



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 3012 (Cy.284) (C.96)

2002 No. 3012 (W.284) (C.96)

TAI, CYMRU

HOUSING, WALES

Gorchymyn Deddf Diwygio
Deiliadaeth ar y Cyd a Lesddaliad
2002 (Cychwyn Rhif 1, Arbedion a
Darpariaethau Trosiannol) (Cymru)
2002

The Commonhold and Leasehold
Reform Act 2002 (Commencement
No.1, Savings and Transitional
Provisions) (Wales) Order
2002

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 ar 1 Ionawr 2003 yn dwyn i rym ddarpariaethau amrywiol o Ddeddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002 mewn perthynas â Chymru, yn ddarostyngedig i'r darpariaethau trosiannol ac arbedion yn Atodlen 2.

This Order brings into force on 1st January 2003 various provisions of the Commonhold and Leasehold Reform Act 2002 in relation to Wales, subject to the transitional provisions and savings in Schedule 2.

Mae'r darpariaethau yn darparu ar gyfer newidiadau i'r canlynol:

The provisions provide for changes to:

- (a) rhyddfrefiniad torfol gan denantiaid fflatiau: adrannau 114 i 120, 125, 127 i 128;
- (b) caffael prydles newydd i denantiaid fflatiau: adrannau 129 i 136;
- (c) rhyddfrefiniad ac estyn prydles gan denantiaid tai: adrannau 137 i 147;
- (ch) ceisiadau i dribiwnlys prisio lesddaliad i benodi rheolwr ar bloc o fflatiau: adrannau 160 a 161; a
- (d) y seiliau dros wneud cais i amrywio prydles: adran 162.

- (a) collective enfranchisement by tenants of flats: sections 114 to 120, 125, 127 to 128;
- (b) acquisition of new leases for tenants of flats: sections 129 to 136;
- (c) enfranchisement and lease extension by tenants of houses: sections 137 to 147;
- (d) applications to a leasehold valuation tribunal for the appointment of a manager to a block of flats: sections 160 and 161; and
- (e) the grounds for applying to vary a lease: section 162.

Mae'r Gorchymyn hefyd yn dwyn i rym ddiwygiadau canlyniadol a diddymiadau mewn Deddfau eraill.

The Order also brings into force consequential amendments and repeals in other Acts.

2002 Rhif 3012 (Cy 284) (C.96)**2002 No. 3012 (W.284) (C.96)****TAI, CYMRU****HOUSING, WALES****Gorchymyn Deddf Diwygio
Deiliadaeth ar y Cyd a Lesddaliad
2002 (Cychwyn Rhif 1, Arbedion a
Darpariaethau Trosiannol) 2002****The Commonhold and Leasehold
Reform Act 2002 (Commencement
No. 1, Savings and Transitional
Provisions) (Wales) Order 2002***Wedi'i wneud**4 Rhagfyr 2002**Made**4th December 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 181 o Ddeddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002(a) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by section 181 of the Commonhold and Leasehold Reform Act 2002(a), and of all other powers enabling it in that behalf, hereby makes the following Order:

Enwi, dehongli a chymhwyso**Citation, interpretation and extent**

1.-(1) Enw'r Gorchymyn hwn Gorchymyn Deddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002 (Cychwyn Rhif 1, Arbedion a Darpariaethau Trosiannol) (Cymru) 2002.

1.-(1) This Order may be cited as the Commonhold and Leasehold Reform Act 2002 (Commencement No.1, Savings and Transitional Provisions) (Wales) Order 2002.

(2) Yn y Gorchymyn hwn -

(2) In this Order -

ystyr "Deddf 1967" ("*the 1967 Act*") yw Deddf Diwygio Lesddaliad 1967(b);

"the 1967 Act" ("*Deddf 1967*") means the Leasehold Reform Act 1967(b);

ystyr "Deddf 1993" ("*the 1993 Act*") yw Deddf Diwygio Lesddaliad, Tai a Datblygu Trefol 1993(c);

"the 1993 Act" ("*Deddf 1993*") means the Leasehold Reform, Housing and Urban Development Act 1993(c);

ystyr "y dyddiad cychwyn" ("*the commencement date*") yw 1 Ionawr 2003; ac mae cyfeiriadau at adrannau ac atodlenni, oni nodir yn wahanol, yn gyfeiriadau at adrannau o Ddeddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002 ac at Atodlenni iddi.

"the commencement date" ("*y dyddiad cychwyn*") means 1st January 2003; and

references to sections and schedules are, unless otherwise stated, references to sections of, and Schedules to, the Commonhold and Leasehold Reform Act 2002.

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

(3) This Order applies to Wales only.

Darpariaethau sy'n dod i rym ar y dyddiad cychwyn**Provisions coming into force on the commencement date**

2. Bydd y darpariaethau canlynol yn Neddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002 dod i rym ar y

2. The following provisions of the Commonhold and Leasehold Reform Act 2002 shall come into force on

(a) 2002 p.15. Caiff Cynulliad Cenedlaethol Cymru arfer y pŵer o dan yr adran hon ynghylch Cymru yn unig- gweler adran 181(4)(b) o Ddeddf Diwygio Deiliadaeth ar y Cyd a Lesddaliad 2002.

(a) 2002 c.15. The National Assembly for Wales can exercise the power under this section only as respects Wales - see section 181(4)(b) of the Commonhold and Leasehold Reform act 2002.

(b) 1967 p.88.

(b) 1967 c.88.

(c) 1993 p.28.

(c) 1993 c.28.

dyddiad cychwyn -

- (a) adrannau 114, 129, 132, 133, 137 a 142;
- (b) yn ddarostyngedig i ddarpariaethau trosiannol ac arbedion yn Atodlen 2 i'r Gorchymyn hwn -
 - (i) adrannau 115 i 120, 125, 127, 128, 130, 131, 134 i 136, 138 i 141, 143 i 147, 160 i 162; a
 - (ii) adran 180 i'r graddau y mae'n berthnasol i'r diddymiadau hynny yn Atodlen 14 a nodir yn Atodlen 1 i'r Gorchymyn hwn;
- (c) adrannau 74, 78, 80, 84, 92, 110, 122, 151 to 153, 156, 164, 166, 167, 171, 174 ac Atodlen 12, i'r graddau y maent yn rhoi pŵer i wneud rheoliadau.

the commencement date -

- (a) sections 114, 129, 132, 133, 137 and 142;
- (b) subject to the transitional provisions and savings in Schedule 2 to this Order -
 - (i) sections 115 to 120, 125, 127, 128, 130, 131, 134 to 136, 138 to 141, 143 to 147, 160 to 162; and
 - (ii) section 180 in so far as it relates to those of the repeals in Schedule 14 which are set out in Schedule 1 to this Order;
- (c) sections 74, 78, 80, 84, 92, 110, 122, 151 to 153, 156, 164, 166, 167, 171, 174 and Schedule 12, in so far as they confer power to make regulations.

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

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

4 Rhagfyr 2002

4th December 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN 1

Erthygl 2(b)(ii)

DIDDYMIADAU**RHAN 1**

<i>Pennod</i>	<i>Teitl Byr</i>	<i>Cwmpas y Diddymiad</i>
1993 p.28	Deddf Lesddaliad, Tai a Datblygu Trefol 1993	Yn adran 5 - yn is-adran (1), y geiriau "which is at a low rent or for a particularly long term", ac yn is-adran (2)(c), y geiriau "at a low rent or for a particularly long term". Adran 6. Yn adran 7(3), y geiriau "at a low rent". Adran 8. Adran 8A. Yn adran 10 - is-adrannau (2), (3) a (4A), a yn is-adran (6), y diffiniad o "qualifying tenant". Yn adran 13 - yn is-adran (2), is-baragraff (i) o baragraff (b) a'r geiriau sy'n dilyn y paragraff hwnnw, ac yn is-adran (3)(e), y geiriau "the following particulars", y gair "namely" ac is-baragraffau (ii) a (iii).
1996 p.52	Deddf Tai 1996	Adran 105(3). Adran 111. Yn Atodlen 9, paragraff 3 ac is-baragraffau 5(2) a (3). Yn Atodlen 10, paragraff 4.

RHAN 2

<i>Pennod</i>	<i>Teitl Byr</i>	<i>Cwmpas y Diddymiad</i>
1993 p.28	Deddf Lesddaliad, Tai a Datblygu Trefol 1993	Yn adran 39 - yn is-adran (2), paragraff (b) a'r gair "and" o'i flaen, is-adrannau (2A) a (2B), is-adran nau (3)(c) a (d), ac is-adrannau (4A) a (5). Adran 42(3)(b)(iii) a (iv) a (4). Yn adran 45(5), y geiriau "and (b)". Adran 62(4). yn adran 94 - yn is-adrannau (3) a (4), y geiriau "which is at a low rent or for a particularly long term", yn is-adran (12), y geiriau "which is at a low rent or for a particularly long term" a'r geiriau ", 8 and 8A". Yn Atodlen 13, ym mharagraff 1, y diffiniad o "the valuation date".
1996 p.52	Deddf Tai 1996	Adran 112. Yn Atodlen 9, paragraff 4.

RHAN 3

<i>Pennod</i>	<i>Teitl Byr</i>	<i>Cwmpas y Diddymiad</i>
1967 p.88	Deddf Diwygio Lesddaliad 1967	<p>Yn adran 1 - yn is-adran (1), y geiriau ", occupying the house as his residence," a'r geiriau ", and occupying as his residence," is-adran (2), a yn is-adran (3)(a) y geiriau "and occupied by".</p> <p>yn adran 1AA - yn is-adran (1)(b), y geiriau "falls within subsection (2) below and", ac is-adrannau (2) a (4).</p> <p>Yn adran 2 - yn is-adran (3), y geiriau "and occupied by" a'r geiriau o "and are occupied" hyd at y diwedd, ac yn is-adran (4) y geiriau "or a subletting".</p> <p>Yn adran 3(3) y geiriau ", except section 1AA,".</p> <p>Yn adran 6 - yn is-adran (2), y geiriau "in respect of his occupation of the house", ac yn is-adran (5) y geiriau "or statutory owners, as the case may be," a'r geiriau "or them".</p> <p>Yn adran 7 - yn is-adran (1) y geiriau "while occupying it as his residence", y geiriau ", and occupying the house as his residence" a pharagraff (b) a'r gair "and" o'i flaen, yn is-adran (4), y geiriau "while so occupying the house" a'r geiriau "occupying in right of the tenancy", ac is-adran (6).</p> <p>Yn adran 9 - yn is-adran (1), y geiriau "who reside in the house", yn is-adran (1A)(a) y geiriau "and where the tenancy has been extended under this Part of this Act that the tenancy will terminate on the original term date" ac is-adran (1C)(a).</p> <p>Yn adran 16 - is-adran (1)(a), yn is-adran (2), y geiriau "or occupied", y geiriau "(a) or" a'r geiriau "the freehold or", yn is-adran (3), y geiriau "the freehold or" a'r amod, ac yn is-adran (4) y geiriau "the freehold or".</p> <p>Yn adran 37 - yn is-adran (4) y geiriau ", except section 1AA," ac yn is-adran (5), y geiriau o'r dechrau hyd at "but".</p> <p>Yn Atodlen 3, ym mharagraff 6, is-baragraff (1)(d) ac, yn is-baragraff (2) y geiriau "and (d)".</p> <p>Yn Atodlen 4A, ym mharagraff 3(2)(d), y gair "assign".</p>
1980 p.51	Deddf Tai 1980	Yn Atodlen 21, paragraff 1.
1989 p.42.	Ddeddf Llywodraeth Leol a Thai 1989	Atodlen 11, paragraff 10.

SCHEDULE 1

Article 2(b)(ii)

REPEALS

PART 1

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1993 c.28	Leasehold Reform, Housing and Urban Development Act 1993	In section 5 - in subsection (1), the words "which is at a low rent or for a particularly long term", and in subsection (2)(c), the words "at a low rent or for a particularly long term". Section 6. In section 7(3), the words "at a low rent". Section 8. Section 8A. In section 10 - subsections (2), (3) and (4A), and in subsection (6), the definition of "qualifying tenant". In section 13 - in subsection (2), sub-paragraph (i) of paragraph (b) and the words following that paragraph, and in subsection (3)(e), the words "the following particulars", the word "namely" and sub-paragraphs (ii) and (iii).
1996 c.52	Housing Act 1996	Section 105(3). Section 111. In Schedule 9, paragraph 3 and sub-paragraphs 5(2) and (3). In Schedule 10, paragraph 4.

PART 2

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1993 c.28	Leasehold Reform, Housing and Urban Development Act 1993	In section 39 - in subsection (2), paragraph (b) and the word "and" before it, subsections (2A) and (2B), subsections (3)(c) and (d), and subsections (4A) and (5). Section 42(3)(b)(iii) and (iv) and (4). In section 45(5), the words "and (b)". Section 62(4). In section 94 - in subsections (3) and (4), the words "which is at a low rent or for a particularly long term", in subsection (12), the words "which is at a low rent or for a particularly long term" and the words ", 8 and 8A". In Schedule 13, in paragraph 1, the definition of "the valuation date".
1996 c.52	Housing Act 1996	Section 112. In Schedule 9, paragraph 4.

PART 3

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1967 c.88	Leasehold Reform Act 1967	<p>In section 1 - in subsection (1), the words ", occupying the house as his residence," and the words ", and occupying it as his residence," subsection (2), and in subsection (3)(a) the words "and occupied by".</p> <p>In section 1AA - in subsection (1)(b), the words "falls within subsection (2) below and", and subsections (2) and (4).</p> <p>In section 2 - in subsection (3), the words "and occupied by" and the words from "and are occupied" to the end, and in subsection (4) the words "or a subletting".</p> <p>In section 3(3) the words ", except section 1AA,".</p> <p>In section 6 - in subsection (2), the words "in respect of his occupation of the house", and in subsection (5) the words "or statutory owners, as the case may be," and the words "or them".</p> <p>In section 7 - in subsection (1) the words "while occupying it as his residence", the words ", and occupying the house as his residence," and paragraph (b) and the word "and" before it, in subsection (4), the words "while so occupying the house" and the words "occupying in right of the tenancy", and subsection (6).</p> <p>In section 9 - in subsection (1), the words "who reside in the house", in subsection (1A)(a) the words "and where the tenancy has been extended under this Part of this Act that the tenancy will terminate on the original term date" and subsection (1C)(a).</p> <p>In section 16 - subsection (1)(a), in subsection (2), the words "or occupied", the words "(a) or" and the words "the freehold or", in subsection (3), the words "the freehold or" and the proviso, and in subsection (4) the words "the freehold or".</p> <p>In section 37 - in subsection (4) the words ", except section 1AA," and in subsection (5), the words from the beginning to "but".</p> <p>In Schedule 3, in paragraph 6, sub-paragraph (1)(d) and, in sub-paragraph (2) the words "and (d)".</p> <p>In Schedule 4A, in paragraph 3(2)(d), the word "assign".</p>
1980 c.51	Housing Act 1980	In Schedule 21, paragraph 1.
1989 c.42	Local Government and Housing Act 1989	Schedule 11, paragraph 10.

ATODLEN 2

Erthygl 2(b)

DARPARIAETHAU TROSIANNOL AC ARBEDION

Rhyddfrefiniad torfol gan denantiaid ar fflatiau:

1. Ni fydd y diwygiadau a wnaed i Ddeddf 1993 gan adrannau 115 i 120, 125 a 127 i 128 a'r diddymiaidau yn Rhan 1 o Atodlen 1 i'r Gorchymyn hwn yn cael effaith mewn perthynas â chais am ryddfrefiniad torfol -

- (a) y rhoddwyd hysbysiad o dan adran 13 o Ddeddf 1993 mewn perthynas ag ef; neu
- (b) y gwnaed cais am orchymyn o dan adran 26 o'r Ddeddf honno cyn y dyddiad cychwyn mewn perthynas ag ef.

2. Hyd nes y daw adrannau 121 i 124 i rym, mewn achos lle nad oes ond dau denant cymwys o fflatiau a gynhwysir yn yr adeiladau, ni chaiff adran 13(2)(b) o Ddeddf 1993 fel y'i diwygiwyd gan adran 119 ei bodloni oni bydd y ddau denant yn denantiaid sy'n cyfranogi yn ôl y diffiniad o "participating tenants" yn adran 14 o'r Ddeddf honno.

3. Bydd is-baragraff (2A) o baragraff 4 o Atodlen 6 i Ddeddf 1993 a fewnosodwyd gan adran 128, hyd nes y dygir adrannau 121 i 124 i rym, yn cael effaith fel pe bai'r cyfeiriad at aelodau sy'n cyfranogi yn gyfeiriad at denantiaid sy'n cyfranogi yn ôl y diffiniad o "participating tenants" yn adran 14 o'r Ddeddf honno.

Prydlesi newydd i denantiaid fflatiau

4. Ni fydd y diwygiadau a wnaed i Ddeddf 1993 gan adrannau 130, 131 a 134 i 136, y diddymiaidau o adrannau 5, 7, 8 ac 8A o'r Ddeddf honno yn Rhan 1 o Atodlen 1 i'r Gorchymyn hwn a'r diddymiaidau yn Rhan 2 o'r Atodlen honno yn cael effaith mewn perthynas â chais am brydles newydd o fflat -

- (a) y rhoddwyd hysbysiad o dan adran 42 o Ddeddf 1993 mewn perthynas ag ef; neu
- (b) y gwnaed cais am orchymyn o dan adran 50 o'r Ddeddf honno

cyn y dyddiad cychwyn mewn perthynas ag ef.

SCHEDULE 2

Article 2(b)

TRANSITIONAL PROVISIONS AND SAVINGS

Collective enfranchisement by tenants of flats

1. The amendments made to the 1993 Act by sections 115 to 120, 125 and 127 to 128 and the repeals in Part 1 of Schedule 1 to this Order shall not have effect in relation to an application for collective enfranchisement in respect of which -

- (a) a notice was given under section 13 of the 1993 Act; or
- (b) an application was made for an order under section 26 of that Act before the commencement date.

2. Until the coming into force of sections 121 to 124, in a case where there are only two qualifying tenants of flats contained in the premises, section 13(2)(b) of the 1993 Act as amended by section 119, shall not be satisfied unless both tenants are participating tenants as defined in section 14 of that Act.

3. Sub-paragraph (2A) of paragraph 4 of Schedule 6 to the 1993 Act inserted by section 128, shall, until the coming into force of sections 121 to 124, have effect as if the reference to participating members were a reference to participating tenants as defined in section 14 of that Act.

New leases for tenants of flats

4. The amendments made to the 1993 Act by sections 130, 131 and 134 to 136, the repeals to sections 5, 7, 8 and 8A of that Act in Part 1 of Schedule 1 to this Order and the repeals in Part 2 of that Schedule shall not have effect in relation to an application for a new lease of a flat in respect of which-

- (a) a notice was given under section 42 of the 1993 Act, or
- (b) an application was made for an order under section 50 of that Act

before the commencement date.

Rhyddfrefniad ac estyn prydles ar gyfer tai ar lesddaliad

5. Ni fydd y diwygiadau a wnaed i Ddeddf 1967 gan adrannau 138 i 141 ac adrannau 143 i 147 a'r diddymadau yn Rhan 3 o Atodlen 1 i'r Gorchymyn hwn, yn cael effaith mewn perthynas â chais am ryddfrefniad neu brydles estynedig o dŷ -

- (a) y rhoddwyd hysbysiad o dan adran 8 neu 14 o Ddeddf 1997 mewn perthynas ag ef; neu
- (b) y gwnaed cais am orchymyn o dan adran 27 o'r Ddeddf honno

cyn y dyddiad cychwyn mewn perthynas ag ef.

Rheolwyr a benodwyd gan dribiwnlys priso lesddaliad

6. Ni fydd y diwygiadau a wnaed i Ddeddf Landlord a Tenant 1987(a) gan adrannau 160 a 161 yn cael effaith mewn perthynas â chais a wnaed o dan Ran II o Ddeddf Landlord a Tenant 1987 cyn y dyddiad cychwyn.

Y seiliau dros wneud cais i amrywio prydles

7. Ni fydd y diwygiadau a wnaed i Ddeddf Landlord a Tenant 1987 gan adran 162 yn cael effaith mewn perthynas â chais a wnaed o dan adran 35 o Ddeddf Landlord a Tenant 1987 cyn y dyddiad cychwyn.

Enfranchisement and lease extensions for leasehold houses

5. The amendments made to the 1967 Act by sections 138 to 141 and sections 143 to 147 and the repeals in Part 3 of Schedule 1 to this Order, shall not have effect in relation to an application for enfranchisement or an extended lease of a house in respect of which -

- (a) a notice was given under section 8 or 14 of the 1967 Act, or
- (b) an application was made under section 27 of that Act

before the commencement date.

Managers appointed by leasehold valuation tribunal

6. Amendments made to the Landlord and Tenant Act 1987(a) by sections 160 and 161 shall not have effect in relation to an application made under Part II of the Landlord and Tenant Act 1987 before the commencement date.

Grounds for application to vary a lease

7. The amendments made to the Landlord and Tenant Act 1987 by section 162 shall not have effect in respect of an application made under section 35 of the Landlord and Tenant Act 1987 before the commencement date.

(a) 1987 p.31.

(a) 1987 c.31.

OFFERYNNAU STATUDOL

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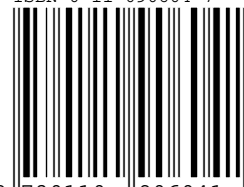
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