



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 683 (Cy.71)

2004 No. 683 (W.71)

**LANDLORD A THENANT,
CYMRU**

**LANDLORD AND TENANT,
WALES**

**Rheoliadau Tribiwnlysoedd Priso
Lesddaliadau (Ffioedd) (Cymru)
2004**

**The Leasehold Valuation Tribunals
(Fees) (Wales) Regulations
2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer ffioedd mewn perthynas â cheisiadau i dribiwnlysoedd priso lesddaliadau, a gwrandawiaid ger eu bron (gan gynnwys achosion a drosglwyddwyd o lys). Mae'r Rheoliadau hyn yn gymwys i unrhyw gais neu achos a drosglwyddir i dribiwnlys ar neu ar ôl 31 Mawrth 2004 ynglŷn â thir ac adeiladau yng Nghymru.

These Regulations make provision for fees in respect of applications to, and hearings before, leasehold valuation tribunals (including cases transferred from a court). These Regulations apply in relation to any application or proceedings transferred to a tribunal on or after 31st March 2004 in respect of premises in Wales.

Maent yn disodli, gyda diwygiadau, Orchymyn Tribiwnlysoedd Priso Lesddaliadau (Ffioedd) 1997 (O.S. 1997/1852) ("Gorchymyn 1997").

They replace, with amendments, the Leasehold Valuation Tribunals (Fees) Order 1997 (S.I. 1997/1852) ("the 1997 Order").

Mae rheoliad 3 yn rhagnodi'r ffioedd sy'n daladwy am geisiadau i dribiwnlysoedd. Yn achos ceisiadau ynghylch -

Regulation 3 prescribes the fees payable for applications to tribunals. In the case of applications relating to -

atebolrwydd i dalu tâl am wasanaeth neu dâl am weinyddu;

liability to pay service charge or administration charge;

swm y premiwm yswiriant; neu

the amount of the insurance premium; or

amrywio lesddaliadau oherwydd tâl am weinyddu;

the variation of leases because of administration charge,

mae'r ffi yn cael ei chyfrifo drwy gyfeirio at werth y cais.

the fee is calculated by reference to the value of the application.

Yn achos ceisiadau ynghylch -

In the case of applications relating to -

hepgor gofynion ymgynghori;

dispensing with consultation requirements;

pa mor addas yw yswiriwr arfaethedig;

the suitability of a proposed insurer;

penodi rheolwr; neu

amrywio lesddaliadau,

mae'r ffi yn cael ei chyfrifo drwy ystyried nifer yr anheddau y mae'r cais yn ymwneud â hwy.

Mae rheoliad 4 yn rhagnodi bod rhaid cyfrifo'r ffi sy'n daladwy pan fydd llys yn trosglwyddo achos i dribiwnlys fel petai'r cais wedi'i wneud yn uniongyrchol i'r tribiwnlys, namyn unrhyw ffioedd a dalwyd i'r llys ar neu cyn dyddiad y gorchymyn yn trosglwyddo'r achos. £150 oedd y ffioedd cyfatebol y darparwyd ar eu cyfer yng Ngorchymyn 1997. Gan fod y ffi yn amrywio bellach, £50 yw'r ffi isaf sy'n daladwy yn awr, sef gostyngiad o 66.6%, tra bo'r ffi uchaf sy'n daladwy yn £350, sef cynnydd o 133.3%.

Mae rheoliad 5 yn rhagnodi ffi benodedig o £150 am wrandawriad. O dan Orchymyn 1997 yr oedd y ffi am wrandawriad yn un amrywiadwy: £150 oedd y ffi isaf a oedd yn daladwy a £350 oedd y ffi uchaf a oedd yn daladwy. O dan y Rheoliadau hyn mae gostyngiad o 57.1% yn y ffi am wrandawriad ar gyfer achosion yr oedd rhaid talu'r ffi uchaf amdanynt o'r blaen.

Mae rheoliad 6 yn darparu bod rhaid i ffi sy'n daladwy o dan reoliad 3 fynd gyda'r cais ac y byddai ffi sy'n daladwy o dan reoliadau 4 a 5 yn daladwy cyn pen 14 diwrnod ar ôl cael archiad ysgrifenedig am daliad.

Mae rheoliad 7 yn cynnwys darpariaethau sy'n ymdrin ag atebolrwydd i dalu'r ffioedd sy'n ddyledus o dan y Rheoliadau hyn. Yn benodol -

os bydd cais yn cael ei gyflwyno gan fwy nag un person;

os bydd mwy nag un cais yn cael ei wrando gyda'i gilydd; ac

os bydd cais cynrychioliadol,

mae'r ffi yn cael ei dosrannu ac mae pob person yn atebol i dalu cyfran.

Mae rheoliad 8 yn darparu bod atebolrwydd i dalu ffioedd yn cael ei hepgor pan fydd person neu bartner y person hwnnw yn cael budd-daliadau penodedig a bod ffioedd yn cael eu lleihau pan fydd mwy nag un person yn atebol i dalu ffi a bod o leiaf un person yn cael budd-daliadau o'r fath. At ddibenion y rheoliad hwn gall "partner" gynnwys person o'r un rhyw.

Mae rheoliad 9 yn darparu ar gyfer ad-dalu ffioedd.

Mae Arfarniad Rheoliadol wedi'i baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi o'r Gyfarwyddiaeth Dai, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ (Ffôn 029 20 823025).

the appointment of a manager; or

the variation of leases,

the fee is calculated by reference to the number of dwellings the application relates to.

Regulation 4 prescribes that the fee payable where a court transfers proceedings to a tribunal shall be calculated as if the application had been made directly to the tribunal, less any fees paid to the court on or before the date of the order transferring the proceedings. The equivalent fees provided for in the 1997 Order were set at £150. As the fee is now variable the minimum fee now payable is £50, a reduction of 66.6%, while the maximum fee payable is £350, an increase of 133.3%.

Regulation 5 prescribes a set hearing fee of £150. Under the 1997 Order the hearing fee was variable, the minimum fee payable was £150 and the maximum fee payable was £350. Under these Regulations there is a reduction of the hearing fee of 57.1% in relation to cases that used to attract the maximum fee.

Regulation 6 provides that a fee payable under regulation 3 shall accompany the application and a fee payable under regulations 4 and 5 will be payable within 14 days of a written request for payment.

Regulation 7 contains provisions dealing with liability to pay the fees due under these Regulations. In particular -

where an application is brought by more than one person;

where more than one application is heard together; and

where there is a representative application,

the fee is apportioned and each person is liable to pay a portion.

Regulation 8 provides for liability to pay fees to be waived where a person or that person's partner is in receipt of specified benefits and for fees to be reduced where there is more than one person liable to pay a fee and at least one person is in receipt of such benefits. For the purposes of this regulation "partner" can include a person of the same sex.

Regulation 9 provides for the reimbursement of fees.

A Regulatory Appraisal has been prepared in connection with these Regulations. A copy may be obtained from the Housing Directorate, the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 029 20 823025).

2004 Rhif 683 (Cy.71)**2004 No. 683 (W.71)****LANDLORD A THENANT,
CYMRU****LANDLORD AND TENANT,
WALES****Rheoliadau Tribiwnlysoedd Prasio
Lesddaliadau (Ffioedd) (Cymru)
2004****The Leasehold Valuation Tribunals
(Fees) (Wales) Regulations
2004**

Wedi'u gwneud 9 Mawrth 2004
Yn dod i rym 31 Mawrth 2004

Made 9th March 2004
Coming into force 31st March 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan baragraffau 1 a 9 o Atodlen 12 i Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002(a), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by paragraphs 1 and 9 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002(a), hereby makes the following Regulations:

Enwi, cychwyn a dehongli**Name, commencement and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tribiwnlysoedd Prasio Lesddaliadau (Ffioedd) (Cymru) 2004.

1.-(1) These Regulations are called the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2004.

(2) These Regulations shall come into force on 31st March 2004.

(3) Yn y Rheoliadau hyn -

(3) In these Regulations -

ystyr "achos a drosglwyddwyd" ("*transferred proceedings*") yw achos y mae llys wedi'i drosglwyddo i dribiwnlys ei benderfynu;

"the 1985 Act" ("*Deddf 1985*") means the Landlord and Tenant Act 1985(b);

ystyr "cais" ("*application*") yw cais sy'n cael ei wneud i'r tribiwnlys o dan -

"the 1987 Act" ("*Deddf 1987*") means the Landlord and Tenant Act 1987(c);

(a) adran 20ZA o Ddeddf 1985 (gofynion ymgynghori)(b);

"the 2002 Act" ("*Deddf 2002*") means the Commonhold and Leasehold Reform Act 2002;

(b) adran 27A o Ddeddf 1985 (taliadau am wasanaeth) (c);

"applicant" ("*ceisydd*") means -

(c) paragraff 8(2) o'r Atodlen i Ddeddf 1985 (yswirwyr)(ch);

(a) the person making an application to a tribunal; or

(ch) adran 24 o Ddeddf 1987 (penodi

(b) the person who is the claimant or applicant

(a) 2002 p.15. Ystyr "appropriate national authority" yw Cynulliad Cenedlaethol Cymru o ran Cymru (*gweler* adran 179(1)).

(a) 2002 c.15. The "appropriate national authority" means the National Assembly for Wales as respects Wales (*see* section 179(1)).

(b) Wedi'i hamnewid, ynghyd ag adran 20 newydd, gan Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15) ("*Deddf 2002*"), adran 151(1), sydd mewn grym at ddibenion gwneud rheoliadau o 1 Ionawr 2003 ymlaen (O.S. 2002/3012) ac mewn grym at y dibenion sy'n weddill o 30 Mawrth 2004 ymlaen (O.S. 2004/669 (Cy.62) (C.25)).

(b) 1985 c.70.

(c) 1987 c.31.

(c) Wedi'i mewnosod gan Ddeddf 2002, adran 155(1) o 30 Mawrth 2004 ymlaen (O.S. 2004/669 (Cy.62) (C.25)).

(ch) Wedi'i amnewid gan Ddeddf Tai 1996 (p.52), adran 83(2).

rheolwyr)(a);

(d) Rhan 4 o Ddeddf 1987 (amrywio lesddaliadau);

(dd) paragraff 3 o Atodlen 11 i Ddeddf 2002 (taliadau am weinyddu); neu

(e) paragraff 5 o Atodlen 11 i Ddeddf 2002;

ystyr "cais cynrychioliadol" ("*representative application*") yw cais sy'n cael ei drin fel cais cynrychioliadol o dan reoliad 8 o Reoliadau Tribiwnlysoedd Prasio Lesddaliadau (Gweithdrefn) (Cymru) 2004(b);

ystyr "ceisydd" ("*applicant*") yw -

(a) y person sy'n gwneud cais i driwlynys; neu

(b) y person sy'n hawlydd neu'n geisydd mewn achos gerbron llys sy'n cael ei drosglwyddo drwy orchymyn y llys i driwlynys;

ystyr "Deddf 1985" ("*the 1985 Act*") yw Deddf Landlord a Tenant 1985(c);

ystyr "Deddf 1987" ("*the 1987 Act*") yw Deddf Landlord a Tenant 1987(ch);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002;

ystyr "gwrandawriad" ("*hearing*") yw gwrandawriad gerbron triwlynys i benderfynu un neu ragor o'r canlynol -

(a) cais;

(b) achos a drosglwyddwyd; neu

(c) cais cynrychioliadol,

ond, at ddibenion talu ffi am wrandawriad, nid yw'n cynnwys-

(i) adolygiad cyn treial; neu

(ii) gwrandawriad i ystyried gwrthod cais am ei fod yn wacsaw neu'n flinderus; ac

ystyr "tribiwnlys" ("*tribunal*") yw triwlynys prasio lesddaliadau.

in proceedings before a court which are transferred by order of the court to a tribunal;

"application" ("*Cais*") means an application made to the tribunal under -

(a) section 20ZA of the 1985 Act (consultation requirements)(a);

(b) section 27A of the 1985 Act (service charges)(b);

(c) paragraph 8(2) of the Schedule to the 1985 Act (insurers)(c);

(d) section 24 of the 1987 Act (appointment of managers)(d);

(e) Part 4 of the 1987 Act (variation of leases);

(f) paragraph 3 of Schedule 11 to the 2002 Act (administration charges); or

(g) paragraph 5 of Schedule 11 to the 2002 Act;

"hearing" ("*gwrandawriad*") means a hearing before a tribunal to determine one or more of the following -

(a) an application;

(b) transferred proceedings; or

(c) a representative application,

but, for the purposes of the payment of a fee for a hearing, does not include-

(i) a pre-trial review; or

(ii) a hearing to consider dismissing an application as frivolous or vexatious;

"representative application" ("*cais cynrychioliadol*") means an application dealt with as a representative application under regulation 8 of the Leasehold Valuation Tribunal (Procedure) (Wales) Regulations 2004(e);

"transferred proceedings" ("*achos a drosglwyddwyd*") means proceedings which a court has transferred to a tribunal for determination; and

"tribunal" ("*tribiwnlys*") means a leasehold valuation tribunal.

(a) Wedi'i diwygio gan Ddeddf Tai 1996 (p.52), adran 86(2); wedi'i diwygio gan Ddeddf 2002, adran 160(1), (4) o 1 Ionawr 2003 ymlaen; mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) O.S. 2004/[681 (Cy.69)].

(c) 1985 p.70.

(ch) 1987 p.31.

(a) Substituted, together with a new section 20, by the Commonhold and Leasehold Reform Act 2002 (c.15) ("the 2002 Act"), section 151(1), in force for the purposes of making regulations from 1 January 2003 (S.I. 2002/3012) and in force for the remaining purposes from 30th March 2004 (S.I. 2004/669(W.62) (C.25)).

(b) Inserted by the 2002 Act, section 155(1) from 30th March 2004 (S.I. 2004/669 (W.62) (C.25)).

(c) Substituted by the Housing Act 1996 (c.52), section 83(2).

(d) Amended by the Housing Act 1996 (c.52), section 86(2); amended by the 2002 Act, section 160(1), (4) from 1 January 2003; there are other amendments not relevant to these Regulations.

(e) S.I. 2004/[681 (W.69)].

Cymhwysiad y Rheoliadau

2. Mae'r Rheoliadau hyn yn gymwys -

- (a) i unrhyw gais sy'n cael ei gyflwyno i driwlynys ar neu ar ôl 31 Mawrth 2004;
- (b) i unrhyw achos sy'n cael ei drosglwyddo o lys i driwlynys ar neu ar ôl y dyddiad hwnnw,

mewn perthynas â thir ac adeiladau yng Nghymru.

Ffioedd: ceisiadau

3.-(1) Yn ddarostyngedig i reoliad 8, bydd ffi yn daladwy am gais i driwlynys o dan -

- (a) adran 27A o Ddeddf 1985 (penderfynu atebolrwydd i dalu tâl am wasanaeth);
- (b) paragraff 8(2)(b) o'r Atodlen i Ddeddf 1985 (hawl i herio'r premiwm yswiriant);
- (c) paragraff 3 o Atodlen 11 i Ddeddf 2002 (amrywio les oherwydd tâl am weinyddu); ac
- (ch) paragraff 5 o Atodlen 11 i Ddeddf 2002 (penderfynu atebolrwydd i dalu tâl am weinyddu).

(2) Yn ddarostyngedig i baragraff (5), y ffi sy'n daladwy o dan baragraff (1), os yw'r tâl am wasanaeth, y premiwm yswiriant neu'r tâl am weinyddu sy'n destun y cais -

- (a) heb fod yn fwy na £500, yw £50;
- (b) yn fwy na £500 ond heb fod yn fwy na £1000, yw £70;
- (c) yn fwy na £1000 ond heb fod yn fwy na £5000, yw £100;
- (ch) yn fwy na £5000 ond heb fod yn fwy na £15000, yw £200; a
- (d) yn fwy na £15000, yw £350.

(3) Yn ddarostyngedig i reoliad 8, bydd ffi yn daladwy am gais i driwlynys o dan -

- (a) adran 20ZA o Ddeddf 1985 (penderfyniad i hepgor gofynion ymgynghori);
- (b) paragraff 8(2)(a) o'r Atodlen i Ddeddf 1985 (penderfynu pa mor addas yw yswiriwr);
- (c) adran 24 o Ddeddf 1987 (penodi rheolwyr); ac
- (ch) Rhan 4 o Ddeddf 1987 (amrywio lesddaliadau).

(4) Yn ddarostyngedig i baragraff (5), y ffi sy'n daladwy o dan baragraff (3) -

- (a) os yw'r cais yn ymwneud â phum annedd neu lai, yw £150;
- (b) os yw'r cais yn ymwneud â rhwng chwech a deg o anheddau, yw £250; ac
- (c) os yw'r cais yn ymwneud â mwy na deg

Application of Regulations

2. These Regulations shall apply -

- (a) in relation to any application made to a tribunal on or after 31st March 2004;
- (b) in relation to any proceedings transferred from a court to a tribunal on or after that date,

in respect of premises in Wales.

Fees: applications

3.-(1) Subject to regulation 8, a fee shall be payable for an application to a tribunal under -

- (a) section 27A of the 1985 Act (determination of liability to pay a service charge);
- (b) paragraph 8(2)(b) of the Schedule to the 1985 Act (right to challenge the insurance premium);
- (c) paragraph 3 of Schedule 11 to the 2002 Act (variation of lease because of administration charge); and
- (d) paragraph 5 of Schedule 11 to the 2002 Act (determination of liability to pay an administration charge).

(2) Subject to paragraph (5), the fee payable under paragraph (1), where the service charge, insurance premium or administration charge which is the subject of the application -

- (a) is not more than £500, is £50;
- (b) is more than £500 but not more than £1000, is £70;
- (c) is more than £1000 but not more than £5000, is £100;
- (d) is more than £5000 but not more than £15000, is £200; and
- (e) is more than £15000, is £350.

(3) Subject to regulation 8, a fee shall be payable for an application to a tribunal under -

- (a) section 20ZA of the 1985 Act (determination to dispense with consultation requirements);
- (b) paragraph 8(2)(a) of the Schedule to the 1985 Act (determination as to suitability of insurer);
- (c) section 24 of the 1987 Act (appointment of managers); and
- (d) Part 4 of the 1987 Act (variation of leases).

(4) Subject to paragraph (5), the fee payable under paragraph (3) -

- (a) where the application relates to 5 or fewer dwellings, is £150;
- (b) where the application relates to between 6 and 10 dwellings, is £250; and
- (c) where the application relates to more than 10

annedd, yw £350.

- (5) Os yw cais yn cael ei wneud o dan -
- (a) dwy neu ragor o'r darpariaethau a grybwyllwyd ym mharagraff (1);
 - (b) dwy neu ragor o'r darpariaethau a grybwyllwyd ym mharagraff (3); neu
 - (c) un neu ragor o'r darpariaethau a grybwyllwyd ym mharagraff (1) ac un neu ragor o'r darpariaethau a grybwyllwyd ym mharagraff (3),

y ffi sy'n daladwy am y cais fydd yr uchaf o'r ffioedd a fyddai wedi bod yn daladwy yn unol â pharagraff (2) neu (4) (yn ôl y digwydd) pe bai cais ar wahân wedi'i wneud o dan bob un o'r darpariaethau hynny.

Ffioedd: ceisiadau a drosglwyddwyd o lys

4.-(1) Yn ddarostyngedig i baragraff (2) a rheoliad 8, os yw llys, drwy orchymyn, yn trosglwyddo i dribiwnlys gymaint o unrhyw achos ag sy'n ymwneud â phenderfynu cwestiwn sy'n dod o dan awdurdodaeth y tribiwnlys yn rhinwedd darpariaeth a grybwyllwyd ym mharagraff (1) neu (3) o reoliad 3, y ffi sy'n daladwy i'r tribiwnlys fydd y ffi a fyddai wedi bod yn daladwy o dan baragraff (2), (4) neu (5) o'r rheoliad hwnnw (yn ôl y digwydd) am gais namyn cyfanswm unrhyw ffioedd a dalwyd gan y ceisydd i'r llys mewn perthynas â'r achos ar ddyddiad y gorchymyn hwnnw neu cyn hynny.

(2) Os yw cyfanswm unrhyw ffioedd a dalwyd i'r llys ar neu cyn dyddiad y gorchymyn a grybwyllwyd ym mharagraff (1) yn hafal i'r ffi sy'n daladwy o dan y paragraff hwnnw, neu'n fwy na hi, ni fydd unrhyw ffi yn daladwy i'r tribiwnlys o dan y paragraff hwnnw.

Ffioedd: gwrandawliadau

5.-(1) Yn ddarostyngedig i baragraff (2) a rheoliad 8, bydd ffi o £150 yn daladwy am wrandawliad.

(2) Os yw rhan o gais neu achos a drosglwyddwyd yn cael ei benderfynu neu os bydd yn cael ei benderfynu mewn, neu'n unol â, gwrandawliad cais cynrychioliadol a bod rhan i'w phenderfynu mewn gwrandawliad ar wahân, y ffi am y rhan sydd i'w gwrandawliad ar wahân fydd £150 namyn cyfanswm unrhyw ffioedd a dalwyd gan y ceisydd yn unol â rheoliad 7(5) am y rhan honno o'r cais neu'r achos a drosglwyddwyd sydd i'w benderfynu yn y cais cynrychioliadol, neu'n unol ag ef.

Talu ffioedd

6.-(1) Rhaid i unrhyw ffi sy'n daladwy o dan reoliad 3 fynd gyda'r cais.

(2) Bydd unrhyw ffi sy'n daladwy o dan reoliad 4 neu 5 yn ddyledus cyn pen 14 diwrnod ar ôl archiad

dwelling, is £350.

- (5) Where an application is made under -
- (a) two or more of the provisions mentioned in paragraph (1);
 - (b) two or more of the provisions mentioned in paragraph (3); or
 - (c) one or more of the provisions mentioned in paragraph (1) and one or more of the provisions mentioned in paragraph (3),

the fee payable in respect of the application shall be the highest of the fees which would have been payable in accordance with paragraph (2) or (4) (as the case may be) if a separate application had been made under each of those provisions.

Fees: applications transferred from court

4.-(1) Subject to paragraph (2) and regulation 8, where a court, by order, transfers to a tribunal so much of any proceedings as relate to the determination of a question falling within the jurisdiction of the tribunal by virtue of a provision mentioned in paragraph (1) or (3) of regulation 3, the fee payable to the tribunal shall be the fee which would have been payable under paragraph (2), (4) or (5) of that regulation (as the case may be) for an application less the total amount of any fees paid by the applicant to the court in respect of the proceedings on or before the date of that order.

(2) Where the total amount of any fees paid to the court on or before the date of the order mentioned in paragraph (1) is equal to or more than the fee payable under that paragraph, no fee shall be payable to the tribunal under that paragraph.

Fees: hearings

5.-(1) Subject to paragraph (2) and regulation 8, a fee of £150 shall be payable for a hearing.

(2) Where part of an application or transferred proceedings is or will be determined at, or in accordance with, a hearing of a representative application and part is to be determined at a separate hearing, the fee for the part which is to be heard separately shall be £150 less the total amount of any fees paid by the applicant in accordance with regulation 7(5) for that part of the application or transferred proceedings which is to be determined at, or in accordance with, the representative application.

Payment of fees

6.-(1) Any fee payable under regulation 3 shall accompany the application.

(2) Any fee payable under regulation 4 or 5 shall be due within 14 days of a written request for payment by

ysgrifenedig am daliad gan y tribiwnlys a rhaid ei hanfon i'r cyfeiriad a bennir yn yr archiad hwnnw.

(3) Rhaid i'r ffi gael ei thalu â siec wedi'i gwneud yn daladwy i Gynulliad Cenedlaethol Cymru neu ag archeb bost wedi'i hysgrifennu yn enw Cynulliad Cenedlaethol Cymru.

Rhwymedigaeth i dalu a dosrannu ffioedd

7.-(1) Yn ddarostyngedig i reoliad 8 a'r paragraffau canlynol, bydd y ceisydd yn atebol i dalu unrhyw ffi sy'n daladwy i dribiwnlys o dan y Rheoliadau hyn.

(2) Yn ddarostyngedig i baragraff (3), os yw cais yn cael ei wneud neu os yw achos a drosglwyddwyd yn cael ei ddwyn gan fwy nag un person, rhaid dosrannu unrhyw ffi sy'n daladwy o dan reoliad 3 neu 4 am y cais neu'r achos a drosglwyddwyd yn gyfartal rhwng y personau hynny a bydd pob person yn atebol i dalu un gyfran.

(3) Os digwydd y canlynol -

- (a) bod cais yn cael ei wneud neu achos a drosglwyddwyd yn cael ei ddwyn gan denant neu landlord y tir ac adeiladau; a
- (b) bod y tenant neu'r landlord yn fwy nag un person,

rhaid trin y personau hynny gyda'i gilydd fel un person at ddibenion paragraff (2).

(4) Os oes dau gais neu ragor yn cael eu gwrando gyda'i gilydd, ac eithrio ceisiadau sy'n cael eu gwrando gyda chais cynrychioliadol, rhaid dosrannu unrhyw ffi sy'n daladwy o dan reoliad 5 am y gwrandawriad yn gyfartal rhwng y ceisiadau ac, yn ddarostyngedig i ddarpariaethau paragraffau (2), (3) a (6) a rheoliad 8, bydd y ceisydd ym mhob cais yn atebol i dalu un gyfran.

(5) Rhaid dosrannu unrhyw ffi sy'n daladwy o dan reoliad 5 am wrando cais cynrychioliadol ac unrhyw gais a wrandawyd gyda'r cais cynrychioliadol yn gyfartal rhwng -

- (a) y cais cynrychioliadol;
- (b) pob cais arall sydd, adeg yr archiad am dalu'r ffi, i'w benderfynu yn gyfan gwbl neu'n rhannol yn unol â'r cais cynrychioliadol; ac
- (c) unrhyw gais a wrandawyd gyda'r cais cynrychioliadol,

ac, yn ddarostyngedig i ddarpariaethau paragraffau (2), (3) a (6) a rheoliad 8, bydd y ceisydd ym mhob cais yn atebol i dalu un gyfran o'r ffi.

(6) Rhaid i'r swm sy'n daladwy gan unrhyw berson mewn perthynas â ffi gael ei gyfrifo yn unol â darpariaethau'r erthygl hon a chan ystyried y personau sy'n geiswyr ar y dyddiad y mae'r cais yn cael ei wneud neu ddyddiad yr archiad am daliad a ddyroddwyd gan y tribiwnlys.

the tribunal and shall be sent to the address specified in that request.

(3) The fee shall be paid by a cheque made payable to or postal order drawn in favour of the National Assembly for Wales.

Liability to pay and apportionment of fees

7.-(1) Subject to regulation 8 and the following paragraphs, the applicant shall be liable to pay any fee payable to a tribunal under these Regulations.

(2) Subject to paragraph (3), where an application is made or transferred proceedings are brought by more than one person, any fee payable under regulations 3 or 4 for the application or transferred proceedings shall be apportioned equally between those persons and each person shall be liable to pay one portion.

(3) Where -

- (a) an application is made or transferred proceedings are brought by the tenant or the landlord of premises; and
- (b) the tenant or landlord is more than one person,

those persons together shall be treated as one person for the purposes of paragraph (2).

(4) Where two or more applications are heard together, other than applications which are heard with a representative application, any fee payable under regulation 5 for the hearing shall be apportioned equally between the applications and, subject to the provisions of paragraphs (2), (3) and (6) and regulation 8, the applicant in each application shall be liable to pay one portion.

(5) Any fee payable under regulation 5 for the hearing of a representative application and any application heard with the representative application shall be apportioned equally between -

- (a) the representative application;
- (b) all other applications which, at the time of the request for payment of the fee, are to be determined in whole or in part in accordance with the representative application; and
- (c) any application heard with the representative application,

and, subject to the provisions of paragraphs (2), (3) and (6) and regulation 8, the applicant in each application shall be liable to pay one portion of the fee.

(6) The amount payable by any person in respect of a fee shall be calculated in accordance with the provisions of this article and by reference to the persons who are applicants on the date the application is made or the date of the request for payment issued by the tribunal.

(7) Yn y rheoliad hwn, mae "ceisydd" yn cynnwys unrhyw berson y mae ei archiad o dan reoliad 6 o Reoliadau Tribiwnlysoedd Prisio Lesddaliadau (Gweithdrefn) (Cymru) 2004 am gael ei gyplysu fel parti i'r achos a'i drin fel ceisydd, wedi'i ganiatáu gan y tribiwnlys.

Hepgor a lleihau ffioedd

8.-(1) Ni fydd person yn atebol dros dalu unrhyw ffi sy'n ddyledus o dan y Rheoliadau hyn os ar y dyddiad perthnasol, y mae'r person hwnnw neu bartner y person yn cael -

- (a) y naill neu'r llall o'r budd-daliadau canlynol o dan Ran 7 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(a) -
 - (i) cymhorthdal incwm; neu
 - (ii) budd-dal tai;
- (b) lwfans ceisio gwaith yn seiliedig ar incwm o fewn ystyr "income-based jobseeker's allowance" yn adran 1 o Ddeddf Ceiswyr Gwaith 1995(b);
- (c) credyd treth y mae paragraff (2) yn gymwys iddo;
- (ch) credyd gwarant o dan Ddeddf Credyd Pensiwn y Wladwriaeth 2002(c); neu
- (d) tystysgrif -
 - (i) sydd wedi'i dyroddi o dan y Cod Cyllido(ch) ac nad yw wedi'i dirymu na'i chlirio; a
 - (ii) sydd ynglŷn â'r achos gerbron y tribiwnlys y trosglwyddwyd y cyfan neu ran ohono o'r llys sirol i'w benderfynu neu i'w phenderfynu gan dribiwnlys.

(2) Mae'r paragraff hwn yn gymwys i gredyd treth gweithio o dan Ran 1 o Ddeddf Credydau Treth 2002(d), os

- (a) y mae naill ai -
 - (i) elfen anabledd neu elfen anabledd difrifol (neu'r ddwy) i'r credyd treth a gafwyd gan y person neu bartner y person; neu
 - (ii) y mae'r person neu bartner y person hefyd yn cael credyd treth plant(dd); a

(a) 1992 p.4; a ddiwygiwyd gan Ddeddf Credydau Treth 2002 (p.21), adrannau 60 ac Atodlen 6. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) 1995 p.18; a ddiwygiwyd gan Ddeddf Diwygio Lles a Phensiynau 1999 (p.30), adrannau 59 ac 88 ac Atodlenni 7 a 13.

(c) 2002 p. 16.

(ch) *Gweler* adrannau 8 a 9 o Ddeddf Mynediad i Gyfiawnder 1999 (p. 22) i weld darpariaethau ynglŷn â'r Cod Cyllido. *Gweler* adran 4 o Ran 2 o'r Cod Cyllido i weld y dystysgrif.

(d) 2002 p. 21.

(dd) *Gweler* adran 1 o Ddeddf Credydau Treth 2002 (p. 21).

(7) In this regulation, "applicant" includes any person, whose request under regulation 6 of the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 to be joined as a party to the proceedings and treated as an applicant, has been granted by the tribunal.

Waiver and reduction of fees

8.-(1) A person shall not be liable to pay any fee due under these Regulations where on the relevant date, that person or that person's partner is in receipt of -

- (a) either of the following benefits under Part 7 of the Social Security Contributions and Benefits Act 1992(a) -
 - (i) income support; or
 - (ii) housing benefit;
- (b) an income-based jobseeker's allowance within the meaning of section 1 of the Jobseekers Act 1995(b);
- (c) a tax credit to which paragraph (2) applies;
- (d) guarantee credit under the State Pensions Credit Act 2002(c); or
- (e) a certificate -
 - (i) which has been issued under the Funding Code(d) and which has not been revoked or discharged; and
 - (ii) which is in respect of the proceedings before the tribunal the whole or part of which have been transferred from the county court for determination by a tribunal.

(2) This paragraph applies to a working tax credit under Part 1 of the Tax Credits Act 2002(e), where -

- (a) either -
 - (i) there is a disability element or severe disability element (or both) to the tax credit received by the person or the person's partner; or
 - (ii) the person or the person's partner is also in receipt of child tax credit(f); and

(a) 1992 c.4; amended by the Tax Credits Act 2002 (c. 21), sections 60 and Schedule 6. There are other amendments not relevant to these Regulations.

(b) 1995 c.18; amended by the Welfare Reform and Pensions Act 1999 (c.30), sections 59 and 88 and Schedules 7 and 13.

(c) 2002 c.16.

(d) *See* sections 8 and 9 of the Access to Justice Act 1999 (c.22) for provisions in connection with the Funding Code. *See* section 4 of Part 2 to the Funding Code for the certificate.

(e) 2002 c.21.

(f) *See* section 1 of the Tax Credits Act 2002 (c.21).

(b) y mae'r incwm blynyddol gros a gymerwyd i ystyriaeth ar gyfer cyfrifo'r credyd treth gwaith yn £14,213 neu lai;

(3) Os nad yw person yn atebol i dalu ffi yn rhinwedd paragraff (1), bydd y darpariaethau canlynol yn gymwys -

(a) os yw'r ceisydd yn fwy nag un person a bod o leiaf un o'r personau hynny yn atebol i dalu ffi, rhaid i'r ffi gael ei lleihau'n gymesur yn ôl nifer y personau a fyddai wedi bod yn atebol oni bai am baragraff (1); a

(b) os yw'r ceisydd yn fwy nag un person a bod o leiaf un person yn atebol i dalu cyfran o ffi yn rhinwedd rheoliad 7(2) i (5), rhaid i'r gyfran honno gael ei lleihau'n gymesur yn ôl nifer y personau a fyddai wedi bod yn atebol oni bai am baragraff (1).

(4) Yn y rheoliad hwn -

(a) mae "ceisydd" yn cynnwys unrhyw berson, y mae ei archiad o dan reoliad 6 o Reoliadau Tribiwnlysoedd Prasio Lesddaliadau (Gweithdrefn) (Cymru) 2004 i gael ei gyplysu fel parti i'r achos a'i drin fel ceisydd, wedi'i ganiatáu gan y tribiwnlys;

(b) ystyr "partner", mewn perthynas â pherson, yw -

- (i) priod y person hwnnw;
- (ii) person o'r rhyw arall sy'n byw gyda'r person hwnnw fel gŵr neu wraig; a
- (iii) person o'r un rhyw sy'n byw gyda'r person hwnnw mewn perthynas y mae iddi nodweddion y berthynas rhwng gŵr a gwraig;

(c) ystyr "dyddiad perthnasol" yw -

- (i) yn achos ffi sy'n daladwy o dan reoliad 3, dyddiad y cais;
- (ii) yn achos ffi sy'n daladwy o dan reoliad 4, dyddiad y gorchymyn llys yn trosglwyddo'r achos i'r tribiwnlys;
- (iii) yn achos ffi sy'n daladwy o dan reoliad 5, dyddiad yr archiad am daliad.

Ad-dalu ffioedd

9.-(1) Yn ddarostyngedig i baragraff (2), mewn perthynas ag unrhyw achos y mae ffi yn daladwy ar ei gyfer o dan y Rheoliadau hyn, caiff tribiwnlys ei gwneud yn ofynnol i unrhyw barti i'r achos ad-dalu unrhyw barti arall i'r achos am y cyfan neu ran o unrhyw ffioedd a dalwyd ganddo am yr achos.

(2) Rhaid i dribiwnlys beidio â'i gwneud yn ofynnol i barti wneud ad-daliad o'r fath os, ar yr adeg y mae'r tribiwnlys yn ystyried a ddylid gwneud hynny neu beidio, y mae'r tribiwnlys wedi'i fodloni bod y parti yn cael unrhyw un o'r budd-daliadau neu'n cael y lwfans neu'n dal y dystysgrif a grybwyllwyd yn rheoliad 8(1).

(b) the gross annual income taken into account for the calculation of the working tax credit is £14,213 or less;

(3) Where a person is not liable to pay a fee by virtue of paragraph (1), the following provisions shall apply -

(a) where more than one person is the applicant and at least one of those persons is liable to pay a fee, the fee shall be reduced rateably in accordance with the number of persons who would have been liable but for paragraph (1); and

(b) where more than one person is the applicant and at least one person is liable to pay a portion of a fee by virtue of regulation 7(2) to (5), such portion shall be reduced rateably in accordance with the number of persons who would have been liable but for paragraph (1).

(4) In this regulation -

(a) "applicant" includes any person, whose request under regulation 6 of the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 to be joined as a party to the proceedings and treated as an applicant, has been granted by the tribunal;

(b) "partner", in relation to a person, means -

- (i) that person's spouse;
- (ii) a person of the opposite sex who is living with that person as husband or wife; and
- (iii) a person of the same sex living with that person in a relationship which has the characteristics of the relationship between husband and wife;

(c) "relevant date" means -

- (i) in the case of a fee payable under regulation 3, the date of the application;
- (ii) in the case of a fee payable under regulation 4, the date of the court order transferring proceedings to the tribunal;
- (iii) in the case of a fee payable under regulation 5, the date of the request for payment.

Reimbursement of fees

9.-(1) Subject to paragraph (2), in relation to any proceedings in respect of which a fee is payable under these Regulations a tribunal may require any party to the proceedings to reimburse any other party to the proceedings for the whole or part of any fees paid by him in respect of the proceedings.

(2) A tribunal shall not require a party to make such reimbursement if, at the time the tribunal is considering whether or not to do so, the tribunal is satisfied that the party is in receipt of any of the benefits, the allowance or a certificate mentioned in regulation 8(1).

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)

9 Mawrth 2004

9th March 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2004 Rhif 683 (Cy.71)

**LANDLORD A THENANT,
CYMRU**

Rheoliadau Tribiwnlysoedd Prisio
Lesddaliadau (Ffioedd) (Cymru)
2004

STATUTORY INSTRUMENTS

2004 No. 683 (W.71)

**LANDLORD AND TENANT,
WALES**

The Leasehold Valuation Tribunals
(Fees) (Wales) Regulations
2004

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