



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 100 (Cy. 24) (C. 12)

2018 No. 100 (W. 24) (C. 12)

TAI, CYMRU

HOUSING, WALES

Gorchymyn Deddf Diddymu'r
Hawl i Brynu a Hawliau
Cysylltiedig (Cymru) 2018
(Cychwyn a Darpariaethau Arbed)
2018

The Abolition of the Right to Buy
and Associated Rights (Wales) Act
2018 (Commencement and Saving
Provisions) Order 2018

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 Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018 ("y Ddeddf").

This Order brings into force provisions of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 ("the Act").

Mae erthygl 2 yn penodi 26 Ionawr 2019 fel y dyddiad y daw adrannau 6 a 7 o'r Ddeddf i rym. Mae'r adrannau hyn yn diddymu'r hawl i brynu a'r hawl i gaffael, ac yn cael gwared ar y pŵer i roi grantiau mewn cysylltiad â gwaredu am bris gostyngol ac eithrio yn unol â'r hawl i gaffael.

Article 2 appoints 26 January 2019 for the coming into force of sections 6 and 7 of the Act which abolish the right to buy and the right to acquire, and remove the power to make grants in respect of discounts on disposals otherwise than in pursuance of the right to acquire.

Mae erthygl 3 yn gwneud darpariaeth arbed i sicrhau y parheir i fwrw ymlaen ag unrhyw hawliadau i arfer yr hawl i brynu neu'r hawl i gaffael a gyflwynir i'r landlord cyn 26 Ionawr 2019 o dan ddeddfwriaeth nad yw bellach yn gymwys fel arall mewn perthynas ag anheddau yng Nghymru. Mae'r ddarpariaeth arbed hon hefyd yn sicrhau y bydd y ddeddfwriaeth sydd mewn grym ar 25 Ionawr 2019 yn parhau i fod yn gymwys i werthiannau a wneir o dan yr hawl i brynu a'r hawl i gaffael. Mae hyn yn golygu y bydd dyletswyddau presennol, er enghraifft y ddyletswydd i ad-dalu disgownt os caiff eiddo ei ailwerthu o fewn 5 mlynedd, yn parhau i fod yn gymwys.

Article 3 makes saving provision to ensure that any claims to exercise the right to buy or the right to acquire which are served on the landlord before the 26 January 2019 will continue to be progressed under legislation that otherwise no longer applies in relation to dwellings in Wales. This saving provision also ensures that the legislation in force on 25 January 2019 will continue to apply to sales made under the right to buy and the right to acquire. This means that existing duties, for example, to repay discount upon resale within 5 years, will continue to apply.

Mae erthygl 4 yn gwneud darpariaeth arbed i gadw effaith adran 21 o Ddeddf Tai 1996 mewn perthynas ag unrhyw warediadau a wneir cyn 26 Ionawr 2019.

Article 4 makes saving provision to preserve the effect of section 21 of the Housing Act 1996 in relation to any disposals made before 26 January 2019.

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Gwnaed

29 Ionawr 2018

Made

29 January 2018

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 11(3) a (5) o Ddeddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018(1).

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 11(3) and (5) of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018(1).

Enwi a dehongli

Title and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018 (Cychwyn a Darpariaethau Arbed) 2018.

1.—(1) The title of this Order is the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (Commencement and Saving Provisions) Order 2018.

(2) Yn y Gorchymyn hwn—

ystyr “Deddf 1985” (“*the 1985 Act*”) yw Deddf Tai 1985(2);

(2) In this Order—

“the Act” (“*y Ddeddf*”) means the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018.

“the 1985 Act” (“*Deddf 1985*”) means the Housing Act 1985(2).

Y diwrnod penodedig

Appointed day

2.26 Ionawr 2019 yw'r diwrnod penodedig i'r darpariaethau a ganlyn o'r Ddeddf ddod i rym—

2.26 January 2019 is the appointed day for the coming into force of the following provisions of the Act—

(a) adran 6 (diddymu'r hawl i brynu a'r hawl i gaffael) a 7 (dileu'r pŵer i roi grantiau mewn cysylltiad â disgowntiau); a

(a) sections 6 (abolition of the right to buy and the right to acquire) and 7 (removal of power to make grants in respect of discounts); and

(1) 2018 decc 1.
(2) 1985 p. 68.

(1) 2018 anaw 1.
(2) 1985 c. 68.

- (b) Atodlen 1 (diwygiadau a diddymiadau canlyniadol)(1).

- (b) Schedule 1 (consequential amendments and repeals)(1).

Darpariaethau arbed

3.—(1) Mae is-baragraff (2) yn gymwys—

- (a) pan fo hysbysiad wedi ei gyflwyno i'r landlord yn unol ag adran 122 o Ddeddf 1985(2) cyn 26 Ionawr 2019; a
- (b) i unrhyw roddiad a wneir yn unol ag adran 138(1) o Ddeddf 1985, gan ddilyn ymlaen o hysbysiad o'r fath.

(2) Er gwaethaf y ffaith bod adran 6 o'r Ddeddf, ac Atodlen 1 iddi, wedi dod i rym, mae'r darpariaethau a ddiwygir, a addesir neu a ddiddymir gan y darpariaethau hynny yn parhau i gael effaith fel yr oeddent yn cael effaith ar 25 Ionawr 2019.

4.—(1) Er gwaethaf y ffaith bod adran 7 o'r Ddeddf wedi dod i rym, mae adran 21 o Ddeddf Tai 1996(3) yn parhau i gael effaith fel yr oedd yn cael effaith ar 25 Ionawr 2019 mewn perthynas ag unrhyw warediadau a wneir y caiff yr adran honno fod yn gymwys iddynt cyn 26 Ionawr 2019.

Saving provisions

3.—(1) Sub-paragraph (2) applies—

- (a) where a notice has been served on the landlord in accordance with section 122 of the 1985 Act(2) before 26 January 2019; and
- (b) to any grant made in accordance with section 138(1) of the 1985 Act, following on from such notice.

(2) Notwithstanding the coming into force of section 6 of, and Schedule 1 to, the Act, the provisions amended, modified or repealed by those provisions continue to have effect as they had effect on 25 January 2019.

4.—(1) Notwithstanding the coming into force of section 7 of the Act, section 21 of the Housing Act 1996(3) continues to have effect as it had effect on 25 January 2019 in relation to any disposals made to which that section may apply before 26 January 2019.

Rebecca Evans

Y Gweinidog Tai ac Adfywio, o dan awdurdod Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

29 Ionawr 2018

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Minister for Housing and Regeneration, under the authority of the Cabinet Secretary for Local Government and Public Services, one of the Welsh Ministers
29 January 2018

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(1) Cyflwynir Atodlen 1 (sy'n gwneud diwygiadau a diddymiadau canlyniadol) gan adran 6(3) o'r Ddeddf.

(2) Addaswyd Rhan 5 gan Orchymyn Tai (Ymestyn yr Hawl i Brynu) 1993 (O.S. 1993/2240), Rheoliadau Tai (Cadw'r Hawl i Brynu) 1993 (O.S. 1993/2241) a Rheoliadau Tai (Hawl i Gaffael) 1997 (O.S. 1997/619).

(3) 1996 p. 52. Diwygiwyd adran 21 gan adrannau 218 a 266 o Ddeddf Tai 2004, a pharagraffau 7 a 10 o Atodlen 11, ac Atodlen 16, iddi, adrannau 61 a 185 o Ddeddf Tai ac Adfywio 2008, a Gorchymyn Deddf Tai ac Adfywio 2008 (Cofrestru Awdurdodau Lleol) 2010 (O.S. 2010/844).

(1) Schedule 1 (which makes consequential amendments and repeals) is introduced by section 6(3) of the Act.

(2) Part 5 has been modified by the Housing (Extension of the Right to Buy) Order 1993 (S.I. 1993/2240), the Housing (Preservation of the Right to Buy) Regulations 1993 (S.I. 1993/2241), and the Housing (Right to Acquire) Regulations 1997 (S.I. 1997/619).

(3) 1996 c. 52. Section 21 has been amended by sections 218, and 266 of, and paragraphs 7 and 10 of Schedule 11, and Schedule 16 to, the Housing Act 2004, sections 61 and 185 of the Housing and Regeneration Act 2008, and the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844).

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