OFFERYNNAU STATUDOL CYMRU

2021 Rhif 325 (Cy. 84)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Rhif 2) (Cymru) (Coronafeirws) 2021

NODYN ESBONIADOL

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

Mae adran 45C o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru fel "the appropriate Minister", drwy reoliadau, i wneud darpariaeth at ddiben atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint neu halogiad yng Nghymru.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn ailddeddfu Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Cymru) (Coronafeirws) 2021 sy'n dod i ben ar 31 Mawrth 2021.

Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2021 a deuant i ben ar ddiwedd y dydd ar 30 Mehefin 2021. Mae rheoliad 3 yn darparu bod rhaid adolygu'r Rheoliadau'n rheolaidd er mwyn sicrhau bod y cyfyngiadau a'r gofynion a osodir yn parhau i fod yn gymesur.

Mae'r Rheoliadau hyn yn atal, ac eithrio o dan amgylchiadau penodedig, bod yn bresennol mewn tŷ annedd at ddiben gweithredu gwrit neu warant meddiant, gweithredu gwrit neu warant adfer neu ddanfon hysbysiad troi allan.

WELSH STATUTORY INSTRUMENTS

2021 No. 325 (W. 84)

PUBLIC HEALTH, WALES

The Public Health (Protection from Eviction) (No. 2) (Wales) (Coronavirus) Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 45C of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers as "the appropriate Minister", by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations re-enact the Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2021 which expire on 31 March 2021.

These Regulations come into force on 1 April 2021 and expire at the end of the day on 30 June 2021. Regulation 3 provides that the Regulations must be reviewed regularly to ensure the restrictions and requirements imposed remain proportionate.

These Regulations prevent, except in specified circumstances, attendance at a dwelling-house for the purpose of executing a writ or warrant of possession, executing a writ or warrant of restitution or delivering a notice of eviction.

Yr amgylchiadau penodedig yw pan fo'r llys wedi ei fodloni bod yr hawliad yn un yn erbyn tresmaswyr sy'n bersonau anhysbys; neu pan y'i gwnaed yn llwyr neu'n rhannol ar sail trais domestig, troseddau difrifol, ymddygiad gwrthgymdeithasol, neu niwsans; neu, mewn achosion pan fo'r person sy'n bresennol wedi ei fodloni nad yw'r tŷ annedd wedi ei feddiannu ar yr adeg pan fo'n bresennol a phan fo'r gorchymyn meddiant wedi ei wneud yn llwyr neu'n rhannol ar sail marwolaeth y meddiannydd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The specified circumstances are where the court is satisfied that: the claim is against trespassers who are persons unknown; or where it was made wholly or partly on the grounds of domestic violence, serious offences, anti-social behaviour, or nuisance; or, in cases where the person attending is satisfied that the dwelling-house is unoccupied at the time of attendance and the possession order was made wholly or partly on the grounds of the death of the occupant.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 325 (Cy. 84)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Rhif 2) (Cymru) (Coronafeirws) 2021

Cymeradwywyd gan Senedd Cymru

Gwnaed	*16 Mawrth 2021*
Gosodwyd gerbron Senedd Cymru	*17 Mawrth 2021*
Yn dod i rym	*1 Ebrill 2021*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 45C(1), (2), (3)(c) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(**1**).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol acíwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae Gweinidogion Cymru yn ystyried bod y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

(**1**) 1984 p. 22. Mewnosodwyd adrannau 45C a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14) ("Deddf 2008"). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "the appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

WELSH STATUTORY INSTRUMENTS

2021 No. 325 (W. 84)

PUBLIC HEALTH, WALES

The Public Health (Protection from Eviction) (No. 2) (Wales) (Coronavirus) Regulations 2021

Approved by Senedd Cymru

Made	*16 March 2021*
Laid before Senedd Cymru	*17 March 2021*
Coming into force	*1 April 2021*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 45C(1), (2), (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984(**1**).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

(**1**) 1984 c. 22. Sections 45C and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14) ("the 2008 Act"). The functions under these sections are conferred on "the appropriate Minister". Under section 45T(6) of the Public Health (Control of Disease) Act 1984 "the appropriate Minister" as respects Wales, is the Welsh Ministers.

Yn unol ag adran 45R o'r Ddeddf honno(**1**), oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Rhif 2) (Cymru) (Coronafeirws) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2021.

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

(4) Yn y Rheoliadau hyn, mae i "tŷ annedd" yr un ystyr ag a roddir i "dwelling-house" yn Neddf Tai 1985(**2**), Deddf Tai 1988(**3**) neu Ddeddf Rhenti 1977(**4**), yn ôl y digwydd.

Tenantiaethau preswyl (gwarchodaeth rhag troi allan)

2.—(1) Yn ddarostyngedig i baragraffau (2) a (3), ni chaiff unrhyw berson fod yn bresennol mewn tŷ annedd at ddiben—

(a) gweithredu gwrit neu warant meddiant,

(b) gweithredu gwrit neu warant adfer, neu

(c) danfon hysbysiad troi allan.

(2) Nid yw paragraff (1) yn gymwys pan fo'r llys wedi ei fodloni bod y writ, y warant neu'r hysbysiad yn ymwneud â gorchymyn meddiant a wneir—

(a) yn erbyn tresmaswyr yn unol â hawliad y mae rheol 55.6 (cyflwyno hawliadau yn erbyn tresmaswyr) o Reolau'r Drefniadaeth Sifil 1998(**5**) yn gymwys iddo,

(b) yn llwyr neu'n rhannol o dan adran 84A (sail absoliwt ar gyfer meddiannu am ymddygiad gwrthgymdeithasol) o Ddeddf Tai 1985(**6**),

(**1**) Mewnosodwyd adran 45R gan adran 129 o Ddeddf 2008.
(**2**) 1985 p. 68.
(**3**) 1988 p. 50.
(**4**) 1977 p. 42.
(**5**) O.S. 1998/3132 (Cyfr. 17). Mewnosodwyd rheol 55.6 gan Atodlen 1 i O.S. 2001/256 (Cyfr. 7).
(**6**) Mewnosodwyd adran 84A gan adran 94(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014 (p. 12) ("Deddf 2014") ac fe'i diwygiwyd gan baragraff 84 o Atodlen 24 i Ddeddf Dedfrydu 2020 (p. 17) ("Deddf 2020").

In accordance with section 45R of that Act(**1**), the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Public Health (Protection from Eviction) (No. 2) (Wales) (Coronavirus) Regulations 2021.

(2) These Regulations come into force on 1 April 2021.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, "dwelling-house" has the same meaning as in the Housing Act 1985(**2**), the Housing Act 1988(**3**) or the Rent Act 1977(**4**), as the case may be.

Residential tenancies (protection from eviction)

2.—(1) Subject to paragraphs (2) and (3), no person may attend at a dwelling-house for the purpose of—

(a) executing a writ or warrant of possession,

(b) executing a writ or warrant of restitution, or

(c) delivering a notice of eviction.

(2) Paragraph (1) does not apply where the court is satisfied that the writ, warrant or notice relates to an order for possession made—

(a) against trespassers pursuant to a claim to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998(**5**) applies,

(b) wholly or partly under section 84A (absolute ground for possession for anti-social behaviour) of the Housing Act 1985(**6**),

(**1**) Section 45R was inserted by section 129 of the 2008 Act.
(**2**) 1985 c. 68.
(**3**) 1988 c. 50.
(**4**) 1977 c. 42.
(**5**) S.I. 1998/3132 (L. 17). Rule 55.6 was inserted by Schedule 1 to S.I. 2001/256 (L. 7).
(**6**) Section 84A was inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) ("the 2014 Act") and was amended by paragraph 84 of Schedule 24 to the Sentencing Act 2020 (c. 17) ("the 2020 Act").

(c) yn llwyr neu'n rhannol ar Sail 2 neu Sail 2A yn Atodlen 2 (seiliau ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau diogel) i Ddeddf Tai 1985(**1**),

(d) yn llwyr neu'n rhannol ar Sail 7A, Sail 14 neu Sail 14A yn Atodlen 2 (seiliau ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau sicr) i Ddeddf Tai 1988(**2**),

(e) yn llwyr neu'n rhannol ar Sail 7 (sail ar gyfer meddiannu pan fo tenant yn marw ac na cheir hawl olyniaeth) yn Atodlen 2 i Ddeddf Tai 1988(**3**), neu

(f) yn llwyr neu'n rhannol o dan Achos 2 o Atodlen 15 (sail ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau gwarchodedig neu statudol, neu sy'n ddarostyngedig iddynt) i Ddeddf Rhenti 1977.

(3) Pan fo paragraff (2)(e) yn gymwys, rhaid i'r person sy'n bresennol yn y tŷ annedd gymryd camau rhesymol i'w fodloni ei hun nad yw'r tŷ annedd wedi ei feddiannu cyn cyflawni'r materion hynny a nodir ym mharagraff (1)(a), (b) neu (c).

Adolygu a dod i ben

3.—(1) Rhaid i Weinidogion Cymru adolygu'r angen am y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn, a pha un a yw'r cyfyngiadau hynny yn gymesur â'r hyn y mae Gweinidogion Cymru yn ceisio ei gyflawni drwyddynt—

(a) o leiaf unwaith yn y cyfnod o 1 Ebrill 2021 i 23 Ebrill 2021;

(b) o leiaf unwaith ym mhob cyfnod dilynol o 21 o ddiwrnodau.

(2) Daw'r Rheoliadau hyn i ben ar ddiwedd y dydd ar 30 Mehefin 2021.

(c) wholly or partly on Ground 2 or Ground 2A in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) to the Housing Act 1985(**1**),

(d) wholly or partly on Ground 7A, Ground 14 or Ground 14A in Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) to the Housing Act 1988(**2**),

(e) wholly or partly on Ground 7 (ground for possession where tenant dies and no right of succession) in Schedule 2 to the Housing Act 1988(**3**), or

(f) wholly or partly under Case 2 of Schedule 15 (ground for possession of dwelling-houses let on or subject to protected or statutory tenancies) to the Rent Act 1977.

(3) Where paragraph (2)(e) applies, the person attending at the dwelling-house must take reasonable steps to satisfy themselves that the dwelling-house is unoccupied before carrying out those matters set out in paragraph (1)(a), (b) or (c).

Review and expiry

3.—(1) The Welsh Ministers must review the need for the restrictions and requirements imposed by these Regulations, and whether those restrictions are proportionate to what the Welsh Ministers seek to achieve by them—

(a) at least once in the period from 1 April 2021 to 23 April 2021;

(b) at least once in each subsequent period of 21 days.

(2) These Regulations expire at the end of the day on 30 June 2021.

(**1**) Amnewidiwyd Sail 2 gan adran 144 o Ddeddf Tai 1996 (p. 52) ("Deddf 1996") ac fe'i diwygiwyd gan baragraff 45 o Atodlen 7 i Ddeddf Troseddu Cyfundrefnol Difrifol a'r Heddlu 2005 (p. 15) ("Deddf 2005") ac adran 98(1) o Ddeddf 2014. Mewnosodwyd Sail 2A gan adran 145 o Ddeddf 1996 ac fe'i diwygiwyd gan baragraff 33 o Atodlen 8 i Ddeddf Partneriaeth Sifil 2004 (p. 33) ("Deddf 2004") a chan O.S. 2019/1458.

(**2**) Mewnosodwyd Sail 7A gan adran 97(1) o Ddeddf 2014 ac fe'i diwygiwyd gan baragraff 97 o Atodlen 24 i Ddeddf 2020. Amnewidiwyd Sail 14 gan adran 148 o Ddeddf 1996 ac fe'i diwygiwyd gan baragraff 46 o Atodlen 7 i Ddeddf 2005 ac adran 98(2) o Ddeddf 2014. Mewnosodwyd Sail 14A gan adran 149 o Ddeddf 1996 ac fe'i diwygiwyd gan baragraff 43(3) o Atodlen 8 i Ddeddf 2004, O.S. 2010/866, O.S. 2011/1396 ac O.S. 2019/1458.

(**3**) Mae diwygiadau i Sail 7 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) Ground 2 was substituted by section 144 of the Housing Act 1996 (c. 52) ("the 1996 Act") and amended by paragraph 45 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15) ("the 2005 Act") and section 98(1) of the 2014 Act. Ground 2A was inserted by section 145 of the 1996 Act and amended by paragraph 33 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) ("the 2004 Act") and by S.I. 2019/1458.

(**2**) Ground 7A was inserted by section 97(1) of the 2014 Act and amended by paragraph 97 of Schedule 24 to the 2020 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by paragraph 46 of Schedule 7 to the 2005 Act and section 98(2) of the 2014 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by paragraph 43(3) of Schedule 8 to the 2004 Act, S.I. 2010/866, S.I. 2011/1396 and S.I. 2019/1458.

(**3**) There are amendments to Ground 7 which are not relevant to these Regulations.

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
16 Mawrth 2021

Minister for Housing and Local Government, one of the Welsh Ministers
16 March 2021

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