



Mesur Tai (Cymru) 2011

2011 mccc 5

Housing (Wales) Measure 2011

2011 nawm 5

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Measure and are available separately.

£16.00



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CYNNWYS

RHAN 1

ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

PENNOD 1

CYFARWYDDIADAU I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

1. Pŵer i wneud cais am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig
2. Ymgynghori
3. Cais am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig
4. Ystyriaeth o gais gan Weinidogion Cymru
5. Penderfyniad Gweinidogion Cymru ar y cais
6. Dyroddi cyfarwyddyd

PENNOD 2

AMRYWIO CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

7. Ystyr "amrywiad ehangu" ac "amrywiad lleihau" etc
8. Amrywiad ehangu: pŵer i wneud cais
9. Amrywiad ehangu: ymgynghori
10. Cais am amrywiad ehangu
11. Ystyriaeth gan Weinidogion Cymru o gais am amrywiad ehangu
12. Penderfyniad Gweinidogion Cymru ar y cais



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2011 nawn 5

CONTENTS

PART 1

SUSPENSION OF THE RIGHT TO BUY AND RELATED RIGHTS

CHAPTER 1

DIRECTIONS SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

1. Power to apply for direction suspending the right to buy and related rights
2. Consultation
3. Application for direction suspending the right to buy and related rights
4. Consideration by the Welsh Ministers of an application
5. Decision of the Welsh Ministers on the application
6. Issue of direction

CHAPTER 2

VARIATION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

7. Meaning of “enlarging variation” and “reducing variation” etc
8. Enlarging variation: power to apply
9. Enlarging variation: consultation
10. Application for enlarging variation
11. Consideration by the Welsh Ministers of an application for an enlarging variation
12. Decision of the Welsh Ministers on the application

13. Dyroddi cyfarwyddyd a amrywiwyd i gynnwys elfennau ehangu
14. Amrywiad lleihau: pŵer i wneud cais
15. Cais am amrywiad lleihau
16. Penderfyniad Gweinidogion Cymru ar y cais
17. Dyroddi cyfarwyddyd a amrywiwyd i gynnwys elfennau lleihau

PENNOD 3

ESTYN CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

18. Cais am estyniad: pŵer i wneud cais
19. Cais am estyniad: ymgynghori
20. Cais am estyniad
21. Penderfyniad Gweinidogion Cymru ar y cais
22. Dyroddi cyfarwyddyd wedi ei ymestyn

PENNOD 4

DIRYMU CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

23. Dirymu cyfarwyddyd: pŵer i wneud cais
24. Cais i ddirymu
25. Penderfyniad Gweinidogion Cymru ar y cais

PENNOD 5

CEISIADAU: DARPARIAETHAU CYFFREDINOL

26. Tynnu cais yn ôl
27. Darparu gwybodaeth bellach
28. Cyhoeddi cyfarwyddiadau
29. Cyfyngu ar geisiadau dro ar ôl tro
30. Canllawiau

13. Issue of direction as varied to include enlarging elements
14. Reducing variation: power to apply
15. Application for reducing variation
16. Decision of the Welsh Ministers on the application
17. Issue of direction as varied to include reducing elements

CHAPTER 3

EXTENSION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

18. Extension application: power to apply
19. Extension application: consultation
20. Application for extension
21. Decision of the Welsh Ministers on the application
22. Issue of direction as extended

CHAPTER 4

REVOCAATION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

23. Revocation of direction: power to apply
24. Application for revocation
25. Decision of the Welsh Ministers on the application

CHAPTER 5

APPLICATIONS: GENERAL PROVISIONS

26. Withdrawal of application
27. Provision of further information
28. Publication of directions
29. Restriction on repeat applications
30. Guidance

PENNOD 6

DIWYGIADAU I DDEDDF TAI 1985

31. Canlyniad i benderfyniad gan Weinidogion Cymru i ystyried ceisiadau penodol
32. Effaith cyfarwyddyd i atal dros dro yr hawl i brynu

PENNOD 7

AMRYWIOL

33. Dehongli Rhan 1
34. Gorchmynion canlyniadol etc

RHAN 2

LANDLORDIAID CYMDEITHASOL COFRESTRDIG

PENNOD 1

PERFFORMIAD

35. Safonau perfformiad
36. Canllawiau ar safonau perfformiad
37. Ymgynghori
38. Gwybodaeth o ran lefelau perfformiad
39. Canllawiau ynghylch cwynion am berfformiad
40. Ymgynghori

PENNOD 2

YMGYMERIADAU GWIRFODDOL

41. Ymgymeriadau gwirfoddol

PENNOD 3

RHEOLEIDDIO

Gwneud arolwg ac archwilio

42. Methu â rhoi hysbysiad i feddianwyr

CHAPTER 6

AMENDMENTS TO THE HOUSING ACT 1985

31. Consequence of the Welsh Ministers deciding to consider certain applications
32. Effect of direction to suspend the right to buy

CHAPTER 7

MISCELLANEOUS

33. Interpretation of Part 1
34. Consequential etc orders

PART 2

REGISTERED SOCIAL LANDLORDS

CHAPTER 1

PERFORMANCE

35. Standards of performance
36. Guidance on standards of performance
37. Consultation
38. Information as to levels of performance
39. Guidance about complaints about performance
40. Consultation

CHAPTER 2

VOLUNTARY UNDERTAKINGS

41. Voluntary undertakings

CHAPTER 3

REGULATION

Survey and examination

42. Failure to give notice to occupiers

Cynnal arolygiad

43. Cynnal arolygiad: trosolwg a chymhwyso
44. Cynnal arolygiad
45. Cynnal arolygiad: atodol
46. Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu
47. Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu: atodol
48. Pwerau arolygydd i gael mynediad ac edrych ar ddogfennau

Ymchwiliad

49. Archwiliad anghyffredin at ddibenion ymchwiliad

PENNOD 4**GORFODI***Cyffredinol*

50. Pwerau gorfodi Gweinidogion Cymru: cyffredinol
51. Arfer pwerau gorfodi

Hysbysiad gorfodi

52. Seiliau ar gyfer rhoi hysbysiad
53. Cynnwys
54. Apelio
55. Tynnu'n ôl
56. Sancsiwn

Cosb

57. Seiliau ar gyfer rhoi cosb
58. Rhoi cosb
59. Swm y gosb
60. Rhybuddio
61. Sylwadau
62. Gorfodi
63. Apelio

Iawndal

64. Seiliau ar gyfer dyfarnu iawndal
65. Personau y caniateir dyfarnu iawndal iddynt
66. Dyfarnu iawndal
67. Effaith

Inspection

- 43. Inspection: overview and application
- 44. Inspection
- 45. Inspection: supplemental
- 46. Inspector's powers to require provision of documents or information
- 47. Inspector's powers to require provision of documents or information: supplemental
- 48. Inspector's powers of entry and inspection

Inquiry

- 49. Extraordinary audit for purposes of inquiry

CHAPTER 4

ENFORCEMENT

General

- 50. Welsh Ministers' enforcement powers: general
- 51. Exercise of enforcement powers

Enforcement notice

- 52. Grounds for giving notice
- 53. Content
- 54. Appeal
- 55. Withdrawal
- 56. Sanction

Penalty

- 57. Grounds for imposition
- 58. Imposition
- 59. Amount
- 60. Warning
- 61. Representations
- 62. Enforcement
- 63. Appeal

Compensation

- 64. Grounds for award
- 65. Persons to whom compensation may be awarded
- 66. Award
- 67. Impact

- 68. Rhybuddio
- 69. Sylwadau
- 70. Gorfodi
- 71. Apelio

Rheolaeth a chyfansoddiad landlordiaid cymdeithasol cofrestredig

- 72. Tendr rheoli
- 73. Tendr rheoli: atodol
- 74. Trosglwyddo rheolaeth
- 75. Trosglwyddo rheolaeth: atodol
- 76. Penodi rheolwr ar landlord cymdeithasol cofrestredig
- 77. Penodi rheolwr: atodol
- 78. Cyfuno
- 79. Cyfyngiadau ar drafodion yn ystod ymchwiliad
- 80. Cyfyngiadau ar drafodion yn dilyn ymchwiliad neu archwiliad anghyffredin
- 81. Anghymhwysu person a gafodd ei symud o swydd
- 82. Gweithredu tra bônt wedi eu hanghymhwysu

PENNOD 5

DARPARIAETHAU AMRYWIOL A CHYFFREDINOL

- 83. Ansoffedd, etc landlord cymdeithasol cofrestredig: penodi rheolwr dros dro
- 84. Symud swyddogion o swydd
- 85. Penodi swyddogion newydd
- 86. Elusennau sydd “wedi cael cymorth cyhoeddus”
- 87. Mân ddiffiniadau
- 88. Mân ddiwygiadau a diwygiadau canlyniadol

RHAN 3

DARPARIAETHAU ATODOL A DARPARIAETHAU TERFYNOL

- 89. Gorchmynion
- 90. Cychwyn
- 91. Enw byr

Yr Atodlen – Mân ddiwygiadau a diwygiadau canlyniadol

68. Warning
69. Representations
70. Enforcement
71. Appeal

Management and constitution of registered social landlords

72. Management tender
73. Management tender: supplemental
74. Management transfer
75. Management transfer: supplemental
76. Appointment of manager of registered social landlord
77. Appointment of manager: supplemental
78. Amalgamation
79. Restrictions on dealings during an inquiry
80. Restrictions on dealings following an inquiry or extraordinary audit
81. Disqualification of removed person
82. Acting while disqualified

CHAPTER 5

MISCELLANEOUS AND GENERAL PROVISIONS

83. Insolvency, etc of registered social landlord: appointment of interim manager
84. Removal of officers
85. Appointment of new officers
86. Charities that have “received public assistance”
87. Minor definitions
88. Minor and consequential amendments

PART 3

SUPPLEMENTARY AND FINAL PROVISIONS

89. Orders
90. Commencement
91. Short title

Schedule – Minor and consequential amendments



Mesur Tai (Cymru) 2011

MESUR Cynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer atal dros dro yr hawl i brynu o dan Ddeddf Tai 1985 a hawliau cysylltiedig, i wneud darpariaeth bellach ynghylch rheoleiddio landlordiaid cymdeithasol cofrestredig a'r camau gorfodi y caniateir eu cymryd yn eu herbyn, i wneud darpariaeth bellach ynghylch ansolfedd landlordiaid cymdeithasol cofrestredig, ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 22 Mawrth 2011 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 10 Mai 2011, yn deddfu'r darpariaethau a ganlyn:—

RHAN 1

ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

PENNOD 1

CYFARWYDDIADAU I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

- 1 Pŵer i wneud cais am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig**
- (1) Caiff awdurdod tai lleol wneud cais i Weinidogion Cymru am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig yn ei ardal am gyfnod o hyd at bum mlynedd—
- (a) os yw'r awdurdod, o fewn y cyfnod o chwe mis sy'n rhagflaenu'r cais, wedi cwblhau ymgynghoriad yn unol ag adran 2, a
 - (b) os, yng ngoleuni'r ymgynghoriad hwnnw, ac ar ôl ystyried unrhyw wybodaeth berthnasol arall, daw'r awdurdod i'r casgliad bod y cyflwr a ddisgrifir yn is-adran (2) yn bodoli.
- (2) Y cyflwr (y cyfeirir ato yn y Rhan hon fel y “cyflwr o bwysau oherwydd prinder tai”) yw—
- (a) o fewn ardal yr awdurdod tai lleol, bod y galw am dai cymdeithasol yn sylweddol uwch neu'n debygol o fod yn sylweddol uwch na'r cyflenwad o dai cymdeithasol, a
 - (b) bod yr anghydbwysedd hwnnw rhwng y galw a'r cyflenwad yn debygol o gynyddu o ganlyniad i arfer yr hawl i brynu a hawliau cysylltiedig.



Housing (Wales) Measure 2011

A MEASURE of the National Assembly for Wales to make provision for the suspension of the right to buy under the Housing Act 1985 and related rights; to make further provision about the regulation of registered social landlords and the enforcement action that may be taken against them; to make further provision as regards the insolvency of registered social landlords; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 22 March 2011 and approved by Her Majesty in Council on 10 May 2011, enacts the following provisions:—

PART 1

SUSPENSION OF THE RIGHT TO BUY AND RELATED RIGHTS

CHAPTER 1

DIRECTIONS SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

1 Power to apply for direction suspending the right to buy and related rights

- (1) A local housing authority may apply to the Welsh Ministers for a direction suspending the right to buy and related rights in its area for a period of up to five years if—
 - (a) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 2, and
 - (b) in the light of that exercise, and having considered any other relevant information, the authority concludes that the condition described in subsection (2) exists.
- (2) The condition (referred to in this Part as the “housing pressure condition”) is that—
 - (a) within the local housing authority's area, the demand for social housing substantially exceeds its supply or is likely to do so, and
 - (b) that imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

- (3) At ddibenion y Rhan hon, mae'r canlynol yn hawliau sy'n gysylltiedig â'r hawl i brynu –
- (a) yr hawl i brynu fel y'i hestynnwyd o dan adran 171 o Ddeddf Tai 1985;
 - (b) yr hawl i brynu a gadwyd o dan adran 171A o Ddeddf Tai 1985;
 - (c) yr hawl i gaffael o dan adran 16 o Ddeddf Tai 1996;
 - (d) yr hawl i gaffael fel y'i hestynnwyd o dan adran 16A o Ddeddf Tai 1996.
- (4) Caiff awdurdod tai lleol ddod i'r casgliad fod paragraff (a) o is-adran (2) wedi ei fodloni –
- (a) mewn cysylltiad â'r holl dai cymdeithasol yn ei ardal;
 - (b) mewn cysylltiad â'r holl dai cymdeithasol mewn rhan neu rannau penodol o'i ardal;
 - (c) mewn cysylltiad â mathau penodol o dai cymdeithasol (p'un ai drwy ei ardal gyfan neu mewn rhan neu rannau penodol o'i ardal).
- (5) At ddibenion y Rhan hon, caniateir dynodi math o dai cymdeithasol drwy gyfeirio at unrhyw un neu ragor o'r canlynol, neu at unrhyw gyfuniad ohonynt –
- (a) anghenion arbennig tenantiaid;
 - (b) disgrifiad o dŷ annedd;
 - (c) math o ddarparwydd tai cymdeithasol (a allai gynnwys darparwydd penodol).

2 Ymgynghori

- (1) Mae'r adran hon yn darparu ar gyfer yr ymgynghoriad y mae'n rhaid i awdurdod tai lleol ei gynnal cyn y caiff wneud cais i Weinidogion Cymru am gyfarwyddyd sy'n atal dros dro yr hawl i brynu a hawliau cysylltiedig.
- (2) Rhaid i'r ymgynghoriad geisio barn ynghylch a oes angen i'r awdurdod wneud cais am gyfarwyddyd o'r fath ai peidio.
- (3) Ymgynghorer â'r personau a ganlyn –
- (a) pob darparwydd tai cymdeithasol –
 - (i) y mae'n ymddangos i'r awdurdod ei fod yn landlord ar dŷ annedd a leolir yn ardal yr awdurdod (ond nid oes angen i'r awdurdod ymgynghori ag ef ei hun), a
 - (ii) y mae'r awdurdod o'r farn yr effeithid arno pe bai ei gais am gyfarwyddyd yn cael ei ganiatáu;
 - (b) unrhyw gorff neu gyrff yr ymddengys i'r awdurdod ei fod neu eu bod yn cynrychioli buddiannau tenantiaid tai annedd o fewn ardal yr awdurdod –
 - (i) pan fo landlordiaid y tai annedd hynny yn ddarparwyr tai cymdeithasol, a
 - (ii) pan fo'r awdurdod o'r farn yr effeithid ar denantiaid y tai annedd hynny pe bai ei gais am gyfarwyddyd yn cael ei ganiatáu;
 - (c) unrhyw awdurdod tai lleol arall y mae ei hardal yn gyfagos i'r ardal y bwriedir i'r cyfarwyddyd fod yn gymwys iddi, a

- (3) For the purposes of this Part, the following are rights related to the right to buy—
 - (a) the right to buy as extended under section 171 of the Housing Act 1985;
 - (b) the preserved right to buy under section 171A of the Housing Act 1985;
 - (c) the right to acquire under section 16 of the Housing Act 1996;
 - (d) the right to acquire as extended under section 16A of the Housing Act 1996.
- (4) A local housing authority may conclude that paragraph (a) of subsection (2) is met—
 - (a) in relation to all social housing in its area;
 - (b) in relation to all social housing in a certain part or parts of its area;
 - (c) in relation to a certain type or types of social housing (whether throughout its area or in a certain part or parts of its area).
- (5) For the purposes of this Part, a type of social housing may be identified by reference to any, or any combination of, the following—
 - (a) special needs of tenants;
 - (b) description of dwelling-house;
 - (c) type of social housing provider (which may include a particular provider).

2 Consultation

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may apply to the Welsh Ministers for a direction suspending the right to buy and related rights.
- (2) The consultation exercise must seek views on whether there is a need for the authority to apply for such a direction.
- (3) The persons to be consulted are—
 - (a) each social housing provider—
 - (i) which appears to the authority to be a landlord of a dwelling-house situated in the authority's area (but the authority need not consult itself), and
 - (ii) which the authority considers would be affected if its application for a direction is granted;
 - (b) any body or bodies appearing to the authority to represent the interests of tenants of dwelling-houses within the authority's area where—
 - (i) the landlords of those dwelling-houses are social housing providers, and
 - (ii) the authority considers that the tenants of those dwelling-houses would be affected if its application for a direction is granted;
 - (c) any other local housing authority whose area is adjacent to the area to which it is proposed that the direction is to apply, and

- (d) unrhyw bersonau eraill y mae'r awdurdod o'r farn ei bod yn briodol ymgynghori â hwy.

3 Cais am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig

- (1) Mae'r adran hon yn gosod y gofynion sydd i'w bodloni mewn cais gan awdurdod tai lleol i Weinidogion Cymru am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig.
- (2) Rhaid i'r cais—
- (a) cynnwys drafft o'r cyfarwyddyd—
- (i) sy'n dynodi'n eglur yr ardal y mae i fod yn gymwys iddi (boed hynny'r cyfan o ardal yr awdurdod neu'n un rhan neu fwy nag un rhan o'i ardal);
- (ii) sy'n datgan a yw'r cyfarwyddyd i fod yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno ai peidio;
- (iii) os nad yw'r cyfarwyddyd i fod yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno, sy'n disgrifio'n eglur y math neu'r mathau o dŷ annedd perthnasol y mae i fod yn gymwys iddo neu iddynt;
- (iv) sy'n datgan y cyfnod y mae i gael effaith ynddo (a rhaid i'r cyfnod hwnnw beidio â bod yn hwy na phum mlynedd o'r dyddiad y byddid yn dyroddi'r cyfarwyddyd, pe bai'r cais yn cael ei ganiatáu);
- (b) esbonio pam y mae'r awdurdod wedi dod i'r casgliad fod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
- (c) esbonio pam y mae'r awdurdod o'r farn fod y cyfarwyddyd yn ymateb priodol i'r ffaith iddo ddod i'r casgliad fod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
- (d) esbonio pa gamau eraill y mae'r awdurdod yn bwriadu eu cymryd i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ei ardal yn ystod y cyfnod y mae'r cyfarwyddyd i gael effaith ynddo, ac
- (e) disgrifio'r hyn a wnaed gan yr awdurdod i gyflawni ei rwymedigaeth i gynnal ymgynghoriad o dan adran 2.

4 Ystyriaeth o gais gan Weinidogion Cymru

- (1) Os yw Gweinidogion Cymru o'r farn bod cais awdurdod tai lleol am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig yn bodloni gofynion adran 3, mae'n rhaid iddynt ystyried y cais.
- (2) Os yw Gweinidogion Cymru o'r farn nad yw cais yn bodloni gofynion adran 3, mae'n rhaid iddynt wrthod ystyried y cais, onid ydynt o'r farn bod y methiant i gydymffurfio â'r gofynion yn ddibwys neu'n ddiarwyddocâd, ac os felly caniateir iddynt ystyried y cais.
- (3) Mae'n rhaid i Weinidogion Cymru hysbysu awdurdod yn ysgrifenedig—
- (a) os ydynt dan rwymedigaeth o dan is-adran (1) i ystyried cais am gyfarwyddyd i atal dros dro yr hawl i brynu a hawliau cysylltiedig a wnaed gan yr awdurdod;
- (b) os ydynt yn penderfynu o dan is-adran (2) ystyried cais o'r fath, neu

- (d) such other persons as the authority considers appropriate.

3 Application for direction suspending the right to buy and related rights

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for a direction suspending the right to buy and related rights.
- (2) The application must—
 - (a) include a draft of the direction which—
 - (i) clearly identifies the area to which it is to apply (whether that is the whole of the authority's area or one or more parts of its area);
 - (ii) states whether or not the direction is to apply to every relevant dwelling-house within that area;
 - (iii) if the direction is not to apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it is to apply;
 - (iv) states the period for which it is to have effect (which must be no longer than five years from the date on which, if the application were granted, it would be issued);
 - (b) explain why the authority has concluded that the housing pressure condition exists;
 - (c) explain why the authority is of the opinion that the direction is an appropriate response to its having concluded that the housing pressure condition exists;
 - (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within its area during the period for which the direction is to have effect, and
 - (e) describe what the authority has done to discharge its obligation to carry out a consultation exercise under section 2.

4 Consideration by the Welsh Ministers of an application

- (1) If the Welsh Ministers are of the opinion that a local housing authority's application for a direction suspending the right to buy and related rights meets the requirements of section 3, they must consider the application.
- (2) If the Welsh Ministers are of the opinion that an application does not meet the requirements of section 3 they must refuse to consider it unless, in their opinion, the failure to comply with the requirements is immaterial or insignificant in which case they may consider the application.
- (3) The Welsh Ministers must notify an authority in writing if they—
 - (a) are obliged under subsection (1) to consider an application for a direction suspending the right to buy and related rights made by the authority;
 - (b) decide under subsection (2) to consider such an application, or

- (c) os ydynt dan rwymedigaeth o dan is-adran (2) i wrthod ystyried cais.
- (4) Mae'r diwrnod ar ôl y diwrnod yr anfonwyd hysbysiad o dan is-adran (3)(a) neu (b) i'w drin fel y dyddiad y penderfynodd Gweinidogion Cymru ystyried y cais.
- (5) Os bydd awdurdod tai lleol yn darparu gwybodaeth bellach o dan adran 27 cyn bod Gweinidogion Cymru wedi penderfynu ystyried cais, mae'r wybodaeth honno i'w thrin fel petai'n ffurfio rhan o'r cais.

5 Penderfyniad Gweinidogion Cymru ar y cais

- (1) Mae'r adran hon yn gymwys pan fydd Gweinidogion Cymru yn ystyried cais awdurdod tai lleol am gyfarwyddyd yn atal dros dro yr hawl i brynu a hawliau cysylltiedig yn unol ag adran 4(1) neu (2).
- (2) Caiff Gweinidogion Cymru wrthod y cais (heb ystyried a yw is-adran (4) yn ei gwneud yn ofynnol iddynt ei ganiatáu ai peidio) os ydynt o'r farn—
 - (a) bod yr awdurdod wedi methu â chydymffurfio â gofyniad a osodwyd o dan adran 27 mewn perthynas â'r cais, neu
 - (b) pan fo'n ofynnol i'r awdurdod gael strategaeth ynghylch tai o dan adran 87(1) o Ddeddf Llywodraeth Leol 2003, bod y strategaeth honno, i'r graddau y mae'n ymwneud ag unrhyw anghydbwysedd rhwng y galw am dai cymdeithasol yn ardal yr awdurdod a'r cyflenwad ohonynt, yn annigonol.
- (3) Rhaid i Weinidogion Cymru beidio â gwneud penderfyniad o dan is-adran (2)(b) onid ydynt wedi ystyried—
 - (a) unrhyw ddatganiad y mae'n ofynnol i'r awdurdod ei baratoi o dan adran 87(2) o Ddeddf Llywodraeth Leol 2003, a
 - (b) unrhyw wybodaeth arall y mae Gweinidogion Cymru o'r farn ei bod yn berthnasol.
- (4) Rhaid i Weinidogion Cymru ganiatáu'r cais—
 - (a) os ydynt yn cytuno â chasgliad yr awdurdod ynghylch pam y mae'r cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (b) os ydynt yn cytuno â barn yr awdurdod fod y cyfarwyddyd yn ymateb priodol i'r ffaith bod yr awdurdod wedi dod i'r casgliad fod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (c) os ydynt wedi eu bodloni bod cynigion yr awdurdod a gynhwysir yn ei gais yn unol ag adran 3(2)(d) yn debygol o gyfrannu at leihad yn yr anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ardal yr awdurdod, a
 - (d) os ydynt wedi eu bodloni fod yr awdurdod, cyn gwneud y cais, wedi cydymffurfio â'i rwymedigaeth i gynnal ymgynghoriad o dan adran 2.
- (5) Os oes unrhyw un neu ragor o baragraffau (a) i (d) o is-adran (4) heb ei fodloni, rhaid i Weinidogion Cymru wrthod y cais.
- (6) Rhaid i Weinidogion ganiatáu neu wrthod cais yn unol â'r adran hon o fewn chwe mis sy'n dechrau ar y dyddiad y gwnaethant benderfynu ystyried y cais (gweler adran 4(4)).
- (7) Nid effeithir ar ddilysrwydd penderfyniad Gweinidogion Cymru gan fethiant i gydymffurfio ag is-adran (6).

- (c) are obliged under subsection (2) to refuse to consider an application.
- (4) The day after that on which a notice was sent under subsection (3)(a) or (b) is to be treated as the date on which the Welsh Ministers decided to consider the application.
- (5) If, before the Welsh Ministers have decided to consider an application, a local housing authority provides further information under section 27, it is to be treated as if it formed part of the application.

5 Decision of the Welsh Ministers on the application

- (1) This section applies where the Welsh Ministers are considering a local housing authority's application for a direction suspending the right to buy and related rights in accordance with section 4(1) or (2).
- (2) The Welsh Ministers may reject the application (without considering whether subsection (4) requires them to grant it) if they are of the opinion that –
 - (a) the authority has failed to comply with a requirement imposed under section 27 in relation to the application, or
 - (b) where the authority is required to have a strategy relating to housing under section 87(1) of the Local Government Act 2003, the strategy, in so far as it relates to any imbalance between demand for and supply of social housing in the authority's area, is inadequate.
- (3) The Welsh Ministers must not make a decision under subsection (2)(b) unless they have considered –
 - (a) any statement that the authority is required to prepare under section 87(2) of the Local Government Act 2003, and
 - (b) any other information which the Welsh Ministers consider relevant.
- (4) The Welsh Ministers must grant the application if –
 - (a) they agree with the authority's conclusion as to why the housing pressure condition exists;
 - (b) they agree with the authority's opinion that the direction is an appropriate response to the authority having concluded that the housing pressure condition exists;
 - (c) they are satisfied that the authority's proposals included in its application in accordance with section 3(2)(d) are likely to contribute to a reduction in the imbalance between the demand for social housing and its supply within the authority's area, and
 - (d) they are satisfied that, before making the application, the authority complied with its obligation to carry out a consultation exercise under section 2.
- (5) If any of paragraphs (a) to (d) of subsection (4) are not met, the Welsh Ministers must reject the application.
- (6) The Welsh Ministers must grant or reject an application in accordance with this section within six months beginning with the date on which they decided to consider the application (see section 4(4)).
- (7) The validity of the Welsh Ministers' decision is not affected by a failure to comply with subsection (6).

6 Dyroddi cyfarwyddyd

- (1) Pan fo Gweinidogion Cymru yn caniatáu cais awdurdod tai lleol o dan adran 5, rhaid iddynt ddyroddi cyfarwyddyd ysgrifenedig—
 - (a) sy'n dynodi'n eglur yr ardal y mae'n gymwys iddi (boed hynny'r cyfan o ardal yr awdurdod neu'n un rhan neu fwy nag un rhan o'i ardal);
 - (b) sy'n datgan a yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno ai peidio;
 - (c) os nad yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno, sy'n disgrifio'n eglur y math neu'r mathau o dŷ annedd perthnasol y mae'n gymwys iddo neu iddynt;
 - (d) sy'n datgan y cyfnod y mae i gael effaith ynddo (a rhaid i'r cyfnod hwnnw beidio â bod yn hwy na phum mlynedd o'r dyddiad y'i dyroddir).
- (2) Rhaid i Weinidogion Cymru beidio â dyroddi cyfarwyddyd o dan yr adran hon sy'n wahanol mewn unrhyw ddull sylweddol i'r drafft o'r cyfarwyddyd sydd wedi ei gynnwys yng nghais yr awdurdod tai lleol yn unol ag adran 3(2)(a).

PENNOD 2

AMRYWIO CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

7 Ystyr "amrywiad ehangu" ac "amrywiad lleihau" etc

- (1) At ddibenion y Bennod hon, ystyr "amrywiad ehangu" yw amrywiad i gyfarwyddyd a ddyroddwyd o dan y Rhan hon sy'n gwneud un o'r newidiadau a ganlyn neu'r ddau (a dim newidiadau eraill)—
 - (a) newid y cyfarwyddyd fel ei fod yn gymwys i ardal nad oedd yn gymwys iddi cyn hynny;
 - (b) newid y cyfarwyddyd fel ei fod yn gymwys i fath neu fathau o dŷ annedd perthnasol nad oedd yn gymwys iddo neu iddynt cyn hynny;
 a rhaid dehongli "elfennau ehangu" yn unol â hynny.
- (2) At ddibenion y Bennod hon, ystyr "amrywiad lleihau" yw amrywiad i gyfarwyddyd a ddyroddwyd o dan y Rhan hon sy'n gwneud un o'r newidiadau a ganlyn neu'r ddau (a dim newidiadau eraill)—
 - (a) newid y cyfarwyddyd fel nad yw bellach yn gymwys i ardal yr oedd yn gymwys iddi cyn hynny;
 - (b) newid y cyfarwyddyd fel nad yw bellach yn gymwys i fath neu fathau o dŷ annedd perthnasol yr oedd yn gymwys iddo neu iddynt cyn hynny;
 a rhaid dehongli "elfennau lleihau" yn unol â hynny.

8 Amrywiad ehangu: pŵer i wneud cais

- (1) Caiff awdurdod tai lleol wneud cais i Weinidogion Cymru am amrywiad ehangu i gyfarwyddyd a ddyroddwyd o dan y Rhan hon—

6 Issue of direction

- (1) Where the Welsh Ministers grant a local housing authority's application under section 5, they must issue in writing a direction which –
 - (a) clearly identifies the area to which it applies (whether that is the whole of the authority's area or one or more parts of its area);
 - (b) states whether or not the direction applies to every relevant dwelling-house within that area;
 - (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
 - (d) states the period for which it is to have effect (which must be no longer than five years from the date on which it is issued).
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority's application in accordance with section 3(2)(a).

CHAPTER 2

VARIATION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

7 Meaning of “enlarging variation” and “reducing variation” etc

- (1) For the purposes of this Chapter, an “enlarging variation” is a variation of a direction issued under this Part which makes either or both of the following changes (and no others) –
 - (a) alters the direction so that it applies to an area to which it did not previously apply;
 - (b) alters the direction so that it applies to a type or types of relevant dwelling-house to which it did not previously apply;

and “enlarging elements” must be construed accordingly.

- (2) For the purposes of this Chapter, a “reducing variation” is a variation of a direction issued under this Part which makes either or both of the following changes (and no others) –
 - (a) alters the direction so that it no longer applies to an area to which it did previously apply;
 - (b) alters the direction so that it no longer applies to a type or types of relevant dwelling-house to which it did previously apply;

and “reducing elements” must be construed accordingly.

8 Enlarging variation: power to apply

- (1) A local housing authority may apply to the Welsh Ministers for an enlarging variation of a direction issued under this Part if –

- (a) os dyroddwyd y cyfarwyddyd mewn ymateb i gais a wnaed gan yr awdurdod;
 - (b) os gwneir y cais am amrywiad o leiaf chwe mis cyn y dyddiad y mae'r cyfarwyddyd i beidio â chael effaith;
 - (c) os yw'r awdurdod, o fewn y cyfnod o chwe mis sy'n rhagflaenu'r cais, wedi cwblhau ymgynghoriad yn unol ag adran 9, a
 - (d) yng ngoleuni'r ymgynghoriad hwnnw, ac ar ôl ystyried unrhyw wybodaeth berthnasol arall, os yw'r awdurdod yn dod i'r casgliad, mewn perthynas ag elfennau ehangu'r amrywiad, bod y cyflwr a ddisgrifir yn is-adran (2) yn bodoli.
- (2) Y cyflwr yw –
- (a) bod y galw am dai cymdeithasol sy'n dod o fewn elfennau ehangu'r amrywiad yn sylweddol uwch neu'n debygol o fod yn sylweddol uwch na'r cyflenwad o dai cymdeithasol, a
 - (b) bod yr anghydbwysedd hwnnw rhwng y galw a'r cyflenwad yn debygol o gynyddu o ganlyniad i arfer yr hawl i brynu a hawliau cysylltiedig.

9 Amrywiad ehangu: ymgynghori

- (1) Mae'r adran hon yn darparu ar gyfer yr ymgynghoriad y mae'n rhaid i awdurdod tai lleol ei gynnal cyn y caiff wneud cais i Weinidogion Cymru am amrywiad ehangu i gyfarwyddyd a ddyroddwyd o dan y Rhan hon.
- (2) Rhaid i'r ymgynghoriad geisio barn ynghylch a oes angen i'r awdurdod wneud cais am amrywiad o'r fath ai peidio.
- (3) Ymgynghorer â'r personau a ganlyn –
 - (a) pob darparydd tai cymdeithasol –
 - (i) y mae'n ymddangos i'r awdurdod ei fod yn landlord ar dŷ annedd a leolir yn ardal yr awdurdod (ond nid oes angen i'r awdurdod ymgynghori ag ef ei hun), a
 - (ii) y mae'r awdurdod o'r farn yr effeithid arno pe bai ei gais am amrywiad ehangu yn cael ei ganiatáu;
 - (b) unrhyw gorff neu gyrff yr ymddengys i'r awdurdod ei fod neu eu bod yn cynrychioli buddiannau tenantiaid tai annedd o fewn ardal yr awdurdod –
 - (i) pan fo landlordiaid y tai annedd hynny yn ddarparwyr tai cymdeithasol, a
 - (ii) pan fo'r awdurdod o'r farn yr effeithid ar denantiaid y tai annedd hynny pe bai ei gais am amrywiad ehangu i gyfarwyddyd yn cael ei ganiatáu;
 - (c) unrhyw awdurdod tai lleol arall y mae ei hardal yn gyfagos i'r ardal y bwriedir i elfennau ehangu'r cyfarwyddyd fod yn gymwys iddi, a
 - (d) unrhyw bersonau eraill y mae'r awdurdod o'r farn ei bod yn briodol ymgynghori â hwy.

- (a) the direction was issued in response to an application made by the authority;
 - (b) the application for a variation is made at least six months before the date on which the direction is to cease to have effect;
 - (c) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 9, and
 - (d) in the light of that exercise, and having considered any other relevant information, the authority concludes that, in relation to the enlarging elements of the variation, the condition described in subsection (2) exists.
- (2) The condition is that –
- (a) the demand for social housing falling within the enlarging elements of the variation substantially exceeds its supply or is likely to do so, and
 - (b) that imbalance between supply and demand is likely to increase as a result of the exercise of the right to buy and related rights.

9 Enlarging variation: consultation

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may apply to the Welsh Ministers for an enlarging variation of a direction issued under this Part.
- (2) The consultation exercise must seek views on whether there is a need to apply for such a variation.
- (3) The persons to be consulted are –
 - (a) each social housing provider –
 - (i) which appears to the authority to be a landlord of a dwelling-house situated in the authority's area (but the authority need not consult itself), and
 - (ii) which the authority considers would be affected if its application for an enlarging variation of a direction is granted;
 - (b) any body or bodies appearing to the authority to represent the interests of tenants of dwelling-houses within the authority's area where –
 - (i) the landlords of those dwelling-houses are social housing providers, and
 - (ii) the authority considers that the tenants of those dwelling-houses would be affected if its application for an enlarging variation of a direction is granted;
 - (c) any other local housing authority whose area is adjacent to the area to which it is proposed that the enlarging elements of the direction are to apply; and
 - (d) such other persons as the authority considers appropriate.

10 Cais am amrywiad ehangu

- (1) Mae'r adran hon yn gosod y gofynion sydd i'w bodloni mewn cais gan awdurdod tai lleol i Weinidogion Cymru am amrywiad ehangu i gyfarwyddyd a ddyroddwyd o dan y Rhan hon.
- (2) Rhaid i'r cais –
 - (a) cynnwys drafft o'r cyfarwyddyd (fel y byddid yn ei amrywio pe caniateid y cais) a fyddai, pes cynhwysid mewn cais am gyfarwyddyd o dan adran 3, yn cydymffurfio â gofynion adran 3(2)(a);
 - (b) esbonio pam y mae'r awdurdod wedi dod i'r casgliad fod y cyflwr a ddisgrifir yn adran 8(2) yn bodoli;
 - (c) esbonio pam y mae'r awdurdod o'r farn bod yr amrywiad yn ymateb priodol i'r ffaith iddo ddod i'r casgliad fod y cyflwr a ddisgrifir yn adran 8(2) yn bodoli;
 - (d) esbonio pa gamau eraill y mae'r awdurdod yn bwriadu eu cymryd i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ei ardal yn ystod y cyfnod y mae'r cyfarwyddyd (fel y'i hamrywiwyd) i gael effaith ynddo, ac
 - (e) disgrifio'r hyn a wnaeth yr awdurdod i gyflawni ei rwymedigaeth i gynnal ymgynghoriad o dan adran 9.

11 Ystyriaeth gan Weinidogion Cymru o gais am amrywiad ehangu

- (1) Os yw Gweinidogion Cymru o'r farn bod cais awdurdod tai lleol am amrywiad ehangu yn bodloni gofynion adran 10, rhaid iddynt ystyried y cais.
- (2) Os yw Gweinidogion Cymru o'r farn nad yw cais yn bodloni gofynion adran 10, rhaid iddynt wrthod ystyried y cais, onid ydynt o'r farn bod y methiant i gydymffurfio â'r gofynion yn ddibwys neu'n ddjarwyddocâd, ac os felly caniateir iddynt ystyried y cais.
- (3) Mae'n rhaid i Weinidogion Cymru hysbysu awdurdod yn ysgrifenedig –
 - (a) os ydynt dan rwymedigaeth o dan is-adran (1) i ystyried cais am amrywiad ehangu;
 - (b) os ydynt yn penderfynu o dan is-adran (2) ystyried cais o'r fath, neu
 - (c) os ydynt dan rwymedigaeth o dan is-adran (2) i wrthod ystyried cais.
- (4) Mae'r diwrnod ar ôl y diwrnod yr anfonwyd hysbysiad o dan is-adran (3)(a) neu (b) i'w drin fel y dyddiad y penderfynodd Gweinidogion Cymru ystyried y cais.
- (5) Os bydd awdurdod tai lleol yn darparu gwybodaeth bellach o dan adran 27 cyn bod Gweinidogion Cymru wedi penderfynu ystyried cais, mae'r wybodaeth honno i'w thrin fel petai'n ffurfio rhan o'r cais.

12 Penderfyniad Gweinidogion Cymru ar y cais

- (1) Mae'r adran hon yn gymwys pan fydd Gweinidogion Cymru yn ystyried cais awdurdod tai lleol am amrywiad ehangu yn unol ag adran 11(1) neu (2).
- (2) Caiff Gweinidogion Cymru wrthod y cais (heb ystyried a yw is-adran (2) yn ei gwneud yn ofynnol iddynt ei ganiatáu ai peidio) os ydynt o'r farn –

10 Application for enlarging variation

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for an enlarging variation of a direction issued under this Part.
- (2) The application must—
 - (a) include a draft of the direction (as it would be varied if the application were granted) which, if it were included in an application for a direction under section 3, would comply with the requirements of section 3(2)(a);
 - (b) explain why the authority has concluded that the condition described in section 8(2) exists;
 - (c) explain why the authority is of the opinion that the variation is an appropriate response to its having concluded that the condition described in section 8(2) exists;
 - (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within its area during the period for which the direction (as varied) is to have effect; and
 - (e) describe what the authority has done to discharge its obligation to carry out a consultation exercise under section 9.

11 Consideration by the Welsh Ministers of an application for an enlarging variation

- (1) If the Welsh Ministers are of the opinion that a local housing authority's application for an enlarging variation meets the requirements of section 10, they must consider the application.
- (2) If the Welsh Ministers are of the opinion that an application does not meet the requirements of section 10 they must refuse to consider it unless, in their opinion, the failure to comply with the requirements is immaterial or insignificant in which case they may consider the application.
- (3) The Welsh Ministers must notify an authority in writing if they—
 - (a) are obliged under subsection (1) to consider an application for an enlarging variation;
 - (b) decide under subsection (2) to consider such an application, or
 - (c) are obliged under subsection (2) to refuse to consider an application.
- (4) The day after that on which a notice was sent under subsection (3)(a) or (b) is to be treated as the date on which the Welsh Ministers decided to consider the application.
- (5) If, before the Welsh Ministers have decided to consider an application, a local housing authority provides further information under section 27, it is to be treated as if it formed part of the application.

12 Decision of the Welsh Ministers on the application

- (1) This section applies where the Welsh Ministers are considering a local housing authority's application for an enlarging variation in accordance with section 11(1) or (2).
- (2) The Welsh Ministers may reject the application (without considering whether subsection (2) requires them to grant it) if they are of the opinion that—

- (a) bod yr awdurdod wedi methu â chydymffurfio â gofyniad a osodwyd o dan adran 27 mewn perthynas â'r cais, neu
 - (b) pan fo'n ofynnol i'r awdurdod gael strategaeth ynghylch tai o dan adran 87(1) o Ddeddf Llywodraeth Leol 2003, bod y strategaeth, i'r graddau y mae'n ymwneud â'r anghydbwysedd rhwng y galw am dai cymdeithasol yn ardal yr awdurdod a'r cyflenwad ohonynt, yn annigonol.
- (3) Rhaid i Weinidogion Cymru beidio â gwneud penderfyniad o dan is-adran (2)(b) onid ydynt wedi ystyried –
- (a) unrhyw ddatganiad y mae'n ofynnol i'r awdurdod ei baratoi o dan adran 87(2) o Ddeddf Llywodraeth Leol 2003, a
 - (b) unrhyw wybodaeth arall y mae Gweinidogion Cymru o'r farn ei bod yn berthnasol.
- (4) Rhaid i Weinidogion Cymru ganiatáu'r cais –
- (a) os ydynt yn cytuno â barn yr awdurdod ynghylch pam mae'r cyflwr a ddisgrifir yn adran 8(2) yn bodoli;
 - (b) os ydynt yn cytuno â barn yr awdurdod bod yr amrywiad yn ymateb priodol i'r ffaith bod yr awdurdod wedi dod i'r casgliad fod y cyflwr yn bodoli;
 - (c) os ydynt wedi eu bodloni bod cynigion yr awdurdod a gynhwysir yn ei gais yn unol ag adran 10(2)(d) yn debygol o gyfrannu at leihad yn yr anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ardal yr awdurdod, a
 - (d) os ydynt wedi eu bodloni bod yr awdurdod, cyn gwneud y cais, wedi cydymffurfio â'i rwymedigaeth i gynnal ymgynghoriad o dan adran 9.
- (5) Os oes unrhyw un neu ragor o baragraffau (a) i (d) o is-adran (4) heb ei fodloni, rhaid i Weinidogion Cymru wrthod y cais.
- (6) Rhaid i Weinidogion ganiatáu neu wrthod cais yn unol â'r adran hon o fewn chwe mis sy'n dechrau ar y dyddiad y gwnaethant benderfynu ystyried y cais (gweler adran 11(4)).
- (7) Nid effeithir ar ddilysrwydd penderfyniad Gweinidogion Cymru gan fethiant i gydymffurfio ag is-adran (6).

13 Dyroddi cyfarwyddyd a amrywiwyd i gynnwys elfennau ehangu

- (1) Pan fo Gweinidogion Cymru yn caniatáu cais awdurdod tai lleol o dan adran 12, rhaid iddynt ddyroddi yn ysgrifenedig gyfarwyddyd a amrywiwyd –
- (a) sy'n dynodi'n eglur yr ardal y mae'n gymwys iddi;
 - (b) sy'n datgan a yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno ai peidio;
 - (c) os nad yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno, sy'n disgrifio'n eglur y math neu'r mathau o dŷ annedd perthnasol y mae'n gymwys iddo neu iddynt;
 - (d) sy'n datgan y cyfnod y mae i gael effaith ynddo.
- (2) Rhaid i Weinidogion Cymru beidio â dyroddi cyfarwyddyd o dan yr adran hon sy'n wahanol mewn unrhyw ddull sylweddol i'r drafft o'r cyfarwyddyd sydd yng nghais yr awdurdod tai lleol yn unol ag adran 10(2)(a).

-
- (a) the authority has failed to comply with a requirement imposed under section 27 in relation to the application, or
 - (b) where the authority is required to have a strategy relating to housing under section 87(1) of the Local Government Act 2003, the strategy, in so far as it relates to the imbalance between demand for and supply of social housing in the authority's area, is inadequate.
 - (3) The Welsh Ministers must not make a decision under subsection (2)(b) unless they have considered –
 - (a) any statement that the authority is required to prepare under section 87(2) of the Local Government Act 2003, and
 - (b) any other information which the Welsh Ministers consider relevant.
 - (4) The Welsh Ministers must grant the application if –
 - (a) they agree with the authority's opinion as to why the condition described in section 8(2) exists;
 - (b) they agree with the authority's opinion that the variation is an appropriate response to the authority having concluded that the condition exists;
 - (c) they are satisfied that the authority's proposals included in its application in accordance with section 10(2)(d) are likely to contribute to a reduction in the imbalance between the demand for social housing and its supply within the authority's area, and
 - (d) they are satisfied that, before making the application, the authority complied with its obligation to carry out a consultation exercise under section 9.
 - (5) If any of paragraphs (a) to (d) of subsection (4) are not met, the Welsh Ministers must reject the application.
 - (6) The Welsh Ministers must grant or reject an application in accordance with this section within six months beginning with the date on which they decided to consider the application (see section 11(4)).
 - (7) The validity of the Welsh Ministers' decision is not affected by a failure to comply with subsection (6).

13 Issue of direction as varied to include enlarging elements

- (1) Where the Welsh Ministers grant a local housing authority's application under section 12, they must issue in writing a varied direction which –
 - (a) clearly identifies the area to which it applies;
 - (b) states whether or not the direction applies to every relevant dwelling-house within that area;
 - (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
 - (d) states the period for which it is to have effect.
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority's application in accordance with section 10(2)(a).

14 Amrywiad lleihau: pŵer i wneud cais

- (1) Caiff awdurdod tai lleol wneud cais i Weinidogion Cymru am amrywiad lleihau i gyfarwyddyd a ddyroddwyd o dan y Rhan hon—
 - (a) os dyroddwyd y cyfarwyddyd mewn ymateb i gais a wnaed gan yr awdurdod, a
 - (b) os yw'r awdurdod yn dod i'r casgliad fod y cyflwr a ddisgrifir yn is-adran (2) yn bodoli.
- (2) Y cyflwr yw naill ai—
 - (a) nad yw'r galw am dai cymdeithasol sy'n dod o fewn elfennau lleihau'r amrywiad yn sylweddol uwch nac yn debygol o fod yn sylweddol uwch na'r cyflenwad o dai cymdeithasol, neu
 - (b) hyd yn oed os yw'r galw yn sylweddol uwch neu'n debygol o fod yn sylweddol uwch na'r cyflenwad, nad yw'r anghydbwysedd rhwng y galw a'r cyflenwad yn debygol o gynyddu o ganlyniad i arfer yr hawl i brynu a hawliau cysylltiedig.

15 Cais am amrywiad lleihau

- (1) Mae'r adran hon yn gosod y gofynion sydd i'w bodloni mewn cais gan awdurdod tai lleol i Weinidogion Cymru am amrywiad lleihau i gyfarwyddyd a ddyroddwyd o dan y Rhan hon.
- (2) Rhaid i'r cais—
 - (a) cynnwys drafft o'r cyfarwyddyd (fel y byddid yn ei amrywio pe caniateid y cais) a fyddai, pes cynhwysid mewn cais am gyfarwyddyd o dan adran 3, yn cydymffurfio â gofynion adran 3(2)(a), a
 - (b) esbonio pam y mae'r awdurdod wedi dod i'r casgliad fod y cyflwr a ddisgrifir yn adran 14(2) yn bodoli.

16 Penderfyniad Gweinidogion Cymru ar y cais

- (1) Caiff Gweinidogion Cymru wrthod cais awdurdod tai lleol am amrywiad lleihau (heb ystyried a yw is-adran (2) yn ei gwneud yn ofynnol iddynt ei ganiatáu ai peidio) os ydynt o'r farn bod yr awdurdod wedi methu â chydymffurfio â gofyniad a osodir o dan adran 27 mewn perthynas â'r cais.
- (2) Rhaid i Weinidogion Cymru ganiatáu'r cais os ydynt yn cytuno â barn yr awdurdod bod y cyflwr a ddisgrifir yn adran 14(2) yn bodoli ac os nad yw Gweinidogion Cymru yn cytuno â hynny, rhaid iddynt wrthod y cais.

17 Dyroddi cyfarwyddyd a amrywiwyd i gynnwys elfennau lleihau

- (1) Pan fo Gweinidogion Cymru yn caniatáu cais awdurdod tai lleol o dan adran 16, rhaid iddynt ddyroddi yn ysgrifenedig gyfarwyddyd a amrywiwyd—
 - (a) sy'n dynodi'n eglur yr ardal y mae'n gymwys iddi;
 - (b) sy'n datgan a yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno ai peidio;

14 Reducing variation: power to apply

- (1) A local housing authority may apply to the Welsh Ministers for a reducing variation of a direction issued under this Part if—
 - (a) the direction was issued in response to an application made by the authority, and
 - (b) the authority concludes that the condition described in subsection (2) exists.
- (2) The condition is that either—
 - (a) the demand for social housing falling within the reducing elements of the variation does not substantially exceed its supply or is not likely to do so, or
 - (b) even if demand does substantially exceed supply, or is likely to do so, that imbalance between supply and demand is not likely to increase as a result of the exercise of the right to buy and related rights.

15 Application for reducing variation

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for a reducing variation of a direction issued under this Part.
- (2) The application must—
 - (a) include a draft of the direction (as it would be varied if the application were granted) which, if it were included in an application for a direction under section 3, would comply with the requirements of section 3(2)(a), and
 - (b) explain why the authority has concluded that the condition described in section 14(2) exists.

16 Decision of the Welsh Ministers on the application

- (1) The Welsh Ministers may reject a local housing authority's application for a reducing variation (without considering whether subsection (2) requires them to grant it) if they are of the opinion that the authority has failed to comply with a requirement imposed under section 27 in relation to the application.
- (2) The Welsh Ministers must grant the application if they agree with the authority's opinion as to why the condition described in section 14(2) exists and, if the Welsh Ministers do not so agree, they must reject the application.

17 Issue of direction as varied to include reducing elements

- (1) Where the Welsh Ministers grant a local housing authority's application under section 16, they must issue in writing a varied direction which—
 - (a) clearly identifies the area to which it applies;
 - (b) states whether or not the direction applies to every relevant dwelling-house within that area;

- (c) os nad yw'r cyfarwyddyd yn gymwys i bob tŷ annedd perthnasol o fewn yr ardal honno, sy'n disgrifio'n eglur y math neu'r mathau o dŷ annedd perthnasol y mae'n berthnasol iddo neu iddynt;
 - (d) sy'n datgan y cyfnod y mae i gael effaith ynddo.
- (2) Rhaid i Weinidogion Cymru beidio â dyroddi cyfarwyddyd o dan yr adran hon sy'n wahanol mewn unrhyw ddull sylweddol i'r drafft o'r cyfarwyddyd sydd yng nghais yr awdurdod tai lleol yn unol ag adran 15(2)(a).

PENNOD 3

ESTYN CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

18 Cais am estyniad: pŵer i wneud cais

- (1) Caiff awdurdod tai lleol wneud cais i Weinidogion Cymru am estyniad i'r cyfnod y mae cyfarwyddyd a ddyroddwyd o dan y Rhan hon i gael effaith ynddo—
- (a) os yw'r awdurdod, o fewn y cyfnod o chwe mis sy'n rhagflaenu'r cais, wedi cwblhau ymgynghoriad yn unol ag adran 19, a
 - (b) os, yng ngoleuni'r ymgynghoriad hwnnw, ac ar ôl ystyried unrhyw wybodaeth berthnasol arall, daw'r awdurdod i'r casgliad bod y cyflwr o bwysau oherwydd prinder tai yn parhau i fodoli.
- (2) Caiff awdurdod tai lleol wneud cais am estyniad i gyfarwyddyd sydd eisoes wedi cael ei estyn ond ni chaiff cyfarwyddyd estynedig gael effaith y tu hwnt i gyfnod o ddeng mlynedd o'r dyddiad y dyroddwyd y cyfarwyddyd o dan adran 6.

19 Cais am estyniad: ymgynghori

- (1) Mae'r adran hon yn darparu ar gyfer yr ymgynghoriad y mae'n rhaid i awdurdod tai lleol ei gynnal cyn y caiff wneud cais i Weinidogion Cymru am estyniad i'r cyfnod y mae cyfarwyddyd a ddyroddwyd o dan y Rhan hon i gael effaith ynddo.
- (2) Rhaid i'r ymgynghoriad geisio barn ynghylch a oes angen gwneud cais am estyniad i'r cyfnod y mae'r cyfarwyddyd i gael effaith ynddo.
- (3) Ymgynghorer â'r personau a ganlyn—
- (a) pob darparydd tai cymdeithasol—
 - (i) y mae'n ymddangos i'r awdurdod ei fod yn landlord ar dŷ annedd a leolir yn ardal yr awdurdod (ond nid oes angen i'r awdurdod ymgynghori ag ef ei hun), a
 - (ii) y mae'r awdurdod o'r farn yr effeithid arno pe bai ei gais am estyniad i'r cyfarwyddyd yn cael ei ganiatáu;
 - (b) unrhyw gorff neu gyrff yr ymddengys i'r awdurdod ei fod neu eu bod yn cynrychioli buddiannau tenantiaid tai annedd o fewn ardal yr awdurdod—
 - (i) pan fo landlordiaid y tai annedd hynny yn ddarparwyr tai cymdeithasol, a

- (c) if the direction does not apply to every relevant dwelling-house within that area, clearly describes the type or types of relevant dwelling-house to which it does apply;
 - (d) states the period for which it is to have effect.
- (2) The Welsh Ministers must not issue a direction under this section which differs in any material respect from the draft of the direction included in the local housing authority's application in accordance with section 15(2)(a).

CHAPTER 3

EXTENSION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

18 Extension application: power to apply

- (1) A local housing authority may apply to the Welsh Ministers for an extension of the period for which a direction issued under this Part is to have effect if—
 - (a) within the period of six months preceding the application, the authority has completed a consultation exercise in accordance with section 19, and
 - (b) in the light of that exercise, and having considered any other relevant information, the authority concludes that the housing pressure condition continues to exist.
- (2) A local housing authority may apply for the extension of a direction which has already been extended but an extended direction may not have effect beyond a period of ten years from the date on which the direction was issued under section 6.

19 Extension application: consultation

- (1) This section provides for the consultation exercise that a local housing authority must carry out before it may make an application to the Welsh Ministers for an extension of the period for which a direction issued under this Part is to have effect.
- (2) The consultation exercise must seek views on whether there is a need to apply for an extension of the period for which the direction is to have effect.
- (3) The persons to be consulted are—
 - (a) each social housing provider—
 - (i) which appears to the authority to be a landlord of a dwelling-house situated in the authority's area (but the authority need not consult itself), and
 - (ii) which the authority considers would be affected if its application for an extension of a direction is granted;
 - (b) any body or bodies appearing to the authority to represent the interests of tenants of dwelling-houses within the authority's area where—
 - (i) the landlords of those dwelling-houses are social housing providers, and

- (ii) pan fo'r awdurdod o'r farn yr effeithid ar denantiaid y tai annedd hynny pe bai ei gais am estyniad i gyfarwyddyd yn cael ei ganiatáu;
- (c) unrhyw awdurdod tai lleol arall y mae ei hardal yn gyfagos i'r ardal y bwriedir i'r cyfarwyddyd estynedig fod yn gymwys iddi, a
- (d) unrhyw bersonau eraill y mae'r awdurdod o'r farn ei bod yn briodol ymgynghori â hwy.

20 Cais am estyniad

- (1) Mae'r adran hon yn gosod y gofynion sydd i'w bodloni mewn cais gan awdurdod tai lleol i Weinidogion Cymru am estyniad i gyfarwyddyd a ddyroddwyd o dan y Rhan hon.
- (2) Rhaid i'r cais—
 - (a) esbonio pam y mae'r awdurdod wedi dod i'r casgliad bod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (b) esbonio pam y mae'r awdurdod o'r farn y byddai estyniad i'r cyfnod y mae cyfarwyddyd i gael effaith ynddo yn ymateb priodol i'r ffaith ei fod wedi dod i'r casgliad bod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (c) esbonio pa gamau eraill y mae'r awdurdod wedi eu cymryd i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ardal yr awdurdod ers i'r cyfarwyddwyd gael ei ddyroddi o dan adran 6;
 - (d) esbonio pa gamau eraill y mae'r awdurdod yn bwriadu eu cymryd i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ei ardal yn ystod cyfnod arfaethedig yr estyniad;
 - (e) disgrifio'r hyn a wnaeth yr awdurdod i gyflawni ei rwymedigaeth i ymgynghori o dan adran 19, ac
 - (f) datgan cyfnod arfaethedig yr estyniad (a rhaid iddo beidio â bod yn hwy na phum mlynedd ar ôl y dyddiad y byddai'r cyfarwyddyd, oni bai am y Bennod hon, yn peidio â chael effaith).

21 Penderfyniad Gweinidogion Cymru ar y cais

- (1) Caiff Gweinidogion Cymru wrthod cais awdurdod tai lleol am estyniad i'r cyfnod y mae cyfarwyddyd a ddyroddwyd o dan y Rhan hon i gael effaith ynddo (heb iddynt ystyried a yw is-adran (3) yn ei gwneud yn ofynnol iddynt ei ganiatáu ai peidio) os yw Gweinidogion Cymru o'r farn—
 - (a) bod yr awdurdod wedi methu â chydymffurfio â gofyniad a osodwyd o dan adran 27 mewn perthynas â'r cais, neu
 - (b) pan fo'n ofynnol i'r awdurdod gael strategaeth ynghylch tai o dan adran 87(1) o Ddeddf Llywodraeth Leol 2003, bod y strategaeth, i'r graddau y mae'n ymwneud â'r anghydbwysedd rhwng y galw am dai cymdeithasol yn ardal yr awdurdod a'r cyflenwad ohonynt, yn annigonol.
- (2) Rhaid i Weinidogion Cymru beidio â gwneud penderfyniad o dan is-adran (1)(b) onid ydynt wedi ystyried—
 - (a) unrhyw ddatganiad y mae'n ofynnol i'r awdurdod ei baratoi o dan adran 87(2) o Ddeddf Llywodraeth Leol 2003, a

- (ii) the authority considers that the tenants of those dwelling-houses would be affected if its application for an extension of a direction is granted;
- (c) any other local housing authority whose area is adjacent to the area to which it is proposed that the extended direction is to apply, and
- (d) such other persons as the authority considers appropriate.

20 Application for extension

- (1) This section sets out the requirements to be met by a local housing authority's application to the Welsh Ministers for an extension of a direction issued under this Part.
- (2) The application must—
 - (a) explain why the authority has concluded that the housing pressure condition exists;
 - (b) explain why the authority is of the opinion that an extension of the period for which a direction is to have effect would be an appropriate response to its having concluded that the housing pressure condition exists;
 - (c) explain what other action the authority has taken to reduce the imbalance between the demand for social housing and its supply within the authority's area since the direction was issued under section 6;
 - (d) explain what other action the authority proposes to take to reduce the imbalance between the demand for social housing and its supply within the authority's area during the proposed period of extension;
 - (e) describe what the authority has done to discharge its obligation to consult under section 19, and
 - (f) state the proposed period of extension (which must not be more than five years from the date on which, but for this Chapter, the direction would have ceased to have effect).

21 Decision of the Welsh Ministers on the application

- (1) The Welsh Ministers may reject a local housing authority's application for an extension of the period for which a direction issued under this Part is to have effect (without considering whether subsection (3) requires them to grant it) if the Welsh Ministers are of the opinion that—
 - (a) the authority has failed to comply with a requirement imposed under section 27 in relation to the application, or
 - (b) where the authority is required to have a strategy relating to housing under section 87(1) of the Local Government Act 2003, the strategy, in so far as it relates to the imbalance between demand for and supply of social housing in the authority's area, is inadequate.
- (2) The Welsh Ministers must not make a decision under subsection (1)(b) unless they have considered—
 - (a) any statement that the authority is required to prepare under section 87(2) of the Local Government Act 2003, and

- (b) unrhyw wybodaeth arall y mae Gweinidogion Cymru o'r farn ei bod yn berthnasol.
- (3) Mae'n rhaid i Weinidogion Cymru ganiatáu'r cais –
- (a) os ydynt yn cytuno â barn yr awdurdod ynghylch pam y mae'r cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (b) os ydynt yn cytuno â barn yr awdurdod bod yr estyniad arfaethedig i'r cyfnod y mae'r cyfarwyddyd i gael effaith ynddo yn ymateb priodol i'r ffaith bod yr awdurdod wedi dod i'r casgliad bod y cyflwr o bwysau oherwydd prinder tai yn bodoli;
 - (c) os ydynt wedi eu bodloni fod yr awdurdod, cyn gwneud y cais, wedi cydymffurfio â'i rwymedigaeth i gynnal ymgynghoriad o dan adran 19;
 - (d) os ydynt wedi eu bodloni fod y camau a gymrwyd gan yr awdurdod i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt er pan ddyroddwyd y cyfarwyddyd o dan adran 6 wedi bod yn ddigonol, ac
 - (e) os ydynt wedi eu bodloni bod cynigion yr awdurdod a gynhwysir yn ei gais yn unol ag adran 20(2)(d) yn debygol o gyfrannu at leihad yn yr anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt o fewn ardal yr awdurdod.
- (4) Os nad yw Gweinidogion Cymru wedi eu bodloni fod y camau a gymrwyd gan yr awdurdod i leihau'r anghydbwysedd rhwng y galw am dai cymdeithasol a'r cyflenwad ohonynt er pan ddyroddwyd y cyfarwyddyd o dan adran 6 wedi bod yn ddigonol, caniateir iddynt wrthod y cais.
- (5) Os na fodlonir unrhyw un neu ragor o baragraffau (a) i (c) neu (e) yn is-adran (3), rhaid i Weinidogion Cymru wrthod y cais.

22 Dyroddi cyfarwyddyd wedi ei ymestyn

- (1) Os yw Gweinidogion Cymru yn caniatáu cais awdurdod tai lleol o dan adran 21, rhaid iddynt ddyroddi yn ysgrifenedig gyfarwyddyd wedi ei newid –
- (a) sy'n datgan y dyddiad y mae i beidio â chael effaith (sef y dyddiad a bennir yng nghais yr awdurdod o dan adran 20(2)(f)), a
 - (b) sydd ym mhob dull arall yn cyfateb yn union i'r cyfarwyddyd y gwnaed y cais yn ei gylch (y "cyfarwyddyd a ddisodlwyd").
- (2) Bydd cyfarwyddyd a ddyroddir o dan yr adran hon yn cael effaith o'r dyddiad pan fydd y cyfarwyddyd a ddisodlwyd yn peidio â chael effaith.

PENNOD 4

DIRYMU CYFARWYDDYD I ATAL DROS DRO YR HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG

23 Dirymu cyfarwyddyd: pŵer i wneud cais

- (1) Caiff awdurdod tai lleol wneud cais i Weinidogion Cymru i ddirymu cyfarwyddyd a ddyroddwyd o dan y Rhan hon os yw'r awdurdod yn dod i'r casgliad bod y cyflwr a ddisgrifir yn is-adran (2) yn bodoli.
- (2) Y cyflwr yw naill ai –

- (b) any other information which the Welsh Ministers consider relevant.
- (3) The Welsh Ministers must grant the application if—
 - (a) they agree with the authority's opinion as to why the housing pressure condition exists;
 - (b) they agree with the authority's opinion that the proposed extension of the period for which the direction is to have effect is an appropriate response to the authority having concluded that the housing pressure condition exists;
 - (c) they are satisfied that, before making the application, the authority complied with their obligation to carry out a consultation exercise under section 19;
 - (d) they are satisfied that the action taken by the authority to reduce the imbalance between the demand for social housing and its supply since the direction was issued under section 6 has been adequate, and
 - (e) they are satisfied that the authority's proposals included in its application in accordance with section 20(2)(d) are likely to contribute to a reduction in the imbalance between the demand for social housing and its supply within the authority's area.
- (4) If the Welsh Ministers are not satisfied that the action taken by the authority to reduce the imbalance between the demand for social housing and its supply since the direction was issued under section 6 has been adequate, they may refuse the application.
- (5) If any of paragraphs (a) to (c) or (e) of subsection (3) are not met, the Welsh Ministers must reject the application.

22 Issue of direction as extended

- (1) Where the Welsh Ministers grant a local housing authority's application under section 21, they must issue in writing an altered direction which—
 - (a) states the date on which it is to cease to have effect (being the date specified in the authority's application under section 20(2)(f)), and
 - (b) in all other respects is identical to the direction in respect of which the application was made (the "replaced direction").
- (2) A direction issued under this section has effect as from the date on which the replaced direction ceases to have effect.

CHAPTER 4

REVOCATION OF DIRECTION SUSPENDING THE RIGHT TO BUY AND RELATED RIGHTS

23 Revocation of direction: power to apply

- (1) A local housing authority may apply to the Welsh Ministers for the revocation of a direction issued under this Part if the authority concludes that the condition described in subsection (2) exists.
- (2) The condition is that either—

- (a) nad yw'r galw am dai cymdeithasol y mae'r cyfarwyddyd yn ymwneud ag ef yn sylweddol uwch nac yn debygol o fod yn sylweddol uwch na'r cyflenwad o dai cymdeithasol, neu
- (b) hyd yn oed os yw'r galw yn sylweddol uwch neu'n debygol o fod yn sylweddol uwch na'r cyflenwad, nad yw'r anghydbwysedd rhwng y galw a'r cyflenwad yn debygol o gynyddu o ganlyniad i arfer yr hawl i brynu a hawliau cysylltiedig.

24 Cais i ddirymu

Rhaid i gais awdurdod tai lleol i Weinidogion Cymru i ddirymu cyfarwyddyd a ddyroddwyd o dan y Rhan hon fod yn ysgrifenedig a rhaid iddo esbonio pam y mae'r awdurdod wedi dod i'r casgliad bod y cyflwr a ddisgrifir yn adran 23(2) yn bodoli.

25 Penderfyniad Gweinidogion Cymru ar y cais

- (1) Caiff Gweinidogion Cymru wrthod cais awdurdod tai lleol o dan adran 23 (heb iddynt ystyried a yw is-adran (2) yn ei gwneud yn ofynnol iddynt ei ganiatáu ai peidio) os ydynt o'r farn bod yr awdurdod wedi methu â chydymffurfio â gofyniad a osodwyd o dan adran 27 mewn perthynas â'r cais.
- (2) Rhaid i Weinidogion Cymru ganiatáu'r cais os ydynt yn cytuno â chasgliad yr awdurdod ynghylch pam y mae'r cyflwr a ddisgrifir yn adran 23(2) yn bodoli.
- (3) Os yw Gweinidogion Cymru yn caniatáu'r cais, rhaid iddynt hysbysu'r awdurdod yn ysgrifenedig o'r ffaith honno a bydd y cyfarwyddyd yn peidio â chael effaith ar y dyddiad y rhoddir y cyfryw hysbysiad.

PENNOD 5

CEISIADAU: DARPARIAETHAU CYFFREDINOL

26 Tynnu cais yn ôl

Ar unrhyw adeg cyn bod Gweinidogion Cymru wedi gwneud penderfyniad ar gais awdurdod tai lleol am gyfarwyddyd, neu am ddirymu cyfarwyddyd, o dan y Rhan hon, caiff yr awdurdod a wnaeth y cais ei dynnu'n ôl drwy hysbysiad ysgrifenedig.

27 Darparu gwybodaeth bellach

- (1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdod tai lleol ddarparu gwybodaeth bellach yn ychwanegol at yr wybodaeth a roddwyd mewn cais am gyfarwyddyd, neu am ddirymu cyfarwyddyd, o dan y Rhan hon.
- (2) Mae'r pŵer o dan is-adran (1) yn arferadwy os yw Gweinidogion Cymru yn rhesymol o'r farn bod gwybodaeth bellach yn ofynnol er mwyn iddynt benderfynu a ddylid ystyried cais yr awdurdod neu ddyfarnu cais yr awdurdod.

28 Cyhoeddi cyfarwyddiadau

- (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl dyroddi cyfarwyddyd o dan y Rhan hon, rhaid i'r awdurdod tai lleol a wnaeth gais am y cyfarwyddyd ei gyhoeddi ym mha ddull bynnag sy'n briodol yn ei dyb ef.

- (a) the demand for social housing to which the direction relates does not substantially exceed its supply or is not likely to do so, or
- (b) even if demand does substantially exceed supply, or is likely to do so, that imbalance between supply and demand is not likely to increase as a result of the exercise of the right to buy and related rights.

24 Application for revocation

A local housing authority's application to the Welsh Ministers for revocation of a direction issued under this Part must be in writing and must explain why the authority has concluded that the condition described in section 23(2) exists.

25 Decision of the Welsh Ministers on the application

- (1) The Welsh Ministers may reject a local housing authority's application under section 23 (without considering whether subsection (2) requires them to grant it) if they are of the opinion that the authority has failed to comply with a requirement imposed under section 27 in relation to the application.
- (2) The Welsh Ministers must grant the application if they agree with the authority's conclusion as to why the condition described in section 23(2) exists.
- (3) If the Welsh Ministers grant the application, they must notify the local housing authority in writing of that fact and the direction ceases to have effect on the date on which such notice is given.

CHAPTER 5

APPLICATIONS: GENERAL PROVISIONS

26 Withdrawal of application

At any time before the Welsh Ministers have made a decision on a local housing authority's application for a direction, or for the revocation of a direction, under this Part, the authority which made the application may by notice in writing withdraw it.

27 Provision of further information

- (1) The Welsh Ministers may require a local housing authority to provide further information in addition to that provided in an application for a direction, or for the revocation of a direction, under this Part.
- (2) The power under subsection (1) is exercisable if the Welsh Ministers reasonably consider that the further information is required in order for them to decide whether to consider the authority's application or to determine the authority's application.

28 Publication of directions

- (1) As soon as reasonably practicable after the issue of a direction under this Part, the local housing authority which applied for the direction must publish it in whatever manner it thinks appropriate.

- (2) Rhaid i'r awdurdod hefyd gymryd camau rhesymol eraill i ddwyn cyfarwyddyd, neu ddirymiad cyfarwyddyd, a ddyroddwyd o dan y Rhan hon i sylw personau y mae'n debygol y bydd yn effeithio arnynt.

29 Cyfyngu ar geisiadau dro ar ôl tro

- (1) Mae is-adran (2) yn gymwys pan fo Gweinidogion Cymru wedi gwrthod caniatáu cais awdurdod tai lleol am gyfarwyddyd o dan y Rhan hon.
- (2) Pan fo'r is-adran hon yn gymwys, rhaid i'r awdurdod tai lleol a wnaeth y cais beidio â gwneud cais, yn ystod y cyfnod o ddwy flynedd yn dechrau gyda dyddiad y gwrthodiad, am gyfarwyddyd sy'n sylweddol yr un fath â'r cyfarwyddyd y gwrthodwyd y cais ar ei gyfer.
- (3) Mae is-adran (4) yn gymwys pan fo Gweinidogion Cymru wedi dyroddi cyfarwyddyd o dan adran 6 (y "cyfarwyddydd perthnasol") (p'un a fu amrywiad o dan adran 13 neu 17 neu estyniad o dan adran 22 ai peidio).
- (4) Pan fo'r is-adran hon yn gymwys, rhaid i'r awdurdod tai lleol, yn ystod y cyfnod a ddisgrifir yn is-adran (5), beidio â gwneud cais o dan adran 1 am gyfarwyddyd arall sy'n sylweddol yr un fath â'r cyfarwyddyd perthnasol.
- (5) Mae'r cyfnod y cyfeirir ato yn is-adran (4) –
- (a) yn dechrau ar y dyddiad y mae'r cyfarwyddyd perthnasol yn cael effaith, a
 - (b) yn dod i ben ddwy flynedd ar ôl y dyddiad y mae'r cyfarwyddyd perthnasol yn peidio â chael effaith.
- (6) Mewn achos lle y bu amrywiad o dan adran 13 neu 17, mae'r cyfeiriadau yn is-adran (4) a (5)(b) at y cyfarwyddyd perthnasol yn gyfeiriad at y cyfarwyddyd sydd yn cael effaith ar ôl yr amrywiad.
- (7) Mewn achos lle y bu estyniad o dan adran 22, mae'r cyfeiriad yn is-adran (5)(b) at yr amser pan fo'r cyfarwyddyd perthnasol yn peidio â chael effaith yn gyfeiriad at yr amser pan fo'r cyfarwyddyd yn peidio â chael effaith yn unol â'r estyniad.

30 Canllawiau

Wrth arfer ei swyddogaethau o dan adrannau 3, 10, 15, 20 a 24, rhaid i awdurdod tai lleol roi sylw i unrhyw ganllawiau a roddir o bryd i'w gilydd yn ysgrifenedig gan Weinidogion Cymru.

PENNOD 6

DIWYGIADAU I DDEDDF TAI 1985

31 Canlyniad i benderfyniad gan Weinidogion Cymru i ystyried ceisiadau penodol

- (1) Mae Deddf Tai 1985 wedi ei diwygio fel a ganlyn.
- (2) Mewnoder y canlynol ar ôl adran 122 o Ddeddf Tai 1985 –

- (2) The authority must also take other reasonable steps to bring a direction, or the revocation of a direction, issued under this Part to the attention of persons likely to be affected by it.

29 Restriction on repeat applications

- (1) Subsection (2) applies where the Welsh Ministers have refused to grant a local housing authority's application for a direction under this Part.
- (2) Where this subsection applies, the local housing authority which made the application must not, during the period of two years beginning with the date of refusal, make an application for a direction that is substantially the same as the direction the application for which was refused.
- (3) Subsection (4) applies where the Welsh Ministers have issued a direction under section 6 (the "relevant direction") (whether or not there has been a variation under section 13 or 17 or an extension under section 22).
- (4) Where this subsection applies, the local housing authority must not, during the period described in subsection (5), make an application under section 1 for another direction that is substantially the same as the relevant direction.
- (5) The period referred to in subsection (4) –
 - (a) begins on the date that the relevant direction has effect, and
 - (b) ends two years from the date on which the relevant direction ceases to have effect.
- (6) In a case where there has been a variation under section 13 or 17, the references in subsections (4) and (5)(b) to the relevant direction are references to the direction having effect after the variation.
- (7) In a case where there has been an extension under section 22, the reference in subsection (5)(b) to the time when the relevant direction ceases to have effect is a reference to the time when the direction ceases to have effect in accordance with the extension.

30 Guidance

In the exercise of its functions under sections 3, 10, 15, 20 and 24, a local housing authority must have regard to any guidance given from time to time in writing by the Welsh Ministers.

CHAPTER 6

AMENDMENTS TO THE HOUSING ACT 1985

31 Consequence of the Welsh Ministers deciding to consider certain applications

- (1) The Housing Act 1985 is amended as follows.
- (2) Insert the following after section 122 of the Housing Act 1985 –

“122A Applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right

- (1) Subsection (2) applies if—
 - (a) the Welsh Ministers are considering a local housing authority's application for a direction (“the draft direction”) in accordance with section 4(1) or (2) or 11(1) or (2) of the Housing (Wales) Measure 2011;
 - (b) a claim to exercise the right to buy is made under section 122(1) in respect of a dwelling-house to which—
 - (i) in the case of an application which is being considered in accordance with section 4(1) or (2) of the 2011 Measure, the draft direction applies, or
 - (ii) in the case of an application which is being considered in accordance with section 11(1) or (2) of the 2011 Measure, the enlarging elements (within the meaning of section 7 of that Measure) of the draft direction apply;
 - (c) the claim was made after the date on which the Welsh Ministers decided to consider the application for the proposed direction, and
 - (d) the application has not been determined or withdrawn.
 - (2) The claim to exercise the right to buy shall be stayed unless withdrawn by the tenant under section 122(3).
 - (3) If the Welsh Ministers refuse to issue the direction, the stay shall be lifted on the date of refusal.
 - (4) If the application for the direction is withdrawn, the stay shall be lifted on the date of withdrawal.
 - (5) If the Welsh Ministers have not granted or rejected an application for a direction within six months beginning with the date on which they decided to consider the application (see sections 4(4) and 11(4) of the 2011 Measure), the stay shall be lifted on the day after the end of that period.
 - (6) If a claim to exercise the right to buy is stayed at the time the Welsh Ministers grant an application for a direction, the claim is deemed not to have been made.
 - (7) This section does not affect the computation of any period under Schedule 4.”
- (3) Yn adran 124 (hysbysiad y landlord yn derbyn neu'n gwadu'r hawl i brynu)—
- (a) yn is-adran (1), mewnosoder “or (3)” ar ôl “subsection (2)”;
 - (b) ar ôl is-adran (2) mewnosoder—
 - “(3) But the period for serving a notice in a case where the stay of a claim to exercise the right to buy has been lifted under subsection (3), (4) or (5) of section 122A is four weeks beginning with the lifting date where the requirement of section 119 is satisfied by a period or periods during which the landlord was the landlord on which the tenant's notice under section 122 was served, and eight weeks beginning with the lifting date in any other case.”

“122A Applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right

- (1) Subsection (2) applies if—
 - (a) the Welsh Ministers are considering a local housing authority's application for a direction (“the draft direction”) in accordance with section 4(1) or (2) or 11(1) or (2) of the Housing (Wales) Measure 2011;
 - (b) a claim to exercise the right to buy is made under section 122(1) in respect of a dwelling-house to which—
 - (i) in the case of an application which is being considered in accordance with section 4(1) or (2) of the 2011 Measure, the draft direction applies, or
 - (ii) in the case of an application which is being considered in accordance with section 11(1) or (2) of the 2011 Measure, the enlarging elements (within the meaning of section 7 of that Measure) of the draft direction apply;
 - (c) the claim was made after the date on which the Welsh Ministers decided to consider the application for the proposed direction, and
 - (d) the application has not been determined or withdrawn.
 - (2) The claim to exercise the right to buy shall be stayed unless withdrawn by the tenant under section 122(3).
 - (3) If the Welsh Ministers refuse to issue the direction, the stay shall be lifted on the date of refusal.
 - (4) If the application for the direction is withdrawn, the stay shall be lifted on the date of withdrawal.
 - (5) If the Welsh Ministers have not granted or rejected an application for a direction within six months beginning with the date on which they decided to consider the application (see sections 4(4) and 11(4) of the 2011 Measure), the stay shall be lifted on the day after the end of that period.
 - (6) If a claim to exercise the right to buy is stayed at the time the Welsh Ministers grant an application for a direction, the claim is deemed not to have been made.
 - (7) This section does not affect the computation of any period under Schedule 4.”
- (3) In section 124 (landlord's notice admitting or denying right to buy)—
- (a) in subsection (1), insert “or (3)” after “subsection (2)”;
 - (b) after subsection (2) insert—
 - “(3) But the period for serving a notice in a case where the stay of a claim to exercise the right to buy has been lifted under subsection (3), (4) or (5) of section 122A is four weeks beginning with the lifting date where the requirement of section 119 is satisfied by a period or periods during which the landlord was the landlord on which the tenant's notice under section 122 was served, and eight weeks beginning with the lifting date in any other case.”

- (4) Yn adran 153A (hysbysiadau y tenant am oedi), yn is-adran (1)(a), mewnosoder “or (3)” ar ôl “subsection (2)”.

32 Effaith cyfarwyddyd i atal dros dro yr hawl i brynu

- (1) Mae Deddf Tai 1985 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 122 (hysbysiad y tenant yn hawlio arfer yr hawl i brynu), ar ddechrau is-adran (1), mewnosoder “Unless section 122B applies”.
- (3) Ar ôl adran 122A (a fewnosodir gan adran 31 o'r Mesur hwn) mewnosoder y canlynol—

“122B Suspension of the right to buy in parts of Wales

- (1) This section applies to a secure tenant of a dwelling-house to which a direction having effect under Part 1 of the Housing (Wales) Measure 2011 applies.
- (2) While the direction has effect, the tenant may not claim to exercise the right to buy under section 122.
- (3) This section does not affect the computation of any period in accordance with Schedule 4.”

PENNOD 7

AMRYWIOL

33 Dehongli Rhan 1

- (1) Onid yw'r cyd-destun yn mynnu fel arall, mae i ymadrodd a ddefnyddir yn y Rhan hon sy'n cyfateb i ymadrodd Saesneg yn Neddf Tai 1985 yr un ystyr yn y Rhan hon ag sydd i'r ymadrodd cyfatebol Saesneg yn y Ddeddf honno.
- (2) At ddibenion y Rhan hon—
- ystyr “awdurdod tai lleol” (“*local housing authority*”) yw awdurdod tai lleol yng Nghymru;
- mae i “cyflwr o bwysau oherwydd prinder tai” (“*housing pressure condition*”) yr ystyr a roddir gan adran 1(2);
- mae i “hawliau cysylltiedig” (“*related rights*”) yr ystyr a roddir i “hawliau sy'n gysylltiedig â'r hawl i brynu” (gweler adran 1(3));
- ystyr “tai cymdeithasol” (“*social housing*”) yw unrhyw dai a ddarperir gan ddarparpwydd tai cymdeithasol.
- (3) At ddibenion y Rhan hon, ystyr “tŷ annedd perthnasol”, mewn perthynas â chais am gyfarwyddyd, neu gyfarwyddyd a ddyroddwyd, o dan y Rhan hon yw—
- (a) tŷ annedd—
- (i) y mae ei landlord yn ddarparpwydd tai cymdeithasol, a
- (ii) y mae gan y tenant iddo yr hawl i brynu, neu hawl sy'n gysylltiedig â'r hawl i brynu, neu fe fyddai ganddo hawl o'r fath petai'n bodloni'r amodau sy'n arwain at hawl o'r fath, a

- (4) In section 153A (tenant's notices of delay), in subsection (1)(a), insert "or (3)" after "subsection (2)".

32 Effect of direction to suspend the right to buy

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 122 (tenant's notice claiming to exercise right to buy), at the beginning of subsection (1) insert "Unless section 122B applies".
- (3) After section 122A (inserted by section 31 of this Measure) insert the following—

"122B Suspension of the right to buy in parts of Wales

- (1) This section applies to a secure tenant of a dwelling-house to which a direction having effect under Part 1 of the Housing (Wales) Measure 2011 applies.
- (2) While the direction has effect, the tenant may not claim to exercise the right to buy under section 122.
- (3) This section does not affect the computation of any period in accordance with Schedule 4."

CHAPTER 7

MISCELLANEOUS

33 Interpretation of Part 1

- (1) Unless the context otherwise requires, an expression used in this Part and the Housing Act 1985 has the same meaning in this Part as it does in that Act.
- (2) For the purposes of this Part—
- "housing pressure condition" ("*cyflwr o bwysau oherwydd prinder tai*") has the meaning given by section 1(2);
- "local housing authority" ("*awdurdod tai lleol*") means a local housing authority in Wales;
- "related rights" ("*hawliau cysylltiedig*") has the meaning given to "rights related to the right to buy" (see section 1(3));
- "social housing" ("*tai cymdeithasol*") means any housing provided by a social housing provider.
- (3) For the purposes of this Part, "relevant dwelling-house", in relation to an application for a direction, or a direction issued, under this Part means—
- (a) a dwelling-house—
- (i) the landlord of which is a social housing provider, and
- (ii) the tenant of which has the right to buy, or a right related to the right to buy, or would have such a right if he or she met the conditions which give rise to such a right, and

- (b) mae'n cynnwys tŷ annedd sy'n bodloni gofynion paragraff (a) ar ôl y dyddiad y gwneir y cais am gyfarwyddyd ar ei gyfer.
- (4) At ddibenion y Rhan hon, ystyr “darparydd tai cymdeithasol” yw—
- (a) awdurdod lleol, a
- (b) person (heblaw awdurdod lleol)—
- (i) sy'n darparu tai, neu
- (ii) y mae ganddo swyddogaethau sy'n ymwneud â dyrannu tai,
- ar gyfer pobl nad yw'r farchnad dai fasnachol yn diwallu eu hanghenion yn ddigon da;

ond mae awdurdod lleol neu'r cyfryw berson arall yn ddarparydd tai cymdeithasol dim ond i'r graddau y mae'n darparu tai, neu fod ganddo swyddogaethau sy'n ymwneud â dyrannu tai.

34 Gorchmynion canlyniadol etc

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud y cyfryw ddarpariaeth ag a ystyrir yn briodol gan Weinidogion Cymru o ganlyniad i unrhyw ddarpariaeth a wneir gan y Rhan hon, neu er mwyn rhoi effaith lawn i'r ddarpariaeth honno.
- (2) Caiff Gweinidogion Cymru drwy orchymyn wneud y cyfryw ddarpariaeth y mae Gweinidogion Cymru yn barnu ei bod yn briodol ar gyfer cymhwyso neu ymestyn unrhyw ddarpariaeth a wnaed gan y Rhan hon (gydag addasiadau neu hebddynt) i unrhyw ddarpariaeth ynghylch neu sy'n berthynol i hawl sy'n gysylltiedig â'r hawl i brynu.
- (3) Mae'r pwerau o dan is-adrannau (1) a (2) yn cynnwys gwneud darpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddarpariaeth (ond heb fod yn gyfyngedig iddynt)—
- (a) mewn unrhyw Ddeddf Seneddol neu Fesur Cynulliad Cymru (gan gynnwys y Mesur hwn), a
- (b) mewn is-ddeddfwriaeth.
- (4) Yn yr adran hon mae i “is-ddeddfwriaeth” yr un ystyr ag sydd i “subordinate legislation” yn Neddf Dehongli 1978.

RHAN 2

LANDLORDIAID CYMDEITHASOL COFRESTREDIG

PENNOD 1

PERFFORMIAD

35 Safonau perfformiad

O flaen adran 34 o Ddeddf Tai 1996 (ond ar ôl y pennawd mewn llythrennau italaid yn union o flaen yr adran honno) mewnosoder—

- (b) includes a dwelling-house which meets the requirements of paragraph (a) after the date on which the application for a direction is made.
- (4) For the purposes of this Part, “social housing provider” means—
- (a) a local authority, and
 - (b) a person (other than a local authority) which—
 - (i) provides housing to, or
 - (ii) has functions relating to allocation of housing to, people whose needs are not adequately served by the commercial housing market;

but a local authority or such other person is a social housing provider only insofar as it provides, or has functions relating to allocation of, housing.

34 Consequential etc orders

- (1) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate in consequence of, or for giving full effect to, any provision made by this Part.
- (2) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate for applying or extending any provision made by this Part (with or without modifications) to any provision about or connected with a right related to the right to buy.
- (3) The powers under subsections (1) and (2) include, but are not limited to, powers to make provision which amends, repeals or revokes any provision of—
- (a) any Act of Parliament or Measure of the National Assembly for Wales (including this Measure), and
 - (b) subordinate legislation.
- (4) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

PART 2

REGISTERED SOCIAL LANDLORDS

CHAPTER 1

PERFORMANCE

35 Standards of performance

Before section 34 of the Housing Act 1996 (but after the italic heading immediately before that section) insert—

“33A Standards of performance

- (1) The Welsh Ministers may set standards to be met by registered social landlords in connection with—
 - (a) their functions relating to the provision of housing, and
 - (b) matters relating to their governance and financial management.
- (2) In setting standards the Welsh Ministers must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.
- (3) This section does not apply in relation to a registered social landlord's provision of housing in England.”

36 Canllawiau ar safonau perfformiad

Ar ôl adran 33A o Ddeddf Tai 1996 mewnosoder —

“33B Guidance on standards of performance

- (1) The Welsh Ministers may issue guidance that —
 - (a) relates to a matter addressed by a standard, and
 - (b) amplifies the standard.
- (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.
- (3) The Welsh Ministers may revise or withdraw the guidance.
- (4) The Welsh Ministers must make arrangements for bringing the guidance to the attention of registered social landlords.”

37 Ymgynghori

Ar ôl adran 33B o Ddeddf Tai 1996 mewnosoder —

“33C Consultation

Before setting standards under section 33A, or issuing, revising or withdrawing guidance under section 33B, the Welsh Ministers must consult —

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) one or more bodies appearing to them to represent the interests of local housing authorities.”

38 Gwybodaeth o ran lefelau perfformiad

- (1) Diwygier adran 35 o Ddeddf Tai 1996 (gwybodaeth o ran lefelau perfformiad) fel a ganlyn.

“33A Standards of performance

- (1) The Welsh Ministers may set standards to be met by registered social landlords in connection with—
 - (a) their functions relating to the provision of housing, and
 - (b) matters relating to their governance and financial management.
- (2) In setting standards the Welsh Ministers must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.
- (3) This section does not apply in relation to a registered social landlord's provision of housing in England.”

36 Guidance on standards of performance

After section 33A of the Housing Act 1996 insert—

“33B Guidance on standards of performance

- (1) The Welsh Ministers may issue guidance that—
 - (a) relates to a matter addressed by a standard, and
 - (b) amplifies the standard.
- (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.
- (3) The Welsh Ministers may revise or withdraw the guidance.
- (4) The Welsh Ministers must make arrangements for bringing the guidance to the attention of registered social landlords.”

37 Consultation

After section 33B of the Housing Act 1996 insert—

“33C Consultation

Before setting standards under section 33A, or issuing, revising or withdrawing guidance under section 33B, the Welsh Ministers must consult —

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) one or more bodies appearing to them to represent the interests of local housing authorities.”

38 Information as to levels of performance

- (1) Amend section 35 of the Housing Act 1996 (information as to levels of performance) as follows.

(2) O flaen is-adran (1) mewnosoder –

“(A1) The Welsh Ministers shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with –

- (a) their functions relating to the provision of housing in Wales, and
- (b) matters relating to their governance and financial management.”

(3) Yn is-adran (1), ar ôl “housing” mewnosoder “in England”.

(4) Yn is-adran (2), yn lle “section 34” rhodder “section 33A or 34”.

39 Canllawiau ynghylch cwynion am berfformiad

Ar ôl adran 35 o Ddeddf Tai 1996 mewnosoder –

“Complaints about performance

35A Guidance about complaints about performance

- (1) The Welsh Ministers may publish guidance about complaints to the Welsh Ministers about the performance of registered social landlords.
- (2) The guidance may specify (among other things) –
 - (a) the procedure to be followed in making a complaint;
 - (b) the criteria used by the Welsh Ministers in deciding whether to investigate a complaint;
 - (c) periods within which the Welsh Ministers aim to inform complainants of the result of complaints.
- (3) The Welsh Ministers may revise or withdraw the guidance.
- (4) This section does not apply in relation to complaints about a registered social landlord's provision of housing in England.”

40 Ymgynghori

Ar ôl adran 35A o Ddeddf Tai 1996 mewnosoder –

“35B Consultation

Before publishing, revising or withdrawing guidance under section 35A the Welsh Ministers must consult –

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants,
- (c) one or more bodies appearing to them to represent the interests of local housing authorities, and
- (d) the Auditor General for Wales.”

(2) Before subsection (1) insert –

“(A1) The Welsh Ministers shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with –

- (a) their functions relating to the provision of housing in Wales, and
- (b) matters relating to their governance and financial management.”

(3) In subsection (1), after “housing” insert “in England”.

(4) In subsection (2), for “section 34” substitute “section 33A or 34”.

39 Guidance about complaints about performance

After section 35 of the Housing Act 1996 insert –

“Complaints about performance

35A Guidance about complaints about performance

- (1) The Welsh Ministers may publish guidance about complaints to the Welsh Ministers about the performance of registered social landlords.
- (2) The guidance may specify (among other things) –
 - (a) the procedure to be followed in making a complaint;
 - (b) the criteria used by the Welsh Ministers in deciding whether to investigate a complaint;
 - (c) periods within which the Welsh Ministers aim to inform complainants of the result of complaints.
- (3) The Welsh Ministers may revise or withdraw the guidance.
- (4) This section does not apply in relation to complaints about a registered social landlord's provision of housing in England.”

40 Consultation

After section 35A of the Housing Act 1996 insert –

“35B Consultation

Before publishing, revising or withdrawing guidance under section 35A the Welsh Ministers must consult –

- (a) one or more bodies appearing to them to represent the interests of registered social landlords,
- (b) one or more bodies appearing to them to represent the interests of tenants,
- (c) one or more bodies appearing to them to represent the interests of local housing authorities, and
- (d) the Auditor General for Wales.”

PENNOD 2**YMGYMERIADAU GWIRFODDOL****41 Ymgymeriadau gwirfoddol**

Ar ôl adran 6 o Ddeddf Tai 1996 mewnosoder –

“Voluntary undertakings

6A Voluntary undertakings

- (1) A registered social landlord may give the Welsh Ministers an undertaking in respect of any matter concerning housing.
- (2) The Welsh Ministers may prescribe a procedure to be followed in giving an undertaking.
- (3) The Welsh Ministers must have regard to any undertaking offered or given in exercising a regulatory or enforcement power.
- (4) The Welsh Ministers may base a decision about whether to exercise a regulatory or enforcement power wholly or partly on the extent to which an undertaking has been honoured.
- (5) In this section, “regulatory or enforcement power” means a power exercisable under any of the following provisions –
 - section 35,
 - section 37,
 - section 38,
 - Chapter 4A of this Part,
 - paragraphs 4 and 6 to 15H of Part 2 of Schedule 1,
 - Part 3A of Schedule 1,
 - Part 4 of Schedule 1.
- (6) This section does not apply in relation to a registered social landlord's provision of housing in England.”

PENNOD 3**RHEOLEIDDIO**

Gwneud arolwg ac archwilio

42 Methu â rhoi hysbysiad i feddianwyr

- (1) Diwygier adran 37 o Ddeddf Tai 1996 (pŵer i fynd i mewn i fangre i wneud arolwg ac archwilio) fel a ganlyn.

CHAPTER 2**VOLUNTARY UNDERTAKINGS****41 Voluntary undertakings**

After section 6 of the Housing Act 1996 insert—

“Voluntary undertakings

6A Voluntary undertakings

- (1) A registered social landlord may give the Welsh Ministers an undertaking in respect of any matter concerning housing.
- (2) The Welsh Ministers may prescribe a procedure to be followed in giving an undertaking.
- (3) The Welsh Ministers must have regard to any undertaking offered or given in exercising a regulatory or enforcement power.
- (4) The Welsh Ministers may base a decision about whether to exercise a regulatory or enforcement power wholly or partly on the extent to which an undertaking has been honoured.
- (5) In this section, “regulatory or enforcement power” means a power exercisable under any of the following provisions—
 - section 35,
 - section 37,
 - section 38,
 - Chapter 4A of this Part,
 - paragraphs 4 and 6 to 15H of Part 2 of Schedule 1,
 - Part 3A of Schedule 1,
 - Part 4 of Schedule 1.
- (6) This section does not apply in relation to a registered social landlord's provision of housing in England.”

CHAPTER 3**REGULATION**

Survey and examination

42 Failure to give notice to occupiers

- (1) Amend section 37 of the Housing Act 1996 (power to enter premises to carry out survey and examination) as follows.

- (2) Yn is-adran (3)–
- (a) mae ail frawddeg y ddarpariaeth bresennol yn newid yn is-adran (3A),
 - (b) yn is-adran (3A), yn lle “who fails to do so” rhodder “who fails, without reasonable excuse, to give the required notice in relation to premises in Wales”, ac
 - (c) ar ôl is-adran (3A) mewnosoder –

“(3B)A landlord who fails to give the required notice in relation to premises in England commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) Yn is-adran (4), yn lle “(3)” rhodder “(3A) or (3B)”.

Cynnal arolygiad

43 Cynnal arolygiad: trosolwg a chymhwys

Ar ôl Rhan 3 o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“PART 3A

INSPECTION

Overview and application

- 19B (1) This Part provides for the inspection of a registered social landlord's affairs.
- (2) But this Part does not apply in relation to affairs relating only to the provision of housing in England.”

44 Cynnal arolygiad

Ar ôl paragraff 19B o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“Inspection

- 19C (1) The Welsh Ministers –
- (a) may inspect a registered social landlord's affairs, or
 - (b) may arrange for another person to do so.
- (2) An inspection may be general or specific.
- (3) If the Welsh Ministers arrange for a person to carry out an inspection, they may direct that person to discontinue it.
- (4) If the Welsh Ministers arrange for a person to carry out an inspection, the arrangements may include (among other things) provision about payments.”

45 Cynnal arolygiad: atodol

Ar ôl paragraff 19C o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

- (2) In subsection (3)–
- (a) the second sentence of the existing provision becomes subsection (3A),
 - (b) in subsection (3A), for “who fails to do so” substitute “who fails, without reasonable excuse, to give the required notice in relation to premises in Wales”, and
 - (c) after subsection (3A) insert–
 - “(3B)A landlord who fails to give the required notice in relation to premises in England commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) In subsection (4), for “(3)” substitute “(3A) or (3B)”.

Inspection

43 Inspection: overview and application

After Part 3 of Schedule 1 to the Housing Act 1996 insert–

“PART 3A

INSPECTION

Overview and application

- 19B (1) This Part provides for the inspection of a registered social landlord's affairs.
- (2) But this Part does not apply in relation to affairs relating only to the provision of housing in England.”

44 Inspection

After paragraph 19B of Schedule 1 to the Housing Act 1996 insert–

“Inspection

- 19C (1) The Welsh Ministers–
- (a) may inspect a registered social landlord's affairs, or
 - (b) may arrange for another person to do so.
- (2) An inspection may be general or specific.
- (3) If the Welsh Ministers arrange for a person to carry out an inspection, they may direct that person to discontinue it.
- (4) If the Welsh Ministers arrange for a person to carry out an inspection, the arrangements may include (among other things) provision about payments.”

45 Inspection: supplemental

After paragraph 19C of Schedule 1 to the Housing Act 1996 insert–

“Inspection: supplemental

- 19D (1) The person carrying out the inspection must produce a written report.
- (2) The Welsh Ministers –
- (a) must give the registered social landlord a copy of the report, and
 - (b) may publish the report and related information.
- (3) If the Welsh Ministers have arranged for a person to carry out the inspection, that person may publish the report and related information (whether or not the Welsh Ministers have done so).
- (4) If a registered social landlord is inspected, the Welsh Ministers may charge a fee.
- (5) A registered social landlord must pay any fee charged to –
- (a) the person with whom the Welsh Ministers have made an arrangement to carry out an inspection (if any), or
 - (b) the Welsh Ministers.
- (6) The Welsh Ministers may direct a registered social landlord to pay the fee to one of those persons.
- (7) If a fee is paid to a person other than the Welsh Ministers, that person must notify the Welsh Ministers about the payment.”

46 Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu

Ar ôl paragraff 19D o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“Inspector's powers to require provision of documents or information

- 19E (1) An inspector may by notice require a person to provide specified documents or information.
- (2) A requirement may specify –
- (a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);
 - (b) when and where it is to be provided.
- (3) The inspector may copy or record documents or information provided.
- (4) Failure to comply with a requirement without reasonable excuse is an offence.
- (5) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.
- (6) If a person fails to comply with a requirement the High Court may, on an application by the inspector, make an order for the purpose of remedying the failure.
- (7) In this paragraph “inspector” means –

“Inspection: supplemental

- 19D (1) The person carrying out the inspection must produce a written report.
- (2) The Welsh Ministers –
- (a) must give the registered social landlord a copy of the report, and
 - (b) may publish the report and related information.
- (3) If the Welsh Ministers have arranged for a person to carry out the inspection, that person may publish the report and related information (whether or not the Welsh Ministers have done so).
- (4) If a registered social landlord is inspected, the Welsh Ministers may charge a fee.
- (5) A registered social landlord must pay any fee charged to –
- (a) the person with whom the Welsh Ministers have made an arrangement to carry out an inspection (if any), or
 - (b) the Welsh Ministers.
- (6) The Welsh Ministers may direct a registered social landlord to pay the fee to one of those persons.
- (7) If a fee is paid to a person other than the Welsh Ministers, that person must notify the Welsh Ministers about the payment.”

46 Inspector's powers to require provision of documents or information

After paragraph 19D of Schedule 1 to the Housing Act 1996 insert –

“Inspector's powers to require provision of documents or information

- 19E (1) An inspector may by notice require a person to provide specified documents or information.
- (2) A requirement may specify –
- (a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);
 - (b) when and where it is to be provided.
- (3) The inspector may copy or record documents or information provided.
- (4) Failure to comply with a requirement without reasonable excuse is an offence.
- (5) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.
- (6) If a person fails to comply with a requirement the High Court may, on an application by the inspector, make an order for the purpose of remedying the failure.
- (7) In this paragraph “inspector” means –

- (a) the Welsh Ministers, or
- (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C."

47 Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu: atodol

Ar ôl paragraff 19E o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

"Inspector's powers to require provision of documents or information: supplemental

- 19F (1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.
- (2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not –
- (a) the registered social landlord to whose affairs or activities the document or information relates,
 - (b) a subsidiary of that landlord, or
 - (c) an associate of that landlord.
- (3) A person guilty of an offence under paragraph 19E(4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person guilty of an offence under paragraph 19E(5) is liable –
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to –
 - (i) imprisonment for a term not exceeding two years,
 - (ii) a fine, or
 - (iii) both.
- (5) Proceedings for an offence under paragraph 19E(4) or (5) may be brought only by or with the consent of –
- (a) the Welsh Ministers, or
 - (b) the Director of Public Prosecutions."

48 Pwerau arolygydd i gael mynediad ac edrych ar ddogfennau

Ar ôl paragraff 19F o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

"Inspector's powers of entry and inspection

- 19G (1) An inspector may at any reasonable time –
- (a) enter premises occupied by the registered social landlord which is being inspected, and

- (a) the Welsh Ministers, or
- (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C."

47 **Inspector's powers to require provision of documents or information: supplemental**

After paragraph 19E of Schedule 1 to the Housing Act 1996 insert—

"Inspector's powers to require provision of documents or information: supplemental

- 19F (1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.
- (2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not—
- (a) the registered social landlord to whose affairs or activities the document or information relates,
 - (b) a subsidiary of that landlord, or
 - (c) an associate of that landlord.
- (3) A person guilty of an offence under paragraph 19E(4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person guilty of an offence under paragraph 19E(5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to—
 - (i) imprisonment for a term not exceeding two years,
 - (ii) a fine, or
 - (iii) both.
- (5) Proceedings for an offence under paragraph 19E(4) or (5) may be brought only by or with the consent of—
- (a) the Welsh Ministers, or
 - (b) the Director of Public Prosecutions."

48 **Inspector's powers of entry and inspection**

After paragraph 19F of Schedule 1 to the Housing Act 1996 insert—

"Inspector's powers of entry and inspection

- 19G (1) An inspector may at any reasonable time—
- (a) enter premises occupied by the registered social landlord which is being inspected, and

- (b) inspect, copy or take away documents found there.
- (2) But the inspector may not enter residential accommodation (whether the residential accommodation is the whole of, or only part of, premises occupied by the registered social landlord).
- (3) The reference to documents found on the premises includes (but is not limited to)–
- (a) documents stored on computers or electronic storage devices on the premises, and
- (b) documents stored elsewhere which can be accessed by computers on the premises.
- (4) The power to inspect documents includes (but is not limited to) the power to inspect any computer or electronic storage device on which they have been created or stored.
- (5) An inspector may require any person on the premises to provide such facilities or assistance as the inspector reasonably requests.
- (6) For the purposes of sub-paragraphs (3) and (4) an inspector may require any person having charge of a computer to provide any assistance that the inspector reasonably requests.
- (7) It is an offence for a person without reasonable excuse to obstruct an inspector exercising the powers conferred by sub-paragraphs (1) to (6).
- (8) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Proceedings for an offence may be brought only by or with the consent of–
- (a) the Welsh Ministers, or
- (b) the Director of Public Prosecutions.
- (10) In this paragraph –
- “inspector” means –
- (a) the Welsh Ministers, or
- (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C;

“residential accommodation” means accommodation of any description (including, but not limited to, a dwelling or residential accommodation in a hostel) that is occupied by one or more persons as a permanent or temporary place of residence (whether or not it is also occupied by any person for any other purpose).”

Ymchwiliad

49 Archwiliad anghyffredin at ddibenion ymchwiliad

Ym mharagraff 22 o Atodlen 1 i Ddeddf Tai 1996 (archwiliad anghyffredin at ddibenion ymchwiliad), yn is-baragraff (4), yn lle “the Welsh Ministers” rhodder “the registered social landlord in respect of which the inquiry is being conducted”.

- (b) inspect, copy or take away documents found there.
- (2) But the inspector may not enter residential accommodation (whether the residential accommodation is the whole of, or only part of, premises occupied by the registered social landlord).
- (3) The reference to documents found on the premises includes (but is not limited to)–
- (a) documents stored on computers or electronic storage devices on the premises, and
- (b) documents stored elsewhere which can be accessed by computers on the premises.
- (4) The power to inspect documents includes (but is not limited to) the power to inspect any computer or electronic storage device on which they have been created or stored.
- (5) An inspector may require any person on the premises to provide such facilities or assistance as the inspector reasonably requests.
- (6) For the purposes of sub-paragraphs (3) and (4) an inspector may require any person having charge of a computer to provide any assistance that the inspector reasonably requests.
- (7) It is an offence for a person without reasonable excuse to obstruct an inspector exercising the powers conferred by sub-paragraphs (1) to (6).
- (8) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Proceedings for an offence may be brought only by or with the consent of–
- (a) the Welsh Ministers, or
- (b) the Director of Public Prosecutions.
- (10) In this paragraph –
- “inspector” means–
- (a) the Welsh Ministers, or
- (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C;
- “residential accommodation” means accommodation of any description (including, but not limited to, a dwelling or residential accommodation in a hostel) that is occupied by one or more persons as a permanent or temporary place of residence (whether or not it is also occupied by any person for any other purpose).”

Inquiry

49 Extraordinary audit for purposes of inquiry

In paragraph 22 of Schedule 1 to the Housing Act 1996 (extraordinary audit for purposes of inquiry), in sub-paragraph (4), for “the Welsh Ministers” substitute “the registered social landlord in respect of which the inquiry is being conducted”.

PENNOD 4

GORFODI

Cyffredinol

50 Pwerau gorfodi Gweinidogion Cymru: cyffredinol

Ar ôl adran 50 o Ddeddf Tai 1996 mewnosoder –

“CHAPTER 4A**ENFORCEMENT POWERS***General***50A Application of Chapter 4A**

This Chapter does not apply in relation to a registered social landlord's provision of housing in England.”

51 Arfer pwerau gorfodi

Ar ôl adran 50A o Ddeddf Tai 1996 mewnosoder –

“50B Exercise of enforcement powers

- (1) This section applies where the Welsh Ministers are deciding –
 - (a) whether to exercise an enforcement power,
 - (b) which enforcement power to exercise, or
 - (c) how to exercise an enforcement power.
- (2) The Welsh Ministers must consider –
 - (a) the desirability of registered social landlords being free to choose how to provide services and conduct business;
 - (b) whether the failure or other problem concerned is serious or trivial;
 - (c) whether the failure or other problem is a recurrent or isolated incident;
 - (d) the speed with which the failure or other problem needs to be addressed.
- (3) In subsection (1), an “enforcement power” means a power exercisable under any of the following provisions –

this Chapter,

paragraphs 4, 6 to 8, 14 to 15B, 15D, 15F and 15H of Part 2 of Schedule 1,

paragraphs 20 to 27 of Part 4 of Schedule 1.”

CHAPTER 4**ENFORCEMENT***General***50 Welsh Ministers' enforcement powers: general**

After section 50 of the Housing Act 1996 insert –

“CHAPTER 4A**ENFORCEMENT POWERS***General***50A Application of Chapter 4A**

This Chapter does not apply in relation to a registered social landlord's provision of housing in England.”

51 Exercise of enforcement powers

After section 50A of the Housing Act 1996 insert –

“50B Exercise of enforcement powers

- (1) This section applies where the Welsh Ministers are deciding –
 - (a) whether to exercise an enforcement power,
 - (b) which enforcement power to exercise, or
 - (c) how to exercise an enforcement power.
- (2) The Welsh Ministers must consider –
 - (a) the desirability of registered social landlords being free to choose how to provide services and conduct business;
 - (b) whether the failure or other problem concerned is serious or trivial;
 - (c) whether the failure or other problem is a recurrent or isolated incident;
 - (d) the speed with which the failure or other problem needs to be addressed.
- (3) In subsection (1), an “enforcement power” means a power exercisable under any of the following provisions –

this Chapter,

paragraphs 4, 6 to 8, 14 to 15B, 15D, 15F and 15H of Part 2 of Schedule 1,

paragraphs 20 to 27 of Part 4 of Schedule 1.”

*Hysbysiad gorfodi***52 Seiliau ar gyfer rhoi hysbysiad**

Ar ôl adran 50B o Ddeddf Tai 1996 mewnosoder –

*“Enforcement notice***50C Grounds for giving notice**

- (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that –
 - (a) any of the following cases applies, and
 - (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.
- (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).
- (6) Case 5 is where the interests of tenants of the registered social landlord require protection.
- (7) Case 6 is where the registered social landlord's assets require protection.
- (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord) –
 - (a) Case 8 applies,
 - (b) the Welsh Ministers may give an enforcement notice to the other person, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.”

*Enforcement notice***52 Grounds for giving notice**

After section 50B of the Housing Act 1996 insert—

*“Enforcement notice***50C Grounds for giving notice**

- (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that—
 - (a) any of the following cases applies, and
 - (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.
- (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.
- (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).
- (6) Case 5 is where the interests of tenants of the registered social landlord require protection.
- (7) Case 6 is where the registered social landlord's assets require protection.
- (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (9) Case 8 is where an offence under this Part has been committed by the registered social landlord.
- (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005.
- (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
 - (a) Case 8 applies,
 - (b) the Welsh Ministers may give an enforcement notice to the other person, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.”

53 Cynnwys

Ar ôl adran 50C o Ddeddf Tai 1996 mewnosoder –

“50D Content

- (1) An enforcement notice must –
 - (a) specify the grounds on which it is given,
 - (b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,
 - (c) specify when the action is to be taken (which may be immediately on receipt of the notice), and
 - (d) explain the effect of sections 50E to 50G.
- (2) The action specified in an enforcement notice may include publishing the notice in a specified manner.”

54 Apelio

Ar ôl adran 50D o Ddeddf Tai 1996 mewnosoder –

“50E Appeal

A registered social landlord who is given an enforcement notice may appeal to the High Court.”

55 Tynnu'n ôl

Ar ôl adran 50E o Ddeddf Tai 1996 mewnosoder –

“50F Withdrawal

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.”

56 Sanctsiwn

Ar ôl adran 50F o Ddeddf Tai 1996 mewnosoder –

“50G Sanction

- (1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only –
 - (a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or
 - (b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.
- (2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.”

53 Content

After section 50C of the Housing Act 1996 insert—

“50D Content

- (1) An enforcement notice must—
 - (a) specify the grounds on which it is given,
 - (b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,
 - (c) specify when the action is to be taken (which may be immediately on receipt of the notice), and
 - (d) explain the effect of sections 50E to 50G.
- (2) The action specified in an enforcement notice may include publishing the notice in a specified manner.”

54 Appeal

After section 50D of the Housing Act 1996 insert—

“50E Appeal

A registered social landlord who is given an enforcement notice may appeal to the High Court.”

55 Withdrawal

After section 50E of the Housing Act 1996 insert—

“50F Withdrawal

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.”

56 Sanction

After section 50F of the Housing Act 1996 insert—

“50G Sanction

- (1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only—
 - (a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or
 - (b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.
- (2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.”

*Cosb***57 Seiliau ar gyfer rhoi cosb**

Ar ôl adran 50G o Ddeddf Tai 1996 mewnosoder –

*“Penalty***50H Grounds for imposition**

- (1) The Welsh Ministers may require a registered social landlord to pay a penalty if they are satisfied that—
 - (a) any of the following cases applies, and
 - (b) the imposition of a penalty 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 there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an enforcement notice.
- (5) Case 4 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (6) Case 5 is where an offence under this Part has been committed by the registered social landlord.
- (7) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
 - (a) Case 5 applies,
 - (b) the Welsh Ministers may require the other person to pay a penalty, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.
- (8) In order to rely on Case 5 the Welsh Ministers must be satisfied beyond reasonable doubt that it applies.”

58 Rhoi cosb

Ar ôl adran 50H o Ddeddf Tai 1996 mewnosoder –

“50I Imposition

- (1) A penalty is imposed by the Welsh Ministers giving notice (a “penalty notice”) to the registered social landlord.
- (2) The notice must specify –

*Penalty***57 Grounds for imposition**

After section 50G of the Housing Act 1996 insert –

*“Penalty***50H Grounds for imposition**

- (1) The Welsh Ministers may require a registered social landlord to pay a penalty if they are satisfied that—
 - (a) any of the following cases applies, and
 - (b) the imposition of a penalty 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 there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (4) Case 3 is where the registered social landlord has failed to comply with an enforcement notice.
- (5) Case 4 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.
- (6) Case 5 is where an offence under this Part has been committed by the registered social landlord.
- (7) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—
 - (a) Case 5 applies,
 - (b) the Welsh Ministers may require the other person to pay a penalty, and
 - (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.
- (8) In order to rely on Case 5 the Welsh Ministers must be satisfied beyond reasonable doubt that it applies.”

58 Imposition

After section 50H of the Housing Act 1996 insert –

“50I Imposition

- (1) A penalty is imposed by the Welsh Ministers giving notice (a “penalty notice”) to the registered social landlord.
- (2) The notice must specify –

- (a) the grounds on which the penalty is imposed,
 - (b) the amount of the penalty,
 - (c) how the penalty must be paid,
 - (d) a period within which it must be paid, and
 - (e) any interest or additional penalty which, by virtue of section 50M, is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the penalty in a specified manner.
- (4) The notice must explain the effect of sections 50M(1), (3) and (5) and 50N."

59 Swm y gosb

Ar ôl adran 50I o Ddeddf Tai 1996 mewnosoder —

"50J Amount

- (1) The amount of a penalty imposed on the ground specified in Case 5 of section 50H may not exceed the maximum amount of fine that a magistrates' court could impose for the relevant offence.
- (2) The amount of a penalty imposed on the ground specified in any other Case of that section may not exceed £5,000.
- (3) The Welsh Ministers may by order amend the amount specified in subsection (2).
- (4) An order under subsection (3) is to be made by statutory instrument and must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales."

60 Rhybuddio

Ar ôl adran 50J o Ddeddf Tai 1996 mewnosoder —

"50K Warning

- (1) Before giving a penalty notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a "pre-penalty warning") —
 - (a) specifying grounds on which the Welsh Ministers think a penalty could be imposed,
 - (b) warning the landlord that the Welsh Ministers are considering imposing a penalty,
 - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any penalty, and
 - (d) explaining the effect of sections 50L, 50M(1), (3) and (5) and 50N.
- (2) The Welsh Ministers must send a copy of a pre-penalty warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-penalty warning is given).

- (a) the grounds on which the penalty is imposed,
 - (b) the amount of the penalty,
 - (c) how the penalty must be paid,
 - (d) a period within which it must be paid, and
 - (e) any interest or additional penalty which, by virtue of section 50M, is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the penalty in a specified manner.
- (4) The notice must explain the effect of sections 50M(1), (3) and (5) and 50N."

59 Amount

After section 50I of the Housing Act 1996 insert—

"50J Amount

- (1) The amount of a penalty imposed on the ground specified in Case 5 of section 50H may not exceed the maximum amount of fine that a magistrates' court could impose for the relevant offence.
- (2) The amount of a penalty imposed on the ground specified in any other Case of that section may not exceed £5,000.
- (3) The Welsh Ministers may by order amend the amount specified in subsection (2).
- (4) An order under subsection (3) is to be made by statutory instrument and must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales."

60 Warning

After section 50J of the Housing Act 1996 insert—

"50K Warning

- (1) Before giving a penalty notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a "pre-penalty warning")—
 - (a) specifying grounds on which the Welsh Ministers think a penalty could be imposed,
 - (b) warning the landlord that the Welsh Ministers are considering imposing a penalty,
 - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any penalty, and
 - (d) explaining the effect of sections 50L, 50M(1), (3) and (5) and 50N.
- (2) The Welsh Ministers must send a copy of a pre-penalty warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-penalty warning is given).

- (3) A pre-penalty 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, a penalty.
- (4) A pre-penalty warning may be combined with notice under one or more of the following –
 - (a) section 50S,
 - (b) paragraphs 15C, 15E and 15G of Schedule 1.”

61 Sylwadau

Ar ôl adran 50K o Ddeddf Tai 1996 mewnosoder –

“50L Representations

- (1) A pre-penalty 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
 - (b) begin with the date on which the registered social landlord receives the pre-penalty warning.
- (3) Representations may address –
 - (a) whether a penalty should be imposed;
 - (b) the amount of any penalty that may be imposed.
- (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 impose a penalty.”

62 Gorfodi

Ar ôl adran 50L o Ddeddf Tai 1996 mewnosoder –

“50M Enforcement

- (1) A penalty is to be treated as a debt owed to the Welsh Ministers.
- (2) The Welsh Ministers may –
 - (a) charge interest on a penalty not paid during the period specified under section 50I(2)(d);
 - (b) impose one or more additional penalties where a penalty is not paid during that period.
- (3) Interest and additional penalty are to be treated as penalty (and may have the effect of increasing the penalty above a limit set by section 50J).

- (3) A pre-penalty 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, a penalty.
- (4) A pre-penalty warning may be combined with notice under one or more of the following –
 - (a) section 50S,
 - (b) paragraphs 15C, 15E and 15G of Schedule 1.”

61 Representations

After section 50K of the Housing Act 1996 insert –

“50L Representations

- (1) A pre-penalty 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
 - (b) begin with the date on which the registered social landlord receives the pre-penalty warning.
- (3) Representations may address –
 - (a) whether a penalty should be imposed;
 - (b) the amount of any penalty that may be imposed.
- (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 impose a penalty.”

62 Enforcement

After section 50L of the Housing Act 1996 insert –

“50M Enforcement

- (1) A penalty is to be treated as a debt owed to the Welsh Ministers.
- (2) The Welsh Ministers may –
 - (a) charge interest on a penalty not paid during the period specified under section 50I(2)(d);
 - (b) impose one or more additional penalties where a penalty is not paid during that period.
- (3) Interest and additional penalty are to be treated as penalty (and may have the effect of increasing the penalty above a limit set by section 50J).

- (4) A penalty notice may include provision allowing a discount if the penalty is paid on or before a date specified in the notice (falling within the period specified under section 50I(2)(d)).
- (5) A person to whom a penalty notice is given on the ground in Case 5 of section 50H may not be prosecuted for the offence by reference to which the penalty notice was given."

63 **Apelio**

Ar ôl adran 50M o Ddeddf Tai 1996 mewnosoder –

"50N Appeal

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

- (a) the imposition of the penalty,
- (b) its amount, or
- (c) both."

Iawndal

64 **Seiliau ar gyfer dyfarnu iawndal**

Ar ôl adran 50N o Ddeddf Tai 1996 mewnosoder –

"Compensation

"50O 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."

65 **Personau y caniateir dyfarnu iawndal iddynt**

Ar ôl adran 50O 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."

- (4) A penalty notice may include provision allowing a discount if the penalty is paid on or before a date specified in the notice (falling within the period specified under section 50I(2)(d)).
- (5) A person to whom a penalty notice is given on the ground in Case 5 of section 50H may not be prosecuted for the offence by reference to which the penalty notice was given."

63 Appeal

After section 50M of the Housing Act 1996 insert –

"50N Appeal

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

- (a) the imposition of the penalty,
- (b) its amount, or
- (c) both."

Compensation

64 Grounds for award

After section 50N of the Housing Act 1996 insert –

"Compensation

"50O 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."

65 Persons to whom compensation may be awarded

After section 50O of the Housing Act 1996 insert –

"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

- (1) 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 Ministers must aim to avoid –
 - (a) jeopardising the financial viability of the registered social landlord,
 - (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.”

66 Award

After section 50P of the Housing Act 1996 insert –

“50Q Award

- (1) 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 Impact

After section 50Q of the Housing Act 1996 insert –

“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 Ministers must aim to avoid –
 - (a) jeopardising the financial viability of the registered social landlord,
 - (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
 - (b) begin with the date on which the registered social landlord receives the pre-compensation warning.
- (3) Representations may address –

68 Warning

After section 50R of the Housing Act 1996 insert –

“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 Representations

After section 50S of the Housing Act 1996 insert –

“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
 - (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.”

Rheolaeth a chyfansoddiad landlordiaid cymdeithasol cofrestredig

72 Tendr rheoli

Ar ôl paragraff 15A o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

“Management etc

Management tender

- 15B (1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or

- (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 Enforcement

After section 50T of the Housing Act 1996 insert—

“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 Appeal

After section 50U of the Housing Act 1996 insert—

“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.”

Management and constitution of registered social landlords

72 Management tender

After paragraph 15A of Schedule 1 to the Housing Act 1996 insert—

“Management etc

Management tender

- 15B (1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or

- (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to implement a process specified by them for the purpose of—
 - (a) inviting persons to apply to undertake management functions of the registered social landlord, and
 - (b) selecting from the applications and making an appointment.
- (4) A requirement may relate to—
 - (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) A requirement must include—
 - (a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests),
 - (b) provision for ensuring best procurement practice (and consistent with any applicable procurement law), and
 - (c) provision about the terms and conditions on which the manager is to be appointed (including provision about—
 - (i) setting, monitoring and enforcing performance standards, and
 - (ii) resources)."

73 Tendr rheoli: atodol

Ar ôl paragraff 15B o Atodlen 1 i Ddeddf Tai 1996 mewnosoder —

"Management tender: supplemental

- 15C (1) Before acting under paragraph 15B(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must—
- (a) be a period of at least 28 days, and

- (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to implement a process specified by them for the purpose of—
 - (a) inviting persons to apply to undertake management functions of the registered social landlord, and
 - (b) selecting from the applications and making an appointment.
- (4) A requirement may relate to—
 - (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) A requirement must include—
 - (a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests),
 - (b) provision for ensuring best procurement practice (and consistent with any applicable procurement law), and
 - (c) provision about the terms and conditions on which the manager is to be appointed (including provision about—
 - (i) setting, monitoring and enforcing performance standards, and
 - (ii) resources)."

73 Management tender: supplemental

After paragraph 15B of Schedule 1 to the Housing Act 1996 insert—

"Management tender: supplemental

- 15C (1) Before acting under paragraph 15B(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must—
- (a) be a period of at least 28 days, and

- (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) 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, action under paragraph 15B(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following –
 - (a) sections 50K and 50S,
 - (b) paragraphs 15E and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of –
 - (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15B(3)."

74 Trosoglwyddo rheolaeth

Ar ôl paragraff 15C o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“Management transfer

- 15D (1) This paragraph applies if, as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that –
- (a) there has been misconduct or mismanagement in the affairs of the registered social landlord, or
 - (b) a transfer of certain of a registered social landlord's management functions would be likely to improve the management of some or all of its affairs.
- (2) But this paragraph does not apply where –
- (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the transfer would be likely to improve the registered social landlord's management of affairs only in relation to the provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to transfer management functions to a specified person.

- (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) 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, action under paragraph 15B(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following –
 - (a) sections 50K and 50S,
 - (b) paragraphs 15E and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of –
 - (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15B(3)."

74 Management transfer

After paragraph 15C of Schedule 1 to the Housing Act 1996 insert –

“Management transfer

- 15D (1) This paragraph applies if, as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that –
- (a) there has been misconduct or mismanagement in the affairs of the registered social landlord, or
 - (b) a transfer of certain of a registered social landlord's management functions would be likely to improve the management of some or all of its affairs.
- (2) But this paragraph does not apply where –
- (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the transfer would be likely to improve the registered social landlord's management of affairs only in relation to the provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to transfer management functions to a specified person.

- (4) A requirement may relate to –
 - (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Transfer is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the requirement.
- (6) A transferee manager is to have –
 - (a) any power specified in the requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord)."

75 Trosglwyddo rheolaeth: atodol

Ar ôl paragraff 15D o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“Management transfer: supplemental

- 15E (1) Before acting under paragraph 15D(3) the Welsh Ministers must give the registered social landlord a notice –
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must –
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) must –
- (a) refer to section 6A, and
 - (b) indicate whether or to what extent the social landlord would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15D(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following –
- (a) sections 50K and 50S,

- (4) A requirement may relate to –
 - (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Transfer is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the requirement.
- (6) A transferee manager is to have –
 - (a) any power specified in the requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord)."

75 Management transfer: supplemental

After paragraph 15D of Schedule 1 to the Housing Act 1996 insert –

“Management transfer: supplemental

- 15E (1) Before acting under paragraph 15D(3) the Welsh Ministers must give the registered social landlord a notice –
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must –
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) must –
- (a) refer to section 6A, and
 - (b) indicate whether or to what extent the social landlord would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15D(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following –
- (a) sections 50K and 50S,

- (b) paragraphs 15C and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of—
 - (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15D(3)."

76 Penodi rheolwr ar landlord cymdeithasol cofrestredig

Ar ôl paragraff 15E o Atodlen 1 i Ddeddf Tai 1996 mewnosoder —

“Appointment of manager of registered social landlord

- 15F (1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or
 - (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may —
- (a) appoint an individual as a manager of the registered social landlord, or
 - (b) require the registered social landlord to appoint an individual as a manager.
- (4) An appointment or requirement may relate to the management of —
- (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Appointment is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.
- (6) A manager is to have—
- (a) any power specified in the appointment or requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment or requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord)."

- (b) paragraphs 15C and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of—
 - (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15D(3)."

76 Appointment of manager of registered social landlord

After paragraph 15E of Schedule 1 to the Housing Act 1996 insert—

“Appointment of manager of registered social landlord

- 15F (1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or
 - (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may—
- (a) appoint an individual as a manager of the registered social landlord, or
 - (b) require the registered social landlord to appoint an individual as a manager.
- (4) An appointment or requirement may relate to the management of —
- (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Appointment is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.
- (6) A manager is to have—
- (a) any power specified in the appointment or requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment or requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord)."

77 Penodi rheolwr: atodol

Ar ôl paragraff 15F o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

“Appointment of manager: supplemental

- 15G (1) Before acting under paragraph 15F(3) the Welsh Ministers must give the registered social landlord a notice –
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must –
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) 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, action under paragraph 15F(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following –
- (a) sections 50K and 50S,
 - (b) paragraphs 15C and 15E.
- (7) The Welsh Ministers may require a manager to report to them on the affairs specified in the appointment or requirement under paragraph 15F(3).
- (8) A registered social landlord may appeal to the High Court against an appointment or requirement under paragraph 15F(3).”

78 Cyfuno

Ar ôl paragraff 15G o Atodlen 1 i Ddeddf Tai 1996 mewnosoder –

77 Appointment of manager: supplemental

After paragraph 15F of Schedule 1 to the Housing Act 1996 insert—

“Appointment of manager: supplemental

- 15G (1) Before acting under paragraph 15F(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must—
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) 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, action under paragraph 15F(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—
- (a) sections 50K and 50S,
 - (b) paragraphs 15C and 15E.
- (7) The Welsh Ministers may require a manager to report to them on the affairs specified in the appointment or requirement under paragraph 15F(3).
- (8) A registered social landlord may appeal to the High Court against an appointment or requirement under paragraph 15F(3).”

78 Amalgamation

After paragraph 15G of Schedule 1 to the Housing Act 1996 insert—

“Amalgamation

- 15H (1) This paragraph applies if as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that –
- (a) there has been misconduct or mismanagement in the affairs of a registered social landlord which is an industrial and provident society, or
 - (b) the management of the affairs of a registered social landlord which is an industrial and provident society would be improved if the landlord were amalgamated with another industrial and provident society.
- (2) But this paragraph does not apply where –
- (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the amalgamation would improve the management of the registered social landlord's affairs only in relation to housing in England.
- (3) The Welsh Ministers may make and execute on behalf of the society an instrument providing for the amalgamation of the society with another industrial and provident society.
- (4) An instrument providing for the amalgamation of a society (“S1”) with another has the same effect as a special resolution by S1 under section 50 of the Industrial and Provident Societies Act 1965 (amalgamation of societies by special resolution).
- (5) A copy of an instrument must be sent to and registered by the Financial Services Authority.
- (6) An instrument does not take effect until the copy is registered.
- (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution; but a copy registered after that period is valid.
- (8) Any body created by virtue of an amalgamation must be registered as a social landlord by the Welsh Ministers, and pending registration is to be treated as registered.”

79 Cyfyngiadau ar drafodion yn ystod ymchwiliad

Ym mharagraff 23 o Atodlen 1 i Ddeddf Tai 1996 (pwerau sy'n arferadwy dros dro), ar ôl is-baragraff (2) mewnosoder –

“(2A) Before making an order under sub-paragraph (2)(b) or (c) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(b), to the person to whom the order is directed.”

80 Cyfyngiadau ar drafodion yn dilyn ymchwiliad neu archwiliad anghyffredin

- (1) Diwygier paragraff 24 o Atodlen 1 i Ddeddf Tai 1996 (pwerau sy'n arferadwy o ganlyniad i adroddiad terfynol neu archwiliad) fel a ganlyn.

“Amalgamation

- 15H (1) This paragraph applies if as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that –
- (a) there has been misconduct or mismanagement in the affairs of a registered social landlord which is an industrial and provident society, or
 - (b) the management of the affairs of a registered social landlord which is an industrial and provident society would be improved if the landlord were amalgamated with another industrial and provident society.
- (2) But this paragraph does not apply where –
- (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the amalgamation would improve the management of the registered social landlord's affairs only in relation to housing in England.
- (3) The Welsh Ministers may make and execute on behalf of the society an instrument providing for the amalgamation of the society with another industrial and provident society.
- (4) An instrument providing for the amalgamation of a society (“S1”) with another has the same effect as a special resolution by S1 under section 50 of the Industrial and Provident Societies Act 1965 (amalgamation of societies by special resolution).
- (5) A copy of an instrument must be sent to and registered by the Financial Services Authority.
- (6) An instrument does not take effect until the copy is registered.
- (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution; but a copy registered after that period is valid.
- (8) Any body created by virtue of an amalgamation must be registered as a social landlord by the Welsh Ministers, and pending registration is to be treated as registered.”

79 Restrictions on dealings during an inquiry

In paragraph 23 of Schedule 1 to the Housing Act 1996 (powers exercisable on interim basis), after sub-paragraph (2) insert –

“(2A) Before making an order under sub-paragraph (2)(b) or (c) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(b), to the person to whom the order is directed.”

80 Restrictions on dealings following an inquiry or extraordinary audit

- (1) Amend paragraph 24 of Schedule 1 to the Housing Act 1996 (powers exercisable as a result of final report or audit) as follows.

- (2) Ar ôl is-baragraff (3) mewnosoder –

“(3A) Before making an order under sub-paragraph (2)(c) or (d) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(c), to the person to whom the order is directed.”

- (3) Ar ôl is-baragraff (6) ychwaneger –

“(7) An order under sub-paragraph (2)(c) or (d) has effect until revoked by the Welsh Ministers.”

81 Anghymhwysu person a gafodd ei symud o swydd

Ym mharagraff 25 o Atodlen 1 i Ddeddf Tai 1996 (anghymhwysu person rhag bod yn swyddog i landlord cymdeithasol cofrestredig), ar ôl is-baragraff (4) mewnosoder –

“(4A) The register must show details of any waivers.”

82 Gweithredu tra bônt wedi eu hanghymhwysu

- (1) Diwygier paragraff 26 o Atodlen 1 i Ddeddf Tai 1996 (personau sy'n gweithredu fel swyddog tra bônt wedi eu hanghymhwysu) fel a ganlyn.

- (2) Yn is-baragraff (1)(a) yn lle “six months” rhodder “12 months”.

- (3) Ar ôl is-baragraff (1) mewnosoder –

“(1A) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in sub-paragraph (1)(a) to 12 months has effect as if it were a reference to 6 months.”

- (4) Ar ôl is-baragraff (4) ychwaneger –

“(5) If a person fails to comply with an order directing repayment, the registered social landlord or the Welsh Ministers (as the case may be) may recover the sum or specified amount as a debt.”

PENNOD 5

DARPARIAETHAU AMRYWIOL A CHYFFREDINOL

83 Ansoffedd, etc landlord cymeithasol cofrestredig: penodi rheolwr dros dro

Ar ôl adran 43 o Ddeddf Tai 1996 mewnosoder –

“43A Appointment of interim manager

- (1) During a moratorium the Welsh Ministers may appoint an interim manager of the registered social landlord.
- (2) An appointment may relate to the registered social landlord's affairs generally or to affairs specified in the appointment.
- (3) But an appointment may not relate to affairs relating only to the provision of housing in England.

- (2) After sub-paragraph (3) insert—

“(3A) Before making an order under sub-paragraph (2)(c) or (d) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(c), to the person to whom the order is directed.”

- (3) After sub-paragraph (6) add—

“(7) An order under sub-paragraph (2)(c) or (d) has effect until revoked by the Welsh Ministers.”

81 Disqualification of removed person

- (1) In paragraph 25 of Schedule 1 to the Housing Act 1996 (disqualification as officer of registered social landlord), after sub-paragraph (4) insert—

“(4A) The register must show details of any waivers.”

82 Acting while disqualified

- (1) Amend paragraph 26 of Schedule 1 to the Housing Act 1996 (persons acting as officer while disqualified) as follows.

- (2) In sub-paragraph (1)(a) for “six months” substitute “12 months”.

- (3) After sub-paragraph (1) insert—

“(1A) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in sub-paragraph (1)(a) to 12 months has effect as if it were a reference to 6 months.”

- (4) After sub-paragraph (4) add—

“(5) If a person fails to comply with an order directing repayment, the registered social landlord or the Welsh Ministers (as the case may be) may recover the sum or specified amount as a debt.”

CHAPTER 5

MISCELLANEOUS AND GENERAL PROVISIONS

83 Insolvency, etc of registered social landlord: appointment of interim manager

After section 43 of the Housing Act 1996 insert—

“43A Appointment of interim manager

- (1) During a moratorium the Welsh Ministers may appoint an interim manager of the registered social landlord.
- (2) An appointment may relate to the registered social landlord's affairs generally or to affairs specified in the appointment.
- (3) But an appointment may not relate to affairs relating only to the provision of housing in England.

- (4) Appointment is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (5) An interim manager has –
 - (a) any power specified in the appointment, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the landlord).
- (6) But an interim manager may not –
 - (a) dispose of land, or
 - (b) grant security over land.
- (7) The Welsh Ministers may give the interim manager general or specific directions.
- (8) The Welsh Ministers may revoke or amend any directions given.
- (9) An appointment under this section comes to an end with the earliest of the following –
 - (a) the end of the moratorium,
 - (b) the agreement of proposals made under section 44, or
 - (c) a date specified in the appointment.
- (10) If a person ceases to be an interim manager before the appointment has come to an end, the Welsh Ministers may appoint a new interim manager in place of that person."

84 Symud swyddogion o swydd

- (1) Diwygier Atodlen 1 i Ddeddf Tai 1996 fel a ganlyn.
- (2) Yn y pennawd i baragraff 4, yn lle "director, trustee, etc" rhodder "officer".
- (3) Ym mharagraff 4 (pŵer cyffredinol i symud swyddog o swydd), yn is-baragraff (1) –
 - (a) ar ôl "remove" mewnosoder "an officer of a registered social landlord.";
 - (b) hepgorer paragraffau (a) i (c).
- (4) Ym mharagraff 5 (cyfyngu ar bŵer symud person o swydd yn achos elusen gofrestredig), yn is-baragraff (1), yn lle "a director or trustee" rhodder "an officer".

85 Penodi swyddogion newydd

- (1) Diwygier Atodlen 1 i Ddeddf Tai 1996 fel a ganlyn.
- (2) Yn y pennawd i baragraff 6, yn lle "director or trustee" rhodder "officer".
- (3) Ym mharagraff 6 (elusen gofrestredig: pŵer i benodi swyddog newydd) –
 - (a) yn is-baragraff (1), yn lle "a director or trustee" rhodder "an officer";
 - (b) ym mharagraff (b) o is-baragraff (1), yn lle "no directors or no trustees" rhodder "no officers";

- (4) Appointment is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (5) An interim manager has –
 - (a) any power specified in the appointment, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the landlord).
- (6) But an interim manager may not –
 - (a) dispose of land, or
 - (b) grant security over land.
- (7) The Welsh Ministers may give the interim manager general or specific directions.
- (8) The Welsh Ministers may revoke or amend any directions given.
- (9) An appointment under this section comes to an end with the earliest of the following –
 - (a) the end of the moratorium,
 - (b) the agreement of proposals made under section 44, or
 - (c) a date specified in the appointment.
- (10) If a person ceases to be an interim manager before the appointment has come to an end, the Welsh Ministers may appoint a new interim manager in place of that person."

84 Removal of officers

- (1) Amend Schedule 1 to the Housing Act 1996 as follows.
- (2) In the heading to paragraph 4, for "director, trustee, etc" substitute "officer".
- (3) In paragraph 4 (general power to remove officer), in sub-paragraph (1) –
 - (a) after "remove" insert "an officer of a registered social landlord.";
 - (b) omit paragraphs (a) to (c).
- (4) In paragraph 5 (restriction on power of removal in case of registered charity), in sub-paragraph (1), for "a director or trustee" substitute "an officer".

85 Appointment of new officers

- (1) Amend Schedule 1 to the Housing Act 1996 as follows.
- (2) In the heading to paragraph 6, for "director or trustee" substitute "officer".
- (3) In paragraph 6 (registered charity: power to appoint new officer) –
 - (a) in sub-paragraph (1), for "a director or trustee" substitute "an officer";
 - (b) in paragraph (b) of sub-paragraph (1), for "no directors or no trustees" substitute "no officers";

- (c) yn mharagraff (c) o is-baragraff (1), yn lle “director or trustee” rhodder “officer”;
 - (d) yn ail frawddeg is-baragraff (1), yn lle “directors or trustees” rhodder “officers”;
 - (e) yn is-baragraff (5), yn lle “director or trustee” rhodder “an officer”.
- (4) Yn y pennawd i baragraff 7, yn lle “director” rhodder “officer”.
- (5) Ym mharagraff 7 (cwmni: pŵer i benodi swyddog newydd) –
- (a) yn is-baragraff (1), yn lle “a director” y ddau dro y mae'n digwydd rhodder “an officer”;
 - (b) ym mharagraff (b) o is-baragraff (1), yn lle “no directors” rhodder “no officers”;
 - (c) ym mharagraff (c) o is-baragraff (1), yn lle “director” rhodder “officer”.
- (6) Yn y pennawd i baragraff 8, yn lle “new committee member” rhodder “officer”.
- (7) Ym mharagraff 8 (cymdeithas ddiwydiannol a darbodus: pŵer i benodi swyddog newydd) –
- (a) yn is-baragraff (1), yn lle “a committee member” rhodder “an officer”;
 - (b) ym mharagraff (b) o is-baragraff (1), yn lle “no members of the committee” rhodder “no officers”;
 - (c) ym mharagraff (c) o is-baragraff (1), yn lle “committee member” rhodder “officer”;
 - (d) yn ail frawddeg is-baragraff (1), yn lle “committee members” rhodder “officers”.

86 Elusennau sydd “wedi cael cymorth cyhoeddus”

Yn adran 58 o Ddeddf Tai 1996 (diffiniadau mewn perthynas ag elusennau), ar ôl is-adran (1) mewnosoder –

“(1A) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied –

- (a) the charity has received financial assistance under section 24 of the Local Government Act 1988 (assistance for privately let housing accommodation);
- (b) the charity has received financial assistance under section 19 of the Housing and Regeneration Act 2008 (financial assistance);
- (c) the charity has had housing transferred to it pursuant to –
 - (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
 - (ii) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993;
- (d) the charity has received a grant or loan under –
 - (i) section 18 (social housing grants),
 - (ii) section 22 (assistance from local authorities),

- (c) in paragraph (c) of sub-paragraph (1), for “director or trustee” substitute “officer”;
 - (d) in the second sentence of sub-paragraph (1), for “directors or trustees” substitute “officers”;
 - (e) in sub-paragraph (5), for “director or trustee” substitute “an officer”.
- (4) In the heading to paragraph 7, for “director” substitute “officer”.
- (5) In paragraph 7 (company: power to appoint new officer) –
- (a) in sub-paragraph (1), for “a director” in both places substitute “an officer”;
 - (b) in paragraph (b) of sub-paragraph (1), for “no directors” substitute “no officers”;
 - (c) in paragraph (c) of sub-paragraph (1), for “director” substitute “officer”.
- (6) In the heading to paragraph 8, for “new committee member” substitute “officer”.
- (7) In paragraph 8 (industrial and provident society: power to appoint new officer) –
- (a) in sub-paragraph (1), for “a committee member” substitute “an officer”;
 - (b) in paragraph (b) of sub-paragraph (1), for “no members of the committee” substitute “no officers”;
 - (c) in paragraph (c) of sub-paragraph (1), for “committee member” substitute “officer”;
 - (d) in the second sentence of sub-paragraph (1), for “committee members” substitute “officers”.

86 Charities that have “received public assistance”

In section 58 of the Housing Act 1996 (definitions relating to charities), after subsection (1) insert –

“(1A) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied –

- (a) the charity has received financial assistance under section 24 of the Local Government Act 1988 (assistance for privately let housing accommodation);
- (b) the charity has received financial assistance under section 19 of the Housing and Regeneration Act 2008 (financial assistance);
- (c) the charity has had housing transferred to it pursuant to –
 - (i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or
 - (ii) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993;
- (d) the charity has received a grant or loan under –
 - (i) section 18 (social housing grants),
 - (ii) section 22 (assistance from local authorities),

- (iii) section 58 of the Housing Associations Act 1985 (grants or loans by local authorities),
- (iv) section 50 of the Housing Act 1980, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
- (v) section 51 of the Housing Act 1988 or sections 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant),
- (vi) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),
- (vii) section 31 of the Housing Act 1974 (management grants), or
- (viii) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans)."

87 Mân ddiffiniadau

Yn adran 63 o Ddeddf Tai 1996 (mân ddiffiniadau: Rhan 1), yn is-adran (1), mewnosoder yn y manau priodol—

““action” includes inaction, proposed action and decision;”

““misconduct” includes any failure to comply with the requirements of this Part of this Act;”

““representations” means representations in writing;”.

88 Mân ddiwygiadau a diwygiadau canlyniadol

Mae'r Atodlen yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

RHAN 3

DARPARIAETHAU ATODOL A DARPARIAETHAU TERFYNOL

89 Gorchymynion

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn o dan y Mesur hwn—
 - (a) yn arferadwy drwy offeryn statudol;
 - (b) yn cynnwys pŵer—
 - (i) i wneud darpariaeth wahanol ar gyfer gwahanol achosion, ardaloedd, awdurdodau a disgrifiadau o awdurdod;
 - (ii) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;
 - (iii) i wneud y cyfryw ddarpariaeth gysylltiedig, atodol, ganlyniadol, ddarfodol, drosiannol neu arbed ag y gwêl Gweinidogion Cymru'n dda ei gwneud.

- (iii) section 58 of the Housing Associations Act 1985 (grants or loans by local authorities),
- (iv) section 50 of the Housing Act 1980, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),
- (v) section 51 of the Housing Act 1988 or sections 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant),
- (vi) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),
- (vii) section 31 of the Housing Act 1974 (management grants), or
- (viii) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans)."

87 Minor definitions

In section 63 of the Housing Act 1996 (minor definitions: Part 1), in subsection (1), insert in the appropriate places—

““action” includes inaction, proposed action and decision;”

““misconduct” includes any failure to comply with the requirements of this Part of this Act;”

““representations” means representations in writing;”.

88 Minor and consequential amendments

The Schedule contains minor and consequential amendments.

PART 3

SUPPLEMENTARY AND FINAL PROVISIONS

89 Orders

- (1) Any power of the Welsh Ministers to make an order under this Measure—
- (a) is exercisable by statutory instrument;
 - (b) includes power—
 - (i) to make different provision for different cases, areas, authorities and descriptions of authority;
 - (ii) to make provision generally or in relation to specific cases;
 - (iii) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.

- (2) Mae offeryn statudol sy'n cynnwys gorchymyn o dan adran 34 yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (3) Ond nid yw is-adran (2) yn gymwys os yw gorchymyn yn cynnwys darpariaethau a wnaed o dan y pwerau a grybwyllir yn is-adran (4).
- (4) Rhaid peidio â gwneud offeryn statudol sy'n cynnwys gorchymyn (ar ei ben ei hun neu ynghyd â darpariaethau eraill) a wnaed o dan adran 34(3)(a) onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

90 Cychwyn

- (1) Mae'r Rhan hon o'r Mesur yn dod i rym ar ddiwedd cyfnod o ddeufis sy'n dechrau ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyfrin Gyngor.
- (2) Daw darpariaethau eraill y Mesur hwn i rym yn unol â darpariaeth a wnaed gan Weinidogion Cymru drwy orchymyn, a chaiff gorchymyn ddarparu bod y darpariaethau hynny'n dod i rym ar ddiwrnodau gwahanol at ddibenion gwahanol.

91 Enw byr

Enw'r Mesur hwn yw Mesur Tai (Cymru) 2011.

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- (2) A statutory instrument containing an order under section 34 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (3) But subsection (2) does not apply if an order contains provisions made under the powers mentioned in subsection (4).
 - (4) A statutory instrument which contains (alone or with other provisions) an order made under section 34(3)(a) must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

90 Commencement

- (1) This Part of this Measure comes into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council.
- (2) The other provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order, and an order may provide for those provisions to come into force on different days for different purposes.

91 Short title

This Measure may be cited as the Housing (Wales) Measure 2011.

YR ATODLEN
(cyflwynwyd gan adran 88)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Tai 1996 (p.52)

- 1 Diwygier Deddf Tai 1996 fel a ganlyn.
- 2 Yn nheithl Rhan 1, yn lle "in Wales" rhodder "regulated by the Welsh Ministers".
- 3 Yn adran 7 o Ddeddf Tai 1996 (rheoleiddio landlordiaid cymdeithasol cofrestredig), ar ôl "dissolution of a registered social landlord." mewnosoder –
"Part 3A relates to inspection."
- 4 Yn y pennawd i adran 34, ar ôl "performance" mewnosoder " – housing in England".
- 5 Yn adran 34 (safonau perfformiad – tai yn Lloegr), ym mharagraff (a), ar ôl "provision of housing" mewnosoder "in England".
- 6 Yn y pennawd i adran 36, ar ôl "Ministers" mewnosoder " – housing in England".
- 7 Yn adran 36 (dyroddi canllawiau gan Weinidogion Cymru – tai yn Lloegr) –
(a) yn is-adran (1), ar ôl "housing accommodation" mewnosoder "in England";
(b) hepgorer is-adran (2A).
- 8 Yn adran 37 (pwerau mynediad), yn is-adran (1), ar ôl "in accordance with" mewnosoder "standards set under section 33A or".
- 9 Yn adran 39 (ansolfedd, etc landlord cymdeithasol cofrestredig: cynllun darpariaethau), ar ôl is-baragraff (1)(b) mewnosoder –
"(ba) for the appointment of an interim manager during a moratorium (section 43A),".
- 10 Yn adran 46 (penodi rheolwr i weithredu cynigion a gytunwyd), ar ôl is-adran (4) mewnosoder –
"(4A) The Welsh Ministers may amend or revoke any directions given by them."
- 11 Yn adran 52 (darpariaethau cyffredinol o ran gorchmynion), yn is-adran (1), ar ôl "39," mewnosoder " 50J,".
- 12 Yn adran 64 o Ddeddf Tai 1996 (mynegai o ymadroddion a ddiffinwyd: Rhan 1), yn y manau priodol yn y Tabl mewnosoder –
"action section 63"
"local housing authority section 230"

SCHEDULE
(introduced by section 88)

MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Act 1996 (c.52)

- 1 Amend the Housing Act 1996 as follows.
- 2 In the title of Part 1, for “in Wales” substitute “regulated by the Welsh Ministers”.
- 3 In section 7 of the Housing Act 1996 (regulation of registered social landlords), after “dissolution of a registered social landlord.” insert—

“Part 3A relates to inspection.”
- 4 In the heading to section 34, after “performance” insert “ — housing in England”.
- 5 In section 34 (standards of performance — housing in England), in paragraph (a), after “provision of housing” insert “in England”.
- 6 In the heading to section 36, after “Ministers” insert “ — housing in England”.
- 7 In section 36 (issue of guidance by the Welsh Ministers — housing in England)—
 - (a) in subsection (1), after “housing accommodation” insert “in England”;
 - (b) omit subsection (2A).
- 8 In section 37 (powers of entry), in subsection (1), after “in accordance with” insert “standards set under section 33A or”.
- 9 In section 39 (insolvency, etc of registered social landlord: scheme of provisions), after sub-paragraph (1)(b) insert—

“(ba) for the appointment of an interim manager during a moratorium (section 43A),”.
- 10 In section 46 (appointment of manager to implement agreed proposals), after subsection (4) insert—

“(4A) The Welsh Ministers may amend or revoke any directions given by them.”
- 11 In section 52 (general provisions as to orders), in subsection (1), after “39,” insert “50J,”.
- 12 In section 64 of the Housing Act 1996 (index of defined expressions: Part 1), at the appropriate places in the Table insert—

“action	section 63”
“local housing authority	section 230”

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|--|-----------------------------|-----------------|
| | “misconduct | section 63” |
| | “received public assistance | section 58(1A)” |
| | “representations | section 63”. |
- 13 Ym mharagraff 5 o Atodlen 1 (cyfyngu ar bŵer i symud person o swydd yn achos elusen gofrestredig) –
- (a) yn is-baragraff (1) –
- (i) ar ôl “has” mewnosoder “received public assistance.”;
- (ii) hepgorer y geiriau o “, at any time” hyd at ddiwedd yr is-baragraff;
- (b) hepgorer is-baragraff (2).
- 14 Ym mharagraff 6 o Atodlen 1 (elusen gofrestredig: pŵer i benodi swyddog newydd), yn is-baragraff (2)(a), yn lle'r geiriau o “financial assistance” hyd at “paragraph 5” rhodder “public assistance”.
- 15 Ym mharagraff 12 o Atodlen 1 (cyfuno a diddymu etc gymdeithas ddiwydiannol a darbodus), yn is-baragraff (6), yn lle “Secretary of State” rhodder “Welsh Ministers”.
- 16 Ym mharagraff 13 o Atodlen 1 (trefniadaeth, ailstrwythuro etc cwmni), yn is-baragraff (7), yn lle “Secretary of State” rhodder “Welsh Ministers”.
- 17 Ym mharagraff 18 o Atodlen 1 (gofynion cyfrifyddu ac archwilio neu gyflwyno adroddiadau ar gyfer elusennau), yn is-baragraff (8), yn lle “Corporation” rhodder “Welsh Ministers”.
- 18 Ym mharagraff 20 o Atodlen 1 (ymchwiliad), yn is-baragraff (1) hepgorer y geiriau o “For this purpose” hyd at ddiwedd y paragraff.
- 19 Ym mharagraff 25 o Atodlen 1 (anghymhwysu rhag bod yn swyddog i landlord cymdeithasol cofrestredig), yn is-baragraff (4), yn lle “Corporation” rhodder “Welsh Ministers”.
- 20 Ym mharagraff 28 o Atodlen 1 (pwerau sydd ar gael mewn perthynas ag elusennau cofrestredig)-
- (a) yn is-baragraff (1) –
- (i) ar ôl “has” mewnosoder “received public assistance.”;
- (ii) hepgorer y geiriau o “, at any time” hyd at ddiwedd yr is-baragraff;
- (b) hepgorer is-baragraff (2).

- | | | |
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| | “misconduct | section 63” |
| | “received public assistance | section 58(1A)” |
| | “representations | section 63”. |
- 13 In paragraph 5 of Schedule 1 (restriction on power of removal in case of registered charity) –
- (a) in sub-paragraph (1) –
 - (i) after “has” insert “received public assistance.”;
 - (ii) omit the words from “, at any time” to the end of the sub-paragraph;
 - (b) omit sub-paragraph (2).
- 14 In paragraph 6 of Schedule 1 (registered charity: power to appoint a new officer), in sub-paragraph (2)(a), for the words from “financial assistance” to “paragraph 5” substitute “public assistance”.
- 15 In paragraph 12 of Schedule 1 (amalgamation and dissolution etc of industrial and provident society), in sub-paragraph (6), for “Secretary of State” substitute “Welsh Ministers”.
- 16 In paragraph 13 of Schedule 1 (arrangement, reconstruction, etc of company), in sub-paragraph (7), for “Secretary of State” substitute “Welsh Ministers”.
- 17 In paragraph 18 of Schedule 1 (accounting and audit or reporting requirements for charities), in sub-paragraph (8), for “Corporation” substitute “Welsh Ministers”.
- 18 In paragraph 20 of Schedule 1 (inquiry), in sub-paragraph (1) omit the words from “For this purpose” to the end of the paragraph.
- 19 In paragraph 25 of Schedule 1 (disqualification as officer of registered social landlord), in sub-paragraph (4), for “Corporation” substitute “Welsh Ministers”.
- 20 In paragraph 28 of Schedule 1 (availability of powers in relation to registered charities) –
- (a) in sub-paragraph (1) –
 - (i) after “has” insert “received public assistance.”;
 - (ii) omit the words from “, at any time” to the end of the sub-paragraph;
 - (b) omit sub-paragraph (2).