

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 20 Tachwedd 2018  
Tabled on 20 November 2018

### Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) Renting Homes (Fees etc.) (Wales) Bill

**Rebecca Evans** 1

Section 4, page 2, line 33, leave out 'letting agency' and insert 'lettings'.

Adran 4, tudalen 2, llinell 36, hepgorer 'asiantaeth gosod eiddo' a mewnosoder 'gosod'.

**Rebecca Evans** 2

Section 4, page 3, after line 5, insert –

'(e) payments in respect of council tax.'

Adran 4, tudalen 3, ar ôl llinell 5, mewnosoder –

'(e) taliadau mewn cysylltiad â'r dreth gyngor.'

**Rebecca Evans** 3

Section 4, page 3, after line 5, insert –

'(e) payments in respect of utilities.'

Adran 4, tudalen 3, ar ôl llinell 5, mewnosoder –

'(e) taliadau mewn cysylltiad â chyfleustodau.'

**Rebecca Evans** 4

Section 4, page 3, after line 5, insert –

'(e) payments in respect of a television licence.'

Adran 4, tudalen 3, ar ôl llinell 5, mewnosoder –

'(e) taliadau mewn cysylltiad â thrwydded deledu.'



**Rebecca Evans**

5

Section 4, page 3, after line 5, insert –

‘(e) payments in respect of communication services.’.

Adran 4, tudalen 3, ar ôl llinell 5, mewnosoder –

‘(e) taliadau mewn cysylltiad â gwasanaethau cyfathrebu.’.

**Rebecca Evans**

6

Page 3, line 22, leave out section 8 and insert –

**[ ] Meaning of “letting agent”, “lettings work” and “property management work”**

For the purposes of this Part and Parts 3 to 5 –

“letting agent” (“*asiant gosod eiddo*”) means a person who carries out lettings work or property management work (whether or not the person carries out other work);

“lettings work” (“*gwaith gosod*”) and “property management work” (“*gwaith rheoli eiddo*”) have the same meaning as in Part 1 of the Housing (Wales) Act 2014 (see sections 10 and 12 of that Part).’.

Tudalen 3, llinell 24, hepgorer adran 8 a mewnosoder –

**[ ] Ystyr “asiant gosod eiddo”, “gwaith gosod” a “gwaith rheoli eiddo”**

At ddibenion y Rhan hon a Rhannau 3 i 5 –

ystyr “asiant gosod eiddo” (“*letting agent*”) yw person sy’n ymgymryd â gwaith gosod neu waith rheoli eiddo (pa un a yw’r person hwnnw’n ymgymryd â gwaith arall ai peidio);

mae i “gwaith gosod” (“*lettings work*”) a “gwaith rheoli eiddo” (“*property management work*”) yr un ystyron ag yn Rhan 1 o Ddeddf Tai (Cymru) 2014 (gweler adrannau 10 a 12 o’r Rhan honno).’.

**Rebecca Evans**

7

Section 13, page 6, line 8, leave out ‘£500’ and insert ‘£1000’.

Adran 13, tudalen 6, llinell 8, hepgorer ‘£500’ a mewnosoder ‘£1000’.

**Rebecca Evans**

8

Page 6, after line 35, insert a new section –

*‘Restrictions on termination by landlord of standard occupation contracts*

**[ ] Amendment of Renting Homes (Wales) Act 2016: restrictions on terminating contracts**

(1) The Renting Homes (Wales) Act 2016 is amended as follows.



- (2) After section 177 (restriction on landlord under a periodic contract giving notice for possession: breach of security or deposit requirements), insert –

**“177A Restrictions on section 173: breaches of requirements of Renting Homes (Fees etc.) Act 2019**

- (1) The landlord may not give a notice under section 173 at a time when –
- (a) the landlord has required a prohibited payment (within the meaning given by the Renting Homes (Fees etc.) (Wales) Act 2019) to be made, as a condition of the grant, renewal or continuance of the contract,
  - (b) as a result of the requirement, a prohibited payment has been made to the landlord or to any other person, and
  - (c) the prohibited payment has not been repaid.
- (2) The landlord may not give a notice under section 173 at a time when –
- (a) a holding deposit (within the meaning given by the Renting Homes (Fees etc.) (Wales) Act 2019) paid in relation to the contract has not been repaid, and
  - (b) the circumstances are such that the failure to repay the deposit amounts to a breach of the requirements of Schedule 2 to that Act.
- (3) In determining for the purposes of this section whether a prohibited payment or a holding deposit has been repaid, the payment or deposit is to be treated as having been repaid to the extent (if any) that it has been applied towards either or both of the following –
- (a) a payment of rent under the contract;
  - (b) a payment required as security in respect of the contract.
- (4) This section is a fundamental provision which is incorporated as a term of all periodic standard contracts.”
- (3) In section 126 (notice procedure for variation, under section 125, of occupation contract by landlord), in subsection (2), for “or section 177 (breach of security or deposit requirements)” substitute “, section 177 (breach of security or deposit requirements) or section 177A (breach of requirements of Renting Homes (Fees etc.) (Wales) Act 2019)”.
- (4) In section 183 (relevance of events under fixed term standard contract, where, at expiry, contract continues as a periodic standard contract and landlord makes claim for possession), in subsection (2), for “177” substitute “177A”.
- (5) After section 198 (restrictions on use of landlord’s break clause: security and deposit requirements), insert –

**“198A Restrictions on use of landlord’s break clause: breaches of requirements of Renting Homes (Fees etc.) Act 2019**



- (1) The landlord may not give notice under a landlord's break clause at a time when—
  - (a) the landlord has required a prohibited payment (within the meaning given by the Renting Homes (Fees etc.) (Wales) Act 2019) to be made, as a condition of the grant, renewal or continuance of the contract,
  - (b) as a result of the requirement, a prohibited payment has been made to the landlord or to any other person, and
  - (c) the prohibited payment has not been repaid.
- (2) The landlord may not give notice under a landlord's break clause at a time when—
  - (a) a holding deposit (within the meaning given by the Renting Homes (Fees etc.) (Wales) Act 2019) paid in relation to the contract has not been repaid, and
  - (b) the circumstances are such that the failure to repay the deposit amounts to a breach of the requirements of Schedule 2 to that Act.
- (3) In determining for the purposes of this section whether a prohibited payment or a holding deposit has been repaid, the payment or deposit is to be treated as having been repaid to the extent (if any) that it has been applied towards either or both of the following—
  - (a) a payment of rent under the contract;
  - (b) a payment required as security in respect of the contract.
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts."
- (6) In section 204 (restrictions on court hearing a landlord's claims for possession)—
  - (a) in subsection (1)(a)(vii), after "177" insert ", 177A";
  - (b) in subsection (1)(a)(xiii), after "198" insert ", 198A".
- (7) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts)—
  - (a) in Part 2 (periodic standard contracts), in table 4, in the notes for the entry for sections 173 to 180 (termination by notice given by landlord)—
    - (i) for "and 176" substitute ", 176, 177 and 177A";
    - (ii) for "section 176" substitute "section 177";
  - (b) in Part 3 (fixed term standard contracts), in table 5, in the notes for the entry for sections 195 to 201 (termination by notice given by landlord under landlord's break clause), for "section 196 (breach of deposit rules)" substitute "section 198 (breach of security and deposit requirements)".

Tudalen 6, ar ôl llinell 35, mewnosoder adran newydd —



*'Cyfyngiadau ar derfynu gan landlord gontractau meddiannaeth safonol*

**[ ] Diwygio Deddf Rhentu Cartrefi (Cymru) 2016: cyfyngiadau ar derfynu contractau**

- (1) Mae Deddf Rhentu Cartrefi (Cymru) 2016 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 177 (cyfyngiad ar landlord o dan gontract cyfnodol yn rhoi hysbysiad adennill meddiant: torri gofynion sicrwydd neu flaendal), mewnosoder –

**"177A Cyfyngiadau ar adran 173: torri gofynion Deddf Rhentu Cartrefi (Ffioedd etc.) 2019**

- (1) Ni chaiff y landlord roi hysbysiad o dan adran 173 ar adeg –
  - (a) pan fo'r landlord wedi ei gwneud yn ofynnol bod taliad gwaharddedig (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) yn cael ei wneud, fel amod o roi, adnewyddu neu barhau â'r contract,
  - (b) pan fo taliad gwaharddedig wedi ei wneud i'r landlord neu i unrhyw berson arall o ganlyniad i'r gofyniad, ac
  - (c) pan na fo'r taliad gwaharddedig wedi ei ad-dalu.
- (2) Ni chaiff landlord roi hysbysiad o dan adran 173 ar adeg –
  - (a) pan na fo blaendal cadw (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) a dalwyd mewn perthynas â'r contract wedi ei ad-dalu, a
  - (b) pan fo'r amgylchiadau yn golygu bod y methiant i ad-dalu'r blaendal yn gyfystyr â thorri gofynion Atodlen 2 i'r Ddeddf honno.
- (3) Wrth benderfynu at ddibenion yr adran hon pa un a yw taliad gwaharddedig neu flaendal cadw wedi ei ad-dalu, mae'r taliad neu'r blaendal i'w drin fel pe bai wedi ei ad-dalu i'r graddau (os o gwbl) ei fod wedi ei roi tuag at y naill neu'r llall o'r canlynol, neu'r ddau ohonynt –
  - (a) taliad rhent o dan y contract;
  - (b) taliad sy'n ofynnol fel sicrwydd mewn cysylltiad â'r contract.
- (4) Mae'r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract cyfnodol safonol."
- (3) Yn adran 126 (y weithdrefn hysbysu ar gyfer amrywio, o dan adran 125, gontract meddiannaeth gan y landlord), yn is-adran (2), yn lle "neu adran 177 (torri gofynion sicrwydd neu flaendal)" rhodder ", adran 177 (torri gofynion sicrwydd neu flaendal) neu adran 177A (torri gofynion Deddf Rhentu Cartrefi (Ffioedd etc.) 2019)".
- (4) Yn adran 183 (perthnasedd digwyddiadau o dan gontract safonol cyfnod penodol, pan fo contract, pan ddaw i ben, yn parhau yn gontract safonol cyfnodol a'r landlord yn gwneud hawliad meddiant), yn is-adran (2), yn lle "177" rhodder "177A".
- (5) Ar ôl adran 198 (cyfyngiadau ar y defnydd o gymal terfynu'r landlord: gofynion sicrwydd a blaendal), mewnosoder –



**“198A Cyfyngiadau ar y defnydd o gymal terfynu’r landlord: torri gofynion Deddf Rhentu Cartrefi (Ffioedd etc.) 2019**

- (1) Ni chaiff y landlord roi hysbysiad o dan gymal terfynu’r landlord ar adeg—
    - (a) pan fo’r landlord wedi ei gwneud yn ofynnol bod taliad gwaharddedig (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) yn cael ei wneud, fel amod o roi, adnewyddu neu barhau â’r contract,
    - (b) pan fo taliad gwaharddedig wedi ei wneud i’r landlord neu i unrhyw berson arall o ganlyniad i’r gofyniad, ac
    - (c) pan na fo’r taliad gwaharddedig wedi ei ad-dalu.
  - (2) Ni chaiff y landlord roi hysbysiad o dan gymal terfynu’r landlord ar adeg—
    - (a) pan na fo blaendal cadw (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) a dalwyd mewn perthynas â’r contract wedi ei ad-dalu, a
    - (b) pan fo’r amgylchiadau yn golygu bod y methiant i ad-dalu’r blaendal yn gyfystyr â thorri gofynion Atodlen 2 i’r Ddeddf honno.
  - (3) Wrth benderfynu at ddibenion yr adran hon pa un a yw taliad gwaharddedig neu flaendal cadw wedi ei ad-dalu, mae’r taliad neu’r blaendal i’w drin fel pe bai wedi ei ad-dalu i’r graddau (os o gwbl) ei fod wedi ei roi tuag at y naill neu’r llall o’r canlynol, neu’r ddau ohonynt—
    - (a) taliad rhent o dan y contract;
    - (b) taliad sy’n ofynnol fel sicrwydd mewn cysylltiad â’r contract.
  - (4) Mae’r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract cyfnod sefydlog safonol.”
- (6) Yn adran 204 (cyfyngiadau ar lys yn gwrando hawliadau meddiant landlord)—
- (a) yn is-adran (1)(a)(vii), ar ôl “177” mewnosoder “, 177A”;
  - (b) yn is-adran (1)(a)(xiii), ar ôl “198” mewnosoder “, 198A”.
- (7) Yn Atodlen 1 (trosolwg o ddarpariaethau sylfaenol a ymgorfforir fel telerau contractau meddiannaeth)—
- (a) yn Rhan 2 (contractau safonol cyfnodol), yn nhabl 4, yn y nodiadau ar y cofnod ar gyfer adrannau 173 i 180 (terfynu drwy hysbysiad a roddir gan landlord)—
    - (i) yn lle “a 176” rhodder “, 176, 177 a 177A”;
    - (ii) yn lle “adran 176” rhodder “adran 177”;



- (b) yn Rhan 3 (contractau safonol cyfnod penodol), yn nhabl 5, yn y nodiadau ar y cofnod ar gyfer adrannau 195 i 201 (terfynu drwy hysbysiad a roddir gan landlord o dan gymal terfynu'r landlord), yn lle "adran 196 (torri'r rheolau blaendal)" rhodder "adran 198 (torri gofynion sicrwydd a blaendal)".

**Rebecca Evans**

9

Section 21, page 9, line 1, leave out 'or section 13' and insert ', section 13 or paragraphs 2 or 6 of Schedule 1'.

Adran 21, tudalen 9, llinell 1, hepgorer 'neu adran 13' a mewnosoder ', adran 13 neu baragraffau 2 neu 6 o Atodlen 1'.

**Rebecca Evans**

10

Schedule 1, page 13, after line 11, insert –

*'Payment in respect of council tax*

- [ ] (1) A payment that a contract-holder is required to make to a billing authority in respect of council tax is a permitted payment if the contract-holder is liable to make the payment by virtue of any of sections 6, 8 or 9 of the Local Government Finance Act 1992.
- (2) In this paragraph "billing authority" has the same meaning as in Part 1 of the Local Government Finance Act 1992 (see section 1(2) of that Act).'

Atodlen 1, tudalen 13, ar ôl llinell 11, mewnosoder –

*'Taliad mewn cysylltiad â'r dreth gyngor*

- [ ] (1) Mae taliad y mae'n ofynnol i ddeiliad contract ei wneud i awdurdod bilio mewn cysylltiad â'r dreth gyngor yn daliad a ganiateir os yw deiliad y contract yn atebol am wneud y taliad yn rhinwedd unrhyw un neu ragor o adrannau 6, 8 neu 9 o Ddeddf Cyllid Llywodraeth Leol 1992.
- (2) Yn y paragraff hwn mae i "awdurdod bilio" yr un ystyr ag a roddir i "billing authority" yn Rhan 1 o Ddeddf Cyllid Llywodraeth Leol 1992 (gweler adran 1(2) o'r Ddeddf honno).'

**Rebecca Evans**

11

Schedule 1, page 13, after line 11, insert –

*'Payment in respect of provision of utilities*

- [ ] (1) A payment for or in connection with the provision of a utility is a permitted payment if –
- (a) it is required under a standard occupation contract, and
- (b) it is made in respect of the dwelling subject to the contract.
- (2) In this Act "utility" means any of the following –



- (a) electricity, gas or other fuel;
- (b) water or sewerage.’

Atodlen 1, tudalen 13, ar ôl llinell 11, mewnosoder –

*‘Taliad mewn cysylltiad â darparu cyfleustodau*

- [ ] (1) Mae taliad ar gyfer darparu cyfleustod, neu mewn cysylltiad â hynny, yn daliad a ganiateir –
- (a) os yw’n ofynnol o dan gontract meddiannaeth safonol, a
  - (b) os caiff ei wneud mewn cysylltiad â’r annedd sy’n ddarostyngedig i’r contract.
- (2) Yn y Ddeddf hon ystyr “cyfleustod” yw unrhyw un neu ragor o’r canlynol –
- (a) trydan, nwy neu danwydd arall;
  - (b) dŵr neu garthffosiaeth.’

**Rebecca Evans**

**12**

Schedule 1, page 13, after line 11, insert –

*‘Payment in respect of television licence*

- [ ] (1) A payment that a contract-holder is required to make to the British Broadcasting Corporation in respect of a television licence is a permitted payment if the contract-holder is required by the contract to make the payment.
- (2) In this paragraph “television licence” means a licence for the purposes of section 363 of the Communications Act 2003.’

Atodlen 1, tudalen 13, ar ôl llinell 11, mewnosoder –

*‘Taliad mewn cysylltiad â thrwydded deledu*

- [ ] (1) Mae taliad y mae’n ofynnol i ddeiliad contract ei wneud i’r Gorfforaeth Ddarlledu Brydeinig mewn cysylltiad â thrwydded deledu yn daliad a ganiateir os yw’n ofynnol gan y contract i ddeiliad y contract wneud y taliad.
- (2) Yn y paragraff hwn ystyr “trwydded deledu” yw trwydded at ddibenion adran 363 o Ddeddf Cyfathrebiadau 2003.’

**Rebecca Evans**

**13**

Schedule 1, page 13, after line 11, insert –

*‘Payment in respect of communication service*

- [ ] (1) A payment for or in connection with a communication service is a permitted payment if –
- (a) it is required under a standard occupation contract, and





- (b) it is made in respect of the dwelling subject to the contract.
- (2) In this paragraph, a “communication service” means a service enabling any of the following to be used –
  - (a) a telephone other than a mobile telephone;
  - (b) the internet;
  - (c) cable television;
  - (d) satellite television.’.

Atodlen 1, tudalen 13, ar ôl llinell 11, mewnosoder –

*‘Taliad mewn cysylltiad â gwasanaeth cyfathrebu*

- [ ] (1) Mae taliad ar gyfer gwasanaeth cyfathrebu, neu mewn cysylltiad â hynny, yn daliad a ganiateir –
- (a) os yw’n ofynnol o dan gcontract meddiannaeth safonol, a
  - (b) os caiff ei wneud mewn cysylltiad â’r anedd sy’n ddarostyngedig i’r contract.
- (2) Yn y paragraff hwn, ystyr “gwasanaeth cyfathrebu” yw gwasanaeth sy’n galluogi unrhyw un neu ragor o’r canlynol i gael ei ddefnyddio neu eu defnyddio –
- (a) ffôn ac eithrio ffôn symudol;
  - (b) y rhyngrwyd;
  - (c) teledu cebl;
  - (d) teledu lloeren.’.

**Rebecca Evans**

**14**

Schedule 2, page 14, line 28, leave out paragraph 7.

Atodlen 2, tudalen 14, llinell 30, hepgorer paragraff 7.

