



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 6 Mai 2014
Tabled on 6 May 2014

Bil Tai (Cymru)
Housing (Wales) Bill

Carl Sargeant

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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 []), 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 []), subject to exceptions (section []);
 - (b) licensed to carry out certain kinds of lettings activities for dwellings marketed or offered for let under domestic tenancies (section []), subject to exceptions (section []);
 - (c) licensed to carry out certain kinds of property management activities for dwellings subject to a domestic tenancy (section []), subject to exceptions (section []);
- (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 []);
- (b) property management work in respect of a dwelling subject to a domestic tenancy (section []).
- (4) “Lettings work” and “property management work” are defined for the purposes of the Part in sections [] and []; 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 []); 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 [] 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 []);
- (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), [](1) and (4) and [](3));
- (b) fixed penalty notices ((section []);
- (c) rent stopping orders (sections [] to []);
- (d) rent repayment orders (sections [] to []).
- (9) Sections [] 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 [] 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 []), 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 []), yn ddarostyngedig i eithriadau (adran []);
 - (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 []), yn ddarostyngedig i eithriadau (adran []);
 - (c) bod yn drwyddedig i ymgymryd â mathau penodol o weithgareddau rheoli eiddo ar gyfer anheddau sy'n ddarostyngedig i denantiaeth domestig (adran []), yn ddarostyngedig i eithriadau (adran []);
- (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 []);
 - (b) gwaith rheoli eiddo mewn perthynas ag annedd sy'n ddarostyngedig i denantiaeth ddomestig (adran []).
- (4) Mae "gwaith gosod" a "gwaith rheoli eiddo" wedi eu diffinio at ddibenion y Rhan hon yn adrannau [] a []; 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 []); 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 [] 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 []);
 - (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), [](1) a (4) a [](3));
 - (b) hysbysiadau cosbau penodedig ((adran []);
 - (c) gorchmynion atal rhent (adrannau [] i []);
 - (d) gorchmynion ad-dalu rhent (adrannau [] i []).

- (9) Mae adrannau [] 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 [] i 34 yn gwneud darpariaeth atodol.
- (12) Mae adran 35 yn gwneud darpariaeth bellach ynghylch dehongli ac yn mynegeoi'r termau wedi eu diffinio a ddefnyddir yn y Rhan hon.'

WITHDRAWN/TYNNWYD YN ÔL

*Carl Sargeant

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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.’.

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To insert a new section –

[1] Licensing authority

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

I fewnosod adran newydd –

[1] Awdurdod trwyddedu

- (1) Rhaid i Weinidogion Cymru, drwy orchymyn, ddynodi person i fod yn awdurdod trwyddedu at ddibenion y Rhan hon mewn perthynas ag –
 - (a) Cymru gyfan, neu
 - (b) pob rhan benodedig o Gymru sydd, gyda’i gilydd, yn cynnwys Cymru gyfan.
- (2) Wrth arfer y pŵer yn is-adran (1), –
 - (a) ni chaiff Gweinidogion Cymru ond ddynodi person sy’n arfer swyddogaethau o natur gyhoeddus sy’n ymwneud â Chymru yn llwyr neu yn bennaf;
 - (b) caiff Gweinidogion Cymru eu dynodi eu hunain;
 - (c) ni chaiff Gweinidogion Cymru ddynodi un o Weinidogion y Goron.

- (3) Wrth arfer y pŵer yn is-adran (1)(b), caiff Gweinidogion Cymru –
 - (a) dynodi gwahanol bersonau ar gyfer gwahanol ardaloedd,
 - (b) dynodi personau mewn perthynas ag ardal neu ardaloedd nad ydynt yn cynnwys Cymru gyfan, os yw'r ardal neu'r ardaloedd a bennir yn y gorchymyn a'r rhai hynny a bennir mewn gorchymynion eraill sydd mewn grym o dan yr adran hon, gyda'i gilydd, yn cynnwys Cymru gyfan.
- (4) Caiff Gweinidogion Cymru, drwy orchymyn, wneud unrhyw ddarpariaeth y maent yn ei hystyried yn angenrheidiol neu'n hwylus mewn perthynas â dynodi person o dan yr adran hon.
- (5) Cyn gwneud gorchymyn o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r person a gaiff ei ddynodi (oni bai eu bod yn bwriadu eu dynodi eu hunain) a'r cyfryw bersonau eraill ag y mae Gweinidogion Cymru yn eu hystyried yn briodol.
- (6) Yn yr adran hon, ystyr "benodedig" ac "a bennir" yw wedi ei bennu mewn gorchymyn o dan yr adran hon.'

Carl Sargeant

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

[] Requirement for a landlord to be registered

- (1) The landlord of a dwelling subject to, or marketed or offered for let under, a domestic tenancy must be registered under this Part in respect of the dwelling (see sections 6 to 9), unless an exception in section 4 applies.
- (2) A landlord who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In proceedings against a landlord for an offence under subsection (2) it is a defence that the landlord has a reasonable excuse for not being registered.'

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

[] Gofyniad i landlord fod yn gofrestredig

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

Carl Sargeant

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

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

The requirement in section 3(1) does not apply –

- (a) if the landlord has applied to the licensing authority to be registered in relation to that dwelling and the application has not been determined;
- (b) for a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord;
- (c) if the landlord takes steps to recover possession of the dwelling within a period of 28 days beginning with the date the landlord's interest in the dwelling is assigned to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession;
- (d) to a landlord who is a registered social landlord;
- (e) to a landlord who is a fully mutual housing association;
- (f) to a person of a description specified for the purposes of this section in an order made by the Welsh Ministers.'

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

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

Nid yw'r gofyniad yn adran 2(1) yn gymwys –

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

Carl Sargeant

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

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

- (1) The landlord of a dwelling marketed or offered for let under a domestic tenancy must not do any of the things described in subsection (2) in respect of the dwelling unless –
 - (a) the landlord is licensed to do so under this Part for the area in which the dwelling is located,
 - (b) the thing done is arranging for an authorised agent to do something on the landlord's behalf, or
 - (c) an exception in section 6 applies.

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

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

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

- (1) Ni chaniateir i landlord annedd sy’n cael ei marchnata neu ei chynnig i’w gosod yn ddarostyngedig i denantiaeth ddomestig wneud unrhyw un o’r pethau a ddisgrifir yn is-adran (2) mewn perthynas â’r annedd oni bai bod –
 - (a) y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi;
 - (b) yr hyn a wneir yw trefnu i asiant awdurdodedig wneud rhywbeth ar ran y landlord, neu
 - (c) mae eithriad yn adran 6 yn gymwys.
- (2) Y pethau yw –
 - (a) trefnu neu gynnal ymweliadau gan ddarpar denantiaid;
 - (b) casglu tystiolaeth at ddiben penderfynu ar addasrwydd darpar denantiaid (er enghraifft, drwy gadarnhau tystlythyrau, cynnal gwiriadau credyd neu gyfweld

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

WITHDRAWN/TYNNWYD YN ÔL

*Carl Sargeant

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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 –

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

- (1) Ni chaniateir i landlord annedd sy'n ddarostyngedig i denantiaeth ddomestig wneud unrhyw un o'r pethau a ddisgrifir yn is-adran (2) mewn perthynas â'r eiddo oni bai bod –
 - (a) y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
 - (b) y peth a wneir yw trefnu i asiant awdurdodedig wneud rhywbeth ar ran y landlord, neu
 - (c) mae eithriad yn adran 7 yn gymwys.
- (2) Y pethau yw –
 - (a) casglu rhent;
 - (b) bod yn brif bwynt cyswllt ar gyfer y tenant mewn perthynas â materion sy'n codi o dan y denantiaeth;
 - (c) gwneud trefniadau gyda pherson i ymgymryd â gwaith trwsio neu gynnal a chadw;
 - (d) gwneud trefniadau gyda thenant neu feddiannwr yr annedd i sicrhau mynediad i'r annedd at unrhyw ddiben;
 - (e) cadarnhau cynnwys neu gyflwr yr annedd, neu drefnu iddynt gael eu cadarnhau;
 - (f) cyflwyno hysbysiad terfynu tenantiaeth.
- (3) Ni chaiff landlord annedd a oedd yn ddarostyngedig i denantiaeth ddomestig, ond nad yw bellach yn ddarostyngedig i'r denantiaeth ddomestig honno, gadarnhau cyflwr neu gynnwys yr annedd, neu drefnu iddynt gael eu cadarnhau, at unrhyw ddiben sy'n gysylltiedig â'r denantiaeth oni bai –
 - (a) bod y landlord yn drwyddedig i wneud hynny o dan y Rhan hon ar gyfer yr ardal y mae'r annedd wedi ei lleoli ynddi,
 - (b) mai'r peth sy'n cael ei wneud yw trefnu i asiant awdurdodedig wneud hynny ar ran y landlord, neu
 - (c) mae eithriad yn rhan 7 yn gymwys.
- (4) Caiff Gweinidogion Cymru wneud y canlynol drwy orchymyn –
 - (a) diwygio neu hepgor y disgrifiadau o bethau yn is-adran (2) neu (3) (gan gynnwys pethau a ychwanegir o dan baragraff (b)) na chaiff landlord ei wneud oni bai bod unrhyw un neu ragor o baragraffau (a) i (c) o'r is-adrannau hynny yn gymwys;
 - (b) ychwanegu disgrifiadau pellach o bethau at ddibenion is-adran (2) neu (3) (gan gynnwys drwy ddiwygio'r Rhan hon).
- (5) Mae landlord sy'n torri is-adran (1) neu (3) yn cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy.
- (6) Mewn achos yn erbyn landlord am drosedd a gyflawnwyd o dan is-adran (5) mae'r ffaith bod gan y landlord esgus rhesymol am fethu â bod yn drwyddedig yn amddiffyniad.

- (7) Yn is-adran (1) ystyr “asiant awdurdodedig” yw –
- (a) person sy’n drwyddedig i ymgymryd â gwaith gosod a gwaith rheoli eiddo o dan y Rhan hon ar gyfer yr ardal y lleolir yr annedd ynddi,
 - (b) awdurdod tai lleol (pa un a yw’n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio), neu
 - (c) mewn perthynas â chyflwyno hysbysiad terfynu tenantiaeth yn unig, cyfreithiwr cymwysedig (o fewn ystyr Rhan 1 o Ddeddf Cyfreithwyr 1974), person sy’n gweithredu ar ran y cyfryw gyfreithiwr neu unrhyw berson o ddisgrifiad a bennir mewn gorchymyn a wneir gan Weinidogion Cymru.’.

Carl Sargeant

169

To insert a new section –

[] Exceptions to requirements for landlords to be licensed

The requirements in sections 5(1) and 6(1) do not apply –

- (a) if the landlord has applied to the licensing authority to be licensed, for the period from the date of the application until it is determined by the authority or (if the authority refuses the application) until all means of appealing against a decision to refuse an application have been exhausted and the decision is upheld;
- (b) for a period of 28 days beginning with the date the landlord’s interest in the dwelling is assigned to the landlord;
- (c) if the landlord takes steps to recover possession of the dwelling within a period of 28 days beginning with the date the landlord’s interest in the dwelling is assigned to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession;
- (d) to a landlord who is a registered social landlord;
- (e) to a landlord who is a fully mutual housing association;
- (f) a person of a description specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Eithriadau i ofynion i landlord fod yn gofrestredig

Nid yw’r gofynion yn adrannau 5(1) a 6(1) yn gymwys –

- (a) os yw’r landlord wedi gwneud cais i’r awdurdod trwyddedu i fod yn drwyddedig, am y cyfnod o ddyddiad y cais hyd nes y bydd yr awdurdod yn penderfynu arno neu (os yw’r awdurdod yn gwrthod y cais) hyd nes y bydd pob dull o apelio yn erbyn penderfyniad i wrthod cais wedi ei ddisbyddu a’r penderfyniad yn cael ei gadarnhau;
- (b) am gyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseindir buddiant y landlord yn yr annedd i’r landlord;
- (c) os yw’r landlord yn cymryd camau i adennill meddiant o’r eiddo o fewn cyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad yr aseindir buddiant y landlord yn yr

annedd i'r landlord, am ba hyd bynnag ag y bydd y landlord yn parhau yn ddiwyd i geisio adennill meddiant;

- (d) i landlord sy'n landlord cymdeithasol cofrestredig;
- (e) i landlord sy'n gymdeithas dai gwbl gdufuddiannol;
- (f) i berson o ddisgrifiad a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru.'.

Carl Sargeant

170

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

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

Carl Sargeant

171

To insert a new section –

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

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

I fewnosod adran newydd –

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

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

Carl Sargeant

172

Section 7, page 5, line 2, leave out 'person ("the applicant")' and insert 'landlord'.

Adran 7, tudalen 5, llinell 2, hepgorer 'person ("y ceisydd")' a mewnosoder 'landlord'.

Carl Sargeant 173

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

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

Carl Sargeant 174

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

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

Carl Sargeant 175

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

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

Carl Sargeant 176

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

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

Carl Sargeant 177

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

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

Carl Sargeant 178

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

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

Carl Sargeant 179

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

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

Carl Sargeant 180

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

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

Carl Sargeant 181

Section 7, page 5, line 11, leave out ‘local housing’ and insert ‘licensing’.
Adran 7, tudalen 5, llinell 12, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 182

Section 7, page 5, line 12, leave out ‘applicant’ and insert ‘landlord’.
Adran 7, tudalen 5, llinell 13, hepgorer ‘ceisydd’ a mewnosoder ‘landlord’.

Carl Sargeant 183

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

Carl Sargeant 184

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

Carl Sargeant 185

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

Carl Sargeant 186

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

Carl Sargeant 187

To insert a new section –

[] Meaning of lettings work

- (1) In this Part “lettings work” means things done by any person in response to instructions received from –
 - (a) a person seeking to find another person wishing to rent a dwelling under a domestic tenancy and, having found such a person, to grant such a tenancy (“a prospective landlord”);
 - (b) a person seeking to find a dwelling to rent under a domestic tenancy and, having found such a dwelling, to obtain such a tenancy of it (“a prospective tenant”);subject to the following subsections.
- (2) “Lettings work” does not include anything in the following paragraphs (a) or (b) –

- (a) publishing advertisements or disseminating information;
- (b) providing a means by which –
 - (i) a prospective landlord (or the prospective landlord’s agent) or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or (as the case may be) prospective landlord (or the prospective landlord’s agent);
 - (ii) a prospective landlord (or the prospective landlord’s agent) and a prospective tenant can continue to communicate directly with each other.

when done by a person who –

- (c) does no other thing within subsection (1), and
- (d) does no property management work in respect of the property.

- (3) “Lettings work” does not include doing any one of the things in the following paragraphs (a) to (c) –

- (a) arranging and conducting viewings with prospective tenants;
- (b) preparing, or arranging the preparation of, the tenancy agreement;
- (c) preparing, or arranging the preparation of, any inventory or schedule of condition,

when done by a person who –

- (d) does no other thing in those paragraphs or anything else within subsection (1), and
- (e) does nothing within section 10(1) in respect of the property.

- (4) “Lettings work” also does not include –

- (a) doing things under a contract of service or apprenticeship with a landlord;
- (b) doing things under a contract of service or apprenticeship, or a contract for services, with a person who is –
 - (i) instructed to carry out the work by a landlord, and
 - (ii) licensed to do so under this Part;
- (c) anything done by a local housing authority (whether or not in exercise of its functions as a local housing authority);
- (d) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Ystyr gwaith gosod

- (1) Yn y Rhan hon ystyr “gwaith gosod” yw’r pethau y mae unrhyw berson yn eu gwneud mewn ymateb i gyfarfwyddiadau gan –
- (a) person sy’n ceisio canfod person arall sy’n dymuno rhentu annedd o dan denantiaeth ddomestig ac, ar ôl canfod y cyfryw berson, rhoi’r gyfryw denantiaeth (“darpar landlord”);

- (b) person sy'n ceisio canfod annedd i'w rhentu o dan denantiaeth ddomestig ac, ar ôl canfod y gyfryw annedd, gael gafael ar y gyfryw denantiaeth ohoni ("darpar denant");

yn ddarostyngedig i'r is-adrannau a ganlyn.

- (2) Nid yw "gwaith gosod" yn cynnwys unrhyw beth ym mharagraffau (a) neu (b) a ganlyn—

- (a) cyhoeddi hysbysebion neu ledaenu gwybodaeth;

- (b) darparu dull—

- (i) y gall darpar landlord (neu asiant y darpar landlord) neu ddarpar denant ei ddefnyddio, mewn ymateb i hysbyseb neu ledaeniad gwybodaeth, i gysylltu'n uniongyrchol â darpar denant neu (yn ôl y digwydd) ddarpar landlord (neu asiant y darpar landlord);

- (ii) y gall darpar landlord (neu asiant y darpar landlord) a darpar denant ei ddefnyddio i barhau i gyfathrebu yn uniongyrchol â'i gilydd.

pan fo'n cael ei wneud gan berson—

- (c) nad yw'n gwneud unrhyw beth arall o fewn is-adran (1), a

- (d) nad yw'n gwneud gwaith rheoli eiddo mewn perthynas â'r eiddo.

- (3) Nid yw "gwaith gosod" yn cynnwys gwneud unrhyw un o'r pethau ym mharagraffau (a) i (c) a ganlyn—

- (a) trefnu a chynnal ymweliadau gan ddarpar denantiaid;

- (b) paratoi, neu drefnu i baratoi, cytundeb tenantiaeth;

- (c) paratoi, neu drefnu i baratoi, unrhyw stocrestr neu restr o gyflwr;

pan fo'n cael ei wneud gan berson—

- (d) nad yw'n gwneud unrhyw beth arall yn y paragraffau hynny nac unrhyw beth arall o fewn is-adran (1), ac

- (e) nad yw'n gwneud unrhyw beth o fewn adran 10(1) mewn perthynas â'r eiddo.

- (4) Nid yw "gwaith gosod" yn cynnwys y canlynol ychwaith—

- (a) gwneud pethau o dan gontract cyflogaeth gyda landlord;

- (b) gwneud pethau o dan gontract cyflogaeth neu gontract gwasanaethau gyda pherson sydd—

- (i) wedi ei gyfarwyddo i ymgymryd â'r gwaith gan landlord, a

- (ii) wedi ei drwyddedu i wneud hynny o dan y Rhan hon;

- (c) unrhyw beth a wneir gan awdurdod tai lleol (pa un a yw'n arfer ei swyddogaethau fel awdurdod tai lleol ai peidio);

- (d) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn gorchymyn a wneir gan Weinidogion Cymru. '.

Carl Sargeant

188

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

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

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

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

Carl Sargeant

189

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

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

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.’.

Carl Sargeant

191

To insert a new section—

[] **Licences that may be granted**

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

- (a) a licence for its area for the purpose of compliance with sections [](requirement for landlords to be licensed to carry out lettings activities) and [](requirement for landlords to be licensed to carry out property management activities);
- (b) a licence for its area for the purpose of compliance with sections [] (requirement for agents to be licensed to carry out lettings work) and [] (requirement for agents to be licensed to carry out property management work)).’.

I fewnosod adran newydd—

[] Trwyddedau y caniateir eu rhoi

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

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

Carl Sargeant

192

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

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

Carl Sargeant

193

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

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

Carl Sargeant

194

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

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

Carl Sargeant

195

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

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

Carl Sargeant

196

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

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

Carl Sargeant

197

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

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

Carl Sargeant

198

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

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

Carl Sargeant 199

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

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

Carl Sargeant 200

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

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

Carl Sargeant 201

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

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

Carl Sargeant 202

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

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

Carl Sargeant 203

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

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

Carl Sargeant 204

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

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

Carl Sargeant 205

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

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

Carl Sargeant 206

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

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

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

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

Carl Sargeant 207

Section 9, page 6, line 15, leave out ‘local housing’ and insert ‘licensing’.

Adran 9, tudalen 6, llinell 14, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 208

Section 9, page 6, line 16, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 15, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 209

Section 9, page 6, line 17, leave out ‘person’s’ and insert ‘landlord’s’.

Adran 9, tudalen 6, llinell 16, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 210

Section 9, page 6, line 19, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 18, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 211

Section 9, page 6, line 19, leave out ‘, when the person’s right of appeal expires’ and insert ‘within the appeal period, the expiry of that period’.

Adran 9, tudalen 6, llinell 18, hepgorer ‘, pan fydd hawl y person i apelio yn dod i ben’ a mewnosoder ‘o fewn y cyfnod apelio, pan ddaw’r cyfnod hwnnw i ben’.

Carl Sargeant 212

Section 9, page 6, line 21, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 20, hepgorer ‘person’ a mewnosoder ‘landlord’.

Carl Sargeant 213

Section 9, page 6, line 21, after ‘appeals’, insert ‘within the appeal period’.

Adran 9, tudalen 6, llinell 20, ar ôl ‘apelio’, mewnosoder ‘o fewn y cyfnod apelio’.

Carl Sargeant 214

Section 9, page 6, line 23, leave out ‘person’ and insert ‘landlord’.

Adran 9, tudalen 6, llinell 22, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 215

Section 9, page 6, line 23, after 'appeals', insert 'within the appeal period'.

Adran 9, tudalen 6, llinell 22, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 216

Section 9, page 6, line 24, leave out 'local housing' and insert 'licensing'.

Adran 9, tudalen 6, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 217

Section 9, page 6, line 26, leave out 'person' and insert 'landlord'.

Adran 9, tudalen 6, llinell 25, hepgorer 'person' a mewnosoder 'landlord'.

Carl Sargeant 218

Section 9, page 6, line 27, leave out 'local housing' and insert 'licensing'.

Adran 9, tudalen 6, llinell 26, hepgorer 'a'r penderfyniad' a mewnosoder 'a phenderfyniad yr awdurdod trwyddedu'.

Carl Sargeant 219

Section 9, page 6, line 29, leave out 'local housing' and insert 'licensing'.

Adran 9, tudalen 6, llinell 27, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 220

Section 9, page 6, line 30, leave out 'agent or responsible person recorded on the register as having been appointed by' and insert 'person recorded on the register as having been appointed by the landlord to carry out lettings work or property management work on behalf of'.

Adran 9, tudalen 6, llinell 28, hepgorer 'asiant neu berson cyfrifol a gofnodwyd ar y gofrestr fel asiant neu berson cyfrifol a benodwyd gan' a mewnosoder 'berson a gofnodwyd ar y gofrestr fel person a benodwyd gan y landlord i ymgymryd â gwaith gosod neu waith rheoli eiddo ar ran'.

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. '.

Carl Sargeant 222

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

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

Carl Sargeant 223

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

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

Carl Sargeant 224

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

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

Carl Sargeant 225

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

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

Carl Sargeant 226

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

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

Carl Sargeant 227

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

Adran 10, tudalen 7, llinell 17, ar ôl 'â', mewnosoder 'gosod a'.

Carl Sargeant 228

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

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

Carl Sargeant 229

To insert a new section –

[] Landlords who are trustees

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

I fewnosod adran newydd –

[] Landlordiaid sy'n ymddiriedolwyr

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

Carl Sargeant 230

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

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

Carl Sargeant 231

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

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

Carl Sargeant 232

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

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

Carl Sargeant 233

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

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

Carl Sargeant 234

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

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

Carl Sargeant 235

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

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

Carl Sargeant 236

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

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

Carl Sargeant 237

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

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

Carl Sargeant 238

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

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

Carl Sargeant 239

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

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

Carl Sargeant 240

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

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

Carl Sargeant 241

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

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

Carl Sargeant 242

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

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

Carl Sargeant 243

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

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

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.'

Carl Sargeant 245

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

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

Carl Sargeant 246

Page 9, line 19, leave out section 16.

Tudalen 9, llinell 19, hepgorer adran 16.

Carl Sargeant 247

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

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

Carl Sargeant 248

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

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

Carl Sargeant

249

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

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

Carl Sargeant

250

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

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

Carl Sargeant

251

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

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

Carl Sargeant

252

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

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

Carl Sargeant

253

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

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

Carl Sargeant

254

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

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

Carl Sargeant

255

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

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

Carl Sargeant

256

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

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

Carl Sargeant 257

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

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

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

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

Carl Sargeant 258

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

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

Carl Sargeant 259

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

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

Carl Sargeant 260

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

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

Carl Sargeant 261

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

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

Carl Sargeant 262

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

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

Carl Sargeant 263

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

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

Carl Sargeant 264

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

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

Carl Sargeant 265

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

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

Carl Sargeant 266

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

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

Carl Sargeant 267

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

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

Carl Sargeant 268

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

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

Carl Sargeant 269

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

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

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

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

Carl Sargeant 270

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

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

Carl Sargeant 271

Section 18, page 11, line 19, leave out ‘local housing’ and insert ‘licensing’.

Adran 18, tudalen 11, llinell 20, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 272

Section 18, page 11, line 20, leave out 'the agent or responsible' and insert 'that'.

Adran 18, tudalen 11, llinell 21, hepgorer 'yr asiant neu berson cyfrifol' a mewnosoder 'y person hwnnw'.

Carl Sargeant 273

Section 18, page 11, line 22, leave out 'local housing' and insert 'licensing'.

Adran 18, tudalen 11, llinell 23, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 274

Section 19, page 11, line 37, leave out ', the date on which the licence holder's right of appeal expires' and insert 'within the appeal period, the date of expiry of that period'.

Adran 19, tudalen 11, llinell 39, hepgorer ', y dyddiad y daw hawl deiliad y drwydded i apelio i ben' a mewnosoder 'o fewn y cyfnod apelio, pan ddaw'r cyfnod hwnnw i ben'.

Carl Sargeant 275

Section 19, page 11, line 39, after 'appeals', insert 'within the appeal period'.

Adran 19, tudalen 11, llinell 40, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 276

Section 19, page 12, line 1, after 'appeals', insert 'within the appeal period'.

Adran 19, tudalen 12, llinell 1, ar ôl 'apelio', mewnosoder 'o fewn y cyfnod apelio'.

Carl Sargeant 277

Section 19, page 12, line 2, leave out 'local housing' and insert 'licensing'.

Adran 19, tudalen 12, llinell 2, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 278

Section 19, page 12, line 5, leave out 'local housing' and insert 'licensing'.

Adran 19, tudalen 12, llinell 6, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 279

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

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

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

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

Carl Sargeant 280

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

Carl Sargeant 281

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

Carl Sargeant 282

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

Carl Sargeant 283

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

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

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

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

Carl Sargeant 284

Section 20, page 12, line 28, leave out ‘local housing’ and insert ‘licensing’.
Adran 20, tudalen 12, llinell 28, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 285

Section 20, page 12, line 36, leave out ‘local housing’ and insert ‘licensing’.
Adran 20, tudalen 12, llinell 37, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 286

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

[] **Rent stopping orders**

(1) A residential property tribunal may, in accordance with this section, make an order (a

- “rent stopping order”) in relation to a dwelling subject to a domestic tenancy on an application made to it by –
- (a) the licensing authority for the area in which the dwelling is located, or
 - (b) the local housing authority for that area.
- (2) But a local housing authority may not make an application under subsection (1) without the consent of the licensing authority mentioned in paragraph (a) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.
- (3) Where the tribunal makes a rent stopping order –
- (a) periodical payments payable in connection with any domestic tenancy of the dwelling to which the order relates are, from a date specified in the order (the “stopping date”), not payable,
 - (b) any provision of such a tenancy requiring payment of an amount stopped by the order is to be treated as being met,
 - (c) all other rights and obligations under such a tenancy continue unaffected,
 - (d) any periodical payments paid by a tenant within the period of 28 days beginning with the stopping date are to be repaid by the landlord before the end of the period of 28 days beginning with the date of payment (unless those payments were made in consequence of an order made under section 27 revoking the rent stopping order), and
 - (e) the authority which made the application for the order must give a copy of the order to –
 - (i) the landlord of the dwelling to which the order relates;
 - (ii) the tenant of the dwelling.
- (4) The tribunal may not specify a stopping date in a rent stopping order which precedes the date on which the order is made.
- (5) An amount payable by virtue of subsection (3)(d) which is not repaid within the period for repayment required by that subsection is recoverable by the tenant as a debt due to the tenant from the landlord.
- (6) The tribunal may make a rent stopping order only if it is satisfied of the matters mentioned in subsections (7) and (8).
- (7) The tribunal must be satisfied that an offence is being committed under [](5) in relation to the dwelling (whether or not a person has been convicted or charged for the offence).
- (8) The tribunal must be satisfied that –
- (a) the authority making the application has given the landlord and the tenant of the dwelling a notice (a “notice of intended proceedings”) –
 - (i) explaining that the authority is proposing to apply for a rent stopping order,
 - (ii) setting out the reasons why it proposes to do so,
 - (iii) explaining the effect of a rent stopping order,

- (iv) explaining how a rent stopping order may be revoked, and
 - (v) in the case of a notice to a landlord, inviting the landlord to make representations to the authority within a period of not less than 28 days specified in the notice;
- (b) the period for making representations has expired; and
 - (c) the authority considered any representations made to it within that period by the landlord.
- (9) In subsection (7) and section 27(2)(b), the reference to an offence being committed under [](5) does not include an offence committed in consequence of a contravention of subsection (3) of []’.

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

[] **Gorchmynion atal rhent**

- (1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon, wneud gorchmyn (“gorchmyn atal rhent”) mewn perthynas ag annedd sy’n ddarostyngedig i denantiaeth ddomestig ar gais a wnaed iddo gan y canlynol –
- (a) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi, neu
 - (b) yr awdurdod tai lleol ar gyfer yr ardal honno.
- (2) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (1) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a) o’r is-adran honno (oni bai mai’r awdurdod tai lleol yw’r awdurdod trwyddedu); a chaniateir i gydsyniad at y diben hwnnw gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.
- (3) Pan fo’r tribiwnlys yn gwneud gorchmyn atal rhent –
- (a) nid yw taliadau cyfnodol sy’n daladwy mewn cysylltiad ag unrhyw denantiaeth ddomestig o’r annedd y mae’r gorchmyn yn ymwneud â hi, o ddyddiad a bennir yn y gorchmyn (y “dyddiad atal”), yn daladwy,
 - (b) mae unrhyw ddarpariaeth yn y gyfryw denantiaeth sy’n ei gwneud yn ofynnol talu swm sy’n cael ei atal gan y gorchmyn i’w thrin fel pe bai’n cael ei chyflawni,
 - (c) mae’r holl hawliau a rhwymedigaethau eraill o dan y gyfryw denantiaeth yn parhau heb unrhyw effaith arnynt,
 - (d) mae unrhyw daliadau cyfnodol a delir gan denant o fewn y cyfnod o 28 o ddiwrnodau sy’n dechrau gyda’r dyddiad atal i gael eu had-dalu gan y landlord cyn diwedd y cyfnod o 28 o ddiwrnodau gan ddechrau ar ddyddiad y taliad (oni bai bod y taliadau hynny wedi cael eu gwneud o ganlyniad i orchmyn a wnaed o dan adran 27 yn dirymu’r gorchmyn atal rhent), a
 - (e) rhaid i’r awdurdod a wnaeth y cais am y gorchmyn roi copi o’r gorchmyn hwnnw i’r canlynol –
 - (i) landlord yr annedd y mae’r gorchmyn yn ymwneud â hi;
 - (ii) tenant yr annedd.
- (4) Ni chaiff y tribiwnlys bennu dyddiad atal mewn gorchmyn atal rhent sy’n gynharach

na'r dyddiad y gwneir y gorchymyn.

- (5) Mae swm sy'n daladwy yn rhinwedd is-adran (3)(d) nad yw'n cael ei ad-dalu o fewn y cyfnod ar gyfer ad-dalu fel sy'n ofynnol gan yr is-adran honno yn adenilladwy gan y tenant fel dyled sy'n ddyledus i'r tenant gan y landlord.
- (6) Caiff y tribiwnlys wneud gorchymyn atal rhent dim ond os yw wedi ei fodloni o'r materion a grybwyllir yn is-adrannau (7) a (8).
- (7) Rhaid bod y tribiwnlys wedi ei fodloni bod trosedd yn cael ei chyflawni o dan [](5) mewn perthynas â'r annedd (pa un a oes person wedi ei gollfarnu neu ei gyhuddo o'r drosedd ai peidio).
- (8) Rhaid bod y tribiwnlys wedi ei fodloni ynghylch y canlynol—
 - (a) mae'r awdurdod sy'n ceisio am orchymyn wedi rhoi hysbysiad ("hysbysiad o achos arfaethedig") i landlord a thenant yr annedd—
 - (i) sy'n esbonio bod yr awdurdod yn bwriadu gwneud cais am orchymyn atal rhent,
 - (ii) sy'n nodi'r rhesymau pam y mae'n bwriadu gwneud hynny,
 - (iii) sy'n esbonio effaith gorchymyn atal rhent,
 - (iv) sy'n esbonio sut y caiff gorchymyn atal rhent ei ddirymu, a
 - (v) yn achos hysbysiad i landlord, sy'n gwahodd y landlord i gyflwyno sylwadau i'r awdurdod o fewn cyfnod o ddim llai na 28 o ddiwrnodau a bennir yn yr hysbysiad;
 - (b) mae'r cyfnod ar gyfer cyflwyno sylwadau wedi dod i ben; ac
 - (c) ystyriodd yr awdurdod unrhyw sylwadau a gyflwynwyd iddo o fewn y cyfnod hwnnw gan y landlord.
- (9) Yn is-adran (7) ac adran 27(2)(b), nid yw'r cyfeiriad at drosedd yn cael ei chyflawni dan [](5) yn cynnwys trosedd a gyflawnwyd o ganlyniad i dorri is-adran (3) []. '.

Carl Sargeant

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To insert a new section—

[] Revocation of rent stopping orders

- (1) A residential property tribunal may, in accordance with this section, revoke a rent stopping order made in respect of a dwelling under section 26.
- (2) The tribunal may revoke an order only—
 - (a) on an application by—
 - (i) the licensing authority for the area in which the dwelling is located,
 - (ii) the local housing authority for that area, or
 - (iii) the landlord of the dwelling, and
 - (b) if it is satisfied that an offence under [](5) is no longer being committed in relation to the dwelling.
- (3) But a local housing authority may not make an application under subsection (2) without

the consent of the licensing authority mentioned in paragraph (a)(i) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.

- (4) Where the tribunal gives a direction revoking a rent stopping order –
- (a) periodical payments payable in connection with a tenancy of the dwelling become payable from a date specified in the order containing the direction (which may, if the tribunal considers it appropriate, be a date earlier than the date on which the order is made); and
 - (b) the authority which made the application for the order must give a copy of that order and an explanation of its effect to –
 - (i) the tenant of the dwelling (if the dwelling is subject to a domestic tenancy when the order is made); and
 - (ii) where the application for the order was made by the authority or a local housing authority, the landlord.’.

I fewnosod adran newydd –

[] Dirymu gorchmynion atal rhent

- (1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon, ddirymu gorchymyn atal rhent a wnaed mewn cysylltiad ag annedd o dan adran 26.
- (2) Caiff y tribiwnlys ddirymu gorchymyn dim ond –
 - (a) ar gais gan y canlynol –
 - (i) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,
 - (ii) yr awdurdod tai lleol ar gyfer yr ardal honno, neu
 - (iii) landlord yr annedd, a
 - (b) os yw wedi ei fodloni nad yw trosedd o dan [](5) bellach yn cael ei chyflawni mewn perthynas â’r annedd.
- (3) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (2) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a)(i) o’r is-adran honno (oni bai mai’r awdurdod tai lleol yw’r awdurdod trwyddedu); a chaiff cydsyniad at y diben hwnnw gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.
- (4) Pan fo’r tribiwnlys yn rhoi cyfarwyddyd sy’n dirymu gorchymyn atal rhent –
 - (a) daw taliadau cyfnodol sy’n daladwy mewn cysylltiad â thenantiaeth yr annedd yn daladwy o ddyddiad a bennir yn y gorchymyn sy’n cynnwys y cyfarwyddyd (a gaiff, os yw’r tribiwnlys yn ystyried bod hynny’n briodol, fod yn ddyddiad cynharach na dyddiad gwneud y gorchymyn); a
 - (b) rhaid i’r awdurdod a wnaeth y cais am y gorchymyn roi copi o’r gorchymyn hwnnw ac esboniad o’i effaith i’r canlynol –
 - (i) tenant yr annedd (os yw’r annedd yn ddarostyngedig i denantiaeth ddomestig pan wneir y gorchymyn); a
 - (ii) pan fo’r cais am y gorchymyn wedi ei wneud gan yr awdurdod neu

awdurdod tai lleol, y landlord.’.

Carl Sargeant

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To insert a new section –

[] Rent repayment orders

- (1) A residential property tribunal may, in accordance with this section and section 29, make an order (a “rent repayment order”) in relation to a dwelling on an application made to it by –
 - (a) the licensing authority for the area in which the dwelling is located,
 - (b) the local housing authority for that area, or
 - (c) a tenant of the dwelling.
- (2) But a local housing authority may not make an application under subsection (1) without the consent of the licensing authority mentioned in paragraph (a) of that subsection (unless it is the licensing authority); and consent for that purpose may be given generally or in respect of a particular application.
- (3) A “rent repayment order” is an order made in relation to a dwelling which requires the appropriate person (see subsection (8)) to pay to the applicant such amount in respect of the relevant award or awards of universal credit or the housing benefit paid as mentioned in subsection (5)(b), or (as the case may be) the periodical payments paid as mentioned in subsection (7)(b), as is specified in the order.
- (4) The tribunal may make a rent repayment order only if it is satisfied –
 - (a) where the applicant is the licensing authority or a local housing authority (as the case may be), of the matters mentioned in subsection (5);
 - (b) where the applicant is a tenant, of the matters mentioned in subsection (7).
- (5) The tribunal must be satisfied –
 - (a) that at any time within the period of 12 months ending with the date of the notice of intended proceedings required by subsection (6) an offence under [](5) has been committed in relation to the dwelling (whether or not a person has been charged or convicted for the offence);
 - (b) that –
 - (i) one or more relevant awards of universal credit have been paid (to any person); or
 - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with a domestic tenancy of the dwelling, during any period during which it appears to the tribunal that such an offence was being committed; and
 - (c) the requirements of subsection (6) have been complied with in relation to the application.
- (6) Those requirements are –
 - (a) that the authority making the application must have given the appropriate person

- a notice (a “notice of intended proceedings”) –
- (i) informing the person that the authority is proposing to make an application for a rent repayment order,
 - (ii) setting out the reasons why it proposes to do so,
 - (iii) stating the amount that it will seek to recover under that subsection and how that amount is calculated, and
 - (iv) inviting the person to make representations to the authority within a period of not less than 28 days specified in the notice;
- (b) that period must have expired; and
- (c) that the authority must have considered any representations made to it within that period by the appropriate person.
- (7) The tribunal must be satisfied that –
- (a) a person has been convicted of an offence under [](5) in relation to the dwelling, or that a rent repayment order has required a person to make a payment in respect of –
 - (i) one or more relevant awards of universal credit, or
 - (ii) housing benefit paid in connection with a tenancy of the dwelling;
 - (b) the tenant paid to the appropriate person (whether directly or otherwise) periodical payments in respect of the tenancy of the dwelling during any period during which it appears to the tribunal that such an offence was being committed in relation to the dwelling; and
 - (c) the application is made within the period of 12 months beginning with –
 - (i) the date of the conviction or order, or
 - (ii) if such a conviction was followed by such an order (or vice versa), the date of the later of them.
- (8) In this section, a reference to an offence being committed under [](5) does not include an offence committed in consequence of a contravention of subsection (3) of [].
- (9) In this section –
- “appropriate person” (*“person priodol”*), in relation to any payment of universal credit or housing benefit or periodical payment in connection with a domestic tenancy of a dwelling, means the person who at the time of the payment was entitled to receive, on that person’s own account, periodical payments in connection with the tenancy;
- “housing benefit” (*“budd-dal tai”*) means housing benefit provided by virtue of a scheme under section 123 of the Social Security Contributions and Benefits Act 1992;
- “relevant award of universal credit” (*“dyfarniad perthnasol o gredyd cynhwysol”*) means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (SI 2013/376) or any corresponding provision replacing that Schedule, in

respect of periodical payments in connection with a domestic tenancy of the dwelling;

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

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

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

(b) is not an amount of universal credit or housing benefit,

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

I fewnosod adran newydd—

[] Gorchmynion ad-dalu rhent

(1) Caiff tribiwnlys eiddo preswyl, yn unol â’r adran hon ac adran 29, wneud gorchmyn (“gorchmyn ad-dalu rhent”) mewn perthynas ag annedd ar gais a wnaed iddo gan—

(a) yr awdurdod trwyddedu ar gyfer yr ardal y mae’r annedd wedi ei lleoli ynddi,

(b) yr awdurdod tai lleol ar gyfer yr ardal honno, neu

(c) tenant yr annedd.

(2) Ond ni chaiff awdurdod tai lleol wneud cais o dan is-adran (1) heb gydsyniad yr awdurdod trwyddedu a grybwyllir ym mharagraff (a) o’r is-adran honno (oni bai mai’r awdurdod tai lleol yw’r awdurdod trwyddedu); a chaiff cydsyniad at y diben hwnnw gael ei roi yn gyffredinol neu mewn cysylltiad â chais penodol.

(3) “Gorchmyn ad-dalu rhent” yw gorchmyn a wneir mewn perthynas ag annedd sy’n ei gwneud yn ofynnol i’r person priodol (gweler is-adran (8)) dalu’r cyfryw swm i’r ymgeisydd mewn cysylltiad â’r dyfarniad neu’r dyfarniadau perthnasol o gredyd cynhwysol neu’r budd-dal tai a dalwyd fel a grybwyllir yn is-adran (5)(b), neu (yn ôl y digwydd) y taliadau cyfnodol a dalwyd fel a grybwyllir yn is-adran (7)(b), fel a bennir yn y gorchmyn.

(4) Caiff y tribiwnlys wneud gorchmyn ad-dalu rhent dim ond os yw wedi ei fodloni—

(a) pan yr ymgeisydd yw’r awdurdod trwyddedu neu’n awdurdod tai lleol (yn ôl y digwydd), o’r materion a grybwyllir yn is-adran (5);

(b) pan fo’r ymgeisydd yn denant, o’r materion a grybwyllir yn is-adran (7).

(5) Rhaid bod y tribiwnlys wedi ei fodloni—

(a) ar unrhyw adeg o fewn y cyfnod o 12 mis sy’n dod i ben ar ddyddiad yr hysbysiad o achos arfaethedig sy’n ofynnol gan is-adran (6) bod trosedd o dan [] (5) wedi ei chyflawni mewn perthynas â’r annedd (p’un a oes person wedi ei gyhuddo neu ei gollfarnu o’r drosedd ai peidio);

(b) bod—

(i) un neu ragor o ddyfarniadau perthnasol o gredyd cynhwysol wedi eu talu (i unrhyw berson); neu

- (ii) budd-dal tai wedi ei dalu (i unrhyw berson) mewn cysylltiad â thaliadau cyfnodol sy'n daladwy mewn cysylltiad â thenantiaeth ddomestig yr annedd,
yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod y cyfryw drosedd wedi cael ei chyflawni ynddo; ac
 - (c) y cydymffurfiwyd â gofynion is-adran (6) mewn perthynas â'r cais.
- (6) Dyma'r gofynion hynny –
- (a) rhaid bod yr awdurdod sy'n ceisio am orchymyn fod wedi rhoi hysbysiad i'r person priodol (“hysbysiad o achos arfaethedig”) –
 - (i) sy'n hysbysu'r person bod yr awdurdod yn bwriadu gwneud cais am orchymyn ad-dalu rhent,
 - (ii) sy'n nodi'r rhesymau pam y mae'n bwriadu gwneud hynny,
 - (iii) sy'n nodi'r swm y bydd yn ceisio ei adfer o dan yr is-adran honno a sut cyfrifwyd y swm hwnnw, a
 - (iv) sy'n gwahodd y person i gyflwyno sylwadau i'r awdurdod o fewn cyfnod o ddim llai na 28 o ddiwrnodau a bennir yn yr hysbysiad;
 - (b) rhaid bod y cyfnod hwnnw wedi dod i ben; ac
 - (c) rhaid bod yr awdurdod wedi ystyried unrhyw sylwadau a gyflwynwyd iddo gan y person priodol o fewn y cyfnod hwnnw.
- (7) Rhaid bod y tribiwnlys wedi ei fodloni –
- (a) bod person wedi ei gollfarnu o drosedd o dan [](5) mewn perthynas â'r annedd, neu fod gorchymyn ad-dalu rhent wedi ei gwneud yn ofynnol i berson wneud taliad mewn cysylltiad â'r canlynol –
 - (i) un neu ragor o ddyfarniadau o greddyd cynhwysol, neu
 - (ii) budd-dal tai a delir mewn cysylltiad â thenantiaeth yr annedd;
 - (b) bod y tenant wedi talu i'r person priodol (p'un ai'n uniongyrchol neu fel arall) daliadau cyfnodol mewn cysylltiad â thenantiaeth yr annedd yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod trosedd o'r fath wedi bod yn cael ei chyflawni ynddo mewn perthynas â'r annedd; ac
 - (c) y gwnaed y cais o fewn y cyfnod o 12 mis sy'n dechrau –
 - (i) gyda dyddiad y gollfarn neu'r gorchymyn, neu
 - (ii) os yw gorchymyn o'r fath yn dilyn collfarn o'r fath (neu i'r gwrthwyneb), gyda dyddiad yr un sy'n digwydd hwyraf.
- (8) Yn yr adran hon, nid yw cyfeiriad at drosedd sy'n cael ei chyflawni o dan [](5) yn cynnwys trosedd a gyflawnwyd o ganlyniad i dorri is-adran (3) [].
- (9) Yn yr adran hon –
- ystyr “budd-dal tai” (“*housing benefit*”) yw budd-dal tai a ddarperir yn rhinwedd cynllun o dan adran 123 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;
- ystyr “dyfarniad perthnasol o greddyd cynhwysol” (“*relevant award of universal*”

credit) yw dyfarniad o greddyd cynhwysol yr oedd ei gyfrifiad yn cynnwys swm o dan adran 11 o Ddeddf Diwygio Lles 2012, a gyfrifwyd yn unol ag Atodlen 4 i Reoliadau Credyd Cynhwysol 2013 (yr elfen costau tai i rentwyr) (OS 2013/376) neu unrhyw ddarpariaeth gyfatebol sy'n disodli'r Atodlen honno, mewn cysylltiad â thaliadau cyfnodol mewn perthynas â thenantiaeth ddomestig annedd;

ystyr "person priodol" ("*appropriate person*"), mewn perthynas ag unrhyw daliad o greddyd cynhwysol neu fudd-dal tai neu daliad cyfnodol mewn cysylltiad â thenantiaeth ddomestig annedd, yw'r person oedd â hawl i gael, ar ran y person hwnnw ei hun, daliadau cyfnodol mewn cysylltiad â'r denantiaeth ar yr adeg y gwnaethpwyd y taliadau;

ystyr "tenant" ("*tenant*"), mewn perthynas ag unrhyw daliad cyfnodol, yw person a oedd yn denant ar adeg y taliad (ac mae i "tenantiaeth" ystyr gyfatebol).

(10) At ddibenion yr adran hon, mae swm –

(a) nad yw'n cael ei dalu gan denant yn wirioneddol ond sy'n cael ei ddefnyddio i ryddhau atebolrwydd y tenant yn llawn neu'n rhannol mewn cysylltiad â thaliad cyfnodol (er enghraifft, drwy wrthbwysu'r swm yn erbyn unrhyw atebolrwydd o'r fath), a

(b) nad yw'n swm o greddyd cynhwysol neu fud-dal tai,

i'w ystyried fel swm a delir gan y tenant mewn cysylltiad â'r taliad cyfnodol hwnnw.'.

Carl Sargeant

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Page 15, line 2, leave out section 26.

Tudalen 15, llinell 2, hepgorer adran 26.

Carl Sargeant

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To insert a new section –

[] Rent repayment orders: further provision

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

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

(b) that –

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

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

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

- (2) The amount is –
 - (a) an amount equal to –
 - (i) where one relevant award of universal credit was paid as mentioned in subsection (1)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (SI 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
 - (ii) if more than one such award was paid as mentioned in subsection (1)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
 - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (1)(b)(ii) (as the case may be).
- (3) If the total of the amounts received by the appropriate person in respect of periodical payments payable as mentioned in paragraph (b) of subsection (1) (“the rent total”) is less than the amount mentioned in subsection (2), the amount required to be paid by virtue of a rent repayment order made in accordance with subsection (1) is limited to the rent total.
- (4) A rent repayment order made in accordance with subsection (1) may not require the payment of any amount which the tribunal is satisfied that, by reason of any exceptional circumstances, it would be unreasonable for that person to be required to pay.
- (5) In a case where subsection (1) does not apply, the amount required to be paid by virtue of a rent repayment order is to be such amount as the tribunal considers reasonable in the circumstances; but this is subject to subsections (6) to (8).
- (6) In such a case the tribunal must take into account the following matters –
 - (a) the total amount of relevant payments paid in connection with a tenancy of the dwelling during any period during which it appears to the tribunal that an offence was being committed in relation to the dwelling under [](5);
 - (b) the extent to which that total amount –
 - (i) consisted of, or derived from, payments of relevant awards of universal credit or housing benefit, and
 - (ii) was actually received by the appropriate person;
 - (c) whether the appropriate person has at any time been convicted of an offence under [](5);
 - (d) the conduct and financial circumstances of the appropriate person; and
 - (e) where the application is made by a tenant, the conduct of the tenant.
- (7) In subsection (6) “relevant payments” means –
 - (a) in relation to an application by the licensing authority or a local housing authority

- (as the case may be), payments of relevant awards of universal credit, housing benefit or periodical payments payable by tenants;
- (b) in relation to an application by a tenant, periodical payments payable by the tenant, less –
- (i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2)(a) in respect of the award or awards that related to the tenancy during that period; or
 - (ii) any amount of housing benefit payable in respect of the tenancy of the dwelling during the period in question.
- (8) A rent repayment order may not require the payment of any amount which –
- (a) where the application is made by the licensing authority or a local housing authority (as the case may be), is in respect of any time falling outside the period of 12 months ending with the date of the notice of intended proceedings given under section 28(6); or
 - (b) where the application is made by a tenant, is in respect of any time falling outside the period of 12 months ending with the date of the tenant's application under section 28(1);
- and the period to be taken into account under subsection (6)(a) is restricted accordingly.
- (9) Any amount payable by virtue of a rent repayment order is recoverable as a debt due to the licensing authority, local housing authority or tenant (as the case may be) from the appropriate person.
- (10) And an amount payable to the licensing authority or, as the case may be, a local housing authority by virtue of such an order does not, when recovered by it, constitute an amount of universal credit or housing benefit (as the case may be) recovered by the authority.
- (11) Subsections (8), (9) and (10) of section 28 apply for the purposes of this section as they apply for the purposes of section 28.'

I fewnosod adran newydd –

[] Gorchmynion ad-dalu rhent: darpariaeth bellach

- (1) Pan fo'r tribiwnlys, ar gais gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd) am orchymyn ad-dalu rhent, wedi ei fodloni –
- (a) bod person wedi ei gollfarnu o drosedd o dan [](5) mewn perthynas â'r annedd y mae'r cais yn ymwneud â hi, a
 - (b) bod –
 - (i) un neu ragor o ddyfarniadau perthnasol o greddyd cynhwysol wedi eu talu (p'un ai i'r person priodol ai peidio), neu
 - (ii) budd-dal tai wedi ei dalu (p'un ai i'r person priodol ai peidio) mewn cysylltiad â thaliadau cyfnodol sy'n daladwy mewn perthynas â thenantiaeth ddomestig o'r annedd yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod y gyfryw drosedd wedi bod yn cael ei chyflawni mewn perthynas â'r annedd o dan sylw,

rhaid i'r tribiwnlys wneud gorchymyn ad-dalu rhent sy'n ei gwneud yn ofynnol i'r person priodol dalu i'r awdurdod a wnaeth y cais y swm a grybwyllir yn is-adran (2); ond mae hyn yn ddarostyngedig i is-adrannau (3), (4) ac (8).

(2) Mae'r swm –

(a) yn swm sy'n gyfwerth â –

- (i) pan fo un dyfarniad perthnasol o greddyd cynhwysol wedi ei dalu fel a grybwyllir yn is-adran (1)(b)(i), y swm a oedd wedi ei gynnwys yng nghyfrifiad y dyfarniad hwnnw o dan adran 11 o Ddeddf Diwygio Lles 2012, a gyfrifwyd yn unol ag Atodlen 4 i Reoliadau Credyd Cynhwysol 2013 (yr elfen o ran costau tai i rentwyr) (OS 2013/376) neu unrhyw ddarpariaeth gyfatebol sy'n disodli'r Atodlen honno, neu swm y dyfarniad os yw'n llai; neu
- (ii) os talwyd mwy nag un dyfarniad o'r fath a grybwyllir yn is-adran (1)(b)(i), y swm a gynhwysir wrth gyfrifo'r dyfarniadau hynny fel y cyfeiriwyd atynt yn is-baragraff (i), neu swm y dyfarniadau hynny os yw'n llai, neu

(b) swm sy'n gyfwerth â chyfanswm y budd-dal tai a dalwyd fel a grybwyllir yn is-adran (1)(b)(ii) (yn ôl y digwydd).

(3) Os yw cyfanswm yr hyn a gafwyd gan y person priodol mewn cysylltiad â thaliadau cyfnodol sy'n daladwy fel a grybwyllir ym mharagraff (b) o is-adran (1) ("cyfanswm y rhent") yn llai na'r swm a grybwyllir yn is-adran (2), mae'r swm y mae'n ofynnol iddo gael ei dalu yn rhinwedd gorchymyn ad-dalu rhent a wnaed yn unol ag is-adran (1) yn gyfyngedig i gyfanswm y rhent.

(4) Ni chaiff gorchymyn ad-dalu rhent a wnaed yn unol ag is-adran (1) ei gwneud yn ofynnol i berson dalu unrhyw swm y mae'r tribiwnlys wedi ei fodloni y byddai'n afresymol i'w gwneud yn ofynnol i'r person hwnnw ei dalu oherwydd unrhyw amgylchiadau eithriadol.

(5) Mewn achos pan na fo is-adran (1) yn gymwys, mae'r swm y mae'n ofynnol iddo gael ei dalu yn rhinwedd gorchymyn ad-dalu rhent i fod yn swm y mae'r tribiwnlys yn ei ystyried yn rhesymol o dan yr amgylchiadau; ond mae hyn yn ddarostyngedig i is-adrannau (6) i (8).

(6) Mewn achos o'r fath, rhaid i'r tribiwnlys roi ystyriaeth i'r materion canlynol –

(a) cyfanswm y taliadau perthnasol a dalwyd mewn cysylltiad â thenantiaeth yr annedd yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys bod trosedd wedi bod yn cael ei chyflawni mewn perthynas â'r annedd o dan adran [](5);

(b) y graddau yr oedd y cyfanswm hwnnw –

(i) yn cynnwys taliadau o ddyfarniadau perthnasol o greddyd cynhwysol neu fudd-dal tai, neu'n deillio ohonynt, a

(ii) wedi ei gael gan y person priodol;

(c) pa un a yw'r person priodol wedi ei gollfarnu o drosedd ar unrhyw adeg o dan adran [](5);

(d) ymddygiad ac amgylchiadau ariannol y person priodol; ac

(e) pan fo'r cais wedi ei wneud gan denant, ymddygiad y tenant.

- (7) Yn is-adran (6) ystyr “taliadau perthnasol” yw –
- (a) mewn perthynas â chais gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd), taliadau o ddyfarniadau perthnasol o gredyd cynhwysol, budd-dal tai neu daliadau cyfnodol sy’n daladwy gan denantiaid;
 - (b) mewn perthynas â chais gan denant, taliadau cyfnodol sy’n daladwy gan y tenant, heb gynnwys –
 - (i) pan fo un neu ragor o ddyfarniadau perthnasol o gredyd cynhwysol yn daladwy yn ystod y cyfnod o dan sylw, y swm a grybwyllir yn is-adran (2) (a) mewn cysylltiad â’r dyfarniad neu’r dyfarniadau a oedd yn perthyn i’r denantiaeth yn ystod y cyfnod hwnnw; neu
 - (ii) unrhyw swm o fudd-dal tai sy’n daladwy mewn cysylltiad â thenantiaeth yr annedd yn ystod y cyfnod o dan sylw.
- (8) Ni chaiff gorchymyn ad-dalu rhent ei gwneud yn ofynnol talu unrhyw swm sydd –
- (a) pan fo’r cais yn cael ei wneud gan yr awdurdod trwyddedu neu awdurdod tai lleol (yn ôl y digwydd), mewn cysylltiad ag unrhyw amser sydd y tu allan i’r cyfnod o 12 mis sy’n dod i ben gyda dyddiad yr hysbysiad o achos arfaethedig a roddir o dan adran 28(6); neu
 - (b) pan fo’r cais yn cael ei wneud gan denant, mewn cysylltiad ag unrhyw amser sydd y tu allan i’r cyfnod o 12 mis sy’n dod i ben gyda dyddiad cais y tenant o dan adran 28(1);
- ac mae’r cyfnod sydd i’w ystyried o dan is-adran (6)(a) wedi ei gyfyngu yn unol â hynny.
- (9) Mae unrhyw swm sy’n daladwy yn rhinwedd gorchymyn ad-dalu rhent yn adferadwy fel dyled sy’n ddyledus i’r awdurdod trwyddedu, awdurdod tai lleol neu denant (yn ôl y digwydd) gan y person priodol.
- (10) Ac nid yw swm sy’n daladwy i’r awdurdod trwyddedu neu, yn ôl y digwydd, awdurdod tai lleol yn rhinwedd gorchymyn o’r fath, pan fydd yn cael ei adfer ganddo, yn swm o gredyd cynhwysol neu fudd-dal tai (yn ôl y digwydd) sy’n cael ei adfer gan yr awdurdod hwnnw.
- (11) Mae is-adrannau (8), (9) a (10) o adran 28 yn gymwys at ddibenion yr adran hon yn yr un modd ag y maent yn gymwys at ddibenion adran 28.’.

Carl Sargeant

291

To insert a new section –

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

- (1) A licensing authority may bring criminal proceedings in respect of an offence under –
- (a) [](2), [](4), [](4), [](2) or [](2) if the alleged offence arises in respect of a dwelling in the area for which it is the licensing authority;
 - (b) section 8(2) or 15(2), in respect of information to be provided to the licensing authority;
 - (c) subsection (1) or (4) of section [], in respect of anything required by a notice given by a person authorised by the authority;

- (d) subsection (1) or (2) of section [], in respect of information supplied to the authority.
- (2) A local housing authority that is not the licensing authority for its area may, with the consent of the licensing authority for the area, bring criminal proceedings in respect of an offence under [](2), [](4), [](4), [](2) or [](2), if the alleged offence arises in respect of a property in its area.
- (3) A licensing authority may give its consent under subsection (2) generally or in specific cases.
- (4) This section does not affect –
 - (a) any other power of the person designated under section [](1) to bring legal proceedings;
 - (b) section 222 of the Local Government Act 1972 (power of local authorities to prosecute or defend legal proceedings).’.

I fewnosod adran newydd –

[] Erlyniad gan awdurdod trwyddedu neu awdurdod tai lleol

- (1) Caiff awdurdod trwyddedu ddwyn achos troseddol mewn perthynas â throsedd o dan –
 - (a) [](2), [](4), [](4), [](2) neu [](2), os yw’r drosedd honedig yn codi mewn perthynas ag eiddo yn yr ardal y mae’n awdurdod trwyddedu ar ei chyfer;
 - (b) adran 8(2) neu 15(2), mewn perthynas â gwybodaeth sy’n rhaid darparu i’r awdurdod;
 - (c) is-adran (1) neu (4) o adran [], mewn perthynas ag unrhyw beth sy’n ofynnol o dan hysbysiad a roddir gan berson sydd wedi’i awdurdodi gan yr awdurdod;
 - (d) is-adran (1) neu (2) o adran [], mewn perthynas â gwybodaeth a gyflenwir i’r awdurdod.
- (2) Caiff awdurdod tai lleol nad yw’n awdurdod trwyddedu ar gyfer ei ardal, gyda chydysyniad yr awdurdod trwyddedu ar gyfer yr ardal, ddwyn achos troseddol mewn perthynas â throsedd o dan [](2), [](4), [](4), [](2) neu [](2), os yw’r drosedd honedig yn codi mewn perthynas ag eiddo yn ei ardal.
- (3) Caiff awdurdod trwyddedu roi ei gydsyniad o dan is-adran (2) yn gyffredinol neu mewn perthynas ag achosion penodol.
- (4) Nid yw’r adran hon yn effeithio ar –
 - (a) unrhyw un neu ragor o bwerau eraill y person a ddynodir o dan adran [] (1) i ddwyn achos troseddol;
 - (b) adran 222 o Ddeddf Llywodraeth Leol 1972 (pŵer awdurdodau lleol i erlyn neu amddiffyn achosion cyfreithiol).’.

Carl Sargeant

292

To insert a new section –

[] Fixed penalty notices

- (1) Where on any occasion a person authorised in writing for the purpose of this section by a licensing authority has reason to believe that a person has committed an offence under this Part (other than an offence under section [](4)), the authorised person may, by notice, offer the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the authority.
- (2) Where a person is given a notice under this section in respect of an offence –
 - (a) no proceedings may be issued for that offence before the expiration of the period of 21 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) A notice under this section must –
 - (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,
 - (b) state the period during which proceedings will not be taken for the offence,
 - (c) state the amount of the fixed penalty, and
 - (d) state the person to whom and the address at which the fixed penalty may be paid.
- (4) The fixed penalty payable to a licensing authority under this section is £150 unless the offence is an offence attracting an unlimited fine; in which case, the fixed penalty payable is £250.
- (5) The Welsh Ministers may amend subsection (4) by order.
- (6) Payment of a fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (3)(d) at the address so mentioned; but this does not prevent payment by another method.
- (7) Where a letter is posted in accordance with subsection (6) payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- (8) In any proceedings a certificate –
 - (a) which purports to be signed on behalf of a person authorised for this purpose by the licensing authority, and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,is evidence of the facts stated.
- (9) A licensing authority may use its fixed penalty receipts only for the purposes of its functions relating to the enforcement of this Part.
- (10) In this section, “licensing authority” means –
 - (a) in the case of an offence under [](2), [](4), [](5), [](2) or [](3), the licensing authority for the area in which the dwelling to which the offence relates is located;
 - (b) in the case of an offence under section 8(2), 10(6) or 15(2), the licensing authority to which the information to which the offence relates was provided;

- (c) in the case of an offence under section [](1), the licensing authority which authorised the person who gave the relevant notice;
 - (d) in the case of an offence under section [](1) or (2), the licensing authority to which the information was supplied.
- (11) A local housing authority that is not the licensing authority for its area may, with the consent of the licensing authority for the area, exercise the functions of the licensing authority under this section concurrently with the licensing authority; but only in respect of the offences mentioned in subsection (10)(a).
- (12) And where a local housing authority exercises functions under this section by virtue of subsection (11), the references in subsections (1), (4), (8), (9) and 10(a) to “licensing authority” are to be read as if they were references to the local housing authority.’.

I fewnosod adran newydd –

[] Hysbysiadau cosbau penodedig

- (1) Pan fo gan berson sydd wedi’i awdurdodi yn ysgrifenedig at ddiben yr adran hon gan awdurdod trwyddedu reswm i gredu ar unrhyw achlysur bod person wedi cyflawni trosedd o dan y Rhan hon (ac eithrio trosedd o dan adran [](4)), caiff y person awdurdodedig, drwy hysbysiad, gynnig cyfle i’r person ryddhau ei hun o unrhyw atebolrwydd am gollfarn am y drosedd honno drwy dalu cosb benodedig i’r awdurdod.
- (2) Pan roddir hysbysiad i berson o dan yr adran hon mewn perthynas â throsedd –
 - (a) ni chaniateir cychwyn unrhyw achos mewn perthynas â’r drosedd cyn i’r cyfnod o 21 o ddiwrnodau yn dilyn dyddiad yr hysbysiad hwnnw ddod i ben;
 - (b) ni chaniateir collfarnu’r person am y drosedd honno os yw’r person yn talu’r gosb benodedig cyn diwedd y cyfnod hwnnw.
- (3) Rhaid i hysbysiad o dan yr adran hon –
 - (a) rhoi pa fanylion bynnag am yr amgylchiadau yr honnir eu bod yn ffurfio’r drosedd sy’n angenrheidiol er mwyn rhoi gwybodaeth resymol ynghylch y drosedd,
 - (b) datgan yn ystod pa gyfnod na chychwynnir achos mewn perthynas â’r drosedd,
 - (c) datgan swm y gosb benodedig, a
 - (d) datgan i ba berson ac ym mha gyfeiriad y gellir talu’r gosb benodedig.
- (4) Y gosb benodedig sy’n daladwy i awdurdod trwyddedu o dan yr adran hon yw £150 oni bai bod y drosedd yn un sy’n dwyn dirwy anghyfyngedig yn ei sgil; mewn achos felly, y gosb benodedig sy’n daladwy yw £250.
- (5) Caiff Gweinidogion Cymru ddiwygio is-adran (4) drwy orchymyn.
- (6) Caniateir talu cosb benodedig drwy ragdalau a phostio llythyr sy’n cynnwys swm y gosb (mewn arian parod neu fel arall) i’r person a grybwyllir yn is-adran (3)(d) yn y cyfeiriad a grybwyllir yno; ond nid yw hynny’n rhwystro taliad drwy ddull arall.
- (7) Pan fo llythyr yn cael ei bostio yn unol ag is-adran (6) bernir bod y taliad wedi ei wneud ar yr amser y byddai’r llythyr wedi ei ddsbarthu yn nhrefn arferol y post.
- (8) Mewn unrhyw achos mae tystysgrif –

- (a) sy'n honni ei bod wedi ei llofnodi ar ran person sydd wedi'i awdurdodi gan yr awdurdod trwyddedu at y diben hwn, a
 - (b) sy'n datgan y daeth taliad cosb benodedig i law neu na ddaeth i law erbyn dyddiad a bennir yn y dystysgrif,
- yn dystiolaeth o'r ffeithiau a ddatgenir.
- (9) Ni chaniateir i awdurdod trwyddedu ddefnyddio ei dderbyniadau cosbau penodedig ond at ddibenion ei swyddogaethau sy'n ymwneud â gorfodi'r Rhan hon.
- (10) Yn yr adran hon, ystyr "awdurdod trwyddedu" –
- (a) mewn achos trosedd o dan [](2), [](4), [](5), [](2) neu [](3), yw'r awdurdod trwyddedu ar gyfer yr ardal y mae'r annedd y mae'r drosedd yn ymwneud â hi wedi ei lleoli ynddi;
 - (b) mewn achos trosedd o dan adran 8(2), 10(6) neu 15(2), yw'r awdurdod trwyddedu y darparwyd yr wybodaeth y mae'r trosedd yn ymwneud â hi iddo;
 - (c) mewn achos trosedd o dan [](1), yw'r awdurdod trwyddedu a awdurdododd y person a roddodd yr hysbysiad perthnasol;
 - (d) mewn achos trosedd o dan [](1) neu (2), yw'r awdurdod trwyddedu y cyflenwyd yr wybodaeth iddo.
- (11) Caiff awdurdod tai lleol nad yw'n awdurdod trwyddedu ar gyfer ei ardal, gyda chydysyniad yr awdurdod trwyddedu ar gyfer yr ardal honno, arfer swyddogaethau'r awdurdod trwyddedu o dan yr adran hon yn gydedol â'r awdurdod trwyddedu; ond dim ond o ran y troseddau a grybwyllir yn is-adran (10)(a).
- (12) Pan fod awdurdod tai lleol yn arfer swyddogaethau o dan yr adran hon yn rhinwedd is-adran (11), mae'r cyfeiriadau yn is-adrannau (1), (4), (8), (9) a (10)(a) at "awdurdod trwyddedu" i'w darllen fel petaent yn gyfeiriadau at yr awdurdod tai lleol.'

Carl Sargeant

293

To insert a new section –

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

- (1) If a licensing authority requests that a local housing authority provides it with information to which subsection (2) applies and which it requires for the purpose of exercising its functions under this Part, the local housing authority must comply with the request unless the local housing authority considers that doing so would –
- (a) be incompatible with the local housing authority's own duties,
 - (b) otherwise have an adverse effect on the exercise of the local housing authority's functions.
- (2) This subsection applies to any information which has been obtained by a local housing authority in the exercise of its –
- (a) functions as the local housing authority;
 - (b) functions under Part 1 of the Local Government Finance Act 1992 (council tax).
- (3) Information obtained by a local housing authority under section 134 of the Social Security

Administration Act 1992 (housing benefit) before the repeal of that section by Schedule 14 to the Welfare Reform Act 2012 is to be treated as information to which subsection (2) applies.

- (4) If a licensing authority requests that another licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the other authority must comply with the request unless the other authority considers that doing so would –
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.
- (5) This subsection applies to any information which has been obtained by a licensing authority in the exercise of its functions under this Part.
- (6) A licensing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under subsection (1) or (4)) for any purpose connected with the exercise of the authority's functions under this Part.
- (7) If a local housing authority requests that a licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the licensing authority must comply with the request unless the licensing authority considers that doing so would –
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.
- (8) A local housing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under (7)) for any purpose connected with the exercise of the authority's functions under this Part.'

I fewnosod adran newydd –

[1] Ceisiadau am wybodaeth gan awdurdodau a defnyddio gwybodaeth gan awdurdodau

- (1) Os bydd awdurdod trwyddedu yn gofyn i awdurdod tai lleol ddarparu gwybodaeth iddo y mae is-adran (2) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod tai lleol gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun, neu
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
- (2) Mae'r is-adran hon yn gymwys i unrhyw wybodaeth y mae awdurdod tai lleol wedi cael gafael arni wrth iddo arfer –
 - (a) ei swyddogaethau fel awdurdod tai lleol;
 - (b) ei swyddogaethau o dan Ran 1 o Ddeddf Cyllid Llywodraeth Leol 1992 (y dreth gyngor).
- (3) Dylid trin gwybodaeth a ddaeth i law awdurdod tai lleol o dan adran 134 o Ddeddf Gweinyddu Nawdd Cymdeithasol 1992 (budd-dal tai) cyn i'r adran honno gael ei diddymu gan Atodlen 14 i Ddeddf Diwygio Lles 2012 fel gwybodaeth y mae is-adran (2) yn gymwys iddi.

- (4) Os bydd awdurdod trwyddedu yn gofyn i awdurdod trwyddedu arall ddarparu gwybodaeth iddo y mae is-adran (5) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod arall gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun,
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
- (5) Mae'r is-adran hon yn gymwys i unrhyw wybodaeth sydd wedi dod i law awdurdod trwyddedu wrth iddo arfer ei swyddogaethau o dan y Rhan hon.
- (6) Caiff awdurdod lleol ddefnyddio unrhyw wybodaeth y mae is-adrannau (2) neu (5) yn gymwys iddi (pa un a yw wedi ei chael o dan is-adrannau (1) neu (4) ai peidio) at unrhyw ddibenion sy'n gysylltiedig ag arfer swyddogaethau'r awdurdod o dan y Rhan hon.
- (7) Os bydd awdurdod trwyddedu yn gofyn i awdurdod tai lleol ddarparu gwybodaeth iddo y mae is-adran (5) yn gymwys iddi ac sydd ei hangen arno at ddibenion arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r awdurdod tai lleol gydymffurfio â'r cais oni bai bod yr awdurdod tai lleol yn ystyried y byddai gwneud hynny –
 - (a) yn anghydnaws â dyletswyddau'r awdurdod tai lleol ei hun, neu
 - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r awdurdod tai lleol.
- (8) Caiff awdurdod lleol ddefnyddio unrhyw wybodaeth y mae is-adrannau (2) neu (5) yn gymwys iddi (pa un a yw wedi ei chael o dan is-adran (7) ai peidio) at unrhyw ddibenion sy'n gysylltiedig ag arfer swyddogaethau'r awdurdod o dan y Rhan hon.'.

Carl Sargeant

294

To insert a new section –

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

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

I fewnosod adran newydd –

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

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

Carl Sargeant

295

To insert a new section—

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

- (1) A person authorised in writing by a licensing authority may exercise the powers conferred by subsections (2) and (3) in relation to documents or information (as the case may be) reasonably required by the authority—
 - (a) for any purpose connected with the exercise of any of the authority's functions under this Part, or
 - (b) for the purpose of investigating whether any offence has been committed under this Part.
- (2) A person authorised under subsection (1) may give a notice to a relevant person requiring that person—
 - (a) to produce any documents which—
 - (i) are specified or described in the notice, or fall within a category of document which is specified or described in the notice, and
 - (ii) are in the person's custody or under the person's control, and
 - (b) to produce them at a time and place, and to a person, specified in the notice.
- (3) A person authorised under subsection (1) may give a notice to a relevant person requiring that person—
 - (a) to give any information which—
 - (i) is specified or described in the notice, or falls within a category of information which is specified or described in the notice, and
 - (ii) is known to the person, and
 - (b) to give it in a form and manner specified in the notice.
- (4) The notice under subsection (1) or (2) must include information about the possible

consequences of not complying with the notice.

- (5) The person to whom any document is produced in accordance with a notice under subsection (2) or (3) may copy the document.
- (6) No person may be required under this section to produce any document or give any information which the person would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.
- (7) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded, any reference to the production of a document is a reference to the production of a copy of the information in legible form.
- (8) In this section “relevant person” means a person within any of the following paragraphs –
 - (a) a person who applies for a licence under this Part or who is the holder of a licence under this Part;
 - (b) a person who has an estate or interest in rental property;
 - (c) a person who is, or is proposing to be, involved in the letting or management of a rental property;
 - (d) a person who occupies a rental property.’.

I fewnosod adran newydd –

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

- (1) Caiff person sydd wedi ei awdurdodi’n ysgrifenedig gan awdurdod trwyddedu arfer y pwerau a roddir gan is-adrannau (2) a (3) mewn perthynas â dogfennau neu wybodaeth (yn ôl y digwydd) sy’n rhesymol ofynnol gan yr awdurdod –
 - (a) at unrhyw ddiben sy’n gysylltiedig ag arfer unrhyw rai o swyddogaethau’r awdurdod o dan y Rhan hon, neu
 - (b) at ddiben ymchwilio a oes trosedd wedi’i chyflawni o dan y Rhan hon.
- (2) Caiff person sydd wedi ei awdurdodi o dan is-adran (1) roi hysbysiad i berson perthnasol yn ei gwneud yn ofynnol i’r person hwnnw –
 - (a) cyflwyno unrhyw ddogfennau sydd –
 - (i) wedi eu pennu neu eu disgrifio yn yr hysbysiad, neu sy’n dod o dan gategori o ddogfen sydd wedi ei bennu neu ei disgrifio yn yr hysbysiad, a
 - (ii) sydd yng ngwarchodaeth neu o dan reolaeth y person, a
 - (b) eu cyflwyno ar adeg, mewn lleoliad ac i berson a bennir yn yr hysbysiad.
- (3) Caiff person sydd wedi ei awdurdodi o dan is-adran (1) roi hysbysiad i berson perthnasol yn ei gwneud yn ofynnol i’r person hwnnw –
 - (a) cyflwyno unrhyw wybodaeth sydd –
 - (i) wedi ei phennu neu ei disgrifio yn yr hysbysiad, neu sy’n dod o dan gategori o wybodaeth sydd wedi ei phennu neu ei disgrifio yn yr hysbysiad, a
 - (ii) sy’n hysbys i’r person, a

- (b) ei rhoi mewn modd ac ar ffurf a bennir yn yr hysbysiad.
- (4) Rhaid i'r hysbysiad o dan is-adran (2) neu (3) gynnwys gwybodaeth am ganlyniadau posibl peidio â chydymffurfio â'r hysbysiad.
- (5) Caiff y person y rhoddir unrhyw ddogfen iddo yn unol â hysbysiad o dan is-adranau (2) neu (3) wneud copi o'r ddogfen.
- (6) Nid yw'n ofynnol o dan yr adran hon i unrhyw berson gyflwyno unrhyw ddogfen neu roi unrhyw wybodaeth y byddai'r person o fewn ei hawl i wrthod eu rhoi mewn achos yn yr Uchel Lys ar sail braint broffesiynol gyfreithiol.
- (7) Yn yr adran hon, mae "dogfen" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar ffurfiau nad ydynt yn ffurfiau darllenadwy, ac mewn perthynas â gwybodaeth sydd wedi ei chofnodi fel hynny, mae unrhyw gyfeiriad at gyflwyno dogfen yn gyfeiriad at gyflwyno copi o'r wybodaeth ar ffurf ddarllenadwy.
- (8) Yn yr adran hon, mae "person perthnasol" yn golygu person a gynhwysir yn unrhyw rai o'r paragraffau canlynol—
- (a) person sy'n gwneud cais am drwydded o dan y Rhan hon neu sy'n ddeiliad trwydded o dan y Rhan hon;
- (b) person sydd ag ystâd neu fuddiant mewn eiddo ar rent;
- (c) person sy'n ymwneud â gosod neu reoli eiddo ar rent, neu'n bwriadu bod yn ymwneud â hynny;
- (d) person sy'n preswyllo mewn eiddo ar rent.'

Carl Sargeant

296

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

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

Carl Sargeant

297

To insert a new section—

[] Enforcement of powers to obtain information

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

and in relation to information so recorded –

- (a) the reference to the production of a document is a reference to the production of a copy of the information in legible form, and
- (b) the reference to suppressing a document includes a reference to destroying the means of reproducing the information.’.

I fewnosod adran newydd –

[] Gorfodi pwerau cael gafael ar wybodaeth

- (1) Mae person sy’n methu â gwneud unrhyw beth yr oedd yn ofynnol iddo ei wneud drwy hysbysiad o dan adran [] yn cyflawni trosedd.
- (2) Mewn achos yn erbyn person am drosedd o dan is-adran (1), mae’r ffaith fod gan y person esgus rhesymol am fethu â chydymffurfio â’r hysbysiad yn amddiffyniad.
- (3) Mae person sy’n cyflawni trosedd o dan is-adran (1) yn agored, ar gollfarn ddiannod, i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.
- (4) Mae person sy’n mynd ati’n fwriadol i newid, i atal neu i ddinistrio unrhyw ddogfen y mae’n ofynnol iddo ei chyflwyno drwy hysbysiad o dan adran [] yn cyflawni trosedd.
- (5) Mae person sy’n cyflawni trosedd o dan is-adran (4) yn agored, ar gollfarn ddiannod, i ddirwy.
- (6) Yn yr adran hon, mae “dogfen” yn cynnwys gwybodaeth sydd wedi ei chofnodi ar ffurfiau nad ydynt yn ffurfiau darllenadwy, ac mewn perthynas â gwybodaeth sydd wedi ei chofnodi fel hynny –
 - (a) mae’r cyfeiriad at gyflwyno dogfen yn gyfeiriad at gyflwyno copi o’r wybodaeth ar ffurf ddarllenadwy, a
 - (b) mae’r cyfeiriad at atal dogfen yn cynnwys cyfeiriad at ddinistrio’r ffordd o atgynhyrchu’r wybodaeth.’.

Carl Sargeant

298

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

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

Carl Sargeant

299

Section 29, page 16, leave out line 25.

Adran 29, tudalen 16, hepgorer llinell 29.

Carl Sargeant

300

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

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

Carl Sargeant

301

To insert a new section –

[] False or misleading information

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

I fewnosod adran newydd –

[] Gwybodaeth anwir neu gamarweiniol

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

mewn unrhyw fater perthnasol.’.

Carl Sargeant

302

To insert a new section –

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

- (1) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of any provision of a domestic tenancy of a dwelling in respect of which a contravention of this Part has occurred.
- (2) But periodical payments –
 - (a) payable in connection with such a tenancy may be stopped in accordance with section 26 (rent stopping orders); and
 - (b) paid in connection with such a tenancy may be recovered in accordance with sections 28 and 29 (rent repayment orders).’.

I fewnosod adran newydd –

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

- (1) Nid yw unrhyw rheol gyfreithiol sy’n ymwneud â dilysrwydd neu orfodadwyedd contractau mewn amgylchiadau sy’n cynnwys anghyfreithlondeb i effeithio ar ddilysrwydd neu orfodadwyedd unrhyw ddarpariaeth mewn tenantiaeth ddomestig annedd y mae’r Rhan hon wedi ei thorri mewn perthynas â hi.
- (2) Ond o ran taliadau cyfnodol –
 - (a) caniateir i rai sy’n daladwy mewn cysylltiad â thenantiaeth o’r fath gael eu hatal yn unol ag adran 26 (gorchmynion atal rhent), a
 - (b) caniateir i rai a delir mewn cysylltiad â thenantiaeth o’r fath gael eu hadfer yn unol ag adrannau 28 a 29 (gorchmynion ad-dalu rhent).’.

Carl Sargeant

303

To insert a new section –

[] Restriction on terminating tenancies

- (1) A section 21 notice may not be given in relation to a dwelling subject to a domestic tenancy which is an assured shorthold tenancy if –
 - (a) the landlord is not registered in respect of the dwelling, or
 - (b) the landlord is not licensed under this Part for the area in which the dwelling is located and the landlord has not appointed a person who is licensed under this Part to carry out all property management work in respect of the dwelling on the landlord’s behalf.
- (2) But subsection (1) does not apply for the period of 28 days beginning with the day on which the landlord’s interest in the dwelling is assigned to the landlord.

- (3) In this section, a “section 21 notice” means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988.’.

I fewnosod adran newydd –

[] Cyfyngiad ar derfynu tenantiaethau

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

Carl Sargeant 304

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

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

Carl Sargeant 305

Section 30, page 17, leave out line 5.

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

Carl Sargeant 306

Section 32, page 17, line 17, leave out ‘local housing’ and insert ‘licensing’.

Adran 32, tudalen 17, llinell 18, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 307

Section 33, page 17, line 21, leave out ‘local housing’ and insert ‘licensing’.

Adran 33, tudalen 17, llinell 22, hepgorer ‘tai lleol’ a mewnosoder ‘trwyddedu’.

Carl Sargeant 308

Section 33, page 17, leave out line 23.

Adran 33, tudalen 17, hepgorer llinell 24.

Carl Sargeant 309

Section 33, page 17, line 25, leave out ‘local housing’ and insert ‘licensing’.

Adran 33, tudalen 17, llinell 27, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 310

Section 33, page 17, line 26, leave out 'document' and insert 'licence'.

Adran 33, tudalen 17, llinell 26, hepgorer 'ddogfen' a mewnosoder 'drwydded'.

Carl Sargeant 311

Page 17, line 28, leave out section 34.

Tudalen 17, llinell 29, hepgorer adran 34.

Carl Sargeant 312

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

'(1) 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 –

'(1) Yn y Rhan hon –

mae i "annedd" ("*dwelling*") yr ystyr a roddir gan [];

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 []’.

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

314

Section 124, page 66, line 9, leave out ‘2’ and insert ‘[](1)(c), [](f), [](3), [](4), [](f), [](4)(d), [](3)(d)’.

Adran 124, tudalen 66, llinell 10, hepgorer ‘2(4)’ a mewnosoder ‘[](1)(c), [](f), [](3), [](4), [](f), [](4)(d), [](3)(d)’.

Carl Sargeant

315

Section 124, page 66, line 9, after ‘2,’ insert ‘[]’.

Adran 124, tudalen 66, llinell 10, ar ôl ‘2(4),’, mewnosoder ‘[adran a fewnosodir gan adran x]’.

Carl Sargeant

316

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)’.

Carl Sargeant 317

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

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

Carl Sargeant 318

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

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

Carl Sargeant 319

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

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

Carl Sargeant 320

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

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

Carl Sargeant 321

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

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

Carl Sargeant 322

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

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

Carl Sargeant 323

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

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

Carl Sargeant 324

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

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

Carl Sargeant 325

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

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

Carl Sargeant 326

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

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

Carl Sargeant 327

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

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

Carl Sargeant 328

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

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

Carl Sargeant 329

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

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

Carl Sargeant 330

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

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

Carl Sargeant 331

Schedule 1, page 69, leave out line 9.

Atodlen 1, tudalen 69, hepgorer llinell 9.

Carl Sargeant 332

Schedule 1, page 69, leave out line 10.

Atodlen 1, tudalen 69, hepgorer llinell 10.

Carl Sargeant 333

Schedule 1, page 69, line 11, leave out 'agent or responsible'.

Atodlen 1, tudalen 69, llinell 11, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'person'.

Carl Sargeant 334

Schedule 1, page 69, line 17, leave out 'agent or responsible'.

Atodlen 1, tudalen 69, llinell 17, hepgorer 'yr asiant neu berson cyfrifol' a mewnosoder 'y person'.

Carl Sargeant 335

Schedule 1, page 69, line 18, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 69, llinell 18, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 336

Schedule 1, page 69, line 21, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 69, llinell 21, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 337

Schedule 1, page 69, line 25, leave out 'local housing' and insert 'licensing'.

Atodlen 1, tudalen 69, llinell 26, hepgorer 'tai lleol' a mewnosoder 'trwyddedu'.

Carl Sargeant 338

Schedule 1, page 69, line 27, leave out 'the' and insert 'its'.

Atodlen 1, tudalen 69, llinell 27, hepgorer 'y' a mewnosoder 'ei'.

Carl Sargeant 339

Schedule 1, page 69, line 29, leave out 'agent or responsible'.

Atodlen 1, tudalen 69, llinell 29, hepgorer 'asiant neu berson cyfrifol' a mewnosoder 'berson'.

Carl Sargeant 340

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

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

Carl Sargeant 341

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

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

Carl Sargeant 342

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

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

Carl Sargeant 343

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

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

Carl Sargeant 344

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

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

Carl Sargeant 345

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

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

Carl Sargeant 346

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

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

Carl Sargeant 347

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

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

Carl Sargeant 348

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

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

Carl Sargeant

349

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

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

Carl Sargeant

350

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

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

Carl Sargeant

351

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

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

Carl Sargeant

352

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

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