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# 2007 Rhif 3231 (Cy.283)

# TAI, CYMRU

## Rheoliadau Tai Amlfeddiannaeth (Blociau Fflatiau Penodol) (Addasiadau i Ddeddf Tai 2004 a Darpariaethau Trosiannol ar gyfer HMOs adran 257) (Cymru) 2007

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|---|---|
| *Gwnaed - - - -* | *12 Tachwedd 2007* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -* | *13 Tachwedd 2007* |
| *Yn dod i rym - -* | *5 Rhagfyr 2007* |

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 61(5), 146(3)(a) a 250(2) o Ddeddf Tai 2004(**1**) ac a freiniwyd bellach(**2**) yng Ngweinidogion Cymru, yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwyso**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tai Amlfeddiannaeth (Blociau Fflatiau Penodol) (Addasiadau i Ddeddf Tai 2004 a Darpariaethau Trosiannol ar gyfer HMOs adran 257) (Cymru) 2007 a deuant i rym ar 5 Rhagfyr 2007.

(2) Mae'r Rheoliadau hyn yn gymwys i HMOs adran 257(**3**) yng Nghymru.

**Addasiadau i Ran 2 o Ddeddf Tai 2004 (trwyddedu tai amlfeddiannaeth)**

**2.** Mae darpariaethau Rhan 2 (trwyddedu tai amlfeddiannaeth) o Ddeddf Tai 2004 ("y Ddeddf") yn cael effaith mewn perthynas ag HMO adran 257, yn ddarostyngedig i'r addasiadau a bennir yn rheoliadau 3 i 10.

**3.** Yn adran 61 (gofyniad i HMOs gael eu trwyddedu), ar ôl is-adran (6) ychwaneger—

"(7) In this Part the "person having control" in respect of a section 257 HMO is—

(**1**) 2004 p.34. Mae'r pwerau a roddwyd gan adrannau 61(5), 146(3) a 250(2) o'r Ddeddf yn arferadwy, o ran Cymru, gan Gynulliad Cenedlaethol Cymru. *Gweler* y diffiniad o'r "appropriate national authority" yn adran 261(1) o Ddeddf 2004.

(**2**) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32) mae'r swyddogaethau a oedd gynt yn arferadwy gan Gynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru.

(**3**) I gael ystyr "section 257 HMO" *gweler* adrannau 61(5) a 146(4) o'r Ddeddf. I gael ystyr "HMO" *gweler* adrannau 254 i 259 o'r Ddeddf.

(a) in relation to an HMO in respect of which no person has been granted a long lease of a flat within the HMO, the person who receives the rack rent for the HMO, whether on his own account or as an agent or trustee of another person;

(b) in relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, the person who falls within the first paragraph of subsection (8) to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.

(8) A person falls within this subsection if the person—

(a) has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002(**4**);

(b) has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987(**5**);

(c) is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or

(d) has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002.

(9) In this section "long lease" means a lease that—

(a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or

(b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,

and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term.".

**4.** Yn adran 64 (rhoi neu wrthod trwydded), hepgorer is-adran (3)(a) ac yn lle is-adran (4) rhodder —

"(4) When deciding whether the proposed licence holder is a fit and proper person to be the licence holder the local housing authority must take into consideration whether that person has control of the HMO and the extent to which he has control over it.".

**5.** Yn adran 65 (profion ynghylch addasrwydd at amlfeddiannaeth)—

(a) yn lle is-adran (1) rhodder—

"(1) The local housing authority cannot be satisfied that the house is reasonably suitable for occupation as a section 257 HMO if they consider that—

(a) the common parts of the HMO; or

(b) any flat within the HMO other than a flat let on a long lease,

fail to meet prescribed standards."(**6**);

(b) ar ôl is-adran (1) ychwaneger—

"(1A) Where a house becomes a section 257 HMO as a result of conversion works carried out on the house after 5 December 2007, any flat within the HMO in respect of which a long lease is granted after that date shall be treated for the purpose of subsection (1) as though no such lease has been granted unless—

(**4**) 2002 p.15.
(**5**) 1987 p.31. Mae adran 24 wedi'i diwygio gan Ddeddf Tai 1996 (p. 31) a Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.
(**6**) Gweler Atodlen 3 i O.S. 2006/1715 (Cy.177) sy'n rhagnodi safonau o dan adran 65(4).

(a) the local housing authority are satisfied that the appropriate building standards have been met in relation to that flat; or

(b) the local housing authority are satisfied that the lease has been granted by a person other than the freeholder or head lessor of the whole of the HMO.";

(c) hepgorer is-adran (2);

(ch) ym mharagraff (a) o is-adran (4) hepgorer "number,"; a

(d) ar ôl is-adran (4) ychwaneger—

"(5) In this section "long lease" has the same meaning as in section 61(9).".

**6.** Yn adran 67 (amodau'r drwydded) ar ôl is-adran (1), mewnosoder—

"(1A) For the purposes of section 67(1) a licence may not include a condition that regulates the use, occupation or contents of any part of an HMO unless the condition relates to a matter over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control.".

**7.** Yn adran 73 (canlyniadau eraill rhedeg HMOs sydd heb eu trwyddedu: gorchmynion ad-dalu rhent), yn is-adran (10)—

(a) yn lle'r diffiniad o "the appropriate person", rhodder—

""the appropriate person", in relation to any payment of housing benefit or periodical payments payable in connection with occupation of a part of a section 257 HMO means the person who at the time when such benefit or payments were made was the person—

(a) having control of the HMO; and

(b) entitled to receive on his own account periodical payments in connection with such occupation of the part of the HMO in respect of which the payment or housing benefit relates."; a

(b) ar ôl y diffiniad o "periodical payments" mewnosoder—

""rent" does not include ground rent, service charges or insurance charges paid under the terms of a lease in respect of a flat within a section 257 HMO.".

**8.** Yn adran 75 (canlyniadau eraill rhedeg HMOs sydd heb eu trwyddedu: cyfyngiadau ar derfynu tenantiaethau)—

(a) yn lle is-adran (1) rhodder—

"(1) No section 21 notice may be given in relation to a shorthold tenancy of a flat in an unlicensed section 257 HMO by the person having control of the HMO so long as it remains such an HMO."; a

(b) ar ôl is-adran (2), mewnosoder—

"(3) Subsection (1) does not affect the right of any person (other than the person having control of a section 257 HMO) to serve a section 21 notice in respect of a shorthold tenancy of a flat in such an HMO.".

**9.** Yn adran 78 (mynegai o ymadroddion sydd wedi'u diffinio: Rhan 2) yn y cofnod sy'n ymwneud â pherson sydd â rheolaeth, yn lle'r cyfeiriad at adran 263(1) a (2), rhodder cyfeiriad at adran 61(7).

**10.** Yn Atodlen 4—

(a) ym mharagraff (1) ar ôl "conditions" mewnosoder "but in the case of a licence under Part 2, this is subject to sub-paragraph (6)";

(b) ar ôl is-baragraff (5), mewnosoder—