



OFFERYNNAU STATUDOL
CYMRU

2022 Rhif 781 (Cy. 170)

TAI, CYMRU

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

WELSH STATUTORY
INSTRUMENTS

2022 No. 781 (W. 170)

HOUSING, WALES

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

NODYN ESBONIADOL

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

Mae adrannau 104 a 123 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) ("y Ddeddf") yn caniatáu i'r landlord o dan gcontract diogel a chontract safonol cyfnodol, yn y drefn honno, amrywio'r rhent sy'n daladwy o dan y contract drwy roi hysbysiad i ddeiliad y contract yn nodi rhent newydd sydd i gael effaith ar y dyddiad a bennir yn yr hysbysiad.

Mae'r Rheoliadau hyn yn gwneud darpariaeth, fel sy'n ofynnol gan baragraff 15(2) o Atodlen 12 i'r Ddeddf, i alluogi deiliad contract o dan gcontract wedi ei drosi perthnasol (fel y'i diffinnir gan baragraff 15(3) o Atodlen 12 i'r Ddeddf) i wneud cais i berson rhagnodedig bennu'r rhent ar gyfer yr annedd pan fo wedi cael hysbysiad o dan adran 104 neu 123 o'r Ddeddf ac i'r rhent a bennir fod y rhent o dan y contract.

Mae rheoliad 3 yn darparu i ddeiliad contract o dan gcontract wedi ei drosi perthnasol, sydd wedi cael hysbysiad o dan naill ai adran 104 neu 123 o'r Ddeddf, wneud cais i bwylgor asesu rhenti, a gyfansoddwyd yn unol ag Atodlen 10 i Ddeddf Rhenti 1977, bennu'r rhent ar gyfer yr annedd. Mae rheoliad 3 hefyd yn rhagnodi ffurf y cais i'r pwylgor asesu rhenti, a nodir yn yr Atodlen i'r Rheoliadau hyn. Mae cais sydd ar ffurf sydd ag effaith sylweddol debyg yn ddilys.

EXPLANATORY NOTE

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

Sections 104 and 123 of the Renting Homes (Wales) Act 2016 (anaw 1) ("the Act") allow the landlord under a secure contract and a periodic standard contract, respectively, to vary the rent payable under the contract by giving the contract-holder a notice setting out a new rent to take effect on the date specified in the notice.

These Regulations make provision, as required by paragraph 15(2) of Schedule 12 to the Act, to enable a contract-holder under a relevant converted contract (as defined by paragraph 15(3) of Schedule 12 to the Act) to apply to a prescribed person for a determination of the rent for the dwelling where they have received a notice under section 104 or 123 of the Act and for that determination to be the rent under the contract.

Regulation 3 provides for a contract-holder under a relevant converted contract, who has received a notice under either section 104 or 123 of the Act, to apply to a rent assessment committee, constituted in accordance with Schedule 10 to the Rent Act 1977, for a determination of the rent for the dwelling. Regulation 3 also prescribes the form of application to the rent assessment committee, which is set out in the Schedule to these Regulations. An application which is in a form substantially to the same effect is valid.

Mae rheoliad 4 yn darparu bod rhaid i bwyllgor asesu rhenti benderfynu ar bob cais o'r fath yn unol â'r rhagdybiaethau a nodir yn rheoliad 6.

Mae rheoliad 5 yn darparu mai'r rhent a bennir gan bwyllgor asesu rhenti fydd y rhent ar gyfer yr annedd oni bai bod y landlord a deiliad y contract yn cytuno fel arall.

Mae rheoliad 6 yn nodi'r rhagdybiaethau y mae rhaid i'r pwylgor asesu rhenti eu cymhwysyo wrth bennu'r rhent ar gyfer yr annedd.

Mae rheoliad 7 yn caniatáu ar gyfer dod ag ymwneud pwylgor asesu rhenti â chais i ben yn dilyn hysbysiad ysgrifenedig gan y landlord a deiliad y contract fel ei gilydd yn cadarnhau nad oes angen penderfyniad arnynt mwyach.

Mae rheoliad 8 yn gwneud diwygiadau canlyniadol i Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971 (O.S. 1971/1065), sy'n pennu'r weithdrefn i'w dilyn gan bwyllgor asesu rhenti wrth ystyried cais a wneir iddo o dan y Rheoliadau hyn.

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 4 provides that a rent assessment committee must determine all such applications in accordance with the assumptions set out in regulation 6.

Regulation 5 provides that the rent determined by a rent assessment committee will be the rent for the dwelling unless the landlord and contract-holder agree otherwise.

Regulation 6 sets out the assumptions that the rent assessment committee must apply whilst determining the rent for the dwelling.

Regulation 7 allows for a rent assessment committee's involvement in an application to cease following notice in writing from both the landlord and the contract-holder confirming they no longer require a determination.

Regulation 8 makes consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971 (S.I. 1971/1065), which specify the procedure to be followed by a rent assessment committee when considering an application made to it under these 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, 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, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

2022 Rhif 781 (Cy. 170)

TAI, CYMRU

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

Gwnaed 15 Gorffennaf 2022

Gosodwyd gerbron
Senedd Cymru 18 Gorffennaf 2022

Yn dod i rym yn unol â rheoliad 1

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.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Rhentu Cartrefi (Pennu Rhent) (Contractau wedi eu Trosi) (Cymru) 2022 a deuant i rym ar y diwrnod y daw adran 239 o'r Ddeddf(3) i rym.

Dehongli

2. Yn y Rheoliadau hyn—

mae i "annedd" ("dwelling") yr ystyr a roddir gan y Ddeddf (gweler adran 246(4));

2022 No. 781 (W. 170)

HOUSING, WALES

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

Made 15 July 2022

Laid before Senedd Cymru 18 July 2022

Coming into force in accordance with regulation 1

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).

Title and commencement

1. The title of these Regulations is the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 and they come into force on the day on which section 239 of the Act comes into force(3).

Interpretation

2. In these Regulations—

"the Act" ("y Ddeddf") means the Renting Homes (Wales) Act 2016;

- (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) Daw adran 239 o Ddeddf Rhentu Cartrefi (Cymru) 2016 i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
(4) Diwygiwyd adran 246(1) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 a pharagraffau (1) a (7) o Atodlen 5 iddi.

- (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) Section 239 of the Renting Homes (Wales) Act 2016 comes into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

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

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(2);

mae i “contract wedi ei drosi perthnasol” (“relevant converted contract”) yr ystyr a roddir gan y Ddeddf (gweler paragraff 15(3)(3) 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 gontact wedi ei drosi perthnasol;

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

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

(a) a wnaed mewn perthynas â’r contract wedi ei drosi perthnasol ar unrhyw adeg ar ôl i ddeiliad y contract ddod i fod â hawl i feddiannu’r annedd y mae’r hysbysiad o dan adran 104 neu 123 yn gymwys iddi, 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,

(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 gontact wedi ei drosi perthnasol neu denantiaeth neu drwydded flaenorol berthnasol, a

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

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

“dwelling” (“annedd”) has the meaning given by the Act (see section 246(3));

“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;

“relevant converted contract” (“contract wedi ei drosi perthnasol”) has the meaning given by the Act (see paragraph 15(3)(4) of Schedule 12 to the Act);

“relevant improvement” (“gwelliant perthnasol”) means an improvement—

(a) carried out in relation to the relevant converted contract at any time after the contract-holder became entitled to occupy the dwelling 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 or a relevant preceding tenancy or licence, and

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

(2) Diwygiwyd adran 30 gan baragraff 8 o Atodlen 7 i Ddeddf Lleoliad 2011 (p. 20).

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

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

(2) Section 30 was amended by paragraph 8 of Schedule 7 to the Localism Act 2011 (c. 20).

(3) 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.

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

(iii) pan ddaeth contract wedi ei drosi perthnasol neu denantiaeth neu drwydded flaenorol berthnasol i ben yn ystod y cyfnod hwnnw, nid ymadawodd y tenant neu'r trwyddedai perthnasol neu'r deiliad contract perthnasol (neu, yn achos cyd-denantiaid neu gyd-drwyddedion perthnasol neu gyd-ddeiliad contract perthnasol, 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));

ystyr "pwylgor asesu rhenti" ("*rent assessment committee*") yw pwylgor asesu rhenti a gyfansoddwyd yn unol ag Atodlen 10 i Ddeddf Rhenti 1977(1);

nid yw "rhent" ("*rent*") yn cynnwys—

- (a) unrhyw dâl gwasanaeth o fewn ystyr adran 18 o Ddeddf Landlord a Thenant 1985(2), na
- (b) unrhyw daliadau a waherddir o dan adran 4 o Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019(3),

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 Thenant 1985(4), pa un a yw'r symiau hynny ar wahân i'r symiau sy'n daladwy am feddianu'r annedd o dan sylw neu'n daladwy o dan gytundebau ar wahân ai peidio;

(iii) on the coming to an end of a relevant converted contract or a relevant preceding tenancy or licence, during that period, the relevant tenant or licensee or relevant contract-holder (or, in case of joint relevant tenants or licensees or joint relevant contract-holders, at least one of them) did not quit;

"relevant preceding tenancy or licence" ("*tenantiaeth neu drwydded flaenorol berthnasol*") means a tenancy or licence which existed before the appointed day and which on or after the appointed day became a relevant converted contract;

"relevant tenant or licensee" ("*tenant neu drwyddedai perthnasol*") means a tenant or licensee under a relevant preceding tenancy or licence;

"rent" ("*rhent*") does not include—

- (a) any service charge within the meaning of section 18 of the Landlord and Tenant Act 1985(1), or
- (b) any payments prohibited under section 4 of the Renting Homes (Fees etc.) (Wales) Act 2019(2),

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(3), whether or not those sums are separate from the sums payable for the occupation of the dwelling concerned or are payable under separate agreements; and

- (1) 1977 p. 42. Diwygiwyd Atodlen 10 gan adrannau 71(2), 148 a 152 o Ddeddf Tai 1980 (p. 51), paragraff 56 o Atodlen 25 iddi, ac Atodlen 26 iddi; adran 26 o Ddeddf Pensynau ac Ymddeoliadau Barnwrol 1993 (p. 8) a pharagraff 56 o Atodlen 6 iddi; adrannau 222 a 227 o Ddeddf Tai 1996 (p. 52), paragraff 22 o Atodlen 18 iddi a pharagraff 1 o Ran 13 o Atodlen 19 iddi; ac adran 62(2) o Ddeddf Cymru 2017 (p. 4). Gwnaed diwygiadau hefyd gan Orchymyn Trosglwyddo Swyddogaethau Tribiwllysoedd 2013 (O.S. 2013/1036), a ddiddymodd bwylgorau asesu rhenti yn Lloegr, ac erthygl 5(2)(c) o Orchymyn Cyllid Llywodraeth Leol (Diddymiadau, Arbedion a Diwygiadau Canlyniadol) 1990 (O.S. 1990/776).
- (2) 1985 p. 70. Diwygiwyd adran 18 gan adran 41 o Ddeddf Landlord a Thenant 1987 (p. 31) a pharagraff 1 o Atodlen 2 iddi, a chan adran 150 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15), a pharagraff 7 o Atodlen 9 iddi.
- (3) 2019 dccc 2. Diwygiwyd adran 4 gan adrannau 15(2) ac 16(1) a (3) o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021.
- (4) 1985 p. 70. Diwygiwyd adran 18(1)(a) gan adran 41 o Ddeddf Landlord a Thenant 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.

- (1) 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).
- (2) 2019 anaw 2. Section 4 was amended by sections 15(2) and 16(1) and (3) of the Renting Homes (Amendment) (Wales) Act 2021.
- (3) 1985 c. 70. 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).

ystyr “tenantiaeth neu drwydded flaenorol berthnasol” (“*relevant preceding tenancy or licence*”) yw tenantiaeth neu drwydded a fodolai cyn y diwrnod penodedig ac a ddaeth yn gontact wedi ei drosi perthnasol ar neu ar ôl y diwrnod penodedig; ac

ystyr “tenant neu drwyddedai perthnasol” (“*relevant tenant or licensee*”) yw tenant neu drwyddedai o dan denantiaeth neu drwydded flaenorol berthnasol.

Cais i bwyllgor asesu rhenti

3.—(1) Ar ôl cael hysbysiad o dan adran 104 neu 123 o'r Ddeddf, caiff deiliad contract perthnasol wneud cais i bwyllgor asesu rhenti bennu'r rhent ar gyfer yr annedd.

(2) Rhaid i'r cais i bwyllgor asesu rhenti gael ei wneud—

- (a) ar y ffurf ragnodedig, a
- (b) o fewn 2 fis ar ôl cael yr hysbysiad o dan adran 104 neu 123 o'r Ddeddf.

(3) Mae'r ffurf ragnodedig fel y'i nodir yn yr Atodlen.

(4) Mae cais sydd ar ffurf sydd ag effaith sylweddol debyg i'r ffurf ragnodedig yn ddilys.

Penderfyniad ar rent gan bwyllgor asesu rhenti

4. Rhaid i bwyllgor asesu rhenti benderfynu ar bob cais a wneir o dan rheoliad 3 yn unol â'r rhagdybiaethau a nodir yn rheoliad 6.

Amrywio rhent yn sgil penderfyniad gan bwyllgor asesu rhenti

5. Rhent a bennir gan bwyllgor asesu rhenti, yn unol â'r rhagdybiaethau a nodir yn rheoliad 6, fydd y rhent ar gyfer yr annedd o dan y contract wedi ei drosi perthnasol gydag effaith o'r dyddiad a bennir yn yr hysbysiad o dan adran 104 neu 123 o'r Ddeddf, oni bai bod y landlord a'r deiliad contract perthnasol yn cytuno fel arall.

“rent assessment committee” (“*pwyllgor asesu rhenti*”) means a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977(1).

Application to a rent assessment committee

3.—(1) Following receipt of a notice under section 104 or 123 of the Act, a relevant contract-holder may apply to a rent assessment committee for a determination of the rent for the dwelling.

(2) The application to a rent assessment committee must be made—

- (a) in the prescribed form, and
- (b) within 2 months following receipt of the notice under section 104 or 123 of the Act.

(3) The prescribed form is as set out in the Schedule.

(4) An application in a form substantially to the same effect as the prescribed form is valid.

Determination of rent by a rent assessment committee

4. A rent assessment committee must determine all applications made under regulation 3 in accordance with the assumptions set out in regulation 6.

Variation of rent upon a determination by a rent assessment committee

5. A rent determined by a rent assessment committee, in accordance with the assumptions set out in regulation 6, will be the rent for the dwelling under the relevant converted contract with effect from the date specified in the notice under section 104 or 123 of the Act, unless the landlord and the relevant contract-holder otherwise agree.

(1) 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 paragraph 1 of Part 13 of Schedule 19 to the Housing Act 1996 (c. 52) and section 62(2) of the Wales Act 2017 (c. 4). 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).

Rhagdybiaethau y mae rhaid i bwylgor asesu rhenti bennu rhent yn unol â hwy

6. Wrth bennu rhent ar gyfer annedd o dan y Rheoliadau hyn, rhaid i bwylgor asesu rhenti bennu'r rhent y mae'n ystyried y gallai fod disgwyl i'r annedd dan sylw gael ei osod amdano ar y farchnad agored gan landlord parod o dan yr un math o gcontract wedi ei drosi perthnasol ag y mae'r hysbysiad o dan adran 104 neu 123 o'r Ddeddf yn ymwneud â hi, gan ragdybio—

- (a) bod y contract wedi ei drosi perthnasol yn dechrau ar y dyddiad a bennir yn yr hysbysiad o dan adran 104 neu 123 o'r Ddeddf,
- (b) nad yw rhoi contract i ddeiliad contract cyfredol yn cael dim effaith ar y rhent,
- (c) nad yw unrhyw gynnydd yng ngwerth yr annedd y gellir ei briodoli i welliant perthnasol a wnaed gan berson a oedd y tenant neu'r trwyddedai perthnasol neu'r deiliad contract perthnasol ar yr adeg y'i gwnaed yn cael dim effaith ar y rhent, os gwnaed y gwelliant—
 - (i) ac eithrio yn unol â rhwymedigaeth i'r landlord uniongyrchol, neu
 - (ii) yn unol â rhwymedigaeth i'r landlord uniongyrchol nad yw'n rhwymedigaeth a oedd yn ymwneud â'r gwelliant penodol o dan sylw ond a gododd drwy gyfeirio at gydysniad a roddwyd i wneud y gwelliant hwnnw,
- (d) nad yw unrhyw ostyngiad yng ngwerth yr annedd y gellir ei briodoli i fethiant gan y tenant neu'r trwyddedai perthnasol neu'r deiliad contract perthnasol i gydymffurfio ag unrhyw un neu ragor o delerau'r denantiaeth neu'r drwydded flaenorol berthnasol neu'r contract wedi ei drosi perthnasol yn cael dim effaith ar y rhent,
- (e) pan fo'r landlord neu uwchlandlord yn atebol i dalu'r dreth gyngor mewn cysylltiad â hereditament y mae'r annedd yn rhan ohono, o dan Ran 1 o Ddeddf Cyllid Llywodraeth Leol 1992, fod swm y dreth gyngor a bennwyd gan yr awdurdod bilio, fel ar y dyddiad y cyflwynwyd yr hysbysiad o dan adran 104 neu 123—
 - (i) ar gyfer y flwyddyn ariannol y cyflwynwyd yr hysbysiad ynddi, a
 - (ii) ar gyfer y categori o anheddu yr oedd yr hereditament perthnasol yn perthyn iddo ar y dyddiad hwnnw,yn cael effaith ar y rhent, ond nad yw unrhyw ddisgownt neu ostyngiad arall sy'n effeithio ar swm y dreth gyngor sy'n daladwy yn cael dim effaith ar y rhent, ac

Assumptions in accordance with which a rent assessment committee must determine rent

6. When making a determination of rent for a dwelling under these Regulations, a rent assessment committee must determine the rent at which it considers the dwelling concerned might reasonably be expected to be let in the open market by a willing landlord under the same type of relevant converted contract as that to which the notice under section 104 or 123 of the Act relates, assuming that—

- (a) the relevant converted contract begins on the date specified in the notice under section 104 or 123 of the Act,
- (b) the granting of a contract to a sitting contract-holder has no effect on the rent,
- (c) any increase in the value of the dwelling attributable to a relevant improvement carried out by a person who at the time it was carried out was the relevant tenant or licensee or relevant contract-holder has no effect on the rent, if the improvement was carried out—
 - (i) otherwise than in pursuance of an obligation to the immediate landlord, or
 - (ii) pursuant to an obligation to the immediate landlord being an obligation which did not relate to the specific improvement concerned but arose by reference to consent given to the carrying out of that improvement,
- (d) any reduction in the value of the dwelling attributable to a failure by the relevant tenant or licensee or relevant contract-holder to comply with any terms of the relevant preceding tenancy or licence or relevant converted contract has no effect on the rent,
- (e) where the landlord or a superior landlord is liable to pay council tax in respect of a hereditament of which the dwelling forms part, under Part 1 of the Local Government Finance Act 1992, the amount of council tax which, as at the date on which the notice under section 104 or 123 was served, was set by the billing authority—
 - (i) for the financial year in which the notice was served, and
 - (ii) for the category of dwellings within which the relevant hereditament fell on that date,has an effect on the rent, but any discount or other reduction affecting the amount of council tax payable has no effect on the rent, and

- (f) nad yw'r landlord nac uwchlandlord yn talu ardrethi mewn cysylltiad â'r annedd.

- (f) neither the landlord nor a superior landlord is paying rates in respect of the dwelling.

Hysbysiad landlord a deiliad contract perthnasol i bwyllgor asesu rhenti

7. Nid oes dim yn y Rheoliadau hyn yn ei gwneud yn ofynnol i'r pwyllgor asesu rhenti barhau i bennu rhent ar gyfer annedd o dan y contract wedi ei drosi perthnasol os yw'r landlord a'r deiliad contract perthnasol yn rhoi hysbysiad ysgrifenedig nad oes angen penderfyniad o'r fath arnynt mwyach neu os yw'r contract wedi ei drosi perthnasol wedi dod i ben.

Diwygiadau canlyniadol i Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971

8.—(1) Mae Rheoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) 1971(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)(2)—

- (a) yn y diffiniad o “reference”, ar ôl “Local Government and Housing Act 1989”, yn lle’r atalnod llawn rhodder “, or which is made under regulation 3 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022(3).”;

- (b) yn y mannau priodol, mewnosoder y diffiniadau a ganlyn—

““dwelling” has the meaning given by section 246 of the Renting Homes (Wales) Act 2016(4);”;

““relevant contract-holder” means a contract-holder (which has the meaning given by section 7(5) of the Renting Homes (Wales) Act 2016) under a relevant converted contract;”;

““relevant converted contract” has the meaning given by paragraph 15(3)(5) of

Landlord and relevant contract-holder notice to a rent assessment committee

7. Nothing in these Regulations requires the rent assessment committee to continue with its determination of a rent for a dwelling under the relevant converted contract if the landlord and relevant contract-holder give notice in writing that they no longer require such a determination or if the relevant converted contract has come to an end.

Consequential amendments to the Rent Assessment Committees (England and Wales) Regulations 1971

8.—(1) The Rent Assessment Committees (England and Wales) Regulations 1971(1) are amended as follows.

(2) In regulation 2 (interpretation)(2)—

- (a) in the definition of “reference”, after “Local Government and Housing Act 1989”, replace the full stop with “, or which is made under regulation 3 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022(3).”;

- (b) at the appropriate places, insert the following definitions—

““dwelling” has the meaning given by section 246 of the Renting Homes (Wales) Act 2016(4);”;

““relevant contract-holder” means a contract-holder (which has the meaning given by section 7(5) of the Renting Homes (Wales) Act 2016) under a relevant converted contract;”;

““relevant converted contract” has the meaning given by paragraph 15(3)(5) of

(1) O.S. 1971/1065.

(2) Diwygiwyd rheoliad 2 gan reoliad 2 o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1998 (O.S. 1988/2200), rheoliad 2(a) o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1993 (O.S. 1993/653), rheoliad 9 o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Tribiwnlysoedd Prisia Lesddaliadau) (Diwygio) 1997 (O.S. 1997/1854) a rheoliad 2(1) o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1990 (O.S. 1990/427).

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

(4) 2016 dccc 1. Diwygiwyd adran 246(1) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau (1) a (7) o Atodlen 5 iddi.

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

(1) S.I. 1971/1065.

(2) Regulation 2 was amended by regulation 2 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1998 (S.I. 1988/2200), regulation 2(a) of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1993 (S.I. 1993/653), regulation 9 of the Rent Assessment Committees (England and Wales) (Leasehold Valuation Tribunal) (Amendment) Regulations 1997 (S.I. 1997/1854) and regulation 2(1) of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1990 (S.I. 1990/427).

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

(4) 2016 anaw 1. 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 (asc 3).

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

Schedule 12 to the Renting Homes (Wales) Act 2016;”;

““relevant preceding tenancy or licence” means a tenancy or licence which existed before the appointed day and which on or after the appointed day became a relevant converted contract;”;

““relevant tenant or licensee” means a tenant or licensee under a relevant preceding tenancy or licence;”.

(3) Yn rheoliad 2A (atgyfeiriadau Deddfau 1988 a 1989)(1)—

- (a) yn lle’r pennawd, rhodder “References”;
- (b) ym mharagraff (1), ar ôl “Housing Act 1988;”, hepgorer “or”;
- (c) ym mharagraff (1), ar ôl “Local Government and Housing Act 1989”, yn yr ail le y mae’n digwydd, yn lle’r atalnod llawn rhodder—
“; or
 - regulation 3 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022(2).”.

(4) Yn rheoliad 3(3)(c)(3), ar ôl “tenant”, mewnosoder “, relevant tenant or licensee, or relevant contract-holder”.

(5) Yn rheoliad 5(1)(b)(4)—

- (a) yn lle “assured tenancies or agricultural occupancies”, rhodder “assured tenancies, agricultural occupancies, relevant converted contracts, or relevant preceding tenancy or licence”, a
- (b) ar ôl “dwelling-houses”, yn y ddua le y mae’n digwydd, mewnosoder “or dwellings”.

(6) Yn rheoliad 7—

- (a) yn y pennawd, ar ôl “dwelling-house”, mewnosoder “or dwelling”, a
- (b) ym mharagraff (1), ar ôl “dwelling-house”, mewnosoder “or dwelling”.

Schedule 12 to the Renting Homes (Wales) Act 2016;”;

““relevant preceding tenancy or licence” means a tenancy or licence which existed before the appointed day and which on or after the appointed day became a relevant converted contract;”;

““relevant tenant or licensee” means a tenant or licensee under a relevant preceding tenancy or licence;”.

(3) In regulation 2A (1988 and 1989 Act references)(1)—

- (a) for the heading, substitute “References”;
- (b) in paragraph (1), after “Housing Act 1988;”, omit “or”;
- (c) in paragraph (1), after “Local Government and Housing Act 1989”, in the second place it occurs, replace the full stop with—
“; or
 - regulation 3 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022(2).”.

(4) In regulation 3(3)(c)(3), after “tenant”, insert “, relevant tenant or licensee, or relevant contract-holder”.

(5) In regulation 5(1)(b)(4)—

- (a) for “assured tenancies or agricultural occupancies”, substitute “assured tenancies, agricultural occupancies, relevant converted contracts, or relevant preceding tenancy or licence”, and
- (b) after “dwelling-houses”, in both places it occurs, insert “or dwellings”.

(6) In regulation 7—

- (a) in the heading, after “dwelling-house”, insert “or dwelling”, and
- (b) in paragraph (1), after “dwelling-house”, insert “or dwelling”.

(1) Mewnosodwyd rheoliad 2A gan reoliad 2(3) o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1988 (O.S. 1988/2200) ac fe’i diwygiwyd gan reoliad 2 o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1997 (O.S. 1997/3007).

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

(3) Amnewidiwyd rheoliad 3(3) gan reoliad 3 o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1980 (O.S. 1980/1699) ac fe’i diwygiwyd gan reoliad 4 o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1981 (O.S. 1981/1783).

(4) Diwygiwyd rheoliad 5(1)(b) gan reoliad 2(5) o Reoliadau Pwyllgorau Asesu Rhenti (Cymru a Lloegr) (Diwygio) 1988 (O.S. 1988/2200).

(1) Regulation 2A was inserted by regulation 2(3) of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1988 (S.I. 1988/2200) and amended by regulation 2 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1997 (S.I. 1997/3007).

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

(3) Regulation 3(3) was substituted by regulation 3 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1980 (S.I. 1980/1699) and amended by regulation 4 of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1981 (S.I. 1981/1783).

(4) Regulation 5(1)(b) was amended by regulation 2(5) of the Rent Assessment Committees (England and Wales) (Amendment) Regulations 1988 (S.I. 1988/2200).

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
15 Gorffennaf 2022

Minister for Climate Change, one of the Welsh
Ministers
Date 15 July 2022

CAIS I BWYLLGOR ASESU RHENTI

I'w ddefnyddio gan ddeiliad contract ar ôl cael hysbysiad o amrywio'r rhent o dan adran 104 neu 123 o Ddeddf Rhentu Cartrefi (Cymru) 2016. Rhaid i'r contract meddiannaeth fod yn gontact wedi ei drosi perthnasol o fewn ystyr paragraff 15(3) o Atodlen 12 i'r Ddeddf honno.

1. Manylion Deiliad y Contract

Enw:

Cyfeiriad yr annedd:

Cyfeiriad ar gyfer gohebiaeth (os yw'n wahanol):

Ffôn:

2. Manylion y Landlord(iaid) neu ei Asiant/eu Hasiant

Enw(au):

Cyfeiriad:

Ffôn:

3. Manylion yr Annedd

a) Pa fath o lety yr ydych yn ei rentu?

Ystafell(oedd) Tŷ pâr Fflat Tŷ cwbl sengl Tŷ teras Arall (nodwch)

.....

b) Os fflat neu ystafell(oedd) yw'r llety, ar ba lawr/loriau y mae arno/arnynt?

Islawr Llawr cyntaf Llawr daear Ail lawr Arall (nodwch)
c) Nodwch nifer yr ystafelloedd a'u math e.e. 1 ystafell fyw, 2 ystafell wely, 1 ystafell ymolchi etc.

d) A yw'r contract mediannaeth yn cynnwys unrhyw gyfleusterau eraill e.e. gardd, garej neu adeiladau eraill neu dir arall ar wahân?

Ydy Nac ydy

e) Os yw, nodwch fanylion.

f) A ydych yn rhannu unrhyw lety:

(i) â'r landlord

Ydw

Nac ydw

(ii) â chyd-ddeiliad contract arall

Ydw

Nac ydw

g) Os ydych, nodwch fanylion.

4. Tenantiaeth neu Drwydded/Contract Mediannaeth

Pryd y dechreuodd y tenantiaeth neu'r drwydded/contract mediannaeth yn wreiddiol?

Sylwer: Mae'r tenantiaeth neu'r drwydded yn gontact mediannaeth erbyn hyn o dan Ddeddf Rhentu Cartrefi (Cymru) 2016 (wedi i'r Ddeddf honno ddod i rym).

5. Premiwm

a) A wnaethoch dalu premiwm? Do Naddo

Taliad sy'n ychwanegol at rent yw premiwm, ac mae'n cysateb i fwy na ddau fis o rent. Gall fod wedi rhoi ichi'r hawl i aseiniwr tenantiaeth neu'r drwydded/contract mediannaeth.

b) Os gwnaethoch, nodwch fanylion.

6. Gwasanaethau

a) A oes unrhyw wasanaethau yn cael eu darparu o dan y contract mediannaeth (e.e. glanhau, goleuo, dŵr poeth neu arddio)?

Oes Nac oes

b) Os oes, nodwch fanylion.

c) Os oes, a oes ffî ar wahân yn cael ei chodi am wasanaethau, cynnal a chadw, atgyweiriadau, y dreth gyngor, costau rheoli'r landlord neu unrhyw eitem arall?

Oes Nac oes

d) Pa ffi sy'n daladwy?
..... yr/y [e.e. *wytnos, mis, etc.*]

e) A yw'r ffi yn amrywio? Ydy Nac ydy

f) Os yw, nodwch fanylion.

7. Dodrefn

a) A oes unrhyw ddodrefn wedi eu darparu o dan y contract meddiannaeth?

Oes Nac oes

b) Os oes, nodwch fanylion. Parhewch ar ddalen ar wahân os oes angen, neu darparwch gopi o'r rhestr eiddo.

8. Gwelliannau

a) A ydych chi neu unrhyw gyn-denant(iaid)/deiliad neu ddeiliaid contract wedi gwneud gwelliannau neu wedi amnewid gosodiadau, ffitiadau neu ddodrefn NAD oeddech chi neu hwythau yn gyfrifol amdanynt o dan delerau'r denantiaeth/contract meddiannaeth?

Do Naddo

b) Os 'do', nodwch fanylion. Parhewch ar ddalen ar wahân os oes angen.

9. Atgyweiriadau

a) Pa atgyweiriadau y mae'r landlord yn gyfrifol amdanynt?

b) Pa atgyweiriadau y mae deiliad y contract yn gyfrifol amdanynt?

10. Dogfennau a Llofnod

Rwyf/rydym yn amgáu copiâu o'r canlynol:

Y cytundeb tenantiaeth neu drwydded a/neu ddatganiad ysgrifenedig o gcontract (os yw'n gymwys)

Yr hysbysiad o amrywio'r rhent a ddarparwyd gan y landlord

Rwyf/rydym yn gwneud cais i'r pwyllgor asesu rhenti bennu'r rhent ar gyfer yr annedd a restrir uchod.

Os oes cyd-ddeiliaid contract, yna rhaid i bob cyd-ddeiliad contract neu ei asiant(iaid) lofnodi, oni bai bod un yn llofnodi ar ran y gweddill gyda'u cytundeb hwy.

Rwyf wedi cytuno â'r holl gyd-ddeiliaid contract i lofnodi ar eu rhan (os yw'n gymwys).

Nodwch ai chi yw:

Deiliad y contract Ie Nage

Cyd-ddeiliad y contract Ie Nage

Asiant deiliad y contract Ie Nage

Llofnod:

Enw(au):

Dyddiad:

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Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

SCHEDULE

Regulation 3

APPLICATION TO RENT ASSESSMENT COMMITTEE

For use by a contract-holder following receipt of a notice of rent variation under section 104 or 123 of the Renting Homes (Wales) Act 2016. The occupation contract must be a relevant converted contract within the meaning of paragraph 15(3) of Schedule 12 to that Act.

1. Details of Contract-Holder

Name:

Address of dwelling:

Address for correspondence (if different):

Telephone:

2. Details of Landlord(s) or Their Agent

Name(s):

Address:

Telephone:

3. Details of Dwelling

a) What type of accommodation do you rent?

Room(s) Semi-detached house

Flat Fully detached house

Terraced House Other (please specify)
.....

b) If it is a flat or room(s), what floor(s) is it on?

Basement First

Ground Second

Other (please specify)
.....

c) Give the number and type of rooms, e.g. 1 living room, 2 bedrooms, 1 bathroom etc.

d) Does the occupation contract include any other facilities e.g. garden, garage or other separate buildings or land?

Yes No

e) If yes, please give details.

f) Do you share any of the accommodation with:

| | | |
|------------------------------------|------------------------------|-----------------------------|
| (i) the landlord | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (ii) another joint contract-holder | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

g) If yes, please give details.

4. Tenancy or Licence/Occupation Contract

When did the tenancy or licence/occupation contract originally begin?

Note: The tenancy or licence is now an occupation contract under the Renting Homes (Wales) Act 2016 (following the coming into force of that Act).

5. Premium

a) Did you pay a premium? Yes No

A premium is a payment which is additional to rent and is equivalent to more than two months' rent. It may have given you the right to assign the tenancy or licence/occupation contract.

b) If yes, please give details.

6. Services

a) Are any services provided under the occupation contract (e.g. cleaning, lighting, hot water or gardening)?

Yes No

b) If yes, please give details.

c) If yes, is a separate charge made for services, maintenance, repairs, council tax, landlord's costs of management or any other item?

Yes No

d) What charge is payable?

..... per [e.g. week, month, etc.]

e) Does the charge vary? Yes No

f) If yes, please give details.

7. Furniture

a) Is any furniture provided under the occupation contract? Yes No

b) If yes, please give details. Continue on a separate sheet if necessary or provide a copy of the inventory.

8. Improvements

a) Have you or any former tenant(s) or licensee(s)/contract-holders(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?

Yes No

b) If yes, please give details. Continue on a separate sheet if necessary.

9. Repairs

a) What repairs are the responsibility of the landlord?

b) What repairs are the responsibility of the contract-holder?

10. Documents and Signature

I/we enclose copies of:

The tenancy or licence agreement and/or written statement of contract (if applicable)

The notice of variation of rent provided by the landlord

I/we apply to the rent assessment committee for a determination of the rent for the dwelling listed above.

If there are joint contract-holders, then each joint contract-holder or their agent(s) must sign, unless one signs on behalf of the rest with their agreement.

I have the agreement of all joint-contract holders to sign on their behalf (if applicable).

Please specify whether you are the:

Contract-holder Yes No

Joint contract-holder Yes No

Contract-holder's agent Yes No

Signed:

Name(s):

Date:

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