

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 30 Ebrill 2014
Tabled on 30 April 2014

Bil Tai (Cymru)
Housing (Wales) Bill

Peter Black **66A**

As an amendment to amendment 66, line 1, leave out '100' and insert '200'.
Fel gwelliant i welliant 66, llinell 2, hepgorer '100' a mewnosoder '200'.

Peter Black **69A**

As an amendment to amendment 69, after line 11, insert—

'(c) the dwelling is not a mobile home on a holiday site, as defined in sections 60 and 2 of the Mobile Homes (Wales) Act 2013 respectively.'

Fel gwelliant i welliant 69, ar ôl llinell 11, mewnosoder—

'(c) the dwelling is not a mobile home on a holiday site, as defined in sections 60 and 2 of the Mobile Homes (Wales) Act 2013 respectively.'

Peter Black **120**

Section 3, page 3, after line 24, insert—

'() For the avoidance of doubt—

(a) the failure of a landlord to be registered and licensed in accordance with this

section does not affect the contractual validity of any agreement between the landlord and a tenant of a property owned by the landlord, and

- (b) paragraph (a) applies equally when a registration or licence comes to an end, whether as a result of a failure to renew, or revocation, or otherwise.’.

Adran 3, tudalen 3, ar ôl llinell 25, mewnosoder –

‘() Er mwyn osgoi ansicrwydd –

- (a) nid yw methiant landlord i fod wedi’i gofrestru a’i drwyddedu yn unol â’r adran hon yn effeithio ar ddilysrwydd contractiol unrhyw gytundeb rhwng y landlord a thenant eiddo sy’n berchen i’r landlord, a
- (b) mae paragraff (a) yr un mor gymwys pan ddaw cofrestrriad neu drwydded i ben, boed hynny o ganlyniad i fethiant i adnewyddu, neu ddirymiad, neu fel arall.’.

Peter Black

121

Section 12, page 8, after line 27, insert –

- ‘(3) The Welsh Ministers must ensure the provision of a programme of Continuing Professional Development for landlords and agents, and must do so, as far as is reasonably practicable, in collaboration with landlords and agents and their representatives.’.

Adran 12, tudalen 8, ar ôl llinell 30, mewnosoder –

- ‘(3) Rhaid i Weinidogion Cymru sicrhau bod rhaglen o Ddatblygiad Proffesiynol Parhaus yn cael ei darparu ar gyfer landlordiaid ac asiantau, a rhaid gwneud hynny, cyn belled ag y bo’n ymarferol resymol, mewn cydweithrediad â landlordiaid ac asiantau a’u cynrychiolwyr.’.

Peter Black

122

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

- ‘() A licence must be granted subject to a condition that the licence holder undertakes such Continuing Professional Development as the local authority considers appropriate in relation to the matters referred to in section 12(1).’.

Adran 14, tudalen 9, ar ôl llinell 6, mewnosoder –

- ‘() Rhaid rhoi trwydded yn ddarosgryntedig i amod bod deiliad y drwydded yn ymgymryd â Datblygiad Proffesiynol Parhaus o’r fath y mae’r awdurdod lleol o’r farn sy’n briodol mewn cysylltiad â’r materion y cyfeirir atynt yn adran 12(1).’.

Peter Black

123

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

- ‘() A licence must be granted subject to a condition that where a Housing Health and Safety Rating System inspection has been carried out in relation to any rental property, the landlord must make available a copy of the report to the tenant and any new or prospective tenants of that property.’.

Adran 14, tudalen 9, ar ôl llinell 6, mewnosoder –

- () Rhaid rhoi trwydded yn ddarostyngedig i amod, pan fydd archwiliad System Raddio Iechyd a Diogelwch Tai wedi cael ei gynnal mewn cysylltiad ag unrhyw eiddo ar rent, bod yn rhaid i'r landlord sicrhau bod copi o'r adroddiad ar gael i'r tenant neu unrhyw denantiaid newydd neu ddarpar denantiaid o'r eiddo hwnnw.'

WITHDRAWN/TYNNWYD YN ÔL

*Peter Black

124

To insert a new section –

[] Fixed penalty notices - breach of licence conditions

- (1) This section applies if a local housing authority is satisfied that it may revoke a licence under section 18(1).
- (2) The local housing authority may by notice offer the licensed person the opportunity of discharging any liability to revocation of the licence by payment of a fixed penalty to the authority.
- (3) The provisions of section [section to be inserted by amendment 7] apply to a fixed penalty notice issued under subsection (2) as if the breach of a condition of a licence constituted an offence to which the section applied.'

I fewnosod adran newydd –

[] Hysbysiadau cosb benodedig - torri amodau trwydded

- (1) Mae'r adran hon yn gymwys os yw awdurdod tai lleol yn fodlon y caiff ddirymu trwydded o dan adran 18(1).
- (2) Caiff yr awdurdod tai lleol drwy hysbysiad gynnig cyfle i'r person trwyddedig fodloni unrhyw atebolrwydd o ran dirymu'r drwydded drwy dalu cosb benodedig i'r awdurdod.
- (3) Mae darpariaethau adran [*adran i'w mewnosod gan welliant 7*] yn gymwys i hysbysiad cosb benodedig a gyhoeddir o dan is-adran (2) fel pe bai torri amod trwydded yn gyfystyr â throedd yr oedd yr adran yn gymwys iddi.'

Peter Black

125

To insert a new section –

[] Repayment orders

- (1) For the purposes of this section rental property is a "relevant property" if it is a rental property in respect of which no landlord is registered and licensed pursuant to section 3.
- (2) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of –
 - (a) any provision requiring the payment of a rent or the making of any other periodical payment in connection with any agreement relating to a relevant property, or

- (b) any other provision of such an agreement.
- (3) But amounts paid in respect of certain payments made under and in connection with such an agreement may be recovered in accordance with subsection (4).
- (4) If—
 - (a) an application in respect of relevant property is made to a residential property tribunal by the tenant of that property, and
 - (b) the tribunal is satisfied as to the matters mentioned in subsection (6);the tribunal may make an order (a “repayment order”).
- (5) A repayment order is an order requiring the owner or manager of the relevant property to pay to the tenant of that property such sums as are specified in the order in respect of any payment made by the tenant of the relevant property to the owner or manager of that property in respect of that property.
- (6) The tribunal must be satisfied as to the following matters—
 - (a) that the owner of the relevant property has been convicted of an offence under section 3 in relation to that property,
 - (b) that the tenant of the relevant property made the payment to the owner or manager of that property during any period during which it appears to the tribunal that such an offence was being committed in relation to that property, and
 - (c) that the application is made within the period of 12 months beginning with the date of the conviction.
- (7) A repayment order may not require the payment of any amount which the tribunal is satisfied that, by reason of any exceptional circumstances, it would be unreasonable for the owner or manager of the relevant property to be required to pay.
- (8) The amount required to be paid by virtue of a repayment order under subsection (5) is (subject to subsections (9) to (11)) to be such amount as the tribunal considers reasonable in the circumstances.
- (9) The matters which the tribunal must take into account when determining the amount to be paid include (but are not limited to)—
 - (a) the total amount of relevant payments paid in connection with the tenancy of the relevant property during any period during which it appears to the tribunal that an offence was being committed by the owner of that property under section 3,
 - (b) the extent to which that total amount was actually received by the owner or manager of that property,
 - (c) whether the owner of that property has at any time been convicted of an offence under section 5 in relation to the property,
 - (d) the conduct and financial circumstances of the owner or manager of that property, and
 - (e) the conduct of the tenant of the relevant property;and in this subsection “relevant payments” means those payments referred to in subsection (5).

- (10) A repayment order may not require the payment of any amount which is in respect of any time falling outside the period of 12 months ending with the date of the tenant's application, and the period to be taken into account under subsection (9)(a) is restricted accordingly.
- (11) Any amount payable to the tenant of a relevant property by virtue of a repayment order is recoverable as a debt due to that tenant from the owner or manager of that property.'

I fewnosod adran newydd –

[1] Gorchmynion ad-dalu

- (1) At ddibenion yr adran hon mae eiddo ar rent yn "eiddo perthnasol" os yw'n eiddo ar rent lle nad oes landlord wedi'i gofrestru a'i drwyddedu ar ei gyfer yn unol ag adran 3.
- (2) Nid yw'r un rheol gyfreithiol sy'n ymwneud â dilysrwydd neu orfodadwyedd contractau o dan amgylchiadau sy'n cynnwys anghyfreithlondeb i effeithio ar ddilysrwydd neu orfodadwyedd y canlynol –
 - (a) unrhyw ddarpariaeth sy'n ei gwneud yn ofynnol i daliad rhent neu unrhyw daliad cyfnodol arall gael eu talu mewn cysylltiad ag unrhyw gytundeb sy'n ymwneud ag eiddo perthnasol, neu
 - (b) unrhyw ddarpariaeth arall mewn cytundeb o'r fath.
- (3) Ond caniateir i symiau a delir o ran taliadau penodol o dan gytundeb o'r fath ac mewn cysylltiad ag ef gael eu hadennill yn unol ag is-adran (4).
- (4) Os bydd –
 - (a) cais ynglŷn ag eiddo perthnasol yn cael ei wneud i dribiwnlys eiddo preswyl gan denant yr eiddo hwnnw, a
 - (b) bod y tribiwnlys wedi ei fodloni o ran y materion a grybwyllir yn is-adran (6), caiff y tribiwnlys wneud gorchymyn ("gorchymyn ad-dalu").
- (5) Mae gorchymyn ad-dalu yn orchymyn sy'n ei gwneud yn ofynnol i berchennog neu reolwr yr eiddo perthnasol dalu i denant yr eiddo perthnasol unrhyw symiau a bennir yn y gorchymyn o ran unrhyw daliad a wnaed gan denant yr eiddo perthnasol i berchennog neu reolwr yr eiddo mewn cysylltiad â'r eiddo hwnnw.
- (6) Rhaid i'r tribiwnlys fod wedi ei fodloni ynglŷn â'r materion a ganlyn –
 - (a) bod perchennog yr eiddo perthnasol wedi ei gollfarnu am drosedd o dan adran 3 mewn cysylltiad â'r eiddo hwnnw,
 - (b) bod tenant yr eiddo perthnasol wedi gwneud y taliad i berchennog neu reolwr yr eiddo hwnnw yn ystod unrhyw gyfnod a ymddengys i'r tribiwnlys bod trosedd o'r fath yn cael ei chyflawni mewn cysylltiad â'r eiddo hwnnw, ac
 - (c) bod y cais wedi ei wneud o fewn y cyfnod o 12 mis yn dechrau ar ddyddiad y gollfarn.
- (7) Ni chaniateir i orchymyn ad-dalu ei gwneud yn ofynnol i unrhyw swm gael ei dalu y mae'r tribiwnlys wedi ei fodloni y byddai'n afresymol ei gwneud yn ofynnol i berchennog neu reolwr yr eiddo perthnasol ei dalu oherwydd unrhyw amgylchiadau eithriadol.

- (8) Y swm y mae'n ofynnol ei dalu yn rhinwedd gorchymyn ad-dalu o dan is-adran (5) yw unrhyw swm sydd (yn ddarostyngedig i is-adrannau (9) i (11)) ym marn y tribiwnlys yn rhesymol o dan yr amgylchiadau.
- (9) Mae'r materion y mae'n rhaid i'r tribiwnlys eu cymryd i ystyriaeth wrth benderfynu ar y swm y mae'n ofynnol ei dalu yn cynnwys y canlynol (ond heb fod yn gyfyngedig i'r canlynol) –
- (a) cyfanswm y taliadau perthnasol a dalwyd mewn cysylltiad â thenantiaeth yr eiddo perthnasol yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys fod trosedd yn cael ei chyflawni ynddo gan berchennog yr eiddo hwnnw o dan adran 3,
 - (b) i ba raddau y cafodd perchennog neu reolwr yr eiddo y cyfanswm hwnnw mewn gwirionedd,
 - (c) a yw perchennog yr eiddo ar unrhyw adeg wedi ei gollfarnu am drosedd o dan adran 5 mewn cysylltiad â'r eiddo,
 - (d) ymddygiad ac amgylchiadau ariannol perchennog neu reolwr yr eiddo hwnnw, ac
 - (e) ymddygiad tenant yr eiddo hwnnw;
- ac yn yr is-adran hon ystyr "taliadau perthnasol" yw'r taliadau hynny y cyfeirir atynt yn is-adran (5).
- (10) Ni chaiff gorchymyn ad-dalu ei gwneud yn ofynnol i unrhyw swm gael ei dalu sy'n ymwneud ag unrhyw amser y tu allan i'r cyfnod o 12 mis sy'n diweddu ar ddyddiad cais y tenant, ac mae'r cyfnod sydd i'w gymryd i ystyriaeth o dan is-adran (9)(a) i'w gyfyngu yn unol â hyn.
- (11) Mae unrhyw swm sy'n daladwy i denant yr eiddo perthnasol yn rhinwedd gorchymyn ad-dalu yn adenilladwy fel dyled sy'n ddyledus i'r tenant gan berchennog neu reolwr yr eiddo hwnnw'.

Peter Black

126

Page 13, line 3, leave out section 21.

Tudalen 13, llinell 3, hepgorer adran 21.

Peter Black

127

Page 13, line 9, leave out section 22.

Tudalen 13, llinell 9, hepgorer adran 22.

Peter Black

128

Page 13, line 27, leave out section 23.

Tudalen 13, llinell 29, hepgorer adran 23.

Peter Black **129**

Page 14, line 13, leave out section 24.
Tudalen 14, llinell 15, hepgorer adran 24.

Peter Black **130**

Page 14, line 25, leave out section 25.
Tudalen 14, llinell 27, hepgorer adran 25.

Peter Black **131**

Section 28, page 15, after line 35, insert –

‘() When preparing a code of practice to be issued or amended under this section, the Welsh Ministers must have regard to the standards set by them under section 94(1)(a).’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder –

‘() Wrth baratoi cod ymarfer i’w ddyroddi neu ei ddiwygio o dan yr adran hon, rhaid i Weinidogion Cymru roi ystyriaeth i’r safonau a osodwyd ganddynt o dan adran 94(1)(a).’.

WITHDRAWN/TYNNWYD YN ÔL

Peter Black **132**

Section 28, page 15, after line 35, insert –

‘() Standards under subsection (1) must (among other things) include –

- (a) the frequency of checks to be carried out in relation to gas, electricity and fire safety;
- (b) the installation and maintenance of carbon monoxide detectors.’.

Adran 28, tudalen 15, ar ôl llinell 37, mewnosoder –

‘() Rhaid i safonau o dan is-adran (1) gynnwys (ymysg pethau eraill) –

- (a) amllder gwiriadau diogelwch nwy, trydan a tân;
- (b) gosod a chynnal a chadw synwryddion carbon monocsid.’.

Peter Black **133**

Section 28, page 16, line 19, leave out subsection (9) and insert –

‘() A code approved by the National Assembly for Wales may not be withdrawn unless a proposal to that effect is approved by resolution of the National Assembly.’.

Adran 28, tudalen 16, llinell 22, hepgorer is-adran (9) a mewnosoder –

‘() Ni chaniateir i god a gymeradwywyd drwy benderfyniad Cynulliad Cenedlaethol Cymru gael ei dynnu yn ôl oni chymeradwyir cynnig i’r perwyl hwnnw drwy benderfyniad Cynulliad Cenedlaethol Cymru.’.

Peter Black 134

Section 41, page 22, after line 35, insert—

‘(5) A person due to be released from custody is threatened with homelessness if it is likely that the person will become homeless as a result of that release within 90 days.’

Adran 41, tudalen 22, ar ôl llinell 36, mewnosoder—

‘(5) Mae person sydd ar fin cael ei ryddhau o’r ddalfa o dan fygythiad o ddigartrefedd os yw’n debygol y bydd yn dod yn ddigartref o ganlyniad i gael ei ryddhau o fewn 90 o ddiwrnodau.’

Peter Black 135

Section 55, page 31, leave out lines 18 to 25 and insert—

‘() a former prisoner who has been homeless since leaving custody and who has a local connection with the area of the local housing authority.’

Adran 55, tudalen 31, hepgorer llinellau 19 hyd at 26 a mewnosoder—

‘() cyn-garcharor sydd wedi bod yn ddigartref ers gadael y ddalfa ac y mae ganddo gysylltiad lleol ag ardal yr awdurdod tai lleol.’

Peter Black 136

Section 55, page 32, after line 3, insert—

“prisoner” (“*carcharor*”) means any person for the time being detained in lawful custody as the result of a requirement imposed by a court that he or she be detained.’

Adran 55, tudalen 31, ar ôl llinell 27, mewnosoder—

‘ystyr “*carcharor*” (“*prisoner*”) yw person a gedwir yn gyfreithlon yn y ddalfa am y tro o ganlyniad i ofyniad a osodwyd gan lys i’w gadw’n gaeth.’

Peter Black 137

Section 58, page 34, line 7, leave out ‘an offer’ and insert ‘more than two offers’.

Adran 58, tudalen 34, llinell 7, hepgorer ‘cynnig’ a mewnosoder ‘mwy na dau gynnig’.

Peter Black 138

Section 59, page 34, line 37, leave out ‘6’ and insert ‘12’.

Adran 59, tudalen 34, llinell 37, hepgorer ‘6’ a mewnosoder ‘12’.

Peter Black 139

Section 84, page 50, line 12, leave out ‘such’ and insert—

‘—

- (a) Gypsies and Travellers residing in or resorting to its area, and
- (b) such other '.

Adran 84, tudalen 50, llinell 12, hepgorer 'â'r cyfryw' a mewnosoder –
'â–

- (a) Sipsiwn a Theithwyr sy'n preswyllo yn ei ardal neu sy'n cyrchu yno, a
- (b) y cyfryw'.

Peter Black **140**

Section 94, page 54, line 5, after 'may', insert 'by regulations'.

Adran 94, tudalen 54, llinell 5, ar ôl 'Cymru', mewnosoder 'drwy reoliadau'.

Peter Black **141**

Section 94, page 54, line 10, leave out 'Standards set' and insert 'Regulations made'.

Adran 94, tudalen 54, llinell 10, hepgorer 'safonau a osodir' a mewnosoder 'rheoliadau a wneir'.

Peter Black **142**

Section 94, page 54, line 16, leave out subsections (4) to (5).

Adran 94, tudalen 54, llinell 16, hepgorer is-adrannau (4) hyd at (5).

Peter Black **143**

Section 122, page 65, after line 22, insert –

'12B Duty for Ministers to produce a National Empty Homes Strategy

- (1) The Welsh Ministers must, within two years of the day on which this Act receives Royal Assent, produce a National Empty Homes Strategy for Wales ("the Strategy"), which they must lay before the National Assembly for Wales.
- (2) No later than the end of the period of 5 years beginning immediately after the laying of the Strategy, and before the end of each successive five year period thereafter, the Welsh Ministers must carry out a review of the operation of the Strategy and prepare a revised Strategy, which they must lay before the National Assembly.'

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder –

'12B Duty for Ministers to produce a National Empty Homes Strategy

- (1) The Welsh Ministers must, within two years of the day on which this Act receives Royal Assent, produce a National Empty Homes Strategy for Wales ("the Strategy"), which they must lay before the National Assembly for Wales.
- (2) No later than the end of the period of 5 years beginning immediately

after the laying of the Strategy, and before the end of each successive five year period thereafter, the Welsh Ministers must carry out a review of the operation of the Strategy and prepare a revised Strategy, which they must lay before the National Assembly.’.

Peter Black

144

Section 122, page 65, after line 22, insert—

‘() The Welsh Ministers must, in relation to each financial year, lay a report before the National Assembly for Wales on the implementation of this section and the amounts raised by each billing authority as a result of determinations made under this section.’.

Adran 122, tudalen 65, ar ôl llinell 22, mewnosoder—

‘() Rhaid i Weinidogion Cymru, mewn perthynas â phob blwyddyn ariannol, osod adroddiad gerbron Cynulliad Cenedlaethol Cymru ar weithredu’r adran hon a’r symiau a godir gan bob awdurdod bilio o ganlyniad i benderfyniadau a wnaed o dan yr adran hon.’.

Peter Black

145

To insert a new section—

[] Affordable Homes Target

- (1) The Welsh Ministers must, within 6 months of the day of an Assembly ordinary general election, set and publish targets for the number of affordable homes to be built in Wales during the following 5 years.
- (2) The Welsh Ministers must keep those targets under review, and lay a report annually before the National Assembly on the progress made in achieving those targets.
- (3) For the purpose of this section ‘affordable home’ includes housing provided through the following schemes and initiatives—
 - (a) General Needs including Homebuy;
 - (b) Vulnerable Households and Extra Care;
 - (c) Mortgage Rescue;
 - (d) Strategic Capital Investment Fund (SCIF);
 - (e) Section 106 New Build Units (committed and windfall);
 - (f) Affordable Housing Exception Site Policy (including Community Land Trusts [CLTs]);
 - (g) Empty Homes initiatives;
 - (h) Leasing Schemes (leases of more than one year).
- (4) The Welsh Ministers may by regulations amend the list of schemes and initiatives set out in subsection (3).’.

I fewnosod adran newydd –

[] Targed Tai Fforddiadwy

- (1) Rhaid i Weinidogion Cymru, o fewn 6 mis i ddyddiad etholiad cyffredinol cyffredin y Cynulliad, bennu a chyhoeddi targedau ar gyfer nifer y tai fforddiadwy i'w hadeiladu yng Nghymru yn ystod y 5 mlynedd ddilynol.
- (2) Rhaid i Weinidogion Cymru adolygu'r targedau hynny, a gosod adroddiad gerbron y Cynulliad Cenedlaethol yn flynyddol ar y cynnydd a wnaed o ran cyflawni'r targedau hynny.
- (3) At ddibenion yr adran hon, mae 'tŷ fforddiadwy' yn cynnwys tai a ddarperir drwy'r cynlluniau a'r mentrau canlynol –
 - (a) Anghenion cyffredinol gan gynnwys Cymorth Prynu;
 - (b) Aelwydydd sy'n agored i niwed ac ExtraCare;
 - (c) Cynlluniau achub morgeisi;
 - (d) Y Gronfa Buddsoddi Cyfalaf Strategol;
 - (e) Unedau sy'n cael eu hadeiladu o'r newydd o dan Adran 106 (safleoedd yr ymrwymwyd iddynt a hap-safleoedd);
 - (f) Polisi Safleoedd Eithrio Tai Fforddiadwy (gan gynnwys Ymddiriedolaethau Tir Cymunedol);
 - (g) Mentrau cartrefi gwag;
 - (h) Cynlluniau lesio (lesoedd o fwy na blwyddyn).
- (4) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r rhestr o gynlluniau a mentrau a nodir yn is-adran (3).

Peter Black

146

To insert a new section –

'PART 8

LEASEHOLD REFORM - NOTICES

[] Amendment of the Leasehold Reform, Housing and Urban Development Act 1993

In section 99(5) of the Leasehold Reform, Housing and Urban Development Act 1993 (requirement for notices under Act to be signed by tenants or tenant personally) for paragraphs (a) and (b) substitute "be signed by or on behalf of each of the tenants, or (as the case may be) by or on behalf of the tenant, by whom it is given."

I fewnosod adran newydd –

‘RHAN 8

DIWYGIO CYFRAITH LESDDALIAD - HYSBYSIADAU

[] Diwygio Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993

Yn adran 99(5) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (gofyniad i hysbysiadau o dan y Ddeddf gael eu llofnodi gan denantiaid neu denant yn bersonol), yn lle paragraffau (a) a (b), rhodder “be signed by or on behalf of each of the tenants, or (as the case may be) by or on behalf of the tenant, by whom it is given.”.

Peter Black

147

Section 124, page 66, after line 14, insert –

‘() in Part 4, regulations made under section 94;’.

Adran 124, tudalen 66, ar ôl llinell 16, mewnosoder –

‘() yn Rhan 4, rheoliadau a wneir o dan adran 94;’.