



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 1258 (Cy. 256)

2022 No. 1258 (W. 256)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Deddf Rhentu Cartrefi
(Cymru) 2016 (Diwygio Atodlen 12
a Diwygiad Canlyniadol) 2022**

**The Renting Homes (Wales) Act
2016 (Amendment of Schedule 12
and Consequential Amendment)
Regulations 2022**

NODYN ESBONIADOL

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

Mae Deddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (“Deddf 2016”) yn newid y dirwedd rentu yng Nghymru drwy, ymhlith pethau eraill, gyflwyno'r cysyniad o “contractau meddiannaeth” “safonol” a “diogel”.

Mae Atodlen 12 i Ddeddf 2016 (“Atodlen 12”) yn nodi'r ddarpariaeth ynghylch tenantiaethau a thrwyddedau a fodolai cyn i Ddeddf 2016 ddod i rym ac sy'n trosi yn gontractau meddiannaeth ar y “diwrnod penodedig” (y diwrnod y caiff Deddf 2016 ei dwyn i rym yn llawn). Cyfeirir at y rheini fel “contractau wedi eu trosi”. Nod Atodlen 12 yw sicrhau y bydd Deddf 2016 yn gweithio mewn perthynas â chontractau o'r fath. Diwygiwyd Atodlen 12 gan Reoliadau Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12) 2022 (O.S. 2022/795 (Cy. 173)). Mae'r Rheoliadau hyn yn diwygio Atodlen 12 ymhellach ac yn gwneud diwygiad canlyniadol i Reoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Darpariaethau Arbed a Darpariaethau Trosiannol) 2022 (O.S. 2022/1172 (Cy. 242)).

Mae paragraff 13B o Atodlen 12 yn darparu nad yw adran 123 o Ddeddf 2016 yn gymwys i gontractau wedi eu trosi sy'n bodloni'r meini prawf a bennir yn y paragraff hwnnw. Mae rheoliad 3 yn diwygio paragraff 13B o Atodlen 12 i'w gwneud yn glir bod rhaid i'r landlord o dan unrhyw gontract wedi ei drosi o'r fath fod yn landlord preifat.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Renting Homes (Wales) Act 2016 (anaw 1) (“the 2016 Act”) changes the renting landscape in Wales by, amongst other things, introducing the concept of “standard” and “secure” “occupation contracts”.

Schedule 12 to the 2016 Act (“Schedule 12”) sets out provision about tenancies and licences that existed before the 2016 Act came into force and which convert into occupation contracts on the “appointed day” (the day on which the 2016 Act is fully brought into force). These are referred to as “converted contracts”. Schedule 12 is designed to ensure that the 2016 Act will work in relation to such contracts. Schedule 12 has been amended by the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)). These Regulations further amend Schedule 12 and make a consequential amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172 (W. 242)).

Paragraph 13B of Schedule 12 provides that section 123 of the 2016 Act does not apply to converted contracts which meet the criteria specified in that paragraph. Regulation 3 amends paragraph 13B of Schedule 12 to make it clear that the landlord under any such converted contract must be a private landlord.

Mae adrannau 104(3) a 123(3) o Ddeddf 2016 yn gwneud darpariaeth mewn perthynas â'r cyfnodau byrraf a ganiateir sy'n ofynnol rhwng amrywiadau i rent. Mae rheoliad 4 yn mewnosod is-baragraff (1A) newydd ym mharagraff 15 o Atodlen 12 sy'n addasu effaith adrannau 104(3)(a) a 123(3)(a), mewn perthynas â chontractau wedi eu trosi y mae'r landlord oddi tanynt yn landlord cymunedol (gweler adran 9 o Ddeddf 2016), fel na chaiff yr amrywiad cyntaf i'r rhent ar ôl y diwrnod penodedig gael effaith yn gynharach na 51 o wythnosau ar ôl y dyddiad pan gafodd rhent newydd effaith ddiwethaf.

Mae adran 173 o Ddeddf 2016 yn galluogi landlord o dan contract safonol cyfnodol i ddwyn y contract hwnnw i ben drwy roi hysbysiad ac mae adran 174(1) yn pennu'r cyfnod hysbysu byrraf a ganiateir y mae rhaid ei roi. Mae rheoliad 5 yn rhoi paragraff (a) newydd yn lle'r un presennol ym mharagraff 25A(2) o Atodlen 12, sy'n darparu mai dau fis yw'r cyfnod hysbysu byrraf a ganiateir (o dan adran 174(1)) mewn perthynas ag unrhyw hysbysiad adran 173 a roddir yn ystod y chwe mis ar ôl y diwrnod penodedig, mewn perthynas â chontract safonol cyfnodol a oedd yn denantiaeth fyrddaliol sicr yn union cyn y diwrnod penodedig. Chwe mis ar ôl y diwrnod penodedig, y cyfnod hysbysu byrraf a ganiateir (o dan adran 174 o Ddeddf 2016) mewn perthynas â chontractau wedi eu trosi o'r fath fydd chwe mis.

Mae rheoliad 6 yn diwygio Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Darpariaethau Arbed a Darpariaethau Trosiannol) 2022 i gynnwys darpariaeth arbed mewn perthynas â pharagraff 15(1A) o Atodlen 12 (fe y'i mewnosodir gan reoliad 3).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Polisi Tai, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Sections 104(3) and 123(3) of the 2016 Act make provision in relation to the minimum periods required between variations of rent. Regulation 4 inserts a new sub-paragraph (1A) into paragraph 15 of Schedule 12 which adjusts the effect of sections 104(3)(a) and 123(3)(a), in relation to converted contracts under which the landlord is a community landlord (see section 9 of the 2016 Act), such that the first variation in rent after the appointed day must take effect not less than 51 weeks after the last date on which a new rent took effect.

Section 173 of the 2016 Act enables a landlord under a periodic standard contract to end that contract by giving notice and section 174(1) specifies the minimum notice period which must be given. Regulation 5 substitutes a new paragraph (a) into paragraph 25A(2) of Schedule 12, which provides that two months is the minimum notice period (under section 174(1)) in relation to any section 173 notice served during the six months following the appointed day, in respect of a periodic standard contract which immediately before the appointed day was an assured shorthold tenancy. Six months after the appointed day, the minimum notice period (under section 174 of the 2016 Act) in relation to such converted contracts will be six months.

Regulation 6 amends the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 to include a savings provision in relation to paragraph 15(1A) of Schedule 12 (as inserted by regulation 3).

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 been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Housing Policy Division, Welsh Government, Cathays Park Cardiff, CF10 3NQ.

2022 Rhif 1258 (Cy. 256)

TAI, CYMRU

Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12 a Diwygiad Canlyniadol) 2022

Gwnaed am 10.30 a.m. ar 30 Tachwedd 2022

*Yn dod i rym am 11.00 p.m. ar 30 Tachwedd
2022.*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 255 o Ddeddf Rhentu Cartrefi (Cymru) 2016(1) a pharagraff 33 o Atodlen 12 iddi.

Yn unol ag adran 256(3) a (4)(n) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12 a Diwygiad Canlyniadol) 2022.

(2) Daw'r Rheoliadau hyn i rym am 11.00 p.m. ar 30 Tachwedd 2022.

Diwygiadau i Atodlen 12

2. Mae Atodlen 12(3) i Ddeddf Rhentu Cartrefi (Cymru) 2016 wedi ei diwygio fel a ganlyn.

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- (1) 2016 dccc 1. Diwygiwyd adran 255(2) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 ac 8 o Atodlen 5 iddi.
- (2) Mae'r cyfeiriad yn adran 256(3) a (5) o Ddeddf Rhentu Cartrefi (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (3) Diwygiwyd Atodlen 12 gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 a 27 o Atodlen 6 iddi a chan O.S. 2022/795 (Cy. 173).

2022 No. 1258 (W. 256)

HOUSING, WALES

The Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022

Made at 10.30 a.m. on 30 November 2022

*Coming into force at 11.00 p.m. on 30
November 2022.*

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 255 of and paragraph 33 of Schedule 12 to the Renting Homes (Wales) Act 2016(1).

In accordance with section 256(3) and (4)(n) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(2).

Title and coming into force

1.—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2022.

(2) These Regulations come into force at 11.00 p.m. on 30 November 2022.

Amendments to Schedule 12

2. Schedule 12(3) to the Renting Homes (Wales) Act 2016 is amended as follows.

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- (1) 2016 anaw 1. Section 255(2) was amended by section 14 of and paragraphs 1 and 8 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
- (2) The reference in section 256(3) and (5) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).
- (3) Schedule 12 was amended by section 18 of, and paragraphs 1 and 27 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 (asc. 3) and by S.I. 2022/795 (W. 173).

3. Ym mharagraff 13B(1), ar ôl “contract safonol cyfnodol” mewnosoder “y mae'r landlord oddi tano yn landlord preifat ac”.

4. Ym mharagraff 15, ar ôl is-baragraff (1) mewnosoder—

“(1A) Mae adrannau 104 ac 123 (amrywio'r rhent) yn gymwys i contract wedi ei drosi y mae'r landlord oddi tano yn landlord cymunedol fel pe bai'r canlynol wedi ei roi yn lle is-adran (3)(a) ym mhob un o'r adrannau hyn—

“(a) ni chaiff yr hysbysiad cyntaf a roddir ar ôl y diwrnod penodedig bennu dyddiad sy'n gynharach na 51 o wythnosau ar ôl y dyddiad pan gafodd rhent newydd effaith ddiwethaf, a”.

5. Ym mharagraff 25A(2)(2), yn lle paragraff (a), rhodder—

“(a) y cyfeiriad yn adran 174(1) (hysbysiad y landlord: y cyfnod hysbysu byrraf a ganiateir) at “chwe mis”, mewn perthynas â hysbysiad a roddir o dan adran 173 yn ystod y cyfnod o chwe mis sy'n dechrau â'r diwrnod penodedig, yn gyfeiriad at “dau fis”, a”.

Diwygio Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Darpariaethau Arbed a Darpariaethau Trosiannol) 2022

6. Yn rheoliad 10 (pennu'r rhent) o Reoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Darpariaethau Arbed a Darpariaethau Trosiannol) 2022(3), yn lle paragraff (6), rhodder—

“(6) Mae paragraffau 15(1) a 15(1A) o Atodlen 12 i Ddeddf 2016 yn gymwys mewn perthynas ag unrhyw amrywiadau rhent sy'n digwydd ar ôl y diwrnod penodedig yn rhinwedd yr arbedion a wneir gan y rheoliad hwn, fel y maent yn gymwys mewn perthynas ag unrhyw amrywiadau yn y rhent sy'n daladwy o dan y contract cyn y diwrnod penodedig.”

3. In paragraph 13B(1), after “periodic standard contract” insert “under which the landlord is a private landlord and”.

4. In paragraph 15, after sub-paragraph (1) insert—

“(1A) Sections 104 and 123 (variation of rent) apply to a converted contract under which the landlord is a community landlord as if, for subsection (3)(a) in each of these sections, there were substituted—

“(a) the first notice given after the appointed day must specify a date which is not less than 51 weeks after the last date on which a new rent took effect, and”.

5. In paragraph 25A(2)(2), for paragraph (a) substitute—

“(a) the reference in section 174(1) (landlord's notice: minimum notice period) to “six months” were, in relation to a notice given under section 173 during the period of six months starting with the appointed day, a reference to “two months”, and”.

Amendment to the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022

6. In regulation 10 (rent determination) of the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022(3), for paragraph (6), substitute—

“(6) Paragraphs 15(1) and 15(1A) of Schedule 12 to the 2016 Act apply in relation to any variations of rent which take place after the appointed day by virtue of the savings made by this regulation, as they apply in relation to any variations in the rent payable under the contract before the appointed day.”

(1) Mewnosodwyd paragraff 13B gan reoliadau 2 ac 11 o O.S. 2022/795 (Cy. 173).

(2) Mewnosodwyd paragraff 25A gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a paragraff 27 o Atodlen 6 iddi ac fe'i diwygiwyd gan reoliadau 2 a 15 o O.S. 2022/795 (Cy. 173).

(3) O.S. 2022/1172 (Cy. 242).

(1) Paragraph 13B was inserted by regulations 2 and 11 of S.I. 2022/795 (W. 173).

(2) Paragraph 25A was inserted by section 18 of, and paragraph 27 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 and amended by regulations 2 and 15 of S.I. 2022/795 (W. 173).

(3) S.I. 2022/1172 (W. 242).

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
Am 10.30 a.m. ar 30 Tachwedd 2022

Minister for Climate Change, one of the Welsh
Ministers
At 10.30 a.m. on 30 November 2022

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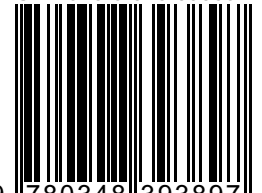
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