008/3068
adran 31	1 Ebrill 2010	O.S. 2010/862	section 31	1 April 2010	S.I. 2010/862
adrannau 32 a 33	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	section 32 and 33	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adran 34	1 Ebrill 2009	O.S. 2009/803	section 34	1 April 2009	S.I. 2009/803
adran 35	1 Ebrill 2010	O.S. 2010/862	section 35	1 April 2010	S.I. 2010/862
adran 36	1 Ebrill 2009	O.S. 2009/803	section 36	1 April 2009	S.I. 2009/803
adran 37	8 Medi 2008	O.S. 2008/2358	section 37	8 September 2008	S.I. 2008/2358
adrannau 38 i 43	1 Rhagfyr 2008	O.S. 2008/2358	section 38 to 43	1 December 2008	S.I. 2008/2358
adran 44	8 Medi 2008	O.S. 2008/2358	section 44	8 September 2008	S.I. 2008/2358
adran 45	1 Rhagfyr 2008	O.S. 2008/2358	section 45	1 December 2008	S.I. 2008/2358
adrannau 46 a 47	8 Medi 2008	O.S. 2008/2358	section 46 and 47	8 September 2008	S.I. 2008/2358
adran 48	1 Rhagfyr 2008	O.S. 2008/3068	section 48	1 December 2008	S.I. 2008/3068

adran 49	8 Medi 2008	O.S. 2008/2358	section 49	8 September 2008	S.I. 2008/2358
adran 50 ac Atodlen 5	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2009	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2009/803	section 50 and Schedule 5	8 September 2008, 1 December 2008 and 1 April 2009	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2009/803
adran 51 ac Atodlenni 6 a 7	8 Medi 2008	O.S. 2008/2358	section 51 and Schedules 6 and 7	8 September 2008	S.I. 2008/2358
adrannau 52 i 55 adran 56 ac Atodlen 8	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/803 ac O.S. 2010/862	sections 52 to 55 section 56 and Schedule 8	8 September 2008 8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358 S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/803 and S.I. 2010/862
adran 57	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2010/862	section 57	8 September 2008, 1 December 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068 and S.I. 2010/862
adran 58	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2009/803 ac O.S. 2010/862	section 58	8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358, S.I. 2009/803 and S.I. 2010/862
adran 59 adrannau 60 i 63 adran 64	8 Medi 2008 1 Ebrill 2010 16 Chwefror 2009 ac 1 Ebrill 2010	O.S. 2008/2358 O.S. 2010/862 O.S. 2009/363 ac O.S. 2010/862	section 59	8 September 2008	S.I. 2008/2358, S.I. 2009/803 and S.I. 2010/862
adrannau 65 i 71 ac Atodlenni 6 a 7	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 60 to 63	8 September 2008 1 April 2010	S.I. 2008/2358 S.I. 2010/862
adran 72 adrannau 73 i 80	8 Medi 2008 8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 O.S. 2008/2358 ac O.S. 2010/862	section 64	16 February 2009 and 1 April 2010	S.I. 2009/363 and S.I. 2010/862
adrannau 81 i 85 adran 86	8 Medi 2008 8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 O.S. 2008/2358 ac O.S. 2010/862	sections 65 to 71 and Schedules 6 and 7	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 87 i 92 adran 93	8 Medi 2008 8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 O.S. 2008/2358 ac O.S. 2009/803	section 72	8 September 2008	S.I. 2008/2358
adran 94	1 Ebrill 2010	O.S. 2010/862	sections 73 to 80	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
			sections 81 to 85	8 September 2008	S.I. 2008/2358
			section 86	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
			sections 87 to 92	8 September 2008	S.I. 2008/2358
			Section 93	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2009/803
			section 94	1 April 2010	S.I. 2010/862

adrannau 95 i 98	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	sections 95 to 98	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 99 i 104	8 Medi 2008	O.S. 2008/2358	sections 99 to 104	8 September 2008	S.I. 2008/2358
adran 105	8 Medi 2008	O.S 2008/2358	section 105	8 September 2008	S.I. 2008/2358
adrannau 106 i 111	1 Ebrill 2010	O.S 2010/862	sections 106 to 111	1 April 2010	S.I. 2010/862
adrannau 112 a 113	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	sections 112 and 113	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 114	8 Medi 2008 ac 7 Medi 2009	O.S. 2008/2358 ac O.S. 2009/2096	section 114	8 September 2008 and 7 September 2009	S.I. 2008/2358 and S.I. 2009/2096
adran 115	1 Ebrill 2010	O.S. 2010/862	section 115	1 April 2010	S.I. 2010/862
adran 116	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 116	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 117	8 Medi 2008 ac 1 Ebrill 2010	O.S 2008/2358 ac O.S 2010/862	section 117	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 118	1 Ebrill 2010	O.S. 2010/862	section 118	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 119	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 119	1 April 2010	S.I. 2010/862
adrannau 120 i 126	1 Ebrill 2010	O.S. 2010/862	section 119	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 127	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	sections 120 to 126	1 April 2010	S.I. 2010/862
adrannau 128 i 130	1 Ebrill 2010	O.S. 2010/862	section 127	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 131	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	sections 128 to 130	1 April 2010	S.I. 2010/862
adrannau 132 i 143	1 Ebrill 2010	O.S. 2010/862	section 131	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 144 a 145	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	sections 132 to 143	1 April 2010	S.I. 2010/862
adrannau 146 i 173	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	sections 144 and 145	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adran 174	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	sections 146 to 173	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adrannau 175 i 191	1 Ebrill 2010	O.S. 2010/862	section 174	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 192 i 197	8 Medi 2008	O.S. 2008/2358	sections 175 to 191	1 April 2010	S.I. 2010/862
			sections 192 to 197	8 September 2008	S.I. 2008/2358

adran 198	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 198	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 199 i 201	1 Ebrill 2010	O.S. 2010/862	sections 199 to 201	1 April 2010	S.I. 2010/862
adran 202	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 202	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 203 i 211	1 Ebrill 2010	O.S. 2010/862	sections 203 to 211	1 April 2010	S.I. 2010/862
adran 212	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 212	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 213	1 Ebrill 2010	O.S. 2010/862	section 213	1 April 2010	S.I. 2010/862
adran 214	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 214	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 215	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	section 215	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adran 216	8 Medi 2008	O.S. 2008/2358	section 216	8 September 2008 and 1 April 2010	S.I. 2008/2358 and S.I. 2010/862
adrannau 217 i 227	1 Ebrill 2010	O.S. 2010/862	sections 217 to 227	1 April 2010	S.I. 2010/862
adran 228	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	section 228	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adrannau 229 i 233	1 Ebrill 2010	O.S. 2010/862	sections 229 to 233	1 April 2010	S.I. 2010/862
adran 234	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	section 234	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adrannau 235 i 239	1 Ebrill 2010	O.S. 2010/862	sections 235 to 239	1 April 2010	S.I. 2010/862
adran 240	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	section 240	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adrannau 241 i 243	1 Ebrill 2010	O.S. 2010/862	sections 241 to 243	1 April 2010	S.I. 2010/862
adran 244	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	section 244	1 April 2009 and 1 April 2010	S.I. 2009/803 and S.I. 2010/862
adrannau 245 i 274	1 Ebrill 2010	O.S. 2010/862	sections 245 to 274	1 April 2010	S.I. 2010/862
adrannau 275 a 276	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2010/862	sections 275 and 276	8 September 2008 and 1 April 2010	S.I. 2008/2358, S.I. 2010/862
adran 277 ac Atodlen 9	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/803 ac O.S. 2010/862	section 277 and Schedule 9	8 September 2008, 1 December 2008, 1 April 2009 and 1 April 2010	S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/803 and S.I. 2010/862
adran 278	1 Ebrill 2010	O.S. 2010/862	section 278	1 April 2010	S.I. 2010/862

adran 299 ac Atodlen 11	1 Rhagfyr 2008 ac 20 Mai 2009	O.S. 2008/3068, O.S. 2009/1261	section 299 and Schedule 11	1 December 2008 and 20 May 2009	S.I. 2008/3068, S.I. 2009/1261
adran 311 ac Atodlen 14	1 Rhagfyr 2008	O.S. 2008/3068	section 311 and Schedule 14	1 December 2008	S.I. 2008/3068
adran 314 ac Atodlen 15 (yn rhannol)	2 Mawrth 2009	O.S. 2009/415	section 314 and Schedule 15 (in part)	2 March 2009	S.I. 2009/415
adran 316	7 Medi 2009	O.S. 2009/2096	section 316	7 September 2009	S.I. 2009/2096
adran 317	22 Medi 2008	O.S. 2008/2358	section 317	22 September 2008	S.I. 2008/2358
adran 321 ac Atodlen 16 (yn rhannol)	22 Medi 2008, 1 Rhagfyr 2008, 2 Mawrth 2009, 1 Ebrill 2009, 20 Mai 2009 ac 7 Medi 2009	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/415, O.S. 2009/803, O.S. 2009/1261 ac O.S 2009/2096	section 321 and Schedule 16 (in part)	22 September 2008, 1 December 2008, 2 March 2009, 1 April 2009, 20 May 2009 and 7 September 2009	S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/415, S.I. 2009/803, S.I. 2009/1261 and S.I. 2009/2096

**2013 Rhif 1469 (Cy. 140) (C. 57)**

**2013 No. 1469 (W. 140) (C. 57)**

## TAI, CYMRU

## HOUSING, WALES

Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 3 a  
Darpariaethau Trosiannol, Darfodol  
ac Arbed) (Cymru) 2013

The Housing and Regeneration Act  
2008 (Commencement No. 3 and  
Transitional, Transitory and Saving  
Provisions) (Wales) Order 2013

*Gwnaed*

*12 Mehefin 2013*

*Made*

*12 June 2013*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 322(2) a 325(3) a (4) o Ddeddf Tai ac Adfywio 2008(1), yn gwneud y Gorchymyn canlynol.

The Welsh Ministers, in exercise of the powers conferred by sections 322(2) and 325(3) and (4) of the Housing and Regeneration Act 2008(1), make the following Order.

### Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Darfodol ac Arbed) (Cymru) 2013.

(2) Yn y Gorchymyn hwn—

ystyr “cytundeb awdurdod lleol” (“*local authority agreement*”) yw cytundeb y mae gan berson hawl oddi tano i osod cartref symudol ar safle sipsiwn a theithwyr awdurdod lleol yng Nghymru;

ystyr “cytundeb presennol” (“*existing agreement*”) yw cytundeb awdurdod lleol a wnaed cyn y diwrnod penodedig;

ystyr “Deddf 1983” (“*the 1983 Act*”) yw Deddf Cartrefi Symuol 1983(2);

ystyr “Deddf 2008” (“*the 2008 Act*”) yw Deddf Tai ac Adfywio 2008;

ystyr “diwrnod penodedig” (“*appointed day*”) yw'r diwrnod a bennir gan erthygl 2;

### Title and interpretation

1.—(1) The title of this Order is the Housing and Regeneration Act 2008 (Commencement No. 3 and Transitional, Transitory and Saving Provisions) (Wales) Order 2013.

(2) In this Order—

“the 1983 Act” (“*Deddf 1983*”) means the Mobile Homes Act 1983(2);

“the 2008 Act” (“*Deddf 2008*”) means the Housing and Regeneration Act 2008;

“appointed day” (“*diwrnod penodedig*”) is the day appointed by article 2;

“existing agreement” (“*cytundeb presennol*”) means a local authority agreement which is made before the appointed day;

“gypsies and travellers” (“*sipsiwn a theithwyr*”) means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople, or

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(1) 2008 p.17.  
(2) 1983 p.34.

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(1) 2008 c.17.  
(2) 1983 c.34.



ystyr “llain” (“pitch”) yw tir, sy’n ffurfio rhan o safle sipsiwn a theithwyr awdurdod lleol yng Nghymru, ac sy’n cynnwys unrhyw ran ar gyfer gardd, y mae hawl gan berson i osod cartref symudol arno;

ystyr “llain parhaol” (“permanent pitch”) yw llain y mae hawl gan berson i osod cartref symudol arni o dan delerau cytundeb y mae Deddf 1983 yn gymwys iddo ac nad yw’n llain bontio;

ystyr “llain bontio” (“transit pitch”) yw llain y mae hawl gan berson i osod cartref symudol arni o dan delerau cytundeb y mae Deddf 1983 yn gymwys iddo, am gyfnod penodedig o hyd at 3 mis:

ystyr “safle sipsiwn a theithwyr awdurdod lleol” (“local authority gypsy and traveller site”) yw unrhyw dir a feddiennir gan awdurdod lleol fel safle carafannau sy’n darparu llety i sipsiwn a theithwyr; ac

ystyr “sipsiwn a theithwyr” (“gypsies and travellers”) yw personau sydd ag arferion byw nomadig, beth bynnag fo’u hil neu’u tarddiad, ond nid yw’n cynnwys aelodau o grŵp trefnedig o bobl sioe neu bobl sy’n ymwneud â syrcau teithiol ac yn cyd-deithio fel y cyfryw(1).

(3) Mae i ymadroddion eraill, a ddefnyddir ond nas diffinnir yn y Gorchymyn hwn, ac y defnyddir yr ymadroddion Saesneg sy’n cyfateb iddynt yn Neddf 1983 yn ogystal, yr un ystyron yn y Gorchymyn hwn â’r ymadroddion Saesneg hynny yn Neddf 1983.

#### **Diwrnod penodedig: safleoedd sipsiwn a theithwyr awdurdod lleol**

2.—(1) 10 Gorffennaf 2013 yw’r diwrnod penodedig ar gyfer dwyn i rym y darpariaethau canlynol, i’r graddau y maent yn gymwys i Gymru—

- (a) adran 318 (safleoedd cartrefi symudol gwarchoddedig i gynnwys safleoedd ar gyfer sipsiwn a theithwyr) of the 2008 Act;
- (b) adran 321(1) (diddymiadau) o Ddeddf 2008 ac Atodlen 16 iddi, i’r graddau y mae a wnelont â’r diddymiadau canlynol—

persons engaged in travelling circuses, travelling together as such(1);

“local authority agreement” (“*cytundeb awdurdod lleol*”) means an agreement under which a person is entitled to station a mobile home on a local authority gypsy and traveller site in Wales;

“local authority gypsy and traveller site” (“*safle sipsiwn a theithwyr awdurdod lleol*”) means any land which is occupied by a local authority as a caravan site providing accommodation for gypsies and travellers;

“permanent pitch” (“*llain parhaol*”) means a pitch on which a person is entitled to station a mobile home under the terms of an agreement to which the 1983 Act applies and which is not a transit pitch;

“pitch” (“*llain*”) means land, forming part of a local authority gypsy and traveller site in Wales and including any garden area, on which a person is entitled to station a mobile home; and

“transit pitch” (“*llain bontio*”) means a pitch on which a person is entitled to station a mobile home, under the terms of an agreement to which the 1983 Act applies, for a fixed period of up to 3 months.

(3) Other expressions used, but not defined, in this Order and which are used in the 1983 Act have the same meaning in this Order as they have in the 1983 Act.

#### **Appointed day: local authority gypsy and traveller sites**

2.—(1) 10 July 2013 is the appointed day for the coming into force of the following provisions so far as relating to Wales—

- (a) section 318 (protected mobile home sites to include sites for gypsies and travellers) of the 2008 Act;
- (b) section 321(1) (repeals) of, and Schedule 16 to, the 2008 Act so far as they relate to the following repeals—

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(1) Mae adran 5 o Ddeddf Cartrefi Symudol 1983, cyn ei diwygio gan adran 318 o Ddeddf Tai ac Adfywio 2008 (p.17), yn darparu nad yw Deddf 1983 yn gymwys i dir a feddiennir gan awdurdod lleol fel safle carafannau sy’n darparu llety i ‘gypsies’. Diddymwyd y diffiniad o ‘gypsies’ y dibynnai’r eithriad hwnnw arno gan adran 80 o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33), er diffiniad gael ei arbed at y diben o ddehongli adran 5. Mae’r diffiniad hwn o ‘sipsiwn a theithwyr’ yn deillio o’r diffiniad hwnnw a arbedwyd.

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(1) Section 5 of the Mobile Homes Act 1983, before amendment by section 318 of the Housing and Regeneration Act 2008 (c.17), provides that the 1983 Act does not apply to land occupied by a local authority as a caravan site providing accommodation for gypsies. The definition of ‘gypsies’ which this exclusion relied upon was repealed by section 80 of the Criminal Justice and Public Order Act 1994 (c. 33), though it was saved for the purpose of interpreting section 5. This definition of ‘gypsies and travellers’ derives from that saved definition.

<i>Enw</i>	<i>Diddymiad</i>	<i>Title</i>	<i>Repeal</i>
Deddf Cartrefi Symudol 1983 (p.34)	Yn adran 5(1), yn y diffiniad o “protected site”, y geiriau o “does not include” i “that,”;	Mobile Homes Act 1983 (c.34)	In section 5(1), in the definition of “protected site”, the words from “does not include” to “that,”;
Deddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p.33)	Yn adran 80(4), y geiriau o “in the definition” i “1983 or”.	Criminal Justice and Public Order Act 1994 (c.33)	In section 80(4), the words from “in the definition” to “1983 or”.

(2) Mae paragraff (1) yn ddarostyngedig i erthyglau 3 i 7.

### **Lleiniau pontio: arbedion at ddibenion penodol o Ddeddf 1983**

3. Nid yw'r diddymiadau a wneir gan y darpariaethau a ddygir i rym gan erthygl 2 yn gymwys at ddibenion adrannau 1(3), (4) a (6) a 2(2) i (4) o Ddeddf 1983(1), i'r graddau y maent yn ymwneud â llain bontio.

### **Cytundebau presennol: darpariaeth drosiannol gyffredinol**

4. Mae Deddf 1983 yn gymwys i gytundeb presennol fel y byddai'n gymwys i gytundeb awdurdod lleol a wnaed wedi i'r darpariaethau a ddygir i rym gan erthygl 2 a Gorchymyn Deddf Cartrefi Symudol 1983 Ddiwygio Atodlen 1 a Diwygiadau Canlyniadol (Cymru) 2013(2) ddod i rym, ond mae hyn yn ddarostyngedig i erthygl 5.

### **Cytundebau presennol: datgymwysiaid trosiannol o delerau a rhwymedigaethau penodol**

5.—(1) Nid yw adrannau 1(2) i (9) a 2(2) i (4) o Ddeddf 1983 yn gymwys i gytundeb presennol.

(2) Mewn perthynas â chytundeb presennol—

- (i) os cychwynnir achos cyfreithiol y mae terfynu'r cytundeb yn fater sy'n codi ynddo cyn y diwrnod penodedig, nid yw paragraffau 3 a 4 (terfynu) o Bennod 3, na pharagraffau 3 i 6 o Bennod 4, o Ran 1 o Atodlen 1 i Ddeddf 1983 (pa bynnag Bennod sy'n gymwys yn yr achos penodol dan sylw) yn gymwys;

(2) Paragraph (1) is subject to articles 3 to 7.

### **Transit pitches: saving for certain purposes of the 1983 Act**

3. The repeals made by the provisions brought into force by article 2 do not apply for the purposes of sections 1(3), (4) and (6) and 2(2) to (4) of the 1983 Act(1), in so far as they relate to a transit pitch.

### **Existing agreements: general transitional provision**

4. The 1983 Act applies to an existing agreement as it would apply to a local authority agreement made after the coming into force of the provisions brought into force by article 2 and The Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (Wales) Order 2013(2), but this is subject to article 5.

### **Existing agreements: transitional disapplication of certain terms and obligations**

5.—(1) Sections 1(2) to (9) and 2(2) to (4) of the 1983 Act do not apply to an existing agreement.

(2) In relation to an existing agreement—

- (i) where proceedings are commenced before the appointed day in which termination of the agreement is at issue, paragraphs 3 and 4 (termination) of Chapter 3, or paragraphs 3 to 6 of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (whichever is applicable in the particular case) do not apply;

(1) 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.

(2) O.S. 2012/1723. (Cy. 167)

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

(2) S.I. 2012/1723. (W. 167)

- (ii) nid yw paragraff 8 (ailosod cartref symudol) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys i ofyniad bod hawl y meddiannydd i osod y cartref symudol yn arferadwy, am unrhyw gyfnod, mewn perthynas â llain arall os gwneir y gofyniad cyn y diwrnod penodedig;
  - (iii) nid yw paragraff 15(2) a (6) i (11) (ffi llain) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas â'r adolygiad cyntaf o'r ffi llain o dan y cytundeb hwnnw os yw dyddiad adolygu'r ffi llain, ar gyfer yr adolygiad hwnnw, o fewn 28 diwrnod i'r diwrnod penodedig;
  - (iv) nid yw paragraff 16 (ffi llain) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys os cyflawnwyd gwaith mewn perthynas â gwelliant cyn y diwrnod penodedig;
  - (v) ni cheir gorfodi paragraff 19(c) a (d) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno mewn perthynas ag unrhyw doriad o'r cytundeb sy'n digwydd o fewn 3 mis i'r diwrnod penodedig;
  - (vi) nid yw paragraff 19(e) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas â chostau a threuliau a dynnwyd cyn y diwrnod penodedig;
  - (vii) nid yw paragraff 20(f) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys pan fo gwaith mewn perthynas â'r gwelliannau yn cychwyn cyn y diwrnod penodedig, neu o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig; a
  - (viii) nid yw paragraff 20(g) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas ag unrhyw fater sy'n codi cyn y diwrnod penodedig, neu o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig.
- (ii) paragraph 8 (re-siting of mobile home) of Chapter 4 of Part 1 of that Schedule does not apply to a requirement that the occupier's right to station the mobile home is exercisable for any period in relation to another pitch where the requirement is made before the appointed day;
  - (iii) paragraph 15(2) and (6) to (11) (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply in relation to the first pitch fee review under that agreement where the pitch fee review date for that review is within 28 days of the appointed day;
  - (iv) paragraph 16 (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to an improvement were carried out before the appointed day;
  - (v) paragraph 19(c) and (d) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule may not be enforced in relation to any breach of the agreement which occurs within 3 months of the appointed day;
  - (vi) paragraph 19(e) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to costs and expenses incurred before the appointed day;
  - (vii) paragraph 20(f) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to the improvements start before, or within the period of 28 days beginning with, the appointed day; and
  - (viii) paragraph 20(g) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to any matter which arises before, or within the period of 28 days beginning with, the appointed day.

### **Cytundebau presennol: dyletswydd awdurdod lleol i ddarparu datganiad ysgrifenedig**

6.—(1) Mewn perthynas â chytundeb presennol ynghylch llain sydd, yn rhinwedd y Gorchymyn hwn, yn dod yn llain barhaol, rhaid i'r awdurdod lleol, o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig, roi i'r parti arall i'r cytundeb ddatganiad ysgrifenedig sy'n cydymffurfio â'r paragraffau canlynol.

- (2) Rhaid i'r datganiad ysgrifenedig—
  - (a) nodi enwau a chyfeiriadau'r partïon;
  - (b) cynnwys manylion am y llain sy'n ddigonol ar gyfer ei hadnabod;
  - (c) nodi'r telerau a gynhwysir yn benodol yn y cytundeb;
  - (d) nodi'r telerau a fydd yn oblygedig yn rhinwedd cymhwysio Deddf 1983 i'r cytundeb; ac
  - (e) bod yn y ffurf a bennir yn yr Atodlen i'r Gorchymyn hwn neu ffurf sydd â'r un effaith o ran ei sylwedd.

(3) Yn ddarostyngedig i baragraff (4), bydd unrhyw deler penodol a gynhwysir yn y cytundeb yn anorfodadwy gan awdurdod lleol neu gan unrhyw berson o fewn adran 3(1) o Ddeddf 1983, oni fydd y teler hwnnw wedi ei nodi mewn datganiad ysgrifenedig a roddwyd i'r parti arall yn unol â pharagraff (1).

(4) Os yw'r awdurdod lleol yn methu â rhoi i'r parti arall i'r cytundeb ddatganiad ysgrifenedig yn unol â pharagraff (1), caiff y parti arall, ar unrhyw adeg wedi i'r cyfnod o 28 diwrnod y cyfeirir ato yn y paragraff hwnnw ddod i ben, wneud cais i dribiwnlys am orchymyn sy'n gwneud yn ofynnol bod yr awdurdod lleol—

- (a) yn rhoi i'r parti hwnnw ddatganiad ysgrifenedig sy'n cydymffurfio â pharagraff (2)(a) i (e), a
- (b) yn gwneud hynny ddim hwyrach na'r cyfryw ddyddiad a bennir yn y gorchymyn.

(5) Ym mharagraff (4), mae i "tribiwnlys" yr ystyr a roddir i "tribunal" yn Neddf 1983 ac y mae awdurdodaeth tribiwnlys o dan y paragraff hwnnw i'w thrin fel awdurdodaeth o dan Ddeddf 1983.

(6) Ceir cyflwyno datganiad y mae'n ofynnol ei roi i berson o dan yr erthygl hon naill ai i'r person hwnnw'n bersonol neu ei anfon drwy'r post.

(7) Rhaid peidio â thrin datganiad ysgrifenedig o dan yr erthygl hon fel pe bai'n ddatganiad ysgrifenedig at ddibenion adran 1 neu 2 o Ddeddf 1983.

### **Existing agreements: local authority's duty to provide a written statement**

6.—(1) In relation to an existing agreement in respect of a pitch which, by virtue of this Order, becomes a permanent pitch, the local authority must within the period of 28 days beginning with the appointed day give to the other party to the agreement a written statement which complies with the following paragraphs.

- (2) The written statement must—
  - (a) specify the names and addresses of the parties;
  - (b) include particulars of the pitch that are sufficient to identify it;
  - (c) set out the express terms contained in the agreement;
  - (d) set out the terms to be implied terms by virtue of the application of the 1983 Act to the agreement; and
  - (e) be in the form set out in the Schedule to this Order or a form substantially to the same effect.

(3) Subject to paragraph (4), any express term contained in the agreement is unenforceable by a local authority or any person within section 3(1) of the 1983 Act if it was not set out in a written statement given to the other party in accordance with paragraph (1).

(4) Where the local authority fails to give the other party to the agreement a written statement in accordance with paragraph (1), the other party may, at any time after the 28 days mentioned in that paragraph has expired, apply to a tribunal for an order requiring the local authority—

- (a) to give the party a written statement which complies with paragraph (2)(a) to (e), and
- (b) to do so not later than such date as is specified in the order.

(5) In paragraph (4) "tribunal" has the same meaning as in the 1983 Act and a tribunal's jurisdiction under that paragraph is to be treated as jurisdiction under the 1983 Act.

(6) A statement required to be given to a person under this article may be either delivered to them personally or sent by post.

(7) A written statement under this article is not to be treated as a written statement for the purposes of section 1 or 2 of the 1983 Act.

(8) Rhaid peidio â thrin datganiad ysgrifenedig o dan yr erthygl hon fel pe bai'n ddatganiad ysgrifenedig at ddibenion Pennod 4 o Ran 1 o Atodlen 1 i Ddeddf 1983.

#### **Cytundebau presennol: arbediad cyffredinol**

7. Nid yw'r diddymiadau a wneir gan y darpariaethau a ddygir i rym gan erthygl 2 yn effeithio ar unrhyw hawl neu rwymedigaeth sydd wedi cronni mewn perthynas â chytundeb presennol, nac unrhyw rwymedi mewn perthynas ag unrhyw hawl neu rwymedigaeth o'r fath.

(8) A written statement under this article is to be treated as a written statement for the purposes of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act.

#### **Existing agreements: general saving**

7. The repeals made by the provisions brought into force by article 2 do not affect any right or liability which has accrued in relation to an existing agreement or any remedy in respect of any such right or liability.

*Huw Lewis*

Y Gweinidog Cymunedau a Threchu Tlodi, un o Weinidogion Cymru

12 Mehefin 2013

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

12 June 2013

YR ATODLEN Erthygl 6(2)

Datganiad Ysgrifenedig mewn perthynas  
â Deddf Cartrefi Symudol 1983

PWYSIG – OS GWELWCH YN DDA, DYLECH DDARLLEN Y DATGANIAD HWN YN OFALUS A’I GADW MEWN LLE DIOGEL. MAE’N NODI AR BA DELERAU Y MAE HAWL GENNYCH I GADW EICH CARTREF SYMUDOL AR Y SAFLE, AC YN RHOI GWYBOD AM YR HAWLIAU A RODDIR ICHI GAN Y GYFRAITH. OS OES RHYWBETH NAD YDYCH YN EI DDEALL, DYLECH OFYN AM GYNGOR (ER ENGHRAIFFT GAN GYFREITHIWR NEU GANOLFAN CYNGOR AR BOPETH).

RHAN 1

Telerau Penodol (ac eithrio’r rhai a bennir yn Rhan 4)

1. Mae Deddf Cartrefi Symudol 1983 (“Deddf 1983”) yn gymwys i’r cytundeb.

**Partïon i’r cytundeb**

2. Y partïon i’r cytundeb yw—

.....  
.....

*(Enw a chyfeiriad person sydd â hawl i osod cartref symudol ar y llain)*

.....  
.....

*(Enw a chyfeiriad yr awdurdod lleol)*

**Dyddiad cychwyn**

3. Dechreuodd y cytundeb ar.....  
*(Mewnosoder dyddiad)*

**Manylion am y llain**

4. Manylion y tir lle mae hawl gennych i osod eich cartref symudol yw—

.....  
.....  
.....  
.....  
.....  
.....

SCHEDULE Article 6(2)

Written Statement in relation to the  
Mobile Homes Act 1983

IMPORTANT – PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU ARE ENTITLED TO KEEP YOUR MOBILE HOME ON SITE AND TELLS YOU ABOUT THE RIGHTS WHICH ARE GIVEN TO YOU BY LAW. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

PART 1

Express Terms (other than those specified in Part 4)

1. The Mobile Homes Act 1983 (“the 1983 Act”) applies to the agreement.

**Parties to the agreement**

2. The parties to the agreement are—

.....  
.....

*(Name and address of person entitled to station a mobile home on the pitch)*

.....  
.....

*(Name and address of the local authority)*

**Start date**

3. The agreement began on.....  
*(Insert date)*

**Particulars of the pitch**

4. The particulars of the land on which you are entitled to station your mobile home are—

.....  
.....  
.....  
.....  
.....  
.....

**Plan**

5. Mae plan wedi ei atodi i'r datganiad hwn, sy'n dangos—

- (a) maint a lleoliad y llain;
- (b) maint y sylfaen y gosodir y cartref symudol arni; ac
- (c) mesuriadau o'r pellteroedd rhwng y llain a'r sylfaen a phwyntiau sefydlog y gellir eu hadnabod ar y safle.

**Buddiant yr awdurdod lleol**

6. Bydd ystâd neu fuddiant yr awdurdod lleol yn y tir yn dod i ben ar.....  
(*Os yw'r datganiad hwn yn gymwys, mewnosoder dyddiad*); neu

Bydd caniatâd cynllunio'r awdurdod lleol ar gyfer y safle yn dod i ben ar.....  
(*Os yw'r datganiad hwn yn gymwys, mewnosoder dyddiad*)

Mae hyn yn golygu na fydd eich hawl i aros ar y safle yn parhau y tu hwnt i'r naill neu'r llall o'r dyddiadau hyn, oni fydd buddiant yr awdurdod lleol neu'r caniatâd cynllunio yn cael ei estyn. (*Os un, yn unig o'r datganiadau hyn sy'n gymwys, dilêwch y geiriau nad ydynt yn gymwys. Os nad oes yr un o'r datganiadau hyn yn gymwys, dilêwch y paragraff hwn*).

**Ffi llain**

7. Mae'r ffi llain yn daladwy yn wythnosol/ misol/ chwarterol /blyneddol. (*Dileer y geiriau nad ydynt yn gymwys*)

Y ffi llain yw.....

Mae'r gwasanaethau canlynol wedi eu cynnwys yn y ffi llain—

Dŵr

Carthffosiaeth

.....

.....

(*Dilêwch y gwasanaethau nad ydynt wedi eu cynnwys ac ychwanegwch unrhyw wasanaethau eraill sydd wedi eu cynnwys yn y ffi llain*)

**Adolygu'r ffi llain**

8. Bydd y ffi llain yn cael ei hadolygu ar .....

Y dyddiad hwn yw'r dyddiad adolygu.

**Plan**

5. Attached to this statement is a plan showing—

- (a) the size and location of the pitch;
- (b) the size of the base on which the mobile home is stationed; and
- (c) measurements between identifiable fixed points on the site and the pitch and base.

**Local authority's interest**

6. The local authority's estate or interest in the land will end on.....  
(*If this statement applies insert date*); or

The local authority's planning permission for the site will end on .....  
(*If this statement applies insert date*)

This means that your right to stay on the site will not continue after either of these dates unless the local authority's interest or planning permission is extended. (*If only one of these statements applies, cross out the words which do not apply. If neither of these statements apply, delete this paragraph*).

**Pitch fee**

7. The pitch fee is payable weekly/monthly/quarterly/annually.  
(*Cross out the words which do not apply*)

The pitch fee is.....

The following services are included in the pitch fee—

Water

Sewerage

.....

.....

(*Cross out the services which are not included and add any others which are included in the pitch fee*)

**Review of pitch fee**

8. The pitch fee will be reviewed on .....

This date is the review date.

## Ffioedd ychwanegol

9. Codir ffi ychwanegol am y materion canlynol—

.....  
.....  
.....

*(Rhestrwch y materion y codir ffi ychwanegol amdanynt)*

## Additional charges

9. An additional charge is made for the following matters—

.....  
.....  
.....

*(List the matters for which an additional charge is made)*

## RHAN 2

### Gwybodaeth am eich hawliau

#### Deddf 1983

1. Oherwydd bod gennych gytundeb gydag awdurdod lleol sy'n rhoi ichi'r hawl i gadw eich cartref symudol ar safle'r awdurdod ac i fyw ynndo fel cartref i chi, mae gennych hawliau penodol o dan Ddeddf 1983, sy'n effeithio'n benodol ar ddiogelwch eich deiliadaeth ac ar yr adolygiad o'r ffi llain.

#### Telerau goblygedig

2. Mae'r hawliau hyn, sy'n gynwysedig yn y telerau goblygedig a nodir yn Rhan 3 o'r datganiad hwn, yn gymwys yn awtomatig, ac ni ellir eu gwrthwneud, cyhyd ag y bydd eich cytundeb yn parhau'n gytundeb y mae Deddf 1983 yn gymwys iddo.

#### Telerau penodol

3. Os nad ydych yn fodlon ar unrhyw un o'r telerau penodol yn eich cytundeb (fel y'u nodir yn Rhan 4 o'r datganiad hwn), dylech eu trafod gyda'r awdurdod lleol, a allai gytuno i'w newid.

#### Telerau annheg

4. Os ydych o'r farn bod unrhyw un o delerau penodol y cytundeb (fel y'u nodir yn Rhan 4 o'r datganiad hwn) yn annheg, cewch gwyno yn unol â darpariaethau Rheoliadau Telerau Annheg mewn Contractau Defnyddwyr 1999(1), wrth y Swyddfa Masnachu Teg neu wrth unrhyw gorff cymwys.

## PART 2

### Information about your rights

#### The 1983 Act

1. Because you have an agreement with a local authority which entitles you to keep your mobile home on its site and live in it as your home, you have certain rights under the 1983 Act, affecting in particular your security of tenure and the review of the pitch fee.

#### Implied terms

2. These rights, which are contained in the implied terms set out in Part 3 of this statement, apply automatically and cannot be overridden, so long as your agreement continues to be one to which the 1983 Act applies.

#### Express terms

3. If you are not happy with any of the express terms of your agreement (as set out in Part 4 of this statement) you should discuss them with the local authority, who may agree to change them.

#### Unfair terms

4. If you consider that any of the express terms of the agreement (as set out in Part 4 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999(1), complain to the Office of Fair Trading or any qualifying body.

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(1) O.S. 1999/2083.

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(1) S.I. 1999/2083.



### RHAN 3

#### Telerau Goblygedig

O dan Ddeddf 1983, mae rhai telerau wedi eu cynnwys yn awtomatig yn eich cytundeb. Pennir y telerau hyn yn Rhan 1 o Atodlen 1 i Ddeddf 1983.

*(Y telerau goblygedig i'w mewnosod gan yr awdurdod lleol)*

### PART 3

#### Implied Terms

Under the 1983 Act certain terms are automatically included in your agreement. These implied terms are set out in Part 1 of Schedule 1 to the 1983 Act.

*(Implied terms to be inserted by the local authority)*

### RHAN 4

#### Telerau penodol y cytundeb

Mae'r rhan hon o'r cytundeb ysgrifenedig yn nodi telerau eraill y cytundeb, a gytunwyd rhyngoch chi a'r awdurdod lleol, yn ychwanegol at y telerau goblygedig.

*(Y telerau penodol i'w mewnosod gan yr awdurdod lleol)*

### PART 4

#### Express terms of the agreement

This part of the written statement sets out other terms of the agreement which are agreed between you and the local authority in addition to the implied terms.

*(Express terms to be inserted by the local authority)*





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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 1469 (Cy. 140) (C. 57)**

**2013 No. 1469 (W. 140) (C. 57)**

**TAI, CYMRU**

**HOUSING, WALES**

Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 3 a  
Darpariaethau Trosiannol, Darfodol  
ac Arbed) (Cymru) 2013

The Housing and Regeneration Act  
2008 (Commencement No. 3 and  
Transitional, Transitory and Saving  
Provisions) (Wales) Order 2013

