CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 678 (Cy.66)

LANDLORD A THENANT, CYMRU

Rheoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn atodol i Bennod 1 o Ran 2 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesaddaliad 2002 ("y Ddeddf"). Mae'r Bennod honno'n darparu ar gyfer caffael ac arfer hawliau mewn perthynas â rheoli mangre y mae'r Bennod yn gymwys iddi gan gwmni a allai, yn unol â'r Bennod honno, gaffael ac arfer yr hawliau hynny ("cwmni RTM").

Cyn y gall cwmni RTM gaffael yr hawl i reoli mangre, rhaid iddo roi hysbysiad ("hysbysiad yn gwahodd cymryd rhan") i denantiaid y fflatiau hynny sydd yn y fangre sydd yn "denantiaid cymwys" (gweler adran 75 o'r Ddeddf) o'i fwriad i gaffael yr hawl. Rhaid i'r hysbysiad wahodd y rhai sy'n ei dderbyn i ddod yn aelodau o'r cwmni RTM. Mae Rheoliad 3, y mae Atodlen 1 o'r Rheoliadau hyn hefyd yn berthnasol iddo, yn rhagnodi gofynion, yn ychwanegol at y rhai a bennir yn adran 78 o'r Ddeddf, o ran cynnwys yr hysbysiad.

Cyn gynted ag y mae cwmni RTM wedi rhoi hysbysiad yn gwahodd cymryd rhan, caiff wneud hawliad i gaffael yr hawl i reoli. Mae'n ofynnol i'r hawliad gael ei wneud drwy hysbysiad ("hysbysiad hawlio"), a roddir i bob person -

(a) sy'n landlord o dan les o'r cyfan neu unrhyw ran o'r fangre y mae'r hysbysiad yn ymwneud â hi,

(b) sy'n barti i les o'r fath heblaw fel landlord neu denant, neu

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 678 (W.66)

LANDLORD AND TENANT, WALES

The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 ("the Act"). That Chapter makes provision for the acquisition and exercise of rights in relation to the management of premises to which the Chapter applies by a company which, in accordance with that Chapter, may acquire and exercise those rights ("RTM company").

Before a RTM company can acquire the right to manage premises, it must give notice ("notice of invitation to participate") to those tenants of flats contained in the premises who are "qualifying tenants" (see section 75 of the Act) of its intention to acquire the right. The notice must invite the recipients of it to become members of the RTM company. Regulation 3, to which Schedule 1 of these Regulations is also relevant, prescribes requirements, in addition to those specified in section 78 of the Act, as regards the contents of the notice.

Once the RTM company has given notice of invitation to participate, it may make a claim to acquire the right to manage. The claim is required to be made by notice ("claim notice"), that is to be given to each person who is-

(a) landlord under a lease of the whole or any part of the premises to which the notice relates,

(b) party to such a lease otherwise than as landlord or tenant, or

(c) sy'n rheolwr a benodwyd o dan Ran 2 o Ddeddf Landlord a Thenant 1987 i weithredu mewn perthynas â'r fangre, neu unrhyw fangre sy'n cynnwys neu a gynhwysir yn y fangre.

Mae Rheoliad 4, y mae Atodlen 2 i'r Rheoliadau hyn hefyd yn berthnasol iddo, yn rhagnodi gofynion, yn ychwanegol at y rhai a bennir yn adran 80 o'r Ddeddf, o ran cynnwys yr hysbysiad.

Caiff person sy'n derbyn hysbysiad hawlio ymateb drwy roi gwrth-hysbysiad i'r cwmni RTM, y caiff hawliad y cwmni RTM naill ai ei addef neu ei wrthwynebu ynddo. Mae Rheoliad 5, y mae Atodlen 3 i'r Rheoliadau hyn hefyd yn berthnasol iddo, yn rhagnodi gofynion, yn ychwanegol at y rhai a bennir yn adran 84 o'r Ddeddf, o ran cynnwys yr hysbysiad.

Os yw person sydd â hawl i dderbyn hysbysiad hawlio hefyd yn barti i gontract y mae'r parti arall i'r contract yn cytuno i ddarparu gwasanaethau odano, neu wneud pethau eraill odano, mewn cysylltiad ag unrhyw fater ynghylch swyddogaeth a fydd yn swyddogaeth y cwmni RTM cyn gynted ag y bydd yn caffael yr hawl i reoli'r fangre, rhaid i'r person hwnnw hysbysu'r parti arall i'r contract ("hysbysiad contractiwr") a'r cwmni RTM ("hysbysiad contract"). Mae Rheoliadau 6 a 7 (y mae Atodlenni 4 a 5 i'r Rheoliadau hyn yn berthnasol iddynt yn ôl eu trefn) yn rhagnodi gofynion, yn ychwanegol at y rhai a bennir yn adran 92 o'r Ddeddf, o ran cynnwys yr hysbysiadau contractiwr a'r hysbysiadau contract, yn ôl eu trefn.

Mae Rheoliad 8 yn rhagnodi ffurf y gwahoddiadau i gymryd rhan, yr hysbysiadau hawlio, y gwrth-hysbysiadau, yr hysbysiadau contractiwr a'r hysbysiadau contract.

Mae Arfarniad Rheoliadol wedi'i baratoi mewn cysylltiad â'r Rheoliadau hyn. Gellir cael copi oddi wrth Cyfarwyddiaeth Dai Cynulliad Cenedlaethol Cymru, Parc Cathys, Caerdydd CF10 3NQ (Ffôn 029 2082 3025).

(c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises.

Regulation 4, to which Schedule 2 to these Regulations is also relevant, prescribes requirements, in addition to those specified in section 80 of the Act, as regards the contents of the notice.

A person who receives a claim notice may respond by giving the RTM company a counter-notice, in which the RTM company's claim is either admitted or opposed. Regulation 5, to which Schedule 3 to these Regulations is also relevant, prescribes requirements, in addition to those specified in section 84 of the Act, as regards the contents of the notice.

If a person who is entitled to receive a claim notice is also party to a contract under which the other party to the contract agrees to provide services, or do other things, in connection with any matter relating to a function that will be the function of the RTM company once it acquires the right to manage the premises, that person must give notice to the other party to the contract ("contractor notice") and to the RTM company ("contract notice"). Regulations 6 and 7 (to which Schedules 4 and 5 to these Regulations are relevant respectively) prescribe requirements, in addition to those specified in section 92 of the Act, as regards contractor notices and contract notices, respectively.

Regulation 8 prescribes the form of invitations to participate, claim notices, counter-notices, contractor notices and contract notices.

A Regulatory Appraisal has been prepared in connection with these Regulations. A copy may be obtained from the Housing Directorate of the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (Tel 029 2082 3025).

OFFERYNNAU STATUDOL

2004 Rhif 678 (Cy.66)

LANDLORD A THENANT, CYMRU

Rheoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004

Wedi'u gwneud	*9 Mawrth 2004*
Yn dod i rym	*31 Mawrth 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 78(2)(d) a (3), 80(8) a (9), 84(2), 92(3) a (7) a 178(1) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002(**a**) ac adran 26(3) o Ddeddf yr Iaith Gymraeg 1993(**b**) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004 a deuant i rym ar 31 Mawrth 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i fangreoedd yng Nghymru yn unig.

Dehongli

2. Yn y Rheoliadau hyn-

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002;

(a) 2002 p.15. Mae'r pwerau'n arferadwy gan yr awdurdod cenedlaethol priodol. Diffinnir "the appropriate national authority" yn adran 179(1) fel Cynulliad Cenedlaethol Cymru mewn perthynas â Chymru a'r Ysgrifennydd Gwladol mewn perthynas â Lloegr. *Gweler* adran 178(3) mewn cysylltiad â'r pwer i wneud Rheoliadau

(b) 1993 p.38. Mae swyddogaethau'r Gweinidog o dan adran 26 o Ddeddf 1993 yn arferadwy yn gydredol gan Gynulliad Cenedlaethol Cymru ynghyd ag unrhyw Weinidog y Goron sy'n eu harfer, yn rhinwedd y cofnod mewn perthynas â Deddf 1993 yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 22(1) o Ddeddf Llywodraeth Cymru 1998 (p. 38).

STATUTORY INSTRUMENTS

2004 No. 678 (W.66)

LANDLORD AND TENANT, WALES

The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004

Made	*9th March 2004*
Coming into force	*31st March 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 78(2)(d) and (3), 80(8) and (9), 84(2), 92(3) and (7) and 178(1) of the Commonhold and Leasehold Reform Act 2002(**a**) and section 26(3) of the Welsh Language Act 1993(**b**), hereby makes the following Regulations:

Name, commencement and application

1.-(1) These Regulations may be cited as the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 and shall come into force on 31st March 2004.

(2) These Regulations apply in relation to premises in Wales only.

Interpretation

2. In these Regulations-

"the 2002 Act" ("*Deddf 2002*") means the Commonhold and Leasehold Reform Act 2002;

(a) 2002 c.15. The powers are exerciseable by the appropriate national authority. "The appropriate national authority" is defined in section 179(1) as the National Assembly for Wales as respects Wales and the Secretary of State as respects England. *See* section 178(3) as to the power to make Regulations.

(b) 1993 c.38. Functions of the Minister under section 26 of the 1993 Act are exerciseable concurrently by the National Assembly for Wales with any Minister of the Crown by whom they are exercisable, by virtue of the entry in relation to the 1993 Act in Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 22(1) of the Government of Wales Act 1998 (c. 38).

ystyr "landlord", ("*landlord*") mewn perthynas â mangre RTM, yw person sy'n landlord o dan brydles o'r cyfan neu unrhyw ran o'r fangre(**a**);

ystyr "mangre RTM" ("*RTM premises*") yw mangre y mae cwmni RTM yn bwriadu caffael yr hawl i reoli mewn cysylltiad â hi(**b**);

ystyr "trydydd parti" ("*third party*"), mewn perthynas â mangre RTM, yw person sy'n barti i brydles o'r cyfan neu unrhyw ran o'r fangre heblaw yn landlord neu'n denant(**c**).

"landlord", ("*landlord*") in relation to RTM premises, means a person who is landlord under a lease of the whole or any part of the premises(**a**);

"RTM premises" ("*mangre RTM*") means premises as regards which a RTM company intends to acquire the right to manage(**b**);

"third party" ("*trydydd parti*"), in relation to RTM premises, means a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant(**c**).

Cynnwys ychwanegol yr hysbysiad sy'n gwahodd cymryd rhan

3.-(1) Rhaid i hysbysiad sy'n gwahodd cymryd rhan(**ch**) gynnwys (yn ychwanegol at y datganiadau a'r gwahoddiad y cyfeirir atynt ym mharagraff (a) i (c) o is-adran (2) o adran 78 (hysbysiad yn gwahodd cymryd rhan) o Ddeddf 2002), y manylion a grybwyllir ym mharagraff (2).

(2) Dyma'r manylion y cyfeirir atynt ym mharagraff (1) -

(a) rhif cofrestredig y cwmni RTM(**d**), cyfeiriad ei swyddfa gofrestredig ac enwau ei gyfarwyddwyr a'i ysgrifennydd;

(b) enwau'r landlord ac unrhyw drydydd parti;

(c) datganiad, yn ddarostyngedig i'r eithriadau a grybwyllir yn is-baragraff (d), os bydd y cwmni RTM yn caffael yr hawl i reoli, y bydd y cwmni'n gyfrifol am-

(i) cyflawni dyletswyddau'r landlord o dan y les; a

(ii) arfer ei bwerau o dan y les,

o ran gwasanaethau, trwsio, cynnal a chadw, gwelliannau, yswiriant a rheoli;

(ch) datganiad, yn ddarostyngedig i'r eithriad a grybwyllir yn is-baragraff (d)(ii), os bydd y cwmni RTM yn caffael yr hawl i reoli, y caiff y cwmni orfodi cyfamodau tenant na chafodd eu trosglwyddo(**dd**);

(d) datganiad, os bydd y cwmni RTM yn caffael yr hawl i reoli, na fydd y cwmni'n gyfrifol am

Additional content of notice of invitation to participate

3.-(1) A notice of invitation to participate(**d**) shall contain (in addition to the statements and invitation referred to in paragraphs (a) to (c) of subsection (2) of section 78 (notice inviting participation) of the 2002 Act), the particulars mentioned in paragraph (2).

(2) The particulars referred to in paragraph (1) are-

(a) the RTM company's registered number(**e**), the address of its registered office and the names of its directors and secretary;

(b) the names of the landlord and any third party;

(c) a statement that, subject to the exclusions mentioned in sub-paragraph (e), if the right to manage is acquired by the RTM company, the company will be responsible for-

(i) the discharge of the landlord's duties under the lease; and

(ii) the exercise of his powers under the lease,

with respect to services, repairs, maintenance, improvements, insurance and management;

(d) a statement that, subject to the exclusion mentioned in sub-paragraph (e)(ii), if the right to manage is acquired by the RTM company, the company may enforce untransferred tenant covenants(**f**);

(e) a statement that, if the right to manage is acquired by the RTM company, the company

(a) O ran y diffinaid o "landlord" *gweler* adran 112, (3) a (5) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002. I gael diffiniad o "lease" *gweler* adran 112(2) o'r Ddeddf honno.

(b) I gael y diffiniad o "RTM Company" *gweler* adrannau 71(1) a 73 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002. *Gweler* adran 72 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddlaid 2002 er mwyn y mangreoedd y mae'r hawl i reoli yn gymwys iddynt.

(c) O ran y diffiniad o "tenant" *gweler* adran 112(2) a (3) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(ch) *Gweler* adran 78(2) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(d) *Gweler* adran 705(1) o Ddeddf Cwmnïau 1985 (p.6). Amnewidiwyd adran 705 gan Ddeddf Cwmnïau 1989 (p.40), Atodlen 19, paragraff14.

(dd) Er mwyn "untransferred tenant covenants" ("cyfamodau tenant na chafodd eu trosglwyddo") gweler adran 100(4) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(a) As to "landlord" *see* section 112, (3) and (5) of the Commonhold and Leasehold Reform Act 2002. As to "lease" *see* section 112(2) of that Act.

(b) As to "RTM company", *see* sections 71(1) and 73 of the Commonhold and Leasehold Reform Act 2002. As to "the right to manage" see section 71(2) of that Act. As to premises to which the right to manage applies *see* section 72 of the Commonhold and Leasehold Reform Act 2002.

(c) As to "tenant" *see* section 112(2), (3) and (5) of the Commonhold and Leasehold Reform Act 2002.

(d) *See* section 78(2) of the Commonhold and Leasehold Reform Act 2002.

(e) *See* section 705(1) of the Companies Act 1985 (c.6). Section 705 was substituted by the Companies Act 1989 (c.40), Schedule 19, paragraph 14.

(f) As to "untransferred tenant covenants" *see* section 100(4) of the Commonhold and Leasehold Reform Act 2002.

gyflawni dyletswyddau'r landlord nac arfer ei bwerau o dan y les-

(i) o ran mater sy'n ymwneud yn unig â rhan o'r fangre sy'n fflat neu'n uned arall nad yw'n ddarostyngedig i les a gaiff ei dal gan denant cymwys(**a**); neu

(ii) ynghylch ailfynediad neu fforffediad;

(dd) datganiad, os bydd y cwmni RTM yn caffael yr hawl i reoli, y bydd gan y cwmni swyddogaethau o dan y darpariaethau statudol y cyfeirir atynt yn Atodlen 7 i Ddeddf 2002;

(e) datganiad bod y cwmni RTM yn bwriadu neu, yn ôl y digwydd, nad yw'n bwriadu, penodi asiant rheoli o fewn ystyr adran 30B(8) o Ddeddf Landlord a Thenant 1985(**b**); ac,

(i) os yw'n fwriad o'r fath ganddo, ddatganiad-

(aa) o enw a chyfeiriad yr asiant rheoli arfaethedig (os yw'n wybyddus); a

(bb) os yw'n wir, bod y person yn asiant rheoli i'r landlord; neu

(ii) os nad yw'n fwriad o'r fath ganddo, cymwysterau neu brofiad (os oes rhai) aelodau presennol y cwmni RTM mewn perthynas â rheoli eiddo preswyl;

(f) datganiad, os bydd y cwmni'n rhoi hysbysiad hawlio(**c**), y gall person sydd neu sydd wedi bod yn aelod o'r cwmni fod yn atebol am gostau a dynnwyd gan y landlord ac eraill o ganlyniad i'r hysbysiad;

(ff) datganiad, os nad yw'r sawl sy'n derbyn yr hysbysiad (yn gwahodd i gymryd rhan) yn llwyr ddeall ei ddiben neu ei oblygiadau, sy'n ei gynghori i geisio cymorth proffesiynol; ac

(g) yr wybodaeth a roddir yn y nodiadau i'r ffurf a nodir yn Atodlen 1 i'r Rheoliadau hyn.

will not be responsible for the discharge of the landlord's duties or the exercise of his powers under the lease-

(i) with respect to a matter concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant(**a**); or

(ii) relating to re-entry or forfeiture;

(f) a statement that, if the right to manage is acquired by the RTM company, the company will have functions under the statutory provisions referred to in Schedule 7 to the 2002 Act;

(g) a statement that the RTM company intends or, as the case may be, does not intend, to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985(**b**); and-

(i) if it does so intend, a statement-

(aa) of the name and address of the proposed managing agent (if known); and

(bb) if it be the case, that the person is the landlord's managing agent; or

(ii) if it does not so intend, the qualifications or experience (if any) of the existing members of the RTM company in relation to the management of residential property;

(h) a statement that, where the company gives a claim notice(**c**), a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the notice;

(i) a statement that, if the recipient of the notice (of invitation to participate) does not fully understand its purpose or implications, he is advised to seek professional help; and

(j) the information provided in the notes to the form set out in Schedule 1 to these Regulations.

Cynnwys ychwanegol hysbysiad hawlio

4. Rhaid i hysbysiad hawlio(**ch**) gynnwys (yn ychwanegol at y manylion sy'n ofynnol gan is-adrannau (2) i (7) o adran 80 (cynnwys hysbysiad hawlio) o Ddeddf 2002)-

(a) datganiad bod y person -

Additional content of claim notice

4. A claim notice(**d**) shall contain (in addition to the particulars required by subsections (2) to (7) of section 80 (contents of claim notice) of the 2002 Act)-

(a) a statement that a person who-

(a) O ran y mangre y mae Pennod 1 o Ran 2 o Ddeddf Cyfunddaliad a Cyfraith Diwygio a Lesddaliad 2002 yn gymwys, *gweler* adran 72 (ac Atodlen 6).). I gael diffiniad o "flat" ("fflat") ac "unit" ("uned") *gweler* adran 112(1). I gael diffiniad o "lease" ("les") *gweler* adran 112(2). I gael diffiniad o "qualifying tenant" ("tenant cymwys"), *gweler* adrannau 75 a 112(4) a (5).

(b) 1985 p.70. Mewnosodwyd adran 30B gan Ddeddf Landlord a Thenant 1987 (p.31), adran 44.

(c) I gael diffiniad o "claim notice" ("hysbysiad hawlio") *gweler* adran 79(1) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(ch) *Gweler* adran 79(1) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(a) As to premises to which Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 applies, *see* section 72 (and Schedule 6).). As to "flat" and "unit" *see* section 112(1). As to "lease" *see* section 112(2). As to "qualifying tenant", see sections 75 and 112(4) and (5).

(b) 1985 c.70. Section 30B was inserted by the Landlord and Tenant Act 1987 (c.31), section 44.

(c) As to "claim notice" *see* section 79(1) of the Commonhold and Leasehold Reform Act 2002.

(d) *See* section 79(1) of the Commonhold and Leasehold Reform Act 2002.

(i) nad yw'n dadlau â hawl y cwmni RTM i gaffael yr hawl i reoli(**a**); a

(ii) sydd yn barti rheolwr o dan gontract rheoli(**b**) sy'n bodoli yn union cyn y dyddiad a bennir yn yr hysbysiad hawlio o dan adran 80(6) o Ddeddf 2002,

yn gorfod, yn unol ag adran 92 (dyletswyddau i roi gwybod am gontractau) o Ddeddf 2002, roi hysbysiad mewn perthynas â'r contract i'r person sydd yn barti contractiwr(**c**) mewn perthynas â'r contract a'r cwmni RTM;

(b) datganiad bod landlordiaid o dan lesoedd o'r cyfan neu unrhyw ran o'r fangre y mae'r hysbysiad hawlio yn berthnasol iddi â hawl i fod yn aelodau o'r cwmni RTM o'r dyddiad caffael(**ch**);

(c) datganiad nad yw'r hysbysiad wedi'i annilysu gan unrhyw anghywirdeb yn unrhyw fanylion sy'n ofynnol gan adran 80(2) i (7) o Ddeddf 2002 neu'r rheoliad hwn, ond y caiff person sydd o'r farn bod unrhyw fanylion sydd yn yr hysbysiad hawlio yn anghywir-

(i) nodi'r manylion o dan sylw i'r cwmni RTM a roddodd yr hysbysiad; a

(ii) dangos pam yr ystyrir eu bod yn anghywir;

(ch) datganiad bod y sawl sy'n derbyn yr hysbysiad ond nad yw'n llwyr ddeall ei ddiben, yn cael ei gynghori i geisio cymorth proffesiynol; a

(d) yr wybodaeth a roddir yn y nodiadau i'r ffurf a nodir yn Atodlen 2 i'r Rheoliadau hyn.

(i) does not dispute the RTM's company's entitlement to acquire the right to manage(**a**); and

(ii) is the manager party under a management contract(**b**) subsisting immediately before the date specified in the claim notice under section 80(6) of the 2002 Act,

must, in accordance with section 92 (duties to give notice of contracts) of the 2002 Act, give a notice in relation to the contract to the person who is the contractor party(**c**) in relation to the contract and to the RTM company;

(b) a statement that, from the acquisition date(**d**), landlords under leases of the whole or any part of the premises to which the claim notice relates are entitled to be members of the RTM company;

(c) a statement that the notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or this regulation, but that a person who is of the opinion that any of the particulars contained in the claim notice are inaccurate may-

(i) identify the particulars in question to the RTM company by which the notice was given; and

(ii) indicate the respects in which they are considered to be inaccurate;

(d) a statement that a person who receives the notice but does not fully understand its purpose, is advised to seek professional help; and

(e) the information provided in the notes to the form set out in Schedule 2 to these Regulations.

Cynnwys ychwanegol gwrth-hysbysiad

5. Rhaid i wrth-hysbysiad gynnwys (yn ychwanegol at y datganiad y cyfeirir ato ym mharagraff (a) neu (b) o is-adran (2) o adran 84 (gwrth-hysbysiadau) o Ddeddf 2002)-

(a) datganiad y caiff y cwmni RTM, os cafodd y cwmni un gwrth-hysbysiad neu fwy sy'n cynnwys datganiad fel y crybwyllir ym mharagraff (b) o is-adran (2) o adran 84 o Ddeddf 2002, gyflwyno cais i dribiwnlys prisio lesddaliad am benderfyniad bod gan y cwmni, ar y dyddiad y rhoddwyd yr hysbysiad o hawliad, yr awdurdod i gaffael yr hawl i

Additional content of counter-notice

5. A counter-notice shall contain (in addition to the statement referred to in paragraph (a) or (b) of subsection (2) of section 84 (counter-notices) of the 2002 Act)-

(a) a statement that, where the RTM company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the 2002 Act, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was

(a) O ran yr amgylchiadau lle nad oes dadl am yr hawl, *gweler* adran 90(3) o Ddeddf Cyfunddaliad a Diwygio Cyfraith a Lesddaliad 2002.

(b) I gael y diffiniad o "manager party" *gweler* adran 91(2) a 4 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002. Er mwyn "management contract" *gweler* adran 91(2) o'r Ddeddf honno.

(c) Er mwyn "contractor party" *gweler* adran 91(2)(b) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(ch) *Gweler* adrannau 74(1)(b) a 90 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002

(a) As to the circumstances in which there is no dispute about entitlement, see section 90(3) of the Commonhold and Leasehold Reform Act 2002.

(b) As to "manager party" see section 91(2) and (4) of the Commonhold and Leasehold Reform Act 2002. As to "management contract" see section 91(2) of that Act.

(c) As to "contractor party" see section 91(2)(b) of the Commonhold and Leasehold Reform Act 2002.

(d) See sections 74(1)(b) and 90 of the Commonhold and Leasehold Reform Act 2002.

reoli'r fangre a bennir yn yr hysbysiad hawlio;

(b) datganiad na chaiff y cwmni RTM, os cafodd y cwmni un gwrth-hysbysiad neu fwy sy'n cynnwys datganiad fel yr un a grybwyllir ym mharagraff (b) o is-adran (2) o adran 84 o Ddeddf 2002, yr hawl i reoli'r fangre a bennir yn yr hysbysiad hawlio oni bai-

(i) y penderfynir yn derfynol(**a**) ar gais i dribiwnlys prisio lesddaliad bod yr awdurdod gan y cwmni i gaffael yr hawl i reoli'r fangre; neu

(ii) bod y person a roddodd y gwrth-hysbysiad, neu'r personau a roddodd y gwrth-hysbysiadau, yn cytuno'n ysgrifenedig fod gan y cwmni yr awdurdod hwnnw; ac

(c) yr wybodaeth a roddir yn y nodiadau i'r ffurf a nodir yn Atodlen 3 i'r Rheoliadau hyn.

Cynnwys ychwanegol hysbysiad contractiwr

6. Rhaid i hysbysiad contractiwr(**b**) gynnwys (yn ychwanegol at y manylion y cyfeirir atynt ym mharagraff (a) i (d) o is-adran (3) o adran 92 (dyletswyddau i roi gwybod am gontractau) o Ddeddf 2002) -

(a) datganiad, pe bai'r person y rhoddir yr hysbysiad iddo yn dymuno darparu gwasanaethau i'r cwmni RTM y mae, fel y parti contractiwr, wedi ei ddarparu i'r parti rheolwr(**c**) o dan y contract y ceir manylion amdano yn yr hysbysiad, cynghorir ei fod yn cysylltu â'r cwmni RTM yn y cyfeiriad a roddir yn yr hysbysiad; a

(b) yr wybodaeth a roddir yn y nodiadau i'r ffurf a nodir yn Atodlen 4 i'r Rheoliadau hyn.

Cynnwys ychwanegol hysbysiad contract

7. Rhaid i hysbysiad contract(**ch**) gynnwys (yn ychwanegol at y manylion y cyfeirir atynt ym mharagraff (a) o is-adran (7) o adran 92 o Ddeddf 2002)-

(a) cyfeiriad y person sy'n barti contractiwr, neu'n barti is-gontractiwr(**d**), o dan y contract y ceir manylion amdano yn yr hysbysiad;

(a) *Gweler* adran 84(7) ac 8 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(b) *Gweler* adran 92(1)(a) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(c) I gael y diffiniad o "manager party" *gweler* adran 91(2)(a) o Ddeddf Cyfunddaliad a Diwygio Cyfraith a Lesddaliad 2002.

(ch) *Gweler* adran 92(1)(b) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

(d) Er mwyn "sub-contractor party" *gweler* adran 92(4) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

entitled to acquire the right to manage the premises specified in the claim notice;

(b) a statement that, where the RTM company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the 2002 Act, the company does not acquire the right to manage the premises specified in the claim notice unless-

(i) on an application to a leasehold valuation tribunal, it is finally determined(**a**) that the company was entitled to acquire the right to manage the premises; or

(ii) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing that the company was so entitled; and

(c) the information provided in the notes to the form set out in Schedule 3 to these Regulations.

Additional content of contractor notice

6. A contractor notice(**b**) shall contain (in addition to the particulars referred to in paragraphs (a) to (d) of subsection (3) of section 92 (duties to give notice of contracts) of the 2002 Act) -

(a) a statement that, should the person to whom the notice is given wish to provide to the RTM company services which, as the contractor party, it has provided to the manager party(**c**) under the contract of which details are given in the notice, it is advised to contact the RTM company at the address given in the notice; and

(b) the information provided in the notes to the form set out in Schedule 4 to these Regulations.

Additional content of contract notice

7. A contract notice(**d**) shall contain (in addition to the particulars referred to in paragraph (a) of subsection (7) of section 92 of the 2002 Act)-

(a) the address of the person who is the contractor party, or sub-contractor party(**e**), under the contract of which particulars are given in the notice;

(a) *See* section 84(7) and (8) of the Commonhold and Leasehold Reform Act 2002.

(b) *See* section 92(1)(a) of the Commonhold and Leasehold Reform Act 2002.

(c) As to "manager party" *see* section 91(2)(a) of the Commonhold and Leasehold Reform Act 2002.

(d) *See* section 92(1)(b) of the Commonhold and Leasehold Reform Act 2002.

(e) As to "sub-contractor party" *see* section 92(4) of the Commonhold and Leasehold Reform Act 2002.

(b) datganiad, pe bai'r cwmni RTM yn dymuno defnyddio'r gwasanaethau y mae'r parti contractiwr, neu barti is-gontractiwr, wedi ei ddarparu i'r parti rheolwr o dan y contract hwnnw, cynghorir ei fod yn cysylltu â'r parti contractiwr, neu barti is-gontractiwr, yn y cyfeiriad a roddwyd yn yr hysbysiad; a

(c) yr wybodaeth a roddir yn y nodiadau i'r ffurf a nodir yn Atodlen 5 i'r Rheoliadau hyn.

Ffurf yr hysbysiadau

8.-(1) Rhaid i hysbysiadau sy'n gwahodd cymryd rhan fod yn y ffurf a nodir yn Atodlen 1 i'r Rheoliadau hyn a phan roddir dyddiadau yn yr hysbysiadau rhaid defnyddio ffigurau ac nid geiriau.

(2) Rhaid i hysbysiadau hawlio fod yn y ffurf a nodir yn Atodlen 2 i'r Rheoliadau hyn a phan roddir dyddiadau yn yr hysbysiadau rhaid defnyddio ffigurau ac nid geiriau.

(3) Rhaid i wrth-hysbysiadau fod yn y ffurf a nodir yn Atodlen 3 i'r Rheoliadau hyn a phan roddir dyddiadau yn yr hysbysiadau rhaid defnyddio ffigurau ac nid geiriau.

(4) Rhaid i hysbysiadau contractiwr fod yn y ffurf a nodir yn Atodlen 4 i'r Rheoliadau hyn a phan roddir dyddiadau yn yr hysbysiadau rhaid defnyddio ffigurau ac nid geiriau.

(5) Rhaid i hysbysiadau contract fod yn y ffurf a nodir yn Atodlen 5 i'r Rheoliadau hyn a phan roddir dyddiadau yn yr hysbysiadau rhaid defnyddio ffigurau ac nid geiriau.

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

9 Mawrth 2004

Dirprwy Lywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

(b) a statement that, should the RTM company wish to avail itself of the services which the contractor party, or sub-contractor party, has provided to the manager party under that contract, it is advised to contact the contractor party, or sub-contractor party, at the address given in the notice; and

(c) the information provided in the notes to the form set out in Schedule 5 to these Regulations.

Form of notices

8.-(1) Notices of invitation to participate must be in the form set out in Schedule 1 to these Regulations and where dates are inserted in the notices they must be inserted using numbers and not words.

(2) Claim notices must be in the form set out in Schedule 2 to these Regulations and where dates are inserted in the notices they must be inserted using numbers and not words.

(3) Counter-notices must be in the form set out in Schedule 3 to these Regulations and where dates are inserted in the notices they must be inserted using numbers and not words.

(4) Contractor notices must be in the form set out in Schedule 4 to these Regulations and where dates are inserted in the notices they must be inserted using numbers and not words.

(5) Contract notices must be in the form set out in Schedule 5 to these Regulations and where dates are inserted in the notices they must be inserted using numbers and not words.

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

9th March 2004

John Marek

The Deputy Presiding Officer of the National Assembly

(a) 1998 c.38.

ATODLEN 1 : SCHEDULE 1

Rheoliadau 3(2)(g) ac 8(1) Regulations 3(2)(j) and 8(1)

FFURF HYSBYSIAD YN GWAHODD CYMRYD RHAN

FORM OF NOTICE OF INVITATION TO PARTICIPATE

DEDDF CYFUNDDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Hysbysiad o wahoddiad i gymryd rhan yn yr hawl i reoli

Notice of invitation to participate in right to manage

At To

_____

_____

_____

_____

[enw a chyfeiriad] (**Gweler Nodyn 1 isod**) [name and address] (**See Note 1 below**)

1. Mae 1.

_____

[*enw'r cwmni RTM*] [*Name of RTM company*]

("y cwmni"), sy'n gwmni preifat cyfyngedig drwy warant, cyfeiriad

("the company"), a private company limited by guarantee of

_____

[*cyfeiriad y swyddfa gofrestredig*] [*address of registered office*]

rhif cofrestredig and of which the registered number is

_____

[*rhif o dan Ddeddf Cwmnïau 1985*] [*number under Companies Act 1985*]

wedi ei awdurdodi gan ei femorandwm cymdeithasu i gaffael ac arfer yr hawl i reoli

is authorised by its memorandum of association to acquire and exercise the right to manage

_____

[*enw'r fangre y mae'r hysbysiad yn berthnasol iddi*] ("y fangre").

[*name of premises to which notice relates*] ("the premises").

2. Mae'r cwmni yn bwriadu caffael yr hawl i reoli'r fangre.

Naill ai

3.1 Mae memorandwm cymdeithasu'r cwmni, ynghyd â'i erthyglau cymdeithasu, yn dod gyda'r hysbysiad hwn.

Ydyw *Ticiwch os yw hynny'n gywir ac ewch i baragraff 4* (**gweler Nodyn 2 isod**)

Neu

3.2 Cewch archwilio memorandwm cymdeithasu'r cwmni, ynghyd â'i erthyglau cymdeithasu, yn unol â'r trefniadau yn y paragraff canlynol.

Cewch. [*Ticiwch os yw'r datganiad uchod yn gymwys a chwblhewch weddill y paragraff 3 hwn.*] (**Gweler Nodyn 2**)

3.2.1 Yn

[*cyfeiriad ar gyfer yr archwiliad*]

3.2.2 rhwng

[*nodwch yr amserau*]. (**gweler Nodyn 3 isod**)

3.2.3 Ar unrhyw adeg o fewn y cyfnod o saith diwrnod gan ddechrau ar y diwrnod ar ôl i'r hysbysiad hwn gael ei roi, gellir archebu copi o'r memorandwm cymdeithasu a'r erthyglau cymdeithasu oddi wrth

[*nodwch y cyfeiriad*]

3.2.4 drwy dalu

[*nodwch y ffi*]. (**gweler Nodyn 4 isod**)

4. Nodir enwau-

(a) aelodau'r cwmni;

(b) cyfarwyddwyr y cwmni; ac

(c) ysgrifennydd y cwmni,

yn yr Atodlen isod.

2. The company intends to acquire the right to manage the premises.

Either

3.1 The company's memorandum of association, together with its articles of association, accompanies this notice.

Yes. *Tick if this is the case and proceed to paragraph 4* (**See Note 2 below**)

Or

3.2 The company's memorandum of association, together with its articles of association, may be inspected in accordance with the arrangements in the following paragraph.

Yes. [*Tick if the statement above applies and complete the remainder of this paragraph 3.*] (**See Note 2**)

3.2.1 At

[*address for inspection*]

3.2.2 between

[*specify times*]. (**See Note 3 below**)

3.2.3 At any time within the period of seven days beginning with the day after this notice is given, a copy of the memorandum of association and articles of association may be ordered from

[*specify address*]

3.2.4 on payment of

[*specify fee*]. (**See Note 4 below**)

4.The names of-

(a) the members of the company;

(b) the company's directors; and

(c) the company's secretary,

are set out in the Schedule below.

5. Enwau'r landlord a'r person (os o gwbl) sy'n barti i brydles ar y cyfan neu ar unrhyw ran o'r fangre heblaw fel landlord neu denant yw:

5. The names of the landlord and of the person (if any) who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant are:

[*nodwch*]

[*specify*]

6. Yn ddarostyngedig i'r eithriadau a grybwyllir ym mharagraff 8, os bydd y cwmni yn caffael yr hawl i reoli, bydd y cwmni'n gyfrifol am-
(a) cyflawni dyletswyddau'r landlord o dan y les; a
(b) arfer ei bwerau o dan y les,

o ran gwasanaethau, trwsio, cynnal a chadw, gwelliannau, yswiriant a rheoli.

6. Subject to the exclusions mentioned in paragraph 8, if the right to manage is acquired by the company, the company will be responsible for-
(a) the discharge of the landlord's duties under the lease; and
(b) the exercise of his powers under the lease,

with respect to services, repairs, maintenance, improvements, insurance and management.

7. Yn ddarostyngedig i'r eithriad a grybwyllir ym mharagraff 8(b), os bydd y cwmni yn caffael yr hawl i reoli, caiff y cwmni orfodi cyfamodau tenant na chawsant eu trosglwyddo. (**Gweler Nodyn 5 isod**)

7. Subject to the exclusion mentioned in paragraph 8(b), if the right to manage is acquired by the company, the company may enforce untransferred tenant covenants. (**See Note 5 below**)

8. Os bydd y cwmni yn caffael yr hawl i reoli, ni fydd y cwmni'n gyfrifol am gyflawni dyletswyddau'r landlord nac arfer ei bwerau o dan y les-
(a) o ran mater sy'n ymwneud yn unig â rhan o'r fangre sy'n fflat neu'n uned arall nad yw'n ddarostyngedig i brydles a gaiff ei dal gan denant cymwys; neu
(b) ynghylch ailfynediad neu fforffediad.

8. If the right to manage is acquired by the company, the company will not be responsible for the discharge of the landlord's duties or the exercise of his powers under the lease-
(a) with respect to a matter concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant; or
(b) relating to re-entry or forfeiture.

9. Os bydd y cwmni yn caffael yr hawl i reoli, bydd gan y cwmni swyddogaethau o dan y darpariaethau statudol y cyfeirir atynt yn Atodlen 7 i Ddeddf Cyd-ddeiliadaeth a Diwygio Cyfraith Prydlesi 2002. (**Gweler Nodyn 6 isod**)

9. If the right to manage is acquired by the company, the company will have functions under the statutory provisions referred to in Schedule 7 to the Commonhold and Leasehold Reform Act 2002. (**See Note 6 below**)

Naill ai

9.1 Mae'r cwmni yn bwriadu penodi asiant rheoli yn yr ystyr sydd i "managing agent" yn adran 30B(8) o Ddeddf Landlord a Thenant 1985. (**Gweler Nodyn 7 isod**)

Either

9.1 The company intends to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985. (**See Note 7 below**)

Ydyw. *Ticiwch os yw'r datganiad uchod yn gymwys. Os ydych yn ticio'r blwch hwn, ewch i baragraff 9.2. Os nad ydych yn ticio'r blwch hwn, ewch i baragraff 9.4.*

Yes. *Tick if the statement above applies. If you tick this box, proceed to paragraph 9.2. If you do not tick this box, proceed to paragraph 9.4.*

9.2 Os yw'n hysbys, rhowch enw a chyfeiriad yr asiant rheoli arfaethedig isod. *Ewch i baragraff 9.3.*

9.2 If known, give the name and address of the proposed managing agent below. *Proceed to paragraph 9.3.*

[*Enw a chyfeiriad yr asiant rheoli arfaethedig*]

[*Name and address of the proposed managing agent*]

9.3 Y person a enwir ym mharagraff 9.2 uchod yw'r asiant rheoli ar hyn o bryd.

Ie. *Ticiwch os yw'r datganiad uchod yn gymwys. Ewch i baragraff 10 p'un a yw'r datganiad uchod yn gymwys ai peidio.*

9.3 The person named in paragraph 9.2 above is the current managing agent.

Yes. *Tick if the statement above applies. Proceed to paragraph 10 whether or not the statement above applies.*

Neu

9.4 Nid yw'r cwmni yn bwriadu penodi asiant rheoli o fewn ystyr adran 30B(8) o Ddeddf Landlord a Thenant 1985.

Cywir. *Ticiwch os yw'r datganiad uchod yn gymwys.* **(Gweler Nodyn 7 isod)** *[Os oes gan unrhyw aelod presennol o'r cwmni gymwysterau neu brofiad mewn perthynas â rheoli eiddo preswyl, rhowch y manylion ym mharagraff 4 o'r Atodlen isod.]*

Or

9.4 The company does not intend to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985.

Yes. *Tick if the statement above applies.* **(See Note 7 below)** *[If any existing member of the company has qualifications or experience in relation to the management of residential property, give details in paragraph 4 of the Schedule below.]*

10. Os yw'r cwmni yn hysbysu ei hawliad i gaffael yr hawl i reoli'r fangre ("hysbysiad hawlio"), gall berson sydd neu sydd wedi bod yn aelod o'r cwmni fod yn atebol am y costau a dynnir gan y landlord ac eraill o ganlyniad i'r hysbysiad hawlio. (**Gweler Nodyn 8 isod**)

10.If the company gives notice of its claim to acquire the right to manage the premises (a "claim notice"), a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the claim notice. (**See Note 8 below**)

11. Gwahoddir chi i ddod yn aelod o'r cwmni. (**Gweler Nodyn 9 isod**)

11. You are invited to become a member of the company. (**See Note 9 below**)

12. Os nad ydych yn llwyr ddeall diben neu oblygiadau'r hysbysiad hwn, cynghorir chi i geisio cymorth proffesiynol.

12. If you do not fully understand the purpose or implications of this notice you are advised to seek professional help.

ATODLEN : SCHEDULE

1. Dyma enwau aelodau'r cwmni:

[*nodwch enwau aelodau'r cwmni*]

1. The names of the members of the company are:

[*state names of company members*]

2. Dyma enwau cyfarwyddwyr y cwmni:

[*enwau'r cyfarwyddwyr*]

2. The names of the company's directors are:

[*directors' names*]

3. Dyma enw ysgrifennydd y cwmni:

[*enw ysgrifennydd y cwmni*]

3. The name of the company's secretary is:

[*company secretary's name*]

[*Os yw'n gymwys rhowch yr wybodaeth ganlynol*.] (**Gweler paragraff 9.4 uchod**)

[*If applicable complete the following information*.] (**See paragraph 9.4 above**)

4. Mae gan aelod[au] canlynol y cwmni gymwysterau neu brofiad mewn perthynas â rheoli eiddo preswyl:

(1)

[*Enw'r aelod*]

[*y cymhwyster mewn perthynas â rheoli tir ac adeiladau preswyl*]

[*Nifer o flynyddoedd o brofiad mewn perthynas â rheoli eiddo preswyl*]

[*cyfeiriad[au] yr eiddo a'r dyddiadau pan gafwyd y profiad*]

4. The following member[s] of the company [has][have] qualifications or experience in relation to the management of residential property:

(1)

[*Name of member*]

[*qualification in relation to the management of residential property*]

[*Number of years experience in relation to the management of residential property*]

[*address[es] of [property][properties]and dates when experience acquired*]

(2) *[rhowch y manylion priodol gan ddilyn y patrwm uchod yn ôl yr angen]*

(2) *[repeat as above as necessary]*

Llofnodwyd drwy awdurdod y cwmni,

Signed by authority of the company,

_____

[*Llofnod aelod neu swyddog awdurdodedig*]

[*Signature of authorised member or officer*]

_____/ ___/_____

[*Rhowch y dyddiad* (**Gweler Nodyn 13 isod**)]

[*Insert date* (**See Note 13 below**)]

NODIADAU : NOTES

1. Rhaid anfon yr hysbysiad sy'n gwahodd cymryd rhan (hysbysiad yn y ffurf a geir yn Atodlen 1 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004) at bob person sydd ar yr adeg y rhoddir yr hysbysiad yn denant cymwys fflat yn y fangre ond nad yw eisoes yn aelod o'r cwmni ac nad yw wedi cytuno i fod yn aelod ohono. Diffinnir "qualifying tenant" ("tenant cymwys") yn adran 75 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ("Deddf 2002").

1. The notice inviting participation (a notice set out in the form set out in Schedule 1 to the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004) must be sent to each person who is at the time the notice is given a qualifying tenant of a flat in the premises but who is not already, and has not agreed to become, a member of the company. A qualifying tenant is defined in section 75 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act").

2. Rhaid rhoi gyda'r hysbysiad naill ai (a) copi o femorandwm cymdeithasu ac erthyglau cymdeithasu'r cwmni RTM neu (b) rhaid iddo gynnwys datganiad ynghylch archwilio a chopïo'r Memorandwm Cymdeithasu ac Erthyglau Cymdeithasu'r cwmni RTM yn rhoi'r wybodaeth a bennir ym mharagraff 3 o'r hysbysiad.

2. The notice must either (a) be accompanied by a copy of the memorandum of association and articles of association of the RTM company or (b) include a statement about inspection and copying the Memorandum of Association and the Articles of Association of the RTM company giving the information specified in paragraph 3 of the notice.

3. Rhaid i'r amserau a nodir fod yn gyfnodau o 2 awr o leiaf ar bob un o 3 diwrnod o leiaf (gan gynnwys dydd Sadwrn neu ddydd Sul neu'r ddau) o fewn y 7 diwrnod gan ddechrau drannoeth i'r diwrnod y rhoddir yr hysbysiad.

3. The specified times must be periods of at least 2 hours on each of at least 3 days (including a Saturday or Sunday or both) within the 7 days beginning with the day following that on which the notice is given.

4. Rhaid i'r cyfleuster archebu fod ar gael drwy'r cyfnod 7 diwrnod y cyfeirir ato yn Nodyn 3. Rhaid i'r ffi beidio â bod yn fwy na chost resymol darparu'r copi a archebir.

4. The ordering facility must be available throughout the 7 day period referred to in Note 3. The fee must not exceed the reasonable cost of providing the ordered copy.

5. Cyfamod tenant na chafodd ei drosglwyddo yw cyfamod mewn les tenant y mae'n rhaid iddo gydymffurfio ag ef, ond na ellir ei orfodi gan y cwmni ond yn rhinwedd adran 100 o Ddeddf 2002.

5. An untransferred tenant covenant is a covenant in a tenant's lease that he must comply with, but which can be enforced by the company only by virtue of section 100 of the 2002 Act.

6. Mae'r swyddogaethau'n ymwneud â materion megis rhwymedigaethau trwsio, taliadau gweinyddu a thaliadau gwasanaeth, a'r wybodaeth sydd i'w throsglwyddo i denantiaid. Gellir cael y manylion oddi wrth y cwmni RTM.

6. The functions relate to matters such as repairing obligations, administration and service charges, and information to be furnished to tenants. Details may be obtained from the RTM company.

7. Rhaid i'r hysbysiad gynnwys datganiad naill ai bod y cwmni RTM yn bwriadu, neu yn ôl y digwydd, nad yw'n bwriadu penodi asiant rheoli o fewn yr ystyr sydd iddo yn adran 30B(8) o Ddeddf Landlord a Thenant 1985; ac-

os yw'n fwriad o'r fath ganddo, ddatganiad-
(aa) o enw a chyfeiriad yr asiant rheoli arfaethedig (os yw'n wybyddus); a
(bb) os mai dyna yw'r achos, bod y person yn asiant rheoli i'r landlord; neu

7. The notice must contain a statement either that the RTM company intends or, as the case may be, does not intend, to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985; and-

if it does so intend, a statement-
(aa) of the name and address of the proposed managing agent (if known); and
(bb) if it be the case, that the person is the landlord's managing agent; or

os nad yw'n fwriad o'r fath ganddo, cymwysterau neu brofiad (os o gwbl) aelodau presennol y cwmni RTM mewn perthynas â rheoli eiddo preswyl.

if it does not so intend, the qualifications or experience (if any) of the existing members of the RTM company in relation to the management of residential property.

8. Os caiff hysbysiad hawlio ei dynnu'n ôl ar unrhyw adeg, neu os bernir iddo gael ei dynnu'n ôl neu os yw'n peidio â bod yn effeithiol mewn ffordd arall, bydd pob person sydd neu sydd wedi bod yn aelod o'r cwmni yn atebol (ac eithrio yn yr amgylchiadau a grybwyllir ar ddiwedd y nodyn hwn) am y costau rhesymol a dynnwyd gan -

(a) y landlord,
(b) unrhyw berson sy'n barti i brydles ar y cyfan neu ar unrhyw ran o'r fangre heblaw fel landlord neu denant, neu
(c) rheolwr a benodwyd o dan Ran 2 o Ddeddf Landlord a Thenant 1987 i weithredu mewn perthynas â'r fangre, neu unrhyw fangre sy'n cynnwys neu a gynhwysir yn y fangre y mae'r hysbysiad hwn yn berthnasol iddi,

o ganlyniad i'r hysbysiad hawlio.

Mae aelod cyfredol neu aelod blaenorol o'r cwmni yn atebol ar y cyd â'r cwmni ac ar y cyd â phob person sydd neu sydd wedi bod yn aelod o'r cwmni, ac yn unigol. Er hynny, nid yw aelod blaenorol yn atebol os yw wedi aseinio'r les yr oedd yn denant cymwys o'i phlegid i berson arall a bod y person arall hwnnw wedi dod yn aelod o'r cwmni.

8. If the claim notice is at any time withdrawn, deemed to be withdrawn or otherwise ceases to have effect, each person who is or has been a member of the company is liable (except in the circumstances mentioned at the end of this note) for reasonable costs incurred by-

(a) the landlord,
(b) any person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant, or
(c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises to which this notice relates, or any premises containing or contained in the premises to which this notice relates,

in consequence of the claim notice.

A current or former member of the company is liable both jointly with the company and every other person who is or has been a member of the company, and individually. However, a former member is not liable if he has assigned the lease by virtue of which he was a qualifying tenant to another person and that other person has become a member of the company.

9. Mae gan bob tenant cymwys o fflatiau yn y fangre yr hawl i ddod yn aelodau. Mae gan landlordiaid o dan lesoedd ar y cyfan neu ar unrhyw ran o'r fangre hefyd yr hawl i fod yn aelodau, ond dim ond ar ôl i'r cwmni gaffael yr hawl i reoli. Gellir gwneud cais am aelodaeth yn unol ag erthyglau cymdeithasu'r cwmni, ac os nad ydynt gyda'r hysbysiad hwn, gellir eu harchwilio fel y crybwyllir ym mharagraff 3.2 o'r hysbysiad.

9. All qualifying tenants of flats contained in the premises are entitled to be members. Landlords under leases of the whole or any part of the premises are also entitled to be members, but only once the right to manage has been acquired by the company. An application for membership may be made in accordance with the company's articles of association which, if they do not accompany this notice, may be inspected as mentioned in paragraph 3.2 of the notice.

10. Os bydd y cwmni'n caffael yr hawl i reoli rhaid iddo adrodd i unrhyw berson sy'n landlord o dan les ar y cyfan neu ar unrhyw ran o'r fangre am unrhyw fethiant i gydymffurfio ag unrhyw gyfamod tenant yn y les oni bai, o fewn cyfnod o dri mis yn dechrau ar y diwrnod y daw'r methiant i gydymffurfio i sylw'r cwmni-

(a) bod y methiant wedi cael ei gywiro,
(b) bod iawndal rhesymol wedi cael ei dalu mewn perthynas â'r methiant, neu
(c) bod y landlord wedi hysbysu'r cwmni nad oes angen iddo adrodd am fethiannau o'r math sydd o dan sylw.

10. If the right to manage is acquired by the company, the company must report to any person who is landlord under a lease of the whole or any part of premises any failure to comply with any tenant covenant of the lease unless, within the period of three months beginning with the day on which the failure to comply comes to the attention of the company-

(a) the failure has been remedied,
(b) reasonable compensation has been paid in respect of the failure, or
(c) the landlord has notified the company that it need not report to him failures of the description of the failure concerned.

11. Os yw'r cwmni'n caffael yr hawl i reoli, daw swyddogaethau rheoli person sydd yn barti i les ar y cyfan neu ar unrhyw ran o'r fangre heblaw fel landlord neu denant yn swyddogaethau'r cwmni. Bydd y cwmni'n gyfrifol am gyflawni dyletswyddau'r person hwnnw o dan y les ac arfer ei bwerau o dan y les, o ran gwasanaethau, trwsio, cynnal a chadw, gwelliannau, yswiriant a rheoli. Er hynny, ni fydd y cwmni'n gyfrifol am faterion sy'n ymwneud yn unig â rhan o'r fangre sy'n fflat neu'n uned arall nad yw'n ddarostyngedig i les a gaiff ei dal gan denant cymwys, neu sy'n ymwneud ag ailfynediad neu fforffediad.

11. If the right to manage is acquired by the company, management functions of a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant will become functions of the company. The company will be responsible for the discharge of that person's duties under the lease and the exercise of his powers under the lease, with respect to services, repairs, maintenance, improvements, insurance and management. However, the company will not be responsible for matters concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant, or relating to re-entry or forfeiture.

12. Os yw'r cwmni'n caffael yr hawl i reoli, bydd y cwmni'n gyfrifol am arfer y pwerau ynghylch rhoi cymeradwyaethau i denant o dan les, ond ni fydd yn gyfrifol am arfer y pwerau hynny ynghylch cymeradwyaeth sy'n ymwneud yn unig â rhan o'r fangre sy'n fflat neu'n uned arall nad yw'n ddarostyngedig i les a gaiff ei dal gan denant cymwys.

12. If the right to manage is acquired by the company, the company will be responsible for the exercise of the powers relating to the grant of approvals to a tenant under the lease, but will not be responsible for the exercise of those powers in relation to an approval concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant.

13. Rhaid defnyddio ffigurau ac nid geiriau am bob dyddiad - ee byddai 12 Medi 2004 yn 12/9/2004.

13. All dates must be completed using numbers not words - eg 12 September 2004 would be 12/9/2004.

ATODLEN 2 : SCHEDULE 2

Rheoliadau 4(d) ac 8(2) | Regulations 4(e) and 8(2)

FFURF HYSBYSIAD HAWLIO

FORM OF CLAIM NOTICE

DEDDF CYFUNDDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Hysbysiad Hawlio

Claim Notice

At | To

1. Mae | 1.

_____

[*enw'r cwmni RTM*] (**Gweler Nodyn 1 isod**) | [*name of RTM company*] (**See Note 1 below**)

("y cwmni"), o | ("the company"), of

_____

[cyfeiriad y swyddfa gofrestredig] | *[address of registered office]*

rhif cofrestru | and of which the registered number is

_____

[y rhif o dan Ddeddf Cwmnïau 1985] | *[number under Companies Act 1985]*

yn unol â Phennod 1 o Ran 2 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ("Deddf 2002") yn hawlio caffael yr hawl i reoli | in accordance with Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act") claims to acquire the right to manage

_____

[enw'r fangre y mae'r hysbysiad yn berthnasol iddi] | *[name of premises to which notice relates]*

("y fangre"). | ("the premises").

2. Mae'r cwmni'n hawlio bod y fangre yn un y mae Pennod 1 o Ddeddf 2002 yn gymwys iddi ar y sail a nodir yn is-adran

2. The company claims that the premises are ones to which Chapter 1 of the 2002 Act applies on the grounds set out in subsection

_____-

[nodwch is-adran berthnasol yn adran 72]. **(Gweler Nodyn 2 isod)** .

[state relevant subsection of section 72] **(See Note 2 below)**

o adran 72 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ac nad yw'r fangre yn fangre sy'n dod o fewn Atodlen 6 o'r Ddeddf honno.

of section 72 of the Commonhold and Leasehold Reform Act 2002 and that the premises are not premises which fall within Schedule 6 of that Act.

3. Ceir enwau llawn pob person sydd-
(a) yn denant cymwys fflat sydd yn y fangre, yn ogystal â bod
(b) yn aelod o'r cwmni,a chyfeiriad ei fflat yn Rhan 1 o'r Atodlen isod.

3. The full names of each person who is both-
(a) the qualifying tenant of a flat contained in the premises, and
(b) a member of the company,and the address of his flat are set out in Part 1 of the Schedule below.

4. Nodir yn Rhan 2 o'r Atodlen, mewn perthynas â phob person a enwir yn Rhan 1 o'r Atodlen-

(a) y dyddiad yr ymrwymwyd yn ei brydles,
(b) cyfnod y brydles,
(c) dyddiad cychwyn y cyfnod*
(ch) manylion eraill ei brydles er mwyn gallu ei dynodi.

**dylid anwybyddu (ch) os nad oes angen rhoi manylion eraill.*

4. There are set out, in Part 2 of the Schedule, in relation to each person named in Part 1 of the Schedule-
(a) the date on which his lease was entered into,
(b) the term for which it was granted,
(c) the date of commencement of the term*
(d) such other particulars of his lease as are necessary to identify it.

**(d) should be ignored if no other particulars need to be given.*

5. Os ydych
(a) yn landlord o dan les ar y cyfan neu ar unrhyw ran o'r fangre,
(b) yn barti i les o'r fath heblaw fel landlord neu denant, neu
(c) yn rheolwr a benodwyd o dan Ran 2 o Ddeddf Landlord a Thenant 1987 i weithredu mewn perthynas â'r fangre, neu unrhyw fangre sy'n cynnwys neu a gynhwysir yn y fangre,

cewch ymateb i'r hysbysiad hawlio hwn drwy roi gwrth-hysbysiad o dan adran 84 o Ddeddf 2002. Rhaid i wrth-hysbysiad fod yn y ffurf a nodir yn Atodlen 3 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004. Rhaid ei roi i'r cwmni, yn y cyfeiriad ym mharagraff 1, ddim hwyrach na

5. If you are-
(a) landlord under a lease of the whole or any part of the premises,
(b) party to such a lease otherwise than as landlord or tenant, or
(c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises,

you may respond to this claim notice by giving a counter-notice under section 84 of the 2002 Act. A counter-notice must be in the form set out in Schedule 3 to the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004. It must be given to the company, at the address in paragraph 1, not later than

_____/___/_____

[nodwch y dyddiad heb fod yn gynharach nag un mis ar ôl y dyddiad y rhoddir yr hysbysiad hawlio **(Gweler Nodyn 3 isod)].**

[*specify date not earlier than one month after the date on which the claim notice is given* **(See Note 3 below)]**.

Os nad ydych yn llwyr ddeall diben neu oblygiadau'r hysbysiad hwn, cynghorir chi i geisio cymorth proffesiynol.

If you do not fully understand the purpose or implications of this notice you are advised to seek professional help.

6. Mae'r cwmni'n bwriadu caffael yr hawl i reoli'r fangre ar

_____/___/_____

[nodwch y dyddiad, sydd o leiaf dri mis ar ôl yr un a thatnodir ym mharagraff 5 **(Gweler Nodyn 3 isod)].**

6. The company intends to acquire the right to manage the premises on

_____/___/_____

[specify date, being at least three months after specified in paragraph 5 **(See Note 3 below)**

7. Os ydych yn berson y mae paragraff 5 yn gymwys iddo ac-
(a) nad ydych yn dadlau â hawl y cwmni RTM i gaffael yr hawl i reoli; a
(b) chi yw'r parti rheolwr o dan gontract rheoli sy'n bodoli yn union cyn y dyddiad a nodir yn yr hysbysiad hwn,

rhaid i chi, yn unol ag adran 92 (dyletswyddau i hysbysu am gontractau) o Ddeddf 2002, roi hysbysiad mewn perthynas â'r contract i'r person sydd yn barti contractiwr mewn perthynas â'r contract ac i'r cwmni. (**Gweler Nodyn 4 isod**).

7. If you are a person to whom paragraph 5 applies and-
(a) you do not dispute the company's entitlement to acquire the right to manage; and
(b) you are the manager party under a management contract subsisting immediately before the date specified in this notice,

you must, in accordance with section 92 (duties to give notice of contracts) of the 2002 Act, give a notice in relation to the contract to the person who is the contractor party in relation to the contract and to the company. (**See Note 4 below**).

8. O'r dyddiad pan fydd y cwmni'n caffael yr hawl i reoli'r fangre, mae gan landlordiaid o dan lesoedd ar y cyfan neu ar unrhyw ran o'r fangre yr hawl i fod yn aelodau o'r cwmni (**Gweler Nodyn 5 isod**).

8. From the date on which the company acquires the right to manage the premises, landlords under leases of the whole or any part of the premises are entitled to be members of the company (**See Note 5 below**).

9. Nid yw'r hysbysiad wedi'i annilysu gan unrhyw anghywirdeb yn unrhyw fanylion sy'n ofynnol gan adran 80(2) i (7) o Ddeddf 2002 neu reoliad 4 o Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004. Os ydych o'r farn bod unrhyw fanylion sydd yn yr hysbysiad hawlio yn anghywir, cewch hysbysu'r cwmni o'r manylion o dan sylw, gan nodi pam yr ydych o'r farn eu bod yn anghywir.

9. This notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or regulation 4 of the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004. If you are of the opinion that any of the particulars contained in the claim notice are inaccurate you may notify the company of the particulars in question, indicating the respects in which you think that they are inaccurate.

ATODLEN : SCHEDULE

RHAN 1 : PART 1

Enwau llawn a chyfeiriadau llawn y personau sydd yn denantiaid cymwys yn ogystal â bod yn aelodau o'r cwmni*[nodwch yma y manylion sy'n ofynnol gan baragraff 3 uchod]*

Full names and addresses of persons who are both qualifying tenants and members of the company*[set out here the particulars required by paragraph 3 above]*

RHAN 2 : PART 2

Manylion lesoedd y personau a enwir yn Rhan 1 o'r Atodlen hon

Particulars of leases of persons named in Part 1 of this Schedule

[Nodwch yn y tabl hwn y manylion sy'n ofynnol gan baragraff 4 uchod a dilynwch yr un patrwm ar gyfer pob person a enwir yn yr Atodlen]	*[Set out in this table the particulars required by paragraph 4 above and repeat as necessary for each person named in the Schedule]*
[Enw'r person y cyfeirir ato yn Rhan 1 o'r Atodlen hon]	*[Name of person referred to in Part 1 of this Schedule]*
[y dyddiad yr ymrwymwyd yn y les **(Gweler Nodyn 3 isod)***]*	*[date on which lease was entered into* **See Note 3 below***)]*
[cyfnod o flynyddoedd y les]	*[term of years for which lease was granted]*
*[dyddiad cychwyn y cyfnod (***Gweler Nodyn 3 isod)***]*	*[date of commencement of term* **See Note 3 below***)]*
[y manylion eraill sydd eu hangen mwyn dynodi'r les. Ni ddylid llenwi'r adran hon os yw'n bosibl dynodi'r les oddi wrth weddill yr wybodaeth a roddir yn y tabl hwn]	*[such other particulars as are necessary to identify the lease. This section should not be completed if it is possible to identify the lease from the remainder of the information in this table]*

Llofnodwyd drwy awdurdod y cwmni,

Signed by authority of the company,

[*Llofnod aelod neu swyddog awdurdodedig]*

[Signature of authorised member or officer]

[*Rhowch y dyddiad* (**Gweler Nodyn 3 isod**)]

[*Insert date* (**See Note 3 below**)]

Nodiadau : Notes

1. Rhaid rhoi hysbysiad hawlio (hysbysiad yn y ffurf a nodir yn Atodlen 2 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004 o hawliad i arfer yr hawl i reoli mangre penodedig) i bob person sydd, ar y dyddiad y rhoddir yr hysbysiad -
(a) yn landlord o dan les ar y cyfan neu ar unrhyw ran o'r fangre y mae'r hysbysiad yn berthnasol iddi,
(b) yn barti i les o'r fath heblaw fel landlord neu denant, neu
(c) yn rheolwr a benodwyd o dan Ran 2 o Ddeddf Landlord a Thenant 1987 i weithredu mewn perthynas â'r fangre, neu unrhyw fangre sy'n cynnwys neu a gynhwysir yn y fangre.

Ond nid oes angen rhoi hysbysiad i berson o'r fath os na ellir dod o hyd iddo, neu os na ellir dynodi pwy ydyw. Os yw hynny'n golygu nad oes neb y gellir rhoi'r hysbysiad iddo, caiff y cwmni wneud cais i dribiwnlys prisio lesddaliad am orchymyn bod y cwmni i gaffael yr hawl i reoli'r fangre. Yn yr achos hwnnw, bydd y gweithdrefnau a bennir yn adran 85 o Ddeddf 2002 (landlordiaid etc. na ellir eu holrhain) yn gymwys.

2. Ceir y darpariaethau perthnasol yn adran 72 o Ddeddf 2002 (mangre y mae Pennod 1 yn gymwys iddi). Cynghorir y cwmni i ystyried, yn benodol, Atodlen 6 i Ddeddf 2002 (mangre a eithrir o Bennod 1).

3. Rhaid defnyddio ffigurau ac nid geiriau am bob dyddiad - ee byddai 12 Medi 2004 yn 12/9/2004.

4. Diffinnir y termau "management contract", "manager party" a "contractor party" yn adran 91(2) o Ddeddf 2002 (hysbysiadau ynghylch contractau rheoli).

5. Mae gan landlordiaid o dan lesoedd ar y cyfan neu ar unrhyw ran o'r fangre yr hawl i fod yn aelodau o'r cwmni, ond dim ond ar ôl i'r cwmni gaffael yr hawl i reoli. Gellir gwneud cais am aelodaeth yn unol ag erthyglau cymdeithasu'r cwmni, y gellir eu harchwilio yn swyddfa gofrestredig y cwmni, yn ddi-dâl, ar unrhyw adeg resymol.

1. A claim notice (a notice in the form set out in Schedule 2 to the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 of a claim to exercise the right to manage specified premises) must be given to each person who, on the date on which the notice is given, is-
(a) landlord under a lease of the whole or any part of the premises to which the notice relates,
(b) party to such a lease otherwise than as landlord or tenant, or
(c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises.

But notice need not be given to such a person if he cannot be found, or if his identity cannot be ascertained. If that means that there is no one to whom the notice must be given, the company may apply to a leasehold valuation tribunal for an order that the company is to acquire the right to manage the premises. In that case, the procedures specified in section 85 of the 2002 Act (landlords etc. not traceable) will apply.

2. The relevant provisions are contained in section 72 of the 2002 Act (premises to which Chapter 1 applies). The company is advised to consider, in particular, Schedule 6 to the 2002 Act (premises excepted from Chapter 1).

3. All dates must be completed using numbers not words - eg 12 September 2004 would be 12/9/2004.

4. The terms "management contract", "manager party" and "contractor party" are defined in section 91(2) of the 2002 Act (notices relating to management contracts).

5. Landlords under leases of the whole or any part of the premises are entitled to be members of the company, but only once the right to manage has been acquired by the company. An application for membership may be made in accordance with the company's articles of association, which may be inspected at the company's registered office, free of charge, at any reasonable time.

ATODLEN 3 : SCHEDULE 3

Rheoliadau 5(c) ac 8(3) Regulations 5(c) and 8(3)

FFURF GWRTH-HYSBYSIAD

FORM OF COUNTER-NOTICE

DEDDF CYFUNDDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Gwrth-hysbysiad

Counter-notice

At To

_____

_____

[*enw a chyfeiriad*] (**Gweler Nodyn 1 isod**) [*name and address*](**See Note 1 below**)

Naill ai

1.1 Yr wyf yn derbyn, ar

_____/_____/_____

[*rhowch y dyddiad y rhoddwyd yr hysbysiad hawlio* (**Gweler Nodyn 2 isod**)],

Either

1.1 I admit that, on

*[insert date on which claim notice was given (***See Note 2 below***)*],

bod gan

_____

[*rhowch enw'r cwmni a roddodd yr hysbysiad hawlio*]

("y cwmni") yr awdurdod i gaffael yr hawl i reoli'r fangre a nodir yn yr hysbysiad.

[*insert name of company by which claim notice was given*]

("the company") was entitled to acquire the right to manage the premises specified in the claim notice.

Ydwyf. Ticiwch os yw'r datganiad uchod yn gymwys ac ewch i baragraff 2. (**Gweler Nodyn 3 isod**)

☐

Yes. *Tick if the statement above applies and proceed to paragraph 2*. (**See Note 3 below**)

Neu

1.2 Yr wyf yn honni, oherwydd

Or

1.2 I allege that, by reason of

_____

[*nodwch pa ddarpariaeth ym Mhennod 1 o Ran 2 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 yr ydych yn dibynnu arni]*

[*specify provision of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 relied on*]

ar / on

_____/_____/_____

[*rhowch y dyddiad y rhoddwyd yr hysbysiad hawlio* (**Gweler Nodyn 2 isod**)] nad oedd gan

[*insert date on which claim notice was given* (**See Note 2 below**)]

[*rhowch enw'r cwmni a roddodd yr hysbysiad hawlio*]

("y cwmni") yr awdurdod i gaffael yr hawl i reoli'r fangre a nodir yn yr hysbysiad hawlio.

[*insert name of company by which claim notice was given*]

("the company") was not entitled to acquire the right to manage the premises specified in the claim notice.

Ydwyf. [*Ticiwch os yw'r datganiad ym mharagraff 1.2 yn gymwys].* (**gweler Nodyn 3 isod**)

Yes. [*Tick if the statement in paragraph 1.2 applies*.](**See Note 3 below**)

2. Os cafodd y cwmni un gwrth-hysbysiad neu fwy sy'n cynnwys datganiad fel yr un a grybwyllir ym mharagraff (b) o is-adran (2) o adran 84 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002, caiff y cwmni gyflwyno cais i dribiwnlys prisio lesddaliad iddo benderfynu bod gan y cwmni, ar y dyddiad y rhoddwyd yr hysbysiad o hawliad, yr awdurdod i gaffael yr hawl i reoli'r fangre a bennir yn yr hysbysiad hawlio (**Gweler Nodyn 4 isod**).

2. If the company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the Commonhold and Leasehold Reform Act 2002, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was entitled to acquire the right to manage the premises specified in the claim notice (**See Note 4 below**).

3. Os cafodd y cwmni un gwrth-hysbysiad neu fwy sy'n cynnwys datganiad fel yr un a grybwyllir ym mharagraff (b) o is-adran (2) o adran 84 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002, ni chaiff y cwmni yr hawl i reoli'r fangre hynny -
(a) oni phenderfynir yn derfynol ar gais i dribiwnlys prisio lesddaliad bod yr awdurdod gan y cwmni i gaffael yr hawl i reoli'r fangre; neu
(b) onid yw'r person a roddodd y gwrth-hysbysiad, neu'r personau a roddodd y gwrth-hysbysiadau, yn cytuno'n ysgrifenedig fod gan y cwmni yr awdurdod hwnnw. (**Gweler Nodyn 5 isod**)

3. If the company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the Commonhold and Leasehold Reform Act 2002, the company does not acquire the right to manage those premises unless-
(a) on an application to a leasehold valuation tribunal, it is finally determined that the company was entitled to acquire the right to manage the premises; or
(b) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing that the company was so entitled. (**See Note 5 below**)

Naill ai

Llofnodwyd:

Either

Signed:

[Llofnod y person y cyflwynwyd yr hysbysiad hawlio iddo, neu ei asiant.]

[Signature of person on whom claim notice served, or of agent of such person.]

[*Dim ond os yw'n gymwys*] Asiant awdurdodedig fel y bo'n briodol

[*Only complete if applicable*] Duly authorised agent of

[*Llofnod y person y cyflwynwyd yr hysbysiad hawlio iddo.*]

[*insert name of person on whom claim notice served*]

Cyfeiriad: Address:

_____

_____

[Rhowch y cyfeiriad y dylid anfon unrhyw gyfathrebu yn y dyfodol ynghylch y pwnc hwn]

[Give the address to which future communications relating to the subject-matter of the notice should be sent]

_____/_____/_____

[*Dyddiad* (**Gweler nodyn 2 isod**)]

[*Date* (**See note 2 below**)]

Neu

Llofnodwyd drwy awdurdod y cwmni y rhoddir yr hysbysiad hwn ar ei ran

Or

Signed by authority of the company on whose behalf this notice is given

_____

_____

[*Llofnod aelod neu swyddog awdurdodedig*]

[*Signature of authorised member or officer*]

Mae'r person a lofnododd uchod yn:

The person whose signature is above is a:

Gyfarwyddwr		Director
Ysgrifennydd Cwmni		Company Secretary
Gyfarwyddwr Rheoli		Managing Director
Brif Weithredwr		Chief Executive
Aelod neu swyddog awdurdodedig arall		Other authorised member or officer

yn y cwmni.

of the company.

Cyfeiriad

Address

_____

_____

[*Rhowch y cyfeiriad y dylid anfon iddo unrhyw gyfathrebu yn y dyfodol ynghylch y pwnc hwn*]

[*Give the address to which future communications relating to the subject-matter of the notice should be sent*]

_____/_____/_____

[*Rhowch y dyddiad* (**Gweler Nodyn 2 isod**)]

[*Insert date* (**See Note 2 below**)]

NODIADAU : NOTES

1. Mae'r gwrth-hysbysiad i'w roi i'r cwmni a roddodd yr hysbysiad hawlio (hysbysiad yn y ffurf a nodir yn Atodlen 2 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004 o hawliad i arfer yr hawl i reoli mangre penodedig). Rhoddir enw a chyfeiriad y cwmni yn yr hysbysiad hwnnw.

2. Rhaid defnyddio ffigurau ac nid geiriau am bob dyddiad - ee byddai 12 Medi 2004 yn 12/9/2004.

3. Rhaid i'r hysbysiad gynnwys datganiad naill ai (a) yn derbyn bod gan y cwmni RTM ar y dyddiad perthnasol yr awdurdod i gaffael yr hawl i reoli mangre a bennir yn y hysbysiad hawlio (fel y nodir ym mharagraff 1.1) neu (b) yn honni oherwydd darpariaeth benodol ym Mhennod 1 o Ran 2 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Prydlesi 2002 ("Deddf 2002"), nad oedd awdurdod o'r fath gan y cwmni RTM ar y dyddiad hwnnw (fel y nodir ym mharagraff 1.2).

4. Rhaid gwneud cais i dribiwnlys prisio lesddaliad o fewn cyfnod o ddau fis sy'n dechrau ar y diwrnod y rhoddir y gwrth-hysbysiad (neu, os oes mwy nag un, y gwrth-hysbysiad diwethaf).

5. I weld pryd y penderfynir cais yn derfynol, gweler adran 84(7) ac (8) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002.

1. The counter-notice is to be given to the company that gave the claim notice (a notice in the form set out in Schedule 2 to the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 of a claim to exercise the right to manage specified premises). The company's name and address are given in that notice.

2. All dates must be completed using numbers not words - eg 12 September 2004 would be 12/9/2004.

3. The notice must contain a statement either (a) admitting that the RTM company was on the relevant date entitled to acquire the right to manage the premises specified in the claim notice (as set out in paragraph 1.1) or (b) alleging that, by reason of a specified provision of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"), the RTM company was on that date not so entitled (as set out in paragraph 1.2).

4. An application to a leasehold valuation tribunal must be made within the period of two months beginning with the day on which the counter-notice (or, where more than one, the last of the counter-notices) was given.

5. For the time at which an application is finally determined, see section 84(7) and (8) of the Commonhold and Leasehold Reform Act 2002.

ATODLEN 4 : SCHEDULE 4

Rheoliad 6(b) ac 8(4) Regulation 6(b) and 8(4)

FFURF HYSBYSIAD CONTRACTIWR

FORM OF CONTRACTOR NOTICE

DEDDF CYFUNDDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Hysbysiad Contractiwr

Contractor Notice

At To

_____

_____

[*enw a chyfeiriad*] (**Gweler Nodyn 1 isod**) [*name and address*] (**See Note 1 below**)

1. Rhoddir yr hysbysiad hwn mewn perthynas â chontract rheoli, y rhoddir manylion amdano yn yr Atodlen i'r hysbysiad hwn ("y contract") (**Gweler Nodyn 2 isod**)

1. This notice is given in relation to the management contract, details of which are given in the Schedule to this notice ("the contract") (**See Note 2 below**)

2. Mae'r hawl i reoli

2. The right to manage

_____

[*rhowch gyfeiriad y fangre y mae'r cwmni RTM i gaffael yr hawl i'w rheoli*] **(Gweler Nodyn 3 isod**)

[*give the address of the premises which the RTM company is to acquire the right to manage*] (**See Note 3 below**)

("y fangre") i'w gaffael gan

("the premises") is to be acquired by

_____

[*rhowch enw'r cwmni RTM]*

[*state name of RTM company*]

("y cwmni").

("the company").

3. Swyddfa gofrestredig y cwmni yw

3. The registered office of the company is

_____

[*cyfeiriad swyddfa gofrestredig y cwmni RTM*]

[*registered office address of RTM company*]

4. Dyddiad caffael yr hawl i reoli'r fangre gan y cwmni yw

4. The date of acquisition of the right to manage the premises by the company is

_____/_____/_____.

[*y dyddiad caffael* (**Gweler Nodyn 4 isod**)]

[*date of acquisition* (**See Note 4 below**)]

5. Os ydych yn dymuno darparu i'r cwmni wasanaethau yr ydych fel y parti contractiwr wedi eu darparu i'r parti rheolwr o dan y contract cynghorir chi i gysylltu â'r cwmni yn y cyfeiriad a roddir ym mharagraff 2 uchod. (**Gweler Nodyn 1 isod**)

5. If you wish to provide to the company services which as the contractor party you have provided to the manager party under the contract you are advised to contact the company at the address given in paragraph 2 above. (**See Note 1 below**)

Naill ai

Llofnodwyd:

_____

[*llofnod ar ran y cwmni*]

Swyddog awdurdodedig fel y bo'n briodol:

_____

[*enw'r cwmni sy'n rhoi'r hysbysiad*]

Dyddiad (**Gweler Nodyn 4 isod**):

_____/_____/_____

Neu

Llofnodwyd:

_____

[*llofnod*]

Gan neu ar ran

_____

[*enw'r person/endid sy'n rhoi'r hysbysiad hwn*]

Dyddiad (**Gweler Nodyn 4 isod**):

_____/_____/_____

Either

Signed:

_____

[*signature on behalf of company*]

Duly authorised officer of:

_____

[*name of company giving the notice*]

Date (**See note 4 below**):

Or

Signed:

_____

[*signature*]

By or on behalf of

_____

[*name of person/entity giving this notice*]

Date (**See note 4 below**):

_____/_____/_____

ATODLEN : SCHEDULE

Rhowch isod y manylion sy'n ofynnol gan baragraff 1 uchod

Insert details below as required by paragraph 1 above

Enw'r contract fel y nodir ef yn y dogfennau contract:

Name of contract as set out in the contract documentation:

_____

Mangre y mae'r contract yn berthnasol iddi:

Premises to which the contract relates:

_____

Partïon i'r contract:

Parties to contract:

_____

_____

Dyddiad y contract (**Gweler Nodyn 4 isod**)]

Date of contract (**See Note 4 below**):

_____

Cyfnod y contract:

Term of contract:

_____

blwyddyn a

years and

_____

mis

months

Unrhyw fanylion angenrheidiol eraill i ddynodi'r contract y rhoddir yr hysbysiad mewn perthynas ag ef: *[Ni ddylid llenwi'r adran hon ond os yw'r manylion uchod yn ddigonol i adnabod y contract o dan sylw]*

Any other particulars necessary to identify the contract in relation to which this notice is given: [*This section should only be completed if the details above are not sufficient to identify the contract in question*]

_____

_____

_____

NODIADAU : NOTES

1. Mae'r hysbysiad contractiwr (hysbysiad yn y ffurf a nodir yn Atodlen 4 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004) ("Rheoliadau 2004") yn berthnasol pan fo'r hawl i reoli mangre penodedig i'w gaffael gan gwmni Hawl i Reoli o dan Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad ("Deddf 2002"). Rhaid i'r hysbysiad contractiwr gael ei anfon gan y parti rheolwr at y parti contractiwr mewn perthynas â chontract rheoli sydd eisoes yn bodoli ynghylch y fangre. Ceir y diffiniad o "existing management contract" ("contract rheoli sydd eisoes yn bodoli") yn adran 91(3) o Ddeddf 2002. Ceir y diffiniad o "manager party" ("parti rheolwr") a "contractor party" ("parti contractiwr") yn adran 91(2) o Ddeddf 2002. Mae adran 92(2) o Ddeddf 2002 yn nodi'r amser pan fo'n rhaid rhoi hysbysiadau o'r fath.

1. The contractor notice (a notice in the form set out in Schedule 4 to the Right to Manage (Prescribed Particulars and Forms)(Wales) Regulations 2004) ("the 2004 Regulations") is relevant when the right to manage certain premises is to be acquired by a Right to Manage company under the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"). The contractor notice must be sent by the manager party to the contractor party in relation to an existing management contract relating to the premises. The definition of "existing management contact" is in section 91(3) of the 2002 Act. The definitions of "manager party" and "contractor party" are set out in section 91(2) of the 2002 Act. Section 92(2) of the 2002 Act sets out the time when such notices must be given.

2. Os ydych yn barti i is-gontract rheoli sydd eisoes yn bodoli gyda pherson arall rhaid i chi (a) anfon copi o'r hysbysiad contractiwr at y parti arall i'r is-gontract a (b) rhoi hysbysiad contract i'r cwmni (hysbysiad yn y ffurf a nodir yn Atodlen 5 i Reoliadau 2004) mewn perthynas â'r is-gontract sydd eisoes yn bodoli yn unol ag adran 92(4) o Ddeddf 2002.

Mae adran 92(5) o Ddeddf 2002 yn diffinio is-gontract rheoli sydd eisoes yn bodoli. Mae adran 92(6) o Ddeddf 2002 yn nodi'r amser pan fo'n rhaid rhoi hysbysiadau o'r fath.

2. If you are party to an existing management sub-contract with another person you must (a) send a copy of the contractor notice to the other party to the sub-contract and (b) give to the company a contract notice (a notice in the form set out in Schedule 5 to the 2004 Regulations) in relation to the existing management sub-contract in accordance with section 92(4) of the 2002 Act.

Section 92(5) of the 2002 Act defines an existing management sub-contract. Section 92(6) of the 2002 Act sets out the time when such notices must be given.

3. Y cwmni RTM yw'r cwmni sydd i gaffael yr hawl i reoli mangre yn unol â rhan 2 o Bennod 1 o Ddeddf 2002.

3. The RTM company is the company which is to acquire the right to manage premises in accordance with part 2 of Chapter 1 of the 2002 Act.

4. Rhaid defnyddio ffigurau ac nid geiriau am bob dyddiad - ee byddai 12 Medi 2004 yn 12/9/2004.

4. All dates must be completed using numbers not words - eg 12 September 2004 would be 12/9/2004.

ATODLEN 5 : SCHEDULE 5

Rheoliad 7(c) ac 8(5) Regulation 7(c) and 8(5)

FFURF HYSBYSIAD CONTRACT

FORM OF CONTRACT NOTICE

DEDDF CYFUNDDALIAD A DIWYGIO CYFRAITH LESDDALIAD 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Hysbysiad Contract

Contract Notice

At To

[*enw a chyfeiriad y cwmni RTM*] [*name and address of RTM company*]
(**Gweler Nodyn 1 isod**) (**See Note 1 below**)

("y cwmni") ("the company")

1. Rhoddir yr hysbysiad hwn mewn perthynas â'r contract, y rhoddir manylion amdano yn yr Atodlen i'r hysbysiad hwn ("y contract").
(**Gweler Nodyn 2 isod**)

1. This notice is given in relation to the contract details of which are given in the Schedule to this notice ("the contract"). (**See Note 2 below**)

2. Pe bai'r cwmni yn dymuno defnyddio'r gwasanaethau y mae'r parti contractiwr, neu'r parti is-gontractiwr, wedi eu darparu i'r parti rheolwr o dan y contract, fe'i cynghorir i gysylltu â'r parti contractiwr, neu'r parti is-gontractiwr

yn

2. Should the company wish to avail itself of the services which the contractor party, or sub-contractor party, has provided to the manager party under the contract it is advised to contact the contractor party, or sub-contractor party

at

[*y cyfeiriad lle y dylid cysylltu â'r person/endid sy'n rhoi'r hysbysiad hwn*] [*address at which person/entity giving this notice should be contacted*]

Naill ai **Either**

Llofnodwyd: Signed:

[*llofnod ar ran y cwmni]* *[signature on behalf of company*]

Swyddog awdurdodedig priodol: Duly authorised officer of:

_____

[*enw'r cwmni sy'n rhoi'r hysbysiad*] [*name of company giving the notice*]

Dyddiad (**Gweler Nodyn 3 isod**): Date (**See Note 3 below**):

_____/_____/_____

Neu **Or**

Llofnodwyd: Signed:

_____

[*llofnod*] [*signature*]

Gan neu ar ran By or on behalf of:

_____

[*enw'r person neu'r endid sy'n rhoi'r hysbysiad hwn*] [*name of person/entity giving this notice*]

Dyddiad (**Gweler Nodyn 3 isod**): Date (**See Note 3 below**):

_____/_____/_____

ATODLEN : SCHEDULE

Rhowch y manylion sy'n ofynnol gan baragraff 1 uchod

Insert details required by paragraph 1 above

Enw'r contract:

Name of contract:

_____

Y partïon i'r contract (**Gweler Nodyn 4 isod**):

Parties to contract (**See Note 4 below**):

(1)

(1)

_____

[*y parti contractiwr (neu parti is-gontractiwr*)]

[*contractor (or sub-contractor) party*]

(2)

(2)

_____

[y parti rheolwr]

[manager party]

Cyfeiriad y parti contractiwr (neu'r parti is-gontractiwr) o dan y contract:

Address of the contractor (or sub-contractor) party under the contract:

_____

_____

Dyddiad y contract: (**Gweler Nodyn 3 isod**)]

Date of contract (**See Note 3 below**):

_____/_____/_____

Cyfnod y contract:

Term of contract:

_____

o flynyddoedd a

years and

_____

mis.

months.

NODIADAU : NOTES

1. Mae'r hysbysiad contract (hysbysiad yn y ffurf a nodir yn Atodlen 5 i Reoliadau'r Hawl i Reoli (Manylion a Ffurf Rhagnodedig) (Cymru) 2004) yn berthnasol pan fo'r hawl i reoli mangre penodedig i'w gaffael gan gwmni Hawl i Reoli ("cwmni RTM") o dan Ran 2 o Bennod 1 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 ("Deddf 2002"). Rhaid i'r person sy'n barti rheolwr mewn perthynas â chontract rheoli sydd eisoes yn bodoli roi i'r cwmni RTM hysbysiad contract yn unol ag adran 92(1) o Ddeddf 2002. Rhaid i'r person sy'n derbyn hysbysiad contractiwr ac sydd hefyd yn barti i is-gontract rheoli sydd eisoes yn bodoli roi hefyd i'r cwmni RTM hysbysiad contract yn unol ag adran 92(4) o Ddeddf 2002.

Diffinnir "existing management contract" ("contract rheoli sydd eisoes yn bodoli") yn adran 91(3) o Ddeddf 2002. Diffinnir is-gontract rheoli sydd eisoes yn bodoli "existing management sub-contract" yn adran 92(5) o Ddeddf 2002.

2. Nodir yr amser ar gyfer rhoi'r hysbysiad contract yn adran 92(2) a 92(6) o Ddeddf 2002.

3. Rhaid defnyddio ffigurau ac nid geiriau am bob dyddiad - ee byddai 12 Medi 2004 yn 12/9/2004.

4. Diffinnir "contractor party" ("parti contractiwr") a "manager party" ("parti rheoli") yn adran 91(2) o Ddeddf 2002 a diffinnir "sub-contractor party" ("parti is-gontractiwr") yn adran 92(4) o'r Ddeddf honno.

1. The contract notice (a notice in the form set out in Schedule 5 to the Right to Manage (Prescribed Particulars and Forms)(Wales) Regulations 2004) is relevant when the right to manage certain premises is to be acquired by a Right to Manage company ("RTM company") under Part 2 of Chapter 1 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"). The person who is the manager party in relation to an existing management contract must give to the RTM company a contract notice in accordance with section 92(1) of the 2002 Act. A person who receives a contractor notice who is also party to an existing management sub-contract must also give to the RTM company a contract notice in accordance with section 92(4) of the 2002 Act.

"Existing management contract", is defined in section 91(3) of the 2002 Act. An existing management sub-contract is defined in section 92(5) of the 2002 Act.

2. The time for giving a contract notice is set out in section 92(2) and 92(6)of the 2002 Act.

3. All dates must be completed using numbers not words - eg 12 September 2004 would be 12/9/2004.

4. "Contractor party" and "manager party" are defined in section 91(2) of the 2002 Act and "sub-contractor party" is defined in section 92(4) of that Act.