



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 3127 (Cy. 316) (C. 136)

2014 No. 3127 (W. 316) (C. 136)

TAI, CYMRU

HOUSING, WALES

**Gorchymyn Deddf Tai (Cymru)
2014 (Cychwyn Rhif 1) 2014**

**The Housing (Wales) Act 2014
(Commencement No. 1) Order 2014**

NODYN ESBONIADOL

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

Dyma'r gorchymyn cychwyn cyntaf i Weinidogion Cymru ei wneud o dan Ddeddf Tai (Cymru) 2014 ("y Ddeddf"). Mae'n cychwyn darpariaethau penodol yn y Ddeddf at wahanol ddibenion ar 1 Rhagfyr 2014.

Mae erthygl 2(a) yn cychwyn, at bob diben, ddarpariaethau penodol yn Rhannau 4, 5, 6, 8 a 9 o'r Ddeddf, a Rhannau 3 a 5 o Atodlen 3 iddi.

Mae Rhan 4 o'r Ddeddf yn cynnwys darpariaethau sy'n caniatáu i Weinidogion Cymru bennu safonau ar gyfer tai cymdeithasol. Mae hefyd yn cyflwyno Rhan 3 o Atodlen 3 sy'n cynnwys diwygiadau canlyniadol i Ran 4. Caiff y Rhan hon ei chychwyn yn llawn, ac eithrio adran 129 (cymhwyso dyletswyddau sy'n ymwneud â ffioedd gwasanaeth i denantiaethau awdurdod lleol).

Mae Rhan 5 o'r Ddeddf yn diddymu cymhorthdal y Cyfrif Refeniw Tai; fodd bynnag, ni chychwynnir ond adran 131(4)(c) o Ran 5 yn awr. Mae hyn yn diddymu paragraff 2, Rhan 3 o Atodlen 4 i Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) (balans credyd pan nad yw cymhorthdal Cyfrif Refeniw Tai yn daladwy).

Mae Rhan 6 o'r Ddeddf yn diwygio Deddf Tai 1988 (p. 50) (Tenantiaethau Sicr - tenantiaethau na allant fod yn denantiaethau sicr). Cychwynnir adran 137 yn llawn er mwyn caniatáu i gymdeithasau tai cwbl gydfuddiannol roi tenantiaethau sicr.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Housing (Wales) Act 2014 ("the Act"). It commences certain provisions in the Act for differing purposes on 1 December 2014.

Article 2(a) commences, for all purposes, certain provisions in Parts 4, 5, 6, 8 and 9 of, and Parts 3 and 5 of Schedule 3 to, the Act.

Part 4 of the Act contains provisions allowing the Welsh Ministers to set standards for social housing. It also introduces Part 3 of Schedule 3 which contains amendments consequent on Part 4. This Part is commenced in full, with the exception of section 129 (application of duties relating to service charges to local authority tenancies).

Part 5 of the Act abolishes the Housing Revenue Account subsidy; however only section 131(4)(c) of Part 5 is commenced now. This repeals paragraph 2, Part 3 of Schedule 4 to the Local Government and Housing Act 1989 (c. 42) (credit balance where no Housing Revenue Account subsidy is payable).

Part 6 of the Act amends the Housing Act 1988 (c. 50) (Assured Tenancies – tenancies which cannot be assured tenancies). Section 137 is commenced in full to allow fully mutual housing associations to grant assured tenancies.

Mae Rhan 8 o'r Ddeddf yn diwygio Rhan 1 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28) (Landlord a Tenant). Mae hefyd yn diddymu, mewn perthynas â Chymru, Ddeddf Diwygio Cyfraith Lesddaliad (Diwygio) Cymru 2014. Mae'r diwygiadau yn caniatáu i hysbysiadau gael eu llofnodi ar ran tenantiaid.

Mae Rhan 9 o'r Ddeddf yn cynnwys darpariaethau amrywiol. Mae'r Gorchymyn hwn yn cychwyn y darpariaethau nad ydynt eisoes mewn grym. Mae adran 141 yn cyflwyno Rhan 5 o Atodlen 3 i'r Ddeddf. Mae hyn yn gwneud mân ddiwygiadau i Ddeddf Cartrefi Symudol (Cymru) 2013 (dccc 6). Mae adran 144 yn cynnwys pŵer Gweinidogion Cymru i wneud darpariaethau canlyniadol a throsiannol etc.

Mae erthygl 2(b) yn cychwyn darpariaethau penodol yn Rhannau 1 a 2 o'r Ddeddf, ac Atodlen 2 iddi, ond at ddibenion gwneud gorchmynion a rheoliadau, a rhoi cyfarwyddiadau yn unig.

Mae erthygl 2(c) yn cychwyn darpariaethau penodol yn Rhannau 1, 2 a 3 o'r Ddeddf, ond at ddibenion rhoi, adolygu neu ddirymu canllawiau statudol a dyroddi, diwygio neu dynnu'n ôl god ymarfer yn unig.

Part 8 of the Act amends Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (Landlord and Tenant). It also repeals, in relation to Wales, the Leasehold Reform (Amendment) Act 2014. The amendments allow notices to be signed on behalf of tenants.

Part 9 of the Act contains miscellaneous provisions. The provisions not already in force are commenced by this Order. Section 141 introduces Part 5 of Schedule 3 to the Act. This makes minor amendments to the Mobile Homes (Wales) Act 2013 (anaw 6). Section 144 contains the Welsh Ministers' power to make consequential and transitional provisions etc.

Article 2(b) commences certain provisions in Parts 1 and 2 of, and Schedule 2 to, the Act, but only for the purposes of making orders and regulations, and giving directions.

Article 2(c) commences certain provisions in Parts 1, 2 and 3 of the Act, but only for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice.

2014 Rhif 3127 (Cy. 316) (C. 136)

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TAI, CYMRU

HOUSING, WALES

**Gorchymyn Deddf Tai (Cymru)
2014 (Cychwyn Rhif 1) 2014**

**The Housing (Wales) Act 2014
(Commencement No. 1) Order 2014**

Gwnaed

24 Tachwedd 2014

Made

24 November 2014

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 145(3) o Ddeddf Tai (Cymru) 2014(1).

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 145(3) of the Housing (Wales) Act 2014(1).

Enwi a dehongli

Title and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai (Cymru) 2014 (Cychwyn Rhif 1) 2014.

1.—(1) The title of this Order is the Housing (Wales) Act 2014 (Commencement No. 1) Order 2014.

(2) Yn y Gorchymyn hwn ystyr “y Ddeddf” (“*the Act*”) yw Deddf Tai (Cymru) 2014.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Housing (Wales) Act 2014.

Diwrnod penodedig

Appointed day

2. 1 Rhagfyr 2014 yw'r diwrnod penodedig ar gyfer dwyn i rym—

2. 1 December 2014 is the appointed day for the coming into force of—

- (a) darpariaethau'r Ddeddf a restrir yn Rhan 1 o'r Atodlen at bob diben;
- (b) darpariaethau'r Ddeddf a restrir yn Rhan 2 o'r Atodlen at ddibenion gwneud gorchymynion a rheoliadau, a rhoi cyfarwyddiadau; ac
- (c) darpariaethau'r Ddeddf a restrir yn Rhan 3 o'r Atodlen at ddibenion rhoi, adolygu neu ddirymu canllawiau statudol a dyroddi, diwygio neu dynnu'n ôl god ymarfer.

- (a) the provisions of the Act listed in Part 1 of the Schedule for all purposes;
- (b) the provisions of the Act listed in Part 2 of the Schedule for the purposes of making orders and regulations, and giving directions; and
- (c) the provisions of the Act listed in Part 3 of the Schedule for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice.

Lesley Griffiths

Y Gweinidog Cymunedau a Threchu Tlodi, un o Weinidogion Cymru

The Minister for Communities and Tackling Poverty, one of the Welsh Ministers

24 Tachwedd 2014

24 November 2014

(1) 2014 dccc 7.

(1) 2014 anaw 7.

Y darpariaethau sy'n dod i rym ar 1
Rhagfyr 2014

RHAN 1

Darpariaethau sy'n dod i rym at bob diben

1. Adrannau 111 i 128 (safonau ar gyfer tai a ddarperir gan awdurdodau tai lleol).
2. Adran 130 a Rhan 3 o Atodlen 3 (diwygiadau canlyniadol sy'n berthnasol i Ran 4 o'r Ddeddf).
3. Adran 131(4)(c) (cymhorthdal Cyfrif Refeniw Tai - balans credyd pan nad yw cymhorthdal yn daladwy).
4. Adran 137 (caniatáu i gymdeithasau tai cwbl gydfuddiannol roi tenantiaethau sicr).
5. Adran 140 (diwygio Deddf Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993).
6. Adran 141 a Rhan 5 o Atodlen 3 (mân ddiwygiadau i Ddeddf Cartrefi Symudol (Cymru) 2013).
7. Adran 144 (pŵer i wneud darpariaeth ganlyniadol a throsiannol etc).

RHAN 2

Darpariaethau sy'n dod i rym at ddibenion
gwneud gorchmynion, rheoliadau a
chyfarwyddiadau

8. Adran 2 (ystyr y prif dermau).
9. Adran 3 (awdurdod trwyddedu).
10. Adran 5 (eithriadau i'r gofyniad i landlord fod yn gofrestredig).
11. Adran 6 (gofyniad i landlord fod yn drwyddedig i ymgymryd â gweithgareddau gosod).
12. Adran 7 (gofyniad i landlord fod yn drwyddedig i ymgymryd â gweithgareddau rheoli eiddo).
13. Adran 8 (eithriadau i ofynion i landlord fod yn drwyddedig).
14. Adran 10 (ystyr gwaith gosod).
15. Adran 12 (ystyr gwaith rheoli eiddo).

Provisions coming into force on 1
December 2014

PART 1

Provisions coming into force for all purposes

1. Sections 111 to 128 (standards for housing provided by local housing authorities).
2. Section 130 and Part 3 of Schedule 3 (consequential amendments relating to Part 4 of the Act).
3. Section 131(4)(c) (Housing Revenue Account subsidy - credit balance where no subsidy payable).
4. Section 137 (allowing fully mutual housing associations to grant assured tenancies).
5. Section 140 (amendment of the Leasehold Reform, Housing and Urban Development Act 1993).
6. Section 141 and Part 5 of Schedule 3 (minor amendments to the Mobile Homes (Wales) Act 2013).
7. Section 144 (power to make consequential and transitional provision etc).

PART 2

Provisions coming into force for the purposes of
making orders, regulations and directions

8. Section 2 (meaning of key terms).
9. Section 3 (licensing authority).
10. Section 5 (exceptions to the requirement for a landlord to be registered).
11. Section 6 (requirement for landlords to be licensed to carry out lettings activities).
12. Section 7 (requirement for landlords to be licensed to carry out property management activities).
13. Section 8 (exceptions to requirements for landlords to be licensed).
14. Section 10 (meaning of letting work).
15. Section 12 (meaning of property management work).

16. Adran 14 (dyletswydd i gynnal cofrestr mewn perthynas ag eiddo ar rent).

17. Adran 15 (cofrestru gan awdurdod trwyddedu).

18. Adran 16 (dyletswydd i ddiweddarau gwybodaeth).

19. Adran 19 (gofynion cais am drwydded).

20. Adran 20 (gofyniad person addas a phriodol).

21. Adran 21 (penderfynu ar gais).

22. Adran 23 (dyletswydd i ddiweddarau gwybodaeth).

23. Adran 29 (hysbysiadau cosbau penodedig).

24. Adran 34 (pŵer i Weinidogion Cymru wneud rheoliadau mewn perthynas ag adrannau 32 a 33).

25. Adran 42 (cyfarwyddiadau).

26. Adran 46 (rheoliadau ar ffioedd).

27. Adran 49 (dehongli Rhan 1 a mynegai o dermau wedi eu diffinio).

28. Adran 50 (dyletswydd i gynnal adolygiad digartrefedd a llunio strategaeth ddigartrefedd).

29. Adran 57 (a yw'n rhesymol parhau i feddiannu llety).

30. Adran 59 (addasrwydd llety).

31. Adran 72 (pŵer i ddiwygio neu ddiddymu darpariaethau ynghylch angen blaenoriaethol am lety).

32. Adran 78 (penderfynu rhoi sylw i fwriadoldeb).

33. Adran 80 (atgyfeirio achos at awdurdod tai lleol arall).

34. Adran 81 (cysylltiad lleol).

35. Adran 86 (gweithdrefn ar gyfer adolygiad).

36. Adran 95 (cydweithredu).

37. Adran 99 (dehongli Rhan 2).

38. Paragraff 1 o Atodlen 2 (personau nad ydynt yn gymwys i dderbyn cymorth).

16. Section 14 (duty to maintain register in relation to rental properties).

17. Section 15 (registration by a licensing authority).

18. Section 16 (duty to update information).

19. Section 19 (licence application requirements).

20. Section 20 (fit and proper person requirement).

21. Section 21 (determination of application).

22. Section 23 (duty to update information).

23. Section 29 (fixed penalty notices).

24. Section 34 (power for Welsh Ministers to make regulations in relation to sections 32 and 33).

25. Section 42 (directions).

26. Section 46 (regulations about fees).

27. Section 49 (interpretation of Part 1 and index of defined terms).

28. Section 50 (duty to carry out a homelessness review and formulate a homelessness strategy).

29. Section 57 (whether it is reasonable to continue to occupy accommodation).

30. Section 59 (suitability of accommodation).

31. Section 72 (power to amend or repeal provisions about priority need for accommodation).

32. Section 78 (deciding to have regard to intentionality).

33. Section 80 (Referral of case to another local housing authority).

34. Section 81 (local connection).

35. Section 86 (procedure on review).

36. Section 95 (co-operation).

37. Section 99 (interpretation of Part 2).

38. Paragraph 1 of Schedule 2 (persons not eligible for help).

RHAN 3

Darpariaethau sy'n dod i rym at ddibenion rhoi, adolygu neu ddirymu canllawiau statudol a dyroddi, diwygio neu dynnu'n ôl god ymarfer

39. Adran 20 (gofyniad person addas a phriodol).

40. Adran 40 (cod ymarfer).

41. Adran 41 (canllawiau).

42. Adran 64 (sut i sicrhau neu gynorthwyo i sicrhau bod llety ar gael).

43. Adran 98 (canllawiau).

44. Adran 106 (canllawiau).

PART 3

Provisions coming into force for the purposes of giving, revising or revoking statutory guidance and issuing, amending or withdrawing a code of practice

39. Section 20 (fit and proper person requirement).

40. Section 40 (code of practice).

41. Section 41 (guidance).

42. Section 64 (how to secure or help to secure the availability of accommodation).

43. Section 98 (guidance).

44. Section 106 (guidance).

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