

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 22 Medi 2017
Tabled on 22 September 2017

Bil Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) Abolition of the Right to Buy and Associated Rights (Wales) Bill

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

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

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

***David Melding**

16

Section 1, page 1, after line 10, insert –

'() Section [*section to be inserted by amendment 21*] removes the existing suspension of the right to buy by repealing Part 1 of the Housing (Wales) Measure 2011.'

See amendment 21.

Adran 1, tudalen 1, ar ôl llinell 12, mewnosoder –

'() Mae adran [*adran i gael ei mewnosod gan welliant 21*] yn dileu'r ataliad dros dro presennol ar yr hawl i brynu drwy ddiddymu Rhan 1 o Fesur Tai (Cymru) 2011.'

Gweler gwelliant 21.

***David Melding**

17

Section 1, page 1, line 11, after 'Wales', insert 'for a period of at least 10 years'.



See amendment 22.

Adran 1, tudalen 1, llinell 14, ar ôl 'Nghymru', mewnosoder 'am gyfnod o 10 mlynedd o leiaf'.

Gweler gwelliant 22.

***David Melding**

18

Section 1, page 1, after line 14, insert—

'() Section [section to be inserted by amendment 23] restricts the power of the Welsh Ministers so that the discount available to tenants cannot be reduced below £8,000.'

See amendment 23.

Adran 1, tudalen 1, ar ôl llinell 17, mewnosoder—

'() Mae adran [adran i gael ei mewnosod gan welliant 23] yn cyfyngu ar bŵer Gweinidogion Cymru fel na ellir gostwng y disgownt sydd ar gael i denantiaid islaw £8,000.'

Gweler gwelliant 23.

***David Melding**

19

Section 1, page 1, line 22, after 'rights)', insert ', and [section to be inserted by amendment 21] (removing the suspension of the right to buy)'.

See amendment 21.

Adran 1, tudalen 1, llinell 26, ar ôl 'hawliau)', mewnosoder ', ac [adran i gael ei mewnosod gan welliant 21] (dileu'r ataliad dros dro ar yr hawl i brynu)'.

Gweler gwelliant 21.

***David Melding**

20

Section 1, page 1, line 25, leave out 'twelve months' and insert 'two years'.

See amendment 30.

Adran 1, tudalen 1, llinell 29, hepgorer 'deuddeg mis' a mewnosoder 'dwu flynedd'.

Gweler gwelliant 30.

***David Melding**

21

Page 5, after line 27, insert a new section—

[] Removal of suspension of the right to buy

- (1) In the Housing (Wales) Measure 2011—
 - (a) Part 1 (Suspension of the Right to Buy and related rights) is repealed, and
 - (b) in section 89 (orders) omit subsections (2) and (4).
- (2) Accordingly, in the Housing Act 1985—



- (a) section 122A (applications to suspend the right to buy etc. in parts of Wales: effect on claims to exercise the right) is repealed;
- (b) section 122B (suspension of the right to buy in parts of Wales) is repealed;
- (c) in section 124 (landlord's notice admitting or denying right to buy) –
 - (i) in subsection (1), after “subsection (2)” omit “or (3)”, and
 - (ii) omit subsection (3);
- (d) in section 153 (tenant's notices of delay), in subsection (1)(a) after “subsection (2)” omit “or (3)”;
- (e) in section 122 (tenant's notice claiming to exercise right to buy), at the beginning of subsection (1) omit “Unless section 122B applies”.

This removes the suspensions of the right to buy and associated rights in areas currently designated under the Housing (Wales) Measure. This will allow qualifying tenants in those areas to exercise their rights (like other qualifying tenants across Wales) up until abolition comes into effect.

Tudalen 5, ar ôl llinell 27, mewnosoder adran newydd –

[] Dileu'r ataliad dros dro ar yr hawl i brynu

- (1) Ym Mesur Tai (Cymru) 2011 –
 - (a) mae Rhan 1 (Atal dros dro yr Hawl i Brynu a hawliau cysylltiedig) wedi ei diddymu, a
 - (b) yn adran 89 (gorchmynion) hepgorer is-adrannau (2) a (4).
- (2) Yn unol â hynny, yn Neddf Tai 1985 –
 - (a) mae adran 122A (ceisiadau i atal dros dro yr hawl i brynu etc. mewn rhannau o Gymru: effaith ar geisiadau i arfer yr hawl) wedi ei diddymu.
 - (b) mae adran 122B (atal dros dro yr hawl i brynu mewn rhannau o Gymru) wedi ei diddymu.
 - (c) yn adran 124 (hysbysiad landlord yn derbyn neu'n gwadu'r hawl i brynu) –
 - (i) yn is-adran (1), ar ôl “subsection (2)” hepgorer “or (3)”, a
 - (ii) hepgorer is-adran (3).
 - (d) yn adran 153 (hysbysiadau y tenant am oedi), yn is-adran (1)(a) ar ôl “subsection (2)” hepgorer “or (3)”;
 - (e) yn adran 122 (hysbysiad y tenant yn hawlio arfer yr hawl i brynu), ar ddechrau is-adran (1) hepgorer “Unless section 122B applies”.

Mae hwn yn cael gwared ar yr ataliad ar yr hawl i brynu a hawliau cysylltiedig mewn ardaloedd a ddynodir ar hyn o bryd o dan y Mesur Tai (Cymru). Bydd hyn yn caniatáu i denantiaid cymwys yn yr ardaloedd hynny arfer eu hawliau (yn yr un modd â thenantiaid cymwys eraill ledled Cymru) nes i'r diddymu ddod i rym.

***David Melding**

22

Page 5, line 29, leave out section 6 and insert –



[] Abolition of the right to buy and the right to acquire

- (1) The Housing Act 1985 (c.68) is amended as follows.
- (2) Before section 121A (Order suspending right to buy because of anti-social behaviour) insert—

“121ZC Abolition of the right to buy in Wales

- (1) The right to buy cannot be exercised in respect of a dwelling-house in Wales during the temporary abolition period.
 - (2) The temporary abolition period is the period of 10 years beginning with the day on which section 6 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
 - (3) This section does not affect the computation of any period under Schedule 4.”
- (3) In section 171B (extent of the preserved right to buy) at the end, insert—
- “(8) Nothing in subsection (6) gives a person the right to exercise the preserved right to buy in respect of a dwelling-house in Wales during the temporary abolition period (see section 121ZC).”
- (4) The Housing Act 1996 (c.52) is amended as follows.
 - (5) Before section 17 (Right of tenant to acquire dwelling: supplementary provisions), insert—

“16D Abolition of the Right to Acquire

- (1) The Right to Acquire cannot be exercised in respect of a dwelling during the temporary abolition period.
 - (2) The temporary abolition period is the period of 10 years beginning with the day on which section 6 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
 - (3) This section does not affect the computation of any period under schedule 4 of the Housing Act 1985.”
- (6) Accordingly, the following enactments are repealed—
- (a) sections 2 and 3 (restriction on exercising the right to buy etc.), and sections 121ZA, 121ZB and 171B(7) of the Housing Act 1985 (inserted by sections 2 and 3 of this Act);
 - (b) section 4 and 5 (restriction on exercising the right to acquire etc.), and sections 16B, 16C and 21(2A) of the Housing Act 1996 (inserted by sections 4 and 5 of this Act);
 - (c) section 8.
- (7) The Welsh Ministers may, by regulations, permanently abolish the right to buy and the right to acquire.
 - (8) Regulations under subsection (7) may only come into force at the end of the temporary abolition period.



- (9) The temporary abolition period is the period of 10 years beginning with the day on which this section comes into force.’.

This limits the Act's operation to 10 years, following which the Welsh Ministers may lay regulations proposing that the abolition is made permanent. These regulations would be made subject to the affirmative resolution and so would require a vote by the Assembly.

Tudalen 5, llinell 29, hepgorer adran 6 a mewnosoder –

[] **Diddymu'r hawl i brynu a'r hawl i gaffael**

- (1) Mae Deddf Tai 1985 (*Housing Act 1985 (c.68)*) wedi ei diwygio fel a ganlyn.
(2) Cyn adran 121A (Gorchymyn sy'n atal dros dro yr hawl i brynu oherwydd ymddygiad gwrthgymdeithasol) mewnosoder –

“121ZC Abolition of the right to buy in Wales

- (1) The right to buy cannot be exercised in respect of a dwelling-house in Wales during the temporary abolition period.
(2) The temporary abolition period is the period of 10 years beginning with the day on which section 6 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
(3) This section does not affect the computation of any period under Schedule 4.”
- (3) Yn adran 171B (rhychwant yr hawl i brynu a gadwyd) ar y diwedd, mewnosoder –
- “(8) Nothing in subsection (6) gives a person the right to exercise the preserved right to buy in respect of a dwelling-house in Wales during the temporary abolition period (see section 121ZC).”
- (4) Mae Deddf Tai 1996 (*Housing Act 1996 (c. 52)*) wedi ei diwygio fel a ganlyn.
(5) Cyn adran 17 (Hawl tenant i gaffael annedd: darpariaethau atodol), mewnosoder –

“16D Abolition of the Right to Acquire

- (1) The Right to Acquire cannot be exercised in respect of a dwelling during the temporary abolition period.
(2) The temporary abolition period is the period of 10 years beginning with the day on which section 6 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
(3) This section does not affect the computation of any period under schedule 4 of the Housing Act 1985.”
- (6) Yn unol â hynny, diddymir y deddfiadau a ganlyn –
- (a) adrannau 2 a 3 (cyfyngiad ar arfer yr hawl i brynu etc.), ac adrannau 121ZA, 121ZB a 171B(7) o Ddeddf Tai 1985 (a fewnosodir gan adrannau 2 a 3 o'r Ddeddf hon);
(b) adrannau 4 a 5 (cyfyngiad ar arfer yr hawl i gaffael etc.) ac adrannau 16B, 16C ac 21(2A) o Ddeddf Tai 1996 (a fewnosodir gan adrannau 4 a 5 o'r Ddeddf hon);



(c) adran 8.

- (7) Caiff Gweinidogion Cymru, drwy reoliadau, diddymu'r hawl i brynu a'r hawl i gaffael yn barhaol.
- (8) Dim ond ar ddiwedd y cyfnod diddymu dros dro y caiff rheoliadau o dan is-adran (7) ddod i rym.
- (9) Y cyfnod diddymu dros dro yw'r cyfnod o 10 mlynedd sy'n dechrau â'r diwrnod y daw'r adran hon i rym.'

Mae hwn yn cyfyngu gweithrediad y Ddeddf i 10 mlynedd ac yn darparu y caiff Gweinidogion Cymru, ar ôl hynny, osod rheoliadau yn cynnig y dylid gwneud y diddymiad yn barhaol. Byddai'r rheoliadau hyn yn ddarostyngedig i'r weithdrefn gadarnhaol ac felly byddai angen pleidlais gan y Cynulliad.

***David Melding**

23

Page 6, after line 10, insert a new section –

'Restriction on power to vary discount available to tenants

[] Restriction on power to vary discount available to tenants

- (1) The Housing Act 1985 (c.68) is amended as follows.
- (2) In section 131 (limits on amount of discount), after subsection (2) insert –
“(2A) An order under subsection (2) made in relation to a dwelling-house in Wales may not prescribe a maximum discount of less than £8,000.”
- (3) The Housing Act 1996 (c.52) is amended as follows.
- (4) In section 17 (right of tenant to acquire dwelling: supplementary provisions), after subsection (11) insert –
“(1A) An order under subsection 1A may not prescribe a maximum discount of less than £8,000.”

Tenants exercising the right to buy and right to acquire may currently receive a maximum discount on their purchases of £8,000. This amendment ensures that the Welsh Ministers may not reduce the maximum discount below this level.

Tudalen 6, ar ôl llinell 9, mewnosoder adran newydd –

'Cyfyngiad ar y pŵer i amrywio'r disgownt sydd ar gael i denantiaid

[] Cyfyngiad ar y pŵer i amrywio'r disgownt sydd ar gael i denantiaid

- (1) Mae Deddf Tai 1985 (*Housing Act 1985 (c.68)*) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 131 (terfynau ar swm y disgownt), ar ôl is-adran (2) mewnosoder –
“(2A) An order under subsection (2) made in relation to a dwelling-house in Wales may not prescribe a maximum discount of less than £8,000.”
- (3) Mae Deddf Tai 1996 (*Housing Act 1996 (c. 52)*) wedi ei diwygio fel a ganlyn.



- (4) Yn adran 17 (hawl tenant i gaffael annedd: darpariaethau atodol), ar ôl is-adran (11) mewnosoder –

“(1A) An order under subsection 1A may not prescribe a maximum discount of less than £8,000.”.

Ar hyn o bryd caiff tenantiaid sy'n arfer yr hawl i brynu a'r hawl i gaffael dderbyn uchafswm o £8,000 o ddisgownt ar yr hyn y maent yn ei brynu. Mae'r gwelliant hwn yn sicrhau na chaiff Gweinidogion Cymru leihau uchafswm y disgownt islaw'r lefel hon.

***David Melding**

24

Section 8, page 6, after line 16, insert –

‘() provide a copy of the information to every qualifying landlord whose principal place of business is in Wales, and’.

To incorporate the recommendations made in the report of the Constitutional and Legislative Affairs Committee, namely: Section 8 of the Bill makes provision for information to be provided to landlords and tenants about the effects of this Bill. This amendment imposes an absolute duty on the Welsh Ministers to notify all qualifying Landlords in Wales. As currently drafted, the duty to do so is qualified.

Adran 8, tudalen 6, ar ôl llinell 15, mewnosoder –

‘() darparu copi o'r wybodaeth i bob landlord cymwys y mae ei brif leoliad busnes yng Nghymru, a’.

Ymgorffori'r argymhellion a wnaed yn adroddiad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol, sef: bod adran 8 o'r Bil yn gwneud darpariaeth ar gyfer rhoi gwybodaeth i landlordiaid a thenantiaid am effeithiau'r Bil hwn. Mae'r gwelliant hwn yn rhoi dyletswydd absoliwt ar Weinidogion Cymru i hysbysu pob landlord cymwys yng Nghymru. Fel y mae'r Bil wedi'i ddrafftio ar hyn o bryd, mae'r ddyletswydd i wneud hynny yn un amodol.

***David Melding**

25

Section 8, page 6, line 17, after ‘every’, insert ‘other’.

See amendment 24.

Adran 8, tudalen 6, llinell 16, ar ôl ‘cymwys’, mewnosoder ‘arall’.

Gweler gwelliant 24.

***David Melding**

26

Section 8, page 6, after line 19, insert –

‘() an explanation of the effect of section [section to be inserted by amendment 21] for tenants in areas where the right to buy and associated rights have been suspended.’.

See amendment 21.

Adran 8, tudalen 6, ar ôl llinell 17, mewnosoder –



() esboniad o effaith adran [adran i gael ei mewnosod gan welliant 21] i denantiaid mewn ardaloedd lle y mae'r hawl i brynu a hawliau cysylltiedig wedi eu hatal dros dro,'.

Gweler gwelliant 21.

***David Melding**

27

Section 9, page 8, line 4, leave out 'or expedient'.

The Constitutional and Legislative Affairs Committee noted their concern that section 9, as drafted, gave very wide powers to make consequential amendments. This amendment narrows that power by deleting the words "or expedient."

Adran 9, tudalen 8, llinell 5, hepgorer 'neu'n hwylus'.

Nododd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol ei bryder bod adran 9, fel y mae wedi'i drafftio ar hyn o bryd, yn rhoi pwerau eang iawn i wneud diwygiadau canlyniadol. Mae'r gwelliant hwn yn culhau'r pŵer hwnnw trwy ddileu'r geiriau "neu'n hwylus."

***David Melding**

28

Section 11, page 8, line 25, leave out '5' and insert '[section to be inserted by amendment 21]'.

See amendment 21.

Adran 11, tudalen 8, llinell 28, hepgorer '5' a mewnosoder '[adran i gael ei mewnosod gan welliant 21]'.

Gweler gwelliant 21.

***David Melding**

29

Section 11, page 8, line 25, after '5', insert 'and section [section to be inserted by amendment 23]'.

See amendment 23.

Adran 11, tudalen 8, llinell 28, ar ôl '5', mewnosoder 'ac [adran i gael ei mewnosod gan welliant 23]'.

Gweler gwelliant 23.

***David Melding**

30

Section 11, page 8, line 30, leave out '12 months' and insert 'two years'.

This ensures that abolition of the right to buy and associated rights may not come into effect until at least 2 years after the Bill receives Royal Assent. As currently drafted abolition will come into effect after 1 year.

Adran 11, tudalen 8, llinell 33, hepgorer '12 mis' a mewnosoder 'ddwy flynedd'.

Mae hwn yn sicrhau na chaiff diddymiad yr hawl i brynu a hawliau cysylltiedig ddod i rym am ddwy flynedd o leiaf ar ôl i'r Bil gael Cydsyniad Brenhinol. Fel y mae wedi'i ddrafftio ar hyn o bryd bydd y diddymiad yn dod i rym ar ôl blwyddyn.



***David Melding**

31

Page 10, line 4, leave out schedule 1.

See amendment 22.

Tudalen 10, llinell 4, hepgorer atodlen 1.

Gweler gwelliant 22.

***David Melding**

32

Schedule 1, page 12, line 39, leave out paragraph 7.

See amendment 21.

Atodlen 1, tudalen 12, llinell 40, hepgorer paragraff 7.

Gweler gwelliant 21.

***David Melding**

5A

As an amendment to amendment 5, line 3, after 'every', insert 'other'.

See amendment 24.

Fel gwelliant i welliant 5, llinell 3, ar ôl 'cymwys', mewnosoder 'arall'.

Gweler gwelliant 24.

