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WELSH STATUTORY INSTRUMENTS

2025 Rhif 126 (Cy. 28)

2025 No. 126 (W. 28)

LANDLORD A THENANT, CYMRU

LANDLORD AND TENANT, WALES

Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) (Diwygio) 2025

The RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) 2011 (O.S. 2011/2680 (Cy. 286)) ("Rheoliadau 2011"), sy'n gymwys i gwmnïau RTM sy'n arfer yr hawl i reoli mangreoedd yng Nghymru. Maent yn diwygio cynnwys erthyglau cymdeithasu cwmni RTM. Gwneir y diwygiadau yn rhannol o ganlyniad i adran 49 o Ddeddf Diwygio Cyfraith Lesddaliad a Rhydd-ddaliad 2024 (p. 22) ("Deddf 2024"), sy'n cynyddu'r terfyn amhreswyl ar yr hawl i reoli hawliadau.

Mae rheoliad 2 yn diwygio erthygl 1 o Atodlen 1 (articles of association of an RTM company) i bennu mai ystyr "lease" yw les hir o fewn ystyr adrannau 76 a 77 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15) ac i gywiro'r diffiniad o "qualifying tenant ". Mae rheoliad 2 hefyd yn diwygio erthygl 33 sy'n ymwneud â hawliau pleidleisio. Mae'n sicrhau y dyrennir pleidlais i landlord sy'n aelod o'r cwmni RTM na fyddai fel arall yn cael pleidlais os yw'r landlord hwnnw hefyd yn rhydd-ddeiliad y fangre. Yn olaf, mae'n darparu bod pleidleisiau'r landlordiaid o dan lesoedd o'r cyfan neu unrhyw ran o'r fangre yn cael eu capio ar draean o'r pleidleisiau sy'n arferadwy gan denantiaid cymwys.

Mae rheoliad 3 yn diwygio erthyglau 1 a 33 o Atodlen 2 (erthyglau cymdeithasu cwmni RTM) i'r un perwyl â rheoliad 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the RTM Companies (Model Articles) (Wales) Regulations 2011 (S.I. 2011/2680 (W. 286)) ("the 2011 Regulations"), which apply to RTM companies that exercise the right to manage premises in Wales. They amend the content of the articles of association of an RTM company. The amendments are made partly in consequence of section 49 of the Leasehold and Freehold Reform Act 2024 (c. 22) ("the 2024 Act"), which increases the non-residential limit on right to manage claims.

Regulation 2 amends article 1 of Schedule 1 (articles of association of an RTM company) to specify that "lease" means a long lease within the meaning of sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002 (c. 15) and to correct the definition of "qualifying tenant". Regulation 2 also amends article 33 which relates to voting rights. It ensures that a landlord who is a member of the RTM company who would not otherwise have a vote is allocated a vote if that landlord is also the freeholder of the premises. Finally, it provides that the votes of the landlords under leases of the whole or any part of the premises are capped at one third of the votes exercisable by qualifying tenants.

Regulation 3 amends articles 1 and 33 of Schedule 2 (erthyglau cymdeithasu cwmni RTM) to the same effect as that of regulation 2.

Yn rhinwedd rheoliad 2(2) o Reoliadau 2011, mae'r diwygiadau'n cael effaith ar gyfer cwmni RTM pa un a ydynt yn cael eu mabwysiadu gan y cwmni ai peidio.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

By virtue of regulation 2(2) of the 2011 Regulations, the amendments have effect for an RTM company whether or not they are adopted by the company.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at www.gov.wales.

2025 Rhif 126 (Cy. 28)

LANDLORD A THENANT, CYMRU

Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) (Diwygio) 2025

Gwnaed	*6 Chwefror 2025*
Gosodwyd gerbron Senedd Cymru	*10 Chwefror 2025*
Yn dod i rym	*3 Mawrth 2025*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 74(2) a (4) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002(**1**).

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) (Diwygio) 2025 a deuant i rym ar 3 Mawrth 2025.

Diwygio Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) 2011

2.—(1) Mae Rheoliadau Cwmnïau RTM (Erthyglau Enghreifftiol) (Cymru) 2011(**2**) wedi eu diwygio fel a ganlyn.

(**1**) 2002 p. 15. Diwygiwyd adran 74(2) gan O.S. 2009/1941. Yr "appropriate national authority" mewn perthynas â Chymru yw Gweinidogion Cymru. Yn rhinwedd paragraff 30(2)(c) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) mae'r swyddogaethau a arferid gynt gan Gynulliad Cenedlaethol Cymru fel yr "appropriate national authority" o dan adran 179(1) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 bellach wedi eu breinio yng Ngweinidogion Cymru.

(**2**) O.S. 2011/2680 (Cy. 286).

2025 No. 126 (W. 28)

LANDLORD AND TENANT, WALES

The RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025

Made	*6 February 2025*
Laid before Senedd Cymru	*10 February 2025*
Coming into force	*3 March 2025*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 74(2) and (4) of the Commonhold and Leasehold Reform Act 2002(**1**).

Title and coming into force

1. The title of these Regulations is the RTM Companies (Model Articles) (Wales) (Amendment) Regulations 2025 and they come into force on 3 March 2025.

Amendments to the RTM Companies (Model Articles) (Wales) Regulations 2011

2.—(1) The RTM Companies (Model Articles) (Wales) Regulations 2011(**2**) are amended as follows.

(**1**) 2002 c. 15. Section 74(2) was amended by S.I. 2009/1941. The "appropriate national authority" in respect of Wales is the Welsh Ministers. By virtue of paragraph 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercised by the National Assembly for Wales as the "appropriate national authority" under section 179(1) of the Commonhold and Leasehold Reform Act 2002 are now vested in the Welsh Ministers.

(**2**) S.I. 2011/2680 (W. 286).

(2) Yn Atodlen 1 (articles of association of an RTM company)—

(a) yn erthygl 1 (defined terms)—

(i) ar ôl y diffiniad o "immediate landlord", mewnosoder—

""lease" means a long lease within the meaning of sections 76 and 77 of the 2002 Act(**1**);";

(ii) yn y diffiniad o "qualifying tenant", yn lle "72" rhodder "75";

(b) yn erthygl 33(3) (voting: general)—

(i) yn lle is-baragraff (f) rhodder—

"(f) any person who is not otherwise entitled to any votes is entitled to one vote if that person is—

(i) the freeholder of the Premises,

(ii) a landlord under a lease or leases of the whole or any part of the Premises, and

(iii) a member of the company;";

(ii) ar ôl is-baragraff (f), mewnosoder—

"(g) the votes exercisable by landlords under leases of the whole or any part of the Premises must be capped at one third of the votes exercisable by qualifying tenants(**2**)."

(3) Yn Atodlen 2 (erthyglau cymdeithasu cwmni RTM)—

(a) yn erthygl 1 (diffinio termau)—

(i) ar ôl y diffiniad o "landlord uniongyrchol", mewnosoder—

"ystyr "les" yw les hir o fewn ystyr "long lease" yn adrannau 76 a 77 o Ddeddf 2002;"

;

(ii) yn y diffiniad o "tenant cymwys", yn lle "72" rhodder "75";

(b) yn erthygl 33(3) (pleidleisio: cyffredinol)—

(i) yn lle is-baragraff (dd) rhodder—

"(dd) mae gan unrhyw berson nad oes ganddo hawl fel arall i unrhyw bleidleisiau yr hawl i un bleidlais os yw'r person hwnnw—

(i) yn rhydd-ddeiliad y Fangre,

(2) In Schedule 1 (articles of association of an RTM company)—

(a) in article 1 (defined terms)—

(i) after the definition of "immediate landlord", insert—

""lease" means a long lease within the meaning of sections 76 and 77 of the 2002 Act(**1**);";

(ii) in the definition of "qualifying tenant", for "72" substitute "75";

(b) in article 33(3) (voting: general)—

(i) for sub-paragraph (f) substitute—

"(f) any person who is not otherwise entitled to any votes is entitled to one vote if that person is—

(i) the freeholder of the Premises,

(ii) a landlord under a lease or leases of the whole or any part of the Premises, and

(iii) a member of the company;";

(ii) after sub-paragraph (f), insert—

"(g) the votes exercisable by landlords under leases of the whole or any part of the Premises must be capped at one third of the votes exercisable by qualifying tenants(**2**)."

(3) In Schedule 2 (erthyglau cymdeithasu cwmni RTM)—

(a) in article 1 (diffinio termau)—

(i) after the definition of "landlord uniongyrchol", insert—

"ystyr "les" yw les hir o fewn ystyr "long lease" yn adrannau 76 a 77 o Ddeddf 2002;"

;

(ii) in the definition of "tenant cymwys", for "72" substitute "75";

(b) in article 33(3) (pleidleisio: cyffredinol)—

(i) for sub-paragraph (dd) substitute—

"(dd) mae gan unrhyw berson nad oes ganddo hawl fel arall i unrhyw bleidleisiau yr hawl i un bleidlais os yw'r person hwnnw—

(i) yn rhydd-ddeiliad y Fangre,

(**1**) Diwygiwyd adran 76 gan adran 81 o Ddeddf Partneriaeth Sifil 2004 (p. 33) a pharagraff 64 o Atodlen 8 iddi. Diwygiwyd adran 77 gan adran 81 o Ddeddf Partneriaeth Sifil 2004 a pharagraff 65 o Atodlen 8 iddi.

(**2**) Mae adrannau 75 a 112(4) a (5) o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 yn diffinio "qualifying tenant" o fflat.

(**1**) Section 76 was amended by section 81 of, and paragraph 64 of Schedule 8 to, the Civil Partnership Act 2004 (c. 33). Section 77 was amended by section 81 of, and paragraph 65 of Schedule 8 to, the Civil Partnership Act 2004.

(**2**) Sections 75 and 112(4) and (5) of the Commonhold and Leasehold Reform Act 2002 define "qualifying tenant" of a flat.

(ii) yn landlord o dan les neu lesoedd o'r cyfan neu unrhyw ran o'r Fangre, a

(iii) yn aelod o'r cwmni;";

(ii) ar ôl is-baragraff (dd), mewnosoder—

"(e) rhaid i'r pleidleisiau sy'n arferadwy gan landlordiaid o dan lesoedd o'r cyfan neu unrhyw ran o'r Fangre gael eu capio ar draean o'r pleidleisiau sy'n arferadwy gan denantiaid cymwys."

(ii) yn landlord o dan les neu lesoedd o'r cyfan neu unrhyw ran o'r Fangre, a

(iii) yn aelod o'r cwmni;";

(ii) after sub-paragraph (dd), insert—

"(e) rhaid i'r pleidleisiau sy'n arferadwy gan landlordiaid o dan lesoedd o'r cyfan neu unrhyw ran o'r Fangre gael eu capio ar draean o'r pleidleisiau sy'n arferadwy gan denantiaid cymwys."

Jayne Bryant

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai, un o Weinidogion Cymru
6 Chwefror 2025

The Cabinet Secretary for Housing and Local Government, one of the Welsh Ministers
6 February 2025

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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