



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 1022 (Cy. 245)

2016 No. 1022 (W. 245)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Rheoleiddio Tai Rhent
Preifat (Gorchmynion Ad-dalu
Rhent) (Darpariaethau Atodol)
(Cymru) 2016**

**The Regulation of Private Rented
Housing (Rent Repayment Orders)
(Supplementary Provisions) (Wales)
Regulations 2016**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn atodol i ddarpariaethau adrannau 32 a 33 o Ddeddf Tai (Cymru) 2014 ("y Ddeddf"). Mae'r adrannau hynny yn ymdrin â gorchmynion ad-dalu rhent. Yn benodol, maent yn ymdrin â gwneud gorchmynion ad-dalu rhent gan driwlnlys eiddo preswyl ("y triwlnlys") ar gais awdurdod trwyddedu, awdurdod tai lleol ("yr awdurdod") neu denant annedd.

These Regulations supplement the provisions of sections 32 and 33 of the Housing (Wales) Act 2014 ("the Act"). Those sections deal with rent repayment orders. In particular, they deal with the making of rent repayment orders by a residential property tribunal ("the tribunal") on the application of a licensing authority, a local housing authority ("the authority") or a tenant of a dwelling.

Ni ellir gwneud gorchmynion ad-dalu rhent oni bai bod y triwlnlys wedi ei fodloni o ran nifer o faterion. Y mater perthnasol at ddibenion y Rheoliadau hyn yw bod budd-dal tai neu un neu ragor o ddyfarniadau perthnasol o gredyd cynhwysol wedi ei dalu neu eu talu (pa un ai i'r person priodol ai peidio) (adran 33(1)(b)), ar gyfer cyfnod pryd yr ymddengys i'r triwlnlys fod trosedd o dan adran 7(5) neu adran 13(3) o'r Ddeddf wedi ei chyflawni.

Rent repayment orders cannot be made unless the tribunal is satisfied as to a number of matters. The matter that is relevant for the purposes of these Regulations is that housing benefit or one or more relevant awards of universal credit have been paid (whether or not to the appropriate person) (section 33(1)(b)), for a period during which it appears to the tribunal that an offence under section 7(5) or section 13(3) of the Act has been committed.

Pan fo'r triwlnlys wedi ei fodloni bod person wedi ei euogfarnu o drosedd o dan adran 7(5) neu 13(3) o'r Ddeddf a bod budd-dal tai neu ddyfarniad perthnasol o gredyd cynhwysol wedi ei dalu, mae adran 33(1)(b) yn ei gwneud yn ofynnol i'r triwlnlys wneud gorchmynion ad-dalu rhent. Rhaid i'r gorchmynion ad-dalu rhent ei gwneud yn ofynnol i'r person a oedd â'r hawlogaeth, ar yr adeg y talwyd y budd-dal tai neu'r dyfarniad perthnasol o gredyd cynhwysol, i dderbyn y taliadau cyfnodol y talwyd y budd-dal tai neu'r dyfarniad perthnasol o gredyd cynhwysol mewn cysylltiad â hwy ("y person priodol"), dalu i'r awdurdod swm sy'n hafal i gyfanswm y budd-dal tai neu'r dyfarniad perthnasol o gredyd cynhwysol a dalwyd. Mae cyfanswm y budd-dal tai neu'r dyfarniad perthnasol o gredyd cynhwysol a dalwyd, yn gyfanswm a dalwyd mewn cysylltiad â'r

Where the tribunal is satisfied that a person has been convicted of an offence under section 7(5) or 13(3) of the Act and that housing benefit or a relevant award of universal credit was paid, section 33(1)(b) requires the tribunal to make a rent repayment order. The rent repayment order must require the person who, at the time that the housing benefit or a relevant award of universal credit was paid, was entitled to receive the periodical payments in respect of which the housing benefit or a relevant award of universal credit was paid ("the appropriate person") to pay to the authority an amount equal to the total amount of housing benefit paid or relevant award of universal credit paid. The total amount of housing benefit or relevant award of universal credit paid is in respect of the period during which it appears to the tribunal that an offence under

cyfnod pryd yr ymddengys i'r tribiwnlys fod trosedd o dan adran 7(5) neu adran 13(3) o'r Ddeddf wedi ei chyflawni.

Mae gan y tribiwnlys ddisgresiwn i wneud gorchymyn ad-dalu rhent am y cyfryw swm sy'n rhesymol yn yr amgylchiadau.

Mae rheoliad 2 o'r Rheoliadau hyn yn caniatáu i awdurdod sydd wedi gwneud cais am orchymyn ad-dalu rhent ofyn am ganiatâd y tribiwnlys i ddiwygio ei gais pan fo'n credu y gordalwyd budd-dal tai neu ddyfarniad perthnasol o gredyd cynhwysol. Mae'r cais mewn cysylltiad â'r swm o fudd-dal tai neu ddyfarniad perthnasol o gredyd cynhwysol y mae'r awdurdod yn credu ei fod yn briodol daladwy o dan Reoliadau Budd-dal Tai 2006 neu Reoliadau Budd-dal Tai (Personau sydd wedi cyrraedd yr oed cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006. Mae paragraff (3) o reoliad 2 yn diffinio "yn briodol daladwy" mewn cysylltiad â budd-dal tai sy'n daladwy o dan Reoliadau Budd-dal Tai 2006 a chredyd cynhwysol sy'n daladwy o dan Reoliadau Credyd Cynhwysol 2013.

Mae rheoliad 3 yn pennu at ba ddibenion y caniateir defnyddio arian a dderbynnir gan yr awdurdod o dan orchymyn ad-dalu rhent.

Mae rheoliad 4 yn ei gwneud yn ofynnol i'r awdurdod dalu i Gronfa Gyfunol Cymru symiau a dderbynnir o dan orchymyn ad-dalu rhent nas defnyddir at y dibenion a bennir yn rheoliad 3.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

section 7(5) or section 13(3) of the Act was committed.

The tribunal has discretion to make a rent repayment order for such an amount as is reasonable in the circumstances.

Regulation 2 of these Regulations permits an authority that has made an application for a rent repayment order to seek leave from the tribunal to amend its application where it believes that there has been an overpayment of housing benefit or a relevant award of universal credit. The application is in respect of the amount of housing benefit or a relevant award of universal credit that the authority believes is properly payable under the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Paragraph (3) of regulation 2 defines "properly payable" in respect of housing benefit payable under the Housing Benefit Regulations 2006 and universal credit payable under the Universal Credit Regulations 2013.

Regulation 3 specifies the purposes for which monies received by the authority under a rent repayment order may be applied.

Regulation 4 requires the authority to pay into the Welsh Consolidated Fund amounts received under a rent repayment order that are not applied for the purposes specified in regulation 3.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with the Regulations.

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Gwnaed 17 Hydref 2016
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 21 Hydref 2016
Yn dod i rym 24 Tachwedd 2016

Made 17 October 2016
Laid before the National Assembly for Wales
21 October 2016
Coming into force 24 November 2016

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir iddynt gan adran 34(1) o Ddeddf Tai (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the power conferred on them by section 34(1) the Housing (Wales) Act 2014(1), make the following Regulations:

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rheoleiddio Tai Rhent Preifat (Gorchmynion Ad-dalu Rhent) (Darpariaethau Atodol) (Cymru) 2016, a deuant i rym ar 24 Tachwedd 2016.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Regulation of Private Rented Housing (Rent Repayment Orders) (Supplementary Provisions) (Wales) Regulations 2016 and they come into force on 24 November 2016.

(2) Yn y Rheoliadau hyn—

ystyr “yr awdurdod” (“*the authority*”) yw awdurdod trwyddedu neu awdurdod tai lleol; ac
ystyr “y Ddeddf” (“*the Act*”) yw Ddeddf Tai (Cymru) 2014.

(2) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Housing (Wales) Act 2014; and
“the authority” (“*yr awdurdod*”) means a licensing authority or a local housing authority.

**Diwygio cais am orchymyn ad-dalu rhent i dynnu
ymaith fudd-dal tai neu ddyfarniad perthnasol o
gredyd cynhwysol nad oedd yn briodol daladwy**

2.—(1) Mae paragraff (2) yn gymwys os, yn ystod achos ar gais o dan adran 32(1) o'r Ddeddf (gorchmynion ad-dalu rhent), daw i sylw'r awdurdod mewn cysylltiad â thaliadau cyfnodol sy'n daladwy mewn cysylltiad â thenantiaeth ddomestig yr annedd y

**Amendment of an application for a rent repayment
order to remove housing benefit or a relevant
award of universal credit not properly payable**

2.—(1) Paragraph (2) applies if, in the course of proceedings on an application under section 32(1) of the Act (rent repayment orders), it comes to the notice of the authority that in respect of periodical payments payable in connection with a domestic tenancy of the

mae'r cais yn ymwneud ag ef y gall fod budd-dal tai neu ddyfarniad perthnasol o gredyd cynhwysol wedi ei dalu nad oedd yn briodol daladwy.

(2) Caiff yr awdurdod wneud cais i'r tribiwnlys eiddo preswyl am ganiatâd i ddiwygio ei gais drwy roi—

- (a) yn achos budd-dal tai, yn lle cyfanswm y budd-dal tai a dalwyd, y rhan honno o'r swm hwnnw y mae'n credu ei bod yn briodol daladwy;
- (b) yn achos dyfarniad perthnasol o gredyd cynhwysol, yn lle'r swm y cyfeirir ato yn adran 33(2)(a) o'r Ddeddf y credid yn wreiddiol ei fod yn gymwys, y swm y credir bellach ei fod yn gymwys (os yw'n wahanol).

(3) At ddibenion paragraffau (1) a (2)—

- (a) mae swm o fudd-dal tai yn briodol daladwy os yw'r person y'i telir iddo, neu y'i telir mewn cysylltiad ag ef, â hawlogaeth iddo o dan Reoliadau Budd-dal Tai 2006(1) neu Reoliadau Budd-dal Tai (Personau sydd wedi cyrraedd yr oed cymwys ar gyfer credyd pensiwn y wladwriaeth) 2006(2) (pa un ai yn y penderfyniad cychwynnol neu fel y'i diwygiwyd neu y'i disodlwyd ar ôl hynny, neu fel y'i diwygiwyd neu y'i disodlwyd ymhellach); a
- (b) mae dyfarniad perthnasol o gredyd cynhwysol yn briodol daladwy os yw'r person y'i telir iddo, neu y'i telir mewn cysylltiad ag ef, â hawlogaeth iddo o dan Reoliadau Credyd Cynhwysol 2013(3) (pa un ai yn y penderfyniad cychwynnol neu fel y'i diwygiwyd neu y'i disodlwyd ar ôl hynny, neu fel y'i diwygiwyd neu y'i disodlwyd ymhellach).

Defnyddio symiau a adenillir o dan orchymyn ad-dalu rhent

3.—(1) Yn ddarostyngedig i baragraff (3), caiff yr awdurdod ddefnyddio swm a adenillir o dan orchymyn ad-dalu rhent at unrhyw rai o'r dibenion a grybwyllir ym mharagraff (2).

(2) Y dibenion yw ad-dalu costau a threuliau'r awdurdod (pa un ai'n gostau gweinyddol neu gyfreithiol) yr aed iddynt wrth, neu sy'n gysylltiedig â—

- (a) gwneud y cais o dan adran 32(1) o'r Ddeddf;

dwelling to which the application relates there may have been a payment of housing benefit or of a relevant award of universal credit that was not properly payable.

(2) The authority may apply to the residential property tribunal for leave to amend their application by substituting—

- (a) in the case of housing benefit, for the total amount of housing benefit paid, such part of that amount as they believe is properly payable;
- (b) in the case of a relevant award of universal credit, for the amount referred to in section 33(2)(a) of the Act that was originally believed to apply, the amount that is now believed to apply (if different).

(3) For the purposes of paragraphs (1) and (2)—

- (a) an amount of housing benefit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Housing Benefit Regulations 2006(1) or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(2) (whether on the initial decision or as subsequently revised or superseded or further revised or superseded); and
- (b) a relevant award of universal credit is properly payable if the person to whom, or in respect of whom, it is paid is entitled to it under the Universal Credit Regulations 2013(3) (whether on the initial decision or as subsequently revised or superseded or further revised or superseded).

Application of amounts recovered under a rent repayment order

3.—(1) Subject to paragraph (3), the authority may apply an amount recovered under a rent repayment order for any of the purposes mentioned in paragraph (2).

(2) The purposes are the reimbursement of the authority's costs and expenses (whether administrative or legal) incurred in, or associated with—

- (a) the making of the application under section 32(1) of the Act;

(1) O.S. 2006/213.

(2) O.S. 2006/214.

(3) O.S. 2013/376.

(1) S.I. 2006/213.

(2) S.I. 2006/214.

(3) S.I. 2013/376.

- (b) ymdrin ag unrhyw gais am drwydded o dan Ran 1 o'r Ddeddf (Rheoleiddio tai rhent preifat);
- (c) erlyn y person priodol am drosedd o dan adran 7(5) o'r Ddeddf neu, yn ôl y digwydd, adran 13(3) o'r Ddeddf (pa un a gychwynnir achos cyn neu ar ôl gwneud y gorchymyn).

(3) Nid oes dim ym mharagraff (1) yn awdurdodi defnyddio swm ar gyfer ad-dalu costau neu dreuliau awdurdod os cafodd y costau neu'r treuliau hynny eu talu eisoes gan neu ar ran y person priodol.

Trin gwargedau

4. Rhaid talu swm a adenillir o dan orchymyn ad-dalu rhent nas defnyddir at ddiben a grybwyllir yn rheoliad 3(2) i Gronfa Gyfunol Cymru.

- (b) dealing with any application for a licence under Part 1 of the Act (Regulation of private rented housing);
- (c) the prosecution of the appropriate person for an offence under section 7(5) of the Act or, as the case may be, section 13(3) of the Act (whether proceedings are instituted before or after the making of the order).

(3) Nothing in paragraph (1) authorises the application of an amount by way of reimbursement of an authority's costs or expenses where those costs or expenses have already been paid by or on behalf of the appropriate person.

Treatment of surpluses

4. An amount recovered under a rent repayment order which is not applied for a purpose mentioned in regulation 3(2), must be paid into the Welsh Consolidated Fund.

Carl Sargeant

Ysgrifennydd y Cabinet dros Gymunedau a Phlant, un o Weinidogion Cymru
17 Hydref 2016

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Cabinet Secretary for Communities and Children, one of the Welsh Ministers
17 October 2016

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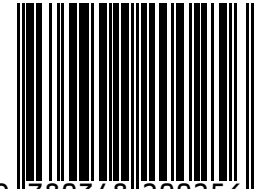
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