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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 826 (Cy. 84)**

**2014 No. 826 (W. 84)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Atal Twyll Tai  
Cymdeithasol (Darganfod Twyll)  
(Cymru) 2014**

**The Prevention of Social Housing  
Fraud (Detection of Fraud) (Wales)  
Regulations 2014**

**NODYN ESBONIADOL**

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

Mae Deddf Atal Twyll Tai Cymdeithasol 2013 (“y Ddeddf”) yn creu troseddau sy'n ymwneud ag isosod ac ymadael â meddiant ar dai cymdeithasol ac yn darparu ar gyfer ymchwilio i droseddau twyll tai cymdeithasol, a'u herlyn. Gwneir y Rheoliadau hyn o dan adrannau 7 ac 8 o'r Ddeddf honno, ac maent yn darparu ar gyfer pwerau sy'n ei gwneud yn ofynnol darparu gwybodaeth at ddibenion ymchwilio i dwyll tai.

Mae rheoliad 3 yn darparu y caiff awdurdod lleol awdurdodi unigolyn i arfer y pwerau a roddir i swyddog awdurdodedig o dan reoliad 4.

Mae rheoliad 4 yn galluogi swyddogion a awdurdodir o dan reoliad 3 i'w gwneud yn ofynnol i bersonau penodedig ddarparu gwybodaeth at ddibenion ymchwilio i dwyll tai. Y dibenion hyn yw atal, darganfod neu sicrhau tystiolaeth a fyddai'n arwain at gollfarn ar gyfer un o'r troseddau a restrir yn adran 7(7) o'r Ddeddf.

Mae rheoliad 5 yn darparu ei bod yn drosedd i wrthod neu fethu â darparu gwybodaeth pan fo'n ofynnol gwneud hynny o dan reoliad 4.

Mae rheoliad 6 yn darparu ar gyfer troseddau o dan y Rheoliadau a gyflawnir gan gyrff corfforaethol.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Prevention of Social Housing Fraud Act 2013 (“the Act”) creates offences related to subletting and parting with possession of social housing and makes provision for the investigation and prosecution of social housing fraud offences. These Regulations are made under sections 7 and 8 of that Act and make provision for powers to require information for housing fraud investigation purposes.

Regulation 3 provides that a local authority may authorise an individual to exercise the powers conferred on an authorised officer under regulation 4.

Regulation 4 enables officers authorised under regulation 3 to require information from specified persons for housing fraud investigation purposes. These purposes are the prevention, detection or securing evidence for the conviction of one of the offences listed in section 7(7) of the Act.

Regulation 5 provides that it is an offence to refuse or fail to provide information when required to do so under regulation 4.

Regulation 6 makes provision for offences under the Regulations committed by bodies corporate.

**2014 Rhif (Cy. 84)**

**TAI, CYMRU**

**Rheoliadau Atal Twyll Tai  
Cymdeithasol (Darganfod Twyll)  
(Cymru) 2014**

*Gwnaed* 25 Mawrth 2014  
*Yn dod i rym* 28 Mawrth 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 7 ac 8 o Ddeddf Atal Twyll Tai Cymdeithasol 2013(1).

Yn unol ag adran 9(4) o'r Ddeddf honno, cafodd drafft o'r offeryn hwn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

**Enwi, cychwyn a chymhwys**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Atal Twyll Tai Cymdeithasol (Darganfod Twyll) (Cymru) 2014 a deuant i rym ar 28 Mawrth 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Dehongli**

2.—(1) Yn y Rheoliadau hyn—

ystyr “swyddog awdurdodedig” (“*authorised officer*”) yw person sy'n gweithredu yn unol ag unrhyw awdurdodiad at ddibenion y Rheoliadau hyn, ac sydd mewn grym am y tro mewn perthynas â'r person hwnnw.

(2) At ddibenion y Rheoliadau hyn—

(a) mae cyfeiriadau at ddogfen yn cynnwys cyfeiriadau at unrhyw beth y cofnodir gwybodaeth ynddo, ar ffurf electronig neu ar unrhyw ffurf arall;

**2014 No. 826 (W. 84)**

**HOUSING, WALES**

**The Prevention of Social Housing  
Fraud (Detection of Fraud) (Wales)  
Regulations 2014**

*Made* 25 March 2014  
*Coming into force* 28 March 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 7 and 8 of the Prevention of Social Housing Fraud Act 2013(1).

In accordance with section 9(4) of that Act, a draft of this instrument was laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Prevention of Social Housing Fraud (Detection of Fraud) (Wales) Regulations 2014 and they come into force on 28 March 2014.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“authorised officer” (“*swyddog awdurdodedig*”) means a person acting in accordance with any authorisation for the purposes of these Regulations, which is for the time being in force in relation to that person.

(2) For the purposes of these Regulations—

(a) references to a document includes references to anything in which information is recorded in electronic or any other form;

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(1) 2013 p.3.

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(1) 2013 c.3.

- (b) ystyrir bod y gofyniad i roi hysbysiad ysgrifenedig gan swyddog awdurdodedig wedi ei fodloni mewn unrhyw achos pan fo cynnwys yr hysbysiad—
  - (i) wedi ei drosglwyddo i dderbynnydd yr hysbysiad drwy ddull electronig; a
  - (ii) wedi ei gael gan y person hwnnw ar ffurf sy'n ddarllenadwy ac y gellir ei chofnodi ar gyfer cyfeirio ati yn y dyfodol.

### **Awdurdodiad gan awdurdodau lleol**

3.—(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff awdurdod lleol roi awdurdodiad i unigolyn i arfer y pwerau a roddir i swyddog awdurdodedig o dan reoliad 4.

(2) Ni chaiff awdurdod lleol roi awdurdodiad i unigolyn onid yw'r person hwnnw—

- (a) yn unigolyn a gyflogir gan yr awdurdod hwnnw; neu
- (b) yn unigolyn a gyflogir gan awdurdod lleol arall neu gydbwyllgor sy'n cyflawni swyddogaethau mewn perthynas â dibenion ymchwilio i dwyll tai ar ran yr awdurdod hwnnw.

(3) O ran awdurdodiad a roddir i unigolyn at ddiben y Rheoliadau hyn—

- (a) rhaid iddo fod yn ysgrifenedig a chael ei ddarparu i'r unigolyn hwnnw yn dystiolaeth i'w hawl i arfer pwerau a roddir gan y Rheoliadau hyn;
- (b) caiff gynnwys darpariaeth ynglŷn â'r cyfnod y bydd yr awdurdodiad yn cael effaith; ac
- (c) caiff gyfyngu ar y pwerau sy'n arferadwy yn rhinwedd yr awdurdodiad er mwyn gwahardd eu harfer ac eithrio at ddibenion penodol neu dan amgylchiadau penodol.

(4) Caniateir tynnu awdurdodiad yn ôl yn ysgrifenedig ar unrhyw adeg gan yr awdurdod lleol a'i rhoddod.

(5) Rhaid i'r awdurdodiad ysgrifenedig neu'r awdurdodiad a dynnir yn ôl yn ysgrifenedig gan unrhyw awdurdod lleol gael ei lofnodi naill ai gan—

- (a) y swyddog a ddynodir o dan adran 4 o Ddeddf Llywodraeth Leol a Thai 1989(1) yn bennaeth ar wasanaeth cyflogedig yr awdurdod; neu

- (b) the requirement that notice be given by an authorised officer in writing will be taken to be satisfied in any case where the contents of the notice—
  - (i) are transmitted to the recipient of the notice by electronic means; and
  - (ii) are received by that person in a form that is legible and capable of being recorded for future reference.

### **Authorisation by local authorities**

3.—(1) Subject to paragraphs (2) and (3), a local authority may grant an authorisation to an individual to exercise the powers conferred on an authorised officer under regulation 4.

(2) A local authority may only grant authorisation to an individual if that person is—

- (a) an individual employed by that authority; or
- (b) an individual employed by another local authority or joint committee that carries out functions relating to housing fraud investigation purposes on behalf of that authority.

(3) An authorisation granted to an individual for the purposes of these Regulations—

- (a) must be in writing and provided to that individual as evidence of their entitlement to exercise powers conferred by these Regulations;
- (b) may contain provision as to the period for which the authorisation is to have effect; and
- (c) may restrict the powers exercisable by virtue of the authorisation so as to prohibit their exercise except for particular purposes or in particular circumstances.

(4) An authorisation may be withdrawn at any time in writing by the local authority that granted it.

(5) The written authorisation or withdrawal of an authorisation by any local authority must be signed by either—

- (a) the officer designated under section 4 of the Local Government and Housing Act 1989(1) as the head of the authority's paid service; or

(1) 1989 p.42. Gwnaed diwygiadau i adrannau 4 a 5 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1989 c.42. Amendments have been made to sections 4 and 5 which are not relevant to these Regulations.

- (b) y swyddog sy'n brif swyddog cyllid yr awdurdod (yn yr ystyr a roddir i "chief finance officer" yn adran 5 o'r Ddeddf honno).

(6) Nid oes hawl gan unigolyn, sydd wedi ei awdurdodi am y tro at ddibenion rheoliad 4, i arfer unrhyw bwerau a roddir i swyddog awdurdodedig gan y rheoliad hwnnw, ac eithrio at ddibenion ymchwilio i dwyll tai.

(7) Caiff swyddog awdurdodedig arfer y pwerau a roddir o dan reoliad 4 mewn perthynas â thŷ annedd—

- (a) p'un a yw'r tŷ annedd hwnnw yn cael ei osod neu wedi ei osod o dan denantiaeth a'r landlord yw, neu a oedd, yr awdurdod a roddodd yr awdurdodiad i'r swyddog ai peidio; a
- (b) p'un a yw'r tŷ annedd hwnnw wedi ei leoli yn ardal yr awdurdod a roddodd yr awdurdodiad i'r swyddog ai peidio.

#### **Pŵer i'w gwneud yn ofynnol bod gwybodaeth yn cael ei darparu**

4.—(1) Caiff swyddog awdurdodedig sydd â sail resymol dros amau bod person—

- (a) yn berson sy'n dod o fewn paragraff (2); a
- (b) bod ganddo, neu y gallai fod ganddo yn ei feddiant, neu fod ganddo neu y gallai fod ganddo fynediad at, unrhyw wybodaeth, am unrhyw fater sy'n berthnasol i ddibenion ymchwilio i dwyll tai,

ei gwneud yn ofynnol, drwy hysbysiad ysgrifenedig, i'r person hwnnw ddarparu'r cyfan o'r cyfryw wybodaeth a ddisgrifir yn yr hysbysiad ac sydd ym meddiant y person hwnnw, neu y mae gan y person hwnnw fynediad ati, ac y mae'n rhesymol i'r swyddog awdurdodedig ofyn amdani at y diben a grybwyllir felly.

(2) Dyma'r personau a ddaw o fewn y paragraff hwn—

- (a) unrhyw fanc;
- (b) unrhyw berson sy'n cynnal busnes y mae'r cyfan neu ran sylweddol ohono yn cynnwys darparu credyd (boed hwnnw'n sicredig neu'n ansicredig) i aelodau'r cyhoedd;
- (c) unrhyw ymgymerwr dŵr neu ymgymerwr carthffosiaeth;
- (d) unrhyw berson sydd—

- (b) the officer who is the authority's chief finance officer (within the meaning of section 5 of that Act).

(6) An individual who for the time being is authorised for the purposes of regulation 4, is only entitled to exercise any of the powers which are conferred on an authorised officer by that regulation for housing fraud investigation purposes.

(7) An authorised officer may exercise the powers conferred under regulation 4 in relation to a dwelling-house—

- (a) whether or not that dwelling-house is or was let under a tenancy under which the landlord is or was the authority by which the officer's authorisation was granted; and
- (b) whether or not that dwelling house is located in the area of the authority by which the officer's authorisation was granted.

#### **Power to require information**

4.—(1) An authorised officer who has reasonable grounds for suspecting that a person—

- (a) is a person falling within paragraph (2); and
- (b) has or may have possession of or access to any information about any matter that is relevant to housing fraud investigation purposes,

may, by written notice, require that person to provide all such information described in the notice of which that person has possession, or to which that person has access, and which it is reasonable for the authorised officer to require for the purpose so mentioned.

(2) The persons who fall within this paragraph are—

- (a) any bank;
- (b) any person carrying on a business the whole or a significant part of which consists of the provision of credit (whether secured or unsecured) to members of the public;
- (c) any water undertaker or sewage undertaker;
- (d) any person who—

- (i) yn dal trwydded o dan adran 7 o Ddeddf Nwy 1986(1) i gludo nwy drwy bibellau; neu
- (ii) sy'n dal trwydded o dan adran 7A o'r Ddeddf honno(2) i gyflenwi nwy drwy bibellau;
- (e) unrhyw berson sydd (yn yr ystyr a roddir i "distribute" a "supply", yn eu trefn, yn Neddf Trydan 1989(3)) yn dosbarthu neu'n cyflenwi trydan;
- (f) unrhyw berson sy'n darparu gwasanaeth telathrebu; neu
- (g) unrhyw was neu asiant i unrhyw berson a grybwyllir yn is-baragraffau (a) i (f).

(3) Yn ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn, mae'r pwerau a roddir gan y rheoliad hwn i swyddog awdurdodedig, i'w gwneud yn ofynnol i unrhyw berson ddarparu gwybodaeth yn rhinwedd y ffaith bod y person hwnnw yn dod o fewn paragraff (2), yn arferadwy yn unig at ddiben cael gwybodaeth mewn perthynas â pherson penodol a nodir (drwy enw neu ddisgrifiad) gan y swyddog.

(4) Ni chaiff swyddog awdurdodedig, wrth arfer y pwerau hynny, ei gwneud yn ofynnol i unrhyw berson ddarparu unrhyw wybodaeth yn rhinwedd y ffaith bod y person hwnnw yn dod o fewn paragraff (2), onid yw'n ymddangos i'r swyddog hwnnw fod seiliau rhesymol dros gredu bod y person y mae'n ymwneud ag ef—

- (a) yn berson sydd wedi cyflawni, sy'n cyflawni neu sy'n bwriadu cyflawni trosedd a restrir yn adran 7(7) o Ddeddf Atal Twyll Tai Cymdeithasol 2013; neu
- (b) yn berson sy'n aelod o deulu person sy'n dod o fewn is-baragraff (a).

- (i) is the holder of a licence under section 7 of the Gas Act 1986(1) to convey gas through pipes; or
- (ii) is the holder of a licence under section 7A of that Act(2) to supply gas through pipes;
- (e) any person who (within the meaning of the Electricity Act 1989(3)) distributes or supplies electricity;
- (f) any person who provides a telecommunications service; or
- (g) any servant or agent of any person mentioned in sub-paragraphs (a) to (f).

(3) Subject to the following provisions of this regulation, the powers conferred by this regulation on an authorised officer to require information from any person by virtue of that person falling within paragraph (2) are exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.

(4) An authorised officer must not, in exercise of those powers, require any information from any person by virtue of that person falling within paragraph (2) unless it appears to that officer that there are reasonable grounds for believing that the person to whom it relates is—

- (a) a person who has committed, is committing or intends to commit an offence listed in section 7(7) of the Prevention of Social Housing Fraud Act 2013; or
- (b) a person who is a member of the family of a person falling within sub-paragraph (a).

(1) 1986 p.44. Amnewidiwyd adran 7 gan adran 5 o Ddeddf Nwy 1995 (p.45) a diwygiwyd is-adran (1) wedi hynny gan adran 76 o Ddeddf Cyfleustodau 2000 (p.27). Nid yw diwygiadau eraill a wnaed i'r is-adran honno ac adran 7 yn fwy cyffredinol yn berthnasol i'r Rheoliadau hyn.

(2) Mewnosodwyd adran 7A gan adran 6(1) o Ddeddf Nwy 1995 (p.45). Diwygiwyd is-adrannau (1) a (2) wedi hynny gan adran 3(2) o Ddeddf Cyfleustodau 2000 (p.27); diwygiwyd is-adran (2) ymhellach gan adran 108 o'r Ddeddf honno a pharagraffau 1 a 2 o Atodlen 6 iddi; a diwygiwyd is-adran (3) gan adran 149 o Ddeddf Ynni 2004 (p.20). Gwnaed diwygiadau eraill i adran 7A nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) 1989 p.29.

(1) 1986 c.44. Section 7 was substituted by section 5 of the Gas Act 1995 (c.45) and subsection (1) was subsequently amended by section 76 of the Utilities Act 2000 (c.27). Other amendments made to that subsection and section 7 more generally are not relevant to these Regulations.

(2) Section 7A was inserted by section 6(1) of the Gas Act 1995 (c.45). Subsections (1) and (2) were subsequently amended by section 3(2) of the Utilities Act 2000 (c.27); subsection (2) was further amended by section 108 of and paragraphs 1 and 2 of Schedule 6 to that Act; and subsection (3) was amended by section 149 of the Energy Act 2004 (c.20). Other amendments have been made to section 7A which are not relevant to these Regulations.

(3) 1989 c.29.

(5) Nid yw'r pwerau a roddir gan y rheoliad hwn yn arferadwy at ddiben cael gan unrhyw berson sy'n darparu gwasanaeth telathrebu unrhyw wybodaeth ac eithrio'r wybodaeth sydd (yn yr ystyr a roddir i "communications data" a "traffic data", yn eu trefn, yn adran 21 o Ddeddf Rheoleiddio Pwerau Ymchwilio 2000(1)) yn ddata cyfathrebu ond heb fod yn ddata traffig.

(6) Nid oes unrhyw beth ym mharagraff (3) neu (4) yn atal person awdurdodedig rhag arfer y pwerau a roddir gan y rheoliad hwn i'w gwneud yn ofynnol bod person sy'n darparu gwasanaeth telathrebu yn darparu gwybodaeth ynglŷn â hunaniaeth a chyfeiriad post person a adnabyddir gan y swyddog awdurdodedig drwy gyfeirio at rif ffôn neu gyfeiriad electronig a ddefnyddir mewn cysylltiad â darparu gwasanaeth o'r fath yn unig.

(7) Caiff rhwymedigaeth person i ddarparu gwybodaeth yn unol â hysbysiad o dan y rheoliad hwn ei gyflawni yn unig drwy ddarparu'r wybodaeth honno, ar ba adeg resymol ac ar ba ffurf bynnag a bennir yn yr hysbysiad, i'r swyddog awdurdodedig sydd—

- (a) yn cael ei nodi gan delerau'r hysbysiad, neu yn unol â hwy; neu
- (b) wedi cael ei nodi, ers i'r hysbysiad gael ei roi, gan hysbysiad ysgrifenedig pellach a roddwyd gan y swyddog awdurdodedig a osododd y gofyniad gwreiddiol, neu swyddog awdurdodedig arall.

(8) Mae pŵer swyddog awdurdodedig o dan y rheoliad hwn i'w gwneud yn ofynnol i ddarparu gwybodaeth yn cynnwys pŵer i'w gwneud yn ofynnol i ddangos ac ildio meddiant ac (os oes angen) i greu unrhyw ddogfennau o'r fath sy'n cynnwys yr wybodaeth a bennir neu a ddisgrifir yn yr hysbysiad sy'n gosod y gofyniad, neu greu copïau o unrhyw ddogfennau o'r fath neu ddyfyniadau ohonynt.

(9) Ni fydd yn ofynnol i unrhyw berson o dan y rheoliad hwn i ddarparu—

- (a) unrhyw wybodaeth sy'n tueddu i argyhuddo naill ai'r person hwnnw neu, yn achos person sy'n briod neu sy'n bartner sifil, briod neu bartner sifil y person hwnnw; neu
- (b) unrhyw wybodaeth y byddai hawliad am ffrainc broffesiynol gyfreithiol yn llwyddiannus mewn perthynas â hi mewn unrhyw achos,

ac at ddibenion y paragraff hwn nid yw o bwys a yw'r wybodaeth ar ffurf ddogfennol ai peidio.

(10) Yn y rheoliad hwn—

(5) The powers conferred by this regulation are not exercisable for the purpose of obtaining from any person providing a telecommunications service any information other than information which (within the meaning of section 21 of the Regulation of Investigatory Powers Act 2000(1)) is communications data but not traffic data.

(6) Nothing in paragraph (3) or (4) prevents an authorised person from exercising the powers conferred by this regulation for requiring information from a person who provides a telecommunications service, about the identity and postal address of a person identified by the authorised officer solely by reference to a telephone number or electronic address used in connection with the provision of such a service.

(7) The obligation of a person to provide information in accordance with a notice under this regulation will be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—

- (a) is identified by or in accordance with the terms of the notice; or
- (b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement, or another authorised officer.

(8) The power of an authorised officer under this regulation to require the provision of information includes a power to require the production and delivery up and (if necessary) creation of any such documents containing the information as may be specified or described in the notice imposing the requirement, or the creation of copies of or extracts from any such documents.

(9) No person will be required under this regulation to provide—

- (a) any information that tends to incriminate either that person or, in the case of a person who is married or is a civil partner, that person's spouse or civil partner; or
- (b) any information in respect of which a claim to legal professional privilege would be successful in any proceedings,

and for the purposes of this paragraph it is immaterial whether the information is in documentary form or not.

(10) In this regulation—

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(1) 2000 p.23.

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(1) 2000 c.23.



ystyr “banc” (“*bank*”) yw—

- (a) person sydd â chaniatâd o dan Ran 4A o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000(1) i dderbyn adneuron;
- (b) cwmni AEE o'r math a grybwyllir ym mharagraff 5(b) o Atodlen 3 i'r Ddeddf honno(2) sydd â chaniatâd o dan baragraff 15 o'r Atodlen honno(3) (o ganlyniad i gymhwyso am awdurdodiad o dan baragraff 12 o'r Atodlen honno(4)) i dderbyn adneuron neu gronfeydd ad-daladwy eraill gan y cyhoedd; neu
- (c) person nad yw'n ofynnol iddo gael caniatâd o dan y Ddeddf honno i dderbyn adneuron yn rhan o fusnes y person hwnnw yn y Deyrnas Unedig;

mae gan “gwasanaeth telathrebu” yr un ystyr a roddir i “telecommunications service” yn Neddf Rheoleiddio Pwerau Ymchwilio 2000; ac

mae “teulu” (“*family*”) i'w ddehongli yn unol ag adran 113 o Ddeddf Tai 1985(5).

(11) Rhaid darllen y diffiniad o “banc” (“*bank*”) ym mharagraff (10) yn unol ag—

- (a) adran 22 o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000(6);
- (b) unrhyw orchymyn perthnasol o dan yr adran honno; ac
- (c) Atodlen 2 i'r Ddeddf honno.

#### **Achosi oedi i swyddog awdurdodedig, ei rwystro etc.**

5.—(1) Os bydd person (P)—

- (a) yn achosi oedi i swyddog awdurdodedig neu'n ei rwystro wrth iddo arfer unrhyw bŵer o dan reoliad 4, a hynny'n fwriadol; neu
- (b) yn gwrthod neu yn methu, heb esgus rhesymol, ddarparu unrhyw wybodaeth neu ddarparu unrhyw ddogfen pan ofynnir iddo wneud hynny o dan reoliad 4,

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(1) 2000 p.8. Mewnosodwyd Rhan 4A gan adran 11(2) o Ddeddf Gwasanaethau Ariannol 2012 (p.21).  
(2) Amnewidiwyd is-baragraff (b) gan reoliad 29 o O.S. 2006/3221, a pharagraff 2 o Atodlen 3 iddo.  
(3) Diwygiwyd is-baragraff (1) o baragraff 15 gan O.S. 2007/3253. Nid yw diwygiadau eraill a wnaed i baragraff 15 yn berthnasol i'r Rheoliadau hyn.  
(4) Mewnosodwyd is-baragraff (9) o baragraff 12 gan O.S. 2012/1906. Nid yw diwygiadau eraill a wnaed i baragraff 12 yn berthnasol i'r Rheoliadau hyn.  
(5) 1985 p.68.  
(6) Amnewidiwyd y pennawd i adran 22 gan adran 7(1)(d) o Ddeddf Gwasanaethau Ariannol 2012 (p.21). Nid yw diwygiadau eraill a wnaed i adran 22 yn berthnasol i'r Rheoliadau hyn.

“bank” (“*banc*”) means—

- (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000(1) to accept deposits;
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act(2) which has permission under paragraph 15 of that Schedule(3) (as a result of qualifying for authorisation under paragraph 12 of that Schedule(4)) to accept deposits or other repayable funds from the public; or
- (c) a person who does not require permission under that Act to accept deposits in the course of that person's business in the United Kingdom;

“family” (“*teulu*”) is to be construed in accordance with section 113 of the Housing Act 1985(5); and

“telecommunications service” (“*gwasanaeth telathrebu*”) has the same meaning as in the Regulation of Investigatory Powers Act 2000.

(11) The definition of “bank” (“*banc*”) in paragraph (10) must be read in accordance with—

- (a) section 22 of the Financial Services and Markets Act 2000(6);
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

#### **Delay, obstruction etc. of an authorised officer**

5.—(1) If a person (P)—

- (a) intentionally delays or obstructs an authorised officer in the exercise of any power under regulation 4; or
- (b) refuses or fails, without reasonable excuse, to provide any information or to provide any document when required to do so under regulation 4,

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(1) 2000 c.8. Part 4A was inserted by section 11(2) of the Financial Services Act 2012 (c.21).  
(2) Sub-paragraph (b) was substituted by regulation 29 of, and paragraph 2 of Schedule 3 to, S.I. 2006/3221.  
(3) Sub-paragraph (1) of paragraph 15 was amended by S.I. 2007/3253. Other amendments made to paragraph 15 are not relevant to these Regulations.  
(4) Sub-paragraph (9) of paragraph 12 was inserted by S.I. 2012/1906. Other amendments made to paragraph 12 are not relevant to these Regulations.  
(5) 1985 c.68.  
(6) The heading to section 22 was substituted by section 7(1)(d) of the Financial Services Act 2012 (c.21). Other amendments made to section 22 are not relevant to these Regulations.

mae P yn euog o drosedd ac yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na lefel 3 ar y raddfa safonol.

(2) Pan fo P yn cael ei gollfarnu am drosedd o dan baragraff (1)(b) a bod P yn parhau â'r gwrthodiad neu'r methiant wedi i P gael ei gollfarnu, bydd P yn euog o drosedd bellach ac yn agored, o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na £40 am bob diwrnod y bydd yn parhau.

### Troseddau gan gyrff corfforaethol

6.—(1) Pan brofir bod trosedd o dan y Rheoliadau hyn a gyflawnwyd gan gorff corfforaethol wedi ei chyflawni gyda chydsyniad neu ymoddefiad, neu i'w phriodoli i unrhyw esgeulustod ar ran, cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff corfforaethol, neu unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd swydd o'r fath, bydd y person hwnnw, yn ogystal â'r corff corfforaethol, yn euog o'r drosedd honno a bydd yn agored i gael ei erlyn yn unol â hynny.

(2) Pan fo materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â swyddogaethau rheoli'r aelod hwnnw fel petai'r aelod hwnnw yn gyfarwyddwr o'r corff corfforaethol.

P is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Where P is convicted of an offence under paragraph (1)(b) and the refusal or failure is continued by P after P's conviction, P will be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

### Offences by bodies corporate

6.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, will be guilty of that offence and liable to be proceeded against accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

*Lesley Griffiths*

Y Gweinidog Tai ac Adfywio, un o Weinidogion  
Cymru  
25 Mawrth 2014

Minister for Housing and Regeneration, one of the  
Welsh Ministers  
25 March 2014

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