



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

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 ddyodi 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 'preswylio'.

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 'breswylio'.

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 hwynnw a bod y landlord (neu asiant neu berson cyfrifol a benodwyd gan y landlord) wedi ei drwyddedu i reoli’r eiddo hwynnw.’.

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 iechyd 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 gafael 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 –

[] 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 í’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 hwinnw), 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 hwinnw, 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 cyngorau 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 disgrisiwn 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 gategorïau o bersonau' a mewnosoder 'Rhaid i Weinidogion Cymru, drwy reoliadau, bennu categori neu gategorïau 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 Argymhelliaid 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 –

[1] 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 ‘sichau’.

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 sichau 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 throstedd –
 - (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 ddosbarthu 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 gymwys 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

190

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.'