



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2023 Rhif 556 (Cy. 87)**

**2023 No. 556 (W. 87)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Deddf Rhentu Cartrefi  
(Cymru) 2016 (Diwygio  
Atodlen 12 a Diwygiad  
Canlyniadol) 2023**

**The Renting Homes (Wales) Act  
2016 (Amendment of Schedule 12  
and Consequential Amendment)  
Regulations 2023**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Atodlen 12 i Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) ("Deddf 2016") ac yn gwneud diwygiad canlyniadol i Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3). Mae Atodlen 12 i Ddeddf 2016 ("Atodlen 12") yn gwneud darpariaeth ynghylch tenantiaethau a thrwyddedau a oedd yn bodoli cyn i Ddeddf 2016 ddod i rym ac a droswyd yn gontractau meddiannaeth ar 1 Rhagfyr 2022 (y diwrnod y daeth adran 239 o Ddeddf 2016 i rym). Adwaenir y contractau hyn fel "contractau wedi eu trosi". Mae Atodlen 12 wedi ei dylunio i sicrhau bod Deddf 2016 yn gweithio'n gywir mewn perthynas â'r rhain.

Mae paragraff 11 o Atodlen 12 yn ymwneud â'r gofyniad sydd ar y landlord i ddarparu datganiad ysgrifenedig mewn perthynas â chontractau wedi eu trosi, o fewn y cyfnod darparu gwybodaeth (a ddiffinnir ym mharagraff 11(1) o Atodlen 12).

Mae paragraff 32 o Atodlen 12 yn diffinio contractau sy'n cymryd lle contractau eraill fel contractau penodedig sy'n codi ar ôl i gontract wedi ei drosi ddod i ben ac mae'n darparu bod contractau sy'n cymryd lle contractau eraill i'w trin fel pe baent yr un denantiaeth neu drwydded â'r contract sydd wedi ei drosi.

**EXPLANATORY NOTE**

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

These Regulations amend Schedule 12 to the Renting Homes (Wales) Act 2016 (anaw 1) ("the 2016 Act") and make a consequential amendment to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3). Schedule 12 to the 2016 Act ("Schedule 12") makes provision about tenancies and licences that existed before the 2016 Act came into force and which converted into occupation contracts on 1 December 2022 (the day on which section 239 of the 2016 Act came into force). These contracts are known as "converted contracts". Schedule 12 is designed to ensure that the 2016 Act works correctly in relation to the same.

Paragraph 11 of Schedule 12 deals with the requirement upon the landlord to provide a written statement in relation to converted contracts, within the information provision period (defined in paragraph 11(1) of Schedule 12).

Paragraph 32 of Schedule 12 defines substitute contracts as specified contracts that arise after a converted contract ends and provides that substitute contracts are to be treated as if they were the same tenancy or licence as the converted contract.

Mae'r Rheoliadau hyn yn diwygio Atodlen 12 er mwyn egluro'r gofynion o ran datganiad ysgrifenedig mewn perthynas â chontractau wedi eu trosi, pan fo deiliad y contract wedi newid cyn 1 Mehefin 2023 (sef diwedd y cyfnod darparu gwybodaeth), ac mewn perthynas â chontractau sy'n cymryd lle contractau eraill.

Mae rheoliad 3 yn diwygio paragraff 1 o Atodlen 12 er mwyn mewnosod diffiniad o "contract sy'n cymryd lle contract arall" o ganlyniad i ddiwygiadau a wneir gan y Rheoliadau hyn.

Mae rheoliad 4 yn diwygio paragraff 11 o Atodlen 12 er mwyn addasu gweithrediad adran 31(2) mewn perthynas â chontractau wedi eu trosi pan fo deiliad y contract wedi newid cyn 1 Mehefin 2023. Mae rheoliad 4 hefyd yn datgymhwyso paragraff 11 mewn perthynas â chontractau sy'n cymryd lle contractau eraill.

Mae rheoliad 5 yn mewnosod paragraff newydd 11A yn Atodlen 12. Mae paragraff newydd 11A(1) yn addasu adran 31(1) a (2), adran 36(3)(a), adran 37(3)(a) ac adran 39(1) o Ddeddf 2016 mewn perthynas â'u cymhwyso i gontractau sy'n cymryd lle contractau eraill sy'n dod i fodolaeth cyn 1 Mehefin 2023. Mae paragraff newydd 11A(2) yn addasu adran 31(1), adran 36(3)(a), adran 37(3)(a) ac adran 39(1) mewn perthynas â'u cymhwyso i gontractau sy'n cymryd lle contractau eraill sy'n dod i fodolaeth ar neu ar ôl 1 Mehefin 2023.

Mae rheoliad 6 yn diwygio paragraff 12A o Atodlen 12 fel nad yw'n gymwys i gontractau sy'n cymryd lle contractau eraill. Mae rheoliad 6 hefyd yn diwygio paragraff addasedig 2(a) o Atodlen 9A (a nodir ym mharagraff 12A(b) o Atodlen 12) o ganlyniad i ddiwygiadau a wneir gan y Rheoliadau hyn.

Mae rheoliad 7 yn diwygio paragraff 13(1) o Atodlen 12 fel nad yw'n gymwys i gontractau sy'n cymryd lle contractau eraill a gwneir darpariaeth ar wahân ar gyfer y contractau hynny o dan baragraff 11A(1)(d) a (2)(b) o Atodlen 12.

Mae rheoliad 8 yn diwygio paragraff 15(3)(b) o Atodlen 12 er mwyn hepgor cyfeiriad at baragraff 32 o'r Atodlen honno (gan ei fod bellach wedi ei gynnwys yn y diffiniadau ym mharagraff 1 o Atodlen 12).

Mae rheoliad 9 yn diwygio paragraff 32 o Atodlen 12 o ganlyniad i ddiwygiadau a wneir gan y Rheoliadau hyn.

Mae rheoliad 10 yn hepgor paragraff 27(2) o Atodlen 6 i Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 o ganlyniad i ddiwygiadau a wneir gan y Rheoliadau hyn.

These Regulations amend Schedule 12 to clarify the written statement requirements in relation to converted contracts, where there has been a change in the identity of the contract-holder before 1 June 2023 (which is the end of the information provision period), and in relation to substitute contracts.

Regulation 3 amends paragraph 1 of Schedule 12 to insert a definition of "substitute contract" in consequence of amendments made by these Regulations.

Regulation 4 amends paragraph 11 of Schedule 12 to modify the operation of section 31(2) in relation to converted contracts where there has been a change in the identity of the contract-holder before 1 June 2023. Regulation 4 also disappplies paragraph 11 in relation to substitute contracts.

Regulation 5 inserts a new paragraph 11A into Schedule 12. New paragraph 11A(1) modifies section 31(1) and (2), section 36(3)(a), section 37(3)(a) and section 39(1) of the 2016 Act in relation to their application to substitute contracts which come into existence before 1 June 2023. New paragraph 11A(2) modifies section 31(1), section 36(3)(a), section 37(3)(a) and section 39(1) in relation to their application to substitute contracts that come into existence on or after 1 June 2023.

Regulation 6 amends paragraph 12A of Schedule 12 so that it does not apply to substitute contracts. Regulation 6 also amends the modified paragraph 2(a) of Schedule 9A (set out at paragraph 12A(b) of Schedule 12) in consequence of amendments made by these Regulations.

Regulation 7 amends paragraph 13(1) of Schedule 12 so that it does not apply to substitute contracts and separate provision is made for those contracts under paragraph 11A(1)(d) and (2)(b) of Schedule 12.

Regulation 8 amends paragraph 15(3)(b) of Schedule 12 to omit reference to paragraph 32 of that Schedule (as this is now included within the definitions in paragraph 1 of Schedule 12).

Regulation 9 amends paragraph 32 of Schedule 12 in consequence of amendments made by these Regulations.

Regulation 10 omits paragraph 27(2) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021 in consequence of the amendments made by these Regulations.

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

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Canlyniadol) 2023**

**The Renting Homes (Wales) Act  
2016 (Amendment of Schedule 12  
and Consequential Amendment)  
Regulations 2023**

*Gwnaed* 18 Mai 2023  
*Yn dod i rym* 1 Mehefin 2023

*Made* 18 May 2023  
*Coming into force* 1 June 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir iddynt gan adran 256(2) o Ddeddf Rhentu Cartrefi (Cymru) 2016(1) a pharagraff 33 o Atodlen 12 iddi.

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 256(2) of and paragraph 33 of Schedule 12 to the Renting Homes (Wales) Act 2016(1).

Yn unol ag adran 256(3), (4)(n) a (5) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

In accordance with section 256(3), (4)(n) and (5) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(2).

**Enwi a dod i rym**

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12 a Diwygiad Canlyniadol) 2023 a deuant i rym ar 1 Mehefin 2023.

**Title and coming into force**

1. The title of these Regulations is the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12 and Consequential Amendment) Regulations 2023 and they come into force on 1 June 2023.

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(1) 2016 dccc 1. Diwygiwyd adran 256(2) gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 ac 21(a) o Atodlen 6 iddi.  
(2) Mae'r cyfeiriad yn adran 256(3) a (5) o Ddeddf Rhentu Cartrefi (Cymru) 2016 at Gynulliad Cenedlaethol Cymru yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

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(1) 2016 anaw 1. Section 256(2) was amended by section 18 of, and paragraphs 1 and 21(a) of Schedule 6 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 has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

## Diwygiadau i Atodlen 12

2. Mae Atodlen 12(1) (trosi tenantiaethau a thrwyddedau presennol sy'n bodoli cyn i Bennod 3 o Ran 10 ddod i rym) i Ddeddf Rhentu Cartrefi (Cymru) 2016 wedi ei diwygio fel a ganlyn.

3. Ym mharagraff 1(1)(2) (diffiniadau), yn y lle priodol, mewnosoder—

“mae i “contract sy'n cymryd lle contract arall” (“*substitute contract*”) yr ystyr a roddir ym mharagraff 32;”.

4. Ym mharagraff 11(3) (datganiad ysgrifenedig o gontract wedi ei drosi a darparu gwybodaeth)—

(a) yn lle is-baragraff (1A) rhodder—

“(1A) Pan fo hunaniaeth deiliad y contract wedi newid cyn 1 Mehefin 2023 (sef y diwrnod cyntaf ar ôl diwedd y cyfnod darparu gwybodaeth), mae adran 31(2) (rhoi datganiad ysgrifenedig i ddeiliad contract newydd) yn gymwys mewn perthynas â chontract wedi ei drosi fel pe bai “ag 1 Mehefin 2023” wedi ei roi yn lle “â'r diwrnod y mae deiliad y contract yn newid”.”;

(b) ar ôl is-baragraff (2) mewnosoder—

“(3) Nid yw'r paragraff hwn yn gymwys mewn perthynas â chontract sy'n cymryd lle contract arall (ac yn unol â hynny mae adran 31 yn gymwys, fel y'i haddasir gan baragraff 11A, mewn perthynas â chontractau o'r fath).”.

5. Ar ôl paragraff 11 mewnosoder—

“11A (1) Wrth eu cymhwyso i gontract sy'n cymryd lle contract arall sydd wedi dod i fodolaeth cyn 1 Mehefin 2023—

(a) mae adran 31(1) i'w darllen fel pe bai “ag 1 Mehefin 2023” wedi ei roi yn lle “â'r dyddiad meddiannu”;

(b) mae adran 31(2) i'w darllen fel pe bai “ag 1 Mehefin 2023” wedi ei roi yn lle “â'r diwrnod y mae deiliad y contract yn newid”;

## Amendments to Schedule 12

2. Schedule 12(1) (conversion of tenancies and licences existing before commencement of Chapter 3 of Part 10) to the Renting Homes (Wales) Act 2016 is amended as follows.

3. In paragraph 1(1)(2) (definitions), at the appropriate place, insert—

““substitute contract” (“*contract sy'n cymryd lle contract arall*”) has the meaning given in paragraph 32.”.

4. In paragraph 11(3) (written statement of converted contract and provision of information)—

(a) for sub-paragraph (1A) substitute—

“(1A) Where there has been a change in the identity of the contract-holder before 1 June 2023 (which is the first day after the end of the information provision period), section 31(2) (provision of written statement to new contract-holder) applies in relation to a converted contract as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”.”;

(b) after sub-paragraph (2) insert—

“(3) This paragraph does not apply in relation to a substitute contract (and accordingly section 31 applies, as modified by paragraph 11A, in relation to such contracts).”.

5. After paragraph 11 insert—

“11A (1) In their application to a substitute contract that has come into existence before 1 June 2023—

(a) section 31(1) is to be read as if for “the occupation date” there were substituted “1 June 2023”;

(b) section 31(2) is to be read as if for “the day on which the identity of the contract-holder changes” there were substituted “1 June 2023”;

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(1) Diwygiwyd Atodlen 12 gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a pharagraffau 1 a 27 o Atodlen 6 iddi a chan O.S. 2022/795 (Cy. 173) a chan reoliad 5(1) a (7) o O.S. 2022/799 (Cy. 176) a rheoliadau 2 i 5 o O.S. 2022/1258 (Cy. 256).

(2) Diwygiwyd paragraff 1 gan reoliadau 2 a 3 o O.S. 2022/795 (Cy. 173).

(3) Mewnosodwyd paragraff 11(1A) gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a pharagraffau 1 a 27(1) a (2) o Atodlen 6 iddi.

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(1) Schedule 12 was amended by section 18 of, and paragraphs 1 and 27 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 and by S.I. 2022/795 (W. 173) and by regulation 5(1) and (7) of S.I. 2022/799 (W. 176) and regulations 2 to 5 of S.I. 2022/1258 (W. 256).

(2) Paragraph 1 was amended by regulations 2 and 3 of S.I. 2022/795 (W. 173).

(3) Paragraph 11(1A) was inserted by section 18 of, and paragraphs 1 and 27(1) and (2) of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021.

(c) mae'r darpariaethau a ganlyn i'w darllen fel pe bai "ag 1 Mehefin 2023" wedi ei roi yn lle "â'r dyddiad meddiannu"—

(i) adran 36(3)(a);

(ii) adran 37(3)(a);

(d) mae adran 39(1) i'w darllen fel pe bai "ag 1 Mehefin 2023" wedi ei roi yn lle "â dyddiad meddiannu'r contract".

(2) Wrth eu cymhwyso i gontract sy'n cymryd lle contract arall sydd wedi dod i fodolaeth ar neu ar ôl 1 Mehefin 2023—

(a) mae'r darpariaethau a ganlyn i'w darllen fel pe bai'r cyfeiriadau at y dyddiad meddiannu yn gyfeiriadau at y diwrnod y mae gan ddeiliad y contract hawl i ddechrau meddiannu'r annedd o dan y contract sy'n cymryd lle contract arall—

(i) adran 31(1);

(ii) adran 36(3)(a);

(iii) adran 37(3)(a);

(b) mae adran 39(1) i'w darllen fel pe bai'r cyfeiriad at ddyddiad meddiannu'r contract yn gyfeiriad at y dyddiad y mae gan ddeiliad y contract hawl i ddechrau meddiannu'r annedd o dan y contract sy'n cymryd lle contract arall.”.

**6. Ym mharagraff 12A(1)—**

(a) ar ôl "chontract wedi ei drosi" mewnosoder “, heblaw am gontract sy'n cymryd lle contract arall,”;

(b) yn is-baragraff (b), ym mharagraff addasedig 2(a) o Atodlen 9A, hepgorer “(pan na fo wedi ei ddatgymhwyso gan baragraff 11(1A) o'r Atodlen honno)”.

**7. Ym mharagraff 13(1), ar ôl “chontract wedi ei drosi” mewnosoder “, heblaw am gontract sy'n cymryd lle contract arall,”.**

**8. Ym mharagraff 15(3)(b)(2), hepgorer “(gweler paragraff 32)”.**

(c) the following provisions are to be read as if for “the occupation date” there were substituted “1 June 2023”—

(i) section 36(3)(a);

(ii) section 37(3)(a);

(d) section 39(1) is to be read as if for “the occupation date of the contract” there were substituted “1 June 2023”.

(2) In their application to a substitute contract that has come into existence on or after 1 June 2023—

(a) the following provisions are to be read as if the references to the occupation date were references to the day on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract—

(i) section 31(1);

(ii) section 36(3)(a);

(iii) section 37(3)(a);

(b) section 39(1) is to be read as if the reference to the occupation date of the contract were a reference to the date on which the contract-holder is entitled to begin occupying the dwelling under the substitute contract.”.

**6. In paragraph 12A(1)—**

(a) after “converted contract” insert “, other than a substitute contract,”;

(b) in sub-paragraph (b), in the modified paragraph 2(a) of Schedule 9A, omit “(where it is not disapplied by paragraph 11(1A) of that Schedule)”.

**7. In paragraph 13(1), after “converted contract” insert “, other than a substitute contract,”.**

**8. In paragraph 15(3)(b)(2), omit “(see paragraph 32)”.**

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(1) Mewnosodwyd paragraff 12A gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a pharagraffau 1 a 27(1) a (3) o Atodlen 6 iddi ac fe'i diwygiwyd gan reoliadau 2 a 9 o O.S. 2022/795 (Cy. 173).

(2) Diwygiwyd paragraff 15 gan reoliadau 2 a 12 o O.S. 2022/795 (Cy. 173) a rheoliadau 2 a 4 o O.S. 2022/1258 (Cy. 256).

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(1) Paragraph 12A was inserted by section 18 of, and paragraphs 1 and 27(1) and (3) of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 and amended by regulations 2 and 9 of S.I. 2022/795 (W. 173).

(2) Paragraph 15 was amended by regulations 2 and 12 of S.I. 2022/795 (W. 173) and regulations 2 and 4 of S.I. 2022/1258 (W. 256).

9. Ym mharagraff 32(1) (contractau meddiannaeth sy'n cymryd lle contractau eraill), ar ôl "paragraff 28" mewnosoder "neu pan fo darpariaeth ddatganedig yn cael ei gwneud i'r gwrthwyneb".

**Diwygio Deddf Rhentu Cartrefi (Diwygio) (Cymru) 2021**

10. Hefgorer paragraff 27(2) o Atodlen 6 (mân ddiwygiadau a diwygiadau canlyniadol) i Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021(1).

9. In paragraph 32(1) (substitute occupation contracts), after "paragraph 28" insert "or where express provision is made to the contrary".

**Amendment to the Renting Homes (Amendment) (Wales) Act 2021**

10. Omit paragraph 27(2) of Schedule 6 (minor and consequential amendments) to the Renting Homes (Amendment) (Wales) Act 2021(1).

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
18 Mai 2023

Minister for Climate Change, one of the Welsh  
Ministers  
18 May 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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