

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 7 Mawrth 2019
Tabled on 7 March 2019

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

David Melding 43

Section 13, page 6, line 14, leave out '£1000' and insert '£2,000'.

Adran 13, tudalen 6, llinell 14, hepgorer '£1000' a mewnosoder '£2,000'.

David Melding 44

Section 13, page 6, after line 24, insert—

'() Where an authorised officer of an enforcement authority issues a fixed penalty notice under subsection (1), an enforcement authority may, if it is satisfied that—

(a) A prohibited payment has been made by or on behalf of the contract-holder and all or part of that payment has yet to be repaid to the contract-holder, or

(b) A holding deposit has been paid by or on behalf of the contract-holder and there has been a failure to repay all or part of the holding deposit to the contract-holder in accordance with Schedule 2,

request that any unpaid amount be repaid to the contract-holder at the same point that the fixed penalty notice is paid to the enforcement authority.

() If a request under subsection [*first subsection inserted by this amendment*] is not complied with within 21 days, the enforcement authority may take steps to recover any amount outstanding on behalf of the contract-holder.

() The enforcement authority may not require the repayment of an amount under subsection [*second subsection inserted by this amendment*] if that amount has been applied towards a payment of rent, or the security deposit, under the standard occupation contract concerned.'



Adran 13, tudalen 6, ar ôl llinell 24, mewnosoder –

- () Pan fo swyddog awdurdodedig awdurdod gorfodi yn dyroddi hysbysiad cosb benodedig o dan is-adran (1), caiff awdurdod gorfodi, os yw wedi ei fodloni –
- (a) Bod taliad gwaharddedig wedi ei wneud gan y deiliad contract, neu ar ei ran, a bod y taliad cyfan hwnnw eto i'w ad-dalu i'r deiliad contract, neu fod rhan o'r taliad hwnnw eto i'w had-dalu iddo, neu
 - (b) Bod blaendal cadw wedi ei dalu gan y deiliaid contract, neu ar ei ran, ac y methwyd ag ad-dalu'r blaendal cadw cyfan, neu ran ohono, i'r deiliad contract yn unol ag Atodlen 2,
- ofyn i unrhyw swm nas talwyd gael ei ad-dalu i'r deiliad contract ar yr un pwynt ag y telir yr hysbysiad cosb benodedig i'r awdurdod gorfodi.
- () Os na chydymffurfir â chais o dan is-adran [*yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn*] o fewn 21 diwrnod, caiff yr awdurdod gorfodi gymryd camau i adennill unrhyw swm sy'n weddill ar ran y deiliad contract.
- () Ni chaiff yr awdurdod gorfodi wneud ad-dalu swm yn ofynnol o dan is-adran [*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*], os yw'r swm hwnnw wedi ei roi tuag at dalu rhent, neu'r blaendal sicrwydd, o dan y contract meddiannaeth safonol o dan sylw.'.

* David Melding

45

Page 6, after line 25, 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 25, 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

46

Section 17, page 7, line 8, leave out subsections (1) to (7) and insert –

‘Schedule [*new schedule to be inserted by amendment 54*] amends the Renting Homes (Wales) Act 2016 to make provision in connection with prohibited payments and retained holding deposits, and makes further associated amendments.’.

Adran 17, tudalen 7, llinell 8, hepgorer is-adrannau (1) hyd at (7) a mewnosoder –

‘Mae Atodlen [*yr Atodlen newydd sy'n cael ei mewnosod gan Welliant 54*] yn diwygio Deddf Rhentu Cartrefi (Cymru) 2016 i wneud darpariaeth mewn cysylltiad â thaliadau gwaharddedig a blaendaliadau cadw a gedwir, ac yn gwneud diwygiadau cysylltiedig pellach.’.

David Melding

47

Page 10, after line 23, 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 –
 - (a) prepare a document containing information that they consider will assist contract holders, landlords and letting agents to understand the effect of this Act, and
 - (b) 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 –
 - (a) landlords;
 - (b) any bodies appearing to the Welsh Ministers to represent the interests of contract holders in Wales;
 - (c) any bodies appearing to the Welsh Ministers to represent the interests of landlords;
 - (d) any bodies appearing to the Welsh Ministers to represent the interests of letting agents;
 - (e) all local housing authorities;
 - (f) any licensing authority designated under section 3 of Part 1 of the Housing Act 2014;
 - (g) any other bodies the Welsh Ministers consider appropriate.
- (3) The information must, in particular, include the following –
 - (a) the date on which this legislation takes effect;
 - (b) the list of permitted payments along with examples of prohibited payments;
 - (c) information about enforcement;



- (d) 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 10, ar ôl llinell 26, 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 gyrrff yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau deiliaid contract yng Nghymru;
 - (c) unrhyw gyrrff yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli buddiannau landlordiaid;
 - (d) unrhyw gyrrff 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 gyrrff 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

48

Page 11, after line 2, 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 22(3) until the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.'



Tudalen 11, ar ôl llinell 2, 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 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 22(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 11, after line 2, 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 22(3) until the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.

Tudalen 11, ar ôl llinell 2, 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 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 22(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 22, page 11, line 9, after '13', insert ', section 19'.

Adran 22, tudalen 11, llinell 9, ar ôl '13', mewnosoder ', adran 19'.

David Melding 51

Section 22, page 11, line 9, leave out 'section 13'.

Adran 22, tudalen 11, llinell 9, hepgorer 'adran 13'.

David Melding 52

Section 22, page 11, line 9, leave out 'section 7,'.

Adran 22, tudalen 11, llinell 9, hepgorer 'adran 7,'.

David Melding 53

Section 25, page 12, line 5, after 'section' at the first place where it appears, insert ', section [*new section to be inserted by Amendment 47*]'

Adran 25, tudalen 12, llinell 6, ar ôl 'hon' yn y lle cyntaf y mae'n ymddangos, mewnosoder ', adran [*yr adran newydd sy'n cael ei mewnosod gan Welliant 47*]'

David Melding 54

Page 18, after line 10, insert new schedule –



'SCHEDULE 3
(as introduced by section 17)

AMENDMENTS TO THE RENTING HOMES (WALES) ACT 2016

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

Restriction on giving notice for possession: periodic standard contracts

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

"177A Restrictions on section 173: prohibited payments and holding deposits

(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 described in section 2 or 3 of that Act,
- (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 which incorporate section 173 as a term of the contract."

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 and deposit requirements)" substitute ", section 177 (breach of security and deposit requirements) or section 177A (prohibited payments and holding deposits)".



Restrictions on giving notice in connection with end of fixed term standard contracts

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

“186A Restrictions on section 186: breach of information requirements

- (1) If the landlord does not comply with section 31(1) or (2) (duty to provide written statement of contract), the landlord may not give notice under section 186 before the end of the restricted period.
- (2) The restricted period is six months starting with the day on which the landlord gives a written statement of the contract to the contract-holder.
- (3) The landlord may not give the contract-holder notice under section 186 at any time when the landlord has not provided a notice required under section 39 (duty to provide information).
- (4) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts which incorporate section 186(1) as a term of the contract.

186B Restrictions on section 186: breach of security and deposit requirements

- (1) The landlord may not give notice under section 186 at a time when security required by the landlord in a form not permitted by section 43 has not been returned to the person by whom it was given.
- (2) The landlord may not give notice under section 186 at a time when any of subsections (3) to (5) apply unless –
 - (a) a deposit paid in connection with the contract has been returned to the contract-holder (or any person who paid the deposit on his or her behalf) either in full or with such deductions as may have been agreed, or
 - (b) an application to the county court has been made under paragraph 2 of Schedule 5 and has been determined by the county court, withdrawn, or settled by agreement between the parties.
- (3) A deposit has been paid in connection with the contract but the initial requirements of an authorised deposit scheme have not been complied with.
- (4) A deposit has been paid in connection with the contract but the landlord has not provided the information required by section 45(2) (b).
- (5) A deposit paid in connection with the contract is not being held in accordance with an authorised deposit scheme.



- (6) This section is a fundamental provision which is incorporated as a term of all fixed term standard contracts which incorporate section 186(1) as a term of the contract; and section 20 provides that this section –
- (a) must be incorporated, and
 - (b) must not be incorporated with modifications.

186C Restrictions on section 186: prohibited payments and holding deposits

- (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 described in section 2 or 3 of that Act,
 - (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 fixed term standard contracts which incorporate section 186(1) as a term of the contract.”
- (2) In section 20 (incorporation and modification of fundamental provisions), in subsection (3), after paragraph (m), insert –
- “(ma) section 186B (breach of deposit requirements: restriction on giving notice in connection with end of fixed term standard contracts),”.
- (3) In section 135 (limitation on variation), in subsection (2), after paragraph (i), insert –



“(ia) section 186B (breach of deposit requirements: restriction on giving notice in connection with end of fixed term standard contracts),”.

(4) For section 183(2) (relevance of events under fixed term standard contract), substitute –

“(2) Sections 179 and 180 apply to a notice under section 186(1), and to a possession claim made on the ground in section 186(5) in reliance on such a notice, as they apply to a notice under section 173, and to a possession claim made on the ground in section 178 in reliance on a notice under section 173.”

Restriction on using landlord's break clause in fixed term standard contracts

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: prohibited payments and holding deposits

- (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 described in section 2 or 3 of that Act,
 - (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 with a landlord's break clause.”



Restrictions on a court hearing landlord's claim for possession

- 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)(ix), for “section 186”, substitute “sections 186, 186A, 186B and 186C”;
 - (c) in subsection (1)(a)(xiii), after “198” insert “, 198A”.

Miscellaneous consequential provision

- 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–
 - (i) in the first column of the entry for section 186, for “Section 186”, insert “Sections 186, 186A, 186B and 186C”;
 - (ii) in the notes for the entry for section 186, at the end, insert “If section 186(1) is not incorporated, sections 186A, 186B and 186C do not apply. If a contract incorporates section 186(1), sections 186A, 186B and 186C must be incorporated, and section 186B must be incorporated without modification.”;
 - (iii) 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 18, ar ôl llinell 11, mewnosoder atodlen newydd–



'ATODLEN 3
(a gyflwynir gan adran 17)

DIWYGIADAU I DDEDDF RHENTU CARTREFI (CYMRU) 2016

1 Mae Deddf Rhentu Cartrefi (Cymru) 2016 wedi ei diwygio fel a ganlyn.

Cyfyngiad ar roi hysbysiad ar gyfer meddiant: contractau safonol cyfnodol

2 Ar ôl adran 177 (cyfyngiad ar landlord o dan gontract safonol cyfnodol yn rhoi hysbysiad ar gyfer meddiant: torri gofynion sicrwydd a blaendal), mewnosoder –

“177A Cyfyngiadau ar adran 173: taliadau gwaharddedig a blaendaliadau cadw

- (1) Ni chaiff y landlord roi hysbysiad o dan adran 173 ar adeg pan fo –
 - (a) y landlord wedi ei gwneud yn ofynnol i daliad gwaharddedig (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) gael ei wneud, fel a ddisgrifir yn adran 2 neu 3 o'r Ddeddf honno,
 - (b) o ganlyniad i'r gofyniad, taliad gwaharddedig wedi ei wneud i'r landlord neu i unrhyw berson arall, ac
 - (c) y taliad gwaharddedig heb ei ad-dalu.
- (2) Ni chaiff y landlord roi hysbysiad o dan adran 173 ar adeg pan fo –
 - (a) blaendal cadw (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) a dalwyd mewn perthynas â'r contract heb ei ad-dalu, a
 - (b) yr 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 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) y mae wedi ei gymhwyso 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 safonol cyfnodol sy'n ymgorffori adran 173 fel un o delerau'r contract.”

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 a blaendal)” rhodder “, adran 177 (torri gofynion sicrwydd a blaendal) neu adran 177A (taliadau gwaharddedig a blaendaliadau cadw)”.



Cyfyngiadau ar roi hysbysiad mewn cysylltiad â diwedd contractau safonol cyfnod penodol

- 4 (1) Ar ôl adran 186 (hysbysiad y landlord mewn cysylltiad â diwedd cyfnod penodol), mewnosoder –

“186A Cyfyngiadau ar adran 186: torri’r gofynion rhoi gwybodaeth

- (1) Os nad yw’r landlord yn cydymffurfio ag adran 31(1) neu (2) (dyletswydd i ddarparu datganiad ysgrifenedig o’r contract), ni chaiff y landlord roi hysbysiad o dan adran 186 cyn diwedd y cyfnod cyfyngedig.
- (2) Y cyfnod cyfyngedig yw chwe mis sy’n cychwyn â’r diwrnod y mae’r landlord yn rhoi datganiad ysgrifenedig o’r contract i ddeiliad y contract.
- (3) Ni chaiff y landlord roi hysbysiad i ddeiliad y contract o dan adran 186 ar unrhyw adeg pan na fo’r landlord wedi darparu hysbysiad sy’n ofynnol o dan adran 39 (dyletswydd i ddarparu gwybodaeth).
- (4) Mae’r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract safonol cyfnod penodol sy’n ymgorffori adran 186(1) fel un o delerau’r contract.

186B Cyfyngiadau ar adran 186: torri gofynion sicrwydd a blaendal

- (1) Ni chaiff y landlord roi hysbysiad o dan adran 186 ar adeg pan na fo sicrwydd y gofynnodd y landlord amdano ar ffurf nad yw adran 43 yn ei chaniatáu wedi ei ddychwelyd i’r person a’i rhoddodd.
- (2) Ni chaiff y landlord roi hysbysiad o dan adran 186 ar adeg pan fo unrhyw un neu ragor o is-adrannau (3) i (5) yn gymwys oni bai –
 - (a) bod blaendal a dalwyd mewn cysylltiad â’r contract wedi ei ddychwelyd i ddeiliad y contract (neu i unrhyw berson a dalodd y blaendal ar ei ran) naill ai’n llawn neu ar ôl tynnu unrhyw symiau a gytunwyd, neu
 - (b) bod cais i’r llys sirol wedi ei wneud o dan baragraff 2 o Atodlen 5 a bod y llys sirol wedi dyfarnu arno, ei fod wedi ei dynnu’n ôl, neu ei fod wedi ei setlo drwy gytundeb rhwng y partion.
- (3) Mae blaendal wedi ei dalu mewn cysylltiad â’r contract ond ni chydymffurfiwyd â gofynion cychwynnol cynllun blaendal awdurdodedig.
- (4) Mae blaendal wedi ei dalu mewn cysylltiad â’r contract ond nid yw’r landlord wedi darparu’r wybodaeth sy’n ofynnol yn ôl adran 45(2)(b).
- (5) Nid yw blaendal a dalwyd mewn cysylltiad â’r contract yn cael ei ddal yn unol â chynllun blaendal awdurdodedig.



- (6) Mae'r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract safonol cyfnod penodol sy'n ymgorffori adran 186(1) fel un o delerau'r contract; ac mae adran 20 yn darparu –
- (a) bod rhaid ymgorffori'r adran hon, a
 - (b) na chaniateir ymgorffori'r adran hon ynghyd ag addasiadau iddi.

186C Cyfyngiadau ar adran 186: taliadau gwaharddedig a blaendaliadau cadw

- (1) Ni chaiff y landlord roi hysbysiad o dan adran 186 ar adeg pan fo –
- (a) y landlord wedi ei gwneud yn ofynnol i daliad gwaharddedig (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) gael ei wneud, fel a ddisgrifir yn adran 2 neu 3 o'r Ddeddf honno,
 - (b) o ganlyniad i'r gofyniad, taliad gwaharddedig wedi ei wneud i'r landlord neu i unrhyw berson arall, ac
 - (c) y taliad gwaharddedig heb ei ad-dalu.
- (2) Ni chaiff y landlord roi hysbysiad o dan adran 186 ar adeg pan fo –
- (a) blaendal cadw (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) a dalwyd mewn perthynas â'r contract heb ei ad-dalu, a
 - (b) yr amgylchiadau yn golygu bod 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 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) y mae wedi ei gymhwyso 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 safonol cyfnod penodol sy'n ymgorffori adran 186(1) fel un o delerau'r contract."
- (2) Yn adran 20 (ymgorffori ac addasu darpariaethau sylfaenol), yn is-adran (3), ar ôl paragraff (m), mewnosoder –
- “(ma) adran 186B (torri gofynion blaendal: cyfyngiad ar roi hysbysiad mewn cysylltiad â diwedd contractau safonol cyfnod penodol),”.
- (3) Yn adran 135 (cyfyngiad ar amrywio), yn is-adran (2), ar ôl paragraff (i), mewnosoder –



“(ia) adran 186B (torri gofynion blaendal: cyfyngiad ar roi hysbysiad mewn cysylltiad â diwedd contractau safonol cyfnod penodol),”.

- (4) Yn lle adran 183(2) (perthnasedd digwyddiadau o dan contract safonol cyfnod penodol), rhodder—

“(2) Mae adrannau 179 a 180 yn gymwys i hysbysiad a roddir o dan adran 186(1), ac i hawliad meddiant a wneir ar y sail yn adran 186(5) gan ddibynnu ar hysbysiad o’r fath, fel y maent yn gymwys i hysbysiad a roddir o dan adran 173, ac i hawliad meddiant a wneir ar y sail yn adran 178 gan ddibynnu ar hysbysiad a roddir o dan adran 173.”

Cyfyngiad ar ddefnyddio cymal terfynu’r landlord mewn contractau safonol cyfnod penodol

- 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: taliadau gwaharddedig a blaendaliadau cadw

- (1) Ni chaiff y landlord roi hysbysiad o dan gymal terfynu’r landlord ar adeg pan fo—
- (a) y landlord wedi ei gwneud yn ofynnol i daliad gwaharddedig (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) gael ei wneud, fel a ddisgrifir yn adran 2 neu 3 o’r Ddeddf honno,
 - (b) o ganlyniad i’r gofyniad, taliad gwaharddedig wedi ei wneud i’r landlord neu i unrhyw berson arall, ac
 - (c) y taliad gwaharddedig heb ei ad-dalu.
- (2) Ni chaiff y landlord roi hysbysiad o dan gymal terfynu’r landlord ar adeg pan fo—
- (a) blaendal cadw (o fewn yr ystyr a roddir gan Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019) a dalwyd mewn perthynas â’r contract heb ei ad-dalu, a
 - (b) yr 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 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) y mae wedi ei gymhwyso 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 safonol cyfnod penodol sydd â chymal terfynu'r landlord."

Cyfyngiadau ar lys yn gwrando hawliad meddiant gan landlord

- 6 Yn adran 204 (cyfyngiadau ar lys yn gwrando hawliadau meddiant gan landlord) –
- (a) yn is-adran (1)(a)(vii), ar ôl "177" mewnosoder ", 177A";
 - (b) yn is-adran (1)(a)(ix), yn lle "adran 186 (cyfyngiad", rhodder ", adrannau 186, 186A, 186B a 186C (cyfyngiadau";
 - (c) yn is-adran (1)(a)(xiii), ar ôl "198" mewnosoder ", 198A".

Darpariaeth ganlyniadol amrywiol

- 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 nodiadau'r 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 –
 - (i) yng ngholofn gyntaf y cofnod ar gyfer adran 186, yn lle "Adran 186", rhodder "Adrannau 186, 186A, 186B a 186C";
 - (ii) yn nodiadau'r cofnod ar gyfer adran 186, ar y diwedd, mewnosoder "Os nad yw adran 186(1) wedi ei hymgorffori, nid yw adrannau 186A, 186B a 186C yn gymwys. Os yw contract yn ymgorffori adran 186(1), rhaid ymgorffori adrannau 186A, 186B a 186C, a rhaid ymgorffori adran 186B heb ei haddasu.";
 - (iii) yn nodiadau'r 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)".

