



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 17 Mehefin 2014
Tabled on 17 June 2014

Bil Tai (Cymru)
Housing (Wales) Bill

- | | |
|--|------------|
| Mark Isherwood | 10A |
| As an amendment to amendment 10, line 3, leave out 'mental' and insert 'learning'. | |
| Fel gwelliant i welliant 10, llinell 3, hepgorer 'feddyliol' yn yr ail le y mae'n ymddangos a mewnosoder 'anabledd dysgu'. | |
| Mark Isherwood | 300 |
| Section 1, page 1, line 17, leave out 'registration and'. | |
| Adran 1, tudalen 1, llinell 18, hepgorer 'gofrestru a thrwyddedu' a mewnosoder 'drwyddedu'. | |
| Mark Isherwood | 301 |
| Section 1, page 1, line 18, leave out subsection (2). | |
| Adran 1, tudalen 1, llinell 19, hepgorer is-adran (2). | |
| Mark Isherwood | 302 |
| Section 1, page 2, line 6, leave out 'registration and'. | |
| Adran 1, tudalen 2, llinell 6, hepgorer 'gofrestru a thrwyddedu' a mewnosoder 'drwyddedu'. | |

Mark Isherwood 303

Section 1, page 2, line 10, leave out subsection (6).

Adran 1, tudalen 2, llinell 10, hepgorer is-adran (6).

Mark Isherwood 304

Section 1, page 2, line 13, leave out 'two kinds of licence (one for landlords and the other' and insert 'licences'.

Adran 1, tudalen 2, llinell 13, hepgorer 'dau fath o drwydded (un ar gyfer landlordiaid a'r llall' a mewnosoder 'trwyddedau'.

Mark Isherwood 305

Section 1, page 2, line 19, leave out 'registration and'.

Adran 1, tudalen 2, llinell 21, hepgorer 'cofrestru a thrwyddedu' a mewnosoder 'trwyddedu'.

Mark Isherwood 306

Section 1, page 2, line 20, leave out 'subsections (2) and' and insert 'subsection'.

Adran 1, tudalen 2, llinell 22, hepgorer 'is-adrannau (2) a' a mewnosoder 'is-adran'.

Mark Isherwood 307

Section 1, page 2, line 20, leave out '15(2)'.

Adran 1, tudalen 2, llinell 22, hepgorer '15(2)'.

Mark Isherwood 308

Page 4, line 15, leave out section 4.

Tudalen 4, llinell 17, hepgorer adran 4.

Mark Isherwood 309

Page 4, line 23, leave out section 5.

Tudalen 4, llinell 26, hepgorer adran 5.

Mark Isherwood 310

Section 5, page 4, line 28, after 'takes', insert 'formal'.

Adran 5, tudalen 4, llinell 31, ar ôl 'camau', mewnosoder 'ffurfiol'.

***Mark Isherwood** 311

Section 5, page 4, after line 35, insert—

'(2) The following subsections apply if the owner of a rental property (or a person acting on

- behalf of the owner), notifies the local housing authority of an intention to take particular steps with a view to securing the registration of the property and the licensing of its management.
- (3) The local housing authority may, if it thinks fit, serve on the owner of a rental property a temporary exemption notice in respect of that property.
 - (4) If a temporary exemption notice is served under this section, the rental property is not required to be registered or licensed under this Part during the period for which the notice is in force.
 - (5) A temporary exemption notice under this section is in force –
 - (a) for the period of 3 months beginning with the date on which it is served, or
 - (b) (in the case of a notice served by virtue of subsection (6)) for the period of 3 months after the date when the first notice ceases to be in force.
 - (6) If the local housing authority –
 - (a) receives a further notification under subsection (2), and
 - (b) considers that there are exceptional circumstances that justify the service of a second temporary exemption notice in respect of the rental property that would take effect from the end of the period of 3 months applying to the first notice, the authority may serve a second such notice on the person having control of or managing the property (but no further notice may be served by virtue of this subsection).
 - (7) If the authority decides not to serve a temporary exemption notice in response to a notification under subsection (2), it must without delay serve on the person concerned a notice informing that person of –
 - (a) the decision,
 - (b) the reasons for it and the date on which it was made,
 - (c) the right to appeal against the decision under subsection (8), and
 - (d) the period within which an appeal may be made under that subsection.
 - (8) The person concerned may appeal to the appropriate tribunal against the decision within the period of 28 days beginning with the date specified under subsection (7) as the date on which it was made.
 - (9) Such an appeal –
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
 - (10) The tribunal –
 - (a) may confirm or reverse the decision of the authority, and
 - (b) if it reverses the decision, must direct the authority to serve a temporary exemption notice that comes into force on such date as the tribunal directs.”.

Adran 5, tudalen 4, ar ôl llinell 38, mewnosoder –

- ‘(2) Mae’r is-adrannau canlynol yn gymwys os yw perchennog eiddo ar rent (neu berson sy’n

- gweithredu ar ran y perchennog) yn hysbysu'r awdurdod tai lleol fod bwriad i gymryd camau penodol er mwyn cofrestru'r eiddo a thrwyddedu'r rheoli.
- (3) Caiff yr awdurdod tai lleol, os gwêl yn dda, gyflwyno hysbysiad esemptio dros dro i berchennog eiddo ar rent mewn perthynas â'r eiddo hwnnw.
 - (4) Os cyflwynir hysbysiad esemptio dros dro o dan yr adran hon, nid oes gofyn i'r eiddo ar rent fod wedi'i gofrestru neu ei drwyddedu o dan y Rhan hon yn ystod y cyfnod y bydd yr hysbysiad mewn grym.
 - (5) Bydd hysbysiad esemptio dros dro o dan yr adran hon mewn grym –
 - (a) am y cyfnod o dri mis sy'n dechrau ar y dyddiad y caiff ei gyflwyno, neu
 - (b) (yn achos hysbysiad a gyflwynir yn rhinwedd is-adran (6)) am y cyfnod o dri mis sy'n dechrau ar y dyddiad y daw'r hysbysiad cyntaf i ben.
 - (6) Os bydd yr awdurdod tai lleol –
 - (a) yn cael hysbysiad pellach o dan is-adran (2), a
 - (b) yn ystyried bod amgylchiadau eithriadol sy'n cyfiawnhau cyflwyno ail hysbysiad esemptio dros dro mewn perthynas â'r eiddo ar rent, a fyddai'n dod i rym ar ddiwedd y cyfnod o dri mis sy'n gymwys i'r hysbysiad cyntaf, caiff yr awdurdod gyflwyno ail hysbysiad o'r fath i'r person sydd â rheolaeth ar yr eiddo neu'n rheoli'r eiddo (ond ni cheir cyflwyno hysbysiad pellach yn rhinwedd yr is-adran hon).
 - (7) Os bydd yr awdurdod yn penderfynu peidio â chyflwyno hysbysiad esemptio dros dro mewn ymateb i hysbysiad o dan is-adran (2), rhaid iddo'n ddi-oed gyflwyno hysbysiad i'r person dan sylw yn ei hysbysu o'r canlynol –
 - (a) y penderfyniad,
 - (b) y rhesymau drosto, a'r dyddiad y cafodd ei wneud,
 - (c) yr hawl i apelio yn erbyn y penderfyniad o dan is-adran (8), a
 - (d) y cyfnod y caniateir gwneud apêl o dan yr is-adran honno.
 - (8) Caiff y person dan sylw apelio i'r tribiwnlys priodol yn erbyn y penderfyniad o fewn y cyfnod o 28 diwrnod sy'n dechrau ar y dyddiad a bennir o dan is-adran (7) fel y dyddiad y cafodd y penderfyniad ei wneud.
 - (9) Yn achos apêl o'r fath –
 - (a) rhaid iddo fod ar ffurf ail wrandawriad, ond
 - (b) caniateir penderfynu arno gan roi sylw i faterion nad oedd yr awdurdod tai lleol yn ymwybodol ohonynt.
 - (10) Caiff y tribiwnlys –
 - (a) cadarnhau neu wrthdroi penderfyniad yr awdurdod, a
 - (b) os yw'n gwrthdroi'r penderfyniad, caiff gyfarwyddo'r awdurdod i gyflwyno hysbysiad esemptio dros dro sy'n dod i rym ar ddyddiad i'w bennu yn ôl cyfarwyddyd y tribiwnlys.'

- Mark Isherwood** 312
Page 5, line 2, leave out section 6.
Tudalen 5, llinell 2, hepgorer adran 6.
- Mark Isherwood** 313
Page 5, line 35, leave out section 7.
Tudalen 5, llinell 36, hepgorer adran 7.
- Mark Isherwood** 314
Page 7, line 6, leave out section 8.
Tudalen 7, llinell 6, hepgorer adran 8.
- Mark Isherwood** 315
Page 10, line 7, leave out section 13.
Tudalen 10, llinell 7, hepgorer adran 13.
- Mark Isherwood** 316
Page 10, line 13, leave out section 14.
Tudalen 10, llinell 13, hepgorer adran 14.
- Mark Isherwood** 317
Page 10, line 30, leave out section 15.
Tudalen 10, llinell 30, hepgorer adran 15.
- Mark Isherwood** 318
Section 15, page 11, line 5, after 'who', insert 'knowingly or recklessly'.
Adran 15, tudalen 11, llinell 6, ar ôl '(1)', mewnosoder 'yn fwriadol neu'n ddi-hid'.
- Mark Isherwood** 319
Page 11, line 10, leave out section 16.
Tudalen 11, llinell 11, hepgorer adran 16.
- Mark Isherwood** 320
Section 16, page 11, after line 14, insert—
'(d) has been convicted of an offence under the Protection from Eviction Act 1977.'

Adran 16, tudalen 11, ar ôl llinell 15, mewnosoder –

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

Mark Isherwood

321

Section 17, page 12, leave out lines 18 to 20.

Adran 17, tudalen 12, hepgorer llinellau 18 hyd at 21.

Mark Isherwood

322

Section 18, page 12, after line 37, insert –

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

Adran 18, tudalen 12, ar ôl llinell 38, mewnosoder –

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

Mark Isherwood

323

Section 18, page 13, line 9, after ‘staff’, insert ‘who provides advice to the landlord or tenant or exercises a discretion on behalf of the landlord’.

Adran 18, tudalen 13, llinell 8, ar ôl ‘corff’, mewnosoder ‘sy’n rhoi cyngor i’r landlord neu’r tenant neu sy’n arfer disgresiwn ar ran y landlord’.

Mark Isherwood

324

Section 19, page 13, line 13, leave out ‘appropriate’ and insert ‘relevant’.

Adran 19, tudalen 13, llinell 12, hepgorer ‘briodol’ a mewnosoder ‘berthnasol’.

Mark Isherwood

325

Section 19, page 13, at the beginning of line 17, insert ‘been found by a court or tribunal to have’.

Adran 19, tudalen 13, ar ddechrau llinell 16, mewnosoder ‘wedi’i gael yn euog gan lys neu dribiwnlys ei fod’.

Mark Isherwood

326

Section 19, page 13, line 24, after ‘contravened’, insert ‘or is contravening’.

Adran 19, tudalen 13, llinell 23, ar ôl ‘torri’, mewnosoder ‘neu yn torri’.

Mark Isherwood 327

Section 20, page 13, line 37, leave out 'may' and insert 'must'.

Adran 20, tudalen 13, llinell 39, hepgorer 'Caiff yr' a mewnosoder 'Rhaid i'r'.

Mark Isherwood 328

Section 20, page 14, after line 5, insert—

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

Adran 20, tudalen 14, ar ôl llinell 5, mewnosoder—

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

Mark Isherwood 329

Section 20, page 14, after line 5, insert—

'(e) compliance with their duties under section [to be inserted by amendment 345].'

Adran 20, tudalen 14, ar ôl llinell 5, mewnosoder—

'(e) cydymffurfiaeth â'u dyletswyddau o dan adran [sy'n cael ei mewnosod gan welliant 345].'

Mark Isherwood 330

Section 22, page 14, line 19, leave out—

'licence must be granted subject to a condition that the licence holder complies with any code of practice issued by the Welsh Ministers under section 40.

(2) A licensing authority may grant a licence subject to such further conditions'

and insert—

'local housing authority may grant a licence subject to such conditions relating to the management of rental properties'.

Adran 22, tudalen 14, llinell 20, hepgorer—

'rhoi trwydded yn ddarostyngedig i amod bod deililad y drwydded yn cydymffurfio ag unrhyw god ymarfer a ddyroddwydd gan Weinidogion Cymru o dan adran 40.

(2) Caiff awdurdod trwyddedu roi trwydded yn ddarostyngedig i'r cyfryw amodau pellach' a mewnosoder—

'i awdurdod tai lleol roi trwydded yn ddarostyngedig i'r cyfryw amodau mewn perthynas â rheoli eiddo ar rent'.

Mark Isherwood 331

Section 24, page 15, after line 12, insert—

'() New licence conditions may not be imposed that are more demanding than those

imposed when the licence was granted.’.

Adran 24, tudalen 15, ar ôl llinell 12, mewnosoder –

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

Mark Isherwood

332

Section 25, page 16, line 1, after ‘licence’ at the second place where it appears, insert ‘if the breach is of a serious or repeated nature’.

Adran 25, tudalen 16, llinell 1, ar ôl ‘drwydded’ yn yr ail le y mae'n ymddangos, mewnosoder ‘a hynny mewn ffordd ddifrifol neu sawl gwaith’.

Mark Isherwood

333

Section 25, page 16, after line 7, insert –

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

Adran 25, tudalen 16, ar ôl llinell 7, mewnosoder –

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

Mark Isherwood

334

Section 25, page 16, line 34, leave out subsections (7) to (8).

Adran 25, tudalen 16, llinell 37, hepgorer is-adrannau (7) hyd at (8).

Mark Isherwood

335

Section 28, page 18, line 25, leave out ‘4(2),’.

Adran 28, tudalen 18, llinell 28, hepgorer ‘4(2)’.

Mark Isherwood

336

Section 28, page 18, line 25, leave out ‘6(4), 7(4),’.

Adran 28, tudalen 18, llinell 28, hepgorer ‘6(4), 7(4),’.

Mark Isherwood

337

Section 28, page 18, line 27, leave out ‘15(3) or’.

Adran 28, tudalen 18, llinell 30, hepgorer ‘15(3) neu’.

Mark Isherwood

338

Section 28, page 18, line 35, leave out ‘4(2),’.

Adran 28, tudalen 18, llinell 38, hepgorer '4(2)'.

Mark Isherwood 339

Section 28, page 18, line 35, leave out '6(4), 7(4)'.

Adran 28, tudalen 18, llinell 38, hepgorer '6(4), 7(4)'.

Mark Isherwood 340

Section 33, page 24, leave out lines 24 to 26.

Adran 33, tudalen 24, hepgorer llinellau 27 hyd at 29.

Mark Isherwood 341

Section 33, page 24, leave out lines 31 to 32.

Adran 33, tudalen 24, hepgorer llinellau 34 hyd at 35.

Mark Isherwood 342

Section 37, page 27, after line 38, insert—

'() The requirement to provide information under this section does not include a requirement to provide information orally in response to questioning.'

Adran 37, tudalen 27, ar ôl llinell 39, mewnosoder—

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

Mark Isherwood 343

Section 40, page 29, line 24, leave out 'or

(b) persons whom the Welsh Ministers consider to represent the interests if the persons mentioned in paragraph (a).'

Adran 40, tudalen 29, llinell 28, hepgorer 'neu

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

Mark Isherwood 344

To insert a new section—

'Landlord accreditation

[] Landlord accreditation

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

I fewnosod adran newydd –

‘Achredu landlordiaid

[] Achredu landlordiaid

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

Mark Isherwood

345

To insert a new section –

‘Home energy efficiency improvements

[] Home energy efficiency improvements

- (1) Landlords must consider from information readily available to them, any support or assistance available from any schemes, grants or otherwise for the purpose of making home energy efficiency improvements to a rental property.
- (2) Landlords must inform their tenants of their consideration under subsection (1) and whether any support or assistance may be available for the purpose of home energy efficiency improvements in relation to the rental property.
- (3) The Welsh Ministers may provide guidance to landlords on the implementation of this section.
- (4) The Welsh Ministers may set standards in any code of practice under section 40 in relation to a landlord’s obligations under this section including standards relating to training.
- (5) Landlords must reconsider the matters referred to in subsection (1) at least once in every 5 years.’.

I fewnosod adran newydd –

‘Gwelliannau effeithlonrwydd ynni cartref

[] Gwelliannau effeithlonrwydd ynni cartref

- (1) Rhaid i landlordiaid ystyried, gan ddefnyddio gwybodaeth sydd ar gael iddynt yn rhwydd, unrhyw gefnogaeth neu gymorth sydd ar gael drwy unrhyw gynlluniau, grantiau neu fel arall, at ddiben gwneud gwelliannau effeithlonrwydd ynni cartref i eiddo ar rent.
- (2) Rhaid i landlordiaid hysbysu eu tenantiaid am eu hystyriaethau o dan is-adran (1) ac a allai unrhyw gefnogaeth neu gymorth fod ar gael at ddiben gwelliannau effeithlonrwydd ynni cartref mewn perthynas â’r eiddo ar rent.
- (3) Caiff Gweinidogion Cymru ddarparu canllawiau ar gyfer landlordiaid ar weithredu’r adran hon.
- (4) Caiff Gweinidogion Cymru ddyroddi safonau mewn unrhyw god ymarfer o dan adran 28 mewn perthynas â rhwymedigaethau landlordiaid o dan yr adran hon gan gynnwys

safonau yn ymwneud â hyfforddiant.

- (5) Rhaid i landlordiaid ailystyried y materion y cyfeirir atynt yn is-adran (1) o leiaf unwaith bob pum mlynedd.’.

Mark Isherwood

346

To insert a new section –

‘Advice for tenants

[] Advice for tenants

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

I fewnosod adran newydd –

‘Cyngor i denantiaid

[] Cyngor i denantiaid

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

Mark Isherwood

347

Section 44, page 31, leave out line 4.

Adran 44, tudalen 31, hepgorer llinell 4.

Mark Isherwood

348

Page 31, line 14, leave out section 45.

Tudalen 31, llinell 14, hepgorer adran 45.

Mark Isherwood

349

Section 47, page 31, line 26, leave out ‘registered and’.

Adran 47, tudalen 31, llinell 27, hepgorer ‘gofrestredig ac yn’.

Mark Isherwood

350

Section 52, page 34, after line 26, insert –

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

Adran 52, tudalen 34, ar ôl llinell 28, mewnosoder –

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

Mark Isherwood

351

Section 52, page 34, after line 26, insert –

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

Adran 52, tudalen 34, ar ôl llinell 28, mewnosoder –

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

Mark Isherwood

352

Section 59, page 39, after line 14, insert –

- '() In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the landlord has been accredited under a scheme approved under section [to be inserted by amendment 344].'

Adran 59, tudalen 39, ar ôl llinell 13, mewnosoder –

- '() Wrth benderfynu a yw llety'n addas ar gyfer person, rhaid i awdurdod tai lleol roi sylw i p'un a yw'r landlord wedi ei achredu o dan gynllun a gymeradwywyd o dan adran [sy'n cael ei mewnosod gan welliant 344] ai peidio.'

Mark Isherwood

353

Section 60, page 40, after line 6, insert –

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

Adran 60, tudalen 40, ar ôl llinell 7, mewnosoder –

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

Mark Isherwood 354

Section 62, page 41, after line 27, insert—

‘(12) A local housing authority must work with relevant public authorities and voluntary organisations to ensure that groups at particular risk of homelessness can be assessed.’

Adran 62, tudalen 41, ar ôl llinell 27, mewnosoder—

‘(12) Rhaid i awdurdod tai lleol weithio gydag awdurdodau cyhoeddus a sefydliadau elusennol perthnasol i sicrhau y gellir asesu grwpiau sy’n wynebu perygl arbennig o ddigartrefedd.’

Mark Isherwood 355

Section 70, page 45, line 32, leave out ‘mental’ at the second place where it appears, and insert ‘learning’.

Adran 70, tudalen 45, llinell 33, hepgorer ‘feddyliol’ yn yr ail le y mae'n ymddangos a mewnosoder ‘anabledd dysgu’.

Mark Isherwood 356

Section 139, page 81, line 22, leave out ‘1 year’ and insert ‘2 years’.

Adran 139, tudalen 81, llinell 22, hepgorer ‘1 year’ a mewnosoder ‘2 years’.

Mark Isherwood 357

Section 139, page 81, line 37, leave out ‘is subject to annulment in pursuance of a’ and insert ‘may not be made unless a draft of the instrument has been laid before, and approved by’.

Adran 139, tudalen 81, llinell 37, hepgorer ‘is subject to annulment in pursuance of a’ a mewnosoder ‘may not be made unless a draft of the instrument has been laid before, and approved by’.

Mark Isherwood 358

Section 139, page 81, after line 38, insert—

‘(15) Before a billing authority makes a determination under this section it must have taken all reasonable steps to work with the owners of long term empty dwellings to ensure that those dwellings are occupied.’

Adran 139, tudalen 81, ar ôl llinell 38, mewnosoder—

‘(15) Before a billing authority makes a determination under this section it must have taken all reasonable steps to work with the owners of long term empty dwellings to ensure that those dwellings are occupied.’

Mark Isherwood 359

Section 139, page 82, after line 11, insert—

‘(c) that the owner derives an income from letting the dwelling.’

Adran 139, tudalen 82, ar ôl llinell 11, mewnosoder –

‘(c) that the owner derives an income from letting the dwelling.’

Mark Isherwood

360

Section 139, page 83, leave out lines 3 to 5 and insert –

‘() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of, the National Assembly for Wales.’’.

Adran 139, tudalen 83, hepgorer llinellau 3 hyd at 5 a mewnosoder –

‘() A statutory instrument containing regulations made under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.’’.

Mark Isherwood

361

Section 139, page 83, after line 5, insert –

‘12C Duty to report

- (1) A billing authority in Wales must provide to the Welsh Ministers an annual report of the number of long-term empty dwellings (as defined in section 12A(9)) within its area at the end of the financial year.
- (2) The Welsh Ministers must collate and analyse the information provided by billing authorities pursuant to subsection (1) and lay a report annually before the National Assembly for Wales.’’.

Adran 139, tudalen 83, ar ôl llinell 5, mewnosoder –

‘12C Duty to report

- (1) A billing authority in Wales must provide to the Welsh Ministers an annual report of the number of long-term empty dwellings (as defined in section 12A(9)) within its area at the end of the financial year.
- (2) The Welsh Ministers must collate and analyse the information provided by billing authorities pursuant to subsection (1) and lay a report annually before the National Assembly for Wales.’’.

Mark Isherwood

362

Section 139, page 83, after line 5, insert –

‘12C Proceeds of higher amounts of council tax

- (1) The billing authority must identify the amounts received by it as a result of any determinations made by it under sections 12A and 12B.

- (2) A sum equivalent to the amounts identified under subsection (1) must be allocated by it to expenditure on housing and related regeneration.”.

Adran 139, tudalen 83, ar ôl llinell 5, mewnosoder –

‘12C Proceeds of higher amounts of council tax

- (1) The billing authority must identify the amounts received by it as a result of any determinations made by it under sections 12A and 12B.
- (2) A sum equivalent to the amounts identified under subsection (1) must be allocated by it to expenditure on housing and related regeneration.”.

Mark Isherwood

363

To insert a new section –

‘[] Amendment of Part 1 of the Housing Act 2004

- (1) The Housing Act 2004 is amended as follows.
- (2) After section 50 (Recovery of charge under section 49) insert –

“Duty to report - Wales

50A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”.

I fewnosod adran newydd –

‘[] Diwygio Rhan 1 o Ddeddf Tai 2004

- (1) Mae Deddf Tai 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 50 (adennill ffioedd o dan adran 49) mewnosoder –

“Duty to report - Wales

50A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its

implementation of this Part.

- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”.

Mark Isherwood

364

To insert a new section –

[] Amendment of Part 3 of the Housing Act 2004

- (1) The Housing Act 2004 is amended as follows.
- (2) After section 98 (Other consequences of operating unlicensed houses: restriction on terminating tenancies) insert –

“Duty to report - Wales

98A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.
- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”.

I fewnosod adran newydd –

[] Diwygio Rhan 3 o Ddeddf Tai 2004

- (1) Mae Deddf Tai 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 98 (canlyniadau eraill yn sgil gweithredu tai didrwydded: cyfyngiad ar derfynu tenantiaethau) mewnosoder –

“Duty to report - Wales

98A Duty to report

- (1) Each local housing authority in Wales must, in relation to each calendar year, make a written report to the Welsh Ministers on its implementation of this Part.

- (2) The Report required by subsection (1) must be sent to the Welsh Ministers on or before 1st May following the end of the year to which the report relates.
- (3) The Welsh Ministers must collate and analyse the reports received from local housing authorities, and lay its own report before the National Assembly for Wales on the implementation of this Part in Wales during the previous year.”.

Mark Isherwood

365

Section 145, page 85, after line 16, insert—

- ‘() The power in subsection (3) must be exercised in relation to Part 1 so as to introduce the requirement for the licensing of agents to be introduced at least two years before the requirement for the licensing of landlords is introduced.’.

Adran 145, tudalen 85, ar ôl llinell 16, mewnosoder—

- ‘() Rhaid i’r pŵer yn is-adran (3) gael ei arfer mewn perthynas â Rhan 1 er mwyn cyflwyno’r gofyniad i asiantau fod yn drwyddedig o leiaf ddwy flynedd cyn y gofyniad i landlordiaid fod yn drwyddedig.’.

Mark Isherwood

366

Schedule 1, page 86, after line 12, insert—

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

Atodlen 1, tudalen 86, ar ôl llinell 12, mewnosoder—

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

Mark Isherwood

367

Schedule 1, page 87, after line 31, insert—

- ‘() the energy performance rating of the property (if available).’.

Atodlen 1, tudalen 87, ar ôl llinell 30, mewnosoder—

- ‘() sgôr perfformiad ynni yr eiddo (os ydyw ar gael).’.

*** Mark Isherwood**

368

Section 4, page 4, line 18, leave out ‘commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale’ and insert ‘is liable to a civil penalty’.

Adran 4, tudalen 4, llinell 21, hepgorer ‘cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy nad yw’n uwch na lefel 3 ar y raddfa safonol’ a mewnosoder ‘agored i gosb sifil’.

*** Mark Isherwood** **369**

Section 4, page 4, line 20, leave out 'an offence' and insert 'a penalty'.

Adran 4, tudalen 4, llinell 23, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **370**

Section 6, page 5, line 6, leave out 'something' and insert 'such a thing'.

Adran 6, tudalen 5, llinell 7, hepgorer 'rhywbeth' a mewnosoder 'y cyfryw beth'.

*** Mark Isherwood** **371**

Section 6, page 5, line 16, after 'dwelling', insert 'in connection with the letting'.

Adran 6, tudalen 5, llinell 17, ar ôl 'annedd', mewnosoder 'mewn perthynas â'r gosod'.

*** Mark Isherwood** **372**

Section 6, page 5, line 21, leave out 'commits an offence and is liable on summary conviction to a fine' and insert 'is liable to a civil penalty'.

Adran 6, tudalen 5, llinell 22, hepgorer 'cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy' a mewnosoder 'agored i gosb sifil'.

*** Mark Isherwood** **373**

Section 6, page 5, line 23, leave out 'an offence' and insert 'a penalty'.

Adran 6, tudalen 5, llinell 24, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **374**

Section 6, page 5, line 24, after 'licensed', insert 'or doing a thing prohibited by subsection (2)'.

Adran 6, tudalen 5, llinell 25, ar ôl 'drwyddedig', mewnosoder ', neu am wneud rhywbeth a waherddir yn is-adran (2)'.

*** Mark Isherwood** **375**

Section 6, page 5, after line 33, insert—

'(7) Nothing in this section prevents a landlord who is not licensed from being present at a viewing or at an interview with a prospective tenant if the authorised agent (or person acting on behalf of such an agent) is also present.'

Adran 6, tudalen 5, ar ôl llinell 34, mewnosoder—

'(7) Nid oes unrhyw beth yn yr adran hon yn atal landlord nad yw'n drwyddedig rhag bod yn bresennol mewn ymweliad neu gyfweliad gyda darpar denant os yw'r asiant awdurdodedig (neu rywun sy'n gweithredu ar ran y cyfryw asiant) hefyd yn bresennol.'

*** Mark Isherwood** **376**

Section 7, page 6, line 3, leave out 'something' and insert 'such a thing'.

Adran 7, tudalen 6, llinell 3, hepgorer 'rhywbeth' a mewnosoder 'y cyfryw beth'.

*** Mark Isherwood** **377**

Section 7, page 6, line 34, after 'licensed', insert 'or doing such a thing prohibited by subsection (2)'.

Adran 7, tudalen 6, llinell 35, ar ôl 'drwyddedig', mewnosoder ', neu am wneud rhywbeth a waherddir yn is-adran (2)',.

*** Mark Isherwood** **378**

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

(8) Nothing in this section prohibits a landlord who is not licensed from –

- (a) being present at the property when accompanied by an authorised agent (or someone acting on behalf of the agent) to do any of the things referred to in subsection (2)(a), (c), (d), (e) or (f) or in subsection (3),
- (b) being present at the property to carry out any repairs or other works or to supervise their carrying out so long as the arrangements for access have been made by an authorised agent.'

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

(8) Nid oes unrhyw beth yn yr adran hon yn gwahardd landlord nad yw'n drwyddedig rhag –

- (a) bod yn bresennol yn yr eiddo pan fo asiant awdurdodedig gydag ef (neu rywun sy'n gweithredu ar ran yr asiant) i wneud unrhyw rai o'r pethau y cyfeirir atynt yn is-adran (2)(a), (c), (d), (e) neu (f) neu yn is-adran (3),
- (b) bod yn bresennol yn yr eiddo i ymgymryd â gwaith trwsio neu waith arall neu i oruchwylio gwaith sy'n cael ei wneud, cyhyd ag y bo'r trefniadau i sicrhau mynediad wedi'u gwneud gan asiant awdurdodedig.'

*** Mark Isherwood** **379**

Section 8, page 7, line 13, after 'steps', insert '(including service of any requisite notice including notice under section 8 or section 21 of the Housing Act 1988)'.

Adran 8, tudalen 7, llinell 14, ar ôl 'camau', mewnosoder '(gan gynnwys cyflwyno unrhyw hysbysiad sy'n ofynnol yn cynnwys hysbysiad o dan adran 8 neu adran 21 o Ddeddf Tai 1988)'.

*** Mark Isherwood** **380**

Section 8, page 7, after line 20, insert –

- (g) for a period of 28 days beginning the date on which the landlord is notified pursuant to section 25(7) that the licence to carry out lettings work and property management work on behalf of the landlord has been revoked.'

Adran 8, tudalen 7, ar ôl llinell 21, mewnosoder –

- (g) am gyfnod o 28 o ddiwrnodau gan ddechrau ar y dyddiad y caiff y landlord ei hysbysu yn unol ag adran 25(7) bod y drwydded i ymgymryd â gwaith gosod a gwaith rheoli eiddo ar ran y landlord wedi'i dirymu.'.

*** Mark Isherwood** **381**

Section 9, page 7, line 25, leave out 'commits an offence and is liable on summary conviction to a fine' and insert 'is liable to a civil penalty'.

Adran 9, tudalen 7, llinell 27, hepgorer 'cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy' a mewnosoder 'agored i gosb sifil'.

*** Mark Isherwood** **382**

Section 9, page 7, line 27, leave out 'an offence committed' and insert 'a penalty'.

Adran 9, tudalen 7, llinell 29, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **383**

Section 9, page 7, line 28, after 'licensed', insert 'or carrying out lettings work'.

Adran 9, tudalen 7, llinell 30, ar ôl 'drwyddedig', mewnosoder ', neu am ymgymryd â gwaith gosod,'.

*** Mark Isherwood** **384**

Section 10, page 7, line 30, leave out 'things' and insert 'any of the things specified in subsection (2)'.

Adran 10, tudalen 7, llinell 32, hepgorer 'yw'r pethau' a mewnosoder 'yw unrhyw rai o'r pethau a bennir yn is-adran (2)'.

*** Mark Isherwood** **385**

Section 10, page 7, after line 37, insert—

'() The things referred to in subsection (1) are—

- (a) marketing or advertising a dwelling to rent under a domestic tenancy;
- (b) preparing particulars or other information to be published in connection with any such marketing or advertising (but not extending to information or documents prepared by a landlord in order to assist an authorised agent who is instructed to let the dwelling);
- (c) arranging and conducting viewings with prospective tenants;
- (d) preparing or arranging for the preparation of a tenancy agreement.'

Adran 10, tudalen 7, ar ôl llinell 40, mewnosoder—

'() Y pethau y cyfeirir atynt yn is-adran (1) yw—

- (a) marchnata neu hysbysebu annedd i'w rhentu o dan denantiaeth ddomestig;

- (b) paratoi manylion neu wybodaeth arall i'w cyhoeddi mewn cysylltiad ag unrhyw farchnata neu hysbysebu (ond heb gynnwys gwybodaeth neu ddogfennau a baratowyd gan landlord er mwyn cynorthwyo asiant awdurdodedig sydd wedi ei gyfarwyddo i osod yr annedd);
- (c) trefnu a chynnal ymweliadau gan ddarpar denantiaid;
- (d) paratoi, neu drefnu i baratoi, cytundeb tenantiaeth.'.

*** Mark Isherwood** **386**

Section 11, page 9, line 12, leave out 'commits an offence and is liable on summary conviction to a fine' and insert 'is liable to a civil penalty'.

Adran 11, tudalen 9, llinell 13, hepgorer 'cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy' a mewnosoder 'agored i gosb sifil'.

*** Mark Isherwood** **387**

Section 11, page 9, line 14, leave out 'an offence committed' and insert 'a penalty'.

Adran 11, tudalen 9, llinell 15, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **388**

Section 11, page 9, line 15, after 'licensed', insert 'or carrying out property management work'.

Adran 11, tudalen 9, llinell 16, ar ôl 'drwyddedig', mewnosoder ', neu am gynnal gwaith rheoli eiddo,'.

*** Mark Isherwood** **389**

Section 12, page 10, after line 4, insert—

- '(e) anything done by or on behalf of a qualified solicitor (within the meaning of Part 1 of the Solicitors Act 1974) or another person instructed by the landlord to take formal steps to recover any arrears of rent or other money owing to the landlord under a domestic tenancy or the recovery of possession of a domestic dwelling.'

Adran 12, tudalen 10, ar ôl llinell 4, mewnosoder—

- '(e) unrhyw beth a wneir gan neu ar ran cyfreithiwr cymwys (o fewn ystyr Rhan 1 o Ddeddf Cyfreithwyr 1974) neu berson arall sydd wedi cael cyfarwyddyd gan y landlord i gymryd camau ffurfiol i adennill unrhyw ôl-ddyledion rhent neu arian arall sy'n ddyledus i'r landlord o dan denantiaeth ddomestig neu adennill meddiant annedd ddomestig.'

*** Mark Isherwood** **390**

Section 14, page 10, leave out line 18.

Adran 14, tudalen 10, hepgorer llinell 18.

*** Mark Isherwood** **391**

Section 15, page 11, line 5, leave out 'commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale' and insert 'is liable to a civil penalty'.

Adran 15, tudalen 11, llinell 6, hepgorer 'cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol' a mewnosoder 'agored i gosb sifil'.

*** Mark Isherwood** **392**

Section 15, page 11, line 7, leave out 'an offence committed' and insert 'a penalty'.

Adran 15, tudalen 11, llinell 8, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **393**

Section 16, page 11, leave out lines 11 to 13.

Adran 16, tudalen 11, hepgorer llinellau 12 hyd at 14.

*** Mark Isherwood** **394**

Section 18, page 12, line 35, leave out 'and the applicant will be doing so in the course of a business'.

Adran 18, tudalen 12, llinell 36, hepgorer 'ac y bydd y ceisydd yn gwneud hynny yn rhinwedd busnes'.

*** Mark Isherwood** **395**

Section 18, page 12, line 37, after 'authority', insert '(unless this requirement is dispensed by the licensing authority whether in relation to a general category of persons or in an individual case)'.

Adran 18, tudalen 12, llinell 38, ar ôl 'lleol', mewnosoder '(oni bai y gweinyddir y gofyniad hwn gan yr awdurdod trwyddedu p'un ai mewn perthynas â chategori cyffredinol o bersonau neu mewn achos unigol)'.

*** Mark Isherwood** **396**

Section 22, page 14, line 19, after 'with', insert 'the requirements imposed under'.

Adran 22, tudalen 14, llinell 21, hepgorer 'ag' a mewnosoder 'â'r gofynion a osodir o dan'.

*** Mark Isherwood** **397**

Section 23, page 14, line 30, leave out 'commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale' and insert 'is liable to a civil penalty'.

Adran 23, tudalen 14, llinell 33, hepgorer 'cyflawni trosedd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol' a mewnosoder 'agored i gosb sifil'.

*** Mark Isherwood** **398**

Section 23, page 14, line 32, leave out 'an offence committed' and insert 'a penalty'.

Adran 23, tudalen 14, llinell 35, hepgorer 'drosedd a gyflawnwyd' a mewnosoder 'gosb'.

*** Mark Isherwood** **399**

Section 27, page 18, after line 2, insert—

'(e) any decision refusing to dispense with the requirement to be a member of a professional body approved by the authority under section 18(2)(c).'

Adran 27, tudalen 18, ar ôl llinell 2, mewnosoder—

'(e) unrhyw benderfyniad i wrthod gweinyddu'r gofyniad i fod yn aelod o gorff proffesiynol a gymeradwyir gan yr awdurdod o dan adran 18(2)(c).'

*** Mark Isherwood** **400**

Section 29, page 20, after line 19, insert—

'(13) The licensing authority may extend the period referred to in subsection (2) where requested to do so by the person to whom the notice is given for good reason (including being allowed to take legal advice).'

Adran 29, tudalen 20, ar ôl llinell 20, mewnosoder—

'(13) Caiff yr awdurdod trwyddedu ymestyn y cyfnod y cyfeirir ato yn is-adran (2) os y gwneir cais am hynny am reswm da gan y person y rhoddwyd yr hysbysiad iddo (gan gynnwys cael caniatâd i gael cyngor cyfreithiol).'

*** Mark Isherwood** **401**

To insert a new section—

[1] Civil penalties

- (1) A licensing authority may impose a civil penalty on a person who contravenes sections 4(1), 6(1), 9, 11(1) or (2), 15(1), 23, or 38(1).
- (2) For more about civil penalties under this section, see Schedule [*to be inserted by amendment 411*].
- (3) Section 35 of this Act applies to civil penalties under this section as to offences to which that section refers.'

I fewnosod adran newydd—

[1] Cosbau sifil

- (1) Caiff awdurdod trwyddedu osod cosb sifil ar berson sy'n torri adrannau 4(1), 6(1), 9, 11(1) neu (2), 15(1), 23, neu 38(1).
- (2) Mae rhagor am gosbau sifil o dan yr adran hon yn Atodlen [*sy'n cael ei mewnosod gan welliant 411*].
- (3) Mae adran 35 o'r Ddeddf hon yn gymwys i gosbau sifil o dan yr adran hon fel yn achos y

troseddau y cyfeiria'r adran honno atynt.'.

*** Mark Isherwood** 402

Section 38, page 28, line 17, leave out 'commits an offence' and insert 'is liable to a civil penalty'.

Adran 38, tudalen 28, llinell 18, hepgorer 'cyflawni trosedd' a mewnosoder 'agored i gosb'.

*** Mark Isherwood** 403

Section 38, page 28, line 18, leave out 'an offence' and insert 'a penalty'.

Adran 38, tudalen 28, llinell 19, hepgorer 'drosedd' a mewnosoder 'gosb'.

*** Mark Isherwood** 404

Section 38, page 28, line 20, leave out subsection (3).

Adran 38, tudalen 28, llinell 21, hepgorer is-adran (3).

*** Mark Isherwood** 405

Section 40, page 29, after line 33, insert—

'() A code or an amended code must not—

- (a) impose any requirements on any person to carry out work to improve or alter the state and condition of the property or any fixtures, or
- (b) contain any requirement to provide any facilities or amenities at the dwelling which are not already present.

() Despite subsection () a code or an amended code may contain recommendations as to good practice in regard to the matters referred to in subsection ().

() Recommendations under subsection () shall not be the subject of any licence condition and no penalty shall be incurred by any person and no detriment shall be suffered by any person by reason of any non compliance with any such recommended good practice.'

Adran 40, tudalen 29, ar ôl llinell 39, mewnosoder—

'() Rhaid i god neu god diwygiedig—

- (a) peidio â gosod unrhyw ofynion ar berson i wneud gwaith i wella neu addasu cyflwr yr eiddo neu unrhyw osodiadau, neu
- (b) peidio â chynnwys unrhyw ofyniad i ddarparu unrhyw gyfleusterau neu amwynderau yn yr eiddo nad ydynt yno eisoes.

() Er gwaethaf is-adran () caiff cod neu god diwygiedig gynnwys argymhellion o ran arfer da mewn perthynas â'r materion y cyfeirir atynt yn is-adran ().

() Ni fydd argymhellion o dan is-adran () yn destun unrhyw amod trwydded ac ni osodir cosb ar berson ac ni ddioddefir niwed gan berson oherwydd iddo beidio â chydymffurfio ag unrhyw arfer da a argymhellir.'

*** Mark Isherwood** **406**

Section 49, page 32, leave out line 19.
Adran 49, tudalen 32, hepgorer llinell 19.

*** Mark Isherwood** **407**

Section 49, page 32, leave out lines 22 to 23.
Adran 49, tudalen 32, hepgorer llinellau 22 hyd at 23.

*** Mark Isherwood** **408**

Section 49, page 32, leave out line 25.
Adran 49, tudalen 32, hepgorer llinell 25.

*** Mark Isherwood** **409**

Section 49, page 32, after line 34, insert—

‘(5) In this Part a reference to “management” —

- (a) does not extend to any work to improve or alter the state and condition of a dwelling, and
- (b) does not include the provision of any fixture, amenity or facility that is not already present in the dwelling.’

Adran 49, tudalen 32, ar ôl llinell 34, mewnosoder —

‘(5) Yn y Rhan hon nid yw cyfeiriad at “rheoli” —

- (a) yn ymwneud ag unrhyw waith i wella neu addasu cyflwr annedd, a
- (b) yn cynnwys darparu unrhyw osodiad, amwynder neu gyfleuster nad yw eisoes ar gael yn yr annedd.’

*** Mark Isherwood** **410**

Section 145, page 85, after line 20, insert—

‘(5) Before exercising the power contained in subsection (3) in relation to Part 1, the Welsh Ministers must carry out a review of the operation in Wales of Part 3 of the Housing Act 2004 (selective licensing) with a view to improving that operation.’

Adran 145, tudalen 85, ar ôl llinell 20, mewnosoder —

‘(5) Cyn arfer y pŵer yn is-adran (3) mewn perthynas â Rhan 1, rhaid i Weinidogion Cymru gynnal adolygiad o’r modd y gweithredir Rhan 3 o Ddeddf Tai 2004 (trwyddedu dethol) yng Nghymru er mwyn gwella’r modd y’i gweithredir.’

*** Mark Isherwood** **411**

To insert a new schedule—

‘SCHEDULE []

(introduced by section [to be inserted by amendment 401])

CIVIL PENALTIES UNDER SECTION [TO BE INSERTED BY AMENDMENT 401]

Introduction

1 This Schedule is about civil penalties under section [to be inserted by amendment 401].

Amount

2 The amount of a civil penalty is to be specified in regulations.

Procedure

- 3 (1) The procedure for imposing a civil penalty on a person is to be set out in regulations.
- (2) The regulations must, in particular, require the licensing authority to give the person written notice specifying –
- (a) the amount of the penalty,
 - (b) the reasons for imposing it, and
 - (c) the date by which and manner in which it is to be paid.
- (3) Regulations may specify steps that a licensing authority must take before imposing a civil penalty.

Reviews and appeals

- 4 (1) Regulations may give a person on whom a civil penalty is imposed –
- (a) a right to request a review of the decision to impose the penalty;
 - (b) a right to appeal against the decision to the Residential Property Tribunal.
- (2) Regulations under this paragraph may, in particular –
- (a) specify the time within which a person must request a review or appeal;
 - (b) require a person to request a review before appealing;
 - (c) make provision about the procedure for a review;
 - (d) make further provision about reviews and appeals (including provision as to the powers available on a review or appeal).

Power to create exceptions

- 5 Regulations may specify circumstances in which –
- (a) a civil penalty may not be imposed, or
 - (b) a civil penalty may be cancelled.

Accounts and record keeping

- 6 Regulations may impose duties on licensing authorities about the keeping of accounts and other records in connection with civil penalties.

Interest and enforcement etc

- 7 Regulations may –
- (a) allow interest to be charged on a civil penalty that is paid late;
 - (b) allow an additional penalty to be imposed for late payment.
- 8 In this Schedule “civil penalty” includes any interest or additional penalty.
- 9 Regulations may make provision about the recovery of civil penalties by licensing authorities.
- 10 A civil penalty received by a licensing authority is to be paid into the Welsh Consolidated Fund.

Power to make further provision

- 11 Regulations may make further provision about civil penalties.’.

I fewnosod Atodlen newydd –

'ATODLEN []

(cyflwynir gan adran [i'w mewnosod gan welliant 401])

COSBAU SIFIL O DAN ADRAN [I'W MEWNOSOD GAN WELLIANT 401]

Cyflwyniad

- 1 Mae'r Atodlen hon yn ymwneud â chosbau sifil o dan adran [i'w mewnosod gan welliant 401].

Swm

- 2 Mae swm cosb sifil i'w bennu mewn rheoliadau.

Gweithdrefn

- 3 (1) Mae'r weithdrefn ar gyfer gosod cosb sifil ar berson i'w phennu mewn rheoliadau.
(2) Rhaid i'r rheoliadau, yn benodol, ei gwneud yn ofynnol i'r awdurdod trwyddedu roi hysbysiad ysgrifenedig i'r person yn pennu —
(a) swm y gosb,
(b) y rhesymau dros osod y gosb, ac
(c) y dyddiad terfynol ar gyfer ei thalu, a'r dull o'i thalu.
(3) Caiff rheoliadau bennu camau y mae'n rhaid i awdurdod trwyddedu eu cymryd cyn gosod cosb sifil.

Adolygiadau ac apelau

- 4 (1) Caiff rheoliadau roi i berson y gosodwyd cosb sifil arno —
(a) hawl i ofyn am adolygiad o'r penderfyniad i osod y gosb; a
(b) hawl i apelio yn erbyn y penderfyniad i'r Tribiwnlys Eiddo Preswyl.
(2) Caiff rheoliadau o dan y paragraff hwn, yn benodol —
(a) pennu'r cyfnod amser y mae'n rhaid i berson ofyn am adolygiad neu apêl ynddo;
(b) ei gwneud yn ofynnol i berson ofyn am adolygiad cyn apelio;
(c) gwneud darpariaeth am y weithdrefn ar gyfer adolygiad;
(d) gwneud darpariaeth bellach am adolygiadau ac apelau (gan gynnwys darpariaeth ynghylch y pwerau a fydd ar gael mewn perthynas ag adolygiad neu apêl).

Pŵer i greu eithriadau

- 5 Caiff rheoliadau bennu amgylchiadau —
(a) pan na cheir gosod cosb sifil, neu
(b) pan geir diddymu cosb sifil.

Cyfrifon a chadw cofnodion

6 Caiff rheoliadau osod dyletswyddau ar awdurdodau trwyddedu ynghylch cadw cyfrifon a chofnodion eraill mewn perthynas â chosbau sifil.

Llog a gorfodi etc

7 Caiff rheoliadau –

(a) caniatáu i log gael ei godi ar gosb sifil a gaiff ei thalu'n hwyr;

(b) caniatáu i gosb ychwanegol gael ei gosod am daliad hwyr.

8 Yn yr Atodlen hon, mae “cosb sifil” yn cynnwys unrhyw log neu gosb ychwanegol.

9 Caiff rheoliadau wneud darpariaeth am adennill cosbau sifil gan awdurdodau trwyddedu.

10 Mae cosb sifil a ddaw i law awdurdod trwyddedu i'w thalu i Gronfa Gyfunol Cymru.

Pŵer i wneud darpariaeth bellach

11 Caiff rheoliadau wneud darpariaeth bellach ynghylch cosbau sifil.’.

*** Carl Sargeant**

412

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version Adran 28, tudalen 18, llinell 29, hepgorer 'eiddo' a mewnosoder 'annedd'.

*** Carl Sargeant**

413

Section 52, page 34, after line 26, insert –

‘() A homelessness strategy must include provision relating to action planned by the authority to be taken in the exercise of its functions, and specific action expected by the authority to be taken by public authorities, voluntary organisations and other persons within subsection (3), in relation to those who may be in particular need of support if they are or may become homeless, including in particular –

(a) people leaving prison or youth detention accommodation;

(b) young people leaving care;

(c) people leaving the regular armed forces of the Crown;

(d) people leaving hospital after medical treatment for mental disorder as an inpatient; and

(e) people receiving mental health services in the community.’.

Adran 52, tudalen 34, ar ôl llinell 28, mewnosoder –

‘() Rhaid i strategaeth digartrefedd gynnwys darpariaeth sy'n ymwneud â chamau y mae'r awdurdod yn cynllunio eu cymryd wrth arfer ei swyddogaethau, a chamau penodol y mae'r awdurdod yn disgwyl i awdurdodau cyhoeddus, cyrff gwirfoddol a phersonau eraill o fewn is-adran (3) eu cymryd, mewn perthynas â'r rheini y mae'n bosibl bod angen cymorth arnynt yn benodol os ydynt yn ddigartref neu y gallent ddod yn

ddigartref, gan gynnwys yn benodol—

- (a) pobl sy'n gadael y carchar neu lety cadw ieuencid;
- (b) pobl ifanc sy'n gadael gofal;
- (c) pobl sy'n gadael lluoedd arfog rheolaidd y Goron;
- (d) pobl sy'n gadael yr ysbyty ar ôl triniaeth feddygol am anhwylder meddyliol fel claf preswyl; ac
- (e) pobl sy'n cael gwasanaethau iechyd meddwl yn y gymuned.'

*** Jocelyn Davies**

414

Section 60, page 39, after line 28, insert—

'() 'Assistance' in subsection (1)(b) must include a consideration of any tenancy support needs and provision to meet those needs where such provision will assist in the prevention of homelessness for—

- (a) a person who has not attained the age of 21;
- (b) a person who has attained the age of 21, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 25, who was looked after, accommodated or fostered at any time under the age of 18.'

Adran 60, tudalen 39, ar ôl llinell 27, mewnosoder—

'() Rhaid i'r 'cynhorthwy' yn is-adran (1)(b) gynnwys ystyriaeth o unrhyw anghenion cefnogi tenantiaeth a darpariaeth i ddiwallu'r anghenion hynny lle bydd darpariaeth o'r fath o gymorth i atal digartrefedd ar gyfer—

- (a) person nad yw wedi cyrraedd 21 oed;
- (b) person sydd wedi cyrraedd 21 oed, pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety, ond nid 25 oed, a oedd yn derbyn gofal, yn cael ei letya neu'n cael ei faethu ar unrhyw bryd pan oedd o dan 18 oed.'

*** Jocelyn Davies**

415

Section 75, page 50, line 17, leave out 'aged 16 or 17' and insert 'who has not attained the age of 21'.

Adran 75, tudalen 50, llinell 17, hepgorer '16 neu 17' a mewnosoder 'nad yw wedi cyrraedd 21'.

*** Jocelyn Davies**

416

Section 75, page 50, after line 17, insert—

- '(iv) a person who has attained the age of 21, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 25, who was looked after, accommodated or fostered at any time under the age of 18.'

Adran 75, tudalen 50, ar ôl llinell 17, mewnosoder –

- (iv) yn berson sydd wedi cyrraedd 21 oed, pan fo'r person yn gwneud cais i awdurdod tai lleol am lety neu gymorth i gadw neu gael gafael ar lety, ond nid 25 oed, a oedd yn derbyn gofal, yn cael ei letya neu'n cael ei faethu ar unrhyw bryd pan oedd o dan 18 oed.'

*** Jocelyn Davies**

417

Section 75, page 50, leave out lines 18 to 24.

Adran 75, tudalen 50, hepgorer llinellau 18 hyd at 24.