



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2020 Rhif 202 (Cy. 45)**

**2020 No. 202 (W. 45)**

**TAI, CYMRU**

**HOUSING, WALES**

Rheoliadau Rhentu Cartrefi  
(Ffioedd etc.) (Terfynau  
Rhagnodedig ar gyfer Taliadau  
Diffyg daliad) (Cymru) 2020

The Renting Homes (Fees etc.)  
(Prescribed Limits of Default  
Payments) (Wales) Regulations  
2020

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn pennu terfynau (terfynau rhagnodedig) ar gyfer mathau penodol o daliadau sy'n ofynnol yn achos diffyg daliad gan ddeiliad contract meddiannaeth safonol.

These Regulations specify limits (prescribed limits) for certain types of payments required in the event of a default by a contract-holder of a standard occupation contract.

Mae Rhan 2 o Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 ("y Ddeddf") yn ei gwneud yn drosedd i landlord neu asiant gosod eiddo ei gwneud yn ofynnol i unrhyw arian gael ei dalu yn gydnabyddiaeth am roi neu am adnewyddu contract meddiannaeth safonol, neu am barhau â chontract o'r fath, neu yn unol â theler mewn contract meddiannaeth safonol, onid yw'n perthyn i un o ddau gategori. Mae unrhyw daliad o'r fath nad yw'n perthyn i'r un o'r ddau gategori yn 'daliad gwaharddedig'. Mae'r categori cyntaf yn cynnwys taliadau gan landlord i asiant gosod eiddo mewn cysylltiad â gwaith gosod neu waith rheoli eiddo. Mae'r ail gategori yn cynnwys 'taliadau a ganiateir', sef y taliadau hynny sydd wedi eu rhestru yn Atodlen 1 i'r Ddeddf.

Part 2 of the Renting Homes (Fees etc.) (Wales) Act 2019 ("the Act") makes it an offence for a landlord or letting agent to require any payment of money in consideration of granting, renewing or continuing a standard occupation contract, or pursuant to a term of a standard occupation contract, unless it falls within one of two categories. Any such payment which does not fall within those two categories is a 'prohibited payment'. The first category covers payments by a landlord to a letting agent in respect of lettings work or property management work. The second category comprises 'permitted payments', which are those payments listed in Schedule 1 to the Act.

Mae taliadau diffyg daliad wedi eu cynnwys fel taliadau a ganiateir yn Atodlen 1 i'r Ddeddf (paragraff 6). Taliadau sy'n ofynnol o dan gontract meddiannaeth safonol, o ganlyniad i ddiffyg daliad gan ddeiliad contract, yw taliadau diffyg daliad. Caniateir i Weinidogion Cymru bennu terfynau ar gyfer y taliadau diffyg daliad hynny. Os yw'r diffyg daliad yn fwy na'r terfynau rhagnodedig hynny, mae'r swm ychwanegol yn daliad gwaharddedig.

Default payments are included as permitted payments in Schedule 1 to the Act (paragraph 6). Default payments are payments required under a standard occupation contract, as a result of a contract-holder's default. The Welsh Ministers may specify limits for those default payments. If those prescribed limits are exceeded, the excess is a prohibited payment.

Mae rheoliad 2 yn nodi'r dull ar gyfer pennu'r terfyn rhagnodedig sy'n gymwys yn achos methiant gan ddeiliad y contract i dalu rhent i'r landlord erbyn y dyddiad dyledus.

Mae rheoliad 3 yn pennu dau ddisgrifiad o daliadau diffyg daliad y pennir terfyn rhagnodedig mewn cysylltiad â hwy. Mae'r disgrifiad cyntaf yn cynnwys taliadau diffyg daliad mewn cysylltiad â chost newid neu ychwanegu clo, neu dynnu clo ymaith, pan fo rhaid gwneud hynny o ganlyniad i doriad gan ddeiliad y contract o un o delerau'r contract. Mae'r ail ddisgrifiad yn cynnwys taliadau diffyg daliad mewn cysylltiad â chost amnewid allwedd neu ddyfais ddiogelwch arall a ddefnyddir i fynd i mewn i'r annedd, pan fo rhaid ei hamnewid o ganlyniad i doriad gan ddeiliad y contract o un o delerau'r contract.

Mewn cysylltiad â'r naill a'r llall o'r disgrifiadau hynny, pennir yn rheoliad 4 mai'r terfyn rhagnodedig yw cost wirioneddol yr amnewid, y newid, yr ychwanegu neu'r tynnu ymaith.

Yn rhinwedd rheoliad 3 o Reoliadau Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 (Darpariaeth Drosiannol ar gyfer Tenantiaethau Byrddaliadol Sicr) 2019, mae'r cyfeiriadau yn Rhannau 1 i 5 a 7 o'r Ddeddf at gontract meddiannaeth safonol i'w darllen fel cyfeiriadau at denantiaeth fyrddaliadol sicr o dan Ran 1 o Ddeddf Tai 1988 ac mae'r cyfeiriadau yn y Ddeddf at ddeiliad contract i'w darllen fel cyfeiriadau at denant o dan denantiaeth fyrddaliadol sicr. Felly, mae'r Rheoliadau hyn yn gymwys i denantiaethau byrddaliadol sicr hyd nes y bydd y tenantiaethau hynny'n trosi'n gontractau meddiannaeth safonol o dan adran 240 o Ddeddf Rhentu Cartrefi (Cymru) 2016, pan fyddant yn gymwys i gontractau meddiannaeth safonol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Dai, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ.

Regulation 2 sets out the method of determining the prescribed limit which applies in the case of a failure by the contract-holder to make a payment of rent to the landlord by the due date.

Regulation 3 specifies two descriptions of default payment in respect of which a prescribed limit is specified. The first description comprises default payments in respect of the cost of changing, adding or removing a lock, where this has been necessary as a result of a breach by the contract-holder of a term of the contract. The second description comprises default payments in respect of the cost of replacing a key or other security device used to access the dwelling, where the replacement has been necessary as a result of a breach by the contract-holder of a term of the contract.

In respect of both those descriptions, the prescribed limit is specified in regulation 4 as being the actual cost of the replacement, change, addition or removal.

By virtue of regulation 3 of the Renting Homes (Fees etc.) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019, the references in Parts 1 to 5 and 7 of the Act to a standard occupation contract are to be read as references to an assured shorthold tenancy under Part 1 of the Housing Act 1988 and the references in the Act to a contract-holder are to be read as references to a tenant under an assured shorthold tenancy. These Regulations therefore apply to assured shorthold tenancies until such time those tenancies convert to standard occupation contracts under section 240 of the Renting Homes (Wales) Act 2016 when they will apply to standard occupation contracts.

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 been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Housing, Welsh Government, Rhydyar Business Park, Merthyr Tydfil, CF48 1UZ.

**2020 Rhif 202 (Cy. 45)**

**TAI, CYMRU**

**Rheoliadau Rhentu Cartrefi  
(Ffioedd etc.) (Terfynau  
Rhagnodedig ar gyfer Taliadau  
Diffygdaliad) (Cymru) 2020**

*Gwnaed* 28 Chwefror 2020  
*Yn dod i rym* 28 Ebrill 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 27(2)(a) o Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019(1), a pharagraff 6 o Atodlen 1 iddi.

Yn unol ag adran 27(3) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

**Enwi, cychwyn a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rhentu Cartrefi (Ffioedd etc.) (Terfynau Rhagnodedig ar gyfer Taliadau Diffygdaliad) (Cymru) 2020 a deuant i rym ar 28 Ebrill 2020.

(2) Yn y Rheoliadau hyn, mae i "deiliad contract" yr un ystyr ag a roddir yn Neddf Rhentu Cartrefi (Cymru) 2016(2).

**2020 No. 202 (W. 45)**

**HOUSING, WALES**

**The Renting Homes (Fees etc.)  
(Prescribed Limits of Default  
Payments) (Wales) Regulations  
2020**

*Made* 28 February 2020  
*Coming into force* 28 April 2020

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 27(2)(a) of, and paragraph 6 of Schedule 1 to, the Renting Homes (Fees etc.) (Wales) Act 2019(1).

In accordance with section 27(3) of that Act, a draft of these Regulations has been laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Renting Homes (Fees etc.) (Prescribed Limits of Default Payments) (Wales) Regulations 2020 and they come into force on 28 April 2020.

(2) In these Regulations, a "contract-holder" has the same meaning as in the Renting Homes (Wales) Act 2016(2).

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(1) 2019 decc 2. Cyflwynir Atodlen 1 gan adran 4 o'r Ddeddf. *Gweler* adran 28 am y diffiniad o "rheoliadau".

(2) 2016 decc 1; *gweler* adran 7(5) am y diffiniad o "deiliad contract".

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(1) 2019 anaw 2. Schedule 1 is introduced by section 4 of the Act. *See* section 28 for the definition of "regulations".

(2) 2016 anaw 1; *see* section 7(5) for the definition of "contract-holder".

## Y terfynau rhagnodedig ar gyfer methu â thalu rhent

2.—(1) Mae'r terfyn rhagnodedig yn achos methiant gan ddeiliad contract<sup>(1)</sup> i dalu rhent i landlord erbyn y dyddiad dyledus i'w bennu fel a ganlyn.

(2) Yn achos methiant i dalu rhent cyn diwedd y cyfnod o saith niwrnod sy'n dechrau ar y dyddiad dyledus, y terfyn rhagnodedig yw sero.

(3) Yn achos methiant i dalu rhent ar ôl diwedd y cyfnod o saith niwrnod sy'n dechrau ar y dyddiad dyledus, y terfyn rhagnodedig yw cyfanswm y symiau a geir drwy gymhwyso cyfradd ganrannol flynyddol sydd dri y cant yn uwch na chyfradd sylfaenol Banc Lloegr, mewn perthynas â phob diwrnod ar ôl y dyddiad dyledus y mae'r rhent yn dal heb ei dalu ar ei gyfer, i swm y rhent sy'n dal heb ei dalu ar ddiwedd y diwrnod hwnnw.

(4) Yn y rheoliad hwn, ystyr "cyfradd sylfaenol Banc Lloegr" yw'r gyfradd ganrannol a gyhoeddir o bryd i'w gilydd gan Bwyllgor Polisi Ariannol Banc Lloegr fel y gyfradd fasnachu swyddogol, sef y gyfradd y mae'r Banc yn fodlon ei defnyddio mewn trafodiadau i ddarparu hylifedd byrdymor yn y marchnadoedd arian.

(5) Ond pan fo gorchymyn o dan adran 19 o Ddeddf Banc Lloegr 1998<sup>(2)</sup> mewn grym, mae unrhyw gyfradd ganrannol gyfatebol a bennir gan y Trysorlys o dan yr adran honno yn gymwys.

## Disgrifiadau ychwanegol o daliadau diffyg daliad

3. Mae'r disgrifiadau ychwanegol o ddiffyg daliadau y pennir terfyn rhagnodedig mewn cysylltiad â hwy fel a ganlyn—

- (a) toriad gan ddeiliad y contract o un o delerau'r contract sy'n golygu bod rhaid newid, ychwanegu neu dynnu ymaith glo sy'n rhoi mynediad i'r annedd y mae contract deiliad y contract yn ymwneud â hi, a
- (b) toriad gan ddeiliad y contract o un o delerau'r contract sy'n golygu bod rhaid amnewid allwedd neu ddyfais ddiogelwch arall sy'n rhoi mynediad i'r annedd y mae'r contract yn ymwneud â hi.

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(1) Yn rhinwedd rheoliad 3 o Reoliadau Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 (Darpariaeth Drosiannol ar gyfer Tenantiaethau Byrddaliadol Sicr) 2019 (O.S. 2019/1151) (Cy. 201), mae'r cyfeiriadau yn Neddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 at gontract meddiannaeth safonol i'w darllen fel cyfeiriadau at denantiaeth fyrddaliadol sicr ac mae'r cyfeiriadau yn y Ddeddf at ddeiliad contract i'w darllen fel cyfeiriadau at denant o dan denantiaeth fyrddaliadol sicr. O'u cychwyn ar y diwrnod penodedig, mae adran 240 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) ac Atodlen 12 iddi yn golygu y bydd tenantiaethau byrddaliadol sicr presennol yn trosi yn unol â'r darpariaethau hyn.

(2) 1998 p. 11.

## Prescribed limits for failure to pay rent

2.—(1) The prescribed limit in the case of a failure by a contract-holder<sup>(1)</sup> to make a payment of rent to a landlord by the due date is to be determined as follows.

(2) In the case of a failure to make a payment of rent before the end of the period of seven days beginning with the due date, the prescribed limit is zero.

(3) In the case of a failure to make a payment of rent after the end of the period of seven days beginning with the due date, the prescribed limit is the aggregate of the amounts found by applying, in relation to each day after the due date for which the rent remains unpaid, an annual percentage rate of three per cent above the Bank of England base rate to the amount of rent that remains unpaid at the end of that day.

(4) In this regulation, the "Bank of England base rate" means the percentage rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets.

(5) But where an order under section 19 of the Bank of England Act 1998<sup>(2)</sup> is in force, any equivalent percentage rate determined by the Treasury under that section applies.

## Additional descriptions of default payment

3. The additional descriptions of default in respect of which a prescribed limit is specified are—

- (a) a breach by a contract-holder of a term of the contract which leads to the requirement for a lock giving access to the dwelling to which the contract-holder's contract relates to be changed, added to or removed, and
- (b) a breach by a contract-holder of a term of the contract which leads to the requirement for a key or other security device which gives access to the dwelling to which the contract relates to be replaced.

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(1) By virtue of regulation 3 of the Renting Homes (Fees etc.) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019 (S.I. 2019/1151) (W. 201), the references in the Renting Homes (Fees etc.) (Wales) Act 2019 to a standard occupation contract are to be read as references to an assured shorthold tenancy and the references in the Act to a contract-holder are to be read as references to a tenant under an assured shorthold tenancy. When commenced on the appointed day, section 240 of, and Schedule 12 to, the Renting Homes (Wales) Act 2016 (anaw 1) means existing assured shorthold tenancies will convert in accordance with these provisions.

(2) 1998 c. 11.

## **Y terfyn rhagnodedig ar gyfer disgrifiadau ychwanegol o daliadau diffyg daliad**

4.—(1) Y terfyn rhagnodedig mewn cysylltiad â'r disgrifiadau o daliadau diffyg daliad a bennir yn rheoliad 3 yw'r swm sy'n gyfwerth â chost wirioneddol yr amnewid, y newid, yr ychwanegu neu'r tynnu ymaith.

(2) Yn y rheoliad hwn, ystyr "cost wirioneddol" yw cost yr allwedd, y ddyfais ddiogelwch neu'r clo, y darperir tystiolaeth ohoni ar ffurf anfoneb neu dderbynneb.

(3) Pan fo contractiwr trydydd parti yn ymgymryd ar ran y landlord ag amnewid allwedd neu ddyfais ddiogelwch arall neu â newid, ychwanegu neu dynnu ymaith glo, yn unol â'r cyfeiriad yn rheoliad 3, mae'r "gost wirioneddol" yn cynnwys cost llafur y contractiwr hwnnw, y darperir tystiolaeth ohoni ar ffurf anfoneb neu dderbynneb.

## **Prescribed limit for additional descriptions of default payment**

4.—(1) The prescribed limit in respect of the descriptions of default payments specified in regulation 3 is the amount equal to the actual cost of the replacement, change, addition or removal.

(2) In this regulation, the "actual cost" means the cost of the key, security device or lock, as evidenced by an invoice or receipt.

(3) Where a third party contractor undertakes the replacement of a key or other security device or the change, addition or removal of a lock, as referred to in regulation 3 on behalf of the landlord, the "actual cost" includes the cost of that contractor's labour, as evidenced by an invoice or a receipt.

*Julie James*

Y Gweinidog Tai a Llywodraeth Leol, un o  
Weinidogion Cymru  
28 Chwefror 2020

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Minister for Housing and Local Government, one of  
the Welsh Ministers  
28 February 2020

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