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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2011 Rhif 1863 (Cy.201) (C.68)**

**2011 No. 1863 (W.201) (C.68)**

**TAI, CYMRU**

**HOUSING, WALES**

Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 2) (Cymru)  
2011

The Housing and Regeneration Act  
2008 (Commencement No. 2)  
(Wales) Order 2011

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

Y Gorchymyn hwn yw'r ail Orchymyn Cychwyn i'w wneud gan Weinidogion Cymru o dan Ddeddf Tai ac Adfywio 2008 ("Deddf 2008"). Mae'n dod ag adran 309 (Fflatiau a fu gynt yn fflatiau hawl i brynu a fflatiau eraill: pryniadau cyfrannau ecwiti) o Ddeddf 2008 i rym ar 26 Gorffennaf 2011 er mwyn galluogi Gweinidogion Cymru i wneud rheoliadau. Mae'r Gorchymyn yn dod ag adran 308 (Fflatiau a fu gynt yn fflatiau hawl i brynu a fflatiau eraill: benthyciadau at ffioedd gwasanaeth) o Ddeddf 2008 ac adran 309 i rym yn llawn o ran Cymru ar 19 Awst 2011.

This Order is the second Commencement Order made by the Welsh Ministers under the Housing and Regeneration Act 2008 ("the 2008 Act"). It brings section 309 (Former right to buy and other flats: equity share purchases) of the 2008 Act into force on 26 July 2011 for the purpose of enabling the Welsh Ministers to make regulations. The Order brings section 308 (Former right to buy and other flats: service charge loans) of the 2008 Act and section 309 fully into force in relation to Wales on 19 August 2011.

Mae adran 308 yn diwygio adran 450C o Ddeddf Tai 1985 ("Deddf 1985") mewn cysylltiad â benthyciadau at ffioedd gwasanaeth gan landlordiaid i lesddeiliaid i'w cynorthwyo i dalu ffioedd gwasanaeth, yn y fath fodd ag i ganiatáu i fenthyciadau o'r fath fod ar delerau nad ydynt yn delerau benthyciad sy'n dwyn llog. Mae'r pŵer o dan adran 450C o Ddeddf 1985 wedi ei estyn i ddarparu ar gyfer codi ffi am wasanaethau'r prisiwr dosbarth.

Section 308 amends section 450C of the Housing Act 1985 ("the 1985 Act") in respect of service charge loans by landlords to leaseholders to assist in payment of service charges, whereby such loans may be on terms other than an interest bearing loan. The power under section 450C of the 1985 Act is extended to provide for charging for the services of the district valuer.

Mae adran 309 yn mewnosod adran 450D yn Neddf 1985. Mae'r adran hon yn darparu y caiff yr awdurdod cenedlaethol priodol ddarparu drwy reoliadau, os awdurdod tai yw landlord fflat sydd wedi ei osod ar les hir i denant (lesddeiliad) sy'n atebol am dalu ffioedd gwasanaeth mewn cysylltiad ag atgyweiriadau neu welliannau i'r fflat, y caiff y landlord brynu, gyda chytundeb y tenant, fuddiant ecwitiol (cyfran) yn fflat y tenant i helpu'r tenant i dalu ffioedd gwasanaeth. Ystyr yr awdurdod cenedlaethol priodol yw Gweinidogion Cymru mewn perthynas â Chymru.

Section 309 inserts section 450D into the 1985 Act. This section provides that the appropriate national authority may provide by regulations that where a housing authority is the landlord of a flat let on a long lease to a tenant (leaseholder) who is liable to pay service charges in respect of repairs or improvements to the flat, the landlord may, with the tenant's agreement, buy an equitable interest (a share) in the tenant's flat to help the tenant pay service charges. The appropriate national authority means the Welsh Ministers in relation to Wales.

## **NODYN YNGHYLCH GORCHYMYN CYCHWYN BLAENOROL**

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

Gwnaed un Gorchymyn Cychwyn cyn dyddiad y Gorchymyn hwn, a hwnnw'n cychwyn adran 315 o Ddeddf 2008 mewn perthynas â Chymru ar 30 Mawrth 2009 (gweler O.S. 2009/773 (Cy. 65)).

Mae amryw o ddarpariaethau Deddf 2008 wedi eu dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol a ganlyn:

O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/363, O.S. 2009/415, O.S. 2009/773, O.S. 2009/803, O.S. 2009/1261, O.S. 2009/2096, O.S. 2010/862 ac O.S. 2011/1002.

Gweler hefyd adran 325(2) o Ddeddf 2008 ar gyfer y darpariaethau a ddaeth i rym ar ddiwedd y deufis o'r dyddiad y cafodd Deddf 2008 ei phasio.

## **NOTE AS TO AN EARLIER COMMENCEMENT ORDER**

*(This note is not part of the Order)*

There has been one Commencement Order made before the date of this Order, commencing section 315 of the 2008 Act in relation to Wales on 30 March 2009 (see S.I. 2009/773 (W. 65)).

Various provisions of the 2008 Act have been brought into force in relation to England by the following Statutory Instruments:

S.I. 2008/2358, S.I. 2008/3068, S.I. 2009/363, S.I. 2009/415, S.I. 2009/773, S.I. 2009/803, S.I. 2009/1261, S.I. 2009/2096, S.I. 2010/862 and S.I. 2011/1002.

See also section 325(2) of the 2008 Act for the provisions which came into force at the end of 2 months from when the 2008 Act was passed.

**2011 Rhif 1863 (Cy.201) (C.68)**

**TAI, CYMRU**

**Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 2) (Cymru)  
2011**

*Gwnaed*

*25 Gorffennaf 2011*

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd iddynt gan adran 325(3) a (4) o Ddeddf Tai ac Adfywio 2008(1) yn gwneud y Gorchymyn a ganlyn:

**Enwi a chymhwyso**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai ac Adfywio 2008 (Cychwyn Rhif 2) (Cymru) 2011.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Cychwyn darpariaethau penodol yn Rhan 3  
(materion landlord a tenant)**

2. Mae adran 309 (Fflatiau a fu gynt yn fflatiau hawl i brynu a fflatiau eraill: pryniadau cyfrannau ecwiti) o Ddeddf Tai ac Adfywio 2008 yn dod i rym ar 26 Gorffennaf 2011 er mwyn galluogi Gweinidogion Cymru i wneud rheoliadau o dan adran 450D o Ddeddf Tai 1985.

3. Mae darpariaethau canlynol Deddf Tai ac Adfywio 2008 yn dod i rym ar 19 Awst 2011:

- (1) adran 308 (Fflatiau a fu gynt yn fflatiau hawl i brynu a fflatiau eraill: benthyciadau at ffioedd gwasanaeth); a
- (2) adran 309 i'r graddau nad yw eisoes mewn grym.

**2011 No. 1863 (W.201) (C.68)**

**HOUSING, WALES**

**The Housing and Regeneration Act  
2008 (Commencement No. 2)  
(Wales) Order 2011**

*Made*

*25 July 2011*

The Welsh Ministers, in exercise of the power conferred on them by section 325(3) and (4) of the Housing and Regeneration Act 2008(1), make the following Order:

**Title and application**

1.-(1) This Order is called the Housing and Regeneration Act 2008 (Commencement No. 2) (Wales) Order 2011.

(2) This Order applies in relation to Wales.

**Commencement of certain provisions of Part 3  
(landlord and tenant matters)**

2. Section 309 (Former right to buy and other flats: equity share purchases) of the Housing and Regeneration Act 2008 comes into force on 26 July 2011 for the purpose of enabling the Welsh Ministers to make regulations under section 450D of the Housing Act 1985.

3. The following provisions of the Housing and Regeneration Act 2008 come into force on 19 August 2011:

- (1) section 308 (Former right to buy and other flats: service charge loans); and
- (2) section 309 so far as not already in force.

*Huw Lewis*

Y Gweinidog Tai, Adfywio a Threftadaeth, un o  
Weinidogion Cymru.

Minister for Housing, Regeneration and Heritage, one  
of the Welsh Ministers.

25 Gorffennaf 2011

25 July 2011

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