



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Tai (Cymru) Housing (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i
esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Sections 2 - 6	Adrannau 2 - 6
Schedule 1	Atodlen 1
Sections 7 - 38	Adrannau 7 - 38
Sections 40 - 47	Adrannau 40 - 47
Schedule 2	Atodlen 2
Sections 48 - 123	Adrannau 48 - 123
Schedule 3	Atodlen 3
Sections 124 - 128	Adrannau 124 - 128
Section 1	Adran 1
Section 39	Atodlen 39
Long title	Teitl hir

Carl Sargeant

435

Page 2, line 14, leave out section 2 and insert –

[] **Meaning of key terms**

(1) In this Part –

“domestic tenancy” (*“tenantiaeth ddomestig”*) means –

- (a) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 (which includes an assured shorthold tenancy), except where the tenancy –
 - (i) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), or
 - (ii) in the case of a shared ownership lease (within the meaning given by section 7(7) of the 1993 Act), would be such a lease if the tenant’s share (within the meaning given by that section) were 100 per cent,
- (b) a regulated tenancy for the purposes of the Rent Act 1977, or
- (c) a tenancy under which a dwelling is let as a separate dwelling and which is of a description specified for the purposes of this Part in an order made by the Welsh Ministers;

“dwelling” (*“annedd”*) means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it, where the whole of the dwelling is in Wales;

“landlord” (*“landlord”*) means –

- (a) in relation to a dwelling subject to a domestic tenancy, the immediate landlord or, in relation to a statutory tenant, the person who, apart from the statutory tenancy, would be entitled to possession of the dwelling subject to the tenancy, and
- (b) in relation to a dwelling that is not subject to a domestic tenancy, the person who would be the immediate landlord if the dwelling were let under a domestic tenancy;

“rental property” (*“eiddo ar rent”*) means a dwelling subject to, or marketed or offered for let under, a domestic tenancy.

(2) In this section, “statutory tenant” and “statutory tenancy” mean a statutory tenant or statutory tenancy within the meaning of the Rent Act 1977.’.

Tudalen 2, llinell 14, hepgorer adran 2 a mewnosoder –

[] **Ystyr y prif dermau**

(1) Yn y Rhan hon –

ystyr “annedd” (*“dwelling”*) yw adeilad neu ran o adeilad a feddiennir neu y bwriedir ei feddiannu fel annedd ar wahân, ynghyd ag unrhyw fuarth, gardd, tai

allan ac atodynau sy'n perthyn iddo neu a fwynheir gydag ef fel arfer, pan fo'r annedd gyfan yng Nghymru;

ystyr "eiddo ar rent" (*"rental property"*) yw annedd sy'n ddarostyngedig i denantiaeth ddomestig, neu sy'n cael ei marchnata neu ei chynnig i'w gosod o dan denantiaeth o'r fath;

ystyr "landlord" (*"landlord"*)—

- (a) mewn perthynas ag annedd sy'n ddarostyngedig i denantiaeth ddomestig, yw'r landlord uniongyrchol neu, mewn perthynas â thenant statudol, y person a fyddai, ar wahân i'r denantiaeth statudol, â'r hawl i feddiannu'r annedd sy'n ddarostyngedig i'r denantiaeth, a
- (b) mewn perthynas ag annedd nad yw'n ddarostyngedig i denantiaeth ddomestig, y person a fyddai'n landlord uniongyrchol pe bai'r annedd yn cael ei gosod o dan denantiaeth ddomestig;

ystyr "tenantiaeth ddomestig" (*"domestic tenancy"*) yw—

- (a) tenantiaeth sy'n denantiaeth sicr at ddibenion Deddf Tai 1988 (sy'n cynnwys tenantiaeth fyrddaliol sicr), ac eithrio—
 - (i) pan fo'r denantiaeth yn les hir at ddibenion Pennod 1 o Ran 1 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (*"Deddf 1993"*), neu
 - (ii) yn achos les ranberchenogaeth (o fewn yr ystyr a roddir gan adran 7(7) o Ddeddf 1993), y byddai'r denantiaeth yn les o'r fath pe bai cyfran y tenant (o fewn yr ystyr a roddir gan yr adran honno) yn 100 y cant,
 - (b) tenantiaeth reoleiddiedig at ddibenion Deddf Rhenti 1977, neu
 - (c) tenantiaeth pan fo annedd yn cael ei gosod fel annedd ar wahân ac sydd o ddisgrifiad a bennir at ddibenion y Rhan hon mewn gorchymyn a wneir gan Weinidogion Cymru.
- (2) Yn y Rhan hon, ystyr "tenant statudol" a "tenantiaeth statudol" yw tenant statudol neu denantiaeth statudol o fewn ystyr Deddf Rhenti 1977.'

Mark Isherwood

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Section 2, page 2, leave out lines 29 to 32.

Adran 2, tudalen 2, hepgorer llinellau 30 hyd at 33.

Carl Sargeant

164

To insert a new section—

[] Licensing authority

- (1) The Welsh Ministers must by order designate a person to be the licensing authority for the purposes of this Part in relation to—
 - (a) the whole of Wales, or

- (b) each specified area of Wales, which together comprise the whole of Wales.
- (2) In exercising the power in subsection (1), the Welsh Ministers –
 - (a) may only designate a person who exercises functions of a public nature wholly or mainly in relation to Wales;
 - (b) may designate themselves;
 - (c) may not designate a Minister of the Crown.
- (3) In exercising the power in subsection (1)(b), the Welsh Ministers may –
 - (a) designate different persons for different areas,
 - (b) designate persons in relation to an area or areas not comprising the whole of Wales, if the area or areas specified in exercise of the power and those specified in other orders remaining in force after the exercise of the power together comprise the whole of Wales.
- (4) The Welsh Ministers may by order make any provision they consider necessary or expedient in connection with the designation of a person under this section.
- (5) Before making an order under subsection (1), the Welsh Ministers must consult the person to be designated (unless they propose to designate themselves) and such other persons as the Welsh Ministers consider appropriate.
- (6) In this section, “specified” means specified in an order under this section.’

I fewnosod adran newydd –

[1] **Awdurdod trwyddedu**

- (1) Rhaid i Weinidogion Cymru, drwy orchymyn, ddynodi person i fod yn awdurdod trwyddedu at ddibenion y Rhan hon mewn perthynas ag –
 - (a) Cymru gyfan, neu
 - (b) pob rhan benodedig o Gymru sydd, gyda’i gilydd, yn cynnwys Cymru gyfan.
- (2) Wrth arfer y pŵer yn is-adran (1), –
 - (a) ni chaiff Gweinidogion Cymru ond ddynodi person sy’n arfer swyddogaethau o natur gyhoeddus sy’n ymwneud â Chymru yn llwyr neu yn bennaf;
 - (b) caiff Gweinidogion Cymru eu dynodi eu hunain;
 - (c) ni chaiff Gweinidogion Cymru ddynodi un o Weinidogion y Goron.
- (3) Wrth arfer y pŵer yn is-adran (1)(b), caiff Gweinidogion Cymru –
 - (a) dynodi gwahanol bersonau ar gyfer gwahanol ardaloedd,
 - (b) dynodi personau mewn perthynas ag ardal neu ardaloedd nad ydynt yn cynnwys Cymru gyfan, os yw’r ardal neu’r ardaloedd a bennir yn y gorchymyn a’r rhai hynny a bennir mewn gorchymynion eraill sydd mewn grym o dan yr adran hon, gyda’i gilydd, yn cynnwys Cymru gyfan.
- (4) Caiff Gweinidogion Cymru, drwy orchymyn, wneud unrhyw ddarpariaeth y maent yn ei hystyried yn angenrheidiol neu’n hwylus mewn perthynas â dynodi person o dan yr adran hon.

- (5) Cyn gwneud gorchymyn o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r person a gaiff ei ddynodi (oni bai eu bod yn bwriadu eu dynodi eu hunain) a'r cyfryw bersonau eraill ag y mae Gweinidogion Cymru yn eu hystyried yn briodol.
- (6) Yn yr adran hon, ystyr "benodedig" ac "a bennir" yw wedi ei bennu mewn gorchymyn o dan yr adran hon.'

Carl Sargeant

165

Page 3, line 8, leave out section 3 and insert –

[] Requirement for a landlord to be registered

- (1) The landlord of a dwelling subject to, or marketed or offered for let under, a domestic tenancy must be registered under this Part in respect of the dwelling (see sections 6 to 9), unless an exception in section [*inserted by amendment 166*] applies.
- (2) A landlord who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In proceedings against a landlord for an offence under subsection (2) it is a defence that the landlord has a reasonable excuse for not being registered.'

Tudalen 3, llinell 9, hepgorer adran 3 a mewnosoder –

[] Gofyniad i landlord fod yn gofrestedig

- (1) Rhaid i landlord annedd sy'n ddarostyngedig i denantiaeth ddomestig, neu sy'n cael ei marchnata neu ei chynnig i'w gosod oddi tani, fod yn gofrestedig o dan y Rhan hon mewn perthynas â'r annedd (gweler adrannau 6 i 9), oni bai bod eithriad yn adran [*mewnosoder gan welliant 166*] yn gymwys.
- (2) Mae landlord sy'n torri is-adran (1) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (3) Mewn achos yn erbyn landlord am drosedd a gyflawnwyd o dan is-adran (2) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â chydymffurfio yn amddiffyniad. '

Mark Isherwood

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Page 3, line 8, leave out section 3.

Tudalen 3, llinell 8, hepgorer adran 3.

Peter Black

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Gyda chefnogaeth/ Supported by: Mark Isherwood

Section 3, page 3, after line 24, insert –

'(6) For the avoidance of doubt –

- (a) the failure of a landlord to be registered and licensed in accordance with this section does not affect the contractual validity of any agreement between the

landlord and a tenant of a property owned by the landlord, and

- (b) paragraph (a) applies equally when a registration or licence comes to an end, whether as a result of a failure to renew, or revocation, or otherwise.’.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 7: We recommend that the Minister amends the Bill to clarify a tenant’s legal position in cases where their landlord’s or agent’s licence or registration has been revoked, or expires and is not renewed by the local housing authority. This amendment ensures the Bill is sufficiently clear that a tenant’s rights under their tenancy agreement would be unaffected by the revocation or expiration of a landlord’s or agent’s licence or registration.]

Adran 3, tudalen 3, ar ôl llinell 25, mewnosoder –

‘(6) Er mwyn osgoi ansicrwydd –

- (a) nid yw methiant landlord i fod wedi’i gofrestru a’i drwyddedu yn unol â’r adran hon yn effeithio ar ddilysrwydd contractiol unrhyw gytundeb rhwng y landlord a thenant eiddo sy’n berchen i’r landlord, a
- (b) mae paragraff (a) yr un mor gymwys pan ddaw cofrestriad neu drwydded i ben, boed hynny o ganlyniad i fethiant i adnewyddu, neu ddirymiad, neu fel arall.’.

[Fel y nodwyd yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol – Y Bil Tai (Cymru): Argymhelliaid 7: Rydym yn argymhell bod y Gweinidog yn diwygio’r Bil i egluro sefyllfa gyfreithiol tenant mewn achosion lle mae trwydded neu gofrestrriad ei landlord neu’i asiant wedi’u dirymu, neu wedi dod i ben a heb eu hadnewyddu gan yr awdurdod tai lleol. Mae’r gwelliant hwn yn sicrhau bod y Bil yn ddigon clir, os byddai trwydded neu gofrestrriad landlord neu asiant yn cael eu dirymu neu yn dod i ben, na fyddai hyn yn effeithio ar eu cytundeb tenantiaeth.]

Jocelyn Davies

148

Section 3, page 3, after line 24, insert –

- ‘(6) For the avoidance of doubt, a failure on the part of the landlord to be registered and licensed in accordance with this section does not affect the contractual relationship between the landlord and tenant.’.

Adran 3, tudalen 3, ar ôl llinell 25, mewnosoder –

- ‘(6) Er mwyn osgoi amheuaeth, nid yw methiant ar ran y landlord i fod yn gofrestredig ac yn drwyddedig yn unol â’r adran hon yn effeithio ar y berthynas gontractiol rhwng y landlord a’r tenant.’.

Carl Sargeant

166

Page 3, line 26, leave out section 4 and insert –

[] Exceptions to the requirement for a landlord to be registered

The requirement in section *[inserted by amendment 165]*(1) does not apply –

- (a) if the landlord has applied to the licensing authority to be registered in relation to that dwelling and the application has not been determined;

- (b) for a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord;
- (c) if the landlord takes steps to recover possession of the dwelling within a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession;
- (d) to a landlord who is a registered social landlord;
- (e) to a landlord who is a fully mutual housing association;
- (f) to a person of a description specified for the purposes of this section in an order made by the Welsh Ministers.'

Tudalen 3, llinell 27, hepgorer adran 4 a mewnosoder –

[] Eithriadau i'r gofyniad i landlord fod yn gofrestredig

Nid yw'r gofyniad yn adran [mewnosoder gan welliant 165](1) yn gymwys –

- (a) os yw'r landlord wedi gwneud cais i'r awdurdod trwyddedu i fod yn gofrestredig mewn perthynas â'r annedd honno ac na phenderfynwyd ar y cais;
- (b) am gyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseinir buddiant y landlord yn yr annedd i'r landlord;
- (c) os yw'r landlord yn cymryd camau i adennill meddiant o'r annedd o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseinir buddiant y landlord yn yr annedd i'r landlord, am ba hyd bynnag ag y bydd y landlord yn parhau yn ddiwyd i geisio adennill meddiant;
- (d) i landlord sy'n landlord cymdeithasol cofrestredig;
- (e) i landlord sy'n gymdeithas dai gwbl gydfuddiannol;
- (f) i berson o ddisgrifiad a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru.'

Mark Isherwood

370

Page 3, line 26, leave out section 4.

Tudalen 3, llinell 26, hepgorer adran 4.

Mark Isherwood

371

Section 4, page 3, line 33, after 'takes', insert 'formal'.

Adran 4, tudalen 3, llinell 34, ar ôl 'camau', mewnosoder 'ffurfiol'.

Mark Isherwood

372

Section 4, page 3, after line 36, insert –

- '(d) if the property is already licensed under the housing in multiple occupation

provisions contained in Part 2 of the Housing Act 2004;

- (e) if the property is already licensed under the selective licensing provisions contained in Part 3 of the Housing Act 2004.’

Adran 4, tudalen 3, ar ôl llinell 37, mewnosoder –

‘(d) os yw’r eiddo eisoes wedi’i drwyddedu o dan y darpariaethau tai amlfeddiannaeth yn Rhan 2 o Ddeddf Tai 2004;

- (e) os yw’r eiddo eisoes wedi’i drwyddedu o dan y darpariaethau trwyddedu dethol yn Rhan 3 o Ddeddf Tai 2004.’

Mark Isherwood

374

Section 4, page 4, after line 12, insert –

‘(e) if the property is already licensed under the housing in multiple occupation provisions contained in Part 2 of the Housing Act 2004;

- (f) if the property is already licensed under the selective licensing provisions contained in Part 3 of the Housing Act 2004.’

Adran 4, tudalen 4, ar ôl llinell 13, mewnosoder –

‘(e) os yw’r eiddo eisoes wedi’i drwyddedu o dan y darpariaethau tai amlfeddiannaeth yn Rhan 2 o Ddeddf Tai 2004;

- (f) os yw’r eiddo eisoes wedi’i drwyddedu o dan y darpariaethau trwyddedu dethol yn Rhan 3 o Ddeddf Tai 2004.’

Mark Isherwood

373

Section 4, page 4, after line 12, insert –

‘(3) The following subsections apply if the owner of a rental property (or a person acting on behalf of the owner), notifies the local housing authority of an intention to take particular steps with a view to securing the registration of the property and the licensing of its management.

(4) The local housing authority may, if it thinks fit, serve on the owner of a rental property a temporary exemption notice in respect of that property.

(5) If a temporary exemption notice is served under this section, the rental property is not required to be registered or licensed under this Part during the period for which the notice is in force.

(6) A temporary exemption notice under this section is in force –

(a) for the period of 3 months beginning with the date on which it is served, or

(b) (in the case of a notice served by virtue of subsection (7)) for the period of 3 months after the date when the first notice ceases to be in force.

(7) If the local housing authority –

- (a) receives a further notification under subsection (3), and
 - (b) considers that there are exceptional circumstances that justify the service of a second temporary exemption notice in respect of the rental property that would take effect from the end of the period of 3 months applying to the first notice,
- the authority may serve a second such notice on the person having control of or managing the property (but no further notice may be served by virtue of this subsection).
- (8) If the authority decides not to serve a temporary exemption notice in response to a notification under subsection (1), it must without delay serve on the person concerned a notice informing that person of –
 - (a) the decision,
 - (b) the reasons for it and the date on which it was made,
 - (c) the right to appeal against the decision under subsection (9), and
 - (d) the period within which an appeal may be made under that subsection.
 - (9) The person concerned may appeal to the appropriate tribunal against the decision within the period of 28 days beginning with the date specified under subsection (8) as the date on which it was made.
 - (10) Such an appeal –
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
 - (11) The tribunal –
 - (a) may confirm or reverse the decision of the authority, and
 - (b) if it reverses the decision, must direct the authority to serve a temporary exemption notice that comes into force on such date as the tribunal directs.’.

Adran 4, tudalen 4, ar ôl llinell 13, mewnosoder –

- ‘(3) Mae’r is-adrannau canlynol yn gymwys os yw perchennog eiddo ar rent (neu berson sy’n gweithredu ar ran y perchennog) yn hysbysu’r awdurdod tai lleol fod bwriad i gymryd camau penodol er mwyn cofrestru’r eiddo a thrwyddedu’r rheoli.
- (4) Caiff yr awdurdod tai lleol, os gwêl yn dda, gyflwyno hysbysiad esemptio dros dro i berchennog eiddo ar rent mewn perthynas â’r eiddo hwnnw.
- (5) Os cyflwynir hysbysiad esemptio dros dro o dan yr adran hon, nid oes gofyn i’r eiddo ar rent fod wedi’i gofrestru neu ei drwyddedu o dan y Rhan hon yn ystod y cyfnod y bydd yr hysbysiad mewn grym.
- (6) Bydd hysbysiad esemptio dros dro o dan yr adran hon mewn grym –
 - (a) am y cyfnod o dri mis sy’n dechrau ar y dyddiad y caiff ei gyflwyno, neu
 - (b) (yn achos hysbysiad a gyflwynir yn rhinwedd is-adran (7)) am y cyfnod o dri mis sy’n dechrau ar y dyddiad y daw’r hysbysiad cyntaf i ben.
- (7) Os bydd yr awdurdod tai lleol –

- (a) yn cael hysbysiad pellach o dan is-adran (3), a
 - (b) yn ystyried bod amgylchiadau eithriadol sy'n cyfiawnhau cyflwyno ail hysbysiad esemptio dros dro mewn perthynas â'r eiddo ar rent, a fyddai'n dod i rym ar ddiwedd y cyfnod o dri mis sy'n gymwys i'r hysbysiad cyntaf,
- caiff yr awdurdod gyflwyno ail hysbysiad o'r fath i'r person sydd â rheolaeth ar yr eiddo neu'n rheoli'r eiddo (ond ni cheir cyflwyno hysbysiad pellach yn rhinwedd yr is-adran hon).
- (8) Os bydd yr awdurdod yn penderfynu peidio â chyflwyno hysbysiad esemptio dros dro mewn ymateb i hysbysiad o dan is-adran (1), rhaid iddo'n ddi-oed gyflwyno hysbysiad i'r person dan sylw yn ei hysbysu o'r canlynol –
 - (a) y penderfyniad,
 - (b) y rhesymau drosto, a'r dyddiad y cafodd ei wneud,
 - (c) yr hawl i apelio yn erbyn y penderfyniad o dan is-adran (9), a
 - (d) y cyfnod y caniateir gwneud apêl o dan yr is-adran honno.
 - (9) Caiff y person dan sylw apelio i'r tribiwnlys priodol yn erbyn y penderfyniad o fewn y cyfnod o 28 diwrnod sy'n dechrau ar y dyddiad a bennir o dan is-adran (8) fel y dyddiad y cafodd y penderfyniad ei wneud.
 - (10) Yn achos apêl o'r fath –
 - (a) rhaid iddo fod ar ffurf ail-wrandawriad, ond
 - (b) caniateir penderfynu arno gan roi sylw i faterion nad oedd yr awdurdod tai lleol yn ymwybodol ohonynt.
 - (11) Caiff y tribiwnlys –
 - (a) cadarnhau neu wrthdroi penderfyniad yr awdurdod, a
 - (b) os yw'n gwrthdroi'r penderfyniad, caiff gyfarwyddo'r awdurdod i gyflwyno hysbysiad esemptio dros dro sy'n dod i rym ar ddyddiad i'w bennu yn ôl cyfarwyddyd y tribiwnlys.'.

Carl Sargeant

167

Page 4, line 14, leave out section 5 and insert –

[] Requirement for landlords to be licensed to carry out lettings activities

- (1) The landlord of a dwelling marketed or offered for let under a domestic tenancy must not do any of the things described in subsection (2) in respect of the dwelling unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do something on the landlord's behalf, or
 - (c) an exception in section [inserted by amendment 169] applies.
- (2) The things are –
 - (a) arranging or conducting viewings with prospective tenants;

- (b) gathering evidence for the purpose of establishing the suitability of prospective tenants (for example, by confirming character references, undertaking credit checks or interviewing a prospective tenant);
 - (c) preparing, or arranging the preparation, of a tenancy agreement;
 - (d) preparing, or arranging the preparation, of an inventory for the dwelling or schedule of condition for the dwelling.
- (3) The Welsh Ministers may by order –
- (a) amend or omit the descriptions of things in subsection (2) (including things added under paragraph (b));
 - (b) add further descriptions of things to subsection (2).
- (4) A landlord who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine.
- (5) In proceedings against a landlord for an offence under subsection (4) it is a defence that the landlord has a reasonable excuse for not being licensed.
- (6) In subsection (1) “authorised agent” means –
- (a) a person licensed to carry out lettings work and property management work under this Part for the area in which the dwelling is located,
 - (b) a local housing authority (whether or not in exercise of its functions as a local housing authority), or
 - (c) in relation to preparing, or arranging the preparation of a tenancy agreement only, a qualified solicitor (within the meaning of Part 1 of the Solicitors Act 1974), a person acting on behalf of such a solicitor or any person of a description specified in an order made by the Welsh Ministers.’.

Tudalen 4, llinell 15, hepgorer adran 5 a mewnosoder –

[] Gofyniad i landlord fod yn drwyddedig i ymgymryd â gweithgareddau gosod

- (1) Ni chaniateir i landlord annedd sy’n cael ei marchnata neu ei chynnig i’w gosod yn ddarostyngedig i denantiaeth ddomestig wneud unrhyw un o’r pethau a ddisgrifir yn is-adran (2) mewn perthynas â’r annedd oni bai bod –
- (a) y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi;
 - (b) yr hyn a wneir yw trefnu i asiant awdurdodedig wneud rhywbeth ar ran y landlord, neu
 - (c) mae eithriad yn adran [*mewnosodir gan welliant 169*] yn gymwys.
- (2) Y pethau yw –
- (a) trefnu neu gynnal ymweliadau gan ddarpar denantiaid;
 - (b) casglu tystiolaeth at ddiben penderfynu ar addasrwydd darpar denantiaid (er enghraifft, drwy gadarnhau tystlythyrau, cynnal gwiriadau credyd neu gyfweld darpar denantiaid);
 - (c) paratoi, neu drefnu i baratoi, cytundeb tenantiaeth;

- (d) paratoi, neu drefnu i baratoi, stocrestr ar gyfer yr annedd neu restr gyflwr ar gyfer yr annedd.
- (3) Caiff Gweinidogion Cymru wneud y canlynol drwy orchymyn—
 - (a) diwygio neu hepgor y disgrifiadau o bethau yn is-adran (2) (gan gynnwys pethau a ychwanegir o dan baragraff (b));
 - (b) ychwanegu disgrifiadau pellach o bethau at is-adran (2).
- (4) Mae landlord sy'n torri is-adran (1) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (5) Mewn achos yn erbyn landlord am drosedd a gyflawnwyd o dan is-adran (4) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.
- (6) Yn is-adran (1) ystyr "asiant awdurdodedig" yw—
 - (a) person sy'n drwyddedig i ymgymryd â gwaith gosod a gwaith rheoli eiddo o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynnddi,
 - (b) awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio), neu
 - (c) mewn perthynas â pharatoi, neu drefnu i baratoi cytundeb tenantiaeth yn unig, cyfreithiwr cymwysedig (o fewn ystyr Rhan 1 o Ddeddf Cyfreithwyr 1974), person sy'n gweithredu ar ran y cyfryw gyfreithiwr neu unrhyw berson o ddisgrifiad a bennir mewn gorchymyn a wneir gan Weinidogion Cymru.'.

Mark Isherwood 375

Section 5, page 4, line 14, leave out 'or responsible person'.

Adran 5, tudalen 4, llinell 15, hepgorer 'neu berson cyfrifol'.

Mark Isherwood 376

Section 5, page 4, line 15, leave out 'or responsible person'.

Adran 5, tudalen 4, llinell 16, hepgorer 'neu'r person cyfrifol'.

Mark Isherwood 377

Section 5, page 4, leave out line 16.

Adran 5, tudalen 4, hepgorer llinell 17.

Mark Isherwood 378

Section 5, page 4, line 19, leave out 'or responsible person'.

Adran 5, tudalen 4, llinell 20, hepgorer 'neu berson cyfrifol'.

Mark Isherwood 379

Section 5, page 4, line 25, leave out 'or responsible person'.

Adran 5, tudalen 4, llinell 27, hepgorer 'neu berson cyfrifol'.

Mark Isherwood

380

Section 5, page 4, line 26, leave out 'or responsible person'.

Adran 5, tudalen 4, llinell 28, hepgorer 'neu'r person cyfrifol'.

Carl Sargeant

436

To insert a new section –

[] Requirement for landlords to be licensed to carry out property management activities

- (1) The landlord of a dwelling subject to a domestic tenancy must not do any of the things described in subsection (2) in respect of the dwelling unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do something on the landlord's behalf, or
 - (c) an exception in section 7 applies.
- (2) The things are –
 - (a) collecting rent;
 - (b) being the principal point of contact for the tenant in relation to matters arising under the tenancy;
 - (c) making arrangements with a person to carry out repairs or maintenance;
 - (d) making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;
 - (e) checking the contents or condition of the dwelling, or arranging for them to be checked;
 - (f) serving notice to terminate a tenancy.
- (3) The landlord of a dwelling that was subject to a domestic tenancy, but is no longer subject to that domestic tenancy, must not check the contents or condition of the dwelling, or arrange for them to be checked, for any purpose connected with that tenancy unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do it on the landlord's behalf, or
 - (c) an exception in section 7 applies.
- (4) The Welsh Ministers may by order –
 - (a) amend or omit the descriptions of things in subsection (2) or (3) (including things added under paragraph (b)) that a landlord must not do unless any of paragraphs (a) to (c) of subsection (1) or (3) applies (as the case may be);

- (b) add further descriptions of things for the purposes of this section (including by way of amendment to this Part).
- (5) A landlord who contravenes subsection (1) or (3) commits an offence and is liable on summary conviction to a fine.
- (6) In proceedings against a landlord for an offence under subsection (5) it is a defence that the landlord has a reasonable excuse for not being licensed.
- (7) In subsection (1) “authorised agent” means –
 - (a) a person licensed to carry out lettings work and property management work under this Part for the area in which the dwelling is located,
 - (b) a local housing authority (whether or not in exercise of its functions as a local housing authority), or
 - (c) in relation to serving notice to terminate a tenancy only, a qualified solicitor (within the meaning of Part 1 of the Solicitors Act 1974), a person acting on behalf of such a solicitor or any person of a description specified in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Gofyniad i landlord fod yn drwyddedig i ymgymryd â gweithgareddau rheoli eiddo

- (1) Ni chaniateir i landlord annedd sy’n ddarostyngedig i denantiaeth ddomestig wneud unrhyw un o’r pethau a ddisgrifir yn is-adran (2) mewn perthynas â’r eiddo oni bai bod –
 - (a) y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
 - (b) y peth a wneir yw trefnu i asiant awdurdodedig wneud rhywbeth ar ran y landlord, neu
 - (c) mae eithriad yn adran 7 yn gymwys.
- (2) Y pethau yw –
 - (a) casglu rhent;
 - (b) bod yn brif bwynt cyswllt ar gyfer y tenant mewn perthynas â materion sy’n codi o dan y denantiaeth;
 - (c) gwneud trefniadau gyda pherson i ymgymryd â gwaith trwsio neu gynnal a chadw;
 - (d) gwneud trefniadau gyda thenant neu feddiannwr yr annedd i sicrhau mynediad i’r annedd at unrhyw ddiben;
 - (e) cadarnhau cynnwys neu gyflwr yr annedd, neu drefnu iddynt gael eu cadarnhau;
 - (f) cyflwyno hysbysiad terfynu tenantiaeth.
- (3) Ni chaiff landlord annedd a oedd yn ddarostyngedig i denantiaeth ddomestig, ond nad yw bellach yn ddarostyngedig i’r denantiaeth ddomestig honno, gadarnhau cyflwr neu gynnwys yr annedd, neu drefnu iddynt gael eu cadarnhau, at unrhyw ddiben sy’n gysylltiedig â’r denantiaeth oni bai –

- (a) bod y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae'r annedd wedi ei lleoli ynddi,
 - (b) mai'r peth sy'n cael ei wneud yw trefnu i asiant awdurdodedig wneud hynny ar ran y landlord, neu
 - (c) mae eithriad yn adran 7 yn gymwys.
- (4) Caiff Gweinidogion Cymru wneud y canlynol drwy orchymyn –
- (a) diwygio neu hepgor y disgrifiadau o bethau yn is-adran (2) neu (3) (gan gynnwys pethau a ychwanegir o dan baragraff (b)) na chaiff landlord ei wneud oni bai bod unrhyw un neu ragor o baragraffau (a) i (c) o is-adran (1) neu (3) yn gymwys (yn ôl y digwydd);
 - (b) ychwanegu disgrifiadau pellach o bethau at ddibenion yr adran hon (gan gynnwys drwy ddiwygio'r Rhan hon).
- (5) Mae landlord sy'n torri is-adran (1) neu (3) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (6) Mewn achos yn erbyn landlord am drosedd a gyflawnwyd o dan is-adran (5) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.
- (7) Yn is-adran (1) ystyr "asiant awdurdodedig" yw –
- (a) person sy'n drwyddedig i ymgymryd â gwaith gosod a gwaith rheoli eiddo o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
 - (b) awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio), neu
 - (c) mewn perthynas â chyflwyno hysbysiad terfynu tenantiaeth yn unig, cyfreithiwr cymwysedig (o fewn ystyr Rhan 1 o Ddeddf Cyfreithwyr 1974), person sy'n gweithredu ar ran y cyfryw gyfreithiwr neu unrhyw berson o ddisgrifiad a bennir mewn gorchymyn a wneir gan Weinidogion Cymru.'

Carl Sargeant

169

To insert a new section –

[] Exceptions to requirements for landlords to be licensed

The requirements in sections [*inserted by amendment 167*](1) and [*inserted by amendment 436*](1) do not apply –

- (a) if the landlord has applied to the licensing authority to be licensed, for the period from the date of the application until it is determined by the authority or (if the authority refuses the application) until all means of appealing against a decision to refuse an application have been exhausted and the decision is upheld;
- (b) for a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord;
- (c) if the landlord takes steps to recover possession of the dwelling within a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession;

- (d) to a landlord who is a registered social landlord;
- (e) to a landlord who is a fully mutual housing association;
- (f) a person of a description specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Eithriadau i ofynion i landlord fod yn gofrestredig

Nid yw’r gofynion yn adrannau [mewnosodir gan welliant 167](1) a [mewnosodir gan welliant 436](1) yn gymwys –

- (a) os yw’r landlord wedi gwneud cais i’r awdurdod trwyddedu i fod yn drwyddedig, am y cyfnod o ddyddiad y cais hyd nes y bydd yr awdurdod yn penderfynu arno neu (os yw’r awdurdod yn gwrthod y cais) hyd nes y bydd pob dull o apelio yn erbyn penderfyniad i wrthod cais wedi ei ddisbyddu a’r penderfyniad yn cael ei gadarnhau;
- (b) am gyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseindir buddiant y landlord yn yr annedd i’r landlord;
- (c) os yw’r landlord yn cymryd camau i adennill meddiant o’r eiddo o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseindir buddiant y landlord yn yr annedd i’r landlord, am ba hyd bynnag ag y bydd y landlord yn parhau yn ddiwyd i geisio adennill meddiant;
- (d) i landlord sy’n landlord cymdeithasol cofrestredig;
- (e) i landlord sy’n gymdeithas dai gwbl gudfuddiannol;
- (f) i berson o ddisgrifiad a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru.’.

Carl Sargeant

171

To insert a new section –

[] Requirement for agents to be licensed to carry out lettings work

- (1) A person acting on behalf of the landlord of a dwelling marketed or offered for let under a domestic tenancy must not carry out lettings work in respect of the dwelling unless the person is licensed to do so under this Part for the area in which the dwelling is located.
- (2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine.
- (3) In proceedings against a person for an offence committed under subsection (1) it is a defence that the person has a reasonable excuse for not being licensed.’.

I fewnosod adran newydd –

[] Gofyniad i asiantau fod yn drwyddedig i ymgymryd â gwaith gosod

- (1) Ni chaniateir i berson ymgymryd â gwaith gosod ar ran landlord mewn perthynas ag annedd sy'n cael ei marchnata neu ei chynnig i'w gosod o dan denantiaeth ddomestig oni bai bod y person yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae'r annedd wedi ei lleoli ynddi.
- (2) Mae person sy'n torri yr adran hon yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (3) Mewn achos yn erbyn person am drosedd a gyflawnwyd o dan is-adran (1) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.'

Carl Sargeant

187

To insert a new section –

[] Meaning of lettings work

- (1) In this Part “lettings work” means things done by any person in response to instructions received from –
 - (a) a person seeking to find another person wishing to rent a dwelling under a domestic tenancy and, having found such a person, to grant such a tenancy (“a prospective landlord”);
 - (b) a person seeking to find a dwelling to rent under a domestic tenancy and, having found such a dwelling, to obtain such a tenancy of it (“a prospective tenant”);subject to the following subsections.
- (2) “Lettings work” does not include anything in the following paragraphs (a) or (b) –
 - (a) publishing advertisements or disseminating information;
 - (b) providing a means by which –
 - (i) a prospective landlord (or the prospective landlord’s agent) or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or (as the case may be) prospective landlord (or the prospective landlord’s agent);
 - (ii) a prospective landlord (or the prospective landlord’s agent) and a prospective tenant can continue to communicate directly with each other.when done by a person who –
 - (c) does no other thing within subsection (1), and
 - (d) does no property management work in respect of the property.
- (3) “Lettings work” does not include doing any one of the things in the following paragraphs (a) to (c) –
 - (a) arranging and conducting viewings with prospective tenants;
 - (b) preparing, or arranging the preparation of, the tenancy agreement;

- (c) preparing, or arranging the preparation of, any inventory or schedule of condition, when done by a person who –
 - (d) does no other thing in those paragraphs or anything else within subsection (1), and
 - (e) does nothing within section 10(1) in respect of the property.
- (4) “Lettings work” also does not include –
 - (a) doing things under a contract of service or apprenticeship with a landlord;
 - (b) doing things under a contract of service or apprenticeship, or a contract for services, with a person who is –
 - (i) instructed to carry out the work by a landlord, and
 - (ii) licensed to do so under this Part;
 - (c) anything done by a local housing authority (whether or not in exercise of its functions as a local housing authority);
 - (d) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Ystyr gwaith gosod

- (1) Yn y Rhan hon ystyr “gwaith gosod” yw’r pethau y mae unrhyw berson yn eu gwneud mewn ymateb i gyfarfwyddiadau gan –
 - (a) person sy’n ceisio canfod person arall sy’n dymuno rhentu annedd o dan denantiaeth ddomestig ac, ar ôl canfod y cyfryw berson, rhoi’r gyfryw denantiaeth (“darpar landlord”);
 - (b) person sy’n ceisio canfod annedd i’w rhentu o dan denantiaeth ddomestig ac, ar ôl canfod y gyfryw annedd, gael gafael ar y gyfryw denantiaeth ohoni (“darpar denant”);yn ddarostyngedig i’r is-adrannau a ganlyn.
- (2) Nid yw “gwaith gosod” yn cynnwys unrhyw beth ym mharagraffau (a) neu (b) a ganlyn –
 - (a) cyhoeddi hysbysebion neu ledaenu gwybodaeth;
 - (b) darparu dull –
 - (i) y gall darpar landlord (neu asiant y darpar landlord) neu ddarpar denant ei ddefnyddio, mewn ymateb i hysbyseb neu ledaeniad gwybodaeth, i gysylltu’n uniongyrchol â darpar denant neu (yn ôl y digwydd) ddarpar landlord (neu asiant y darpar landlord);
 - (ii) y gall darpar landlord (neu asiant y darpar landlord) a darpar denant ei ddefnyddio i barhau i gyfathrebu yn uniongyrchol â’i gilydd.pan fo’n cael ei wneud gan berson –
 - (c) nad yw’n gwneud unrhyw beth arall o fewn is-adran (1), a

- (d) nad yw'n gwneud gwaith rheoli eiddo mewn perthynas â'r eiddo.
- (3) Nid yw "gwaith gosod" yn cynnwys gwneud unrhyw un o'r pethau ym mharagraffau (a) i (c) a ganlyn—
- (a) trefnu a chynnal ymweliadau gan ddarpar denantiaid;
 - (b) paratoi, neu drefnu i baratoi, cytundeb tenantiaeth;
 - (c) paratoi, neu drefnu i baratoi, unrhyw stocrestr neu restr o gyflwr;
- pan fo'n cael ei wneud gan berson—
- (d) nad yw'n gwneud unrhyw beth arall yn y paragraffau hynny nac unrhyw beth arall o fewn is-adran (1), ac
 - (e) nad yw'n gwneud unrhyw beth o fewn adran 10(1) mewn perthynas â'r eiddo.
- (4) Nid yw "gwaith gosod" yn cynnwys y canlynol ychwaith—
- (a) gwneud pethau o dan gontract cyflogaeth gyda landlord;
 - (b) gwneud pethau o dan gontract cyflogaeth neu gontract gwasanaethau gyda pherson sydd—
 - (i) wedi ei gyfarwyddo i ymgymryd â'r gwaith gan landlord, a
 - (ii) wedi ei drwyddedu i wneud hynny o dan y Rhan hon;
 - (c) unrhyw beth a wneir gan awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio);
 - (d) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru. '.

Carl Sargeant

437

To insert a new section—

[1] Requirement for agents to be licensed to carry out property management work

- (1) A person acting on behalf of the landlord of a dwelling subject to a domestic tenancy must not carry out property management work in respect of the dwelling unless the person is licensed to do so under this Part for the area in which the dwelling is located.
- (2) Where a dwelling was subject to a domestic tenancy, but is no longer subject to that domestic tenancy, a person acting on behalf of the landlord of the dwelling must not check the contents or condition of the dwelling, or arrange for them to be checked, for any purpose connected with that tenancy unless—
 - (a) the person is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the person does no other thing in respect of the dwelling falling within—
 - (i) section 9(1), except preparing, or arranging the preparation of, any inventory or schedule of condition, or
 - (ii) section 11(1), or

- (c) the activity would not be property management work under section 11(3).
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine.
- (4) In proceedings against a person for an offence committed under subsection (3) it is a defence that the person has a reasonable excuse for not being licensed.’.

I fewnosod adran newydd –

[] Gofyniad i asiantau fod yn drwyddedig i ymgymryd â gwaith rheoli eiddo

- (1) Ni chaniateir i berson ymgymryd â gwaith reoli eiddo ar ran landlord mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig oni bai bod y person yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi.
- (2) Ni chaniateir i berson sy’n gweithredu ar ran landlord annedd a oedd yn ddarostyngedig i denantiaeth ddomestig, ond nad yw bellach yn ddarostyngedig i’r denantiaeth ddomestig honno, gadarnhau cyflwr neu gynnwys yr annedd, neu drefnu iddynt gael eu cadarnhau, at unrhyw ddiben sy’n gysylltiedig â’r denantiaeth oni bai –
 - (a) bod y person yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,
 - (b) nad yw’r person yn gwneud unrhyw beth arall mewn perthynas â’r annedd sy’n dod o fewn –
 - (i) adran 9(1), ac eithrio paratoi, neu trefnu i baratoi, unrhyw stocrestr neu rhestr o gyflwr, neu
 - (ii) adran 11(1), neu
 - (c) na fyddai’r gweithgaredd yn waith rheoli eiddo o dan adran 11(3).
- (3) Mae person sy’n torri is-adran (1) neu (2) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (4) Mewn achos yn erbyn person am drosedd a gyflawnwyd o dan is-adran (3) mae’r ffaith bod gan y person esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.’.

Carl Sargeant

438

To insert a new section –

[] Meaning of property management work

- (1) In this Part, “property management work” means doing any of the following things –
 - (a) collecting rent;
 - (b) being the principal point of contact for the tenant in relation to matters arising under the tenancy;
 - (c) making arrangements with a person to carry out repairs or maintenance;
 - (d) making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;

- (e) checking the contents or condition of the dwelling, or arranging for them to be checked;
 - (f) serving notice to terminate a tenancy.
- (2) But “property management work” does not include doing any one of the things in paragraphs (b) to (f) of subsection (1) when done by a person who—
- (a) does no other thing within subsection (1), and
 - (b) does nothing within section 9(1) in respect of the dwelling.
- (3) “Property management work” also does not include—
- (a) doing things under a contract of service or apprenticeship with a landlord;
 - (b) doing things under a contract of service or apprenticeship, or a contract for services, with a person who is—
 - (i) instructed to carry out the work by a landlord, and
 - (ii) licensed to do so under this Part;
 - (c) anything done by a local housing authority (whether or not in exercise of its functions as a local housing authority);
 - (d) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd—

[1] **Ystyr gwaith rheoli eiddo**

- (1) Yn y Rhan hon, ystyr “gwaith rheoli eiddo” yw gwneud unrhyw un o’r pethau canlynol —
- (a) casglu rhent;
 - (b) bod yn brif bwynt cyswllt ar gyfer y tenant mewn perthynas â materion sy’n codi o dan y denantiaeth;
 - (c) gwneud trefniadau gyda pherson i ymgymryd â gwaith trwsio neu gynnal a chadw;
 - (d) gwneud trefniadau gyda thenant neu feddiannwr yr annedd i sicrhau mynediad i’r annedd at unrhyw ddiben;
 - (e) cadarnhau cynnwys neu gyflwr yr annedd, neu drefnu iddynt gael eu cadarnhau;
 - (f) cyflwyno hysbysiad terfynu tenantiaeth.
- (2) Ond nid yw “gwaith rheoli eiddo” yn cynnwys gwneud unrhyw un o’r pethau ym mharagraffau (b) i (f) o is-adran (1) pan fo’n cael ei wneud gan berson—
- (a) nad yw’n gwneud unrhyw beth arall o fewn is-adran (1), a
 - (b) nad yw’n gwneud unrhyw beth o fewn adran 9(1) mewn perthynas â’r annedd.
- (3) Nid yw “gwaith rheoli eiddo” yn cynnwys y canlynol ychwaith—
- (a) gwneud pethau o dan gontract gwasanaeth neu prentisiaeth gyda landlord;
 - (b) gwneud pethau o dan gontract gwasanaeth neu prentisiaeth, neu gontract am

wasanaethau gyda pherson sydd –

- (i) wedi ei gyfarwyddo i ymgymryd â'r gwaith gan landlord, a
- (ii) wedi ei drwyddedu i wneud hynny o dan y Rhan hon;
- (c) unrhyw beth a wneir gan awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio);
- (d) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddbenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru. '.

Mark Isherwood 381

Page 4, line 30, leave out section 6.

Tudalen 4, llinell 32, hepgorer adran 6.

Carl Sargeant 170

Section 6, page 4, line 30, leave out 'local housing' and insert 'licensing'.

Adran 6, tudalen 4, llinell 32, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 87

Section 6, page 4, line 32, leave out subsection (2).

Adran 6, tudalen 4, llinell 34, hepgorer is-adran (2).

Carl Sargeant 317

Schedule 1, page 68, line 11, leave out 'let by the landlord in the area of the local housing authority' and insert 'in the licensing authority's area for which the landlord is the landlord'.

Atodlen 1, tudalen 68, llinell 11, hepgorer 'sy'n cael ei osod gan y landlord yn ardal yr awdurdod tai lleol' a mewnosoder 'yn ardal yr awdurdod trwyddedu y mae'r landlord yn landlord arno'.

Mark Isherwood 433

Schedule 1, page 68, after line 12, insert –

- '() in relation to each property identified under sub-paragraph 1(c), the energy performance rating of that property (if available);'

Atodlen 1, tudalen 68, ar ôl llinell 12, mewnosoder –

- '() mewn perthynas â phob eiddo a nodwyd o dan is-baragraff 1(c), sgôr perfformiad ynni yr eiddo hwnnw (os ydyw ar gael);'

Carl Sargeant 318

Schedule 1, page 68, line 13, leave out 'agent or responsible'.

Atodlen 1, tudalen 68, llinell 13, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'berson'.

Carl Sargeant 319

Schedule 1, page 68, line 14, after 'landlord', insert 'to carry out lettings work or property management work on behalf of the landlord'.

Atodlen 1, tudalen 68, llinell 14, ar ôl 'landlord', mewnosoder 'i ymgymryd â gwaith gosod neu waith rheoli eiddo ar ran y landlord'.

Carl Sargeant 320

Schedule 1, page 68, leave out lines 25 to 27.

Atodlen 1, tudalen 68, hepgorer llinellau 26 hyd at 27.

Carl Sargeant 321

Schedule 1, page 68, line 32, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 68, llinell 32, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 73

Schedule 1, page 68, after line 33, insert –

- '(k) where a rent stopping order has been issued under section 21 in respect of a rental property let by the landlord –
 - (i) that such an order has been issued in relation to the property;
 - (ii) the date the order took effect;
 - (iii) the date the order was withdrawn.'

Atodlen 1, tudalen 68, ar ôl llinell 34, mewnosoder –

- '(k) pan fo gorchymyn atal rhent wedi ei ddyroddi o dan adran 21 mewn perthynas ag eiddo ar rent a osodir gan y landlord –
 - (i) bod y cyfryw orchymyn wedi ei ddyroddi mewn perthynas â'r eiddo;
 - (ii) y dyddiad y cafodd y gorchymyn effaith;
 - (iii) y dyddiad y tynnwyd y gorchymyn yn ei ôl.'

Carl Sargeant 322

Schedule 1, page 68, line 35, leave out 'an agent or responsible person' and insert 'a person licensed to carry out lettings work and property management work on behalf of a landlord'.

Atodlen 1, tudalen 68, llinell 36, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'person sydd wedi ei drwyddedu i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran landlord'.

Carl Sargeant 323

Schedule 1, page 69, line 1, leave out 'agent or responsible'.

Atodlen 1, tudalen 69, llinell 1, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'person'.

Carl Sargeant 324

Schedule 1, page 69, line 2, leave out 'agent or responsible'.

Atodlen 1, tudalen 69, llinell 2, hepgorer 'yr asiant neu berson cyfrifol' a mewnosoder 'y person'.

Carl Sargeant 325

Schedule 1, page 69, line 3, leave out 'in the case of an agent, if the agent' and insert 'if the person'.

Atodlen 1, tudalen 69, llinell 3, hepgorer 'yn achos asiant, os yw'r asiant' a mewnosoder 'os yw'r person'.

Carl Sargeant 326

Schedule 1, page 69, line 3, leave out 'agent's' and insert 'person's'.

Atodlen 1, tudalen 69, llinell 4, hepgorer 'asiant' a mewnosoder 'person'.

Carl Sargeant 327

Schedule 1, page 69, at the beginning of line 5, insert 'if the person is carrying out lettings work and property management work on behalf of a landlord in the course of a business'.

Atodlen 1, tudalen 69, ar ddechrau llinell 5, mewnosoder 'os yw'r person yn ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran landlord yn rhinwedd busnes'.

Carl Sargeant 328

Schedule 1, page 69, line 5, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 69, llinell 5, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 329

Schedule 1, page 69, line 5, leave out 'by the agent for managing rental properties' and insert 'for that purpose'.

Atodlen 1, tudalen 69, llinell 5, hepgorer 'gan yr asiant ar gyfer rheoli eiddo ar rent' a mewnosoder 'at y diben hwnnw'.

Carl Sargeant 330

Schedule 1, page 69, leave out lines 7 to 8.

Atodlen 1, tudalen 69, hepgorer llinellau 7 hyd at 8.

Carl Sargeant	331
Schedule 1, page 69, leave out line 9. Atodlen 1, tudalen 69, hepgorer llinell 9.	
Carl Sargeant	332
Schedule 1, page 69, leave out line 10. Atodlen 1, tudalen 69, hepgorer llinell 10.	
Carl Sargeant	333
Schedule 1, page 69, line 11, leave out 'agent or responsible'. Atodlen 1, tudalen 69, llinell 11, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'person'.	
Carl Sargeant	334
Schedule 1, page 69, line 17, leave out 'agent or responsible'. Atodlen 1, tudalen 69, llinell 17, hepgorer 'yr asiant neu berson cyfrifol' a mewnosoder 'y person'.	
Carl Sargeant	335
Schedule 1, page 69, line 18, leave out 'local housing' and insert 'licensing'. Atodlen 1, tudalen 69, llinell 18, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.	
Carl Sargeant	336
Schedule 1, page 69, line 21, leave out 'local housing' and insert 'licensing'. Atodlen 1, tudalen 69, llinell 21, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.	
Carl Sargeant	337
Schedule 1, page 69, line 25, leave out 'local housing' and insert 'licensing'. Atodlen 1, tudalen 69, llinell 26, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.	
Carl Sargeant	338
Schedule 1, page 69, line 27, leave out 'the' and insert 'its'. Atodlen 1, tudalen 69, llinell 27, hepgorer 'y' a mewnosoder 'ei'.	
Carl Sargeant	339
Schedule 1, page 69, line 29, leave out 'agent or responsible'. Atodlen 1, tudalen 69, llinell 29, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'berson'.	

Carl Sargeant 340

Schedule 1, page 69, line 30, after 'appointed', insert 'to carry out lettings work and property management work on behalf of the landlord'.

Atodlen 1, tudalen 69, llinell 29, ar ôl 'benodwyd', mewnosoder 'i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 341

Schedule 1, page 69, line 31, leave out ', agent or responsible person' and insert 'or person appointed to carry out lettings work and property management work on behalf of the landlord'.

Atodlen 1, tudalen 69, llinell 31, hepgorer ', yr asiant neu'r person cyfrifol' a mewnosoder 'neu'r person a benodwyd i wneud gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 74

Schedule 1, page 69, after line 31, insert –

'(c) if a rent stopping order under section 21 is in effect in relation to the property, that such an order is in effect.'

Atodlen 1, tudalen 69, ar ôl llinell 32, mewnosoder –

'(c) os yw gorchymyn atal rhent o dan adran 21 yn cael effaith mewn perthynas â'r eiddo, bod y cyfryw orchymyn yn cael effaith.'

Mark Isherwood 434

Schedule 1, page 69, after line 31, insert –

'() the energy performance rating of the property (if available).'

Atodlen 1, tudalen 69, ar ôl llinell 32, mewnosoder –

'() sgôr perfformiad ynni yr eiddo (os ydyw ar gael).'

Carl Sargeant 342

Schedule 1, page 69, line 32, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 69, llinell 33, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 343

Schedule 1, page 69, line 34, leave out 'the area of the' and insert 'an area for which the authority is the licensing'.

Atodlen 1, tudalen 69, llinell 35, hepgorer 'yn ardal yr awdurdod' a mewnosoder 'mewn ardal y mae'r awdurdod yn awdurdod trwyddedu ar ei chyfer'.

Carl Sargeant 344

Schedule 1, page 69, line 35, leave out 'an agent or responsible person appointed' and insert 'a person appointed to carry out lettings work and property management work on behalf of the landlord'.

Atodlen 1, tudalen 69, llinell 36, hepgorer 'asiant neu berson cyfrifol a benodwyd' a mewnosoder 'person a benodwyd i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 345

Schedule 1, page 70, line 1, leave out ', agent or responsible person (as applicable)'.

Atodlen 1, tudalen 70, llinell 1, hepgorer ', yr asiant neu'r person cyfrifol (fel y bo'n gymwys)'.

Carl Sargeant 346

Schedule 1, page 70, line 2, leave out ', agent or responsible person' and insert 'or person appointed to carry out lettings work and property management work on behalf of the landlord'.

Atodlen 1, tudalen 70, llinell 3, hepgorer ', yr asiant neu'r person cyfrifol' a mewnosoder 'neu'r person a benodwyd i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 347

Schedule 1, page 70, line 3, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 70, llinell 5, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 348

Schedule 1, page 70, line 6, leave out 'of the' and insert 'for which the authority is the licensing'.

Atodlen 1, tudalen 70, llinell 7, hepgorer 'yn ardal yr awdurdod' a mewnosoder 'mewn ardal y mae'r awdurdod yn awdurdod trwyddedu ar ei chyfer'.

Carl Sargeant 349

Schedule 1, page 70, line 7, leave out 'registration number or licence number of an agent or responsible person appointed' and insert 'licence number of a person appointed to carry out lettings work and property management work on behalf of a landlord'.

Atodlen 1 tudalen 70, llinell 8, hepgorer 'cofrestru neu rif trwydded asiant neu berson cyfrifol a benodwyd' a mewnosoder 'trwydded person a benodwyd i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 350

Schedule 1, page 70, line 10, leave out 'agent or responsible person' and insert 'any person appointed to carry out lettings work and property management work on behalf of the landlord'.

Atodlen 1, tudalen 70, llinell 11, hepgorer 'a'r asiant neu'r person cyfrifol' a mewnosoder 'ac unrhyw berson a benodwyd i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord'.

Carl Sargeant 351

Schedule 1, page 70, line 11, leave out ‘and agent or responsible person (as applicable) are’ and insert ‘is’.

Atodlen 1, tudalen 70, llinell 12, hepgorer ‘a’r asiant neu’r person cyfrifol (fel y bo’n gymwys)’.

Carl Sargeant 352

Schedule 1, page 70, line 13, leave out ‘, agent or responsible person’ and insert ‘or any person appointed to carry out lettings work and property management work on behalf of the landlord’.

Atodlen 1, tudalen 70, llinell 14, hepgorer ‘, yr asiant neu’r person cyfrifol’ a mewnosoder ‘neu unrhyw berson a benodwyd i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord’.

Mark Isherwood 382

Page 5, line 2, leave out section 7.

Tudalen 5, llinell 2, hepgorer adran 7.

Carl Sargeant 172

Section 7, page 5, line 2, leave out ‘person (“the applicant”)’ and insert ‘landlord’.

Adran 7, tudalen 5, llinell 2, hepgorer ‘person (“y ceisydd”)’ a mewnosoder ‘landlord’.

Carl Sargeant 173

Section 7, page 5, line 2, leave out ‘local housing’ and insert ‘licensing’.

Adran 7, tudalen 5, llinell 2, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 174

Section 7, page 5, line 3, leave out ‘applicant’ and insert ‘landlord’.

Adran 7, tudalen 5, llinell 3, hepgorer ‘ceisydd’ a mewnosoder ‘landlord’.

Carl Sargeant 2

Section 7, page 5, line 6, leave out ‘as is required by the authority and’.

Adran 7, tudalen 5, llinell 6, hepgorer ‘ag sy’n ofynnol gan yr awdurdod’.

Carl Sargeant 3

Section 7, page 5, after line 6, insert—

‘(c) includes such other information as the authority requires,’.

Adran 7, tudalen 5, ar ôl llinell 7, mewnosoder—

‘(c) yn cynnwys y gyfryw wybodaeth arall ag sy’n ofynnol gan yr awdurdod,’.

Carl Sargeant 175

Section 7, page 5, line 8, leave out 'applicant' at the first place where it appears and insert 'landlord'.

Adran 7, tudalen 5, llinell 9, hepgorer 'ceisydd' yn y lle cyntaf y mae'n ymddangos a mewnosoder 'landlord'.

Carl Sargeant 176

Section 7, page 5, line 8, leave out 'local housing' and insert 'licensing'.

Adran 7, tudalen 5, llinell 9, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 177

Section 7, page 5, line 8, leave out 'applicant' at the second place where it appears and insert 'landlord'.

Adran 7, tudalen 5, llinell 9, hepgorer 'ceisydd' yn yr ail cyntaf y mae'n ymddangos a mewnosoder 'landlord'.

Carl Sargeant 178

Section 7, page 5, line 9, leave out 'applicant' and insert 'landlord'.

Adran 7, tudalen 5, llinell 10, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 179

Section 7, page 5, line 10, leave out 'applicant' and insert 'landlord'.

Adran 7, tudalen 5, llinell 11, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 180

Section 7, page 5, line 11, leave out 'an applicant' and insert 'a landlord'.

Adran 7, tudalen 5, llinell 12, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 181

Section 7, page 5, line 11, leave out 'local housing' and insert 'licensing'.

Adran 7, tudalen 5, llinell 12, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 182

Section 7, page 5, line 12, leave out 'applicant' and insert 'landlord'.

Adran 7, tudalen 5, llinell 13, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 183

Section 7, page 5, line 13, leave out 'local housing' and insert 'licensing'.
Adran 7, tudalen 5, llinell 14, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 184

Section 7, page 5, line 13, leave out 'applicant' and insert 'landlord'.
Adran 7, tudalen 5, llinell 14, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 185

Section 7, page 5, line 15, leave out 'applicant' and insert 'landlord'.
Adran 7, tudalen 5, llinell 16, hepgorer 'ceisydd' a mewnosoder 'landlord'.

Carl Sargeant 186

Section 7, page 5, line 17, leave out subsections (5) to (6).
Adran 7, tudalen 5, llinell 18, hepgorer is-adrannau (5) hyd at (6).

Mark Isherwood 383

Section 7, page 5, line 17, after 'who', insert 'knowingly or recklessly'.
Adran 7, tudalen 5, llinell 18, ar ôl 'gamarweiniol', mewnosoder 'yn fwrriadol neu'n ddi-hid'.

Mark Isherwood 384

Page 5, line 24, leave out section 8.
Tudalen 5, llinell 25, hepgorer adran 8.

Carl Sargeant 188

Section 8, page 5, line 24, leave out subsection (1) and insert—

- '(1) A landlord who is registered under section 7 in relation to a rental property must notify the licensing authority in writing of the following changes—
 - (a) any change in the name under which the landlord is registered;
 - (b) the appointment of a person to carry out lettings work or property management work on behalf of the landlord in respect of the rental property;
 - (c) that a person who the landlord has previously appointed to carry out lettings work or property management work on behalf of the landlord in respect of the rental property has ceased to do so;
 - (d) any assignment of the landlord's interest in the rental property;
 - (e) any prescribed changes.
- (2) A landlord must comply with the duty in subsection (1) within 28 days beginning with

the first day on which the landlord knew, or should have known, of the change.’

Adran 8, tudalen 5, llinell 25, hepgorer is-adran (1) a mewnosoder –

- ‘(1) Rhaid i landlord sy’n gofrestredig o dan adran 7 mewn perthynas ag eiddo ar rent hysbysu’r awdurdod trwyddedu yn ysgrifenedig am y newidiadau a ganlyn –
- (a) unrhyw newid yn yr enw y cofrestrir y landlord oddi tano;
 - (b) penodi person i ymgymryd â gwaith gosod neu waith rheoli eiddo ar ran y landlord mewn perthynas â’r eiddo ar rent;
 - (c) bod person y benodwyd yn flaenorol gan y landlord i ymgymryd â gwaith gosod neu waith rheoli eiddo ar ran y landlord mewn perthynas â’r eiddo ar rent wedi rhoi’r gorau i wneud hynny;
 - (d) unrhyw aseiniad o fuddiant y landlord yn yr eiddo ar rent;
 - (e) unrhyw newidiadau rhagnodedig.
- (2) Rhaid i landlord gydymffurfio â’r ddyletswydd yn is-adran (1) o fewn 28 o ddiwrnodau gan ddechrau ar y diwrnod cyntaf yr oedd y landlord yn gwybod am y newid, neu y dylai fod wedi gwybod amdano.’

Carl Sargeant

189

Section 8, page 5, line 27, leave out ‘fails to comply with’ and insert ‘contravenes’.

Adran 8, tudalen 5, llinell 29, hepgorer ‘methu â chydymffurfio ag’ a mewnosoder ‘torri’.

Mark Isherwood

385

Page 5, line 32, leave out section 9.

Tudalen 5, llinell 34, hepgorer adran 9.

Carl Sargeant

192

Section 9, page 5, line 32, leave out ‘local housing’ and insert ‘licensing’.

Adran 9, tudalen 5, llinell 34, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant

193

Section 9, page 5, line 32, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 5, llinell 34, hepgorer ‘berson’ a mewnosoder ‘landlord’.

Carl Sargeant

194

Section 9, page 5, line 33, after ‘information’, insert ‘in an application under section 7 or in notifying a change under section 8’.

Adran 9, tudalen 5, llinell 35, ar ôl ‘gamarweiniol’, mewnosoder ‘mewn cais o dan adran 7 neu wrth hysbysu am newid o dan adran 8’.

Jocelyn Davies 357

Section 9, page 5, after line 35, insert –

‘(d) fails to maintain rental properties to which the registration applies to a decent standard.’.

Adran 9, tudalen 5, ar ôl llinell 37, mewnosoder –

‘(d) sy’n methu â chynnal a chadw eiddo ar rent y mae’r cofrestriad yn berthnasol iddo i safon foddhaol.’.

Mark Isherwood 386

Section 9, page 5, after line 35, insert –

‘(d) has been convicted of an offence under the Protection from Eviction Act 1977.’.

Adran 9, tudalen 5, ar ôl llinell 37, mewnosoder –

‘(d) sydd wedi ei gollfarnu am drosedd o dan Ddeddf Diogelu rhag Troi Allan 1977.’.

Carl Sargeant 195

Section 9, page 5, line 36, leave out ‘person’s’ and insert ‘landlord’s’.

Adran 9, tudalen 5, llinell 38, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 196

Section 9, page 5, line 36, leave out ‘local housing’ and insert ‘licensing’.

Adran 9, tudalen 5, llinell 38, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 197

Section 9, page 6, line 1, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 1, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 198

Section 9, page 6, line 3, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 2, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 199

Section 9, page 6, line 4, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 3, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 200

Section 9, page 6, line 5, leave out 'person's' and insert 'landlord's'.

Adran 9, tudalen 6, llinell 4, hepgorer 'person' yn y lle cyntaf y mae'n ymddangos a mewnosoder 'landlord'.

Carl Sargeant 201

Section 9, page 6, line 5, leave out 'local housing' and insert 'licensing'.

Adran 9, tudalen 6, llinell 4, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 202

Section 9, page 6, line 5, leave out 'person' and insert 'landlord'.

Adran 9, tudalen 6, llinell 4, hepgorer 'person' yn yr ail cyntaf y mae'n ymddangos a mewnosoder 'landlord'.

Carl Sargeant 203

Section 9, page 6, line 7, leave out 'person's' and insert 'landlord's'.

Adran 9, tudalen 6, llinell 6, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 204

Section 9, page 6, line 12, after 'decision', insert '(the "appeal period")'.

Adran 9, tudalen 6, llinell 11, ar ôl 'penderfyniad', mewnosoder '(y "cyfnod apelio")'.

Carl Sargeant 205

Section 9, page 6, line 13, leave out 'local housing' and insert 'licensing'.

Adran 9, tudalen 6, llinell 12, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 206

Section 9, page 6, after line 14, insert—

- (6) The tribunal may allow an appeal to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).'

Adran 9, tudalen 6, ar ôl llinell 13, mewnosoder—

- (6) Caiff y tribiwnlys ganiatáu i apêl gael ei gyflwyno iddo ar ôl diwedd y cyfnod apelio os yw'n fodlon bod rheswm da dros y methiant i apelio cyn diwedd y cyfnod hwnnw (ac am unrhyw oedi cyn gofyn am ganiatâd).'

Carl Sargeant 207

Section 9, page 6, line 15, leave out 'local housing' and insert 'licensing'.
Adran 9, tudalen 6, llinell 14, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 208

Section 9, page 6, line 16, leave out 'person' and insert 'landlord'.
Adran 9, tudalen 6, llinell 15, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 209

Section 9, page 6, line 17, leave out 'person's' and insert 'landlord's'.
Adran 9, tudalen 6, llinell 16, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 210

Section 9, page 6, line 19, leave out 'person' and insert 'landlord'.
Adran 9, tudalen 6, llinell 18, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 211

Section 9, page 6, line 19, leave out ', when the person's right of appeal expires' and insert 'within the appeal period, the expiry of that period'.
Adran 9, tudalen 6, llinell 18, hepgorer ', pan fydd hawl y person i apelio yn dod i ben' a mewnosoder 'o fewn y cyfnod apelio, pan ddaw'r cyfnod hwnnw i ben'.

Carl Sargeant 212

Section 9, page 6, line 21, leave out 'person' and insert 'landlord'.
Adran 9, tudalen 6, llinell 20, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 213

Section 9, page 6, line 21, after 'appeals', insert 'within the appeal period'.
Adran 9, tudalen 6, llinell 20, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 214

Section 9, page 6, line 23, leave out 'person' and insert 'landlord'.
Adran 9, tudalen 6, llinell 22, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 215

Section 9, page 6, line 23, after 'appeals', insert 'within the appeal period'.
Adran 9, tudalen 6, llinell 22, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 216

Section 9, page 6, line 24, leave out 'local housing' and insert 'licensing'.
Adran 9, tudalen 6, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 217

Section 9, page 6, line 26, leave out 'person' and insert 'landlord'.
Adran 9, tudalen 6, llinell 25, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 218

Section 9, page 6, line 27, leave out 'local housing' and insert 'licensing'.
Adran 9, tudalen 6, llinell 26, hepgorer 'a'r penderfyniad' a mewnosoder 'a phenderfyniad yr awdurdod trwyddedu'.

Carl Sargeant 219

Section 9, page 6, line 29, leave out 'local housing' and insert 'licensing'.
Adran 9, tudalen 6, llinell 27, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 220

Section 9, page 6, line 30, leave out 'agent or responsible person recorded on the register as having been appointed by' and insert 'person recorded on the register as having been appointed by the landlord to carry out lettings work or property management work on behalf of'.
Adran 9, tudalen 6, llinell 28, hepgorer 'asiant neu berson cyfrifol a gofnodwyd ar y gofrestr fel asiant neu berson cyfrifol a benodwyd gan' a mewnosoder 'berson a gofnodwyd ar y gofrestr fel person a benodwyd gan y landlord i ymgymryd â gwaith gosod neu waith rheoli eiddo ar ran'.

Carl Sargeant 191

To insert a new section –

[] Licences that may be granted

A licensing authority may only grant the following kinds of licence under this Part –

- (a) a licence for its area for the purpose of compliance with sections [*inserted by amendment 167*](requirement for landlords to be licensed to carry out lettings activities) and [*inserted by amendment 436*](requirement for landlords to be licensed to carry out property management activities);
- (b) a licence for its area for the purpose of compliance with sections [*inserted by amendment 171*] (requirement for agents to be licensed to carry out lettings work) and [*inserted by amendment 437*] (requirement for agents to be licensed to carry out property management work)).'

I fewnosod adran newydd –

[] Trwyddedau y caniateir eu rhoi

Ni chaiff awdurdod trwyddedu ond roi'r mathau canlynol o drwydded o dan y Rhan hon –

- (a) trwydded ar gyfer ei ardal at ddibenion cydymffurfio ag adrannau [*mewnosodir gan welliant 167*](gofyniad i landlordiaid fod yn drwyddedig i ymgymryd â gweithgareddau gosod) a [*mewnosodir gan welliant 168*] (gofyniad i landlordiaid fod yn drwyddedig i ymgymryd â gweithgareddau rheoli eiddo);
- (b) trwydded ar gyfer ei ardal at ddiben cydymffurfio ag adrannau [*mewnosodir gan welliant 171*] (gofyniad i asiantau fod yn drwyddedig i ymgymryd â gwaith gosod) a [*mewnosodir gan welliant 190*] (gofyniad i asiantau fod yn drwyddedig i ymgymryd â gwaith rheoli eiddo).'

Carl Sargeant

222

Section 10, page 7, line 3, leave out subsection (1).

Adran 10, tudalen 7, llinell 3, hepgorer is-adran (1).

Mark Isherwood

387

Section 10, page 7, line 3, leave out 'has applied' and insert 'is required'.

Adran 10, tudalen 7, llinell 3, hepgorer 'sydd wedi gwneud cais i' a mewnosoder 'y mae'n ofynnol iddo'.

Mark Isherwood

388

Section 10, page 7, line 3, leave out 'registered' and insert 'licensed'.

Adran 10, tudalen 7, llinell 3, hepgorer 'gofrestredig' a mewnosoder 'drwyddedig'.

Mark Isherwood

389

Section 10, page 7, line 3, leave out '7' and insert '5'.

Adran 10, tudalen 7, llinell 3, hepgorer '7' a mewnosoder '5'.

Mark Isherwood

390

Section 10, page 7, after line 4, insert –

- '() Any person who intends to act as an agent or responsible person in relation to any property (whether a specific property or properties generally) may apply to be licensed by the local housing authority.'

Adran 10, tudalen 7, ar ôl llinell 4, mewnosoder –

- '() Caiff unrhyw berson sy'n bwriadu gweithredu fel asiant neu berson cyfrifol mewn perthynas ag unrhyw eiddo (boed yn eiddo penodol neu eiddo yn gyffredinol) wneud

cais i fod yn drwyddedig gan yr awdurdod tai lleol.’.

Carl Sargeant 223

Section 10, page 7, line 6, leave out ‘local housing’ and insert ‘licensing’.

Adran 10, tudalen 7, llinell 6, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 4

Section 10, page 7, line 7, leave out ‘as is required by the authority or’.

Adran 10, tudalen 7, llinell 7, hepgorer ‘ofynnol gan yr awdurdod tai lleol neu ag a ragnodir’ a mewnosoder ‘rhagnodedig’.

Carl Sargeant 5

Section 10, page 7, after line 7, insert—

‘(c) provide such other information as the authority requires,’.

Adran 10, tudalen 7, ar ôl llinell 8, mewnosoder—

‘(c) darparu’r gyfryw wybodaeth arall ag sy’n ofynnol gan yr awdurdod,’.

Carl Sargeant 6

Section 10, page 7, line 8, leave out ‘if any fee is prescribed,’.

Adran 10, tudalen 7, llinell 9, hepgorer ‘os rhagnodir unrhyw ffi, gael’ a mewnosoder ‘cael’.

Carl Sargeant 224

Section 10, page 7, line 9, leave out ‘local housing’ and insert ‘licensing’.

Adran 10, tudalen 7, llinell 10, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 225

Section 10, page 7, line 11, after ‘to’, insert ‘letting and’.

Adran 10, tudalen 7, llinell 12, ar ôl ‘â’, mewnosoder ‘gosod a’.

Carl Sargeant 226

Section 10, page 7, line 13, leave out ‘an agent’ and insert ‘applying for a licence to carry out lettings work and property management work on behalf of a landlord and the applicant will be doing so in the course of a business’.

Adran 10, tudalen 7, llinell 14, hepgorer ‘asiant’ a mewnosoder ‘gwneud cais am drwydded i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran landlord ac y bydd y ceisydd yn gwneud hynny yn rhinwedd busnes’.

Mark Isherwood 391

Section 10, page 7, after line 14, insert—

‘(d) where the applicant is an agent, that the applicant is a member of a consumer redress scheme.’.

Adran 10, tudalen 7, ar ôl llinell 15, mewnosoder—

‘(d) pan fo’r ceisydd yn asiant, bod y ceisydd yn aelod o gynllun unioni cam defnyddwyr.’.

Carl Sargeant 227

Section 10, page 7, line 17, after ‘in’, insert ‘letting and’.

Adran 10, tudalen 7, llinell 17, ar ôl ‘a’, mewnosoder ‘gosod a’.

Mark Isherwood 392

Section 10, page 7, line 22, after ‘staff’, insert ‘who provides advice to the landlord or tenant or exercises a discretion on behalf of the landlord’.

Adran 10, tudalen 7, llinell 23, ar ôl ‘corff’, mewnosoder ‘sy’n rhoi cyngor i’r landlord neu’r tenant neu sy’n arfer disgresiwn ar ran y landlord’.

Carl Sargeant 228

Section 10, page 7, line 23, leave out subsections (6) to (7).

Adran 10, tudalen 7, llinell 24, hepgorer is-adrannau (6) hyd at (7).

Carl Sargeant 230

Section 11, page 7, line 31, leave out ‘local housing’ and insert ‘licensing’.

Adran 11, tudalen 7, llinell 32, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Mark Isherwood 393

Section 11, page 7, line 32, leave out ‘appropriate’ and insert ‘relevant’.

Adran 11, tudalen 7, llinell 33, hepgorer ‘briodol’ a mewnosoder ‘berthnasol’.

Carl Sargeant 231

Section 11, page 7, line 33, leave out ‘local housing’ and insert ‘licensing’.

Adran 11, tudalen 7, llinell 34, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 89

Section 11, page 7, line 34, leave out ‘(6)’ and insert ‘(5)’.

Adran 11, tudalen 7, llinell 35, hepgorer '(6)' a mewnosoder '(5)'.

Mark Isherwood 394

Section 11, page 8, at the beginning of line 4, insert 'has been found by a court or tribunal to have'.

Adran 11, tudalen 8, ar ddechrau llinell 4, mewnosoder 'wedi'i gael yn euog gan lys neu dribiwnlys ei fod'.

Carl Sargeant 90

Section 11, page 8, line 6, after '2010', insert ', or victimised another person contrary to that Act,'.

Adran 11, tudalen 8, llinell 5, ar ôl '2010', mewnosoder ', neu wedi erlid person arall yn groes i'r Ddeddf honno,'.

Carl Sargeant 91

Section 11, page 8, line 7, leave out 'failed to comply with' and insert 'contravened'.

Adran 11, tudalen 8, llinell 7, hepgorer 'methu â chydymffurfio ag' a mewnosoder 'torri'.

Mark Isherwood 395

Section 11, page 8, line 7, after 'failed', insert 'or is failing'.

Adran 11, tudalen 8, llinell 7, ar ôl 'â', mewnosoder 'neu yn methu â'.

Carl Sargeant 232

Section 11, page 8, line 13, leave out 'local housing' and insert 'licensing'.

Adran 11, tudalen 8, llinell 14, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 233

Section 11, page 8, line 16, leave out 'local housing' and insert 'licensing'.

Adran 11, tudalen 8, llinell 18, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 234

Section 11, page 8, line 18, leave out 'local housing' and insert 'licensing'.

Adran 11, tudalen 8, llinell 20, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 235

Section 12, page 8, line 21, leave out 'local housing' and insert 'licensing'.

Adran 12, tudalen 8, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 396

Section 12, page 8, line 21, leave out 'may' and insert 'must'.

Adran 12, tudalen 8, llinell 23, hepgorer 'Caiff yr' a mewnosoder 'Rhaid i'r'.

Carl Sargeant 236

Section 12, page 8, line 25, leave out 'or responsible person' and insert 'who carries out lettings work or property management work'.

Adran 12, tudalen 8, llinell 27, hepgorer 'neu berson cyfrifol' a mewnosoder 'sy'n ymgymryd â gwaith gosod neu waith rheoli eiddo'.

Mark Isherwood 397

Section 12, page 8, line 25, leave out 'or responsible person'.

Adran 12, tudalen 8, llinell 27, hepgorer 'neu berson cyfrifol'.

Carl Sargeant 237

Section 12, page 8, line 26, leave out 'managing a rental property' and insert 'letting and managing dwellings subject to, or marketed or offered for let under, a domestic tenancy'.

Adran 12, tudalen 8, llinell 28, hepgorer 'reoli eiddo ar rent' a mewnosoder 'osod a rheoli anheddau sy'n ddarostyngedig i denantiaeth ddomestig, neu'n cael ei marchnata neu ei chynnig i'w gosod oddi tani'.

Mark Isherwood 398

Section 12, page 8, after line 26, insert—

'(e) unlawful discrimination and harassment and the protected characteristics under the Equality Act 2010.'

Adran 12, tudalen 8, ar ôl llinell 28, mewnosoder—

'(e) gwahaniaethu ac aflonyddu anghyfreithlon a'r nodweddion gwarchoddedig o dan Ddeddf Cydraddoldeb 2010.'

Mark Isherwood 399

Section 12, page 8, after line 26, insert—

'(f) compliance with their duties under section [to be inserted by amendment 416].'

Adran 12, tudalen 8, ar ôl llinell 28, mewnosoder—

'(f) cydymffurfiaeth â'u dyletswyddau o dan adran [sy'n cael ei mewnosod gan welliant 416].'

Carl Sargeant 238

Section 12, page 8, line 27, leave out 'local housing' and insert 'licensing'.

Adran 12, tudalen 8, llinell 29, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Peter Black 121

Section 12, page 8, after line 27, insert—

'(3) The Welsh Ministers must ensure the provision of a programme of Continuing Professional Development for landlords and agents, and must do so, as far as is reasonably practicable, in collaboration with landlords and agents and their representatives.'

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 3: We recommend that the Minister develops, in conjunction with the private rented sector, a programme of Continuing Professional Development for landlords and agents as an extension of the training required under section 12. This amendment ensures Continuing Professional Development is a duty for Ministers.]

Adran 12, tudalen 8, ar ôl llinell 30, mewnosoder—

'(3) Rhaid i Weinidogion Cymru sicrhau bod rhaglen o Ddatblygiad Proffesiynol Parhaus yn cael ei darparu ar gyfer landlordiaid ac asiantau, a rhaid gwneud hynny, cyn belled ag y bo'n ymarferol resymol, mewn cydweithrediad â landlordiaid ac asiantau a'u cynrychiolwyr.'

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 3: Rydym yn argymhell bod y Gweinidog yn datblygu, ar y cyd â'r sector rhentu preifat, raglen Datblygiad Proffesiynol Parhaus i landlordiaid ac asiantau fel estyniad o'r hyfforddiant sy'n ofynnol o dan adran 12. Mae'r gwelliant hwn yn sicrhau bod Datblygiad Proffesiynol Parhaus yn ddyletswydd i Weinidogion.]

Carl Sargeant 239

Section 13, page 8, line 29, leave out 'local housing' and insert 'licensing'.

Adran 13, tudalen 8, llinell 32, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 240

Section 13, page 8, line 31, leave out 'local housing' and insert 'licensing'.

Adran 13, tudalen 8, llinell 34, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 241

Section 13, page 8, line 35, leave out 'local housing' and insert 'licensing'.

Adran 13, tudalen 8, llinell 38, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant

242

Section 13, page 9, line 2, leave out 'local housing' and insert 'licensing'.

Adran 13, tudalen 9, llinell 2, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood

400

Section 14, page 9, line 5, leave out subsections (1) to (2) and insert –

'() A local housing authority may grant a licence subject to such conditions relating to the management of rental properties as it considers appropriate.'

Adran 14, tudalen 9, llinell 4, hepgorer is-adrannau (1) hyd at (2) a mewnosoder –

'() Caiff awdurdod tai lleol roi trwydded yn ddarostyngedig i unrhyw amodau sy'n ymwneud â rheoli eiddo ar rent y mae'n eu hystyried yn briodol.'

Peter Black

122

Section 14, page 9, after line 6, insert –

'() A licence must be granted subject to a condition that the licence holder undertakes such Continuing Professional Development as the local authority considers appropriate in relation to the matters referred to in section 12(1).'

[This amendment follows amendment 121 allowing a licence to be granted if the landlord or agent has undertaken the appropriate training.]

Adran 14, tudalen 9, ar ôl llinell 6, mewnosoder –

'() Rhaid rhoi trwydded yn ddarostyngedig i amod bod deiliad y drwydded yn ymgymryd â Datblygiad Proffesiynol Parhaus o'r fath y mae'r awdurdod lleol o'r farn sy'n briodol mewn cysylltiad â'r materion y cyfeirir atynt yn adran 12(1).'

[Mae'r gwelliant hwn yn dilyn gwelliant 121 yn caniatáu rhoi trwydded os yw'r landlord neu'r tenant wedi ymgymryd â'r hyfforddiant priodol.]

Peter Black

123

Section 14, page 9, after line 6, insert –

'() A licence must be granted subject to a condition that where a Housing Health and Safety Rating System inspection has been carried out in relation to any rental property, the landlord must make available a copy of the report to the tenant and any new or prospective tenants of that property.'

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 11: We recommend that where a Housing Health and Safety Rating System inspection has been carried out on a property, the report of the inspection should be made available to any new or prospective tenants.]

Adran 14, tudalen 9, ar ôl llinell 6, mewnosoder –

- ‘() Rhaid rhoi trwydded yn ddarostyngedig i amod, pan fydd archwiliad System Raddio Iechyd a Diogelwch Tai wedi cael ei gynnal mewn cysylltiad ag unrhyw eiddo ar rent, bod yn rhaid i’r landlord sicrhau bod copi o’r adroddiad ar gael i’r tenant neu unrhyw denantiaid newydd neu ddarpar denantiaid o’r eiddo hwnnw.’.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 11: Rydym yn argymhell lle y mae archwiliad System Mesur Iechyd a Diogelwch ar gyfer Tai wedi'i gynnal ar eiddo, y dylai adroddiad yr archwiliad fod ar gael i unrhyw denantiaid neu ddarpar denantiaid.]

Carl Sargeant

243

Section 14, page 9, line 7, leave out ‘local housing’ and insert ‘licensing’.

Adran 14, tudalen 9, llinell 7, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant

439

Section 15, page 9, line 10, leave out subsection (1) and insert –

- ‘() A licence holder must notify the licensing authority in writing of the following changes –
- (a) any change in the name under which the licence holder is licensed;
 - (b) any prescribed changes.
- () A licence holder must comply with the duty in subsection (1) within 28 days beginning with the first day on which the licence holder knew, or should have known, of the change.’.

Adran 15, tudalen 9, llinell 10, hepgorer is-adran (1) a mewnosoder –

- ‘() Rhaid i ddeiliad trwydded hysbysu’r awdurdod trwyddedu yn ysgrifenedig am y newidiadau a ganlyn –
- (a) unrhyw newid yn yr enw y cofrestrir deiliad y drwydded oddi tano;
 - (b) unrhyw newidiadau rhagnodedig.
- () Rhaid i ddeiliad trwydded gydymffurfio â’r ddyletswydd yn is-adran (1) o fewn 28 o ddiwrnodau gan ddechrau ar y diwrnod cyntaf yr oedd deiliad y drwydded yn gwybod am y newid, neu y dylai fod wedi gwybod amdano.’.

Carl Sargeant

245

Section 15, page 9, line 14, leave out ‘fails to comply with’ and insert ‘contravenes’.

Adran 15, tudalen 9, llinell 14, hepgorer ‘methu â chydymffurfio â’r is-adran’ a mewnosoder ‘torri’r adran’.

Carl Sargeant

246

Page 9, line 19, leave out section 16.

Tudalen 9, llinell 19, hepgorer adran 16.

Carl Sargeant 247

Section 17, page 9, line 26, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 9, llinell 26, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 403

Section 17, page 9, after line 31, insert—

'() New licence conditions may not be imposed that are more demanding than those imposed when the licence was granted.'

Adran 17, tudalen 9, ar ôl llinell 31, mewnosoder—

'() Ni chaniateir gosod amodau trwydded newydd sy'n llymach na'r amodau a osodwyd pan roddwyd y drwydded.'

Carl Sargeant 248

Section 17, page 9, line 32, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 9, llinell 32, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 249

Section 17, page 10, line 2, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 10, llinell 2, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 250

Section 17, page 10, line 4, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 10, llinell 4, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 251

Section 17, page 10, line 10, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 10, llinell 10, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 252

Section 17, page 10, line 13, leave out ', when the licence holder's right of appeal expires' and insert 'within the appeal period, the expiry of that period'.

Adran 17, tudalen 10, llinell 13, hepgorer ', pan fydd hawl deiliad y drwydded i apelio yn dod i ben' a mewnosoder 'o fewn y cyfnod apelio, pan ddaw'r cyfnod hwnnw i ben'.

Carl Sargeant 253

Section 17, page 10, line 14, after 'appeals', insert 'within the appeal period'.

Adran 17, tudalen 10, llinell 14, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 254

Section 17, page 10, line 16, after 'appeals', insert 'within the appeal period'.

Adran 17, tudalen 10, llinell 16, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 255

Section 17, page 10, line 17, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 10, llinell 17, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 256

Section 17, page 10, line 20, leave out 'local housing' and insert 'licensing'.

Adran 17, tudalen 10, llinell 21, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 257

Section 17, page 10, after line 21, insert—

'(7) The "appeal period" for the purposes of subsection (6) is the period mentioned in section 20(3)(a) (licensing appeals).'

Adran 17, tudalen 10, ar ôl llinell 21, mewnosoder—

'(7) Y "cyfnod apelio" at ddibenion is-adran (6) yw'r cyfnod hwnnw a grybwyllir yn adran 20(3)(a) (apelau trwyddedu).'

Carl Sargeant 258

Section 18, page 10, line 23, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 10, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 404

Section 18, page 10, line 24, after 'licence' at the second place where it appears, insert 'if the breach is of a serious or repeated nature'.

Adran 18, tudalen 10, llinell 24, ar ôl 'drwydded' yn yr ail le y mae'n ymddangos, mewnosoder 'a hynny mewn ffordd ddifrifol neu sawl gwaith'.

Carl Sargeant 259

Section 18, page 10, line 29, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 10, llinell 29, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Jocelyn Davies 149

Gyda chefnogaeth/ Supported by: Peter Black

Section 18, page 10, after line 30, insert –

'(e) the licence holder fails to maintain rental properties which the licence holder manages to a decent standard.'

Adran 18, tudalen 10, ar ôl llinell 30, mewnosoder –

'(e) os yw deiliad y drwydded yn methu â chynnal a chadw eiddo ar rent a reolir gan ddeiliad y drwydded i safon foddhaol.'

Mark Isherwood 405

Section 18, page 10, after line 30, insert –

'(e) the licence holder has been convicted of an offence under the Protection from Eviction Act 1977.'

Adran 18, tudalen 10, ar ôl llinell 30, mewnosoder –

'(e) os yw deiliad y drwydded wedi ei gollfarnu am drosedd o dan Ddeddf Diogelu rhag Troi Allan 1977.'

Carl Sargeant 260

Section 18, page 10, line 31, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 10, llinell 31, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 261

Section 18, page 11, line 1, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 11, llinell 1, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 262

Section 18, page 11, line 3, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 11, llinell 3, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 263

Section 18, page 11, line 7, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 11, llinell 8, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 264

Section 18, page 11, line 9, leave out ‘, when the licence holder’s right of appeal expires’ and insert ‘within the appeal period, the expiry of that period’.

Adran 18, tudalen 11, llinell 11, hepgorer ‘, pan fydd hawl y person i apelio yn dod i ben’ a mewnosoder ‘o fewn y cyfnod apelio, pan ddaw’r cyfnod hwnnw i ben’.

Carl Sargeant 265

Section 18, page 11, line 11, after ‘appeals’, insert ‘within the appeal period’.

Adran 18, tudalen 11, llinell 12, ar ôl ‘apelio’, mewnosoder ‘o fewn y cyfnod apelio’.

Carl Sargeant 266

Section 18, page 11, line 13, after ‘appeals’, insert ‘within the appeal period’.

Adran 18, tudalen 11, llinell 14, ar ôl ‘apelio’, mewnosoder ‘o fewn y cyfnod apelio’.

Carl Sargeant 267

Section 18, page 11, line 14, leave out ‘local housing’ and insert ‘licensing’.

Adran 18, tudalen 11, llinell 15, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 268

Section 18, page 11, line 17, leave out ‘local housing’ and insert ‘licensing’.

Adran 18, tudalen 11, llinell 19, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 269

Section 18, page 11, after line 18, insert—

‘(6) The “appeal period” for the purposes of subsection (5) is the period mentioned in section 20(3)(a) (licensing appeals).’.

Adran 18, tudalen 11, ar ôl llinell 19, mewnosoder—

‘(6) Y “cyfnod apelio” at ddibenion is-adran (5) yw’r cyfnod hwnnw a grybwyllir yn adran 20(3)(a) (apelau trwyddedu).’.

Carl Sargeant 270

Section 18, page 11, line 19, leave out ‘an agent or responsible person’s licence’ and insert ‘a person’s licence to carry out lettings work and property management work on behalf of a landlord’.

Adran 18, tudalen 11, llinell 20, hepgorer ‘asiant neu berson cyfrifol’ a mewnosoder ‘person i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran landlord’.

Mark Isherwood 406

Section 18, page 11, line 19, leave out 'agent or responsible person's' and insert 'agent's'.
Adran 18, tudalen 11, llinell 20, hepgorer 'neu berson cyfrifol'.

Carl Sargeant 271

Section 18, page 11, line 19, leave out 'local housing' and insert 'licensing'.
Adran 18, tudalen 11, llinell 20, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 272

Section 18, page 11, line 20, leave out 'the agent or responsible' and insert 'that'.
Adran 18, tudalen 11, llinell 21, hepgorer 'yr asiant neu berson cyfrifol' a mewnosoder 'y person hwnnw'.

Mark Isherwood 407

Section 18, page 11, line 20, leave out 'or responsible person'.
Adran 18, tudalen 11, llinell 22, hepgorer 'neu berson cyfrifol'.

Carl Sargeant 273

Section 18, page 11, line 22, leave out 'local housing' and insert 'licensing'.
Adran 18, tudalen 11, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 274

Section 19, page 11, line 37, leave out ', the date on which the licence holder's right of appeal expires' and insert 'within the appeal period, the date of expiry of that period'.
Adran 19, tudalen 11, llinell 39, hepgorer ', y dyddiad y daw hawl deiliad y drwydded i apelio i ben' a mewnosoder 'o fewn y cyfnod apelio, pan ddaw'r cyfnod hwnnw i ben'.

Carl Sargeant 275

Section 19, page 11, line 39, after 'appeals', insert 'within the appeal period'.
Adran 19, tudalen 11, llinell 40, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 276

Section 19, page 12, line 1, after 'appeals', insert 'within the appeal period'.
Adran 19, tudalen 12, llinell 1, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 277

Section 19, page 12, line 2, leave out 'local housing' and insert 'licensing'.
Adran 19, tudalen 12, llinell 2, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 278

Section 19, page 12, line 5, leave out 'local housing' and insert 'licensing'.
Adran 19, tudalen 12, llinell 6, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 279

Section 19, page 12, after line 6, insert—

'(6) The "appeal period" for the purposes of subsection (5) is the period mentioned in section 20(3)(a) (licensing appeals).'

Adran 19, tudalen 12, ar ôl llinell 6, mewnosoder—

'(6) Y "cyfnod apelio" at ddibenion is-adran (5) yw'r cyfnod hwnnw a grybwyllir yn adran 20(3)(a) (apelau trwyddedu).'

Carl Sargeant 280

Section 20, page 12, line 15, leave out 'local housing' and insert 'licensing'.
Adran 20, tudalen 12, llinell 16, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 408

Section 20, page 12, line 24, after 'must', insert ', subject to paragraph (c)'.
Adran 20, tudalen 12, ar ddechrau llinell 24, mewnosoder 'yn ddarostyngedig i baragraff (c)'.
'(c) may be allowed by the appropriate tribunal to be made to it after the end of the period mentioned in paragraph (a) if it is satisfied that there is a good reason for

Carl Sargeant 281

Section 20, page 12, line 25, after 'decision', insert '(the "appeal period")'.
Adran 20, tudalen 12, llinell 25, ar ôl 'penderfyniad', mewnosoder '(y "cyfnod apelio")'.

Carl Sargeant 282

Section 20, page 12, line 26, leave out 'local housing' and insert 'licensing'.
Adran 20, tudalen 12, llinell 26, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 409

Section 20, page 12, after line 27, insert—

'(c) may be allowed by the appropriate tribunal to be made to it after the end of the period mentioned in paragraph (a) if it is satisfied that there is a good reason for

the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).’.

Adran 20, tudalen 12, ar ôl llinell 27, mewnosoder –

‘(c) caiff y tribiwnlys priodol ganiatáu iddo gael ei gyflwyno ar ôl diwedd y cyfnod a grybwyllir ym mharagraff (a) os yw’n fodlon bod rheswm da am fethu â chyflwyno apêl cyn diwedd y cyfnod hwnnw (ac am unrhyw oedi ers hynny wrth wneud cais am ganiatâd i apelio y tu hwnt i’r cyfnod a nodwyd).’.

Carl Sargeant

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Section 20, page 12, after line 27, insert –

‘() The tribunal may allow an appeal to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).’.

Adran 20, tudalen 12, ar ôl llinell 27, mewnosoder –

‘() Caiff y tribiwnlys ganiatáu i apêl gael ei gyflwyno iddo ar ôl diwedd y cyfnod apelio os yw’n fodlon bod rheswm da dros y methiant i apelio cyn diwedd y cyfnod hwnnw (ac am unrhyw oedi cyn gofyn am ganiatâd).’.

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Section 20, page 12, line 28, leave out ‘local housing’ and insert ‘licensing’.

Adran 20, tudalen 12, llinell 28, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant

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Section 20, page 12, line 30, leave out ‘that is not subject to the condition’ and insert ‘on such terms as the tribunal considers appropriate’.

Adran 20, tudalen 12, llinell 30, hepgorer ‘nad yw’n ddarostyngedig i’r amod’ a mewnosoder ‘ar y cyfryw delerau ag y mae’r tribiwnlys yn eu hystyried yn briodol’.

Carl Sargeant

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Section 20, page 12, line 32, after ‘licence’, insert ‘on such terms as the tribunal considers appropriate’.

Adran 20, tudalen 12, llinell 33, ar ôl ‘trwydded’, mewnosoder ‘ar y cyfryw delerau ag y mae’r tribiwnlys yn eu hystyried yn briodol’.

Carl Sargeant

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Section 20, page 12, line 34, after ‘licence’, insert ‘or to amend the licence on such terms as the tribunal considers appropriate’.

Adran 20, tudalen 12, llinell 35, ar ôl 'drwydded', mewnosoder 'neu i ddiwygio'r drwydded ar y cyfryw delerau ag y mae'r tribiwnlys yn eu hystyried yn briodol'.

Carl Sargeant 285

Section 20, page 12, line 36, leave out 'local housing' and insert 'licensing'.

Adran 20, tudalen 12, llinell 37, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 286

Page 13, line 3, leave out section 21 and insert –

[] Rent stopping orders

- (1) A residential property tribunal may, in accordance with this section, make an order (a "rent stopping order") in relation to a dwelling subject to a domestic tenancy on an application made to it by –
 - (a) the licensing authority for the area in which the dwelling is located, or
 - (b) the local housing authority for that area.
- (2) But a local housing authority may not make an application under subsection (1) without the consent of the licensing authority mentioned in paragraph (a) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.
- (3) Where the tribunal makes a rent stopping order –
 - (a) periodical payments payable in connection with any domestic tenancy of the dwelling to which the order relates are, from a date specified in the order (the "stopping date"), not payable,
 - (b) any provision of such a tenancy requiring payment of an amount stopped by the order is to be treated as being met,
 - (c) all other rights and obligations under such a tenancy continue unaffected,
 - (d) any periodical payments paid by a tenant within the period of 28 days beginning with the stopping date are to be repaid by the landlord before the end of the period of 28 days beginning with the date of payment (unless those payments were made in consequence of an order made under section [inserted by amendment 287] revoking the rent stopping order), and
 - (e) the authority which made the application for the order must give a copy of the order to –
 - (i) the landlord of the dwelling to which the order relates;
 - (ii) the tenant of the dwelling.
- (4) The tribunal may not specify a stopping date in a rent stopping order which precedes the date on which the order is made.
- (5) An amount payable by virtue of subsection (3)(d) which is not repaid within the period for repayment required by that subsection is recoverable by the tenant as a debt due to the tenant from the landlord.

- (6) The tribunal may make a rent stopping order only if it is satisfied of the matters mentioned in subsections (7) and (8).
- (7) The tribunal must be satisfied that an offence is being committed under [*inserted by amendment 436*](5) in relation to the dwelling (whether or not a person has been convicted or charged for the offence).
- (8) The tribunal must be satisfied that—
 - (a) the authority making the application has given the landlord and the tenant of the dwelling a notice (a “notice of intended proceedings”)—
 - (i) explaining that the authority is proposing to apply for a rent stopping order,
 - (ii) setting out the reasons why it proposes to do so,
 - (iii) explaining the effect of a rent stopping order,
 - (iv) explaining how a rent stopping order may be revoked, and
 - (v) in the case of a notice to a landlord, inviting the landlord to make representations to the authority within a period of not less than 28 days specified in the notice;
 - (b) the period for making representations has expired; and
 - (c) the authority considered any representations made to it within that period by the landlord.
- (9) In subsection (7) and section [*inserted by amendment 287*](2)(b), the reference to an offence being committed under [*inserted by amendment 436*](5) does not include an offence committed in consequence of a contravention of subsection (3) of [*inserted by amendment 436*].’.

Tudalen 13, llinell 3, hepgorer adran 21 a mewnosoder —

[] Gorchmynion atal rhent

- (1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon, wneud gorchmyn (“gorchmyn atal rhent”) mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig ar gais a wnaed iddo gan y canlynol—
 - (a) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi, neu
 - (b) yr awdurdod tai lleol ar gyfer yr ardal honno.
- (2) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (1) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a) o’r is-adran honno (oni bai mai’r awdurdod tai lleol yw’r awdurdod trwyddedu); a chaniateir i gydsyniad at y diben hwnnw gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.
- (3) Pan fo’r tribiwnlys yn gwneud gorchmyn atal rhent—
 - (a) nid yw taliadau cyfnodol sy’n daladwy mewn cysylltiad ag unrhyw denantiaeth ddomestig o’r annedd y mae’r gorchmyn yn ymwneud â hi, o ddyddiad a bennir yn y gorchmyn (y “dyddiad atal”), yn daladwy,

- (b) mae unrhyw ddarpariaeth yn y gyfryw denantiaeth sy'n ei gwneud yn ofynnol talu swm sy'n cael ei atal gan y gorchymyn i'w thrin fel pe bai'n cael ei chyflawni,
 - (c) mae'r holl hawliau a rhwymedigaethau eraill o dan y gyfryw denantiaeth yn parhau heb unrhyw effaith arnynt,
 - (d) mae unrhyw daliadau cyfnodol a delir gan denant o fewn y cyfnod o 28 o ddiwrnodau sy'n dechrau gyda'r dyddiad atal i gael eu had-dalu gan y landlord cyn diwedd y cyfnod o 28 o ddiwrnodau gan ddechrau ar ddyddiad y taliad (oni bai bod y taliadau hynny wedi cael eu gwneud o ganlyniad i orchymyn a wnaed o dan adran [mewnosoder gan welliant 287] yn dirymu'r gorchymyn atal rhent), a
 - (e) rhaid i'r awdurdod a wnaeth y cais am y gorchymyn roi copi o'r gorchymyn hwnnw i'r canlynol—
 - (i) landlord yr annedd y mae'r gorchymyn yn ymwneud â hi;
 - (ii) tenant yr annedd.
- (4) Ni chaiff y tribiwnlys bennu dyddiad atal mewn gorchymyn atal rhent sy'n gynharach na'r dyddiad y gwneir y gorchymyn.
- (5) Mae swm sy'n daladwy yn rhinwedd is-adran (3)(d) nad yw'n cael ei ad-dalu o fewn y cyfnod ar gyfer ad-dalu fel sy'n ofynnol gan yr is-adran honno yn adenilladwy gan y tenant fel dyled sy'n ddyledus i'r tenant gan y landlord.
- (6) Caiff y tribiwnlys wneud gorchymyn atal rhent dim ond os yw wedi ei fodloni o'r materion a grybwyllir yn is-adrannau (7) a (8).
- (7) Rhaid bod y tribiwnlys wedi ei fodloni bod trosedd yn cael ei chyflawni o dan [adran newydd i'w mewnosod gan welliant 436](5) mewn perthynas â'r annedd (pa un a oes person wedi ei gollfarnu neu ei gyhuddo o'r drosedd ai peidio).
- (8) Rhaid bod y tribiwnlys wedi ei fodloni ynghylch y canlynol—
- (a) mae'r awdurdod sy'n ceisio am orchymyn wedi rhoi hysbysiad ("hysbysiad o achos arfaethedig") i landlord a thenant yr annedd—
 - (i) sy'n esbonio bod yr awdurdod yn bwriadu gwneud cais am orchymyn atal rhent,
 - (ii) sy'n nodi'r rhesymau pam y mae'n bwriadu gwneud hynny,
 - (iii) sy'n esbonio effaith gorchymyn atal rhent,
 - (iv) sy'n esbonio sut y caiff gorchymyn atal rhent ei ddirymu, a
 - (v) yn achos hysbysiad i landlord, sy'n gwahodd y landlord i gyflwyno sylwadau i'r awdurdod o fewn cyfnod o ddim llai na 28 o ddiwrnodau a bennir yn yr hysbysiad;
 - (b) mae'r cyfnod ar gyfer cyflwyno sylwadau wedi dod i ben; ac
 - (c) ystyriodd yr awdurdod unrhyw sylwadau a gyflwynwyd iddo o fewn y cyfnod hwnnw gan y landlord.
- (9) Yn is-adran (7) ac adran [mewnosoder gan welliant 287](2)(b), nid yw'r cyfeiriad at drosedd yn cael ei chyflawni dan [mewnosoder gan welliant 436](5) yn cynnwys trosedd a gyflawnwyd o ganlyniad i dorri is-adran (3) [mewnosoder gan welliant 436]. '.

Carl Sargeant

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To insert a new section –

[1] Revocation of rent stopping orders

- (1) A residential property tribunal may, in accordance with this section, revoke a rent stopping order made in respect of a dwelling under section [inserted by amendment 286].
- (2) The tribunal may revoke an order only –
 - (a) on an application by –
 - (i) the licensing authority for the area in which the dwelling is located,
 - (ii) the local housing authority for that area, or
 - (iii) the landlord of the dwelling, and
 - (b) if it is satisfied that an offence under [inserted by amendment 436](5) is no longer being committed in relation to the dwelling.
- (3) But a local housing authority may not make an application under subsection (2) without the consent of the licensing authority mentioned in paragraph (a)(i) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.
- (4) Where the tribunal gives a direction revoking a rent stopping order –
 - (a) periodical payments payable in connection with a tenancy of the dwelling become payable from a date specified in the order containing the direction (which may, if the tribunal considers it appropriate, be a date earlier than the date on which the order is made); and
 - (b) the authority which made the application for the order must give a copy of that order and an explanation of its effect to –
 - (i) the tenant of the dwelling (if the dwelling is subject to a domestic tenancy when the order is made); and
 - (ii) where the application for the order was made by the authority or a local housing authority, the landlord.’.

I fewnosod adran newydd –

[1] Dirymu gorchmynion atal rhent

- (1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon, ddirymu gorchmyn atal rhent a wnaed mewn cysylltiad ag annedd o dan adran [mewnosodir gan welliant 286] .
- (2) Caiff y tribiwnlys ddirymu gorchmyn dim ond –
 - (a) ar gais gan y canlynol –
 - (i) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,
 - (ii) yr awdurdod tai lleol ar gyfer yr ardal honno, neu
 - (iii) landlord yr annedd, a

- (b) os yw wedi ei fodloni nad yw trosedd o dan [adran newydd i'w mewnosod gan welliant 436](5) bellach yn cael ei chyflawni mewn perthynas â'r annedd.
- (3) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (2) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a)(i) o'r is-adran honno (oni bai mai'r awdurdod tai lleol yw'r awdurdod trwyddedu); a chaiff cydsyniad at y diben hwnnw gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.
- (4) Pan fo'r tribiwnlys yn rhoi cyfarwyddyd sy'n dirymu gorchymyn atal rhent—
- (a) daw taliadau cyfnodol sy'n daladwy mewn cysylltiad â thenantiaeth yr annedd yn daladwy o ddyddiad a bennir yn y gorchymyn sy'n cynnwys y cyfarwyddyd (a gaiff, os yw'r tribiwnlys yn ystyried bod hynny'n briodol, fod yn ddyddiad cynharach na dyddiad gwneud y gorchymyn); a
- (b) rhaid i'r awdurdod a wnaeth y cais am y gorchymyn roi copi o'r gorchymyn hwnnw ac esboniad o'i effaith i'r canlynol—
- (i) tenant yr annedd (os yw'r annedd yn ddarostyngedig i denantiaeth ddomestig pan wneir y gorchymyn); a
- (ii) pan fo'r cais am y gorchymyn wedi ei wneud gan yr awdurdod neu awdurdod tai lleol, y landlord.'.

Carl Sargeant

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To insert a new section—

[] Rent repayment orders

- (1) A residential property tribunal may, in accordance with this section and section [inserted by amendment 290], make an order (a "rent repayment order") in relation to a dwelling on an application made to it by—
- (a) the licensing authority for the area in which the dwelling is located,
- (b) the local housing authority for that area, or
- (c) a tenant of the dwelling.
- (2) But a local housing authority may not make an application under subsection (1) without the consent of the licensing authority mentioned in paragraph (a) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.
- (3) A "rent repayment order" is an order made in relation to a dwelling which requires the appropriate person (see subsection (8)) to pay to the applicant such amount in respect of the relevant award or awards of universal credit or the housing benefit paid as mentioned in subsection (5)(b), or (as the case may be) the periodical payments paid as mentioned in subsection (7)(b), as is specified in the order.
- (4) The tribunal may make a rent repayment order only if it is satisfied—
- (a) where the applicant is the licensing authority or a local housing authority (as the case may be), of the matters mentioned in subsection (5);
- (b) where the applicant is a tenant, of the matters mentioned in subsection (7).

- (5) The tribunal must be satisfied –
- (a) that at any time within the period of 12 months ending with the date of the notice of intended proceedings required by subsection (6) an offence under [*section inserted by amendment 436*](5) has been committed in relation to the dwelling (whether or not a person has been charged or convicted for the offence);
 - (b) that –
 - (i) one or more relevant awards of universal credit have been paid (to any person); or
 - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with a domestic tenancy of the dwelling, during any period during which it appears to the tribunal that such an offence was being committed; and
 - (c) the requirements of subsection (6) have been complied with in relation to the application.
- (6) Those requirements are –
- (a) that the authority making the application must have given the appropriate person a notice (a “notice of intended proceedings”) –
 - (i) informing the person that the authority is proposing to make an application for a rent repayment order,
 - (ii) setting out the reasons why it proposes to do so,
 - (iii) stating the amount that it will seek to recover under that subsection and how that amount is calculated, and
 - (iv) inviting the person to make representations to the authority within a period of not less than 28 days specified in the notice;
 - (b) that period must have expired; and
 - (c) that the authority must have considered any representations made to it within that period by the appropriate person.
- (7) The tribunal must be satisfied that –
- (a) a person has been convicted of an offence under [*inserted by amendment 436*](5) in relation to the dwelling, or that a rent repayment order has required a person to make a payment in respect of –
 - (i) one or more relevant awards of universal credit, or
 - (ii) housing benefit paid in connection with a tenancy of the dwelling;
 - (b) the tenant paid to the appropriate person (whether directly or otherwise) periodical payments in respect of the tenancy of the dwelling during any period during which it appears to the tribunal that such an offence was being committed in relation to the dwelling; and
 - (c) the application is made within the period of 12 months beginning with –
 - (i) the date of the conviction or order, or
 - (ii) if such a conviction was followed by such an order (or vice versa), the date

of the later of them.

(8) In this section, a reference to an offence being committed under [*inserted by amendment 436*](5) does not include an offence committed in consequence of a contravention of subsection (3) of [*inserted by amendment 436*].

(9) In this section –

“appropriate person” (*“person priodol”*), in relation to any payment of universal credit or housing benefit or periodical payment in connection with a domestic tenancy of a dwelling, means the person who at the time of the payment was entitled to receive, on that person’s own account, periodical payments in connection with the tenancy;

“housing benefit” (*“budd-dal tai”*) means housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992;

“relevant award of universal credit” (*“dyfarniad perthnasol o gredyd cynhwysol”*) means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (SI 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments in connection with a domestic tenancy of the dwelling;

“tenant” (*“tenant”*), in relation to any periodical payment, means a person who was a tenant at the time of the payment (and “tenancy” has a corresponding meaning).

(10) For the purposes of this section an amount which –

- (a) is not actually paid by a tenant but is used to discharge the whole or part of the tenant’s liability in respect of a periodical payment (for example, by offsetting the amount against any such liability), and
- (b) is not an amount of universal credit or housing benefit,

is to be regarded as an amount paid by the tenant in respect of that periodical payment.’.

I fewnosod adran newydd –

[] **Gorchmynion ad-dalu rhent**

(1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon ac adran [*mewnosodir gan welliant 290*], wneud gorchmyn (“gorchmyn ad-dalu rhent”) mewn perthynas ag annedd ar gais a wnaed iddo gan –

- (a) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,
- (b) yr awdurdod tai lleol ar gyfer yr ardal honno, neu
- (c) tenant yr annedd.

(2) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (1) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a) o’r is-adran honno (oni bai mai’r awdurdod tai lleol yw’r awdurdod trwyddedu); a chaiff cydsyniad at y diben hwnnw

gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.

- (3) “Gorchymyn ad-dalu rhent” yw gorchymyn a wneir mewn perthynas ag annedd sy’n ei gwneud yn ofynnol i’r person priodol (gweler is-adran (8)) dalu’r cyfryw swm i’r ymgeisydd mewn cysylltiad â’r dyfarniad neu’r dyfarniadau perthnasol o greddyd cynhwysol neu’r budd-dal tai a dalwyd fel a grybwyllir yn is-adran (5)(b), neu (yn ôl y digwydd) y taliadau cyfnodol a dalwyd fel a grybwyllir yn is-adran (7)(b), fel a bennir yn y gorchymyn.
- (4) Caiff y tribiwnlys wneud gorchymyn ad-dalu rhent dim ond os yw wedi ei fodloni –
 - (a) pan yr ymgeisydd yw’r awdurdod trwyddedu neu’n awdurdod tai lleol (yn ôl y digwydd), o’r materion a grybwyllir yn is-adran (5);
 - (b) pan fo’r ymgeisydd yn denant, o’r materion a grybwyllir yn is-adran (7).
- (5) Rhaid bod y tribiwnlys wedi ei fodloni –
 - (a) ar unrhyw adeg o fewn y cyfnod o 12 mis sy’n dod i ben ar ddyddiad yr hysbysiad o achos arfaethedig sy’n ofynnol gan is-adran (6) bod trosedd o dan [adran a mewnosodir gan welliant 168](5) wedi ei chyflawni mewn perthynas â’r annedd (p’un a oes person wedi ei gyhuddo neu ei gollfarnu o’r drosedd ai peidio);
 - (b) bod –
 - (i) un neu ragor o ddyfarniadau perthnasol o greddyd cynhwysol wedi eu talu (i unrhyw berson); neu
 - (ii) budd-dal tai wedi ei dalu (i unrhyw berson) mewn cysylltiad â thaliadau cyfnodol sy’n daladwy mewn cysylltiad â thenantiaeth ddomestig yr annedd,
yn ystod unrhyw gyfnod y mae’n ymddangos i’r tribiwnlys bod y cyfryw drosedd wedi cael ei chyflawni ynddo; ac
 - (c) y cydymffurfiwyd â gofynion is-adran (6) mewn perthynas â’r cais.
- (6) Dyma’r gofynion hynny –
 - (a) rhaid bod yr awdurdod sy’n ceisio am orchymyn fod wedi rhoi hysbysiad i’r person priodol (“hysbysiad o achos arfaethedig”) –
 - (i) sy’n hysbysu’r person bod yr awdurdod yn bwriadu gwneud cais am orchymyn ad-dalu rhent,
 - (ii) sy’n nodi’r rhesymau pam y mae’n bwriadu gwneud hynny,
 - (iii) sy’n nodi’r swm y bydd yn ceisio ei adfer o dan yr is-adran honno a sut cyfrifwyd y swm hwnnw, a
 - (iv) sy’n gwahodd y person i gyflwyno sylwadau i’r awdurdod o fewn cyfnod o ddim llai na 28 o ddiwrnodau a bennir yn yr hysbysiad;
 - (b) rhaid bod y cyfnod hwnnw wedi dod i ben; ac
 - (c) rhaid bod yr awdurdod wedi ystyried unrhyw sylwadau a gyflwynwyd iddo gan y person priodol o fewn y cyfnod hwnnw.
- (7) Rhaid bod y tribiwnlys wedi ei fodloni –

- (a) bod person wedi ei gollfarnu o drosedd o dan [adran newydd i'w mewnosod gan welliant 436](5) mewn perthynas â'r annedd, neu fod gorchymyn ad-dalu rhent wedi ei gwneud yn ofynnol i berson wneud taliad mewn cysylltiad â'r canlynol –
- (i) un neu ragor o ddyfarniadau o greddyd cynhwysol, neu
 - (ii) budd-dal tai a delir mewn cysylltiad â thenantiaeth yr annedd;
- (b) bod y tenant wedi talu i'r person priodol (p'un ai'n uniongyrchol neu fel arall) daliadau cyfnodol mewn cysylltiad â thenantiaeth yr annedd yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod trosedd o'r fath wedi bod yn cael ei chyflawni ynddo mewn perthynas â'r annedd; ac
- (c) y gwnaed y cais o fewn y cyfnod o 12 mis sy'n dechrau –
- (i) gyda dyddiad y gollfarn neu'r gorchymyn, neu
 - (ii) os yw gorchymyn o'r fath yn dilyn collfarn o'r fath (neu i'r gwrthwyneb), gyda dyddiad yr un sy'n digwydd hwyraf.
- (8) Yn yr adran hon, nid yw cyfeiriad at drosedd sy'n cael ei chyflawni o dan [adran newydd i'w mewnosod gan welliant 436](5) yn cynnwys trosedd a gyflawnwyd o ganlyniad i dorri is-adran (3) [adran newydd i'w mewnosod gan welliant 436]].
- (9) Yn yr adran hon –
- ystyr “budd-dal tai” (“housing benefit”) yw budd-dal tai a ddarperir yn rhinwedd cynllun o dan adran 123 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;
- ystyr “dyfarniad perthnasol o greddyd cynhwysol” (“relevant award of universal credit”) yw dyfarniad o greddyd cynhwysol yr oedd ei gyfrifiad yn cynnwys swm o dan adran 11 o Ddeddf Diwygio Lles 2012, a gyfrifwyd yn unol ag Atodlen 4 i Reoliadau Credyd Cynhwysol 2013 (yr elfen costau tai i rentwyr) (OS 2013/376) neu unrhyw ddarpariaeth gyfatebol sy'n disodli'r Atodlen honno, mewn cysylltiad â thaliadau cyfnodol mewn perthynas â thenantiaeth ddomestig annedd;
- ystyr “person priodol” (“appropriate person”), mewn perthynas ag unrhyw daliad o greddyd cynhwysol neu fudd-dal tai neu daliad cyfnodol mewn cysylltiad â thenantiaeth ddomestig annedd, yw'r person oedd â hawl i gael, ar ran y person hwnnw ei hun, daliadau cyfnodol mewn cysylltiad â'r denantiaeth ar yr adeg y gwnaethpwyd y taliadau;
- ystyr “tenant” (“tenant”), mewn perthynas ag unrhyw daliad cyfnodol, yw person a oedd yn denant ar adeg y taliad (ac mae i “tenantiaeth” ystyr gyfatebol).
- (10) At ddibenion yr adran hon, mae swm –
- (a) nad yw'n cael ei dalu gan denant yn wirioneddol ond sy'n cael ei ddefnyddio i ryddhau atebolrwydd y tenant yn llawn neu'n rhannol mewn cysylltiad â thaliad cyfnodol (er enghraifft, drwy wrthbwysu'r swm yn erbyn unrhyw atebolrwydd o'r fath), a
 - (b) nad yw'n swm o greddyd cynhwysol neu fud-dal tai,
- i'w ystyried fel swm a delir gan y tenant mewn cysylltiad â'r taliad cyfnodol hwnnw.'.

Carl Sargeant

290

To insert a new section –

[1] Rent repayment orders: further provision

(1) Where, on an application by the licensing authority or a local housing authority (as the case may be) for a rent repayment order, the tribunal is satisfied –

(a) that a person has been convicted of an offence under *[inserted by amendment 436]*(5) in relation to the dwelling to which the application relates, and

(b) that –

(i) one or more relevant awards of universal credit were paid (whether or not to the appropriate person), or

(ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with a domestic tenancy of the dwelling during any period during which it appears to the tribunal that such an offence was being committed in relation to the dwelling in question,

the tribunal must make a rent repayment order requiring the appropriate person to pay to the authority which made the application the amount mentioned in subsection (2); but this is subject to subsections (3), (4) and (8).

(2) The amount is –

(a) an amount equal to –

(i) where one relevant award of universal credit was paid as mentioned in subsection (1)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (SI 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or

(ii) if more than one such award was paid as mentioned in subsection (1)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or

(b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (1)(b)(ii) (as the case may be).

(3) If the total of the amounts received by the appropriate person in respect of periodical payments payable as mentioned in paragraph (b) of subsection (1) (“the rent total”) is less than the amount mentioned in subsection (2), the amount required to be paid by virtue of a rent repayment order made in accordance with subsection (1) is limited to the rent total.

(4) A rent repayment order made in accordance with subsection (1) may not require the payment of any amount which the tribunal is satisfied that, by reason of any exceptional circumstances, it would be unreasonable for that person to be required to pay.

(5) In a case where subsection (1) does not apply, the amount required to be paid by virtue of a rent repayment order is to be such amount as the tribunal considers reasonable in the

circumstances; but this is subject to subsections (6) to (8).

- (6) In such a case the tribunal must take into account the following matters –
- (a) the total amount of relevant payments paid in connection with a tenancy of the dwelling during any period during which it appears to the tribunal that an offence was being committed in relation to the dwelling under [inserted by amendment 436] (5);
 - (b) the extent to which that total amount –
 - (i) consisted of, or derived from, payments of relevant awards of universal credit or housing benefit, and
 - (ii) was actually received by the appropriate person;
 - (c) whether the appropriate person has at any time been convicted of an offence under [inserted by amendment 436](5);
 - (d) the conduct and financial circumstances of the appropriate person; and
 - (e) where the application is made by a tenant, the conduct of the tenant.
- (7) In subsection (6) “relevant payments” means –
- (a) in relation to an application by the licensing authority or a local housing authority (as the case may be), payments of relevant awards of universal credit, housing benefit or periodical payments payable by tenants;
 - (b) in relation to an application by a tenant, periodical payments payable by the tenant, less –
 - (i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2)(a) in respect of the award or awards that related to the tenancy during that period; or
 - (ii) any amount of housing benefit payable in respect of the tenancy of the dwelling during the period in question.
- (8) A rent repayment order may not require the payment of any amount which –
- (a) where the application is made by the licensing authority or a local housing authority (as the case may be), is in respect of any time falling outside the period of 12 months ending with the date of the notice of intended proceedings given under section 28(6); or
 - (b) where the application is made by a tenant, is in respect of any time falling outside the period of 12 months ending with the date of the tenant’s application under section 28(1);
- and the period to be taken into account under subsection (6)(a) is restricted accordingly.
- (9) Any amount payable by virtue of a rent repayment order is recoverable as a debt due to the licensing authority, local housing authority or tenant (as the case may be) from the appropriate person.
- (10) And an amount payable to the licensing authority or, as the case may be, a local housing authority by virtue of such an order does not, when recovered by it, constitute an amount of universal credit or housing benefit (as the case may be) recovered by the authority.

- (11) Subsections (8), (9) and (10) of section 28 apply for the purposes of this section as they apply for the purposes of section 28.’.

I fewnosod adran newydd –

[] Gorchymynion ad-dalu rhent: darpariaeth bellach

- (1) Pan fo’r tribiwnlys, ar gais gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd) am orchymyn ad-dalu rhent, wedi ei fodloni –
- (a) bod person wedi ei gollfarnu o drosedd o dan [adran i’w mewnosod gan welliant 436] (5) mewn perthynas â’r annedd y mae’r cais yn ymwneud â hi, a
 - (b) bod –
 - (i) un neu ragor o ddyfarniadau perthnasol o greddyd cynhwysol wedi eu talu (p’un ai i’r person priodol ai peidio), neu
 - (ii) budd-dal tai wedi ei dalu (p’un ai i’r person priodol ai peidio) mewn cysylltiad â thaliadau cyfnodol sy’n daladwy mewn perthynas â thenantiaeth ddomestig o’r annedd yn ystod unrhyw gyfnod y mae’n ymddangos i’r tribiwnlys bod y gyfryw drosedd wedi bod yn cael ei chyflawni mewn perthynas â’r annedd o dan sylw,
- rhaid i’r tribiwnlys wneud gorchymyn ad-dalu rhent sy’n ei gwneud yn ofynnol i’r person priodol dalu i’r awdurdod a wnaeth y cais y swm a grybwyllir yn is-adran (2); ond mae hyn yn ddarostyngedig i is-adrannau (3), (4) ac (8).
- (2) Mae’r swm –
- (a) yn swm sy’n gyfwerth â –
 - (i) pan fo un dyfarniad perthnasol o greddyd cynhwysol wedi ei dalu fel a grybwyllir yn is-adran (1)(b)(i), y swm a oedd wedi ei gynnwys yng nghyfrifiad y dyfarniad hwnnw o dan adran 11 o Ddeddf Diwygio Lles 2012, a gyfrifwyd yn unol ag Atodlen 4 i Reoliadau Credyd Cynhwysol 2013 (yr elfen o ran costau tai i rentwyr) (OS 2013/376) neu unrhyw ddarpariaeth gyfatebol sy’n disodli’r Atodlen honno, neu swm y dyfarniad os yw’n llai; neu
 - (ii) os talwyd mwy nag un dyfarniad o’r fath a grybwyllir yn is-adran (1)(b)(i), y swm a gynhwysir wrth gyfrifo’r dyfarniadau hynny fel y cyfeiriwyd atynt yn is-baragraff (i), neu swm y dyfarniadau hynny os yw’n llai, neu
 - (b) swm sy’n gyfwerth â chyfanswm y budd-dal tai a dalwyd fel a grybwyllir yn is-adran (1)(b)(ii) (yn ôl y digwydd).
- (3) Os yw cyfanswm yr hyn a gafwyd gan y person priodol mewn cysylltiad â thaliadau cyfnodol sy’n daladwy fel a grybwyllir ym mharagraff (b) o is-adran (1) (“cyfanswm y rhent”) yn llai na’r swm a grybwyllir yn is-adran (2), mae’r swm y mae’n ofynnol iddo gael ei dalu yn rhinwedd gorchymyn ad-dalu rhent a wnaed yn unol ag is-adran (1) yn gyfyngedig i gyfanswm y rhent.
- (4) Ni chaiff gorchymyn ad-dalu rhent a wnaed yn unol ag is-adran (1) ei gwneud yn ofynnol i berson dalu unrhyw swm y mae’r tribiwnlys wedi ei fodloni y byddai’n

afresymol i'w gwneud yn ofynnol i'r person hwnnw ei dalu oherwydd unrhyw amgylchiadau eithriadol.

- (5) Mewn achos pan na fo is-adran (1) yn gymwys, mae'r swm y mae'n ofynnol iddo gael ei dalu yn rhinwedd gorchymyn ad-dalu rhent i fod yn swm y mae'r tribiwnlys yn ei ystyried yn rhesymol o dan yr amgylchiadau; ond mae hyn yn ddarostyngedig i is-adrannau (6) i (8).
- (6) Mewn achos o'r fath, rhaid i'r tribiwnlys roi ystyriaeth i'r materion canlynol—
 - (a) cyfanswm y taliadau perthnasol a dalwyd mewn cysylltiad â thenantiaeth yr annedd yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod trosedd wedi bod yn cael ei chyflawni mewn perthynas â'r annedd o dan adran [*adran i'w mewnosod gan welliant 436*](5);
 - (b) y graddau yr oedd y cyfanswm hwnnw—
 - (i) yn cynnwys taliadau o ddyfarniadau perthnasol o gredyd cynhwysol neu fudd-dal tai, neu'n deillio ohonynt, a
 - (ii) wedi ei gael gan y person priodol;
 - (c) pa un a yw'r person priodol wedi ei gollfarnu o drosedd ar unrhyw adeg o dan adran [*adran i'w mewnosod gan welliant 436*](5);
 - (d) ymddygiad ac amgylchiadau ariannol y person priodol; ac
 - (e) pan fo'r cais wedi ei wneud gan denant, ymddygiad y tenant.
- (7) Yn is-adran (6) ystyr "taliadau perthnasol" yw—
 - (a) mewn perthynas â chais gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd), taliadau o ddyfarniadau perthnasol o gredyd cynhwysol, budd-dal tai neu daliadau cyfnodol sy'n daladwy gan denantiaid;
 - (b) mewn perthynas â chais gan denant, taliadau cyfnodol sy'n daladwy gan y tenant, heb gynnwys—
 - (i) pan fo un neu ragor o ddyfarniadau perthnasol o gredyd cynhwysol yn daladwy yn ystod y cyfnod o dan sylw, y swm a grybwyllir yn is-adran (2)
 - (a) mewn cysylltiad â'r dyfarniad neu'r dyfarniadau a oedd yn perthyn i'r denantiaeth yn ystod y cyfnod hwnnw; neu
 - (ii) unrhyw swm o fudd-dal tai sy'n daladwy mewn cysylltiad â thenantiaeth yr annedd yn ystod y cyfnod o dan sylw.
- (8) Ni chaiff gorchymyn ad-dalu rhent ei gwneud yn ofynnol talu unrhyw swm sydd—
 - (a) pan fo'r cais yn cael ei wneud gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd), mewn cysylltiad ag unrhyw amser sydd y tu allan i'r cyfnod o 12 mis sy'n dod i ben gyda dyddiad yr hysbysiad o achos arfaethedig a roddir o dan adran 28(6); neu
 - (b) pan fo'r cais yn cael ei wneud gan denant, mewn cysylltiad ag unrhyw amser sydd y tu allan i'r cyfnod o 12 mis sy'n dod i ben gyda dyddiad cais y tenant o dan adran 28(1);ac mae'r cyfnod sydd i'w ystyried o dan is-adran (6)(a) wedi ei gyfyngu yn unol â hynny.
- (9) Mae unrhyw swm sy'n daladwy yn rhinwedd gorchymyn ad-dalu rhent yn adferadwy

fel dyled sy'n ddyledus i'r awdurdod trwyddedu, awdurdod tai lleol neu denant (yn ôl y digwydd) gan y person priodol.

- (10) Ac nid yw swm sy'n daladwy i'r awdurdod trwyddedu neu, yn ôl y digwydd, awdurdod tai lleol yn rhinwedd gorchymyn o'r fath, pan fydd yn cael ei adfer ganddo, yn swm o gredyd cynhwysol neu fudd-dal tai (yn ôl y digwydd) sy'n cael ei adfer gan yr awdurdod hwnnw.
- (11) Mae is-adrannau (8), (9) a (10) o adran 28 yn gymwys at ddibenion yr adran hon yn yr un modd ag y maent yn gymwys at ddibenion adran 28.'

Carl Sargeant

294

To insert a new section –

[] Power for Welsh Ministers to make regulations in relation to sections 26 to 29

- (1) The Welsh Ministers may by regulations make such provision as they consider appropriate for supplementing the provisions of sections 26 to 29.
- (2) Regulations made under subsection (1) may, for example, make provision –
 - (a) for securing that payments of universal credit or housing benefit payable in connection with tenancies of dwellings affected by rent stopping orders may be adjusted, suspended or recovered (as appropriate) in such manner as is specified in the regulations;
 - (b) for securing that persons are not unfairly prejudiced by rent repayment orders (whether in cases where there have been over-payments of universal credit or housing benefit or otherwise);
 - (c) requiring or authorising amounts received by the licensing authority or local housing authorities by virtue of rent repayment orders to be dealt with in such manner as is specified in the regulations.'

I fewnosod adran newydd –

[] Pŵer i Weinidogion Cymru wneud rheoliadau mewn perthynas ag adrannau 26 i 29

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud y gyfryw ddarpariaeth ag a ystyrir yn briodol ganddynt ar gyfer ategu darpariaethau adrannau 26 i 29.
- (2) Caiff rheoliadau a wneir o dan is-adran (1), er enghraifft, wneud darpariaeth –
 - (a) ar gyfer sicrhau y gall taliadau o gredyd cynhwysol neu fudd-dal tai sy'n daladwy mewn cysylltiad â thenantiaethau anheddau yr effeithir arnynt gan orchmynion atal rhent gael eu haddasu, eu hatal neu eu hadennill (fel y bo'n briodol) mewn modd a bennir yn y rheoliadau;
 - (b) ar gyfer sicrhau nad yw personau yn wynebu gwahaniaethu annheg gan orchmynion ad-dalu rhent (mewn achosion pan fo gordaliadau o gredyd cynhwysol neu fudd-dal tai wedi digwydd neu fel arall);
 - (c) i'w gwneud yn ofynnol i ymdrin â symiau a dderbynnir gan yr awdurdod trwyddedu neu awdurdodau tai lleol yn rhinwedd gorchmynion ad-dalu rhent

mewn modd a bennir yn y rheoliadau, neu i awdurdodi hynny.’.

Peter Black

125

To insert a new section –

[1] Repayment orders

- (1) For the purposes of this section rental property is a “relevant property” if it is a rental property in respect of which no landlord is registered and licensed pursuant to section 3.
- (2) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of –
 - (a) any provision requiring the payment of a rent or the making of any other periodical payment in connection with any agreement relating to a relevant property, or
 - (b) any other provision of such an agreement.
- (3) But amounts paid in respect of certain payments made under and in connection with such an agreement may be recovered in accordance with subsection (4).
- (4) If –
 - (a) an application in respect of relevant property is made to a residential property tribunal by the tenant of that property, and
 - (b) the tribunal is satisfied as to the matters mentioned in subsection (6);the tribunal may make an order (a “repayment order”).
- (5) A repayment order is an order requiring the owner or manager of the relevant property to pay to the tenant of that property such sums as are specified in the order in respect of any payment made by the tenant of the relevant property to the owner or manager of that property in respect of that property.
- (6) The tribunal must be satisfied as to the following matters –
 - (a) that the owner of the relevant property has been convicted of an offence under section 3 in relation to that property,
 - (b) that the tenant of the relevant property made the payment to the owner or manager of that property during any period during which it appears to the tribunal that such an offence was being committed in relation to that property, and
 - (c) that the application is made within the period of 12 months beginning with the date of the conviction.
- (7) A repayment order may not require the payment of any amount which the tribunal is satisfied that, by reason of any exceptional circumstances, it would be unreasonable for the owner or manager of the relevant property to be required to pay.
- (8) The amount required to be paid by virtue of a repayment order under subsection (5) is (subject to subsections (9) to (11)) to be such amount as the tribunal considers reasonable in the circumstances.
- (9) The matters which the tribunal must take into account when determining the amount to

be paid include (but are not limited to) –

- (a) the total amount of relevant payments paid in connection with the tenancy of the relevant property during any period during which it appears to the tribunal that an offence was being committed by the owner of that property under section 3,
- (b) the extent to which that total amount was actually received by the owner or manager of that property,
- (c) whether the owner of that property has at any time been convicted of an offence under section 5 in relation to the property,
- (d) the conduct and financial circumstances of the owner or manager of that property, and
- (e) the conduct of the tenant of the relevant property;

and in this subsection “relevant payments” means those payments referred to in subsection (5).

- (10) A repayment order may not require the payment of any amount which is in respect of any time falling outside the period of 12 months ending with the date of the tenant’s application, and the period to be taken into account under subsection (9)(a) is restricted accordingly.
- (11) Any amount payable to the tenant of a relevant property by virtue of a repayment order is recoverable as a debt due to that tenant from the owner or manager of that property.’.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 5: We recommend that the Minister amends the Bill to replace Rent Stopping Orders with Rent Repayment Orders as a means of enforcing the registration and licensing scheme.]

I fewnosod adran newydd –

[] **Gorchmynion ad-dalu**

- (1) At ddibenion yr adran hon mae eiddo ar rent yn “eiddo perthnasol” os yw’n eiddo ar rent lle nad oes landlord wedi’i gofrestru a’i drwyddedu ar ei gyfer yn unol ag adran 3.
- (2) Nid yw’r un rheol gyfreithiol sy’n ymwneud â dilysrwydd neu orfodadwyedd contractau o dan amgylchiadau sy’n cynnwys anghyfreithlondeb i effeithio ar ddilysrwydd neu orfodadwyedd y canlynol –
 - (a) unrhyw ddarpariaeth sy’n ei gwneud yn ofynnol i daliad rhent neu unrhyw daliad cyfnodol arall gael eu talu mewn cysylltiad ag unrhyw gytundeb sy’n ymwneud ag eiddo perthnasol, neu
 - (b) unrhyw ddarpariaeth arall mewn cytundeb o’r fath.
- (3) Ond caniateir i symiau a delir o ran taliadau penodol o dan gytundeb o’r fath ac mewn cysylltiad ag ef gael eu hadennill yn unol ag is-adran (4).
- (4) Os bydd –
 - (a) cais ynglŷn ag eiddo perthnasol yn cael ei wneud i dribiwnlys eiddo preswyl gan denant yr eiddo hwnnw, a
 - (b) bod y tribiwnlys wedi ei fodloni o ran y materion a grybwyllir yn is-adran (6),

caiff y tribiwnlys wneud gorchymyn (“gorchymyn ad-dalu”).

- (5) Mae gorchymyn ad-dalu yn orchymyn sy'n ei gwneud yn ofynnol i berchennog neu reolwr yr eiddo perthnasol dalu i denant yr eiddo perthnasol unrhyw symiau a bennir yn y gorchymyn o ran unrhyw daliad a wnaed gan denant yr eiddo perthnasol i berchennog neu reolwr yr eiddo mewn cysylltiad â'r eiddo hwnnw.
- (6) Rhaid i'r tribiwnlys fod wedi ei fodloni ynglŷn â'r materion a ganlyn—
 - (a) bod perchennog yr eiddo perthnasol wedi ei gollfarnu am drosedd o dan adran 3 mewn cysylltiad â'r eiddo hwnnw,
 - (b) bod tenant yr eiddo perthnasol wedi gwneud y taliad i berchennog neu reolwr yr eiddo hwnnw yn ystod unrhyw gyfnod a ymddengys i'r tribiwnlys bod trosedd o'r fath yn cael ei chyflawni mewn cysylltiad â'r eiddo hwnnw, ac
 - (c) bod y cais wedi ei wneud o fewn y cyfnod o 12 mis yn dechrau ar ddyddiad y gollfarn.
- (7) Ni chaniateir i orchymyn ad-dalu ei gwneud yn ofynnol i unrhyw swm gael ei dalu y mae'r tribiwnlys wedi ei fodloni y byddai'n afresymol ei gwneud yn ofynnol i berchennog neu reolwr yr eiddo perthnasol ei dalu oherwydd unrhyw amgylchiadau eithriadol.
- (8) Y swm y mae'n ofynnol ei dalu yn rhinwedd gorchymyn ad-dalu o dan is-adran (5) yw unrhyw swm sydd (yn ddarostyngedig i is-adrannau (9) i (11)) ym marn y tribiwnlys yn rhesymol o dan yr amgylchiadau.
- (9) Mae'r materion y mae'n rhaid i'r tribiwnlys eu cymryd i ystyriaeth wrth benderfynu ar y swm y mae'n ofynnol ei dalu yn cynnwys y canlynol (ond heb fod yn gyfyngedig i'r canlynol)—
 - (a) cyfanswm y taliadau perthnasol a dalwyd mewn cysylltiad â thenantiaeth yr eiddo perthnasol yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys fod trosedd yn cael ei chyflawni ynddo gan berchennog yr eiddo hwnnw o dan adran 3,
 - (b) i ba raddau y cafodd perchennog neu reolwr yr eiddo y cyfanswm hwnnw mewn gwirionedd,
 - (c) a yw perchennog yr eiddo ar unrhyw adeg wedi ei gollfarnu am drosedd o dan adran 5 mewn cysylltiad â'r eiddo,
 - (d) ymddygiad ac amgylchiadau ariannol perchennog neu reolwr yr eiddo hwnnw, ac
 - (e) ymddygiad tenant yr eiddo hwnnw;ac yn yr is-adran hon ystyr “taliadau perthnasol” yw'r taliadau hynny y cyfeirir atynt yn is-adran (5).
- (10) Ni chaiff gorchymyn ad-dalu ei gwneud yn ofynnol i unrhyw swm gael ei dalu sy'n ymwneud ag unrhyw amser y tu allan i'r cyfnod o 12 mis sy'n diweddu ar ddyddiad cais y tenant, ac mae'r cyfnod sydd i'w gymryd i ystyriaeth o dan is-adran (9)(a) i'w gyfyngu yn unol â hyn.
- (11) Mae unrhyw swm sy'n daladwy i denant yr eiddo perthnasol yn rhinwedd gorchymyn ad-dalu yn adenilladwy fel dyled sy'n ddyledus i'r tenant gan berchennog neu reolwr yr eiddo hwnnw.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 5: Rydym yn argymhell bod y Gweinidog yn diwygio'r Bil i ddisodli Gorchmynion Atal Rhent gyda Gorchmynion Ad-dalu Rhent fel dull o orfodi'r cynllun cofrestru a thrwyddedu.]

Peter Black 126

Page 13, line 3, leave out section 21.

[Further to amendment 125 this amendment will remove rent stopping orders from the legislation.]

Tudalen 13, llinell 3, hepgorer adran 21.

[Ymhellach i welliant 125 bydd y gwelliant hwn yn dileu gorchmynion atal rhent o'r ddeddfwriaeth.]

Peter Black 127

Page 13, line 9, leave out section 22.

[Further to amendment 125 this amendment will remove rent stopping orders from the legislation.]

Tudalen 13, llinell 9, hepgorer adran 22.

[Ymhellach i welliant 125 bydd y gwelliant hwn yn dileu gorchmynion atal rhent o'r ddeddfwriaeth.]

Peter Black 128

Page 13, line 27, leave out section 23.

[Further to amendment 125 this amendment will remove rent stopping orders from the legislation.]

Tudalen 13, llinell 29, hepgorer adran 23.

[Ymhellach i welliant 125 bydd y gwelliant hwn yn dileu gorchmynion atal rhent o'r ddeddfwriaeth.]

Peter Black 129

Page 14, line 13, leave out section 24.

[Further to amendment 125 this amendment will remove rent stopping orders from the legislation.]

Tudalen 14, llinell 15, hepgorer adran 24.

[Ymhellach i welliant 125 bydd y gwelliant hwn yn dileu gorchmynion atal rhent o'r ddeddfwriaeth.]

Mark Isherwood 410

Section 24, page 14, line 15, after 'must', insert ', subject to paragraph (c)'.

Adran 24, tudalen 14, ar ddechrau llinell 17, mewnosoder 'yn ddarostyngedig i baragraff (c).

Mark Isherwood 411

Section 24, page 14, after line 18, insert—

'(c) may be allowed by the appropriate tribunal to be made to it after the end of the period mentioned in paragraph (a) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in

applying for permission to appeal out of time).’.

Adran 24, tudalen 14, ar ôl llinell 20, mewnosoder –

- ‘(c) caiff y tribiwnlys priodol ganiatáu iddo gael ei gyflwyno ar ôl diwedd y cyfnod a grybwyllir ym mharagraff (a) os yw’n fodlon bod rheswm da am fethu â chyflwyno apêl cyn diwedd y cyfnod hwnnw (ac am unrhyw oedi ers hynny wrth wneud cais am ganiatâd i apelio y tu hwnt i’r cyfnod a nodwyd).’.

Carl Sargeant

95

Section 24, page 14, line 20, leave out ‘(4)’ and insert ‘23(4)’.

Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version

Peter Black

130

Page 14, line 25, leave out section 25.

[Further to amendment 125 this amendment will remove rent stopping orders from the legislation.]

Tudalen 14, llinell 27, hepgorer adran 25.

[Ymhellach i welliant 125 bydd y gwelliant hwn yn dileu gorchmynion atal rhent o’r ddeddfwriaeth.]

Carl Sargeant

289

Page 15, line 2, leave out section 26.

Tudalen 15, llinell 2, hepgorer adran 26.

Mark Isherwood

412

Section 26, page 15, after line 17, insert –

- ‘(6) The requirement to provide information under this section does not include a requirement to provide information orally in response to questioning.’.

Adran 26, tudalen 15, ar ôl llinell 18, mewnosoder –

- ‘(6) Nid yw’r gofyniad i ddarparu gwybodaeth o dan yr adran hon yn cynnwys gofyniad i ddarparu gwybodaeth ar lafar mewn ymateb i gwestiynau.’.

Carl Sargeant

291

To insert a new section –

[] Prosecution by a licensing authority or a local housing authority

- (1) A licensing authority may bring criminal proceedings in respect of an offence under –
- (a) *[inserted by amendment 165](2), [inserted by amendment 167](4), [inserted by amendment 436](4), [inserted by amendment 171](2) or [inserted by amendment 190](2)* if the alleged offence arises in respect of a dwelling in the area for which it is the

- licensing authority;
- (b) section 8(2) or 15(2), in respect of information to be provided to the licensing authority;
 - (c) subsection (1) or (4) of section [inserted by amendment 297], in respect of anything required by a notice given by a person authorised by the authority;
 - (d) subsection (1) or (2) of section [inserted by amendment 301], in respect of information supplied to the authority.
- (2) A local housing authority that is not the licensing authority for its area may, with the consent of the licensing authority for the area, bring criminal proceedings in respect of an offence under [inserted by amendment 165](2), [inserted by amendment 167](4), [inserted by amendment 436](4), [inserted by amendment 171](2) or [inserted by amendment 190](2), if the alleged offence arises in respect of a property in its area.
- (3) A licensing authority may give its consent under subsection (2) generally or in specific cases.
- (4) This section does not affect –
- (a) any other power of the person designated under section [inserted by amendment 164](1) to bring legal proceedings;
 - (b) section 222 of the Local Government Act 1972 (power of local authorities to prosecute or defend legal proceedings).’.

I fewnosod adran newydd –

[1] Erlyniad gan awdurdod trwyddedu neu awdurdod tai lleol

- (1) Caiff awdurdod trwyddedu ddwyn achos troseddol mewn perthynas â throsedd o dan –
- (a) [adran i’w fewnosod gan welliant 165](2), [adran i’w fewnosod gan welliant 167](4), [adran i’w fewnosod gan welliant 436](4), [adran i’w fewnosod gan welliant 171](2) neu [adran i’w fewnosod gan welliant 190](2), os yw’r drosedd honedig yn codi mewn perthynas ag eiddo yn yr ardal y mae’n awdurdod trwyddedu ar ei chyfer;
 - (b) adran 8(2) neu 15(2), mewn perthynas â gwybodaeth sy’n rhaid darparu i’r awdurdod;
 - (c) is-adran (1) neu (4) o adran [adran i’w mewnosod gan welliant 297], mewn perthynas ag unrhyw beth sy’n ofynnol o dan hysbysiad a roddir gan berson sydd wedi’i awdurdodi gan yr awdurdod;
 - (d) is-adran (1) neu (2) o adran [adran i’w mewnosod gan welliant 301], mewn perthynas â gwybodaeth a gyflenwir i’r awdurdod.
- (2) Caiff awdurdod tai lleol nad yw’n awdurdod trwyddedu ar gyfer ei ardal, gyda chydysniad yr awdurdod trwyddedu ar gyfer yr ardal, ddwyn achos troseddol mewn perthynas â throsedd o dan [adran i’w fewnosod gan welliant 165](2), [adran i’w fewnosod gan welliant 167](4), [adran i’w fewnosod gan welliant 436](4), [adran i’w fewnosod gan welliant 171](2) neu [adran i’w fewnosod gan welliant 190](2), os yw’r drosedd honedig yn codi mewn perthynas ag eiddo yn ei ardal.
- (3) Caiff awdurdod trwyddedu roi ei gydsyniad o dan is-adran (2) yn gyffredinol neu mewn

perthynas ag achosion penodol.

- (4) Nid yw'r adran hon yn effeithio ar –
- (a) unrhyw un neu ragor o bwerau eraill y person a ddynodir o dan adran [mewnosodir gan welliant 164] (1) i ddwyn achos troseddol;
 - (b) adran 222 o Ddeddf Llywodraeth Leol 1972 (pŵer awdurdodau lleol i erlyn neu amddiffyn achosion cyfreithiol).’.

Carl Sargeant

292

To insert a new section –

[] Fixed penalty notices

- (1) Where on any occasion a person authorised in writing for the purpose of this section by a licensing authority has reason to believe that a person has committed an offence under this Part (other than an offence under section [inserted by amendment 297](4)), the authorised person may, by notice, offer the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the authority.
- (2) Where a person is given a notice under this section in respect of an offence –
 - (a) no proceedings may be issued for that offence before the expiration of the period of 21 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) A notice under this section must –
 - (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,
 - (b) state the period during which proceedings will not be taken for the offence,
 - (c) state the amount of the fixed penalty, and
 - (d) state the person to whom and the address at which the fixed penalty may be paid.
- (4) The fixed penalty payable to a licensing authority under this section is £150 unless the offence is an offence attracting an unlimited fine; in which case, the fixed penalty payable is £250.
- (5) The Welsh Ministers may amend subsection (4) by order.
- (6) Payment of a fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (3)(d) at the address so mentioned; but this does not prevent payment by another method.
- (7) Where a letter is posted in accordance with subsection (6) payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- (8) In any proceedings a certificate –
 - (a) which purports to be signed on behalf of a person authorised for this purpose by the licensing authority, and

- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
is evidence of the facts stated.
- (9) A licensing authority may use its fixed penalty receipts only for the purposes of its functions relating to the enforcement of this Part.
- (10) In this section, “licensing authority” means –
- (a) in the case of an offence under [*inserted by amendment 165*](2), [*inserted by amendment 167*](4), [*inserted by amendment 436*](5), [*inserted by amendment 171*](2) or [*inserted by amendment 190*](3), the licensing authority for the area in which the dwelling to which the offence relates is located;
 - (b) in the case of an offence under section 8(2), 10(6) or 15(2), the licensing authority to which the information to which the offence relates was provided;
 - (c) in the case of an offence under section [](1), the licensing authority which authorised the person who gave the relevant notice;
 - (d) in the case of an offence under section [](1) or (2), the licensing authority to which the information was supplied.
- (11) A local housing authority that is not the licensing authority for its area may, with the consent of the licensing authority for the area, exercise the functions of the licensing authority under this section concurrently with the licensing authority; but only in respect of the offences mentioned in subsection (10)(a).
- (12) And where a local housing authority exercises functions under this section by virtue of subsection (11), the references in subsections (1), (4), (8), (9) and 10(a) to “licensing authority” are to be read as if they were references to the local housing authority.’.

I fewnosod adran newydd –

[] Hysbysiadau cosbau penodedig

- (1) Pan fo gan berson sydd wedi’i awdurdodi yn ysgrifenedig at ddiben yr adran hon gan awdurdod trwyddedu reswm i gredu ar unrhyw achlysur bod person wedi cyflawni trosedd o dan y Rhan hon (ac eithrio trosedd o dan adran [*inserted by amendment 297*](4)), caiff y person awdurdodedig, drwy hysbysiad, gynnig cyfle i’r person ryddhau ei hun o unrhyw atebolrwydd am gollfarn am y drosedd honno drwy dalu cosb benodedig i’r awdurdod.
- (2) Pan roddir hysbysiad i berson o dan yr adran hon mewn perthynas â throsedd –
- (a) ni chaniateir cychwyn unrhyw achos mewn perthynas â’r drosedd cyn i’r cyfnod o 21 o ddiwrnodau yn dilyn dyddiad yr hysbysiad hwnnw ddod i ben;
 - (b) ni chaniateir collfarnu’r person am y drosedd honno os yw’r person yn talu’r gosb benodedig cyn diwedd y cyfnod hwnnw.
- (3) Rhaid i hysbysiad o dan yr adran hon –
- (a) rhoi pa fanylion bynnag am yr amgylchiadau yr honnir eu bod yn ffurfio’r drosedd sy’n angenrheidiol er mwyn rhoi gwybodaeth resymol ynghylch y drosedd,

- (b) datgan yn ystod pa gyfnod na chychwynnir achos mewn perthynas â'r drosedd,
 - (c) datgan swm y gosb benodedig, a
 - (d) datgan i ba berson ac ym mha gyfeiriad y gellir talu'r gosb benodedig.
- (4) Y gosb benodedig sy'n daladwy i awdurdod trwyddedu o dan yr adran hon yw £150 oni bai bod y drosedd yn un sy'n dwyn dirwy anghyfyngedig yn ei sgil; mewn achos felly, y gosb benodedig sy'n daladwy yw £250.
- (5) Caiff Gweinidogion Cymru ddiwygio is-adran (4) drwy orchymyn.
- (6) Caniateir talu cosb benodedig drwy ragdalau a phostio llythyr sy'n cynnwys swm y gosb (mewn arian parod neu fel arall) i'r person a grybwyllir yn is-adran (3)(d) yn y cyfeiriad a grybwyllir yno; ond nid yw hynny'n rhwystro taliad drwy ddull arall.
- (7) Pan fo llythyr yn cael ei bostio yn unol ag is-adran (6) bernir bod y taliad wedi ei wneud ar yr amser y byddai'r llythyr wedi ei ddosbarthu yn nhrefn arferol y post.
- (8) Mewn unrhyw achos mae tystysgrif –
- (a) sy'n honni ei bod wedi ei llofnodi ar ran person sydd wedi'i awdurdodi gan yr awdurdod trwyddedu at y diben hwn, a
 - (b) sy'n datgan y daeth taliad cosb benodedig i law neu na ddaeth i law erbyn dyddiad a bennir yn y dystysgrif,
- yn dystiolaeth o'r ffeithiau a ddatgenir.
- (9) Ni chaniateir i awdurdod trwyddedu ddefnyddio ei dderbyniadau cosbau penodedig ond at ddibenion ei swyddogaethau sy'n ymwneud â gorfodi'r Rhan hon.
- (10) Yn yr adran hon, ystyr "awdurdod trwyddedu" –
- (a) mewn achos trosedd o dan [inserted by amendment 165](2), [inserted by amendment 167](4), [inserted by amendment 436](5), [inserted by amendment 171](2) neu [inserted by amendment 190](3), yw'r awdurdod trwyddedu ar gyfer yr ardal y mae'r annedd y mae'r drosedd yn ymwneud â hi wedi ei lleoli ynddi;
 - (b) mewn achos trosedd o dan adran 8(2), 10(6) neu 15(2), yw'r awdurdod trwyddedu y darparwyd yr wybodaeth y mae'r trosedd yn ymwneud â hi iddo;
 - (c) mewn achos trosedd o dan [](1), yw'r awdurdod trwyddedu a awdurdododd y person a roddodd yr hysbysiad perthnasol;
 - (d) mewn achos trosedd o dan [](1) neu (2), yw'r awdurdod trwyddedu y cyflenwyd yr wybodaeth iddo.
- (11) Caiff awdurdod tai lleol nad yw'n awdurdod trwyddedu ar gyfer ei ardal, gyda chydysyniad yr awdurdod trwyddedu ar gyfer yr ardal honno, arfer swyddogaethau'r awdurdod trwyddedu o dan yr adran hon yn gydredol â'r awdurdod trwyddedu; ond dim ond o ran y troseddau a grybwyllir yn is-adran (10)(a).
- (12) Pan fod awdurdod tai lleol yn arfer swyddogaethau o dan yr adran hon yn rhinwedd is-adran (11), mae'r cyfeiriadau yn is-adrannau (1), (4), (8), (9) a (10)(a) at "awdurdod trwyddedu" i'w darllen fel petaent yn gyfeiriadau at yr awdurdod tai lleol'.

Carl Sargeant

293

To insert a new section –

[] Requests for information from authorities and use of information by authorities

- (1) If a licensing authority requests that a local housing authority provides it with information to which subsection (2) applies and which it requires for the purpose of exercising its functions under this Part, the local housing authority must comply with the request unless the local housing authority considers that doing so would –
 - (a) be incompatible with the local housing authority’s own duties,
 - (b) otherwise have an adverse effect on the exercise of the local housing authority’s functions.
- (2) This subsection applies to any information which has been obtained by a local housing authority in the exercise of its –
 - (a) functions as the local housing authority;
 - (b) functions under Part 1 of the Local Government Finance Act 1992 (council tax).
- (3) Information obtained by a local housing authority under section 134 of the Social Security Administration Act 1992 (housing benefit) before the repeal of that section by Schedule 14 to the Welfare Reform Act 2012 is to be treated as information to which subsection (2) applies.
- (4) If a licensing authority requests that another licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the other authority must comply with the request unless the other authority considers that doing so would –
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.
- (5) This subsection applies to any information which has been obtained by a licensing authority in the exercise of its functions under this Part.
- (6) A licensing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under subsection (1) or (4)) for any purpose connected with the exercise of the authority’s functions under this Part.
- (7) If a local housing authority requests that a licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the licensing authority must comply with the request unless the licensing authority considers that doing so would –
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.
- (8) A local housing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under (7)) for any purpose connected with the exercise of the authority’s functions under this Part.’.

I fewnosod adran newydd –

- [1] Ceisiadau am wybodaeth gan awdurdodau a defnyddio gwybodaeth gan awdurdodau**
- (1) Os bydd awdurdod trwyddedu yn gofyn i awdurdod tai lleol ddarparu gwybodaeth iddo y mae is-adran (2) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod tai lleol gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun, neu
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
 - (2) Mae'r is-adran hon yn gymwys i unrhyw wybodaeth y mae awdurdod tai lleol wedi cael gafael arni wrth iddo arfer –
 - (a) ei swyddogaethau fel awdurdod tai lleol;
 - (b) ei swyddogaethau o dan Ran 1 o Ddeddf Cyllid Llywodraeth Leol 1992 (y dreth gyngor).
 - (3) Dylid trin gwybodaeth a ddaeth i law awdurdod tai lleol o dan adran 134 o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 (budd-dal tai) cyn i'r adran honno gael ei diddymu gan Atodlen 14 i Ddeddf Diwygio Lles 2012 fel gwybodaeth y mae is-adran (2) yn gymwys iddi.
 - (4) Os bydd awdurdod trwyddedu yn gofyn i awdurdod trwyddedu arall ddarparu gwybodaeth iddo y mae is-adran (5) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod arall gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun,
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
 - (5) Mae'r is-adran hon yn gymwys i unrhyw wybodaeth sydd wedi dod i law awdurdod trwyddedu wrth iddo arfer ei swyddogaethau o dan y Rhan hon.
 - (6) Caiff awdurdod lleol ddefnyddio unrhyw wybodaeth y mae is-adrannau (2) neu (5) yn gymwys iddi (pa un a yw wedi ei chael o dan is-adrannau (1) neu (4) ai peidio) at unrhyw ddibenion sy'n gysylltiedig ag arfer swyddogaethau'r awdurdod o dan y Rhan hon.
 - (7) Os bydd awdurdod trwyddedu yn gofyn i awdurdod tai lleol ddarparu gwybodaeth iddo y mae is-adran (5) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod tai lleol gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun, neu
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
 - (8) Caiff awdurdod lleol ddefnyddio unrhyw wybodaeth y mae is-adrannau (2) neu (5) yn gymwys iddi (pa un a yw wedi ei chael o dan is-adran (7) ai peidio) at unrhyw ddibenion sy'n gysylltiedig ag arfer swyddogaethau'r awdurdod o dan y Rhan hon.'.

Carl Sargeant

295

To insert a new section –

[] Power to require documents to be produced or information given

- (1) A person authorised in writing by a licensing authority may exercise the powers conferred by subsections (2) and (3) in relation to documents or information (as the case may be) reasonably required by the authority –
 - (a) for any purpose connected with the exercise of any of the authority’s functions under this Part, or
 - (b) for the purpose of investigating whether any offence has been committed under this Part.
- (2) A person authorised under subsection (1) may give a notice to a relevant person requiring that person –
 - (a) to produce any documents which –
 - (i) are specified or described in the notice, or fall within a category of document which is specified or described in the notice, and
 - (ii) are in the person’s custody or under the person’s control, and
 - (b) to produce them at a time and place, and to a person, specified in the notice.
- (3) A person authorised under subsection (1) may give a notice to a relevant person requiring that person –
 - (a) to give any information which –
 - (i) is specified or described in the notice, or falls within a category of information which is specified or described in the notice, and
 - (ii) is known to the person, and
 - (b) to give it in a form and manner specified in the notice.
- (4) The notice under subsection (1) or (2) must include information about the possible consequences of not complying with the notice.
- (5) The person to whom any document is produced in accordance with a notice under subsection (2) or (3) may copy the document.
- (6) No person may be required under this section to produce any document or give any information which the person would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.
- (7) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded, any reference to the production of a document is a reference to the production of a copy of the information in legible form.
- (8) In this section “relevant person” means a person within any of the following paragraphs –
 - (a) a person who applies for a licence under this Part or who is the holder of a licence under this Part;

- (b) a person who has an estate or interest in rental property;
- (c) a person who is, or is proposing to be, involved in the letting or management of a rental property;
- (d) a person who occupies a rental property.’

I fewnosod adran newydd –

[1] Pŵer i’w gwneud yn ofynnol cyflwyno dogfennau neu ddarparu gwybodaeth

- (1) Caiff person sydd wedi ei awdurdodi’n ysgrifenedig gan awdurdod trwyddedu arfer y pwerau a roddir gan is-adrannau (2) a (3) mewn perthynas â dogfennau neu wybodaeth (yn ôl y digwydd) sy’n rhesymol ofynnol gan yr awdurdod –
 - (a) at unrhyw ddiben sy’n gysylltiedig ag arfer unrhyw rai o swyddogaethau’r awdurdod o dan y Rhan hon, neu
 - (b) at ddiben ymchwilio a oes trosedd wedi’i chyflawni o dan y Rhan hon.
- (2) Caiff person sydd wedi ei awdurdodi o dan is-adran (1) roi hysbysiad i berson perthnasol yn ei gwneud yn ofynnol i’r person hwnnw –
 - (a) cyflwyno unrhyw ddogfennau sydd –
 - (i) wedi eu pennu neu eu disgrifio yn yr hysbysiad, neu sy’n dod o dan gategori o ddogfen sydd wedi ei bennu neu ei ddisgrifio yn yr hysbysiad, a
 - (ii) sydd yng ngwarchodaeth neu o dan reolaeth y person, a
 - (b) eu cyflwyno ar adeg, mewn lleoliad ac i berson a bennir yn yr hysbysiad.
- (3) Caiff person sydd wedi ei awdurdodi o dan is-adran (1) roi hysbysiad i berson perthnasol yn ei gwneud yn ofynnol i’r person hwnnw –
 - (a) cyflwyno unrhyw wybodaeth sydd –
 - (i) wedi ei phennu neu ei disgrifio yn yr hysbysiad, neu sy’n dod o dan gategori o wybodaeth sydd wedi ei phennu neu ei disgrifio yn yr hysbysiad, a
 - (ii) sy’n hysbys i’r person, a
 - (b) ei rhoi mewn modd ac ar ffurf a bennir yn yr hysbysiad.
- (4) Rhaid i’r hysbysiad o dan is-adran (2) neu (3) gynnwys gwybodaeth am ganlyniadau posibl peidio â chydymffurfio â’r hysbysiad.
- (5) Caiff y person y rhoddir unrhyw ddogfen iddo yn unol â hysbysiad o dan is-adrannau (2) neu (3) wneud copi o’r ddogfen.
- (6) Nid yw’n ofynnol o dan yr adran hon i unrhyw berson gyflwyno unrhyw ddogfen neu roi unrhyw wybodaeth y byddai’r person o fewn ei hawl i wrthod eu rhoi mewn achos yn yr Uchel Lys ar sail braint broffesiynol gyfreithiol.
- (7) Yn yr adran hon, mae “dogfen” yn cynnwys gwybodaeth sydd wedi ei chofnodi ar ffurfiau nad ydynt yn ffurfiau darllenadwy, ac mewn perthynas â gwybodaeth sydd wedi ei chofnodi fel hynny, mae unrhyw gyfeiriad at gyflwyno dogfen yn gyfeiriad at gyflwyno copi o’r wybodaeth ar ffurf ddarllenadwy.

- (8) Yn yr adran hon, mae “person perthnasol” yn golygu person a gynhwysir yn unrhyw rai o’r paragraffau canlynol—
- (a) person sy’n gwneud cais am drwydded o dan y Rhan hon neu sy’n ddeiliad trwydded o dan y Rhan hon;
 - (b) person sydd ag ystâd neu fuddiant mewn eiddo ar rent;
 - (c) person sy’n ymwneud â gosod neu reoli eiddo ar rent, neu’n bwriadu bod yn ymwneud â hynny;
 - (d) person sy’n preswyllo mewn eiddo ar rent.’.

Carl Sargeant

297

To insert a new section—

[] **Enforcement of powers to obtain information**

- (1) A person who fails to do anything required of that person by a notice under section [] commits an offence.
- (2) In proceedings against a person for an offence under subsection (1) it is a defence that the person had a reasonable excuse for failing to comply with the notice.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A person who intentionally alters, suppresses or destroys any document which the person has been required to produce by a notice under section [] commits an offence.
- (5) A person who commits an offence under subsection (4) is liable on summary conviction to a fine.
- (6) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded—
 - (a) the reference to the production of a document is a reference to the production of a copy of the information in legible form, and
 - (b) the reference to suppressing a document includes a reference to destroying the means of reproducing the information.’.

I fewnosod adran newydd—

[] **Gorfodi pwerau cael gafael ar wybodaeth**

- (1) Mae person sy’n methu â gwneud unrhyw beth yr oedd yn ofynnol iddo ei wneud drwy hysbysiad o dan adran [] yn cyflawni trosedd.
- (2) Mewn achos yn erbyn person am drosedd o dan is-adran (1), mae’r ffaith fod gan y person esgus rhesymol am fethu â chydymffurfio â’r hysbysiad yn amddiffyniad.
- (3) Mae person sy’n cyflawni trosedd o dan is-adran (1) yn agored, ar gollfarn ddiannod, i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.
- (4) Mae person sy’n mynd ati’n fwriadol i newid, i atal neu i ddinistrio unrhyw ddogfen y mae’n ofynnol iddo ei chyflwyno drwy hysbysiad o dan adran [] yn cyflawni trosedd.

- (5) Mae person sy'n cyflawni trosedd o dan is-adran (4) yn agored, ar gollfarn ddiannod, i ddirwy.
- (6) Yn yr adran hon, mae "dogfen" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar ffurfiau nad ydynt yn ffurfiau darllenadwy, ac mewn perthynas â gwybodaeth sydd wedi ei chofnodi fel hynny –
 - (a) mae'r cyfeiriad at gyflwyno dogfen yn gyfeiriad at gyflwyno copi o'r wybodaeth ar ffurf ddarllenadwy, a
 - (b) mae'r cyfeiriad at atal dogfen yn cynnwys cyfeiriad at ddinistrio'r ffordd o atgynhyrchu'r wybodaeth.'

Carl Sargeant

301

To insert a new section –

[] False or misleading information

- (1) A person who –
 - (a) supplies any information to a licensing authority in connection with any of its functions under this Part which is false or misleading, and
 - (b) knows that it is false or misleading or is reckless as to whether it is false or misleading,commits an offence.
- (2) A person who –
 - (a) supplies any information to another person which is false or misleading,
 - (b) knows that it is false or misleading or is reckless as to whether it is false or misleading, and
 - (c) knows that the information is to be used for the purpose of supplying information to a licensing authority in connection with any of its functions under this Part,commits an offence.
- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine.
- (4) In this section "false or misleading" means false or misleading in any material respect.'

I fewnosod adran newydd –

[] Gwybodaeth anwir neu gamarweiniol

- (1) Mae person –
 - (a) sy'n cyflenwi unrhyw wybodaeth sy'n anwir neu'n gamarweiniol i awdurdod trwyddedu mewn cysylltiad ag unrhyw rai o'i swyddogaethau o dan y Rhan hon, a
 - (b) sy'n gwybod bod yr wybodaeth yn anwir neu'n gamarweiniol neu sy'n ddi-hid ynghylch pa un a yw'n anwir neu'n gamarweiniol, yn cyflawni trosedd.

- (2) Mae person –
- (a) sy'n cyflenwi gwybodaeth sy'n anwir neu'n gamarweiniol i berson arall,
 - (b) sy'n gwybod ei bod yn anwir neu'n gamarweiniol neu sy'n ddi-hid ynghylch p'un a yw'n anwir neu'n gamarweiniol, ac
 - (c) sy'n gwybod bod yr wybodaeth i'w defnyddio at ddibenion cyflenwi gwybodaeth i awdurdod trwyddedu mewn cysylltiad ag unrhyw rai o'i swyddogaethau o dan y Rhan hon,
- yn cyflawni trosedd.
- (3) Mae person sy'n cyflawni trosedd o dan is-adran (1) neu (2) yn agored, ar gollfarn ddiannod, i ddirwy.
- (4) Yn yr adran hon, ystyr "yn anwir neu'n gamarweiniol" yw yn anwir neu'n gamarweiniol mewn unrhyw fater perthnasol.'

Jocelyn Davies 150

Gyda chefnogaeth / Supported by: Peter Black

Section 28, page 15, line 33, leave out 'may' and insert 'must'.

Adran 28, tudalen 15, llinell 34, hepgorer 'Caiff Gweinidogion' a mewnosoder 'Rhaid i Weinidogion'.

Carl Sargeant 296

Section 28, page 15, line 33, after 'to', insert 'letting and'.

Adran 28, tudalen 15, llinell 35, ar ôl 'â', mewnosoder 'gosod a'.

Jocelyn Davies 151

Gyda chefnogaeth / Supported by: Peter Black

Section 28, page 15, line 35, leave out 'may' and insert 'must'.

Adran 28, tudalen 15, llinell 36, hepgorer 'Gellir' a mewnosoder 'Rhaid'.

Peter Black 131

Section 28, page 15, after line 35, insert –

- '(3) When preparing a code of practice to be issued or amended under this section, the Welsh Ministers must have regard to the standards set by them under section 94(1)(a).'

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 9: We recommend that the code of practice under section 28 sets out the physical standards for private rented housing to which the sector should aspire, with a view to ensuring that all tenants are provided with decent quality accommodation. We believe that these standards should ultimately become statutory requirements when an appropriate legislative opportunity arises.

This amendment will ensure the code of practice for the private rented sector places standards at the level of quality expected of local housing associations due to the Welsh Housing Quality Standard.]

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder –

- ‘(3) Wrth baratoi cod ymarfer i’w ddyroddi neu ei ddiwygio o dan yr adran hon, rhaid i Weinidogion Cymru roi ystyriaeth i’r safonau a osodwyd ganddynt o dan adran 94(1) (a).’.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 9: Rydym yn argymhell bod y cod ymarfer o dan adran 28 yn amlinellu’r safonau ffisegol ar gyfer tai rhent preifat y dylai’r sector anelu atynt, gyda’r nod o sicrhau bod pob tenant yn cael llety o ansawdd gweddus. Credwn y dylai’r safonau hyn ddod yn ofynion statudol yn y pen draw pan fydd cyfle deddfwriaethol priodol yn codi.

Bydd y gwelliant hwn yn sicrhau bod y cod ymarfer ar gyfer y sector rhentu preifat yn gosod safonau o ran lefel yr ansawdd a ddisgwyllir o gymdeithasau tai lleol oherwydd Safon Ansawdd Tai Cymru.]

Jocelyn Davies

152

Gyda chefnogaeth / Supported by: Peter Black, Mark Isherwood

Section 28, page 15, after line 35, insert –

- ‘(3) Standards under subsection (1) must include an expectation that –
- (a) electricity safety checks will be carried out at intervals of no more than five years;
 - (b) carbon monoxide detectors will be installed and maintained.’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder –

- ‘(3) Rhaid i safonau o dan is-adran (1) gynnwys disgwyliad –
- (a) y caiff archwiliadau diogelwch trydan eu cynnal ar gyfnodau o ddim mwy na phum mlynedd;
 - (b) y caiff synwryddion carbon monocsid eu gosod a’u cynnal a’u cadw.’.

Mark Isherwood

414

Section 28, page 16, line 7, leave out – ‘or

- ‘(b) persons whom the Welsh Ministers consider to represent the interests of the persons mentioned in paragraph (a),’.

Adran 28, tudalen 16, llinell 8, hepgorer – ‘neu

- ‘(b) personau y mae Gweinidogion Cymru yn ystyried eu bod yn cynrychioli buddiannau’r personau a grybwyllir ym mharagraff (a),’.

Peter Black

133

Section 28, page 16, line 19, leave out subsection (9) and insert –

- ‘(9) A code approved by the National Assembly for Wales may not be withdrawn unless a proposal to that effect is approved by resolution of the National Assembly.’.

[As specified in the Constitutional and Legislative Affairs Committee Report on the Housing (Wales) Bill Recommendation 2: We recommend that the Minister should table an amendment to the Bill requiring

Assembly approval for the withdrawal of a code under section 28(8). This should replace the use of a direction under that section and would be consistent with the requirement for approval to issue a code in accordance with section 28(6). (Affirmative procedure)]

Adran 28, tudalen 16, llinell 22, hepgorer is-adran (9) a mewnosoder –

‘(9) Ni chaniateir i god a gymeradwywyd drwy benderfyniad Cynulliad Cenedlaethol Cymru gael ei dynnu yn ôl oni chymeradwyir cynnig i’r perwyl hwnnw drwy benderfyniad Cynulliad Cenedlaethol Cymru.’

[Fel y nodir yn Argymhelliad 2 o Adroddiad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ar y Bil Tai (Cymru): Rydym yn argymhell y dylai’r Gweinidog gyflwyno gwelliant i’r Bil a fyddai’n golygu cael cymeradwyaeth y Cynulliad cyn tynnu cod yn ôl o adran 28(8). Dylai hyn gymryd lle’r defnydd o gyfarwyddyd o dan yr adran honno a gyddai’n gyson â’r gofyniad am gymeradwyaeth i gyflwyno cod yn unol ag adran 28(6). (Y weithdrefn gadarnhaol)]

Carl Sargeant 298

Section 29, page 16, line 22, leave out ‘local housing’ and insert ‘licensing’.

Adran 29, tudalen 16, llinell 26, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 299

Section 29, page 16, leave out line 25.

Adran 29, tudalen 16, hepgorer llinell 29.

Carl Sargeant 300

Section 29, page 16, line 30, leave out ‘local housing authorities and such other’.

Adran 29, tudalen 16, llinell 36, hepgorer ‘awdurdodau tai lleol a’r cyfryw bersonau eraill’ a mewnosoder ‘bersonau ag’.

Carl Sargeant 304

Section 30, page 17, line 2, leave out ‘local housing’ and insert ‘licensing’.

Adran 30, tudalen 17, llinell 2, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 305

Section 30, page 17, leave out line 5.

Adran 30, tudalen 17, hepgorer llinellau 5 hyd at 6.

Mark Isherwood 415

To insert a new section –

‘Landlord accreditation

[] **Landlord accreditation**

The Welsh Ministers may, by order, grant approval to landlord accreditation schemes for the whole or any part of Wales.’.

I fewnosod adran newydd –

‘Achredu landlordiaid

[] **Achredu landlordiaid**

Caiff Gweinidogion Cymru, drwy orchymyn, gymeradwyo cynlluniau achredu landlordiaid ar gyfer Cymru gyfan neu unrhyw ran o Gymru.’.

Mark Isherwood

416

To insert a new section –

[] **Home energy efficiency improvements**

- (1) Landlords must consider from information readily available to them, any support or assistance available from any schemes, grants or otherwise for the purpose of making home energy efficiency improvements to a rental property.
- (2) Landlords must inform their tenants of their consideration under subsection (1) and whether any support or assistance may be available for the purpose of home energy efficiency improvements in relation to the rental property.
- (3) The Welsh Ministers may provide guidance to landlords on the implementation of this section.
- (4) The Welsh Ministers may set standards in any code of practice under section 28 in relation to a landlord’s obligations under this section including standards relating to training.
- (5) Landlords must reconsider the matters referred to in subsection (1) at least once in every 5 years.’.

I fewnosod adran newydd –

[] **Gwelliannau effeithlonrwydd ynni cartref**

- (1) Rhaid i landlordiaid ystyried, gan ddefnyddio gwybodaeth sydd ar gael iddynt yn rhwydd, unrhyw gefnogaeth neu gymorth sydd ar gael drwy unrhyw gynlluniau, grantiau neu fel arall, at ddiben gwneud gwelliannau effeithlonrwydd ynni cartref i eiddo ar rent.
- (2) Rhaid i landlordiaid hysbysu eu tenantiaid am eu hystyriaethau o dan is-adran (1) ac a allai unrhyw gefnogaeth neu gymorth fod ar gael at ddiben gwelliannau effeithlonrwydd ynni cartref mewn perthynas â’r eiddo ar rent.
- (3) Caiff Gweinidogion Cymru ddarparu canllawiau ar gyfer landlordiaid ar weithredu’r

adran hon.

- (4) Caiff Gweinidogion Cymru ddyroddi safonau mewn unrhyw god ymarfer o dan adran 28 mewn perthynas â rhwymedigaethau landlordiaid o dan yr adran hon gan gynnwys safonau yn ymwneud â hyfforddiant.
- (5) Rhaid i landlordiaid ailystyried y materion y cyfeirir atynt yn is-adran (1) o leiaf unwaith bob pum mlynedd.’.

Carl Sargeant

302

To insert a new section –

[] Activity in contravention of this Part: effect on tenancy agreements

- (1) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of any provision of a domestic tenancy of a dwelling in respect of which a contravention of this Part has occurred.
- (2) But periodical payments –
 - (a) payable in connection with such a tenancy may be stopped in accordance with section [inserted by amendment 286] (rent stopping orders); and
 - (b) paid in connection with such a tenancy may be recovered in accordance with sections [inserted by amendment 288] and [inserted by amendment 290] (rent repayment orders).’.

I fewnosod adran newydd –

[] Gweithgaredd sy’n groes i’r Rhan hon: effaith ar gytundebau tenantiaeth

- (1) Nid yw unrhyw rheol gyfreithiol sy’n ymwneud â dilysrwydd neu orfodadwyedd contractau mewn amgylchiadau sy’n cynnwys anghyfreithlondeb i effeithio ar ddilysrwydd neu orfodadwyedd unrhyw ddarpariaeth mewn tenantiaeth ddomestig annedd y mae’r Rhan hon wedi ei thorri mewn perthynas â hi.
- (2) Ond o ran taliadau cyfnodol –
 - (a) caniateir i rai sy’n daladwy mewn cysylltiad â thenantiaeth o’r fath gael eu hatal yn unol ag adran [adran i’w mewnosod gan welliant 286] (gorchmynion atal rhent), a
 - (b) caniateir i rai a delir mwn cysylltiad â thenantiaeth o’r fath gael eu hadfer yn unol ag adrannau [adran i’w mewnosod gan welliant 288] a [adran i’w mewnosod gan welliant 290] (gorchmynion ad-dalu rhent).’.

Carl Sargeant

303

To insert a new section –

[] Restriction on terminating tenancies

- (1) A section 21 notice may not be given in relation to a dwelling subject to a domestic tenancy which is an assured shorthold tenancy if –

- (a) the landlord is not registered in respect of the dwelling, or
 - (b) the landlord is not licensed under this Part for the area in which the dwelling is located and the landlord has not appointed a person who is licensed under this Part to carry out all property management work in respect of the dwelling on the landlord's behalf.
- (2) But subsection (1) does not apply for the period of 28 days beginning with the day on which the landlord's interest in the dwelling is assigned to the landlord.
- (3) In this section, a "section 21 notice" means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988.'

I fewnosod adran newydd –

[] **Cyfyngiad ar derfynu tenantiaethau**

- (1) Ni chaniateir rhoi hysbysiad adran 21 mewn perthynas ag annedd sy'n ddarostyngedig i denantiaeth ddomestig a honno'n denantiaeth fyrddaliol sicr os –
- (a) nad yw'r landlord yn gofrestredig mewn perthynas â'r annedd, neu
 - (b) nad yw'r landlord yn drwyddedig o dan y Rhan hon ar gyfer yr ardal y mae'r annedd wedi ei lleoli ynddi ac nad yw wedi penodi person sydd yn drwyddedig o dan y Rhan hon i ymgymryd â'r holl waith rheoli eiddo mewn perthynas â'r annedd ar ran y landlord.
- (2) Ond nid yw is-adran (1) yn gymwys am y cyfnod o 28 o ddiwrnodau sy'n dechrau ar y diwrnod pan fo buddiant y landlord yn yr annedd yn cael ei aseinio i'r landlord.
- (3) Yn yr adran hon, ystyr "hysbysiad adran 21" yw hysbysiad o dan adran 21(1)(b) neu (4) (a) o Ddeddf Tai 1988.'

Carl Sargeant

229

To insert a new section –

[] **Landlords who are trustees**

If trustees constitute a landlord, the landlord may be registered or licensed for the purposes of this Part under a name which is a collective description of the trustees as the trustees of the trust in question.'

I fewnosod adran newydd –

[] **Landlordiaid sy'n ymddiriedolwyr**

Os ymddiriedolwyr yw'r landlord, caniateir i'r landlord fod yn gofrestredig neu'n drwyddedig at ddibenion y Rhan hon o dan enw sy'n ddisgrifiad ar y cyd o'r ymddiriedolwyr fel ymddiriedolwyr yr ymddiriedolaeth o dan sylw.'

Carl Sargeant 306

Section 32, page 17, line 17, leave out 'local housing' and insert 'licensing'.
Adran 32, tudalen 17, llinell 18, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Mark Isherwood 417

Section 32, page 17, line 18, leave out 'registered and'.
Adran 32, tudalen 17, llinell 19, hepgorer 'gofrestredig ac yn'.

Carl Sargeant 307

Section 33, page 17, line 21, leave out 'local housing' and insert 'licensing'.
Adran 33, tudalen 17, llinell 22, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 308

Section 33, page 17, leave out line 23.
Adran 33, tudalen 17, hepgorer llinell 24.

Carl Sargeant 309

Section 33, page 17, line 25, leave out 'local housing' and insert 'licensing'.
Adran 33, tudalen 17, llinell 27, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 310

Section 33, page 17, line 26, leave out 'document' and insert 'licence'.
Adran 33, tudalen 17, llinell 26, hepgorer 'ddogfen' a mewnosoder 'drwydded'.

Carl Sargeant 311

Page 17, line 28, leave out section 34.
Tudalen 17, llinell 29, hepgorer adran 34.

Mark Isherwood 418

To insert a new section –

[] Advice for tenants

- (1) A local housing authority must secure the provision of a service providing tenants with information and advice relating to their rights and responsibilities as tenants.
- (2) In relation to subsection (1), the service must include information and advice relating to property defects and how tenants can assist the local housing authority to take action under Part 1 of the Housing Act 2004.

I fewnosod adran newydd –

[] **Cyngor i denantiaid**

- (1) Rhaid i awdurdodau tai lleol sicrhau y darperir gwasanaeth sy'n darparu gwybodaeth a chyngor i denantiaid ynglŷn â'u hawliau a'u cyfrifoldebau fel tenantiaid.
- (2) Mewn perthynas ag is-adran (1), rhaid i'r gwasanaeth gynnwys gwybodaeth a chyngor ynghylch diffygion eiddo a sut y gall tenantiaid gynorthwyo'r awdurdod tai lleol i gymryd camau o dan Ran 1 o Ddeddf Tai 2004.'

Carl Sargeant

312

Section 35, page 17, line 33, leave out subsection (1) and insert –

'() In this Part –

- "domestic tenancy" ("*tenantiaeth ddomestig*") has the meaning given by section [];
- "dwelling" ("*annedd*") has the meaning given by section [];
- "fully mutual housing association" ("*cymdeithas dai cwbl gydfuddiannol*") has the meaning given by section 1(2) of the Housing Association Act 1985;
- "landlord" ("*landlord*") has the meaning given by section ;
- "lettings work" ("*gwaith gosod*") has the meaning given by section [];
- "licensing authority" ("*awdurdod trwyddedu*") means a person designated by order under section [];
- "periodical payments" ("*taliadau cyfnodol*") means payments by way of rent or service charge;
- "prescribed" ("*rhagnodedig*") means prescribed in regulations made by the Welsh Ministers;
- "property management work" ("*gwaith rheoli eiddo*") has the meaning given by section [];
- "registered social landlord" ("*landlord cymdeithasol cofrestredig*") means a social landlord registered under Part 1 of the Housing Act 1996;
- "rental property" ("*eiddo ar rent*") has the meaning given by section []'.

Adran 35, tudalen 17, llinell 33, hepgorer is-adran (1) a mewnosoder –

'() Yn y Rhan hon –

- mae i "*annedd*" ("*dwelling*") yr ystyr a roddir gan [mewnosodir gan adran x];
- ystyr "*awdurdod trwyddedu*" ("*licensing authority*") yw person sydd wedi ei ddynodi drwy orchymyn o dan adran [];
- mae i "*cymdeithas dai gwbl gydfuddiannol*" yr un ystyr a roddir i "*fully mutual housing association*" gan adran 1(2) o Ddeddf Cymdeithasau Tai 1985;
- mae i "*eiddo ar rent*" ("*rental property*") yr ystyr a roddir gan adran ;

mae i “gwaith gosod” (“*lettings work*”) yr ystyr a roddir gan adran [];
mae i “gwaith rheoli eiddo” (“*property management work*”) yr ystyr a roddir gan adran [];
mae i “landlord” (“*landlord*”) yr ystyr a roddir gan adran ;
ystyr “landlord cymdeithasol cofrestredig” (“*registered social landlord*”) yw landlord cofrestredig sydd wedi ei gofrestru o dan Ran 1 o Ddeddf Tai 1996;
ystyr “rhagnodedig” (“*prescribed*”) yw rhagnodedig mewn rheoliadau a wnaed gan Weinidogion Cymru;
ystyr “taliadau cyfnodol” (“*periodical payments*”) yw taliadau drwy rent neu dâl gwasanaeth;
mae i “tenantiaeth ddomestig” (“*domestic tenancy*”) yr ystyr a roddir gan adran []’.

Mark Isherwood

419

Section 35, page 18, leave out line 13.

Adran 35, tudalen 18, hepgorer llinell 5.

Carl Sargeant

313

Section 35, page 18, after line 27, insert—

- ‘(4) In this Part, a reference to assignment of an interest to a landlord—
- (a) includes any conveyance other than a mortgage or charge, and
 - (b) if trustees constitute the landlord, does not include a change in the persons who are for the time being the trustees of the trust.’

Adran 35, tudalen 18, ar ôl llinell 27, mewnosoder—

- ‘(4) Yn y Rhan hon, mae cyfeiriad at aseinio buddiant i landlord—
- (a) yn cynnwys unrhyw drawsgludiad ac eithrio morgais neu arwystl, a
 - (b) os ymddiriedolwyr yw’r landlord, nid yw’n cynnwys newid yn y personau sydd, am y tro, yn ymddiriedolwyr i’r ymddiriedolaeth.’

Carl Sargeant

9

Section 36, page 19, line 9, leave out ‘and “homelessness” have the meaning given by section 82’ and insert ‘has the meaning given by section 41 and “homelessness” is to be interpreted accordingly’.

Adran 36, tudalen 19, llinell 11, hepgorer ‘a “digartrefedd” yr ystyr a roddir gan adran 82’ a mewnosoder ‘yr ystyr a roddir gan adran 41 ac mae “digartrefedd” i’w ddehongli yn unol â hynny’.

Carl Sargeant

10

Section 38, page 19, line 36, leave out 'or' at the first place where it appears and insert 'and'.

Adran 38, tudalen 19, llinell 38, hepgorer 'neu' yn y lle cyntaf y mae'n ymddangos a mewnosoder 'ac'.

Peter Black

354

Section 38, page 20, after line 4, insert—

- () The strategy must outline steps to prevent homelessness for groups at particular risk of homelessness including but not limited to—
- (a) people leaving prison or young offenders institutions;
 - (b) young people leaving care;
 - (c) people leaving the armed forces;
 - (d) people leaving psychiatric wards;
 - (e) people receiving mental health services in the community.
- () A local housing authority must work with relevant public authorities and voluntary organisations in the development of their homelessness strategy in order to prevent homelessness for groups at particular risk such as those referenced in subsection ().'.

[To mitigate the impact of the proposed change to the priority need definition for former prisoners, this amendment will strengthen the existing duties by providing specific reference to prison leavers. This amendment will place a duty on local housing authorities to work with bodies in other sectors to develop their homelessness strategy.]

Adran 38, tudalen 20, ar ôl llinell 5, mewnosoder—

- () Rhaid i'r strategaeth amlinellu camau i atal digartrefedd ymysg grwpiau sy'n wynebu perygl arbennig o ddigartrefedd gan gynnwys ond heb fod yn gyfyngedig i'r canlynol—
- (a) pobl sy'n gadael carchar neu sefydliadau troseddwyd ifanc;
 - (b) pobl ifanc sy'n gadael gofal;
 - (c) pobl sy'n gadael y lluoedd arfog;
 - (d) pobl sy'n gadael wardiau seiciatrig;
 - (e) pobl sy'n cael gwasanaethau iechyd meddwl yn y gymuned.
- () Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i ddatblygu ei strategaeth ddigartrefedd er mwyn atal digartrefedd ymysg grwpiau sy'n wynebu perygl arbennig o ddigartrefedd megis y rhai y cyfeirir atynt yn is-adran ().'.

[Er mwyn lliniaru effaith y newid arfaethedig ar y diffiniad o angen blaenoriaethol ar gyfer cyn-garcharorion, bydd y gwelliant hwn yn atgyfnerthu'r dyletswyddau presennol drwy gyfeirio'n benodol at bobl sy'n gadael carchar. Bydd y gwelliant hwn yn rhoi dyletswydd ar awdurdodau tai lleol i weithio gyda chyrff mewn sectorau eraill i ddatblygu eu strategaeth ddigartrefedd.]

Mark Isherwood

420

Section 38, page 20, after line 16, insert—

- ‘() A local housing authority must work with relevant public authorities and voluntary organisations in the development of its homelessness strategy in order to prevent homelessness of members of groups at particular risk.’

Adran 38, tudalen 20, ar ôl llinell 18, mewnosoder—

- ‘() Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i ddatblygu ei strategaeth ddigartrefedd er mwyn atal digartrefedd ymysg grwpiau sy’n wynebu perygl arbennig o ddigartrefedd.’

Mark Isherwood

421

Section 38, page 20, after line 16, insert—

- ‘() In formulating a homelessness strategy the authority must consider (among other things) the extent to which any of the objectives mentioned in subsection (1) can be achieved through action involving social letting agencies and private sector leasing schemes and other such agencies and schemes designed to facilitate the contribution made by the private sector in achieving those objectives.’

Adran 38, tudalen 20, ar ôl llinell 18, mewnosoder—

- ‘() Wrth lunio strategaeth ddigartrefedd rhaid i’r awdurdod ystyried (ymysg pethau eraill) i ba raddau y gellir cyflawni unrhyw un o’r amcanion a grybwyllir yn is-adran (1) drwy gamau sy’n ymwneud ag asiantaethau gosod cymdeithasol a chynlluniau lesio’r sector preifat ac asiantaethau a chynlluniau eraill o’r fath a gynlluniwyd i hwyluso cyfraniad y sector preifat at gyflawni’r amcanion hynny.’

Peter Black

134

Section 41, page 22, after line 35, insert—

- ‘(5) A person due to be released from custody is threatened with homelessness if it is likely that the person will become homeless as a result of that release within 90 days.’

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 22: We recommend that the Minister amends the Bill to make provision for a 90-day homelessness prevention period for prisoners.]

Adran 41, tudalen 22, ar ôl llinell 36, mewnosoder—

- ‘(5) Mae person sydd ar fin cael ei ryddhau o’r ddalfa o dan fygythiad o ddigartrefedd os yw’n debygol y bydd yn dod yn ddigartref o ganlyniad i gael ei ryddhau o fewn 90 o ddiwrnodau.’

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 22: Rydym yn argymhell bod y Gweinidog yn diwygio’r Bil i wneud darpariaeth ar gyfer cyfnod atal digartrefedd 90 diwrnod yn benodol ar gyfer carcharorion.]

Carl Sargeant 13

Section 43, page 23, line 12, leave out 'domestic abuse or abuse from a person with whom the person being abused is not associated' and insert 'abuse'.

Adran 43, tudalen 23, llinell 12, hepgorer 'cam-drin domestig neu gamdriniaeth o du person nad yw'r person sy'n cael ei gam-drin yn gysylltiedig ag ef' a mewnosoder 'camdriniaeth'.

Jocelyn Davies 153

Gyda chefnogaeth/ Supported by: Peter Black

Section 43, page 23, after line 13, insert—

'(2) It is not reasonable for a person to continue to occupy accommodation if it is probable that doing so will have a detrimental effect on that person's health.'

Adran 43, tudalen 23, ar ôl llinell 14, mewnosoder—

'(2) Nid yw'n rhesymol i berson barhau i feddiannu llety os yw'n debygol y bydd hynny'n cael effaith niweidiol ar iechyd y person hwnnw.'

Carl Sargeant 14

Section 43, page 23, line 14, leave out subsection (2).

Adran 43, tudalen 23, llinell 15, hepgorer is-adran (2).

Carl Sargeant 15

Section 43, page 23, line 18, leave out 'lives' and insert 'resides'.

Adran 43, tudalen 23, llinell 20, hepgorer 'byw' a mewnosoder 'preswyllo'.

Carl Sargeant 16

Section 43, page 23, line 19, leave out 'live' and insert 'reside'.

Adran 43, tudalen 23, llinell 21, hepgorer 'fyw' a mewnosoder 'breswyllo'.

Carl Sargeant 17

Section 44, page 23, after line 33, insert—

'() "Abuse" means physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to the risk of harm; and abuse is "domestic abuse" where the victim is associated with the abuser.'

Adran 44, tudalen 23, ar ôl llinell 35, mewnosoder—

'() Ystyr "camdriniaeth" yw trais corfforol, ymddygiad bygythiol neu fygyllus ac unrhyw ffurf arall ar gamdriniaeth a all, yn uniongyrchol neu'n anuniongyrchol, arwain at y perygl o niwed; ac ystyr "camdriniaeth ddomestig" yw camdriniaeth sy'n dod o du

person sy'n gysylltiedig â'r dioddefwr.'

Carl Sargeant 97

Section 44, page 24, leave out line 36'.

Adran 44, tudalen 25, hepgorer llinell 9'.

Carl Sargeant 18

Section 44, page 25, line 7, after 'is', insert 'or has been'.

Adran 44, tudalen 25, llinell 7, ar ôl 'honno', mewnosoder 'neu sydd wedi bod yn y berthynas honno'.

Jocelyn Davies 154

Gyda chefnogaeth/ Supported by: Peter Black

Section 45, page 25, after line 22, insert –

'() In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the property is of a decent standard.'

Adran 45, tudalen 25, ar ôl llinell 22, mewnosoder –

'() Wrth benderfynu a yw llety'n addas ar gyfer person rhaid i awdurdod tai lleol roi sylw i p'un a yw'r eiddo o safon foddhaol ai peidio.'

Jocelyn Davies 155

Gyda chefnogaeth/ Supported by: Peter Black

Section 45, page 25, after line 22, insert –

'(3) Accommodation is not suitable for a person unless a landlord has been registered in relation to that accommodation and the landlord (or an agent or responsible person appointed by the landlord) has been licensed to manage that property.'

Adran 45, tudalen 25, ar ôl llinell 22, mewnosoder –

'(4) Nid yw llety yn addas ar gyfer person oni bai fod landlord wedi ei gofrestru mewn perthynas â'r llety hwnnw a bod y landlord (neu asiant neu berson cyfrifol a benodwyd gan y landlord) wedi ei drwyddedu i reoli'r eiddo hwnnw.'

Mark Isherwood 422

Section 45, page 25, after line 22, insert –

'() In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the landlord has been accredited under a scheme approved under section [section to be inserted by amendment 415].'

Adran 45, tudalen 25, ar ôl llinell 22, mewnosoder –

- () Wrth benderfynu a yw llety'n addas ar gyfer person, rhaid i awdurdod tai lleol roi sylw i p'un a yw'r landlord wedi ei achredu o dan gynllun a gymeradwywyd o dan adran [sy'n cael ei mewnosod gan welliant 415] ai peidio.'.

Carl Sargeant 98

Section 46, page 25, line 30, after 'people', insert 'in its area, or people who have a local connection with its area,'.

Adran 46, tudalen 25, llinell 30, ar ôl 'bobl', mewnosoder 'yn ei ardal, neu bobl sydd â chysylltiad lleol â'i ardal'.

Jocelyn Davies 358

Section 46, page 25, line 32, after 'support', insert 'free of charge'.

Adran 46, tudalen 25, llinell 32, ar ôl 'gefnogaeth', mewnosoder 'ddi-dâl'.

Carl Sargeant 99

Section 46, page 25, line 32, leave out 'in the authority's area'.

Adran 46, tudalen 25, llinell 32, hepgorer 'yn ardal yr awdurdod'.

Carl Sargeant 100

Section 46, page 25, line 36, leave out 'that is available in the authority's area'.

Adran 46, tudalen 25, llinell 35, hepgorer 'sydd ar gael yn ardal yr awdurdod'.

Jocelyn Davies 359

Section 46, page 25, line 36, after 'available', insert 'free of charge'.

Adran 46, tudalen 25, llinell 36, ar ôl 'gael', mewnosoder 'yn ddi-dâl'.

Peter Black 355

Section 46, page 26, after line 5, insert –

- () The local housing authority must ensure that the service is delivered to and meets the needs of groups at particular risk of homelessness including but not limited to –
- (a) people leaving prison or young offenders institutions;
 - (b) young people leaving care;
 - (c) people leaving the armed forces;
 - (d) people leaving psychiatric wards;
 - (e) people receiving mental health services in the community.
- () A local housing authority must work with relevant public authorities and voluntary

organisations to ensure that the service meets the needs of groups at particular risk of homelessness such as those referenced in subsection ().’.

[To mitigate the impact of the proposed change to the priority need definition for former prisoners, this amendment will strengthen the existing duties by providing specific reference to prison leavers. This amendment will place a duty on local housing authorities to work with bodies in other sectors to deliver a service providing information, advice and assistance in accessing help.]

Adran 46, tudalen 26, ar ôl llinell 5, mewnosoder –

- ‘() Rhaid i’r awdurdod tai lleol sicrhau bod y gwasanaeth yn cael ei ddarparu i grwpiau sy’n wynebu perygl arbennig o ddigartrefedd, a’i fod yn diwallu eu hanghenion, gan gynnwys ond heb fod yn gyfyngedig i’r canlynol –
- (a) pobl sy’n gadael carchar neu sefydliadau troseddwyd ifanc;
 - (b) pobl ifanc sy’n gadael gofal;
 - (c) pobl sy’n gadael y lluoedd arfog;
 - (d) pobl sy’n gadael wardiau seiciatrig;
 - (e) pobl sy’n cael gwasanaethau iechedd meddwl yn y gymuned.
- () Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i sicrhau bod y gwasanaeth yn diwallu anghenion grwpiau sy’n wynebu perygl arbennig o ddigartrefedd megis y rhai y cyfeirir atynt yn is-adran ().’.

[Er mwyn lliniaru effaith y newid arfaethedig ar y diffiniad o angen blaenoriaethol ar gyfer cyn-garcharorion, bydd y gwelliant hwn yn atgyfnerthu’r dyletswyddau presennol drwy gyfeirio’n benodol at bobl sy’n gadael carchar. Bydd y gwelliant hwn yn rhoi dyletswydd ar awdurdodau tai lleol i weithio gyda chyrff mewn sectorau eraill i ddarparu gwasanaeth sy’n rhoi gwybodaeth, cyngor a chymorth i bobl gael gfael ar help.]

Mark Isherwood

423

Section 46, page 26, after line 13, insert –

- ‘(5) A local housing authority must work with relevant public authorities and voluntary organisations to ensure that the service meets the needs of groups at particular risk of homelessness.’.

Adran 46, tudalen 26, ar ôl llinell 14, mewnosoder –

- ‘(5) Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i ddatblygu ei strategaeth ddigartrefedd er mwyn atal digartrefedd ymysg grwpiau sy’n wynebu perygl arbennig o ddigartrefedd.’.

Jocelyn Davies

156

Gyda chefnogaeth / Supported by: Peter Black

To insert a new section –

[] Training for local authority staff

- (1) All local authorities must ensure that officers who advise in relation to housing matters, together with front desk staff, undergo appropriate and accredited training regarding the provisions of this Part.
- (2) The Welsh Ministers may by regulations provide for the accreditation of training provision to be made under this section.’

I fewnosod adran newydd –

[] Hyfforddiant ar gyfer staff awdurdod lleol

- (1) Rhaid i bob awdurdod lleol sicrhau bod swyddogion sy’n rhoi cyngor mewn perthynas â materion tai, ynghyd â staff y ddesg flaen, yn cael hyfforddiant priodol ac achrededig mewn perthynas â darpariaethau’r Rhan hon.
- (2) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau ar gyfer achredu hyfforddiant o dan yr adran hon.’

Jocelyn Davies

360

Section 47, page 26, after line 17, insert –

- ‘() Persons who request assistance but who are not eligible for help in accordance with Schedule 2 must nevertheless be provided with the information identified in section 46(2) (b) and (c) as well as information regarding assistance available outside the authority’s area from organisations other than local housing authorities.’

Adran 47, tudalen 26, ar ôl llinell 18, mewnosoder –

- ‘() Rhaid i bersonau sy’n gofyn am gynhorthwy ond nad ydynt yn gymwys i gael cymorth yn unol ag Atodlen 2, serch hynny gael yr wybodaeth a bennir yn adran 46(2) (b) ac (c) yn ogystal â gwybodaeth ynghylch cynhorthwy sydd ar gael y tu allan i ardal yr awdurdod gan sefydliadau heblaw awdurdodau tai lleol.’

Jocelyn Davies

361

Section 47, page 26, after line 17, insert –

- ‘() Persons fleeing domestic abuse are eligible for help under the following provisions of this Chapter even if they would otherwise be ineligible for help in accordance with Schedule 2.’

Adran 47, tudalen 26, ar ôl llinell 18, mewnosoder –

- '() Mae personau sy'n dianc rhag cam-drin domestig yn gymwys i gael cymorth o dan ddarpariaethau canlynol y Bennod hon, hyd yn oed os ydynt fel arall yn anghymwys i gael help yn unol ag Atodlen 2.'

Carl Sargeant

75

Schedule 2, page 71, line 11, after 'to', insert 'universal credit or'.

Atodlen 2, tudalen 71, llinell 11, ar ôl 'i', mewnosoder 'gredyd cynhwysol neu'.

Carl Sargeant

19

Section 48, page 26, line 28, after 'out', insert 'and there is no new information that materially affects that assessment'.

Adran 48, tudalen 26, llinell 29, ar ôl 'gynnal', mewnosoder 'ac nad oes unrhyw wybodaeth newydd sy'n cael effaith sylweddol ar yr asesiad hwnnw'.

Peter Black

356

Section 48, page 27, after line 9, insert –

- '() The local housing authority must ensure that assessments are carried out for people falling within groups at particular risk of homelessness including but not limited to –
- (a) people leaving prison or young offenders institutions;
 - (b) young people leaving care;
 - (c) people leaving the armed forces;
 - (d) people leaving psychiatric wards;
 - (e) people receiving mental health services in the community.
- () A local housing authority must work with relevant public authorities and voluntary organisations to ensure that groups at particular risk of homelessness can be assessed such as those referenced in subsection ()'.

[To mitigate the impact of the proposed change to the priority need definition for former prisoners, this amendment will strengthen the existing duties by providing specific reference to prison leavers. This amendment will place a duty on local housing authorities to work with bodies in other sectors to carry out assessments.]

Adran 48, tudalen 27, ar ôl llinell 9, mewnosoder –

- '() Rhaid i'r awdurdod tai lleol sicrhau bod asesiadau'n cael eu cynnal ar gyfer pobl sy'n perthyn i grwpiau sy'n wynebu perygl arbennig o ddigartrefedd, gan gynnwys ond heb fod yn gyfyngedig i'r canlynol –
- (a) pobl sy'n gadael carchar neu sefydliadau troseddwyd ifanc;
 - (b) pobl ifanc sy'n gadael gofal;
 - (c) pobl sy'n gadael y lluoedd arfog;
 - (d) pobl sy'n gadael wardiau seiciatrig;

(e) pobl sy'n cael gwasanaethau iechyd meddwl yn y gymuned.

- () Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i sicrhau y gellir asesu grwpiau sy'n wynebu perygl arbennig o ddigartrefedd megis y rhai y cyfeirir atynt yn is-adran ().'

[Er mwyn lliniaru effaith y newid arfaethedig ar y diffiniad o angen blaenoriaethol ar gyfer cyn-garcharorion, bydd y gwelliant hwn yn atgyfnerthu'r dyletswyddau presennol drwy gyfeirio'n benodol at bobl sy'n gadael carchar. Bydd y gwelliant hwn yn rhoi dyletswydd ar awdurdodau tai lleol i weithio gyda chyrff mewn sectorau eraill i gynnal asesiadau.]

Carl Sargeant

20

Section 48, page 27, line 14, leave out 'it may owe a duty to the applicant under the following provisions of this Chapter' and insert 'that it owes a duty to the applicant under the following provisions of this Chapter or that it may do so'.

Adran 48, tudalen 27, llinell 13, hepgorer 'y gallai dyletswydd fod arno mewn perthynas â'r ceisydd o dan ddarpariaethau canlynol y Bennod hon' a mewnosoder 'bod dyletswydd arno i'r ceisydd o dan ddarpariaethau canlynol y Bennod hon neu y gallai dyletswydd fod arno'.

Carl Sargeant

101

Section 48, page 27, line 16, leave out subsection (9) and insert –

'() A local housing authority must review its assessment in the following two cases –

Case 1 - where an applicant has been notified under section 49 that a duty is owed to the applicant under section 52 (duty to help to prevent an applicant from becoming homeless) and subsequently it appears to the authority that the duty under section 52 has or is likely to come to an end because the applicant is homeless;

Case 2 - where an applicant has been notified under section 49 that a duty is owed to the applicant under section 56 (duty to help to secure accommodation for homeless applicants) and subsequently it appears to the authority that the duty in section 56 has or is likely to come to an end in circumstances where a duty may be owed to the applicant under section 58 (duty to secure accommodation for applicants in priority need when the duty in section 56 ends).

- () The duty in subsection (5)(c) does not require a local housing authority to assess whether or not a duty would be owed to the applicant under section 58 unless and until it reviews its assessment in accordance with subsection () in the circumstances described in case 2 of that subsection; but it may do so before then.
- () Subsections () and () do not affect the generality of subsection (8).'

Adran 48, tudalen 27, llinell 15, hepgorer is-adran (9) a mewnosoder –

'() Rhaid i awdurdod tai lleol adolygu ei asesiad yn y ddau achos a ganlyn –

Achos 1 - pan fo ceisydd wedi ei hysbysu o dan adran 49 bod dyletswydd i'r ceisydd o dan adran 52 (dyletswydd i gynorthwyo i atal ceisydd rhag dod yn ddigartref) a'i bod yn ymddangos i'r awdurdod wedi hynny bod y ddyletswydd o

dan adran 52 wedi dod i ben neu'n debygol o ddod i ben gan fod y ceisydd yn ddigartref;

Achos 2 - pan fo ceisydd wedi ei hysbysu o dan adran 49 bod dyletswydd i'r ceisydd o dan adran 56 (dyletswydd i gynorthwyo i sicrhau llety ar gyfer ceiswyr digartref) a'i bod yn ymddangos i'r awdurdod wedi hynny bod y ddyletswydd yn adran 56 wedi dod i ben neu'n debygol o ddod i ben o dan amgylchiadau pan y gallai dyletswydd fod yn ddyledus i'r ceisydd o dan adran 58 (dyletswydd i sicrhau llety ar gyfer ceiswyr mewn angen blaenoriaethol pan fo'r ddyletswydd yn adran 56 yn dod i ben).

- () Nid yw'r ddyletswydd yn is-adran (5)(c) yn ei gwneud yn ofynnol i awdurdod tai lleol asesu a fyddai dyletswydd i'r ceisydd o dan adran 58 ai peidio oni bai a hyd nes y bo'n adolygu ei asesiad yn unol ag is-adran () o dan yr amgylchiadau a ddisgrifir yn achos 2 o'r is-adran honno; ond caniateir iddo wneud felly cyn hynny.
- () Nid yw is-adrannau () a () yn effeithio ar gyffredinolrwydd is-adran (8).'

Mark Isherwood

424

Section 48, page 27, after line 19, insert—

'(10) A local housing authority must work with relevant public authorities and voluntary organisations to ensure that groups at particular risk of homelessness can be assessed.'

Adran 48, tudalen 27, ar ôl llinell 18, mewnosoder—

'(10) Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i sicrhau y gellir asesu grwpiau sy'n wynebu perygl arbennig o ddigartrefedd.'

Carl Sargeant

21

Section 49, page 28, line 7, after 'himself', insert 'or herself'.

Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version

Jocelyn Davies

362

Section 50, page 28, after line 29, insert—

'(3) The Welsh Ministers must issue guidance to local housing authorities in relation to how those authorities may secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant. '

Adran 50, tudalen 28, ar ôl llinell 28, mewnosoder—

'(3) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau tai lleol mewn perthynas â sut y caiff yr awdurdodau hynny sicrhau neu gynorthwyo i sicrhau bod llety addas ar gael, neu nad yw'n peidio â bod ar gael, i'r ceisydd ei feddiannu.'

Carl Sargeant 102

Section 52, page 29, line 4, leave out 'it' and insert 'the authority'.

Adran 52, tudalen 29, llinell 4, hepgorer 'yw'n' a mewnosoder 'yw'r awdurdod yn'.

Carl Sargeant 103

Section 54, page 29, line 33, leave out 'for whom the local housing authority has not completed its assessment under section 48, but'.

Adran 54, tudalen 29, llinell 35, hepgorer 'yn gymwys i geisydd nad yw'r awdurdod tai lleol wedi cwblhau ei asesiad ar ei gyfer o dan adran 48 ond' a mewnosoder 'hon yn gymwys i geisydd'.

Carl Sargeant 104

Section 54, page 30, line 1, after 'accommodation', insert –
' , in circumstances where the authority is not yet satisfied that the applicant is homeless, eligible for help and in priority need for accommodation'.

Adran 54, tudalen 30, llinell 1, ar ôl 'lety', mewnosoder –
' , o dan amgylchiadau pan nad yw'r awdurdod yn fodlon hyd yma bod y ceisydd yn ddigartref, yn gymwys i gael cymorth ac ag angen blaenoriaethol am lety'.

Carl Sargeant 105

Section 54, page 30, line 3, after 'authority', insert 'has reason to believe or'.

Adran 54, tudalen 30, llinell 3, ar ôl 'awdurdod', mewnosoder 'â rheswm i gredu neu'.

Carl Sargeant 106

Section 54, page 30, line 6, leave out 'or section 58 (duty to secure accommodation for applicant in priority need)'.

Adran 54, tudalen 30, llinell 7, hepgorer 'neu adran 58 (dyletswydd i sicrhau llety ar gyfer ceiswyr mewn angen blaenoriaethol)'.

Carl Sargeant 107

Section 54, page 30, line 10, leave out subsections (5) to (10).

Adran 54, tudalen 30, llinell 11, hepgorer is-adrannau (5) hyd at (10).

Carl Sargeant 108

To insert a new section –

[] Circumstances in which the duty in section 54 ends

- (1) The duty to an applicant under section 54 comes to an end in any of the circumstances described in subsection (2), (3) (subject to subsections (4) and (5)), (7), (8) or (9) if the

- applicant has been notified in accordance with section 67.
- (2) The circumstances are that the local housing authority has decided that no duty is owed to the applicant under section 56 and the applicant is notified of that decision.
 - (3) In the case of an applicant to whom section 54(3) applies, the circumstances are that the local housing authority has –
 - (a) decided that the duty owed to the applicant under section 56 has come to an end and that a duty is or is not owed to the applicant under section 58, and
 - (b) notified the applicant of that decision;but this is subject to subsections (4) and (5).
 - (4) Subsection (5) applies where a local housing authority has decided that no duty is owed to the applicant under section 58 on the basis that the authority –
 - (a) is satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application, or
 - (b) has previously secured an offer of accommodation of the kind described in section 58(3)(d).
 - (5) The duty under section 54 does not come to an end in the circumstances described in subsection (3) until the authority is also satisfied that the accommodation it has secured under section 54 has been available to the applicant for a sufficient period, beginning on the day on which he or she is notified that section 58 does not apply, to allow the applicant a reasonable opportunity of securing accommodation for his or her occupation.
 - (6) The period mentioned in subsection (5) is not sufficient for the purposes of that subsection if it ends on a day during the period of 56 days beginning with the day on which the applicant was notified that the duty in section 56 applied.
 - (7) The circumstances are that the applicant, having been notified of the possible consequence of refusal, refuses an offer of accommodation secured under section 54 which the local housing authority is satisfied is suitable for the applicant.
 - (8) The circumstances are that the local housing authority is satisfied that the applicant has become homeless intentionally from suitable interim accommodation made available for the applicant's occupation under section 54.
 - (9) The circumstances are that the local housing authority is satisfied that the applicant voluntarily ceased to occupy as his or her only or principal home suitable interim accommodation made available for the applicant's occupation under section 54.
 - (10) The duty comes to an end in accordance with this section even if the applicant requests a review of any decision that has led to the duty coming to an end (see section 68).
 - (11) The authority may secure that suitable accommodation is available for the applicant's occupation pending a decision on a review.
 - (12) See section 62 for further circumstances in which the duty in section 54 comes to an end.'

I fewnosod adran newydd –

[1] Amgylchiadau pan fo’r ddyletswydd yn adran 54 yn dod i ben

- (1) Mae’r ddyletswydd i geisydd o dan adran 54 yn dod i ben o dan unrhyw un o’r amgylchiadau a ddisgrifir yn is-adran (2), (3) (yn ddarostyngedig i is-adrannau (4) a (5)), (7), (8) neu (9) os yw’r ceisydd wedi ei hysbysu yn unol ag adran 67.
- (2) Yr amgylchiadau yw bod yr awdurdod tai lleol wedi penderfynu nad oes dyletswydd i’r ceisydd o dan adran 56 a bod y ceisydd wedi ei hysbysu am y penderfyniad hwnnw.
- (3) Yn achos ceisydd y mae adran 54(3) yn gymwys iddo, yr amgylchiadau yw bod yr awdurdod tai lleol –
 - (a) wedi penderfynu bod y ddyletswydd i’r ceisydd o dan adran 56 wedi dod i ben a bod dyletswydd yn ddyledus neu nad yw’n ddyledus i’r ceisydd o dan adran 58, a
 - (b) wedi hysbysu’r ceisydd am y penderfyniad hwnnw;ond mae hyn yn ddarostyngedig i is-adrannau (4) a (5).
- (4) Mae is-adran (5) yn gymwys pan fo awdurdod tai lleol wedi penderfynu nad oes dyletswydd i’r ceisydd o dan adran 58 ar y sail bod yr awdurdod –
 - (a) yn fodlon y daeth y ceisydd yn ddigartref yn fwriadol o dan yr amgylchiadau a arweiniodd at y cais, neu
 - (b) wedi sicrhau cynnig o lety o’r math a ddisgrifir yn adran 58(3)(d) yn flaenorol.
- (5) Nid yw’r ddyletswydd o dan adran 54 yn dod i ben o dan yr amgylchiadau a ddisgrifir yn is-adran (3) hyd nes y bo’r awdurdod yn fodlon hefyd bod y llety a sicrhawyd ganddo o dan adran 54 wedi bod ar gael i’r ceisydd am gyfnod digonol, gan ddechrau ar y diwrnod yr hysbysir ef nad yw adran 58 yn gymwys, er mwyn caniatáu cyfle rhesymol i’r ceisydd sicrhau llety iddo ei feddiannu.
- (6) Nid yw’r cyfnod a grybwyllir yn is-adran (5) yn ddigonol at ddibenion yr is-adran honno os yw’n dod i ben ar ddiwrnod yn ystod y cyfnod o 56 o ddiwrnodau sy’n dechrau gyda’r diwrnod yr hysbyswyd y ceisydd bod y ddyletswydd yn adran 56 yn gymwys.
- (7) Yr amgylchiadau yw bod y ceisydd, ar ôl cael ei hysbysu am ganlyniadau posibl gwrthod, yn gwrthod cynnig o lety a sicrhawyd o dan adran 54 y mae’r awdurdod tai lleol yn fodlon ei fod yn addas ar gyfer y ceisydd.
- (8) Yr amgylchiadau yw bod yr awdurdod tai lleol yn fodlon bod y ceisydd wedi dod yn ddigartref yn fwriadol o lety interim addas y sicrhawyd o dan adran 54 ei fod ar gael i’r ceisydd ei feddiannu.
- (9) Yr amgylchiadau yw bod yr awdurdod tai lleol yn fodlon bod y ceisydd wedi rhoi’r gorau yn wirfoddol i feddiannu, fel ei unig neu ei brif gartref, llety interim addas y sicrhawyd o dan adran 54 ei fod ar gael i’r ceisydd ei feddiannu.
- (10) Daw’r ddyletswydd i ben yn unol â’r adran hon hyd yn oed os yw’r ceisydd yn gofyn am adolygiad o unrhyw benderfyniad sydd wedi arwain at ddod â’r ddyletswydd i ben (gweler adran 68).
- (11) Caiff yr awdurdod sicrhau bod llety addas ar gael i’r ceisydd ei feddiannu hyd nes y gwneir penderfyniad ynghylch adolygiad.

- (12) Gweler adran 62 am amgylchiadau pellach pan fo'r ddyletswydd yn adran 54 yn dod i ben.'.

Mark Isherwood

157A

As an amendment to amendment 157, line 2, leave out 'or physical or mental' and insert 'physical disability or learning difficulty or'.

Fel gwelliant i welliant 157, llinell 2, hepgorer 'neu anabledd corfforol neu feddyliol' a mewnosoder 'anabledd corfforol neu anhawster neu anabledd dysgu'.

Jocelyn Davies

157

Section 55, page 31, line 1, leave out 'some special reason (for example: old age, illness or disability)' and insert 'old age, physical or mental illness, or physical or mental disability, or other special reason'.

Adran 55, tudalen 31, llinell 1, hepgorer 'reswm arbennig (er enghraifft: henaint, salwch neu anabledd)' a mewnosoder 'henaint, salwch corfforol neu feddyliol, neu anabledd corfforol neu feddyliol, neu reswm arbennig arall'.

Mark Isherwood

22A

As an amendment to amendment 22, line 1, leave out 'or physical or mental' and insert ', learning difficulty or disability or physical'.

Fel gwelliant i welliant 22, llinell 1, hepgorer 'neu anabledd corfforol neu feddyliol' a mewnosoder ', anhawster neu anabledd dysgu neu anabledd corfforol'.

Carl Sargeant

22

Section 55, page 31, line 2, leave out 'illness or' and insert 'physical or mental illness or physical or mental'.

Adran 55, tudalen 31, llinell 2, hepgorer 'neu anabledd' a mewnosoder 'corfforol neu feddyliol neu anabledd corfforol neu feddyliol'.

Jocelyn Davies

158

Gyda chefnogaeth/ Supported by: Peter Black

Section 55, page 31, line 11, leave out 'aged 16 or 17;

- (g) a person who has attained the age of 18, but not the age of 21 who is at particular risk of sexual or financial exploitation'

and insert 'who has not attained the age of 21'.

Adran 55, tudalen 31, llinell 12, hepgorer 'sy'n 16 neu'n 17 oed;

- (g) person sydd wedi cyrraedd 18 oed, ond nid 21 oed, sy'n wynebu perygl arbennig o gam-fanteisio rhywiol neu ariannol'

a mewnosoder 'nad yw wedi cyrraedd 21 oed'.

Carl Sargeant **23**

Section 55, page 31, line 11, after '17', insert 'when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation'.

Adran 55, tudalen 31, llinell 12, ar ôl 'oed', mewnosoder 'pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety'.

Carl Sargeant **24**

Section 55, page 31, line 12, after '18,', insert 'when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation,'.

Adran 55, tudalen 31, llinell 13, ar ôl 'oed,' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety,'.

Jocelyn Davies **159**

Gyda chefnogaeth/ Supported by: Peter Black

Section 55, page 31, line 14, leave out '18, but not the age of 21' and insert '21, but not the age of 25'.

Adran 55, tudalen 31, llinell 15, hepgorer '18 oed, ond nid 21' a mewnosoder '21 oed, ond nid 25'.

Carl Sargeant **25**

Section 55, page 31, line 14, after '18,', insert 'when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation,'.

Adran 55, tudalen 31, llinell 15, ar ôl 'oed,' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety,'.

Peter Black **135**

Section 55, page 31, leave out lines 18 to 25 and insert –

- '(j) a former prisoner who has been homeless since leaving custody and who has a local connection with the area of the local housing authority.'

[This amendment returns the homelessness duty on former prisoners to that of the 2001 order.]

Adran 55, tudalen 31, hepgorer llinellau 19 hyd at 26 a mewnosoder –

- '(j) cyn-garcharor sydd wedi bod yn ddigartref ers gadael y ddalfa ac y mae ganddo gysylltiad lleol ag ardal yr awdurdod tai lleol.'

[Mae'r gwelliant hwn yn dychwelyd y ddyletswydd ddigartrefedd ar gyn-garcharorion i un gorchymyn 2001.]

Carl Sargeant

26

Section 55, page 31, line 19, after 'of', insert 'one of the following reasons'.

Adran 55, tudalen 31, llinell 20, ar ôl 'i', mewnosoder 'un o'r rhesymau canlynol'.

Carl Sargeant

27

Section 55, page 31, line 34, after 'a', insert 'continuous'.

Adran 55, tudalen 31, llinell 37, ar ôl 'gyfnod', mewnosoder 'di-dor'.

Carl Sargeant

28

Section 55, page 31, line 35, leave out 'or Primary Care Trust or a by a local authority in the exercise of education functions (within the meaning given by section 579(1) of the Education Act 1996), or

- (ii) in any care home or independent hospital or in any accommodation provided by an NHS'

and insert –

- '() by or on behalf of a clinical commissioning group or the National Health Service Commissioning Board,
- () by or on behalf of a county or county borough council in Wales in the exercise of education functions,
- () by or on behalf of a local authority in England in the exercise of education functions,
- () in any care home or independent hospital, or
- () in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust'.

Adran 55, tudalen 31, hepgorer 'neu Ymddiriedolaeth Gofal Sylfaenol neu gan awdurdod lleol wrth arfer swyddogaethau addysg (o fewn yr ystyr a roddir i "education functions" gan adran 579(1) o Ddeddf Addysg 1996), neu

- (ii) mewn unrhyw gartref gofal neu ysbyty annibynnol neu mewn unrhyw lety a ddarperir gan un neu ragor o Ymddiriedolaethau'r GIG'

a mewnosoder –

- '() gan grŵp comisiynu clinigol neu Fwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol, neu ar eu rhan,
- () gan gyngor sir neu gyngor bwrdeistref sirol yng Nghymru wrth arfer swyddogaethau addysg, neu ar ran y cyngor,
- () gan awdurdod lleol yn Lloegr wrth arfer swyddogaethau addysg, neu ar ei ran,
- () mewn unrhyw gartref gofal neu ysbyty annibynnol, neu

- () mewn unrhyw lety a ddarperir gan un neu ragor o Ymddiriedolaethau'r GIG, neu ar eu rhan, neu gan un neu ragor o Ymddiriedolaethau Sefydledig y GIG, neu ar eu rhan'.

Carl Sargeant

29

Section 55, page 32, line 3, after 'fostered', insert '(within the meaning of section 66 of the Children Act 1989);'.

Adran 55, tudalen 32, llinell 4, ar ôl 'breifat', mewnosoder '(o fewn ystyr adran 66 o Ddeddf Plant 1989)'.

Peter Black

136

Section 55, page 32, after line 3, insert –

“prisoner” (“*carcharor*”) means any person for the time being detained in lawful custody as the result of a requirement imposed by a court that he or she be detained.’.

[*Consequential to amendment 135.*]

Adran 55, tudalen 31, ar ôl llinell 27, mewnosoder –

‘ystyr “carcharor” (“*prisoner*”) yw person a gedwir yn gyfreithlon yn y ddalfa am y tro o ganlyniad i ofyniad a osodwyd gan lys i’w gadw’n gaeth.’.

[*Canlyniadol i welliant 135.*]

Carl Sargeant

30

Section 55, page 32, after line 5, insert –

‘(3) In subsection (2) –

“care home” (“*cartref gofal*”) has the same meaning as in the Care Standards Act 2000;

“clinical commissioning group” (“*grŵp comisiynu clinigol*”) means a body established under section 14D of the National Health Service Act 2006;

“education functions” (“*swyddogaethau addysg*”) has the meaning given by section 597(1) of the Education Act 1996;

“independent hospital” (“*ysbyty annibynnol*”) –

- (a) in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and
- (b) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means –

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county

council,

(c) a London borough council, or

(d) the Common Council of the City of London;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.’.

Adran 55, tudalen 32, ar ôl llinell 4, mewnosoder –

‘(3) Yn is-adran (2) –

ystyr “awdurdod lleol yn Lloegr” (“*local authority in England*”) yw –

(a) cyngor sir yn Lloegr,

(b) cyngor dosbarth ar gyfer ardal yn Lloegr lle nad oes cyngor sir,

(c) cyngor bwrdeistref yn Llundain, neu

(d) Cyngor Cyffredin Dinas Llundain;

ystyr “Bwrdd Iechyd Lleol” (“*Local Health Board*”) yw Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

mae i “cartref gofal” yr ystyr a roddir i “care home” yn Neddf Safonau Gofal 2000;

ystyr “grŵp comisiynu clinigol” (“*clinical commissioning group*”) yw corff a sefydlwyd o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;

mae i “swyddogaethau addysg” (“*education functions*”) yr ystyr a roddir gan adran 597(1) o Ddeddf Addysg 1996;

ystyr “ysbyty annibynnol” (“*independent hospital*”) –

(a) mewn perthynas â Chymru, yw ysbyty annibynnol o fewn ystyr adran 2 o Ddeddf Safonau Gofal 2000; ac

(b) mewn perthynas â Lloegr, yw ysbyty, fel y’i diffinnir gan adran 275 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006, nad yw’n ysbyty’r gwasanaeth iechyd (“health service hospital”) o fewn yr ystyr a roddir i’r ymadrodd gan yr adran honno.’.

Carl Sargeant

31

Section 55, page 32, line 6, leave out subsections (3) to (4).

Adran 55, tudalen 32, llinell 5, hepgorer is-adrannau (3) hyd at (4).

Jocelyn Davies

32A

As an amendment to amendment 32, line 6, leave out ‘homeless’ at the first place where it appears.

Fel gwelliant i welliant 32, llinell 5, hepgorer ‘digartref’.

Jocelyn Davies

32B

As an amendment to amendment 32, line 8, leave out ‘homeless’.

Fel gwelliant i welliant 32, llinell 8, hepgorer ‘digartref’.

Jocelyn Davies

32C

As an amendment to amendment 32, line 11, leave out ‘homeless person’ means a homeless’ and insert ‘person’ means a’.

Fel gwelliant i welliant 32, llinell 22, hepgorer ‘digartref arferol’ (“*ordinary homeless person*”) yw person digartref’ a mewnosoder ‘arferol’ (“*ordinary person*”) yw person’.

Carl Sargeant

32

To insert a new section –

[] Meaning of vulnerable in section 55

(1) A person is vulnerable for a reason mentioned in paragraph (c) or (j) of section 55(1) if, having regard to all the circumstances of the person’s case, –

- (a) the person would be less able to fend for himself or herself (as a result of that reason) if the person were to become street homeless than would an ordinary homeless person who becomes street homeless, and
- (b) this would lead to the person suffering more harm than would be suffered by the ordinary homeless person;

this subsection applies regardless of whether or not the person whose case is being considered is, or is likely to become, street homeless.

(2) In subsection (1) –

“ordinary homeless person” means a homeless person who does not have a priority need for accommodation;

“street homeless”, in relation to a person, means that the person has no accommodation available for the person’s occupation in the United Kingdom or elsewhere, which the person –

- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
- (b) has an express or implied licence to occupy, or
- (c) occupies as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation or restricting the right of another person to recover possession,

and sections 41 and 42 do not apply to this definition.’.

I fewnosod adran newydd –

[] Ystyr hyglwyf yn adran 55

(1) Mae person yn hyglwyf am reswm a grybwyllir ym mharagraff (c) neu (j) o adran 55(1) os, ar ôl rhoi sylw i holl amgylchiadau achos y person, –

(a) y byddai'r person yn llai abl i ofalu amdano ei hun (o ganlyniad i'r rheswm hwnnw), pe bai'r person yn dod yn ddigartref ac ar y stryd, na pherson digartref arferol sy'n dod yn ddigartref ac ar y stryd, a

(b) y byddai'r person hwnnw, o ganlyniad, yn dioddef mwy o niwed nag y byddai person digartref arferol yn ei ddioddef;

mae'r is-adran hon yn gymwys pa un a yw'r person y mae ei gais o dan ystyriaeth yn ddigartref ac ar y stryd, neu'n debygol o ddod yn ddigartref ac ar y stryd, ai peidio.

(2) Yn is-adran (1) –

ystyr “digartref ac ar y stryd” (“*street homeless*”), mewn perthynas â pherson, yw nad oes llety ar gael i'r person ei feddiannu yn y Deyrnas Unedig neu yn rhywle arall, y mae'r person –

(a) â'r hawl i'w feddiannu yn rhinwedd buddiant ynddo neu yn rhinwedd gorchymyn llys,

(b) â thrwydded ddatganedig neu oblygedig i'w feddiannu, neu

(c) yn ei feddiannu fel preswylfa yn rhinwedd unrhyw ddeddfiad neu reol gyfreithiol sy'n rhoi i'r person yr hawl i barhau i feddiannu neu'n cyfyngu ar hawl person arall i adennill meddiant,

ac nid yw adrannau 41 a 42 yn gymwys i'r diffiniad hwn;

ystyr “person digartref arferol” (“*ordinary homeless person*”) yw person digartref heb angen blaenoriaethol am lety.'.

Carl Sargeant

33

To insert a new section –

[] Power to amend or repeal provisions about priority need for accommodation

(1) The Welsh Ministers may by order –

(a) make provision for and in connection with removing any condition that a local housing authority must have reason to believe or be satisfied that an applicant is in priority need for accommodation before any power or duty to secure accommodation under this Chapter applies;

(b) amend or omit the descriptions of persons as having a priority need for accommodation for the purposes of this Chapter;

(c) specify further descriptions of persons as having a priority need for accommodation for the purposes of this Chapter.

(2) An order under subsection (1) may amend or repeal any provision of this Part.

(3) Before making an order under this section the Welsh Ministers must consult such

associations representing councils of counties and county boroughs in Wales, and such other persons, as they consider appropriate.’.

I fewnosod adran newydd –

[] Pŵer i ddiwygio neu ddiddymu darpariaethau ynghylch angen blaenoriaethol am lety

- (1) Caiff Gweinidogion Cymru wneud y canlynol drwy orchymyn –
 - (a) gwneud darpariaeth ar gyfer cael gwared ar unrhyw amod bod yn rhaid i awdurdod tai lleol fod â rheswm i gredu neu fod yn fodlon bod gan geisydd angen blaenoriaethol am lety cyn i unrhyw bŵer neu ddyletswydd i sicrhau llety o dan y Bennod hon fod yn gymwys, ac mewn cysylltiad â hynny;
 - (b) diwygio neu hepgor y disgrifiadau o bersonau fel rhai sydd ag angen blaenoriaethol am lety at ddibenion y Bennod hon;
 - (c) pennu disgrifiadau pellach o bersonau fel rhai sydd ag angen blaenoriaethol am lety at ddibenion y Bennod hon.
- (2) Caiff gorchymyn o dan is-adran (1) ddiwygio neu ddiddymu unrhyw un neu ragor o ddarpariaethau y Rhan hon.
- (3) Cyn gwneud gorchymyn o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori â'r cyfryw gymdeithasau ag sy'n cynrychioli cynghorau siroedd a bwrdeistrefi sirol yng Nghymru, a'r cyfryw bersonau eraill, sy'n briodol yn eu barn hwy.’.

Carl Sargeant

109

Section 57, page 32, line 22, leave out '(5), (6), (7) or (8)' and insert 'or (5)'.

Adran 57, tudalen 32, llinell 21, hepgorer '(5), (6), (7) neu (8)' a mewnosoder 'neu (5)'.

Carl Sargeant

34

Section 57, page 33, line 3, leave out subsections (6) to (8).

Adran 57, tudalen 33, llinell 3, hepgorer is-adrannau (6) hyd at (8).

Carl Sargeant

35

Section 58, page 33, line 18, leave out 'comes to an end in respect of an applicant who has a priority need for accommodation' and insert '(duty to help secure suitable accommodation for a homeless applicant) comes to an end in respect of an applicant in the circumstances mentioned in subsection (2) or (3) of section 57'.

Adran 58, tudalen 33, llinell 19, hepgorer 'yn dod i ben mewn perthynas â cheisydd sydd ag angen blaenoriaethol am lety' a mewnosoder '(dyletswydd i gynorthwyo i sicrhau llety addas ar gyfer ceisydd digartref) yn dod i ben mewn perthynas â cheisydd o dan yr amgylchiadau a grybwyllir yn is-adran (2) neu (3) o adran 57'.

Carl Sargeant 36

Section 58, page 33, line 30, leave out 'not satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application or is disregarding intentionality in respect of the applicant (see section 61)' and insert –

'satisfied that the applicant has a priority need for accommodation,

- (d) if the authority is having regard to whether or not the applicant is homeless intentionally (see section 61), is not satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application'.

Adran 58, tudalen 33, hepgorer llinellau 30 hyd at 32 a mewnosoder –

'(c) yn fodlon bod gan y ceisydd angen blaenoriaethol am lety,

- (d) os yw'r awdurdod yn rhoi sylw i ba un a yw ceisydd yn ddigartref yn fwriadol ai peidio (gweler adran 61), nad yw'n fodlon y daeth y ceisydd yn ddigartref yn fwriadol o dan yr amgylchiadau a arweiniodd at y cais;'

Carl Sargeant 37

Section 58, page 33, line 34, leave out 'intentionality in respect of the applicant' and insert 'whether or not the applicant is homeless intentionally'.

Adran 58, tudalen 33, llinell 33, hepgorer 'fwriadoldeb mewn perthynas â'r ceisydd' a mewnosoder 'ba un a yw'r ceisydd yn ddigartref yn fwriadol ai peidio'.

Carl Sargeant 38

Section 58, page 33, after line 34, insert –

- '(a) the applicant became homeless intentionally in the circumstances which gave rise to the application,'.

Adran 58, tudalen 33, ar ôl llinell 34, mewnosoder –

- '(a) y daeth y ceisydd yn ddigartref yn fwriadol o dan yr amgylchiadau a arweiniodd at y cais,'.

Carl Sargeant 39

Section 58, page 33, line 35, leave out 'an' and insert 'the'.

Adran 58, tudalen 33, llinell 35, hepgorer 'â cheisydd' a mewnosoder 'â'r ceisydd'.

Peter Black 137

Section 58, page 34, line 7, leave out 'an offer' and insert 'more than two offers'.

[Following recommendation 29 in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report: We recommend that the Minister amends the Bill to give discretion to local housing authorities to make an offer of accommodation under section 58(3)(d)(i) on more than one occasion

*within a five-year period, subject to appropriate support being provided.
This amendment will allow not more than two offers of accommodation.]*

Adran 58, tudalen 34, llinell 7, hepgorer ‘cynnig’ a mewnosoder ‘mwy na dau gynnig’.

[Yn dilyn argymhelliad 29 yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Rydym yn argymhell bod y Gweinidog yn diwygio'r Bil i roi disgresiwn i awdurdodau tai lleol i gynnig llety o dan adran 58(3)(d)(i) ar fwy nag un achlysur mewn cyfnod pum mlynedd, yn amodol ar ddarparu cymorth priodol.

Bydd y gwelliant hwn yn caniatáu dim mwy na dau gynnig o lety.]

Carl Sargeant 110

Section 59, page 34, line 18, leave out ‘(5), (6)’ and insert ‘(3)’.

Adran 59, tudalen 34, llinell 19, hepgorer ‘(5), (6),’ a mewnosoder ‘(3),’.

Carl Sargeant 111

Section 59, page 34, line 21, after ‘of’ at the first place where it appears, insert ‘suitable’.

Adran 59, tudalen 34, llinell 22, ar ôl ‘lety’, mewnosoder ‘addas’.

Carl Sargeant 112

Section 59, page 34, line 23, after ‘of’, insert ‘suitable accommodation under’.

Adran 59, tudalen 34, llinell 23, ar ôl ‘o’, mewnosoder ‘lety addas o dan’.

Carl Sargeant 113

Section 59, page 34, line 23, leave out ‘from a private landlord’.

Adran 59, tudalen 34, llinell 23, hepgorer ‘gan landlord preifat’.

Carl Sargeant 114

Section 59, page 34, after line 26, insert –

‘(a) an offer of suitable interim accommodation under section 58,’.

Adran 59, tudalen 34, ar ôl llinell 26, mewnosoder –

‘(a) cynnig o lety interim addas o dan adran 58,’.

Peter Black 138

Section 59, page 34, line 37, leave out ‘6’ and insert ‘12’.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 23: We recommend that the Minister amends section 59(4) to provide for any

offer of an assured short-hold tenancy made by a private landlord to an applicant to be for a minimum fixed term of at least 12 months.]

Adran 59, tudalen 34, llinell 37, hepgorer '6' a mewnosoder '12'.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 23: Rydym yn argymhell bod y Gweinidog yn diwygio adran 59(4) i gynnwys darpariaeth i sicrhau bod unrhyw gynnig o denantiaeth fyrddaliol sicr a wneir gan landlord preifat i geisydd yn gynnig am dymor penodedig o 12 mis o leiaf.]

Carl Sargeant

115

Section 59, page 35, line 6, leave out subsection (6).

Adran 59, tudalen 35, llinell 6, hepgorer is-adran (6).

Carl Sargeant

116

Section 59, page 35, line 11, leave out 'accommodation made available for the applicant's occupation under section 54.' and insert—

'suitable interim accommodation made available for the applicant's occupation—

- (a) under section 54 and which continues to be made available under section 58, or
- (b) under section 58.'

Adran 59, tudalen 35, llinell 11, hepgorer 'y sicrhawyd ei fod ar gael i'r ceisydd ei feddiannu o dan adran 54.' a mewnosoder—

'interim addas y sicrhawyd ei fod ar gael i'r ceisydd ei feddiannu—

- (a) o dan adran 54 ac y parheir i sicrhau ei fod ar gael o dan adran 58, neu
- (b) o dan adran 58.'

Carl Sargeant

117

Section 59, page 35, line 14, leave out 'the accommodation made available for the applicant's occupation under section 54.' and insert—

'suitable interim accommodation made available for the applicant's occupation—

- (a) under section 54 and which continues to be made available under section 58, or
- (b) under section 58.'

Adran 59, tudalen 35, llinell 14, hepgorer 'y sicrhawyd o dan adran 54 ei fod ar gael i'r ceisydd ei feddiannu.' a mewnosoder—

'interim addas y sicrhawyd ei fod ar gael i'r ceisydd ei feddiannu—

- (a) o dan adran 54 ac y parheir i sicrhau ei fod ar gael o dan adran 58, neu
- (b) o dan adran 58.'

Carl Sargeant 40

Section 61, page 35, line 37, leave out 'may by regulations prescribe a category or categories of person' and insert 'must, by regulations, specify a category or categories of applicant'.

Adran 61, tudalen 36, llinell 1, hepgorer 'Caiff Gweinidogion Cymru, drwy reoliadau, ragnodi categori neu gategoriâu o bersonau' a mewnosoder 'Rhaid i Weinidogion Cymru, drwy reoliadau, bennu categori neu gategoriâu o geiswyr'.

Carl Sargeant 41

Section 61, page 36, line 1, leave out 'decide to disregard intentionality for the purposes of section 58 in respect of one or more of the categories of person prescribed under subsection (1), if it publishes a notice of its decision identifying the category or categories' and insert –

'not have regard to whether or not an applicant has become homeless intentionally for the purposes of sections 54 and 58 unless –

- (a) the applicant falls within a category specified under subsection (1) in respect of which the authority has decided to have regard to whether or not applicants in that category have become homeless intentionally, and
- (b) the authority has published a notice of its decision under paragraph (a) which specifies the category'.

Adran 61, tudalen 35, llinell 39, hepgorer is-adran (2) a mewnosoder –

'(2) Ni chaiff awdurdod tai lleol roi sylw i ba un a yw ceisydd wedi dod yn ddigartref yn fwriadol ai peidio at ddibenion adrannau 54 a 58 oni bai bod –

- (a) y ceisydd yn dod o fewn categori a bennir o dan is-adran (1) y mae'r awdurdod wedi penderfynu, mewn perthynas â'r categori hwnnw, rhoi sylw i ba un a yw ceiswyr o fewn y categori hwnnw wedi dod yn ddigartref yn fwriadol ai peidio, a
- (b) yr awdurdod wedi cyhoeddi hysbysiad am ei benderfyniad o dan baragraff (a) sy'n pennu'r categori hwnnw.'

Carl Sargeant 42

Section 61, page 36, line 5, leave out 'and it has not published a notice of a decision to stop disregarding intentionality in respect of one or more of the prescribed categories.' and insert –

'unless the authority has –

- (a) decided to stop having regard to whether or not applicants falling into the category specified in the notice have become homeless intentionally, and
- (b) published a notice of its decision specifying the category.'

Adran 61, tudalen 36, llinell 5, hepgorer 'ac nad yw wedi cyhoeddi hysbysiad am benderfyniad i roi'r gorau i ddiystyru bwriadoldeb mewn perthynas ag un neu ragor o'r categorïau rhagnodedig.' a mewnosoder –

'oni bai bod yr awdurdod wedi –

- (a) penderfynu rhoi'r gorau i roi sylw i ba un a yw ceiswyr sy'n dod o fewn y categori

- a bennir yn yr hysbysiad wedi dod yn ddigartref yn fwriadol ai peidio, a
- (b) wedi cyhoeddi hysbysiad am ei benderfyniad sy'n pennu'r categori.'

Carl Sargeant

43

Section 61, page 36, line 7, leave out subsection (4) and insert—

- '(4) For the purposes of section 54 and 58, a local housing authority must have regard to whether or not an applicant has become homeless intentionally if the applicant falls within a category specified in the notice published by the authority under subsection (2).'

Adran 61, tudalen 36, llinell 7, hepgorer is-adran (4) a mewnosoder—

- '(4) At ddibenion adran 54 a 58, rhaid i awdurdod tai lleol roi sylw i ba un a yw ceisydd wedi dod yn ddigartref yn fwriadol ai peidio os yw'r ceisydd yn dod o fewn categori a bennir yn yr hysbysiad a gyhoeddwyd gan yr awdurdod o dan is-adran (2).'

Jocelyn Davies

160

Section 61, page 36, after line 8, insert—

- '(5) Subsection (6) has effect from 1 January 2019 and from that date subsections (1) to (4) cease to have effect.
- (6) A local housing authority must not have regard to whether or not an applicant has become intentionally homeless.'

Adran 61, tudalen 36, ar ôl llinell 8, mewnosoder—

- '(5) Mae is-adran (6) yn cael effaith o 1 Ionawr 2019 ac o'r dyddiad hwnnw bydd is-adrannau (1) i (4) yn peidio â chael effaith.
- (6) Ni chaniateir i awdurdod tai lleol roi sylw i p'un a yw ceisydd wedi dod yn ddigartref yn fwriadol ai peidio.'

Carl Sargeant

44

Section 62, page 36, after line 14, insert—

- '(3) The circumstances are that the local housing authority is satisfied that a mistake of fact led to the applicant being notified under section 49 that the duty was owed to the applicant.'

Adran 62, tudalen 36, ar ôl llinell 14, mewnosoder—

- '(3) Yr amgylchiadau yw bod yr awdurdod tai lleol yn fodlon bod camgymeriad ffeithiol wedi arwain at hysbysu'r ceisydd o dan adran 49 bod y ddyletswydd yn ddyledus i'r ceisydd.'

Carl Sargeant 45

Section 63, page 37, line 15, after 'order', insert 'under subsection (5)'.

Adran 63, tudalen 37, llinell 16, ar ôl 'gorchymyn', mewnosoder 'o dan is-adran (5)'.

Carl Sargeant 46

Section 77, page 45, line 35, leave out ', or sending it, at' and insert 'at, or sending it to,'.

Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version

Carl Sargeant 47

Section 78, page 46, line 12, leave out 'body' and insert 'person'.

Adran 78, tudalen 46, llinell 12, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 48

Section 78, page 46, line 13, leave out 'body' and insert 'person'.

Adran 78, tudalen 46, llinell 13, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 49

Section 78, page 46, line 14, leave out 'body' and insert 'person'.

Adran 78, tudalen 46, llinell 14, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 50

Section 78, page 46, line 15, leave out 'body's' and insert 'person's'.

Adran 78, tudalen 46, llinell 15, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 51

Section 78, page 46, line 16, leave out 'body's' and insert 'person's'.

Adran 78, tudalen 46, llinell 16, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 52

Section 78, page 46, line 17, leave out 'body' and insert 'person'.

Adran 78, tudalen 46, llinell 17, hepgorer 'gorff' a mewnosoder 'berson'.

Carl Sargeant 53

Section 78, page 46, line 19, leave out 'body' at the first place where it appears and insert 'person'.

Adran 78, tudalen 46, llinell 19, hepgorer 'corff' yn y lle cyntaf y mae'n ymddangos a mewnosoder 'person'.

Carl Sargeant 54

Section 78, page 46, line 19, leave out 'body' at the second place where it appears and insert 'person'.

Adran 78, tudalen 46, llinell 19, hepgorer 'corff' yn yr ail le y mae'n ymddangos a mewnosoder 'person'.

Carl Sargeant 55

Section 78, page 46, line 21, leave out 'body's' and insert 'person's'.

Adran 78, tudalen 46, llinell 21, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 56

Section 78, page 46, line 22, leave out 'body's' and insert 'person's'.

Adran 78, tudalen 46, llinell 22, hepgorer 'corff' a mewnosoder 'person'.

Carl Sargeant 57

Section 78, page 46, line 23, leave out 'body' and insert 'person'.

Adran 78, tudalen 46, llinell 23, hepgorer 'gorff' a mewnosoder 'berson'.

Carl Sargeant 58

Section 78, page 46, line 25, leave out 'bodies' and insert 'persons'.

Adran 78, tudalen 46, llinell 25, hepgorer 'cyrff' a mewnosoder 'personau'.

Carl Sargeant 59

Section 78, page 46, after line 31, insert—

- (6) The Welsh Ministers may amend subsection (5) by order to omit or add a person, or a description of a person.
- (7) An order under subsection (6) may not add a Minister of the Crown.'

Adran 78, tudalen 46, ar ôl llinell 31, mewnosoder—

- (6) Caiff Gweinidogion Cymru ddiwygio is-adran (5) drwy orchymyn er mwyn hepgor neu ychwanegu person, neu ddisgrifiad o berson.
- (7) Ni chaiff gorchymyn o dan is-adran () ychwanegu un neu ragor o Weinidogion y Goron.'

Carl Sargeant 60

Section 79, page 47, line 8, leave out 'to whom sections 54, 56, or 58 do not apply' and insert 'that a duty under section 54, 56 or 58 is not likely to apply to the applicant'.

Adran 79, tudalen 47, llinell 8, hepgorer ‘adrannau 54, 56, neu 58 yn gymwys iddo’ a mewnosoder ‘dyletswydd o dan adran 54, 56 neu 58 yn debygol o fod yn gymwys i’r ceisydd’.

Carl Sargeant 61

Section 79, page 47, line 9, leave out ‘to whom section 52 does not apply’ and insert ‘that a duty under section 52 is not likely to apply to the applicant’.

Adran 79, tudalen 47, llinell 9, hepgorer ‘adran 52 yn gymwys iddo’ a mewnosoder ‘dyletswydd o dan adran 52 yn debygol o fod yn gymwys i’r ceisydd’.

Carl Sargeant 62

Section 81, page 48, line 15, leave out ‘under this Chapter (whether as the local housing authority or the social services authority)’ and insert ‘relating to homelessness’.

Adran 81, tudalen 48, llinell 15, hepgorer ‘o dan y Bennod hon (p’un ai fel yr awdurdod tai lleol neu’r awdurdod gwasanaethau cymdeithasol lleol)’ a mewnosoder ‘yn ymwneud â digartrefedd’.

Carl Sargeant 63

Section 81, page 48, after line 17, insert—

‘(2) Subsection (1) applies in relation to functions under this Part and any other enactment.’.

Adran 81, tudalen 48, ar ôl llinell 17, mewnosoder—

‘(2) Mae is-adran (1) yn gymwys mewn perthynas â swyddogaethau o dan y Rhan hon ac unrhyw ddeddfiad arall.’.

Carl Sargeant 64

Section 82, page 48, line 28, leave out ‘48’ and insert ‘48(3) and section 66(3)’.

Adran 82, tudalen 49, llinell 10, ar ôl ‘48(3)’, mewnosoder ‘ac adran 66(3)’.

Carl Sargeant 65

Section 82, page 50, after line 2, insert—

“voluntary organisation” (“*corff gwirfoddol*”) means a body (other than a public or local authority) whose activities are not carried on for profit.’.

Adran 82, tudalen 49, ar ôl llinell 10, mewnosoder—

‘ystyr “*corff gwirfoddol*” (“*voluntary organisation*”) yw corff (ac eithrio awdurdod cyhoeddus neu awdurdod lleol) nad yw ei weithgareddau yn cael eu cynnal er mwyn gwneud elw.’.

Peter Black

139

Section 84, page 50, line 12, leave out 'such' and insert –
' –

- (a) Gypsies and Travellers residing in or resorting to its area, and
- (b) such other '.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 32. We recommend that the Minister amends section 84(2) to require local housing authorities to consult directly with Gypsy and Traveller communities when carrying out an assessment of accommodation needs.]

Adran 84, tudalen 50, llinell 12, hepgorer 'â'r cyfryw' a mewnosoder –
'â–

- (a) Sipsiwn a Theithwyr sy'n preswyllo yn ei ardal neu sy'n cyrchu yno, a
- (b) y cyfryw'.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 32: Rydym yn argymhell bod y Gweinidog yn diwygio adran 84(2) i'w gwneud yn ofynnol i awdurdodau tai lleol ymgynghori'n uniongyrchol â chymunedau Sipsiwn a Theithwyr wrth gynnal asesiad o anghenion llety.]

Peter Black

140

Section 94, page 54, line 5, after 'may', insert 'by regulations'.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 35. We recommend that the Minister amends the Bill to provide for any standards set under section 94 to be specified in regulations and subject to formal approval by the Assembly. (Affirmative Procedure)]

Adran 94, tudalen 54, llinell 5, ar ôl 'Cymru', mewnosoder 'drwy reoliadau'.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 35: Rydym yn argymhell bod y Gweinidog yn diwygio'r Bil i ddarparu bod unrhyw safonau a osodir o dan adran 94 yn cael eu pennu mewn rheoliadau ac yn destun cymeradwyaeth ffurfiol gan y Cynulliad.]

Peter Black

141

Section 94, page 54, line 10, leave out 'Standards set' and insert 'Regulations made'.

[Consequential to amendment 140.]

Adran 94, tudalen 54, llinell 10, hepgorer 'safonau a osodir' a mewnosoder 'rheoliadau a wneir'.

[Canlyniadol i welliant 140.]

Peter Black

142

Section 94, page 54, line 16, leave out subsections (4) to (5).

[Consequential to amendment 140.]

Adran 94, tudalen 54, llinell 16, hepgorer is-adrannau (4) hyd at (5).

[Canlyniadol i welliant 140.]

Peter Black

66A

As an amendment to amendment 66, line 1, leave out '100' and insert '200'.

[This amends Welsh Government amendment 66 so that local authorities can charge Council Tax up to 200% instead of the standard Council Tax charge for long term empty properties.]

Fel gwelliant i welliant 66, llinell 2, hepgorer '100' a mewnosoder '200'.

[Mae hwn yn diwygio gwelliant 66 Llywodraeth Cymru fel y gall awdurdodau lleol godi tâl o hyd at 200% am Dreth Gyngor, yn hytrach na'r tâl Dreth Gyngor safonol am eiddo sy'n wag am dymor hir.]

Carl Sargeant

66

Section 122, page 64, line 15, leave out '50%' and insert 'such percentage of not more than 100 as it may specify in the determination'.

Adran 122, tudalen 64, llinell 15, hepgorer '50%' a mewnosoder 'such percentage of not more than 100 as it may specify in the determination'.

Carl Sargeant

67

Section 122, page 64, after line 15, insert—

'() A billing authority may specify different percentages for different dwellings based on the length of time for which they have been long-term empty dwellings.'

Adran 122, tudalen 64, ar ôl llinell 15, mewnosoder—

'() A billing authority may specify different percentages for different dwellings based on the length of time for which they have been long-term empty dwellings.'

Carl Sargeant

68

Section 122, page 64, after line 15, insert—

'() In exercising its functions under this section a billing authority must have regard to any guidance issued by the Welsh Ministers.'

Adran 122, tudalen 64, ar ôl llinell 15, mewnosoder—

'() In exercising its functions under this section a billing authority must have regard to any guidance issued by the Welsh Ministers.'

Mark Isherwood

425

Section 122, page 65, line 6, leave out '1 year' and insert '2 years'.

Adran 122, tudalen 65, llinell 6, hepgorer '1' a mewnosoder '2'.

Mark Isherwood

426

Section 122, page 65, leave out lines 20 to 22 and insert—

- '() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.'''.

Adran 122, tudalen 65, hepgorer llinellau 20 hyd at 22 a mewnosoder—

- '() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.'''.

Mark Isherwood

427

Section 122, page 65, after line 22, insert—

- '(13) Before a billing authority makes a determination under this section it must have taken all reasonable steps to work with the owners of long term empty dwellings to ensure that those dwellings are occupied.'

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder—

- '(13) Before a billing authority makes a determination under this section it must have taken all reasonable steps to work with the owners of long term empty dwellings to ensure that those dwellings are occupied.'

Peter Black

69A

As an amendment to amendment 69, after line 11, insert—

- '(c) the dwelling is not a mobile home on a holiday site, as defined in sections 60 and 2 of the Mobile Homes (Wales) Act 2013 respectively.'

[This amends Welsh Government amendment 69 to ensure this Bill does not apply second home status to non-permanent (not 12 month residency) mobile homes, as will be covered by the Holiday Caravan Sites (Wales) Bill.]

Fel gwelliant i welliant 69, ar ôl llinell 11, mewnosoder—

- '(c) the dwelling is not a mobile home on a holiday site, as defined in sections 60 and 2 of the Mobile Homes (Wales) Act 2013 respectively.'

[Mae hwn yn diwygio gwelliant 69 Llywodraeth Cymru i sicrhau nad yw'r Bil hwn yn cymhwyso statws ail

gartref i gartrefi symudol nad ydynt yn rhai parhaol (nad oes neb yn preswyllo ynddynt am 12 mis), fel y bydd wedi'i gwmpasu gan y Bil Meysydd Carafanau Gwyliau (Cymru).]

Mark Isherwood

69C

As an amendment to amendment 69, after line 11, insert—

‘(c) that the owner derives an income from letting the dwelling.’

Fel gwelliant i welliant 69, ar ôl llinell 11, mewnosoder—

‘(c) that the owner derives an income from letting the dwelling.’

Mark Isherwood

69B

As an amendment to amendment 69, leave out lines 43 to 45 and insert—

‘() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.’’.

Fel gwelliant i welliant 69, hepgorer llinellau 43 i 45 a mewnosoder—

‘() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.’’.

Carl Sargeant

69

Section 122, page 65, after line 22, insert—

‘12B Higher amount for dwellings occupied periodically: Wales

- (1) For any financial year, a billing authority may by determination provide in relation to its area that if on any day the conditions mentioned in subsection (2) are satisfied in respect of a dwelling—
 - (a) the discount under section 11(2)(a) does not apply, and
 - (b) the amount of council tax payable in respect of that dwelling and that day is increased by such percentage of not more than 100 as it may specify in the determination.
- (2) The conditions are—
 - (a) there is no resident of the dwelling, and
 - (b) the dwelling is substantially furnished.
- (3) But a billing authority’s first determination under this section must be made at least one year before the beginning of the financial year to which it relates.
- (4) In exercising its functions under this section a billing authority must have regard to any guidance issued by the Welsh Ministers.

- (5) The Welsh Ministers may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under this section.
- (6) A class of dwellings may be prescribed under subsection (5) by reference to such factors as the Welsh Ministers think fit and may, amongst other factors, be prescribed by reference to—
 - (a) the physical characteristics of, or other matters relating to, dwellings;
 - (b) the circumstances of, or other matters relating to, any person who is liable to the amount of council tax concerned.
- (7) Where a determination under this section has effect in relation to a class of dwellings—
 - (a) the billing authority may not make a determination under section 12(3) or (4) in relation to that class, and
 - (b) any determination that has been made under section 12(3) or (4) ceases to have effect in relation to that class.
- (8) A billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year.
- (9) Where a billing authority makes a determination under this section it must publish a notice of the determination in at least one newspaper circulating in its area.
- (10) The notice must be published before the end of the period of 21 days beginning with the date of the determination.
- (11) The validity of a determination is not affected by a failure to comply with subsection (9) or (10).
- (12) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”.

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder—

‘12B Higher amount for dwellings occupied periodically: Wales

- (1) For any financial year, a billing authority may by determination provide in relation to its area that if on any day the conditions mentioned in subsection (2) are satisfied in respect of a dwelling—
 - (a) the discount under section 11(2)(a) does not apply, and
 - (b) the amount of council tax payable in respect of that dwelling and that day is increased by such percentage of not more than 100 as it may specify in the determination.
- (2) The conditions are—

- (a) there is no resident of the dwelling, and
 - (b) the dwelling is substantially furnished.
- (3) But a billing authority's first determination under this section must be made at least one year before the beginning of the financial year to which it relates.
- (4) In exercising its functions under this section a billing authority must have regard to any guidance issued by the Welsh Ministers.
- (5) The Welsh Ministers may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under this section.
- (6) A class of dwellings may be prescribed under subsection (5) by reference to such factors as the Welsh Ministers think fit and may, amongst other factors, be prescribed by reference to—
- (a) the physical characteristics of, or other matters relating to, dwellings;
 - (b) the circumstances of, or other matters relating to, any person who is liable to the amount of council tax concerned.
- (7) Where a determination under this section has effect in relation to a class of dwellings—
- (a) the billing authority may not make a determination under section 12(3) or (4) in relation to that class, and
 - (b) any determination that has been made under section 12(3) or (4) ceases to have effect in relation to that class.
- (8) A billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year.
- (9) Where a billing authority makes a determination under this section it must publish a notice of the determination in at least one newspaper circulating in its area.
- (10) The notice must be published before the end of the period of 21 days beginning with the date of the determination.
- (11) The validity of a determination is not affected by a failure to comply with subsection (9) or (10).
- (12) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales."

Peter Black

143

Section 122, page 65, after line 22, insert—

'12B Duty for Ministers to produce a National Empty Homes Strategy

- (1) The Welsh Ministers must, within two years of the day on which this Act receives Royal Assent, produce a National Empty Homes Strategy for Wales (“the Strategy”), which they must lay before the National Assembly for Wales.
- (2) No later than the end of the period of 5 years beginning immediately after the laying of the Strategy, and before the end of each successive five year period thereafter, the Welsh Ministers must carry out a review of the operation of the Strategy and prepare a revised Strategy, which they must lay before the National Assembly.’.

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder –

‘12B Duty for Ministers to produce a National Empty Homes Strategy

- (1) The Welsh Ministers must, within two years of the day on which this Act receives Royal Assent, produce a National Empty Homes Strategy for Wales (“the Strategy”), which they must lay before the National Assembly for Wales.
- (2) No later than the end of the period of 5 years beginning immediately after the laying of the Strategy, and before the end of each successive five year period thereafter, the Welsh Ministers must carry out a review of the operation of the Strategy and prepare a revised Strategy, which they must lay before the National Assembly.’.

Peter Black

353

Section 122, page 65, after line 22, insert –

‘12B Tied accommodation

- (1) This section applies to dwellings owned by persons who are provided with other accommodation in relation to their employment, whether they are required to occupy that other accommodation or not.
- (2) A billing authority in Wales may not make a determination under sections 12A or [section to be inserted by amendment 69] in relation to a dwelling to which this section applies.
- (3) If a person owns more than one dwelling to which this section applies, that person must nominate one such dwelling to which subsection (2) is to apply.’.

[To exempt those living in tied accommodation from the second home council tax provision, for example: Parish priests working and living in a Rectory, a property they do not own.]

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder –

‘12B Tied accommodation

- (1) This section applies to dwellings owned by persons who are provided

with other accommodation in relation to their employment, whether they are required to occupy that other accommodation or not.

- (2) A billing authority in Wales may not make a determination under sections 12A or [*yr adran sy'n cael ei mewnosod gan welliant 69*] in relation to a dwelling to which this section applies.
- (3) If a person owns more than one dwelling to which this section applies, that person must nominate one such dwelling to which subsection (2) is to apply."

[*Er mwyn eithrio'r rhai sy'n byw mewn llety clwm o ddarpariaeth y dreth gyngor ar gyfer ail gartrefi, er enghraifft: offeiriaid plwyf sy'n byw ac yn gweithio mewn rheithordy, sef eiddo nad ydynt yn berchen arno.*]

Mark Isherwood

428

Section 122, page 65, after line 22, insert—

“12B Duty to report

- (1) A billing authority in Wales must provide to the Welsh Ministers an annual report of the number of long-term empty dwellings (as defined in section 12A(9)) within its area at the end of the financial year.
- (2) The Welsh Ministers must collate and analyse the information provided by billing authorities pursuant to subsection (1) and lay a report annually before the National Assembly for Wales."

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder—

“12B Duty to report

- (1) A billing authority in Wales must provide to the Welsh Ministers an annual report of the number of long-term empty dwellings (as defined in section 12A(9)) within its area at the end of the financial year.
- (2) The Welsh Ministers must collate and analyse the information provided by billing authorities pursuant to subsection (1) and lay a report annually before the National Assembly for Wales."

Mark Isherwood

429

Section 122, page 65, after line 22, insert—

“12B Proceeds of higher amounts of council tax

- (1) The billing authority must identify the amounts received by it as a result of any determinations made by it under sections 12A and 12B.
- (2) A sum equivalent to the amounts identified under subsection (1) must be allocated by it to expenditure on housing and related regeneration."

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder –

“12B Proceeds of higher amounts of council tax

- (1) The billing authority must identify the amounts received by it as a result of any determinations made by it under sections 12A and 12B.
- (2) A sum equivalent to the amounts identified under subsection (1) must be allocated by it to expenditure on housing and related regeneration.”.

Peter Black

144

Section 122, page 65, after line 22, insert –

- ‘(3) The Welsh Ministers must, in relation to each financial year, lay a report before the National Assembly for Wales on the implementation of this section and the amounts raised by each billing authority as a result of determinations made under this section.’.

[As specified in the Finance Committee Housing (Wales) Bill Recommendation 6: The Committee recommends that the Minister commits to publishing information identifying how much money has been raised by each local authority that collects additional council tax from empty homes.]

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder –

- ‘(3) Rhaid i Weinidogion Cymru, mewn perthynas â phob blwyddyn ariannol, osod adroddiad gerbron Cynulliad Cenedlaethol Cymru ar weithredu’r adran hon a’r symiau a godir gan bob awdurdod bilio o ganlyniad i benderfyniadau a wnaed o dan yr adran hon.’.

[Fel y nodir yn Argymhelliad 6 Adroddiad y Pwyllgor Cyllid – Bil Tai (Cymru): Mae’r Pwyllgor yn argymhell bod y Gweinidog yn ymrwymo i gyhoeddi gwybodaeth sy’n nodi faint o arian sydd wedi’i godi gan bob awdurdod lleol sy’n casglu treth gyngor ychwanegol o gartrefi gwag.]

Peter Black

146

To insert a new section –

‘PART []

LEASEHOLD REFORM - NOTICES

[] Amendment of the Leasehold Reform, Housing and Urban Development Act 1993

In section 99(5) of the Leasehold Reform, Housing and Urban Development Act 1993 (requirement for notices under Act to be signed by tenants or tenant personally) for paragraphs (a) and (b) substitute “be signed by or on behalf of each of the tenants, or (as the case may be) by or on behalf of the tenant, by whom it is given.”.

[The Leasehold Reform (Amendment) Act received Royal Assent in March of this year. The Act amends previous legislation so that notices served can be signed on the leaseholders’ behalf by a person such as a solicitor or relative. This amendment will assist, amongst others, those who are physically disabled,

seriously ill or mentally incapacitated, who are currently unable to exercise their rights. As the Act does not apply to Wales, this amendment would allow the Housing (Wales) Bill to benefit Welsh leaseholders.]

I fewnosod adran newydd –

‘RHAN []

DIWYGIO CYFRAITH LESDDALIAD – HYSBYSIADAU

[] **Diwygio Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993**

Yn adran 99(5) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (gofyniad i hysbysiadau o dan y Ddeddf gael eu llofnodi gan denantiaid neu denant yn bersonol), yn lle paragraffau (a) a (b), rhodder “be signed by or on behalf of each of the tenants, or (as the case may be) by or on behalf of the tenant, by whom it is given.”.

[Cafodd y Ddeddf Diwygio Lesddaliad (Diwygio) Gydsyniad Brenhinol ym mis Mawrth eleni. Mae'r Ddeddf hon yn diwygio deddfwriaeth flaenorol fel y gall hysbysiadau a gyflwynwyd gael eu harwyddo ar ran y lesddeiliad gan berson megis cyfreithiwr neu berthynas. Bydd y gwelliant hwn yn cynorthwyo, ymysg eraill, y rhai sy'n gorfforol anabl, yn ddifrifol wael neu sy'n feddyliol analluog, na allant arfer eu hawliau ar y pryd. Gan nad yw'r Ddeddf yn gymwys i Gymru, byddai'r gwelliant hwn yn caniatáu i'r Bil Tai (Cymru) fod o fudd i lesddeiliaid o Gymru.]

Peter Black

145

To insert a new section –

‘[] **Affordable Homes Target**

- (1) The Welsh Ministers must, within 6 months of the day of an Assembly ordinary general election, set and publish targets for the number of affordable homes to be built in Wales during the following 5 years.
- (2) The Welsh Ministers must keep those targets under review, and lay a report annually before the National Assembly on the progress made in achieving those targets.
- (3) For the purpose of this section ‘affordable home’ includes housing provided through the following schemes and initiatives –
 - (a) General Needs including Homebuy;
 - (b) Vulnerable Households and ExtraCare;
 - (c) Mortgage Rescue;
 - (d) Strategic Capital Investment Fund (SCIF);
 - (e) Section 106 New Build Units (committed and windfall);
 - (f) Affordable Housing Exception Site Policy (including Community Land Trusts [CLTs]);
 - (g) Empty Homes initiatives;
 - (h) Leasing Schemes (leases of more than one year).

- (4) The Welsh Ministers may by regulations amend the list of schemes and initiatives set out in subsection (3).'

[This amendment will ensure that after each Assembly election Ministers will set a target for the number of Affordable Homes to be built in that Assembly term. They will review and report on the achievement of the target annually. The amendment also provides a definition of what is defined as an affordable home, following the current statistical definition, which can be amended by the Ministers under regulations.]

I fewnosod adran newydd –

[] Targed Tai Fforddiadwy

- (1) Rhaid i Weinidogion Cymru, o fewn 6 mis i ddyddiad etholiad cyffredinol cyffredin y Cynulliad, bennu a chyhoeddi targedau ar gyfer nifer y tai fforddiadwy i'w hadeiladu yng Nghymru yn ystod y 5 mlynedd ddilynol.
- (2) Rhaid i Weinidogion Cymru adolygu'r targedau hynny, a gosod adroddiad gerbron y Cynulliad Cenedlaethol yn flynyddol ar y cynnydd a wnaed o ran cyflawni'r targedau hynny.
- (3) At ddibenion yr adran hon, mae 'tŷ fforddiadwy' yn cynnwys tai a ddarperir drwy'r cynlluniau a'r mentrau canlynol –
 - (a) Anghenion cyffredinol gan gynnwys Cymorth Prynu;
 - (b) Aelwydydd sy'n agored i niwed ac ExtraCare;
 - (c) Cynlluniau achub morgeisi;
 - (d) Y Gronfa Buddsoddi Cyfalaf Strategol;
 - (e) Unedau sy'n cael eu hadeiladu o'r newydd o dan Adran 106 (safleoedd yr ymrwymwyd iddynt a hap-safleoedd);
 - (f) Polisi Safleoedd Eithrio Tai Fforddiadwy (gan gynnwys Ymddiriedolaethau Tir Cymunedol);
 - (g) Mentrau cartrefi gwag;
 - (h) Cynlluniau lesio (lesoedd o fwy na blwyddyn).
- (4) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r rhestr o gynlluniau a mentrau a nodir yn is-adran (3).'

[Mae'r gwelliant hwn yn sicrhau y bydd Gweinidogion, ar ôl pob etholiad Cynulliad yn pennu targed ar gyfer y nifer o Dai Fforddiadwy i'w hadeiladu yn ystod tymor y Cynulliad hwnnw. Byddant yn adolygu'r targedau ac a gyrhaeddwyd y targedau hynny, yn flynyddol. Mae'r gwelliant hefyd yn darparu diffiniad o'r hyn a gaiff ei ddiffinio fel tŷ fforddiadwy, yn dilyn y diffiniad ystadegol presennol, y gellir ei ddiwygio gan y Gweinidogion o dan reoliadau.]

Carl Sargeant

76

Schedule 3, page 73, line 19, leave out 'and section' and insert 'or'.

Atodlen 3, tudalen 73, llinell 18, hepgorer 'and section' a mewnosoder 'or'.

Carl Sargeant 77

Schedule 3, page 75, at the beginning of line 16, insert 'in subsections (1) and (5),'.
Atodlen 3, tudalen 75, ar ddechrau llinell 16, mewnosoder 'yn is-adrannau (1) a (5),'.

Carl Sargeant 78

Schedule 3, page 75, line 25, after 'of', insert 'Part 1 of'.
Atodlen 3, tudalen 75, llinell 26, ar ôl 'o', mewnosoder 'Ran 1 o'.

Carl Sargeant 79

Schedule 3, page 75, line 26, after '(1),', insert 'after paragraph (b)'.
Atodlen 3, tudalen 75, llinell 27, ar ôl '(1),', mewnosoder 'ar ôl paragraff (b)'.

Carl Sargeant 80

Schedule 3, page 76, line 14, leave out ', for the entry for the "Housing Act 1996" substitute' and insert –
' –

- (a) omit the entry for the Housing Act 1996;
- (b) after the entry for the Children and Families (Wales) Measure 2010 insert'.

Atodlen 3, tudalen 76, llinell 15, hepgorer ', yn lle'r eitem ar gyfer "Deddf Tai 1996" rhodder' a mewnosoder –
' –

- (a) hepgorer yr eitem ar gyfer Deddf Tai 1996;
- (b) ar ôl yr eitem ar gyfer Mesur Plant a Theuluoedd (Cymru) 2010 mewnosoder '.

Carl Sargeant 81

Schedule 3, page 78, line 35, leave out 'and 12A' and insert ', 12A and 12B'.
Atodlen 3, tudalen 78, llinell 35, hepgorer 'and 12A' a mewnosoder ', 12A and 12B'.

Carl Sargeant 82

Schedule 3, page 79, line 1, leave out '12A(2)' and insert '12A(4) and 12B(7)'.
Atodlen 3, tudalen 79, llinell 1, hepgorer '12A(2)' a mewnosoder '12A(4) and 12B(7)'.

Carl Sargeant 83

Schedule 3, page 79, line 2, leave out 'or 12A' and insert ', 12A or 12B'.
Atodlen 3, tudalen 79, llinell 2, hepgorer 'or 12A' a mewnosoder ', 12A or 12B'.

Carl Sargeant

84

Schedule 3, page 79, line 3, leave out 'or 12A' and insert ', 12A or 12B'.

Atodlen 3, tudalen 79, llinell 3, hepgorer 'or 12A' a mewnosoder ', 12A or 12B'.

Carl Sargeant

85

Schedule 3, page 79, line 5, leave out 'or 12A' and insert ', 12A or 12B'.

Atodlen 3, tudalen 79, llinell 5, hepgorer 'or 12A' a mewnosoder ', 12A or 12B'.

Carl Sargeant

86

Schedule 3, page 79, line 6, leave out 'after "11B(1)(b)" insert "or 12A(1)(b)" and insert 'for "(higher amount of tax for empty dwellings)" substitute "(higher amount of tax for empty dwellings: England), 12A(1)(b) (higher amount of tax for empty dwellings: Wales) or 12B(1)(b) (higher amount of tax for dwellings occupied periodically: Wales)"'.

Atodlen 3, tudalen 79, llinell 6, hepgorer 'ar ôl "11B(1)(b)" mewnosoder "or 12A(1)(b)" a mewnosoder 'yn lle "(higher amount of tax for empty dwellings)" rhodder "(higher amount of tax for empty dwellings: England), 12A(1)(b) (higher amount of tax for empty dwellings: Wales) or 12B(1)(b) (higher amount of tax for dwellings occupied periodically: Wales)"'.

Carl Sargeant

118

Schedule 3, page 79, after line 9, insert –

'(2) In section 29(3) (decision whether a person is fit and proper to manage a site), for paragraph (b) substitute –

“(b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010, or victimised another person contrary to that Act, in or in connection with the carrying on of any business, or”.

Atodlen 3, tudalen 79, ar ôl llinell 10, mewnosoder –

'(2) Yn adran 29(3) (penderfynu a yw person yn berson addas a phriodol i reoli safle), yn lle paragraff (b) rhodder –

“(b) wedi aflonyddu neu wahaniaethu'n anghyfreithlon ar sail unrhyw nodwedd sy'n nodwedd warchoddedig o dan adran 4 o Ddeddf Cydraddoldeb 2010, neu wedi erlid person arall yn groes i'r Ddeddf honno, wrth gynnal unrhyw fusnes neu mewn cysylltiad â hynny, neu”.

Carl Sargeant

119

Schedule 3, page 79, line 15, after 'interpretation)', insert 'at the appropriate place'.

Atodlen 3, tudalen 79, llinell 17, ar ôl 'arall)', mewnosoder 'yn y man priodol'.

Mark Isherwood

430

To insert a new section –

[] Amendment of Part 1 of the Housing Act 2004

- (1) The Housing Act 2004 is amended as follows.
- (2) After section 50 (Recovery of charge under section 49) insert –

“Duty to report - Wales

50A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”

I fewnosod adran newydd –

[] Diwygio Rhan 1 o Ddeddf Tai 2004

- (1) Mae Deddf Tai 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 50 (adennill ffioedd o dan adran 49) mewnosoder –

“Duty to report - Wales

50A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”

Mark Isherwood

431

To insert a new section –

[] Amendment of Part 3 of the Housing Act 2004

- (1) The Housing Act 2004 is amended as follows.
- (2) After section 98 (Other consequences of operating unlicensed houses: restriction on terminating tenancies) insert –

“Duty to report - Wales

98A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”

I fewnosod adran newydd –

[] Diwygio Rhan 3 o Ddeddf Tai 2004

- (1) Mae Deddf Tai 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 98 (canlyniadau eraill yn sgîl gweithredu tai didrwydded: cyfyngiad ar derfynu tenantiaethau) mewnosoder –

“Duty to report - Wales

98A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”

Carl Sargeant 314

Section 124, page 66, line 9, leave out '2' and insert '[inserted by amendment 163](1)(c), [inserted by amendment 166](f), [inserted by amendment 167](3), [inserted by amendment 436](4), [inserted by amendment 169](f), [inserted by amendment 187](4)(d), [inserted by amendment 438](3)(d)'.

Adran 124, tudalen 66, llinell 10, hepgorer '2(4)' a mewnosoder '[mewnosodir gan welliant 163](1)(c), [mewnosodir gan welliant 166](f), [mewnosodir gan welliant 167](3), [mewnosodir gan welliant 168](4), [mewnosodir gan welliant 169](f), [mewnosodir gan welliant 187](4)(d), [mewnosodir gan welliant 438](3)(d)'.

Carl Sargeant 315

Section 124, page 66, line 9, after '2,' insert '[inserted by amendment 164]'.

Adran 124, tudalen 66, llinell 10, ar ôl '2(4),' mewnosoder '[adran i'w mewnosod gan welliant 164]'.

Carl Sargeant 316

Section 124, page 66, line 9, leave out 'or 11(6)' and insert ', 11(6) or [inserted by amendment 292](5)'.

Adran 124, tudalen 66, llinell 10, hepgorer 'neu 11(6)' a mewnosoder ', 11(6) neu [inserted by amendment 292](5)'.

Carl Sargeant 71

Section 124, page 66, line 11, after '55(3),' insert '[new section on abolition or reform of the concept of priority need]'.

Adran 124, tudalen 66, llinell 12, ar ôl '55(3),' mewnosoder '[adran newydd ar ddileu neu ddiwygio'r cysyniad o angen blaenoriaethol]'.

Carl Sargeant 72

Section 124, page 66, line 12, after '61(1)', insert 'or 69(1)'.

Adran 124, tudalen 66, llinell 14, ar ôl '61(1)', mewnosoder 'neu 69(1)'.

Peter Black 147

Section 124, page 66, after line 14, insert—

'(d) in Part 4, regulations made under section 94;'.

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 36. We recommend that tenants should be entitled to more than seven days' notice prior to any inspection of their home.]

Adran 124, tudalen 66, ar ôl llinell 16, mewnosoder—

'(d) yn Rhan 4, rheoliadau a wneir o dan adran 94;'.

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 36. Rydym yn argymhell y dylai tenantiaid gael yr hawl i fwy na saith diwrnod o

rybudd cyn unrhyw arolygiad o'u cartref.]

Peter Black

161

Section 127, page 67, after line 18, insert—

'() An order under subsection () must be made so far as to bring section 58(3) into force on or before 1 January 2019.'

[As specified in the Communities, Equality and Local Government Committee Housing (Wales) Bill: Stage 1 Report, Recommendation 28. We recommend that the Minister amends section 58 of the Bill to include 2019 as the commencement date for the provision to place a duty on local housing authorities to secure accommodation for intentionally homeless households with children.]

Adran 127, tudalen 67, ar ôl llinell 18, mewnosoder—

'() Rhaid gwneud gorchymyn o dan is-adran () i'r graddau y bydd yn dod ag adran 58(3) i rym ar 1 Ionawr 2019, neu cyn y dyddiad hwnnw.'

[Fel y nodir yn Adroddiad Cyfnod 1 y Pwyllgor Cymunedau, Cydraddoldeb, a Llywodraeth Leol - Y Bil Tai (Cymru): Argymhelliad 28: Rydym yn argymhell y dylai'r Gweinidog ddiwygio adran 58 o'r Bil i gynnwys 2019 fel y dyddiad cychwyn ar gyfer y ddarpariaeth i roi dyletswydd ar awdurdodau tai lleol i sicrhau llety i aelwydydd â phlant sy'n ddiartref yn furiadol.]

Mark Isherwood

432

Section 127, page 67, after line 20, insert—

'() The power in subsection (3) must be exercised in relation to Part 1 so as to introduce the requirement for the licensing of agents to be introduced at least two years before the requirement for the licensing of landlords is introduced.'

Adran 127, tudalen 67, ar ôl llinell 20, mewnosoder—

'() Rhaid i'r pŵer yn is-adran (3) gael ei arfer mewn perthynas â Rhan 1 er mwyn cyflwyno'r gofyniad i asiantau fod yn drwyddedig o leiaf ddwy flynedd cyn y gofyniad i landlordiaid fod yn drwyddedig.'

Carl Sargeant

162

Page 1, line 13, leave out section 1 and insert—

[] Overview of this Part

(1) This Part regulates—

(a) the letting of dwellings under certain kinds of tenancy (which are defined as “domestic tenancies” in section [*inserted by amendment 435*]), and

(b) the management of dwellings subject to such tenancies,

by means of a system of registration and licensing.

(2) It requires landlords to be—

- (a) registered for each dwelling subject to, or marketed or offered for let under, a domestic tenancy in respect of which they are the landlord (section [*inserted by amendment 165*]), subject to exceptions (section [*inserted by amendment 166*]);
 - (b) licensed to carry out certain kinds of lettings activities for dwellings marketed or offered for let under domestic tenancies (section [*inserted by amendment 167*]), subject to exceptions (section [*inserted by amendment 169*]);
 - (c) licensed to carry out certain kinds of property management activities for dwellings subject to a domestic tenancy (section [*inserted by amendment 436*]), subject to exceptions (section [*inserted by amendment 169*]);
- (3) It requires persons acting on behalf of a landlord to be licensed to carry out—
 - (a) lettings work in respect of a dwelling marketed or offered for let under a domestic tenancy (section [*inserted by amendment 171*]);
 - (b) property management work in respect of a dwelling subject to a domestic tenancy (section [*inserted by amendment 437*]).
- (4) “Lettings work” and “property management work” are defined for the purposes of the Part in sections [*inserted by amendment 187*] and [*inserted by amendment 438*]; the definitions exclude certain persons and activities from the licensing requirements imposed on persons acting on behalf of landlords.
- (5) The system of registration and licensing is to be administered and enforced by a person designated by the Welsh Ministers as the licensing authority for the whole of Wales or areas within Wales (section [*inserted by amendment 164*]); provision is also made for local housing authorities to exercise certain enforcement powers.
- (6) Sections 6 to 9 and Schedule 1 provide for a register to be established and maintained by the licensing authority and for registration generally.
- (7) Sections [*inserted by amendment 191*] to 20 provide for licences generally; and
 - (a) a licensing authority may only issue two kinds of licence (one for landlords and the other for persons acting on behalf of landlords) and licences have effect in respect of the area for which a licensing authority is responsible (section [*inserted by amendment 191*]);
 - (b) in order to be licensed a person must meet certain criteria, including being a fit and proper person (section 11) and having undertaken training (section 12).
- (8) The requirements imposed by this Part are enforced by—
 - (a) offences for contravention of registration and licensing requirements (see sections referred to in subsections (2) and (3) and sections 8(2), 15(2), [*inserted by amendment 297*](1) and (4) and [*inserted by amendment 297*](3));
 - (b) fixed penalty notices ((section [*inserted by amendment 292*]);
 - (c) rent stopping orders (sections [*inserted by amendment 286*] to [*inserted by amendment 287*]);
 - (d) rent repayment orders (sections [*inserted by amendment 288*] to [*inserted by amendment 290*]).
- (9) Sections [*inserted by amendments 293, 295, 297, 301*] to [] make provision about information required or given for the purposes of this Part.

- (10) Section 28 provides for the Welsh Ministers to issue a code of practice and provision is made for guidance (section 29) and directions (section 30).
- (11) Sections [inserted by amendment 302] to 34 make supplementary provision.
- (12) Section 35 makes further provision about interpretation and indexes the defined terms used in this Part.’.

Tudalen 1, llinell 14, hepgorer adran 1 a mewnosoder –

[] Trosolwg o’r Rhan hon

- (1) Mae’r Rhan hon yn rheoleiddio –
 - (a) gosod anheddau o dan fathau penodol o denantiaethau (a ddiffinnir fel “tenantiaethau domestig” yn adran [mewnosodir gan welliant 435]), a
 - (b) rheolaeth anheddau sy’n ddarostyngedig i’r cyfryw denantiaethau, drwy gyfrwng system gofrestru a thrwyddedu.
- (2) Mae’n ei gwneud yn ofynnol i landlord –
 - (a) bod yn gofrestredig ar gyfer yr holl anheddau sy’n ddarostyngedig i denantiaeth ddomestig, neu’n cael eu marchnata neu eu cynnig ar gyfer eu gosod oddi tani, y mae’n landlord mewn perthynas â hwy (adran [mewnosodir gan welliant 165]), yn ddarostyngedig i eithriadau (adran [mewnosodir gan welliant 166]);
 - (b) bod yn drwyddedig i ymgymryd â mathau penodol o weithgareddau gosod ar gyfer anheddau sy’n cael eu marchnata neu eu cynnig ar gyfer eu gosod o dan denantiaethau domestig (adran [mewnosodir gan welliant 167]), yn ddarostyngedig i eithriadau (adran [mewnosodir gan welliant 169]);
 - (c) bod yn drwyddedig i ymgymryd â mathau penodol o weithgareddau rheoli eiddo ar gyfer anheddau sy’n ddarostyngedig i denantiaeth domestig (adran [mewnosodir gan welliant 436]), yn ddarostyngedig i eithriadau (adran [mewnosodir gan welliant 169]);
- (3) Mae’n ei gwneud yn ofynnol i bersonau sy’n gweithredu ar ran landlord fod yn gofrestredig i ymgymryd â’r canlynol –
 - (a) gwaith gosod mewn perthynas ag annedd sy’n cael ei farchnata neu ei gynnig ar gyfer ei osod o dan denantiaeth ddomestig (adran [mewnosodir gan welliant 171]);
 - (b) gwaith rheoli eiddo mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig (adran [mewnosodir gan welliant 190]).
- (4) Mae “gwaith gosod” a “gwaith rheoli eiddo” wedi eu diffinio at ddibenion y Rhan hon yn adrannau [mewnosodir gan welliant 187] a [mewnosodir gan welliant 438]; mae’r diffiniadau yn eithrio personau a gweithgareddau penodol o’r gofynion trwyddedu a osodir ar bersonau sy’n gweithredu ar ran landlordiaid.
- (5) Mae’r system o gofrestru a thrwyddedu i’w gweinyddu a’i gorfodi gan berson a ddynodir gan Weinidogion Cymru fel yr awdurdod trwyddedu ar gyfer Cymru gyfan neu ardaloedd o fewn Cymru (adran [mewnosodir gan welliant 164]); gwneir darpariaeth hefyd sy’n galluogi awdurdodau tai lleol i arfer pwerau gorfodi penodol.

- (6) Mae adrannau 6 i 9 ac Atodlen 1 yn darparu ar gyfer sefydlu a chynnal cofrestr gan yr awdurdod trwyddedu ac ar gyfer cofrestru yn gyffredinol.
- (7) Mae adrannau ([*mewnosodir gan welliant 191*]) i 20 yn darparu ar gyfer trwyddedau yn gyffredinol; ac
 - (a) ni chaiff awdurdod trwyddedu ond ddyroddi dau fath o drwydded (un ar gyfer landlordiaid a'r llall ar gyfer personau sy'n gweithredu ar ran landlordiaid) ac mae trwyddedau yn cael effaith mewn perthynas a'r ardal y mae'r awdurdod trwyddedu yn gyfrifol amdani (adran [*mewnosodir gan welliant 191*]);
 - (b) er mwyn bod yn drwyddedig rhaid i berson gwrdd â meini prawf penodol, gan gynnwys bod yn berson addas a phriodol (adran 11) a bod wedi ymgymryd â hyfforddiant (adran 12).
- (8) Mae'r gofynion a osodir gan y Rhan hon yn cael eu gorfodi gan—
 - (a) troseddau mewn perthynas â thorri gofynion cofrestru a thrwyddedu (gweler yr adrannau y cyfeirir atynt yn is-adrannau (2) a (3) ac adrannau 8(2), 15(2), [*mewnosodir gan welliant 297*](1) a (4) a [*mewnosodir gan welliant 297*](3));
 - (b) hysbysiadau cosbau penodedig ((adran [*mewnosodir gan welliant 292*]));
 - (c) gorchmynion atal rhent (adrannau [*mewnosodir gan welliant 286*] i [*mewnosodir gan welliant 287*]);
 - (d) gorchmynion ad-dalu rhent (adrannau [*mewnosodir gan welliant 288*] i [*mewnosodir gan welliant 290*]).
- (9) Mae adrannau [*mewnosoder gan welliannau 293, 295, 297, 301*] i [] yn gwneud darpariaeth ynghylch yr wybodaeth sy'n ofynnol neu'n cael ei rhoi at ddibenion y Rhan hon.
- (10) Mae adran 28 yn darparu y caiff Gweinidogion Cymru ddyroddi cod ymarfer a gwneir darpariaeth ar gyfer canllawiau (adran 29) a chyfarwyddiadau (adran 30).
- (11) Mae adrannau [*mewnosodir gan welliant 302*] i 34 yn gwneud darpariaeth atodol.
- (12) Mae adran 35 yn gwneud darpariaeth bellach ynghylch dehongli ac yn mynegeo'r termau wedi eu diffinio a ddefnyddir yn y Rhan hon'.

Mark Isherwood

363

Section 1, page 1, line 16, leave out subsection (2).

Adran 1, tudalen 1, llinell 17, hepgorer is-adran (2).

Mark Isherwood

364

Section 1, page 1, line 21, leave out 'and "responsible persons" – for definitions of these terms' and insert '- for the definition of this term'.

Adran 1, tudalen 1, llinell 23, hepgorer 'a "personau cyfrifol" – gweler y diffiniadau o'r termau hynny' a mewnosoder '- gweler y diffiniad o'r term hwn'.

Mark Isherwood

365

Section 1, page 1, line 23, leave out 'registered and'.

Adran 1, tudalen 1, llinell 24, hepgorer 'gofrestredig ac yn'.

Mark Isherwood 366

Section 1, page 1, line 24, leave out subsection (4).

Adran 1, tudalen 1, llinell 26, hepgorer is-adran (4).

Mark Isherwood 367

Section 1, page 2, line 4, leave out subsection (6).

Adran 1, tudalen 2, llinell 4, hepgorer is-adran (6).

Carl Sargeant 11

Section 39, page 21, line 29, leave out 'provide' and insert 'secure'.

Adran 39, tudalen 21, llinell 30, hepgorer 'ddarparu' a mewnosoder 'sicrhau'.

Carl Sargeant 12

Section 39, page 22, line 5, leave out subsection (9) and insert—

'(9) Section 61 provides for the circumstances in which local housing authorities may have regard to whether an applicant became homeless intentionally when it is considering whether a duty to secure accommodation for applicants in priority need applies; section 60 provides for the meaning of intentionally homeless.'

Adran 39, tudalen 22, llinell 5, hepgorer is-adran (9) a mewnosoder—

'(9) Mae adran 61 yn darparu ar gyfer yr amgylchiadau hynny pan gaiff awdurdodau tai lleol roi sylw i ba un a ddaeth ceisydd yn ddigartref yn fwriadol ai peidio wrth benderfynu a yw dyletswydd i sicrhau llety ar gyfer ceiswyr mewn angen blaenoriaethol yn gymwys; mae adran 60 yn darparu ar gyfer ystyr bod yn ddigartref yn fwriadol.'

WITHDRAWN/TYNNWYD YN ÔL

***Mark Isherwood** 401

Section 14, page 9, after line 8, insert—

'(3) A licence must be granted subject to a condition that the licence holder complies with the law relating to housing and landlords and tenants.'

Adran 14, tudalen 9, ar ôl llinell 8, mewnosoder—

'(3) Rhaid i drwydded gael ei rhoi yn ddarostyngedig i amod bod deiliad y drwydded yn cydymffurfio â'r gyfraith mewn perthynas â thai a landlordiaid a thenantiaid.'

WITHDRAWN/TYNNWYD YN ÔL

***Mark Isherwood**

402

Section 14, page 9, after line 8, insert—

- ‘(3) A licence must be granted subject to a condition that the licence holder complies with—
- (a) The Domestic Energy Efficiency Regulations, and
 - (b) The Tenants’ Energy Efficiency Improvements Regulations.’.

Adran 14, tudalen 9, ar ôl llinell 8, mewnosoder—

- ‘(3) Rhaid i drwydded gael ei rhoi yn ddarostyngedig i amod bod deiliad y drwydded yn cydymffurfio â’r canlynol—
- (a) y Rheoliadau Effeithlonrwydd Ynni Domestig, a
 - (b) y Rheoliadau Gwelliannau Effeithlonrwydd Ynni Tenantiaid.’.

WITHDRAWN/TYNNWYD YN ÔL

***Mark Isherwood**

413

Section 28, page 15, after line 35, insert—

- ‘() Standards under subsection (1) may be set in relation to obligations to make energy efficiency improvements to private rented properties.’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder—

- ‘() Gellir dyroddi safonau o dan is-adran (1) mewn perthynas â rhwymedigaethau i wneud gwelliannau effeithlonrwydd ynni i eiddo rhent preifat.’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

1

To insert a new section—

‘[] Restriction on terminating tenancies

- (1) A section 21 notice may not be given in relation to an assured shorthold tenancy of a rental property for so long as the landlord is—
 - (a) not registered in respect of the property,
 - (b) not licensed (and has not appointed a licensed agent or responsible person to manage the property), or
 - (c) neither registered in respect of the property nor licensed (and has not appointed a licensed agent or responsible person to manage the property).
- (2) But where a rental property is transferred to the landlord, subsection (1) does not apply

for the period of 28 days beginning with the day the property is transferred.

- (3) In this section, a “section 21 notice” means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988.’.

I fewnosod adran newydd –

[] Cyfyngiad ar derfynu tenantiaethau

- (1) Ni chaniateir rhoi hysbysiad adran 21 mewn perthynas â thenantiaeth fyrddaliol sicr ar gyfer eiddo ar rent cyhyd ag y bo’r canlynol yn berthnasol i’r landlord –
- (a) nid yw’n gofrestrdedig mewn perthynas â’r eiddo,
 - (b) nid yw’n drwyddedig (ac nid yw wedi penodi asiant neu berson cyfrifol trwyddedig i reoli’r eiddo), neu
 - (c) nid yw’n gofrestrdedig mewn perthynas â’r eiddo nac ychwaith yn drwyddedig (ac nid yw wedi penodi asiant neu berson cyfrifol trwyddedig i reoli’r eiddo).
- (2) Ond pan fo eiddo ar rent yn cael ei drosglwyddo i’r landlord, nid yw is-adran (1) yn gymwys am y cyfnod o 28 o ddiwrnodau gan ddechrau ar y diwrnod y trosglwyddir yr eiddo.
- (3) Yn yr adran hon, ystyr “hysbysiad adran 21” yw hysbysiad o dan adran 21(1)(b) neu (4) (a) o Ddeddf Tai 1988.’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

7

To insert a new section –

[] Fixed penalty notices

- (1) Where on any occasion an authorised officer of a local housing authority has reason to believe that a person has committed an offence under this Part in relation to a rental property in the authority’s area (other than an offence under section 26(4)(b)), the officer may, by notice, offer the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the authority.
- (2) Where a person is given a notice under this section in respect of an offence –
- (a) no proceedings may be issued for that offence before the expiration of the period of 21 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) A notice under this section must –
- (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,
 - (b) state the period during which proceedings will not be taken for the offence,
 - (c) state the amount of the fixed penalty, and

- (d) state the person to whom and the address at which the fixed penalty may be paid.
- (4) The fixed penalty payable to a local housing authority under this section is –
- (a) £150 for the offences mentioned in sections 3(4)(a), 5(2)(a), 8(2), 10(6), 15(2), 16(2) and 26(4)(a) and (c);
 - (b) £250 for the offences mentioned in sections 3(4)(b) and 5(2)(b).
- (5) The Welsh Ministers may change either amount mentioned in subsection (4) by order.
- (6) Payment of a fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (3)(d) at the address so mentioned; but this does not prevent payment by another method.
- (7) Where a letter is posted in accordance with subsection (6) payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- (8) In any proceedings a certificate –
- (a) which purports to be signed on behalf of the chief finance officer of the local authority, and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (9) A local housing authority may use its fixed penalty receipts only for the purposes of its functions relating to the enforcement of this Part.
- (10) In this section –
- “authorised officer” (“*swyddog awdurdodedig*”) means an officer authorised in writing by a local housing authority for the purpose of exercising the authority’s functions under this section;
 - “chief finance officer” (“*prif swyddog cyllid*”) means the officer having responsibility for the financial affairs of the local housing authority by virtue of section 151 of the Local Government Act 1972.’.

I fewnosod adran newydd –

[] Hysbysiadau cosb benodedig

- (1) Pan fo gan swyddog awdurdodedig o awdurdod tai lleol reswm i gredu ar unrhyw achlysur bod person wedi cyflawni trosedd o dan y Rhan hon mewn perthynas ag eiddo ar rent yn ardal yr awdurdod (ac eithrio trosedd o dan adran 26(4)(b)), caiff y swyddog, drwy hysbysiad, gynnig cyfle i’r person i ryddhau ei hun o unrhyw atebolrwydd i gollfarn am y drosedd honno drwy dalu cosb benodedig i’r awdurdod.
- (2) Pan roddir hysbysiad i berson o dan yr adran hon mewn perthynas â throsedd –
- (a) ni chaniateir cychwyn unrhyw achos mewn perthynas â’r drosedd honno cyn i’r cyfnod o 21 o ddiwrnodau yn dilyn dyddiad yr hysbysiad hwnnw ddod i ben;
 - (b) ni chaniateir collfarnu’r person am y drosedd honno os yw’r person yn talu’r gosb

benodedig cyn diwedd y cyfnod hwnnw.

- (3) Rhaid i hysbysiad o dan yr adran hon—
- (a) rhoi pa fanylion bynnag am yr amgylchiadau yr honnir eu bod yn ffurfio'r drosedd sy'n angenrheidiol er mwyn rhoi gwybodaeth resymol ynghylch y drosedd,
 - (b) datgan yn ystod pa gyfnod na chychwynnir achos mewn perthynas â'r drosedd,
 - (c) datgan swm y gosb benodedig, a
 - (d) datgan i ba berson ac ym mha gyfeiriad y gellir talu'r gosb benodedig.
- (4) Y gosb benodedig sy'n daladwy i awdurdod tai lleol o dan yr adran hon yw—
- (a) £150 am y troseddau a grybwyllir yn adrannau 3(4)(a), 5(2)(a), 8(2), 10(6), 15(2), 16(2) a 26(4)(a) ac (c);
 - (b) £250 am y troseddau a grybwyllir yn adrannau 3(4)(b) a 5(2)(b).
- (5) Caiff Gweinidogion Cymru newid y naill swm neu'r llall a grybwyllir yn is-adran (4) drwy orchymyn.
- (6) Caniateir talu cosb benodedig drwy ragdalau a phostio llythyr sy'n cynnwys swm y gosb (mewn arian parod neu fel arall) i'r person a grybwyllir yn is-adran (3)(d) yn y cyfeiriad a grybwyllir yno; ond nid yw hynny'n rhwystro taliad drwy ddull arall.
- (7) Pan fo llythyr yn cael ei bostio yn unol ag is-adran (6) bernir bod y taliad wedi ei wneud ar yr amser y byddai'r llythyr wedi ei ddsbarthu yn nhrefn arferol y post.
- (8) Mewn unrhyw achos mae tystysgrif—
- (a) yr honnir ei bod wedi ei llofnodi ar ran prif swyddog cyllid yr awdurdod lleol, a
 - (b) sy'n datgan y daeth taliad cosb benodedig i law neu na ddaeth i law erbyn dyddiad a bennir yn y dystysgrif,
- yn dystiolaeth o'r ffeithiau a ddatgenir.
- (9) Ni chaniateir i awdurdod tai lleol ddefnyddio ei dderbyniadau cosbau penodedig ond at ddibenion ei swyddogaethau sy'n ymwneud â gorfodi'r Rhan hon.
- (10) Yn yr adran hon—
- ystyr "prif swyddog cyllid" ("*chief finance officer*") yw'r swyddog sydd â chyfrifoldeb am faterion ariannol yr awdurdod tai lleol yn rhinwedd adran 151 o Ddeddf Llywodraeth Leol 1972;
- ystyr "swyddog awdurdodedig" ("*authorised officer*") yw swyddog y mae'r awdurdod tai lleol wedi ei awdurdodi yn ysgrifenedig at y diben o arfer swyddogaethau'r awdurdod o dan yr adran hon.'.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

8

Section 34, page 17, after line 30, insert—

- '(1) A local housing authority may use any information to which subsection (2) applies—
- (a) for any purpose connected with the exercise of any of the authority's functions

- under this Part in relation to any rental property, or
- (b) for the purpose of investigating whether any offence has been committed under this Part in relation to any rental property.
- (2) This subsection applies to any information which has been obtained by the authority in the exercise of functions under Part 1 of the Local Government Finance Act 1992 (council tax).
- (3) Until the repeal of section 134 of the Social Security Administration Act 1992 (housing benefit) by Schedule 14 to the Welfare Reform Act 2012, information obtained by a local housing authority under that section is to be treated as information to which subsection (2) applies.
- (4) A local housing authority may, for the purposes mentioned in subsection (1), use information obtained under section 134 of the 1992 Act after the repeal of that section. '

Adran 34, tudalen 17, ar ôl llinell 30, mewnosoder –

- '(1) Caiff awdurdod tai lleol ddefnyddio unrhyw wybodaeth y mae is-adran (2) yn gymwys iddi –
- (a) at unrhyw ddiben sy'n gysylltiedig ag arfer unrhyw un neu ragor o swyddogaethau'r awdurdod o dan y Rhan hon mewn perthynas ag unrhyw eiddo ar rent, neu
- (b) at y dibenion o ymchwilio i weld pa un a oes unrhyw drosedd wedi ei chyflawni ai peidio o dan y Rhan hon mewn perthynas ag unrhyw eiddo ar rent.
- (2) Mae'r is-adran hon yn gymwys i unrhyw wybodaeth y mae'r awdurdod wedi ei chael wrth arfer swyddogaethau o dan Ran 1 o Ddeddf Cyllid Llywodraeth Leol 1992 (y dreth gyngor).
- (3) Hyd nes y diddymir adran 134 o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 (budd-dal tai) gan Atodlen 14 i Ddeddf Diwygio Lles 2012, mae gwybodaeth y mae awdurdod tai lleol yn ei chael o dan yr adran honno i'w thrin fel gwybodaeth y mae is-adran (2) yn gymwys iddi.
- (4) Caiff awdurdod tai lleol ddefnyddio gwybodaeth a geir o dan adran 134 o Ddeddf 1992, at y dibenion a grybwyllir yn is-adran (), ar ôl i'r adran honno gael ei diddymu.'

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

70

Section 124, page 66, line 9, leave out 'or 11(6)' and insert ', 11(6) or [](5)'.

Adran 124, tudalen 66, llinell 10, hepgorer 'neu 11(6)' a mewnosoder ', 11(6) neu [](5)'.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

88

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version

Adran 9, tudalen 6, llinell 26, hepgorer 'a'r penderfyniad' a mewnosoder 'â phenderfyniad yr

awdurdod tai lleol’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

96

Section 26, page 15, line 9, after ‘offence,’ insert ‘and is’.

Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version

WITHDRAWN/TYNNWYD YN ÔL

Peter Black

124

To insert a new section –

[] Fixed penalty notices - breach of licence conditions

- (1) This section applies if a local housing authority is satisfied that it may revoke a licence under section 18(1).
- (2) The local housing authority may by notice offer the licensed person the opportunity of discharging any liability to revocation of the licence by payment of a fixed penalty to the authority.
- (3) The provisions of section [section to be inserted by amendment 7] apply to a fixed penalty notice issued under subsection (2) as if the breach of a condition of a licence constituted an offence to which the section applied.’.

I fewnosod adran newydd –

[] Hysbysiadau cosb benodedig - torri amodau trwydded

- (1) Mae’r adran hon yn gymwys os yw awdurdod tai lleol yn fodlon y caiff ddirymu trwydded o dan adran 18(1).
- (2) Caiff yr awdurdod tai lleol drwy hysbysiad gynnig cyfle i’r person trwyddedig fodloni unrhyw atebolrwydd o ran dirymu’r drwydded drwy dalu cosb benodedig i’r awdurdod.
- (3) Mae darpariaethau adran [adran i’w mewnosod gan welliant 7] yn gymwys i hysbysiad cosb benodedig a gyhoeddir o dan is-adran (2) fel pe bai torri amod trwydded yn gyfystyr â throedd yr oedd yr adran yn gymwys iddi.’.

WITHDRAWN/TYNNWYD YN ÔL

Peter Black

132

Section 28, page 15, after line 35, insert –

- ‘(3) Standards under subsection (1) must (among other things) include –
 - (a) the frequency of checks to be carried out in relation to gas, electricity and fire safety;
 - (b) the installation and maintenance of carbon monoxide detectors.’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder –

- ‘(4) Rhaid i safonau o dan is-adran (1) gynnwys (ymysg pethau eraill) –
- (a) amllder gwiriadau diogelwch nwy, trydan a tân;
 - (b) gosod a chynnal a chadw synwryddion carbon monocsid.’

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

163

Page 2, line 14, leave out section 2 and insert –

[] **Meaning of key terms**

(1) In this Part –

“domestic tenancy” (“*tenantiaeth ddomestig*”) means –

- (a) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 (which includes an assured shorthold tenancy), except where the tenancy –
 - (i) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (“the 1993 Act”), or
 - (ii) in the case of a shared ownership lease (within the meaning given by section 7(7) of the 1993 Act), would be such a lease if the tenant’s share (within the meaning given by that section) were 100 per cent,
- (b) a regulated tenancy for the purposes of the Rent Act 1977, or
- (c) a tenancy under which a dwelling is let as a separate dwelling and which is of a description specified for the purposes of this Part in an order made by the Welsh Ministers;

“dwelling” (“*annedd*”) means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it, where the whole of the dwelling is in Wales;

“landlord” (“*landlord*”) means –

- (a) in relation to a dwelling subject to a domestic tenancy, the immediate landlord or, in relation to a statutory tenant, the person who, apart from the statutory tenancy, would be entitled to possession of the dwelling subject to the tenancy, and
- (b) in relation to a dwelling that is not subject to a domestic tenancy, the person who would be the immediate landlord if the dwelling were let under a domestic tenancy;

“rental property” means a dwelling subject to, or marketed or offered for let under, a domestic tenancy.

(2) In this section, “statutory tenant” and “statutory tenancy” mean a statutory tenant or

statutory tenancy within the meaning of the Rent Act 1977.’.

Tudalen 2, llinell 14, hepgorer adran 2 a mewnosoder –

[] **Ystyr y prif dermau**

(1) Yn y Rhan hon –

ystyr “annedd” (“*dwelling*”) yw adeilad neu ran o adeilad a feddiennir neu y bwriedir ei feddiannu fel annedd ar wahân, ynghyd ag unrhyw fuarth, gardd, tai allan ac atodynau sy’n perthyn iddi neu a fwynheir gyda hi fel arfer, pan fo’r annedd gyfan yng Nghymru;

ystyr “eiddo ar rent” (“*rental property*”) yw annedd sy’n ddarostyngedig i denantiaeth ddomestig, neu sy’n cael ei marchnata neu ei chynnig i’w gosod oddi tani;

ystyr “landlord” (“*landlord*”) –

- (a) mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig, yw’r landlord uniongyrchol neu, mewn perthynas â thenant statudol, y person a fyddai, ar wahân i’r tenant statudol, â’r hawl i feddiannu’r fangre sy’n ddarostyngedig i’r denantiaeth, a
- (b) mewn perthynas ag annedd sy’n cael ei marchnata i’w gosod o dan denantiaeth sicr, yw’r person a fyddai’n landlord uniongyrchol pe bai’r annedd yn cael ei gosod;

ystyr “tenantiaeth ddomestig” (“*domestic tenancy*”) yw –

- (a) tenantiaeth sy’n denantiaeth sicr at ddibenion Deddf Tai 1988 (sy’n cynnwys tenantiaeth fyrddaliol sicr), ac eithrio –
 - (i) pan fo’r denantiaeth yn les hir at ddibenion Pennod 1 o Ran 1 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (“Deddf 1993”), neu
 - (ii) yn achos les ranberchenogaeth (o fewn yr ystyr a roddir gan adran 7(7) o Ddeddf 1993), y byddai’r denantiaeth yn les o’r fath pe bai cyfran y tenant (o fewn yr ystyr a roddir gan yr adran honno) yn 100 y cant,
- (b) tenantiaeth reoleiddiedig at ddibenion Deddf Rhenti 1977, neu
- (c) tenantiaeth pan fo annedd yn cael ei gosod fel annedd ar wahân ac sydd o ddisgrifiad a bennir at ddibenion y Rhan hon mewn gorchymyn a wneir gan Weinidogion Cymru.

(2) Yn y Rhan hon, mae unrhyw gyfeiriad at aseinio buddiant i landlord –

- (a) yn cynnwys unrhyw drawsgludiad ac eithrio morgais neu arwystl, a
- (b) os ymddiriedolwyr yw’r landlord, nid yw’n cynnwys newid yn y personau sydd, am y tro, yn ymddiriedolwyr i’r ymddiriedolaeth.

(3) Yn y rhan hon, ystyr “tenant statudol” a “tenantiaeth statudol” yw tenant statudol neu denantiaeth statudol o fewn ystyr Deddf Rhenti 1977.’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

168

To insert a new section –

[] Requirement for landlords to be licensed to carry out property management activities

- (1) The landlord of a dwelling subject to a domestic tenancy must not do any of the things described in subsection (2) in respect of the dwelling unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do something on the landlord’s behalf, or
 - (c) an exception in section 7 applies.
- (2) The things are –
 - (a) collecting rent;
 - (b) being the principal point of contact for the tenant in relation to matters arising under the tenancy;
 - (c) making arrangements with a person to carry out repairs or maintenance;
 - (d) making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;
 - (e) checking the contents or condition of the dwelling, or arranging for them to be checked;
 - (f) serving notice to terminate a tenancy.
- (3) The landlord of a dwelling that was subject to a domestic tenancy, but is no longer subject to that domestic tenancy, must not check the contents or condition of the dwelling, or arrange for them to be checked, for any purpose connected with that tenancy unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do it on the landlord’s behalf, or
 - (c) an exception in section 7 applies.
- (4) The Welsh Ministers may by order –
 - (a) amend or omit the descriptions of things in subsection (2) or (3) (including things added under paragraph (b)) that a landlord must not do unless any of paragraphs (a) to (c) of those subsections applies;
 - (b) add further descriptions of things for the purposes of subsection (2) or (3) (including by way of amendment to this Part).
- (5) A landlord who contravenes subsection (1) or (3) commits an offence and is liable on

summary conviction to a fine.

- (6) In proceedings against a landlord for an offence under subsection (5) it is a defence that the landlord has a reasonable excuse for not being licensed.
- (7) In subsection (1) “authorised agent” means –
 - (a) a person licensed to carry out lettings work and property management work under this Part for the area in which the dwelling is located,
 - (b) a local housing authority (whether or not in exercise of its functions as a local housing authority), or
 - (c) in relation to serving notice to terminate a tenancy only, a qualified solicitor (within the meaning of Part 1 of the Solicitors Act 1974), a person acting on behalf of such a solicitor or any person of a description specified in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Gofyniad i landlord fod yn drwyddedig i ymgymryd â gweithgareddau rheoli eiddo

- (1) Ni chaniateir i landlord annedd sy’n ddarostyngedig i denantiaeth ddomestig wneud unrhyw un o’r pethau a ddisgrifir yn is-adran (2) mewn perthynas â’r eiddo oni bai bod –
 - (a) y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
 - (b) y peth a wneir yw trefnu i asiant awdurdodedig wneud rhywbeth ar ran y landlord, neu
 - (c) mae eithriad yn adran 7 yn gymwys.
- (2) Y pethau yw –
 - (a) casglu rhent;
 - (b) bod yn brif bwynt cyswllt ar gyfer y tenant mewn perthynas â materion sy’n codi o dan y denantiaeth;
 - (c) gwneud trefniadau gyda pherson i ymgymryd â gwaith trwsio neu gynnal a chadw;
 - (d) gwneud trefniadau gyda thenant neu feddiannwr yr annedd i sicrhau mynediad i’r annedd at unrhyw ddiben;
 - (e) cadarnhau cynnwys neu gyflwr yr annedd, neu drefnu iddynt gael eu cadarnhau;
 - (f) cyflwyno hysbysiad terfynu tenantiaeth.
- (3) Ni chaiff landlord annedd a oedd yn ddarostyngedig i denantiaeth ddomestig, ond nad yw bellach yn ddarostyngedig i’r denantiaeth ddomestig honno, gadarnhau cyflwr neu gynnwys yr annedd, neu drefnu iddynt gael eu cadarnhau, at unrhyw ddiben sy’n gysylltiedig â’r denantiaeth oni bai –
 - (a) bod y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,
 - (b) mai’r peth sy’n cael ei wneud yw trefnu i asiant awdurdodedig wneud hynny ar

- ran y landlord, neu
- (c) mae eithriad yn rhan 7 yn gymwys.
- (4) Caiff Gweinidogion Cymru wneud y canlynol drwy orchymyn—
- (a) diwygio neu hepgor y disgrifiadau o bethau yn is-adran (2) neu (3) (gan gynnwys pethau a ychwanegir o dan baragraff (b)) na chaiff landlord ei wneud oni bai bod unrhyw un neu ragor o baragraffau (a) i (c) o'r is-adrannau hynny yn gymwys;
- (b) ychwanegu disgrifiadau pellach o bethau at ddibenion is-adran (2) neu (3) (gan gynnwys drwy ddiwygio'r Rhan hon).
- (5) Mae landlord sy'n torri is-adran (1) neu (3) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (6) Mewn achos yn erbyn landlord am drosedd a gyflawnwyd o dan is-adran (5) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.
- (7) Yn is-adran (1) ystyr "asiant awdurdodedig" yw—
- (a) person sy'n drwyddedig i ymgymryd â gwaith gosod a gwaith rheoli eiddo o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
- (b) awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio), neu
- (c) mewn perthynas â chyflwyno hysbysiad terfynu tenantiaeth yn unig, cyfreithiwr cymwysedig (o fewn ystyr Rhan 1 o Ddeddf Cyfreithwyr 1974), person sy'n gweithredu ar ran y cyfryw gyfreithiwr neu unrhyw berson o ddisgrifiad a bennir mewn gorchymyn a wneir gan Weinidogion Cymru.'

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

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To insert a new section—

[] Requirement for agents to be licensed to carry out property management work

- (1) A person acting on behalf of the landlord of a dwelling subject to a domestic tenancy must not carry out property management work in respect of the dwelling unless the person is licensed to do so under this Part for the area in which the dwelling is located.
- (2) Where a dwelling was subject to a domestic tenancy, but is no longer subject to that domestic tenancy, a person acting on behalf of the landlord of the dwelling must not check the contents or condition of the dwelling, or arrange for them to be checked, for any purpose connected with that tenancy unless—
- (a) the person is licensed to do so under this Part for the area in which the dwelling is located,
- (b) the person does no other thing in respect of the dwelling falling within—
- (i) section 9(1), except preparing, or arranging the preparation of, any inventory or schedule of condition, or
- (ii) section 11(1), or
- (c) the activity would not be property management work under section 11(3).

- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine.
- (4) In proceedings against a person for an offence committed under subsection (3) it is a defence that the person has a reasonable excuse for not being licensed.’.

I fewnosod adran newydd –

[] Gofyniad i asiantau fod yn drwyddedig i ymgymryd â gwaith rheoli eiddo

- (1) Ni chaniateir i berson ymgymryd â gwaith reoli eiddo ar ran landlord mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig oni bai bod y person yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi.
- (2) Mae person sy’n torri yr adran hon yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (3) Mewn achos yn erbyn person am drosedd a gyflawnwyd o dan is-adran (2) mae’r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

221

To insert a new section –

[] Meaning of property management work

- (1) In this Part, “property management work” means doing any of the following things –
 - (a) collecting rent;
 - (b) being the principal point of contact for the tenant in relation to matters arising under the tenancy;
 - (c) making arrangements with a person to carry out repairs or maintenance;
 - (d) making arrangements with a tenant or occupier of the dwelling to secure access to the dwelling for any purpose;
 - (e) checking the contents or condition of the dwelling, or arranging for them to be checked;
 - (f) serving notice to terminate a tenancy.
- (2) But “property management work” does not include doing any one of the things in paragraphs (b) to (g) of subsection (1) when done by a person who –
 - (a) does no other thing within subsection (1), and
 - (b) does nothing within section 9(1) in respect of the dwelling.
- (3) “Property management work” also does not include –
 - (a) doing things under a contract of service or apprenticeship with a landlord;
 - (b) doing things under a contract of service or apprenticeship, or a contract for services, with a person who is –

- (i) instructed to carry out the work by a landlord, and
- (ii) licensed to do so under this Part;
- (c) anything done by a local housing authority (whether or not in exercise of its functions as a local housing authority);
- (d) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Ystyr gwaith rheoli eiddo

- (1) Yn y Rhan hon, ystyr “gwaith rheoli eiddo” yw gwneud unrhyw un o’r pethau a ganlynol –
 - (a) casglu rhent;
 - (b) bod yn brif bwynt cyswllt ar gyfer y tenant mewn perthynas â materion sy’n codi o dan y denantiaeth;
 - (c) gwneud trefniadau gyda pherson i ymgymryd â gwaith trwsio neu gynnal a chadw;
 - (d) gwneud trefniadau gyda thenant neu feddiannwr yr annedd i sicrhau mynediad i’r annedd at unrhyw ddiben;
 - (e) cadarnhau cynnwys neu gyflwr yr annedd, neu drefnu iddynt gael eu cadarnhau;
 - (f) cyflwyno hysbysiad terfynu tenantiaeth.
- (2) Ond nid yw “gwaith rheoli eiddo” yn cynnwys gwneud unrhyw un o’r pethau ym mharagraffau (b) i (g) o is-adran (1) pan fo’n cael ei wneud gan berson –
 - (a) nad yw’n gwneud unrhyw beth arall o fewn is-adran (1), a
 - (b) nad yw’n gwneud unrhyw beth o fewn adran 9(1) mewn perthynas â’r annedd.
- (3) Nid yw “gwaith rheoli eiddo” yn cynnwys y canlynol ychwaith –
 - (a) gwneud pethau o dan gontract cyflogaeth gyda landlord;
 - (b) gwneud pethau o dan gontract cyflogaeth neu gontract gwasanaethau gyda pherson sydd –
 - (i) wedi ei gyfarwyddo i ymgymryd â’r gwaith gan landlord, a
 - (ii) wedi ei drwyddedu i wneud hynny o dan y Rhan hon;
 - (c) unrhyw beth a wneir gan awdurdod tai lleol (pa un a yw’n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio);
 - (d) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru.’.

WITHDRAWN/TYNNWYD YN ÔL

Carl Sargeant

244

Section 15, page 9, line 10, leave out subsection (1) and insert –

- '(1) A licence holder must notify the licensing authority in writing of the following changes –
 - (a) any change in the name under which the licence holder is licensed;
 - (b) any prescribed changes.
- (2) A licence holder must comply with the duty in subsection (1) within 28 days beginning with the day on which the licence holder knew, or should have known, of the change.'

Adran 15, tudalen 9, llinell 10, hepgorer is-adran (1) a mewnosoder –

- '(1) Rhaid i ddeiliad trwydded hysbysu'r awdurdod trwyddedu yn ysgrifenedig am y newidiadau a ganlyn –
 - (a) unrhyw newid yn yr enw y cofrestrir deiliad y drwydded oddi tano;
 - (b) unrhyw newidiadau rhagnodedig.
- (2) Rhaid i ddeiliad trwydded gydymffurfio â'r ddyletswydd yn is-adran (1) o fewn 28 o ddiwrnodau gan ddechrau ar y diwrnod cyntaf yr oedd deiliad y drwydded yn gwybod am y newid, neu y dylai fod wedi gwybod amdano.'