

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 31 Hydref 2017
Tabled on 31 October 2017

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

David Melding

1

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

'() Section [*section to be inserted by amendment 5*] removes the existing suspension of the right to buy by repealing Part 1 of the Housing (Wales) Measure 2011.'

See amendment 5.

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

'() Mae adran [*adran i gael ei mewnosod gan welliant 5*] yn dileu'r ataliad dros dro presennol ar yr hawl i brynu drwy ddiddymu Rhan 1 o Fesur Tai (Cymru) 2011.'

Gweler gwelliant 5.

David Melding

2

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

See amendment 6.

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

Gweler gwelliant 6.

David Melding

3

Section 1, page 1, line 21, after 'section', insert '[*section to be inserted by amendment 5*] (removing the suspension of the right to buy) and section'.

See amendment 5.



Adran 1, tudalen 1, llinell 26, ar ôl 'adran', mewnosoder '[adran i gael ei mewnosod gan welliant 5] (dileu'r ataliad dros dro ar yr hawl i brynu) ac adran'.

Gweler gwelliant 5.

David Melding

4

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

See amendment 12.

Adran 1, tudalen 1, llinell 30, hepgorer 'deuddeg mis' a mewnosoder 'dwy flynedd'.

Gweler gwelliant 12.

David Melding

5

Page 5, after line 26, insert a new section –

[] Removal of suspension of the right to buy

(1) The Housing (Wales) Measure 2011 is as amended as follows –

- (a) Part 1 (Suspension of the Right to Buy and related rights) is repealed, and
- (b) in section 89 (orders) omit subsections (2) to (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 in parts of Wales: effect on claims to exercise the right) is repealed.
- (b) section 122B (suspension of the right to buy in parts of Wales) is repealed.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 153A (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 26, 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 153A (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

6

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 of this Act.
- (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 o'r Ddeddf hon.
- (7) Caiff Gweinidogion Cymru, drwy reoliadau, ddiddymu'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

7

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

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



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 16, mewnosoder –

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

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

8

Section 8, page 6, line 19, after 'every', insert 'other'.

See amendment 7.

Adran 8, tudalen 6, llinell 19, ar ôl 'cymwys', mewnosoder 'arall'.

Gweler gwelliant 7.

David Melding

9

Section 8, page 6, after line 27, insert –

() an explanation of the effect of section [section to be inserted by amendment 5] for tenants in areas where the right to buy and associated rights have been suspended.'

See amendment 5.

Adran 8, tudalen 6, ar ôl llinell 27, mewnosoder –

() esboniad o effaith adran [adran i gael ei mewnosod gan welliant 5] i denantiaid mewn ardaloedd lle y mae'r hawl i brynu a hawliau cysylltiedig wedi eu hatal dros dro.'

Gweler gwelliant 5.

David Melding

10

Section 9, page 8, line 8, 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 9, 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 11

Section 11, page 8, line 25, after '1,' insert '[section to be inserted by amendment 5],'

See amendment 5.

Adran 11, tudalen 8, llinell 27, ar ôl '1,' mewnosoder '[adran i gael ei mewnosod gan welliant 5],'

Gweler gwelliant 5.

David Melding 12

Section 11, page 8, line 32, 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 34, 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 13

Page 10, line 4, leave out schedule 1.

See amendment 6.

Tudalen 10, llinell 4, hepgorer atodlen 1.

Gweler gwelliant 6.

David Melding 14

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

See amendment 5.

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

Gweler gwelliant 5.

