

OFFERYNNAU STATUDOL CYMRU

2022 No. 1166

Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygiadau Canlyniadol) 2022

Deddf Tai 1988

16.—(1) Mae Deddf Tai 1988(1) wedi ei diwygio fel a ganlyn.

(2) Yn adran 1(2) (tenantiaethau sicr), yn is-adran (1), ar ôl “dwelling-house”, yn y lle cyntaf y mae’n digwydd, mewnosoder “in England”.

(3) Ar ôl adran 1, mewnosoder—

“1A Application of Chapters 1, 2 and 3 of this Part to dwelling in Wales

(1) As a result of section 239 of the Renting Homes (Wales) Act 2016 (anaw 1), no tenancy or licence (whenever made) of a dwelling-house that is in Wales can be an assured tenancy or an assured agricultural occupancy.

(2) Accordingly, subject to subsection (3), nothing in sections 1 to 25 of this Act applies to a dwelling-house in Wales.

(3) The provisions of this Act which are referred to in Schedule 10 to the Local Government and Housing Act 1989 (c. 42) continue to apply, for the purposes of that Schedule, to a dwelling-house in Wales which is subject to a long tenancy.

(4) For the purposes of subsection (3), “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016.”

(4) Yn adran 35 (dileu cyfundrefnau arbennig ar gyfer tenantiaethau cymdeithasau tai etc), yn is-adran (3)(3), ar ôl “secure tenancy”, mewnosoder “or a secure contract”.

(5) Yn adran 37 (dim tenantiaethau sicr pellach o dan Ddeddf Tai 1980), ar ôl is-adran (6), mewnosoder—

“(7) Nothing in this section that purports to grant an assured tenancy, or purports to grant a contract for the grant of an assured tenancy, applies to a dwelling-house in Wales (see section 240 of the Renting Homes (Wales) Act 2016 (anaw 1) for provision about the conversion of existing tenancies to occupation contracts, and section 241 for provision about pre-existing contracts).”

(6) Yn adran 38(4) (trosglwyddo tenantiaethau presennol o’r sector cyhoeddus i’r sector preifat)

(1) 1988 p. 50.

(2) Diwygiwyd adran 1 gan adran 10 o Ddeddf Atal Twyll Tai Cymdeithasol 2013 (p. 3) a pharagraff 4 o’r Atodlen iddi, adran 227 o Ddeddf Tai 1996 (p. 52) a Rhan 13 o Atodlen 19 iddi, a rheoliad 2 o Reoliadau Cyfeiriadau at Ardrethu (Tai) 1990 (O.S. 1990/434) a pharagraff 27 o’r Atodlen iddynt.

(3) Diwygiwyd adran 35(3) gan erthygl 5 o Orchymyn Deddf Tai ac Adfywio 2008 (Darpariaethau Canlyniadol) 2010 (O.S. 2010/866) a pharagraffau 63 a 66 o Atodlen 2 iddo ac erthygl 5 o Orchymyn Deddf Tai 1996 (Darpariaethau Canlyniadol) 1996 (O.S. 1996/2325) a pharagraff 18(2) o Atodlen 2 iddo.

(4) Mewnosodwyd adran 38(4A) gan adran 194 o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) a pharagraff 106 o Atodlen 11 iddi, ac fe’i diwygiwyd gan erthygl 5 o Orchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol) 2010 (O.S. 2010/866) a pharagraffau 63 a 67 o Atodlen 2 iddo, ac erthygl 5 o Orchymyn Deddf Tai 1996 (Darpariaethau Canlyniadol) 1996 (O.S. 1996/2325) a pharagraff 18(3) o Atodlen 2 iddo. Mewnosodwyd adran 38(4B) gan erthygl 2 o Orchymyn Deddf

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- (a) yn is-adran (4A), ar ôl “secure tenancy”, mewnosoder “or a secure contract”;
- (b) yn is-adran (4B)—
- (i) ar ôl “under a secure tenancy”, mewnosoder “or a secure contract”;
- (ii) ar ôl “to be a secure tenancy”, mewnosoder “or secure contract”.
- (7) Yn adran 45(5) (dehongli Rhan 1), yn is-adran (1), yn y lle priodol yn nhrefn yr wyddor, mewnosoder—
- ““secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.
- (8) Yn adran 61(6) (ymgyngori a chyhoeddusrwydd), yn is-adran (2), ar ôl “secure tenants or introductory tenants”, mewnosoder “or secure contract-holders or introductory standard contract-holders”.
- (9) Yn adran 75(7) (darpariaethau atodol o ran gorchmynion trosglwyddo), yn is-adran (3)—
- (a) ar ôl “secure tenant”, mewnosoder “,” a hepgorer “or”;
- (b) ar ôl “introductory tenant”, mewnosoder “, tenant who is a secure contract-holder or tenant who is an introductory standard contract-holder”.
- (10) Yn adran 79(8) (gwaredu tir gan ymddiriedolaethau gweithredu tai)—
- (a) yn is-adran (2)—
- (i) ar ôl “secure tenancy”, mewnosoder “,” a hepgorer “or”;
- (ii) ar ôl “introductory tenancy”, mewnosoder “, a tenancy which is a secure contract or a tenancy which is an introductory standard contract”;
- (b) yn is-adran (5A) ar ôl “introductory tenancies”, mewnosoder “, tenancies which are secure contracts and tenancies which are introductory standard contracts”.
- (11) Yn adran 82(9) (darparu cymorth cyfreithiol i denantiaid ar ôl gwaredu), yn is-adran (1)—
- (a) yn lle paragraff (a), rhodder—
- “(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or”;
- (b) yn lle paragraff (b), rhodder—

Llywodraeth Cymru 1998 (Tai) (Diwygio) 1999 (O.S. 1999/61) a pharagraff 3 o'r Atodlen iddo. Mae diwygiadau eraill i adran 38 nad ydynt yn berthnasol i'r Rheoliadau hyn.

- (5) Diwygiwyd adran 45(1) gan erthygl 6(1) o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036) a pharagraffau 80 a 94 o Atodlen 1 iddo.
- (6) Diwygiwyd adran 61 gan baragraff 9 o Atodlen 22 i Ddeddf Dadreoleiddio 2015 (p. 20) ac erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(a) o Atodlen 1 iddo.
- (7) Diwygiwyd adran 75 gan erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(b) o Atodlen 1 iddo.
- (8) Diwygiwyd adran 79 gan adrannau 55(1) a 227 o Ddeddf Tai 1996 (p. 52) a pharagraff 11 o Atodlen 3 iddi a Rhan 1 o Atodlen 19 iddi, adrannau 124(1) a 187(2) o Ddeddf Diwygio Cyfraith Lesdaliad, Tai a Datblygu Trefol 1993 (p. 28) ac Atodlen 22 iddi, adran 45(2) o Ddeddf Tai 1985 (p. 68), erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(c) a (d) o'r Atodlen iddo, ac erthygl 5 o Orchymyn Deddf Tai ac Adfywio 2008 (Diwygiadau Canlyniadol) 2010 (O.S. 2010/866) a pharagraffau 63 a 70 o Atodlen 2 iddo.
- (9) Diwygiwyd adran 82 gan adran 81 o Ddeddf Partneriaeth Sifil 2004 (p. 33) a pharagraff 42 o Atodlen 8 iddi, adran 140 o Ddeddf Llywodraeth Cymru 1998 (p. 38) a pharagraff 69(2) o Atodlen 16 iddi, adran 24 o Ddeddf Mynediad at Gyfiawnder 1999 (p. 22) a pharagraffau 42 a 43 o Atodlen 4 iddi, adrannau 38(1) a 39(1) o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy 2012 (p. 10) a pharagraff 37 o Atodlen 5 iddi, erthygl 5 o Orchymyn Deddf Tai ac Adfywio 2008 (Darpariaethau Canlyniadol) 2010 (O.S. 2010/866) a pharagraffau 63 a 72 o Atodlen 2 iddo, erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(f) o'r Atodlen iddo, ac fe'i haddaswyd gan adran 9 o Ddeddf Gweinyddu Cyfiawnder 1985 (p. 61).

“(b) is the widow, widower or surviving civil partner of the person who was then the secure tenant, introductory tenant, secure contract-holder, or introductory standard contract-holder of it.”

(12) Yn adran 84(10) (darpariaethau sy'n gymwys i warediadau tai annedd sy'n ddarostyngedig i denantiaethau diogel)—

(a) yn lle is-adran (1)(a), rhodder—

“(a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies, introductory tenancies, tenancies which are secure contracts or tenancies which are introductory standard contracts which would result in a person who, before the disposal, is a secure tenant, an introductory tenant, a tenant who is a secure contract-holder or a tenant who is an introductory contract-holder of the trust becoming, after the disposal, the tenant of another person, and”;

(b) yn is-adran (4)—

(i) ar ôl “in writing on”, mewnosoder “the tenant who is the secure contract-holder, the tenant who is the introductory standard contract-holder,”;

(ii) ym mharagraff (c), ar ôl “his position as a”, mewnosoder “tenant who is a secure contract-holder, tenant who is an introductory contract-holder,”.

(13) Yn adran 84A(11) (trosglwyddo drwy orchymyn dai annedd penodol a osodir ar denantiaethau diogel)—

(a) yn is-adran (6), ar ôl “which is let on”, mewnosoder “a tenancy which is a secure contract, a tenancy which is an introductory standard contract,”;

(b) yn is-adran (7)(a), ar ôl “letting, on”, mewnosoder “tenancies which are secure contracts or tenancies which are introductory standard contracts,”.

(14) Yn adran 85 (rhenti yn gyffredinol), ar ôl is-adran (2), mewnosoder—

“(3) The Renting Homes (Wales) Act 2016 (anaw 1) which provides for the variation of rent and other consideration payable under an occupation contract (for provision in relation to secure contracts see section 104 (variation of rent) and section 105 (variation of other consideration); for periodic standard contracts see section 123 (variation of rent) and section 124 (variation of other consideration); and for fixed term standard contracts see section 134 (variation) and section 135 (limitation on variation)) shall apply in respect of any housing accommodation subject to an occupation contract.”

(15) Yn adran 86(12) (cynyddu'r rhent pan na fo tenantiaeth yn ddiogel), yn is-adran (1)—

(a) ar ôl “secure tenancy”, mewnosoder “,” a hepgorer “or”;

(b) ar ôl “introductory tenancy”, mewnosoder “, or an occupation contract”.

(16) Yn adran 92(13) (dehongli Rhan 3), ar ôl is-adran (1), mewnosoder—

“(1A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—

“contract-holder” (see section 7 of that Act);

(10) Diwygiwyd adran 84 gan adrannau 124 a 125 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28) ac erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(g) o Atodlen 1 iddo.

(11) Mewnosodwyd adran 84A gan adran 125(5) o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28) ac fe'i diwygiwyd gan erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(h) ac (i) o'r Atodlen iddo.

(12) Diwygiwyd adran 86 gan erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(j) o'r Atodlen iddo.

(13) Diwygiwyd adran 92 gan erthygl 2 o Orchymyn Deddf Tai 1996 (Diwygiadau Canlyniadol) 1997 (O.S. 1997/74) a pharagraff 6(k) o Atodlen 1 iddo, ac adran 4 o Ddeddf Cynllunio (Darpariaethau Canlyniadol) 1990 (p. 11) a pharagraff 79(4) o Atodlen 2 iddi.

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“introductory standard contract” (see section 16 of that Act);

“occupation contract” (see section 7 of that Act);

“secure contract” (see section 8 of that Act).”

(17) Yn adran 133(14) (cydsyniad yn ofynnol ar gyfer gwarediadau dilynol penodol), yn is-adran (11), ar ôl paragraff (f), mewnosoder—

“(fa) the grant of an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);”.

(18) Yn Atodlen 1 (tenantiaethau na chânt fod yn denantiaethau sicr)—

(a) ym mharagraff 12(15) (tenantiaethau awdurdod lleol etc)—

(i) yn is-baragraff (1)(h) hepgorer y geiriau o “unless” hyd at y diwedd;

(ii) hepgorer is-baragraff (3);

(b) ym mharagraff 12ZA(16) (tenantiaethau ymyriad teuluol)—

(i) yn is-baragraff (10)—

(aa) ym mharagraff (a) yn lle “; and”, rhodder “.”;

(bb) hepgorer paragraff (b);

(ii) yn is-baragraff (11)—

(aa) ym mharagraff (a) yn lle “; and”, rhodder “.”;

(bb) hepgorer paragraff (b);

(iii) yn is-baragraff (12), yn y diffiniad o “appropriate national authority”—

(aa) ym mharagraff (a) yn lle “; and”, rhodder “.”;

(bb) hepgorer paragraff (b).

Commencement Information

II Rhl. 16 mewn grym ar 1.12.2022, gweler **rh. 1(1)**

(14) Diwygiwyd adran 133(11) gan adran 13(3) o Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018 (dccc 4). Mae diwygiadau eraill i adran 133 o Ddeddf 1988 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(15) Diwygiwyd paragraff 12 o Atodlen 1 gan adran 152 o Ddeddf Llywodraeth Cymru 1998 (p. 38) a Rhan 4 o Atodlen 18 iddi, adran 22 o Ddeddf Lleoliaeth 2011 (p. 20) a pharagraffau 25 a 29 o Atodlen 22 iddi, adran 209(2) o Ddeddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p. 28) a pharagraff 44 o Ran 2 o Atodlen 13 iddi, adran 59 o Ddeddf Dadreoleiddio 2015 (p. 20) a pharagraff 6 o Ran 3 o Atodlen 13 iddi, adrannau 22 a 39 o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 9 o Atodlen 8 iddi, a pharagraff 31 o Atodlen 13 iddi, adran 137 o Ddeddf Tai (Cymru) 2014 (dccc 7), adran 78 o Ddeddf yr Amgylchedd 1995 (p. 25) a pharagraff 28 o Atodlen 10 iddi, adrannau 6 a 9 o Ddeddf Plismona a Throseddau 2017 (p. 3) a pharagraffau 56 a 58 o Ran 2 o Atodlen 1 iddi, a pharagraffau 81 a 83 o Ran 2 o Atodlen 2 iddi, adran 119 o Ddeddf Democratiaeth Leol, Datblygu Economaidd ac Adeiladu 2009 (p. 20) a pharagraff 79 o Atodlen 6 iddi, adran 43 o Ddeddf yr Heddlu a Llysoedd Ynadon 1994 (p. 29) a pharagraff 62 o Ran 2 o Atodlen 4 iddi ac adran 99 o Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13) a pharagraff 178 o Ran 3 o Atodlen 16 iddi.

(16) Mewnosodwyd paragraff 12ZA o Atodlen 1 gan adran 297 o Ddeddf Tai ac Adfywio 2008 (p. 17) ac fe'i diwygiwyd gan adran 181(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddau a Phlisona 2014 (p. 12) a pharagraff 20 o Ran 1 o Atodlen 11 iddi ac erthygl 6 o Rychymyn Deddf Tai ac Adfywio 2008 (Cofrestru Awdurdodau Lleol) 2010 (O.S. 2010/844) a pharagraff 21 o Atodlen 2 iddo.

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