OFFERYNNAU STATUDOL CYMRU

2012 Rhif 2090 (Cy.240)

TAI, CYMRU

Gorchymyn Mesur Tai (Cymru) 2011 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2012

Gwnaed - - - -	*9 Awst 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*13 Awst 2012*
Yn dod i rym - -	*3 Medi 2012*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 34(1), (2) a (3)(b) ac adran 89(1) a (2) o Fesur Tai (Cymru) 2011(**1**), yn gwneud y Gorchymyn a ganlyn.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Mesur Tai (Cymru) 2011 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2012 ac mae'n gymwys o ran Cymru.

(2) Daw'r Gorchymyn hwn i rym ar 3 Medi 2012.

Diwygiadau canlyniadol i is-ddeddfwriaeth sy'n ymwneud â'r hawl i brynu a'r hawl i gaffael

2.—(1) Mae'r Atodlen yn cynnwys diwygiadau i is-ddeddfwriaeth sy'n ymwneud â'r hawl i brynu a'r hawl i gaffael o ganlyniad i gychwyn Rhan 1 o Fesur Tai (Cymru) 2011.

(2) Daw'r diwygiadau sydd wedi eu rhestru yn yr Atodlen i'r Gorchymyn hwn i rym ar 3 Medi 2012.

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

9 Awst 2012

(**1**) 2011 mccc 5.

YR ATODLEN Erthygl 2

Diwygiadau i'r Is-ddeddfwriaeth sy'n ymwneud â'r Hawl i Brynu a'r Hawl i Gaffael o ganlyniad i Ran 1 o Fesur Tai (Cymru) 2011

Rheoliadau Tai (Cadw yr Hawl i Brynu) 1993

1.—(1) Mae Rheoliadau Tai (Cadw yr Hawl i Brynu) 1993(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn Rhan I o Atodlen 1 (Addasiadau i Ran V o Ddeddf Tai 1985)—

(a) ym mharagraff 1(1), ar ôl "Part V", mewnosoder "(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)";

(b) ym mharagraff 2(1), ar ôl "Part V", mewnosoder "(including section 122A and section 122B inserted by the Housing (Wales) Measure 2011)";

(c) ym mharagraff 5—

(i) ar ddechrau'r paragraff, mewnosoder "(1) In section 122, after subsection (1) insert "Unless section 122B applies."""; a

(ii) cyn "At", mewnosoder "(2)".

(3) Yn Atodlen 2 (Rhan V fel y mae'n gymwys mewn achosion lle y mae'r hawl i brynu wedi ei chadw) ar ddechrau adran 122(1) (Hysbysiad y person cymwys yn hawlio arfer yr hawl i brynu) mewnosoder "Unless section 122B applies".

(4) Yn Atodlen 2, ar ôl adran 122, mewnosoder—

"**Applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right**

122A.—(1) Subsection (2) applies if—

(a) the Welsh Ministers are considering a local housing authority's application for a direction ("the draft direction") in accordance with section 4(1) or (2) or 11(1) or (2) of the Housing (Wales) Measure 2011;

(b) a claim to exercise the right to buy is made under section 122(1) in respect of a qualifying dwelling-house to which—

(i) in the case of an application which is being considered in accordance with section 4(1) or (2) of the 2011 Measure, the draft direction applies, or

(ii) in the case of an application which is being considered in accordance with section 11(1) or (2) of the 2011 Measure, the enlarging elements (within the meaning of section 7 of that Measure) of the draft direction apply;

(c) the claim was made after the date on which the Welsh Ministers decided to consider the application for the proposed direction, and

(d) the application has not been determined or withdrawn.

(2) The claim to exercise the right to buy shall be stayed unless withdrawn by the qualifying person under section 122(3).

(3) If the Welsh Ministers refuse to issue the direction, the stay shall be lifted on the date of refusal.

(4) If the application for the direction is withdrawn, the stay shall be lifted on the date of withdrawal.

(**2**) O.S. 1993/2241. Amnewidiwyd Atodlen 5A i Reoliadau 1993 yng Nghymru o dan Reoliadau Tai (Cadw'r Hawl i Brynu) (Diwygio) (Cymru) 2001 (*Gweler* O.S. 2001/1301 (Cy.78)).

(5) If the Welsh Ministers have not granted or rejected an application for a direction within six months beginning with the date on which they decided to consider the application (see sections 4(4) and 11(4) of the 2011 Measure), the stay shall be lifted on the day after the end of that period.

(6) If a claim to exercise the right to buy is stayed at the time the Welsh Ministers grant an application for a direction, the claim is deemed not to have been made.

(7) This section does not affect the computation of any period under Schedule 4.

Suspension of the right to buy in parts of Wales

122B.—(1) This section applies to a qualifying person of a qualifying dwelling-house to which a direction having effect under Part 1 of the Housing (Wales) Measure 2011 applies.

(2) While the direction has effect, the qualifying person may not claim to exercise the right to buy under section 122.

(3) This section does not affect the computation of any period in accordance with Schedule 4."

(5) Yn adran 124 (Hysbysiad y landlord yn derbyn neu'n gwadu'r hawl i brynu)—

(a) yn is-adran (1), mewnosoder "or (3)" ar ôl "subsection (2)"; a

(b) ar ôl is-adran (2) mewnosoder—

"(3) But the period for serving a notice in a case where the stay of a claim to exercise the right to buy has been lifted under subsection (3), (4) or (5) of section 122A is four weeks beginning with the lifting date where the requirement of section 119 is satisfied by a period or periods during which the landlord was the landlord on which the qualifying person's notice under section 122 was served, and eight weeks beginning with the lifting date in any other case."

(6) Yn adran 153A (Hysbysiadau y person cymwys am oedi), yn is-adran (1)(a) mewnosoder "or (3)" ar ôl "subsection (2)".

Gorchymyn Tai (Estyn yr Hawl i Brynu) 1993

2.—(1) Mae Gorchymyn Tai (Estyn yr Hawl i Brynu) 1993(**3**) wedi ei ddiwygio fel a ganlyn.

(2) Yn yr Atodlen (Addasiadau i Ran V)—

(a) ym mharagraff 3, yn lle'r rhif adran ""**122A**" (Hysbysiad y tenant i'w gyflwyno i uwchlandlordiaid) rhodder ""**122AA**";

(b) ym mharagraff 5—

(i) yn adran 124(1) (Hysbysiad y rhydd-ddeiliad yn derbyn neu'n gwadu'r hawl i brynu), yn lle "section **122A**", rhodder "section **122AA**" ac ar ôl "subsection (2)", mewnosoder "or (3)";

(ii) ar ôl is-adran (2) mewnosoder—

"(3) But the period for serving a notice in a case where the stay of a claim to exercise the right to buy has been lifted under subsection (3), (4) or (5) of section 122A is four weeks beginning with the lifting date where the requirement of section 119 is satisfied by a period or periods during which the landlord was the landlord on which the tenant's notice under section 122 was served, and eight weeks beginning with the lifting date in any other case."; a

(iii) yn is-adran (3), yn lle is-adran "(3)" rhodder "(4)".

(**3**) O.S. 1993/2240.