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CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1490 (Cy. 319)

2020 No. 1490 (W. 319)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Iechyd y Cyhoedd
(Gwarchodaeth Rhag Troi Allan)
(Cymru) (Coronafeirws) 2020**

**The Public Health (Protection from
Eviction) (Wales) (Coronavirus)
Regulations 2020**

NODYN ESBONIADOL

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

Mae adran 45C o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984 yn galluogi Gweinidogion Cymru fel "The appropriate Minister", drwy reoliadau, i wneud darpariaeth at ddiben atal, diogelu rhag, rheoli neu ddarparu ymateb iechyd y cyhoedd i fynychder neu ledaeniad haint neu halogiad yng Nghymru.

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lleadaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae'r Rheoliadau hyn yn atal, ac eithrio o dan amgylchiadau penodedig, bod yn bresennol mewn tŷ annedd at ddiben gweithredu gwrit neu warrant meddiant, gweithredu gwrit neu warrant adfer neu ddanfôn hysbysiad troi arall.

Yr amgylchiadau penodedig yw pan fo'r llys wedi ei fodloni bod yr hawliad yn un yn erbyn tresmaswyr sy'n bersonau anhysbys neu pan y'i gwnaed yn llwyr neu'n rhannol ar sail trais domestig, troseddau difrifol, ymddygiad gwrthgymdeithasol, niwsans neu, mewn achosion pan fo'r person sy'n bresennol wedi ei fodloni nad yw'r tŷ annedd wedi ei feddiannau ar yr adeg pan fo'n bresennol, farwolaeth y meddiannydd.

Daw'r Rheoliadau hyn i ben ar 11 Ionawr 2021.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 45C of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers as "The appropriate Minister", by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations prevent, except in specified circumstances, attendance at a dwelling-house for the purpose of executing a writ or warrant of possession, executing a writ or warrant of restitution or delivering a notice of eviction.

The specified circumstances are where the court is satisfied that the claim is against trespassers who are persons unknown or where it was made wholly or partly on the grounds of domestic violence, serious offences, anti-social behaviour, nuisance or, in cases where the person attending is satisfied that the dwelling-house is unoccupied at the time of attendance, the death of the occupant.

These Regulations expire on 11 January 2021.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd 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, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

2020 Rhif 1430 (Cy. 319)

2020 No. 1490 (W. 319)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Iechyd y Cyhoedd
(Gwarchodaeth Rhag Troi Allan)
(Cymru) (Coronafeirws) 2020**

**The Public Health (Protection from
Eviction) (Wales) (Coronavirus)
Regulations 2020**

Cymeradwywyd gan Senedd Cymru

Approval by Senedd Cymru

Gwnaed 9 Rhagfyr 2020

Made 9 December 2020

*Gosodwyd gerbron Senedd
Cymru 10 Rhagfyr 2020*

Laid before Senedd Cymru 10 December 2020

Yn dod i rym yn unol â rheoliad 1(2)

*Coming into force in accordance with
regulation 1 (2)*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 45C(1), (2), (3)(c) a 45P(2) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 45C(1), (2), (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

Mae'r Rheoliadau hyn wedi eu gwneud mewn ymateb i'r bygythiad difrifol ac uniongyrchol i iechyd y cyhoedd a berir gan fynychder a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

Mae Gweinidogion Cymru yn ystyried bod y cyfyngiadau a'r gofynion a osodir gan y Rheoliadau hyn yn gymesur â'r hyn y maent yn ceisio ei gyflawni, sef ymateb iechyd y cyhoedd i'r bygythiad hwnnw.

The Welsh Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

Yn unol ag adran 45R o'r Ddeddf honno, oherwydd brys, mae Gweinidogion Cymru o'r farn ei bod yn angenrheidiol gwneud yr offeryn hwn heb fod drafft wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

In accordance with section 45R of that Act, the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

(1) 1984 p. 22. Mewnosodwyd adrannau 45C a 45P gan adran 129 o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14). Mae'r swyddogaethau o dan yr adrannau hyn wedi eu rhoi i "The appropriate Minister" ("y Gweinidog priodol"). O dan adran 45T(6) o Ddeddf 1984 y Gweinidog priodol, o ran Cymru, yw Gweinidogion Cymru.

(1) 1984 c. 22. Sections 45C and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on "The appropriate Minister". Under section 45T(6) of the 1984 Act "The appropriate Minister", as respects Wales, is the Welsh Ministers.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd y Cyhoedd (Gwarchodaeth Rhag Troi Allan) (Cymru) (Coronafeirws) 2020.

(2) Daw'r Rheoliadau hyn i rym drannoeth y diwrnod y'u gosodir.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Yn y Rheoliadau hyn, mae i "tŷ annedd" yr un ystyr ag a roddir i "dwelling-house" yn Neddf Tai 1985, Deddf Tai 1988 neu Ddeddf Rhenti 1977, yn ôl y digwydd.

Tenantiaethau Preswyl (Gwarchodaeth Rhag Troi Allan)

2.—(1) Yn ddarostyngedig i baragraffau (2) a (3), ni chaiff unrhyw berson fod yn bresennol mewn tŷ annedd at ddiben—

- (a) gweithredu gwrit neu warant meddiant;
- (b) gweithredu gwrit neu warant adfer; neu
- (c) danfon hysbysiad troi allan.

(2) Nid yw paragraff (1) yn gymwys pan fo'r llys wedi ei fodloni bod yr hysbysiad, y writ neu'r warant yn ymwneud â gorchymyn meddiant a wneir—

- (a) yn erbyn tresmaswyr yn unol â hawliad y mae rheol 55.6 (cyflwyno hawliadau yn erbyn tresmaswyr) o Reolau'r Drefniadaeth Sifil 1998(1) yn gymwys iddo;
- (b) yn llwyr neu'n rhannol o dan adran 84A (sail absoliwt ar gyfer meddiannu am ymddygiad gwrthgymdeithasol) o Ddeddf Tai 1985(2);
- (c) yn llwyr neu'n rhannol ar Sail 2 neu Sail 2A yn Atodlen 2 (seiliau ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau diogel) i Ddeddf Tai 1985(3);

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on the day following the day on which they are laid.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations, "dwelling-house" has the same meaning as in the Housing Act 1985, the Housing Act 1988 or the Rent Act 1977, as the case may be.

Residential Tenancies (Protection from Eviction)

2.—(1) Subject to paragraphs (2) and (3), no person may attend at a dwelling-house for the purpose of—

- (a) executing a writ or warrant of possession;
- (b) executing a writ or warrant of restitution; or
- (c) delivering a notice of eviction.

(2) Paragraph (1) does not apply where the court is satisfied that the notice, writ or warrant relates to an order for possession made—

- (a) against trespassers pursuant to a claim to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998(1) applies;
- (b) wholly or partly under section 84A (absolute ground for possession for anti-social behaviour) of the Housing Act 1985(2);
- (c) wholly or partly on Ground 2 or Ground 2A in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) to the Housing Act 1985(3);

(1) O.S. 1998/3132. Mewnosodwyd rheol 55.6 gan O.S. 2001/256 rh 17, Atodlen 1.

(2) 1985 p. 68, mewnosodwyd adran 84A gan adran 94(1) o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddau a Phlisma 2014 ("Deddf 2014").

(3) Amnewidiwyd Sail 2 gan adran 144 o Ddeddf Tai 1996 (p. 52) ("Deddf 1996") ac fe'i diwygiwyd gan adran 98(1) o Ddeddf 2014 ac Atodlen 7 i Ddeddf Troseddau Cyfundrefnol Difrifol a'r Heddlu 2005 (p. 15) ("Deddf 2005"). Mewnosodwyd Sail 2A gan adran 145 o Ddeddf 1996 ac fe'i diwygiwyd gan Atodlen 8 i Ddeddf Partneriaeth Sifil 2004 (p. 33) ("Deddf 2004") a chan Atodlen 3 i O.S. 2019/1458.

(1) S.I. 1998/3132. Rule 55.6 was inserted by S.I. 2001/256 r 17, Schedule 1.

(2) 1985 c. 68, section 84A was inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act").

(3) Ground 2 was substituted by section 144 of the Housing Act 1996 (c. 52) ("the 1996 Act") and amended by section 98(1) of the 2014 Act and Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15) ("the 2005 Act"). Ground 2A was inserted by section 145 of the 1996 Act and amended by Schedule 8 to the Civil Partnership Act 2004 (c. 33) ("the 2004 Act") and by S.I. 2019/1458, Schedule 3.

- (d) yn llwyr neu'n rhannol ar Sail 7A, Sail 14 neu Sail 14A yn Atodlen 2 (seiliau ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau sicr) i Ddeddf Tai 1988(1);
- (e) yn llwyr neu'n rhannol ar Sail 7 yn Atodlen 2 (sail ar gyfer meddiannu pan fo tenant yn marw ac na cheir hawl olyniaeth) i Ddeddf Tai 1988(2); neu
- (f) yn llwyr neu'n rhannol o dan achos 2 o Atodlen 15 (sail ar gyfer meddiannu tai annedd sy'n cael eu gosod o dan denantiaethau gwarchoddedig neu statudol, neu sy'n ddarostyngedig iddynt) i Ddeddf Rhenti 1977(3).

(3) Pan fo paragraff 2(e) yn gymwys, rhaid i'r person sy'n bresennol yn y tŷ annedd gymryd camau rhesymol i'w fodloni ei hun nad yw'r tŷ annedd wedi ei feddiannu cyn cyflawni'r materion hynny a nodir yn rheoliad 2(1)(a), (b) neu (c).

Y Rheoliadau yn dod i ben

3.—(1) Daw'r Rheoliadau hyn i ben ar 11 Ionawr 2021.

(2) Nid yw'r ffaith bod y Rheoliadau hyn wedi dod i ben yn effeithio ar ddilysrwydd unrhyw beth a wneir neu nas gwneir yn unol â'r Rheoliadau hyn cyn iddynt ddod i ben.

- (d) wholly or partly on Ground 7A, Ground 14 or Ground 14A in Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) to the Housing Act 1988(1);
- (e) wholly or partly on Ground 7 in Schedule 2 (ground for possession where tenant dies and no right of succession) to the Housing Act 1988(2); or
- (f) wholly or partly under case 2 of Schedule 15 (ground for possession of dwelling-houses let on or subject to protected or statutory tenancies) to the Rent Act 1977(3).

(3) Where paragraph 2(e) applies, the person attending at the dwelling-house must take reasonable steps to satisfy themselves that the dwelling-house is unoccupied before carrying out those matters set out in regulation 2(1)(a), (b) or (c).

Expiry of Regulations

3.—(1) These Regulations expire on 11 January 2021.

(2) The expiry of these Regulations does not affect the validity of anything done or not done pursuant to these Regulations before they expire.

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
9 Rhagfyr 2020

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Minister for Housing and Local Government, one of the Welsh Ministers
9 December 2020

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(1) 1988 p. 50. Mewnosodwyd Sail 7A gan adran 97(1) o Ddeddf 2014. Amnewidiwyd Sail 14 gan adran 148 o Ddeddf 1996 ac fe'i diwygiwyd gan adran 98(2) o Ddeddf 2014 ac Atodlen 7 i Ddeddf 2005. Mewnosodwyd Sail 14A gan adran 149 o Ddeddf 1996 ac fe'i diwygiwyd gan Atodlen 8 i Ddeddf 2004, O.S. 2019/1458, O.S. 2010/866 ac O.S. 2011/1396.

(2) Diwygiwyd Sail 7 gan adran 162 o Ddeddf Lleoliaeth 2011 (p. 20) ac Atodlen 25 iddi.

(3) 1977 p. 42.

(1) 1988 c. 50. Ground 7A was inserted by section 97(1) of the 2014 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by section 98(2) of the 2014 Act and Schedule 7 to the 2005 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by Schedule 8 to the 2004 Act, S.I. 2019/1458, S.I. 2010/866 and S.I. 2011/1396.

(2) Ground 7 was amended by section 162 of and Schedule 25 to the Localism Act 2011 (c. 20).

(3) 1977 c. 42.

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