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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2015 Rhif 1266 (Cy. 86)**

**2015 No. 1266 (W. 86)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Digartrefedd  
(Gweithdrefn Adolygu) (Cymru)  
2015**

**The Homelessness (Review  
Procedure) (Wales) Regulations  
2015**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn i'w dilyn o dan adran 85 o Ddeddf Tai (Cymru) 2014 ("Deddf 2014") mewn cysylltiad ag adolygiad gan awdurdod tai lleol o benderfyniadau penodol sy'n ymwneud â digartrefedd.

Mae rheoliad 2 yn darparu bod rhaid gwneud ceisiadau am adolygiad i'r awdurdod tai lleol a wnaeth y penderfyniad y gofynnwyd am adolygiad ohono o dan adran 85. Rhaid i awdurdodau roi gwybod i geiswyr a chynrychiolwyr y cânt wneud sylwadau ar lafar neu'n ysgrifenedig (neu ill dau) mewn cysylltiad â'r adolygiad. Rhaid i geiswyr hefyd gael gwybod am y weithdrefn i'w dilyn ar gyfer adolygiad. Mae'r gofynion hyn hefyd yn gymwys mewn perthynas ag adolygiadau sy'n dod o fewn rheoliad 4 (y weithdrefn gychwynnol pan wnaed y penderfyniad gwreiddiol o dan y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau).

Pan wnaed y penderfyniad yn wreiddiol gan swyddog o'r awdurdod a bod y penderfyniad hwnnw i'w adolygu gan swyddog o'r awdurdod, yna mae rheoliad 3 yn darparu na chaiff y swyddog adolygu fod wedi ymwneud â'r penderfyniad gwreiddiol.

Mae rheoliad 4 yn nodi'r weithdrefn gychwynnol i'w dilyn pan wnaed y penderfyniad gwreiddiol o dan Orchymyn Digartrefedd (Penderfyniadau ynghylch Atgyfeiriadau) 1998 (O.S. 1998/1578) ("y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau") (fel y'i cymhwysir gan reoliad 7).

**EXPLANATORY NOTE**

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

These Regulations make provision about the procedure to be followed under section 85 of the Housing (Wales) Act 2014 ("the 2014 Act") in connection with a review by a local housing authority of specific decisions relating to homelessness.

Regulation 2 provides that requests for review must be made to the local housing authority which made the decision whose review under section 85 has been requested. Authorities must inform applicants and representatives that they may make oral or written representations (or both) in connection with the review. Applicants must also be notified of the procedure to be followed on review. These requirements also apply in relation to reviews falling within regulation 4 (initial procedure where the original decision was made under the Decisions on Referrals Order).

Regulation 3 provides that where a decision was originally made by an officer of the authority and is to be reviewed by an officer of the authority, then the reviewing officer must not have been involved in the original decision.

Regulation 4 sets out the initial procedure to be followed where the original decision was made under the Homelessness (Decisions on Referrals) Order 1998 (S.I. 1998/1578) ("the Decisions on Referrals Order") (as applied by regulation 7).

Mae rheoliad 5 yn darparu'r gofynion gweithdrefnol sy'n gymwys i bob adolygiad o dan y Rheoliadau. Rhaid i'r adolygwr ystyried unrhyw sylwadau a wneir yn unol â rheoliadau 2 a 4. Os bwriada'r adolygwr wneud penderfyniad yn groes i fuddiannau'r ceisydd er gwaethaf rhyw ddiffyg neu anghysondeb yn y penderfyniad gwreiddiol neu'r ffordd y cafodd ei wneud, rhaid i'r adolygwr hysbysu'r ceisydd am ei resymau a gwahodd sylwadau. Gall y ceisydd neu gynrychiolwr wneud y sylwadau hyn, naill ai'n ysgrifenedig neu ar lafar, neu ill dau.

Mae rheoliad 6 yn nodi'r gofynion ar gyfer hysbysu ceiswyr am benderfyniadau yn dilyn adolygiad.

Mae rheoliad 7 yn nodi sut mae cymhwyso'r Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau at ddiben y Rheoliadau hyn.

Mae rheoliad 8 yn gwneud amryfal ddirymiadau canlyniadol o ran Cymru. Yn benodol, mae rheoliad 8 yn dirymu Rheoliadau Dyrannu Tai a Digartrefedd (Gweithdrefnau Adolygu) 1999 (O.S. 1999/71), a oedd yn ymdrin ag adolygiadau o benderfyniadau awdurdodau tai lleol ar ddigartrefedd o dan Ddeddf Tai 1996. Mae gweddill y dirymiadau yn ymwneud â deddfwriaeth ddiwygio nad yw bellach yn cael effaith. Ceir darpariaeth drosiannol sy'n arbed y ffordd y cymhwysir y Rheoliadau sydd i gael eu dirymu, mewn perthynas ag achosion sy'n parhau o dan Ddeddf Tai 1996.

Regulation 5 provides the procedural requirements applying to all reviews under the Regulations. The reviewer must consider any representations made in accordance with regulations 2 and 4. If the reviewer is minded to make a decision against the interests of the applicant notwithstanding some deficiency or irregularity in the original decision or its making, the reviewer must inform the applicant of its reasons and invite representations. These representations can be made by the applicant or a representative, either in writing or orally, or both.

Regulation 6 sets out the requirements for notifying applicants of decisions on review.

Regulation 7 sets out the application of the Decisions on Referrals Order for the purpose of these Regulations.

Regulation 8 makes various consequential revocations in relation to Wales. In particular, regulation 8 revokes the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 (S.I. 1999/71), which dealt with reviews of local housing authority decisions on homelessness under the Housing Act 1996. The remaining revocations relate to now ineffectual amending legislation. There is a transitional provision saving the application of the Regulations to be revoked, in relation to ongoing cases under the Housing Act 1996.

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*Gwnaed* 21 Ebrill 2015  
*Yn dod i rym* 27 Ebrill 2015

*Made* 21 April 2015  
*Coming into force* 27 April 2015

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 86(1) a (2), a 142(2)(c) o Ddeddf Tai (Cymru) 2014(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 86(1) and (2), and 142(2)(c) of the Housing (Wales) Act 2014(1).

Gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo yn unol ag adran 142(3)(b)(ii) o'r Ddeddf honno.

A draft of this instrument was laid before and approved by resolution of the National Assembly for Wales in accordance with section 142(3)(b)(ii) of that Act.

**Enwi, cychwyn a dehongli**

**Title, commencement and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Digartrefedd (Gweithdrefn Adolygu) (Cymru) 2015.

1.—(1) The title of these Regulations is the Homelessness (Review Procedure) (Wales) Regulations 2015.

(2) Daw'r Rheoliadau hyn i rym ar 27 Ebrill 2015.

(2) These Regulations come into force on 27 April 2015.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

ystyr “yr adolygwr” (“*the reviewer*”) yw—

“the authority” (“*yr awdurdod*”) means—

(a) pan nad yw'r penderfyniad gwreiddiol yn cael ei wneud o dan adran 80(5), yr awdurdod;

(a) the local housing authority which made the decision whose review under section 85 has been requested, or

(b) pan fo'r penderfyniad gwreiddiol yn cael ei wneud o dan adran 80(5) (penderfyniad ynghylch a yw'r amodau ar gyfer atgyfeirio achos wedi eu bodloni)—

(b) the notifying authority if the said decision was made under section 80(5) (a decision as to whether the conditions are met for the referral of a case to another local housing authority);

- (i) yr awdurdod sy'n hysbysu a'r awdurdod a hysbysir, pan fo'r adolygiad yn cael ei wneud gan yr awdurdodau hynny; neu
- (ii) y person a benodwyd i gynnal yr adolygiad yn unol â rheoliad 4, pan fo'r achos yn dod o fewn y rheoliad hwnnw;

ystyr "yr awdurdod" ("*the authority*") yw—

- (a) yr awdurdod tai lleol a wnaeth y penderfyniad y gofynnwyd am adolygiad ohono o dan adran 85, neu
- (b) yr awdurdod sy'n hysbysu os gwnaed y penderfyniad hwnnw o dan adran 80(5) (penderfyniad ynghylch a yw'r amodau ar gyfer atgyfeirio achos at awdurdod tai lleol arall wedi eu bodloni);

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ddydd Nadolig, yn Ddydd Gwener y Groglith nac yn ŵyl y banc(1);

ystyr "y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau" ("*the Decisions on Referrals Order*") yw Gorchymyn Digartrefedd (Penderfyniadau ynghylch Atgyfeiriadau) 1998(2).

(4) Yn y Rheoliadau hyn, mae cyfeiriadau at adrannau yn gyfeiriadau at adrannau o Ddeddf Tai (Cymru) 2014.

### Gofyn am adolygiad a hysbysiad am y weithdrefn adolygu

2.—(1) Rhaid gofyn i'r awdurdod am adolygiad o dan adran 85.

(2) Ac eithrio pan fo achos yn dod o fewn rheoliad 4, rhaid i'r awdurdod y gofynnwyd iddo am adolygiad o dan adran 85 o fewn pum niwrnod gwaith o gael cais—

- (a) gwahodd y ceisydd, a phan fo'n berthnasol, gynrychiolydd y ceisydd, i wneud sylwadau ar lafar neu'n ysgrifenedig neu ar lafar ac yn ysgrifenedig; a
- (b) os nad ydyw eisoes wedi gwneud hynny, hysbysu'r ceisydd am y weithdrefn i'w dilyn mewn cysylltiad â'r adolygiad.

(3) Pan fo achos yn dod o fewn rheoliad 4, rhaid i'r person a benodwyd yn unol â'r rheoliad hwnnw o fewn pum niwrnod gwaith o gael ei benodi—

"the Decisions on Referrals Order" ("*y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau*") means the Homelessness (Decisions on Referrals) Order 1998(1);

"the reviewer" ("*yr adolygwr*") means—

- (a) where the original decision is not made under section 80(5), the authority;
- (b) where the original decision is made under section 80(5) (a decision whether the conditions are met for the referral of a case)—
  - (i) the notifying authority and the notified authority, where the review is carried out by those authorities; or
  - (ii) the person appointed to carry out the review in accordance with regulation 4, where a case falls within that regulation;

"working day" ("*diwrnod gwaith*") means a day other than Saturday, Sunday, Christmas Day, Good Friday or a bank holiday(2).

(4) In these Regulations, references to sections are references to sections of the Housing (Wales) Act 2014.

### Request for a review and notification of review procedure

2.—(1) A request for a review under section 85 must be made to the authority.

(2) Except where a case falls within regulation 4, the authority to whom a request for a review under section 85 has been made must within five working days of receipt of a request—

- (a) invite the applicant, and where relevant, the applicant's representative, to make representations orally or in writing or both orally and in writing; and
- (b) if they have not already done so, notify the applicant of the procedure to be followed in connection with the review.

(3) Where a case falls within regulation 4, the person appointed in accordance with that regulation must within five working days of appointment—

(1) Fel y'i diffinnir yn adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971 (p. 80) ac Atodlen 1 iddi.

(2) O.S. 1998/1578.

(1) S.I. 1998/1578.

(2) As defined in section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971 (c. 80).

- (a) gwahodd y ceisydd, a phan fo'n berthnasol, gynrychiolydd y ceisydd, i wneud sylwadau ar lafar neu'n ysgrifenedig neu ar lafar ac yn ysgrifenedig; a
- (b) hysbysu'r ceisydd am y weithdrefn i'w dilyn mewn cysylltiad â'r adolygiad.

- (a) invite the applicant, and where relevant, the applicant's representative, to make representations orally or in writing or both orally and in writing; and
- (b) notify the applicant of the procedure to be followed in connection with the review.

### **Swyddog yn gwneud penderfyniad ynghylch adolygiad**

3. Pan fo penderfyniad yr awdurdod ynghylch adolygiad o benderfyniad gwreiddiol a wnaed gan swyddog o'r awdurdod hefyd i'w wneud gan swyddog, rhaid i'r swyddog hwnnw fod yn rhywun nad oedd wedi ymwneud â'r penderfyniad gwreiddiol.

### **Officer making decision on review**

3. Where the decision of the authority on a review of an original decision made by an officer of the authority is also to be made by an officer, that officer must be someone who was not involved in the original decision.

### **Y weithdrefn gychwynnol pan wnaed y penderfyniad gwreiddiol o dan y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau.**

4.—(1) Pan gafodd y penderfyniad gwreiddiol o dan adran 80(5) (pa un a yw'r amodau ar gyfer atgyfeirio achos wedi eu bodloni) ei wneud o dan y Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau, mae adolygiad o'r penderfyniad hwnnw (yn ddarostyngedig i baragraff (2)) i'w gynnal gan berson a benodwyd gan yr awdurdod sy'n hysbysu a'r awdurdod a hysbysir.

### **Initial procedure where the original decision was made under the Decisions on Referrals Order**

4.—(1) Where the original decision under section 80(5) (whether the conditions are met for the referral of a case) was made under the Decisions on Referrals Order, a review of that decision is (subject to paragraph (2)) to be carried out by a person appointed by the notifying authority and the notified authority.

(2) Os nad yw person yn cael ei benodi yn unol â pharagraff (1) o fewn pum niwrnod gwaith o'r diwrnod y gwneir cais am adolygiad, yna mae'r adolygiad i'w gynnal gan—

(2) If a person is not appointed in accordance with paragraph (1) within five working days from the day on which the request for a review is made, then the review is to be carried out by a person—

- (a) person o'r panel a ffurfiwyd yn unol â pharagraff 3 o'r Atodlen i'r Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau ("y panel"); a
- (b) person a benodwyd yn unol â pharagraff (3).

- (a) from the panel constituted in accordance with paragraph 3 of the Schedule to the Decisions on Referrals Order ("the panel"), and
- (b) appointed in accordance with paragraph (3).

(3) Rhaid i'r awdurdod sy'n hysbysu, o fewn pum niwrnod gwaith o ddiwedd y cyfnod a bennir ym mharagraff (2), ofyn i gadeirydd Cymdeithas Llywodraeth Leol Cymru neu enwebai'r cadeirydd ("y swyddog priodol") benodi person o'r panel a rhaid i'r swyddog priodol wneud hynny o fewn saith niwrnod i'r cais.

(3) The notifying authority must within five working days from the end of the period specified in paragraph (2) request the chair of the Welsh Local Government Association or the chair's nominee ("the proper officer") to appoint a person from the panel and the proper officer must do so within seven days of the request.

(4) Rhaid i'r awdurdod sy'n hysbysu a'r awdurdod a hysbysir, o fewn pum niwrnod gwaith o benodi'r person a benodwyd ("y person penodedig"), ddarparu rhesymau i'r person penodedig am y penderfyniad gwreiddiol a'r wybodaeth a'r dystiolaeth sy'n sail i'r penderfyniad hwnnw.

(4) The notifying authority and the notified authority must within five working days of the appointment of the person appointed ("the appointed person") provide the appointed person with the reasons for the original decision and the information and evidence on which that decision was based.

(5) Rhaid i'r person penodedig—

(5) The appointed person must—

- (a) anfon unrhyw sylwadau a wnaed o dan reoliad 2 i'r awdurdod sy'n hysbysu a'r awdurdod a hysbysir; a

- (a) send to the notifying authority and the notified authority any representations made under regulation 2; and

(b) gwahodd yr awdurdodau hynny i ymateb i'r sylwadau hynny.

(6) Ni chaiff y person penodedig fod yr un person â'r person a wnaeth y penderfyniad gwreiddiol.

### **Gweithdrefn ar gyfer adolygiad**

**5.**—(1) Rhaid i'r adolygwr, yn ddarostyngedig i gydymffurfio â darpariaethau rheoliad 6, ystyried—

(a) unrhyw sylwadau a wneir o dan reoliad 2, ac mewn achos sy'n dod o fewn rheoliad 4, unrhyw ymatebion iddynt; a

(b) unrhyw sylwadau a wneir o dan baragraff (2).

(2) Os yw'r adolygwr yn ystyried bod diffyg neu anghysondeb yn y penderfyniad gwreiddiol, neu yn y ffordd y cafodd ei wneud, ond er hynny'n bwriadu gwneud penderfyniad sy'n groes i fuddiannau'r ceisydd ar un neu ragor o faterion, rhaid i'r adolygwr hysbysu'r ceisydd—

(a) bod yr adolygwr yn bwriadu gwneud hynny a'r rhesymau pam; a

(b) y caiff y ceisydd, neu rywun sy'n gweithredu ar ran y ceisydd, wneud sylwadau i'r adolygwr ar lafar neu'n ysgrifenedig neu ar lafar ac yn ysgrifenedig.

### **Hysbysiad o benderfyniad yn dilyn adolygiad**

**6.**—(1) Y cyfnod y mae'n rhaid rhoi hysbysiad o benderfyniad yn dilyn adolygiad o dan adran 85 i'r ceisydd o dan adran 85(3) yw—

(a) wyth wythnos o'r diwrnod y gwneir cais am adolygiad, ac eithrio pan fo'r penderfyniad gwreiddiol yn dod o fewn is-baragraffau (b) ac (c);

(b) deng wythnos o'r diwrnod y gwneir cais am adolygiad, pan fo'r penderfyniad gwreiddiol yn dod o fewn adran 80(5) a'r adolygiad yn cael ei wneud gan berson a benodir gan yr awdurdod sy'n hysbysu a'r awdurdod a hysbysir;

(c) deuddeng wythnos o'r diwrnod y gwneir y cais am adolygiad mewn achos sy'n dod o fewn rheoliad 4.

(2) Caiff y cyfnod a bennir ym mharagraff (1) fod y cyfryw gyfnod hwy ag y caiff y ceisydd a'r adolygwr gytuno arno yn ysgrifenedig.

(b) invite those authorities to respond to those representations.

(6) The appointed person must not be the same person as the person who made the original decision.

### **Procedure on a review**

**5.**—(1) The reviewer must, subject to compliance with the provisions of regulation 6, consider—

(a) any representations made under regulation 2, and in a case falling within regulation 4, any responses to them; and

(b) any representations made under paragraph (2).

(2) If the reviewer considers there is a deficiency or irregularity in the original decision, or in the manner in which it was made, but is minded nonetheless to make a decision which is against the interests of the applicant on one or more issues, the reviewer must notify the applicant—

(a) that the reviewer is so minded and the reasons why; and

(b) that the applicant, or someone acting on the applicant's behalf, may make representations to the reviewer orally or in writing or both orally and in writing.

### **Notification of the decision on a review**

**6.**—(1) The period within which notice of the decision on a review under section 85 must be given under section 85(3) to the applicant is to be—

(a) eight weeks from the day on which the request for the review is made, except where the original decision falls within subparagraphs (b) and (c);

(b) ten weeks from the day on which the request for the review is made, where the original decision falls within section 80(5) and the review is carried by a person appointed by the notified and notifying authorities;

(c) twelve weeks from the day on which the request for the review is made in a case falling within regulation 4.

(2) The period specified in paragraph (1) may be such longer period as the applicant and the reviewer may agree in writing.

(3) Mewn achos sy'n dod o fewn paragraff (1)(c), rhaid i'r person penodedig hysbysu'r awdurdod sy'n hysbysu a'r awdurdod a hysbysir am y penderfyniad yn dilyn yr adolygiad, a'r rhesymau amdano, yn ysgrifenedig o fewn cyfnod o un wythnos ar ddeg o'r diwrnod y gwneir y cais am yr adolygiad, neu o fewn cyfnod sy'n dechrau ar y diwrnod hwnnw sydd wythnos yn llai na'r hyn y cytunwyd arno yn unol â pharagraff (2).

### **Cymhwyso'r Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau**

7. Mae'r Gorchymyn Penderfyniadau ynghylch Atgyfeiriadau yn cael effaith at ddibenion y Rheoliadau hyn fel petai wedi ei wneud o dan y pwerau a roddir gan adran 80(5)(b) a (6)(b), ac mae cyfeiriadau yn y Gorchymyn hwnnw at Ddeddf Tai 1996 i'w dehongli fel petaent yn cyfeirio at ddarpariaethau cyfatebol Deddf Tai (Cymru) 2014.

### **Dirymu a darpariaethau trosiannol**

8.—(1) Yn ddarostyngedig i baragraff (2), mae'r Rheoliadau a ganlyn drwy hyn wedi eu dirymu o ran Cymru—

- (a) Rheoliadau Dyrannu Tai a Digartrefedd (Gweithdrefnau Adolygu a Diwygio) 1996(1);
- (b) Rheoliadau Dyrannu Tai a Digartrefedd (Diwygio) 1997(2);
- (c) Rheoliadau Dyrannu Tai a Digartrefedd (Diwygio) (Rhif 2) 1997(3);
- (d) Rheoliadau Dyrannu Tai a Digartrefedd (Gweithdrefnau Adolygu) 1999(4).

(2) Mae'r Rheoliadau a ddirymir gan baragraff (1) yn parhau mewn grym mewn unrhyw achos pan fo cais am adolygiad o dan adran 202 o Ddeddf Tai 1996 yn cael ei wneud cyn y dyddiad y daw'r Rheoliadau hyn i rym.

(3) In a case falling within paragraph (1)(c), the appointed person must notify the decision on the review, and the reasons for it, in writing to the notifying authority and the notified authority within a period of eleven weeks from the day on which the request for the review is made, or within a period commencing on that day which is one week shorter than that agreed in accordance with paragraph (2).

### **Application of the Decision on Referrals Order**

7. The Decisions on Referrals Order has effect for the purpose of these Regulations as if made under the powers conferred by section 80(5)(b) and (6)(b), and references in that Order to the Housing Act 1996 are to be construed as if referring to the equivalent provisions of the Housing (Wales) Act 2014.

### **Revocation and transitional provisions**

8.—(1) Subject to paragraph (2), the following Regulations are hereby revoked in relation to Wales—

- (a) the Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996(1);
- (b) the Allocation of Housing and Homelessness (Amendment) Regulations 1997(2);
- (c) the Allocation of Housing and Homelessness (Amendment) (No. 2) Regulations 1997(3);
- (d) the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999(4).

(2) The Regulations revoked by paragraph (1) are to continue in force in any case where a request for a review under section 202 of the Housing Act 1996 is made prior to the date these Regulations come into force.

*Lesley Griffiths*

Y Gweinidog Cymunedau a Threchu Tlodi, un o Weinidogion Cymru  
21 Ebrill 2015

Minister for Communities and Tackling Poverty, one of the Welsh Ministers  
21 April 2015

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- (1) O.S. 1996/3122.
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- (4) O.S. 1999/71.

- (1) S.I. 1996/3122.
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- (4) S.I. 1999/71.

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