



## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 16 Gorffennaf 2015  
Tabled on 16 July 2015

Bil Rhentu Cartrefi (Cymru)  
Renting Homes (Wales) Bill

**Jocelyn Davies** **44**

Section 20, page 9, line 28, after ‘incorporated’, insert ‘, in the reasonable opinion of the contract-holder,’.

Adran 20, tudalen 9, llinell 30, ar ôl ‘hymgorffori’, mewnosoder ‘, ym marn resymol deiliad y contract,’.

**Jocelyn Davies** **45**

Section 20, page 9, line 34, after ‘modifications’, insert ‘, in the reasonable opinion of the contract-holder,’.

Adran 20, tudalen 9, llinell 35, ar ôl ‘hynny’, mewnosoder ‘, ym marn resymol deiliad y contract,’.

**Jocelyn Davies** **46**

Section 23, page 11, line 19, after ‘131’, insert ‘and [section to be inserted by amendment 58]’.

Adran 23, tudalen 11, llinell 19, ar ôl ‘131’, mewnosoder ‘ac [adran i’w mewnosod gan welliant 58]’.

**Jocelyn Davies** **47**

Section 29, page 13, line 10, leave out ‘may’ and insert ‘must’.

Adran 29, tudalen 13, llinell 11, hepgorer ‘Caiff Gweinidogion’ a mewnosoder ‘Rhaid i Weinidogion’.

**Jocelyn Davies**

48

Section 34, page 15, line 11, leave out –

‘contract-holder may apply to the court for a declaration as to the terms of the contract.

- (2) On an application under subsection (1) each fundamental and supplementary provision applicable to the contract is to be treated as incorporated as a term of the contract without modification, unless the contract-holder claims that it was not incorporated or was incorporated with modifications.
- (3) If the contract-holder makes a claim of a kind mentioned in subsection (2), the court must determine that claim.
- (4) Subsection (3) does not apply if the landlord’s failure to comply with section 31 is attributable to an act or omission of the contract-holder.
- (5) The court may –
  - (a) attach a statement of the occupation contract to its declaration, or
  - (b) order the landlord to give the contract-holder a written statement of the contract.

and insert –

‘contract is to be treated as being in the form of the appropriate model contract issued by the Welsh Ministers under section 29.

- ( ) In this section “appropriate” means the model contract for the kind or description of contract which most closely corresponds to the nature of the contract. ’.

Adran 34, tudalen 15, llinell 11, hepgorer –

‘caiff deiliad y contract wneud cais i’r llys am ddatganiad llys ynghylch telerau’r contract.

- (2) Pan wneir cais o dan is-adran (1) mae pob darpariaeth sylfaenol ac atodol sy’n gymwys i’r contract i’w thrin fel pe bai wedi ei hymgorffori fel un o delerau’r contract heb ei haddasu, oni bai bod deiliad y contract yn honni nad oedd wedi ei hymgorffori neu’n honni ei bod wedi ei hymgorffori ynghyd ag addasi-adau iddi.
- (3) Os yw deiliad y contract yn gwneud honiad o fath a grybwyllir yn is-adran (2), rhaid i’r llys ddyfarnu ar yr honiad hwnnw.
- (4) Nid yw is-adran (3) yn gymwys os gellir priodoli methiant y landlord i gydymf-furio ag adran 31 i weithred neu anwaith ar ran deiliad y contract.
- (5) Caiff y llys –
  - (a) cysylltu datganiad o’r contract meddiannaeth i’w ddatganiad, neu
  - (b) gorchymyn i’r landlord roi datganiad ysgrifenedig o’r contract i ddeiliad y contract.

a mewnosoder –

‘mae’r contract i’w drin fel petai ar ffurf y contract enghreifftiol priodol a ddyroddir gan Weinidogion Cymru o dan adran 29.

- ( ) Yn yr adran hon, ystyr “priodol” yw’r contract enghreifftiol ar gyfer y math neu ddisgrifiad o gontract sydd yn cyfateb agosaf i natur y contract. ’.

**Jocelyn Davies**

49

Section 145, page 63, line 14, leave out subsection (6) and insert –

- ‘( ) The power in subsection (1) may only be exercised by an employee of the landlord who is of appropriate seniority.
- ( ) In this section –
  - (a) “appropriate seniority” means an employee who, apart from the most senior employee of the landlord, would be the most senior employee, and
  - (b) where more than one person falls within paragraph (a) above, any of them may be regarded as having “appropriate seniority”.

Adran 145, tudalen 63, llinell 14, hepgorer is-adran (6) a mewnosoder –

- ‘( ) Dim ond cyflogai’r landlord o safle uwch priodol a gaiff arfer y pŵer yn is-adran (1).
- ( ) Yn yr adran hon –
  - (a) ystyr “safle uwch priodol” yw cyflogai, heblaw cyflogai’r landlord o’r safle uchaf un, a fyddai o’r safle uchaf, a
  - (b) pan fo mwy nag un person yn dod o fewn ystyr paragraff (a) uchod, ceir ystyried unrhyw un ohonynt yn gyflogai o “safle uwch priodol”.’.

**Jocelyn Davies**

50

Page 63, after line 19, insert a new section –

**[ ] Review of temporary exclusions**

- (1) Where the landlord makes a decision to exercise its power under section 145(1) the contract-holder may request a review of it.
- (2) The review must be requested within 12 hours of the decision and must be concluded by the landlord within 12 hours of the request.
- (3) The review must be carried out by the most senior employee of the landlord. ’.

Tudalen 63, ar ôl llinell 19, mewnosoder adran newydd –

**[ ] Adolygu gwaharddiadau dros dro**

- (1) Pan fo’r landlord yn gwneud penderfyniad i arfer ei bŵer o dan adran 145(1) caiff deiliad y contract ofyn am adolygiad ohono.
- (2) Rhaid gofyn am yr adolygiad cyn pen 12 awr ar ôl y penderfyniad a rhaid iddo gael ei gwblhau gan y landlord cyn pen 12 awr ar ôl y cais.
- (3) Rhaid i’r adolygiad gael ei wneud gan gyflogai’r landlord o’r safle uchaf un.’.

**Jocelyn Davies**

51

Page 63, after line 19, insert a new section –

**[ ] Duty to inform Social Services**

- (1) A landlord which exercises its power under section 145(1) must, within one hour of doing

so, advise the Social Services department of the relevant local authority about the temporary exclusion.

- (2) The landlord must provide such information and assistance as is required by the Social Services department in order to assist the contract holder.
- (3) In this section –  
“relevant local authority” means the local authority in whose area the temporary exclusion took place.’.

Tudalen 63, ar ôl llinell 19, mewnosoder adran newydd –

**[ ] Dyletswydd i hysbysu’r Gwasanaethau Cymdeithasol**

- (1) Rhaid i landlord sy’n arfer ei bŵer o dan adran 145(1), cyn pen awr wedi iddo wneud hynny, hysbysu adran Gwasanaethau Cymdeithasol yr awdurdod lleol perthnasol am y gwaharddiad dros dro.
- (2) Rhaid i’r landlord roi’r fath wybodaeth a chymorth ag sy’n ofynnol gan yr adran Gwasanaethau Cymdeithasol er mwyn cynorthwyo deiliad y contract.
- (3) Yn yr adran hon –  
ystyr “awdurdod lleol perthnasol” yw’r awdurdod lleol ar gyfer yr ardal lle digwyddodd y gwaharddiad dros dro.’.

**Jocelyn Davies**

52

Page 63, after line 19, insert a new section –

**[ ] Records of temporary exclusion**

- (1) Where a landlord exercises its power under section 145(1), it must, within 28 days of doing so, provide relevant information to the Welsh Ministers.
- (2) In this section, “relevant information” means –
  - (a) the name of the landlord;
  - (b) the date on which the temporary exclusion occurred;
  - (c) the address of the premises from which the contract holder was temporarily excluded;
  - (d) the name and job description of the person who made the decision to temporarily exclude the contract holder;
  - (e) the reason for the temporary exclusion;
  - (f) the outcome of any review;
  - (g) the name and job description of the person who carried out the review (if any)’.

Tudalen 63, ar ôl llinell 19, mewnosoder adran newydd –

**[ ] Cofnodi gwaharddiad dros dro**

- (1) Pan fo landlord yn arfer ei bŵer o dan adran 145(1), rhaid iddo, cyn pen 28 diwrnod ar ôl gwneud hynny, ddarparu gwybodaeth berthnasol i Weinidogion Cymru.

- (2) Yn yr adran hon ystyr, “gwybodaeth berthnasol” yw –
- (a) enw’r landlord;
  - (b) y dyddiad y digwyddodd y gwaharddiad dros dro;
  - (c) cyfeiriad y fangre y cafodd deiliad y contract ei wahardd dros dro ohoni;
  - (d) enw a disgrifiad swydd y person a wnaeth y penderfyniad i wahardd dros dro ddeiliad y contract;
  - (e) y rheswm am y gwaharddiad dros dro;
  - (f) canlyniad unrhyw adolygiad;
  - (g) enw a disgrifiad swydd y person a gynhaliodd yr adolygiad (os bu un).’.

**Jocelyn Davies**

**53**

Page 63, after line 19, insert a new section –

**[ ] Reporting requirements as to temporary exclusion**

- (1) The Welsh Ministers must lay before the National Assembly for Wales a report on the number of temporary exclusions reported to them under section [*section to be inserted by amendment 52*].
- (2) The report must be laid annually.’.

Tudalen 63, ar ôl llinell 19, mewnosoder adran newydd –

**[ ] Gofynion adrodd o ran gwahardd dros dro**

- (1) Rhaid i Weinidogion Cymru osod adroddiad gerbron Cynulliad Cenedlaethol Cymru ar nifer y gwaharddiadau dros dro a adroddir iddynt o dan adran [*adran i’w mewnosod gan welliant 52*].
- (2) Rhaid gosod yr adroddiad bob blwyddyn.’.

**Jocelyn Davies**

**54**

Section 213, page 90, line 10, leave out –

‘under section 91 or 92, and

- (b) the court is satisfied that the landlord has made the possession claim to avoid complying with those obligations.

and insert –

‘,

- ( ) not more than six months before the landlord issued proceedings, the contract holder complained to either the relevant local authority or to the landlord about the landlord’s failure to comply with the landlord’s obligations, and
  - ( ) the court is satisfied that the landlord has made the possession claim to avoid complying with the landlord’s obligations.
- (4) In this section –

“relevant local authority” means the local authority in whose area the premises about which the complaint was made are situated;

“the landlord’s obligations” means the obligations set out in section 91 or 92.’.

Adran 213, tudalen 90, llinell 10, hepgorer –

‘o dan adran 91 neu 92, a

- (b) os yw’r llys yn fodlon bod y landlord wedi gwneud yr hawliad meddiant er mwyn osgoi cydymffurfio â’r rhwymedigaethau hynny.

a mewnosoder –

‘,

- ( ) os gwnaeth deiliad y contract, heb fod yn hwy na chwe mis cyn i’r landlord gychwyn achos, gwyn i naill ai’r awdurdod lleol perthnasol neu i’r landlord ynghylch methiant y landlord i gydymffurfio â rhwymedigaethau’r landlord, a

- ( ) os yw’r llys yn fodlon bod y landlord wedi gwneud yr hawliad meddiant er mwyn osgoi cydymffurfio â rhwymedigaethau’r landlord.

- (4) Yn yr adran hon –

ystyr “awdurdod lleol perthnasol” yw’r awdurdod lleol ar gyfer yr ardal y mae’r fangre y gwnaed y gwyn yn ei chylch wedi ei lleoli;

ystyr “rhwymedigaethau’r landlord” yw’r rhwymedigaethau a bennir yn adran 91 neu 92.’.

**Jocelyn Davies**

55

Page 90, after line 13, insert a new section –

**[ ] Amendment to the Housing (Wales) Act 2014**

- (1) Section 23 of the Housing (Wales) Act 2014 is amended as follows.

- (2) In subsection (1), for “changes” substitute “information”.

- (3) After subsection (1)(a) insert-

“(aa) any ruling of a court which determines that the licence holder has breached the terms of an occupation contract;

(ab) any ruling of a court that the licence holder has made a retaliatory claim within the meaning of section 213 of the Renting Homes (Wales) Act 2015;

(ac) any complaint which has been made to a local authority by a contract holder about the licence holder;”.

- (4) In subsection (1)(b), for “changes” substitute “information”.

- (5) In subsection (2), for “change” substitute “information”.’.

Tudalen 90, ar ôl llinell 13, mewnosoder adran newydd –

**[ ] Diwygio Deddf Tai (Cymru) 2014**

- (1) Diwygir Adran 23 o Ddeddf Tai (Cymru) 2014 fel a ganlyn.
- (2) Yn is-adran (1), yn lle “newidiadau” rhodder “wybodaeth”.
- (3) Ar ôl is-adran (1)(a) mewnosoder-
  - “(aa) unrhyw ddyfarniad llys sy’n pennu bod deiliad y drwydded wedi torri telerau contract meddiannaeth;
  - (ab) unrhyw ddyfarniad llys sy’n pennu bod deiliad y drwydded wedi gwneud hawliad dialgar o fewn ystyr adran 213 o Ddeddf Rhentu Cartrefi (Cymru) 2015;
  - (ac) unrhyw gŵyn a wnaed i awdurdod lleol gan ddeiliad contract ynghylch deiliad y drwydded;”.
- (4) Yn is-adran (1)(b), yn lle “newidiadau” rhodder “wybodaeth”.
- (5) Yn is-adran (2), yn lle “newid” rhodder “wybodaeth”.

**Jocelyn Davies**

56

Section 230, page 98, line 13, after ‘contract’, insert –  
, and

- (b) the landlord is a community landlord’.

Adran 230, tudalen 98, llinell 13, ar ôl ‘meddiannaeth’, mewnosoder –  
, a

- (b) bod y landlord yn landlord cymunedol’.

**\*Jocelyn Davies**

57

Section 230, page 98, after line 23, insert –

- ‘(6) Before entering into an occupation contract with a person aged 16 or 17, a community landlord must offer –
  - (a) appropriate advice to the proposed contract-holder about the implications of becoming a contract-holder, and
  - (b) the alternative of an occupation contract held in trust by the landlord.
- (7) Where a person aged 16 or 17 enters into an occupation contract, the landlord must offer appropriate support to the contract-holder until whichever of the circumstances in paragraphs (a) and (b) occurs first –
  - (a) the contract-holder reaches the age of 18, or
  - (b) the occupation contract comes to an end.
- (8) For the purposes of subsection (7), “appropriate support” includes the provision of advice, training, guidance and counselling to assist the contract-holder to live independently.
- (9) Nothing in this section modifies, amends or repeals any of the functions of any person or body set out in the Children Act 2004.’.

Adran 230, tudalen 98, ar ôl llinell 23, mewnosoder –

- (6) Cyn gwneud contract meddiannaeth gyda pherson 16 neu 17 oed, rhaid i landlord cymunedol gynnig –
- (a) cyngor priodol i'r deiliad contract arfaethedig ynghylch y goblygiadau o ddod yn contract deiliad, a
  - (b) dewis amgen i gontract meddiannaeth a gaiff ei ddal mewn ymddiriedolaeth gan y landlord.
- (7) Pan fo person 16 neu 17 oed yn gwneud contract meddiannaeth, rhaid i'r landlord gynnig cymorth priodol i'r deiliad contract hyd nes pa un bynnag o'r amgylchiadau ym mharagraffau (a) a (b) a ddigwydd gyntaf –
- (a) mae deiliad y contract yn cyrraedd 18 oed, neu
  - (b) mae'r contract meddiannaeth yn dod i ben.
- (8) At ddibenion is-adran (7), mae “cymorth priodol” yn cynnwys darparu cyngor, hyfforddiant, arweiniad a chwnsela i gynorthwyo'r deiliad contract i fyw yn annibynnol.
- (9) Nid oes dim yn yr adran hon sy'n addasu, yn diwygio neu'n dirymu unrhyw un o swyddogaethau unrhyw berson neu gorff a bennir yn Neddf Plant 2004.'.

**Jocelyn Davies**

58

Page 101, after line 13, insert a new section –

*'Rent increases*

**[ ] Rent increases**

The Welsh Ministers may prescribe supplementary provisions specifying how the rent payable under an occupation contract may be increased by the landlord.'

Tudalen 101, ar ôl llinell 14, mewnosoder adran newydd –

*'Cynyddu rhenti*

**[ ] Cynyddu rhenti**

Caiff Gweinidogion Cymru ragnodi darpariaethau atodol i bennu sut y caiff landlord gynyddu'r rhent sy'n daladwy o dan contract meddiannaeth.'

**Jocelyn Davies**

59

Schedule 2, page 126, line 3, leave out paragraphs 11 to 12.

Atodlen 2, tudalen 126, llinell 4, hepgorer paragraffau 11 i 12.