OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1260 (Cy.112)

TAI, CYMRU

Gorchymyn Tai (Rhoi Tenantiaethau yn lle Tenantiaethau a Derfynwyd) (Olynydd-landlordiaid) (Cymru) 2009

Gwnaed - - - -	*19 Mai 2009*
Yn dod i rym - -	*20 Mai 2009*

Yn unol ag adran 320(8) o Ddeddf Tai ac Adfywio 2008(**1**), cafodd drafft o'r offeryn hwn ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan baragraff 24 o Atodlen 11 i'r Ddeddf honno;

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Rhoi Tenantiaethau yn lle Tenantiaethau a Derfynwyd) (Olynydd-landlordiaid) (Cymru) 2009 a daw i rym drannoeth y diwrnod y'i gwneir.

(2) Mae'r Gorchymyn hwn yn gymwys o ran tai annedd yng Nghymru.

Rhoi tenantiaethau yn lle tenantiaethau a derfynwyd: achosion olynydd-landlordiaid

2. Mae Rhan 2 o Atodlen 11 i Ddeddf Tai ac Adfywio 2008 (rhoi tenantiaethau yn lle tenantiaethau penodol a derfynwyd) yn gymwys, yn ddarostyngedig i'r addasiadau a bennir yn erthyglau 3 i 7, i achosion olynydd-landlordiaid(**2**).

Amgylchiadau sy'n golygu rhoi tenantiaethau yn lle tenantiaethau a derfynwyd

3. Mae paragraff 16 (amgylchiadau sy'n golygu rhoi tenantiaethau yn lle tenantiaethau a derfynwyd) yn gymwys fel pe bai, yn is-baragraff (1)—

(a) yn lle "ex-landlord", y tro cyntaf a'r eildro y mae'r gair hwnnw'n ymddangos, y geiriau "successor landlord" wedi eu rhoi; a

(b) yn lle paragraff (b), y canlynol wedi ei roi —

"(b) the ex-tenant has not entered into another tenancy with—

(**1**) 2008 p.17.
(**2**) *Gweler* paragraff 24(2) o Atodlen 11.

(i) the successor landlord, or

(ii) any initial transferee or subsequent transferee who is not the successor landlord,

after the date on which the original tenancy ended but before the commencement date.".

Natur tenantiaethau a roddir yn lle tenantiaethau a derfynwyd

4. Mae paragraff 17 yn gymwys fel pe bai'r canlynol wedi ei roi yn ei le—

"**17.** The new tenancy is to be—

(a) a secure tenancy if—

(i) the original tenancy was—

(aa) a secure tenancy,

(bb) an assured tenancy (whether or not an assured shorthold tenancy),

(cc) an introductory tenancy, or

(dd) a demoted tenancy,

(ii) the new tenancy satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985(**3**),

(iii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988(**4**), cannot be an assured tenancy,

(iv) where the original tenancy was an assured shorthold tenancy or an introductory tenancy, no election by the successor landlord under section 124 of the Housing Act 1996(**5**) is in force on the day on which the new tenancy arises, and

(v) where the original tenancy was a demoted tenancy, the successor landlord is not a person entitled to apply for an order of the court under section 82A of the Housing Act 1985 (a demotion order)(**6**),

(b) an assured shorthold tenancy if—

(i) the original tenancy was—

(aa) an assured shorthold tenancy,

(bb) an introductory tenancy, or

(cc) a demoted tenancy(**7**),

(ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,

(iii) the new tenancy is not one which falls within any paragraph of Schedule 2A to the Housing Act 1988(**8**),

(**3**) 1985 p.68; *gweler* yn benodol adrannau 79(1) a (2), 80 ac 81. Diwygiwyd adran 80 gan adran 24(2) o Ddeddf Tai a Chynllunio 1986 (p.63), a pharagraff 26 o Ran II o Atodlen 5 iddi, adrannau 83(2) a 140 o Ddeddf Tai 1988 (p.50) ac Atodlen 18 iddi (o ran arbedion, *gweler* adran 35 o Ddeddf Tai 1988), ac adrannau 140 a 152 o Ddeddf Llywodraeth Cymru 1998 (p.38) a pharagraff 5 o Atodlen 16 iddi a Rhan IV o Atodlen 8 iddi ac O.S. 1996/2325.

(**4**) 1988 p.50.

(**5**) 1996 p.52.

(**6**) Mewnosodwyd adran 82A gan adran 14(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p.38) ac fe'i diwygiwyd gan baragraff 12 o Atodlen 14 i Ddeddf yr Heddlu a Chyfiawnder 2006 (p.48).

(**7**) *Gweler* y diffiniad o 'demoted tenancy' ym mharagraff 26(1) o Atodlen 11 i Ddeddf Tai ac Adfywio 2008.

(**8**) Mewnosodwyd Atodlen 2A gan adran 96(2) o Ddeddf Tai 1996 ac Atodlen 7 iddi.

(iv) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985, and

(v) where the original tenancy was a demoted tenancy, the successor landlord is not a registered social landlord,

(c) an assured tenancy which is not an assured shorthold tenancy if—

(i) the original tenancy was—

(aa) an assured tenancy which was not an assured shorthold tenancy, or

(bb) a secure tenancy,

(ii) the new tenancy is not one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy, and

(iii) the new tenancy does not satisfy the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,

(d) an introductory tenancy if—

(i) the original tenancy was—

(aa) an introductory tenancy, or

(bb) an assured shorthold tenancy,

(ii) the new tenancy is one which, by virtue of subsection (2) of section 1 of the Housing Act 1988, cannot be an assured tenancy,

(iii) an election by the successor landlord under section 124 of the Housing Act 1996 is in force on the day on which the new tenancy arises, and

(iv) but for that election, the new tenancy would be a secure tenancy because it satisfies the conditions for a secure tenancy in accordance with Part IV of the Housing Act 1985,

(e) a demoted tenancy to which section 20B of the Housing Act 1988(**9**) applies if—

(i) the original tenancy was a demoted tenancy, and

(ii) the successor landlord is a registered social landlord, or

(f) a demoted tenancy to which section 143A of the Housing Act 1996(**10**) applies if—

(i) the original tenancy was a demoted tenancy, and

(ii) the new tenancy satisfies the first and second conditions in section 143A of the Housing Act 1996.".

Natur tenantiaethau a roddir yn lle tenantiaethau a derfynwyd — darpariaethau pellach

5. Mae paragraff 18 yn gymwys fel pe bai—

(a) yn is-baragraff (3), yn lle "ex-landlord", y geiriau "successor landlord" wedi eu rhoi; a

(b) yn lle is-baragraff (6), y canlynol wedi ei roi—

"(6) The terms and conditions of a new secure tenancy which arises by virtue of paragraph 17(a), where the original tenancy was—

(a) an assured tenancy,

(b) an introductory tenancy, or

(**9**) Mewnosodwyd adran 20B gan adran 15(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003.

(**10**) Mewnosodwyd adran 143A gan adran 14(5) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003, a pharagraff 1 o Atodlen 1 iddi.