CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2006 Rhif 2825 (Cy.248)

# TAI, CYMRU

## Gorchymyn Trwyddedu Dethol Tai (Amodau Ychwanegol) (Cymru) 2006

### NODYN ESBONIADOL

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

Mae adran 80 o Ddeddf Tai 2004 ("y Ddeddf") (Dynodi ardaloedd trwyddedu dethol) yn caniatáu i awdurdod tai lleol ddynodi naill ai ardal ei ddosbarth neu ardal yn ei ddosbarth yn ardal sy'n ddarostyngedig i drwyddedu dethol os bodlonir gofynion is-adrannau (2) a (9).

Mae adran 80, is-adran (7) o'r Ddeddf yn caniatáu i Gynulliad Cenedlaethol Cymru ddarparu, ar gyfer unrhyw amodau a bennir mewn gorchymyn, eu bod yn gymwys fel set ychwanegol o amodau at ddibenion is-adran (2). Mae is-adran (2) yn darparu bod rhaid i'r awdurdod ystyried bod y set gyntaf o amodau cyffredinol neu'r ail set o amodau cyffredinol a grybwyllir yn is-adran (3) neu (6), neu unrhyw amodau a bennir mewn gorchymyn o dan is-adran (7) fel set ychwanegol o amodau yn cael eu bodloni o ran yr ardal.

Mae erthygl 3 o'r Gorchymyn hwn yn gosod yr amodau ychwanegol y mae'n rhaid eu bodloni cyn i awdurdod tai lleol ddynodi ardal ei ddosbarth neu ardal yn ei ddosbarth yn ardal sy'n ddarostyngedig i drwyddedu dethol.

Mae arfarniad rheoliadol o'r effaith a fydd gan y Gorchymyn hwn ar gael oddi wrth yr Uned Sector Preifat, yr Adran Cyfiawnder Cymdeithasol ac Adfywio, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ (ffôn: 02920825111); e-bost: HousingIntranet@wales.gsi.gov.uk).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

# 2006 No. 2825 (W.248)

# HOUSING, WALES

## The Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006

### EXPLANATORY NOTE

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

Section 80 of the Housing Act 2004 ("the Act") (Designation of selective licensing areas) allows a local housing authority to designate either the area of their district, or an area in their district as subject to selective licensing if the requirements of subsections (2) and (9) are met.

Section 80, subsection (7) of the Act allows the National Assembly for Wales to provide for any conditions specified in an order to apply as an additional set of conditions for the purposes of subsection (2). Subsection (2) provides that the authority must consider that the first or second set of general conditions mentioned in subsection (3) or (6), or any conditions specified in an order under subsection (7) as an additional set of conditions, are satisfied in relation to the area.

Article 3 of this Order sets out the additional conditions which must be met before a local housing authority designate an area of their district or an area in their district as subject to selective licensing.

A regulatory appraisal of the effects that this Order will have is available from the Private Sector Unit, Department for Social Justice and Regeneration, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (telephone: 02920825111); email HousingIntranet@wales.gsi.gov.uk).

# 2006 Rhif 2825 (Cy.248)

# TAI, CYMRU

## Gorchymyn Trwyddedu Dethol Tai (Amodau Ychwanegol) (Cymru) 2006

| | |
|---|---|
| *Wedi'i wneud* | *25 Hydref 2006* |
| *Yn dod i rym* | *26 Hydref 2006* |

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 80(7) o Ddeddf Tai 2004(**1**), yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn a chymhwyso**

**1**.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Trwyddedu Dethol Tai (Amodau Ychwanegol) (Cymru) 2006 a daw i rym ar 26 Hydref 2006.

(2) Mae'r Gorchymyn hwn yn gymwys i dai ac anheddau(**2**) y mae Rhan 3 o'r Ddeddf yn gymwys iddynt o ran Cymru.

**Dehongli**

**2**. Yn y Gorchymyn hwn-

(a) ystyr "y Ddeddf" ("*the Act*") yw Deddf Tai 2004;

(b) ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Llywodraeth Leol a Thai 1989(**3**); ac

(c) ystyr "Gorchymyn 2002" ("*the 2002 Order*") yw Gorchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002(**4**).

(**1**) 2004 p.34. Mae'r pwerau a roddwyd gan adran 80(7) o'r Ddeddf yn arferadwy o ran Cymru gan Gynulliad Cenedlaethol Cymru. *Gweler* y diffiniad o "the appropriate national authority" yn adran 261(1).

(**2**) Am ystyr "house" a "dwelling", *gweler* adran 99 o'r Ddeddf.

(**3**) 1989 p.42.

(**4**) *Gweler* O.S. 2002/1860.



# 2006 No. 2825 (W.248)

# HOUSING, WALES

## The Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006

| | |
|---|---|
| *Made* | *25 October 2006* |
| *Coming into force* | *26 October 2006* |

The National Assembly for Wales, in exercise of the powers conferred on it by section 80(7) of the Housing Act 2004(**1**), makes the following Order:

**Title, commencement and application**

**1**.-(1) The title of this Order is The Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006, and it comes into force on 26 October 2006.

(2) This Order applies to houses and dwellings(**2**) to which Part 3 of the Act applies in relation to Wales.

**Interpretation**

**2**. In this Order-

(a) "the Act" ("*Y Ddeddf*") means the Housing Act 2004;

(b) "the 1989 Act" ("*Deddf 1989*") means the Local Government and Housing Act 1989(**3**); and

(c) "the 2002 Order" ("*Gorchymyn 2002*") means the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002(**4**).

(**1**) 2004 c.34. The powers conferred by section 80(7) of the Act are exercisable as respects Wales by the National Assembly for Wales. *See* the definition of the "appropriate national authority" in section 261(1).

(**2**) For the meaning of "house" and "dwelling", *see* section 99 of the Act.

(**3**) 1989 c.42.

(**4**) *See* S.I. 2002/1860.

**Amodau Ychwanegol**

**3**.-(1) Yn ddarostyngedig i baragraff (2), at ddibenion adran 80(2)(b) o'r Ddeddf mae naill ai'r amod cyntaf neu'r ail amod yn gymwys-

(a) yr amod cyntaf yw, naill ai bod

(i) awdurdod tai lleol wedi datgan ardal yn ardal adnewyddu o dan adran 89 o Ddeddf 1989; neu

(ii) awdurdod tai lleol wedi darparu cymorth i unrhyw berson yn unol â pholisi a fabwysiadwyd ac a gyhoeddwyd o dan erthyglau 3 a 4 o Orchymyn 2002 yn yr ardal honno (pŵer awdurdodau tai lleol i ddarparu cymorth);

(b) yr ail amod yw bod ardal ei ddosbarth neu'r ardal yn ei ddosbarth yn cynnwys lleiafswm o 25% o'r stoc dai a osodir gan landlordiaid y sector preifat(**1**).

(2) Rhaid i awdurdod tai lleol fod yn fodlon bod y naill neu'r llall o'r amodau a osodir o dan is-baragraff (a) neu (b) o baragraff (1) wedi'u bodloni cyn dynodi ardal ei ddosbarth neu ardal yn ei ddosbarth yn ardal sy'n ddarostyngedig i drwyddedu dethol.

**Additional Conditions**

**3**.-(1) Subject to paragraph (2), for the purposes of section 80(2)(b) of the Act either the first or second condition applies-

(a) the first condition is that, either

(i) a local housing authority has declared an area as a renewal area under section 89 of the 1989 Act; or

(ii) a local housing authority has provided assistance to any person in accordance with an adopted and published policy under articles 3 and 4 of the 2002 Order in that area (power of local housing authorities to provide assistance);

(b) The second condition is that the area of their district or area in their district comprises a minimum of 25% of housing stock let by private sector landlords(**1**).

(2) A local housing authority must be satisfied that either of the conditions set out under sub-paragraph (a) or (b) of paragraph (1) are met before designating an area of their district or in their district as subject to selective licensing.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

25 Hydref 2006

25 October 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) Nid yw "landlord sector cyhoeddus" yn cynnwys "landlord cymdeithasol cofrestredig" o fewn ystyr "registered social landlord" yn Rhan 1 o Ddeddf Tai 1996 (p.52).

(**2**) 1998 p.38.

(**1**) "Private sector landlord" does not include a Registered Social Landlord within the meaning of Part 1 of the Housing Act 1996 (c.52).

(**2**) 1998 c.38.

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## The Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006

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