Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018

2018 dccc 4

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch rheoleiddio landlordiaid cymdeithasol cofrestredig gan Weinidogion Cymru ac awdurdodau lleol. [13 Mehefin 2018]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

Trosolwg

1 Trosolwg o'r Ddeddf hon

(1) Mae'r Ddeddf hon yn gwneud darpariaeth mewn cysylltiad â landlordiaid cymdeithasol cofrestredig drwy ddiwygio Deddfau presennol, gan gynnwys yn benodol Ddeddf Tai 1996 (Housing Act 1996 (c. 52)).

(2) Mae adrannau 3 i 5 yn gwneud darpariaeth ynghylch gofynion y mae'n rhaid cydymffurfio â hwy pan fo newidiadau penodol yn cael eu gwneud mewn cysylltiad â threfniadau cyfansoddiadol neu strwythur landlord cymdeithasol cofrestredig.

(3) Mae adrannau 6 i 9 yn gwneud darpariaeth ynghylch pŵer Gweinidogion Cymru i ymyrryd mewn cysylltiad â swyddogion neu reolaeth landlord cymdeithasol cofrestredig.

(4) Mae adran 10 yn gwneud darpariaeth ynghylch pwerau Gweinidogion Cymru mewn cysylltiad ag ymchwiliadau i landlordiaid cymdeithasol cofrestredig.

(5) Mae adrannau 11 a 12 yn gwneud darpariaeth ynghylch hysbysiadau gorfodi a chosbau.

(6) Mae adrannau 13 i 15 yn gwneud darpariaeth ynghylch gwarediadau tir gan landlordiaid cymdeithasol cofrestredig.

(7) Mae adran 16 yn cyflwyno Atodlen 1, sy'n gwneud darpariaeth sy'n cyfyngu ar ddylanwad awdurdodau lleol ar fyrddau landlordiaid cymdeithasol cofrestredig.

(8) Mae adrannau 17 i 20 yn cynnwys darpariaethau cyffredinol sy'n gymwys i'r Ddeddf, gan gynnwys darpariaeth ynghylch y pŵer i wneud diwygiadau canlyniadol, ac ynghylch y Ddeddf yn dod i rym.

Gwybodaeth Cychwyn

I1 A. 1 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I2 A. 1 mewn grym ar 15.6.2018 gan O.S. 2018/777, **ergl. 2(a)**

Dehongli

2 Ystyr "Deddf 1996"

Mae cyfeiriadau yn y Ddeddf hon at "Deddf 1996" yn gyfeiriadau at Ddeddf Tai 1996 (Housing Act 1996 (c. 52)).

Gwybodaeth Cychwyn

I3 A. 2 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I4 A. 2 mewn grym ar 15.6.2018 gan O.S. 2018/777, **ergl. 2(b)**

Landlord cymdeithasol cofrestredig yn hysbysu am newidiadau cyfansoddiadol, etc.

3 Newid rheolau neu erthyglau

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 9 (newid rheolau cymdeithas gofrestredig), yn lle is-baragraffau (2) i (5) rhodder—

"(2) The registered society must notify the Welsh Ministers of any amendment to its rules (including a change in its registered office or name).

(3) The reference in sub-paragraph (2) to an amendment to the rules of a society is to be interpreted in accordance with section 149 of the Co-operative and Community Benefit Societies Act 2014 (c. 14)."

(3) Ym mharagraff 11 (newid erthyglau cwmni), yn lle is-baragraffau (2) i (4) rhodder—

"(2) The company must notify the Welsh Ministers of any change to—
(a) its name;
(b) the address of its registered office;
(c) its articles of association."

Gwybodaeth Cychwyn

I5 A. 3 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I6 A. 3 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(a)**

4 Cyfuno a newidiadau strwythurol eraill

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 12 (cyfuno a diddymu), yn is-baragraff (2)—

(a) yn lle "The Financial Conduct Authority shall not register a special resolution which is" rhodder "The society must notify the Welsh Ministers of a special resolution which it has", a

(b) hepgorer y geiriau o "unless" hyd ddiwedd yr is-baragraff.

(3) Ym mharagraff 12, ar ôl is-baragraff (2) mewnosoder—

"(2A) On giving notification under sub-paragraph (2), a society must also provide the Welsh Ministers with a statement about the consultation carried out by the society with its tenants before passing the resolution to which the notification relates.

(2B) But the requirement in sub-paragraph (2A) does not apply in respect of a resolution passed for the purposes of paragraph (a) of section 112(1) of the 2014 Act (conversion of society into a company)."

(4) Ym mharagraff 12, yn is-baragraff (4), yn lle'r geiriau o "the resolution has no effect" hyd ddiwedd yr is-baragraff rhodder "the society must notify the Welsh Ministers of the resolution."

(5) Ym mharagraff 12, yn lle is-baragraff (5) rhodder—

"(5) If an instrument of dissolution is approved in accordance with section 119(3) of the 2014 Act (dissolution of society by instrument), the society to which the instrument relates must notify the Welsh Ministers of the approval."

(6) Ym mharagraff 12, hepgorer is-baragraff (6).

(7) Ym mharagraff 13 (trefniant, atgyfansoddi, etc.), yn lle is-baragraffau (2) i (5) rhodder—

"(2) If a court makes an order under section 899 of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.

(3) If a court makes an order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation) in relation to the company, the company must notify the Welsh Ministers of the order.

(4) If the company passes a resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 (conversion of company into registered society), the company must notify the Welsh Ministers of the resolution.

(5) If a voluntary arrangement is proposed under Part 1 of the Insolvency Act 1986 in relation to a company, the company must notify the Welsh Ministers of the proposal."

(8) Ym mharagraff 13, yn is-baragraff (6), yn lle'r geiriau o "the resolution has no effect" hyd ddiwedd yr is-baragraff rhodder "the company must notify the Welsh Ministers of the resolution."

(9) Ym mharagraff 13, hepgorer is-baragraff (7).

(10) Hepgorer paragraff 14 (pŵer Gweinidogion Cymru i gyflwyno deiseb i ddirwyn i ben).

Gwybodaeth Cychwyn

I7 A. 4 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I8 A. 4 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(a)**

5 Cyfarwyddydau ynghylch hysbysiadau sydd i'w rhoi i Weinidogion Cymru

Yn Atodlen 1 i Ddeddf 1996, ar ôl paragraff 13 mewnosoder—

"Directions to registered social landlords about notifications

13A (1) The Welsh Ministers may give directions to registered social landlords about—

(a) the delivery, form and content of a notification given to the Welsh Ministers under paragraph 9, 11, 12 or 13;

(b) the deadline for giving a notification referred to in paragraph (a).

(2) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give a notification referred to in sub-paragraph (1)(a).

(3) A direction under this paragraph may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.

(4) A direction may vary or revoke a previous direction under this paragraph.

(5) A registered social landlord must comply with a direction under this paragraph."

Gwybodaeth Cychwyn

I9 A. 5 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I10 A. 5 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(a)**

Pwerau sy'n arferadwy mewn cysylltiad â swyddogion a rheolaeth landlord cymdeithasol cofrestredig

6 Diswyddo neu benodi swyddog landlord cymdeithasol cofrestredig

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 4 (pŵer Gweinidogion Cymru i ddiswyddo swyddog), yn is-baragraff (2)(g), yn lle "proper management of the registered social landlord's affairs" rhodder "registered social landlord's compliance with a requirement imposed by or under an enactment".

(3) Ym mharagraff 6 (pŵer i benodi swyddog elusen gofrestredig), yn is-baragraff (1)(c), yn lle "for the proper management of the charity's affairs to have an additional officer" rhodder "to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment".

(4) Ym mharagraff 7 (pŵer i benodi swyddog cwmni), yn is-baragraff (1)(c), yn lle "for the proper management of the company's affairs to have an additional officer" rhodder "to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment".

(5) Ym mharagraff 8 (pŵer i benodi swyddog cymdeithas gofrestredig), yn is-baragraff (1)(c), yn lle "for the proper management of the society's affairs to have an additional officer" rhodder "to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment".

Gwybodaeth Cychwyn

I11 A. 6 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I12 A. 6 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(b)**

7 Tendro neu drosglwyddo swyddogaethau rheoli landlord cymdeithasol cofrestredig

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 15B (tendro rheolaeth), yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(3) Ym mharagraff 15B, yn is-baragraff (2), yn lle "where the misconduct or mismanagement" rhodder "if the failure".

(4) Ym mharagraff 15D (trosglwyddo rheolaeth), yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(5) Ym mharagraff 15D, yn lle is-baragraff (2) rhodder—

> "(2) But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England."

Gwybodaeth Cychwyn

I13 A. 7 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I14 A. 7 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(b)**

8 Penodi rheolwr ar landlord cymdeithasol cofrestredig

(1) Yn Atodlen 1 i Ddeddf 1996, mae paragraff 15F (penodi rheolwr) wedi ei ddiwygio fel a ganlyn.

(2) Yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(3) Yn is-baragraff (2), yn lle "where the misconduct or mismanagement" rhodder "if the failure".

Gwybodaeth Cychwyn

I15 A. 8 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I16 A. 8 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(b)**

9 Cyfuno y mae Gweinidogion Cymru yn rhoi effaith iddo

(1) Yn Atodlen 1 i Ddeddf 1996, mae paragraff 15H (cyfuno) wedi ei ddiwygio fel a ganlyn.

(2) Yn is-baragraff (1), yn lle'r geiriau o "that" hyd ddiwedd yr is-baragraff rhodder "that a registered social landlord which is a registered society has failed to comply with a requirement imposed by or under an enactment."

(3) Yn lle is-baragraff (2) rhodder—

> "(2) But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England."

Gwybodaeth Cychwyn

I17 A. 9 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I18 A. 9 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(b)**

Pwerau sy'n arferadwy mewn cysylltiad ag ymchwiliadau etc.

10 Ymchwiliadau ac adroddiadau

(1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 20 (pŵer Gweinidogion Cymru i gyfarwyddo ymchwiliad), yn is-baragraff (1), yn lle "there may have been misconduct or mismanagement" rhodder "the registered social landlord may have failed to comply with a requirement imposed by or under an enactment."

(3) Ym mharagraff 23 (pwerau sy'n arferadwy ar sail interim), yn is-baragraff (1)—

(a) yn lle paragraff (a)(i) rhodder—

> "(i) that a registered social landlord has failed to comply with a requirement imposed by or under an enactment, and"; a

(b) ym mharagraff (b), yn lle'r geiriau o "there" hyd ddiwedd y paragraff hwnnw rhodder "a registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(4) Ym mharagraff 23, yn is-baragraff (2)(a), yn lle "misconduct or mismanagement" rhodder "failure".

(5) Ym mharagraff 24 (pwerau sy'n arferadwy o ganlyniad i adroddiad terfynol neu archwiliad), yn is-baragraff (1), yn lle'r geiriau o "there" i "landlord" rhodder "a registered social landlord has failed to comply with a requirement imposed by or under an enactment".

(6) Ym mharagraff 24, yn is-baragraff (2)(a), yn lle "misconduct or mismanagement" rhodder "failure".

(7) Ym mharagraff 27 (pŵer i gyfarwyddo trosglwyddo tir), yn lle is-baragraff (1)(a) rhodder—

"(a) that it has failed to comply with a requirement imposed by or under an enactment, and".

Gwybodaeth Cychwyn

I19 A. 10 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I20 A. 10 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(c)**

Hysbysiadau gorfodi a chosbau

11 Hysbysiadau gorfodi

(1) Mae adran 50C o Ddeddf 1996 (hysbysiadau gorfodi) wedi ei diwygio fel a ganlyn.

(2) Yn lle is-adran (3) rhodder—

"(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(3) Ar ôl is-adran (10) mewnosoder—

"(10A) But Case 2 is not to be treated as applying if any of the other cases listed in this section applies."

Gwybodaeth Cychwyn

I21 A. 11 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I22 A. 11 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(d)**

12 Gofyniad i dalu cosb

(1) Mae adran 50H o Ddeddf 1996 (achosion pan ganiateir gosod cosb) wedi ei diwygio fel a ganlyn.

(2) Yn lle is-adran (3) rhodder—

"(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment."

(3) Ar ôl is-adran (6) mewnosoder—

"(6A) But Case 2 is not to be treated as applying if any of the other cases listed in this section applies."

Gwybodaeth Cychwyn

I23 A. 12 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I24 A. 12 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(d)**

Gwarediadau tir

13 Gwaredu tir: cydsyniad

(1) Yn Neddf Tai 1985 (Housing Act 1985 (c. 68)), yn adran 171D (delio dilynol: tŷ annedd cymwys), yn is-adran (2ZA), ar ôl "housing" mewnosoder "or by a registered social landlord".

(2) Yn Neddf Tai 1988 (Housing Act 1988 (c. 50)), hepgorer adran 81 (cydsyniad sy'n ofynnol ar gyfer gwarediadau dilynol penodol).

(3) Mae adran 133 o Ddeddf Tai 1988 (cydsyniadau sy'n ofynnol ar gyfer gwarediadau dilynol) wedi ei diwygio fel a ganlyn.

(4) Yn is-adran (1), hepgorer "as defined in section 81(8) above".

(5) Yn is-adran (1B), ar ôl "housing" mewnosoder "or to a body registered as a registered social landlord under Chapter 1 of Part 1 of the Housing Act 1996."

(6) Yn is-adran (7), hepgorer "9 or".

(7) Ar ôl is-adran (10), mewnosoder—

"(11) In this section "exempt disposal" means—

(a) the disposal of a dwelling-house to a person having the right to buy it under Part 5 of the Housing Act 1985 (whether the disposal is in fact made under that Part or otherwise);

(b) a compulsory disposal, within the meaning of Part 5 of the Housing Act 1985;

(c) the disposal of an easement or rentcharge;

(d) the disposal of an interest by way of security for a loan;

(e) the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;

(f) the grant of an assured tenancy or an assured agricultural occupancy, within the meaning of Part 1 of this Act, or what would be such a tenancy or occupancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act;

(g) the transfer of an interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee."

Gwybodaeth Cychwyn

I25 A. 13 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I26 A. 13 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(e)**

14 Gwaredu tir: hysbysu

Yn Neddf 1996, yn lle adran 9 rhodder—

"9 Notification to Welsh Ministers of disposal of land

(1) If a registered social landlord disposes of land under section 8, the landlord must notify the Welsh Ministers.

(2) For the purposes of this section disposing of land means selling it, leasing it, mortgaging it, making it subject to a charge, or disposing of it in any other way.

(3) The Welsh Ministers may give directions to registered social landlords about—

(a) the delivery, form and content of notification under this section;

(b) the deadline for giving notification under this section.

(4) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give notification under this section.

(5) A direction under this section may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.

(6) A direction may vary or revoke a previous direction under this section.

(7) A registered social landlord must comply with a direction under this section."

Gwybodaeth Cychwyn

I27 A. 14 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I28 A. 14 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(e)**

15 Cronfa enillion o warediadau

Yn Neddf 1996, hepgorer—

(a) adran 24 (cronfa enillion o warediadau);

(b) adran 25 (cymhwyso neu neilltuo enillion o warediadau);

(c) adran 26 (enillion o warediadau: pŵer i wneud gwybodaeth yn ofynnol).

Gwybodaeth Cychwyn

I29 A. 15 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I30 A. 15 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(e)** (ynghyd ag ergl. 4)

Aelodaeth o fwrdd a hawliau pleidleisio

16 Cyfyngiad ar aelodaeth awdurdodau lleol o fwrdd a hawliau pleidleisio

Mae Atodlen 1 i'r Ddeddf hon yn mewnosod Pennod 1A newydd i Ran 1 o Ddeddf 1996 (sector rhentu cymdeithasol a reoleiddir gan Weinidogion Cymru), sy'n cyfyngu ar bwerau awdurdodau lleol mewn cysylltiad ag aelodaeth o fwrdd landlord cymdeithasol cofrestredig a'u hawliau pleidleisio.

Gwybodaeth Cychwyn

I31 A. 16 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I32 A. 16 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(f)**

Cyffredinol

17 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 2 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

Gwybodaeth Cychwyn

I33 A. 17 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I34 A. 17 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

18 Pŵer i wneud diwygiadau canlyniadol pellach etc.

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud y cyfryw ddarpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad y maent yn ystyried ei bod yn briodol o ganlyniad i unrhyw ddarpariaeth a wneir gan y Ddeddf hon, neu oddi tani, neu at ddiben rhoi effaith lawn i unrhyw ddarpariaeth a wneir gan y Ddeddf hon, neu oddi tani.

(2) Yn yr adran hon, ystyr "deddfiad" yw darpariaeth a gynhwysir yn unrhyw un o'r canlynol, pa bryd bynnag y'i deddfir neu y'i gwneir—

(a) Deddf Seneddol;

(b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru;

(c) unrhyw offeryn a wneir o dan Ddeddf o fewn paragraff (a), neu Ddeddf neu Fesur o fewn paragraff (b).

(3) Mewn perthynas â rheoliadau o dan yr adran hon—

(a) maent i'w gwneud drwy offeryn statudol;

(b) cânt gynnwys darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed.

(4) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau o dan yr adran hon sy'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn Deddf Seneddol, neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru, oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad ganddo.

(5) Mae unrhyw offeryn arall sy'n cynnwys rheoliadau o dan yr adran hon yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

Gwybodaeth Cychwyn

I35 A. 18 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I36 A. 18 mewn grym ar 15.6.2018 gan O.S. 2018/777, **ergl. 2(c)**

19 Dod i rym

(1) Daw'r adran hon ac adran 20 i rym ar y diwrnod ar ôl y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol.

(2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn a wneir drwy offeryn statudol.

(3) Caiff gorchymyn o dan is-adran (2)—

- (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
- (b) gwneud darpariaeth drosiannol neu ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth yn y Ddeddf hon i rym.

Gwybodaeth Cychwyn

I37 A. 19 mewn grym ar 14.6.2018, gweler **a. 19(1)**

20 Enw byr

Enw byr y Ddeddf hon yw Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

Gwybodaeth Cychwyn

I38 A. 20 mewn grym ar 14.6.2018, gweler **a. 19(1)**

***Newidiadau i ddeddfwriaeth:** Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018. (See end of Document for details)*

ATODLEN 1

(a gyflwynir gan adran 16)

CYFYNGIAD AR AELODAETH AWDURDODAU LLEOL O FWRDD A HAWLIAU

Gwybodaeth Cychwyn

I39 Atod. 1 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I40 Atod. 1 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(f)**

Yn Rhan 1 o Ddeddf 1996, ar ôl Pennod 1 mewnosoder—

“CHAPTER 1A

BOARD MEMBERSHIP AND VOTING RIGHTS

General

7A Meaning of key terms used in this Chapter

(1) References in this Chapter to the board of a registered social landlord are—

(a) in the case of a registered social landlord that is a company (including a company that is a registered charity), references to the company’s board of directors;

(b) in the case of a registered social landlord that is a registered charity (but is not a company), references to the charity’s board of trustees;

(c) in the case of a registered social landlord that is a registered society, references to the society’s committee.

(2) References in this Chapter to board members, in relation to a registered social landlord, are to members of the registered social landlord’s board.

(3) References in this Chapter to local authority appointees, in relation to the board of a registered social landlord, are to persons appointed to the board, or nominated for appointment to the board, by a local authority.

Limit on local authority appointees to board

7B Limit on local authority appointments to board

(1) No appointment within subsection (2) may be made to the board of a registered social landlord on or after the day on which this section comes into force.

(2) An appointment is within this subsection if its effect, but for this section, would be that more than 24 per cent of the board members of the registered social landlord would be local authority appointees.

(3) To the extent that any provision in the constitution or rules of a registered social landlord would, but for this subsection, conflict with subsection (1) or (2), that provision is to be treated as having no effect.

7C Removal of local authority appointees to comply with 24 per cent limit

(1) This section applies in respect of a registered social landlord if, on the commencement date, more than 24 per cent of the board members of the registered social landlord are local authority appointees.

(2) The registered social landlord must remove local authority appointees from the board to the extent it is necessary to do so to comply with the 24 per cent limit.

(3) The registered social landlord must comply with the duty in subsection (2) before the expiry of the 4 month period but, subject to subsection (5), the landlord may not remove an appointee until after the 2 month period expires.

(4) A local authority may, before the expiry of the 2 month period, give notice to the registered social landlord specifying local authority appointees appointed or nominated by that authority who are to be removed from the board in order to comply with the 24 per cent limit.

(5) Where notice has been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must remove the specified local authority appointees from the board (and may do so before the expiry of the 2 month period).

(6) Where notice has not been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must select the local authority appointees who are to be removed from the board.

(7) In this section—

“commencement date” means the day on which this section comes into force;

“2 month period” means the period of 2 months beginning with the commencement date;

“4 month period” means the period of 4 months beginning with the commencement date;

references to complying with the 24 per cent limit, in relation to the board of a registered social landlord, are to ensuring that no more than 24 per cent of the members of the board of the registered social landlord are local authority appointees.

7D Procedure for selection by registered social landlord of local authority appointees for removal

(1) The selection under section 7C(6) of a local authority appointee for removal from the board of a registered social landlord is to be effected by a majority vote of the votes cast by board members who are not local authority appointees.

(2) To the extent that any provision in the constitution or rules of the landlord would, but for this subsection, conflict with subsection (1), that provision is to be treated as having no effect for the purposes of section 7C.

Quorum and voting rights of board members

7E Board quorum: no requirement for local authority appointee

(1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.

(2) Provision is within this subsection if, but for this section, it would require the presence of one or more local authority appointees in order for a meeting of the board of the registered social landlord to be quorate.

7F Board resolutions: 75 per cent threshold

(1) To the extent that any provision in the constitution or rules of a registered social landlord is within subsection (2), subsection (3) applies in respect of that provision.

(2) Provision is within this section if, but for this section, it would permit a resolution of the board of the registered social landlord to be passed only if more than 75 per cent of the votes cast by the board are in favour of the resolution.

(3) The provision is to be treated as requiring only 75 per cent of the votes cast by the board to be in favour of the resolution.

Consent to constitutional change

7G Constitutional changes: no requirement for local authority consent and no power of veto

(1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.

(2) Provision is within this subsection if, but for this section, it would—

- (a) require the consent of a local authority, or of a local authority appointee, to a change to the constitution or rules of the registered social landlord, or
- (b) confer on a local authority, or a local authority appointee, power to veto a change within paragraph (a).

Voting rights of members of registered social landlord

7H Voting rights of local authorities

(1) This section applies if a local authority is a member of a registered social landlord.

(2) To the extent that any provision in the constitution or rules of the registered social landlord would confer on the local authority the right, as a member of the registered social landlord, to vote on resolutions of the registered social landlord, that provision is to be treated as having no effect.

7I Provision in agreements that is to be treated as having no effect

To the extent that any provision in an agreement between a registered social landlord and another person would, if it were included in the constitution or rules of the registered social landlord, be treated as having no effect by virtue of this Chapter, that provision of the agreement is to be treated as having no effect.

Newidiadau i ddeddfwriaeth: *Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018. (See end of Document for details)*

Wholly controlled subsidiaries: power to disapply this Chapter

7J Power to disapply provisions of this Chapter

(1) The Welsh Ministers may by order provide that provisions of this Chapter specified in the order are not to apply to registered social landlords that are wholly controlled local authority subsidiaries.

(2) A registered social landlord is a wholly controlled local authority subsidiary if—

(a) it is a company or registered society;

(b) all of its members are within subsection (3), and

(c) one or more of the conditions in subsection (4) (in the case of a company) or in subsection (5) (in the case of a registered society) is met.

(3) A person is within this subsection if the person is—

(a) a local authority;

(b) a company or registered society that is a subsidiary of a local authority (see subsection (6));

(c) a person acting on behalf of a person within paragraph (a) or (b).

(4) The conditions are—

(a) a local authority has power to appoint or remove all or a majority of the board of directors;

(b) a local authority holds more than half in nominal value of the company's equity share capital;

(c) the company is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or (b) or in subsection (5)(a).

(5) The conditions are—

(a) a local authority has power to appoint or remove all or a majority of the members of the committee of management of the society;

(b) the society is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or in subsection (4)(a) or (b).

(6) For the purposes of subsection (3)(b), a company or registered society is a subsidiary of a local authority if one or more of the conditions in subsection (4) (in the case of a company) or subsection (5) (in the case of a registered society) is met.

(7) The Welsh Ministers may by order make provision for a registered social landlord of a description specified in the order to be treated as being a wholly controlled local authority subsidiary for the purposes of this section and any order made under it.

(8) An order under this section is to be made by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales."

***Newidiadau i ddeddfwriaeth:** Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018. (See end of Document for details)*

ATODLEN 2

(a gyflwynir gan adran 17)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (Leasehold Reform, Housing and Urban Development Act 1993 (c. 28))

1 Ym mharagraff 1(2) o Atodlen 10 i Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (caffael buddiannau gan awdurdodau lleol)—

(a) ym mharagraff (ba), yn lle "sections 9 and" rhodder "section";

(b) ym mharagraff (c), hepgorer "and section 81 of that Act (certain subsequent disposals); and".

Gwybodaeth Cychwyn

I41 Atod. 2 para. 1 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I42 Atod. 2 para. 1 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

Deddf Tai 1996 (Housing Act 1996 (c. 52))

2 Mae Deddf 1996 wedi ei diwygio fel a ganlyn.

Gwybodaeth Cychwyn

I43 Atod. 2 para. 2 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I44 Atod. 2 para. 2 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

3 Yn adran 8 (pŵer landlord cymdeithasol cofrestredig i waredu tir), yn is-adran (3), yn lle "(control by Welsh Ministers of land transactions)" rhodder "(notification to Welsh Ministers of disposal of land)".

Gwybodaeth Cychwyn

I45 Atod. 2 para. 3 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I46 Atod. 2 para. 3 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

4 Yn y croesbennawd mewn llythrennau italig cyn adran 9, yn lle "Control by Welsh Ministers of" rhodder "Requirements relating to".

Gwybodaeth Cychwyn

I47 Atod. 2 para. 4 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I48 Atod. 2 para. 4 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

5 Hepgorer adran 10 (gwarediadau nad yw'n ofynnol cael cydsyniad ar eu cyfer).

Gwybodaeth Cychwyn

I49 Atod. 2 para. 5 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I50 Atod. 2 para. 5 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

6 Yn adran 11 (cyfamod i ad-dalu disgownt wrth waredu), yn is-adran (1)—

(a) hepgorer “, in accordance with a consent given by the Welsh Ministers under section 9,”;

(b) hepgorer “and the consent does not provide otherwise,”.

Gwybodaeth Cychwyn

I51 Atod. 2 para. 6 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I52 Atod. 2 para. 6 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

7 Yn adran 12A (hawl i landlord cymdeithasol cofrestredig gael cynnig cyntaf), yn is-adran (1)—

(a) hepgorer “, in accordance with a consent given by the Welsh Ministers under section 9, “;

(b) hepgorer “and the consent does not provide otherwise,”.

Gwybodaeth Cychwyn

I53 Atod. 2 para. 7 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I54 Atod. 2 para. 7 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

8 Yn adran 13 (cyfyngiad ar waredu tai mewn Parciau Cenedlaethol etc.), yn is-adran (1), hepgorer “, in accordance with a consent given by the Welsh Ministers under section 9,”.

Gwybodaeth Cychwyn

I55 Atod. 2 para. 8 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I56 Atod. 2 para. 8 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

9 Yn adran 16 (hawl tenant i gaffael annedd), yn is-adran (2)(b), yn lle “(see section 25)” rhodder “maintained under this Act prior to the coming into force of section 15 of the Regulation of Registered Social Landlords (Wales) Act 2018”.

Gwybodaeth Cychwyn

I57 Atod. 2 para. 9 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I58 Atod. 2 para. 9 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

10 Yn adran 36 (canllawiau ynghylch rheoli tai yn Lloegr), hepgorer is-adran (7).

Gwybodaeth Cychwyn

I59 Atod. 2 para. 10 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I60 Atod. 2 para. 10 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

11 Yn adran 42 (moratoriwm ar waredu tir), yn lle is-adran (3) rhodder—

“(3) Consent is not required under this section for—

(a) a letting of land under an assured tenancy or an assured agricultural occupancy, or what would be an assured tenancy or an assured

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agricultural occupancy but for any of paragraphs 4 to 8, or paragraph 12(1)(h), or any of paragraphs 12ZA to 12B, of Schedule 1 to the Housing Act 1988;

(b) a letting of land under a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;

(c) a disposal under Part 5 of the Housing Act 1985 (the right to buy) or under the right conferred by section 16 (the right to acquire).”

Gwybodaeth Cychwyn

I61 Atod. 2 para. 11 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I62 Atod. 2 para. 11 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

12 Yn adran 52 (darpariaethau cyffredinol ynghylch gorchmynion), yn is-adran (1), ar ôl “section 2” mewnosoder “7J,”.

Gwybodaeth Cychwyn

I63 Atod. 2 para. 12 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I64 Atod. 2 para. 12 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

13 Yn adran 63, yn y man priodol, mewnosoder ““notify” means notify in writing;”.

Gwybodaeth Cychwyn

I65 Atod. 2 para. 13 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I66 Atod. 2 para. 13 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

14 Yn Atodlen 1 (landlordiaid cymdeithasol cofrestredig, rheoleiddio), ym mharagraff 25, yn is-baragraff (1)(a), hepgorer “for misconduct or mismanagement”.

Gwybodaeth Cychwyn

I67 Atod. 2 para. 14 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I68 Atod. 2 para. 14 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

15 Yn Atodlen 1, ym mharagraff 28—

(a) yn is-baragraff (4)(b), hepgorer “in connection with misconduct or mismanagement”;

(b) yn is-baragraff (4)(c), hepgorer “in connection with misconduct or mismanagement”.

Gwybodaeth Cychwyn

I69 Atod. 2 para. 15 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**

I70 Atod. 2 para. 15 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

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Gwybodaeth Cychwyn

I43 Atod. 2 para. 2 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I44 Atod. 2 para. 2 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I45 Atod. 2 para. 3 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I46 Atod. 2 para. 3 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I47 Atod. 2 para. 4 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I48 Atod. 2 para. 4 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I49 Atod. 2 para. 5 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I50 Atod. 2 para. 5 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I51 Atod. 2 para. 6 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I52 Atod. 2 para. 6 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I53 Atod. 2 para. 7 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I54 Atod. 2 para. 7 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I55 Atod. 2 para. 8 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I56 Atod. 2 para. 8 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I57 Atod. 2 para. 9 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I58 Atod. 2 para. 9 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I59 Atod. 2 para. 10 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I60 Atod. 2 para. 10 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I61 Atod. 2 para. 11 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I62 Atod. 2 para. 11 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I63 Atod. 2 para. 12 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I64 Atod. 2 para. 12 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I65 Atod. 2 para. 13 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I66 Atod. 2 para. 13 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I67 Atod. 2 para. 14 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I68 Atod. 2 para. 14 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**
I69 Atod. 2 para. 15 ddim mewn grym ar y Cydsyniad Brenhinol, gweler **a. 19(2)**
I70 Atod. 2 para. 15 mewn grym ar 15.8.2018 gan O.S. 2018/777, **ergl. 3(g)**

Newidiadau i ddeddfwriaeth:
Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.