



Mae'r Offeryn Statudol hwn yn cywiro gwallau yn O.S. 2022/781 (Cy. 170) ac fe'i dyroddir yn rhad ac am ddim i bawb y gwyddys iddynt gael yr Offeryn Statudol hwnnw.

This Statutory Instrument corrects errors in S.I. 2022/781 (W. 170) and is being issued free of charge to all known recipients of that Statutory Instrument.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 1078 (Cy. 229)

2022 No. 1078 (W. 229)

TAI, CYMRU

HOUSING, WALES

Rheoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) (Diwygio) 2022

The Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022

NODYN ESBONIADOL

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

Mae Rheoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) 2022 (O.S. 2022/781 (Cy. 170)) ("Rheoliadau 2022") yn gwneud darpariaeth i alluogi deiliad contract o dan contract wedi ei drosi perthnasol i wneud cais i berson rhagnodedig bennu rhent, ac yn gwneud diwygiadau canlyniadol i Rheoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971 (O.S. 1971/1065).

Mae'r Rheoliadau hyn yn cywiro gwallau technegol a theipograffyddol yn Rheoliadau 2022.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r offeryn hwn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (S.I. 2022/781 (W. 170)) ("the 2022 Regulations") make provision to enable a contract-holder under a relevant converted contract to apply to a prescribed person for a determination of rent and make consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971 (S.I. 1971/1065).

These Regulations correct technical and typographical errors in the 2022 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.

Mae'r Offeryn Statudol hwn yn cywiro gwallau yn O.S. 2022/781 (Cy. 170) ac fe'i dyroddir yn rhad ac am ddim i bawb y gwyddys iddynt gael yr Offeryn Statudol hwnnw.

This Statutory Instrument corrects errors in S.I. 2022/781 (W. 170) and is being issued free of charge to all known recipients of that Statutory Instrument.

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The Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022

Gwnaed 24 Hydref 2022
Gosodwyd gerbron
Senedd Cymru 25 Hydref 2022
Yn dod i rym 30 Tachwedd 2022

Made 24 October 2022
Laid before Senedd Cymru 25 October 2022
Coming into force 30 November 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 236(3) a 256(1) a (2)(1) o Ddeddf Rhentu Cartrefi (Cymru) 2016(2) a pharagraff 15(2) o Atodlen 12 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 236(3) and 256(1) and (2)(1) of and paragraph 15(2) of Schedule 12 to the Renting Homes (Wales) Act 2016(2).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) (Diwygio) 2022 a deuant i rym ar 30 Tachwedd 2022.

Title and commencement

1. The title of these Regulations is the Renting Homes (Rent Determination) (Converted Contracts) (Wales) (Amendment) Regulations 2022 and they come into force on 30 November 2022.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "Rheoliadau 1971" ("*the 1971 Regulations*") yw Rheoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971(3).

Interpretation

2. In these Regulations, "the 1971 Regulations" ("*Rheoliadau 1971*") means the Rent Assessment Committees (England and Wales) Regulations 1971(3).

(1) Diwygiwyd adran 256(2) gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 a 21(a) o Atodlen 6 iddi.
(2) 2016 decc 1. Cyflwynir Atodlen 12 gan adran 240.
(3) O.S. 1971/1065.

(1) Section 256(2) was amended by section 18 of and paragraphs 1 and 21(a) of Schedule 6 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).
(2) 2016 anaw 1. Schedule 12 is introduced by section 240.
(3) S.I. 1971/1065.

Diwygiadau i Reoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) 2022

3.—(1) Mae Rheoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) 2022(1) wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 2 (dehongli), rhodder—

“2. Yn y Rheoliadau hyn—

mae i “annedd” (“*dwelling*”) yr ystyr a roddir gan y Ddeddf (gweler adran 246(2));

mae i “awdurdod bilio” yr ystyr a roddir i “billing authority” gan adran 1(2) o Ddeddf Cyllid Llywodraeth Leol 1992(3);

mae i “categori o anheddau” yr ystyr a roddir i “category of dwellings” gan adran 30(1) a (2) o Ddeddf Cyllid Llywodraeth Leol 1992(4);

mae i “contract wedi ei drosi perthnasol” (“*relevant converted contract*”) yr ystyr a roddir gan y Ddeddf (gweler paragraff 15(3)(5) o Atodlen 12 i'r Ddeddf);

ystyr “deiliad contract perthnasol” (“*relevant contract-holder*”) yw deiliad contract (y mae iddo'r ystyr a roddir gan y Ddeddf (gweler adran 7(5)) o dan contract wedi ei drosi perthnasol;

mae i “y diwrnod penodedig” (“*appointed day*”) yr ystyr a roddir gan y Ddeddf (gweler adran 242);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Rhentu Cartrefi (Cymru) 2016;

ystyr “gwelliant perthnasol” (“*relevant improvement*”) yw gwelliant—

(a) a wnaed yn ystod y contract wedi ei drosi perthnasol y mae'r hysbysiad o dan adran 104 neu 123 o'r Ddeddf yn gymwys iddo, neu

(b) sy'n bodloni'r amodau a ganlyn—

(i) cafodd y gwelliant ei wneud heb fod yn fwy nag un ar hugain o flynyddoedd cyn dyddiad cyflwyno'r hysbysiad o dan adran 104 neu 123 o'r Ddeddf,

(1) O.S. 2022/781 (Cy. 170).

(2) Diwygiwyd adran 246(1) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a pharagraffau 1 a 7 o Atodlen 5 iddi.

(3) 1992 p. 14. Diwygiwyd adran 1(2) gan adran 35(5) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19).

(4) Diwygiwyd adran 30 gan adran 79 o Ddeddf Lleoliaeth 2011 (p. 20) a pharagraffau 7 ac 8 o Atodlen 7 iddi.

(5) Diwygiwyd paragraff 15(3) o Atodlen 12 i'r Ddeddf gan reoliadau 2 a 12(b) o Reoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12) 2022 (O.S. 2022/795 (Cy. 173)).

Amendments to the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022

3.—(1) The Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022(1) are amended as follows.

(2) For regulation 2 (interpretation), substitute—

“2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Renting Homes (Wales) Act 2016;

“appointed day” (“*y diwrnod penodedig*”) has the meaning given by the Act (see section 242);

“assured agricultural occupancy” (“*meddiannaeth amaethyddol sicr*”) has the meaning given by the Act (see paragraph 1(2) of Schedule 12 to the Act);

“assured tenancy” (“*tenantiaeth sicr*”) has the meaning given by the Act (see section 242(3));

“billing authority” (“*awdurdod bilio*”) has the meaning given by section 1(2) of the Local Government Finance Act 1992(4);

“category of dwellings” (“*categori o anheddau*”) has the meaning given by section 30(1) and (2) of the Local Government Finance Act 1992(5);

“dwelling” (“*annedd*”) has the meaning given by the Act (see section 246(6));

“hereditament” (“*hereditament*”) has the meaning given by section 3 of the Local Government Finance Act 1992;

“landlord” (“*landlord*”) has the meaning given by the Act (see section 244(2));

“relevant contract-holder” (“*deiliad contract perthnasol*”) means a contract-holder (which has the meaning given by the Act (see section 7(5)) under a relevant converted contract;

(1) S.I. 2022/781 (W. 170).

(2) Paragraph 1 of Schedule 12 to the Act was amended by regulations 2 and 3 of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)).

(3) There are amendments to section 242 of the Act, none of which are relevant to these Regulations.

(4) 1992 c. 14. Section 1(2) was amended by section 35(5) of the Local Government (Wales) Act 1994 (c. 19).

(5) Section 30 was amended by section 79 of and paragraphs 7 and 8 of Schedule 7 to the Localism Act 2011 (c. 20).

(6) Section 246(1) was amended by section 14 of and paragraphs 1 and 7 of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021.

- (ii) ar bob adeg yn ystod y cyfnod gan ddechrau pan gafodd y gwelliant ei wneud a chan ddod i ben ar ddyddiad cyflwyno'r hysbysiad o dan adran 104 neu 123 o'r Ddeddf, mae'r annedd wedi ei gosod o dan contract wedi ei drosi perthnasol, tenantiaeth sicr neu feddiannaeth amaethyddol sicr, a
- (iii) pan ddaw tenantiaeth sicr neu feddiannaeth amaethyddol sicr i ben, ar unrhyw adeg yn ystod y cyfnod hwnnw, nid ymadawodd y tenant na'r trwyddedai (neu, yn achos cyd-denantiaid neu gyd-drwyddedeion, o leiaf un ohonynt);

mae i "hereditament" yr ystyr a roddir i "hereditament" gan adran 3 o Ddeddf Cyllid Llywodraeth Leol 1992;

mae i "landlord" ("*landlord*") yr ystyr a roddir gan y Ddeddf (gweler adran 244(2));

mae i "meddiannaeth amaethyddol sicr" ("*assured agricultural occupancy*") yr ystyr a roddir gan y Ddeddf (gweler paragraff 1(1) o Atodlen 12 i'r Ddeddf);

ystyr "pwyllgor asesu rhenti" ("*rent assessment committee*") yw pwyllgor asesu rhenti a gyfansoddwyd yn unol ag Atodlen 10 i Ddeddf Rhenti 1977(2);

nid yw "rhent" ("*rent*") yn cynnwys—

- (a) unrhyw dâl gwasanaeth o fewn ystyr adran 18 o Ddeddf Landlord a Tenant 1985(3), na

"relevant converted contract" ("*contract wedi ei drosi perthnasol*") has the meaning given by the Act (see paragraph 15(3)(1) of Schedule 12 to the Act);

"relevant improvement" ("*gwelliant perthnasol*") means an improvement—

- (a) carried out during the relevant converted contract to which the notice under section 104 or 123 of the Act applies, or
- (b) which satisfies the following conditions—
 - (i) the improvement was carried out not more than twenty-one years before the date of service of the notice under section 104 or 123 of the Act,
 - (ii) at all times during the period beginning when the improvement was carried out and ending on the date of service of the notice under section 104 or 123 of the Act, the dwelling has been let under a relevant converted contract, an assured tenancy or an assured agricultural occupancy, and
 - (iii) on the coming to an end of an assured tenancy or an assured agricultural occupancy, at any time during that period, the tenant or licensee (or, in case of joint tenants or licensees, at least one of them) did not quit;

"rent" ("*rhent*") does not include—

- (a) any service charge within the meaning of section 18 of the Landlord and Tenant Act 1985(2), or

(1) Diwygiwyd paragraff 1 o Atodlen 12 i'r Ddeddf gan reoliadau 2 a 3 o Reoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygio Atodlen 12) 2022 (O.S. 2022/795 (Cy. 173)).

(2) 1977 p. 42. Diwygiwyd Atodlen 10 gan adrannau 71(2), 148 a 152 o Ddeddf Tai 1980 (p. 51) a pharagraff 56 o Atodlen 25 iddi ac Atodlen 26 iddi, adran 26 o Ddeddf Pensiynau ac Ymddeoliadau Barnwrol 1983 (p. 8) a pharagraff 56 o Atodlen 6 iddi, adrannau 222 a 227 o Ddeddf Tai 1996 (p. 52) a pharagraff 22 o Atodlen 18 iddi a Rhan 13 o Atodlen 19 iddi, adran 62(2) o Ddeddf Cymru 2017 (p. 4) ac adran 121 o Ddeddf Pensiynau'r Gwasanaethau Cyhoeddus a Swyddi Barnwrol 2022 (p. 7) a pharagraff 14 o Ran 1 o Atodlen 1 iddi. Gwnaed diwygiadau hefyd gan Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036), a ddiddymodd bwyllgorau asesu rhenti yn Lloegr, ac erthygl 5(2)(c) o Orchymyn Cyllid Llywodraeth Leol (Diddymiadau, Arbedion a Diwygiadau Canlyniadol) 1990 (O.S. 1990/776).

(3) 1985 p. 70. Diwygiwyd adran 18 gan adran 41 o Ddeddf Landlord a Tenant 1987 (p. 31) a pharagraff 1 o Atodlen 2 iddi, a chan adran 150 o Ddeddf Cyfundaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15) a pharagraff 7 o Atodlen 9 iddi.

(1) Paragraph 15(3) of Schedule 12 to the Act was amended by regulations 2 and 12(b) of the Renting Homes (Wales) Act 2016 (Amendment of Schedule 12) Regulations 2022 (S.I. 2022/795 (W. 173)).

(2) 1985 c. 70. Section 18 was amended by section 41 of and paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31) and by section 150 of and paragraph 7 of Schedule 9 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(b) unrhyw daliadau a waherddir o dan adran 4 o Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019(1),

ond, yn ddarostyngedig i hynny, mae'n cynnwys unrhyw symiau sy'n daladwy gan y deiliad contract perthnasol i'r landlord am ddefnyddio dodrefn, mewn cysylltiad â'r dreth gyngor neu ar gyfer unrhyw un neu ragor o'r materion y cyfeirir atynt yn adran 18(1)(a) o Ddeddf Landlord a Tenant 1985(2), pa un a yw'r symiau hynny ar wahân i'r symiau sy'n daladwy am feddiannu'r annedd o dan sylw neu'n daladwy o dan gytundebau ar wahân ai peidio;

mae i "tenantiaeth sicr" ("assured tenancy") yr ystyr a roddir gan y Ddeddf (gweler adran 242(3))."

(3) Yn rheoliad 6 (rhagdybiaethau y mae rhaid i bwyllgor asesu rhenti bennu rhent yn unol â hwy)—

- (a) yn y geiriau o flaen paragraff (a), yn y testun Cymraeg—
 - (i) yn lle "gael ei osod", rhodder "gael ei gosod";
 - (ii) yn lle "ymwneud â hi", rhodder "ymwneud ag ef";
- (b) yn y geiriau o flaen paragraff (a), yn lle "yr un math o gontract wedi ei drosi perthnasol ag", rhodder "gontract meddiannaeth o'r un math â'r contract wedi ei drosi perthnasol";
- (c) ym mharagraff (a), yn lle "wedi ei drosi perthnasol", rhodder "meddiannaeth";
- (d) ym mharagraff (c), yn lle "tenant neu'r trwyddedai perthnasol", rhodder "tenant neu'r trwyddedai,";
- (e) ym mharagraff (d)—
 - (i) ar ôl "fethiant gan y", hepgorer "tenant neu'r trwyddedai perthnasol neu'r";

(b) any payments prohibited under section 4 of the Renting Homes (Fees etc.) (Wales) Act 2019(1),

but, subject to that, includes any sums payable by the relevant contract-holder to the landlord on account of the use of furniture, in respect of council tax or for any of the matters referred to in section 18(1)(a) of the Landlord and Tenant Act 1985(2), whether or not those sums are separate from the sums payable for the occupation of the dwelling concerned or are payable under separate agreements;

"rent assessment committee" ("*pwyllgor asesu rhenti*") means a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977(3)."

(3) In regulation 6 (assumptions in accordance with which the rent assessment committee must determine rent)—

- (a) in the words before paragraph (a), in the Welsh text—
 - (i) for "gael ei osod", substitute "gael ei gosod";
 - (ii) for "ymwneud â hi", substitute "ymwneud ag ef";
- (b) in the words before paragraph (a), for "the same type of relevant converted contract as that", substitute "an occupation contract of the same type as the relevant converted contract";
- (c) in paragraph (a), for "relevant converted", substitute "occupation";
- (d) in paragraph (c), for "relevant tenant or licensee", substitute "tenant, licensee";
- (e) in paragraph (d)—
 - (i) after "failure by the", omit "relevant tenant or licensee or";

(1) 2019 decc 2. Diwygiwyd adran 4 gan adrannau 15(2) ac 16(1) a (3) o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021.

(2) Diwygiwyd adran 18(1)(a) gan adran 41 o Ddeddf Landlord a Tenant 1987 (p. 31) a pharagraff 1 o Atodlen 2 iddi, ac adran 150 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15) a pharagraff 7 o Atodlen 9 iddi.

(3) Mae diwygiadau i adran 242 o'r Ddeddf nad yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) 2019 anaw 2. Section 4 was amended by sections 15(2) and 16(1) and (3) of the Renting Homes (Amendment) (Wales) Act 2021.

(2) Section 18(1)(a) was amended by section 41 of and paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1987 (c. 31) and section 150 of and paragraph 7 of Schedule 9 to the Commonhold and Leasehold Reform Act 2002 (c. 15).

(3) 1977 c. 42. Schedule 10 was amended by sections 71(2), 148 and 152 of and paragraph 56 of Schedule 25 and Schedule 26 to the Housing Act 1980 (c. 51), section 26 of and paragraph 56 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8), sections 222 and 227 of and paragraph 22 of Schedule 18 and Part 13 of Schedule 19 to the Housing Act 1996 (c. 52), section 62(2) of the Wales Act 2017 (c. 4) and section 121 of and paragraph 14 of Part 1 of Schedule 1 to the Public Service Pensions and Judicial Offices Act 2022 (c. 7). Amendments were also made by the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), which abolished rent assessment committees in England, and article 5(2)(c) of the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 (S.I. 1990/776).

- (ii) ar ôl “delerau’r”, hepgorer “denantiaeth neu’r drwydded flaenorol berthnasol neu’r”;
- (iii) ar ôl “contract wedi ei drosi perthnasol”, rhodder “neu’r denantiaeth neu’r drwydded a fodolai yn union cyn y diwrnod penodedig”.

(4) Yn rheoliad 8 (diwygiadau canlyniadol i Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971)—

- (a) ym mharagraff (2)(b), sy’n mewnosod diffiniadau yn rheoliad 2 o Reoliadau 1971—
 - (i) hepgorer y diffiniad o “relevant preceding tenancy or licence”;
 - (ii) hepgorer y diffiniad o “relevant tenant or licensee”;
 - (iii) yn y testun Cymraeg, yn y geiriau o flaen y diffiniad o “dwelling”, yn lle “mannau”, rhodder “lleoedd”;
- (b) ym mharagraff (4), yn y testun a fewnosodir yn rheoliad 3(3)(c) o Reoliadau 1971, hepgorer “, relevant tenant or licensee.”;
- (c) ym mharagraff (5), sy’n diwygio rheoliad 5(1)(b) o Reoliadau 1971, yn lle is-baragraff (a), rhodder—
 - “(a) yn lle “assured tenancies or assured agricultural occupancies”, rhodder “assured tenancies, assured agricultural occupancies or relevant converted contracts”.”.

(5) Yn yr Atodlen, yn y ffurflen ragnodedig, ar ôl “8. Gwelliannau”, yn lle paragraff (a), rhodder—

- “(a) A ydych chi neu unrhyw gyn-denant(iaid) neu drwyddedai neu drwyddedeion wedi gwneud gwelliannau neu wedi amnewid gosodiadau, ffitiadau neu ddodrefn NAD oeddech chi nac hwythau yn gyfrifol amdanynt o dan delerau’r denantiaeth neu’r drwydded/y contract meddiannaeth?”.

- (ii) after “terms of the”, omit “relevant preceding tenancy or licence or”;
- (iii) after “relevant converted contract”, insert “or the tenancy or licence which existed immediately before the appointed day”.

(4) In regulation 8 (consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971)—

- (a) in paragraph (2)(b), which inserts definitions into regulation 2 of the 1971 Regulations—
 - (i) omit the definition of “relevant preceding tenancy or licence”;
 - (ii) omit the definition of “relevant tenant or licensee”;
 - (iii) in the Welsh text, in the words before the definition of “dwelling”, for “mannau”, substitute “lleoedd”;
- (b) in paragraph (4), in the text which is inserted into regulation 3(3)(c) of the 1971 Regulations, omit “, relevant tenant or licensee.”;
- (c) in paragraph (5), which amends regulation 5(1)(b) of the 1971 Regulations, for sub-paragraph (a), substitute—
 - “(a) for “assured tenancies or assured agricultural occupancies”, substitute “assured tenancies, assured agricultural occupancies or relevant converted contracts”.”.

(5) In the Schedule, in the prescribed form, after “8. Improvements”, for paragraph (a) substitute—

- “(a) Have you or any former tenant(s) or licensee(s) carried out improvements or replaced fixtures, fittings or furniture for which you or they were NOT responsible under the terms of the tenancy or licence/occupation contract?”.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru
24 Hydref 2022

Minister for Climate Change, one of the Welsh Ministers
24 October 2022

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