



Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018

2018 dccc 4

Trosolwg

1 Trosolwg o'r Ddeddf hon

- (1) Mae'r Ddeddf hon yn gwneud darpariaeth mewn cysylltiad â landlordiaid cymdeithasol cofrestredig drwy ddiwygio Deddfau presennol, gan gynnwys yn benodol [Ddeddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#).
- (2) Mae adrannau 3 i 5 yn gwneud darpariaeth ynghylch gofynion y mae'n rhaid cydymffurfio â hwy pan fo newidiadau penodol yn cael eu gwneud mewn cysylltiad â threfniadau cyfansoddiadol neu strwythur landlord cymdeithasol cofrestredig.
- (3) Mae adrannau 6 i 9 yn gwneud darpariaeth ynghylch pŵer Gweinidogion Cymru i ymyrryd mewn cysylltiad â swyddogion neu reolaeth landlord cymdeithasol cofrestredig.
- (4) Mae adran 10 yn gwneud darpariaeth ynghylch pwerau Gweinidogion Cymru mewn cysylltiad ag ymchwiliadau i landlordiaid cymdeithasol cofrestredig.
- (5) Mae adrannau 11 a 12 yn gwneud darpariaeth ynghylch hysbysiadau gorfodi a chosbau.
- (6) Mae adrannau 13 i 15 yn gwneud darpariaeth ynghylch gwarediadau tir gan landlordiaid cymdeithasol cofrestredig.
- (7) Mae adran 16 yn cyflwyno Atodlen 1, sy'n gwneud darpariaeth sy'n cyfyngu ar ddylanwad awdurdodau lleol ar fyrddau landlordiaid cymdeithasol cofrestredig.
- (8) Mae adrannau 17 i 20 yn cynnwys darpariaethau cyffredinol sy'n gymwys i'r Ddeddf, gan gynnwys darpariaeth ynghylch y pŵer i wneud diwygiadau canlyniadol, ac ynghylch y Ddeddf yn dod i rym.

*Dehongli***2 Ystyr “Deddf 1996”**

Mae cyfeiriadau yn y Ddeddf hon at “Deddf 1996” yn gyfeiriadau at [Ddeddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#).

Landlord cymdeithasol cofrestredig yn hysbysu am newidiadau cyfansoddiadol, etc.

3 Newid rheolau neu erthyglau

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 9 (newid rheolau cymdeithas gofrestrredig), yn lle is-baragraffau (2) i (5) rhodder—

“(2) The registered society must notify the Welsh Ministers of any amendment to its rules (including a change in its registered office or name).

(3) The reference in sub-paragraph (2) to an amendment to the rules of a society is to be interpreted in accordance with section 149 of the [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#).”

(3) Ym mharagraff 11 (newid erthyglau cwmni), yn lle is-baragraffau (2) i (4) rhodder—

“(2) The company must notify the Welsh Ministers of any change to—

- (a) its name;
- (b) the address of its registered office;
- (c) its articles of association.”

4 Cyfuno a newidiadau strwythurol eraill

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 12 (cyfuno a diddymu), yn is-baragraff (2)—

(a) yn lle “The Financial Conduct Authority shall not register a special resolution which is” rhodder “The society must notify the Welsh Ministers of a special resolution which it has”, a

(b) hepgorer y geiriau o “unless” hyd ddiwedd yr is-baragraff.

(3) Ym mharagraff 12, ar ôl is-baragraff (2) mewnosoder—

“(2A) On giving notification under sub-paragraph (2), a society must also provide the Welsh Ministers with a statement about the consultation carried out by the society with its tenants before passing the resolution to which the notification relates.

(2B) But the requirement in sub-paragraph (2A) does not apply in respect of a resolution passed for the purposes of paragraph (a) of section 112(1) of the 2014 Act (conversion of society into a company).”

(4) Ym mharagraff 12, yn is-baragraff (4), yn lle’r geiriau o “the resolution has no effect” hyd ddiwedd yr is-baragraff rhodder “the society must notify the Welsh Ministers of the resolution.”

(5) Ym mharagraff 12, yn lle is-baragraff (5) rhodder—

“(5) If an instrument of dissolution is approved in accordance with section 119(3) of the 2014 Act (dissolution of society by instrument), the society to which the instrument relates must notify the Welsh Ministers of the approval.”

(6) Ym mharagraff 12, hepgorer is-baragraff (6).

(7) Ym mharagraff 13 (trefniant, atgyfansoddi, etc.), yn lle is-baragraffau (2) i (5) rhodder—

“(2) If a court makes an order under section 899 of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.

(3) If a court makes an order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation) in relation to the company, the company must notify the Welsh Ministers of the order.

(4) If the company passes a resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 (conversion of company into registered society), the company must notify the Welsh Ministers of the resolution.

(5) If a voluntary arrangement is proposed under Part 1 of the Insolvency Act 1986 in relation to a company, the company must notify the Welsh Ministers of the proposal.”

(8) Ym mharagraff 13, yn is-baragraff (6), yn lle'r geiriau o “the resolution has no effect” hyd ddiwedd yr is-baragraff rhodder “the company must notify the Welsh Ministers of the resolution.”

(9) Ym mharagraff 13, hepgorer is-baragraff (7).

(10) Hepgorer paragraff 14 (pŵer Gweinidogion Cymru i gyflwyno deiseb i ddirwyn i ben).

5 Cyfarwyddydau ynghylch hysbysiadau sydd i'w rhoi i Weinidogion Cymru

Yn Atodlen 1 i Ddeddf 1996, ar ôl paragraff 13 mewnosoder—

“Directions to registered social landlords about notifications

13A (1) The Welsh Ministers may give directions to registered social landlords about—

(a) the delivery, form and content of a notification given to the Welsh Ministers under paragraph 9, 11, 12 or 13;

(b) the deadline for giving a notification referred to in paragraph (a).

(2) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give a notification referred to in sub-paragraph (1)(a).

(3) A direction under this paragraph may be given generally in respect of all registered social landlords, or in respect of a particular registered social

landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.

- (4) A direction may vary or revoke a previous direction under this paragraph.
- (5) A registered social landlord must comply with a direction under this paragraph.”

*Pwerau sy'n arferadwy mewn cysylltiad â swyddogion
a rheolaeth landlord cymdeithasol cofrestredig*

6 Diswyddo neu benodi swyddog landlord cymdeithasol cofrestredig

- (1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 4 (pŵer Gweinidogion Cymru i ddiswyddo swyddog), yn is-baragraff (2)(g), yn lle “proper management of the registered social landlord’s affairs” rhodder “registered social landlord’s compliance with a requirement imposed by or under an enactment”.
- (3) Ym mharagraff 6 (pŵer i benodi swyddog elusen gofrestrdig), yn is-baragraff (1)(c), yn lle “for the proper management of the charity’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment”.
- (4) Ym mharagraff 7 (pŵer i benodi swyddog cwmni), yn is-baragraff (1)(c), yn lle “for the proper management of the company’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment”.
- (5) Ym mharagraff 8 (pŵer i benodi swyddog cymdeithas gofrestrdig), yn is-baragraff (1)(c), yn lle “for the proper management of the society’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment”.

7 Tendro neu drosglwyddo swyddogaethau rheoli landlord cymdeithasol cofrestredig

- (1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 15B (tendro rheolaeth), yn is-baragraff (1), yn lle’r geiriau o “that” hyd ddiwedd yr is-baragraff rhodder “that a registered social landlord has failed to comply with a requirement imposed by or under an enactment.”
- (3) Ym mharagraff 15B, yn is-baragraff (2), yn lle “where the misconduct or mismanagement” rhodder “if the failure”.
- (4) Ym mharagraff 15D (trosglwyddo rheolaeth), yn is-baragraff (1), yn lle’r geiriau o “that” hyd ddiwedd yr is-baragraff rhodder “that a registered social landlord has failed to comply with a requirement imposed by or under an enactment.”
- (5) Ym mharagraff 15D, yn lle is-baragraff (2) rhodder—

“(2) But this paragraph does not apply if the failure relates only to the registered social landlord’s provision of housing in England.”

8 Penodi rheolwr ar landlord cymdeithasol cofrestredig

- (1) Yn Atodlen 1 i Ddeddf 1996, mae paragraff 15F (penodi rheolwr) wedi ei ddiwygio fel a ganlyn.
- (2) Yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord has failed to comply with a requirement imposed by or under an enactment."
- (3) Yn is-baragraff (2), yn lle "where the misconduct or mismanagement" rhodder "if the failure".

9 Cyfuno y mae Gweinidogion Cymru yn rhoi effaith iddo

- (1) Yn Atodlen 1 i Ddeddf 1996, mae paragraff 15H (cyfuno) wedi ei ddiwygio fel a ganlyn.
- (2) Yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord which is a registered society has failed to comply with a requirement imposed by or under an enactment."
- (3) Yn lle is-baragraff (2) rhodder—
 - (2) But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England."

Pwerau sy'n arferadwy mewn cysylltiad ag ymchwiliadau etc.

10 Ymchwiliadau ac adroddiadau

- (1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 20 (pŵer Gweinidogion Cymru i gyfarwyddo ymchwiliad), yn is-baragraff (1), yn lle "there may have been misconduct or mismanagement" rhodder "the registered social landlord may have failed to comply with a requirement imposed by or under an enactment."
- (3) Ym mharagraff 23 (pwerau sy'n arferadwy ar sail interim), yn is-baragraff (1)—
 - (a) yn lle paragraff (a)(i) rhodder—
 - (i) that a registered social landlord has failed to comply with a requirement imposed by or under an enactment, and"; a
 - (b) ym mharagraff (b), yn lle'r geiriau o "there" hyd ddiwedd y paragraff hwnnw rhodder "a registered social landlord has failed to comply with a requirement imposed by or under an enactment."
- (4) Ym mharagraff 23, yn is-baragraff (2)(a), yn lle "misconduct or mismanagement" rhodder "failure".
- (5) Ym mharagraff 24 (pwerau sy'n arferadwy o ganlyniad i adroddiad terfynol neu archwiliad), yn is-baragraff (1), yn lle'r geiriau o "there" i "landlord" rhodder "a registered social landlord has failed to comply with a requirement imposed by or under an enactment".

- (6) Ym mharagraff 24, yn is-baragraff (2)(a), yn lle “misconduct or mismanagement” rhodder “failure”.
- (7) Ym mharagraff 27 (pŵer i gyfarwyddo trosglwyddo tir), yn lle is-baragraff (1)(a) rhodder—
- “(a) that it has failed to comply with a requirement imposed by or under an enactment, and”.

Hysbysiadau gorfodi a chosbau

11 Hysbysiadau gorfodi

- (1) Mae adran 50C o Ddeddf 1996 (hysbysiadau gorfodi) wedi ei diwygio fel a ganlyn.
- (2) Yn lle is-adran (3) rhodder—
- “(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.”
- (3) Ar ôl is-adran (10) mewnosoder—
- “(10A) But Case 2 is not to be treated as applying if any of the other cases listed in this section applies.”

12 Gofyniad i dalu cosb

- (1) Mae adran 50H o Ddeddf 1996 (achosion pan ganiateir gosod cosb) wedi ei diwygio fel a ganlyn.
- (2) Yn lle is-adran (3) rhodder—
- “(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.”
- (3) Ar ôl is-adran (6) mewnosoder—
- “(6A) But Case 2 is not to be treated as applying if any of the other cases listed in this section applies.”

Gwarediadau tir

13 Gwaredu tir: cydsyniad

- (1) Yn [Neddf Tai 1985 \(Housing Act 1985 \(c. 68\)\)](#), yn adran 171D (delio dilynol: tŷ annedd cymwys), yn is-adran (2ZA), ar ôl “housing” mewnosoder “or by a registered social landlord”.
- (2) Yn [Neddf Tai 1988 \(Housing Act 1988 \(c. 50\)\)](#), hepgorer adran 81 (cydsyniad sy’n ofynnol ar gyfer gwarediadau dilynol penodol).
- (3) Mae adran 133 o Ddeddf Tai 1988 (cydsyniadau sy’n ofynnol ar gyfer gwarediadau dilynol) wedi ei diwygio fel a ganlyn.
- (4) Yn is-adran (1), hepgorer “as defined in section 81(8) above”.

(5) Yn is-adran (1B), ar ôl “housing” mewnosoder “or to a body registered as a registered social landlord under Chapter 1 of Part 1 of the Housing Act 1996.”

(6) Yn is-adran (7), hepgorer “9 or”.

(7) Ar ôl is-adran (10), mewnosoder—

“(11) In this section “exempt disposal” means—

- (a) the disposal of a dwelling-house to a person having the right to buy it under Part 5 of the Housing Act 1985 (whether the disposal is in fact made under that Part or otherwise);
- (b) a compulsory disposal, within the meaning of Part 5 of the Housing Act 1985;
- (c) the disposal of an easement or rentcharge;
- (d) the disposal of an interest by way of security for a loan;
- (e) the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;
- (f) the grant of an assured tenancy or an assured agricultural occupancy, within the meaning of Part 1 of this Act, or what would be such a tenancy or occupancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act;
- (g) the transfer of an interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee.”

14 Gwaredu tir: hysbysu

Yn Neddf 1996, yn lle adran 9 rhodder—

“9 Notification to Welsh Ministers of disposal of land

- (1) If a registered social landlord disposes of land under section 8, the landlord must notify the Welsh Ministers.
- (2) For the purposes of this section disposing of land means selling it, leasing it, mortgaging it, making it subject to a charge, or disposing of it in any other way.
- (3) The Welsh Ministers may give directions to registered social landlords about—
 - (a) the delivery, form and content of notification under this section;
 - (b) the deadline for giving notification under this section.
- (4) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give notification under this section.
- (5) A direction under this section may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.
- (6) A direction may vary or revoke a previous direction under this section.
- (7) A registered social landlord must comply with a direction under this section.”

15 Cronfa enillion o warediadau

Yn Neddf 1996, hepgorer—

- (a) adran 24 (cronfa enillion o warediadau);
- (b) adran 25 (cymhwyso neu neilltuo enillion o warediadau);
- (c) adran 26 (enillion o warediadau: pŵer i wneud gwybodaeth yn ofynnol).

Aelodaeth o fwrdd a hawliau pleidleisio

16 Cyfyngiad ar aelodaeth awdurdodau lleol o fwrdd a hawliau pleidleisio

Mae Atodlen 1 i'r Ddeddf hon yn mewnosod Pennod 1A newydd i Ran 1 o Ddeddf 1996 (sector rhentu cymdeithasol a reoleiddir gan Weinidogion Cymru), sy'n cyfyngu ar bwerau awdurdodau lleol mewn cysylltiad ag aelodaeth o fwrdd landlord cymdeithasol cofrestredig a'u hawliau pleidleisio.

Cyffredinol

17 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 2 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

18 Pŵer i wneud diwygiadau canlyniadol pellach etc.

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud y cyfryw ddarpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad y maent yn ystyried ei bod yn briodol o ganlyniad i unrhyw ddarpariaeth a wneir gan y Ddeddf hon, neu oddi tani, neu at ddiben rhoi effaith lawn i unrhyw ddarpariaeth a wneir gan y Ddeddf hon, neu oddi tani.
- (2) Yn yr adran hon, ystyr “deddfiad” yw darpariaeth a gynhwysir yn unrhyw un o'r canlynol, pa bryd bynnag y'i deddfir neu y'i gwneir—
 - (a) Deddf Seneddol;
 - (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru;
 - (c) unrhyw offeryn a wneir o dan Ddeddf o fewn paragraff (a), neu Ddeddf neu Fesur o fewn paragraff (b).
- (3) Mewn perthynas â rheoliadau o dan yr adran hon—
 - (a) maent i'w gwneud drwy offeryn statudol;
 - (b) cânt gynnwys darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed.
- (4) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau o dan yr adran hon sy'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn Deddf Seneddol, neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru, oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad ganddo.
- (5) Mae unrhyw offeryn arall sy'n cynnwys rheoliadau o dan yr adran hon yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

19 **Dod i rym**

- (1) Daw'r adran hon ac adran 20 i rym ar y diwrnod ar ôl y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2)—
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth yn y Ddeddf hon i rym.

20 **Enw byr**

Enw byr y Ddeddf hon yw Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.