OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 1349 (Cy. 130)

TAI, CYMRU

Gorchymyn Tai (Hawl i Brynu a Hawl i Gaffael) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2015

2015 No. 1349 (W. 130)

HOUSING, WALES

The Housing (Right to Buy and Right to Acquire) (Limits on Discount) (Amendment) (Wales) Order 2015

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio cyfraddau presennol uchafsymiau'r disgownt sydd ar gael mewn perthynas ag arfer yr hawl i brynu o dan Ran 5 o Ddeddf Tai 1985 ("Deddf 1985") a'r hawl i gaffael o dan adran 16 o Ddeddf Tai 1996 ("Deddf 1996").

Mae Rhan 5 o Ddeddf 1985 wedi ei chymhwyso gydag addasiadau gan Orchymyn Tai (Estyn yr Hawl i Brynu) 1993 (O.S. 1993/2240), Rheoliadau Tai (Cadw'r Hawl i Brynu) 1993 (O.S. 1993/2241) a Rheoliadau Tai (Hawl i Gaffael) 1997 (O.S. 1997/619).

Mae adran 16 o Ddeddf 1996 yn nodi o dan ba amodau y bydd gan denant landlord cymdeithasol cofrestredig yr hawl i gaffael annedd. Mae adran 17 o Ddeddf 1996 yn caniatáu i Weinidogion Cymru bennu'r disgowntiau sy'n gymwys mewn perthynas ag arfer yr hawl sydd ar gael o dan adran 16. Drwy arfer y pŵer hwnnw, gwnaeth Ysgrifennydd Gwladol Cymru Orchymyn Tai (Hawl i Gaffael) (Disgownt) (Cymru) 1997/569 ("Gorchymyn 1997") ac mae erthygl 3 ohono yn nodi uchafswm y disgownt sydd ar gael drwy arfer yr hawl i gaffael. Mae erthygl 2 o'r Gorchymyn hwn yn diwygio erthygl 3 o Orchymyn 1997 i ostwng uchafswm y disgownt o £16,000 (un fil ar bymtheg o bunnoedd) i £8,000 (wyth mil o bunnoedd).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the existing maximum rates of discount available in relation to the exercise of the right to buy under Part 5 of the Housing Act 1985 ("the 1985 Act") and the right to acquire under section 16 of the Housing Act 1996 ("the 1996 Act").

Part 5 of the 1985 Act has been applied with modifications by the Housing (Extension of Right to Buy) Order 1993 (S.I. 1993/2240), the Housing (Preservation of Right to Buy) Regulations 1993 (S.I. 1993/2241) and the Housing (Right to Acquire) Regulations 1997 (S.I. 1997/619).

Section 16 of the 1996 Act sets out the conditions in which a tenant of a registered social landlord will have the right to acquire a dwelling. Section 17 of the 1996 Act allows the Welsh Ministers to specify the discounts applicable in relation to the exercise of the right available under section 16. In exercise of that power, the Secretary of State for Wales made the Housing (Right to Acquire) (Discount) (Wales) Order 1997/569 ("the 1997 Order"), article 3 of which sets the maximum discount available in the exercise of the right to acquire. Article 2 of this Order amends article 3 of the 1997 Order to reduce the maximum discount from £16,000 (sixteen thousand pounds) to £8,000 (eight thousand pounds).

Gall person sy'n arfer yr hawl i brynu tŷ annedd yng Nghymru o dan Ran 5 o Ddeddf 1985 fod â'r hawl, o dan adrannau 129 i 131 o'r Ddeddf honno ac Atodlen 4 iddi, i ddisgownt sy'n hafal i ganran y pris cyn disgownt. Mae adran 131 o Ddeddf 1985 yn darparu terfynau ar swm y disgownt y mae'r prynwr arfaethedig yn medru ei hawlio ac mae adran 131(2) yn rhoi pŵer i'r Ysgrifennydd Gwladol wneud Gorchymyn sy'n rhagnodi uchafswm y swm y caiff y pris a delir am dŷ annedd o dan y cynllun hawl i brynu gael ei ostwng gan ddisgownt. Mae'r pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 131 o Ddeddf 1985 yn arferadwy bellach gan Weinidogion Cymru o ran Cymru.

A person exercising the right to buy a dwelling-house in Wales under Part 5 of the 1985 Act may be entitled, under sections 129 to 131 of and Schedule 4 to that Act, to a discount equal to a percentage of the price before discount. Section 131 of the 1985 Act provides limits upon the amount of discount to which the proposed purchaser is entitled and section 131(2) empowers the Secretary of State to make an Order prescribing the maximum sum by which the price payable for a dwelling house under the right to buy scheme may be reduced by discount. The powers given to the Secretary of State by section 131 of the 1985 Act are now exercisable by the Welsh Ministers in relation to Wales.

O dan adran 131(2), gwnaeth yr Ysgrifennydd Gwladol Orchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Cymru) 1999 ("Gorchymyn 1999") sy'n rhagnodi ymhlith materion eraill, uchafswm y disgownt sydd ar gael drwy arfer yr hawl i brynu. Mae erthygl 3 o'r Gorchymyn hwn yn diwygio erthygl 3 o Orchymyn 1999 i ostwng uchafswm y disgownt sydd ar gael mewn perthynas â'r hawl i brynu o £16,000 (un fil ar bymtheg o bunnoedd) i £8,000 (wyth mil o bunnoedd).

Under section 131(2), the Secretary of State made the Housing (Right to Buy) (Limits on Discount) (Wales) Order 1999 ("the 1999 Order") which prescribes amongst other matters, the maximum discount available in the exercise of the right to buy. Article 3 of this Order amends article 3 of the 1999 Order to reduce the maximum discount available in relation to the right to buy from £16,000 (sixteen thousand pounds) to £8,000 (eight thousand pounds).

Mae erthygl 4 o'r Gorchymyn hwn yn dirymu Gorchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2003 a ddiwygiodd yn flaenorol uchafswm y disgownt a oedd ar gael mewn cysylltiad â'r hawl i brynu drwy ddiwygio Gorchymyn 1999.

Article 4 of this Order revokes the Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003 which previously amended the maximum discount available in respect of the right to buy through amending the 1999 Order.

Mae erthygl 5 yn darparu nad yw'r Gorchymyn hwn yn effeithio ar unrhyw geisiadau a gyflwynir o dan adran 122(1) o Ddeddf 1985 cyn y daw'r Gorchymyn hwn i rym. Mewn perthynas â cheisiadau o'r fath, bydd uchafswm y disgowntiau sy'n bodoli cyn y diwygiadau a wneir gan y Gorchymyn hwn yn gymwys.

Article 5 provides that this Order does not affect any applications served under section 122(1) of the 1985 Act prior to the coming into force of this Order. In relation to such applications, the maximum discounts existing prior to the amendments made by this Order will apply.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi o'r asesiad effaith rheoleiddiol oddi wrth Yr Is-adran Polisi Tai, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy of the regulatory impact assessment can be obtained from the Housing Policy Division, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

2015 Rhif 1349 (Cy. 130)

TAI, CYMRU

Gorchymyn Tai (Hawl i Brynu a Hawl i Gaffael) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2015

Gwnaed	*1 Mehefin 2015*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Mehefin 2015*
Yn dod i rym	*14 Gorffennaf 2015*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 131(2) o Ddeddf Tai 1985(**1**) ac sy'n arferadwy bellach ganddynt hwy(**2**), a'r pwerau a roddwyd iddynt gan adran 17(1)(a) o Ddeddf Tai 1996(**3**):

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Tai (Hawl i Brynu a Hawl i Gaffael) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2015.

(1) Daw'r Gorchymyn hwn i rym ar 14 Gorffennaf 2015.

(**1**) 1985 p. 68. Addaswyd Rhan 5 gan Orchymyn Tai (Estyn yr Hawl i Brynu) 1993 (O.S. 1993/2240), Rheoliadau Tai (Cadw'r Hawl i Brynu) 1993 (O.S. 1993/2241) a Rheoliadau Tai (Hawl i Gaffael) 1997 (O.S. 1997/619). Diwygiwyd adran 131 o Ddeddf Tai 1985 gan adran 122 o Ddeddf Tai 1988 (p. 50).

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn berthnasol i Gymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddo.

(**3**) 1996 p. 52. Diwygiwyd adran 17 gan adrannau 62 a 63 o Ddeddf Tai ac Adfywio 2008 (p. 17).

2015 No. 1349 (W. 130)

HOUSING, WALES

The Housing (Right to Buy and Right to Acquire) (Limits on Discount) (Amendment) (Wales) Order 2015

Made	*1 June 2015*
Laid before the National Assembly for Wales	*4 June 2015*
Coming into force	*14 July 2015*

The Welsh Ministers make the following Order in exercise of the powers conferred on the Secretary of State by section 131(2) of the Housing Act 1985(**1**) and now exercisable by them(**2**), and the powers conferred on them by section 17(1)(a) of the Housing Act 1996(**3**):

Title and commencement

1.—(1) The title of this Order is the Housing (Right to Buy and Right to Acquire) (Limits on Discount) (Amendment) (Wales) Order 2015.

(2) This Order comes into force on 14 July 2015.

(**1**) 1985 c. 68. Part 5 has been modified by the Housing (Extension of Right to Buy) Order 1993 (S.I. 1993/2240), the Housing (Preservation of Right to Buy) Regulations 1993 (S.I. 1993/2241) and the Housing (Right to Acquire) Regulations 1997 (S.I. 1997/619). Section 131 of the Housing Act 1985 has been amended by section 122 of the Housing Act 1988 (c. 50).

(**2**) Functions of the Secretary of State, in so far as they relate to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) 1996 c. 52. Section 17 was amended by sections 62 and 63 of the Housing and Regeneration Act 2008 (c. 17).

Diwygio Gorchymyn Tai (Hawl i Gaffael) (Disgownt) (Cymru) 1997

2. Yn erthygl 3 (cyfradd y disgownt) o Orchymyn Tai (Hawl i Gaffael) (Disgownt) (Cymru) 1997(**1**) yn lle "£16,000" rhodder "£8,000 (eight thousand pounds)".

Diwygio Gorchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Cymru) 1999

3. Yn erthygl 3 (uchafswm y disgowntiau) o Orchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Cymru) 1999(**2**) yn lle "£16,000" rhodder "£8,000 (eight thousand pounds)".

Dirymu Gorchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2003

4. Mae Gorchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2003(**3**) wedi ei ddirymu.

Darpariaeth drosiannol

5. Nid yw'r Gorchymyn hwn yn cael effaith mewn achos pan fo hysbysiad o dan adran 122(1) o Ddeddf Tai 1985(**4**) wedi ei gyflwyno cyn y daeth y Gorchymyn hwn i rym.

Amendment to the Housing (Right to Acquire) (Discount) (Wales) Order 1997

2. In article 3 (rate of discount) of the Housing (Right to Acquire) (Discount) (Wales) Order 1997(**1**) for "£16,000" substitute "£8,000 (eight thousand pounds)".

Amendment to the Housing (Right to Buy) (Limits on Discount) (Wales) Order 1999

3. In article 3 (maximum discounts) of the Housing (Right to Buy) (Limits on Discount) (Wales) Order 1999(**2**) for "£16,000" substitute "£8,000 (eight thousand pounds)".

Revocation of the Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003

4. The Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003(**3**) is revoked.

Transitional provision

5. This Order does not have effect in a case where a notice under section 122(1) of the Housing Act 1985(**4**) was served before this Order came into force.

Lesley Griffiths

Y Gweinidog Cymunedau a Threchu Tlodi, un o Weinidogion Cymru
1 Mehefin 2015

Minister for Communities and Tackling Poverty, one of the Welsh Ministers
1 June 2015

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(**1**) O.S. 1997/569.
(**2**) O.S. 1999/292. Diwygiwyd erthygl 3 gan Orchymyn Tai (Hawl i Brynu) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2003 (O.S. 2003/803) (Cy. 97).
(**3**) O.S. 2003/803 (Cy. 97).
(**4**) Fel y'i diwygiwyd gan adran 32 o Fesur Tai (Cymru) 2011(mccc 5). Cymhwysir adran 122 gydag addasiadau gan Orchymyn Tai (Estyn yr Hawl i Brynu) 1993; Rheoliadau Tai (Cadw'r Hawl i Brynu) 1993, fel y'u diwygiwyd mewn perthynas â Chymru gan Orchymyn Mesur Tai (Cymru) 2011 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2012 (O.S. 2012/2090) (Cy. 240); a Rheoliadau Tai (Hawl i Gaffael) 1997.

(**1**) S.I. 1997/569.
(**2**) S.I. 1999/292. Article 3 has been amended by the Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003 (S.I. 2003/803) (W. 97).
(**3**) S.I. 2003/803(W. 97).
(**4**) As amended by section 32 of the Housing (Wales) Measure 2011(nawm 5). Section 122 is applied with modifications by the Housing (Extension of Right to Buy) Order 1993; the Housing (Preservation of Right to Buy) Regulations 1993, as amended in relation to Wales by the Housing (Wales) Measure 2011 (Consequential Amendments to Subordinate Legislation) Order 2012 (S.I. 2012//2090) (W. 240); and the Housing (Right to Acquire) Regulations 1997.

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HOUSING, WALES

Gorchymyn Tai (Hawl i Brynu a Hawl i Gaffael) (Terfynau'r Disgownt) (Diwygio) (Cymru) 2015

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