CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 178 (Cy.29)

TAI, CYMRU

Gorchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) (Cymru) 2006

NODYN ESBONIADOL

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

Drwy'r Gorchymyn hwn mae Cynulliad Cenedlaethol Cymru yn cymeradwyo cod ymarfer sy'n ymwneud â gwaith rheoli eiddo preswyl gan landlordiaid ac eraill sy'n cyflawni'r swyddogaeth reoli. Y *Rent Only Residential Management Code* (ISBN 184219 2094) yw'r cod a gymeradwyir ac mae i'w gyhoeddi gan Sefydliad Brenhinol y Syrfewyr Siartredig.

Drwy'r Gorchymyn hwn mae'r Cynulliad hefyd yn tynnu'n ôl y gymeradwyaeth a roddwyd yng Ngorchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) 1996, (O.S. 1996/2839), i god sy'n dwyn yr enw *Rent Only Residential Management Code* (ISBN 085406 642 X).

Mae adran 87(7) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 yn darparu nad yw methiant â chydymffurfio ag unrhyw ddarpariaeth mewn cod ymarfer a gymeradwyir yn peri ynddo'i hun i unrhyw berson fod yn agored i unrhyw achos cyfreithiol yn ei erbyn, ond bod y cod ymarfer, mewn unrhyw achos cyfreithiol yn dderbyniol fel tystiolaeth ac y bydd unrhyw ddarpariaeth sy'n ymddangos ei fod yn berthnasol i unrhyw gwestiwn sy'n codi yn yr achos cyfreithiol yn cael ei chymryd i ystyriaeth.

Mae'r cymeradwyo a'r tynnu'n ôl y darperir ar eu cyfer yn y Gorchymyn hwn yn gymwys i waith rheoli pob eiddo preswyl yng Nghymru ac yn ddarostyngedig i'r ddarpariaeth drosiannol yn erthygl 4.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 178 (W.29)

HOUSING, WALES

The Approval of Codes of Management Practice (Residential Property) (Wales) Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the National Assembly for Wales approves a code of practice relating to the management of residential property by landlords and others who discharge the management function. The approved code is the Rent Only Residential Management Code (ISBN 184219 2094) and is to be published by the Royal Institution of Chartered Surveyors.

By this Order the Assembly also withdraws the approval given in the Approval of Codes of Management Practice (Residential Property) Order 1996 (SI 1996/2839) for a code called the Rent Only Residential Management Code (ISBN 085406 642 X).

Section 87(7) of the Leasehold Reform, Housing and Urban Development Act 1993 provides that failure to comply with any provision of an approved code of practice does not of itself render any person liable to any proceedings, but in any proceedings the code of practice is admissible as evidence and any provision which appears to be relevant to any question arising in the proceedings will be taken into account.

The approval and withdrawal provided for in this Order apply to the management of residential properties in Wales and are subject to the transitional provision in article 4.

OFFERYNNAU STATUDOL

2006 Rhif 178 (Cy.29)

TAI, CYMRU

Gorchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) (Cymru) 2006

Wedi'i wneud	*2006*
Yn dod i rym	*1 Chwefror 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 87 a 100 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993(**1**) i'r Ysgrifennydd Gwladol ac a freiniwyd bellach yn y Cynulliad Cenedlaethol(**2**) a chan ei fod wedi'i fodloni bod trefniadau priodol wedi'u gwneud ar gyfer cyhoeddi'r cod a gymeradwywyd gan y Gorchymyn hwn, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) (Cymru) 2006 a fe ddaw i rym ar 1 Chwefror 2006.

(2) Mae'r Gorchymyn hwn yn gymwys o ran rheoli pob eiddo preswyl yng Nghymru.

Cymeradwyo cod ymarfer

2. Mae'r *Rent Only Residential Management Code* (ISBN 184219 2094), a gyflwynwyd i'w gymeradwyo ar 6 Hydref 2005 gan Sefydliad Brenhinol y Syrfewyr Siartredig ac sydd i'w gyhoeddi gan RICS Business Services Limited, wedi'i gymeradwyo.

Tynnu cymeradwyaeth yn ôl

3. Mae'r gymeradwyaeth o'r *Rent Only Residential Management Code* (ISBN 085406 642 X) a roddwyd gan Orchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) 1996(**3**) wedi'i thynnu'n ôl.

(**1**) 1993 p. 28; diwygiwyd adran 87 gan adran 150 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p.15) ac Atodlen 9 iddi.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 87 a 100, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, ac adran 177 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(**3**) O.S. 1996/2839.

STATUTORY INSTRUMENTS

2006 No. 178 (W.29)

HOUSING, WALES

The Approval of Codes of Management Practice (Residential Property) (Wales) Order 2006

Made	*2006*
Coming into force	*1 February 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 87 and 100 of the Leasehold Reform, Housing and Urban Development Act 1993(**1**) on the Secretary of State and now vested in the National Assembly for Wales(**2**), and being satisfied that appropriate arrangements have been made for publishing the code approved by this Order, hereby makes the following Order:

Title, commencement and application

1.-(1) The title of this Order is the Approval of Codes of Management Practice (Residential Property) (Wales) Order 2006 and it comes into force on 1 February 2006.

(2) This Order applies in relation to the management of residential properties in Wales.

Approval of code of practice

2. *The Rent Only Residential Management Code* (ISBN 184219 2094), which was submitted for approval on 6 October 2005 by the Royal Institution of Chartered Surveyors and is to be published by RICS Business Services Limited, is approved.

Withdrawal of approval

3. The approval of the *Rent Only Residential Management Code* (ISBN 085406 642 X) which was given by the Approval of Codes of Management Practice (Residential Property) Order 1996(**3**) is withdrawn.

(**1**) 1993 c. 28; section 87 was amended by section 150 of, and Schedule 9 to, the Commonhold and Leasehold Reform Act 2002 (c. 15).

(**2**) The functions of the Secretary of State under sections 87 and 100 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 177 of the Commonhold and Leasehold Reform Act 2002.

(**3**) S.I. 1996/2839.

Darpariaeth drosiannol

4. Nid yw erthyglau 2 a 3 yn gymwys at ddibenion adran 87(7)(a) a (b) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (defnyddio cod mewn achos cyfreithiol) o ran gweithred neu anwaith sy'n digwydd cyn i'r Gorchymyn hwn ddod i rym.

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

31 Ionawr 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

Transitional provision

4. Articles 2 and 3 do not apply for the purposes of section 87(7)(a) and (b) of the Leasehold Reform, Housing and Urban Development Act 1993 (use of code in proceedings) in relation to an act or omission occurring before this Order comes into force.

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

31 January 2006

The Presiding Officer of the National Assembly

(**1**) 1998 c.38.

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