

Government Response: *Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020*

Technical Scrutiny point 1:

Whilst section 34 of the Legislation (Wales) Act 2019 may have sufficed to ensure that expiry of the Regulations will not render invalid that which was validly done before the Regulations were in force, this statement contains additional wording “or not done” which is intended to avoid any argument that a decision not to enter a property or take other steps towards execution of a writ or warrant on account of the restrictions in the regulations might be able to be impugned as not being something “done”.

We consider that regulation 3(2) of the Regulations is required given the UK Government had already stated that possession orders in England and Wales would not be enforced by bailiffs between 11 December 2020 and 11 January 2021 (there is a similar provision in regulation 4(3) of the Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020). In addition, the Health Protection (Coronavirus Restrictions) (No 4) (Wales) Regulations 2020 also contains a similar provision.

Merit Scrutiny point 1: We consider that the Regulations are compatible with the European Convention on Human Rights.

Merit Scrutiny point 2: It was not possible, given the urgency to act, to engage with stakeholders on the specific content of the Regulations before they were made. However, stakeholders had been previously informed by Welsh Government officials of the announcement by the UK Government that evictions would not take place over the Christmas period.

Stakeholders were updated by the Welsh Government on the Regulations when they came into force last Friday, and a communication has been issued to landlords through Rent Smart Wales.

Merit Scrutiny point 3: The Welsh Government notes the Committee’s comment and has nothing further to add in relation to this point.

Ymateb y Llywodraeth: Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Cymru) (Coronafeirws) 2020

Pwynt Craffu Technegol 1:

Er y gallai adran 34 o Ddeddf Deddfwriaeth (Cymru) 2019 fod yn ddigonol er mwyn sicrhau na fydd y ffaith bod y Rheoliadau wedi dod i ben yn gwneud unrhyw beth a wneir mewn modd dilys cyn i'r Rheoliadau ddod i rym yn annilys, mae'r datganiad hwn yn cynnwys y geiriau ychwanegol "neu nas gwneir". Bwriad hyn yw osgoi unrhyw ddadl nad yw penderfyniad i beidio â mynd i eiddo neu gymryd camau eraill i weithredu gwrit neu warant o ganlyniad i'r cyfyngiadau yn y Rheoliadau yn rhywbeth "a wneir".

Rydym yn ystyried bod rheoliad 3(2) o'r Rheoliadau yn angenrheidiol o ystyried bod Llywodraeth y DU eisoes wedi datgan na fyddai gorchmynion adennill meddiant yng Nghymru a Lloegr yn cael eu gorfodi gan feiliaid rhwng 11 Rhagfyr 2020 ac 11 Ionawr 2021 (ceir darpariaeth debyg yn rheoliad 4(3) o Rheoliadau Iechyd y Cyhoedd (Coronafeirws) (Gwarchodaeth Rhag Troi Allan a Chymryd Rheolaeth o Nwyddau) (Lloegr) 2020). Mae Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 4) (Cymru) 2020 hefyd yn cynnwys darpariaeth debyg.

Pwynt Craffu ar Rinweddau 1: Rydym yn ystyried bod y Rheoliadau hyn yn gydnaws â'r Confensiwn Ewropeaidd ar Hawliau Dynol.

Pwynt Craffu ar Rinweddau 2: Gan fod angen gweithredu ar frys, nid oedd yn bosibl ymgysylltu â rhanddeiliaid ar gynnwys penodol y Rheoliadau cyn iddynt gael eu gwneud. Fodd bynnag, roedd rhanddeiliaid wedi eu hysbysu yn flaenorol gan swyddogion Llywodraeth Cymru am gyhoeddiad Llywodraeth y DU na fyddai achosion o droi allan yn digwydd dros gyfnod y Nadolig.

Cafodd rhanddeiliaid ddiweddariad ar y Rheoliadau gan Lywodraeth Cymru pan ddaethant i rym ddydd Gwener diwethaf, ac mae cyfathrebiad wedi ei anfon at landlordiaid drwy Rhentu Doeth Cymru.

Pwynt Craffu ar Rinweddau 3: Mae Llywodraeth Cymru yn nodi sylw'r Pwyllgor ac nid oes ganddi unrhyw beth arall i'w ychwanegu mewn perthynas â'r pwynt hwn.