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CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 250 (Cy. 76)

2022 No. 250 (W. 76)

TAI, CYMRU

HOUSING, WALES

**Rheoliadau Rhentu Cartrefi
(Cynlluniau Blaendal)
(Gwybodaeth Ofynnol) (Cymru)
2022**

**The Renting Homes (Deposit
Schemes) (Required Information)
(Wales) Regulations 2022**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

O dan baragraff 1 o Atodlen 5 (cynlluniau blaendal: darpariaeth bellach) i Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (“y Ddeddf”), rhaid i Weinidogion Cymru wneud trefniadau ar gyfer sicrhau bod un neu ragor o gynlluniau blaendal ar gael er mwyn diogelu blaendaliadau a delir mewn cysylltiad â chontractau meddiannaeth a hwyluso'r broses o ddatrys anghydfodau sy'n codi mewn cysylltiad â blaendaliadau o'r fath.

Under paragraph 1 of Schedule 5 (deposit schemes: further provision) to the Renting Homes (Wales) Act 2016 (anaw 1) (“the Act”), the Welsh Ministers must make arrangements for securing that one or more deposit schemes are available for safeguarding deposits paid in connection with occupation contracts and facilitating the resolution of disputes arising in connection with such deposits.

Mae adran 45(2) o'r Ddeddf yn ei gwneud yn ofynnol, pan fo landlord yn cael blaendal mewn cysylltiad â chontract meddiannaeth, i'r landlord, o fewn 30 o ddiwrnodau i'r dyddiad y ceir y blaendal, gydymffurfio ag unrhyw ofynion cychwynnol a osodir gan y cynllun blaendal awdurdodedig a rhoi'r wybodaeth ofynnol i ddeiliad y contract (neu'r person sydd wedi talu'r blaendal ar ran deiliad y contract). Mae adran 45(3) o'r Ddeddf yn darparu mai'r wybodaeth ofynnol yw unrhyw wybodaeth a gaiff ei rhagnodi sy'n ymwneud â'r cynllun blaendal awdurdodedig perthnasol, cydymffurfedd y landlord â gofynion cychwynnol y cynllun hwnnw a gweithrediad Pennod 4 o'r Ddeddf sy'n ymdrin â blaendaliadau a chynlluniau blaendal. Mae'r Rheoliadau hyn yn rhagnodi'r wybodaeth honno.

Section 45(2) of the Act requires that where a landlord receives a deposit in connection with an occupation contract, the landlord must, within 30 days of the date on which the deposit is received, comply with any initial requirements imposed by the authorised deposit scheme and give the contract-holder (or person who has paid the deposit on behalf of the contract-holder) the required information. Section 45(3) of the Act provides that the required information is such information as may be prescribed relating to the relevant authorised deposit scheme, the landlord's compliance with the initial requirements of that scheme and the operation of Chapter 4 of the Act which deals with deposits and deposit schemes. These Regulations prescribe that information.

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.

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, Rhydy-car Business Park, Merthyr Tydfil, CF48 1UZ.

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Schemes) (Required Information)
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Gwnaed 8 Mawrth 2022
Gosodwyd gerbron Senedd
Cymru 10 Mawrth 2022

Made 8 March 2022
Laid before Senedd Cymru 10 March 2022

Yn dod i rym yn unol â rheoliad 1

*Coming into force in accordance with
regulation 1*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir iddynt gan adrannau 45(3)(1) a 256(1) o Ddeddf Rhentu Cartrefi (Cymru) 2016(2).

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by sections 45(3)(1) and 256(1) of the Renting Homes (Wales) Act 2016(2).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Rhentu Cartrefi (Cynlluniau Blaendal) (Gwybodaeth Ofynnol) (Cymru) 2022 a deuant i rym ar y diwrnod y mae adran 239 o Ddeddf Rhentu Cartrefi (Cymru) 2016(3) yn dod i rym.

Title and commencement

1. The title of these Regulations is the Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022 and they come into force on the day on which section 239 of the Renting Homes (Wales) Act 2016(3) comes into force.

Dehongli

2.—(1) Yn y Rheoliadau hyn, ystyr “y Ddeddf” yw Ddeddf Rhentu Cartrefi (Cymru) 2016.

(2) Mae i eiriau ac ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag sydd iddynt yn y Ddeddf.

Interpretation

2.—(1) In these Regulations, “the Act” means the Renting Homes (Wales) Act 2016.

(2) The words and expressions used in these Regulations have the same meaning as they have in the Act.

- (1) Mae adran 45(3) o Ddeddf Rhentu Cartrefi (Cymru) 2016 (deccc 1) yn galluogi rhagnodi gwybodaeth ofynnol benodol sydd i'w darparu gan y landlord mewn perthynas â chynllun blaendal awdurdodedig. Mae adran 252 o'r Ddeddf honno yn diffinio mai ystyr “rhagnodedig” yw wedi ei rhagnodi drwy reoliadau a wnaed gan Weinidogion Cymru.
- (2) 2016 deccc 1.
- (3) Bydd adran 239 o Ddeddf Rhentu Cartrefi (Cymru) 2016 yn dod i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.

- (1) Section 45(3) of the Renting Homes (Wales) Act 2016 (anaw 1) enables the prescription of certain required information to be provided by the landlord in relation to an authorised deposit scheme. Section 252 of that Act defines “prescribed” to mean prescribed by regulations made by the Welsh Ministers.
- (2) 2016 anaw 1.
- (3) Section 239 of the Renting Homes (Wales) Act 2016 will come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

Gwybodaeth ofynnol sy'n ymwneud â blaendaliadau

3.—(1) Mae'r wybodaeth a ganlyn yn wybodaeth ofynnol at ddibenion adran 45(3) o'r Ddeddf—

- (a) enw, cyfeiriad, rhif ffôn a chyfeiriad e-bost gweinyddwr cynllun(1) y cynllun blaendal(2) sy'n gymwys i'r blaendal,
- (b) unrhyw wybodaeth a gyflenwir gan weinyddwr y cynllun i'r landlord sy'n egluro'r modd y gweithredir adrannau 45 i 47(3) o'r Ddeddf ac Atodlen 5 iddi,
- (c) y gweithdrefnau sy'n gymwys o dan y cynllun blaendal lle y caniateir i swm mewn cysylltiad â blaendal gael ei dalu neu ei ad-dalu i ddeiliad y contract ar ddiwedd y contract meddiannaeth,
- (d) y gweithdrefnau sy'n gymwys o dan y cynllun blaendal pan na fo'n bosibl cysylltu â naill ai'r landlord neu ddeiliad y contract ar ddiwedd y contract meddiannaeth,
- (e) y gweithdrefnau sy'n gymwys o dan y cynllun blaendal pan fo anghydfod rhwng y landlord a deiliad y contract ynghylch y swm sydd i'w dalu neu i'w ad-dalu i ddeiliad y contract mewn cysylltiad â'r blaendal,
- (f) y cyfleusterau sydd ar gael o dan y cynllun blaendal er mwyn galluogi datrys anghydfod sy'n ymwneud â'r blaendal heb droi at ymgyfreitha, ac
- (g) yr wybodaeth a ganlyn mewn cysylltiad â'r contract meddiannaeth y mae'r blaendal wedi ei dalu mewn cysylltiad ag ef—
 - (i) swm y blaendal a dalwyd,
 - (ii) cyfeiriad yr annedd y mae'r contract meddiannaeth yn ymwneud â hi,
 - (iii) enw, cyfeiriad a rhif ffôn y landlord, ac unrhyw gyfeiriad e-bost sydd ganddo,
 - (iv) enw, cyfeiriad a rhif ffôn deiliad y contract, ac unrhyw gyfeiriad e-bost sydd ganddo, gan gynnwys unrhyw fanylion y dylai'r landlord neu weinyddwr y cynllun eu defnyddio at ddiben cysylltu â deiliad y contract ar ddiwedd y contract meddiannaeth,
 - (v) enw, cyfeiriad a rhif ffôn unrhyw berson a dalodd y blaendal ar ran deiliad y contract, yn unol â threfniadau a wnaed

Required information relating to deposits

3.—(1) The following is required information for the purposes of section 45(3) of the Act—

- (a) the name, address, telephone number and email address of the scheme administrator(1) of the deposit scheme(2) applying to the deposit,
- (b) any information supplied by the scheme administrator to the landlord which explains the operation of sections 45 to 47(3) of, and Schedule 5 to, the Act,
- (c) the procedures that apply under the deposit scheme by which an amount in respect of a deposit may be paid or repaid to the contract-holder at the end of the occupation contract,
- (d) the procedures that apply under the deposit scheme where either the landlord or the contract-holder is not contactable at the end of the occupation contract,
- (e) the procedures that apply under the deposit scheme where the landlord and the contract-holder dispute the amount to be paid or repaid to the contract-holder in respect of the deposit,
- (f) the facilities available under the deposit scheme for enabling a dispute relating to the deposit to be resolved without recourse to litigation, and
- (g) the following information in connection with the occupation contract in respect of which the deposit has been paid—
 - (i) the amount of the deposit paid,
 - (ii) the address of the dwelling to which the occupation contract relates,
 - (iii) the name, address, telephone number and any e-mail address of the landlord,
 - (iv) the name, address, telephone number and any e-mail address of the contract-holder, including such details that should be used by the landlord or scheme administrator for the purpose of contacting the contract-holder at the end of the occupation contract,
 - (v) the name, address, telephone number and any e-mail address of any person who, in accordance with arrangements made with

(1) Gweler paragraff 1(3) o Atodlen 5 i'r Ddeddf.

(2) Gweler paragraff 1(2) o Atodlen 5 i'r Ddeddf.

(3) Diwygiwyd adran 46 o'r Ddeddf gan adran 18 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraff 7 o Atodlen 6 iddi.

(1) See paragraph 1(3) of Schedule 5 to the Act.

(2) See paragraph 1(2) of Schedule 5 to the Act.

(3) Section 46 of the Act was amended by section 18 of, and paragraph 7 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).

gyda deiliad y contract, ac unrhyw gyfeiriad e-bost sydd ganddo,

- (vi) yr amgylchiadau pan ganiateir i'r landlord gadw'r blaendal cyfan, neu ran ohono, gan gyfeirio at delerau'r contract meddiannaeth, a
- (vii) cadarnhad (ar ffurf tystysgrif wedi ei llofnodi gan y landlord)—
 - (aa) bod yr wybodaeth a ddarperir o dan is-baragraff (g) yn gywir hyd eithaf gwybodaeth a chred y landlord, a
 - (bb) bod y landlord wedi rhoi'r cyfle i ddeiliad y contract lofnodi unrhyw ddogfen sy'n cynnwys yr wybodaeth a ddarparwyd gan y landlord o dan baragraff (1).

(2) At ddibenion paragraff (1)(d), mae'r cyfeiriad at landlord neu ddeiliad contract nad yw'n bosibl cysylltu ag ef yn cynnwys landlord neu ddeiliad contract y gyddys lle y mae, ond nad yw wedi ymateb, o fewn cyfnod rhesymol o amser, i gyfathrebiadau mewn cysylltiad â'r blaendal.

Dirymu

4. Mae Gorchymyn Tai (Blaendaliadau Tenantiaeth) (Gwybodaeth Ragnodedig) 2007(1) wedi ei ddirymu o ran Cymru.

the contract-holder, paid the deposit on behalf of the contract-holder,

- (vi) the circumstances when all or part of the deposit may be retained by the landlord, by reference to the terms of the occupation contract, and
- (vii) confirmation (in the form of a certificate signed by the landlord) that—
 - (aa) the information provided under sub-paragraph (g) is accurate to the best of the landlord's knowledge and belief, and
 - (bb) the landlord has given the contract-holder the opportunity to sign any document containing the information provided by the landlord under paragraph (1).

(2) For the purposes of paragraph (1)(d), the reference to a landlord or a contract-holder who is not contactable includes a landlord or contract-holder whose whereabouts are known but who has failed, within a reasonable period of time, to respond to communications in respect of the deposit.

Revocation

4. The Housing (Tenancy Deposits) (Prescribed Information) Order 2007(1) is revoked in relation to Wales.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru
8 Mawrth 2022

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Minister for Climate Change, one of the Welsh Ministers
8 March 2022

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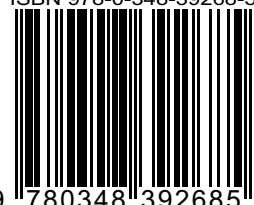
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