



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 1865 (Cy.203)

2011 No. 1865 (W.203)

TAI, CYMRU

HOUSING, WALES

Rheoliadau Tai (Prynu Buddiannau
Ecwitiol) (Cymru) 2011

The Housing (Purchase of
Equitable Interests) (Wales)
Regulations 2011

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Rheoliadau hyn yn rhoi i awdurdod tai sy'n landlord fflat o dan les hir bŵer i brynu buddiant ecwitiol yn y fflat er mwyn cynorthwyo'r tenant i dalu rhywfaint neu'r cyfan o gostau'r taliadau ffioedd gwasanaeth sy'n daladwy gan y tenant i'r landlord mewn cysylltiad ag atgyweiriadau a chyfraniadau at welliannau. Mae'n ofynnol cael cytundeb y tenant. Mae'r term "housing authority" ("awdurdod tai") a'r term "long lease" ("les hir") wedi eu diffinio yn adran 458 o Ddeddf Tai 1985. Mae adran 450D o'r Ddeddf honno (y mae'r Rheoliadau hyn wedi eu gwneud o dani) yn addasu'r diffiniad o "housing authority", ac yn diffinio "improvement contribution" ("cyfraniad at welliant") a "repairs" ("atgyweiriadau").

These Regulations give a housing authority which is a landlord of a flat under a long lease the power to purchase an equitable interest in the flat in order to assist the tenant to meet some or all of the costs of service charge payments payable by the tenant to the landlord in respect of repairs and improvement contributions. The agreement of the tenant is required. The terms "housing authority" and "long lease" are defined in section 458 of the Housing Act 1985. Section 450D of that Act (under which these Regulations are made) modifies the definition of "housing authority", and defines "improvement contribution" and "repairs".

Mae rheoliad 2 yn nodi'r amodau y mae'n rhaid eu bodloni cyn y gellir arfer pŵer i brynu buddiant ecwitiol.

Regulation 2 sets out the conditions which must be met before the power to purchase an equitable interest can be exercised.

Mae rheoliad 3 yn darparu y caiff y landlord arfer y pŵer a roddir gan rheoliad 2 pryd bynnag yr oedd y les wedi ei rhoi neu ei haseinio a phryd bynnag y daeth y ffi wasanaeth yn daladwy, a bod hynny, yn y naill achos a'r llall, yn cynnwys y cyfnod cyn i'r Rheoliadau hyn ddod i rym.

Regulation 3 provides that the landlord may exercise the power conferred by regulation 2 whenever the lease was granted or assigned, and whenever the service charge became payable, in both cases including before the coming into force of these Regulations.

Mae rheoliad 4 yn ei gwneud yn ofynnol i'r landlord dalu am y buddiant ecwitiol sy'n cael ei brynu drwy leihau neu ganslo (yn ôl y digwydd) y taliad ffioedd gwasanaeth y mae'r tenant yn atebol i'w dalu. Pan fo'r landlord a'r tenant wedi cytuno y bydd y tenant yn talu treuliau gweinyddol y landlord mewn cysylltiad â'r pryniad, caiff y landlord ddi-dynnu'r treuliau hyn oddi ar y pris prynu.

Regulation 4 requires the landlord to pay for the equitable interest purchased by reducing or cancelling (as the case may be) the service charge payment for which the tenant is liable. Where the landlord and the tenant have agreed that the tenant will meet the landlord's administrative expenses in connection with the purchase, the landlord may deduct these expenses from the purchase price.

Mae rheoliad 5 yn caniatáu i'r landlord a'r tenant gytuno y bydd y tenant yn talu treuliau gweinyddol y landlord mewn cysylltiad â'r pryniad.

Regulation 5 allows the landlord and the tenant to agree that the tenant will pay the landlord's administrative expenses in connection with the purchase.

2011 Rhif 1865 (Cy.203)

TAI, CYMRU

**Rheoliadau Tai (Prynu Buddiannau
Ecwitiol) (Cymru) 2011**

Gwnaed 26 Gorffennaf 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 27 Gorffennaf 2011

Yn dod i rym 19 Awst 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 450D o Ddeddf Tai 1985(1), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai (Prynu Buddiannau Ecwitiol) (Cymru) 2011 a deuant i rym ar 19 Awst 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Pŵer i brynu buddiant ecwitiol i gynorthwyo
tenant i dalu taliadau ffioedd gwasanaeth**

2.—(1) Caiff awdurdod tai ("y landlord") brynu, gyda chytundeb y tenant, fuddiant ecwitiol mewn fflat pan fo'r amodau ym mharagraff (2) wedi eu bodloni.

(2) Y gofynion a grybwyllwyd ym mharagraff (1) yw—

- (a) bod les hir y fflat wedi cael ei rhoi neu ei haseinio gan y landlord neu awdurdod tai arall;
- (b) bod y tenant yn atebol o dan delerau'r les i dalu ffioedd gwasanaeth i'r landlord mewn cysylltiad ag atgyweiriadau neu gyfraniadau at welliant (p'un ai i'r fflat, yr adeilad lle y mae neu unrhyw adeilad arall neu dir arall); ac

(1) 1985 p. 68. Mewnosodwyd adran 450D gan adran 309 o Ddeddf Tai ac Adfywio 2008 (p.17). Mae'r pŵer i wneud rheoliadau o dan adran 450D(1) wedi ei roi i'r awdurdod cenedlaethol priodol (yr "appropriate national authority"). Yn rhinwedd adran 450D(10), ystyr yr "appropriate national authority" yw Gweinidogion Cymru mewn perthynas â Chymru.

2011 No. 1865 (W.203)

HOUSING, WALES

**The Housing (Purchase of
Equitable Interests) (Wales)
Regulations 2011**

Made 26 July 2011

*Laid before the National
Assembly for Wales* 27 July 2011

Coming into force 19 August 2011

The Welsh Ministers, in exercise of the powers conferred upon them by section 450D of the Housing Act 1985(1), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Housing (Purchase of Equitable Interests) (Wales) Regulations 2011 and they come into force on 19 August 2011.

(2) These Regulations apply in relation to Wales.

**Power to purchase an equitable interest to assist a
tenant to meet service charge payments**

2.—(1) A housing authority ("the landlord") may with the agreement of the tenant purchase an equitable interest in a flat where the conditions in paragraph (2) are satisfied.

(2) The conditions mentioned in paragraph (1) are that—

- (a) a long lease of the flat was granted or assigned by the landlord or another housing authority;
- (b) the tenant is liable under the terms of the lease to pay service charges to the landlord in respect of repairs or improvement contributions (whether to the flat, the building in which it is situated or any other building or land); and

(1) 1985 c. 68. Section 450D was inserted by section 309 of the Housing and Regeneration Act 2008 (c.17). The power to make regulations under section 450D(1) is conferred on the "appropriate national authority". By virtue of section 450D(10), the appropriate national authority means the Welsh Ministers in relation to Wales.

(c) mai diben y prynu yw cynorthwyo'r tenant i dalu rhywfaint neu'r cyfan o'r taliadau ffioedd gwasanaeth.

(c) the purpose of the purchase is to assist the tenant to meet some or all of the service charge payments.

Arfer pŵer i brynu

3. Caiff y landlord brynu o dan reoliad 2 er gwaethaf y ffaith bod y les o dan sylw wedi ei rhoi neu ei haseinio, neu fod y ffi wasanaeth o dan sylw wedi dod yn daladwy, cyn i'r Rheoliadau hyn ddod i rym.

Exercise of power to purchase

3. The landlord may make a purchase under regulation 2 notwithstanding that the lease concerned was granted or assigned, or the service charge concerned became payable, before the coming into force of these Regulations.

Y pris prynu

4.—(1) Y modd y mae'n rhaid i gost y buddiant ecwitiol a brynwyd (y "pris prynu") gael ei thalu yw bod y landlord yn lleihau neu (yn ôl y digwydd) yn canslo'r ffi wasanaeth sy'n daladwy i'r landlord gan y tenant i'r graddau y mae'n cyfateb i'r swm sydd o dan sylw, ond mae hyn yn ddarostyngedig i baragraff (2).

Purchase Price

4.—(1) The cost of the equitable interest purchased ("purchase price") must be met by the landlord reducing or (as the case may be) cancelling the service charge payable to the landlord by the tenant to such extent as corresponds to the amount concerned, but this is subject to paragraph (2).

(2) Pan fo'r tenant, yn unol â theler y cytunwyd arno yn y modd a grybwyllir yn rheoliad 5, yn atebol am dalu treuliau gweinyddol y landlord, caniateir i'r pris prynu, yn ôl dewis y landlord, gael ei ostwng yn ôl swm y treuliau hynny.

(2) Where, in accordance with a term agreed as mentioned in regulation 5, the tenant is liable to pay the landlord's administrative expenses, the purchase price may, at the option of the landlord, be reduced by the amount of those expenses.

Treuliau gweinyddol

5. Caniateir iddo fod yn un o delerau'r cytundeb ar gyfer prynu o dan reoliad 2 fod y tenant yn atebol am dreuliau gweinyddol y landlord mewn cysylltiad â'r prynu.

Administrative Expenses

5. It may be a term of the agreement for a purchase under regulation 2 that the tenant be liable for the administrative expenses of the landlord in connection with the purchase.

Huw Lewis

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

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

26 Gorffennaf 2011

26 July 2011

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