



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Safleoedd Rheoleiddiedig Cartrefi Symudol (Cymru) Regulated Mobile Home Sites (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i
esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Sections 1 - 33	Adrannau 1 - 33
Schedule 1	Atodlen 1
Long title	Teitl Hir

Carl Sargeant

Page 1, line 9, leave out section 1.

Tudalen 1, llinell 9, hepgorer adran 1.

Carl Sargeant

2

To insert a new section –

‘(1) Overview of Act

- (1) This Act makes provision about mobile home sites in Wales.
- (2) In this Act –
 - (a) Part 2 makes provision for and in connection with the licensing of regulated sites etc,
 - (b) Part 3 makes provision for protection from eviction from protected sites,
 - (c) Part 4 makes provision about the terms of agreements for stationing mobile homes on protected sites,
 - (d) Part 5 makes provision under which local authorities may provide sites for mobile homes and may prohibit the stationing of mobile homes on commons, and
 - (e) Part 6 makes supplementary and general provision.’.

I fewnosod adran newydd –

‘(1) Trosolwg o’r Ddeddf

- (1) Mae’r Ddeddf hon yn gwneud darpariaeth ynghylch safleoedd cartrefi symudol yng Nghymru.
- (2) Yn y Ddeddf hon –
 - (a) mae Rhan 2 yn gwneud darpariaeth ar gyfer trwyddedu safleoedd rheoleiddiedig etc ac mewn cysylltiad â hynny,
 - (b) mae Rhan 3 yn gwneud darpariaeth i amddiffyn rhag troi allan o safleoedd gwarchodedig,
 - (c) mae Rhan 4 yn gwneud darpariaeth ynghylch telerau cytundebau i osod cartrefi symudol ar safleoedd gwarchodedig,
 - (d) mae Rhan 5 yn gwneud darpariaeth y caiff awdurdodau lleol ddarparu safleoedd i gartrefi symudol a gwahardd gosod cartrefi symudol ar dir comin odani, ac
 - (e) mae Rhan 6 yn gwneud darpariaeth atodol a chyffredinol.’.

Carl Sargeant

3

Page 1, line 21, leave out section 2.

Tudalen 1, llinell 25, hepgorer adran 2.

***Mark Isherwood**

4A

As an amendment to amendment 4, line 19, after 'site,', insert –

' –

- (a) the local authority must make such enquiries as it considers reasonable to satisfy itself that the site will be occupied in accordance with subsection (3), and'

This amendment is for Local Authorities to make checks to ascertain that an applicant is not seeking to circumvent the legislation by applying to license a site as a holiday site.

Fel gwelliant i welliant 4, llinell 21, ar ôl 'beidio', mewnosoder –

' –

- (a) rhaid i awdurdod lleol wneud y fath ymholiadau y mae'n ystyried eu bod yn rhesymol i'w fodloni ei hun y bydd y safle yn cael ei feddiannu yn unol ag is-adran (3), a'.

Diben y gwelliant hwn yw i awdurdodau lleol wirio nad yw ymgeisydd yn ceisio osgoi'r ddeddfwriaeth drwy wneud cais i drwyddedu safle yn safle gwyliau.

Carl Sargeant

4

To insert a new section –

'() Mobile home sites subject to Act

- (1) In this Act "regulated site" means any land in Wales on which a mobile home is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), other than –
 - (a) a site which Schedule (*amendment 100*) provides is not to be a regulated site, or
 - (b) a holiday site.
- (2) In this Act "protected site" means land which is –
 - (a) a regulated site, or
 - (b) any site that would be a regulated site but for paragraph 11 of Schedule (*amendment 100*),but in Part 4 does not include a local authority Gypsy and Traveller site.
- (3) In subsection (1) "holiday site" means a site in respect of which the relevant planning permission or the site licence for the site under the Caravan Sites and Control of Development Act 1960 is –
 - (a) expressed to be granted for holiday use only, or
 - (b) otherwise expressed but so that, or subject to conditions such that, there are times of the year when no mobile home may be stationed on the site for human habitation.

- (4) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by –
 - (a) the person who is the owner of the site, or
 - (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 applies.
- (5) In subsection (2) “local authority Gypsy and Traveller site” means land occupied by a local authority for the stationing of mobile homes providing accommodation for Gypsies and Travellers.’.

I fewnosod adran newydd –

‘(1) Safleoedd cartrefi symudol sy’n ddarostyngedig i’r Ddeddf

- (1) Yn y Ddeddf hon ystyr “safle rheoleiddiedig” yw unrhyw dir yng Nghymru y gosodir cartref symudol arno er mwyn i bobl fyw ynddo (gan gynnwys unrhyw dir yng Nghymru a ddefnyddir ar y cyd â thir o’r fath) heblaw –
 - (a) safle y mae Atodlen (*gwelliant 100*) yn darparu nad yw i fod yn safle rheoleiddiedig, a
 - (b) safle gwyliau.
- (2) Yn y Ddeddf hon ystyr “safle gwarchoddedig” yw tir sydd –
 - (a) yn safle rheoleiddiedig, neu
 - (b) yn unrhyw safle a fyddai’n safle rheoleiddiedig heblaw am baragraff 11 o Atodlen (*gwelliant 100*), ond yn Rhan 4 nid yw’n cynnwys safle awdurdod lleol i Sipsiwn a Theithwyr.
- (3) Yn is-adran (1) ystyr “safle gwyliau” yw safle y mae’r caniatâd cynllunio perthnasol neu’r drwydded safle ar ei gyfer o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 –
 - (a) yn mynegi ei fod wedi ei roi neu ei bod wedi ei rhoi at ddibenion gwyliau yn unig, neu
 - (b) yn mynegi’n wahanol ond fel bod adegau o’r flwyddyn pan na chaniateir gosod cartref symudol ar y safle i bobl fyw ynddo, neu yn ddarostyngedig i amodau sy’n golygu na chaniateir hynny.
- (4) Er mwyn penderfynu a yw safle’n safle gwyliau neu beidio, mae unrhyw ddarpariaeth yn y caniatâd cynllunio perthnasol neu yn nhrwydded y safle sy’n caniatáu gosod cartref symudol ar y tir i bobl fyw ynddo drwy gydol y flwyddyn i’w anwybyddu os awdurdodwyd y cartref symudol i’w feddiannu –
 - (a) gan y person sy’n berchennog y safle, neu
 - (b) gan berson a gyflogir gan y person hwnnw ond nad yw’n meddiannu’r cartref symudol o dan gytundeb y mae Rhan 4 yn gymwys iddo.
- (5) Yn is-adran (2) ystyr “safle awdurdod lleol i Sipsiwn a Theithwyr” yw tir a feddiennir gan awdurdod lleol i osod cartrefi symudol arno sy’n rhoi llety i Sipsiwn a Theithwyr.’.

Carl Sargeant

5

Page 2, line 4, leave out section 3.

Tudalen 2, llinell 4, hepgorer adran 3.

Carl Sargeant

6

To insert a new section –

‘() Owners of sites

In this Act “owner”, in relation to any land, means the person who, by virtue of an estate or interest in the land –

- (a) is entitled to possession of the land, or
- (b) would be entitled to possession of the land but for the rights of any other person under any licence or contract granted in respect of the land (including a licence or contract to station or occupy a mobile home there),

but see also sections (*amendment 73*)(2), (*amendment 76*)(7) and (*amendment 89*)(2)(a).’.

I fewnosod adran newydd –

‘() Perchnogion safleoedd

Yn y Ddeddf hon ystyr “perchennog”, o ran unrhyw dir, yw’r person –

- (a) y mae ganddo hawl i feddiannu’r tir, neu
- (b) y byddai ganddo hawl i feddiannu’r tir heblaw am hawliau unrhyw berson arall o dan unrhyw drwydded neu gontract a roddwyd ar gyfer y tir (gan gynnwys trwydded neu gontract i osod neu i feddiannu cartref symudol yno),

yn rhinwedd ystâd neu fuddiant yn y tir, ond gweler hefyd adrannau (*gwelliant 73*)(2), (*gwelliant 76*)(7) and (*gwelliant 89*)(2)(a).’.

Carl Sargeant

7

Page 2, line 14, leave out section 4.

Tudalen 2, llinell 14, hepgorer adran 4.

Carl Sargeant

8

To insert a new section –

‘() Overview of Part

- (1) This Part makes provision about the licensing of regulated sites and related matters.
- (2) In this Part –
 - (a) sections () to () (*amendments 10, 12, 14, 16*) make provision for site licences,

- (b) sections () to () (*amendments 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50*) make provision about conditions of site licences,
- (c) sections () and () (*amendments 52, 54*) make provision about revocation and surrender of site licences,
- (d) sections () and () (*amendments 56, 58*) require site managers to be fit and proper persons,
- (e) sections () and () (*amendments 60, 62*) make provision for the appointment of interim managers,
- (f) sections () to () (*amendments 64, 66*) contain other enforcement provisions, and
- (g) sections (*amendment 67*) to (*amendment 73*) contain miscellaneous and supplementary provision.’.

I fewnosod adran newydd –

‘() Trosolwg o’r Rhan

- (1) Mae’r Rhan hon yn gwneud darpariaeth ynghylch trwyddedu safleoedd rheoleiddiedig a materion perthynol.
- (2) Yn y Rhan hon –
 - (a) mae adrannau () i () (*gwelliannau 10, 12, 14, 16*) yn gwneud darpariaeth ar gyfer trwyddedau safle,
 - (b) mae adrannau () i () (*gwelliannau 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50*) yn gwneud darpariaeth ynghylch amodau trwyddedau safle,
 - (c) mae adrannau () a () (*gwelliannau 52, 54*) yn gwneud darpariaeth ynghylch dirymu ac ildio trwyddedau safle,
 - (d) mae adrannau () a () (*gwelliannau 56, 58*) yn ei gwneud yn ofynnol i reolwyr safleoedd fod yn bersonau addas a phriodol,
 - (e) mae adrannau () a () (*gwelliannau 60, 62*) yn gwneud darpariaeth ar gyfer penodi rheolwyr interim,
 - (f) mae adrannau () i () (*gwelliannau 64, 66*) yn cynnwys darpariaethau eraill ynglŷn â gorfodi, ac
 - (g) mae adrannau (*gwelliant 67*) i (*gwelliant 73*) yn cynnwys darpariaethau amrywiol ac atodol.’.

Carl Sargeant

Page 2, line 21, leave out section 5.

Tudalen 2, llinell 21, hepgorer adran 5.

Carl Sargeant

10

To insert a new section –

‘(1) Prohibition on use of land as regulated site without site licence

- (1) The owner of a regulated site must not cause or permit the site to be used as a regulated site unless the owner holds a licence under this Part in relation to the land (a "site licence").
- (2) A person who contravenes subsection (1) commits an offence.
- (3) A person who is guilty of an offence under subsection (2) is liable on summary conviction to a fine.’.

I fewnosod adran newydd –

‘(1) Gwahardd defnyddio tir fel safle rheoleiddiedig heb drwydded safle

- (1) Rhaid i berchennog safle rheoleiddiedig beidio ag achosi na chaniatáu i’r safle gael ei ddefnyddio fel safle rheoleiddiedig oni bai bod gan y perchennog drwydded o dan y Rhan hon ar gyfer y tir (“trwydded safle”).
- (2) Mae person sy’n mynd yn groes i is-adran (1) yn cyflawni trosedd.
- (3) Mae person sy’n euog o drosedd o dan is-adran (2) yn agored o’i gollfarnu’n ddiannod i ddirwy.’.

Carl Sargeant

11

Page 3, line 4, leave out section 6.

Tudalen 3, llinell 5, hepgorer adran 6.

Carl Sargeant

12

To insert a new section –

‘(1) Application for site licence

- (1) An application for the issue of a site licence in respect of any land is to be made by the owner of the land to the local authority in whose area the land is situated.
- (2) An application under this section –
 - (a) must specify the land in respect of which the application is made,
 - (b) must identify the applicant,
 - (c) if the applicant is not to be the manager of the site, must identify the person who is to be the manager of the site, and
 - (d) must comply with such other requirements as the local authority may specify.
- (3) An applicant must, either at the time of making the application or subsequently, give to the local authority such other information as the local authority may reasonably require.

- (4) The application must be accompanied by a declaration by the applicant that –
 - (a) in a case in which the applicant is not to be the manager of the site, the person identified in accordance with subsection (2)(c), or
 - (b) in any other case, the applicant,is a fit and proper person to manage the site.
- (5) A local authority may require an application for a site licence to be accompanied by a fee fixed by the local authority (on which see section (*amendment 70*)).’.

I fewnosod adran newydd –

‘(1) Gwneud cais am drwydded safle

- (1) Mae cais am ddyroddi trwydded safle ar gyfer unrhyw dir i’w wneud gan berchennog y tir i’r awdurdod lleol y mae’r tir wedi ei leoli yn ei ardal.
- (2) O ran cais o dan yr adran hon –
 - (a) rhaid iddo bennu’r tir y gwneir y cais ar ei gyfer,
 - (b) rhaid iddo enwi’r ymgeisydd,
 - (c) os nad yr ymgeisydd fydd rheolwr y safle, rhaid iddo enwi’r person sydd am fod yn rheolwr ar y safle, a
 - (d) rhaid iddo gydymffurfio ag unrhyw ofynion eraill a bennir gan yr awdurdod lleol.
- (3) Rhaid i ymgeisydd, naill ai adeg gwneud y cais neu wedyn, roi i’r awdurdod lleol unrhyw wybodaeth arall y mae’n rhesymol i’r awdurdod lleol ofyn amdani.
- (4) I gyd-fynd â’r cais rhaid cael datganiad gan yr ymgeisydd –
 - (a) mewn achos lle nad yw’r ymgeisydd am fod yn rheolwr ar y safle, fod y person a enwir yn unol ag is-adran (2)(c), neu
 - (b) mewn unrhyw achos arall, fod yr ymgeisydd, yn berson addas a phriodol i reoli’r safle.
- (5) Caiff awdurdod lleol ei gwneud yn ofynnol i ffi a bennir gan yr awdurdod lleol gael ei hanfon ynghyd â’r cais am drwydded safle (*gweler adran (gwelliant 70) ynglŷn â hyn*).’.

Carl Sargeant

13

Page 4, line 9, leave out section 7.

Tudalen 4, llinell 9, hepgorer adran 7.

Carl Sargeant

14

To insert a new section –

‘(1) Issue of site licence

- (1) A local authority may issue a site licence in respect of land if the applicant is, when the site licence is issued, entitled to the benefit of planning permission for the use of the land as a mobile home site otherwise than by a development order.
- (2) If, on the date when the applicant gives the information required by virtue of section (*amendment 12*), the applicant is entitled to the benefit of such planning permission, the local authority may issue a site licence in respect of the land within 2 months of that date or, if the applicant and the local authority agree in writing that the local authority is to be allowed a longer period within which to grant a site licence, within the period agreed.
- (3) If the applicant becomes entitled to the benefit of planning permission at some time after giving the information required by virtue of section (*amendment 12*)(2) and (3), the local authority may issue a site licence in respect of the land within 6 weeks of the date on which the applicant becomes entitled to the benefit of such a permission or, if the applicant and the local authority agree in writing that the local authority is to be allowed a longer period within which to grant a site licence, within the period agreed.
- (4) Where a local authority decides not to issue a site licence under subsection (2) or (3) –
 - (a) the local authority must notify the applicant of the reasons for the decision and of the applicant's right of appeal under paragraph (b),
 - (b) the applicant may, within the period of 28 days beginning with the day on which the decision is made, appeal to a residential property tribunal against the decision, and
 - (c) no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
- (5) A local authority must not at any time issue a site licence to a person whom the local authority knows has held a site licence which has been revoked under section (*amendment 36*) or (*amendment 56*) less than 3 years before that time.
- (6) Where a local authority fails to determine an application for a site licence within the period within which it is required to do so, no offence under section (*amendment 10*) is committed in respect of the land by the person by whom the application for the site licence was made at any time after the end of that period until the application is determined.’.

I fewnosod adran newydd –

‘(1) Dyroddi trwydded safle

- (1) Caiff awdurdod lleol ddyroddi trwydded safle ar gyfer tir os oes gan yr ymgeisydd, pan ddyroddir y drwydded safle, hawl i fanteisio ar ganiatâd cynllunio i ddefnyddio'r tir fel safle i gartrefi symudol heblaw drwy orchymyn datblygu.

- (2) Os oes gan yr ymgeisydd hawl i fanteisio ar ganiatâd cynllunio o'r fath ar y dyddiad y mae'r ymgeisydd yn rhoi'r wybodaeth y gofynnir amdani yn rhinwedd adran (*gwelliant 12*), caiff yr awdurdod lleol ddyroddi trwydded safle ar gyfer y tir o fewn 2 fis ar ôl y dyddiad hwnnw neu, os bydd yr ymgeisydd a'r awdurdod lleol yn cytuno mewn ysgrifen y caniateir cyfnod hirach i'r awdurdod lleol ddyroddi trwydded safle, o fewn y cyfnod y cytunir arno.
- (3) Os caiff yr ymgeisydd hawl i fanteisio ar ganiatâd cynllunio rywbyrd ar ôl rhoi'r wybodaeth y gofynnir amdani yn rhinwedd adran (*gwelliant 12*)(2) a (3), caiff yr awdurdod lleol ddyroddi trwydded safle ar gyfer y tir o fewn 6 wythnos ar ôl y dyddiad y mae'r ymgeisydd yn cael yr hawl i fanteisio ar y caniatâd hwnnw neu, os bydd yr ymgeisydd a'r awdurdod lleol yn cytuno mewn ysgrifen y caniateir cyfnod hirach i'r awdurdod lleol ddyroddi trwydded safle, o fewn y cyfnod y cytunir arno.
- (4) Pan fo awdurdod lleol yn penderfynu peidio â dyroddi trwydded safle o dan is-adran (2) neu (3) –
 - (a) rhaid i'r awdurdod lleol hysbysu'r ymgeisydd am y rhesymau dros y penderfyniad ac am hawl yr ymgeisydd i apelio o dan baragraff (b),
 - (b) caiff yr ymgeisydd, o fewn y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod y gwneir y penderfyniad, apelio at dribiwnlys eiddo preswyl yn erbyn y penderfyniad, ac
 - (c) ni chaniateir hawlio digollediad am golled a ddioddefir yn sgil y penderfyniad hyd nes y ceir canlyniad yr apêl.
- (5) Rhaid i awdurdod lleol beidio ar unrhyw adeg â dyroddi trwydded safle i berson y gŵyr yr awdurdod lleol ei fod wedi dal trwydded safle a ddirymwyd o dan adran (*gwelliant 36*) neu (*gwelliant 56*) lai na 3 blynedd cyn yr adeg honno.
- (6) Pan fo awdurdod lleol yn methu penderfynu ar gais am drwydded safle o fewn y cyfnod y mae'n ofynnol iddo wneud hynny o'i fewn, nid oes trosedd o dan adran (*gwelliant 10*) wedi ei gyflawni o ran y tir gan y person a wnaeth y cais am y drwydded safle ar unrhyw adeg ar ôl diwedd y cyfnod hwnnw hyd nes bod penderfyniad ar y cais wedi ei wneud.'

Carl Sargeant

15

Page 5, line 2, leave out section 8.

Tudalen 5, llinell 2, hepgorer adran 8.

Carl Sargeant

16

To insert a new section –

'() Duration of site licence

- (1) A site licence comes into operation at the time specified in or determined under the licence and, unless terminated by its revocation, continues in force for the period specified in or determined under the site licence.

- (2) That period must end not later than 5 years after the day on which the site licence comes into operation.’.

I fewnosod adran newydd –

‘() Parhad trwydded safle

- (1) Daw trwydded safle’n weithredol ar yr adeg a bennir yn y drwydded safle neu odani ac, oni chaiff ei therfynu drwy gael ei dirymu, mae’n parhau mewn grym am y cyfnod a bennir yn y drwydded safle neu o dani.
- (2) Rhaid i’r cyfnod hwnnw ddod i ben heb fod yn fwy na 5 mlynedd ar ôl y diwrnod y daw’r drwydded safle yn weithredol.’.

Carl Sargeant

17

Page 5, line 12, leave out section 9.

Tudalen 5, llinell 12, hepgorer adran 9.

Carl Sargeant

18

To insert a new section –

‘() Power to attach conditions to site licence

- (1) A site licence issued by a local authority in respect of any land may be issued subject to such conditions as the local authority may consider it necessary or desirable to impose on the owner of the land in the interests of –
- (a) persons dwelling on the land in mobile homes,
 - (b) any other class of persons, or
 - (c) the public at large.
- (2) The conditions subject to which a site licence may be issued include (but are not limited to) conditions –
- (a) for restricting the occasions on which mobile homes are stationed on the land for the purposes of human habitation, or the total number of mobile homes which are stationed on the land for those purposes at any one time,
 - (b) for controlling (whether by reference to their size, the state of their repair or, subject to subsection (3), any other feature) the types of mobile home which are stationed on the land,
 - (c) for regulating the positions in which mobile homes are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating the placing or erection on the land, at any time when mobile homes are stationed on the land for those purposes, of structures and vehicles of any description and of tents,
 - (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting of the land with trees and bushes,

- (e) for securing that, at all times when mobile homes are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained,
 - (f) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in mobile homes and that, at all times when mobile homes are stationed on the land for the purposes of human habitation, any facilities and equipment provided for their use are properly maintained, and
 - (g) for requiring that where there is a change in the person by whom the site is managed, a declaration is made by the holder of the site licence to the local authority that the new manager is a fit and proper person to manage the site.
- (3) No condition may be imposed controlling the types of mobile homes which are stationed on the land by reference to the materials used in their construction.
- (4) Where the Regulatory Reform (Fire Safety) Order 2005 applies to land, no condition may be imposed in a site licence relating to the land in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (5) A site licence issued in respect of any land must, unless it is issued subject to a condition restricting to 3 or fewer the total number of mobile homes which may be stationed on the land at any one time, contain a condition that, at all times when mobile homes are stationed on the land for the purposes of human habitation, a copy of the site licence as for the time being in force, together with copies of the most recent utility bills relating to the site, must be displayed on the land in a prominent place.
- (6) In subsection (5) “utility bills” means bills for the provision of gas, electricity, water, sewerage or other similar services.
- (7) A condition of a site licence may, if it requires the carrying out of any works on the land in respect of which the site licence is issued, prohibit or restrict the bringing of mobile homes on to the land for the purposes of human habitation until such time as the local authority has certified in writing that the works have been completed to their satisfaction.
- (8) Where the land to which the site licence relates is at the time in use as a mobile home site, a condition requiring the carrying out of any works on the land may, whether or not it contains any prohibition or restriction mentioned in subsection (7), require the works to be completed to the satisfaction of the local authority within a stated period.
- (9) A condition of a site licence is valid even if it can be complied with only by the carrying out of works which the holder of the site licence is not entitled to carry out as of right.’

I fewnosod adran newydd –

‘(1) Pŵer i osod amodau ar drwydded safle

- (1) Caniateir i drwydded safle a ddyroddir gan awdurdod lleol ar gyfer unrhyw dir gael ei dyroddi o dan unrhyw amodau y mae’r awdurdod lleol o’r farn ei bod yn angenrheidiol neu’n ddymunol eu gosod ar berchennog y tir er lles –
- (a) personau sy’n byw ar y tir mewn cartrefi symudol,
 - (b) unrhyw ddsbarth arall o bersonau, neu

- (c) y cyhoedd yn gyffredinol.
- (2) Mae'r amodau y caniateir i drwydded safle gael ei dyroddi yn unol â hwy yn cynnwys amodau (ond heb fod yn gyfyngedig i amodau) –
- (a) i gyfyngu'r achlysuron pan osodir cartrefi symudol ar y tir er mwyn i bobl fyw ynddynt, neu gyfanswm y cartrefi symudol a osodir ar y tir at y diben hwnnw ar unrhyw un adeg,
 - (b) i reoli (boed drwy gyfeirio at eu maint, at eu cyflwr neu, yn ddarostyngedig i is-adran (3), at unrhyw nodwedd arall) y mathau o gartref symudol a osodir ar y tir,
 - (c) i reoleiddio ym mha safleoedd y gosodir cartrefi symudol ar y tir er mwyn i bobl fyw ynddynt ac i wahardd, cyfyngu neu reoleiddio fel arall ar osod neu godi ar y tir, ar unrhyw adeg pan fo cartrefi symudol wedi eu gosod ar y tir at y diben hwnnw, strwythurau a cherbydau o unrhyw ddisgrifiad a phebyll,
 - (d) i sicrhau y cymerir unrhyw gamau i gadw neu i wella amwynder y tir, gan gynnwys plannu ac ailblannu'r tir â choed a llwyni,
 - (e) i sicrhau, ar bob adeg y bydd cartrefi symudol wedi eu gosod ar y tir, fod mesurau priodol yn cael eu cymryd i atal a datrys tanau a bod dulliau digonol i ymladd tân yn cael eu darparu a'u cynnal,
 - (f) i sicrhau bod cyfleusterau iechydol digonol, ac unrhyw gyfleusterau, gwasanaethau neu offer eraill a bennir, yn cael eu darparu i'w defnyddio gan bersonau sy'n byw ar y tir mewn cartrefi symudol a bod unrhyw gyfleusterau ac offer a ddarperir i'w defnyddio ganddynt yn cael eu cynnal yn briodol, ar bob adeg pan fo cartrefi symudol wedi eu gosod ar y tir er mwyn i bobl fyw ynddynt, ac
 - (g) i'w gwneud yn ofynnol i ddatganiad gael ei wneud, os bydd y person sy'n rheoli'r safle yn newid, gan ddeiliad y drwydded safle i'r awdurdod lleol fod y rheolwr newydd yn berson addas a phriodol i reoli'r safle.
- (3) Ni chaniateir gosod amod sy'n rheoli'r mathau o gartrefi symudol a osodir ar y tir drwy gyfeirio at y deunyddiau a ddefnyddiwyd i'w hadeiladu.
- (4) Pan fo Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i dir, ni chaniateir gosod amod mewn trwydded safle sy'n ymwneud â'r tir i'r graddau y mae'n ymwneud ag unrhyw fater y gosodwyd neu y gellid gosod gofynion neu waharddiadau mewn perthynas ag ef gan neu o dan y Gorchymyn hwnnw.
- (5) Rhaid i drwydded safle a ddyroddir ar gyfer unrhyw dir, oni bai ei fod wedi ei ddyroddi o dan amod sy'n cyfyngu cyfanswm y cartrefi symudol y caniateir eu gosod ar y tir ar unrhyw un adeg i 3 neu lai, gynnwys amod bod rhaid i gopi o'r drwydded safle sydd am y tro mewn grym, ynghyd â chopïau o'r biliau cyfleustodau mwyaf diweddar sy'n ymwneud â'r safle, gael ei ddangos ar y tir mewn man amlwg bob amser y bydd cartrefi symudol wedi eu gosod ar y tir er mwyn i bobl fyw ynddynt.
- (6) Yn is-adran (5) ystyr "biliau cyfleustodau" yw biliau am ddarparu gwasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau tebyg eraill.

- (7) Caiff amod yn y drwydded safle, os yw'n ei gwneud yn ofynnol i unrhyw waith gael ei wneud ar y tir y dyroddir y drwydded safle ar ei gyfer, wahardd neu gyfyngu ar ddod â chartrefi symudol i'r tir er mwyn i bobl fyw ynddynt hyd nes bod yr awdurdod lleol wedi ardystio mewn ysgrifen fod y gwaith wedi ei orffen i'w foddhad.
- (8) Pan fo'r tir y mae'r drwydded safle'n ymwneud ag ef yn cael ei ddefnyddio ar y pryd fel safle i gartrefi symudol, caiff amod sy'n ei gwneud yn ofynnol i unrhyw waith gael ei wneud ar y tir, p'un a yw'n cynnwys unrhyw waharddiad neu gyfyngiad a grybwyllir yn is-adran 7 neu beidio, ei gwneud yn ofynnol i'r gwaith gael ei gwblhau er boddhad yr awdurdod lleol o fewn cyfnod a nodir.
- (9) Mae amod mewn trwydded safle yn ddilys hyd yn oed os nad oes modd cydymffurfio ag ef ond drwy wneud gwaith nad oes gan ddeiliad y drwydded safle hawl i'w wneud.'

Carl Sargeant

19

Page 6, line 13, leave out section 10.

Tudalen 6, llinell 13, hepgorer adran 10.

Carl Sargeant

20

To insert a new section –

'() Model standards

- (1) The Welsh Ministers may specify for the purposes of section (*amendment 18*) model standards with respect to the layout of, and the provision of facilities, services and equipment for, regulated sites or particular types of regulated sites.
- (2) In deciding what (if any) conditions to impose in a site licence, a local authority must have regard to any model standards which have been specified.
- (3) No model standards may be specified in relation to land to which the Regulatory Reform (Fire Safety) Order 2005 applies in so far as the standards relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (4) The duty of a local authority to have regard to standards specified under this section is to be construed, as regards standards relating to fire precautions, as a duty to have regard to them subject to any advice given by the fire and rescue authority under section (*amendment 22*).
- (5) In this section and section (*amendment 22*) "fire precautions" means precautions to be taken for any of the purposes specified in section (*amendment 18*)(2)(e).'

I fewnosod adran newydd –

'() Safonau enghreifftiol

- (1) Caiff Gweinidogion Cymru bennu at ddibenion adran (*gwelliant 18*) safonau enghreifftiol o ran cynllun safleoedd rheoleiddiedig neu fathau penodol o safleoedd rheoleiddiedig, ac o ran darparu cyfleusterau, gwasanaethau ac offer iddynt.

- (2) Wrth benderfynu pa amodau i'w gosod (os gosodir unrhyw amodau o gwbl) mewn trwydded safle, rhaid i awdurdod lleol roi sylw i unrhyw safonau enghreifftiol sydd wedi eu pennu.
- (3) Ni chaniateir pennu safonau enghreifftiol o ran tir y mae Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys iddo i'r graddau y mae'r safonau'n ymwneud ag unrhyw fater arall y gosodwyd neu y gellid gosod gofynion neu waharddiadau mewn perthynas ag ef gan neu o dan y Gorchymyn hwnnw.
- (4) Mae dyletswydd awdurdod lleol i roi sylw i safonau a bennir o dan yr adran hon i'w dehongli, o ran safonau sy'n ymwneud â rhagofalon tân, fel dyletswydd i roi sylw iddynt yn ddarostyngedig i unrhyw gyngor a roddir gan yr awdurdod tân ac achub o dan adran (*gwelliant 22*).
- (5) Yn yr adran hon ac yn adran (*gwelliant 22*) ystyr "rhagofalon tân" yw rhagofalon sydd i'w cymryd at unrhyw un neu ragor o'r dibenion a bennir yn adran (*gwelliant 18*)(2)(e).'

Carl Sargeant

21

Page 7, line 18, leave out section 11.

Tudalen 7, llinell 19, hepgorer adran 11.

Carl Sargeant

22

To insert a new section –

'() Fire precautions

- (1) The local authority must, in considering what conditions to impose in a site licence relating to any land, consult the fire and rescue authority as to the extent to which any model standards relating to fire precautions which have been specified under section (*amendment 20*) are appropriate to the land.
- (2) If –
 - (a) no such standards have been specified, or
 - (b) any standard that has been specified appears to the fire and rescue authority to be inappropriate to the land,the local authority must consult the fire and rescue authority as to what conditions relating to fire precautions ought to be imposed instead.
- (3) This section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.'

I fewnosod adran newydd –

'() Rhagofalon tân

- (1) Rhaid i'r awdurdod lleol, wrth ystyried pa amodau i'w gosod mewn trwydded safle sy'n ymwneud ag unrhyw dir, ymgynghori â'r awdurdod tân ac achub ynghylch i ba raddau y mae unrhyw safonau enghreifftiol sy'n ymwneud â rhagofalon tân sydd wedi eu pennu o dan adran (*gwelliant 20*) yn briodol i'r tir.

- (2) Os—
- (a) nad oes safonau o'r fath wedi eu pennu, neu
 - (b) ei bod yn ymddangos i'r awdurdod tân ac achub fod unrhyw safon a bennwyd yn amhriodol i'r tir,
- rhaid i'r awdurdod lleol ymgynghori â'r awdurdod tân ac achub ynghylch pa amodau sy'n ymwneud â rhagofalon tân a ddylai gael eu gosod.
- (3) Nid yw'r adran hon yn gymwys pan fo Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r tir.'

Carl Sargeant

23

Page 8, line 29, leave out section 12.

Tudalen 8, llinell 31, hepgorer adran 12.

Carl Sargeant

24

To insert a new section—

'() Appeal against conditions of site licence

- (1) Where a local authority decides to issue a site licence subject to conditions (other than the condition about displaying the site licence referred to in section (*amendment 18*)(5)), the local authority must notify the applicant of the reasons for doing so and of the applicant's right of appeal under subsection (2).
- (2) The applicant may, within the period of 28 days beginning with the day on which the decision is made, appeal to a residential property tribunal against the decision.
- (3) The tribunal may vary or cancel the condition if satisfied (having regard, among other things, to any standards which may have been specified by the Welsh Ministers under section (*amendment 20*)) that the condition is unduly burdensome.
- (4) In a case where a residential property tribunal varies or cancels a condition under subsection (3), it may also attach a new condition to the site licence.
- (5) In so far as the effect of a condition subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition does not have effect—
 - (a) during the period within which the person to whom the site licence is issued is entitled to appeal against the condition, or
 - (b) while an appeal against the condition is pending.'

I fewnosod adran newydd –

‘() Apelio yn erbyn amodau trwydded safle

- (1) Pan fo awdurdod lleol yn penderfynu dyroddi trwydded safle yn ddarostyngedig i amodau (heblaw’r amod ynghylch dangos y drwydded safle y cyfeirir ato yn adran (*gwelliant 18*)(5)), rhaid i’r awdurdod lleol hysbysu’r ymgeisydd am y rhesymau dros wneud hynny ac am hawl yr ymgeisydd i apelio o dan is-adran (2).
- (2) Caiff yr ymgeisydd, o fewn y cyfnod o 28 o ddiwrnodau sy’n dechrau â’r diwrnod y gwneir y penderfyniad, apelio at driwlynlys eiddo preswyl yn erbyn y penderfyniad.
- (3) Caiff y triwlynlys amrywio neu ddileu’r amod os yw wedi ei fodloni (ar ôl rhoi sylw, ymhlith pethau eraill, i unrhyw safonau a all fod wedi eu pennu gan Weinidogion Cymru o dan adran (*gwelliant 20*)) fod yr amod yn amhriodol o feichus.
- (4) Mewn achos pan fo triwlynlys eiddo preswyl yn amrywio neu’n dileu amod o dan is-adran (3), caiff osod amod newydd ar y drwydded safle hefyd.
- (5) I’r graddau y mae amod y dyroddir trwydded safle yn ddarostyngedig iddo ar gyfer unrhyw dir yn arwain at ei gwneud yn ofynnol i unrhyw waith gael ei wneud ar y tir, nid yw’r amod yn effeithiol –
 - (a) yn ystod y cyfnod pan fo gan y person y dyroddwyd y drwydded safle iddo hawl i apelio yn erbyn yr amod, na
 - (b) tra bo apêl yn erbyn yr amod yn yr arfaeth.’

Carl Sargeant

25

Page 9, line 29, leave out section 13.

Tudalen 9, llinell 32, hepgorer adran 13.

Carl Sargeant

26

To insert a new section –

‘() Power of local authority to vary conditions of site licence

- (1) The conditions of a site licence may be varied at any time (whether by the variation or cancellation of existing conditions, by the addition of new conditions, or by a combination of any such methods) by the local authority if –
 - (a) the holder of the site licence makes an application to the local authority for it to do so, or
 - (b) the local authority discovers new information or considers that there has been a change of circumstances.
- (2) Before varying the conditions of a site licence under subsection (1)(b), the local authority must give to the holder of the site licence an opportunity to make representations.

- (3) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land to which the site licence relates, no new condition may be added to a site licence under subsection (1) in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (4) A local authority may require an application for a variation of the conditions of the site licence to be accompanied by a fee fixed by the local authority (on which see section (*amendment 70*)).
- (5) The variation by a local authority of the conditions of site licence is not to have effect until written notification of it has been received by the holder of the site licence.
- (6) In exercising the powers conferred by subsection (1), a local authority must have regard (among other things) to any standards which may have been specified by the Welsh Ministers under section (*amendment 20*).
- (7) The local authority must consult the fire and rescue authority before exercising the powers conferred by subsection (1) in relation to a condition of a site licence imposed for the purposes set out in section (*amendment 18*)(2)(e).
- (8) Subsection (7) does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.'.

I fewnosod adran newydd –

'() Pŵer awdurdod lleol i amrywio amodau trwydded safle

- (1) Caniateir i amodau trwydded safle gael eu hamrywio unrhyw bryd (boed drwy amrywio neu ddileu amodau presennol, drwy ychwanegu amodau newydd, neu drwy gyfuniad o unrhyw ddulliau o'r fath) gan yr awdurdod lleol –
 - (a) os bydd deiliad y drwydded safle'n gwneud cais i'r awdurdod lleol ar iddo wneud hynny, neu
 - (b) os bydd yr awdurdod lleol yn canfod gwybodaeth newydd neu os yw o'r farn bod amgylchiadau wedi newid.
- (2) Cyn amrywio amodau trwydded safle o dan is-adran (1)(b), rhaid i'r awdurdod lleol roi cyfle i ddeiliad y drwydded safle gyflwyno sylwadau.
- (3) Pan fo Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r tir y mae'r drwydded safle yn ymwneud ag ef, ni chaniateir ychwanegu amod newydd i'r drwydded safle o dan is-adran (1) i'r graddau y mae'n ymwneud ag unrhyw fater y gosodwyd neu y gellid gosod gofynion neu waharddiadau mewn perthynas ag ef gan neu o dan y Gorchymyn hwnnw.
- (4) Caiff awdurdod lleol ei gwneud yn ofynnol i ffi a bennir gan yr awdurdod lleol (gweler adran (*gwelliant 70*) ynglŷn â hyn) gael ei hanfon ynghyd â chais am amrywio amodau'r drwydded safle.
- (5) Nid yw amrywiad ar amodau trwydded safle gan awdurdod lleol i fod yn effeithiol hyd nes bod deiliad y drwydded safle wedi cael hysbysiad ysgrifenedig yn ei gylch.
- (6) Wrth arfer y pwerau a roddir gan is-adran (1), rhaid i awdurdod lleol roi sylw (ymhlith pethau eraill) i unrhyw safonau a all fod wedi eu pennu gan Weinidogion Cymru o dan adran (*gwelliant 20*).

- (7) Rhaid i'r awdurdod lleol ymgynghori â'r awdurdod tân ac achub cyn arfer y pwerau a roddir gan is-adran (1) o ran amod mewn trwydded safle a osodir at y dibenion a nodir yn adran (*gwelliant 18*)(2)(e).
- (8) Nid yw is-adran (7) yn gymwys pan fo Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r tir.'

Carl Sargeant

27

Page 10, line 38, leave out section 14.

Tudalen 10, llinell 39, hepgorer adran 14.

Carl Sargeant

28

To insert a new section –

'() Appeal against variation of conditions of site licence

- (1) Where the holder of a site licence is aggrieved by any variation of the conditions of the site licence under section (*amendment 26*)(1)(b) or by the refusal of the local authority of an application for the variation of those conditions, the holder may, within the period of 28 days beginning with the day following that on which notification of the alteration or refusal is received by the holder, appeal to a residential property tribunal.
- (2) The tribunal, may, if it allows the appeal, give to the local authority such directions as may be necessary to give effect to the tribunal's decision.
- (3) In so far as a variation of a site licence imposes a requirement on the holder of the site licence to carry out on the land to which the site licence relates any works which the holder of the site licence would not otherwise be required to carry out, the variation is not to have effect during the period within which the holder is entitled to appeal against the variation or while an appeal against the variation is pending.
- (4) In exercising the powers conferred by subsection (2) a residential property tribunal must have regard amongst other things to any standards which may have been specified by the Welsh Ministers under section (*amendment 20*).'

I fewnosod adran newydd –

'() Apelio yn erbyn amrywio amodau trwydded safle

- (1) Pan fo deiliad trwydded safle wedi ei dramgwyddo gan unrhyw amrywiad ar amodau'r drwydded safle o dan adran (*gwelliant 26*)(1)(b) neu gan benderfyniad yr awdurdod lleol i wrthod cais am amrywio'r amodau hynny, caiff y deiliad, o fewn y cyfnod o 28 o ddiwrnodau sy'n dechrau drannoeth y diwrnod y cafodd y deiliad hysbysiad o'r newid neu o'r penderfyniad i wrthod, apelio at driwlynlys eiddo preswyl.
- (2) Caiff y triwlynlys, os yw'n caniatáu'r apêl, roi unrhyw gyfarwyddiadau i'r awdurdod lleol sy'n angenrheidiol i roi ei effaith i benderfyniad y triwlynlys.

- (3) I'r graddau y bydd amrywiad ar drwydded safle yn gosod gofyniad ar ddeiliad y drwydded i wneud unrhyw waith ar y tir y mae'r drwydded safle yn ymwneud ag ef na fyddai'n ofynnol fel arall i ddeiliad y drwydded safle ei wneud, nid yw'r amrywiad i fod yn effeithiol yn ystod y cyfnod pan fo gan y deiliaid hawl i apelio yn erbyn yr amrywiad na thra bydd apêl yn erbyn yr amrywiad yn yr arfaeth.
- (4) Wrth arfer y pwerau a roddir gan is-adran (2) rhaid i dribiwnlys eiddo preswyl roi sylw ymhlith pethau eraill i unrhyw safonau a all fod wedi eu pennu gan Weinidogion Cymru o dan adran (*gwelliant 20*).'

Carl Sargeant

29

Page 11, line 6, leave out section 15.

Tudalen 11, llinell 6, hepgorer adran 15.

Carl Sargeant

30

To insert a new section –

'() Breach of condition

- (1) If it appears to a local authority which has issued a site licence that the owner of the land is failing or has failed to comply with a condition of the site licence, the local authority may give the owner –
 - (a) a fixed penalty notice, or
 - (b) a compliance notice.
- (2) The Welsh Ministers may issue guidance to local authorities as to the considerations they should take into account in deciding whether to deal with a failure to comply with a condition of a site licence by giving a fixed penalty notice or a compliance notice.
- (3) A local authority must have regard to any such guidance in making such a decision.'

I fewnosod adran newydd –

'() Torri amod

- (1) Os yw'n ymddangos i awdurdod lleol sydd wedi dyroddi trwydded safle bod perchennog y tir yn methu neu wedi methu cydymffurfio ag unrhyw un neu ragor o amodau'r drwydded safle, caiff yr awdurdod lleol roi i'r perchennog –
 - (a) hysbysiad cosb benodedig, neu
 - (b) hysbysiad cydymffurfio.
- (2) Caiff Gweinidogion Cymru ddyroddi canllawiau i'r awdurdodau lleol ynghylch yr ystyriaethau y dylent eu hystyried wrth benderfynu a ddylid ymdrin â methiant i gydymffurfio ag amod mewn trwydded safle drwy roi hysbysiad cosb benodedig ynteu hysbysiad cydymffurfio.
- (3) Rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau o'r fath wrth wneud penderfyniad o'r fath.'

Carl Sargeant

31

Page 11, line 12, leave out section 16.

Tudalen 11, llinell 12, hepgorer adran 16.

Carl Sargeant

32

To insert a new section –

‘(1) Fixed penalty notice

- (1) A fixed penalty notice is a notice which –
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) requires the owner of the land to pay a specified amount to the local authority at an address specified in the notice, and
 - (c) specifies the period within which the specified amount must be paid.
- (2) The amount specified in a fixed penalty notice given at any time must not exceed the amount specified at that time as level 1 on the standard scale for summary offences.
- (3) Without prejudice to payment by any other method, payment of an amount specified in a fixed penalty notice may be made by pre-paying and posting a letter containing the amount (in cash or otherwise) to the local authority at the address specified in the notice; and in that case payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.’

I fewnosod adran newydd –

‘(1) Hysbysiad cosb benodedig

- (1) Mae hysbysiad cosb benodedig yn hysbysiad sydd –
 - (a) yn nodi’r amodau o dan sylw a manylion y methiant i gydymffurfio ag ef,
 - (b) yn ei gwneud yn ofynnol i berchennog y tir dalu swm penodedig i’r awdurdod lleol mewn cyfeiriad a bennir yn yr hysbysiad, ac
 - (c) yn pennu ym mha gyfnod y mae’n rhaid i’r swm penodedig gael ei dalu.
- (2) Rhaid i’r swm a bennir mewn hysbysiad cosb benodedig a roddi ar unrhyw adeg beidio â bod yn fwy na’r swm a bennir ar yr adeg honno fel lefel 1 ar raddfa safonol troseddau diannod.
- (3) Heb ragfarnu taliad drwy unrhyw ddull arall, caniateir talu’r gosb benodedig drwy ei ragdalw a phostio llythyr sy’n cynnwys swm y gosb (mewn arian parod neu fel arall) at yr awdurdod lleol, yn y cyfeiriad a ddarperir, yn yr hysbysiad; ac os felly rhaid barnu bod y taliad wedi ei wneud ar yr adeg y byddai’r llythyr hwnnw yn cael ei ddosbarthu yng nghwrs arferol y post.’

Carl Sargeant

33

Page 12, line 2, leave out section 17.

Tudalen 12, llinell 2, hepgorer adran 17.

Carl Sargeant

34

To insert a new section –

(1) Compliance notices

- (1) A compliance notice is a notice which –
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) requires the owner of the land to take such steps as the local authority considers appropriate and as are specified in the notice in order to ensure that the condition is complied with,
 - (c) specifies the period within which those steps must be taken, and
 - (d) explains the right of appeal conferred by subsection (2).
- (2) An owner of land who has been served with a compliance notice may appeal to a residential property tribunal against that notice.
- (3) A local authority may –
 - (a) revoke a compliance notice, or
 - (b) vary a compliance notice by extending the period specified in the notice under subsection (1)(c).
- (4) The power to revoke or vary a compliance notice is exercisable by the local authority –
 - (a) on an application made by the owner of land on whom the notice was served, or
 - (b) on the authority's own initiative.
- (5) Where a local authority revokes or varies a compliance notice, it must notify the owner of the land to which the notice relates of the decision as soon as is reasonably practicable.
- (6) Where a compliance notice is revoked, the revocation comes into force at the time when it is made.
- (7) Where a compliance notice is varied –
 - (a) if the notice has not become operative when the variation is made, the variation comes into force at such time (if any) as the notice becomes operative in accordance with section (*amendment 48*), and
 - (b) if the notice has become operative when the variation is made, the variation comes into force at the time when it is made.'.

I fewnosod adran newydd –

(1) Hysbysiadau cydymffurfio

- (1) Mae hysbysiad cydymffurfio yn hysbysiad sydd –
 - (a) yn nodi'r amod o dan sylw a manylion y methiant i gydymffurfio ag ef,

- (b) yn ei gwneud yn ofynnol i berchennog y tir gymryd unrhyw gamau sydd ym marn yr awdurdod lleol yn briodol ac a bennir yr hysbysiad er mwyn sicrhau y cydymffurfir â'r amod,
 - (c) yn pennu ym mha gyfnod y mae'n rhaid i'r camau hynny gael eu cymryd, a
 - (d) yn esbonio'r hawl i apelio a roddir gan is-adran (2).
- (2) Caiff perchennog tir y cyflwynwyd hysbysiad cydymffurfio iddo apelio at dribiwnlys eiddo preswyl yn erbyn yr hysbysiad hwnnw.
- (3) Caiff awdurdod lleol –
- (a) dirymu hysbysiad cydymffurfio, neu
 - (b) amrywio hysbysiad cydymffurfio drwy estyn y cyfnod a bennir yn yr hysbysiad o dan is-adran (1)(c).
- (4) Mae'r pŵer i ddirymu neu i amrywio hysbysiad cydymffurfio yn arferadwy gan yr awdurdod lleol –
- (a) ar gais a wneir gan berchennog y tir y cyflwynwyd yr hysbysiad iddo, neu
 - (b) ar symbyliad yr awdurdod ei hun.
- (5) Pan fo awdurdod lleol yn dirymu neu'n amrywio hysbysiad cydymffurfio, rhaid iddo hysbysu perchennog y tir y mae'r hysbysiad yn ymwneud ag ef am y penderfyniad cyn gynted ag y bo'n rhesymol ymarferol.
- (6) Pan fo hysbysiad cydymffurfio'n cael ei ddirymu, mae'r dirymiad yn dod i rym ar yr adeg y caiff ei wneud.
- (7) Pan fo hysbysiad cydymffurfio'n cael ei amrywio –
- (a) os nad yw'r hysbysiad wedi dod yn weithredol pan wneir yr amrywiad, daw'r amrywiad i rym ar unrhyw adeg (os oes un) y daw'r hysbysiad yn weithredol yn unol ag adran (*gwelliant 48*), a
 - (b) os yw'r hysbysiad wedi dod yn weithredol pan wneir yr amrywiad, daw'r amrywiad i rym ar yr adeg y mae'n cael ei wneud.'.

Carl Sargeant

35

Page 12, line 8, leave out section 18.

Tudalen 12, llinell 9, hepgorer adran 18.

Carl Sargeant

36

To insert a new section –

'(1) Compliance notice: offence and multiple convictions

- (1) An owner of land who has been served with a compliance notice which has become operative commits an offence if the owner fails to take the steps specified in the notice under section (*amendment 34*)(1)(b) within the period specified in the notice under section (*amendment 34*)(1)(c).

- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.
- (3) In proceedings against an owner of land for an offence under subsection (1), it is a defence that the owner had a reasonable excuse for failing to take the steps referred to in subsection (1) within the period referred to in that subsection.
- (4) Subsection (5) applies where –
 - (a) an owner of land is convicted of an offence under subsection (1), and
 - (b) the owner has been convicted on two or more previous occasions of an offence under subsection (1) in relation to the site licence to which the conviction mentioned in paragraph (a) relates.
- (5) On an application by the local authority which served the compliance notice, the court before which the owner of the land was convicted may make an order revoking the site licence on the date specified in the order.
- (6) An order under subsection (5) must not specify a date which is before the end of the period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction mentioned in subsection (4)(a).
- (7) Where an appeal against the conviction mentioned in subsection (4)(a) is made by the owner of the land before the date specified in an order under subsection (5), the order does not take effect until –
 - (a) the appeal is finally determined, or
 - (b) the appeal is withdrawn.
- (8) On an application by the owner of the land or by the local authority who issued the site licence, the court which made the order under subsection (5) may make an order specifying a date on which the revocation of the site licence takes effect which is later than the date specified in the order under subsection (5).
- (9) But the court must not make an order under subsection (8) unless it is satisfied that adequate notice of the application has been given to the owner (if the applicant is the local authority) or to the local authority (if the applicant is the owner).’.

I fewnosod adran newydd –

‘() Hysbysiad cydymffurfio: trosedd a cholffarnau lluosog

- (1) Mae perchennog tir y cyflwynwyd hysbysiad cydymffurfio iddo sydd wedi dod yn weithredol yn cyflawni trosedd os bydd y perchennog yn methu cymryd y camau a bennir yn yr hysbysiad o dan adran (*gwelliant 34*)(1)(b) o fewn y cyfnod a bennir yn yr hysbysiad o dan adran (*gwelliant 34*)(1)(c).
- (2) Mae person sy’n euog o drosedd o dan is-adran (1) yn agored o’i gollfarnu’n ddiannod i ddirwy.
- (3) Mewn achos yn erbyn perchennog tir am drosedd o dan is-adran (1), mae’n amddiffyniad bod gan y perchennog esgus rhesymol dros fethu cymryd y camau y cyfeirir atynt yn is-adran (1) o fewn y cyfnod y cyfeirir ato yn yr is-adran honno.
- (4) Mae is-adran (5) yn gymwys –
 - (a) pan gollfarnir perchennog tir am drosedd o dan is-adran (1), a

- (b) pan fo'r perchennog wedi ei gollfarnu ar ddau neu fwy o achlysuron blaenorol am drosedd o dan is-adran (1) mewn perthynas â'r drwydded safle y mae'r gollfarn a grybwyllir ym mharagraff (a) yn ymwneud â hi.
- (5) Ar gais gan yr awdurdod lleol a gyflwynodd yr hysbysiad cydymffurfio, caiff y llys y collfarnwyd perchennog y tir ger ei bron wneud gorchymyn yn dirymu'r drwydded safle ar y dyddiad a bennir yn y gorchymyn.
- (6) Rhaid i orchymyn o dan is-adran (5) beidio â phennu dyddiad sydd cyn diwedd y cyfnod pryd y caniateir i hysbysiad o apêl (boed yn ôl yr achos a nodwyd ynteu fel arall) gael ei roi yn erbyn y gollfarn a grybwyllir yn is-adran (4)(a).
- (7) Pan wneir apêl yn erbyn y gollfarn a grybwyllir yn is-adran (4)(a) gan berchennog y tir cyn y dyddiad a bennir mewn gorchymyn o dan is-adran (5), nid yw'r gorchymyn yn effeithiol –
 - (a) hyd nes i'r apêl gael ei phenderfynu'n derfynol, neu
 - (b) hyd nes i'r apêl gael ei thynnu'n ôl.
- (8) Ar gais gan berchennog y tir neu gan yr awdurdod lleol a ddyroddodd y drwydded safle, caiff y llys a wnaeth y gorchymyn o dan is-adran (5) wneud gorchymyn yn pennu dyddiad pryd y mae dirymiad y drwydded safle i ddod yn effeithiol sy'n hwyrach na'r dyddiad a bennir yn y gorchymyn o dan is-adran (5).
- (9) Ond rhaid i'r llys beidio â gwneud gorchymyn o dan is-adran (8) oni bai ei fod wedi ei fodloni bod hysbysiad digonol o'r cais wedi ei roi i'r perchennog (os yr awdurdod lleol yw'r ymgeisydd) neu i'r awdurdod lleol (os y perchennog yw'r ymgeisydd).'

Carl Sargeant

37

Page 12, line 33, leave out section 19.

Tudalen 12, llinell 37, hepgorer adran 19.

Carl Sargeant

38

To insert a new section –

'() Compliance notice: power to demand expenses

- (1) When serving a compliance notice on an owner of land, a local authority may impose a charge on the owner as a means of recovering expenses incurred by the local authority –
 - (a) in deciding whether to serve the notice, and
 - (b) in preparing and serving the notice or a demand under subsection (3).
- (2) The expenses referred to in subsection (1) include (but are not limited to) the costs of obtaining expert advice (including legal advice).
- (3) The power under subsection (1) is exercisable by serving the compliance notice together with a demand which sets out –
 - (a) the total expenses the local authority seeks to recover under subsection (1) (“relevant expenses”),

- (b) a detailed breakdown of the relevant expenses, and
 - (c) where the local authority propose to charge interest under section (*amendment 50*), the rate at which the relevant expenses carry interest.
- (4) Where a tribunal allows an appeal under section (*amendment 34*) against the compliance notice with which a demand was served, the tribunal may make such order as it considers appropriate –
- (a) confirming, reducing or quashing any charge under this section made in respect of the notice, and
 - (b) varying the demand as appropriate in consequence.’.

I fewnosod adran newydd –

‘() Hysbysiad cydymffurfio: pŵer i hawlio costau

- (1) Wrth gyflwyno hysbysiad cydymffurfio i berchennog tir, caiff awdurdod lleol godi tâl ar y perchennog fel modd i adennill costau yr eir iddynt gan yr awdurdod lleol –
- (a) wrth benderfynu a ddylai gyflwyno’r hysbysiad, a
 - (b) wrth baratoi a chyflwyno’r hysbysiad neu hawliad o dan is-adran (3).
- (2) Mae’r costau y cyfeirir atynt yn is-adran (1) yn cynnwys costau sicrhau cyngor arbenigol (gan gynnwys cyngor cyfreithiol) (ond heb fod yn gyfyngedig i’r costau hyn).
- (3) Mae’r pŵer o dan is-adran (1) yn arferadwy drwy gyflwyno’r hysbysiad cydymffurfio ynghyd â hawliad sy’n nodi –
- (a) cyfanswm y costau y mae’r awdurdod lleol yn ceisio eu hadennill o dan is-adran (1) (“costau perthnasol”),
 - (b) dadansoddiad manwl o’r costau perthnasol, ac
 - (c) pan fo’r awdurdod lleol yn bwriadu codi llogau o dan adran (*gwelliant 50*), y gyfradd log ar y costau perthnasol.
- (4) Pan fo tribiwnlys yn caniatáu apêl o dan adran (*gwelliant 34*) yn erbyn yr hysbysiad cydymffurfio y cyflwynwyd hawliad gydag ef, caiff y tribiwnlys wneud unrhyw orchymyn y mae’n barnu ei fod yn briodol –
- (a) yn cadarnhau, yn lleihau neu’n dileu unrhyw dâl o dan yr adran hon a wnaed mewn perthynas â’r hysbysiad, a
 - (b) yn amrywio’r hawliad fel y bo’n briodol o ganlyniad i hyn.’.

Carl Sargeant

39

Page 13, line 24, leave out section 20.

Tudalen 13, llinell 24, hepgorer adran 20.

Carl Sargeant

40

To insert a new section –

‘(1) Power to take action following conviction of owner

- (1) Where an owner of land is convicted of an offence under section (*amendment 36*)(1), the local authority which issued the compliance notice may –
 - (a) take any steps required by the compliance notice to be taken by the owner but which have not been taken, and
 - (b) take such further action as the authority considers appropriate for ensuring that the condition specified in the compliance notice is complied with.
- (2) Where a local authority proposes to take action under subsection (1), it must serve on the owner of the land a notice which –
 - (a) identifies the land and the compliance notice to which it relates,
 - (b) states that the local authority intends to enter the land,
 - (c) describes the action the local authority intends to take on the land,
 - (d) if the person whom the local authority proposes to authorise to take the action on their behalf is not an officer of the local authority, states the name of that person, and
 - (e) sets out the dates and times on which it is intended that the action will be taken (including when the local authority intends to start taking the action and when it expects the action to be completed).
- (3) The notice must be served sufficiently in advance of when the local authority intends to enter the land as to give the owner of the land reasonable notice of the intended entry.
- (4) In a case where the local authority authorises a person other than an officer of the local authority to take the action on their behalf, the reference in section (*amendment 64*)(1) to an authorised officer of the local authority is to be read as including that person.
- (5) The requirement in section (*amendment 64*)(2) to give 24 hours’ notice of the intended entry, in its application to a case within this section, applies only in relation to the day on which the local authority intend to start taking the action on the land.’.

I fewnosod adran newydd –

‘(1) Pŵer i gymryd camau ar ôl colffarnu’r perchennog

- (1) Pan gollfernir perchennog tir am drosedd o dan adran (*gwelliant 36*)(1), caiff yr awdurdod lleol a ddyroddodd yr hysbysiad cydymffurfio –
 - (a) cymryd unrhyw gamau y mae’n ofynnol o dan yr hysbysiad cydymffurfio i’r perchennog eu cymryd ond sydd heb eu cymryd, a
 - (b) cymryd unrhyw gamau eraill sy’n briodol ym marn yr awdurdod i sicrhau y cydymffurfir â’r amod a bennir yn yr hysbysiad cydymffurfio.
- (2) Pan fo awdurdod lleol yn bwriadu cymryd camau o dan is-adran (1), rhaid iddo gyflwyno i berchennog y tir hysbysiad –
 - (a) sy’n nodi’r tir a’r hysbysiad cydymffurfio y mae’n ymwneud â hwy,

- (b) sy'n nodi bod yr awdurdod lleol yn bwriadu mynd i'r tir,
 - (c) sy'n disgrifio'r camau y mae'r awdurdod lleol yn bwriadu eu cymryd ar y tir,
 - (d) os nad un o swyddogion yr awdurdod lleol yw'r person y mae'r awdurdod lleol yn bwriadu ei awdurdodi i gymryd y camau ar ei ran, sy'n nodi enw'r person hwnnw, ac
 - (e) sy'n nodi'r dyddiadau a'r amserau pryd y bwriedir i'r camau gael eu cymryd (gan gynnwys pryd y mae'r awdurdod lleol yn bwriadu dechrau cymryd y camau a phryd y mae'n disgwyl i'r camau gael eu cwblhau).
- (3) Rhaid i'r hysbysiad gael ei gyflwyno'n ddigon cynnar cyn bod yr awdurdod lleol yn bwriadu mynd i'r tir er mwyn rhoi hysbysiad rhesymol i berchennog y tir am y bwriad i fynd iddo.
- (4) Mewn achos pan fo'r awdurdod lleol yn awdurdodi person heblaw un o swyddogion yr awdurdod lleol i gymryd y camau ar ei ran, mae'r cyfeiriad yn adran (*gwelliant 64*)(1) at swyddog awdurdodedig i'r awdurdod lleol i'w ddarllen fel petai'n cynnwys y person hwnnw.
- (5) Nid yw'r gofyniad yn adran (*gwelliant 64*)(2) bod rhaid rhoi 24 awr o hysbysiad o'r bwriad i fynd i'r tir, o'i gymhwyso at achos yn yr adran hon, yn gymwys ond ar gyfer y diwrnod y mae'r awdurdod lleol yn bwriadu dechrau cymryd y camau ar y tir.'

Carl Sargeant

41

Page 13, line 31, leave out section 21.

Tudalen 13, llinell 31, hepgorer adran 21.

Carl Sargeant

42

To insert a new section –

'() Power to take emergency action

- (1) A local authority which has issued a site licence may take action in relation to any of the land comprising the site if it appears to the local authority that –
- (a) the owner of the land is failing or has failed to comply with a condition of the site licence, and
 - (b) as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (2) The action a local authority may take under this section (referred to in this section as "emergency action") is such action as appears to the local authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b).
- (3) Where a local authority proposes to take emergency action, the local authority must serve on the owner of the land a notice which –
- (a) identifies the land to which it relates,
 - (b) states that the local authority intends to enter the land,

- (c) describes the emergency action the local authority intends to take on the land,
 - (d) if the person whom the local authority proposes to authorise to take the action on their behalf is not an officer of the local authority, states the name of that person, and
 - (e) specifies the powers under this section and section (*amendment 64*) as the powers under which the local authority intends to enter the land.
- (4) A notice under subsection (3) may state that, if entry to the land were to be refused, the local authority would propose to apply for a warrant under section (*amendment 64*)(3).
- (5) A notice under subsection (3) must be served sufficiently in advance of when the local authority intends to enter the land as to give the owner of the land reasonable notice of the intended entry.
- (6) In a case where the local authority authorises a person other than an officer of the local authority to take the emergency action on its behalf, the reference in section (*amendment 64*)(1) to an authorised officer of the local authority includes that person.
- (7) Section (*amendment 64*), in its application to a case within this section, has effect as if—
- (a) the words “at all reasonable hours” in subsection (1), and
 - (b) subsection (2),
- were omitted.
- (8) Within the period of 7 days beginning with the date when the local authority starts taking the emergency action, the local authority must serve on the owner of the land a notice which—
- (a) describes the imminent risk of serious harm to the health or safety of persons who are or may be on the land,
 - (b) describes the emergency action which has been, and any emergency action which is to be, taken by the local authority on the land,
 - (c) sets out when the local authority started taking the emergency action and when the local authority expects it to be completed,
 - (d) if the person whom the local authority has authorised to take the action on its behalf is not an officer of the local authority, states the name of that person, and
 - (e) explains the right of appeal conferred by subsection (9).
- (9) The owner of land in respect of which a local authority has taken or is taking emergency action may appeal to a residential property tribunal against the taking of the action by the local authority.
- (10) An appeal may be brought—
- (a) on the grounds that that there was no imminent risk of serious harm as mentioned in subsection (1)(b) (or, where the action is still being taken, that there is no such risk), or
 - (b) on the grounds that the action the authority has taken was not necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).

- (11) The ways in which a notice under this section may be served include by fixing it in a prominent place at or near the main entrance to the land.’.

I fewnosod adran newydd –

‘() Pŵer i gymryd camau brys

- (1) Caiff awdurdod lleol sydd wedi dyroddi trwydded safle gymryd camau mewn perthynas ag unrhyw dir sy’n ffurfio’r safle os yw’n ymddangos i’r awdurdod lleol –
- (a) bod perchennog y tir yn methu neu wedi methu cydymffurfio ag unrhyw un neu ragor o amodau’r drwydded safle, a
 - (b) bod risg ar fin digwydd o niwed difrifol i iechyd neu ddiogelwch unrhyw berson sydd ar y tir neu a all fod ar y tir o ganlyniad i’r methiant hwnnw.
- (2) Y camau y caiff awdurdod lleol eu cymryd o dan yr adran hon (y cyfeirir atynt yn yr adran hon fel “camau brys”) yw unrhyw gamau y mae’n ymddangos i’r awdurdod lleol eu bod yn angenrheidiol er mwyn dileu’r risg sydd ar fin digwydd o niwed difrifol a grybwyllir yn is-adran (1)(b).
- (3) Pan fo awdurdod lleol yn bwriadu cymryd camau brys, rhaid i’r awdurdod lleol gyflwyno i berchennog y tir hysbysiad –
- (a) sy’n nodi’r tir y mae’n ymwneud ag ef,
 - (b) sy’n nodi bod yr awdurdod lleol yn bwriadu mynd i’r tir,
 - (c) sy’n disgrifio’r camau brys y mae’r awdurdod lleol yn bwriadu eu cymryd ar y tir,
 - (d) os nad un o swyddogion yr awdurdod lleol yw’r person y mae’r awdurdod lleol yn bwriadu ei awdurdodi i gymryd y camau ar ei ran, sy’n nodi enw’r person hwnnw, ac
 - (e) sy’n pennu’r pwerau o dan yr adran hon ac o dan adran (*gwelliant 64*) fel y pwerau y mae’r awdurdod lleol yn bwriadu mynd i’r tir odanynt.
- (4) Caiff hysbysiad o dan is-adran (3) nodi y byddai’r awdurdod lleol yn bwriadu gwneud cais am warant o dan adran (*gwelliant 64*)(3) pe bai mynediad i’r tir yn cael ei wrthod.
- (5) Rhaid i hysbysiad o dan is-adran (3) gael ei gyflwyno yn ddigon cynnar cyn bod yr awdurdod lleol yn bwriadu mynd i’r tir er mwyn rhoi hysbysiad rhesymol i berchennog y tir am y bwriad i fynd iddo.
- (6) Mewn achos pan fo’r awdurdod lleol yn awdurdodi person heblaw un o swyddogion yr awdurdod lleol i gymryd y camau brys ar ei ran, mae’r cyfeiriad yn adran (*gwelliant 64*) (1) at swyddog awdurdodedig i’r awdurdod lleol i’w ddarllen fel petai’n cynnwys y person hwnnw.
- (7) Mae adran (*gwelliant 64*), o’i chymhwyso at achos yn yr adran hon, yn effeithiol fel pe bai –
- (a) y geiriau “ar bob adeg resymol” yn is-adran (1), a
 - (b) is-adran (2),
- wedi eu hepgor.

- (8) O fewn y cyfnod o 7 niwrnod sy'n dechrau â'r dyddiad y mae'r awdurdod lleol yn dechrau cymryd y camau brys, rhaid i'r awdurdod lleol gyflwyno i berchennog y tir hysbysiad—
- (a) sy'n disgrifio'r risg sydd ar fin digwydd o niwed difrifol i iechyd neu ddiogelwch personau sydd ar y tir neu a all fod ar y tir,
 - (b) sy'n disgrifio'r camau brys sydd wedi eu cymryd gan yr awdurdod lleol ar y tir, ac unrhyw gamau brys sydd i'w cymryd gan yr awdurdod lleol ar y tir,
 - (c) sy'n nodi pryd y dechreuodd yr awdurdod lleol gymryd y camau brys a phryd y mae'r awdurdod lleol yn disgwyl iddynt gael eu cwblhau,
 - (d) os nad un o swyddogion yr awdurdod lleol yw'r person y mae'r awdurdod lleol yn bwriadu ei awdurdodi i gymryd y camau ar ei ran, sy'n nodi enw'r person hwnnw, ac
 - (e) sy'n esbonio'r hawl i apelio a roddir gan is-adran (9).
- (9) Caiff perchennog tir y mae awdurdod lleol wedi cymryd neu yn cymryd camau brys mewn perthynas ag ef apelio at dribiwnlys eiddo preswyl yn erbyn cymryd y camau gan yr awdurdod lleol.
- (10) Dyma'r seiliau y caniateir apelio arnynt—
- (a) nad oedd risg ar fin digwydd o niwed difrifol fel y'i crybwyllir yn is-adran (1)(b) (neu, os yw'r camau'n dal i gael eu cymryd, nad oes risg o'r fath), neu
 - (b) nad oedd angen y camau y mae'r awdurdod wedi eu cymryd er mwyn dileu'r risg a oedd ar fin digwydd o niwed difrifol a grybwyllir yn is-adran (1)(b) (neu, os yw'r camau'n dal i gael eu cymryd, nad oes eu hangen er mwyn dileu'r risg).
- (11) Mae'r dulliau a ganiateir ar gyfer cyflwyno hysbysiad o dan yr adran hon yn cynnwys ei osod ar fan amlwg ym mhrif fynedfa'r tir neu yn agos ati.'

Carl Sargeant

43

Page 14, line 30, leave out section 22.

Tudalen 14, llinell 32, hepgorer adran 22.

Carl Sargeant

44

To insert a new section—

'() Action under section (amendment 40) or (amendment 42): power to demand expenses

- (1) Where a local authority takes action under section (amendment 40) or emergency action under section (amendment 42), the local authority may impose a charge on the owner of the land as a means of recovering expenses incurred by the local authority—
- (a) in deciding whether to take the action,
 - (b) in preparing and serving any notice under section (amendment 40) or (amendment 42) or a demand under subsection (6), and
 - (c) taking the action.

- (2) The expenses referred to in subsection (1) include (but are not limited to) the costs of obtaining expert advice (including legal advice).
- (3) In the case of emergency action under section (*amendment 42*), no charge may be imposed under subsection (1) until such time (if any) as is determined in accordance with subsection (4).
- (4) For the purposes of subsection (3), the time when a charge in respect of emergency action may be imposed is –
 - (a) if no appeal against the local authority’s decision to take the emergency action is brought under section (*amendment 42*)(9) within the appeal period under section (*amendment 46*), the end of that period, and
 - (b) if such an appeal is brought and a decision on the appeal confirms the local authority’s decision –
 - (i) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, the end of that period, and
 - (ii) where an appeal to the Upper Tribunal is brought, when a decision is given on the appeal confirming the local authority’s decision.
- (5) For the purposes of subsection (4) –
 - (a) the withdrawal of an appeal against a decision by the local authority has the same effect as a decision on the appeal confirming the local authority’s decision, and
 - (b) references to a decision on the appeal confirming the local authority’s decision are to a decision which confirms that decision with or without variation.
- (6) The power under subsection (1) is exercisable by serving on the owner of the land a demand for the expenses which –
 - (a) sets out the total expenses the local authority seeks to recover under subsection (1) (“relevant expenses”),
 - (b) sets out a detailed breakdown of the relevant expenses,
 - (c) where the local authority proposes to charge interest under section (*amendment 50*), sets out the rate at which the relevant expenses carry interest, and
 - (d) explains the right of appeal conferred by subsection (7).
- (7) The owner of land who is served with a demand under this section may appeal to a residential property tribunal against the demand.
- (8) A demand under this section must be served –
 - (a) in the case of action under section (*amendment 40*), before the end of the period of two months beginning with the date on which the action is completed, and
 - (b) in the case of emergency action under section (*amendment 42*) –
 - (i) before the end of the period of 2 months beginning with the earliest date (if any) on which a charge may be imposed in accordance with subsection (4), or

- (ii) if the action has not been completed by the end of that period, before the end of the period of 2 months beginning with the date on which the action is completed.’.

I fewnosod adran newydd –

‘(1) Camau o dan adran (*gwelliant 40*) neu (*gwelliant 42*): pŵer i hawlio costau

- (1) Pan fo awdurdod lleol yn cymryd camau o dan adran (*gwelliant 40*) neu gamau brys o dan adran (*gwelliant 42*), caiff yr awdurdod lleol godi tâl ar berchennog y tir fel modd i adennill costau yr aed iddynt gan yr awdurdod lleol –
 - (a) wrth benderfynu a ddylai gymryd y camau,
 - (b) wrth baratoi a chyflwyno unrhyw hysbysiad o dan adran (*gwelliant 40*) neu (*gwelliant 42*) neu hawliad o dan is-adran (6), ac
 - (c) wrth gymryd y camau.
- (2) Mae’r costau y cyfeirir atynt yn is-adran (1) yn cynnwys costau sicrhau cyngor arbenigol (gan gynnwys cyngor cyfreithiol) (ond heb fod yn gyfyngedig i’r rhain).
- (3) Yn achos camau brys o dan adran (*gwelliant 42*), ni chaniateir codi tâl o dan is-adran (1) tan unrhyw adeg (os oes un) a bennir yn unol ag is-adran (4).
- (4) At ddibenion is-adran (3), yr adeg pan ganiateir i dâl gael ei godi am gamau brys yw –
 - (a) os na ddygir apêl yn erbyn penderfyniad yr awdurdod lleol i gymryd y camau brys o dan adran (*gwelliant 42*)(9) o fewn y cyfnod apelio o dan adran (*gwelliant 46*), diwedd y cyfnod hwnnw, a
 - (b) os dygir apêl o’r fath ac os yw’r penderfyniad ar yr apêl yn cadarnhau penderfyniad yr awdurdod lleol –
 - (i) os yw’r cyfnod pryd y caniateir dwyn apêl i’r Tribiwnlys Uwch yn dod i ben heb i apêl o’r fath gael ei dwyn, diwedd y cyfnod hwnnw, a
 - (ii) os dygir apêl i’r Tribiwnlys Uwch, pan roddir penderfyniad ar yr apêl sy’n cadarnhau penderfyniad yr awdurdod lleol.
- (5) At ddibenion is-adran (4) –
 - (a) mae tynnu apêl yn erbyn penderfyniad gan yr awdurdod lleol yn ôl yn creu’r un effaith â phenderfyniad ar yr apêl sy’n cadarnhau penderfyniad yr awdurdod lleol, a
 - (b) mae cyfeiriadau at benderfyniad ar yr apêl sy’n cadarnhau penderfyniad yr awdurdod lleol yn gyfeiriadau at benderfyniad sy’n cadarnhau’r penderfyniad hwnnw ag amrywiadau neu heb amrywiadau.
- (6) Mae’r pŵer o dan is-adran (1) yn arferadwy drwy gyflwyno i berchennog y tir hawliad am y costau –
 - (a) sy’n nodi cyfanswm y costau y mae’r awdurdod lleol yn ceisio eu hadennill o dan is-adran (1) (“costau perthnasol”),
 - (b) yn nodi dadansoddiad manwl o’r costau perthnasol,
 - (c) os yw’r awdurdod lleol yn bwriadu codi llogau o dan adran (*gwelliant 50*), yn nodi’r gyfradd log ar y costau perthnasol, a

- (d) yn esbonio'r hawl i apelio a roddir gan is-adran (7).
- (7) Caiff perchennog tir y cyflwynir hawliad iddo o dan yr adran hon apelio at dribiwnlys eiddo preswyl yn erbyn yr hawliad.
- (8) Rhaid i hawliad o dan yr adran hon gael ei gyflwyno—
 - (a) yn achos camau o dan adran (*gwelliant 40*), cyn diwedd y cyfnod o 2 fis sy'n dechrau â'r dyddiad y cafodd y camau eu cwblhau, a
 - (b) yn achos camau brys o dan adran (*gwelliant 42*)—
 - (i) cyn diwedd y cyfnod o 2 fis sy'n dechrau â'r dyddiad cynharaf (os oes un) y caniateir i dâl gael ei godi yn unol ag is-adran (4), neu
 - (ii) os nad yw'r camau wedi eu cwblhau erbyn diwedd y cyfnod hwnnw, cyn diwedd y cyfnod o 2 fis sy'n dechrau â'r dyddiad y cwblheir y camau.'

Carl Sargeant

45

Page 15, line 23, leave out section 23.

Tudalen 15, llinell 24, hepgorer adran 23.

Carl Sargeant

46

To insert a new section—

(1) Appeals under section (*amendment 34*), (*amendment 42*) or (*amendment 44*)

- (1) An appeal under section (*amendment 34*), (*amendment 42*) or (*amendment 44*) must be made before the end of the period of 21 days beginning with the day on which the relevant document was served (referred to in this section and section (*amendment 48*) as “the appeal period”).
- (2) In subsection (1) “relevant document” means—
 - (a) in the case of an appeal under section (*amendment 34*), the compliance notice,
 - (b) in the case of an appeal under section (*amendment 42*), the notice under subsection (8) of that section, and
 - (c) in the case of an appeal under section (*amendment 44*), the demand under that section.
- (3) A residential property tribunal may allow an appeal under section (*amendment 34*), (*amendment 42*) or (*amendment 44*) to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).
- (4) An appeal under section (*amendment 34*), (*amendment 42*) or (*amendment 44*)—
 - (a) is to be by way of a rehearing, but
 - (b) may be determined having regard to matters of which the local authority which made the decision were unaware.
- (5) The tribunal may by order—

- (a) on an appeal under section (*amendment 34*), confirm, vary or quash the compliance notice,
- (b) on an appeal under section (*amendment 42*), confirm, vary or reverse the decision of the local authority, or
- (c) on an appeal under section (*amendment 44*), confirm, vary or quash the demand.’.

I fewnosod adran newydd –

‘(1) Apelio o dan adran (*gwelliant 34*), (*gwelliant 42*) neu (*gwelliant 44*)

- (1) Rhaid i apêl o dan adran (*gwelliant 34*), (*gwelliant 42*) neu (*gwelliant 44*) gael ei gwneud cyn diwedd y cyfnod o 21 o ddiwrnodau sy’n dechrau â’r diwrnod y cyflwynwyd y ddogfen berthnasol (y cyfeirir ato yn yr adran hon ac adran (*gwelliant 48*) fel “y cyfnod apelio”).
- (2) Yn is-adran (1) ystyr “dogfen berthnasol” yw –
 - (a) yn achos apêl o dan adran (*gwelliant 34*), yr hysbysiad cydymffurfio,
 - (b) yn achos apêl o dan adran (*gwelliant 42*), yr hysbysiad o dan is-adran (8) o’r adran honno, ac
 - (c) yn achos apêl o dan adran (*gwelliant 44*), yr hawliad o dan yr adran honno.
- (3) Caiff tribiwnlys eiddo preswyl ganiatáu i apêl o dan adran (*gwelliant 34*), (*gwelliant 42*) neu (*gwelliant 44*) gael ei gwneud iddo ar ôl diwedd y cyfnod apelio os yw wedi ei fodloni bod rheswm da dros fethu apelio cyn diwedd y cyfnod hwnnw (a thros unrhyw ohirio wedyn cyn gwneud cais am ganiatâd i apelio allan o amser).
- (4) O ran apêl o dan adran (*gwelliant 34*), (*gwelliant 42*) neu (*gwelliant 44*) –
 - (a) mae i gael ei chynnal ar ffurf ail-wrandawriad, ond
 - (b) caniateir iddi gael ei phenderfynu gan roi sylw i faterion na wyddai’r awdurdod lleol a wnaeth y penderfyniad amdanynt.
- (5) Caiff y tribiwnlys drwy orchymyn –
 - (a) ar apêl o dan adran (*gwelliant 34*), gadarnhau, amrywio neu ddileu’r hysbysiad cydymffurfio,
 - (b) ar apêl o dan adran (*gwelliant 42*), cadarnhau, amrywio neu wrth-droi penderfyniad yr awdurdod lleol, neu
 - (c) ar apêl o dan adran (*gwelliant 44*), cadarnhau, amrywio neu ddileu’r hawliad.’.

Carl Sargeant

47

Page 16, line 26, leave out section 24.

Tudalen 16, llinell 26, hepgorer adran 24.

Carl Sargeant

48

To insert a new section –

‘(1) When compliance notice or expenses demand becomes operative

- (1) The time when a compliance notice under section (*amendment 34*) or a demand under section (*amendment 38*) or (*amendment 44*) becomes operative (if at all) is to be determined in accordance with this section.
- (2) Where no appeal under section (*amendment 34*) is brought within the appeal period against the compliance notice, the notice and any demand under section (*amendment 38*) which was served with it become operative at the end of that period.
- (3) Where no appeal under section (*amendment 44*) is brought within the appeal period, the demand under that section becomes operative at the end of that period.
- (4) Where an appeal under section (*amendment 34*) is brought, and a decision on the appeal confirms the compliance notice, the notice and any demand under section (*amendment 38*) which was served with it become operative –
 - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period, or
 - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the notice, at the time of the decision.
- (5) Where an appeal under section (*amendment 44*) is brought, and a decision on the appeal confirms the demand under that section, the demand becomes operative –
 - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period, or
 - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the demand, at the time of the decision.
- (6) For the purposes of subsections (4) and (5) –
 - (a) the withdrawal of an appeal against a notice or demand has the same effect as a decision confirming the notice or demand, and
 - (b) references to a decision which confirms the notice or demand are to a decision which confirms the notice or demand with or without variation.’.

I fewnosod adran newydd –

‘(1) Pryd y daw hysbysiad cydymffurfio neu hawliad costau yn weithredol

- (1) Mae’r adeg pryd y daw hysbysiad cydymffurfio o dan adran (*gwelliant 34*) neu hawliad o dan adran (*gwelliant 38*) neu (*gwelliant 44*) yn weithredol (os yw’n weithredolo gwbl) i’w phenderfynu yn unol â’r adran hon.
- (2) Os na ddygir apêl o dan adran (*gwelliant 34*) o fewn y cyfnod apelio yn erbyn yr hysbysiad cydymffurfio, daw’r hysbysiad ac unrhyw hawliad o dan adran (*gwelliant 38*) a gyflwynwyd gydag ef yn weithredol ar ddiwedd y cyfnod hwnnw.
- (3) Os na ddygir apêl o dan adran (*gwelliant 44*) o fewn y cyfnod apelio, daw’r hawliad o dan yr adran honno yn weithredol ar ddiwedd y cyfnod hwnnw.

- (4) Os dygir apêl o dan adran (*gwelliant 34*), a bod penderfyniad ar yr apêl yn cadarnhau'r hysbysiad cydymffurfio, daw'r hysbysiad ac unrhyw hawliad o dan adran (*gwelliant 38*) a gyflwynwyd gydag ef yn weithredol –
 - (a) os daw'r cyfnod pryd y caniateir dwyn apêl i'r Tribiwnlys Uwch i ben heb apêl o'r fath, ar ddiwedd y cyfnod hwnnw, neu
 - (b) os dygir apêl i'r Tribiwnlys Uwch a bod penderfyniad ar yr apêl yn cael ei roi sy'n cadarnhau'r hysbysiad, adeg y penderfyniad.
- (5) Pan ddygir apêl o dan adran (*gwelliant 44*), a bod penderfyniad ar yr apêl yn cadarnhau'r hawliad o dan yr adran honno, daw'r hawliad yn weithredol –
 - (a) os daw'r cyfnod pryd y caniateir dod ag apêl i'r Tribiwnlys Uwch i ben heb apêl o'r fath, ar ddiwedd y cyfnod hwnnw, neu
 - (b) os ceir apêl i'r Tribiwnlys Uwch a bod penderfyniad ar yr apêl yn cael ei roi sy'n cadarnhau'r hysbysiad, adeg y penderfyniad.
- (6) At ddibenion is-adrannau (4) a (5) –
 - (a) mae tynnu apêl yn erbyn hysbysiad neu hawliad yn ôl yn creu'r un effaith â phenderfyniad ar yr apêl sy'n cadarnhau'r hysbysiad neu'r hawliad, a
 - (b) mae cyfeiriadau at benderfyniad sy'n cadarnhau'r hysbysiad neu'r hawliad yn gyfeiriadau at benderfyniad sy'n cadarnhau'r hysbysiad neu'r hawliad ag amrywiadau neu heb amrywiadau.'

Carl Sargeant

49

Page 16, line 30, leave out section 25.

Tudalen 16, llinell 31, hepgorer adran 25.

Carl Sargeant

50

To insert a new section –

'() Recovery of expenses demanded under section (*amendment 38*) or (*amendment 44*)

- (1) As from the time when a demand under section (*amendment 38*) or (*amendment 44*) becomes operative, the relevant expenses set out in the demand carry interest at such rate as the local authority may fix until recovery of all sums due under the demand; and the expenses and any interest are recoverable by them as a debt.
- (2) As from that time, the expenses and any interest are, until recovery, a charge on the land to which the compliance notice or emergency action in question relates.
- (3) The charge takes effect at that time as a legal charge which is a local land charge.
- (4) For the purpose of enforcing the charge the local authority has the same powers and remedies under the Law of Property Act 1925 and otherwise as if it was a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

- (5) The power of appointing a receiver is exercisable at any time after the end of the period of 1 month beginning with the date on which the charge takes effect.
- (6) In this section “relevant expenses” –
 - (a) in the case of a demand under section (*amendment 38*), has the meaning given by subsection (3) of that section, and
 - (b) in the case of a demand under section (*amendment 44*), has the meaning given by subsection (6) of that section.’.

I fewnosod adran newydd –

‘() Adennill costau a hawliad o dan adran (*gwelliant 38*) neu (*gwelliant 44*)

- (1) O’r adeg y daw hawliad o dan adran (*gwelliant 38*) neu (*gwelliant 44*) yn weithredol, mae’r costau perthnasol a nodir yn yr hawliad yn cario llog ar unrhyw gyfradd a bennir gan yr awdurdod lleol hyd nes i’r holl symiau sy’n ddyledus o dan yr hawliad gael eu hadennill; ac mae’r costau ac unrhyw gyfradd log yn adenilladwy ganddynt fel dyled.
- (2) O’r adeg honno ymlaen, mae’r costau ac unrhyw log, hyd nes y cânt eu hadennill, yn arwystl ar y tir y mae’r hysbysiad cydymffurfio neu’r camau brys yn ymwneud ag ef.
- (3) Mae’r arwystl yn dod yn effeithiol ar yr adeg honno fel arwystl cyfreithiol sy’n bridiant tir lleol.
- (4) Er mwyn gorfodi’r arwystl mae gan yr awdurdod lleol yr un pwerau a rhwymedïau o dan Ddeddf Cyfraith Eiddo 1925 ac fel arall â phe bai yn forgeisiai drwy weithred sydd â phwerau i werthu ac i brydlesu, pwerau i dderbyn ildiad prydles ac i benodi derbynnydd.
- (5) Mae’r pŵer i benodi derbynnydd yn arferadwy unrhyw bryd ar ôl diwedd y cyfnod o 1 mis sy’n dechrau â’r dyddiad y daw’r arwystl yn effeithiol.
- (6) Yn yr adran hon mae i “costau perthnasol” –
 - (a) yn achos hawliad o dan adran (*gwelliant 38*), yr ystyr a roddir gan is-adran (3) o’r adran honno, a
 - (b) yn achos hawliad o dan adran (*gwelliant 44*), yr ystyr a roddir gan is-adran (6) o’r adran honno.’.

Carl Sargeant

51

Page 17, line 32, leave out section 26.

Tudalen 17, llinell 33, hepgorer adran 26.

Carl Sargeant

52

To insert a new section –

‘() Revocation on death, change of occupation or cessation of use

- (1) When the holder of a site licence in respect of any land dies or ceases to be the owner of the land, the site licence is revoked.

- (2) Where land in respect of which a site licence is in force ceases to be used as a regulated site, the site licence is revoked.’.

I fewnosod adran newydd –

‘() **Dirymu yn sgil marwolaeth, newid meddiannaeth neu roi’r gorau i ddefnyddio safle**

- (1) Pan fo deiliad trwydded safle ar gyfer unrhyw dir yn marw neu’n peidio â bod yn berchennog y tir, dirymir y drwydded safle.
- (2) Pan fo tir y mae trwydded safle mewn grym ar ei gyfer yn peidio â chael ei ddefnyddio fel safle rheoleiddiedig, dirymir y drwydded safle.’.

Carl Sargeant

53

Page 18, line 22, leave out section 27.

Tudalen 18, llinell 24, hepgorer adran 27.

Carl Sargeant

54

To insert a new section –

‘() **Duty of licence holder to allow site licence to be altered**

- (1) A local authority which has issued a site licence may at any time require the holder to do whatever it considers necessary to enable the local authority to enter in it any variation of the conditions of the site licence made in pursuance of this Part.
- (2) If the holder of a site licence fails without reasonable excuse to comply with a requirement under this section, the holder of the site licence commits an offence.
- (3) A person who is guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.’.

I fewnosod adran newydd –

‘() **Dyletswydd deiliad trwydded safle i ganiatáu i drwydded gael ei newid**

- (1) Caiff awdurdod lleol sydd wedi dyroddi trwydded safle ei gwneud yn ofynnol ar unrhyw adeg i’r deiliad wneud beth bynnag y mae’r awdurdod lleol yn credu ei bod yn angenrheidiol i alluogi’r awdurdod lleol i gynnwys ynddi unrhyw amrywiad ar amodau’r drwydded a wneir yn unol â’r Rhan hon.
- (2) Os bydd deiliad trwydded safle yn methu heb esgus rhesymol â chydymffurfio â gofyniad o dan yr adran hon, mae deiliad y drwydded yn cyflawni trosedd.
- (3) Mae person sy’n euog o drosedd o dan is-adran (2) yn agored o’i gollfarnu’n ddiannod i ddirwy heb fod yn uwch na lefel 1 ar y raddfa safonol.’.

Carl Sargeant

55

Page 18, line 26, leave out section 28.

Tudalen 18, llinell 28, hepgorer adran 28.

***Mark Isherwood**

56A

As an amendment to amendment 56, line 2, leave out –

‘(1) The owner of the land may not cause or permit any part of the land to be used as a regulated site unless (in addition to the owner holding a site licence) the local authority in whose area the land is situated –

- (a) is satisfied that the owner is a fit and proper person to manage the site or (if the owner does not manage the site) that a’

and insert –

‘(1) Land may not be used or caused or permitted to be used as a regulated site unless (in addition to the owner holding a site licence) the local authority in whose area the land is situated –

- (a) is satisfied that the owner of the land is a fit and proper person to be the owner or (as the case may be) the manager of a regulated site, or
- (b) is satisfied that, where the owner does not manage the site, that the’.

This reinstates the requirement that both owner and/or manager satisfy the fit and proper person test.

Fel gwelliant i welliant 56, llinell 2, hepgorer –

‘(1) Ni chaiff perchennog tir achosi na chaniatáu i unrhyw ran o’r tir gael ei defnyddio fel safle rheoleiddiedig oni bai bod yr awdurdod lleol y mae’r tir wedi ei leoli yn ei ardal (yn ychwanegol at y perchennog sy’n dal y drwydded safle) –

- (a) wedi ei fodloni bod y perchennog yn berson addas a phriodol i reoli’r safle neu (os nad y perchennog sy’n rheoli’r safle) fod’

a mewnosoder –

‘(1) Ni chaniateir defnyddio tir nac achosi na chaniatáu i dir gael ei ddefnyddio fel safle rheoleiddiedig oni bai bod yr awdurdod lleol y mae’r tir wedi ei leoli yn ei ardal (yn ychwanegol at y perchennog sy’n dal y drwydded safle) –

- (a) wedi ei fodloni bod y perchennog yn berson addas a phriodol i fod yn berchennog arno neu (yn ôl y digwydd) yn rheolwr safle rheoleiddiedig, neu
- (b) wedi ei fodloni, os nad y perchennog sy’n rheoli’r safle, fod y’.

Mae hyn yn ail-gyflwyno’r gofyniad y dylai’r perchennog a/neu’r rheolwr fodloni’r prawf person addas a chymwys.

Carl Sargeant

56

To insert a new section –

‘(1) Requirement for manager of site to be fit and proper person

- (1) The owner of land may not cause or permit any part of the land to be used as a regulated site unless (in addition to the owner holding a site licence) the local authority in whose area the land is situated –
 - (a) is satisfied that the owner is a fit and proper person to manage the site or (if the owner does not manage the site) that a person appointed to do so by the owner is a fit and proper person to do so, or
 - (b) has, with the owner’s consent, itself appointed a person to manage the site.
- (2) Where the owner of land who holds a site licence in respect of the land contravenes subsection (1), the local authority in whose area the land is situated may apply to a residential property tribunal for an order revoking the site licence.
- (3) A person who contravenes the requirement imposed by subsection (1) commits an offence.
- (4) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine.
- (5) Where the owner of land who holds a site licence in respect of land is convicted of an offence under subsection (3) in relation to the land and the person has been convicted of that offence in relation to the land on 2 or more previous occasions, the magistrates' court before which the owner is convicted may, on an application by the local authority in whose area the land is situated, make an order revoking the owner’s site licence on the day specified in the order.’.

I fewnosod adran newydd –

‘(1) Gofyniad bod rhaid i reolwr safle fod yn berson addas a phriodol

- (1) Ni chaiff perchennog tir achosi na chaniatáu i unrhyw ran o’r tir gael ei defnyddio fel safle rheoleiddiedig oni bai bod yr awdurdod lleol y mae’r tir wedi ei leoli yn ei ardal (yn ychwanegol at y perchennog sy’n dal y drwydded safle) –
 - (a) wedi ei fodloni bod y perchennog yn berson addas a phriodol i reoli’r safle neu (os nad y perchennog sy’n rheoli’r safle) fod person a benodwyd i wneud hynny gan y perchennog yn berson addas a phriodol i wneud hynny, neu
 - (b) gyda chydysyniad y perchennog, wedi penodi person ei hun i reoli’r safle.
- (2) Os bydd perchennog tir sy’n dal trwydded safle ar gyfer y tir yn torri is-adran (1), caiff yr awdurdod lleol y mae’r tir wedi ei leoli yn ei ardal wneud cais i’r tribiwnlys eiddo preswyl am orchymyn yn dirymu’r drwydded safle.
- (3) Mae person sy’n mynd yn groes i’r gofyniad a osodir gan is-adran (1) yn cyflawni trosedd.
- (4) Mae person sy’n euog o drosedd o dan is-adran (3) yn agored o’i gollfarnu’n ddiannod i ddirwy.

- (5) Os collfernir y perchennog tir sy'n dal trwydded safle ar gyfer tir am drosedd o dan is-adran (3) mewn perthynas â'r tir ac os yw'r person wedi ei gollfarnu o'r trosedd mewn perthynas â'r tir ar 2 neu ragor o achlysuron blaenorol, caiff y llys ynadon y collfernir y perchennog ger ei fron, ar gais gan yr awdurdod lleol y mae'r tir wedi ei leoli yn ei ardal, wneud gorchymyn sy'n dirymu trwydded safle'r perchennog ar y diwrnod a bennir yn y gorchymyn.'

Carl Sargeant

57

Page 19, line 17, leave out section 29.

Tudalen 19, llinell 17, hepgorer adran 29.

***Mark Isherwood**

58A

As an amendment to amendment 58, line 14, after 'tenant', insert –
, or

- () been the subject of a previous decision of the local authority or another local authority'.

Fel gwelliant i welliant 58, llinell 15, ar ôl 'thenant', mewnosoder –
, neu

- () wedi bod yn destun penderfyniad blaenorol gan yr awdurdod lleol neu awdurdod lleol arall'.

***Mark Isherwood**

58B

As an amendment to amendment 58, after line 14, insert –

- '() A decision by a local authority that a person is a fit and proper person to manage a site may apply to one or more sites within the area of the local authority.'

This amendment seeks to make a fit and proper person test transferable between sites within a local authority area.

Fel gwelliant i welliant 58, ar ôl llinell 15, mewnosoder –

- '() Caiff penderfyniad gan awdurdod lleol fod person yn berson addas a phriodol i reoli safle fod yn gymwys i un neu ragor o safleoedd o fewn ardal yr awdurdod lleol.'

Diben y gwelliant hwn yw gwneud y prawf person addas a phriodol yn drosglwyddadwy rhwng safleoedd o fewn ardal awdurdod lleol.

Carl Sargeant

58

To insert a new section –

(1) Decision whether person is fit and proper

- (1) In deciding whether a person is a fit and proper person to manage a site a local authority must have regard to all such matters as it considers appropriate.
- (2) Among the matters to which the local authority must have regard is any evidence within subsection (3) or (4).
- (3) Evidence is within this subsection if it shows that the person has –
 - (a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),
 - (b) practised unlawful discrimination on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 in, or in connection with, the carrying on of any business, or
 - (c) contravened any provision of the law relating to housing (including mobile homes) or landlord and tenant.
- (4) Evidence is within this subsection if –
 - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (3), and
 - (b) it appears to the local authority that the evidence is relevant to the question whether the person is a fit and proper person to manage a regulated site.
- (5) The Welsh Ministers may by regulations amend this section to vary the evidence to which a local authority must have regard in deciding whether a person is a fit and proper person to manage a regulated site.’.

I fewnosod adran newydd –

(1) Penderfynu a yw person yn addas a phriodol

- (1) Wrth benderfynu a yw person yn berson addas a phriodol i reoli safle rhaid i awdurdod lleol roi sylw i bob mater y mae o’r farn eu bod yn briodol.
- (2) Mae’r materion y mae’n rhaid i’r awdurdod lleol roi sylw iddynt yn cynnwys unrhyw dystiolaeth o fewn is-adran (3) neu (4).
- (3) Mae tystiolaeth yn dod o fewn yr is-adran hon os yw’n dangos bod y person –
 - (a) wedi cyflawni unrhyw drosedd sy’n ymwneud â thwyll neu anonestrwydd arall, neu â thrais, arfau tanio, neu gyffuriau, neu unrhyw drosedd sydd wedi ei restru yn Atodlen 3 i Ddeddf Troseddau Rhywiol 2003 (troseddau sy’n dod o dan ofynion ynglŷn â’u hysbysu),
 - (b) wedi gwahaniaethu’n anghyfreithlon ar sail unrhyw nodwedd sy’n nodwedd warchoddedig o dan adran 4 o Ddeddf Cydraddoldeb 2010 wrth gynnal unrhyw fusnes, neu mewn cysylltiad â’i gynnal, neu

- (c) wedi torri unrhyw ddarpariaeth yn y gyfraith sy'n ymwneud â thai (gan gynnwys cartrefi symudol) neu landlord a thenant.
- (4) Mae tystiolaeth yn dod o fewn yr is-adran hon –
 - (a) os yw'n dangos bod unrhyw berson sydd neu a fu gynt yn gysylltiedig â'r person (ar sail bersonol, ar sail gwaith neu ar sail arall) wedi gwneud unrhyw un neu ragor o'r pethau anodir yn is-adran (3), a
 - (b) os yw'n ymddangos i'r awdurdod lleol fod y dystiolaeth yn berthnasol i'r cwestiwn a yw'r person yn berson addas a phriodol i reoli safle rheoleiddiedig.
- (5) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon i amrywio'r dystiolaeth y mae'n rhaid i awdurdod lleol roi sylw iddi wrth benderfynu a yw person yn berson addas a phriodol i reoli safle rheoleiddiedig.'

Carl Sargeant

59

Page 19, line 37, leave out section 30.

Tudalen 19, llinell 37, hepgorer adran 30.

Carl Sargeant

60

To insert a new section –

'() Appointment of interim manager

- (1) If any of the conditions specified in subsection (2) is met in relation to a regulated site, a local authority by which the site is licensed may appoint an interim manager of the site.
- (2) The conditions referred to in subsection (1) are –
 - (a) that the local authority considers that the holder of the site licence is failing or has failed, either seriously or repeatedly, to comply with a condition of the site licence,
 - (b) that the local authority considers that the site is not being managed by a person who is a fit and proper person to manage the site, and
 - (c) that the local authority considers that there is no-one managing the site.
- (3) A local authority must, if requested to do so by an association that is a qualifying residents' association in relation to a site, consider whether to exercise its power under this section.
- (4) Subsection (3) does not affect the discretion of a local authority to exercise its power under this section on its own initiative.
- (5) A person aggrieved by a decision to appoint an interim manager may, within the period of 28 days beginning with the day on which the decision is made, appeal to a residential property tribunal against the decision.
- (6) The appointment of an interim manager comes to an end with the earliest of the following –
 - (a) the expiry of the site licence,

- (b) the revocation of the site licence, and
- (c) a date specified in the appointment.

(7) If a person ceases to be an interim manager before the appointment has come to an end, the authority may appoint a new interim manager in place of that person.’

I fewnosod adran newydd –

‘() Penodi rheolwr interim

- (1) Os bydd unrhyw un neu ragor o’r amodau a bennir yn is-adran (2) wedi eu bodloni o ran safle rheoleiddiedig, caiff awdurdod lleol y trwyddedwyd y safle ganddo benodi rheolwr interim i’r safle.
- (2) Dyma’r amodau y cyfeirir atynt yn is-adran (1) –
 - (a) bod yr awdurdod lleol o’r farn bod deiliad y drwydded safle yn methu neu wedi methu, naill ai mewn modd difrifol neu fwy nag unwaith, â chydymffurfio ag unrhyw un neu ragor o amodau’r drwydded safle,
 - (b) bod yr awdurdod lleol o’r farn nad yw’r safle’n cael ei reoli gan berson sy’n berson addas a phriodol i reoli’r safle, ac
 - (c) bod yr awdurdod lleol o’r farn nad oes neb yn rheoli’r safle.
- (3) Rhaid i awdurdod lleol, os gofynnir iddo gan gymdeithas sy’n gymdeithas trigolion gymwys ar gyfer safle, ystyried a ddylai arfer ei bŵer o dan yr adran hon.
- (4) Nid yw is-adran (3) yn effeithio ar ddisgresiwn awdurdod lleol i arfer ei bŵer o dan yr adran hon ar ei symbyliad ei hun.
- (5) Caiff person a dramgwyddir gan benderfyniad i benodi rheolwr interim, o fewn y cyfnod o 28 o ddiwrnodau sy’n dechrau â’r diwrnod y gwneir y penderfyniad, apelio at dribiwnlys eiddo preswyl yn erbyn y penderfyniad.
- (6) Daw penodiad rheolwr interim i ben ar y cynharaf o’r canlynol –
 - (a) pan ddaw’r drwydded safle i ben,
 - (b) pan ddirymir y drwydded safle, ac
 - (c) dyddiad a bennir yn y penodiad.
- (7) Os bydd person yn peidio â bod yn rheolwr interim cyn i’r penodiad ddod i ben, caiff yr awdurdod benodi rheolwr interim newydd yn lle’r person hwnnw.’

Carl Sargeant

61

Page 20, line 24, leave out section 31.

Tudalen 20, llinell 26, hepgorer adran 31.

Carl Sargeant

62

To insert a new section –

‘(1) Terms of appointment and powers of interim manager

- (1) Appointment of an interim manager is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (2) The interim manager has –
 - (a) any power specified in the appointment, and
 - (b) any other power in relation to the management of the site required by the interim manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the holder of the site licence).
- (3) The local authority may give the interim manager general or specific directions.
- (4) The local authority may withdraw or amend any directions given.
- (5) The remuneration and expenses of an interim manager may be deducted by the interim manager from any income which the holder of the site licence is entitled to receive in respect of the site, but if that income is insufficient any balance must be paid by the local authority.
- (6) Any amounts paid by the local authority under subsection (5) may be recovered by the authority from the holder of the site licence.’.

I fewnosod adran newydd –

‘(1) Telerau penodi a phwerau rheolwr interim

- (1) Rhaid i benodiad rheolwr interim gael ei wneud ar delerau ac amodau (gan gynnwys o ran tâl a chostau) a bennir yn y penodiad, neu y penderfynir arnynt yn unol â’r penodiad.
- (2) Mae gan y rheolwr interim –
 - (a) unrhyw bŵer a bennir yn y penodiad, a
 - (b) unrhyw bŵer arall o ran rheoli’r safle y mae ar y rheolwr interim ei angen at y dibenion a bennir yn y penodiad (gan gynnwys y pŵer i wneud cytundebau ac i gymryd camau ar ran deiliad y drwydded safle).
- (3) Caiff yr awdurdod lleol roi cyfarwyddiadau cyffredinol neu benodol i’r rheolwr interim.
- (4) Caiff yr awdurdod lleol dynnu unrhyw gyfarwyddiadau a roddir yn ôl neu eu diwygio.
- (5) Caniateir i dâl a chostau rheolwr interim gael eu tynnu gan y rheolwr interim o unrhyw incwm y mae gan ddeiliad y drwydded hawl i’w gael o ran y safle, ond os nad yw’r incwm hwnnw’n ddigonol rhaid i unrhyw falans gael ei dalu gan yr awdurdod lleol.
- (6) Caniateir i unrhyw symiau a delir gan yr awdurdod lleol o dan is-adran (5) gael eu hadennill gan yr awdurdod oddi ar ddeiliad y drwydded safle.’.

Carl Sargeant

63

Page 21, line 21, leave out section 32.

Tudalen 21, llinell 22, hepgorer adran 32.

Carl Sargeant

64

To insert a new section –

(1) Power of entry of officers of local authorities

- (1) An authorised officer of a local authority, on producing (if required to do so), a duly authenticated document of authority, has a right at all reasonable hours to enter any land which is a regulated site or in respect of which an application for a site licence has been made for the purpose of –
 - (a) enabling the local authority to determine what conditions should be imposed on a site licence or whether the terms of a site licence should be varied,
 - (b) ascertaining whether there is, or has been, on or in connection with the land, any contravention of the provisions of this Part,
 - (c) ascertaining whether or not circumstances exist which would authorise the local authority to take any action, or execute any work, under this Part, or
 - (d) taking any action, or executing any work, authorised by this Part to be taken or executed by the local authority.
- (2) But admission to any land must not be demanded as of right unless 24 hours' notice of the intended entry has been given to the owner.
- (3) If it is shown to the satisfaction of a justice of the peace –
 - (a) that –
 - (i) admission to any land has been refused,
 - (ii) that refusal is apprehended,
 - (iii) that the owner of the land is temporarily absent and the case is one of urgency, or
 - (iv) that an application for admission would defeat the object of the entry, and
 - (b) that there is reasonable ground for entering the land for any purpose mentioned in subsection (1),the justice of the peace may by warrant authorise the local authority by any authorised officer to enter the land, if need be by force.
- (4) But a warrant must not be issued unless the justice of the peace is satisfied –
 - (a) that notice of the intention to apply for the warrant has been given to the owner,
 - (b) that the owner is temporarily absent and the case is one of urgency, or
 - (c) that the giving of notice would defeat the object of the entry.
- (5) An authorised officer entering any land by virtue of this section, or of a warrant issued under it, may be accompanied by such other persons as may be necessary.

- (6) Every warrant issued under this section continues in force until the purpose for which the entry is necessary has been satisfied.
- (7) A person who intentionally obstructs any person acting in the execution of this section, or of a warrant under this section, commits an offence.
- (8) A person who is guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.’.

I fewnosod adran newydd –

‘(1) Pŵer mynediad swyddogion awdurdodau lleol

- (1) Mae gan swyddog awdurdodedig i awdurdod lleol, wedi iddo ddangos (os gofynnir iddo wneud hynny), dogfen awdurdod a ddilyswyd yn briodol, hawl ar bob adeg resymol i fynd i unrhyw dir sy’n safle rheoleiddiedig neu y mae cais am drwydded safle wedi ei wneud ar ei gyfer er mwyn –
 - (a) galluogi’r awdurdod lleol i benderfynu pa amodau y dylid eu gosod ar y drwydded safle neu a ddylid amrywio telerau’r trwydded safle,
 - (b) canfod a oes unrhyw un neu ragor o ddarpariaethau’r Rhan hon yn cael, neu wedi cael, eu torri ar y tir neu mewn cysylltiad ag ef,
 - (c) darganfod a oes amgylchiadau’n bodoli a fyddai’n awdurdodi’r awdurdod lleol i gymryd unrhyw gamau, neu i wneud unrhyw waith, o dan y Rhan hon, neu
 - (d) cymryd unrhyw gamau, neu wneud unrhyw waith, yr awdurdodir eu cymryd neu ei wneud gan yr awdurdod lleol gan y Rhan hon.
- (2) Ond rhaid peidio â mynnu mynediad i unrhyw dir fel mater o hawl oni bai bod 24 awr o hysbysiad o’r bwriad i fynd iddo wedi ei roi i’r perchennog.
- (3) Os dangosir er boddhad ynad heddwch –
 - (a) –
 - (i) bod mynediad i unrhyw dir wedi ei wrthod,
 - (ii) y deallir y bydd mynediad yn cael ei wrthod,
 - (iii) bod perchennog y tir yn absennol dros dro a bod yr achos yn achos brys, neu
 - (iv) y byddai cais am fynediad yn mynd yn groes i amcan mynd i’r tir, a
 - (b) bod sail resymol dros fynd i’r tir at unrhyw ddiben a grybwyllir yn is-adran (1), caiff yr ynad heddwch drwy warant awdurdodi’r awdurdod lleol drwy gyfrwng unrhyw swyddog awdurdodedig i fynd i’r tir, gan ddefnyddio grym os bydd ei angen.
- (4) Ond rhaid peidio â rhoi gwarant oni bai bod yr ynad heddwch wedi ei fodloni –
 - (a) bod hysbysiad o’r bwriad i wneud cais am y warant wedi ei roi i’r perchennog,
 - (b) bod y perchennog yn absennol dros dro a bod yr achos yn achos brys, neu
 - (c) y byddai rhoi hysbysiad yn mynd yn groes i amcan mynd i’r tir.
- (5) Caiff swyddog awdurdodedig sy’n mynd i unrhyw dir yn rhinwedd yr adran hon, neu yn rhinwedd gwarant a roddwyd odani, fynd ag unrhyw bersonau y mae eu hangen gydag ef.

- (6) Mae pob gwarant a roddir o dan yr adran hon yn parhau mewn grym hyd nes bod y diben y mae angen y mynediad ar ei gyfer wedi ei fodloni.
- (7) Mae person sydd yn fwriadol yn rhwystro unrhyw berson sy'n gweithredu'r adran hon, neu sy'n gweithredu gwarant o dan yr adran hon, yn cyflawni trosedd.
- (8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na lefel 4 ar y raddfa safonol.'

Carl Sargeant

65

Page 22, line 2, leave out section 33.

Tudalen 22, llinell 2, hepgorer adran 33.

***Mark Isherwood**

66A

As an amendment to amendment 66, line 56, leave out subsection (10).

Fel gwelliant i welliant 66, llinell 59, hepgorer is-adran (10).

Carl Sargeant

66

To insert a new section –

'() Repayment orders

- (1) For the purposes of this section land is an “unlicensed site” if it is a regulated site in respect of which no site licence is in force.
- (2) No rule of law relating to the validity or enforceability of contracts in circumstances involving illegality is to affect the validity or enforceability of –
 - (a) any provision requiring the payment of a pitch fee or the making of any other periodical payment in connection with any agreement to which Part 4 applies relating to an unlicensed site, or
 - (b) any other provision of such an agreement.
- (3) But amounts paid in respect of certain payments made under and in connection with such an agreement may be recovered in accordance with subsection (4).
- (4) If –
 - (a) an application in respect of an unlicensed site is made to a residential property tribunal by the occupier of a mobile home stationed on the site, and
 - (b) the tribunal is satisfied as to the matters mentioned in subsection (6),the tribunal may make an order (a “repayment order”).
- (5) A repayment order is an order requiring the owner or manager of the site to pay to the occupier of the mobile home such sums as are specified in the order in respect of –

- (a) any payment made by the occupier of the mobile home (or any person through whom the occupier of the mobile home has acquired ownership of the mobile home) to the owner or manager of the site in respect of the purchase of a mobile home stationed on the site,
 - (b) any commission paid to the owner or manager of the site by any person in respect of the sale of a mobile home stationed on the site,
 - (c) the pitch fee paid in respect of such a mobile home, and
 - (d) any periodical payments paid in respect of such a mobile home.
- (6) The tribunal must be satisfied as to the following matters –
- (a) that owner of the site has been convicted of an offence under section (*amendment 10*) in relation to the site,
 - (b) that the occupier of the mobile home (or, in the case of payments referred to in subsection (5)(a) or (b), the person through whom the occupier of the mobile home has acquired ownership of the mobile home) made the payment to the owner or manager of the site during any period during which it appears to the tribunal that such an offence was being committed in relation to the site, and
 - (c) that the application is made within the period of 12 months beginning with the date of the conviction.
- (7) A repayment order may not require the payment of any amount which the tribunal is satisfied that, by reason of any exceptional circumstances, it would be unreasonable for the owner or manager of the site to be required to pay.
- (8) The amount required to be paid by virtue of a repayment order under subsection (5) is (subject to subsections (9) to (11)) to be such amount as the tribunal considers reasonable in the circumstances.
- (9) The matters which the tribunal must take into account when determining the amount to be paid include (but are not limited to) –
- (a) the total amount of relevant payments paid in connection with occupation of the site during any period during which it appears to the tribunal that an offence was being committed by the owner of the site under section (*amendment 10*),
 - (b) the extent to which that total amount was actually received by the owner or manager of the site,
 - (c) whether the owner of the site has at any time been convicted of an offence under section (*amendment 10*) in relation to the site,
 - (d) the conduct and financial circumstances of the owner or manager of the site, and
 - (e) the conduct of the occupier of the mobile home;
- and in this subsection “relevant payments” means those payments referred to in subsection (5).
- (10) A repayment order may not, where the application is made by an occupier of a mobile home, require the payment of any amount which is in respect of any time falling outside the period of 12 months ending with the date of the occupier’s application, and the period to be taken into account under subsection (9)(a) is restricted accordingly.

- (11) Any amount payable to an occupier of a mobile home by virtue of a repayment order is recoverable as a debt due to the occupier of the mobile home from the owner or manager of the site.
- (12) In this section “occupier”, in relation to a mobile home and a regulated site, means a person who is entitled—
 - (a) to station the mobile home on the site, and
 - (b) to occupy the mobile home as the person's only or main residence.’.

I fewnosod adran newydd—

‘(1) Gorchmynion ad-dalu

- (1) At ddibenion yr adran hon mae tir yn “safle heb ei drwyddedu” os yw’n safle rheoleiddiedig nad oes trwydded safle mewn grym ar ei gyfer.
- (2) Nid yw’r un rheol gyfreithiol sy’n ymwneud â dilysrwydd neu orfodadwyedd contractau o dan amgylchiadau sy’n cynnwys anghyfreithlondeb i effeithio ar ddilysrwydd neu orfodadwyedd y canlynol—
 - (a) unrhyw ddarpariaeth sy’n ei gwneud yn ofynnol i ffi am lain neu unrhyw daliad cyfnodol arall gael eu talu mewn cysylltiad ag unrhyw gytundeb y mae Rhan 4 yn gymwys iddo sy’n ymwneud â safle heb ei drwyddedu, neu
 - (b) unrhyw ddarpariaeth arall mewn cytundeb o’r fath.
- (3) Ond caniateir i symiau a delir o ran taliadau penodol o dan gytundeb o’r fath ac mewn cysylltiad ag ef gael eu hadennill yn unol ag is-adran (4).
- (4) Os bydd—
 - (a) cais ynglŷn â safle heb ei drwyddedu yn cael ei wneud i dribiwnlys eiddo preswyl gan feddiannydd cartref symudol a osodir ar y safle, a
 - (b) bod y tribiwnlys wedi ei fodloni o ran y materion a grybwyllir yn is-adran (6), caiff y tribiwnlys wneud gorchymyn (“gorchymyn ad-dalu”).
- (5) Mae gorchymyn ad-dalu yn orchymyn sy’n ei gwneud yn ofynnol i berchennog neu reolwr y safle dalu i feddiannydd y cartref symudol unrhyw symiau a bennir yn y gorchymyn o ran—
 - (a) unrhyw daliad a wnaed gan feddiannydd y cartref symudol (neu unrhyw berson y mae meddiannydd y cartref symudol wedi sicrhau perchnogaeth ar y cartref symudol drwyddo) i berchennog neu reolwr y safle ynglŷn â phrynu cartref symudol a osodwyd ar y safle,
 - (b) unrhyw gomisiwn a dalwyd i berchennog neu reolwr y safle gan unrhyw berson ynglŷn â gwerthu cartref symudol a osodwyd ar y safle,
 - (c) y ffi am y llain a dalwyd ynglŷn â chartref symudol o’r fath, a
 - (d) unrhyw daliadau cyfnodol a dalwyd ynglŷn â chartref symudol o’r fath.
- (6) Rhaid i’r tribiwnlys fod wedi ei fodloni ynglŷn â’r materion a ganlyn—
 - (a) bod perchennog y safle wedi ei gollfarnu am drosedd o dan adran (*gwelliant 10*) o ran y safle,

- (b) bod meddiannydd y cartref symudol (neu, yn achos taliadau y cyfeirir atynt yn is-adran (5)(a)neu (b), y person y mae'r meddiannydd wedi sicrhau perchnogaeth ar y cartref symudol drwyddo) wedi talu i berchennog neu reolwr y safle yn ystod unrhyw gyfnod y mae'n ymddangos bod trosedd o'r fath yn cael ei gyflawni ynddo o ran y safle, ac
 - (c) bod y cais wedi ei wneud o fewn y cyfnod o 12 mis yn dechrau â dyddiad y gollfarn.
- (7) Ni chaniateir i orchymyn ad-dalu ei gwneud yn ofynnol i unrhyw swm gael ei dalu y mae'r tribiwnlys wedi ei fodloni y byddai'n afresymol ei gwneud yn ofynnol i berchennog neu reolwr y safle ei dalu oherwydd unrhyw amgylchiadau eithriadol.
- (8) Y swm y mae'n ofynnol ei dalu yn rhinwedd gorchymyn ad-dalu o dan adran (5) yw unrhyw swm sydd (yn ddarostyngedig i isadrannau (9) i (11)) ym marn y tribiwnlys yn rhesymol o dan yr amgylchiadau.
- (9) Mae'r materion y mae'n rhaid i'r tribiwnlys eu cymryd i ystyriaeth wrth benerfynu ar y swm y mae'n ofynnol ei dalu yn cynnwys y canlynol (ond heb fod yn gyfyngedig i'r canlynol) –
- (a) cyfanswm y taliadau perthnasol a dalwyd mewn cysylltiad â meddiannu'r safle yn ystod unrhyw gyfnod y mae'n ymddangos i'r tribiwnlys fod trosedd yn cael ei gyflawni ynddo gan y perchennog ynglŷn â'r safle o dan adran (*gwelliant 10*),
 - (b) i ba raddau y cafodd perchennog neu reolwr y safle y cyfanswm hwnnw mewn gwirionedd,
 - (c) a yw perchennog y safle ar unrhyw adeg wedi ei gollfarnu am drosedd o dan adran (*gwelliant 10*) ynglŷn â'r safle,
 - (d) ymddygiad ac amgylchiadau ariannol perchennog neu reolwr y safle, ac
 - (e) ymddygiad meddiannydd y cartref symudol;
- ac yn yr is-adran hon ystyr "taliadau perthnasol" yw'r taliadau hynny y cyfeirir atynt yn is-adran (5).
- (10) Ni chaiff gorchymyn ad-dalu, pan fo'r cais wedi ei wneud gan feddiannydd cartref symudol, ei gwneud yn ofynnol i unrhyw swm gael ei dalu sy'n ymwneud ag unrhyw amser y tu allan i'r cyfnod o 12 mis sy'n diweddu ar ddyddiad cais y meddiannydd, ac mae'r cyfnod sydd i'w gymryd i ystyriaeth o dan is-adran (9)(a) i'w gyfyngu yn unol â hyn.
- (11) Mae unrhyw swm sy'n daladwy i feddiannydd cartref symudol yn rhinwedd gorchymyn ad-dalu yn adenilladwy gan y meddiannydd fel dyled sy'n ddyledus i'r meddiannydd gan berchennog neu reolwr y safle.
- (12) Yn yr adran hon ystyr "meddiannydd", o ran cartref symudol a safle rheoleiddiedig, yw person sydd â hawl –
- (a) i osod cartref symudol ar y safle, a
 - (b) i feddiannu'r cartref symudol fel unig breswylfa neu brif breswylfa'r person.'.

Carl Sargeant

67

To insert a new section –

‘(1) False or misleading statements or information

- (1) A person who –
 - (a) makes a false or misleading declaration or other statement under this Part knowing or believing it to be false or misleading, or
 - (b) provides false or misleading information under this Part knowing or believing it to be false or misleading,commits an offence.
- (2) A person guilty of an offence under this subsection (1) is liable on summary conviction to a fine.’.

I fewnosod adran newydd –

‘(1) Datganiadau neu wybodaeth anwir neu gamarweiniol

- (1) Mae person –
 - (a) sy’n gwneud datganiad neu osodiad arall o dan y Rhan hon sy’n anwir neu’n gamarweiniol gan wybod neu gredu ei fod yn anwir neu’n gamarweiniol, neu
 - (b) sy’n rhoi gwybodaeth anwir neu gamarweiniol o dan y Rhan hon gan wybod neu gredu ei bod yn anwir neu’n gamarweiniol,yn cyflawni trosedd.
- (2) Mae person sy’n euog o drosedd o dan yr is-adran hon (1) yn agored o’i gollfarnu’n ddiannod i ddirwy.’.

Carl Sargeant

68

To insert a new section –

‘(1) Guidance by Welsh Ministers

- (1) The Welsh Ministers may issue guidance to local authorities as to the performance of their functions under this Part.
- (2) Local authorities must have regard to any guidance issued under subsection (1).’.

I fewnosod adran newydd –

‘(1) Canllawiau gan Weinidogion Cymru

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran cyflawni eu swyddogaethau o dan y Rhan hon.
- (2) Rhaid i awdurdodau lleol roi sylw i unrhyw ganllawiau a ddyroddir o dan is-adran (1).’.

Carl Sargeant

69

To insert a new section –

‘(1) Responsibility of owner of land subject to a licence or tenancy

- (1) It is a condition of any licence or tenancy that if any person in exercise of rights under the licence or tenancy does anything which would constitute an offence under section (*amendment 10*) if that person were the owner of the land, the person who is the owner of the land may take possession of the land and terminate the licence or tenancy.
- (2) In determining whether the owner of the land has permitted the land to be used as a regulated site account must be taken of any powers exercisable under subsection (1).
- (3) Subsections (1) and (2) are subject to Part 3.
- (4) The owner of any land subject to a licence or subject to any tenancy has the right, as against any person claiming under the licence or tenancy, to enter on the land and do anything on the land reasonably required for the purpose of complying with any conditions of a site licence issued with respect to the land.’

I fewnosod adran newydd –

‘(1) Cyfrifoldeb perchennog tir sy’n ddarostyngedig i drwydded neu denantiaeth

- (1) Un o amodau unrhyw drwydded neu denantiaeth yw os bydd unrhyw berson sy’n arfer hawliau o dan y drwydded neu’r denantiaeth yn gwneud unrhyw beth a fyddai’n drosedd o dan adran (*gwelliant 10*) pe bai’r person hwnnw’n berchennog y tir, y caiff y person sy’n berchennog y tir gymryd meddiant ar y tir a therfynu’r drwydded neu’r denantiaeth.
- (2) Wrth benderfynu a yw perchennog y tir wedi caniatáu i’r tir gael ei ddefnyddio fel safle rheoleiddiedig rhaid cymryd i ystyriaeth unrhyw bwerau sy’n arferadwy o dan is-adran (1).
- (3) Mae is-adrannau (1) a (2) yn ddarostyngedig i Ran 3.
- (4) Mae gan berchennog unrhyw dir sy’n ddarostyngedig i drwydded neu sy’n dod o dan unrhyw denantiaeth hawl, o’i gyferbynnu ag unrhyw berson sy’n gwneud hawliad o dan y drwydded neu’r denantiaeth, i fynd i’r tir ac i wneud unrhyw beth ar y tir sy’n rhesymol angenrheidiol er mwyn cydymffurfio ag unrhyw un neu ragor o amodau’r drwydded safle a ddyroddwyd ar gyfer y tir.’

Carl Sargeant

70

To insert a new section –

‘(1) Powers to charge fees: supplementary

- (1) This section applies where a local authority proposes to charge a fee under section (*amendment 12*) or (*amendment 26*).
- (2) Before charging the fee, the local authority must prepare and publish a fees policy.
- (3) When fixing a fee for the purposes of section (*amendment 12*) or (*amendment 26*) the local authority –

- (a) must act in accordance with their fees policy,
 - (b) may fix different fees for different cases or descriptions of case, and
 - (c) may determine that no fee is required to be paid in certain cases or descriptions of case.
- (4) When fixing a fee for any of those purposes, the local authority may not take into account any costs incurred by them in exercising –
- (a) their functions under any of sections () to () (*amendments 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50*), or
 - (b) any function under any provision of this Act in relation to a site which is not a regulated site.
- (5) The local authority may revise their fees policy and, where they do so, must publish the policy as revised.’.

I fewnosod adran newydd –

‘() Pwerau i godi taliadau: atodol

- (1) Mae’r adran hon yn gymwys pan fo awdurdod lleol yn bwriadu codi tâl o dan adran (*gwelliant 12*) neu (*gwelliant 26*).
- (2) Cyn codi’r ffi, rhaid i’r awdurdod lleol lunio a chyhoeddi polisi ar ffioedd.
- (3) Wrth bennu ffi at ddibenion adran (*gwelliant 12*) neu (*gwelliant 26*) mae’r awdurdod lleol –
- (a) yn gorfod gweithredu yn unol â’i bolisi ar ffioedd,
 - (b) yn cael pennu ffioedd gwahanol ar gyfer achosion gwahanol neu ddisgrifiadau gwahanol o achos, ac
 - (c) yn cael penderfynu nad oes angen talu ffi mewn achosion penodol neu ddisgrifiadau penodol o achos.
- (4) Wrth bennu ffi at unrhyw un neu ragor o’r dibenion hyn, ni chaiff yr awdurdod lleol gymryd i ystyriaeth unrhyw gostau y mae’n mynd iddynt wrth arfer –
- (a) ei swyddogaethau o dan unrhyw un neu ragor o adrannau () i () (*gwelliannau 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50*), neu
 - (b) unrhyw swyddogaethau o dan unrhyw ddarpariaeth o’r Ddeddf hon o ran safle nad yw’n safle rheoleiddiedig.
- (5) Caiff yr awdurdod lleol ddiwygio’i bolisi ar ffioedd ac, os yw’n gwneud hynny, rhaid iddo gyhoeddi’r polisi fel y’i diwygiwyd.’.

Carl Sargeant

71

To insert a new section –

‘() Registers of site licences

- (1) Every local authority must keep a register of site licences issued in respect of land situated in the local authority’s area.

- (2) The register is to be open for inspection by the public at all reasonable times.
- (3) Where under section (*amendment 54*) a local authority enters on a site licence a variation of any of the conditions of the site licence, the local authority must record that fact in the register of site licences.’.

I fewnosod adran newydd –

‘() **Cofrestrau trwyddedau safle**

- (1) Rhaid i bob awdurdod lleol gadw cofrestr o drwyddedau safle a ddyroddwyd ar gyfer tir a leolir yn ardal yr awdurdod lleol.
- (2) Mae’r gofrestr i fod yn agored i’r cyhoedd gael edrych arni ar bob adeg resymol.
- (3) Os yw awdurdod lleol o dan adran (*gwelliant 54*) yn cofnodi amrywiad ar unrhyw un o amodau y drwydded safle, rhaid i’r awdurdod lleol gofnodi’r ffaith honno yn y gofrestr trwyddedau safle.’.

Carl Sargeant

72

To insert a new section –

‘() **Crown land**

This Part applies to land the owner of which is not the Crown even if an interest in the land belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.’.

I fewnosod adran newydd –

‘() **Tir y Goron**

Mae’r Rhan hon yn gymwys i dir nad y Goron yw ei berchennog hyd yn oed os oes buddiant yn y tir yn perthyn i’w Mawrhydi yn hawl y Goron neu yn hawl Dugaeth Caerhirfryn, neu i Ddugaeth Cernyw, neu yn perthyn i adran o’r llywodraeth neu’n cael ei ddal mewn ymddiriedolaeth ar ran Ei Mawrhydi at ddibenion adran o’r llywodraeth.’.

Carl Sargeant

73

To insert a new section –

‘() **Interpretation**

- (1) In this Part –

“development order” (“*gorchymyn datblygu*”) means an order made under section 59 of the Town and Country Planning Act 1990;

“fire and rescue authority” (“*awdurdod tân ac achub*”), in relation to any land, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the land is situated.

- (2) Where land amounting to not more than 400 square metres in area is let under a tenancy entered into with a view to the use of the land as a regulated site, for the purposes of this Part “owner”, in relation to the land, means the person who would be entitled to possession of the land but for the rights of any person under that tenancy.
- (3) Any reference in this Part to the carrying out of works includes a reference to the planting of trees and shrubs and the carrying out of other operations for preserving or enhancing the amenity of land.
- (4) Any reference in this Part to planning permission is to be taken as a reference to such a permission whether or not restricted in any way or subject to any condition or limitation, and any reference in this Part of this Act to such planning permission includes a reference to permission deemed to be granted or granted on the designation of an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980.’.

I fewnosod adran newydd –

‘() **Dehongli**

- (1) Yn y Rhan hon –

ystyr “awdurdod tân ac achub” (“*fire and rescue authority*”), o ran unrhyw dir, yw’r awdurdod tân ac achub o dan Ddeddf Gwasanaethau Tân ac Achub 2004 i’r ardal y lleolir y tir ynddi;

ystyr “gorchymyn datblygu” (“*development order*”) yw gorchymyn a wneir o dan adran 59 o Ddeddf Cynllunio Gwlad a Thref 1990.

- (2) Pan fo tir nad yw’n fwy na chyfanswm o 400 o fetrau sgwâr o ran ei arwynebedd yn cael ei osod o dan denantiaeth a wnaed gyda golwg ar ddefnyddio’r tir fel safle rheoleiddiedig, at ddibenion y Rhan hon ystyr “perchennog”, o ran y tir, yw’r person y byddai ganddo hawl i feddiant ar y tir heblaw am hawliau unrhyw berson o dan y denantiaeth honno.
- (3) Mae unrhyw gyfeiriad yn y Rhan hon at wneud gwaith yn cynnwys cyfeiriad at blannu coed a llwyni a gwneud gwaith arall i gadw neu i wella amwynder tir.
- (4) Mae unrhyw gyfeiriad yn y Rhan hon at ganiatâd cynllunio i’w gymryd fel cyfeiriad at ganiatâd o’r fath p’un a yw wedi ei gyfyngu mewn unrhyw ffordd ai peidio neu’n ddarostyngedig i unrhyw amod neu gyfyngiad, ac mae unrhyw gyfeiriad yn y Rhan hon o’r Ddeddf hon at ganiatâd cynllunio o’r fath yn cynnwys cyfeiriad at ganiatâd y bernir ei fod wedi ei roi ynghylch dynodi parth menter o dan Atodlen 32 i Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980.’.

Carl Sargeant

74

To insert a new section –

‘() **Application of Part**

This Part applies in relation to any licence or contract (whenever made) under which a person is entitled –

- (a) to station a mobile home on a protected site and occupy it as the person’s residence, or

- (b) if the mobile home is stationed on the protected site by another, to occupy it as the person's residence.'.

I fewnosod adran newydd –

'() Cymhwysu'r Rhan

Mae'r Rhan hon yn gymwys o ran unrhyw drwydded neu gontract (pryd bynnag y'u gwneir) y mae gan berson hawl odanynt –

- (a) i osod cartref symudol ar safle gwarchoddedig a'i feddiannu fel preswylfa'r person, neu
- (b) os yw'r cartref symudol wedi ei osod ar y safle gwarchoddedig gan rywun arall, i'w feddiannu fel preswylfa'r person.'.

Carl Sargeant

75

To insert a new section –

'() Minimum length of notice

In any case where a residential contract is determinable by notice given by either party to the other, a notice is of no effect unless it is given not less than 4 weeks before the date on which it is to take effect.'.

I fewnosod adran newydd –

'() Parhad lleiaf hysbysiad

Mewn unrhyw achos pan fo contract preswyl yn gallu cael ei derfynu drwy hysbysiad a roddir gan y naill barti i'r llall, nid yw'r hysbysiad yn effeithiol oni bai ei fod yn cael ei roi nid llai na 4 wythnos cyn y dyddiad pryd y mae i ddod yn effeithiol.'.

Carl Sargeant

76

To insert a new section –

'() Protection of occupiers against eviction and harassment, false information etc.

- (1) A person to whom any of subsections (2) to (6) applies commits an offence.
- (2) This subsection applies to a person if, during the subsistence of a residential contract, the person unlawfully deprives the occupier of the mobile home of occupation on the protected site of any mobile home which the occupier is entitled by the contract to station and occupy, or to occupy, as the occupier's residence on the protected site.
- (3) This subsection applies to a person if, after the expiry or determination of a residential contract, the person enforces, otherwise than by proceedings in the court, any right to exclude the occupier of the mobile home from the protected site or from any such mobile home, or to remove or exclude any such mobile home from the protected site.

- (4) This subsection applies to a person if (whether during the subsistence, or after the expiry or determination, of a residential contract) with intent to cause the occupier of the mobile home –
- (a) to abandon the occupation of the mobile home or remove it from the site, or
 - (b) to refrain from exercising any right or pursuing any remedy in respect of that,
- the person does acts likely to interfere with the peace or comfort of the occupier or persons residing with the occupier, or withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site.
- (5) This subsection applies to a person if the person is, or is the agent of, the owner of the protected site and (whether during the subsistence or after the expiration or determination of a residential contract) –
- (a) the person does acts likely to interfere with the peace or comfort of the occupier of the mobile home or persons residing with the occupier, or
 - (b) withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site,
- and (in either case) the person knows, or has reasonable cause to believe, that that conduct is likely to cause the occupier to do any of the things mentioned in subsection (4)(a) or (b).
- (6) This subsection applies to a person if the person is, or is the agent of, the owner of a protected site and, during the subsistence of a residential contract, the person –
- (a) knowingly or recklessly provides information or makes a representation which is false or misleading in a material respect to any person, and
 - (b) knows, or has reasonable cause to believe, that doing so is likely to cause –
 - (i) the occupier to do any of the things mentioned in subsection (4)(a) or (b), or
 - (ii) a person who is considering whether to purchase or occupy the mobile home to which the residential contract relates to decide not to do so.
- (7) In subsections (5) and (6) references to the owner of a protected site include references to a person with an estate or interest in the site which is superior to that of the owner.
- (8) In this section references to the occupier of the mobile home include references to the person who was the occupier of the mobile home under a residential contract which has expired or been determined and, in the case of the death of the occupier (whether during the subsistence or after the expiry or determination of the contract), to any person then residing with the occupier being –
- (a) the widow, widower or surviving civil partner of the occupier, or
 - (b) in default of a widow, widower or surviving civil partner residing with the occupier, any member of the occupier's family.
- (9) Nothing in this section applies to the exercise by the owner of a mobile home of a right to take possession of the mobile home, other than a right conferred by or arising on the expiry or determination of a residential contract, or to anything done pursuant to the order of any court.'

I fewnosod adran newydd –

(i) Amddiffyn meddianwyr yn erbyn eu troi allan ac aflonyddu arnynt, gwybodaeth anwir etc.

- (1) Mae person y mae unrhyw un neu ragor o is-adrannau (2) i (6) yn gymwys iddo yn cyflawni trosedd.
- (2) Mae'r is-adran hon yn gymwys i berson os yw'r person, yn ystod cyfnod contract preswyl, yn anghyfreithlon yn amddifadu meddiannydd y cartref symudol o feddiannaeth ar y safle gwarchodedig unrhyw gartref symudol y mae gan y meddiannydd hawl o dan y contract i'w osod a'i feddiannu, neu i'w feddiannu, fel preswylfa'r meddiannydd ar y safle gwarchodedig.
- (3) Mae'r is-adran hon yn gymwys i berson os yw'r person, ar ôl i gontract preswyl ddod i ben neu gael ei derfynu, yn gorfodi unrhyw hawl i gau meddiannydd y cartref symudol allan o'r safle gwarchodedig neu o unrhyw gartref symudol o'r fath, neu i symud ymaith neu gadw unrhyw gartref symudol o'r fath allan o'r safle gwarchodedig heblaw drwy achos yn y llys.
- (4) Mae'r is-adran hon yn gymwys i berson os yw'r person (boed yn ystod cyfnod contract preswyl ynteu ar ôl i gontract preswyl ddod i ben neu gael ei derfynu) yn cyflawni gweithredoedd sy'n debyg o ymyrryd â llonyddwch neu gysur y meddiannydd neu bersonau sy'n preswyllo gyda'r meddiannydd, neu'n tynnu'n ôl neu'n cadw'n ôl wasanaethau neu gyfleusterau sy'n rhesymol angenrheidiol er mwyn meddiannu'r cartref symudol fel preswylfa ar y safle, gan fwriadu peri bod meddiannydd y cartref symudol –
 - (a) yn rhoi'r gorau i feddiannu'r cartref symudol neu ei symud ymaith o'r safle, neu
 - (b) ymatal rhag arfer unrhyw hawl neu rhag mynd ar drywydd unrhyw rwymedi mewn perthynas â hynny.
- (5) Mae'r is-adran hon yn gymwys i berson os yw'r person yn berchennog y safle gwarchodedig, neu'n asiant iddo, a bod y person hwnnw (boed yn ystod cyfnod contract preswyl ynteu ar ôl i gontract preswyl ddod i ben neu gael ei derfynu) –
 - (a) yn cyflawni gweithredoedd sy'n debyg o ymyrryd â llonyddwch neu gysur y meddiannydd neu bersonau sy'n preswyllo gyda'r meddiannydd, neu
 - (b) yn tynnu'n ôl neu'n cadw'n ôl wasanaethau neu gyfleusterau sy'n rhesymol angenrheidiol er mwyn meddiannu'r cartref symudol fel preswylfa ar y safle,a bod y person (yn y naill achos neu'r llall) yn gwybod, neu fod ganddo achos rhesymol dros gredu, bod yr ymddygiad yn debyg o beri i'r meddiannydd wneud unrhyw un neu ragor o'r pethau a grybwyllir yn is-adran (4)(a) neu (b).
- (6) Mae'r is-adran hon yn gymwys i berson os yw'r person yn berchennog y safle gwarchodedig, neu'n asiant iddo a bod y person hwnnw, yn ystod cyfnod contract preswyl –
 - (a) yn fwriadol neu'n ddi-hid yn rhoi gwybodaeth neu'n cyflwyno sylwadau sy'n anwir neu'n gamarweiniol mewn ystyr berthnasol i unrhyw berson, a
 - (b) yn gwybod, neu fod ganddo achos rhesymol dros gredu, bod gwneud hynny yn debyg o beri –

- (i) i'r meddiannydd wneud unrhyw un neu ragor o'r pethau a grybwyllir yn is-adran (4)(a) neu (b), neu
 - (ii) i berson sy'n ystyried a ddylai brynu neu feddiannu'r cartref symudol y mae'r contract preswyl yn ymwneud ag ef benderfynu peidio â gwneud.
- (7) Yn is-adrannau (5) a (6) mae cyfeiriadau at berchennog safle gwarchoddedig yn cynnwys cyfeiriadau at berson sydd ag ystâd neu fuddiant yn y safle sy'n drech nag ystâd neu fuddiant y perchennog.
- (8) Yn yr adran hon mae cyfeiriadau at feddiannydd y cartref symudol yn cynnwys cyfeiriadau at y person a oedd yn feddiannydd y cartref symudol o dan gontract preswyl sydd wedi dod i ben neu sydd wedi ei derfynu ac, yn achos marwolaeth y meddiannydd (boed yn ystod cyfnod contract preswyl ynteu ar ôl i gontract preswyl ddod i ben neu gael ei derfynu), at unrhyw berson a oedd y pryd hwnnw yn preswyl gyda'r meddiannydd ac sydd –
- (a) yn wraig weddw, yn ŵr gweddw, neu'n bartner sifil sy'n goroesi'r meddiannydd, neu
 - (b) os nad oes gwraig weddw, gŵr gweddw, neu bartner sifil sy'n goroesi yn preswyl gyda'r meddiannydd, unrhyw aelod o deulu'r meddiannydd.
- (9) Nid oes dim yn adran hon yn gymwys i arfer hawl gan berchennog cartref symudol i gymryd meddiant ar y cartref symudol, heblaw hawl a roddir wrth i gontract preswyl ddod i ben neu gael ei derfynu neu yn sgil hynny, nac i ddim byd a wneir yn unol â gorchymyn gan unrhyw lys.'

Carl Sargeant

77

To insert a new section –

'() Offences under section (*amendment 76*): supplementary

- (1) In proceedings for an offence of contravening section (*amendment 76*)(2) or (3) it is a defence to prove that the accused believed, and had reasonable cause to believe, that the occupier of the mobile home had ceased to reside on the site.
- (2) In proceedings for an offence of contravening section (*amendment 76*)(5) it is a defence to prove that the accused had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question.
- (3) A person guilty of an offence under section (*amendment 76*) is liable –
 - (a) on summary conviction, to a fine or to imprisonment for a term not exceeding 12 months, or to both, or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.'

I fewnosod adran newydd –

‘() Troseddau o dan adran (gwelliant 76): atodol

- (1) Mewn achos ynglŷn â throsedd o dorri adran (*gwelliant 76*)(2) neu (3) mae’n amddiffyniad profi bod y cyhuddedig yn credu, a bod ganddo achos rhesymol dros gredu, bod meddiannydd y cartref symudol wedi rhoi’r gorau i fyw ar y safle.
- (2) Mewn achos ynglŷn â throsedd o dorri adran (*gwelliant 76*)(5) mae’n amddiffyniad profi bod gan y cyhuddedig sail resymol dros wneud y gweithredoedd neu dynnu’n ôl neu gadw’n ôl y gwasanaethau neu’r cyfleusterau o dan sylw.
- (3) Mae person sy’n euog o drosedd o dan adran (*gwelliant 76*) yn agored –
 - (a) o’i gollfarnu’n ddiannod, i ddirwy neu i garchar am gyfnod heb fod yn fwy na 12 mis, neu i’r ddau, neu
 - (b) o’i gollfarnu ar dditiad, i ddirwy neu i garchar am gyfnod heb fod yn fwy na 2 flynedd, neu i’r ddau.’.

Carl Sargeant

78

To insert a new section –

‘() Provision for suspension of eviction orders

- (1) If in proceedings by the owner of a protected site the court makes an order for enforcing in relation to the site any such right as is mentioned in section (*amendment 76*)(3), the court may (without prejudice to any power apart from this section to postpone the operation or suspend the execution of an order) suspend the enforcement of the order for such period not exceeding 12 months from the date of the order as the court thinks reasonable.
- (2) Where the court by virtue of this section suspends the enforcement of an order, it may impose such terms and conditions, including conditions as to the payment of rent or other periodical payments or of arrears of such rent or payments, as the court thinks reasonable.
- (3) The court may from time to time, on the application of either party, extend, reduce or terminate the period of suspension ordered, or vary any terms or conditions imposed, but may not extend the period of suspension for more than 12 months at a time.
- (4) In considering whether or how to exercise its powers under this section, the court must have regard to all the circumstances which include (but are not limited to) the questions –
 - (a) whether the occupier of the mobile home has failed, whether before or after the expiry or determination of the relevant residential contract, to observe any terms or conditions of that contract, any conditions of the site licence, or any reasonable rules made by the owner of the protected site for the management and conduct of the site or the maintenance of mobile homes on it,

- (b) whether the occupier of the mobile home has unreasonably refused an offer by the owner to renew the residential contract or make another residential contract for a reasonable period and on reasonable terms, and
 - (c) whether the occupier of the mobile home has failed to make reasonable efforts to obtain elsewhere other suitable accommodation for the mobile home or another suitable mobile home and accommodation for it.
- (5) Where the court makes an order such as is mentioned in subsection (1) but suspends the enforcement of the order, the court may not make any order for costs unless it appears to the court, having regard to the conduct of the owner of the protected site or of the occupier of the mobile home that the circumstances of the case are exceptional.
- (6) The court may not suspend the enforcement of an order by virtue of this section if—
- (a) no site licence is in force in respect of the site, and
 - (b) the site is not occupied by a local authority;
- and where a site licence in respect of the site is expressed to expire at the end of a specified period, the period for which enforcement may be suspended by virtue of this section does not extend beyond the expiry of the site licence.’.

I fewnosod adran newydd—

‘(1) Darpariaeth ar gyfer atal gorchmynion troi allan dros dro

- (1) Os bydd y llys mewn achos gan berchennog safle gwarchoddedig yn gwneud gorchymyn i orfodi unrhyw hawl ynglŷn â’r safle a grybwyllir yn adran (*gwelliant* 76)(3), caiff y llys (heb ragfarnu unrhyw bŵer heblaw’r adran hon i ohirio rhoi’r gorchymyn ar waith neu i’w atal dros dro rhag cael ei weithredu) atal gorfodi’r gorchymyn dros dro am unrhyw gyfnod heb fod yn fwy na 12 mis ar ôl dyddiad y gorchymyn sy’n rhesymol ym marn y llys.
- (2) Os bydd y llys yn rhinwedd yr adran hon yn atal gorfodi gorchymyn dros dro, caiff osod unrhyw delerau ac amodau, gan gynnwys amodau ynghylch talu rhent neu unrhyw daliadau cyfnodol eraill neu ôl-ddyledion y rhenti neu’r taliadau hynny, sy’n rhesymol ym marn y llys.
- (3) Caiff y llys o dro i dro, ar gais y naill barti neu’r llall, estyn, lleihau neu derfynu’r cyfnod atal dros dro a orchmynnwyd, neu amrywio unrhyw delerau neu amodau a osodwyd, ond ni chaiff estyn y cyfnod dros dro am fwy na 12 mis ar y tro.
- (4) Wrth ystyried a ddylai neu sut y dylai arfer ei bwerau o dan yr adran hon, rhaid i’r llys roi sylw i’r holl amgylchiadau sy’n cynnwys y cwestiynau (ond nad ydynt yn gyfyngedig i’r cwestiynau)—
 - (a) a yw meddiannydd y cartref symudol wedi methu, boed cyn neu ar ôl i’r contract preswyl perthnasol ddod i ben neu gael ei derfynu, â chadw unrhyw delerau neu amodau yn y contract hwnnw, unrhyw amodau yn y drwydded safle, neu unrhyw reolau rhesymol a wnaed gan berchennog y safle gwarchoddedig ynghylch rheoli a chynnal y safle neu gynnal a chadw’r cartrefi symudol arno,
 - (b) a yw meddiannydd y cartref symudol wedi gwrthod mewn modd afresymol gynnig gan y perchennog i adnewyddu’r contract preswyl neu i wneud contract preswyl arall am gyfnod rhesymol ac ar delerau rhesymol, ac

- (c) a yw meddiannydd y cartref symudol wedi methu gwneud ymdrech resymol i sicrhau lle addas arall mewn man arall i'r cartref symudol neu gartref symudol addas arall a lle iddo.
- (5) Os bydd y llys yn gwneud gorchymyn fel y'i crybwyllir yn is-adran (1) ond ei fod yn atal gorfodi'r gorchymyn dros dro, ni chaiff y llys wneud unrhyw orchymyn ynghylch costau oni bai ei bod yn ymddangos i'r llys, o roi sylw i ymddygiad perchennog y safle gwarchoddedig neu ymddygiad meddiannydd y cartref symudol fod amgylchiadau'r achos yn eithriadol.
- (6) Ni chaiff y llys atal gorfodi gorchymyn dros dro yn rhinwedd yr adran hon—
- (a) os nad oes trwydded safle mewn grym ar gyfer y safle, a
- (b) os na feddiennir y safle gan awdurdod lleol;
- ac os yw trwydded safle ar gyfer y safle yn mynegi ei fod yn dod i ben ar ddiwedd cyfnod penodedig, nid yw'r cyfnod pryd y caniateir atal y gorfodi dros dro yn rhinwedd yr adran hon yn ymestyn y tu hwnt i ddiwedd y drwydded.'

Carl Sargeant

79

To insert a new section—

'() Supplementary

- (1) The power of the court under section (*amendment 78*) to suspend the enforcement of an order extends to any order made but not executed before the commencement of this Part.
- (2) Nothing in this Part affects the operation of section 13 of the Compulsory Purchase Act 1965.
- (3) The Protection from Eviction Act 1977 does not apply to any premises consisting of a mobile home stationed on a protected site.'

I fewnosod adran newydd—

'() Atodol

- (1) Mae pŵer y llys o dan adran (*gwelliant 78*) i atal gorfodi gorchymyn dros dro yn ymestyn i unrhyw orchymyn a wneir ond sydd heb ei weithredu cyn i'r Rhan hon gychwyn.
- (2) Nid oes dim yn y Rhan hon yn effeithio ar sut y mae adran 13 o Ddeddf Prynu Gorfodol 1965 yn gweithredu.
- (3) Nid yw Deddf Amddiffyn rhag Troi Allan 1977 yn gymwys i unrhyw fangre sy'n gartref symudol a osodwyd ar safle gwarchoddedig.'

Carl Sargeant

80

To insert a new section—

'() Offences

Proceedings for an offence under this Part may be instituted by any local authority.'

I fewnosod adran newydd –

() Troseddau

Caniateir i achos ynglŷn â throsedd o dan y Rhan hon gael ei ddwyn gan unrhyw awdurdod lleol.’.

Carl Sargeant

81

To insert a new section –

() Interpretation

(1) In this Part –

“occupier” (“*meddiannydd*”) in relation to a mobile home and a protected site, means the person entitled as mentioned in section (*amendment 74*) in relation to a mobile home and the protected site;

“residential contract” (“*contract preswyl*”) means a licence or contract within that section.

(2) In this Part “the court” means the county court; and any powers of a county court in such proceedings as are mentioned in section (*amendment 78*)(1) may be exercised with the leave of the judge by any registrar of the court, except in so far as rules of court otherwise provide.’.

I fewnosod adran newydd –

() Dehongli

(1) Yn y Rhan hon –

ystyr “contract preswyl” (“*residential contract*”) yw trwydded neu gontract o fewn yr adran honno;

ystyr “meddiannydd” (“*occupier*”) o ran cartref symudol a safle gwarchoddedig, yw’r person sydd â hawl fel y’i crybwyllir yn adran (*gwelliant 74*) o ran cartref symudol a’r safle gwarchoddedig.

(2) Yn y Rhan hon ystyr “y llys” (“*the court*”) yw’r llys sirol; a chaniateir i unrhyw bwerau sydd gan y llys sirol mewn achos o’r fath a grybwyllir yn adran (*gwelliant 78*)(1) gael eu harfer heb ganiatâd y barnwr gan unrhyw gofrestrydd i’r llys, ac eithrio i’r graddau y mae rheolau’r llys yn darparu fel arall.’.

Carl Sargeant

82

To insert a new section –

() Agreements to which Part applies

(1) This Part applies to any agreement under which a person is entitled –

(a) to station a mobile home on a protected site, and

(b) to occupy the mobile home as the person's only or main residence.

- (2) In this Part “occupier”, in relation to a mobile home and a protected site, means the person entitled as mentioned in subsection (1) in relation to a mobile home and the protected site (but see also section (*amendment 89*)(2)).’.

I fewnosod adran newydd –

‘(1) Cytundebau y mae’r Rhan yn gymwys iddynt

- (1) Mae’r Rhan hon yn gymwys i unrhyw gytundeb y mae gan berson hawl odano –
- (a) i osod cartref symudol ar a safle gwarchoddedig, a
 - (b) i feddiannu’r cartref symudol fel unig breswylfa neu brif breswylfa’r person.
- (2) Yn y Rhan hon ystyr “meddiannydd”, o ran cartref symudol a safle gwarchoddedig, yw’r person sydd â hawl fel y’i crybwyllir yn is-adran (1) o ran cartref symudol a’r safle gwarchoddedig (ond gweler hefyd adran (*gwelliant 89*)(2)).’.

Carl Sargeant

83

To insert a new section –

‘(1) Particulars of agreements

- (1) Before making an agreement to which this Part applies, the owner of the protected site must give to the proposed occupier under the agreement a written statement which –
- (a) specifies the names and addresses of the parties,
 - (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land,
 - (c) sets out the express terms to be contained in the agreement (including any site rules),
 - (d) sets out the terms to be implied by section (*amendment 84*)(1), and
 - (e) complies with such other requirements as may be prescribed by regulations made by the Welsh Ministers.
- (2) The written statement required by subsection (1) must be given –
- (a) no later than 28 days before the date on which any agreement for the sale of the mobile home to the proposed occupier is made, or
 - (b) (if no such agreement is made before the making of the agreement to which this Part applies) no later than 28 days before the date on which the agreement to which this Part applies is made.
- (3) But if the proposed occupier consents in writing to that statement being given by a date (“the chosen date”) which is less than 28 days before the date mentioned in subsection (2) (a) or (b), the statement must be given to the proposed occupier not later than the chosen date.
- (4) If any express term other than a site rule –
- (a) is contained in an agreement to which this Act applies, but

(b) was not set out in a written statement given to the proposed occupier in accordance with subsections (1) to (3),

the term is unenforceable by the owner or any person within section (*amendment 87*)(1); but this is subject to any order made by the appropriate judicial body under section (*amendment 84*)(3).

- (5) If the owner has failed to give the occupier a written statement in accordance with subsections (1) to (3) the occupier may, at any time after the making of the agreement, apply to the appropriate judicial body for an order requiring the owner –
- (a) to give the occupier a written statement which complies with paragraphs (a) to (e) of subsection (1) (read with any modifications necessary to reflect the fact that the agreement has been made), and
 - (b) to do so not later than such date as is specified in the order.
- (6) A statement required to be given to a person under this section may be either delivered to the person personally or sent to the person by post.
- (7) Any reference in this section to the making of an agreement to which this Part applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Part applies.’

I fewnosod adran newydd –

‘(1) Manylion cytundebau

- (1) Cyn gwneud cytundeb y mae’r Rhan hon yn gymwys iddo, rhaid i berchennog y safle gwarchoddedig roi datganiad ysgrifenedig i’r meddiannydd arfaethedig o dan y cytundeb a’r datganiad hwnnw –
- (a) yn pennu enwau a chyfeiriadau’r partïon,
 - (b) yn cynnwys manylion y tir y bydd gan y meddiannydd arfaethedig hawl i osod y cartref symudol arno a’r rheini’n ddigon i adnabod y tir hwnnw,
 - (c) yn nodi’r telerau datganedig sydd i’w cynnwys yn y cytundeb (gan gynnwys unrhyw reolau i’r safle),
 - (d) yn nodi’r telerau sydd i’w hymhlygu gan adran (*gwelliant 84*)(1), ac
 - (e) yn cydymffurfio ag unrhyw ofynion eraill a bennir drwy reoliadau a wneir gan Weinidogion Cymru.
- (2) Rhaid i’r datganiad ysgrifenedig sy’n ofynnol o dan is-adran (1) gael ei roi –
- (a) heb fod yn hwyrach nag 28 o ddiwrnodau cyn dyddiad gwneud unrhyw gytundeb ynglŷn â gwerthu’r cartref symudol i’r meddiannydd arfaethedig, neu
 - (b) neu (os na wneir cytundeb o’r fath cyn gwneud y cytundeb y mae’r Rhan hon yn gymwys iddo) heb fod yn hwyrach nag 28 o ddiwrnodau cyn dyddiad gwneud y cytundeb y mae’r Rhan hon yn gymwys iddo.
- (3) Ond os bydd y meddiannydd arfaethedig yn cydsynio mewn ysgrifen i’r datganiad hwnnw gael ei roi erbyn dyddiad (“y dyddiad a ddewiswyd”) sy’n llai nag 28 o ddiwrnodau cyn y dyddiad a grybwyllir yn is-adran (2)(a) neu (b), rhaid i’r datganiad gael ei roi i’r meddiannydd arfaethedig heb fod yn hwyrach na’r dyddiad a ddewiswyd.

- (4) O ran unrhyw deler datganedig heblaw rheol safle –
- (a) os yw wedi ei gynnwys mewn cytundeb y mae'r Ddeddf hon yn gymwys iddo, ond
 - (b) na chafodd ei nodi mewn datganiad ysgrifenedig a roddwyd i'r meddiannydd arfaethedig yn unol ag is-adrannau (1) i (3),
- mae'r teler yn anorfodadwy gan y perchennog neu gan unrhyw berson o fewn adran (*gwelliant 87*)(1); ond mae hyn yn darostyngedig i unrhyw orchymyn a wneir gan y corff barnwrol priodol o dan adran (*gwelliant 84*)(3).
- (5) Os yw'r perchennog wedi methu rhoi datganiad ysgrifenedig i'r meddiannydd yn unol ag is-adrannau (1) i (3), caiff y meddiannydd, ar unrhyw adeg ar ôl i'r cytundeb gael ei wneud, wneud cais i'r corff barnwrol priodol am orchymyn sy'n ei gwneud yn ofynnol i'r perchennog –
- (a) rhoi datganiad ysgrifenedig i'r meddiannydd sy'n cydymffurfio â pharagraffau (a) i (e) o is-adran (1) (a ddarllenir ag unrhyw addasiadau y mae eu hangen i adlewyrchu'r ffaith bod y cytundeb wedi ei wneud), a
 - (b) gwneud hynny erbyn unrhyw ddyddiad a bennir yn y gorchymyn.
- (6) Caniateir i ddatganiad y mae'n ofynnol ei roi i berson o dan yr adran hon gael ei roi i'r person yn bersonol neu ei anfon at y person drwy'r post.
- (7) Mae unrhyw gyfeiriad yn yr adran hon at wneud cytundeb y mae'r Rhan hon yn gymwys iddo yn cynnwys cyfeiriad at unrhyw amrywiad ar gytundeb y mae'r cytundeb yn dod yn gytundeb y mae'r Rhan hon yn gymwys iddo yn ei rinwedd.'

Carl Sargeant

84

To insert a new section –

'() Terms of agreements

- (1) The terms set out in Part 1 of Schedule (*amendment 101*) are implied in any agreement to which this Part applies; and this subsection has effect despite any express term of the agreement.
- (2) The appropriate judicial body may, on the application of either party made within the relevant period, order that terms concerning the matters mentioned in Part 2 of Schedule (*amendment 101*) are to be implied in the agreement.
- (3) The appropriate judicial body may, on the application of either party made within the relevant period, make an order –
 - (a) varying or deleting any express term of the agreement other than a site rule,
 - (b) in the case of any express term to which section (*amendment 83*)(5) applies other than a site rule, provide for the term to have full effect or to have such effect subject to any variation specified in the order.
- (4) In subsections (2) and (3) "the relevant period" means the period beginning with the date on which the agreement is made and ending –
 - (a) 6 months after that date, or

- (b) where a written statement relating to the agreement is given to the occupier after that date (whether or not in compliance with an order under section (*amendment 83*)(5)), 6 months after the date on which the statement is given;

and subsection (7) of section (*amendment 83*) applies for the purposes of this subsection as it applies for the purposes of that section.

- (5) On an application under this section, the appropriate judicial body must make such provision as it considers just and equitable in the circumstances.’.

I fewnosod adran newydd –

‘(1) Telerau cytundebau

- (1) Mae’r telerau a nodir yn Rhan 1 o Atodlen (*gwelliant 101*) yn ymhlyg mewn unrhyw gytundeb y mae’r Rhan hon yn gymwys iddo; ac mae’r is-adran hon yn effeithiol er gwaethaf unrhyw deler datganedig yn y cytundeb.
- (2) Caiff y corff barnwrol priodol, ar gais gan y naill barti neu’r llall, a’r cais hwnnw wedi ei wneud o fewn y cyfnod perthnasol, orchymyn bod telerau ynglŷn â’r materion a grybwyllir yn Rhan 2 o Atodlen (*gwelliant 101*) i’w hymhlygu yn y cytundeb.
- (3) Caiff y corff barnwrol priodol, ar gais gan y naill barti neu’r llall, a’r cais hwnnw wedi ei wneud o fewn y cyfnod perthnasol, wneud gorchymyn –
- (a) yn amrywio neu’n dileu unrhyw deler datganedig yn y cytundeb heblaw unrhyw un neu ragor o reolau’r safle,
- (b) yn achos unrhyw deler datganedig y mae adran (*gwelliant 83*)(5) yn gymwys iddo heblaw unrhyw un neu ragor o reolau’r safle, yn darparu i’r telor gael effaith lawn neu gael unrhyw effaith sy’n ddarostyngedig i unrhyw amrywiad a bennir yn y gorchymyn.
- (4) Yn is-adrannau (2) a (3) ystyr “y cyfnod perthnasol” yw’r cyfnod sy’n dechrau â’r dyddiad y gwneir y cytundeb ac sy’n dod i ben –
- (a) 6 mis ar ôl y dyddiad hwnnw, neu
- (b) os rhoddir datganiad ysgrifenedig sy’n ymwneud â’r cytundeb i’r meddiannydd ar ôl y dyddiad hwnnw (boed i gydymffurfio â gorchymyn o dan adran (*gwelliant 83*)(5) neu beidio), 6 mis ar ôl dyddiad rhoi’r datganiad;
- ac mae is-adran (7) o adran (*gwelliant 83*) yn gymwys at ddibenion yr is-adran hon fel y mae’n gymwys at ddibenion yr adran honno.
- (5) Ar gais o dan yr adran hon, rhaid i’r corff barnwrol priodol wneud unrhyw ddarpariaeth y mae o’r farn ei bod yn gyfiawn ac yn deg o dan yr amgylchiadau.’.

Carl Sargeant

85

To insert a new section –

‘(1) Power to amend implied terms

- (1) The Welsh Ministers may by order make such amendments of Schedule (*amendment 101*), apart from paragraph 10, as they consider appropriate.

- (2) Without prejudice to the generality of subsection (1), an order under this section may –
 - (a) make provision for or in connection with the determination by the court or a tribunal of such questions, or the making by the court or a tribunal of such orders, as are specified in the order, or
 - (b) make such amendments of any provision of this Part as the Welsh Ministers considers appropriate in consequence of any amendment made by the order in Schedule (*amendment 101*).’.

I fewnosod adran newydd –

‘() **Pŵer i ddiwygio telerau ymhlyg**

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud unrhyw ddiwygiadau i Atodlen (*gwelliant 101*), heblaw paragraff 10, sydd yn eu barn hwy yn briodol.
- (2) Heb ragfarnu cyffredinolrwydd is-adran (1), caiff gorchymyn o dan yr adran hon –
 - (a) gwneud darpariaeth ynglŷn â phenderfynu ar unrhyw gwestiynau gan y llys neu gan driwlynlys, neu mewn cysylltiad â hynny, neu ynglŷn â gwneud unrhyw orchymynion gan y llys neu gan driwlynlys, a bennir yn y gorchymyn, neu
 - (b) gwneud unrhyw ddiwygiadau i unrhyw ddarpariaeth yn y Rhan hon sydd ym marn Gweinidogion Cymru yn briodol o ganlyniad i unrhyw ddiwygiad a wneir gan y gorchymyn yn Atodlen (*gwelliant 101*).’.

Carl Sargeant

86

To insert a new section –

‘() **Site rules**

- (1) In the case of a protected site for which there are site rules, each of the rules is to be an express term of each agreement to which this Part applies that relates to a pitch on the site (including an agreement made before commencement or one made before the making of the rules).
- (2) The “site rules” for a protected site are rules made by the owner, in accordance with such procedure as may be prescribed by regulations made by the Welsh Ministers, which relate to –
 - (a) the management and conduct of the site, or
 - (b) such other matters as may be prescribed by regulations made by the Welsh Ministers.
- (3) Any rules made by the owner before the coming into force of this section which relate to a matter mentioned in subsection (2) cease to have effect at the end of such period beginning with the day on which this section comes into force as may be prescribed by regulations made by the Welsh Ministers.
- (4) Site rules come into force at the end of such period beginning with the first consultation day as may be prescribed by regulations made by the Welsh Ministers, if before the end of that period a copy of the rules is deposited with the local authority in whose area the protected site is situated.

- (5) Where a site rule is varied, the rule as varied comes into force at the end of such period beginning with the first consultation day as may be prescribed by regulations made by the Welsh Ministers, if—
 - (a) the rule is varied in accordance with the procedure prescribed by regulations made by the Welsh Ministers, and
 - (b) a copy of the rule as varied is before the end of that period deposited with the local authority in whose area the protected site is situated.
- (6) Where a site rule is deleted, the deletion comes into force at the end of such period beginning with the first consultation day as may be prescribed, if—
 - (a) the rule is deleted in accordance with such procedure as may be prescribed by regulations made by the Welsh Ministers, and
 - (b) notice of the deletion is deposited before the end of that period deposited with the local authority in whose area the protected site is situated.
- (7) The Welsh Ministers may by regulations provide that a site rule may not be made, varied or deleted unless a proposal to make, vary or delete the rule is notified to the occupiers of the site in question in accordance with the regulations.
- (8) The Welsh Ministers may by regulations provide that site rules, or rules such as are mentioned in subsection (3), are of no effect in so far as they make provision in relation to matters prescribed by the regulations.
- (9) The Welsh Ministers may by regulations make provision as to the resolution of disputes—
 - (a) relating to a proposal to make, vary or delete a site rule,
 - (b) as to whether the making, variation or deletion of a site rule was in accordance with the applicable procedure prescribed by the regulations,
 - (c) as to whether a deposit required to be made by virtue of subsection (4), (5) or (6) was made before the end of the relevant period.
- (10) Provision under subsection (9) may confer functions on a tribunal.
- (11) The Welsh Ministers may by regulations—
 - (a) require a local authority to establish and keep up to date a register of site rules in respect of protected sites in its area,
 - (b) require a local authority to publish the up-to-date register,
 - (c) provide that any deposit required to be made by virtue of subsection (4), (5) or (6) must be accompanied by a fee of such amount as the local authority may determine.
- (12) In this section “first consultation day” means the day on which a proposal made under regulations under subsection (7) is notified to the occupiers of the site in accordance with the regulations.’.

I fewnosod adran newydd –

‘() Rheolau safle

- (1) Yn achos safle gwarchoddedig y ceir rheolau safle iddo, mae pob un o’r rheolau i fod yn deler datganedig ym mhob cytundeb y mae’r Rhan hon yn gymwys iddo sy’n ymwneud â llain ar y safle (gan gynnwys cytundeb a wneir cyn cychwyn neu un a wnaed cyn i’r rheolau gael eu gwneud).
- (2) Mae “rheolau safle” yn achos safle gwarchoddedig yn rheolau a wneir gan y perchennog, un unol ag unrhyw weithdrefn a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru, sy’n ymwneud –
 - (a) â rheoli a chynnal y safle, neu
 - (b) ag unrhyw faterion eraill a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru.
- (3) Mae unrhyw reolau a wneir gan y perchennog cyn i’r adran hon ddod i rym ac sy’n ymwneud â mater a grybwyllir yn is-adran (2) yn peidio â bod yn effeithiol ar ddiwedd unrhyw gyfnod sy’n dechrau â’r diwrnod y daw’r adran hon i rym a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru.
- (4) Daw rheolau safle i rym ar ddiwedd unrhyw gyfnod sy’n dechrau â’r diwrnod ymgynghori cyntaf a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru, os oes copi o’r rheolau wedi ei adneuo cyn diwedd y cyfnod hwnnw gyda’r awdurdod lleol y mae’r safle gwarchoddedig wedi ei leoli yn ei ardal.
- (5) Pan fo rheol safle’n cael ei amrywio, daw’r rheol fel y’i hamrywiwyd i rym ar ddiwedd unrhyw gyfnod sy’n dechrau â’r diwrnod ymgynghori cyntaf a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru –
 - (a) os yw’r rheol yn cael ei hamrywio yn unol â’r weithdrefn a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru, a
 - (b) os oes copi o’r rheol sy’n cael ei hamrywio wedi ei adneuo cyn diwedd y cyfnod hwnnw gyda’r awdurdod lleol y mae’r safle gwarchoddedig wedi ei leoli yn ei ardal.
- (6) Pan fo’r rheol safle’n cael ei dileu, daw’r dilead i rym ar ddiwedd unrhyw gyfnod sy’n dechrau â’r diwrnod ymgynghori cyntaf a ragnodir –
 - (a) os yw’r rheol yn cael ei dileu yn unol ag unrhyw weithdrefn a ragnodir drwy reoliadau a wneir gan Weinidogion Cymru, a
 - (b) os oes hysbysiad o’r dilead wedi ei adneuo cyn diwedd y cyfnod hwnnw gyda’r awdurdod lleol y mae’r safle gwarchoddedig wedi ei leoli yn ei ardal.
- (7) Caiff Gweinidogion Cymru drwy reoliadau ddarparu na chaniateir i reol safle gael ei gwneud, ei hamrywio na’i dileu oni bai bod cynnig i wneud y rheol, ei hamrywio neu ei dileu yn cael ei hysbysu i feddianwyr y safle o dan sylw yn unol â’r rheoliadau.
- (8) Caiff Gweinidogion Cymru drwy reoliadau ddarparu nad yw rheolau safle, neu unrhyw reolau a grybwyllir yn is-adran (3), yn effeithiol i’r graddau y maent yn gwneud darpariaeth o ran materion a ragnodir gan y rheoliadau.

- (9) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth o ran datrys anghydfodau –
- (a) ynghylch cynnig i wneud rheol safle, ei hamrywio neu ei dileu,
 - (b) ynghylch a gafodd rheol safle ei gwneud, ei hamrywio neu ei dileu yn unol â'r weithdrefn gymwys a ragnodwyd gan y rheoliadau,
 - (c) ynghylch a gafodd unrhyw beth y mae'n ofynnol ei adneuo yn rhinwedd is-adran (4), (5) neu (6) ei adneuo cyn diwedd y cyfnod perthnasol.
- (10) Caiff darpariaeth o dan is-adran (9) roi swyddogaethau i dribiwnlys.
- (11) Caiff Gweinidogion Cymru drwy reoliadau –
- (a) ei gwneud yn ofynnol i awdurdod lleol sefydlu cofrestr o reolau safle mewn perthynas â safleoedd gwarchoddedig yn ei ardal a chadw'r gofrestr yn gyfoes,
 - (b) ei gwneud yn ofynnol i awdurdod lleol gyhoeddi'r gofrestr gyfoes,
 - (c) darparu bod rhaid i unrhyw beth y mae'n rhaid ei adneuo yn rhinwedd is-adran (4), (5) neu (6) gael ei adneuo ynghyd â ffi o unrhyw swm a bennir gan yr awdurdod lleol.
- (12) Yn yr adran hon ystyr "diwrnod ymgynghori cyntaf" yw'r diwrnod yr hysbysir cynnig a wneir o dan reoliadau o dan is-adran (7) i feddianwyr y safle yn unol â'r rheoliadau.'

Carl Sargeant

87

To insert a new section –

'() Successors in title

- (1) An agreement to which this Part applies is binding on, and has effect for the benefit of, any successor in title of the owner and any person claiming through or under the owner or any such successor.
- (2) Where an agreement to which this Part applies is lawfully assigned to any person, the agreement has effect for the benefit of, and is binding on, that person.
- (3) Where a person entitled to the benefit of and bound by an agreement to which this Part applies dies, the agreement has effect for the benefit of, and is binding on –
 - (a) any person residing in the mobile home as that person's only or main residence at that time, being –
 - (i) the widow, widower or surviving civil partner of the deceased, or
 - (ii) in default of a widow, widower or surviving civil partner residing in the mobile home as that person's only or main residence at that time, any member of the deceased's family, or
 - (b) in default of any such person residing in the mobile home as that person's only or main residence at that time, the person entitled to the mobile home by virtue of the deceased's will or under the law relating to intestacy, but subject to subsection (4).
- (4) An agreement to which this Act applies does not have effect for the benefit of, and is not binding on, a person by virtue of subsection (3)(b) in so far as –

- (a) it would, but for this subsection, enable or require that person to occupy the mobile home, or
- (b) it includes terms implied by virtue of paragraph 5, 11 or 12 of Schedule (amendment 101).'

I fewnosod adran newydd –

(1) Olynwyr mewn teitl

- (1) Mae cytundeb y mae'r Rhan hon yn gymwys iddo yn rhwymo unrhyw olynnydd mewn teitl i'r perchennog ac unrhyw berson sy'n hawlio drwy'r perchennog neu unrhyw olynnydd o'r fath neu odanynt, ac yn effeithiol er eu lles.
- (2) Pan fo cytundeb y mae'r Rhan hon yn gymwys iddo'n cael ei aseinio'n gyfreithlon i unrhyw berson, mae'r cytundeb yn effeithiol er lles y person hwnnw yn ei rwymo.
- (3) Pan fo person sydd â hawl i fanteisio ar gytundeb y mae'r Rhan hon yn gymwys iddo ac sydd wedi ei rwymo ganddo yn marw, mae'r cytundeb yn effeithiol er lles y canlynol ac yn eu rhwymo –
 - (a) unrhyw berson sy'n byw yn y cartref symudol fel unig neu brif breswylfa'r person hwnnw ar y pryd, ac sydd –
 - (i) yn wraig weddw, yn ŵr gweddw, neu'n bartner sifil sy'n goroesi'r meddiannydd, neu
 - (ii) os nad oes gwraig weddw, gŵr gweddw, neu bartner sifil sy'n goroesi'r meddiannydd yn preswyllo yn y cartref symudol fel unig neu brif breswylfa'r person hwnnw y pryd hwnnw, unrhyw aelod o deulu'r ymadawedig, neu
 - (b) os nad oes person o'r fath yn byw yn y cartref symudol fel unig neu brif breswylfa'r person hwnnw y pryd hwnnw, y person sydd â hawl i'r cartref symudol yn rhinwedd ewyllys yr ymadawedig neu o dan y gyfraith sy'n ymwneud â diffyg ewyllys, ond yn ddarostyngedig i is-adran (4).
- (4) Nid yw cytundeb y mae'r Ddeddf hon yn gymwys iddo'n effeithiol er lles person nac yn ei rwymo, yn rhinwedd is-adran (3)(b) i'r graddau –
 - (a) y byddai, heblaw am yr is-adran hon, yn galluogi'r person hwnnw i feddiannu'r cartref symudol neu'n ei gwneud yn ofynnol iddo ei feddiannu, neu
 - (b) y mae'n cynnwys telerau a ymhlygir yn rhinwedd paragraff 5, 11, 12 o Atodlen (gwelliant 101).'

Carl Sargeant

88

To insert a new section –

(1) Jurisdiction of a tribunal or the court

- (1) A tribunal has jurisdiction –
 - (a) to determine any question arising under this Part or any agreement to which it applies, and

- (b) to entertain any proceedings brought under this Part or any such agreement, subject to subsections (2) to (6).
- (2) Subsection (1) applies in relation to a question irrespective of anything contained in an arbitration agreement which has been entered into before that question arose.
- (3) The court has jurisdiction—
 - (a) to determine any question arising by virtue of paragraph 4, 5 or 6(1)(b) of Schedule (*amendment 101*) under this Part or any agreement to which it applies, and
 - (b) to entertain any proceedings arising by virtue of any of those provisions brought under this Part or any such agreement,subject to subsections (4) to (6).
- (4) Subsection (5) applies if the owner and occupier have entered into an arbitration agreement before the question mentioned in subsection (3)(a) arises and the agreement applies to that question.
- (5) A tribunal has jurisdiction to determine the question and entertain any proceedings arising instead of the court.
- (6) Subsection (5) applies irrespective of anything contained in the arbitration agreement mentioned in subsection (4).

I fewnosod adran newydd—

‘() **Awdurdodaeth tribiwnlys neu’r llys**

- (1) Mae gan dribiwnlys awdurdodaeth—
 - (a) i benderfynu ar unrhyw gwestiwn sy’n codi o dan y Rhan hon neu unrhyw gytundeb y mae’n gymwys iddo, a
 - (b) i ystyried unrhyw achos a ddygir o dan y Rhan hon neu unrhyw gytundeb o’r fath,yn ddarostyngedig i is-adrannau (2) i (6).
- (2) Mae is-adran (1) yn gymwys o ran cwestiwn ni waeth beth am unrhyw beth a gynhwyswyd mewn cytundeb cymrodeddu a wnaed cyn i’r cwestiwn hwnnw godi.
- (3) Mae gan y llys awdurdodaeth—
 - (a) i benderfynu ar unrhyw gwestiwn sy’n codi yn rhinwedd paragraff 4, 5, neu 6(1) (b) o Atodlen (*gwelliant 101*) o dan y Rhan hon neu unrhyw gytundeb y mae’n gymwys iddo, a
 - (b) i ystyried unrhyw achos sy’n codi yn rhinwedd unrhyw un neu ragor o’r darpariaethau a ddygir o dan y Rhan hon neu unrhyw gytundeb o’r fath,yn ddarostyngedig i is-adrannau (4) i (6).
- (4) Mae is-adran (5) yn gymwys os yw’r perchennog a’r meddiannydd wedi gwneud cytundeb cymrodeddu cyn i’r cwestiwn a grybwyllir yn is-adran (3)(a) godi a bod y cytundeb yn gymwys i’r cwestiwn hwnnw.
- (5) Mae gan dribiwnlys awdurdodaeth i benderfynu ar y cwestiwn ac i ystyried unrhyw achos sy’n codi yn lle’r llys.

- (6) Mae is-adran (5) yn gymwys ni waeth am unrhyw beth a gynhwyswyd yn y cytundeb cymrodeddu a grybwyllir yn is-adran (4).’.

Carl Sargeant

89

To insert a new section –

‘(1) Interpretation

- (1) In this Part –

“the appropriate judicial body” (“*corff barnwrol priodol*”) means whichever of the court or a tribunal has jurisdiction under section (*amendment 88*);

“arbitration agreement” (“*cytundeb cymrodeddu*”) means an agreement in writing to submit to arbitration any question arising under this Part or any agreement to which it applies;

“the court” (“*y llys*”) means the county court for the district in which the protected site is situated or, where the parties have entered into an arbitration agreement that applies to the question to be determined, the arbitrator;

“occupier” (“*meddiannydd*”) has the meaning given by section (*amendment 82*);

“pitch” (“*llain*”) means the land, forming part of a protected site and including any garden area, on which an occupier is entitled to station a mobile home under the terms of an agreement;

“tribunal” (“*tribiwnlys*”) means a residential property tribunal or, where the parties have entered into an arbitration agreement that applies to the question to be determined and that question arose before the agreement was made, the arbitrator;

“site rules” (“*rheolau safle*”) has the meaning given by section (*amendment 86*)(2).

- (2) In relation to an agreement to which this Part applies –

(a) any reference in this Part to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1) of section (*amendment 87*), and

(b) subject to subsection (4) of that section, any reference in this Part to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of subsection (2) or (3) of that section.

- (3) A person is a member of another's family within the meaning of this Part if the person is the other's spouse, civil partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece, treating –

(a) any relationship by marriage or civil partnership as a relationship by blood, any relationship of the half blood as a relationship of the whole blood and the stepchild of any person as the person's child, and

(b) an illegitimate person as the legitimate child of the person's mother and reputed father,

or if they live together as husband and wife or as if they were civil partners.’.

I fewnosod adran newydd –

() Dehongli

(1) Yn y Rhan hon –

ystyr “y corff barnwrol priodol” (“*the appropriate judicial body*”) yw p’un bynnag ai’r llys ynteu tribiwnlys sydd ag awdurdodaeth o dan adran (*gwelliant 88*);

ystyr “cytundeb cymrodeddu” (“*arbitration agreement*”) yw cytundeb mewn ysgrifen i gyflwyno at gymrodeddu unrhyw gwestiwn sy’n codi o dan y Rhan hon neu unrhyw gytundeb y mae’n gymwys iddo;

ystyr “llain” (“*pitch*”) yw’r tir, sy’n ffurfio rhan o safle gwarchoddedig ac sy’n cynnwys unrhyw ardal ardd, y mae gan feddiannydd hawl i osod cartref symudol arno o dan delerau’r cytundeb;

ystyr “y llys” (“*the court*”) yw llys sirol yr ardal y mae’r safle gwarchoddedig wedi ei leoli ynnddi neu, os yw’r partïon wedi gwneud cytundeb cymrodeddu sy’n gymwys i’r cwestiwn sydd i’w benderfynu, y cymrodeddwr;

mae i “meddiannydd” (“*occupier*”) yr ystyr a roddir gan adran (*gwelliant 82*);

mae i “rheolau safle” (“*site rules*”) yr ystyr a roddir gan adran (*gwelliant 86*)(2);

ystyr “tribiwnlys” (“*tribunal*”) yw tribiwnlys eiddo preswyl neu, os yw’r partïon wedi gwneud cytundeb cymrodeddu sy’n gymwys i’r cwestiwn sydd i’w benderfynu a bod y cwestiwn hwnnw wedi codi cyn i’r cytundeb gael ei wneud, y cymrodeddwr.

(2) O ran cytundeb y mae’r Rhan hon yn gymwys iddo –

(a) mae unrhyw gyfeiriad yn y Rhan hon at y perchennog yn cynnwys cyfeiriad at unrhyw berson sydd wedi ei rwymo gan y cytundeb ac sydd â hawl i fanteisio arno yn rhinwedd is-adran (1) o adran (*gwelliant 87*), a

(b) yn ddarostyngedig i is-adran (4) o’r adran honno, mae unrhyw gyfeiriad yn y Rhan hon at y meddiannydd yn cynnwys cyfeiriad at unrhyw berson sydd â hawl i fanteisio ar y cytundeb ac sydd wedi ei rwymo ganddo yn rhinwedd is-adran (2) neu (3) o’r adran honno.

(3) Mae person yn aelod o deulu rhywun arall o fewn ystyr y Rhan hon os yw’r person yn briod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), plentyn, wŷr, wyres, brawd, chwaer, ewythr, modryb, nai neu nith i’r person, gan drin –

(a) unrhyw berthynas drwy briodas neu bartneriaeth sifil fel perthynas drwy waed, unrhyw berthynas o hanner gwaed fel pe bai’n berthynas gwaed cyflawn a llysblentyn unrhyw berson fel plentyn y person, a

(b) person anghyfreithlon fel plentyn cyfreithlon i fam y person ac i’w dad honedig, neu os ydynt yn cyd-fyw fel gŵr a gwraig fel pe baent yn bartneriaid sifil.’.

Carl Sargeant

90

To insert a new section –

‘(1) Power to provide sites for mobile homes

- (1) A local authority may within its area provide sites where mobile homes may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and may manage the sites or lease them to another person.
- (2) A local authority has power to do anything appearing to it desirable in connection with the provision of such sites and the things which it has power to do include (but are not limited to) –
 - (a) acquiring land which is in use as a mobile home site or which has been laid out as a mobile home site,
 - (b) providing for the use of those occupying mobile home sites any services for their health or convenience, and
 - (c) providing, in or in connection with sites for the accommodation of Gypsies and Travellers, working space and facilities for the carrying on of activities normally carried on by them.
- (3) In exercising its powers under this section a local authority must have regard to any standards specified by the Welsh Ministers under section (*amendment 20*).
- (4) Before exercising the power under subsection (1) to provide a site the local authority must consult the fire and rescue authority –
 - (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site, and
 - (b) as to the provision and maintenance of means of fighting fire on it.
- (5) A local authority must make in respect of sites managed by it, and of any services or facilities provided or made available under this section, such reasonable charges as it may determine.
- (6) A local authority may make available the services and facilities provided under this section for persons whether or not they normally reside in its area.
- (7) A local authority may, where it appears to it that –
 - (a) a mobile home site or an additional mobile home site is needed in its area, or
 - (b) that land which is in use as a mobile home site should in the interests of the users of mobile homes be taken over by the local authority,acquire land, or any interest in land, compulsorily.
- (8) The power conferred by subsection (7) is exercisable in any particular case only if the local authority is authorised by the Welsh Ministers to exercise it.
- (9) The Acquisition of Land Act 1981 has effect in relation to the acquisition of land, or an interest in land, under subsection (7).
- (10) A local authority does not have power under this section to provide mobile homes.’.

I fewnosod adran newydd –

(1) Pŵer i ddarparu safleoedd i gartrefi symudol

- (1) Caiff awdurdod lleol o fewn ei ardal ddarparu safleoedd lle y gellir dod â chartrefi symudol, boed at wyliau neu at ddibenion dros dro eraill neu i'w defnyddio'n breswylfeydd parhaol, a chânt reoli'r safleoedd neu eu lesio i berson arall.
- (2) Mae gan awdurdod lleol bŵer i wneud unrhyw beth y mae'n ymddangos iddo ei fod yn ddymunol mewn cysylltiad â darparu safleoedd o'r fath ac mae'r pethau y mae ganddo bŵer i'w gwneud yn cynnwys y canlynol (ond heb fod yn gyfyngedig iddynt) –
 - (a) caffael tir sy'n cael ei ddefnyddio fel safle i gartrefi symudol neu sydd wedi ei osod allan fel safle i gartrefi symudol,
 - (b) darparu unrhyw wasanaethau er eu hiechyd neu er eu cyfleuster i'w defnyddio gan y rhai sy'n meddiannu safleoedd cartrefi symudol, ac
 - (c) darparu lle gweithio a chyfleusterau i gynnal gweithgareddau y maent yn arfer eu cynnal, mewn safleoedd ar gyfer llety Sipsiwn a Theithwyr neu mewn cysylltiad â'r safleoedd hynny.
- (3) Wrth arfer ei bwerau o dan yr adran hon rhaid i awdurdod lleol roi sylw i unrhyw safonau a bennir gan Weinidogion Cymru o dan adran (*gwelliant 20*).
- (4) Cyn arfer y pŵer o dan is-adran (1) i ddarparu safle rhaid i'r awdurdod lleol ymgynghori â'r awdurdod tân ac achub –
 - (a) o ran mesurau sydd i'w cymryd i atal a datrys tân ar y safle, a
 - (b) o ran darparu a chynnal a chadw dulliau ymladd tân arno.
- (5) Rhaid i awdurdod lleol godi unrhyw daliadau rhesymol y bydd yn penderfynu arnynt mewn perthynas â safleoedd a reolir ganddo, ac ag unrhyw wasanaethau neu gyfleusterau a ddarperir neu y trefnir eu bod ar gael o dan yr adran hon.
- (6) Caiff awdurdod lleol drefnu bod gwasanaethau a chyfleusterau a ddarperir o dan yr adran hon ar gael i bersonau p'un a ydynt yn byw fel arfer yn ei ardal neu beidio.
- (7) Caiff awdurdod lleol, os yw'n ymddangos iddo –
 - (a) bod angen safle i gartrefi symudol neu safle ychwanegol i gartrefi symudol yn ei ardal, neu
 - (b) y dylai'r awdurdod lleol gymryd drosodd tir sy'n cael ei ddefnyddio fel safle i gartrefi symudol er lles defnyddwyr cartrefi symudol lleol, gaffael tir, neu unrhyw fuddiant mewn tir, yn orfodol.
- (8) Nid yw'r pŵer a roddir gan is-adran (7) yn arferadwy mewn unrhyw achos penodol ond os yw'r awdurdod lleol wedi ei awdurdodi gan Weinidogion Cymru i'w arfer.
- (9) Mae Deddf Caffael Tir 1981 yn effeithiol o ran caffael tir, neu fuddiant mewn tir, o dan is-adran (7).
- (10) Nid oes gan awdurdod lleol bŵer o dan yr adran hon i ddarparu cartrefi symudol'.

Carl Sargeant

91

To insert a new section –

‘(1) Power to prohibit mobile homes on commons

- (1) This section applies to any land in Wales which is or forms part of a common and is not –
 - (a) land to which section 193 of the Law of Property Act 1925 (rights of public over certain commons and waste lands) applies,
 - (b) land subject to a scheme under Part 1 of the Commons Act 1889 (schemes for the regulation and management of certain commons), or
 - (c) land as respects which a site licence is for the time being in force.
- (2) A local authority may make with respect to land to which this section applies and which is in its area an order prohibiting, either absolutely or except in such circumstances as may be specified in the order, the stationing of mobile homes on the land for the purposes of human habitation.
- (3) A person who stations a caravan on any land in contravention of an order under subsection (2) for the time being in force with respect to the land commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (5) A local authority must take all reasonable steps to secure that copies of any order under subsection (2) which is for the time being in force with respect to any land in its area are displayed on the land so as to give persons entering the land warning of the existence of the order.
- (6) A local authority has the right to place on the land the notices that it considers necessary for the performance of its duty under subsection (5).
- (7) An order made by a local authority under subsection (2) may be revoked at any time by a subsequent order made under that subsection by the local authority or may be varied so as to exclude any land from the operation of the order or so as to introduce any exception, or further exception, from the prohibition imposed by the order.
- (8) Where the whole or part of any land to which an order under subsection (2) is in force ceases to be land to which this section applies, the order ceases to have effect with respect to the land or that part of it.
- (9) Where an order ceases to have effect with respect to part only of any land, the local authority must cause any copy of the order which is displayed on that part of the land with respect to which the order remains in force to be amended accordingly.
- (10) Schedule (*amendment 102*) makes further provision with respect to orders under subsection (2).
- (11) In this section "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green.’

I fewnosod adran newydd –

(1) Pŵer i wahardd cartrefi symudol ar dir comin

- (1) Mae'r adran hon yn gymwys i unrhyw dir yng Nghymru sy'n dir comin neu sy'n ffurfio rhan o dir comin ac nad yw –
 - (a) yn dir y mae adran 193 o Ddeddf Cyfraith Eiddo 1925 (hawliau'r cyhoedd dros diroedd comin penodol a thiroedd diffaith) yn gymwys iddo ,
 - (b) yn dir sy'n ddarostyngedig i gynllun o dan Ran 1 o Ddeddf Tiroedd Comin 1889 (cynlluniau i reoleiddio a rheoli tiroedd comin penodol), neu
 - (c) yn dir y mae trwydded safle mewn grym ar ei gyfer am y tro.
- (2) Caiff awdurdod lleol wneud gorchymyn o ran tir y mae'r adran hon yn gymwys iddo ac sydd yn ei ardal sy'n gwahardd gosod cartrefi symudol ar y tir er mwyn i bobl fyw ynddynt, naill ai'n llwyr neu ac eithrio amgylchiadau a bennir yn y gorchymyn.
- (3) Mae person sy'n gosod carafán ar unrhyw dir yn groes i orchymyn o dan is-adran (2) sydd am y tro mewn grym o ran y tir yn cyflawni trosedd.
- (4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na lefel 1 ar y raddfa safonol.
- (5) Rhaid i awdurdod lleol gymryd pob cam rhesymol i sicrhau bod copïau o unrhyw orchymyn o dan is-adran (2) sydd am y tro mewn grym o ran unrhyw dir yn ei ardal yn cael eu dangos ar y tir er mwyn rhoi rhybudd i bersonau sy'n mynd i'r tir fod y gorchymyn yn bodoli.
- (6) Mae gan awdurdod lleol hawl i osod ar y tir yr hysbysiadau y mae o'r farn eu bod yn angenrheidiol i gyflawni ei ddyletswydd o dan is-adran (5).
- (7) Caniateir i orchymyn a wneir gan awdurdod lleol o dan is-adran (2) gael ei ddirymu ar unrhyw adeg gan orchymyn dilynol a wneir o dan yr is-adran honno gan yr awdurdod lleol neu ei amrywio er mwyn hepgor unrhyw dir o'r modd y mae'r gorchymyn yn gweithredu neu er mwyn cyflwyno unrhyw eithriad, neu eithriad ychwanegol, o'r gwaharddiad a osodir gan y gorchymyn.
- (8) Os bydd y cyfan neu ran o unrhyw dir y mae gorchymyn o dan is-adran (2) mewn grym ar ei gyfer yn peidio â bod yn dir y mae'r adran hon yn gymwys iddo, mae'r gorchymyn yn peidio â bod yn effeithiol o ran y tir neu'r rhan honno ohono.
- (9) Os bydd gorchymyn yn peidio â bod yn effeithiol o ran rhan yn unig o unrhyw dir, rhaid i'r awdurdod lleol beri bod unrhyw gopi o'r gorchymyn sydd wedi ei ddangos ar y rhan honno o'r tir y mae'r gorchymyn yn parhau mewn grym ar ei gyfer yn cael ei ddiwygio yn unol â hynny.
- (10) Mae Atodlen (*gwelliant 102*) yn gwneud darpariaethau pellach o ran gorchymynion o dan is-adran (2).
- (11) Yn yr adran hon mae "tir comin" yn cynnwys unrhyw dir sydd i'w amgáu o dan Ddeddfau Amgáu Tir 1845 i 1882 ac unrhyw lawnt tref neu lawnt pentref.'.

Carl Sargeant

92

To insert a new section –

‘(1) Consequential amendments and transitionals etc

- (1) Schedule (*amendment 103*) contains minor and consequential amendments.
- (2) Schedule (*amendment 104*) contains transitional and transitory provisions and savings.
- (3) The Welsh Ministers may by order –
 - (a) make any other amendments (including repeals or revocations) of any enactment or instrument which are consequential on any provision made by this Act, and
 - (b) make any other transitional or transitory provision, or savings, which appear appropriate in connection with the coming into force of any provision of this Act.’.

I fewnosod adran newydd –

‘(1) Diwygiadau canlyniadol ac atodol etc

- (1) Mae Atodlen (*gwelliant 103*) yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.
- (2) Mae Atodlen (*gwelliant 104*) yn cynnwys darpariaethau trosiannol, darpariaethau darfodol ac arbedion.
- (3) Caiff Gweinidogion Cymru drwy orchymyn –
 - (a) gwneud unrhyw ddiwygiadau eraill (gan gynnwys diddymu neu ddirymu) i unrhyw ddeddfiad neu offeryn sy’n ganlyniadol i unrhyw ddarpariaeth a wneir gan y Ddeddf hon, a
 - (b) gwneud unrhyw ddarpariaeth drosiannol neu ddarfodol arall, neu arbedion eraill, sy’n ymddangos yn briodol mewn cysylltiad â dod ag unrhyw un neu ragor o ddarpariaethau’r Ddeddf hon i rym.’.

Carl Sargeant

93

To insert a new section –

‘(1) Liability of officers of bodies corporate

- (1) Where a body corporate commits an offence under this Act and it is proved that –
 - (a) the offence was committed with the consent or connivance of an officer of the body corporate, or
 - (b) the offence was attributable to neglect on the part of an officer of the body corporate,the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer” means –
 - (a) a director, manager, secretary or similar officer of the body corporate,
 - (b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or

- (c) a person purporting to act in a capacity mentioned in paragraph (a) or (b).’.

I fewnosod adran newydd –

‘(1) Rhwymedigaeth swyddogion cyrff corfforaethol

- (1) Os bydd corff corfforaethol yn cyflawni trosedd o dan y Ddeddf hon ac y profir –
- (a) bod y trosedd wedi ei gyflawni â chydsyniad neu drwy gydgyllwyn swyddog i’r corff corfforaethol, neu
 - (b) bod y trosedd i’w briodoli i esgeulustod ar ran swyddog i’r corff corfforaethol, mae’r swyddog, yn ogystal â’r corff corfforaethol, yn euog o’r trosedd ac yn agored i achos yn ei erbyn ac i gael ei gosbi yn unol â hynny.
- (2) Yn is-adran (1) ystyr “swyddog” yw –
- (a) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg i’r corff corfforaethol,
 - (b) yn achos corff corfforaethol y mae ei faterion yn cael eu rheoli gan ei aelodau, aelod o’r corff corfforaethol, neu
 - (c) person sy’n honni ei fod yn gweithredu yn rhinwedd swydd a grybwyllir ym mharagraff (a) neu (b).’.

Carl Sargeant

94

To insert a new section –

‘(1) Meaning of “mobile home”

- (1) In this Act “mobile home” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle designed or adapted for human habitation, but does not include –
- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
 - (b) any tent.
- (2) A structure designed or adapted for human habitation which –
- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices, and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),
- is not to be regarded as not being (or as not having been) a mobile home for the purposes of this Act by reason only that it cannot lawfully be moved on a highway when assembled.
- (3) For the purposes of this Act “mobile home” does not include a structure designed or adapted for human habitation which falls within subsection (2)(a) and (b) if its dimensions when assembled exceed any of the following limits, namely –

- (a) length (exclusive of any drawbar): 20 metres,
 - (b) width: 6.8 metres, and
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres.
- (4) The Welsh Ministers may by order substitute for any figure mentioned in subsection (3) such other figure as may be specified in the order.’.

I fewnosod adran newydd –

‘() Ystyr “cartref symudol”

- (1) Yn y Ddeddf hon ystyr “cartref symudol” yw unrhyw strwythur a ddyluniwyd neu a addaswyd i bobl fyw ynddo ac sy’n gallu cael ei symud o’r naill le i’r llall (boed drwy ei dynnu neu drwy ei gludo ar gefn cerbyd modur neu ôl-gerbyd) ac unrhyw gerbyd modur a ddyluniwyd neu a addaswyd i bobl fyw ynddo, ond nid yw’n cynnwys –
- (a) unrhyw gerbydau rheilffyrdd sydd am y tro ar gledrau sy’n ffurfio rhan o system reilffyrdd, neu
 - (b) unrhyw babell.
- (2) Nid yw strwythur a ddyluniwyd neu a addaswyd i bobl fyw ynddo ac sydd –
- (a) wedi ei gyfansoddi o heb fod yn fwy na dwy adran sydd wedi eu hadeiladu ar wahân ac sydd wedi eu dylunio i gael eu cydosod ar safle drwy gyfrwng bolltau, clampiau neu ddyfeisiau eraill, a
 - (b) sydd, o’i gydosod, yn ffisegol yn gallu cael ei symud ar y ffordd o’r naill le i’r llall (boed drwy ei dynnu neu drwy ei gludo ar gefn cerbyd modur neu ôl-gerbyd),
- i’w drin fel pe na bai’n gartref symudol (neu fel pe na bai wedi bod yn gartref symudol) at ddibenion y Ddeddf hon dim ond am y rheswm nad oes modd cyfreithlon ei symud ar briffordd ar ôl ei gydosod.
- (3) At ddibenion y Ddeddf hon nid yw “cartref symudol” yn cynnwys strwythur a ddyluniwyd neu a addaswyd i bobl fyw ynddo sy’n syrthio o fewn is-adran (2)(a) a (b) os yw ei ddimensiynau ar ôl ei gydosod yn fwy nag unrhyw un neu ragor o’r terfynau a ganlyn, sef –
- (a) hyd (heb gynnwys bar tynnu): 20 o fetrau,
 - (b) lled: 6.8 metr, ac
 - (c) taldra cyffredinol y lle byw (o’i fesur ar y tu mewn o’r llawr ar ei lefel isaf hyd at y nenfwd yn ei lefel uchaf): 3.05 metr.
- (4) Caiff Gweinidogion Cymru drwy orchymyn osod yn lle unrhyw ffigur a grybwyllir yn is-adran (3) unrhyw ffigur arall a bennir yn y gorchymyn.’.

Carl Sargeant

95

To insert a new section –

‘(1) Meaning of “qualifying residents' association”

- (1) For the purposes of this Act an association is a “qualifying residents' association”, in relation to a site, if –
 - (a) it is an association representing the occupiers of mobile homes on the site,
 - (b) occupiers of at least 50 per cent of those mobile homes are members of the association,
 - (c) it is independent from the owner of the site who, together with any agent or employee of the owner, is excluded from membership,
 - (d) subject to paragraph (c), membership is open to occupiers of all mobile homes on the site,
 - (e) its rules and constitution are open to public inspection and it maintains a list of members,
 - (f) it has a chairman, secretary and treasurer who are elected by and from among the members,
 - (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only 1 vote for each mobile home, and
 - (h) the owner has acknowledged in writing to the secretary that the association is a qualifying residents' association, or, in default of this, a tribunal has ordered that it is.
- (2) Only 1 occupier of each mobile home may be a member of the association; and, where there is more than one occupier of a mobile home, the one who is to be the member of the association is whichever of them the occupiers agree or, in default of agreement, the one whose name appears first on the agreement.
- (3) An association is not a qualified residents' association in relation to a site unless an up to date list of members has been lodged with the local authority in whose area the site is situated.
- (4) When a copy of the list of members of an association is lodged with a local authority, the local authority –
 - (a) must take reasonable steps to ascertain whether occupiers of at least 50 per cent of the mobile homes on the site are members of the association, and
 - (b) must give notice in writing to the association and the owner stating whether or not it is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association.
- (5) Where an association is given notice that the local authority is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association, the duty to lodge an up to date copy of its list of members requires it to do so as soon as is reasonably practicable after any changes in its membership.

- (6) If it appears to the local authority at any time that the membership of a qualifying residents' association no longer includes occupiers of at least 50 per cent of the mobile homes on the site, the local authority must immediately give notice in writing to the association and the owner of the site that the association is no longer a qualifying residents' association.
- (7) In this section –
- “arbitration agreement” (“*cytundeb cymrodeddu*”) means an agreement in writing to submit to arbitration a question as to whether an association is a qualifying residents' association;
- “occupier” (“*meddiannydd*”) , in relation to a mobile home and a site, means a person who is entitled –
- (a) to station the mobile home on the site, and
- (b) to occupy the mobile home as the person's only or main residence; and
- “tribunal” (“*tribwnlys*”), in relation to the owner of a site and an association representing the occupiers of mobile homes on the site, means a residential property tribunal or, where the owner and the association have entered into an arbitration agreement that applies to any question whether the association is a relevant residents' association arising before the agreement was made, the arbitrator.
- (8) The disclosure by a local authority to the public of a list of members of a qualifying residents' association which has been lodged with the local authority is to be treated for the purposes of section 41(1) of the Freedom of Information Act 2000 as a breach of confidence actionable by the members of the association.’

I fewnosod adran newydd –

(i) Ystyr “cymdeithas trigolion gymwys”

- (1) At ddibenion y Ddeddf hon mae cymdeithas yn “gymdeithas trigolion gymwys”, o ran safle –
- (a) os yw’n gymdeithas sy’n cynrychioli meddianwyr cartrefi symudol ar y safle,
- (b) os yw meddianwyr o leiaf 50 y cant o’r cartrefi symudol hynny’n aelodau o’r gymdeithas,
- (c) os yw’n annibynnol ar berchennog y safle, sydd ynghyd ag unrhyw asiant neu gyflogai i’r perchennog, wedi ei wahardd rhag bod yn aelod,
- (d) os yw aelodaeth, yn ddarostyngedig i baragraff (c), yn agored i feddianwyr pob cartref symudol ar y safle,
- (e) os yw ei rheolau a’i chyfansoddiad yn agored i’r cyhoedd gael edrych arnynt ac os yw’n cynnal rhestr o aelodau,
- (f) os oes ganddi gadeirydd, ysgrifennydd a thrysorydd sy’n cael eu hethol gan ac o blith yr aelodau,

- (g) ac eithrio penderfyniadau gweinyddol a gymerir gan y cadeirydd, yr ysgrifennydd a'r trysorydd gan weithredu yn eu swyddogaethau swyddogol, os yw'r penderfyniadau'n cael eu cymryd drwy bleidleisio a bod 1 bleidlais yn unig i bob cartref symudol, ac
- (h) os yw'r perchennog wedi cydnabod mewn ysgrifen i'r ysgrifennydd fod y gymdeithas yn gymdeithas trigolion gymwys, neu, yn niffyg hynny, os oes tribiwnlys wedi gorchymyn bod y gymdeithas yn gymdeithas trigolion gymwys.
- (2) Dim ond 1 meddiannydd o bob cartref symudol a gaiff fod yn aelod o'r gymdeithas; ac, os oes mwy nag un meddiannydd mewn cartref symudol, yr un sydd am fod yn aelod o'r gymdeithas yw p'un bynnag ohonynt y mae'r meddianwyr yn cytuno arno neu, yn niffyg cytundeb, yr un sydd a'i enw yn gyntaf ar y cytundeb.
- (3) Nid yw gymdeithas yn gymdeithas trigolion gymwys o ran safle oni bai bod rhestr gyfoes o'r aelodau wedi ei chyflwyno i'r awdurdod lleol y mae'r safle wedi ei leoli yn ei ardal.
- (4) Pan fo copi o'r rhestr o aelodau gymdeithas wedi ei gyflwyno i awdurdod lleol, rhaid i'r awdurdod lleol—
- (a) cymryd camau rhesymol i ganfod a yw meddianwyr o leiaf 50 y cant o'r cartrefi symudol ar y safle yn aelodau o'r gymdeithas, a
- (b) rhoi hysbysiad ysgrifenedig i'r gymdeithas ac i'r perchennog yn datgan a yw wedi ei fodloni neu beidio fod meddianwyr o leiaf 50 y cant o'r cartrefi symudol ar y safle yn aelodau o'r gymdeithas.
- (5) Pan roddir hysbysiad i gymdeithas fod yr awdurdod lleol wedi ei fodloni bod meddianwyr o leiaf 50 o'r cartrefi symudol ar y safle yn aelodau o'r gymdeithas, mae'r ddyletswydd i gyflwyno rhestr gyfoes o'i haelodau yn ei gwneud yn ofynnol iddi wneud hynny cyn gynted ag y bo'n rhesymol ymarferol ar ôl unrhyw newidiadau yn ei haelodaeth.
- (6) Os yw'n ymddangos i'r awdurdod lleol ar unrhyw adeg nad yw aelodau gymdeithas trigolion gymwys mwyach yn cynnwys meddianwyr o leiaf 50 y cant o'r cartrefi symudol ar y safle, rhaid i'r awdurdod lleol roi hysbysiad ysgrifenedig ar unwaith i'r gymdeithas ac i berchennog y safle.
- (7) Yn yr adran hon—
- ystyr "cytundeb cymrodeddu" ("*arbitration agreement*") yw cytundeb ysgrifenedig i gyflwyno at gymrodeddu gwestiwn ynghylch a yw gymdeithas yn gymdeithas trigolion gymwys;
- ystyr "meddiannydd" ("*occupier*"), o ran cartref symudol a safle yw person sydd â hawl—
- (a) i osod y cartref symudol ar y safle, a
- (b) i feddiannu'r cartref symudol fel unig neu brif breswylfa'r person; ac
- ystyr "tribiwnlys" ("*tribunal*"), o ran perchennog y safle a chymdeithas sy'n cynrychioli meddianwyr cartrefi symudol ar y safle, yw tribiwnlys eiddo preswyl neu, os yw'r perchennog a'r gymdeithas wedi gwneud cytundeb cymrodeddu sy'n gymwys i unrhyw gwestiwn a yw'r gymdeithas yn gymdeithas trigolion gymwys sy'n codi cyn i'r cytundeb gael ei wneud, y cymrodeddwr.

- (8) Mae datgelu rhestr o aelodau cymdeithas drigolion i'r cyhoedd gan awdurdod, sef rhestr a gyflwynwyd i'r awdurdod hwnnw) i'w drin at ddibenion adran 41(1) o Ddeddf Rhyddid Gwybodaeth 2000 fel pe bai'n torri cyfrinach y caiff aelodau'r gymdeithas ddwyn achos yn ei erbyn.'.

Carl Sargeant

96

To insert a new section –

'() Other interpretation

In this Act, unless the context otherwise requires –

“Gypsies and Travellers” (“*Sipsiwn a Theithwyr*”) means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople, or persons engaged in travelling circuses, travelling together as such;

“local authority” (“*awdurdod lleol*”) means the council of a Welsh county or county borough;

“owner” (“*perchennog*”) is to be construed in accordance with section (*amendment 6*) (but see also sections (*amendment 73*)(2), (*amendment 76*) and (*amendment 89*)(2));

“pitch fee” (“*ffi am y llain*”) means the amount which the occupier of a mobile home is required by an agreement to pay for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water and sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts;

“planning permission” (“*caniatâd cynllunio*”) means permission under Part 3 of the Town and Country Planning Act 1990;

“protected site” (“*safle gwarchoddedig*”) has the meaning given by section (*amendment 4*)(2);

“regulated site” (“*safle rheoleiddiedig*”) has the meaning given by section (*amendment 4*)(1);

“site licence” (“*trwydded safle*”) has the meaning given by section (*amendment 10*) (1).’.

I fewnosod adran newydd –

'() Dehongli arall

Yn y Ddeddf hon, oni bai bod y cyd-destun yn mynnu fel arall –

ystyr “awdurdod lleol” (“*local authority*”) yw cyngor sir neu fwrdeistref sirol yng Nghymru;

ystyr “caniatâd cynllunio” (“*planning permission*”) yw caniatâd o dan Ran 3 o Ddeddf cynllunio Gwlad a Thref 1990;

ystyr “ffi am y llain” (“pitch fee”) yw’r swm y mae’n ofynnol i feddiannydd cartref symudol ei dalu o dan gytundeb i dalu am yr hawl i osod y cartref symudol ar y llain ac i ddefnyddio mannau cyffredin y safle gwarchoddedig a’u cynnal a’u cadw, ond nid yw’n cynnwys symiau sy’n ddyledus mewn perthynas â gwasanaethau nwy, trydan, dŵr a charthffosiaeth neu wasanaethau eraill, oni bai bod y cytundeb yn darparu’n ddatganedig bod y ffi am y llain yn cynnwys symiau o’r fath;

mae “perchennog” (“owner”) i’w ddehongli yn unol ag adran (gwelliant 6) (ond gweler hefyd adrannau (gwelliant 73)(2), (gwelliant 76) a (gwelliant 89)(2));

mae i “safle gwarchoddedig” (“protected site”) yr ystyr a roddir gan adran (gwelliant 4)(2);

mae i “safle rheoleiddiedig” (“regulated site”) yr ystyr a rodir gan adran (gwelliant 4)(1);

ystyr “Sipsiwn a Theithwyr” (“Gypsies and Travellers”) yw personau sydd ag arferion byw nomadig, beth bynnag fo’u hil neu eu tarddiad, ond nid yw’n cynnwys aelodau o grŵp trefnedig o siewmyn teithiol, na phersonau sy’n rhan o sycasau teithiol, sy’n teithio gyda’i gilydd fel y cyfryw;

mae i “trwydded safle” (“site licence”) yr ystyr a roddir gan adran (gwelliant 10) (1).’.

Carl Sargeant

97

To insert a new section –

‘() Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subsection (1) does not apply to the power in paragraph 14 of Schedule (*amendment 100*).
- (3) No order may be made under section (*amendment 85*) unless the Welsh Ministers have consulted –
 - (a) such organisations as appear to them to be representative of interests substantially affected by the order, and
 - (b) such other persons as they consider appropriate.
- (4) No order may be made under section (*amendment 94*)(4) unless the Welsh Ministers have consulted such persons or bodies as appear to them to be concerned.
- (5) None of the following may be made unless a draft of the statutory instrument containing it or them has been laid before, and approved by a resolution of, the National Assembly of Wales –
 - (a) regulations under section (*amendment 58*)(5),
 - (b) an order under section (*amendment 85*), or
 - (c) an order under section (*amendment 92*)(3)(a) which contains an amendment of an enactment.

- (6) A statutory instrument containing –
- (a) regulations under section (*amendment 83*) or (*amendment 86*) or paragraph 8, 9, 11 or 12 of Schedule (*amendment 101*),
 - (b) the first regulations to be made under paragraph 10 or 22 of that Schedule,
 - (c) an order under section (*amendment 92*)(3)(a) which does not contain an amendment of an enactment, or
 - (d) an order under section (*amendment 94*)(4),
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (7) A statutory instrument containing regulations under any provision of this Act other than paragraph 10 or 22 of Schedule (*amendment 101*) which is subject to annulment in pursuance of a resolution of the National Assembly for Wales may also contain regulations made under paragraph 10 or 22 of Schedule (*amendment 101*).
- (8) Regulations under section (*amendment 83*) or (*amendment 86*) or paragraph 8, 9, 10, 11 or 12 of Schedule (*amendment 101*), or an order under section (*amendment 85*), may make different provision with respect to different cases or descriptions of case, including different provision for different areas or (in the case of regulations under paragraph 8 or 9 of Schedule (*amendment 101*)) sales at different prices.
- (9) An order under section (*amendment 85*), or regulations under section (*amendment 86*) or paragraph 8, 9, 10, 11 or 12 of Schedule (*amendment 101*), may contain such incidental, supplementary, consequential, transitional or saving provisions as the Welsh Ministers consider appropriate.’.

I fewnosod adran newydd –

(i) Gorchymynion a rheoliadau

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (2) Nid yw is-adran (1) yn gymwys i’r pŵer ym mharagraff 14 o Atodlen (*gwelliant 100*).
- (3) Ni chaniateir i orchymyn gael ei wneud o dan adran (*gwelliant 85*) oni bai bod Gweinidogion Cymru wedi ymgynghori â’r canlynol –
 - (a) unrhyw sefydliadau y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau y mae'r gorchymyn hwn yn effeithio'n sylweddol arnynt, a
 - (b) unrhyw bersonau eraill sy'n briodol yn eu barn hwy.
- (4) Ni chaniateir gwneud gorchymyn o dan adran (*gwelliant 94*)(4) oni bai bod Gweinidogion Cymru wedi ymgynghori â phersonau neu gyrff y mae'n ymddangos iddynt eu bod yn ymwneud â hyn.
- (5) Ni chaniateir gwneud yr un o’r canlynol oni bai bod drafft o’r offeryn statudol sy’n ei gynnwys wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, ac wedi ei gymeradwyo drwy benderfyniad ganddo –
 - (a) rheoliadau o dan adran (*gwelliant 58*)(5),
 - (b) gorchymyn o dan adran (*gwelliant 85*), neu
 - (c) gorchymyn o dan adran (*gwelliant 92*)(3)(a) sy’n cynnwys diwygiad i ddeddfiad.

- (6) Mae offeryn statudol sy'n cynnwys—
- rheoliadau o dan adran (*gwelliant 83*) neu (*gwelliant 86*) neu baragraff 8, 9, 11 neu 12 o Atodlen (*gwelliant 101*),
 - y rheoliadau cyntaf i gael eu gwneud o dan baragraff 10 neu 22 o'r Atodlen honno,
 - gorchymyn o dan adran (*gwelliant 92*)(3)(a) nad yw'n cynnwys diwygiad i ddeddfiad, neu
 - gorchymyn o dan adran (*gwelliant 94*)(4),
- yn ddarostyngedig i ddiddymiad yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (7) Caiff offeryn statudol sy'n cynnwys rheoliadau o dan unrhyw ddarpariaeth o'r Ddeddf hon heblaw paragraff 10 neu 22 o Atodlen (*gwelliant 101*) sy'n ddarostyngedig i ddiddymiad yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru hefyd gynnwys rheoliadau a wneir o dan baragraff 10 neu 22 o Atodlen (*gwelliant 101*).
- (8) Caiff rheoliadau o dan adran (*gwelliant 83*) neu (*gwelliant 86*) neu baragraff 8, 9, 10, 11 neu 12 o Atodlen (*gwelliant 101*), neu orchymyn o dan adran (*gwelliant 85*), wneud darpariaeth wahanol o ran achosion gwahanol neu ddisgrifiadau gwahanol o achos, gan gynnwys darpariaeth wahanol ar gyfer ardaloedd gwahanol neu (yn achos rheoliadau o dan baragraff 8 neu 9 o Atodlen (*gwelliant 101*)) gwerthiannau am brisiau gwahanol.
- (9) Caiff gorchymyn o dan adran (*gwelliant 85*), neu rheoliadau o dan adran (*gwelliant 86*) neu baragraff 8, 9, 10, 11 neu 12 o Atodlen (*gwelliant 101*), gynnwys unrhyw ddarpariaethau cysylltiedig, atodol, canlyniadol, trosiannol neu ddarpariaethau arbed a wêl Gweinidogion Cymru yn dda.'

Carl Sargeant

98

To insert a new section—

'() Commencement

- This Part comes into force on the day after the day on which this Act receives Royal Assent.
- The other provisions of this Act come into force on a day appointed by order made by the Welsh Ministers.
- An order under subsection (2) may appoint different days for different purposes.'

I fewnosod adran newydd—

'() Cychwyn

- Daw'r Rhan hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir drwy orchymyn a wneir gan Weinidogion Cymru.

- (3) Caiff gorchymyn o dan is-adran (2) benodi diwrnodau gwahanol at ddibenion gwahanol.’.

Carl Sargeant

99

To insert a new section –

‘() **Short title**

The short title of this Act is the Mobile Homes (Wales) Act 2013.’.

I fewnosod adran newydd –

‘() **Enw byr**

Enw byr y Ddeddf hon yw Ddeddf Cartrefi Symudol (Cymru) 2013.’.

Carl Sargeant

100

To insert a new schedule –

'SCHEDULE (AMENDMENT 100)
(introduced by section (amendment 4))

SITES WHICH ARE NOT REGULATED SITES

Use within curtilage of dwelling house

- 1 A site is not a regulated site by virtue of being used in a way which is incidental to the enjoyment of a dwelling house within the curtilage of which the land is situated.

Use by a person travelling with a mobile home for 1 or 2 nights

- 2 Subject to paragraph 14, a site is not a regulated site by virtue of being used by a person travelling with a mobile home who brings the mobile home on to the land for a period which includes not more than 2 nights –
- (a) if during that period no other mobile home is stationed for the purposes of human habitation on that land or any adjoining land in the same occupation, and
 - (b) if, in the period of 12 months ending with the day on which the mobile home is brought on to the land, the number of days on which a mobile home was stationed anywhere on that land or that adjoining land for the purposes of human habitation did not exceed 28.

Use of holdings of 20,000 m² or more in certain circumstances

- 3 (1) Subject to paragraph 14, a site is not a regulated site on any day if it comprises, together with any adjoining land which is in the same occupation and has not been built on, not less than 20,000 square metres and in the period of 12 months preceding that day –
- (a) the number of days on which a mobile home was stationed anywhere on that land or on that adjoining land for the purposes of human habitation did not exceed 28, and
 - (b) not more than 3 mobile homes were stationed anywhere on that land or on that adjoining land for the purposes of human habitation at any one time.
- (2) The Welsh Ministers may by order provide that in any such area as may be specified in the order this paragraph is to have effect as if –
- (a) for the reference in the sub-paragraph (1) to 20,000 square metres there were substituted a reference to such smaller area as is specified in the order, or
 - (b) for the condition specified in paragraph (a) of that sub-paragraph there were substituted a condition that the use in question falls between such dates in any year as may be specified in the order.
- (3) The Welsh Ministers may make different orders under sub-paragraph (2) in relation to different areas.
- (4) An order under sub-paragraph (2) is to come into force on the date specified in the order, being a date not less than 3 months after the order is made.

- (5) The Welsh Ministers must publish notice of an order under sub-paragraph (2) in a local newspaper circulating in the locality affected by the order and in such other ways as appear to them appropriate for the purpose of drawing the attention of the public to the order.

Sites occupied and supervised by exempted organisations

- 4 Subject to paragraph 14, a site is not a regulated site if it is occupied by an organisation which holds a certificate of exemption granted under paragraph 13 (an “exempted organisation”) and it is used for purposes of recreation under the supervision of the exempted organisation.

Sites approved by exempted organisations

- 5 (1) Subject to paragraph 14, a site is not a regulated site if there is in force in respect of it a certificate issued under this paragraph by an exempted organisation and not more than 5 mobile homes are at the time stationed for the purposes of human habitation on the land to which the certificate relates.
- (2) For the purposes of this paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use by its members for the purposes of recreation.
- (3) The certificate must be issued to the occupier of the land to which it relates, and the exempted organisation must send particulars to the Welsh Ministers of all certificates issued by the exempted organisation under this paragraph.
- (4) A certificate issued by an exempted organisation under this paragraph must specify the date on which it is to come into force and the period for which it is to continue in force, being a period not exceeding a year.

Meetings organised by exempted organisations

- 6 Subject to paragraph 14, a site is not a regulated site if the use of the site is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than 5 days.

Agricultural and forestry workers

- 7 Subject to paragraph 14, a site is not a regulated site if it is agricultural land used for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.
- 8 Subject to paragraph 14, a site is not a regulated site if it is used for the accommodation during a particular season of a person employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

Building and engineering sites

- 9 Subject to paragraph 14, a site is not a regulated site if it forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which planning permission has, if required, been granted) and is used for the accommodation of a person or persons employed in connection with the operations.

Travelling showmen

- 10 (1) Subject to paragraph 14, a site is not a regulated site by virtue of being used by a travelling showman who is a member of an organisation of travelling showmen which holds a certificate granted under this paragraph and who is, at the time, travelling for the purposes of business or who has taken up winter quarters on the land with equipment for some period falling between the beginning of October in any year and the end of March in the following year.
- (2) For the purposes of this paragraph the Welsh Ministers may grant a certificate to any organisation recognised by them as confining its membership to bona fide travelling showmen; and a certificate may be withdrawn by the Welsh Ministers at any time.

Sites occupied by local authority

- 11 A site is not a regulated site if it is occupied by the local authority.

Temporary exemption after death of, or other change in, occupier

- 12 (1) Where the holder of a site licence for a regulated site dies, or there is a change in who is the occupier of a site in respect of which a site licence is in force for any other reason, the site is not a regulated site during the period of 3 months beginning with the day of the death or change of occupier (the "initial exempt period").
- (2) If at any time during the initial exempt period, or any subsequent period specified under this sub-paragraph, the personal representatives of the dead occupier or the new occupier applies to the local authority in whose area the site is, the local authority may by notice issued to the applicant provide that the site is not to be a regulated site during the period specified in the notice.
- (3) If a local authority decides to refuse an application under sub-paragraph (2) the local authority must give the applicant notice of that decision and the reasons for it.

Certification of exempted organisations

- 13 (1) For the purposes of paragraphs 4, 5 and 6 the Welsh Ministers may grant a certificate of exemption to any organisation as to which they are satisfied that its objects include the encouragement or promotion of recreational activities.
- (2) A certificate granted under this paragraph may be withdrawn by the Welsh Ministers at any time.

Power to withdraw exceptions

- 14 (1) The Welsh Ministers may, on the application of a local authority, by order provide that, in relation to such land situated in its area as may be specified in the order, this Schedule is to have effect as if paragraphs 2 to 10, or such one or more of those paragraphs as is specified in the order, were omitted from this Schedule.
- (2) An order under this paragraph—
- (a) comes into force on the date specified in it, and
 - (b) may be varied or revoked by a subsequent order only on the application of the local authority on whose application it was made.
- (3) Not less than 3 months before an order under this paragraph comes into force, the local authority on whose application it was made must cause a notice setting out the effect of the order and the date on which it comes into force to be published in a local newspaper circulating in the locality in which the land to which the order relates is situated.
- (4) Sub-paragraph (3) does not apply in the case of an order the sole effect of which is to revoke in whole or part a previous order.’.

I fewnosod atodlen newydd—

'ATODLEN (GWELLIANT 100)
(a gyflwynir gan adran (gwelliant 4))

SAFLEOEDD NAD YDYNT YN SAFLEOEDD RHEOLEIDDIEDIG

Eu defnyddio o fewn cwrttil tŷ annedd

- 1 Nid yw safle'n safle rheoleiddiedig yn rhinwedd cael ei ddefnyddio mewn modd sy'n gysylltiedig â mwynhau tŷ annedd y mae'r tir wedi ei leoli yn ei gwrttil.

Eu defnyddio gan berson sy'n teithio â chartref symudol am 1 neu 2 o nosweithiau

- 2 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig yn rhinwedd cael ei ddefnyddio gan berson sy'n teithio â chartref symudol sy'n dod â'r cartref symudol i'r tir am gyfnod nad yw'n cynnwys mwy na 2 noson –
- (a) os nad oes cartref symudol arall wedi ei osod yn ystod y cyfnod hwnnw er mwyn i bobl fyw ynddo ar y tir hwnnw neu unrhyw dir cyfagos yn yr un feddiannaeth, a
 - (b) os nad oedd nifer y diwrnodau pryd y gosodid cartref symudol unrhyw le ar y tir hwnnw neu'r tir cyfagos hwnnw er mwyn i bobl fyw ynddo yn fwy nag 28 yn ystod y cyfnod o 12 mis yn diweddu â'r diwrnod y deuir â'r cartref symudol i'r tir.

Defnyddio daliadau o 20,000 m² neu fwy o dan amgylchiadau penodol

- 3 (1) Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig ar unrhyw ddiwrnod os yw'n ffurfio, ynghyd ag unrhyw dir cyfagos sydd yn yr un feddiannaeth ac nad adeiladwyd arno, nid llai nag 20,000 o fetrau sgwâr ac o fewn y cyfnod o 12 mis cyn y diwrnod hwnnw –
- (a) nad oedd nifer y diwrnodau pryd y gosodid cartref symudol unrhyw le ar y tir hwnnw neu ar y tir cyfagos hwnnw er mwyn i bobl fyw ynddo yn fwy nag 28, a
 - (b) nad oedd mwy na 3 chartref symudol wedi eu gosod unrhyw le ar y tir hwnnw neu ar y tir cyfagos hwnnw er mwyn i bobl fyw ynddynt ar unrhyw un adeg.
- (2) Caiff Gweinidogion Cymru drwy orchymyn ddarparu bod y paragraff hwn i fod yn effeithiol mewn unrhyw ardal a bennir yn y gorchymyn fel pe bai –
- (a) y cyfeiriad yn is-baragraff (1) at 20,000 o fetrau sgwâr wedi ei ddisodli gan gyfeiriad at unrhyw arwynebedd lai a bennir yn y gorchymyn, neu
 - (b) yr amod a bennir ym mharagraff (a) o'r is-baragraff hwnnw wedi ei ddisodli gan amod bod y defnyddio o dan sylw yn syrthio rhwng unrhyw ddyddiadau mewn unrhyw flwyddyn a bennir yn y gorchymyn.
- (3) Caiff Gweinidogion Cymru wneud gorchymynion gwahanol o dan is-baragraff (2) o ran ardaloedd gwahanol.
- (4) Mae gorchymyn o dan is-baragraff (2) i ddod i rym ar y dyddiad a bennir yn y gorchymyn, sef dyddiad nad yw'n llai na 3 mis ar ôl i'r gorchymyn gael ei wneud.

- (5) Rhaid i Weinidogion Cymru gyhoeddi hysbysiad ynglŷn â gorchymyn o dan is-baragraff (2) mewn papur newydd lleol sy'n cylchredeg yn yr ardal yr effeithir arni gan y gorchymyn ac mewn unrhyw ffyrdd eraill y mae'n ymddangos iddynt eu bod yn briodol er mwyn tynnu sylw'r cyhoedd at y gorchymyn.

Safleoedd a feddiennir ac a oruchwylir gan sefydliadau esempt

- 4 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os yw wedi ei feddiannu gan sefydliad sydd â thystysgrif a roddir o dan baragraff 13 ("sefydliad esempt") a'i fod yn cael ei ddefnyddio at ddibenion hamdden o dan oruchwyliaeth y sefydliad esempt.

Safleoedd a gymeradwyir gan sefydliadau esempt

- 5 (1) Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os oes tystysgrif mewn grym ar ei gyfer a ddyroddwyd o dan y paragraff hwn gan sefydliad esempt ac nad oes mwy na 5 o gartrefi symudol wedi eu gosod yr un pryd er mwyn i bobl fyw ynddynt ar y tir y mae'r dystysgrif yn cyfeirio ato.
- (2) At ddibenion y paragraff hwn caiff sefydliad esempt ddyroddi ar gyfer unrhyw dir dystysgrif sy'n datgan bod y tir wedi ei gymeradwyo gan y sefydliad esempt i'w ddefnyddio gan ei aelodau at ddibenion hamdden.
- (3) Rhaid i'r dystysgrif gael ei chyfeirio at feddiannydd y tir y mae'n cyfeirio ato, a rhaid i'r sefydliad esempt anfon manylion at Weinidogion Cymru am bob tystysgrif a ddyroddir gan y sefydliad esempt o dan y paragraff hwn.
- (4) Rhaid i dystysgrif a ddyroddir gan sefydliad esempt o dan y paragraff hwn bennu'r dyddiad y daw i rym ac am ba gyfnod y mae i barhau mewn grym, sef cyfnod nad yw'n fwy na blwyddyn.

Cyfarfodydd a drefnir gan sefydliadau esempt

- 6 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os yw'r safle'n cael ei ddefnyddio o dan oruchwyliaeth sefydliad esempt a hynny yn unol â threfniadau a wnaed gan y sefydliad hwnnw ar gyfer cyfarfod i'w aelodau nad yw'n para mwy na 5 niwrnod.

Gweithwyr amaethyddiaeth a choedwigaeth

- 7 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os yw'n dir amaethyddol sy'n cael ei ddefnyddio i roi llety yn ystod tymor penodol i berson neu bersonau a gyflogir mewn gwaith ffermio ar dir sydd yn yr un feddiannaeth.
- 8 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os yw'n cael ei ddefnyddio i roi llety yn ystod tymor penodol i berson a gyflogir ar y tir yn yr un alwedigaeth, sef tir sy'n cael ei ddefnyddio at ddibenion coedwigaeth (gan gynnwys fforestu).

Safleoedd adeiladu a pheiriannu

- 9 Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig os yw'n ffurfio rhan o dir, neu os yw'n gyfagos i dir, y mae gwaith adeiladu neu beiriannu yn cael ei wneud arno (sef gwaith y mae caniatâd cynllunio wedi ei roi ar ei gyfer, os oes ei angen) ac sy'n cael ei ddefnyddio i roi llety i berson neu bersonau a gyflogir mewn cysylltiad â'r gwaith.

Siewmyn teithiol

- 10 (1) Yn ddarostyngedig i baragraff 14, nid yw safle'n safle rheoleiddiedig yn rhinwedd cael ei ddefnyddio gan siewmon teithiol sy'n aelod o sefydliad i siewmyn teithiol sydd â thystysgrif a roddwyd o dan y paragraff hwn ac sydd, ar y pryd, yn teithio at ddibenion busnes neu sydd wedi gosod annedd gaeaf ar y tir am ryw gyfnod sy'n syrthio rhwng dechrau mis Hydref mewn unrhyw flwyddyn a diwedd mis Mawrth yn y flwyddyn wedyn.
- (2) At ddibenion y paragraff hwn caiff Gweinidogion Cymru roi tystysgrif i unrhyw sefydliad a gydnabyddir ganddynt fel un sy'n cyfyngu ei haelodaeth i siewmyn teithiol bona fide; a chaniateir i dystysgrif gael ei thynnu'n ôl gan Weinidogion Cymru unrhyw bryd.

Safleoedd a feddiennir gan awdurdod lleol

- 11 Nid yw safle'n safle rheoleiddiedig os yw wedi ei feddiannu gan yr awdurdod lleol.

Esemptiad dros dro ar ôl marwolaeth meddiannydd, neu newid arall yn y meddiannydd

- 12 (1) Os bydd deiliad trwydded safle ar gyfer safle rheoleiddiedig yn marw, neu os ceir newid o ran pwy yw meddiannydd safle y mae trwydded safle mewn grym ar ei gyfer am unrhyw reswm arall, nid yw'r safle'n safle rheoleiddiedig yn ystod y cyfnod o 3 mis sy'n dechrau â diwrnod marwolaeth neu newid y meddiannydd (y "cyfnod esempt cychwynnol").
- (2) Ar unrhyw adeg yn ystod y cyfnod esempt cychwynnol, neu unrhyw gyfnod wedyn a bennir o dan yr is-baragraff hwn, os bydd cynrychiolydd personol y meddiannydd marw neu'r meddiannydd newydd yn gwneud cais i'r awdurdod lleol y maer safle o fewn ei ardal, caiff yr awdurdod lleol drwy hysbysiad a ddyroddir i'r ymgeisydd ddarparu nad yw'r safle i fod yn safle rheoleiddiedig yn ystod y cyfnod a bennir yn yr hysbysiad.
- (3) Os bydd awdurdod lleol yn penderfynu gwrthod cais o dan is-baragraff (2) rhaid i'r awdurdod lleol roi hysbysiad i'r ymgeisydd am y penderfyniad a'r rhesymau drosto.

Ardystio sefydliadau esempt

- 13 (1) At ddibenion paragraffau 4, 5 a 6 caiff Gweinidogion Cymru roi tystysgrif esemptiad i unrhyw sefydliad y maent yn fodlon bod ei amcanion yn cynnwys hybu neu hyrwyddo gweithgareddau hamdden.
- (2) Caniateir i dystysgrif a roddir o dan y paragraff hwn gael ei thynnu'n ôl gan Weinidogion Cymru unrhyw bryd.

Pŵer i dynnu eithriadau yn ôl

- 14 (1) Caiff Gweinidogion Cymru, ar gais awdurdod lleol, drwy orchymyn ddarparu bod yr Atodlen hon, o ran unrhyw dir a leolir yn ei ardal a bennir yn y gorchymyn, i fod yn effeithiol fel pe bai paragraffau 2 i 10, neu unrhyw un neu ragor o'r paragraffau hyn a bennir yn y gorchymyn, wedi eu hepgor o'r Atodlen hon.
- (2) O ran gorchymyn o dan y paragraff hwn—
- (a) daw i rym ar y dyddiad a bennir ynddo, a
- (b) ni chaniateir ei amrywio neu ei ddirymu gan orchymyn dilynol ond ar gais yr awdurdod lleol y cafodd ei wneud ar ei gais.
- (3) Heb fod yn llai na 3 mis cyn i orchymyn o dan y paragraff hwn ddod i rym, rhaid i'r awdurdod lleol y cafodd ei wneud ar ei gais beri bod hysbysiad sy'n nodi effaith y gorchymyn a'r dyddiad y daw i rym gael ei gyhoeddi mewn papur newydd lleol sy'n cylchredeg yn yr ardal y mae'r tir y mae'r gorchymyn yn cyfeirio ato wedi ei leoli ynddo.
- (4) Nid yw is-baragraff (3) yn gymwys yn achos gorchymyn ei unig effaith yw dirymu gorchymyn blaenorol yn gyfan gwbl neu'n rhannol.'

Carl Sargeant

101

To insert a new schedule—

'SCHEDULE (AMENDMENT 101)
(introduced by section (amendment 84))

TERMS OF MOBILE HOME AGREEMENTS

PART 1

TERMS IMPLIED BY ACT

Duration of agreement

- 1 Subject to paragraph 2, the right to station the mobile home on land forming part of the protected site subsists until the agreement is determined under paragraph 3, 4, 5 or 6.
- 2 (1) If the owner's estate or interest is insufficient to enable the owner to grant the right for an indefinite period, the period for which the right subsists does not extend beyond the date when the owner's estate or interest determines.
(2) If planning permission for the use of the protected site as a site for mobile homes has been granted in terms such that it will expire at the end of a specified period, the period for which the right subsists does not extend beyond the date when the planning permission expires.
(3) If before the end of a period determined by this paragraph there is a change in circumstances which allows a longer period, account is to be taken of that change.

Termination

- 3 The occupier is entitled to terminate the agreement by notice in writing given to the owner not less than 4 weeks before the date on which it is to take effect.
- 4 The owner is entitled to terminate the agreement immediately if, on the application of the owner, the appropriate judicial body –
 - (a) is satisfied that the occupier has breached a term of the agreement and, after service of a notice to remedy the breach, has not complied with the notice within a reasonable time, and
 - (b) considers it reasonable for the agreement to be terminated.
- 5 The owner is entitled to terminate the agreement immediately if, on the application of the owner, the appropriate judicial body –
 - (a) is satisfied that the occupier is not occupying the mobile home as the occupier's only or main residence, and
 - (b) considers it reasonable for the agreement to be terminated.
- 6 (1) The owner is entitled to terminate the agreement immediately if –
 - (a) on the application of the owner, a tribunal has determined that, having regard to its condition, the mobile home is having a detrimental effect on the amenity of the site, and

- (b) then, on the application of the owner, the appropriate judicial body, having regard to the tribunal's determination and to any other circumstances, considers it reasonable for the agreement to be terminated.
- (2) Sub-paragraphs (3) and (4) apply if, on an application to the tribunal under subparagraph (1)(a) –
 - (a) the tribunal considers that, having regard to the present condition of the mobile home, it is having a detrimental effect on the amenity of the site, but
 - (b) it also considers that it would be reasonably practicable for particular repairs to be carried out on the mobile home that would result in the mobile home not having that detrimental effect, and
 - (c) the occupier indicates to the tribunal that the occupier intends to carry out those repairs.
- (3) In such a case, the tribunal may make an interim order –
 - (a) specifying the repairs that must be carried out and the time within which they must be carried out, and
 - (b) adjourning the proceedings on the application for such period specified in the interim order as the tribunal considers reasonable to enable the repairs to be carried out.
- (4) If the tribunal makes an interim order under sub-paragraph (3), it must not make a determination under sub-paragraph (1)(a) unless it is satisfied that the specified period has expired without the repairs having been carried out.

Recovery of overpayments by occupier

- 7 Where the agreement is terminated as mentioned in paragraph 3, 4, 5 or 6, the occupier is entitled to recover from the owner so much of any payment made by the occupier in pursuance of the agreement as is attributable to a period beginning after the termination.

Sale of mobile home

- 8 (1) Where the agreement is a new agreement, the occupier is entitled to sell the mobile home and to assign the agreement to the person to whom the mobile home is sold (the “new occupier”) without the approval of the owner.
- (2) In this paragraph and paragraphs 9, 11 and 12, “new agreement” means an agreement –
 - (a) which was made after the commencement of this paragraph, or
 - (b) which was made before, but which has been assigned after, that commencement.
- (3) The new occupier must, as soon as reasonably practicable, notify the owner of the completion of the sale and assignment of the agreement.
- (4) The new occupier is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Welsh Ministers.
- (5) Except to the extent mentioned in sub-paragraph (4), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement to the new occupier.

- (6) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with—
 - (a) the sale of the mobile home and assignment of the agreement, or
 - (b) the payment of commission by virtue of sub-paragraph (4).
- 9 (1) Where the agreement is not a new agreement, the occupier is entitled to sell the mobile home and assign the agreement without the approval of the owner if—
 - (a) the occupier serves on the owner a notice (a “notice of proposed sale”) that the occupier proposes to sell the mobile home, and assign the agreement, to the person named in the notice (the “proposed occupier”), and
 - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed sale (“the 21-day period”), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from selling the mobile home, and assigning the agreement, to the proposed occupier (a “refusal order”).
- (3) The second condition is that—
 - (a) within the 21-day period—
 - (i) the owner applies to a tribunal for a refusal order, and
 - (ii) the occupier receives a notice of the application from the owner, and
 - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
 - (a) the application is to be treated as not having been made, and
 - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed sale must include such information as may be prescribed in regulations made by the Welsh Ministers.
- (6) A notice of proposed sale or notice of an application for a refusal order—
 - (a) must be in writing, and
 - (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Welsh Ministers; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.
- (8) The person to whom the mobile home is sold (“the new occupier”) is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Welsh Ministers.
- (9) Except to the extent mentioned in sub-paragraph (8), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement.

- (10) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the new occupier in connection with—
 - (a) the sale of the mobile home and assignment of the agreement, and
 - (b) the payment of commission by virtue of sub-paragraph (8).
- 10 (1) This paragraph applies where the occupier proposes to sell the mobile home, and assign the agreement, pursuant to paragraph 8 or 9.
- (2) The occupier must, not later than 28 days before the completion of the sale of the mobile home and assignment of the agreement, provide the proposed occupier with—
 - (a) such documents, or documents of such description, as may be prescribed in regulations made by the Welsh Ministers, and
 - (b) such other information as may be prescribed in the regulations, in the form prescribed in them.
- (3) But if the proposed occupier consents in writing to the documents and other information concerned being provided by a date (“the chosen date”) which is less than 28 days before the completion of the sale and assignment of the agreement, the occupier must provide the documents and other information to the proposed occupier not later than the chosen date.
- (4) The documents and other information which may be prescribed in regulations under subparagraph (2) include (but are not limited to)—
 - (a) a copy of the agreement,
 - (b) a copy of the site rules (if any) for the protected site on which the mobile home is stationed,
 - (c) details of the pitch fee payable under the agreement,
 - (d) a forwarding address for the occupier,
 - (e) in a case within paragraph 8, information about the requirement imposed by virtue of sub-paragraph (3) of that paragraph,
 - (f) details of the commission which would be payable by the proposed occupier by virtue of paragraph 8(4) or 9(8),
 - (g) information about such requirements as are prescribed in regulations under paragraph 8(6) or 9(10).
- (5) Documents or other information required to be provided under this paragraph may be delivered to the prospective purchaser personally or sent by post.
- (6) A claim that a person has broken the duty under sub-paragraph (2) or (3) may be made the subject of civil proceedings in the same manner as any other claim in tort for breach of statutory duty.

Gift of mobile home

- 11 (1) Where the agreement is a new agreement, provided that the occupier has supplied the owner with the relevant evidence, the occupier is entitled to give the mobile home, and to assign the agreement, to a member of the occupier's family (the "new occupier") without the approval of the owner.
- (2) The relevant evidence is—
- (a) evidence, or evidence of a description, prescribed in regulations made by the Welsh Ministers that the person to whom the occupier proposes to give the mobile home, and to assign the agreement, is a member of the occupier's family, or
 - (b) any other satisfactory evidence that the person concerned is a member of the occupier's family.
- (3) The new occupier must, as soon as reasonably practicable, notify the owner of the receipt of the mobile home and assignment of the agreement.
- (4) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
- (5) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).
- 12 (1) Where the agreement is not a new agreement, the occupier is entitled to give the mobile home, and assign the agreement, to a member of the occupier's family (the "proposed occupier") without the approval of the owner if—
- (a) the occupier serves on the owner a notice (a "notice of proposed gift") that the occupier proposes to give the mobile home to the proposed occupier, and
 - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed gift ("the 21-day period"), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from giving the mobile home, and assigning the agreement, to the proposed occupier (a "refusal order").
- (3) The second condition is that—
- (a) within the 21-day period—
 - (i) the owner applies to a tribunal for a refusal order, and
 - (ii) the occupier receives a notice of the application from the owner, and
 - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
- (a) the application is to be treated as not having been made, and
 - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed gift must include—

- (a) the relevant evidence under paragraph 11(2), and
 - (b) such other information as may be prescribed in regulations made by the Welsh Ministers.
- (6) A notice of proposed gift or notice of an application for a refusal order –
- (a) must be in writing, and
 - (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Welsh Ministers; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.
- (8) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
- (9) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the person to whom the mobile home is given in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).

Re-siting of mobile home

- 13 (1) The owner is entitled to require that the occupier's right to station the mobile home is exercisable for any period in relation to another pitch forming part of the protected site ("the other pitch") if –
- (a) on the application of the owner, the appropriate judicial body is satisfied that the other pitch is broadly comparable to the occupier's original pitch and that it is reasonable for the mobile home to be stationed on the other pitch for that period, or
 - (b) the owner needs to carry out essential repair or emergency works that can only be carried out if the mobile home is moved to the other pitch for that period, and either –
 - (i) on an application by the owner the appropriate judicial body is satisfied of that need and that the other pitch is broadly comparable to the occupier's original pitch, or
 - (ii) the urgency of the need means that it is impracticable to make an application before the mobile home is re-sited.
- (2) In a case where sub-paragraph (ii) of paragraph (b) of sub-paragraph (1) applies, the owner must immediately make an application to the appropriate judicial body and if the appropriate judicial body is not satisfied as mentioned in sub-paragraph (i) of that paragraph the owner must immediately secure that the mobile home is returned to the original pitch.

- (3) If the owner requires the occupier to station the mobile home on the other pitch so that the owner can replace, or carry out repairs to, the base on which the mobile home is stationed, the owner must, if the occupier requires the owner to do so or the appropriate judicial body on the application of the occupier orders the owner to do so, secure that the mobile home is returned to the original pitch on the completion of the replacement or repairs.
- (4) The owner must pay all the costs and expenses incurred by the occupier in connection with the mobile home being moved to and from the other pitch.
- (5) In this paragraph and paragraph 15 “essential repair or emergency works” means –
 - (a) repairs to the base on which the mobile home is stationed,
 - (b) works or repairs needed to comply with any relevant legal requirements, or
 - (c) works or repairs in connection with restoration following flood, landslide or other natural disaster.

Quiet enjoyment of the mobile home

- 14 The occupier is entitled to quiet enjoyment of the mobile home together with the pitch during the continuance of the agreement, subject to paragraphs 13 and 15.

Owner's right of entry to the pitch

- 15 (1) The owner may enter the pitch without prior notice between the hours of 9 am and 6pm –
 - (a) to deliver written communications, including post and notices, to the occupier, and
 - (b) to read any meter for gas, electricity, water, sewerage or other services supplied by the owner.
- (2) The owner may enter the pitch to carry out essential repair or emergency works on giving as much notice to the occupier (whether in writing or otherwise) as is reasonably practicable in the circumstances.
- (3) Unless the occupier has agreed otherwise, the owner may enter the pitch for a reason other than one specified in sub-paragraph (1) or (2) only if the owner has given the occupier at least 14 clear days' written notice of the date, time and reason for the visit.
- (4) The rights conferred by this paragraph do not extend to the mobile home.

The pitch fee

- 16 (1) The pitch fee can only be changed in accordance with this paragraph, either –
 - (a) with the agreement of the occupier, or
 - (b) if the appropriate judicial body, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.
- (2) The pitch fee must be reviewed annually as at the review date.

- (3) At least 28 clear days before the review date the owner must serve on the occupier a written notice setting out proposals in respect of the new pitch fee.
- (4) A notice under sub-paragraph (3) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 22.
- (5) If the occupier agrees to the proposed new pitch fee, it is payable as from the review date.
- (6) If the occupier does not agree to the proposed new pitch fee –
 - (a) the owner or the occupier may apply to the appropriate judicial body for an order under sub-paragraph (1)(b) determining the amount of the new pitch fee,
 - (b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by appropriate judicial body under subparagraph (1)(b), and
 - (c) the new pitch fee is payable as from the review date but the occupier is not to be regarded as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body's order determining the amount of the new pitch fee.
- (7) An application under sub-paragraph (6)(a) may be made at any time after the end of the period of 28 days beginning with the review date but no later than 3 months after the review date.
- (8) Sub-paragraphs (9) to (12) apply if the owner –
 - (a) has not served the notice required by sub-paragraph (3) by the time by which it was required to be served, but
 - (b) at any time afterwards serves on the occupier a written notice setting out proposals in respect of a new pitch fee.
- (9) A notice under sub-paragraph (8)(b) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 22.
- (10) If (at any time) the occupier agrees to the proposed pitch fee, it is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (8)(b).
- (11) If the occupier has not agreed to the proposed pitch fee –
 - (a) the owner or the occupier may apply to the appropriate judicial body for an order under sub-paragraph (1)(b) determining the amount of the new pitch fee,
 - (b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under subparagraph (1)(b), and
 - (c) if the appropriate judicial body makes such an order, the new pitch fee is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (8)(b).
- (12) An application under sub-paragraph (11) may be made at any time after the end of the period of 56 days beginning with date on which the owner serves the notice under subparagraph (8)(b) but no later than 4 months after the date on which the owner serves that notice.

- (13) A tribunal may permit an application under sub-paragraph (6)(a) or (11)(a) to be made to it outside the time limit specified in sub-paragraph (7) (in the case of an application under sub-paragraph (6)(a)) or in sub-paragraph (12) (in the case of an application under sub-paragraph (11)(a)) if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time.
- (14) The occupier is not to be treated as being in arrears –
- (a) where sub-paragraph (10) applies, until the 28th day after the date on which the new pitch fee is agreed, or
 - (b) where sub-paragraph (11)(b) applies, until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body's order determining the amount of the new pitch fee.
- (15) Sub-paragraph (16) applies if a tribunal, on the application of the occupier, is satisfied that –
- (a) a notice under sub-paragraph (3) or (8)(b) was of no effect as a result of subparagraph (4) or (9), but
 - (b) the occupier nonetheless paid the owner the pitch fee proposed in the notice.
- (16) The tribunal may order the owner to pay the occupier, within the period of 21 days beginning with the date of the order, the difference between –
- (a) the amount which the occupier was required to pay the owner for the period in question, and
 - (b) the amount which the occupier has paid the owner for that period.
- 17 (1) When determining the amount of the new pitch fee particular regard is to be had to –
- (a) any sums expended by the owner since the last review date on improvements –
 - (i) which are for the benefit of the occupiers of mobile homes on the protected site,
 - (ii) which were the subject of consultation in accordance with paragraph 21(1)(e) and (f), and
 - (iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, the appropriate judicial body, on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee,
 - (b) any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this sub-paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph),
 - (c) any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this sub-paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this subparagraph), and

- (d) any direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date.
 - (2) But no regard is to be had, when determining the amount of the new pitch fee, to any costs incurred by the owner since the last review date for the purpose of complying with provisions contained in this Part which were not contained in the Mobile Homes Act 1983 in its application in relation to Wales before the coming into force of this Part.
 - (3) When calculating what constitutes a majority of the occupiers for the purposes of subparagraph (1)(a)(iii) each mobile home is to be taken to have only 1 occupier and, in the event of there being more than 1 occupier of a mobile home, its occupier is to be taken to be whichever of them the occupiers agree or, in default of agreement, the one whose name appears first on the agreement.
 - (4) In a case where the pitch fee has not been previously reviewed, references in this paragraph to the last review date are to be read as references to the date when the agreement commenced.
- 18
- (1) When determining the amount of the new pitch fee, any costs incurred by the owner in connection with expanding the protected site are not to be taken into account.
 - (2) When determining the amount of the new pitch fee, no regard may be had to—
 - (a) any costs incurred by the owner in relation to the conduct of proceedings under this Part or the agreement,
 - (b) any fee required to be paid by the owner by virtue of section (*amendment 12*) or (*amendment 26*), or
 - (c) any costs incurred by the owner in connection with—
 - (i) any action taken by a local authority under sections () to () (*amendments 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50*), or
 - (ii) the owner being convicted of an offence under section (*amendment 36*).
- 19
- (1) Unless it would be unreasonable having regard to paragraph 17(1), there is a presumption that the pitch fee is to increase or decrease by a percentage which is no more than any percentage increase or decrease in the consumer prices index calculated by reference only to—
 - (a) the latest index, and
 - (b) the index published for the month which was 12 months before that to which the latest index relates.
 - (2) In sub-paragraph (1) “the latest index” —
 - (a) in a case where the owner serves a notice under paragraph 16(3), means the last index published before the day on which that notice is served, and
 - (b) in a case where the owner serves a notice under paragraph 16(8)(b) means the last index published before the day by which the owner was required to serve a notice under paragraph 16(3).

Occupier's obligations and owner's corresponding obligations

- 20 (1) The occupier must –
- (a) pay the pitch fee to the owner,
 - (b) pay to the owner all sums due under the agreement in respect of gas, electricity, water, sewerage or other services supplied by the owner,
 - (c) keep the mobile home in a sound state of repair,
 - (d) maintain –
 - (i) the outside of the mobile home, and
 - (ii) the pitch, including all fences and outbuildings belonging to, or enjoyed with, it and the mobile home,in a clean and tidy condition, and
 - (e) if requested by the owner, provide the owner with documentary evidence of any costs or expenses in respect of which the occupier seeks reimbursement.
- (2) The owner must not do or cause to be done anything –
- (a) which may adversely affect the ability of the occupier to perform the obligation under sub-paragraph (1)(c) or which may deter the occupier from making internal improvements to the mobile home or interfere with the occupier's ability to do so, or
 - (b) which may adversely affect the ability of the occupier to perform the obligations under sub-paragraph (1)(d) or which may deter the occupier from making external improvements to the mobile home or interfere with the occupier's ability to do so.
- (3) Sub-paragraph (2) does not authorise the occupier to carry out works to the mobile home which are prohibited by the terms of the agreement or by or under any enactment.
- (4) Where the terms of the agreement permit works to the mobile home to be carried out only with the permission of the owner, that permission must not be unreasonably withheld.

Owner's other obligations

- 21 (1) The owner must –
- (a) if requested by the occupier, and on payment by the occupier of a charge of not more than £30, provide accurate written details of –
 - (i) the size of the pitch and the base on which the mobile home is stationed, and
 - (ii) the location of the pitch and the base within the protected site,and the details must include measurements between identifiable fixed points on the protected site and the pitch and the base,
 - (b) if requested by the occupier, provide (free of charge) documentary evidence in support and explanation of –
 - (i) any new pitch fee,

- (ii) any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement, and
 - (iii) any other charges, costs or expenses payable by the occupier to the owner under the agreement,
 - (c) be responsible for repairing the base on which the mobile home is stationed and for maintaining any gas, electricity, water, sewerage or other services supplied by the owner to the pitch or to the mobile home,
 - (d) maintain in a clean and tidy condition those parts of the protected site, including access ways, site boundary fences and trees, which are not the responsibility of any occupier of a mobile home stationed on the protected site,
 - (e) consult the occupier about improvements to the protected site in general, and in particular about those which the owner wishes to be taken into account when determining the amount of any new pitch fee, and
 - (f) consult a qualifying residents' association (if there is one) or (otherwise) occupiers of mobile homes stationed on the protected site, about all matters which relate to the operation and management of, improvements to, or any proposed change of use of, the protected site and may affect the occupiers either directly or indirectly.
- (2) For the purposes of sub-paragraph (1)(e), to “consult” the occupier means –
- (a) to give the occupier at least 28 clear days' notice in writing of the proposed improvements which –
 - (i) describes the proposed improvements and how they will benefit the occupier in the long and short term,
 - (ii) details how the pitch fee may be affected when it is next reviewed, and
 - (iii) states when and where the occupier can make representations about the proposed improvements, and
 - (b) to take into account any representations made by the occupier about the proposed improvements, in accordance with paragraph (a)(iii), before undertaking them.
- (3) For the purposes of sub-paragraph (1)(f), to “consult” a qualifying residents' association or occupiers means –
- (a) to give the association or occupiers at least 28 clear days' notice in writing of the matters referred to in sub-paragraph (1)(f) which –
 - (i) describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term, and
 - (ii) states when and where the association or occupiers can make representations about the matters, and
 - (b) to take into account any representations made by the association or occupiers, in accordance with paragraph (a)(ii), before proceeding with the matters.
- 22 The document referred to in paragraph 16(4) and (9) must –
- (a) be in such form as the Welsh Ministers may by regulations prescribe,
 - (b) specify any percentage increase or decrease in the consumer prices index calculated in accordance with paragraph 19,

- (c) explain the effect of paragraph 16,
- (d) specify the matters to which the amount proposed for the new pitch fee is attributable,
- (e) refer to the occupier's obligations in paragraph 20(1)(c) to (e) and the owner's obligations in paragraph 21(1)(c) and (d), and
- (f) refer to the owner's obligations in paragraph 21(1)(e) and (1)(f) (as glossed by paragraph 21(2) and (3)).

Owner's name and address

- 23 (1) The owner must by notice inform the occupier and any qualifying residents' association of the address in England or Wales at which notices (including notices of proceedings) may be served on the owner by the occupier or a qualifying residents' association.
- (2) If the owner fails to comply with sub-paragraph (1), then (subject to sub-paragraph (5)) any amount otherwise due from the occupier to the owner in respect of the pitch fee is to be treated for all purposes as not being due from the occupier to the owner at any time before the owner complies with sub-paragraph (1).
- (3) Where in accordance with the agreement the owner gives any written notice to the occupier or a qualifying residents' association, the notice must contain the following information –
- (a) the name and address of the owner, and
 - (b) if that address is not in England or Wales, an address in England or Wales at which notices (including notices of proceedings) may be served on the owner.
- (4) Subject to sub-paragraph (5), where –
- (a) the occupier or a qualifying residents' association receives such a notice, but
 - (b) it does not contain the information required to be contained in it by virtue of subparagraph (3),
- the notice is to be treated as not having been given until such time as the owner gives the information to the occupier or qualifying residents' association in respect of the notice.
- (5) An amount or notice within sub-paragraph (2) or (4) is not to be treated as mentioned in relation to any time when, by virtue of an order of any court or tribunal, there is in force an appointment of a receiver or manager whose functions include receiving from the occupier the pitch fee, payments for services supplied or other charges.
- (6) Nothing in sub-paragraphs (3) to (5) applies to any notice containing a demand to which paragraph 24(1) applies.
- 24 (1) Where the owner makes any demand for payment by the occupier of the pitch fee, or in respect of services supplied or other charges, the demand must contain –
- (a) the name and address of the owner, and
 - (b) if that address is not in England or Wales, an address in England or Wales at which notices (including notices of proceedings) may be served on the owner.
- (2) Subject to sub-paragraph (3), where –
- (a) the occupier receives such a demand, but

(b) it does not contain the information required to be contained in it by virtue of subparagraph (1),

the amount demanded is to be treated for all purposes as not being due from the occupier to the owner at any time before the owner gives that information to the occupier in respect of the demand.

(3) The amount demanded is not to be treated as not being due in relation to any time when, by virtue of an order of any court or tribunal, there is in force an appointment of a receiver or manager whose functions include receiving from the occupier the pitch fee, payments for services supplied or other charges.

Interpretation

25 In this Part—

“consumer prices index” (*“mynegai prisiau defyddwyr”*) means the general index of consumer (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board;

“review date” (*“dyddiad yr adolygiad”*) means the date specified in the written statement as the date on which the pitch fee will be reviewed in each year, or if no such date is specified, each anniversary of the date the agreement commenced;

“written statement” (*“datganiad ysgrifenedig”*) means the written statement that the owner of the protected site is required to give to the occupier by section (*amendment 83*)(1).

PART 2

MATTERS CONCERNING WHICH TERMS MAY BE IMPLIED BY THE APPROPRIATE JUDICIAL BODY

26 The sums payable by the occupier in pursuance of the agreement and the times at which they are to be paid.

27 The review at yearly intervals of the sums payable by the occupier in pursuance of the agreement.

28 The provision or improvement of services available on the protected site, and the use by the occupier of such services.

29 The preservation of the amenity of the protected site.’.

I fewnosod atodlen newydd—

'ATODLEN (GWELLIANT 101)
(a gyflwynir gan adran (gwelliant 84))

TELERAU CYTUNDEBAU CARTREFI SYMUDOL

RHAN 1

TELERAU A YMHLYGIR GAN Y DDEDDF

Parhad y cytundeb

- 1 Yn ddarostyngedig i baragraff 2, mae'r hawl i osod y cartref symudol ar dir sy'n ffurfio rhan o'r safle gwarchoddedig yn bodoli hyd nes i'r cytundeb gael ei derfynu o dan baragraff 3, 4, 5 neu 6.
- 2 (1) Os nad yw ystâd neu fuddiant y perchennog yn ddigon i alluogi'r perchennog i roi'r hawl am gyfnod amhenodol, nid yw'r cyfnod pryd y bydd yr hawl yn bodoli yn ymestyn y tu hwnt i'r dyddiad pan fydd ystâd neu fuddiant y perchennog yn terfynu.
(2) Os oes caniatâd cynllunio i ddefnyddio'r safle gwarchoddedig fel safle i gartrefi symudol wedi ei roi mewn termau sy'n golygu y daw i ben ar ddiwedd cyfnod penodedig, nid yw'r cyfnod pryd y bydd yr hawl yn bodoli yn ymestyn y tu hwnt i'r dyddiad y daw'r caniatâd cynllunio i ben.
(3) Os ceir newid amgylchiadau cyn diwedd cyfnod a bennir gan y paragraff hwn a hwnnw'n caniatáu cyfnod hirach, mae ystyriaeth i gael ei rhoi i'r newid hwnnw.

Terfynu

- 3 Mae gan y meddiannydd hawl i derfynu'r cytundeb drwy hysbysiad ysgrifenedig a roddir i'r perchennog nid llai na 4 wythnos cyn y dyddiad y mae i fod i ddod yn effeithiol.
- 4 Mae gan y perchennog hawl i derfynu'r cytundeb ar unwaith os bydd y corff barnwrol priodol ar gais gan y perchennog –
 - (a) wedi ei fodloni bod y meddiannydd wedi torri unrhyw un neu ragor o delerau'r cytundeb ac os nad yw, ar ôl i hysbysiad gael ei gyflwyno i gywiro'r toriad, wedi cydymffurfio â'r hysbysiad o fewn amser rhesymol, a
 - (b) o'r farn ei bod yn rhesymol terfynu'r cytundeb.
- 5 Mae gan y perchennog hawl i derfynu'r cytundeb ar unwaith os bydd y corff barnwrol priodol, ar gais y perchennog –
 - (a) wedi ei fodloni nad yw'r meddiannydd yn meddiannu'r cartref symudol fel unig neu brif breswylfa'r meddiannydd, a
 - (b) o'r farn ei bod yn rhesymol terfynu'r cytundeb.
- 6 (1) Mae gan y perchennog hawl i derfynu'r cytundeb ar unwaith –
 - (a) os bydd tribiwnlys, ar gais y perchennog, wedi penderfynu bod y cartref symudol, o roi sylw i'w gyflwr, yn creu effaith andwyol ar amwynder y safle, a

- (b) wedyn, ar gais y perchennog, os bydd y corff barnwrol priodol, o roi sylw i benderfyniad y tribiwnlys ac i unrhyw amgylchiadau eraill, o'r farn ei bod yn rhesymol terfynu'r cytundeb.
- (2) Mae is-baragraffau (3) a (4) yn gymwys, ar gais i'r tribiwnlys o dan is-baragraff (1)(a) –
 - (a) os bydd y tribiwnlys o'r farn, o roi sylw i gyflwr presennol y cartref symudol, ei fod yn creu effaith andwyol ar amwynder y safle, ond
 - (b) ei fod o'r farn hefyd y byddai'n rhesymol ymarferol i waith trwsio penodol gael ei wneud ar y cartref symudol a fyddai'n golygu na châi'r cartref symudol yr effaith andwyol honno, ac
 - (c) os bydd y meddiannydd yn mynegi i'r tribiwnlys fod y meddiannydd yn bwriadu gwneud y gwaith trwsio hwnnw.
- (3) Mewn achos o'r fath, caiff y tribiwnlys wneud gorchymyn interim –
 - (a) sy'n pennu'r gwaith trwsio y mae'n rhaid ei wneud ac o fewn pa amser y mae'n rhaid ei wneud, a
 - (b) sy'n gohirio'r achos ar y cais am unrhyw gyfnod a bennir yn y gorchymyn interim sy'n rhesymol ym marn y tribiwnlys i ganiatáu i'r gwaith trwsio gael ei wneud.
- (4) Os bydd y tribiwnlys yn gwneud gorchymyn interim o dan is-baragraff (3), rhaid iddo beidio â gwneud penderfyniad o dan is-baragraff (1)(a) oni bai ei fod wedi ei fodloni bod y cyfnod penodedig wedi dod i ben heb i'r gwaith trwsio gael ei wneud.

Adennill gordaliadau gan y meddiannydd

- 7 Os terfynir y cytundeb fel y crybwyllir ym mharagraff 3, 4, 5 neu 6, mae gan y meddiannydd hawl i adennill oddi ar y perchennog gymaint o unrhyw daliad a wnaed gan y meddiannydd yn unol â'r cytundeb ag sydd i'w briodoli i gyfnod sy'n dechrau ar ôl y terfynu.

Gwerthu cartref symudol

- 8 (1) Os yw'r cytundeb yn gytundeb newydd, mae gan y meddiannydd hawl i werthu'r cartref symudol ac i aseinio'r cytundeb i'r person y gwerthir y cartref symudol iddo (y "meddiannydd newydd") heb gymeradwyaeth y perchennog.
- (2) Yn y paragraff hwn a pharagraffau 9, 11 a 12, ystyr "cytundeb newydd" yw cytundeb –
 - (a) a wnaed ar ôl i'r paragraff hwn gychwyn, neu
 - (b) a wnaed cyn iddo gychwyn, ond sydd wedi ei aseinio ar ôl iddo gychwyn.
- (3) Rhaid i'r meddiannydd newydd, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu'r perchennog fod y gwerthiant wedi ei gwblhau a bod y cytundeb wedi ei aseinio.
- (4) Mae'n ofynnol i'r meddiannydd newydd dalu comisiwn i'r perchennog ar werthiant y cartref symudol ar raddfa nad yw'n fwy nag unrhyw raddfa a bennir gan reoliadau a wneir gan Weinidogion Cymru.
- (5) Ac eithrio i'r graddau a grybwyllir yn is-baragraff (4), ni chaiff y perchennog ei gwneud yn ofynnol i unrhyw daliad gael ei wneud (boed i'r perchennog neu fel arall) mewn cysylltiad â gwerthu'r cartref symudol ac aseinio'r cytundeb i'r meddiannydd newydd.

- (6) Caiff Gweinidogion Cymru drwy reoliadau ragnodi gofynion ynglŷn â gweithdrefnau y mae'n rhaid i'r perchennog, y meddiannydd neu'r meddiannydd newydd gydymffurfio â hwy mewn cysylltiad—
 - (a) â gwerthu'r cartref symudol ac aseinio'r cytundeb, neu
 - (b) â thalu comisiwn yn rhinwedd is-baragraff (4).
- 9 (1) Os nad yw'r cytundeb yn gytundeb newydd, mae gan y meddiannydd hawl i werthu'r cartref symudol ac aseinio'r cytundeb heb gymeradwyaeth y perchennog—
 - (a) os bydd y meddiannydd yn cyflwyno i'r perchennog hysbysiad ("hysbysiad o'r bwriad i werthu") fod y meddiannydd yn bwriadu gwerthu'r cartref symudol, ac aseinio'r cytundeb, i'r person a enwir yn yr hysbysiad (y "meddiannydd arfaethedig"), a
 - (b) os bodlonir yr amod cyntaf neu'r ail amod.
- (2) Yr amod cyntaf yw nad yw'r meddiannydd, o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â'r dyddiad y cafodd y perchennog yr hysbysiad o'r bwriad i werthu ("y cyfnod o 21 o ddiwrnodau"), yn cael hysbysiad gan y perchennog fod y perchennog wedi gwneud cais i dribiwnlys am orchymyn yn atal y meddiannydd rhag gwerthu'r cartref symudol, ac aseinio'r cytundeb, i'r meddiannydd arfaethedig ("gorchymyn gwrthod").
- (3) Yr ail amod yw hyn—
 - (a) o fewn y cyfnod o 21 o ddiwrnodau—
 - (i) bod y perchennog yn gwneud cais i dribiwnlys am orchymyn gwrthod, a
 - (ii) bod y meddiannydd yn cael hysbysiad o'r cais gan y perchennog, a
 - (b) bod y tribiwnlys yn gwrthod y cais.
- (4) Os bydd y perchennog yn gwneud cais i dribiwnlys am orchymyn gwrthod o fewn y cyfnod o 21 o ddiwrnodau ond nad yw'r meddiannydd yn cael hysbysiad o'r cais gan y perchennog o fewn y cyfnod hwnnw—
 - (a) mae'r cais i'w drin fel pe bai heb ei wneud, a
 - (b) gan hynny mae'r amod cyntaf i'w drin fel pe bai wedi ei fodloni.
- (5) Rhaid i hysbysiad o'r bwriad i werthu gynnwys unrhyw wybodaeth a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (6) O ran hysbysiad o'r bwriad i werthu neu hysbysiad o gais am orchymyn gwrthod—
 - (a) rhaid iddynt fod mewn ysgrifen, a
 - (b) caniateir eu cyflwyno drwy'r post.
- (7) Dim ond ar un neu ragor o'r seiliau a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru y caniateir gwneud cais am orchymyn gwrthod; a rhaid i hysbysiad o gais am orchymyn gwrthod bennu ar ba sail neu seiliau y gwneir y cais.
- (8) Mae'n ofynnol i'r person y gwerthir y cartref symudol iddo ("y meddiannydd newydd") dalu comisiwn i'r perchennog ar werthiant y cartref symudol ar raddfa nad yw'n fwy nag unrhyw raddfa a bennir gan reoliadau a wneir gan Weinidogion Cymru.

- (9) Ac eithrio i'r graddau a grybwyllir yn is-baragraff (8), ni chaiff y perchennog ei gwneud yn ofynnol i unrhyw daliad gael ei wneud (boed i'r perchennog neu fel arall) mewn cysylltiad â gwerthu'r cartref symudol ac aseinio'r cytundeb.
- (10) Caiff Gweinidogion Cymru drwy reoliadau ragnodi gofynion ynglŷn â gweithdrefnau y mae'n rhaid i'r perchennog, y meddiannydd, meddiannydd arfaethedig neu'r meddiannydd newydd gydymffurfio â hwy mewn cysylltiad –
- (a) â gwerthu'r cartref symudol ac aseinio'r cytundeb, a
- (b) â thalu comisiwn yn rhinwedd is-baragraff (8).
- 10 (1) Mae'r paragraff hwn yn gymwys pan fo'r meddiannydd yn bwriadu gwerthu'r cartref symudol, a aseinio'r cytundeb, yn unol â pharagraff 8 neu 9.
- (2) Rhaid i'r meddiannydd, heb fod yn hwyrach nag 28 o ddiwrnodau cyn cwblhau gwerthu'r cartref symudol ac aseinio'r cytundeb, roi'r canlynol i'r meddiannydd arfaethedig –
- (a) unrhyw ddogfennau, neu ddogfennau o unrhyw ddisgrifiad, a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru, a
- (b) unrhyw wybodaeth arall a ragnodir yn y rheoliadau, yn y ffurf a ragnodir ynddynt.
- (3) Ond os bydd y meddiannydd arfaethedig yn cydsynio mewn ysgrifen i'r dogfennau a'r wybodaeth arall gael eu rhoi erbyn dyddiad ("y dyddiad a ddewiswyd") sy'n llai nag 28 o ddiwrnodau cyn cwblhau'r gwerthiant ac aseinio'r cytundeb, rhaid i'r meddiannydd roi'r dogfennau a'r wybodaeth arall i'r meddiannydd arfaethedig heb fod yn hwyrach na'r dyddiad a ddewiswyd.
- (4) Mae'r dogfennau a'r wybodaeth arall y caniateir eu rhagnodi mewn rheoliadau o dan is-baragraff (2) yn cynnwys y canlynol (ond heb fod yn gyfyngedig i'r rhain) –
- (a) copi o'r cytundeb,
- (b) copi o reolau'r safle (os oes rhai) ar gyfer y safle gwarchoddedig y gosodwyd y cartref symudol arno,
- (c) manylion y ffi am y llain sy'n daladwy o dan y cytundeb,
- (d) cyfeiriad anfon ymlaen y meddiannydd,
- (e) mewn achos o fewn paragraff 8, gwybodaeth am y gofyniad a osodir yn rhinwedd is-baragraff (3) o'r paragraff hwnnw,
- (f) manylion y comisiwn a fyddai'n daladwy gan y meddiannydd arfaethedig yn rhinwedd paragraff 8(4) neu 9(8),
- (g) gwybodaeth am unrhyw ofynion a ragnodir mewn rheoliadau o dan baragraff 8(6) neu 9(10).
- (5) Caniateir i ddogfennau neu wybodaeth arall y mae'n ofynnol eu rhoi o dan y paragraff hwn gael eu rhoi i'r prynwr arfaethedig yn bersonol neu eu hanfon drwy'r post.
- (6) Caniateir i hawliad bod person wedi torri'r ddyletswydd o dan is-baragraff (2) neu (3) fod yn destun achos sifil yn yr un modd ag unrhyw hawliad arall mewn camwedd am dorri dyletswydd statudol.

Rhoi cartref symudol i aelod o'r teulu

- 11 (1) Os yw cytundeb yn gytundeb newydd, ar yr amod bod y meddiannydd wedi rhoi'r dystiolaeth berthnasol i'r perchennog, mae gan y meddiannydd hawl i roi'r cartref symudol, ac i aseinio'r cytundeb, i aelod o deulu'r meddiannydd (y "meddiannydd newydd") heb gymeradwyaeth y perchennog.
- (2) Dyma'r dystiolaeth berthnasol –
- (a) tystiolaeth, neu dystiolaeth o ddisgrifiad, a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru fod y person y mae'r meddiannydd yn bwriadu rhoi'r cartref symudol iddo, ac aseinio'r cytundeb iddo, yn aelod o deulu'r meddiannydd, neu
- (b) unrhyw dystiolaeth foddhaol arall fod y person o dan sylw yn aelod o deulu'r meddiannydd.
- (3) Rhaid i'r meddiannydd newydd, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu'r perchennog ei fod wedi cael y cartref symudol a bod y cytundeb wedi ei aseinio iddo.
- (4) Ni chaiff y perchennog ei gwneud yn ofynnol i unrhyw daliad gael ei wneud (boed i'r perchennog neu fel arall) mewn cysylltiad â rhoi'r cartref symudol, ac aseinio'r cytundeb, a grybwyllir yn is-baragraff (1).
- (5) Caiff Gweinidogion Cymru drwy reoliadau ragnodi gofynion ynglŷn â gweithdrefnau y mae'n rhaid i'r perchennog, y meddiannydd neu'r meddiannydd newydd gydymffurfio â hwy mewn cysylltiad â rhoi'r cartref symudol, ac aseinio'r cytundeb, a grybwyllir yn is-baragraff (1).
- 12 (1) Os nad yw'r cytundeb yn gytundeb newydd, mae gan y meddiannydd hawl i roi'r cartref symudol, ac aseinio'r cytundeb, i aelod o deulu'r meddiannydd (y "meddiannydd arfaethedig") heb gymeradwyaeth y perchennog –
- (a) os bydd y meddiannydd yn cyflwyno hysbysiad i'r perchennog ("hysbysiad o'r bwriad i roi'r cartref") fod y meddiannydd yn bwriadu rhoi'r cartref symudol i'r meddiannydd arfaethedig, a
- (b) os bodlonir yr amod cyntaf neu'r ail amod.
- (2) Yr amod cyntaf yw nad yw'r meddiannydd, o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â'r dyddiad y cafodd y perchennog yr hysbysiad o'r bwriad i roi'r cartref ("y cyfnod o 21 o ddiwrnodau"), yn cael hysbysiad gan y perchennog fod y perchennog wedi gwneud cais i driwlynys am orchymyn yn atal y meddiannydd rhag rhoi'r cartref symudol, ac aseinio'r cytundeb, i'r meddiannydd arfaethedig ("gorchymyn gwrthod").
- (3) Yr ail amod yw hyn –
- (a) o fewn y cyfnod o 21 o ddiwrnodau –
- (i) bod y perchennog yn gwneud cais i driwlynys am orchymyn gwrthod, a
- (ii) bod y meddiannydd yn cael hysbysiad o'r cais gan y perchennog, a
- (b) bod y triwlynys yn gwrthod y cais.
- (4) Os bydd y perchennog yn gwneud cais i driwlynys am orchymyn gwrthod o fewn y cyfnod o 21 o ddiwrnodau ond nad yw'r meddiannydd yn cael hysbysiad o'r cais gan y perchennog o fewn y cyfnod hwnnw –

- (a) mae'r cais i'w drin fel pe bai heb ei wneud, a
 - (b) gan hynny mae'r amod cyntaf i'w drin fel pe bai wedi ei fodloni.
- (5) Rhaid i hysbysiad o'r bwriad i roi'r cartref gynnwys –
- (a) y dystiolaeth berthnasol o dan baragraff 11(2), a
 - (b) unrhyw wybodaeth arall a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (6) O ran hysbysiad o'r bwriad i roi cartref neu hysbysiad o gais am orchymyn gwrthod –
- (a) rhaid iddo fod mewn ysgrifen, a
 - (b) caniateir ei gyflwyno drwy'r post.
- (7) Dim ond ar un neu ragor o'r seiliau a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru y caniateir gwneud cais am orchymyn gwrthod; a rhaid i hysbysiad o gais am orchymyn gwrthod bennu ar ba sail neu seiliau y gwneir y cais.
- (8) Ni chaiff y perchennog ei gwneud yn ofynnol i unrhyw daliad gael ei wneud (boed i'r perchennog neu fel arall) mewn cysylltiad â rhoi'r cartref symudol, ac aseinio'r cytundeb, fel y crybwyllir yn is-baragraff (1).
- (9) Caiff Gweinidogion Cymru drwy reoliadau ragnodi gofynion ynglŷn â gweithdrefnau y mae'n rhaid i'r perchennog, y meddiannydd a'r meddiannydd arfaethedig neu'r person y rhoddir y cartref iddo gydymffurfio â hwy mewn cysylltiad â rhoi'r cartref symudol, ac aseinio'r cytundeb, fel y crybwyllir yn is-baragraff (1).

Ail-leoli cartref symudol

- 13 (1) Mae gan y perchennog hawl i'w gwneud yn ofynnol bod hawl y meddiannydd i osod y cartref symudol yn arferadwy am unrhyw gyfnod o ran llain arall sy'n ffurfio rhan o'r safle gwarchoddedig ("y llain arall") –
- (a) os bydd y corff barnwrol priodol, ar gais y perchennog, wedi ei fodloni bod y llain arall yn debyg yn fras i lain wreiddiol y meddiannydd a'i bod yn rhesymol gosod y cartref symudol ar y llain arall am y cyfnod hwnnw, neu
 - (b) os bydd angen i'r perchennog wneud gwaith trwsio hanfodol neu waith brys nad oes modd ei wneud ond os caiff y cartref symudol ei symud i'r llain arall am y cyfnod hwnnw, a naill ai –
 - (i) bod y corff barnwrol priodol, ar gais gan y perchennog, wedi ei fodloni ynglŷn â'r angen hwnnw ac wedi ei fodloni bod y llain arall yn debyg yn fras i lain wreiddiol y meddiannydd, neu
 - (ii) os yw'r brys ynglŷn â'r angen yn golygu ei bod yn anymarferol gwneud cais cyn i'r cartref symudol gael ei ail-leoli.
- (2) Mewn achos pan fo is-baragraff (ii) o baragraff (b) o is-baragraff (1) yn gymwys, rhaid i'r perchennog wneud cais ar unwaith i'r corff barnwrol priodol ac os nad yw'r corff barnwrol priodol wedi ei fodloni fel y crybwyllir yn is-baragraff (i) o'r paragraff hwnnw rhaid i'r perchennog sicrhau ar unwaith fod y cartref symudol yn dychwelyd i'r llain wreiddiol.

- (3) Os bydd y perchennog yn ei gwneud yn ofynnol i'r meddiannydd osod y cartref symudol ar y llain arall er mwyn i'r perchennog amnewid neu drwsio'r sylfaen y gosodwyd y cartref symudol arni, rhaid i'r perchennog sicrhau bod y cartref symudol yn dychwelyd i'r llain wreiddiol pan gwblheir y gwaith amnewid neu'r gwaith trwsio, os bydd y meddiannydd yn gofyn i'r perchennog wneud hynny neu os bydd y corff barnwrol priodol ar gais y meddiannydd yn gorchymyn i'r perchennog wneud hynny.
- (4) Rhaid i'r perchennog dalu'r holl gostau a threuliau yr eir iddynt gan y meddiannydd mewn cysylltiad â symud y cartref symudol yn ôl ac ymlaen i'r llain arall.
- (5) Yn y paragraff hwn a pharagraff 15 ystyr "gwaith trwsio hanfodol neu waith brys" yw –
 - (a) trwsio'r sylfaen y gosodwyd y cartref symudol arni,
 - (b) gwaith neu waith trwsio y mae ei angen i gydymffurfio ag unrhyw ofynion cyfreithiol perthnasol, neu
 - (c) gwaith neu waith trwsio mewn cysylltiad ag adfer ar ôl llifogydd, tirlithriad neu drychineb naturiol arall.

Mwynhau'r cartref symudol yn ddidramgwydd

- 14 Mae gan y meddiannydd hawl i fwynhau'r cartref symudol ynghyd â'r llain yn ddidramgwydd yn ystod cyfnod y cytundeb, yn ddarostyngedig i baragraffau 13 a 15.

Hawl y perchennog i fynd i'r llain

- 15 (1) Caiff y perchennog fynd i'r llain heb hysbysiad ymlaen llaw rhwng 9 am a 6 pm –
 - (a) i roi gohebiaeth ysgrifenedig, gan gynnwys post a hysbysadau, i'r meddiannydd, a
 - (b) i ddarllen unrhyw fesurydd gwasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill a ddarperir gan y perchennog.
- (2) Caiff y perchennog fynd i'r llain i wneud gwaith trwsio hanfodol neu waith brys ar ôl rhoi cymaint o hysbysiad i'r meddiannydd (boed mewn ysgrifen neu fel arall) ag sy'n rhesymol ymarferol o dan yr amgylchiadau.
- (3) Dim ond os yw'r perchennog wedi rhoi o leiaf 14 o ddiwrnodau clir o hysbysiad ysgrifenedig o ddyddiad ac amser yr ymweliad a'r rheswm drosto y caiff y perchennog fynd i'r llain am reswm heblaw'r un a bennir yn is-baragraff (1) neu (2) oni bai bod y meddiannydd wedi cytuno fel arall.
- (4) Nid yw'r hawliau a roddir gan y paragraff hwn yn ymestyn i'r cartref symudol.

Y ffi am y llain

- 16 (1) Dim ond yn unol â'r paragraff hwn y caniateir newid y ffi am y llain, naill ai –
 - (a) gyda chytundeb y meddiannydd, neu
 - (b) os bydd y corff barnwrol priodol, ar gais y perchennog neu'r meddiannydd, o'r farn ei bod yn rhesymol i'r ffi am y llain gael ei newid a'i fod yn gwneud gorchymyn sy'n pennu swm y ffi newydd am y llain.
- (2) Rhaid i'r ffi am y llain gael ei hadolygu'n flynyddol ar ddyddiad yr adolygiad.

- (3) O leiaf 28 o ddiwrnodau clir cyn dyddiad yr adolygiad rhaid i'r perchennog roi hysbysiad ysgrifenedig i'r meddiannydd sy'n nodi cynigion o ran y ffi newydd am y llain.
- (4) Nid yw hysbysiad o dan is-baragraff (3) sy'n cynnig cynnydd yn y ffi am y llain yn effeithiol oni bai bod dogfen yn cyd-fynd ag ef sy'n cydymffurfio â pharagraff 22.
- (5) Os bydd y meddiannydd yn cytuno â'r ffi newydd arfaethedig am y llain, mae'n daladwy o ddyddiad yr adolygiad ymlaen.
- (6) Os na fydd y meddiannydd yn cytuno â'r ffi newydd arfaethedig am y llain—
 - (a) caiff y perchennog neu'r meddiannydd wneud cais i'r corff barnwrol priodol am orchymyn o dan is-baragraff (1)(b) sy'n pennu swm y ffi newydd am y llain,
 - (b) rhaid i'r meddiannydd barhau i dalu'r ffi gyfredol am y llain i'r perchennog hyd nes y cytunir ar y ffi newydd am y llain gan y meddiannydd neu y gwneir gorchymyn sy'n pennu swm y ffi newydd am y llain gan y corff barnwrol priodol o dan is-baragraff (1)(b), ac
 - (c) mae'r ffi newydd am y llain yn daladwy o ddyddiad yr adolygiad ymlaen ond rhaid peidio â barnu bod y meddiannydd mewn ôl-ddyledion tan yr 28ain diwrnod ar ôl y dyddiad y cytunwyd ar y ffi newydd am y llain neu, yn ôl y digwydd, yr 28ain diwrnod ar ôl dyddiad gorchymyn y corff barnwrol priodol sy'n pennu swm y ffi newydd am y llain.
- (7) Caniateir i gais o dan is-baragraff (6)(a) gael ei wneud unrhyw bryd ar ôl diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â dyddiad yr adolygiad ond heb fod yn fwy na 3 mis ar ôl dyddiad yr adolygiad.
- (8) Mae is-baragraffau (9) i (12) yn gymwys os bydd y perchennog—
 - (a) heb gyflwyno'r hysbysiad y gofynnir amdani o dan is-baragraff (3) erbyn yr amser yr oedd yn ofynnol ei gyflwyno, ond
 - (b) ar unrhyw adeg wedyn yn cyflwyno hysbysiad ysgrifenedig i'r meddiannydd sy'n nodi cynigion o ran ffi newydd am y llain.
- (9) Nid yw hysbysiad o dan is-baragraff (8)(b) sy'n cynnig cynnydd yn y ffi am y llain yn effeithiol oni bai bod dogfen yn cyd-fynd ag ef sy'n cydymffurfio â pharagraff 22.
- (10) Os bydd y meddiannydd (unrhyw bryd) yn cytuno â'r ffi arfaethedig am y llain, mae'n daladwy o'r 28ain diwrnod ar ôl y dyddiad y bydd y perchennog yn cyflwyno'r hysbysiad o dan is-baragraff (8)(b).
- (11) Os na fydd y meddiannydd wedi cytuno â'r ffi arfaethedig am y llain—
 - (a) caiff y perchennog neu'r meddiannydd wneud cais i'r corff barnwrol priodol am orchymyn o dan is-baragraff (1)(b) sy'n pennu swm y ffi newydd am y llain,
 - (b) rhaid i'r meddiannydd barhau i dalu'r ffi gyfredol am y llain i'r perchennog hyd nes y cytunir ar y ffi newydd am y llain gan y meddiannydd neu y gwneir gorchymyn sy'n pennu swm y ffi newydd am y llain gan y corff barnwrol priodol o dan is-baragraff (1)(b), ac
 - (c) os bydd y corff barnwrol priodol yn gwneud gorchymyn o'r fath, mae'r ffi newydd am y llain yn daladwy o'r 28ain diwrnod ar ôl y dyddiad y bydd y perchennog yn cyflwyno'r hysbysiad o dan is-baragraff (8)(b).

- (12) Caniateir i gais o dan is-baragraff (11) gael ei wneud unrhyw bryd ar ôl diwedd y cyfnod o 56 o ddiwrnodau sy'n dechrau â'r dyddiad y bydd y perchennog yn cyflwyno'r hysbysiad o dan is-baragraff (8)(b) ond heb fod yn fwy na 4 mis ar ôl y dyddiad y bydd y perchennog yn cyflwyno'r hysbysiad hwnnw.
- (13) Caiff tribiwnlys ganiatáu i gais o dan is-baragraff (6)(a) neu (11)(a) gael ei wneud iddo y tu allan i'r terfyn amser a bennir yn is-baragraff (7) (yn achos cais o dan is-baragraff (6) (a)) neu yn is-baragraff (12) (yn achos cais o dan is-baragraff (11)(a)) os bydd wedi ei fodloni, o dan yr holl amgylchiadau, fod rhesymau da dros fethu â gwneud cais o fewn y terfyn amser cymwys a thros unrhyw ohirio ers hynny wrth wneud cais am ganiatâd i wneud y cais y tu allan i'r amser.
- (14) Rhaid peidio â thrin y meddiannydd fe pe bai mewn ôl-ddyledion –
- (a) pan fo is-baragraff (10) yn gymwys, tan yr 28ain diwrnod ar ôl y dyddiad y cytunir ar y ffi newydd am y llain, neu
 - (b) pan fo is-baragraff (11)(b) yn gymwys, tan yr 28ain diwrnod ar ôl y dyddiad y cytunir ar y ffi newydd am y llain neu, yn ôl y digwydd, yr 28ain diwrnod ar ôl dyddiad gorchymyn y corff barnwrol priodol sy'n pennu swm y ffi newydd am y llain.
- (15) Mae is-baragraff (16) yn gymwys os bydd tribiwnlys, ar gais y meddiannydd, wedi ei fodloni –
- (a) nad oedd hysbysiad o dan is-baragraff (3) neu (8)(b) yn effeithiol o ganlyniad i is-baragraff (4) neu (9), ond
 - (b) bod y meddiannydd er hynny wedi talu'r ffi am y llain a gynigwyd yn yr hysbysiad i'r perchennog.
- (16) Caiff y tribiwnlys orchymyn i'r perchennog dalu i'r meddiannydd, o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â dyddiad y gorchymyn, y gwahaniaeth rhwng –
- (a) y swm yr oedd yn ofynnol i'r meddiannydd ei dalu i'r perchennog am y cyfnod o dan sylw, a
 - (b) y swm y mae'r meddiannydd wedi ei dalu i'r perchennog am y cyfnod hwnnw.
- 17 (1) Wrth bennu swm y ffi newydd am y llain rhaid rhoi sylw yn benodol i'r canlynol –
- (a) unrhyw symiau a wariwyd gan y perchennog ers dyddiad yr adolygiad diwethaf ar welliannau –
 - (i) sydd er lles meddianwyr cartrefi symudol ar y safle gwarchoddedig,
 - (ii) a fu'n destun ymgynghori yn unol â pharagraff 21(1)(e) ac (f), a
 - (iii) nad yw mwyafrif o'r meddianwyr wedi anghytuno â hwy mewn ysgrifen neu, yn achos anghytuno o'r fath, y mae'r corff barnwrol priodol, ar gais y perchennog, wedi gorchymyn y dylid eu cymryd i ystyriaeth wrth bennu swm y ffi newydd am y llain,
 - (b) unrhyw ddirywiad yng nghyflwr, ac unrhyw ostyngiad yn amwynder, y safle neu unrhyw dir cyfagos a feddiennir neu a reolir gan y perchennog ers y dyddiad y daeth yr is-baragraff hwn i rym (i'r graddau nad oes sylw wedi ei roi o'r blaen i'r dirywiad neu'r gostyngiad hwnnw at ddibenion yr is-baragraff hwn),

- (c) unrhyw ostyngiad yn y gwasanaethau y mae'r perchennog yn eu darparu i'r safle, y llain neu'r cartref symudol, ac unrhyw ddirywiad yn ansawdd y gwasanaethau hynny, ers y dyddiad y daeth yr is-baragraff hwn i rym (i'r graddau nad oes sylw wedi ei roi o'r blaen i'r dirywiad neu'r gostyngiad hwnnw at ddibenion yr is-baragraff hwn), a
 - (d) unrhyw effaith uniongyrchol ar y costau sy'n daladwy gan y perchennog o ran cynnal a chadw neu reoli'r safle yn sgil deddfiad sydd wedi dod i rym ers dyddiad yr adolygiad diwethaf.
- (2) Ond rhaid peidio â rhoi sylw, wrth bennu swm y ffi newydd am y llain, i unrhyw gostau yr aed iddynt gan y perchennog ers dyddiad yr adolygiad diwethaf er mwyn cydymffurfio â'r darpariaethau a geir yn y Rhan hon nas cynhwyswyd yn Neddf Cartrefi Symudol 1983 fel yr oedd yn gymwys o ran Cymru cyn i'r Rhan hon ddod i rym.
- (3) Wrth gyfrifo faint yw mwyafrif o'r meddianwyr at ddibenion is-baragraff (1)(a)(iii) rhaid cymryd mai 1 meddiannydd yn unig sydd gan bob cartref symudol ac os oes mwy nag 1 meddiannydd cartref symudol, cymerir mai'r meddiannydd yw p'un bynnag ohonynt y mae'r meddianwyr yn cytuno arno neu, yn niffyg cytundeb, yr un y mae ei enw'n ymddangos gyntaf ar y cytundeb.
- (4) Mewn achos lle nad yw'r ffi am y llain wedi ei hadolygu o'r blaen, mae cyfeiriadau yn y paragraff hwn at ddyddiad yr adolygiad diwethaf i'w darllen fel cyfeiriadau at y dyddiad y cychwynnodd y cytundeb.
- 18 (1) Wrth bennu swm y ffi newydd am y llain, nid oes unrhyw gostau yr aed iddynt gan y perchennog mewn cysylltiad ag ehangu'r safle gwarchoddedig i'w cymryd i ystyriaeth.
- (2) Wrth bennu swm y ffi newydd am y llain, ni chaniateir rhoi sylw –
- (a) i unrhyw gostau yr aed iddynt gan y perchennog o ran cynnal achos o dan y Rhan hon neu'r cytundeb,
 - (b) i unrhyw ffi y mae'n ofynnol i'r perchennog ei thalu yn rhinwedd adran (*gwelliant* 12) neu (*gwelliant* 26), nac
 - (c) i unrhyw gostau yr aed iddynt gan y perchennog mewn cysylltiad â'r canlynol –
 - (i) unrhyw gamau a gymerwyd gan awdurdod lleol o dan adrannau () i () (*gwelliannau* 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50), neu
 - (ii) collfarnu'r perchennog am drosedd o dan adran (*gwelliant* 36).
- 19 (1) Oni bai y byddai hynny'n afresymol, o roi sylw i baragraff 17(1), ni ragdybir bod y ffi am y llain i gynyddu neu i ostwng yn ôl canran nad yw'n fwy na chanran unrhyw gynnydd neu ostyngiad yn y mynegai prisiau defnyddwyr a gyfrifir drwy gyfeirio at y canlynol –
- (a) y mynegai diweddaraf, a
 - (b) y mynegai a gyhoeddwyd am y mis a syrthiodd 12 mis cyn y mis y mae'r mynegai diweddaraf yn cyfeirio ato.
- (2) Yn is-baragraff (1) ystyr "y mynegai diweddaraf" –
- (a) mewn achos pan fo'r perchennog yn cyflwyno hysbysiad o dan baragraff 16(3), yw'r mynegai diwethaf a gyhoeddwyd cyn y diwrnod y cyflwynir yr hysbysiad hwnnw, a

- (b) mewn achos pan fo'r perchennog yn cyflwyno hysbysiad o dan baragraff 16(8)(b), yw'r mynegai diwethaf a gyhoeddwyd cyn y diwrnod yr oedd yn ofynnol i'r perchennog gyflwyno hysbysiad o dan baragraff 16(3).

Rhwymedigaethau'r meddiannydd a rhwymedigaethau cyfatebol y perchennog

20 (1) Rhaid i'r meddiannydd –

- (a) talu'r ffi am y llain i'r perchennog,
- (b) talu i'r perchennog yr holl symiau sy'n ddyledus o dan y cytundeb o ran gwasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill a ddarperir gan y perchennog,
- (c) cadw'r cartref symudol mewn cyflwr cadarn,
- (d) cadw –
 - (i) y tu allan i'r cartref symudol, a
 - (ii) y llain, gan gynnwys pob ffens ac adeilad allanol sy'n perthyn iddi ac i'r cartref symudol, neu a fwynheir gyda hwy, mewn cyflwr glân a chymen, ac
- (e) os bydd y perchennog yn gofyn, rhoi tystiolaeth ddogfennol i'r perchennog o unrhyw gostau neu dreuliau y bydd y meddiannydd yn gofyn am ad-daliad yn eu cylch.

(2) Rhaid i'r perchennog beidio â gwneud unrhyw beth na pheri i unrhyw beth gael ei wneud –

- (a) a allai effeithio'n andwyol ar allu'r meddiannydd i gyflawni'r rhwymedigaeth o dan is-baragraff (1)(c) neu a allai atal y meddiannydd rhag gwneud gwelliannau mewnol i'r cartref symudol nac ymyrryd â gallu'r meddiannydd i wneud hynny, na
- (b) a allai effeithio'n andwyol ar allu'r meddiannydd i gyflawni'r rhwymedigaethau o dan is-baragraff (1)(d) neu a allai atal y meddiannydd rhag gwneud gwelliannau allanol i'r cartref symudol nac ymyrryd â gallu'r meddiannydd i wneud hynny.

(3) Nid yw is-baragraff (2) yn awdurdodi'r meddiannydd i wneud gwaith ar y cartref symudol a waharddwyd gan delerau'r cytundeb neu gan neu o dan unrhyw ddeddfiad.

(4) Os yw telerau'r cytundeb yn caniatáu i waith ar y cartref symudol gael ei wneud â chaniatâd y perchennog yn unig, rhaid peidio â dal y caniatâd hwnnw yn ôl yn afresymol.

Rhwymedigaethau eraill y perchennog

21 (1) Rhaid i'r perchennog –

- (a) os bydd y meddiannydd yn gofyn, ac os bydd y meddiannydd yn talu tâl nad yw'n fwy na £30, roi manylion ysgrifenedig cywir am y canlynol –
 - (i) maint y llain a'r sylfaen y gosodwyd y cartref symudol arno, a
 - (ii) lleoliad y llain a'r sylfaen o fewn y safle gwarchoddedig,

- a rhaid i'r manylion gynnwys mesuriadau rhwng pwyntiau gosod y gellir eu hadnabod ar y safle gwarchoddedig a'r llain a'r sylfaen,
- (b) os bydd y meddiannydd yn gofyn, rhoi tystiolaeth ddogfennol (yn ddi-dâl) i ategu ac i esbonio –
- (i) unrhyw ffi newydd am y llain,
 - (ii) unrhyw daliadau am wasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill sy'n daladwy gan y meddiannydd i'r perchennog o dan y cytundeb, a
 - (iii) unrhyw daliadau, costau neu dreuliau eraill sy'n daladwy gan y meddiannydd i'r perchennog o dan y cytundeb,
- (c) bod yn gyfrifol am drwsio'r sylfaen y gosodwyd y cartref symudol arno ac am gynnal unrhyw wasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill a ddarperir gan y perchennog i'r llain neu i'r cartref symudol,
- (d) cadw'r rhannau hynny o'r safle gwarchoddedig, gan gynnwys ffyrdd mynediad, ffensys terfyn y safle a choed, nad ydynt yn gyfrifoldeb i feddiannydd unrhyw gartref symudol a osodwyd ar y safle gwarchoddedig, mewn cyflwr glân a chymen,
- (e) ymgynghori â'r meddiannydd ynghylch gwelliannau i'r safle gwarchoddedig yn gyffredinol, ac yn arbennig ynghylch y rhai y mae'r perchennog yn dymuno iddynt gael eu cymryd i ystyriaeth wrth bennu swm unrhyw ffi newydd am y llain, ac
- (f) ymgynghori â chymdeithas trigolion gymwys (os oes un) neu (fel arall) â meddianwyr cartrefi symudol a osodwyd ar y safle gwarchoddedig, ynghylch pob mater sy'n ymwneud â gweithredu a rheoli'r safle gwarchoddedig, gwelliannau iddo, neu unrhyw newid arfaethedig yn ei ddefnydd ac a allai effeithio ar y meddianwyr naill ai'n uniongyrchol neu'n anuniongyrchol.
- (2) At ddibenion is-baragraff (1)(e), ystyr "ymgynghori" â'r meddiannydd yw –
- (a) rhoi o leiaf 28 o ddiwrnodau clir o hysbysiad ysgrifenedig i'r meddiannydd am y gwelliannau arfaethedig sydd –
- (i) yn disgrifio'r gwelliannau arfaethedig a sut y byddant o les i'r meddiannydd yn y tymor hir a'r tymor byr,
 - (ii) yn manylu ar sut y gellid effeithio ar y ffi am y llain y tro nesaf y caiff ei hadolygu, a
 - (iii) yn datgan pryd a ble y caiff y meddiannydd gyflwyno sylwadau am y gwelliannau arfaethedig, a
- (b) cymryd i ystyriaeth unrhyw sylwadau a gyflwynir gan y meddiannydd ynghylch y gwelliannau arfaethedig, yn unol â pharagraff (a)(iii), cyn ymgymryd â hwy.
- (3) At ddibenion is-baragraff (1)(f), ystyr "ymgynghori" â chymdeithas trigolion gymwys yw –
- (a) rhoi o leiaf 28 o ddiwrnodau clir o hysbysiad ysgrifenedig i'r gymdeithas neu'r meddianwyr am y materion y cyfeirir atynt yn is-baragraff (1)(f) sydd –
- (i) yn disgrifio'r materion a sut y gallent effeithio ar y meddianwyr naill ai'n uniongyrchol neu'n anuniongyrchol yn y tymor hir a'r tymor byr, a

- (ii) yn datgan pryd a ble y caiff y gymdeithas neu'r meddianwyr gyflwyno sylwadau am y materion, a
 - (b) cymryd i ystyriaeth unrhyw sylwadau a gyflwynir gan y gymdeithas neu'r meddianwyr, yn unol â pharagraff (a)(ii), cyn bwrw ymlaen â'r materion.
- 22 Rhaid i'r ddogfen y cyfeirir ati ym mharagraff 16(4) a (9) –
- (a) bod ar unrhyw ffurf a ragnodir gan Weinidogion Cymru drwy reoliadau,
 - (b) pennu canran unrhyw gynnydd neu ostyngiad yn y mynegai prisiau defnyddwyr a gyfrifwyd yn unol â pharagraff 19,
 - (c) esbonio effaith paragraff 16,
 - (d) pennu'r materion y mae'r swm a gynigir ar gyfer y ffi newydd am y llain i'w priodoli iddynt,
 - (e) cyfeirio at rwymedigaethau'r meddiannydd ym mharagraff 20(1)(c) i (e) ac at rwymedigaethau'r perchennog ym mharagraff 21(1)(c) a (d), ac
 - (f) cyfeirio at rwymedigaethau'r perchennog ym mharagraff 21(1)(e) ac (1)(f) (fel y maent wedi eu glosio gan baragraff 21(2) a (3)).

Enw a chyfeiriad y perchennog

- 23 (1) Rhaid i'r perchennog roi gwybod i'r meddiannydd ac unrhyw gymdeithas trigolion gymwys, drwy hysbysiad, am y cyfeiriad yng Nghymru neu Lloegr lle caniateir i hysbysiadau (gan gynnwys hysbysiadau achosion) gael eu cyflwyno i'r perchennog gan y meddiannydd neu gan gymdeithas trigolion gymwys.
- (2) Os bydd y perchennog yn methu cydymffurfio ag is-baragraff (1), yna (yn ddarostyngedig i is-baragraff (5)) mae unrhyw swm sy'n ddyledus gan y meddiannydd i'r perchennog o ran y ffi am y llain i'w drin at bob diben fel pe na bai'n ddyledus gan y meddiannydd i'r perchennog ar unrhyw adeg cyn i'r perchennog gydymffurfio ag is-baragraff (1).
- (3) Os bydd y perchennog yn unol â'r cytundeb yn rhoi unrhyw hysbysiad ysgrifenedig i'r meddiannydd neu i gymdeithas trigolion gymwys, rhaid i'r hysbysiad gynnwys yr wybodaeth a ganlyn –
- (a) enw a chyfeiriad y perchennog, a
 - (b) os nad yw'r cyfeiriad hwnnw yng Nghymru nac yn Lloegr, cyfeiriad yng Nghymru neu Lloegr lle y caniateir i hysbysiadau (gan gynnwys hysbysiadau achosion) gael eu cyflwyno i'r perchennog.
- (4) Yn ddarostyngedig i is-baragraff (5), pan fo –
- (a) y meddiannydd neu gymdeithas trigolion gymwys yn cael hysbysiad o'r fath, ond
 - (b) y cais hwnnw heb gynnwys yr wybodaeth y mae'n ofynnol ei chynnwys ynddo yn rhinwedd is-baragraff (3),
- mae'r hysbysiad i'w drin fel pe na bai wedi ei roi hyd nes y bydd y perchennog yn rhoi'r wybodaeth i'r meddiannydd neu'r gymdeithas trigolion gymwys o ran yr hysbysiad.

- (5) Nid yw swm na hysbysiad o fewn is-baragraff (2) neu (4) i'w trin fel pe baent wedi eu crybwyll o ran unrhyw amser pan fo penodiad mewn grym, yn rhinwedd gorchymyn gan unrhyw lys neu driwlynys, ar gyfer derbynnydd neu reolwr y mae ei swyddogaethau'n cynnwys derbyn oddi wrth y meddiannydd y ffi am y llain, taliadau am wasanaethau a ddarparwyd neu daliadau eraill.
- (6) Nid oes dim yn is-baragraffau (3) i (5) yn gymwys i unrhyw hysbysiad sy'n cynnwys hawliad y mae paragraff 24(1) yn gymwys iddo.
- 24 (1) Os bydd y perchennog yn gwneud unrhyw hawliad i'r meddiannydd dalu'r ffi am y llain, neu o ran gwasanaethau a ddarparwyd neu daliadau eraill, rhaid i'r hawliad gynnwys—
- (a) enw a chyfeiriad y perchennog, a
 - (b) os nad yw'r cyfeiriad hwnnw yng Nghymru nac yn Lloegr, cyfeiriad yng Nghymru neu Loegr lle y caniateir i hysbysiadau (gan gynnwys hysbysiadau achosion) gael eu cyflwyno i'r perchennog.
- (2) Yn ddarostyngedig i is-baragraff (3), pan fo—
- (a) y meddiannydd yn cael hawliad o'r fath, ond
 - (b) yr hawliad hwnnw heb gynnwys yr wybodaeth y mae'n ofynnol ei chynnwys ynddo yn rhinwedd is-baragraff (1),
- mae'r swm a hawlir i'w drin at bob diben fel pe na bai'n ddyledus gan y meddiannydd i'r perchennog ar unrhyw adeg cyn i'r perchennog roi'r wybodaeth honno i'r meddiannydd o ran yr hawliad.
- (3) Nid yw'r swm a hawlir i'w drin fel pe bai'n ddyledus o ran unrhyw amser pan fo penodiad mewn grym, yn rhinwedd gorchymyn gan unrhyw lys neu driwlynys, ar gyfer derbynnydd neu reolwr y mae ei swyddogaethau'n cynnwys derbyn oddi wrth y meddiannydd y ffi am y llain, taliadau am wasanaethau a ddarparwyd neu daliadau eraill.

Dehongli

25 Yn y Rhan hon—

ystyr "datganiad ysgrifenedig" ("*written statement*") yw'r datganiad ysgrifenedig y mae'n ofynnol i berchennog y safle gwarchoddedig ei roi i'r meddiannydd o dan adran (*gwelliant* 83)(1).

ystyr "dyddiad yr adolygiad" ("*review date*") yw'r dyddiad a bennir yn y datganiad ysgrifenedig fel y dyddiad y caiff y ffi am y llain ei adolygu bob blwyddyn, neu os nad oes dyddiad o'r fath wedi ei bennu, pen-blwydd dyddiad cychwyn y cytundeb;

ystyr "mynegai prisiau defnyddwyr" ("*consumer prices index*") yw'r mynegai cyffredinol o eitemau defnyddwyr (o bob eitem) a gyhoeddir gan y Bwrdd Ystadegau neu, os na cyhoeddir y mynegai hwnnw am fis perthnasol, unrhyw fynegai neu ffigurau o fynegai amgen a gyhoeddir gan y Bwrdd.

RHAN 2

MATERION Y CANIATEIR I DELERAU GAEL EU YMHLYGU YN EU CYLCH GAN Y CORFF
BARNWROL PRIODOL

- 26 Y symiau sy'n daladwy gan y meddiannydd yn unol â'r cytundeb a'r amserau y maent i gael eu talu.
- 27 Adolygiad blynyddol o'r symiau sy'n daladwy gan y meddiannydd yn unol â'r cytundeb.
- 28 Darparu neu wella gwasanaethau sydd ar gael ar y safle gwarchodedig, a defnyddio gwasanaethau o'r fath gan y meddiannydd.
- 29 Cadw amwynder y safle gwarchodedig.'

Carl Sargeant

102

To insert a new schedule—

'SCHEDULE (AMENDMENT 102)
(introduced by section (amendment 91))

FURTHER PROVISIONS ABOUT ORDERS RELATING TO COMMONS

Duty to consult conservators

- 1 Before making an order under section (*amendment 91*)(2) with respect to land which is or forms part of a common of which conservators have been appointed under any local Act, or under any order made under an Act of Parliament, the local authority must consult the conservators.

Procedure for making orders imposing prohibitions

- 2 Before making any order section (*amendment 91*)(2), other than an order the sole effect of which is to revoke or vary a previous order, the local authority must publish in 1 or more local newspapers circulating in the locality in which the land is situated a notice—
- (a) stating the general effect of the order,
 - (b) specifying a place in that locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice, and
 - (c) stating that, within that period, any person may by notice to the local authority object to the making of the order.
- 3 (1) Not later than the date on which notice under paragraph 2 is first published, the local authority must serve a copy of it on every person entitled as lord of the manor or otherwise to the soil of the land unless the local authority is satisfied that the persons entitled to the soil of the land are numerous or cannot after diligent inquiry be ascertained.
- (2) A notice under sub-paragraph (1) may be served on any person by sending it in a registered letter addressed to the person at the person's usual or last known address.
- 4 (1) If, before the end of the period of 28 days beginning with the date of the first publication of a notice under paragraph 2, an objection to the making of the order to which the notice relates is duly made to the local authority by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the local authority must not proceed with the making of the order.
- (2) Subject to that, the local authority may, at any time within 1 year after the end of that period, make an order in the terms of the draft order.
- (3) But if any objection to the making of the order was duly made within that period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the date on which the order is made, the order does not take effect until it is confirmed by the Welsh Ministers.
- (4) Where the local authority submits an order to the Welsh Ministers for confirmation, it must send to the Welsh Ministers a copy of every such objection as is referred to in the sub-paragraph (3).

- (5) The Welsh Ministers, after considering every such objection and (if they think fit) causing a local inquiry to be held, may confirm or refuse to confirm the order and, if they confirm it, may do so subject to such modifications (if any) as they think desirable.

Notice to lord of manor of other orders

- 5 Where the sole effect of an order under section (*amendment 91*)(2) is to revoke or vary a previous order (so that paragraphs 2 to 4 do not apply with respect to the making of the order) the local authority must serve such notices, and take such other steps, as appear to it to be appropriate for informing the persons entitled to the soil of the land of the effect of the order.

Crown land

- 6 (1) Where it is proposed to make an order of the kind described in paragraph 2 with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 to a copy of the notice referred to in that paragraph –
- (a) paragraph 3 has effect as if it required the copy to be served instead on the appropriate authority, and
 - (b) paragraph 4(1) does not apply in relation to the order but the local authority must not make the order unless and until it has obtained the consent in writing of the appropriate authority.
- (2) In this paragraph “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for her Majesty for the purposes of a government department.
- (3) In this paragraph “the appropriate authority” –
- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land,
 - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy,
 - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, and
 - (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
- (4) If any question arises as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.’.

I fewnosod atodlen newydd –

'ATODLEN (GWELLIANT 102)
(a gyflwynir gan adran (gwelliant 91))

DARPARIAETHAU PELLACH YNGHYLCH GORCHMYNION SY'N YMWNEUD Â
THIR COMIN

Dyletswydd i ymgynghori â gwarchodwyr

- 1 Cyn gwneud gorchymyn o dan adran (gwelliant 91)(2) o ran tir sy'n dir comin neu sy'n ffurfio rhan o dir comin y mae gwarchodwyr wedi eu penodi iddo o dan unrhyw Ddeddf lleol, neu o dan unrhyw orchymyn a wnaed o dan Ddeddf Seneddol, rhaid i'r awdurdod lleol ymgynghori â'r gwarchodwyr.

Y weithdrefn ynglŷn â gwneud gorchymynion sy'n gosod gwaharddiadau

- 2 Cyn gwneud unrhyw orchymyn o dan adran (gwelliant 91)(2), heblaw gorchymyn ei unig effaith yw dirymu neu amrywio gorchymyn blaenorol, rhaid i'r awdurdod lleol gyhoeddi mewn 1 neu ragor o bapurau newydd lleol sy'n cylchredeg yn yr ardal y mae'r tir wedi ei leoli ynddi hysbysiad –
- (a) sy'n datgan effaith gyffredinol y gorchymyn,
 - (b) sy'n pennu lle yn yr ardal honno lle y gall unrhyw berson edrych ar gopi o'r gorchymyn drafft yn rhad ac am ddim ar bob adeg resymol yn ystod cyfnod o 28 o ddiwrnodau o ddyddiad cyhoeddi'r hysbysiad am y tro cyntaf, ac
 - (c) sy'n datgan y caiff unrhyw berson wrthwynebu gwneud y gorchymyn, o fewn y cyfnod hwnnw, drwy hysbysiad i'r awdurdod lleol.
- 3 (1) Heb fod yn hwyrach na'r dyddiad y cyhoeddir yr hysbysiad o dan baragraff 2 am y tro cyntaf, rhaid i'r awdurdod lleol gyflwyno copi ohono i bob person sydd â hawl fel arglwydd y maenor neu fel arall i bridd y tir oni bai bod yr awdurdod lleol wedi ei fodloni bod y personau sydd â hawli bridd y tir yn niferus neu ei fod ar ôl ymholi'n ddiwyd yn methu eu canfod.
- (2) Caniateir i hysbysiad o dan is-baragraff (1) gael ei gyflwyno i unrhyw berson drwy ei anfon mewn llythyr cofrestredig wedi ei gyfeirio at y person yng nghyfeiriad arferol neu gyfeiriad hysbys diweddaraf y person.
- 4 (1) Os bydd gwrthwynebiad i wneud y gorchymyn y mae'r hysbysiad yn cyfeirio ato wedi ei wneud yn y modd priodol i'r awdurdod lleol gan unrhyw beron sydd â hawl i bridd y tir cyn diwedd y cyfnod o 28 o ddiwrnodau yn dechrau â'r dyddiad y cyhoeddir hysbysiad o dan baragraff 2 am y tro cyntaf, ac nad yw'r hysbysiad yn cael ei dynnu'n ôl wedyn, rhaid i'r awdurdod lleol beidio â bwrw ymlaen i wneud y gorchymyn.
- (2) Yn ddarostyngedig i hynny, caiff yr awdurdod lleol, ar unrhyw adeg o fewn 1 flwyddyn ar ôl diwedd y cyfnod hwnnw, wneud gorchymyn yn nhelerau'r gorchymyn drafft.
- (3) Ond os cafodd unrhyw wrthwynebiad i wneud y gorchymyn ei wneud yn y modd priodol o fewn y cyfnod hwnnw gan person a oedd heb hawl i bridd y tir, ac nad yw'r gwrthwynebiad wedi ei dynnu'n ôl ar y dyddiad y gwneir y gorchymyn, nid yw'r gorchymyn yn effeithiol hyd nes ei gadarnhau gan Weinidogion Cymru.

- (4) Os bydd yr awdurdod lleol yn cyflwyno gorchymyn i Weinidogion Cymru i'w gadarnhau, rhaid iddo anfon copi at Weinidogion Cymru o bob gwrthwynebiad o'r fath y cyfeirir ato yn is-baragraff (3).
- (5) Caiff Gweinidogion Cymru, ar ôl ystyried pob gwrthwynebiad o'r fath ac (os ydynt yn gweld yn dda) ar ôl peri i ymchwiliad lleol gael ei gynnal, gadarnhau neu wrthod cadarnhau'r gorchymyn ac, os byddant yn ei gadarnhau, cânt wneud hynny yn ddarostyngedig i unrhyw addasiadau y maent yn credu eu bod yn ddymunol (os oes addasiadau o gwbl).

Hysbysu gorchmynion eraill i arglwyddi maenorau

- 5 Os unig effaith gorchymyn o dan adran (*gwelliant 91*)(2) yw dirymu neu amrywio gorchymyn blaenorol (fel nad yw paragraffau 2 i 4 yn gymwys o ran gwneud y gorchymyn) rhaid i'r awdurdod lleol gyflwyno unrhyw hysbysiadu, a chymryd unrhyw gamau eraill, y mae'n ymddangos iddo eu bod yn briodol i roi gwybod i'r personau sydd â hawl i bridd y tir am effaith y gorchymyn.

Tir y Goron

- 6 (1) Pan fwriedir gwneud gorchymyn o'r math a ddisgrifir ym mharagraff 2 o ran tir y mae buddiant ynddo gan y Goron neu Ddugaeth, a bod natur y buddiant yn golygu y byddai gan y person y mae'r buddiant yn perthyn iddo, heblaw am y paragraff hwn, hawl o dan baragraff 3 i gael copi o'r hysbysiad y cyfeirir ato yn y paragraff hwnnw –
- (a) mae paragraff 3 yn effeithiol fel pe bai'n ei gwneud yn ofynnol i'r copi gael ei gyflwyno yn hytrach i'r awdurdod priodol, a
 - (b) nid yw paragraff 4(1) yn gymwys o ran y gorchymyn ond rhaid i'r awdurdod lleol beidio â gwneud y gorchymyn hyd nes ac oni bai ei fod wedi sicrhau cydsyniad ysgrifenedig yr awdurdod priodol.
- (2) Yn y paragraff hwn ystyr "buddiant gan y Goron neu Ddugaeth" yw buddiant sy'n perthyn i'w Mawrhydi yn rhinwedd hawl y Goron neu hawl Dugaeth Caerhifryn, neu sy'n perthyn i Ddugaeth Cernyw, neu sy'n perthyn i adran o'r llywodraeth, neu sy'n cael ei ddal mewn ymddiriedolaeth i'w Mawrhydi at ddibenion adran o'r llywodraeth.
- (3) Yn y paragraff hwn ystyr "yr awdurdod priodol" –
- (a) o ran tir sy'n perthyn i'w Mawrhydi yn rhinwedd hawl y Goron ac sy'n ffurfio rhan o Ystâd y Goron, yw Comisiynwyr Ystâd y Goron, ac, o ran unrhyw dir arall sy'n perthyn i'w Mawrhydi yn rhinwedd hawl y Goron, yw'r adran o'r llywodraeth sy'n rheoli'r tir hwnnw,
 - (b) o ran tir sy'n perthyn i'w Mawrhydi yn rhinwedd hawl Dugaeth Caerhifryn, yw Canghellor y Ddugaeth,
 - (c) o ran tir sy'n perthyn i Ddugaeth Cernyw, yw unrhyw berson y mae Dug Cernyw, neu berchennog Dugaeth Cernyw am y tro, yn ei benodi, a
 - (d) o ran tir sy'n perthyn i adran o'r llywodraeth neu sy'n cael ei ddal mewn ymddiriedolaeth i'w Mawrhydi at ddibenion adran o'r llywodraeth, yw'r adran honno.

- (4) Os bydd unrhyw gwestiwn yn codi o ran pa awdurdod yw'r awdurdod priodol o ran unrhyw dir, mae'r cwestiwn hwnnw i'w gyfeirio at y Trysorlys, sydd biau'r penderfyniad terfynol.'

Carl Sargeant

103

To insert a new schedule—

‘SCHEDULE (AMENDMENT 103)
(introduced by section (amendment 92))

CONSEQUENTIAL AMENDMENTS

Caravan Sites and Control of Development Act 1960 (c. 62)

- 1 (1) The Caravan Sites and Control of Development Act 1960 is amended as follows.
- (2) In section 1, after subsection (1) insert—
 - “(1A) Subsection (1) does not apply in relation to a regulated site within the meaning of the Mobile Homes (Wales) Act 2013.”
- (3) In section 23—
 - (a) in subsection (1), after “any land” insert “in England”, and
 - (b) omit subsection (9).
- (4) In section 24—
 - (a) in subsection (1), after “local authority” insert “in England”, and
 - (b) in subsection (8), omit “in England”.

Caravan Sites Act 1968 (c. 52)

- 2 (1) The Caravan Sites Act 1968 is amended as follows.
- (2) In section 1(2), after “any land” insert “in England”.
- (3) In section 3—
 - (a) in subsections (1)(c) and (1A)(b), omit “or, if the site concerned is in Wales, persistently withdraws or withholds”,
 - (b) in subsection (1AA), omit “in England”.
- (4) In section 13(3), for “Minister” substitute “Secretary of State”.
- (5) In section 16, omit the definition of “the Minister”.

Rating (Caravan Sites) Act 1976 (c. 15)

- 3 In section 6 of the Rating (Caravan Sites) Act 1976—
 - (a) in paragraph (b)—
 - (i) for “that Act” substitute “the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013”, and
 - (ii) for “the Act” substitute “the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013”, and
 - (b) in paragraph (d)—
 - (i) for “that Act” substitute “the Caravan Sites and Control of Development Act 1960”, and

- (ii) insert at the end “or is for purposes of the Mobile Homes (Wales) Act 2013 the owner of the caravan site”.

Mobile Homes Act 1983 (c. 34)

- 4 (1) The Mobile Homes Act 1983 is amended as follows.
- (2) In section 1 –
- (a) in subsection (2)(e), for “appropriate national authority” substitute “Secretary of State”,
 - (b) in subsection (8A), omit “in England and Wales”, and
 - (c) in subsection (9)(b), omit “if made by the Secretary of State”.
- (3) In section 2(6), omit “in England and Wales”.
- (4) In section 2A –
- (a) in subsection (1), for –
 - (i) “appropriate national authority” and
 - (ii) “authority” (in the second place), substitute “Secretary of State”,
 - (b) omit subsection (4),
 - (c) in subsection (5) –
 - (i) omit “by the appropriate national authority”, and
 - (ii) for “the authority” and for “it” (in both places) substitute “the Secretary of State”, and
 - (d) in subsection (6), omit “by the Secretary of State”.
- (5) In section 2C(1), for “in England (other than a gypsy and traveller site)” substitute “, other than a gypsy and traveller site”.
- (6) In section 3(4)(b), for “, 8B or 9” substitute “or (8B)”.
- (7) In section 4 –
- (a) in the heading omit “: England and Wales”, and
 - (b) in subsections (1) and (3), omit “in England or in Wales”.
- (8) In section 5 –
- (a) omit the definition of “the appropriate national authority”, and
 - (b) in the definition of “the court”, omit “or Wales”.
- (9) In Part 1 of Schedule 1 –
- (a) in Chapter 1, in paragraph 1(1) (in both places), (2) and (3), omit “in England and Wales”,
 - (b) in the heading of Chapter 2 omit “IN ENGLAND AND WALES”
 - (c) in Chapter 2, in paragraph 7A, omit sub-paragraph (1),
 - (d) in Chapter 2, omit paragraph 8,
 - (e) in Chapter 2, in paragraph 8A, omit sub-paragraph (1),

- (f) in Chapter 2, omit paragraph 9,
- (g) in Chapter 2, in paragraph 17—
 - (i) in sub-paragraph (2A), for “In the case of a protected site in England, a” substitute “A”,
 - (ii) in sub-paragraph (4)(a), omit “or (in the case of a protected site in England)”,
 - (iii) in sub-paragraph (6A), omit “In the case of a protected site in England,”,
 - (iv) in sub-paragraph (8)(a), omit “(in the case of a protected site in England)”, and
 - (v) in sub-paragraph (11), omit “in England”,
- (h) in Chapter 2, in paragraph 18—
 - (i) in paragraphs (aa) and (ab) of sub-paragraph (1), omit “in the case of a protected site in England,”,
 - (ii) omit paragraph (b) of that sub-paragraph,
 - (iii) in sub-paragraph (ba) of that sub-paragraph, omit “in the case of a protected site in England,”,
 - (iv) omit paragraph (c) of that sub-paragraph,
 - (v) in sub-paragraph (1A), omit “, in the case of a pitch in England,”,
- (i) in Chapter 2, in paragraph 19(3) and (4), for “In the case of a protected site in England, when” substitute “When”,
- (j) in Chapter 2, in paragraph 20—
 - (i) in sub-paragraph (A1), for “In the case of a protected site in England, unless” substitute “Unless”, and
 - (ii) omit sub-paragraphs (1) and (2), and
- (k) in the headings of Chapters 3 and 4, omit “IN ENGLAND AND WALES”.

Local Government Finance Act 1988 (c. 41)

- 5 In paragraph 2B(5) of Schedule 6 to the Local Government Finance Act 1988, in the definition of “caravan site” —
- (a) for “that Act” substitute “the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013”, and
 - (b) for “the Act” substitute “the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013”.

Local Government (Wales) Act 1994 (c. 19)

- 6 In Schedule 16 to the Local Government (Wales) Act 1994, omit paragraph 16(1) and (2).

Environment Act 1995 (c.25)

- 7 (1) Schedule 9 to the Environment Act 1995 is amended as follows.
- (2) In paragraph 1(2)(c), after “commons)” insert “or section 58 of and Schedule 3 to the Mobile Homes (Wales) Act 2013 (power of local authority in Wales to prohibit caravans on commons)”.
- (3) After paragraph 4 insert –
- "4A In the Mobile Homes (Wales) Act 2013 –
- (a) section 57 (power of local authority to provide mobile home sites), and
- (b) paragraph 11 of Schedule 1 (no site licence required by land occupied by local authority),
- shall have effect as if a National Park Authority were a local authority for the purposes of that Act and as if the relevant Park were that Authority's area."

Housing Act 2004 (c. 34)

- 8 (1) The Housing Act 2004 is amended as follows.
- (2) In section 230 –
- (a) in subsection (5ZA), after “the Caravan Sites and Control of Development Act 1960” insert “or Part 2 of the Mobile Homes (Wales) Act 2013”,
- (b) in subsection (5A), after “1983” insert “or Part 4 of the Mobile Homes (Wales) Act 2013, and
- (c) in subsection (5B) –
- (i) in the definition of “mobile home” and “protected site”, after “Act)” insert “or the Mobile Homes (Wales) Act 2013 (see sections 2 and 61 of that Act)”,
- (ii) in the definition of “pitch”, for “that Act” substitute “the Mobile Homes Act 1983 or section 56(3) of the Mobile Homes (Wales) Act 2013”, and
- (iii) in the definition of “pitch fee”, for “that Act, as the case may be” substitute “the Mobile Homes Act 1983 (as the case may be) or section 61 of the Mobile Homes (Wales) Act 2013”.
- (3) In Schedule 13 –
- (a) in paragraph 3(6), for “or the Mobile Homes Act 1983” substitute “, the Mobile Homes Act 1983 or the Mobile Homes (Wales) Act 2013”, and
- (b) in paragraph 8(2), for “or any provision of the Mobile Homes Act 1983” substitute “, any provision of the Mobile Homes Act 1983 or any provision of the Mobile Homes (Wales) Act 2013”.

I fewnosod atodlen newydd –

'ATODLEN (GWELLIANT 103)
(a gyflwynir gan adran (gwelliant 92))

DIWYGIADAU CANLYNIADOL

Deddf Safleoedd Carafannau a Rheoli Datblygu 1960 (p. 62)

- 1 (1) Mae Deddf Safleoedd Carafannau a Rheoli Datblygu 1960 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1, ar ôl is-adran (1) mewnosoder –
- “(1A) Subsection (1) does not apply in relation to a regulated site within the meaning of the Mobile Homes (Wales) Act 2013.”
- (3) Yn adran 23 –
- (a) yn is-adran (1), ar ôl “any land” mewnosoder “in England”, a
- (b) hepgorer is-adran (9).
- (4) Yn adran 24 –
- (a) yn is-adran (1), ar ôl “local authority” mewnosoder “in England”, a
- (b) yn is-adran (8), hepgorer “in England”.

Deddf Safleoedd Carafannau 1968 (p. 52)

- 2 (1) Mae Deddf Safleoedd Carafannau 1968 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1(2), ar ôl “any land” mewnosoder “in England”.
- (3) Yn adran 3 –
- (a) yn is-adrannau (1)(c) ac (1A)(b), hepgorer “or, if the site concerned is in Wales, persistently withdraws or withholds”,
- (b) yn is-adran (1AA), hepgorer “in England”.
- (4) Yn adran 13(3), yn lle “Minister” rhodder “Secretary of State”.
- (5) Yn adran 16, hepgorer y diffiniad o “the Minister”.

Deddf Ardrethu (Safleoedd Carafannau) 1976 (p. 15)

- 3 Yn adran 6 o Ddeddf Ardrethu (Safleoedd Carafannau) 1976 –
- (a) ym mharagraff (b) –
- (i) yn lle “that Act” rhodder “the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013”, a
- (ii) yn lle “the Act” rhodder “the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013”, a
- (b) ym mharagraff (d) –
- (i) yn lle “that Act” rhodder “the Caravan Sites and Control of Development Act 1960”, a

- (ii) mewnosoder ar y diwedd "or is for purposes of the Mobile Homes (Wales) Act 2013 the owner of the caravan site".

Deddf Cartrefi Symudol 1983 (p. 34)

- 4 (1) Mae Deddf Cartrefi Symudol 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1 –
- (a) yn is-adran (2)(e), yn lle "appropriate national authority" rhodder "Secretary of State",
 - (b) yn is-adran (8A), hepgorer "in England and Wales", ac
 - (c) yn is-adran (9)(b), hepgorer "if made by the Secretary of State",.
- (3) Yn adran 2(6), hepgorer "in England and Wales".
- (4) Yn adran 2A –
- (a) yn is-adran (1), yn lle –
 - (i) "appropriate national authority" a
 - (ii) "authority" (yn yr ail le),rhodder "Secretary of State",
 - (b) hepgorer is-adran (4),
 - (c) yn is-adran (5) –
 - (i) hepgorer "by the appropriate national authority", a
 - (ii) yn lle "the authority" ac yn lle "it" (yn y ddau le) rhodder "the Secretary of State", a
 - (d) yn is-adran (6), hepgorer "by the Secretary of State".
- (5) Yn adran 2C(1), yn lle "in England (other than a gypsy and traveller site)" rhodder " , other than a gypsy and traveller site",.
- (6) Yn adran 3(4)(b), yn lle " , 8B or 9" rhodder "or (8B)".
- (7) Yn adran 4 –
- (a) yn y pennawd hepgorer " : England and Wales", a
 - (b) yn is-adrannau (1) a (3), hepgorer "in England or in Wales".
- (8) Yn adran 5 –
- (a) hepgorer y diffiniad o "the appropriate national authority", a
 - (b) yn y diffiniad o "the court", hepgorer "or Wales".
- (9) Yn Rhan 1 o Atodlen 1 –
- (a) ym Mhennod 1, ym mharagraff 1(1) (yn y ddau le), (2) a (3), hepgorer "in England and Wales",
 - (b) ym mhennawd Pennod 2 hepgorer "IN ENGLAND AND WALES"
 - (c) ym Mhennod 2, ym mharagraff 7A, hepgorer is-baragraff (1),
 - (d) ym Mhennod 2, hepgorer paragraff 8,

- (e) ym Mhennod 2, ym mharagraff 8A, hepgorer is-baragraff (1),
- (f) ym Mhennod 2, hepgorer paragraff 9,
- (g) ym Mhennod 2, ym mharagraff 17 –
 - (i) yn is-baragraff (2A), yn lle “In the case of a protected site in England, a” rhodder “A”,
 - (ii) yn is-baragraff (4)(a), hepgorer “or (in the case of a protected site in England)”,
 - (iii) yn is-baragraff (6A), hepgorer “In the case of a protected site in England,”,
 - (iv) yn is-baragraff (8)(a), hepgorer “(in the case of a protected site in England)”, a
 - (v) yn is-baragraff (11), hepgorer “in England”,
- (h) ym Mhennod 2, ym mharagraff 18 –
 - (i) ym mharagraffau (aa) a (ab) o is-baragraff (1), hepgorer “in the case of a protected site in England,”,
 - (ii) hepgorer paragraff (b) o’r is-baragraff hwnnw,
 - (iii) yn is-baragraff (ba) o’r is-baragraff hwnnw, hepgorer “in the case of a protected site in England,”,
 - (iv) hepgorer paragraff (c) o’r is-baragraff hwnnw,
 - (v) yn is-baragraff (1A), hepgorer “, in the case of a pitch in England,”,
- (i) ym Mhennod 2, ym mharagraff 19(3) a (4), yn lle “In the case of a protected site in England, when” rhodder “When”,
- (j) ym Mhennod 2, ym mharagraff 20 –
 - (i) yn is-baragraff (A1), yn lle “In the case of a protected site in England, unless” rhodder “Unless”, a
 - (ii) hepgorer is-baragraffau (1) a (2),
- (k) ym mhenawdau Penodau 3 a 4, hepgorer “IN ENGLAND AND WALES”.

Deddf Cyllid Llywodraeth Leol 1988 (p. 41)

- 5 Ym mharagraff 2B(5) o Atodlen 6 i Ddeddf Cyllid Llywodraeth Leol 1988, yn y diffiniad o “caravan site” –
- (a) yn lle “that Act” rhodder “the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013”, a
 - (b) yn lle “the Act” rhodder “the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013”.

Deddf Llywodraeth Leol (Cymru) 1994 (p. 19)

- 6 Yn Atodlen 16 i Ddeddf Llywodraeth Leol (Cymru) 1994, hepgorer paragraff 16(1) a (2).

Deddf yr Amgylchedd 1995 (p.25)

- 7 (1) Mae Atodlen 9 i Ddeddf yr Amgylchedd 1995 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 1(2)(c), ar ôl “commons)” mewnosoder “or section 58 of and Schedule 3 to the Mobile Homes (Wales) Act 2013 (power of local authority in Wales to prohibit caravans on commons)”.
- (3) Ar ôl paragraff 4 mewnosoder –
- “(4A) In the Mobile Homes (Wales) Act 2013 –
- (a) section 57 (power of local authority to provide mobile home sites), and
- (b) paragraph 11 of Schedule 1 (no site licence required by land occupied by local authority),
- shall have effect as if a National Park Authority were a local authority for the purposes of that Act and as if the relevant Park were that Authority’s area.”

Deddf Tai 2004 (p. 34)

- 8 (1) Mae Deddf Tai Act 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 230 –
- (a) yn is-adran (5ZA), ar ôl “the Caravan Sites and Control of Development Act 1960” mewnosoder “or Part 2 of the Mobile Homes (Wales) Act 2013”,
- (b) yn is-adran (5A), ar ôl “1983” mewnosoder “or Part 4 of the Mobile Homes (Wales) Act 2013”, ac
- (c) yn is-adran (5B) –
- (i) yn y diffiniad o “mobile home” a “protected site”, ar ôl “Act)” mewnosoder “or the Mobile Homes (Wales) Act 2013 (see sections 2 and 61 of that Act)”,
- (ii) yn y diffiniad o “pitch”, yn lle “that Act” rhodder “the Mobile Homes Act 1983 or section 56(3) of the Mobile Homes (Wales) Act 2013”, a
- (iii) yn y diffiniad o “pitch fee”, yn lle “that Act, as the case may be” rhodder “the Mobile Homes Act 1983 (as the case may be) or section 61 of the Mobile Homes (Wales) Act 2013”.
- (3) Yn Atodlen 13 –
- (a) ym mharagraff 3(6), yn lle “or the Mobile Homes Act 1983” rhodder “, the Mobile Homes Act 1983 or the Mobile Homes (Wales) Act 2013”, a
- (b) ym mharagraff 8(2), yn lle “or any provision of the Mobile Homes Act 1983” rhodder “, any provision of the Mobile Homes Act 1983 or any provision of the Mobile Homes (Wales) Act 2013”.

Carl Sargeant

To insert a new schedule –

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'SCHEDULE (AMENDMENT 104)
(introduced by section (amendment 92))

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Pending applications for site licences

- 1 An application for a site licence under the Caravan Sites and Control of Development Act 1960 in respect of a regulated site which has been made to, but not determined by, a local authority before Part 2 comes into force is to be treated after the coming into force of that Part as an application to the local authority for a site licence under that Part in respect of the regulated site.

Temporary continuation of existing site licences

- 2 (1) The coming into force of Part 2 and paragraph 1(2) of Schedule (*amendment 103*) does not affect the continuing operation of the provisions of the Caravan Sites and Control of Development Act 1960 in relation to site licences continued in force under this paragraph.
- (2) A site licence under the Caravan Sites and Control of Development Act 1960 which is in force on the coming into force of Part 2 in respect of a regulated site continues in force until the end of the initial period unless –
- (a) it is revoked during the initial period, or
 - (b) an application for a site licence in respect of the regulated site under Part 2 has been made during the initial period.
- (3) If the site licence under the Caravan Sites and Control of Development Act 1960 is revoked during the initial period it continues in force until its revocation.
- (4) If an application for a site licence in respect of the regulated site under Part 2 is made during the initial period, the site licence under the Caravan Sites and Control of Development Act 1960 continues in force until it is determined (whether during or after the end of the initial period).
- (5) In this paragraph and paragraph 3, "the initial period" means the period of 6 months beginning with the day on which Part 2 comes into force.

Time for determining site licence

- 3 Where an application for a site licence in respect of a regulated site is made under Part 2 before the end of the initial period and at a time when a site licence under the Caravan Sites and Control of Development Act 1960 is in force in respect of the regulated site, section (*amendment 14*)(2) has effect in relation to the application as if for "2 months" there were substituted "6 months".

Continuation of existing model standards

- 4 Any model standards made by the Welsh Ministers under section 5(6) of the Caravan Sites and Control of Development Act 1960 which are in force immediately before the coming into force of Part 2 have effect after that time (until they are replaced) as if made under section (*amendment 20*).

Pre-commencement revocations

- 5 The reference in section (*amendment 14*)(5) to the revocation of a site licence under section (*amendment 36*) or (*amendment 56*) includes a revocation of a site licence under the Caravan Sites and Control of Development Act 1960 under section 9 of that Act.

Pre-commencement offences to count for certain purposes

- 6 The reference in subsection (4)(b) of section (*amendment 36*) to the offence under subsection (1) of that section includes an offence under section 9 of the Caravan Sites and Control of Development Act 1960 in relation to a site licence under that Act in relation to the same land.

Prosecution of pre-commencement offences

- 7 Nothing in any provision of this Act affects the operation of any enactment in relation to offences committed before that provision comes into force.

Old transitionals and savings

- 8 Any transitional provision or saving relating to the coming into force of any provision reenacted in this Act which is capable of having effect in relation to the provision as so reenacted the same effect in relation to the provision as so re-enacted as it had in relation to the provision that it re-enacts.

Temporary reduction of maximum penalty for either way offence tried summarily

- 9 In the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, section (*amendment 77*)(3)(a) has effect as if for “12 months” there were substituted “6 months”.

I fewnosod atodlen newydd –

'ATODLEN (GWELLIANT 104)
(a gyflwynir gan adran (gwelliant 92))

DARPARIAETHAU TROSIANNOL A DARFODOL AC ARBEDION

Ceisiadau am drwyddedau safle sydd yn yr arfaeth

- 1 Mae cais am drwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 o ran safle rheoleiddiedig sydd wedi ei wneud i awdurdod lleol, ond sydd heb ei benderfynu ganddo, cyn i Ran 2 ddod i rym i'w drin ar ôl i'r Rhan honno ddod i rym fel cais i awdurdod lleol am drwydded safle o dan y Rhan honno o ran y safle rheoleiddiedig.

Parhau trwyddedau safle presennol am y tro

- 2 (1) Nid yw dod â Rhan 2 a pharagraff 1(2) o Atodlen (*gwelliant 103*) i rym yn effeithio ar barhad gweithredu darpariaethau Deddf Safleoedd Carafannau a Rheoli Datblygu 1960 o ran trwyddedau safle sy'n parhau mewn grym o dan y paragraff hwn.
- (2) Mae trwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 sydd mewn grym pan ddaw Rhan 2 i rym o ran safle rheoleiddiedig yn parhau mewn rym tan ddiwedd y cyfnod cychwynnol oni bai—
- (a) ei bod yn cael ei dirymu yn ystod y cyfnod cychwynnol, neu
- (b) bod cais am drwydded safle o ran y safle rheoleiddiedig o dan Ran 2 wedi ei wneud yn ystod y cyfnod cychwynnol.
- (3) Os dirymir y drwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 yn ystod y cyfnod cychwynnol mae'n parhau mewn grym hyd nes iddi gael ei dirymu.
- (4) Os gwneir cais am drwydded safle o ran y safle rheoleiddiedig o dan Ran 2 yn ystod y cyfnod cychwynnol, mae'r drwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 yn parhau mewn grym hyd nes iddi gael ei therfynu (boed yn ystod y cyfnod cychwynnol ynteu ar ôl diwedd y cyfnod cychwynnol).
- (5) Yn y paragraff hwn a pharagraff 3, ystyr "y cyfnod cychwynnol" yw' cyfnod o 6 mis sy'n dechrau â'r diwrnod y daw Rhan 2 i rym.

Amser i benderfynu ar drwydded safle

- 3 Pan wneir cais am drwydded safle o ran safle rheoleiddiedig o dan Ran 2 cyn diwedd y cyfnod cychwynnol ac ar adeg pan fo trwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 mewn grym o ran y safle rheoleiddiedig, mae adran (*gwelliant 14*)(2) yn effeithiol o ran y cais fel pe bai "2 fis" wedi ei ddisodli gan "6 mis".

Parhau'r safonau enghreifftiol presennol

- 4 Mae unrhyw safonau enghreifftiol a wneir gan Weinidogion Cymru o dan adran 5(6) o Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 sydd mewn grym yn union cyn i Ran 2 ddod i rym yn effeithiol ar ôl yr amser hwnnw (hyd nes eu disodli) fel pe baent wedi eu gwneud o dan adran (*gwelliant 20*).

Dirymu cyn cychwyn

- 5 Mae'r cyfeiriad yn adran (*gwelliant 14*)(5) at ddirymu trwydded safle o dan adran (*gwelliant 36*) neu (*gwelliant 56*) yn cynnwys dirymu trwydded safle o dan Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 o dan adran 9 o'r Ddeddf honno.

Troseddau cyn cychwyn i gyfrif at ddibenion penodol

- 6 Mae'r cyfeiriad yn is-adran (4)(b) o adran (*gwelliant 36*) at y trosedd o dan is-adran (1) o'r adran honno yn cynnwys trosedd o dan adran 9 o Ddeddf Safleoedd Carafannau a Rheoli Datblygu 1960 o ran trwydded safle o dan y Ddeddf honno o ran yr un tir.

Erlyn troseddau cyn cychwyn

- 7 Nid oes dim mewn unrhyw ddarpariaeth yn y Ddeddf hon yn effeithio ar weithredu unrhyw ddeddfiad o ran troseddau a gyflawnwyd cyn i'r ddarpariaeth honno ddod i rym.

Hen ddarpariaethau trosiannol ac arbedion

- 8 Mae i unrhyw ddarpariaeth drosiannol neu ddarpariaeth arbed sy'n ymwneud â dod ag unrhyw ddarpariaeth a ailddeddfir yn y Ddeddf hon a all fod yn effeithiol o ran y ddarpariaeth fel y'i hailddeddfir yr un effaith o ran y ddarpariaeth fel y'i hailddeddfir ag a oedd iddi o ran y ddarpariaeth y mae'n ei hailddeddfu.

Lleihad dros dro yn y gosb uchaf am drosedd neillog a brofir yn ddiannod

- 9 Yn achos trosedd a gyflawnwyd cyn i adran 154(1) o Ddeddf Cyfiawnder Troseddol 2003 ddod i rym, mae adran (*gwelliant 77*)(3)(a) yn effeithiol fel pe bai "12 mis" wedi ei ddisodli gan "6 mis".'. .

Carl Sargeant

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Long title, page 1, line 1, leave out 'establish a licensing regime for mobile home sites in Wales and to make further provision in relation to the management of such sites and the agreements under which mobile homes are stationed on them.' and insert 'reform and restate the law relating to mobile home sites in Wales.'

Teitl hir, tudalen 1, llinell 1, hepgorer 'Bil gan Gynulliad Cenedlaethol Cymru i sefydlu cyfundrefn drwyddedu i safleoedd cartrefi symudol yng Nghymru ac i wneud rhagor o ddarpariaeth o ran rheoli'r safleoedd hyn a'r cytundebau y gosodir cartrefi symudol arnynt odanynt.' a mewnosoder 'Deddf gan Gynulliad Cenedlaethol Cymru i ddiwygio ac ailddatgan y gyfraith ynglŷn â safleoedd cartrefi symudol yng Nghymru.'