



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2019 Rhif 110 (Cy. 27)**

**2019 No. 110 (W. 27)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Deddf Diddymu'r Hawl  
i Brynu a Hawliau Cysylltiedig  
(Cymru) 2018 (Diwygiadau  
Canlyniadol a Darpariaethau Arbed)  
2019**

**The Abolition of the Right to Buy  
and Associated Rights (Wales) Act  
2018 (Consequential Amendments  
and Savings Provisions)  
Regulations 2019**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Ddeddf Tai 1985 ("Deddf 1985") a Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017 ("Deddf 2017") o ganlyniad i Ddeddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018.

These Regulations make amendments to the Housing Act 1985 ("1985 Act") and the Land Transaction and Anti-avoidance of Devolved Taxes (Wales) Act 2017 ("2017 Act") in consequence of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018.

Mae'r Rheoliadau yn gwneud darpariaethau arbed er mwyn sicrhau y bydd darpariaethau perthnasol o fewn Deddf 1985 yn parhau i fod yn gymwys mewn cysylltiad â cheisiadau a wneir i arfer yr hawl i brynu neu'r hawl i gaffael mewn cysylltiad â thai annedd yng Nghymru ar 25 Ionawr 2019 neu cyn hynny ac mewn cysylltiad â thai annedd sydd wedi eu prynu o dan yr hawl i brynu neu'r hawl i gaffael ar y dyddiad hwnnw neu cyn hynny (neu ar ôl y dyddiad hwnnw yn unol â hysbysiad a gyflwynir cyn y dyddiad hwnnw).

The Regulations make saving provisions to ensure that relevant provisions within the 1985 Act will continue to apply in respect of applications made to exercise the right to buy or the right to acquire in respect of dwelling-houses in Wales on or before 25 January 2019 and in respect of dwelling-houses which have been purchased under the right to buy or the right to acquire on or before that date (or after that date in pursuance of a notice served before that date).

Mae'r Rheoliadau hefyd yn gwneud darpariaethau arbed er mwyn sicrhau y bydd rhyddhadau perthnasol o fewn Atodlen 15 i Ddeddf 2017 hefyd yn gymwys mewn cysylltiadau â thrafodiadau sy'n codi o geisiadau a wneir i arfer hawliau i brynu penodol a rhent i forgais a gyflwynir ar 25 Ionawr 2019 neu cyn hynny.

The Regulations also make saving provisions to ensure that relevant reliefs within Schedule 15 to the 2017 Act will also apply in respect of transactions arising from applications made to exercise certain rights to buy and rent to mortgage submitted on or before 25 January 2019.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r offeryn hwn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.

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i Brynu a Hawliau Cysylltiedig  
(Cymru) 2018 (Diwygiadau  
Canlyniadol a Darpariaethau Arbed)  
2019**

**The Abolition of the Right to Buy  
and Associated Rights (Wales) Act  
2018 (Consequential Amendments  
and Savings Provisions)  
Regulations 2019**

*Gwnaed* 24 Ionawr 2019

*Made* 24 January 2019

*Yn dod i rym* 26 Ionawr 2019

*Coming into force* 26 January 2019

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 9 o Ddeddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 9 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018(1).

Yn unol ag adran 10(3) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 10(3) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

**Enwi a chychwyn**

**Title and commencement**

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018 (Diwygiadau Canlyniadol a Darpariaethau Arbed) 2019 a deuant i rym ar 26 Ionawr 2019.

1. The title of these Regulations is the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (Consequential Amendments and Savings Provisions) Regulations 2019 and they come into force on 26 January 2019.

**Dehongli**

**Interpretation**

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “Deddf 1985” (“*the 1985 Act*”) yw Deddf Tai 1985(2);

“1985 Act” (“*Deddf 1985*”) means the Housing Act 1985(2);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018.

“the Act” (“*y Ddeddf*”) means the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018.

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(1) 2018 dccc 1.  
(2) 1985 p. 68.

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(1) 2018 anaw 1.  
(2) 1985 c. 68.

### Diwygio Deddf Tai 1985

3. Mae Deddf 1985 wedi ei diwygio fel a ganlyn—
- (a) yn adran 115 (ystyr “tenantiaeth hir”), yn is-adran (1)(c), hepgorer “as it has effect”;
  - (b) yn adran 118 (yr hawl i brynu), yn is-adran (1), ar ôl “secure tenant” mewnosoder “of a dwelling-house in England”;
  - (c) yn adran 119 (cyfnod cymhwyso ar gyfer yr hawl i brynu)—
    - (i) yn is-adran (A1), yn lle “In the application of this Part to England, the” rhodder “The”;
    - (ii) hepgorer is-adran (1);
    - (iii) yn is-adran (2) hepgorer “or 1”;
  - (d) yn adran 121AA (gwybodaeth i helpu tenant i benderfynu pa un ai i arfer yr hawl i brynu etc.), yn is-adran (1) ar ôl “dwelling-houses” mewnosoder “in England”;
  - (e) yn adran 121B (darparu gwybodaeth)—
    - (i) yn is-adran (2)(b), ar ôl “secure tenants” mewnosoder “of dwelling-houses in England”;
    - (ii) yn is-adran (5), ar ôl “secure tenants” mewnosoder “of dwelling-houses in England”;
  - (f) yn adran 122 (hysbysiad tenant yn hawlio arfer yr hawl i brynu), yn is-adran (1), yn lle “Unless section 122B applies a” rhodder “A”;
  - (g) hepgorer adran 122A (ceisiadau i atal dros dro yr hawl i brynu etc. mewn rhannau o Gymru: yr effaith ar hawliadau i arfer yr hawl);
  - (h) hepgorer adran 122B (atal dros dro yr hawl i brynu mewn rhannau o Gymru);
  - (i) yn adran 124 (hysbysiad landlord yn derbyn neu’n gwadu’r hawl i brynu)—
    - (i) yn is-adran (1), hepgorer “or 3”;
    - (ii) hepgorer is-adran (3);
  - (j) yn adran 130 (lleihau disgownt pan fo disgownt blaenorol wedi ei roi), yn is-adran (2)(c), hepgorer “as it has effect”;
  - (k) yn adran 153A (hysbysiad tenant am oedi), yn is-adran (1)(a), hepgorer “or (3)”;
  - (l) yn adran 171A (achosion pan fo’r hawl i brynu wedi ei chadw), yn is-adran (1), ar ôl “dwelling-house” mewnosoder “in England”;
  - (m) yn adran 171B (graddau’r hawl a gadwyd: personau a thai annedd cymwys)—
    - (i) yn is-adran (1), ar ôl “the preserved right to buy” mewnosoder “a relevant dwelling-house in England”;

### Amendment to the Housing Act 1985

3. The 1985 Act is amended as follows—
- (a) in section 115 (meaning of “long tenancy”), in subsection (1)(c), omit “as it has effect”;
  - (b) in section 118 (the right to buy), in subsection (1), after “secure tenant” insert “of a dwelling-house in England”;
  - (c) in section 119 (qualifying period for right to buy)—
    - (i) in subsection (A1), for “In the application of this Part to England, the” substitute “The”;
    - (ii) omit subsection (1);
    - (iii) in subsection (2) omit “or 1”;
  - (d) in section 121AA (information to help tenant decide whether to exercise right to buy etc), in subsection (1) after “dwelling-houses” insert “in England”;
  - (e) in section 121B (provision of information)-
    - (i) in subsection (2)(b), after “secure tenants” insert “of dwelling-houses in England”;
    - (ii) in subsection (5), after “secure tenants” insert “of dwelling-houses in England”;
  - (f) in section 122 (tenant’s notice claiming to exercise the right to buy), in subsection (1), for “Unless section 122B applies a” substitute “A”;
  - (g) omit section 122A (applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right);
  - (h) omit section 122B (suspension of the right to buy in parts of Wales);
  - (i) in section 124 (landlord’s notice admitting or denying right to buy)—
    - (i) in subsection (1), omit “or 3”;
    - (ii) omit subsection (3);
  - (j) in section 130 (reduction of discount where previous discount given), in subsection (2)(c), omit “as it has effect”;
  - (k) In section 153A (tenant’s notice of delay), in subsection (1)(a), omit “or (3)”;
  - (l) in section 171A (cases in which the right to buy is preserved), in subsection (1), after “dwelling-house” insert “in England”;
  - (m) in section 171B (extent of preserved right: qualifying persons and dwelling-houses)—
    - (i) in subsection (1), after “the preserved right to buy” insert “a relevant dwelling-house in England”;

- (ii) yn is-adran (6), ar ôl “another dwelling-house” mewnosoder “in England”;
- (n) yn adran 171D (delio dilynol: gwaredu buddiant landlord mewn tŷ annedd cymwys)—
  - (i) yn is-adran (2), yn lle “appropriate authority” rhodder “Secretary of State”;
  - (ii) hepgorer is-adran (2A);
- (o) yn Atodlen 3A (ymgyngori cyn gwarediadau i landlord sector preifat), ym mharagraff 3, yn is-baragraff (2)(c), ar ôl “secure tenant” mewnosoder “of a dwelling-house in England”;
- (p) yn Atodlen 5 (eithriadau i'r Hawl i Brynu), ym mharagraff 11—
  - (i) yn is-baragraff (4), hepgorer y geiriau “or authority” pan fônt yn digwydd;
  - (ii) yn is-baragraff (5A)—
    - (aa) yn y geiriau agoriadol, hepgorer “or authority”;
    - (bb) ym mharagraff (a), hepgorer “in relation to England”;
    - (cc) hepgorer paragraff (b) a'r “; and” o'i flaen.

- (ii) in subsection (6), after “another dwelling-house” insert “in England”;
- (n) in section 171D (subsequent dealings: disposal of landlord’s interest in qualifying dwelling-house)—
  - (i) in subsection (2), for “appropriate authority” substitute “Secretary of State”;
  - (ii) omit subsection (2A);
- (o) in Schedule 3A (consultation before disposals to private sector landlord), in paragraph 3, in sub-paragraph (2)(c), after “secure tenant” insert “of a dwelling-house in England”;
- (p) in Schedule 5 (exceptions to the Right to Buy), in paragraph 11—
  - (i) in sub-paragraph (4), omit the words “or authority” where they occur;
  - (ii) in sub-paragraph (5A)-
    - (aa) in the opening words, omit “or authority”;
    - (bb) in paragraph (a), omit “in relation to England”;
    - (cc) omit paragraph (b) and the “; and” preceding it.

**Diwygio Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017**

4. Mae Deddf Treth Trafodiadau Tir a Gwrthweithio Osgoi Trethi Datganoledig (Cymru) 2017(1) wedi ei diwygio fel a ganlyn—

- (a) yn adran 30 (rhyddhadau), yn is-adran (3), yn y cyfeiriad at baragraff 2 o Atodlen 15, yn lle “trafodiad hawl i brynu” rhodder “trafodiad sy’n destun disgownt sector cyhoeddus”;
- (b) yn Atodlen 15 (rhyddhad ar gyfer trafodiadau penodol sy’n ymwneud â thai cymdeithasol)—
  - (i) ym mharagraff 1(2)—
    - (aa) ym mharagraff (a), yn lle “trafodiadau hawl i brynu” rhodder “trafodiadau sy’n destun disgownt sector cyhoeddus”;
    - (bb) hepgorer paragraff (d);

**Amendment to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017**

4. The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(1) is amended as follows—

- (a) in section 30 (reliefs), in subsection (3), in the reference to paragraph 2 of Schedule 15, for “right to buy transaction” substitute “transaction subject to a public sector discount”;
- (b) in Schedule 15 (relief for certain transactions relating to social housing)—
  - (i) in paragraph 1(2)—
    - (aa) in paragraph (a), for “right to buy transactions” substitute “transactions subject to a public sector discount”;
    - (bb) omit paragraph (d);

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| <ul style="list-style-type: none"> <li>(ii) ym mharagraff 2 (rhyddhad ar gyfer trafodiad hawl i brynu)— <ul style="list-style-type: none"> <li>(aa) yn is-baragraff (1), yn y geiriau agoriadol, yn lle “trafodiad hawl i brynu” rhodder “trafodiad sy’n destun disgownt sector cyhoeddus”;</li> <li>(bb) yn is-baragraff (2)— <ul style="list-style-type: none"> <li>(i) yn y geiriau agoriadol, yn lle “trafodiad hawl i brynu”, rhodder “trafodiad sy’n destun disgownt sector cyhoeddus”;</li> <li>(ii) hepgorer paragraff (b) a’r “, neu” o’i flaen;</li> </ul> </li> <li>(cc) hepgorer is-baragraff (4);</li> <li>(dd) hepgorer is-baragraff (5);</li> <li>(ee) yn is-baragraff (6), hepgorer y diffiniadau o “tŷ annedd cymwys” a “person cymwys”;</li> </ul> </li> <li>(iii) yn sgil hynny— <ul style="list-style-type: none"> <li>(aa) mae pennawd Rhan 2 yn dod yn “Rhyddhad ar gyfer trafodiadau disgownt sector cyhoeddus”, a</li> <li>(bb) mae pennawd paragraff 2 yn dod yn “Rhyddhad ar gyfer trafodiadau disgownt sector cyhoeddus”;</li> </ul> </li> <li>(c) ym mharagraff 3 (les ranberchnogaeth: dewis triniaeth gwerth marchnadol) hepgorer is-baragraff (1)(a)(ii) a’r “, neu” o’i flaen;</li> <li>(d) ym mharagraff 5 (les ranberchnogaeth: dewis triniaeth gwerth marchnadol ar gyfer premiwm pan ganiateir cynyddu perchentaeth) hepgorer is-baragraff (1)(a)(ii) a’r “, neu” o’i flaen;</li> <li>(e) ym mharagraff 9 (lesoedd rhanberchnogaeth: dehongli)— <ul style="list-style-type: none"> <li>(i) hepgorer is-baragraff (1)(b) a’r “, neu” o’i flaen;</li> <li>(ii) hepgorer is-baragraff (4);</li> <li>(iii) hepgorer is-baragraff (5);</li> </ul> </li> <li>(f) hepgorer paragraff 18 (rhent i forgais: cydnabyddiaeth drethadwy).</li> </ul> | <ul style="list-style-type: none"> <li>(ii) in paragraph 2 (relief for right to buy transaction)— <ul style="list-style-type: none"> <li>(aa) in sub-paragraph (1), in the opening words, for “a right to buy transaction” substitute “a transaction subject to a public sector discount”;</li> <li>(bb) in sub-paragraph (2)— <ul style="list-style-type: none"> <li>(i) in the opening words, for “right to buy transaction”, substitute “transaction subject to a public sector discount”;</li> <li>(ii) omit paragraph (b) and the “, or” preceding it;</li> </ul> </li> <li>(cc) omit sub-paragraph (4);</li> <li>(dd) omit sub-paragraph (5);</li> <li>(ee) in sub-paragraph (6), omit the definitions of “qualifying dwelling-house” and “qualifying person”;</li> </ul> </li> <li>(iii) accordingly— <ul style="list-style-type: none"> <li>(aa) the title of Part 2 becomes “Public Sector Discount Relief”, and</li> <li>(bb) the heading of paragraph 2 becomes “Relief for public sector discount transactions”;</li> </ul> </li> <li>(c) in paragraph 3 (shared ownership lease: election for market value treatment) omit sub-paragraph (1)(a)(ii) and the “, or” preceding it;</li> <li>(d) in paragraph 5 (shared ownership lease: election for market value treatment of premium where staircasing allowed), omit sub-paragraph (1)(a)(ii) and the “, or” preceding it;</li> <li>(e) in paragraph 9 (shared ownership leases: interpretation)— <ul style="list-style-type: none"> <li>(i) omit sub-paragraph (1)(b) and the “, or” preceding it;</li> <li>(ii) omit sub-paragraph (4);</li> <li>(iii) omit sub-paragraph (5);</li> </ul> </li> <li>(f) omit paragraph 18 (Rent to mortgage: chargeable consideration).</li> </ul> |
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## Darpariaethau arbed

5.—(1) Mae is-baragraff (2) yn gymwys-

- (a) pan fo hysbysiad wedi ei gyflwyno i’r landlord yn unol ag adran 122 o Ddeddf 1985 cyn 26 Ionawr 2019; a

## Saving Provisions

5. (1) Sub-paragraph (2) applies—

- (a) where a notice has been served on the landlord in accordance with section 122 of the 1985 Act before 26 January 2019; and

(b) i unrhyw roddiad a wneir yn unol ag adran 138(1) o Ddeddf 1985, yn sgil rhoi hysbysiad o'r fath.

(2) Er gwaethaf y ffaith bod adran 6 o'r Ddeddf, ac Atodlen 1 iddi, a'r Rheoliadau hyn wedi dod i rym, mae'r darpariaethau a ddiwygir, a addesir neu a ddiddymir gan adran 6 o'r Ddeddf, ac Atodlen 1 iddi, a chan y Rheoliadau hyn yn parhau i gael effaith fel yr oedd yn cael effaith ar 25 Ionawr 2019.

(b) to any grant made in accordance with section 138(1) of the 1985 Act, following on from such notice.

(2) Notwithstanding the coming into force of section 6 of, and Schedule 1 to, the Act and these Regulations, the provisions amended, modified or repealed by section 6 of, and Schedule 1 to, the Act and by these Regulations continue to have effect as they had effect on 25 January 2019.

*Julie James*

Y Gweinidog Tai a Llywodraeth Leol, un o  
Weinidogion Cymru  
24 Ionawr 2019

Minister for Housing and Local Government, one of  
the Welsh Ministers  
24 January 2019

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£6.90

W201901251013 01/2019

<http://www.legislation.gov.uk/id/wsi/2019/110>

ISBN 978-0-348-20320-2



9 780348 203202