CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2007 Rhif 578 (Cy.50)

TAI, CYMRU

Gorchymyn Cymeradwyo Cod Ymarfer (Tai Ymddeol Preifat) (Cymru) 2007

NODYN ESBONIADOL

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

Drwy'r Gorchymyn hwn mae Cynulliad Cenedlaethol Cymru yn cymeradwyo, yn ddarostyngedig i'r eithriad a grybwyllir isod, god ymarfer ynglŷn â rheoli tai ymddeol preifat gan landlordiaid ac eraill sy'n cyflawni'r swyddogaeth reoli. Y cod a gymeradwyir yw'r Cod Ymarfer ar gyfer Tai Ymddeol Preifat (Cymru) (ISBN 095266 9137) ac mae i'w gyhoeddi gan Chain and Pyle, Unit 3, King James Court, King James Street, Llundain SE1 0DH. Ni chafodd Atodiadau 4 i 6 o'r Cod eu cymeradwyo am nad ydynt yn berthnasol at ddibenion adran 87 o Ddeddf 1993.

Drwy'r Gorchymyn hwn mae Cynulliad Cenedlaethol Cymru hefyd yn tynnu'n ôl y gymeradwyaeth ar gyfer Cod Ymarfer Cymdeithas Rheolwyr Tai Ymddeol ar gyfer Rheoli Tai Cysgodol Lesddaliadol (ISBN 0-9526691-0-2) a roddwyd gan Orchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) (Rhif 2) 1995 ac ar gyfer addasiadau Cod Ymarfer Cymdeithas Rheolwyr Tai Ymddeol ar gyfer Rheoli Tai Cysgodol Lesddaliadol (ISBN 0-9526691-1-0) a roddwyd gan Orchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) 1998. Caiff y Gorchmynion hynny hefyd eu dirymu.

Mae adran 87(7) o Ddeddf Diwygio Lesddaliad, Tai a Datblygu Trefol 1993 ("Deddf 1993") yn darparu nad yw methiant i gydymffurfio ag unrhyw ddarpariaeth o god ymarfer a gymeradwywyd ynddo'i hun yn gosod person yn agored i unrhyw reithdrefn, ond mewn unrhyw reithdrefn mae'r cod ymarfer yn dderbyniol fel tystiolaeth a chaiff unrhyw ddarpariaeth sy'n

NATIONAL ASSEMBLY FOR WALES

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2007 No. 578 (W.50)

HOUSING, WALES

Approval of Code of Practice (Private Retirement Housing) (Wales) Order 2007

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the National Assembly for Wales approves, subject to the exception mentioned below, a code of practice relating to the management of private retirement housing by landlords and others who discharge the management function. The approved code is The Code of Practice for Private Retirement Housing (Wales) (ISBN 095266 9137) and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London SE1 0DH. Appendices 4 to 6 of the Code have not been approved as they are not relevant for the purposes of section 87 of the 1993 Act.

By this Order the National Assembly for Wales also withdraws approval for The Association of Retirement Housing Managers' Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-0-2) which was given by the Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995 and for modifications to The Association of Retirement Housing Managers' Code of Practice for the Management of Leasehold Sheltered Housing (ISBN 0-9526691-1-0) which was given by the Approval of Codes of Management Practice (Residential Property) Order 1998. Those Orders are also revoked.

Section 87(7) of the Leasehold Reform, Housing and Urban Development Act 1993 ("the 1993 Act") 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

ymddangos ei bod yn berthnasol i unrhyw gwestiwn sy'n codi yn y rheithdrefn 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 tai ymddeol preifat yng Nghymru ac yn ddarostyngedig i'r ddarpariaeth drosiannol yn erthygl 4. Mae'r Cod a gafodd ei gymeradwyo ym 1995 a'i addasu ym 1998 yn parhau'n effeithiol at ddibenion rheithdrefnau ynglŷn â gweithredoedd neu anweithredodd yr honnir eu bod wedi digwydd cyn i'r Gorchymyn hwn ddod i rym.

Mae Arfarniad Rheoliadol wedi cael ei baratoi o ran Gorchymyn hwn. Gellir cael copi oddi wrth Gynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ (Ffôn 0845 010 3300).

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 private retirement housing in Wales and are subject to the transitional provision in article 4. The Code that was approved in 1995 and modified in 1998 continues to have effect for the purpose of proceedings relating to acts or omissions that are alleged to have occurred before this Order comes into force.

A Regulatory Appraisal has been prepared in connection with this Order. A copy may be obtained from the National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ (Tel 0845 010 3300).

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2007 Rhif 578 (Cy.50)

TAI, CYMRU

Gorchymyn Cymeradwyo Cod Ymarfer (Tai Ymddeol Preifat) (Cymru) 2007

Wedi'i wneud	*27 Chwefror 2007*
Yn dod i rym	*2 Mawrth 2007*

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 yng Nghynulliad Cenedlaethol Cymru(**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 Cod Ymarfer (Tai Ymddeol Preifat) (Cymru) 2007 a daw i rym ar 2 Mawrth 2007.

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

Cymeradwyo cod ymarfer

2. Gan eithrio Atodiadau 4 i 6 caiff , *The Code of Practice for Private Retirement Housing (Wales)* (ISBN 095266 9137), a gafodd ei gyflwyno ar gyfer cymeradwyaeth ar 22 Rhagfyr 2006 gan Gymdeithas Rheolwyr Tai Ymddeol ac sydd i'w gyhoeddi gan Chain and Pyle, Unit 3, King James Court, King James Street, Llundain SE1 0DH, ei gymeradwyo.

(**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.

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HOUSING, WALES

Approval of Code of Practice (Private Retirement Housing) (Wales) Order 2007

Made	*27 February 2007*
Coming into force	*2 March 2007*

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 Code of Practice (Private Retirement Housing) (Wales) Order 2007 and it comes into force on 2nd March 2007.

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

Approval of code of practice

2. With the exception of Appendices 4 to 6, *The Code of Practice for Private Retirement Housing (Wales)* (ISBN 095266 9137), which was submitted for approval on 22 December 2006 by the Association of Retirement Housing Managers and is to be published by Chain and Pyle, Unit 3, King James Court, King James Street, London SE1 0DH, is approved.

(**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

Dirymu gorchmynion a thynnu cymeradwyaethau yn ôl

3. Dirymir Gorchymyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) (Rhif 2) 1995(**1**) a Gorchmyn Cymeradwyo Codau Ymarfer ar gyfer Rheoli (Eiddo Preswyl) 1998(**2**); a thynnir yn ôl y cymeradwyaethau a roddwyd gan y Gorchmynion hynny.

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 rheithdrefnau) o ran gweithred neu anweithred 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(**3**)

27 Chwefror 2007

Llywydd y Cynulliad Cenedlaethol

Revocation of orders and withdrawal of approvals

3. The Approval of Codes of Management Practice (Residential Property) (No 2) Order 1995(**1**) and the Approval of Codes of Management Practice (Residential Property) Order 1998(**2**) are revoked; and the approvals given by those Orders are withdrawn.

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(**3**)

27 February 2007

D. Elis-Thomas

The Presiding Officer of the National Assembly

(**1**) O.S. 1995/3149

(**2**) O.S. 1998/106

(**3**) 1998 p.38

(**1**) S.I. 1995/3149

(**2**) S.I. 1998/106

(**3**) 1998 c.38

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