

Mesur Tai (Cymru) 2011

2011 mccc 5

RHAN 2

LANDLORDIAID CYMDEITHASOL COFRESTREDIG

PENNOD 4

GORFODI

Iawndal

64 Seiliau ar gyfer dyfarnu iawndal

Ar ôl adran 50N o Ddeddf Tai 1996 mewnosoder-

"Compensation

" 500 Grounds for award

- (1) The Welsh Ministers may require a registered social landlord to pay compensation if they are satisfied that—
 - (a) either of the following cases applies, and
 - (b) the award of compensation is appropriate (whether or not as part of a response including other action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.
- (3) Case 2 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it."

Statws This is the original version (as it was originally enacted).

65 Personau y caniateir dyfarnu iawndal iddynt

Ar ôl adran 500 o Ddeddf Tai 1996 mewnosoder-

"50P Persons to whom compensation may be awarded

Compensation in respect of a failure may be awarded to one or more persons who have suffered as a result of the failure."

66 Dyfarnu iawndal

Ar ôl adran 50P o Ddeddf Tai 1996 mewnosoder-

"50Q Award

- Compensation is awarded by the Welsh Ministers giving notice (a "compensation notice") to—
 - (a) the registered social landlord, and
 - (b) the person to be compensated.
- (2) The notice must specify—
 - (a) the grounds on which the compensation is awarded,
 - (b) the amount of the compensation,
 - (c) the person to be compensated,
 - (d) a period within which it must be paid, and
 - (e) any interest or additional compensation which, by virtue of section 50U(2), is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the compensation award in a specified manner.
- (4) The notice must explain the effect of sections 50U(1) and (3) and 50V."

67 Effaith

Ar ôl adran 50Q o Ddeddf Tai 1996 mewnosoder-

"50R Impact

- (1) This section applies when the Welsh Ministers are considering-
 - (a) whether to award compensation, or
 - (b) the amount of compensation to award.
- (2) The Welsh Ministers must take account of any information available to them about the financial situation of the registered social landlord.
- (3) The Welsh Ministers must consider the likely impact of the compensation on the registered social landlord's ability to provide services.
- (4) In particular, the Welsh Minsters must aim to avoid—
 - (a) jeopardising the financial viability of the registered social landlord,

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- (b) preventing the registered social landlord from honouring financial commitments, or
- (c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded."

68 Rhybuddio

Ar ôl adran 50R o Ddeddf Tai 1996 mewnosoder-

"50S Warning

- (1) Before giving a compensation notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a "pre-compensation warning")—
 - (a) specifying grounds on which the Welsh Ministers think compensation could be awarded,
 - (b) warning the landlord that the Welsh Ministers are considering awarding compensation to a specified person,
 - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any compensation, and
 - (d) explaining the effect of sections 50T, 50U(1) and (3) and 50V.
- (2) Before giving a pre-compensation warning the Welsh Ministers must consult the Public Services Ombudsman for Wales.
- (3) The Welsh Ministers must send a copy of a pre-compensation warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-compensation warning is given).
- (4) A pre-compensation warning must-
 - (a) refer to section 6A, and
 - (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, awarding compensation.
- (5) A pre-compensation warning may be combined with notice under one or more of the following—
 - (a) section 50K,
 - (b) paragraphs 15C, 15E and 15G of Schedule 1."

69 Sylwadau

Ar ôl adran 50S o Ddeddf Tai 1996 mewnosoder-

"50T Representations

- (1) A pre-compensation warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (2) The period must—
 - (a) be a period of at least 28 days, and

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- (b) begin with the date on which the registered social landlord receives the pre-compensation warning.
- (3) Representations may address—
 - (a) whether compensation should be awarded;
 - (b) the amount of any compensation that may be awarded.
- (4) After the end of the period specified under subsection (1) the Welsh Ministers must—
 - (a) consider any representations made, and
 - (b) decide whether to award compensation."

70 Gorfodi

Ar ôl adran 50T o Ddeddf Tai 1996 mewnosoder-

"50U Enforcement

- (1) Compensation is to be treated as a debt owed to the person to whom it is awarded.
- (2) The Welsh Ministers may—
 - (a) award interest on compensation not paid during the period specified under section 50Q(2)(d);
 - (b) award additional compensation where compensation is not paid during that period.
- (3) Interest and additional compensation are to be treated as compensation."

71 Apelio

Ar ôl adran 50U o Ddeddf Tai 1996 mewnosoder-

"50V Appeal

A registered social landlord who is given a compensation notice may appeal to the High Court against—

- (a) the award of compensation,
- (b) its amount, or
- (c) both."