

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif (Cy.)

TAI, CYMRU

**Rheoliadau Tenantiaethau Diogel
(Hysbysiadau) (Diwygio) (Cymru)
2005**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tenantiaethau Diogel (Hysbysiadau) 1987, fel y maent yn gymwys yng Nghymru, i ragnodi'r math ar ffurf ar hysbysiad y dylid ei gyflwyno i denant diogel cyn i landlord gychwyn achos am orchymyn israddio o dan adran 82A o Ddeddf Tai 1985.

Diwygiwyd Rhan 4 o Ddeddf Tai 1985 gan adran 14 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 i ganiatáu dod â thenantiaeth ddiogel i ben a rhoi tenantiaeth isradd lai diogel yn ei lle a hynny gan orchymyn israddio a wnaed gan lys sirol.

Mae adran 83 o Ddeddf Tai 1985, fel y'i diwygiwyd gan adran 14 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003, yn darparu na chaiff llys ystyried achos am orchymyn israddio onid oes hysbysiad sydd ar y ffurf a ragnodwyd ac sy'n cynnwys gwybodaeth benodol arbennig wedi'i gyflwyno i'r tenant diogel, neu onid yw, ym marn y llys, yn deg a chyfiawn hepgor hysbysiad o'r fath.

2005 Rhif (Cy.)

TAI, CYMRU

Rheoliadau Tenantiaethau Diogel (Hysbysiadau) (Diwygio) (Cymru) 2005

Wedi'u gwneud 2005

Yn dod i rym 30 Ebrill 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 83(2) a (7) o Ddeddf Tai 1985(1) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tenantiaethau Diogel (Hysbysiadau) (Diwygio) (Cymru) 2005 a deuant i rym ar 30 Ebrill 2005.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru'n unig.

Diwygiad: hysbysiad i'w gyflwyno cyn achos am orchymyn israddio

2.—(1) Mae Rheoliadau Tenantiaethau Diogel (Hysbysiadau) 1987(2) yn cael eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 2, ychwaneger —

“3. The notice to be served on a secure tenant under section 83 of the Housing Act 1985 before the court can entertain proceedings for a demotion order under section 82A(3) of that Act,

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- (1) 1985 p.68. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Tai 1985 (Deddf 1985), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672, y mae iddo ddiwygiadau nad ydynt yn gymwys i'r Rheoliadau hyn). Amnewidiwyd adran 83 o Ddeddf 1985 gan adran 147 o Ddeddf Tai 1996 (p.52). Yn adran 83, diwygir is-adrannau (1) a (2), a mewnosodir is-adran (4A), gan adran 14(3) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p. 38).
- (2) OS 1987/755 fel y'i diwygiwyd gan OS 1997/71 ac OS 1997/377.
- (3) Mewnosodwyd adran 82A gan adran 14(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p.38).

shall be in the form specified in Part III of the Schedule to these Regulations, or in a form substantially to the same effect.”

Yn yr Atodlen, ar ôl Rhan II ychwaneger —

“PART III

Notice before proceedings for a demotion order

Housing Act 1985, s83

This Notice is the first step towards the termination of your secure tenancy and its replacement with a demoted tenancy. You should read it very carefully.

- *If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizen’s Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor*

1. To..
.....Names(s) of secure tenant(s)]
.....
.....
.....
.....
.....
.....
.....
.....
..... [address of property]

2. The [name of landlord] **intends to apply to the Court for a demotion order, the effect of which will be the termination of your secure tenancy and its replacement with a demoted tenancy.**

- *Demoted tenants have less security and fewer rights than secure tenants.*
- *If your landlord is a registered social landlord then the demoted tenancy would be a demoted assured shorthold tenancy as set out in section 20B of the Housing Act 1988 (inserted by section 15 of the Anti-social Behaviour Act 2003). A demoted assured shorthold tenancy will become an ordinary assured tenancy after one year unless the landlord gives notice of proceedings for possession within that year.*
- *If your landlord is a local authority (LA) or a housing action trust (HAT) the demoted tenancy would be a demoted tenancy as set out in Chapter 1A of Part 5 of the Housing Act 1996 (inserted by section 14 of and Schedule 1 to the Anti-social Behaviour Act 2003). A LA or HAT demoted tenancy will become a secure tenancy after one*

apart from the provisions of the Housing Act 1985, your tenancy or licence could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in this paragraph.

- *After this date, Court proceedings can be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new notice must be served before proceedings for a demotion order can be brought.”*

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998⁽⁴⁾

Dyddiad:

Llywydd y Cynulliad Cenedlaethol

⁽⁴⁾ 1998 p.38.