



Mesur Tai (Cymru) 2011

2011 mccc 5

RHAN 2

LANDLORDIAID CYMDEITHASOL COFRESTREDIG

PENNOD 4

GORFODI

Iawndal

64 Seiliau ar gyfer dyfarnu iawndal

Ar ôl adran 50N o Ddeddf Tai 1996 mewnosoder—

“Compensation

“ **50O Grounds for award**

- (1) The Welsh Ministers may require a registered social landlord to pay compensation if they are satisfied that—
 - (a) either of the following cases applies, and
 - (b) the award of compensation is appropriate (whether or not as part of a response including other action).
- (2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.
- (3) Case 2 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.”

65 Personau y caniateir dyfarnu iawndal iddynt

Ar ôl adran 50O o Ddeddf Tai 1996 mewnosoder—

“50P Persons to whom compensation may be awarded

Compensation in respect of a failure may be awarded to one or more persons who have suffered as a result of the failure.”

66 Dyfarnu iawndal

Ar ôl adran 50P o Ddeddf Tai 1996 mewnosoder—

“50Q Award

- (1) Compensation is awarded by the Welsh Ministers giving notice (a “compensation notice”) to—
 - (a) the registered social landlord, and
 - (b) the person to be compensated.
- (2) The notice must specify—
 - (a) the grounds on which the compensation is awarded,
 - (b) the amount of the compensation,
 - (c) the person to be compensated,
 - (d) a period within which it must be paid, and
 - (e) any interest or additional compensation which, by virtue of section 50U(2), is payable in the event of late payment.
- (3) The notice may require the registered social landlord to publish information about the compensation award in a specified manner.
- (4) The notice must explain the effect of sections 50U(1) and (3) and 50V.”

67 Effaith

Ar ôl adran 50Q o Ddeddf Tai 1996 mewnosoder—

“50R Impact

- (1) This section applies when the Welsh Ministers are considering—
 - (a) whether to award compensation, or
 - (b) the amount of compensation to award.
- (2) The Welsh Ministers must take account of any information available to them about the financial situation of the registered social landlord.
- (3) The Welsh Ministers must consider the likely impact of the compensation on the registered social landlord’s ability to provide services.
- (4) In particular, the Welsh Ministers must aim to avoid—
 - (a) jeopardising the financial viability of the registered social landlord,

- (b) preventing the registered social landlord from honouring financial commitments, or
- (c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded.”

68 Rhybuddio

Ar ôl adran 50R o Ddeddf Tai 1996 mewnosoder—

“50S Warning

- (1) Before giving a compensation notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a “pre-compensation warning”)—
 - (a) specifying grounds on which the Welsh Ministers think compensation could be awarded,
 - (b) warning the landlord that the Welsh Ministers are considering awarding compensation to a specified person,
 - (c) including any indication that the Welsh Ministers are able to give of the likely amount of any compensation, and
 - (d) explaining the effect of sections 50T, 50U(1) and (3) and 50V.
- (2) Before giving a pre-compensation warning the Welsh Ministers must consult the Public Services Ombudsman for Wales.
- (3) The Welsh Ministers must send a copy of a pre-compensation warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-compensation warning is given).
- (4) A pre-compensation warning must—
 - (a) refer to section 6A, and
 - (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, awarding compensation.
- (5) A pre-compensation warning may be combined with notice under one or more of the following—
 - (a) section 50K,
 - (b) paragraphs 15C, 15E and 15G of Schedule 1.”

69 Sylwadau

Ar ôl adran 50S o Ddeddf Tai 1996 mewnosoder—

“50T Representations

- (1) A pre-compensation warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (2) The period must—
 - (a) be a period of at least 28 days, and

Statws This is the original version (as it was originally enacted).

- (b) begin with the date on which the registered social landlord receives the pre-compensation warning.
- (3) Representations may address—
 - (a) whether compensation should be awarded;
 - (b) the amount of any compensation that may be awarded.
- (4) After the end of the period specified under subsection (1) the Welsh Ministers must—
 - (a) consider any representations made, and
 - (b) decide whether to award compensation.”

70 Gorfodi

Ar ôl adran 50T o Ddeddf Tai 1996 mewnosoder—

“50U Enforcement

- (1) Compensation is to be treated as a debt owed to the person to whom it is awarded.
- (2) The Welsh Ministers may—
 - (a) award interest on compensation not paid during the period specified under section 50Q(2)(d);
 - (b) award additional compensation where compensation is not paid during that period.
- (3) Interest and additional compensation are to be treated as compensation.”

71 Apelio

Ar ôl adran 50U o Ddeddf Tai 1996 mewnosoder—

“50V Appeal

A registered social landlord who is given a compensation notice may appeal to the High Court against—

- (a) the award of compensation,
- (b) its amount, or
- (c) both.”