

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 22 Tachwedd 2018
Tabled on 22 November 2018

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

Leanne Wood **15**

Section 2, page 2, line 13, leave out 'may' and insert 'must'.

Adran 2, tudalen 2, llinell 14, hepgorer 'Caiff y' a mewnosoder 'Rhaid i'r'.

Leanne Wood **16**

Section 2, page 2, after line 15, insert –

'(7) The court by which a person ("the offender") is convicted of an offence under subsection (1) may order the licensing authority to revoke the offender's licence under section 25(1) (b) of the Housing (Wales) Act 2014 (anaw 7).

(8) For the purposes of this section "licensing authority" means the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7).'

Adran 2, tudalen 2, ar ôl llinell 16, mewnosoder –

'(7) Caiff y llys sy'n euogfarnu person ("y troseddwr") o drosedd o dan is-adran (1) orchymyn i'r awdurdod trwyddedu ddirymu trwydded y troseddwr o dan adran 25(1) (b) o Ddeddf Tai (Cymru) 2014 (dccc 7).

(8) At ddibenion yr adran hon ystyr "awdurdod trwyddedu" yw'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7).'

Leanne Wood **17**

Section 3, page 2, line 28, leave out 'may' and insert 'must'.

Adran 3, tudalen 2, llinell 30, hepgorer 'Caiff y' a mewnosoder 'Rhaid i'r'.



Leanne Wood 18

Section 3, page 2, after line 30, insert –

- '(6) The court by which a person ("the offender") is convicted of an offence under subsection (1) may order the licensing authority to revoke the offender's licence under section 25(1) (b) of the Housing (Wales) Act 2014 (anaw 7).
- (7) For the purposes of this section "licensing authority" means the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7).'

Adran 3, tudalen 2, ar ôl llinell 32, mewnosoder –

- '(6) Caiff y llys sy'n euogfarnu person ("y troseddwr") o drosedd o dan is-adran (1) orchymyn i'r awdurdod trwyddedu ddirymu trwydded y troseddwr o dan adran 25(1) (b) o Ddeddf Tai (Cymru) 2014 (dccc 7).
- (7) At ddibenion yr adran hon ystyr "awdurdod trwyddedu" yw'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7).'

Leanne Wood 19

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

- '(e) payment in respect of council tax;
- (f) payment in respect of an utility;
- (g) payment in respect of a television licence.'

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

- '(e) taliad mewn cysylltiad â'r dreth gyngor;
- (f) taliad mewn cysylltiad â chyfleustod;
- (g) taliad mewn cysylltiad â thrwydded deledu.'

Leanne Wood 20

Section 21, page 9, line 1, after '13', insert 'or paragraph 5 of Schedule 1'.

Adran 21, tudalen 9, llinell 1, ar ôl '13', mewnosoder 'neu baragraff 5 o Atodlen 1'.

Leanne Wood 21

Schedule 1, page 13, leave out line 11 and insert –

- '() an act or an omission by the contract-holder which results in the keys to the property being lost.'

Atodlen 1, tudalen 13, hepgorer llinell 11 a mewnosoder –

- '() gweithred neu anweithred gan ddeiliad y contract sy'n arwain at gollir allweddi i'r eiddo.'



Leanne Wood 22

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

‘(3) But if the amount of the payment in the event of default exceeds the prescribed limit, the payment is a prohibited payment.’

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

‘(3) Ond os yw swm y taliad yn achos diffyg daliad yn fwy na’r terfyn rhagnodedig, mae’r taliad yn daliad gwaharddedig.’

Leanne Wood 23

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

‘(3) In sub-paragraph [*sub-paragraph to be inserted by amendment X*], the “prescribed limit” means a limit specified by, or determined in accordance with, regulations.’

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

‘(3) Yn is-baragraff [*yr is-baragraff sy’n cael ei fewnosod gan welliant x*], ystyr “terfyn rhagnodedig” yw terfyn a bennir gan reoliadau, neu a benderfynir yn unol â rheoliadau.’

Leanne Wood 24

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

‘(3) But a fee charged for late payment of rent is only a permitted payment if the rent is overdue by 14 days or more.’

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

‘(3) Ond mae ffi a godir am daliad rhent hwyr dim ond yn daliad a ganiateir os yw’r rhent yn orddyledus ers 14 diwrnod neu hwy.’

Leanne Wood 25

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

‘[] Only one payment may be required per rental period with respect to a failure by the contract-holder to pay rent; accordingly, any subsequent payment required with respect to late payment of rent in the same rental period is not a permitted payment.’

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

‘[] Dim ond un taliad y caniateir ei wneud yn ofynnol fesul cyfnod rhentu mewn cysylltiad â methiant deiliad y contract i dalu rhent; yn unol â hynny, nid yw unrhyw daliad dilynol sy’n ofynnol mewn cysylltiad â thaliad rhent hwyr yn yr un cyfnod rhentu yn daliad a ganiateir.’



Leanne Wood

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

‘Payment in respect of council tax

- [] (1) A payment to a billing authority in respect of council tax is a permitted payment.
- (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).

Payment in respect of utilities

- [] (1) A payment for or in connection with the provision of a utility is a permitted payment if the occupation contract requires the payment to be made.
- (2) A payment towards energy efficiency improvements under a green deal plan (within the meaning of section 1 of the Energy Act 2011) is a permitted payment if the occupation contract requires the payment to be made.
- (3) In this Act “utility” means –
- (a) electricity, gas or other fuel, or
 - (b) water or sewerage.

Payment in respect of a television licence

- [] (1) A payment to the British Broadcasting Corporation in respect of a television licence is a permitted payment if the occupation contract requires the payment to be made.
- (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’r dreth gyngor

- [] (1) Mae taliad i awdurdod bilio mewn cysylltiad â’r dreth gyngor yn daliad a ganiateir.
- (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).

Taliad mewn cysylltiad â chyfleustodau

- [] (1) Mae taliad ar gyfer darparu cyfleustod, neu mewn cysylltiad â hynny, yn daliad a ganiateir os yw’r contract meddiannaeth yn ei gwneud yn ofynnol i’r taliad gael ei wneud.
- (2) Mae taliad tuag at welliannau effeithlonrwydd ynni o dan gynllun bargaen werdd (o fewn ystyr adran 1 o Ddeddf Ynni 2011) yn daliad a ganiateir os yw’r contract meddiannaeth yn ei gwneud yn ofynnol i’r taliad gael ei wneud.
- (3) Yn y Ddeddf hon ystyr “cyfleustod” yw –
- (a) trydan, nwy neu danwydd arall; neu



(b) dŵr neu garthffosiaeth.

Taliad mewn cysylltiad â thrwydded deledu

- [] (1) Mae taliad i'r Gorfforaeth Ddarlledu Brydeinig mewn cysylltiad â thrwydded deledu yn daliad a ganiateir os yw'r contract meddiannaeth yn ei gwneud yn ofynnol i'r taliad gael ei wneud.
- (2) Yn y paragraff hwn ystyr "trwydded deledu" yw trwydded at ddibenion adran 363 o Ddeddf Cyfathrebiadau 2003.'

Leanne Wood

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Schedule 2, page 14, after line 16, insert –

'(c) the contract-holder notifies the landlord within 48 hours of paying the holding deposit that the contract-holder has decided not to enter into the contract.'

Atodlen 2, tudalen 14, ar ôl llinell 18, mewnosoder –

'(c) os yw deiliad y contract yn hysbysu'r landlord o fewn 48 awr i dalu'r blaendal cadw fod deiliad y contract wedi penderfynu peidio ag ymrwymo i'r contract.'

Leanne Wood

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Schedule 2, page 14, after line 19, insert –

'(c) where paragraph [*sub-subparagraph to be inserted by amendments x*] applies, the day on which the contract-holder notifies the landlord that the contract-holder has decided not to enter into the contract.'

Atodlen 2, tudalen 14, ar ôl llinell 21, mewnosoder –

'(c) pan fo paragraff [*yr is-baragraff sy'n cael ei fewnosod gan welliant x*] yn gymwys, y diwrnod y mae deiliad y contract yn hysbysu'r landlord fod deiliad y contract wedi penderfynu peidio ag ymrwymo i'r contract.'

Leanne Wood

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Schedule 2, page 15, line 1, after 'contract-holder', insert 'knowingly or recklessly'.

Atodlen 2, tudalen 15, llinell 2, ar ôl 'gamarweiniol', mewnosoder 'yn fwriadol neu'n ddi-hid'.

*** David Melding**

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Section 2, page 1, line 28, after 'grant,', insert 'termination,'.

Adran 2, tudalen 1, llinell 31, ar ôl 'roi', mewnosoder ', o derfynu'.



*** David Melding** **31**

Section 3, page 2, line 18, after 'grant,' insert 'termination,'.

Adran 3, tudalen 2, llinell 19, ar ôl 'roi', mewnosoder ', terfynu'.

*** David Melding** **32**

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

'(e) payment on termination of a contract.'

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

'(e) taliad ar derfynu contract.'

*** David Melding** **33**

Section 10, page 4, line 7, after 'authority', insert 'or of a licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 10, tudalen 4, llinell 7, ar ôl 'lleol', mewnosoder 'neu swyddog awdurdodedig awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.

*** David Melding** **34**

Section 13, page 6, line 3, after 'authority', insert 'or the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 13, tudalen 6, llinell 3, ar ôl 'lleol', mewnosoder 'neu'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.

*** David Melding** **35**

Section 13, page 6, line 8, leave out '£500' and insert '£2,000'.

Adran 13, tudalen 6, llinell 8, hepgorer '£500' a mewnosoder '£2,000'.

*** David Melding** **36**

Section 13, page 6, line 15, after 'question', insert 'or the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 13, tudalen 6, llinell 15, ar ôl 'sylw', mewnosoder 'neu'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.



*** David Melding** **37**

Section 13, page 6, line 16, after 'authority', insert 'or by the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 13, tudalen 6, llinell 16, ar ôl 'lleol', mewnosoder 'neu'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.

*** David Melding** **38**

Page 6, after line 19, insert a new section –

[] Duty of local housing authority to notify licensing authority on receipt of payment of fixed penalty notice

- (1) As soon as reasonably practicable after receiving payment from a person issued with a fixed penalty notice under this Act in respect of a dwelling located wholly or partly in its area, a local housing authority must comply with subsection (2).
- (2) The authority must give notification of the fixed penalty notice to the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7).'

Tudalen 6, ar ôl llinell 19, mewnosoder adran newydd –

[] Dyletswydd awdurdod tai lleol i hysbysu awdurdod trwyddedu ar ôl derbyn taliad o hysbysiad cosb benodedig

- (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl derbyn taliad gan berson y rhoddwyd hysbysiad cosb benodedig iddo o dan y Ddeddf hon mewn cysylltiad ag annedd sy'n gyfan gwbl neu'n rhannol yn ei ardal, rhaid i awdurdod tai lleol gydymffurfio ag is-adran (2).
- (2) Rhaid i'r awdurdod roi hysbysiad am yr hysbysiad cosb benodedig i'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7).'

*** David Melding** **39**

Section 15, page 6, line 29, after 'authority', insert 'and the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 15, tudalen 6, llinell 29, ar ôl 'lleol', mewnosoder 'a'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.

*** David Melding** **40**

Section 16, page 6, line 33, after 'authority', insert 'or of the licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7)'.

Adran 16, tudalen 6, llinell 33, ar ôl 'lleol', mewnosoder 'neu'r awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 (dccc 7)'.



*** David Melding**

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

'Restriction on termination by landlord of standard occupation contracts

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

(1) After section 186 (Landlord's notice in connection with end of term) insert –

"186A Restrictions on section 186: breaches of requirements of Renting Homes (Fees etc.) Act 2019

- (1) The landlord may not give a notice under section 186 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 186 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."
- (2) 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 186A (restrictions on section 186: breaches of requirements of Renting Homes (Fees etc.) (Wales) Act 2019)".
- (3) In section 204 (restrictions on court hearing a landlord's claims for possession) in subsection (1)(a)(ix), after "186" insert " and 186A".



- (4) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts) –
- (a) in Part 2 (periodic standard contracts), in table 4, notes for the entry for new section 186A are required;
 - (b) in Part 3 (fixed term standard contracts), in table 5, in the notes for the entry for section 186 (Termination by notice given by L in connection with the end of the term of the contract) for “section 186” substitute “sections 186 and 186A”.

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) Ar ôl adran 186 (Hysbysiad y landlord mewn cysylltiad â diwedd cyfnod penodol) mewnosoder –

“186A Cyfyngiadau ar adran 186: torri gofynion Deddf Rhentu Cartrefi (Ffioedd etc.) 2019

- (1) Ni chaiff y landlord roi hysbysiad o dan adran 186 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 186 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.”



- (2) 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 186A (cyfyngiadau ar adran 186: torri gofynion Deddf Rhentu Cartrefi (Ffioedd etc.) 2019)”.
- (3) Yn adran 204 (cyfyngiadau ar lys yn gwrandao hawliadau meddiant landlord) yn is-adran (1)(a)(ix), ar ôl “186” mewnosoder “ a 186A”.
- (4) Yn Atodlen 1 (trosolwg o ddarpariaethau sylfaenol a ymgorfforir fel telerau contractau meddiannaeth) –
 - (a) yn Rhan 2 (contractau safonol cyfnodol), yn nhabl 4, mae’n ofynnol cael nodiadau ar y cofnod ar gyfer adran 186A newydd;
 - (b) yn Rhan 3 (contractau safonol cyfnod penodol), yn nhabl 5, yn y nodiadau ar gyfer y cofnod ar gyfer adran 186 (Terfynu drwy hysbysiad a roddir gan L mewn cysylltiad â diwedd cyfnod y contract) yn lle “adran 186” rhodder “adrannau 186 a 186A”.

*** David Melding**

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Page 7, after line 2, insert a new section –

[] Recovery of a prohibited payment or holding deposit by a local housing authority or licensing authority

- (1) Subsection (2) applies where a local housing authority or licensing authority –
 - (a) issues a fixed penalty notice under section 13 on a landlord or letting agent for breaching section 2 or 3,
 - (b) is satisfied on the balance of probabilities that the breach resulted in a person (“the relevant person”) making a prohibited payment to a landlord, letting agent or third party, and
 - (c) is satisfied on the balance of probabilities that all or part of the prohibited payment has not been repaid to the relevant person.
- (2) The authority may require the landlord or letting agent to pay to the relevant person –
 - (a) if none of the prohibited payment has been repaid to the relevant person, the amount of the prohibited payment;
 - (b) if part of the prohibited payment has been repaid to the relevant person, the remaining part of the prohibited payment.
- (3) But subsection (2) does not apply in relation to a prohibited payment if or to the extent that, with the consent of the relevant person –
 - (a) the prohibited payment, or the remaining part of it, has been applied towards a payment of rent under the contract, or
 - (b) the prohibited payment, or the remaining part of it, has been applied towards the security deposit in respect of the contract.



- (4) Subsection (5) applies where a local housing authority or licensing authority –
 - (a) issues a fixed penalty notice under section 13 on a landlord or letting agent for breaching Schedule 2 (treatment of holding deposit), and
 - (b) is satisfied on the balance of probabilities that all or part of the holding deposit has not been repaid to the relevant person.
- (5) The local housing authority or licensing authority may require the landlord or letting agent to pay to the relevant person –
 - (a) if none of the holding deposit has been repaid to the relevant person, the amount of the holding deposit;
 - (b) if part of the holding deposit has been repaid to the relevant person, the remaining part of the holding deposit.
- (6) But subsection (5) does not apply in relation to a holding deposit if or to the extent that, with the consent of the relevant person –
 - (a) the holding deposit, or the remaining part of it, has been applied towards a payment of rent under the contract, or
 - (b) the holding deposit, or the remaining part of it, has been applied towards the security deposit in respect of the contract.
- (7) Subsection (2) or (5) does not apply if the relevant person has made an application to the county court under section 18 (recovery of a prohibited payment or holding deposit by contract-holder) for recovery of all or part of the amount referred to in that subsection.
- (8) “Licensing authority” in this section means a licensing authority designated under section 3 of Part 1 of the Housing (Wales) Act 2014 (anaw 7).’.

Tudalen 7, ar ôl llinell 2, mewnosoder adran newydd –

[] Adennill taliad gwaharddedig neu flaendal cadw gan awdurdod tai lleol neu awdurdod trwyddedu

- (1) Mae is-adran (2) yn gymwys pan fo awdurdod tai lleol neu awdurdod trwyddedu –
 - (a) yn dyroddi hysbysiad cosb benodedig o dan adran 13 i landlord neu asiant gosod eiddo am dorri adran 2 neu adran 3,
 - (b) yn fodlon yn ôl pwysau tebygolrwydd fod y toriad wedi achosi i berson (“y person perthnasol”) wneud taliad gwaharddedig i landlord, asiant gosod eiddo neu drydydd parti, ac
 - (c) yn fodlon yn ôl pwysau tebygolrwydd nad yw’r taliad gwaharddedig wedi’i ad-dalu yn llwyr neu’n rhannol i’r person perthnasol.
- (2) Caiff yr awdurdod ei gwneud yn ofynnol i’r landlord neu’r asiant gosod eiddo dalu i’r person perthnasol –
 - (a) os na thalwyd dim o’r taliad gwaharddedig i’r person perthnasol, swm y taliad gwaharddedig;
 - (b) os talwyd rhan o’r taliad gwaharddedig i’r person perthnasol, y rhan honno o’r taliad gwaharddedig sy’n weddill.



- (3) Ond nid yw is-adran (2) yn gymwys mewn perthynas â thaliad gwaharddedig –
- (a) os cafodd y taliad gwaharddedig, neu'r rhan ohono sy'n weddill neu i'r graddau y cafodd y taliad gwaharddedig, neu'r rhan ohono sy'n weddill, gyda chydsyniad y person perthnasol, ei gymhwyso tuag at dalu rhent o dan y contract, neu
 - (b) os cafodd y taliad gwaharddedig, neu'r rhan ohono sy'n weddill neu i'r graddau y cafodd y taliad gwaharddedig, neu'r rhan ohono sy'n weddill, gyda chydsyniad y person perthnasol, ei gymhwyso tuag at y blaendal sicrwydd mewn cysylltiad â'r contract.
- (4) Mae is-adran (5) yn gymwys pan fo awdurdod tai lleol neu awdurdod trwyddedu –
- (a) yn dyroddi hysbysiad cosb benodedig o dan adran 13 i landlord neu asiant gosod eiddo am dorri Atodlen 2 (ymdrin â blaendal cadw), a
 - (b) yn fodlon yn ôl pwysau tebygolrwydd nad yw'r blaendal cadw wedi'i ad-dalu'n llwyr neu'n rhannol i'r person perthnasol.
- (5) Caiff yr awdurdod tai lleol neu'r awdurdod trwyddedu ei gwneud yn ofynnol i'r landlord neu'r asiant gosod eiddo dalu i'r person perthnasol –
- (a) os na thalwyd dim o'r blaendal cadw i'r person perthnasol, swm y blaendal cadw;
 - (b) os talwyd rhan o'r blaendal cadw i'r person perthnasol, y rhan honno o'r blaendal cadw sy'n weddill.
- (6) Ond nid yw is-adran (5) yn gymwys mewn perthynas â blaendal cadw –
- (a) os cafodd y blaendal cadw, neu'r rhan ohono sy'n weddill neu i'r graddau y cafodd y blaendal cadw, neu'r rhan ohono sy'n weddill, gyda chydsyniad y person perthnasol, ei gymhwyso tuag at dalu rhent o dan y contract, neu
 - (b) os cafodd y blaendal cadw, neu'r rhan ohono sy'n weddill neu i'r graddau y cafodd y blaendal cadw, neu'r rhan ohono sy'n weddill, gyda chydsyniad y person perthnasol, ei gymhwyso tuag at y blaendal sicrwydd mewn cysylltiad â'r contract.
- (7) Nid yw is-adran (2) neu (5) yn gymwys os yw'r person perthnasol wedi gwneud cais i'r llys sirol o dan adran 18 (adennill taliad gwaharddedig neu flaendal cadw gan ddeiliad y contract) ar gyfer adennill y swm cyfan y cyfeirir ato yn yr is-adran honno, neu ran o'r swm hwnnw.
- (8) Ystyr "awdurdod trwyddedu" yn yr adran hon yw awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai Cymru 2014 (anaw 7).'

**** David Melding**

43

Section 17, page 7, after line 27, insert –

- '() Subsection (2) or subsection (3) (as the case may be) does not apply if the local housing authority or licensing authority has required the landlord or letting agent to pay to the claimant all or part of the prohibited payment or holding deposit under section [section to be inserted by Amendment 42] (recovery of a prohibited payment or holding deposit by a local housing authority or licensing authority), and payment has been made.'



Adran 17, tudalen 7, ar ôl llinell 26, mewnosoder –

- ‘(1) Nid yw is-adran (2) neu is-adran (3) (yn ôl y digwydd) yn gymwys os yw’r awdurdod tai lleol neu’r awdurdod trwyddedu wedi ei gwneud yn ofynnol i’r landlord neu’r asiant gosod eiddo dalu i’r hawlydd y cyfan o’r taliad gwaharddedig neu’r blaendal cadw neu ran ohonynt o dan adran [yr adran sy’n cael ei mewnosod gan Welliant 42] (adennill taliad gwaharddedig neu flaendal cadw gan awdurdod tai lleol neu awdurdod trwyddedu), a bod taliad wedi’i wneud.’.

* **David Melding**

44

Page 8, after line 28, insert a new section –

[] Information for contract-holders, landlords and letting agents

- (1) The Welsh Ministers must, within one month of the coming into force of this section –
- prepare a document containing information that they consider will assist contract holders, landlords and letting agents to understand the effect of this Act, and
 - publish the information on a website maintained on their behalf.
- (2) The Welsh Ministers must also, within one month of the coming into force of this section, take all reasonable steps to provide a copy of the information to –
- landlords;
 - any bodies appearing to the Welsh Ministers to represent the interests of contract holders in Wales;
 - any bodies appearing to the Welsh Ministers to represent the interests of landlords;
 - any bodies appearing to the Welsh Ministers to represent the interests of letting agents;
 - all local housing authorities;
 - any licensing authority designated under section 3 of Part 1 of the Housing Act 2014 (anaw 7);
 - any other bodies the Welsh Ministers consider appropriate.
- (3) The information must, in particular, include the following –
- the date on which this legislation takes effect;
 - the list of permitted payments along with examples of prohibited payments;
 - information about enforcement;
 - any other information that the Welsh Ministers consider would assist contract holders, landlords and letting agents to understand the effect of this Act.
- (4) In making arrangements for the purposes of providing information under subsections (1) to (3), the Welsh Ministers must –



- (a) have regard to the likely needs and characteristics, in respect of the provision of information, of persons to whom the information in question is to be provided, and
- (b) consider whether, having regard to those needs and characteristics, it is appropriate to provide any of the information to any of those persons otherwise than in the way in which it would normally be provided.’.

Tudalen 8, ar ôl llinell 30, mewnosoder adran newydd –

[] Gwybodaeth i ddeiliaid contract, landlordiaid ac asiantiaid gosod eiddo

- (1) Rhaid i Weinidogion Cymru, o fewn mis i’r adran hon ddod i rym –
 - (a) llunio dogfen yn cynnwys gwybodaeth y maent yn ystyried y bydd yn cynorthwyo deiliaid contract, landlordiaid ac asiantiaid gosod eiddo i ddeall effaith y Ddeddf hon, a
 - (b) cyhoeddi’r wybodaeth ar wefan a gynhelir ar eu rhan.
- (2) Rhaid i Weinidogion Cymru hefyd, o fewn mis i’r adran hon ddod i rym, gymryd pob cam rhesymol i ddarparu copi o’r wybodaeth i –
 - (a) landlordiaid;
 - (b) unrhyw gyrff yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau deiliaid contract yng Nghymru;
 - (c) unrhyw gyrff yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau landlordiaid;
 - (d) unrhyw gyrff yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau asiantiaid gosod eiddo;
 - (e) pob awdurdod tai lleol;
 - (f) unrhyw awdurdod trwyddedu a ddynodir o dan adran 3 o Ran 1 o Ddeddf Tai (Cymru) 2014 ;
 - (g) unrhyw gyrff eraill sy’n briodol ym marn Gweinidogion Cymru.
- (3) Rhaid i’r wybodaeth, yn benodol, gynnwys y canlynol –
 - (a) y dyddiad y bydd y ddeddfwriaeth hon yn cael effaith;
 - (b) y rhestr o’r taliadau a ganiateir ynghyd ag enghreifftiau o daliadau gwaharddedig;
 - (c) gwybodaeth am orfodaeth;
 - (d) unrhyw wybodaeth arall y mae Gweinidogion Cymru yn ystyried y bydd yn cynorthwyo deiliaid contract, landlordiaid ac asiantiaid gosod eiddo i ddeall effaith y Ddeddf hon.
- (4) Wrth wneud trefniadau at ddibenion darparu gwybodaeth o dan is-adrannau (1) hyd at (3), rhaid i Weinidogion Cymru –
 - (a) rhoi sylw i anghenion a nodweddion tebygol, mewn cysylltiad â darparu gwybodaeth, y personau y mae’r wybodaeth o dan sylw i’w darparu iddynt, a



- (b) ystyried a yw'n briodol, gan roi sylw i'r anghenion a'r nodweddion hynny, darparu'r wybodaeth, neu unrhyw ran ohoni, i unrhyw un neu ragor o'r personau hynny mewn modd sy'n wahanol i'r modd y byddai'n caei ei darparu fel arfer. '.

*** David Melding** **45**

Section 21, page 9, line 1, leave out '7 or section'.

Adran 21, tudalen 9, llinell 1, hepgorer '7 neu adran'.

*** David Melding** **46**

Section 21, page 9, line 1, leave out 'or section 13'.

Adran 21, tudalen 9, llinell 1, hepgorer 'neu adran 13'.

*** David Melding** **47**

Section 21, page 9, line 1, leave out 'or section 13' and insert ', 13 or 18'.

Adran 21, tudalen 9, llinell 1, hepgorer 'neu adran 13' a mewnosoder ', 13 neu 18'.

*** David Melding** **48**

Page 9, after line 6, insert a new section –

[] Procedure for regulations under section 7

- (1) Before making regulations under section 7, the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
 - (a) such persons as appear to them likely to be affected by the regulations,
 - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
 - (c) such other persons as they consider appropriate,on proposed draft regulations.
- (3) The Welsh Ministers must –
 - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (4) The Welsh Ministers must, having considered any comments submitted, lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4) –
 - (a) must be accompanied by a statement giving details of any differences between the draft regulations that were the subject of the consultation under subsection (2) and the draft regulations laid under subsection (4), and



- (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 21(3) until the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.

Tudalen 9, ar ôl llinell 7, mewnosoder adran newydd –

[] Y weithdrefn ar gyfer rheoliadau o dan adran 7

- (1) Cyn gwneud rheoliadau o dan adran 7, rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori ar y rheoliadau drafft arfaethedig â’r canlynol –
 - (a) unrhyw bersonau y mae’n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
 - (b) unrhyw sefydliadau y mae’n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae’r rheoliadau yn debygol o effeithio arnynt, ac
 - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Rhaid i Weinidogion Cymru –
 - (a) rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o’r sylwadau hynny.
- (4) Rhaid i Weinidogion Cymru, ar ôl ystyried unrhyw sylwadau a gyflwynwyd, osod drafft o’r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
- (5) O ran y rheoliadau drafft a osodir o dan is-adran (4) –
 - (a) rhaid iddynt fynd gyda datganiad yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a’r rheoliadau drafft a osodir o dan is-adran (4), a
 - (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 21(3) tan ar ôl i’r cyfnod o 60 niwrnod, gan ddechrau â’r diwrnod y gosodir y rheoliadau drafft, ddod i ben.’.

*** David Melding**

49

Page 9, after line 6, insert a new section –

[] Procedure for regulations under section 13

- (1) Before making regulations under section 13, the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
 - (a) such persons as appear to them likely to be affected by the regulations,



- (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
 - (c) such other persons as they consider appropriate,
- on proposed draft regulations.
- (3) The Welsh Ministers must –
- (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (4) The Welsh Ministers must, having considered any comments submitted, lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4) –
- (a) must be accompanied by a statement giving details of any differences between the draft regulations that were the subject of the consultation under subsection (2) and the draft regulations laid under subsection (4), and
 - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 21(3) until the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.

Tudalen 9, ar ôl llinell 7, mewnosoder adran newydd –

[] Gweithdrefn ar gyfer rheoliadau o dan adran 13

- (1) Cyn gwneud rheoliadau o dan adran 13, rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori ar y rheoliadau drafft arfaethedig â’r canlynol –
 - (a) unrhyw bersonau y mae’n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
 - (b) unrhyw sefydliadau y mae’n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae’r rheoliadau yn debygol o effeithio arnynt, ac
 - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Rhaid i Weinidogion Cymru –
 - (a) rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o’r sylwadau hynny.
- (4) Rhaid i Weinidogion Cymru, ar ôl ystyried unrhyw sylwadau a gyflwynwyd, osod drafft o’r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
- (5) O ran y rheoliadau drafft a osodir o dan is-adran (4) –



- (a) rhaid iddynt fynd gyda datganiad yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a'r rheoliadau drafft a osodir o dan is-adran (4), a
- (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 21(3) tan ar ôl i'r cyfnod o 60 niwrnod, gan ddechrau â'r diwrnod y gosodir y rheoliadau drafft, ddod i ben.'

*** David Melding**

50

Section 24, page 9, line 32, after 'section' at the first place where it appears, insert ', section [section to be inserted by Amendment 44]'

Adran 24, tudalen 9, llinell 36, ar ôl 'hon' yn y lle cyntaf y mae'n ymddangos, mewnosoder ', adran [yr adran sy'n cael ei mewnosod gan Welliant 44]'

*** David Melding**

51

Schedule 1, page 13, after line 4, insert –

'5 At all times, a landlord or person acting on behalf of the landlord is only permitted to be in receipt of one holding deposit per dwelling.'

Atodlen 1, tudalen 13, ar ôl llinell 4, mewnosoder –

'5 Ar bob adeg, dim ond un blaendal cadw y caniateir i landlord neu berson sy'n gweithredu ar ran y landlord ei dderbyn fesul annedd.'

*** David Melding**

52

Schedule 1, page 13, after line 26, insert –

'Payment on termination of a contract

- [] (1) A payment is a permitted payment if it is a payment to a landlord in consideration of the termination of a contract at the contract-holder's request –
- (a) in the case of a fixed term standard contract, before the end of the term, or
 - (b) in the case of a periodic standard contract, without the tenant giving the period of notice required under the standard occupation contract.
- (2) But if the amount of the payment exceeds the loss suffered by the landlord as a result of the termination of the contract, the amount of the excess is a prohibited payment.
- (3) A payment is a permitted payment if it is a payment to a letting agent in consideration of arranging the termination of a contract at the contract-holder's request –
- (a) in the case of a fixed term standard contract, before the end of the term, or
 - (b) in the case of a periodic standard contract, without the tenant giving the period of notice required under the standard occupation contract.
- (4) But if the amount of the payment exceeds the reasonable costs of the letting agent in respect of the termination of the contract, the amount of the excess is a prohibited payment.



- (5) In this paragraph “fixed term contract” means any standard occupation contract other than a periodic standard contract.’.

Atodlen 1, tudalen 13, ar ôl llinell 26, mewnosoder –

‘Taliad ar derfynu contract

- [] (1) Mae taliad yn daliad a ganiateir os yw’n daliad i landlord fel cydnabyddiaeth am derfynu contract ar gais deiliad y contract –
- (a) yn achos contract safonol cyfnod penodol, cyn diwedd tymor y contract, neu
 - (b) yn achos contract safonol cyfnodol, heb i’r tenant roi’r cyfnod o rybudd sy’n ofynnol o dan y contract meddiannaeth safonol.
- (2) Ond os yw swm y taliad yn fwy na’r golled i’r landlord yn sgil terfynu’r contract, mae’r swm ychwanegol yn daliad gwaharddedig.
- (3) Mae taliad yn daliad a ganiateir os yw’n daliad i asiant gosod eiddo fel cydnabyddiaeth am drefnu i derfynu contract ar gais deiliad y contract –
- (a) yn achos contract safonol cyfnod penodol, cyn diwedd tymor y contract, neu
 - (b) yn achos contract safonol cyfnodol, heb i’r tenant roi’r cyfnod o rybudd sy’n ofynnol o dan y contract meddiannaeth safonol.
- (4) Ond os yw swm y taliad yn fwy na chostau rhesymol yr asiant gosod eiddo yn sgil terfynu’r contract, mae’r swm ychwanegol yn daliad gwaharddedig.
- (5) Yn y paragraff hwn, ystyr “contract tymor penodol” yw unrhyw gontract meddiannaeth safonol heblaw contract safonol cyfnodol.’.

