



Llywodraeth Cymru
Welsh Government

DEDDF RHEOLEIDDIO LANDLORDIAID CYMDEITHASOL COFRESTREDIG (CYMRU) 2018

Memorandwm Esboniadol
yn ymgorffori'r
Asesiad Effaith Rheoleiddiol

Mehefin 2018

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1. Disgrifiad

- 1.1. Bydd Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) (y Ddeddf) yn diwygio neu'n dileu'r pwerau hynny a bennir gan y Swyddfa Ystadegau Gwladol (ONS) fel rhai sy'n dangos rheolaethau llywodraeth leol a'r llywodraeth ganolog dros Landlordiaid Cymdeithasol Cofrestredig. Bydd y newidiadau hyn yn galluogi'r ONS i ystyried ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig yn sefydliadau'r sector preifat at ddiben cyfrifon gwladol ac ystadegau economaidd eraill yr ONS.

2. Cymhwysedd Deddfwriaethol

- 2.1. Mae gan Gynulliad Cenedlaethol Cymru ("y Cynulliad") y cymhwysedd deddfwriaethol i wneud y darpariaethau yn Neddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) ("y Ddeddf") yn unol â Rhan 4 o Ddeddf Llywodraeth Cymru 2006. Mae darpariaethau perthnasol Deddf Llywodraeth Cymru 2006 wedi eu nodi yn adran 108 ac Atodlen 7.
- 2.2. Mae paragraffau 11 a 12 o Atodlen 7 yn nodi'r pynciau canlynol y caiff y Cynulliad ddeddfu arnynt.

Paragraff 11 – Tai

"Tai. Ariannu tai ac eithrio cynlluniau sy'n cael cefnogaeth o gronfeydd canolog neu leol sy'n darparu cymorth ar gyfer dibenion diogelwch cymdeithasol i unigolion ar ffurf budd-daliadau neu mewn perthynas â hwy. Hybu'r defnydd o effeithlonrwydd ynni a chadwraeth yn y cartref; Rheoleiddio rhent; Digartrefedd; a Charafannau preswyl a chartrefi symudol."

Paragraff 12 – Llywodraeth leol

"...Pwerau a dyletswyddau awdurdodau lleol a'u haelodau a'u swyddogion..."

- 2.3. Mae'r pynciau uchod yn rhoi cymhwysedd deddfwriaethol i'r Cynulliad wneud y darpariaethau sydd yn y Ddeddf.

3. Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael

- 3.1. Diben y ddeddfwriaeth yw rhoi diwygiadau rheoleiddiol ar waith sy'n cael gwared â rheolaethau llywodraeth leol a'r llywodraeth ganolog. Byddai hyn yn caniatáu i'r ONS adolygu dosbarthiad Landlordiaid Cymdeithasol Cofrestredig, sydd ar hyn o bryd yn cael eu pennu'n sefydliadau'r sector cyhoeddus at ddibenion cyfrifyddu.
- 3.2. Yr effaith y bwriedir i'r Ddeddf ei chael yw galluogi'r ONS i ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig yn sefydliadau'r sector preifat at ddibenion cyfrifyddu. Y dull arfaethedig o ddiwygio'r drefn ar gyfer rheoleiddio yw'r lleiafswm gofynnol i gyflawni'r diben hwnnw. Bydd cael eu hailddosbarthu i'r sector preifat yn caniatáu i Landlordiaid Cymdeithasol Cofrestredig fanteisio ar fenthyciadau'r sector preifat i'w galluogi i adeiladu tai cymdeithasol newydd, a pharhau i gyfrannu'n helaeth at ymrwymiad Llywodraeth Cymru i greu 20,000 o dai fforddiadwy newydd.

Landlordiaid Cymdeithasol Cofrestredig

- 3.3. Cymdeithasau tai yng Nghymru sydd wedi cofrestru gyda Gweinidogion Cymru o dan Ran 1 o Ddeddf Tai 1996 yw Landlordiaid Cymdeithasol Cofrestredig. Gellir gweld rhestr gyfredol o Landlordiaid Cymdeithasol Cofrestredig Cymru drwy ddilyn y ddolen ganlynol:
<http://gov.wales/topics/housing-and-regeneration/publications/registered-social-landlords-in-wales/?skip=1&lang=cy>
- 3.4. Yng Nghymru, nid yw Landlordiaid Cymdeithasol Cofrestredig yn gwneud elw. Eu prif ddiben yw rheoli a gwella cartrefi, darparu gwasanaethau i denantiaid a phreswylwyr, a datblygu cartrefi newydd.
- 3.5. Ym mis Awst 2017, roedd Landlordiaid Cymdeithasol Cofrestredig yng Nghymru yn darparu tua 141,000 o dai rhent cymdeithasol fforddiadwy. Caiff cyfran sylweddol o raglen ddatblygu Landlordiaid Cymdeithasol Cofrestredig ei hariannu gan fenthyciadau o'r sector preifat i ategu Grant Tai Cymdeithasol Llywodraeth Cymru a rhaglenni ariannu eraill.
- 3.6. Chwaraeodd Landlordiaid Cymdeithasol Cofrestredig ran hanfodol wrth gyrraedd targed blaenorol Llywodraeth Cymru i gael 10,000 o dai fforddiadwy newydd. Bydd cyrraedd targed Llywodraeth Cymru i gael 20,000 o dai fforddiadwy newydd yn ystod tymor y llywodraeth hon yn dibynnu'n fawr ar gyfraniad sylweddol gan sector y Landlordiaid Cymdeithasol Cofrestredig sydd angen y rhyddid i godi arian o'r sector preifat i ategu'r Grant Tai Cymdeithasol.
- 3.7. Ym mis Medi 2016, cyhoeddodd yr ONS ganlyniad ei hadolygiad o ddosbarthiad ystadegol Landlordiaid Cymdeithasol Cofrestredig yng Nghymru, a'r sefydliadau cyfatebol yn yr Alban a Gogledd Iwerddon. Y

canlyniad oedd eu bod, i gyd, gan gynnwys Landlordiaid Cymdeithasol Cofrestredig yng Nghymru, yn gyhoeddus, ac felly'n cynhyrchu ar gyfer y farchnad ac y byddent yn cael eu hailddosbarthu o dan is-sector Corfforaethau Cyhoeddus Anariannol at ddibenion cyfrifon gwladol ac ystadegau economaidd eraill yr ONS. Roedd Landlordiaid Cymdeithasol Cofrestredig yn arfer cael eu dosbarthu o dan is-sector Corfforaethau Preifat Anariannol.

- 3.8. Bydd dosbarthu Landlordiaid Cymdeithasol Cofrestredig yng Nghymru yn Gorfforaethau Cyhoeddus Anariannol yn arwain at gynydd yn Lefel Fenthyca Net y Sector Cyhoeddus gan y bydd benthyciadau marchnad y sector preifat a gymerir gan Landlordiaid Cymdeithasol Cofrestredig sydd wedi'u hailddosbarthu yn y sector cyhoeddus (£200 miliwn y flwyddyn ar gyfartaledd ar hyn o bryd) yn cael eu nodi fel tâl yn erbyn cyllidebau Llywodraeth Cymru.
- 3.9. Pe byddai Landlordiaid Cymdeithasol Cofrestredig yn parhau i gael eu dosbarthu'n Gorfforaethau Cyhoeddus Anariannol, byddai cyllid ar gyfer tai yn cystadlu yn erbyn blaenoriaethau eraill Llywodraeth Cymru. Mae'n debygol y byddai hyn yn arwain at lai o dai fforddiadwy newydd a llai o opsiynau i Lywodraeth Cymru fanteisio i'r eithaf ar y cyfraniad cadarnhaol y mae Landlordiaid Cymdeithasol Cofrestredig yn ei wneud i'r cymunedau y maent yn gweithio ynddynt, gan gynnwys sicrhau cyflogaeth a manteision economaidd yn lleol. Byddai hefyd yn arwain at ansicrwydd i randdeiliaid, gan gynnwys arianwyr sydd wedi gwneud ymrwymïadau hirdymor i ariannu sector Landlordiaid Cymdeithasol Cofrestredig annibynnol.

Diwygio Rheoleiddiol

- 3.10. Roedd adolygiad yr ONS o ddosbarthiad Landlordiaid Cymdeithasol Cofrestredig yng Nghymru yn canolbwyntio ar asesu'r rheolaethau llywodraeth leol a'r llywodraeth ganolog sy'n berthnasol i'r Landlordiaid hyn, fel yr amlinellwyd yn y lle cyntaf yn Neddf Tai 1996, gan gynnwys y darpariaethau a fewnosodwyd gan Fesur Tai (Cymru) 2011. Roedd yr adolygiad hefyd yn ystyried rheolaethau awdurdodau lleol a allai godi o ganlyniad i drefniant rhwng awdurdodau lleol a Landlordiaid Cymdeithasol Cofrestredig Trosglwyddo Gwirfoddol ar Raddfa Fawr yn bennaf.
- 3.11. Bydd y Ddeddf hon yn dileu neu'n diwygio'r rheolaethau rheoleiddio perthnasol (y dangosyddion o reolaeth lywodraethol) ac yn cyflwyno newidiadau i'r dylanwad y caiff awdurdodau lleol dros Fyrddau Landlordiaid Cymdeithasol Cofrestredig. Ar ôl gwneud hyn, bydd yr ONS yn gallu ystyried ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig yng Nghymru i'r is-sector Corfforaethau Anariannol Preifat.

3.12. Nid yw'r ffaith bod y rheolaethau'n cael eu dileu yn golygu na fydd y sector yn cael ei reoleiddio. Un o'r prif ystyriaethau wrth ddrafftio'r Ddeddf hon oedd mynd i'r afael ag effeithiau ailddosbarthu er mwyn cynnal proses reoleiddio gadarn.

3.13. Mae Llywodraeth Cymru wedi cymryd camau eisoes i adolygu a chryfhau'r dull o reoleiddio cyn cynnal unrhyw ddiwygiadau, wrth ymateb i ailddosbarthu a materion gweithredol eraill. Datblygwyd dull gwell o reoleiddio tai ar y cyd â rhanddeiliaid allweddol, gan gynnwys sector y Landlordiaid Cymdeithasol Cofrestredig, arianwyr, a thenantiaid. Mae'r dull diwygiedig yn adeiladu ar y dull presennol sy'n seiliedig ar risg, gan ganolbwyntio ar welliant parhaus, ac, am y tro cyntaf, cyflwyno "Dyfarniad" clir ar berfformiad Landlordiaid Cymdeithasol Cofrestredig. Mae'r Fframwaith Dyfarniad Rheoleiddiol ar waith ers 1 Ionawr 2017.

3.14. Mae'r newidiadau a wneir gan y Ddeddf yn cynnwys:

Rheolaethau Llywodraeth Ganolog

a) Cydsyniadau gwaredu

Bydd y Ddeddf yn dileu'r gofynion i Weinidogion Cymru roi eu cydsyniad i Landlord Cymdeithasol Cofrestredig, neu gyn-Landlord Cymdeithasol Cofrestredig waredu â thir. Bydd gofyniad i'w hysbysu yn cael ei gyflwyno yn ei le. (Adranau 13 ac 14)

Ni fyddai'r gofyniad hysbysu yn caniatáu i Weinidogion Cymru rwystro nac atal trafodiad, ond byddai yn caniatáu i'r sector fod yn destun monitro rheoleiddio. Bydd Gweinidogion Cymru yn gallu cyfarwyddo Landlordiaid Cymdeithasol Cofrestredig ar faterion sy'n ymwneud â'r hysbysu megis cyfnod yr hysbysiad, cynnwys yr hysbysiad, a'r amgylchiadau pan ellid peidio â chydymffurfio â'r gofyniad i hysbysu. Gall y cyfarwyddydau fod yn rhai cyffredinol, neu'n benodol i Landlord Cymdeithasol Cofrestredig, eiddo arbennig, math arbennig o warediad, neu amrywiadau eraill. (Adran 5)

b) Pŵer i gyfarwyddo'r defnydd a ganiateir o enillion a ddaw yn sgil gwaredu

Bydd y Ddeddf yn dileu pŵer Gweinidogion Cymru i bennu bod yn rhaid dangos enillion a symiau eraill a ddaw yn sgil gwerthiant ar wahân mewn cyfrifon (cronfa'r enillion o warediadau), ynghyd â'r pŵer i gyfarwyddo'r defnydd a ganiateir o'r symiau hynny. Cynigir trefniadau pontio hefyd i roi cyfarwyddyd ynghylch y defnydd o'r symiau ac i bennu terfyn amser nes caiff y gofyniad ei ddileu. Bydd y trefniadau pontio hyn yn cael eu cynnwys yn y gorchymyn cychwyn sy'n ymwneud â dileu'r gronfa enillion o warediadau. (Adran 15)

c) Newidiadau cyfansoddiadol, trefniadau, ailstrwythuro a diddymu

Bydd y Ddeddf yn dileu'r gofynion i Weinidogion Cymru roi eu cydsyniad i rai newidiadau cyfansoddiadol, trefniadau, ailstrwythuro a diddymu Landlordiaid Cymdeithasol Cofrestredig. Bydd gofyniad i'w hysbysu yn cael ei gyflwyno yn eu lle. (Adranau 3 a 4)

Ni fydd y gofyniad i hysbysu yn caniatáu i Weinidogion Cymru atal na rhwystro newidiadau cyfansoddiadol, trefniadau, ailstrwythuro na diddymu, ond bydd yn caniatáu i'r sector fod yn destun monitro rheoleiddio. Bydd Gweinidogion Cymru yn gallu cyfarwyddo Landlordiaid Cymdeithasol Cofrestredig ar faterion sy'n ymwneud â'r hysbysu megis cyfnod yr hysbysiad, cynnwys yr hysbysiad, a'r amgylchiadau pan ellid peidio â chydymffurfio â'r gofyniad i hysbysu. Gall y cyfarwyddydau fod yn rhai cyffredinol, neu'n benodol i Landlord Cymdeithasol Cofrestredig, math arbennig o newid, newid arbennig, neu amrywiadau eraill. (Adran 5)

Bydd pŵer Gweinidogion Cymru i gyflwyno deiseb dirwyn i ben mewn amgylchiadau penodol hefyd yn cael ei ddileu. (Adran 4)

d) Ymgynghori â Thenantiaid

O ganlyniad i welliant a gyflwynwyd gan y Llywodraeth yn ystod Cyfnod 3 cafodd gofyniad newydd ei gynnwys yn ei gwneud hi'n ofynnol i Landlordiaid Cymdeithasol Cofrestredig ymgynghori â thenantiaid cyn cymryd rhai camau penodol. Mae'r gofyniad newydd i ymgynghori yn gymwys lle bo Landlordiaid Cymdeithasol Cofrestredig yn cynnig uno o dan adran 109 Deddf Cymdeithasau Cydweithredol a Chymdeithasau Budd Cymunedol 2014 neu drosglwyddo eu gweithgareddau ymgysylltu o dan adran 110 y Ddeddf honno, sef sefyllfaoedd a fydd yn newid hunaniaeth y landlord i rai o'r tenantiaid neu i bob tenant.

Mae'r gofyniad yn berthnasol hefyd lle bo Landlord Cymdeithasol Cofrestredig sy'n gymdeithas gofrestredig yn uno â chwmni neu'n trosglwyddo ei weithgareddau ymgysylltu i gwmni.

Bydd yn ofynnol i Landlordiaid Cymdeithasol Cofrestredig ddarparu datganiad yn nodi'r camau a gymerwyd i ymgynghori â'u tenantiaid cyn bod cam gweithredu penodol yn cael ei gymryd. Rhaid i'r datganiad hwn gael ei gyflwyno gyda'r hysbysiad y mae'n ei anfon at Weinidogion Cymru ynghylch y penderfyniad yn cymeradwyo uno neu drosglwyddo gweithgareddau ymgysylltu.

e) Pwerau rheoleiddio - gorfodi

Bydd y Ddeddf yn gwneud newidiadau i'r amodau neu'r trothwy lle caiff Gweinidogion Cymru weithredu mewn ffordd benodol i orfodi Landlordiaid Cymdeithasol Cofrestredig. Cynigir y bydd y trothwy yn gysylltiedig ag amgylchiadau pan fo Landlord Cymdeithasol Cofrestredig wedi methu â chydymffurfio â gofyniad a osodir gan ddeddfiad, neu oddi tano, yn hytrach na'r trothwy presennol sy'n gysylltiedig â chamymddwyn neu gamreoli. (Adran 11)

Rheolaethau Llywodraeth Leol

f) Pŵer newydd i leihau dylanwad Awdurdodau Lleol dros Landlordiaid Cymdeithasol Cofrestredig yng Nghymru

Mae'r ONS wedi dangos bod y trefniadau presennol rhwng awdurdodau lleol a Landlordiaid Cymdeithasol Cofrestredig Trosglwyddo Gwirfoddol ar Raddfa Fawr gan fwyaf, i gadw lleoedd i awdurdodau lleol ar Fyrddau, ac mewn rhai achosion rhoi hawliau pleidleisio penodol i awdurdodau lleol, gan gynnwys pwerau fetu o'u hanfod ar faterion gan gynnwys newid cyfansoddiadol, yn ddangosyddion rheolaethau, ac felly bod angen eu diwygio. (Adran 16)

Mae'r Ddeddf yn cyflwyno darpariaethau i wneud y canlynol:

- cyfyngu ar y lleoedd a gedwir ar gyfer benodedigion awdurdodau lleol ar unrhyw Fwrdd Landlordiaid Cymdeithasol Cofrestredig yng Nghymru i uchafswm o 24% o gyfanswm nifer aelodau'r Bwrdd;
- na fydd angen mwy na 75% o bleidleisiau i basio penderfyniad gan y Bwrdd;
- dileu'r gofyniad i benodedigion awdurdodau lleol fod yn bresennol er mwyn cael cyfarfod cworwm;
- dileu unrhyw hawl bleidleisio lywodraethol neu unrhyw hawliau cydsynio eraill sydd gan awdurdod lleol neu benodedigion awdurdodau lleol ar hyn o bryd, gan gynnwys fel aelodau o'r Bwrdd neu fel aelod (e.e. cyfranddaliwr) o gorff y Landlord Cymdeithasol Cofrestredig;
- dileu hawliau pleidleisio awdurdod lleol fel aelod o gorff y Landlord Cymdeithasol Cofrestredig;
- creu pŵer i wneud gorchymyn i ddatgymhwyso'r darpariaethau hyn mewn perthynas â Landlord Cymdeithasol Cofrestredig sydd ym mherchnogaeth lwyr awdurdod lleol, neu awdurdodau lleol.

Bydd unrhyw ddarpariaethau o'r fath yn drech na'r hawliau presennol sydd gan awdurdodau lleol i enwebu lleoedd ar y Bwrdd, p'un a yw hynny'n codi o reolau neu gontractau'r Landlord Cymdeithasol Cofrestredig.

4. Ymgynghoriad

- 4.1. Ers i'r ONS ddosbarthu Landlordiaid Cymdeithasol Cofrestredig yn gyrff sector cyhoeddus yn 2016, mae rhanddeiliaid allweddol, yn arbennig felly aelodau'r Grŵp Cynghori ar Reoleiddio, wedi bod yn rhan o'r trafod â swyddogion ynghylch datblygu cynigion ar gyfer diwygio'r drefn ar gyfer rheoleiddio. Cynrychiolwyr o'r cyrff canlynol sy'n rhan o'r Grŵp:
- Cartrefi Cymunedol Cymru, y corff sy'n cynrychioli sector y Landlordiaid Cymdeithasol Cofrestredig
 - Y Cyngor Benthycwyr Morgeisi
 - Gwasanaeth Ymgynghorol Cyfranogiad Tenantiaid Cymru
 - Tenantiaid Cymru - y corff sy'n cynrychioli tenantiaid
 - Cymdeithas Llywodraeth Leol Cymru
 - Bwrdd Rheoleiddiol Cymru – Bwrdd annibynnol a benodir yn gyhoeddus i gynghori Gweinidogion Cymru
 - Sefydliad Tai Siartredig Cymru
 - Shelter Cymru
- 4.2. Mae'r mater wedi cael cryn sylw yn y wasg dai arbenigol, ac mae sector y Landlordiaid Cymdeithasol Cofrestredig yn llwyr ymwybodol o'r materion dan sylw. Mae'r rhain yn cynnwys penderfyniad Llywodraeth y DU i gyflwyno deddfwriaeth yn Lloegr, a'r ddeddfwriaeth gyfatebol sy'n mynd rhagddi yn yr Alban a Gogledd Iwerddon.
- 4.3. Y cyngor a gafwyd gan Gymdeithas Llywodraeth Leol Cymru, fel cynrychiolydd llywodraeth leol, a Chartrefi Cymunedol Cymru, fel cynrychiolydd y Landlordiaid Cymdeithasol Cofrestredig, oedd na ddylid cynnal ymgynghoriad yn ystod y cyfnod cyn yr etholiad ar 4 Mai 2017, gan y gallai rhai o'r materion sy'n ymwneud â rheolaethau llywodraeth leol fod yn sensitif a denu sylw. Felly, cytunwyd ar gynnal ymgynghoriad byrrach o 8 wythnos rhwng 8 Mai a 3 Gorffennaf 2017. Mae'r ddogfen ymgynghori i'w gweld yma: <https://beta.llyw.cymru/diwygio-rheoleiddio-landlordiaid-cymdeithasol-cofrestredig>
- 4.4. Daeth 29 o ymatebion i law. Yn gyffredinol, roedd yr ymatebion yn cefnogi'r cynigion a nodwyd yn y ddogfen ymgynghori. Mae adroddiad cryno o'r ymatebion i'w gweld ar wefan Llywodraeth Cymru. <https://beta.llyw.cymru/diwygio-rheoleiddio-landlordiaid-cymdeithasol-cofrestredig>
- 4.5. Mae'r rhanddirymiad presennol gan Drysorlys EM (cyfnod o ras cyn i'r newidiadau cyfrifyddu ddod i rym yn sgil ailddosbarthu) yn effeithiol tan fis Mawrth 2018 ar sail y ddealltwriaeth bod Llywodraeth Cymru yn symud y ddeddfwriaeth yn ei blaen cyn gynted â phosibl. Yng ngoleuni'r cyfyngiad amser difrifol hwn, nid oedd yn ymarferol ymgynghori ar y cynnig polisi ac yna ymgynghori ar Ddeddf ddrafft ar wahân.

- 4.6 Mae'r Ddeddf wedi cael ei drafftio mewn ffordd sy'n gydnaws â'r cynnig polisi a nodwyd yn y ddogfen ymgynghori.

5. Y pŵer i wneud is-ddeddfwriaeth

- 5.1. Mae'r Ddeddf yn cynnwys darpariaethau i wneud is-ddeddfwriaeth a chyhoeddi cyfarwyddydau. Mae Tabl 5.1 (is-ddeddfwriaeth) a Thabl 5.2 (cyfarwyddydau) yn nodi'r canlynol mewn perthynas â'r rhain:
- a. y person neu'r corff y rhoddir y pŵer iddo;
 - b. ar ba ffurf y mae'r pŵer i gael ei arfer;
 - c. priodoldeb y pŵer dirprwyedig;
 - d. y weithdrefn a gymhwysir; hynny yw, "cadarnhaol", "negyddol", neu "dim gweithdrefn", ynghyd â rhesymau pam y bernir ei bod yn briodol.
- 5.2. Bydd Llywodraeth Cymru yn ymgynghori ar gynnwys yr is-ddeddfwriaeth os bernir ei bod yn briodol gwneud hynny. Penderfynir beth fydd union natur yr ymgynghori ar ôl i'r cynigion gael eu ffurfioli.

Tabl 5.1: Crynodeb o'r pwerau i wneud is-ddeddfwriaeth yn narpariaethau Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru)

Adran	I bwy y rhoddir y pŵer	Ffurf	Priodoldeb y pŵer dirprwyedig	Gweithdrefn	Rheswm dros y weithdrefn
18	Gweinidogion Cymru	Rheoliadau	Caniatáu i Weinidogion Cymru wneud unrhyw ddarpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad yr ystyrir iddi fod yn briodol o ganlyniad i unrhyw ddarpariaeth a wneir gan y Ddeddf neu oddi tani.	Negyddol ac eithrio pan wneir newidiadau i ddeddfwriaeth sylfaenol, lle bydd angen y cadarnhaol.	Mae'r weithdrefn gadarnhaol yn briodol pan fo rheoliadau'n diwygio deddfwriaeth sylfaenol, lle gallai eu heffaith gael effaith sylweddol ar ddarpariaethau'r ddeddfwriaeth sylfaenol honno. Mae'r weithdrefn negyddol yn briodol ar gyfer rheoliadau sy'n gwneud mân ddarpariaethau technegol.
19	Gweinidogion Cymru	Gorchymyn	Caniatáu i Weinidogion Cymru benodi yn ôl gorchymyn a wneir drwy offeryn statudol ddyddiadau dod i rym y darpariaethau yn y Ddeddf, ynghyd â gwneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth i arbed mewn cysylltiad â phan fydd darpariaeth yn y Ddeddf yn dod i rym.	Dim gweithdrefn	Mae'r gorchmynion hyn yn ymwneud â chychwyn darpariaethau y caiff eu hystyried a'u pasio gan y Cynulliad.

Adran	I bwy y rhoddir y pŵer	Ffurf	Priodoldeb y pŵer dirprwyedig	Gweithdrefn	Rheswm dros y weithdrefn
Atodlen 1 Mewnos od adran 7J(1) yn Neddf Tai 1996	Gweinidogion Cymru	Gorchymyn	Caniatáu i Weinidogion Cymru ddatgymhwyso'r darpariaethau sy'n ymwneud â'r cyfyngiadau ar reolaethau awdurdodau lleol dros Landlordiaid Cymdeithasol Cofrestredig, pan fo Landlord Cymdeithasol Cofrestredig yn is-gorff ym mherchnogaeth lwyr un neu ragor o awdurdodau lleol.	Negyddol	Mae'r rheoliadau wedi'u cyfyngu o ran pwnc o safbwynt y byddant yn tanio eithriad y darparir ar ei gyfer yn y Ddeddf. O ganlyniad, bach yw manylder y rheoliadau yng nghyd-destun y cynllun deddfwriaethol cyffredinol.

Adran	I bwy y rhoddir y pŵer	Ffurf	Priodoldeb y pŵer dirprwyedig	Gweithdrefn	Rheswm dros y weithdrefn
Atodlen 1 Mewnno od adran 7J(7) yn Neddf Tai 1996	Gweinidogion Cymru	Gorchymyn	Caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth ar gyfer landlord cymdeithasol cofrestredig sy'n cyfateb i ddisgrifiad a bennir yn y gorchymyn, i gael ei drin fel is-gorff dan reolaeth lwyr awdurdod lleol at ddibenion adran 7J. Mae hyn yn caniatáu i fodolau arloesol Landlordiaid Cymdeithasol Cofrestredig a gynigir gan awdurdodau lleol gael eu cynnwys yn y diffiniad o is-gorff dan reolaeth lwyr awdurdod lleol. O ganlyniad, mae'n caniatáu ar gyfer datgymhwyso'r darpariaethau sy'n cyfyngu ar ddylanwad awdurdodau lleol dros y Landlordiaid Cymdeithasol Cofrestredig dan reolaeth awdurdodau lleol.	Negyddol	Mae pwnc y gorchymyn hwn yn fach ac yn dechnegol.

Tabl 5.2: Crynodeb o'r pwerau i wneud cyfarwyddydau yn narpariaethau Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru)

Adran	I bwy y rhoddir y pŵer	Ffurf	Priodoldeb y pŵer dirprwyedig	Gweithdrefn	Rheswm dros y weithdrefn
5 Mewnos od adran 13A yn Neddf Tai 1996	Gweinidogion Cymru	Cyfarwyddydau	Mae'r Ddeddf yn cyflwyno gofyniad i Landlordiaid Cymdeithasol Cofrestredig hysbysu Gweinidogion Cymru am newidiadau cyfansoddiadol penodol. Gall Gweinidogion Cymru gyflwyno cyfarwyddydau sy'n pennu ffurf a chynnwys yr hysbysiadau, yn ogystal â nodi amserlenni perthnasol, a chael gwared â'r angen i gael eu hysbysu mewn amgylchiadau penodol.	Dim gweithdrefn	Mae'r cyfarwyddydau'n dod o dan gymhwysiad technegol, ymarferol y gofyniad i hysbysu mewn cysylltiad â swyddogaethau rheoleiddio Gweinidogion Cymru, ac maent yn gyfyngedig o ran cwrdd.
14 Mewnos od adran 9A yn Neddf Tai 1996	Gweinidogion Cymru	Cyfarwyddydau	Mae'r Ddeddf yn cyflwyno gofyniad i Landlordiaid Cymdeithasol Cofrestredig hysbysu Gweinidogion Cymru am warediadau. Gall Gweinidogion Cymru gyflwyno cyfarwyddydau sy'n pennu ffurf a chynnwys yr hysbysiadau, yn ogystal â nodi amserlenni perthnasol, a chael gwared â'r angen i gael eu hysbysu mewn amgylchiadau penodol.	Dim gweithdrefn	Mae'r cyfarwyddydau'n dod o dan gymhwysiad technegol, ymarferol y gofyniad i hysbysu mewn cysylltiad â swyddogaethau rheoleiddio Gweinidogion Cymru, ac maent yn gyfyngedig o ran cwrdd.

6. Asesiad Effaith Rheoleiddiol

- 6.1 Mae Asesiad Effaith Rheoleiddiol wedi'i gwblhau ar gyfer y Ddeddf yn unol â Rheol Sefydlog 26.6(vi) ac mae'n dilyn ym Mhennod 7. Mae asesiad cost a budd wedi'i gynnwys ym Mhennod 8.
- 6.2 Cytunwyd ar welliannau gan y Llywodraeth yn ystod Cyfnod 2 a Chyfnod 3. Ni chafodd yr un ohonynt effaith sylweddol ar yr Asesiad Effaith Rheoleiddiol. Mae'r Asesiad Effaith Rheoleiddiol hwn wedi ei ddiweddarau i adlewyrchu'r Ddeddf fel y'i pasiwyd gan Gynulliad Cenedlaethol Cymru.
- 6.3 Nid oes darpariaethau penodol yn y Ddeddf sy'n codi gwariant ar Gronfa Gyfunol Cymru.

RHAN 2 – ASESIAD EFFAITH RHEOLEIDDIOL

Tabl A

CRYNODEB – ASESIAD EFFAITH RHEOLEIDDIOL

<i>Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru)</i>		
Yr opsiwn a ffeirir: Cyflwyno Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) – gweler tudalen 8 i gael manylion ynghylch darpariaethau'r Ddeddf.		
Cyfnod: Introduction	Cyfnod gwerthuso: 2018/19 – 2022/23 (5 mlynedd)	Blwyddyn sylfaenol pris: 2017/18
Cyfanswm Cost Cyfanswm: £33,000 Gwerth presennol: £33,000	Cyfanswm Manteision Cyfanswm: £48,500-65,000 Gwerth presennol: £45,300-60,800	Gwerth Presennol Net: £12,300-27,800 (budd net)

Cost gweinyddu

Bydd swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru yn rheoli'r broses o lunio polisi a deddfwriaeth ar gyfer cyflawni'r pwerau arfaethedig. Mae'n bosibl y bydd swyddogion yn bresennol mewn sesiynau briffio ac yn gwneud cyflwyniadau ar y newidiadau mewn amrywiol gynadleddau, ond gweithgareddau arferol yw'r rhain ac nid oes disgwyl iddynt arwain at gostau ychwanegol. Felly, ni fydd unrhyw gostau i Lywodraeth Cymru wrth greu'r darpariaethau newydd na gweithredu'r Ddeddf.			
Trosiannol: £0	Rheolaidd: £0	Cyfanswm: 0	Gwerth Presennol: £0
Arbedion costau: Rhagwelir y bydd arbedion anariannol i Lywodraeth Cymru wrth weithredu'r darpariaethau newydd. Arbedion bach yw'r rhain o amser staff wrth i ofyniad i hysbysu ddisodli'r drefn gydsynio ar gyfer gwarediadau ac ailstrwythurau. Rhagwelir y bydd yr arbedion gyfystyr â thua 30% o swydd amser llawn (cyfuniad o swyddi EO/HEO) sef rhwng £9,700 a £13,000 y flwyddyn yn seiliedig ar ganolbwynt y graddau cyflog. Mae disgwyl i'r arbedion blynyddol hyn gronni o 2018-19. Mae disgwyl i'r gwaith o weithredu'r newidiadau eraill fod yn niwtral o ran cost.			
Trosiannol: £0	Rheolaidd: £9,700 – 13,000	Cyfanswm: £48,500 – 65,000	Gwerth Presennol: £45,300 – 60,800
Cost weinyddol net: £-48,500-65,000 arbedion anariannol			

Costau cydymffurfio

Gall gweithredu darpariaethau'r Ddeddf arwain at gostau untro ychwanegol i Landlordiaid Cymdeithasol Cofrestredig wrth iddynt newid eu rheolau neu eu hoffer llywodraethiant. Nid yw newid y rheolau yn gwbl angenrheidiol gan y bydd y ddeddfwriaeth newydd yn eu trechu. Er hyn, mae arferion llywodraethiant da yn awgrymu y dylai Landlordiaid Cymdeithasol Cofrestredig ddiweddarau eu rheolau, ac felly mae ystod o amcangyfrifon costau wedi'u cynnwys yn yr Asesiad Effaith Rheoleiddiol. Mae'r senario mwyaf tebygol o ran cost wedi'i ddewis ar gyfer y crynodeb hwn.

Mae hwn yn gost cydymffurfio nad yw'n orfodol.

Ni fydd y gofyniad i ymgynghori pan fydd Landlordiaid Cymdeithasol Cofrestredig yn cynnig uno neu drosglwyddo eu gweithgareddau ymgysylltu, a ychwanegwyd yn ystod Cyfnod 3, yn arwain at gostau cydymffurfio ychwanegol. Cyn y Ddeddf, roedd disgwyliadau cyfatebol i ymgynghori â thenantiaid wedi'u gosod yn y Canllawiau Rheoleiddiol.

Trosiannol: £33,000	Rheolaidd: £0	Cyfanswm: £33,000	Gwerth Presennol: £33,000
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Costau eraill

Nid oes unrhyw gostau eraill wedi'u nodi

Trosiannol: £0	Rheolaidd: £0	Cyfanswm: £0	Gwerth Presennol: £0
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Costau heb eu meintoli ac anfanteision

Nid oes unrhyw gostau heb eu meintoli ac anfanteision wedi'u nodi.

Un o'r prif ystyriaethau wrth ddatblygu cynigion i fynd i'r afael ag effeithiau ailddosbarthu yw'r angen i gynnal proses reoleiddio gadarn. Wrth ddatblygu cynigion ar gyfer rheoleiddio, y nod oedd gwneud cyn lleied o newidiadau â phosibl er mwyn i'r ONS ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig yn ôl i'r sector preifat. Yn ogystal â hynny, mae Llywodraeth Cymru eisoes wedi cymryd camau i gryfhau rheoleiddio drwy fabwysiadu Fframwaith Dyfarniad Rheoleiddio diwygiedig sy'n ymateb i ddiwygio'r drefn ar gyfer rheoleiddio drwy safonau perfformiad newydd y mae'n rhaid i Landlordiaid Cymdeithasol Cofrestredig eu bodloni, yn ogystal â chyhoeddi dyfarniad rheoleiddio ar berfformiad pob Landlord Cymdeithasol Cofrestredig yng Nghymru.

Manteision

Diben y ddeddfwriaeth yw diwygio neu ddileu rheolaethau a nodwyd gan yr ONS fel dangosyddion rheolaethau llywodraeth leol a'r llywodraeth ganolog sydd wedi arwain at y penderfyniad i ailddosbarthu. Bydd gwrthdroi dosbarthiad Landlordiaid Cymdeithasol Cofrestredig yn golygu na fydd yn rhaid i Lywodraeth Cymru ysgwyddo unrhyw ganlyniadau andwyol i'r gyllideb er mwyn cyflawni'r rhaglen tai fforddiadwy, gan y bydd Landlordiaid Cymdeithasol Cofrestredig yn parhau i fenthycu £200m y flwyddyn ar gyfartaledd o'r sector preifat i chwarae rôl allweddol yn y gwaith o helpu i fodloni targed Llywodraeth Cymru i adeiladu 20,000 o dai fforddiadwy newydd yn ystod tymor y Llywodraeth hon.

Cyfanswm: 0

Gwerth Presennol: £0

Tystiolaeth allweddol, rhagdybiaethau ac ansicrwydd

Bydd y Ddeddf a gynigir yn diwygio neu'n dileu rheolaethau a nodwyd gan yr ONS a arweiniodd at y penderfyniad i ailddosbarthu, a gyhoeddwyd ym mis Medi 2016. Mewn ymateb i gynnig polisi a gyflwynwyd gan Lywodraeth Cymru, dywedodd y Cyfarwyddwr Cyfrifon Gwladol ac Ystadegau Economaidd ym mis Ebrill 2017, pe byddai'r diwygiadau i reolaethau llywodraeth leol a'r llywodraeth ganolog yn cael eu gweithredu yn y ffordd a ddisgrifir, byddai Landlordiaid Cymdeithasol Cofrestredig, mewn egwyddor, yn cael eu hailddosbarthu a bydd yr ONS yn hapus i adolygu'r dosbarthiad pan fydd y ddeddfwriaeth wedi dod i rym. Mae darpariaethau'r Ddeddf wedi'u drafftio i effeithio ar y cynnig polisi. Daw'r costau, y rhagdybiaethau a'r dystiolaeth allweddol yn yr Asesiad Effaith Rheoleiddiol o gyhoeddiadau'r sector, neu maent wedi'u darparu gan gynrychiolwyr y sector. Caiff y costau a'r manteision eu cyflwyno gan ystyried y sefyllfa cyn i'r ONS ail-ddosbarthu'r Landlordiaid Cymdeithasol Cofrestredig.

7. Yr opsiynau

Opsiwn 1: Gwneud dim a delio â'r canlyniadau o ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig i'r sector cyhoeddus

- 7.1 Byddai ailddosbarthu yn arwain at nifer o oblygiadau i Lywodraeth Cymru (fel y manylir ym mhennod 8 isod).

Opsiwn 2: Cyflwyno Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru)

- 7.2 Bydd y Ddeddf yn cynnwys y darpariaethau i ddiwygio rheoleiddio er mwyn dileu rheolaethau llywodraeth leol a'r llywodraeth ganolog gan ganiatáu i'r Swyddfa Ystadegau Gwladol (ONS) adolygu dosbarthiad landlordiaid cymdeithasol cofrestredig.

- 7.3 Opsiwn 2 yw'r opsiwn a ffefrir.

8. Costau a Manteision

- 8.1. Mae'r bennod hon yn cynnwys dadansoddiad o gostau a manteision yr opsiynau a amlinellir ym Mhennod 7. Y cyfnod gwerthuso a ddefnyddir wrth ddadansoddi yw 2018-19 i 2022-23. Cyflwynir y costau a'r manteision mewn perthynas â'r sefyllfa cyn i'r ONS ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig.

Opsiwn 1: Gwneud dim a delio â'r canlyniadau o ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig i'r sector cyhoeddus

- 8.2. Byddai'r opsiwn hwn yn effeithio ar gyllidebau Llywodraeth Cymru, ac felly ar ei rhaglen tai fforddiadwy.
- 8.3. Byddai'n effeithio ar amser staff Llywodraeth Cymru o ran casglu ffurflenni blynyddol ar gyfer Landlordiaid Cymdeithasol Cofrestredig sydd o fewn cwmpas Cyfrifon Llywodraeth Gyfan. Byddai'n ofynnol i Landlordiaid Cymdeithasol Cofrestredig lenwi ffurflen casglu data Llywodraeth Gyfan.
- 8.4. Mae goblygiadau o ran cost i'r gwaith hwn ar gyfer Landlordiaid Cymdeithasol Cofrestredig a Llywodraeth Cymru. Mae'r goblygiadau o ran cost yn cael eu dadansoddi yn fanylach ym mharagraffau 21-26 isod.

Manteision

- 8.5. Ni fyddai unrhyw newid i reolaethau llywodraeth leol a'r llywodraeth ganolog dros Landlordiaid Cymdeithasol Cofrestredig nac unrhyw newid i'r trefniadau rheoleiddio presennol.

Risgiau

- 8.6. Byddai'n rhaid i Lywodraeth Cymru gymryd camau i reoli lefelau benthyca Landlordiaid Cymdeithasol Cofrestredig er mwyn sicrhau y caiff eu cadw o fewn cyfyngiadau cyffredinol y gyllideb. Mae'n debygol y byddai hyn yn effeithio'n negyddol ar darged y Llywodraeth i adeiladu 20,000 o dai fforddiadwy newydd.
- 8.7. Dylid nodi bod Trysorlys ei Mawrhydi wedi caniatáu cyfnod rhanddirymu. Effaith hyn yw nad oes disgwyl i lefel fenthyca Landlordiaid Cymdeithasol Cofrestredig ymddangos yng Nghyfrifon Llywodraeth Gyfan wrth i'r ddeddfwriaeth gael ei sefydlu. Er mai'r cyfnod dadansoddi costau a ddefnyddir yn yr Asesiad Effaith Rheoleiddiol hwn yw 2018/19 ymlaen, pe byddai'r opsiwn i 'wneud dim' yn cael ei ddewis, byddai'r costau a amlinellwyd ar gyfer Landlordiaid Cymdeithasol Cofrestredig a Llywodraeth Cymru yn berthnasol o 2017/18 ymlaen, yn yr un modd â'r effeithiau ar wariant cyfalaf fel yr amlinellir isod.

Gwariant Cyfalaf

- 8.8. Ar hyn o bryd, mae Landlordiaid Cymdeithasol Cofrestredig yn darparu dros 141,000 o dai fforddiadwy sy'n gartref i bron 10% o boblogaeth Cymru. Yn 2016/17, adeiladwyd neu gafaelwyd 1,344 o dai gan Landlordiaid Cymdeithasol Cofrestredig yng Nghymru. Mae Landlordiaid Cymdeithasol Cofrestredig yn ariannu cyfran helaeth o ddatblygiadau tai drwy fenthylg arian gan y sector preifat i ychwanegu at unrhyw arian grant.
- 8.9. Mae'n bosibl y gallai dosbarthu Landlordiaid Cymdeithasol Cofrestredig yng Nghymru fel Corfforaethau Cyhoeddus Anariannol effeithio ar Derfyn Gwariant Adrannol Cyfalaf (DEL Cyfalaf) o £213 miliwn y flwyddyn (y cyfartaledd yn seiliedig ar y 6 blynedd diwethaf). Byddai Dyled Net y Sector Cyhoeddus hefyd yn cynyddu tua £2.5 biliwn gan y bydd unrhyw lefelau benthyca marchnad y sector preifat a gymerir gan Landlordiaid Cymdeithasol Cofrestredig newydd eu dosbarthu i'r sector cyhoeddus yn sgorio fel tâl yn erbyn cyllidebau Llywodraeth Cymru. Mae crynodeb o lefelau benthyca Landlordiaid Cymdeithasol Cofrestredig dros y flwyddyn ddiwethaf yn y tabl isod:

£m	Mawrth 2010	Mawrth 2011	Mawrth 2012	Mawrth 2013	Mawrth 2014	Mawrth 2015	Mawrth 2016
Benthyciadau heb eu casglu	1275	1478	1700	1984	2187	2369	2555
Symudiad blynyddol benthyciadau		203	222	248	239	182	186

(Ffynhonnell - Cyfrifienni Ariannol 2016 o Gymdeithasau Tai Cymru, cyhoeddwyd gan Gartrefi Cymunedol Cymru/Llywodraeth Cymru)

- 8.10. Ar ôl dadansoddi cynnwys y gyllideb gyffredinol ar gyfer Landlordiaid Cymdeithasol Cofrestredig fel corfforaethau cyhoeddus, nid yw'n ymddangos bod unrhyw oblygiadau pellach ar adnoddau na chyfalaf.
- 8.11. Y lefelau benthyca a ddangosir yn y tabl yw'r cyllid preifat y mae Landlordiaid Cymdeithasol Cofrestredig yn ei ddefnyddio i gefnogi'u rhaglenni datblygu. Yn ogystal â hynny, mae Landlordiaid Cymdeithasol Cofrestredig yn cael Grant Tai Cymdeithasol Llywodraeth Cymru, grantiau eraill ac maent yn defnyddio gwargedion eiddo presennol i ariannu'r gwaith o ddatblygu cartrefi newydd. Ar hyn o bryd, mae'r Grant Tai Cymdeithasol, sef y prif grant ar gyfer cartrefi fforddiadwy, wedi'i osod ar 58% o'r costau datblygu cymwys. Mae i un o'r grantiau perthnasol eraill, sef Grant Cyllid Tai 2, yr effaith tymor byr o ystumio cyfran y cyllid preifat sy'n ofynnol gan Landlordiaid Cymdeithasol Cofrestredig. Mae Grant Cyllid Tai 2 yn fenter tair blynedd lle telir y grant fel ffrwd refeniw dros 30 mlynedd i ariannu benthyca ymlaen llaw gan Landlordiaid Cymdeithasol Cofrestredig. Bydd hyn yn cynyddu lefelau benthyca Landlordiaid Cymdeithasol Cofrestredig yn y ddwy flynedd nesaf a bydd, yn y tymor byr, yn gostwng cyfradd grant gyffredinol Llywodraeth Cymru i tua 35%, gan gynyddu'r gyfradd cyllid preifat i

65%. Nid oes gwybodaeth ar gael am union effeithiau ariannol y fenter hon eto, ond nid oes disgwyl i'r gyfradd fenthycha gynyddol ymestyn y tu hwnt i gyfnod Grant Cyllid Tai 2 sy'n dod i ben yn 2019/20. Bydd y blynyddoedd olaf yn effeithio llai ar fenthycha wrth i'r grant ddod i'w derfyn, ac felly mae unrhyw effaith dros dro Grant Cyllid Tai 2 wedi'i diystyru at y dibenion hyn.

- 8.12. Mae'r sector Landlordiaid Cymdeithasol Cofrestredig wedi ymrwymo i ddarparu dim llai na 12,500 o dai fforddiadwy newydd, o darged y Llywodraeth o 20,000, yn ystod tymor y Llywodraeth hon. Mae'r ymrwymiad hwn yn seiliedig ar y ffaith bod Landlordiaid Cymdeithasol Cofrestredig yn sefydliadau'r sector preifat, gan feddu ar y rhyddid i fenthycha a gwneud penderfyniadau cyllido. Amcangyfrifir bod angen benthyca tua £1.016 biliwn i gyflawni'r targed o ddarparu 12,500 o gartrefi (mae'r rhagdybiaethau ar gyfer y cyfrifiad hwn yn Atodiad 1). Felly, er mwyn cyflawni ymrwymadau tai cymdeithasol y Llywodraeth, pe na fyddai'r DEL Cyfalaf yn gallu ymgorffori'r £1.016 biliwn, byddai'r rhaglen, mewn gwirionedd, yn codi 42% neu 5,040 yn llai o dai fforddiadwy newydd, ac ni fyddai landlordiaid cymdeithasol cofrestredig yn gallu cael benthyg i fuddsoddi yn y stoc bresennol.

Opsiynau Lliniaru Posibl

- 8.13. Gallai Trysorlys Ei Mawrhydi ymgodi'r DEL Cyfalaf i gynnwys y benthyca ychwanegol i'r Landlordiaid Cymdeithasol Cofrestredig. Cafodd yr opsiwn hwn ei awgrymu mewn gohebiaeth i Drysorlys Ei Mawrhydi, ond ni chafwyd ymateb cadarnhaol. Ni wnaeth Trysorlys Ei Mawrhydi ymgodi'r DEL Cyfalaf yn Lloegr lle bu'n rhaid llunio deddfwriaeth er mwyn aildosbarthu Landlordiaid Cymdeithasol Cofrestredig yn ôl i'r sector preifat.
- 8.14. Gallai Landlordiaid Cymdeithasol Cofrestredig fenthycha gan Lywodraeth Cymru. O fis Ebrill 2018, daw pwerau newydd i rym i Lywodraeth Cymru fenthycha er mwyn cefnogi prosiectau buddsoddi cyfalaf. Mae'r terfyn benthyca blynyddol wedi'i gapio i ddechrau ar £125 miliwn, gan godi i £150 miliwn o 2019/20 ymlaen, i uchafswm o £1 biliwn. Fodd bynnag, mae Llywodraeth Cymru wedi cyhoeddi cynlluniau gwario cyfalaf hyd at 2020/21 sy'n defnyddio £395 miliwn o'r £445 miliwn sydd ar gael i'w fenthycha. Felly, ni fyddai digon o gapasiti yn weddill i ddarparu ar gyfer gofyniad benthyca blynyddol presennol Landlordiaid Cymdeithasol Cofrestredig (tua £203 miliwn y flwyddyn cyn unrhyw dwf a allai fod yn angenrheidiol dros y blynyddoedd nesaf) a hyd yn oed pe byddai digon o gapasiti, byddai hyn yn effeithio ar y cynlluniau gwario a gyhoeddwyd.

Costau sy'n gysylltiedig â chynhwysiant yng Nghyfrifon Llywodraeth Gyfan

8.15. Ar hyn o bryd, mae 87 o Landlordiaid Cymdeithasol Cofrestredig yng Nghymru, 34 o rai mawr a 53 o rai de minimis (sydd â llai na 250 o gartrefi). Mae'n ofynnol eu cynnwys yng Nghyfrifon Llywodraeth Gyfan os yw'r corff yn rhagori ar y trothwy perthnasedd i'w ddosbarthu fel is-gorff, sy'n £10 miliwn ar hyn o bryd, ar nifer o feini prawf cyfrifon statudol sef incwm a gwariant, asedau ac atebolrwyddau. O dan yr amgylchiadau hyn, byddai'n rhaid i Landlordiaid Cymdeithasol Cofrestredig lenwi offeryn casglu data Cyfrifon Llywodraeth Gyfan gan gynnwys cytuno ar drafodiadau a'u gwaredu â chyrff cyhoeddus eraill yn y DU. Bydd angen i swyddogion Llywodraeth Cymru hefyd gytuno ar y trafodiadau â'r cyrff hyn a lanlwytho ffurflenni Cyfrifon Llywodraeth Gyfan i Drysorlys Ei Mawrhydi. Yn ogystal â hyn, pan fo Landlordiaid Cymdeithasol Cofrestredig yn rhagori ar gyfyngiad o £350 miliwn ar yr un meini prawf cyfrifon statudol, ceir gofyniad ychwanegol i gynnal archwiliad llawn o'u ffurflen casglu data.

Costau Landlordiaid Cymdeithasol Cofrestredig

8.16. Mae'r dadansoddi cychwynnol yn awgrymu na fydd 52 o'r 53 o'r Landlordiaid Cymdeithasol Cofrestredig de minimis yn rhagori ar drothwy perthnasedd yr is-gorff. Mae'r un a fydd yn rhagori ar y trothwy yn gyfuniad o Landlordiaid Cymdeithasol Cofrestredig llai sydd, gyda'i gilydd, yn rhagori ar y trothwy ac felly caiff ei drin at ddibenion y dadansoddiad hwn fel Landlord Cymdeithasol Cofrestredig mawr. Felly at ddiben y papur hwn, cyfanswm nifer y Landlordiaid Cymdeithasol Cofrestredig mawr yw 35.

8.17. Bydd yn ofynnol i bob un o'r Landlordiaid Cymdeithasol Cofrestredig hyn ddangos tystiolaeth o'u statws fel is-gorff bob blwyddyn. Amcangyfrifir y gwaith hwn isod:

Diwrnodau	Swydd	Tasg	Cost £ y flwyddyn
0.5	Rheolwr Cyllid	Paratoi gwaith papur fel tystiolaeth	150
		Cyfanswm fesul LCC	150
		Cyfanswm y 52 LCC	7800

8.18. O'r 35 o Landlordiaid Cymdeithasol Cofrestredig mawr, amcangyfrifir y bydd 6 (2017/18) yn rhagori ar y cyfyngiad archwilio o £350 miliwn, ac y byddant felly yn wynebu costau archwilio. Mae'r tablau isod yn amlinellu amcangyfrif o'r costau ar gyfer y 29 o Landlordiaid Cymdeithasol Cofrestredig y bydd gofyn iddynt lenwi ffurflen casglu data, a'r 6 Landlord Cymdeithasol Cofrestredig a fydd yn wynebu costau archwilio ychwanegol:

Landlordiaid Cymdeithasol Cofrestredig heb ofyniad i archwilio

Diwrnodau	Swydd	Tasg	Cost £ y flwyddyn
5.0	Rheolwr Cyllid	Llenwi ffurflen gan gynnwys gweddill a hysbysiad trafodiadau a phroses gytuno â chyrff parti i gontract	1500
		Cyfanswm fesul LCC	1500
		Cyfanswm y 29 LCC	43500

Landlordiaid Cymdeithasol Cofrestredig â gofyniad ychwanegol i archwilio

Diwrnodau	Swydd	Tasg	Cost £ y flwyddyn
10.0	Rheolwr Cyllid	Llenwi ffurflen gan gynnwys gweddill a hysbysiad trafodiadau a phroses gytuno â chyrff parti i gontract a pharatoi ar gyfer archwiliad	3000
5.0	Archwiliad	Archwiliad llawn o'r ffurflen ddata a dogfennau cysylltiedig	3500
		Cyfanswm fesul LCC	6500
		Cyfanswm y 6 LCC	39000

Ffynhonnell yr Wybodaeth Ariannol ar gyfer y 34 LCC mawr - Cyfriflenni Ariannol 2016 o Gymdeithasau Tai Cymru, cyhoeddwyd gan Gartrefi Cymunedol Cymru/Llywodraeth Cymru)

Costau Llywodraeth Cymru

8.19. Nodir isod amcangyfrif o'r costau i Lywodraeth Cymru:

Diwrnodau	Gradd	Tasg	Cost £ y flwyddyn
2.0	E	Darparu Hyfforddiant Ymsefydlu ar gyfer LCC	400
5.0	E	Cymorth parhaus i LCC ar gyfer y broses o lenwi'r ffurflen casglu data	1000
		Cyfanswm	1400

Yr holl gostau i'r £100.00 agosaf

Costau Cyflogau LIC – canolbwynt y raddfa gan gynnwys argostau, amcangyfrif o gyflogau LCC yn cynnwys 40% argostau.

8.20. Amcangyfrifir y bydd y gost i Lywodraeth Cymru yn **£1400** yn y flwyddyn gyntaf.

8.21. Amcangyfrifir y bydd cyfanswm y gost i Landlordiaid Cymdeithasol Cofrestredig yn **£90,300** y flwyddyn yn seiliedig ar y dadansoddiad uchod. Gan fod amcangyfrifon o'r costau yn seiliedig ar y gofynion a osodir gan drothwyon y cyfrifon statudol, ni fydd y costau hyn yn sefydlog ac ni fyddant yn cael eu cadarnhau tan y bydd y cyfrifon statudol ar gael ar gyfer y flwyddyn ariannol dan sylw.

Crynodeb o'r costau – Opsiwn 1

£000oedd	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Llywodraeth Cymru	1.4	1.4	1.4	1.4	1.4	1.4
LCC	90.3	90.3	90.3	90.3	90.3	90.3
Cyfanswm	91.7	91.7	91.7	91.7	91.7	91.7

Opsiwn 2: Deddf y Cynulliad

8.22. Bydd Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn dileu neu'n diwygio'r rheolaethau rheoleiddio perthnasol sy'n nodi, yn ôl casgliad yr ONS, bod Landlordiaid Cymdeithasol Cofrestredig yng Nghymru yn gyhoeddus, ac felly'n cynhyrchu ar gyfer y farchnad. Cânt eu hailddosbarthu i'r is-sector Corfforaethau Cyhoeddus Anariannol at ddibenion cyfrifon gwladol ac ystadegau economaidd eraill ONS.

8.23. Mae deddfwriaeth debyg eisoes wedi dod i rym yn Lloegr a dywedwyd wrthym fod adolygiad pellach ar benderfyniad yr ONS i ailddosbarthu ar y gweill. Mae cynlluniau Llywodraeth yr Alban i gyflwyno deddfwriaeth debyg yn fwy datblygedig. Gofynnwyd am gyngor yr ONS wrth lunio polisi Llywodraeth Cymru er mwyn sicrhau yr eir i'r afael â materion penodol rheoli.

8.24. Y brif ystyriaeth arall wrth ddatblygu cynigion i fynd i'r afael ag effeithiau ailddosbarthu yw'r angen i gynnal proses reoleiddio gadarn. Wrth ddatblygu cynigion ar gyfer rheoleiddio, y nod oedd gwneud cyn lleied o newidiadau â phosibl er mwyn i'r ONS ailddosbarthu Landlordiaid Cymdeithasol Cofrestredig yn ôl i'r sector preifat. Yn ogystal â hynny, mae Llywodraeth Cymru eisoes wedi cymryd camau i gryfhau rheoleiddio drwy fabwysiadu Fframwaith Rheoleiddio diwygiedig sy'n ymateb i ddiwygio'r drefn ar gyfer rheoleiddio drwy safonau perfformiad newydd y mae'n rhaid i Landlordiaid Cymdeithasol Cofrestredig eu bodloni yn ogystal â chyhoeddi dyfarniad rheoleiddio ar berfformiad pob Landlord Cymdeithasol Cofrestredig yng Nghymru.

Costau

- 8.25. Bydd swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru yn rheoli'r broses o lunio polisi a deddfwriaeth ar gyfer cyflawni'r pwerau arfaethedig. Felly, ni fydd unrhyw gostau i Lywodraeth Cymru wrth greu'r darpariaethau newydd. Fodd bynnag, mi fydd gweithgareddau yn gysylltiedig â gweithredu'r Ddeddf, wrth i swyddogion Llywodraeth Cymru fynd i sesiynau briffio a gwneud cyflwyniadau am y newidiadau mewn amrywiol gynadleddau. Ni ddisgwylir y bydd unrhyw ganllawiau penodol nac unrhyw ddeunyddiau eraill yn cael eu cyhoeddi gan Lywodraeth Cymru oherwydd darpariaethau'r Ddeddf yn unig.
- 8.26. Amser staff yw prif gydran y gweithgareddau hyn. Mae hwyluso a/neu fynychu sesiynau o'r fath yn rhan o waith arferol swyddogion felly ni fydd hyn yn arwain at unrhyw gostau ychwanegol.
- 8.27. Gall gweithredu darpariaethau'r Ddeddf arwain at gostau untro ychwanegol i Landlordiaid Cymdeithasol Cofrestredig. Gallai'r newidiadau arfaethedig, yn enwedig y newidiadau sy'n ymwneud â rheolaethau awdurdodau lleol, arwain at Landlordiaid Cymdeithasol Cofrestredig yn adolygu eu hoffer llywodraethiant neu reolau er mwyn darparu ar gyfer y newidiadau i nifer y lleoedd sy'n cael eu cadw ar y Bwrdd ar gyfer enwebiadau awdurdodau lleol, er enghraifft. Ni fydd yn gwbl angenrheidiol newid y rheolau gan y bydd y deddfwriaeth newydd yn eu trechu ym mhob achos. Fodd bynnag, byddai llywodraethiant da yn awgrymu y dylai Landlordiaid Cymdeithasol Cofrestredig ddiweddarau eu rheolau, ac felly darperir amcangyfrifon o'r costau.
- 8.28. Amcangyfrifir y byddai'r gost o newid rheolau tua £3,000 ar gyfer pob Landlord Cymdeithasol Cofrestredig, gan gynnwys cyngor cyfreithiol. Mae'r tabl isod yn amlinellu 3 senario posibl. Mae'r cyntaf, a'r mwyaf tebygol, yn tybio y bydd pob un o'r 11 Landlord Cymdeithasol Cofrestredig Trosglwyddo Gwirfoddol ar Raddfa Fawr (lle bo stoc dai flaenorol awdurdodau lleol wedi trosglwyddo i'r Landlordiaid Cymdeithasol Cofrestredig newydd) yn newid y rheolau. Y rheswm dros hyn yw mai dyma'r sefydliadau yr effeithir arnynt fwyaf gan y newidiadau arfaethedig i reolaethau awdurdodau lleol yn y Ddeddf. Mae'r ail senario yn amlinellu'r costau pe byddai pob un o'r 34 o Landlordiaid Cymdeithasol Cofrestredig mawr yn dewis newid eu rheolau o ganlyniad i ddarpariaethau'r Ddeddf, ac mae'r trydydd yn amlinellu'r costau pe byddai pob un o'r 87 o Landlordiaid Cymdeithasol Cofrestredig yn newid ei reolau.
- 8.29. Fodd bynnag, dylid nodi bod senario 2 a 3 yn annhebygol iawn gan nad oes disgwyl i'r Landlordiaid Cymdeithasol Cofrestredig mawr a'r 53 o Landlordiaid Cymdeithasol Cofrestredig de minimis newid eu rheolau o ganlyniad i'r Ddeddf gan nad yw'r newidiadau mor debygol o effeithio arnynt o gymharu â'r Landlordiaid Cymdeithasol Cofrestredig Trosglwyddo Gwirfoddol ar Raddfa Fawr.

8.30. Mae'r costau hyn wedi'u hamcangyfrif ar y cyd â Cartrefi Cymunedol Cymru, sef y corff sy'n cynrychioli Landlordiaid Cymdeithasol Cofrestredig yng Nghymru ac at ddiben yr Asesiad Effaith Rheoleiddiol, tybir y byddai'r costau hyn yn codi yn 2018/19, yn dilyn Cydsyniad Brenhinol.

Amcangyfrif o'r Costau o Newid y Rheolau

Nifer y LCC	Cyfanswm y Gost o Newid y Rheolau £000
11 LCC Trosglwyddo Gwirfoddol ar Raddfa Fawr	33
34 (pob LCC mawr)	102
87 (pob LCC gan gynnwys de minimis)	261

8.31. Rhagwelir y bydd arbedion anariannol i Lywodraeth Cymru wrth weithredu'r darpariaethau newydd. Arbedion bach yw'r rhain o amser staff wrth i ofyniad i hysbysu ddisodli'r drefn gydsynio ar gyfer gwarediadau ac ailstrwythurau. Rhagwelir y bydd yr arbedion cyfwerth â thua 30% o swydd amser llawn (cyfuniad o swyddi EO/HEO) sef rhwng £9,700 a £13,000 y flwyddyn (o 2018-19) yn seiliedig ar ganolbwynt y graddau cyflog. Mae disgwyl i'r gwaith o weithredu'r newidiadau eraill fod yn niwtral o ran cost.

Manteision

8.32. Diben y ddeddfwriaeth yw diwygio neu ddileu rheolaethau a nodwyd gan yr ONS fel dangosyddion rheolaethau llywodraeth leol a'r llywodraeth ganolog sydd wedi arwain at y penderfyniad i ailddosbarthu. Bydd gwrthdroi'r penderfyniad i ddosbarthu Landlordiaid Cymdeithasol Cofrestredig i'r sector cyhoeddus at ddibenion y Cyfrifon Gwladol yn golygu na fydd yn rhaid i Lywodraeth Cymru ysgwyddo unrhyw ganlyniadau andwyol posibl (fel yr amlinellir yn Opsiwn 1 uchod), gall Landlordiaid Cymdeithasol Cofrestredig barhau i chwarae rôl allweddol wrth helpu i gyrraedd targed Llywodraeth Cymru o ddarparu 20,000 o dai fforddiadwy newydd yn ystod tymor y Llywodraeth hon, yn ogystal â chyfrannu'n gadarnhaol at y cymunedau maent yn gweithredu ynddynt lle bydd cymdeithasau tai yn rhan o greu hyd at 12,500 o gyfleoedd i hyfforddi a chael cyflogaeth ynghyd â datblygu sgiliau a rhoi cymorth i 25,000 o bobl.

Risgiau

8.33. Nad yw'r ddeddfwriaeth yn rhoi'r sicrwydd sydd ei angen ar yr ONS fod rheolaethau'r llywodraeth dros Landlordiaid Cymdeithasol Cofrestredig, fel y nodwyd, wedi'u diwygio neu'u dileu yn ôl yr angen a bod y gwaith o wrthdroi'r penderfyniad i ddosbarthu Landlordiaid Cymdeithasol Cofrestredig i'r sector cyhoeddus at ddibenion y cyfrif gwladol yn methu.

- 8.34. Os nad yw Awdurdodau Lleol a rhanddeiliaid eraill yn cefnogi'r diwygiad i'r drefn ar gyfer rheoleiddio fel yr amlinellir yn y Ddeddf, mae'n bosibl y byddant yn herio darpariaethau'r Ddeddf. Pe byddai'r darpariaethau hyn yn newid, gallai hyn arwain yn y pen draw at y Ddeddf yn methu â sicrhau'r ailddosbarthiad.
- 8.35. Mae symud o drefn gydsynio i ofyniad i hysbysu ynghylch gwarediadau a newidiadau cyfansoddiadol yn cyflwyno rhywfaint o risg os yw Landlordiaid Cymdeithasol Cofrestredig yn gwneud penderfyniadau gwael.

Lliniaru

- 8.36. Trafodwyd ag ONS wrth ddatblygu cynigion y Ddeddf, felly dylai'r ddeddfwriaeth ddarparu'r sicrwydd sydd ei angen arnynt. Byddem yn disgwyl i'r ONS adolygu dosbarthiad Landlordiaid Cymdeithasol Cofrestredig cyn pen chwe mis o'r Cydsyniad Brenhinol.
- 8.37. Bwriad ymgynghoriad cyhoeddus ar y cynigion i ddiwygio'r drefn ar gyfer rheoleiddio ac ymgysylltu'n rheolaidd â rhanddeiliaid allweddol wrth ddatblygu'r cynigion hyn a'r Ddeddf ei hun, oedd lliniaru'r risg bod rhanddeiliaid ac awdurdodau lleol yn herio darpariaethau'r Ddeddf.
- 8.38. Mae'r safonau perfformiad sydd yn y Fframwaith Rheoleiddio newydd yn amlinellu'n glir y disgwyliadau sydd ar Fyrddau i wneud penderfyniadau gwybodus a phriodol am bob mater sy'n ymwneud â'r Landlordiaid Cymdeithasol Cofrestredig. Mae'r Fframwaith yn darparu ymateb diffiniedig i bryderon rheoleiddio a pherfformiad gwael gyda barn gyhoeddus glir ar safbwynt Rheoleiddiwr o Landlordiaid Cymdeithasol Cofrestredig.

Yr opsiwn a ffefrir

- 8.39. Yr opsiwn a ffefrir oedd opsiwn 2 sef cyflwyno deddfwriaeth sylfaenol i osgoi'r effeithiau negyddol a amlinellir yn opsiwn 1. Mae'r Ddeddf yn cynnwys y pwerau allweddol sydd angen eu diwygio er mwyn bodloni Pwyllgor Dosbarthu yr ONS i ganiatáu i Landlordiaid Cymdeithasol Cofrestredig gael eu dosbarthu unwaith eto i'r is-sector Corfforaethau Cyhoeddus Anariannol at ddiben y cyfrifon gwladol ac ystadegau economaidd eraill ONS.

Ymgynghori â Thnantiaid

- 8.40 Cytunwyd ar welliant a gyflwynwyd gan y Llywodraeth ynghylch ymgynghori â thenantiaid yn ystod Cyfnod 3 o'r broses craffu. Ni fydd y gofynion hyn i ymgynghori yn arwain at gostau cydymffurfio ychwanegol oherwydd, cyn y Ddeddf, roedd disgwyliadau cymharol debyg i ymgynghori ynghylch materion o'r fath wedi'u gosod yn y Canllawiau Rheoleiddiol.

9. Asesiadau Effaith Penodol

9.1. Ystyriwyd y Ddeddf mewn perthynas â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

9.2. Nod y Ddeddf yn y pen draw yw diogelu a chynnal y cyflenwad o dai cymdeithasol yng Nghymru. Ceir cysylltiad amlwg rhwng y nod hwn a phump o'r saith nod llesiant a amlinellir yn Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

- **Cymru lewyrchus**

Gall darparu tai cost isel, sydd o ansawdd uchel leihau nifer y bobl sy'n byw mewn tlodi ar ôl ystyried costau tai. Mae oedolion sydd â chartref diogel a sefydlog yn fwy tebygol o gael cyflogaeth barhaol, sy'n talu'n well.

- **Cymru iachach**

Mae amodau tai gwael yn cael effaith ar ieched corfforol ac ieched meddwl. Mae unigolion mewn cartrefi diogel, sefydlog hefyd yn fwy tebygol o ddefnyddio gwasanaethau ieched.

- **Cymru fwy cyfartal**

Bydd diogelu'r cyflenwad o dai fforddiadwy yn helpu i fynd i'r afael â'r anghydraddoldeb o ran tai. Gall tai fforddiadwy safonol hefyd helpu i fynd i'r afael â'r amrywiaeth eang o anghydraddoldeb mewn meysydd fel ieched ac addysg.

- **Cymru o gymunedau cydlynus**

Gall darpariaeth wael o dai gyfrannu'n sylweddol at yr ymdeimlad o densiwn yn y gymuned, sy'n arwain at lefel isel o gydlyniant.

- **Cymru â diwylliant bywiog lle mae'r Gymraeg yn ffynnu**

Mae sicrhau bod tai fforddiadwy ar gael i bobl leol yn helpu i osgoi newidiadau i broffil demograffig ac ieithyddol cymunedau, a'r gostyngiad dilynol yn nifer y cymunedau yng Nghymru lle gall mwyafrif y boblogaeth siarad Gymraeg.

Asesiadau Effaith

9.3. Ystyriwyd nifer o asesiadau effaith, nail ai drwy ddulliau sgrinio neu drwy gynnal gweithdrefn asesu lawn. Effaith anuniongyrchol, yn hytrach nag uniongyrchol, a gaiff y Ddeddf o ran sawl un o'r asesiadau, ac effaith fach, os o gwbl, a gaiff ar rai eraill. Dyma'r asesiadau effaith yr ystyriwyd:

- Asesiad o'r Effaith ar y Gymraeg
- Asesiad o'r Effaith ar Gydraddoldeb
- Asesiad o'r Effaith ar Hawliau Plant
- Asesiad o'r Effaith ar Fioamrywiaeth
- Asesiad o'r Effaith ar y Newid yn yr Hinsawdd
- Asesiad o'r Effaith ar yr Amgylchedd
- Asesiad o'r Effaith ar Iechyd
- Asesiad o'r Effaith ar Gyfiawnder
- Asesiad o'r Effaith ar Breifatrwydd
- Asesiad o'r Effaith ar Gefn gwlad
- Asesiad o'r Effaith ar Gynaliadwyedd
- Asesiad o'r Effaith ar y Trydydd Sector

Mae'r asesiadau effaith wedi eu hadolygu ar ôl pasio'r Ddeddf ar 8 Mai 2018 gan Gynulliad Cenedlaethol Cymru. Mae'r gofynion ymgynghori a ychwanegwyd o ganlyniad i welliant a gyflwynwyd yn ystod Cyfnod 3 o'r broses craffu, yn disodli disgwyliadau tebyg i ymgynghori a nodwyd yn y Canllawiau Rheoleiddiol sy'n ymwneud â Landlordiaid Cymdeithasol Cofrestredig. Ni fydd y gofyniad i ymgynghori yn newid canlyniad yr asesiadau effaith.

Asesiad o'r Effaith ar y Gymraeg

9.4. Nododd strategaeth Llywodraeth Cymru ar gyfer y Gymraeg - Cymraeg 2050, fod y nifer cyfyngedig o dai fforddiadwy sydd ar gael i bobl leol wedi effeithio'n ddwys ar broffil demograffig ac ieithyddol llawer o gymunedau. Byddai mesurau i ddiwygio'r drefn ar gyfer rheoleiddio yn cyfrannu at wrthdroi'r dirywiad hwn drwy ddiogelu a chynnal y cyflenwad o dai cymdeithasol mewn cymunedau gwledig a chymunedau sy'n siarad Cymraeg.

9.5. Roedd yr ymgynghoriad cyhoeddus ar gynigion polisi i ddiwygio'r drefn ar gyfer rheoleiddio Landlordiaid Cymdeithasol Cofrestredig yn cynnwys asesiad drafft o'r effaith ar y Gymraeg. Ystyriwyd y sylwadau a ddaeth i law o ran yr ymgynghoriad a'r asesiad effaith drafft.

9.6. Cyhoeddir yr Asesiad o'r Effaith ar y Gymraeg ar wefan Llywodraeth Cymru yn <https://gov.wales/docs/desh/publications/180613-regulation-rsl-welsh-language-impact-assessment-cy.pdf>

Asesiad o'r Effaith ar Gydraddoldeb

- 9.7. Mae tystiolaeth gref yn dangos y gallai trawstoriad eang o'r boblogaeth elwa ar sefyllfa lle byddai mwy o dai cymdeithasol fforddiadwy, safonol ar gael. Mae hyn yn cynnwys nifer sylweddol o bobl sydd â nodweddion gwarchodedig gan eu bod mewn mwy o berygl o ddigartrefedd, yn fwy tebygol o gael eu heffeithio gan dlodi, ac yn llai tebygol o fod yn berchen ar eu tŷ eu hunain. Bydd diogelu a chynnal y cyflenwad o dai cymdeithasol o fudd i unrhyw unigolyn sy'n debygol o fod yn gymwys am dŷ cymdeithasol.
- 9.8. Cyhoeddir yr Asesiad o'r Effaith ar Gydraddoldeb ar wefan Llywodraeth Cymru yn <https://gov.wales/docs/desh/publications/180613-regulation-rsl-equality-impact-assessment-en.pdf>

Asesiad o'r Effaith ar Hawliau Plant

- 9.9. Cafodd hawliau plant eu hystyried drwy weithdrefn asesiadau effaith Llywodraeth Cymru, sy'n mesur yr effaith ar blant, pobl ifanc, a'u hawliau. Bydd darpariaethau'r Ddeddf yn cael effaith gadarnhaol ar blant a phobl ifanc, a'u teuluoedd, y mae angen tai cymdeithasol arnynt. Byddai hyn yn cynnwys rhai o'r plant a'r bobl ifanc mwyaf agored i niwed, ac yn arbennig felly'r rhai a gaiff eu heffeithio gan dlodi.
- 9.10. Cyhoeddir yr Asesiad o'r Effaith ar Hawliau Plant ar wefan Llywodraeth Cymru yn: <https://gov.wales/docs/desh/publications/180613-regulation-rsl-childrens-rights-impact-assessment-en.pdf>

Asesiad o'r Effaith ar Fioamrywiaeth

- 9.11. Ystyriwyd effaith y Ddeddf ar fioamrywiaeth a'r rheoliadau cynefin, ac fe gytunwyd na fyddai'n cael effaith uniongyrchol ar yr un ohonynt. Mae darpariaethau'r Ddeddf yn dechnegol ac yn ymwneud â rheolaeth y sector cyhoeddus dros Landlordiaid Cymdeithasol Cofrestredig. Ni fydd y Ddeddf ei hun yn arwain at adeiladu tai nas cynlluniwyd ar eu cyfer. Bydd yn caniatáu i Landlordiaid Cymdeithasol Cofrestredig barhau i fenthycu i ariannu tai newydd (y cynlluniwyd ar eu cyfer) a fydd yn destun rheoliadau cynllunio ac asesiadau effaith arferol.

Asesiad o'r Effaith ar y Newid yn yr Hinsawdd

- 9.12. Mae Strategaeth Llywodraeth Cymru ar y Newid yn yr Hinsawdd yn ymrwymo pob sector i gyfrannu at darged y Llywodraeth i leihau allyriadau o 3% yn y meysydd datganoledig. Dylai polisïau naill ai fod yn garbon niwtral, neu gefnogi'r gostyngiad mewn allyriadau carbon mewn rhyw ffordd. Ni fydd yn arwain at adeiladu tai nas cynlluniwyd ar eu cyfer. Bydd y Ddeddf yn caniatáu i Landlordiaid Cymdeithasol Cofrestredig barhau i fenthycu i ariannu tai newydd (y cynlluniwyd ar eu cyfer) a fydd yn destun rheoliadau cynllunio ac asesiadau effaith arferol. Ni fydd yn arwain at adeiladu ychwanegol felly mae'n garbon niwtral.

Asesiad o'r Effaith ar yr Amgylchedd

9.13. Cynhaliwyd asesiad sgrinio cychwynnol. Dangosodd na fyddai angen cynnal asesiad o'r effaith ar yr amgylchedd gan na fydd y Ddeddf yn arwain at welliannau amaethyddol ar dir heb ei drin neu ardaloedd rhannol naturiol, ac nad yw'n darparu ar gyfer ailstrwythuro daliadau tir yng nghefn gwlad.

Asesiad o'r Effaith ar Iechyd

9.14. Cynhaliwyd Asesiad o'r Effaith ar Iechyd mewn perthynas â'r Ddeddf. Mae'r effaith gadarnhaol a gaiff tai fforddiadwy a diogel ar iechyd unigolion yn cael ei chydabod yn eang ac yn ddiamheuol. Mae tystiolaeth sylweddol fod yr effaith fanteisiol a gaiff tai safonol yn ddangosydd iechyd. Gallai diogelu'r cyflenwad o dai cymdeithasol fforddiadwy, safonol gael effaith gadarnhaol ar iechyd ar draws pob sector o'r gymuned yn ehangach, ond yn arbennig i grwpiau agored i niwed sef yn aml y rhai y mae angen tai cymdeithasol arnynt fwyaf. Ni nodwyd unrhyw effaith negyddol.

Asesiad o'r Effaith ar Gyfiawnder

9.15. Cynhaliwyd Asesiad o'r Effaith ar Gyfiawnder. Ni ragwelir unrhyw effaith ar y system gyfiawnder.

Asesiad o'r Effaith ar Breifatrwydd

9.16. Ni fydd y cynigion yn cynnwys prosesu gwybodaeth y gellid ei defnyddio i adnabod unigolion (data personol). Cytunodd swyddog rheoli data Llywodraeth Cymru â hyn.

Asesiad o'r Effaith ar Gefn gwlad

9.17. Cynhaliwyd asesiad sgrinio i brawfesur polisïau o safbwynt anghenion cefn gwlad mewn perthynas â'r Ddeddf. Dangosodd hyn y gallai'r effaith gadarnhaol fod yn fwy amlwg mewn ardaloedd gwledig, lle mae prinder o dai fforddiadwy yn aml yn sylweddol. Gallai hyn ddeillio o amryw ffactorau. Mae prisiau yn aml yn rhy uchel i unigolion ar incwm isel a gall y galw am ail dai arwain at gynnydd pellach yn y prisiau. Mae llawer o eiddo'r awdurdodau lleol hefyd wedi cael eu gwerthu o dan yr "Hawl i Brynu" oherwydd atyniad yr ardaloedd dan sylw.

Asesiad o'r Effaith ar Gynaliadwyedd

9.18. Cynhaliwyd Asesiad o'r Effaith ar Gynaliadwyedd a oedd yn edrych ar effaith y Ddeddf ar les amgylcheddol, economaidd, a chymdeithasol. Oherwydd nad diben y Ddeddf yw adeiladu tai y tu hwnt i'r ymrwymïadau presennol, ni fydd yn arwain at adeiladu tai nas cynlluniwyd ar eu cyfer. Bydd yn caniatáu i Landlordiaid Cymdeithasol Cofrestredig barhau i fenthycia i ariannu tai newydd (y cynlluniwyd ar eu cyfer) a fydd yn destun rheoliadau cynllunio ac asesiadau effaith arferol. Effaith fach a gaiff y Ddeddf ar yr amgylchedd felly. Drwy ddiogelu a gwarchod y cyflenwad o dai fforddiadwy yng Nghymru, gallai'r Ddeddf gael effaith economaidd a chymdeithasol gadarnhaol ar rai o'r bobl fwyaf agored i niwed a'r cymunedau mwyaf difreintiedig yng Nghymru.

Asesiad o'r Effaith ar y Trydydd Sector

9.19. Cynhaliwyd Asesiad o'r Effaith ar y Trydydd Sector. Ni nodwyd unrhyw effaith negyddol ar y trydydd sector o ganlyniad i gyflwyno'r Ddeddf. Bydd y Ddeddf yn cael ei gyflwyno er mwyn osgoi'r effaith negyddol a fydd yn deillio o waith ailddosbarthu'r ONS ac anallu dilynol Landlordiaid Cymdeithasol Cofrestredig (gyda llawer ohonynt yn sefydliadau trydydd sector) i ariannu'r gwaith o ddatblygu tai newydd a thai presennol drwy fenthyciadau.

Hawliau Dynol

9.20. Wrth ddrafftio'r Asesiad o'r Effaith ar Gydraddoldeb, ystyriwyd yr effaith y byddai'r Ddeddf yn ei chael ar Hawliau Dynol. Nod y Ddeddf yw diogelu a gwarchod y cyflenwad o dai cymdeithasol. Gellid ystyried hyn fel ffordd o helpu i ddarparu tai fforddiadwy safonol i rai o aelodau mwyaf agored i niwed y gymdeithas. Er nad yw'r hawl i gartref yn un o'r hawliau dynol sylfaenol, mae'n sail i sawl un o'r Erthyglau a nodir yn Neddf Hawliau Dynol 1998, gan gynnwys:

- Erthygl 8: Yr hawl i barch i fywyd preifat a theuluol a gohebiaeth
- Erthygl 11: Yr hawl i ymgynnull ac ymgysylltu'n rhydd ag eraill
- Erthygl 12: Yr hawl i briodi a sefydlu teulu
- Protocol 1 Erthygl 1: Yr hawl i fwynhau meddiannaeth yn heddychlon.

Gellid ystyried, felly, y byddai diogelu a gwarchod y cyflenwad o dai yn cael effaith gadarnhaol, o bosib, ar hawliau dynol.

10. Asesu cystadleuaeth

10.1. Cynhaliwyd prawf hidlo'r gystadleuaeth, ac fe ddangosodd nad oes unrhyw bryderon o ran cystadleuaeth.

10.2. Nid oes disgwyl i'r ddeddfwriaeth gael effaith ar gystadleuaeth na gosod unrhyw gyfyngiadau ar gyflenwyr newydd neu gyflenwyr presennol.

Prawf hidlo'r gystadleuaeth	
Cwestiwn	Ateb
C1: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arni/arnynt, a oes gan unrhyw gwmni dros 10% o gyfran y farchnad?	Nac oes
C2: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arni/arnynt, a oes gan unrhyw gwmni dros 20% o gyfran y farchnad?	Nac oes
C3: Yn y farchnad/marchnadoedd y bydd y rheoliad newydd yn effeithio arni/arnynt, a ydy'r tri chwmni mwyaf, gyda'i gilydd, yn cynrychioli o leiaf 50% o'r farchnad?	Nac ydynt
C4: A fyddai costau'r rheoliad yn effeithio ar rai busnesau/sefydliadau lawer iawn mwy nag eraill?	Na fyddai
C5: A yw'r rheoliad yn debygol o effeithio ar strwythur y farchnad, gan newid nifer neu faint y cwmnïau?	Nac ydy
C6: A fyddai'r rheoliad yn arwain at gostau sefydlu uwch ar gyfer cyflenwyr newydd neu ddarpar gyflenwyr, nad oes yn rhaid i gyflenwyr presennol eu hwynebu?	Na fyddai
C7: A fyddai'r rheoliad yn arwain at gostau parhaus uwch ar gyfer cyflenwyr newydd neu ddarpar gyflenwyr, nad oes yn rhaid i gyflenwyr presennol eu hwynebu?	Na fyddai
C8: A oes newidiadau technolegol mawr yn digwydd o fewn y sector?	Nac oes
C9: A fyddai'r rheoliad yn cyfyngu ar allu cyflenwyr i ddewis pris, ansawdd, amrywiaeth neu leoliad eu nwyddau?	Na fyddai

Adolygu ar ôl gweithredu

- 11.1 Bydd pa mor effeithiol yw'r ddeddfwriaeth yn cael ei gadarnhau wrth i'r ONS ailddosbarthu'r sector i is-sector y Corfforaethau Preifat Anariannol. Disgwylir i hyn ddigwydd o fewn chwe mis o'r dyddiad dod i rym.

Atodiad 1 – Rhagor o wybodaeth ar gyfer yr Asesiad Effaith Rheoleiddiol

Tybiaethau i bennu gofyniad benthycu tebygol Landlordiaid Cymdeithasol Cofrestredig dros y 5 mlynedd nesaf

- 1 Bydd Landlordiaid Cymdeithasol Cofrestredig yn adeiladu 12,500 o gartrefi dros y 5 mlynedd nesaf (fel y cytunwyd ym mis Ionawr 2017), cyfartaledd o 2,500 y flwyddyn
- 2 Bydd angen benthycu preifat er mwyn ychwanegu at raglenni cyllid grant presennol Llywodraeth Cymru ar y cyfraddau isod:

Grant	Rhaglen Grant £000	Cyfradd Cyllid Preifat
Grant Tai Cymdeithasol	325	42%
Grant Cyllid Tai 2	109	100%
Rhanberchnogaeth/Rhentu i Brynu	70	75%
Tai Arloesol	17	42%
Mentrau Iechyd a Thai	60	42%

- 3 Bydd Landlordiaid Cymdeithasol Cofrestredig hefyd yn darparu eiddo ychwanegol drwy:
 - Adran 106, cytundebau cynllunio – 1000 o eiddo am £140,000 yr un – angen cyllid ar gyfer 42%
 - Arall (hunanariannu ac ati) – 1500 o eiddo am £140,000 – cyfartaledd y cyllid sydd ei angen 75%
- 4 Rhaglen Tai Arloesol yn lleihau i £7 miliwn ym mlynedd 2 gan y gall y sector preifat hefyd gael mynediad at y cyllid.
- 5 Bydd cymdeithasau Trosglwyddo Gwirfoddol ar Raddfa Fawr yn benthycu £32 miliwn ar gyfartaledd dros y 5 mlynedd nesaf wrth iddynt fuddsoddi yn eu heiddo presennol a chyrraedd uchafswm eu dyled. Y gofyniad yn 2015 oedd £66 miliwn, a'r gofyniad yn 2016 oedd £48 miliwn.
Tybir y byddant yn cyrraedd 70% o'u terfyn benthycu ar y cyd (sydd ar hyn o bryd yn 50% yn 2016).
- 6 Mae Landlordiaid Cymdeithasol Cofrestredig traddodiadol yn creu arian parod o eiddo presennol i leihau'r gofyniad i fenthycu'n breifat. Cyfartaledd y 4 mlynedd diwethaf yw £20 miliwn.
- 7 Nid yw lefelau benthycu Partneriaeth Tai Cymru wedi'u cynnwys yn ffigur benthycu sylfaenol cyfrifon byd-eang ac felly nid ydynt wedi'u cynnwys yn yr amcanestyniad hwn.

Atodiad 2 - Nodiadau Esboniadol

http://www.legislation.gov.uk/anaw/2018/4/pdfs/anawen_20180004_we.pdf

Atodiad 3 - Mynegai o ofynion y Rheolau Sefydlog

Mae'r tabl canlynol yn ofynnol pan fydd Memorandwm Esboniadol yn cael ei gyhoeddi ochr yn ochr â'r Bil ar adeg ei gyflwyno er mwyn dangos sut y mae'r gofynion o ran y Rheolau Sefydlog yn gysylltiedig â'r Bil wedi eu cyflawni. Er nad yw'r Rheolau Sefydlog hyn yn gymwys mwyach i'r fersiwn derfynol hon sy'n cyd-fynd â'r Ddeddf, mae'r adran hon wedi ei chynnwys er mwyn gallu cyfeirio atynt ac i ddangos y sail resymegol am brif adrannau'r Memorandwm Esboniadol.

Rheol sefydlog		Adran	tudalennau/ paragraffau
26.6(i)	Datgan y byddai darpariaethau'r Ddeddf o fewn cymhwysedd deddfwriaethol y Cynulliad	Datganiad yr Aelod	Nid yw datganiad yr Aelod wedi'i gynnwys yn y fersiwn derfynol o'r Memorandwm Esboniadol sy'n cyd-fynd â'r Ddeddf am fod y gofyniad hwn o ran y Rheolau Sefydlog yn berthnasol i'r Bil yn unig.
26.6(ii)	Nodi amcanion polisi y Ddeddf	Pennod 3 – Diben y ddeddfwriaeth a'r effaith y bwriedir iddi ei chael	Paragraffau 3.1 – 3.2 Paragraff 3.14
26.6(iii)	Nodi a gafodd ffyrdd eraill o wireddu'r amcanion polisi eu hystyried ac, os felly, pam y cafodd yr ymagwedd a gymerir yn y Ddeddf ei mabwysiadu	Rhan 2 – Asesiad effaith	Paragraffau 8.1 – 8.39

Rheol sefydlog		Adran	tudalennau/ paragraffau
26.6(iv)	Nodi'r ymgynghori a gafwyd, os cafwyd unrhyw ymgynghori o gwbl, ar y canlynol: (a) amcanion polisi y Ddeddf a'r ffyrdd o'u gwireddu; (b) manylion y Ddeddf, a (c) Deddf ddrafft, naill ai yn llawn neu'n rhannol (ac os yn rhannol, pa rannau)	Pennod 4 – Ymgynghori	Paragraffau 4.1 – 4.5
26.6(v)	Nodi crynodeb o ddeiliant yr ymgynghori hwnnw, gan gynnwys sut a pham y mae unrhyw Ddeddf ddrafft wedi cael ei ddiwygio	Pennod 4 – Ymgynghori	Paragraffau 4.4 – 4.5
26.6(vi)	Os na chyhoeddwyd y Ddeddf, neu ran o'r Ddeddf, yn flaenorol fel drafft, datgan y rhesymau dros y penderfyniad hwnnw	Pennod 4 – Ymgynghori	Paragraff 4.5
26.6(vii)	Crynhai yn wrthrychol yr hyn y bwriedir i bob un o ddarpariaethau'r Ddeddf ei wneud (i'r graddau y mae angen esbonio hynny neu y mae angen cyflwyno sylwadau ar hynny) a rhoi'r wybodaeth arall sy'n angenrheidiol i esbonio effaith y Ddeddf	Atodiad 1 – Nodiadau Esboniadol	Gweler Atodiad 2 am ddolen i'r Nodiadau Esboniadol

Rheol sefydlog		Adran	tudalennau/ paragraffau
26.6(viii)	Nodi'r amcangyfrifon gorau o'r canlynol: (a) y costau gweinyddol gros, y costau cydymffurfio gros a'r costau gros eraill y byddai darpariaethau'r Ddeddf yn arwain atynt; (b) yr arbedion gweinyddol y byddai'r Ddeddf yn arwain atynt; (c) costau gweinyddol net darpariaethau'r Ddeddf; (d) dros ba gyfnodau amser y disgwylid i'r holl gostau ac arbedion hynny godi; (e) pwy fyddai'n ysgwyddo'r costau	Rhan 2 – asesiad effaith	Tabl A Paragraffau 8.22 – 8.38
26.6(ix)	Unrhyw fanteision ac anfanteision amgylcheddol a chymdeithasol sy'n deillio o'r Ddeddf na ellir eu mesur yn ariannol	Rhan 2 – asesiad effaith	Paragraffau 9.1 – 9.20

Rheol sefydlog		Adran	tudalennau/ paragraffau
26.6(x)	Os yw'r Ddeddf yn cynnwys unrhyw ddarpariaeth sy'n rhoi pŵer i wneud is-ddeddfwriaeth, nodi mewn perthynas â phob darpariaeth o'r fath: (a) y person neu'r corff y rhoddir y pŵer iddo ac ym mha fodd y mae'r pŵer i gael ei arfer; (b) pam y bernir ei bod yn briodol dirprwyo'r pŵer; (c) gweithdrefn y Cynulliad (os oes un) y mae'r is-ddeddfwriaeth a wnaed neu sydd i'w gwneud wrth arfer y pŵer i ddod oddi tani, a pham y barnwyd ei bod yn briodol ei gosod o dan y weithdrefn honno (ac nid ei gosod o dan unrhyw weithdrefn arall);	Pennod 5 - Y pŵer i wneud is-ddeddfwriaeth	Tabl 5.1 Tabl 5.2
26.6(xi)	Os yw'r Ddeddf yn cynnwys unrhyw ddarpariaeth sy'n codi gwariant ar Gronfa Gyfunol Cymru, ymgorffori adroddiad gan yr Archwilydd Cyffredinol sy'n nodi ei farn ynghylch a yw'r tâl yn briodol neu beidio	Nid yw'r gofyniad yn Rheol Sefydlog 26.6(xi) yn gymwys i'r Ddeddf hon	Paragraff 6.2

Rheol sefydlog		Adran	tudalennau/ paragraffau
26.6B	Pan fo darpariaethau'r Ddeddf yn deillio o ddeddfwriaeth sylfaenol bresennol, boed at ddibenion diwygio neu gydgrynhoi, rhaid darparu tabl tarddiadau i gyd-fynd â'r Memorandwm Esboniadol er mwyn esbonio'n glir beth yw'r berthynas rhwng y Ddeddf a'r fframwaith cyfreithiol presennol.	Nid yw'r gofyniad yn Rheol Sefydlog 26.6B ynghylch Tabl Tarddiadau yn gymwys i'r Ddeddf hon oherwydd mai darn o ddeddfwriaeth annibynnol yw'r Ddeddf ac nad yw'n tarddu o ddeddfwriaeth sylfaenol bresennol at ddibenion diwygio neu gydgrynhoi.	
26.6C	Pan fo'r Ddeddf yn cynnig diwygio deddfwriaeth sylfaenol bresennol yn sylweddol, rhaid darparu atodlen i gyd-fynd â'r Memorandwm Esboniadol, yn nodi geiriad deddfwriaeth bresennol sy'n cael ei diwygio gan y Ddeddf, ac yn nodi'n eglur sut y caiff y geiriad hwnnw ei ddiwygio gan y Ddeddf.	Atodiad 4 – Atodlen o Ddiwygiadau Atodiad 4a – Deddf Tai 1996 Atodiad 4b – Deddf Tai 1985 Atodiad 4c – Deddf Tai 1988 Atodiad 4d – Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993	Tudalennau 66 – 139

Atodiad 4 – Atodlen o Ddiwygiadau

Atodiad 4a – Deddf Tai 1996

Atodiad 4b – Deddf Tai 1985

Atodiad 4c – Deddf Tai 1988

**Atodiad 4d – Deddf Diwygio Cyfraith Lesddaliad, Tai a
Datblygu Trefol 1993**

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Atodiad 4a

Deddf Tai 1996

Y DIWYGIADAU SYDD I GAEL EU GWNEUD GAN DDEDDF RHEOLEIDDIO LANDLORDIAID CYMDEITHASOL COFRESTREDIG (CYMRU)

Bwriedir i'r ddogfen hon ddangos sut y byddai'r darpariaethau yn Neddf Tai 1996 fel yr oeddent yn gymwys o ran Cymru ar 9 Awst 2017 yn edrych fel y'u diwygid gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru).

Ceir llinell drwy'r testun sydd i gael ei ddileu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru), e.e. ~~mae testun sydd wedi ei hepgor yn edrych fel hyn~~. Mae testun sydd i gael ei ychwanegu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) wedi ei danlinellu, e.e. mae testun sydd wedi ei ychwanegu yn edrych fel hyn. Rhoddir y cyfeiriadau at y darpariaethau diwygio perthnasol yn y Ddeddf yn y golofn dde ar bob tudalen.

Cynhwysir nifer o ddarpariaethau cysylltiedig yn y Ddeddf, er nad ydynt yn cael eu diwygio, er mwyn helpu i ddeall y diwygiadau arfaethedig.

Rhybudd

Mae'r testun hwn wedi ei lunio gan swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru. Er bod ymdrech wedi ei gwneud i sicrhau ei fod yn gywir, ni ddylid dibynnu arno fel testun diffiniol o Ddeddf Tai 1996 na Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

At ddiben helpu pobl i ddeall effaith Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r testun wedi ei lunio. Ni fwriedir iddo gael ei ddefnyddio mewn unrhyw gyd-destun arall.

Pennod 1 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<u>CHAPTER 1A</u>	Atodlen 1
<u>BOARD MEMBERSHIP AND VOTING RIGHTS</u>	
<i><u>General</u></i>	
<u>7A Meaning of key terms used in this Chapter</u>	Atodlen 1

<u>landlord are local authority appointees.</u> <u>(2) The registered social landlord must remove local authority appointees from the board to the extent it is necessary to do so to comply with the 24 per cent limit.</u> <u>(3) The registered social landlord must comply with the duty in subsection (2) before the expiry of the 4 month period but, subject to subsection (5) the landlord may not remove an appointee until after the 2 month period expires.</u> <u>(4) A local authority may, before the expiry of the 2 month period, give notice to the registered social landlord specifying local authority appointees appointed or nominated by that authority who are to be removed from the board in order to comply with the 24 per cent limit.</u> <u>(5) Where notice has been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must remove the specified local authority appointees from the board (and may do so before the expiry of the 2 month period).</u> <u>(6) Where notice has not been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must select the local authority appointees who are to be removed from the board.</u> <u>(7) In this section—</u> <u>“commencement date” means the day on which this section comes into force;</u> <u>“2 month period” means the period of 2 months beginning with the commencement date;</u> <u>“4 month period” means the period of 4 months beginning with the commencement date;</u> <u>references to complying with the 24 per cent limit, in relation to the board of a registered social landlord, are to ensuring that no more than 24 per cent of the members of the board of the registered social landlord are local authority appointees.</u> <u>7D Procedure for selection by registered social landlord of local authority appointees for removal</u> <u>(1) The selection under section 7C(6) of a local authority appointee for removal from the board of a</u>	Atodlen 1
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<u>(a) a local authority;</u> <u>(b) a company or registered society that is a subsidiary of a local authority (see subsection (6));</u> <u>(c) a person acting on behalf of a person within paragraph (a) or (b).</u> <u>(4) The conditions are—</u> <u>(a) a local authority has power to appoint or remove all or a majority of the board of directors;</u> <u>(b) a local authority holds more than half in nominal value of the company's equity share capital;</u> <u>(c) the company is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or (b) or in subsection (5)(a).</u> <u>(5) The conditions are—</u> <u>(a) a local authority has power to appoint or remove all or a majority of the members of the committee of management of the society;</u> <u>(b) the society is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or in subsection (4)(a) or (b).</u> <u>(6) For the purposes of subsection 3(b), a company or registered society is a subsidiary of a local authority if any one or more of the conditions in subsection (4) (in the case of a company) or subsection (5) (in the case of a registered society) is met.</u> <u>(7) The Welsh Ministers may by order make provision for a registered social landlord of a description specified in the order to be treated as being a wholly controlled local authority subsidiary for the purposes of this section and any order made under it.</u> <u>(8) An order under this section is to be made by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales.</u>	
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Adran 8 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
8 Power of registered social landlord to dispose of land (1) A registered social landlord has power by virtue of this section and not otherwise to dispose, in such manner as it thinks fit, of land held by it. (2) Section 39 of the Settled Land Act 1925 (disposal of land by trustees) does not apply to the disposal of land by a registered social landlord; and accordingly the disposal need not be for the best consideration in money that can reasonably be obtained. Nothing in this subsection shall be taken to authorise any action on the part of a charity which would conflict with the trusts of the charity. (3) This section has effect subject to section 9 (control by Welsh Ministers of land transactions) <u>(notification to Welsh Ministers of disposal of land)</u>.	Atodlen 2 (3)

Adran 9 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
Control by Welsh Ministers of <u>Requirements relating to land transactions</u> 9 Consent required for disposal of land by registered social landlord <u>Notification to Welsh Ministers of disposal of land</u> 1 The consent of the Welsh Ministers... is required for any disposal of land by a registered	Atodlen 2(4) Adran 14(1) Adran 14(1)

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

(c) — the landlord reasonably believes that the individual or individuals intend to use the house as their principal dwelling.	Adran 14(1)
(5) <u>A direction under this section may be given generally in respect of all registered social landlords or in respect of a particular registered social landlord or types of social landlords, and may make provision about notification generally, or about particular notification or types of notification.</u> Any other disposal by a registered social landlord which requires consent under this section is valid in favour of a person claiming under the landlord notwithstanding that that consent has not been given; and a person dealing with a registered social landlord, or with a person claiming under such a landlord, shall not be concerned to see or inquire whether any such consent has been given.	Adran 14(1)
(6) <u>A direction may vary or revoke a previous direction under this section. Where at the time of its removal from the register of social landlords a body owns land, this section continues to apply to that land after the removal as if the body concerned continued to be a registered social landlord.</u>	Adran 14(1)
(7) <u>A registered social landlord must comply with a direction under this section.</u> For the purposes of this section "disposal" means sale, lease, mortgage, charge or any other disposition.	
(8) This section has effect subject to section 10 (lettings and other disposals not requiring consent of [the Welsh Ministers]).	Adran 14(1)

Adran 10 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
10 — Lettings and other disposals not requiring consent of Welsh Ministers	Atodlen 2 (5)
(1) A letting by a registered social landlord does not require consent under section 9 if it is—	Atodlen 2 (5)
(a) — a letting of land under an assured tenancy or	Atodlen 2 (5)

an assured agricultural occupancy, or what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8, or paragraph 12(1)(h), [or any of paragraphs 12ZA to 12B,] of Schedule 1 to the Housing Act 1988, or (b) a letting of land under a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985. (2) Consent under section 9 is not required in the case of a disposal to which section 81 or 133 of the Housing Act 1988 applies (certain disposals for which the consent of the Secretary of State is required). (3) Consent under section 9 is not required for a disposal under Part V of the Housing Act 1985 (the right to buy) or under the right conferred by section 16 below (the right to acquire).	Atodlen 2 (5)
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Adran 11 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
11 Covenant for repayment of discount on disposal (1) Where on a disposal of a house by a registered social landlord, in accordance with a consent given by the Welsh Ministers under section 9, a discount has been given to the purchaser, and the consent does not provide otherwise, the conveyance, grant or assignment shall contain a covenant binding on the purchaser and his successors in title to the following effect. (2) The covenant shall be to pay to the landlord such sum (if any) as the landlord may demand in accordance with subsection (3) on the occasion of the first relevant disposal which is not an exempted disposal and which takes place within the period of five years beginning with the conveyance, grant or assignment. (3) The landlord may demand such sum as he	Atodlen 2(6) Atodlen 2(6)

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considers appropriate, up to and including the maximum amount specified in this section. (4) The maximum amount which may be demanded by the landlord is a percentage of the price or premium paid for the first relevant disposal which is equal to the percentage discount given to the purchaser in respect of the disposal of the house by the landlord. (5) But for each complete year which has elapsed after the conveyance, grant or assignment and before the first relevant disposal the maximum amount which may be demanded by the landlord is reduced by one-fifth. (6) Subsections (3) to (5) are subject to section 11A.	
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Adran 12A o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
12A Right of first refusal for registered social landlord (1) Where on a disposal of a house by a registered social landlord, in accordance with a consent given by the Welsh Ministers under section 9, a discount has been given to the purchaser, and the consent does not provide otherwise, the conveyance, grant or assignment shall contain the following covenant, which shall be binding on the purchaser and his successors in title. (2) The covenant shall be to the effect that, until the end of the period of ten years beginning with the conveyance, grant or assignment, there will be no relevant disposal which is not an exempted disposal, unless the prescribed conditions have been satisfied in relation to that or a previous such disposal. (3) In subsection (2) "the prescribed conditions" means such conditions as are prescribed by regulations under this section at the time when the conveyance, grant or assignment is made. (4) The [Welsh Ministers] may by regulations	Atodlen 2(7) Atodlen 2(7)

prescribe such conditions as [they consider] appropriate for and in connection with conferring on-- (a) a registered social landlord which has made a disposal as mentioned in subsection (1), or (b) such other person as is determined in accordance with the regulations, a right of first refusal to have a disposal within subsection (5) made to him for such consideration as is mentioned in section 12B. (5) The disposals within this subsection are-- (a) a reconveyance or conveyance of the house; and (b) a surrender or assignment of the lease. (6) Regulations under this section may, in particular, make provision-- (a) for the purchaser to offer to make such a disposal to such person or persons as may be prescribed; (b) for a prescribed recipient of such an offer to be able either to accept the offer or to nominate some other person as the person by whom the offer may be accepted; (c) for the person who may be so nominated to be either a person of a prescribed description or a person whom the prescribed recipient considers, having regard to any prescribed matters, to be a more appropriate person to accept the offer; (d) for a prescribed recipient making such a nomination to give a notification of the nomination to the person nominated, the purchaser and any other prescribed person; (e) for authorising a nominated person to accept the offer and for determining which acceptance is to be effective where the offer is accepted by more than one person; (f) for the period within which the offer may be accepted or within which any other prescribed step is to be, or may be, taken; (g) for the circumstances in which the right of first refusal lapses (whether following the service of a notice to complete or otherwise) with the result that	
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

the purchaser is able to make a disposal on the open market; (h) for the manner in which any offer, acceptance or notification is to be communicated. (7) In subsection (6) any reference to the purchaser is a reference to the purchaser or his successor in title. Nothing in that subsection affects the generality of subsection (4). (8) Regulations under this section-- (a) may make different provision with respect to different cases or descriptions of case; and (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales. (9) The limitation imposed by a covenant within subsection (2) is a local land charge. (10) The Chief Land Registrar must enter in the register of title a restriction reflecting the limitation imposed by any such covenant. (11) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c)- - (a) the covenant required by this section is not binding on the person to whom the disposal is made or any successor in title of his, and (b) the covenant ceases to apply in relation to the property disposed of.	
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Adran 13 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
13 Restriction on disposal of houses in National Parks, &c (1) On the disposal by a registered social landlord,	Atodlen 2(8)

in accordance with a consent given by the Welsh Ministers under section 9, of a house situated in-- (a) a National Park, (b) an area designated under [section 82 of the Countryside and Rights of Way Act 2000] as an area of outstanding natural beauty, or (c) an area designated as a rural area by order under section 157 of the Housing Act 1985, the conveyance, grant or assignment may (unless it contains a condition of a kind mentioned in section 33(2)(b) or (c) of the Housing Act 1985 (right of pre-emption or restriction on assignment) or a covenant as mentioned in section 12A(2) of this Act (right of first refusal for registered social landlord)) contain a covenant to the following effect limiting the freedom of the purchaser (including any successor in title of his and any person deriving title under him or such a successor) to dispose of the house. (2) The limitation is that until such time (if any) as may be notified in writing by the registered social landlord to the purchaser or a successor in title of his, there will be no relevant disposal which is not an exempted disposal without the written consent of the landlord. (3) That consent shall not be withheld if the person to whom the disposal is made (or, if it is made to more than one person, at least one of them) has, throughout the period of three years immediately preceding the application for consent-- (a) had his place of work in a region designated by order under section 157(3) of the Housing Act 1985 which, or part of which, is comprised in the National Park or area concerned, or (b) had his only or principal home in such a region, or if he has had the one in part or parts of that period and the other in the remainder. The region need not have been the same throughout the period. (4) A disposal in breach of such a covenant as is mentioned above is void.	
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

(5) The limitation imposed by such a covenant is a local land charge and, [if the first disposal involves registration under the Land Registration Act 2002, the Chief Land Registrar shall enter in the register of title a restriction reflecting the limitation. (6) In this section "purchaser" means the person acquiring the interest disposed of by the first disposal. (7) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c), any such covenant as is mentioned in this section ceases to apply in relation to the property disposed of.	
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Adran 16 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Right of tenant to acquire dwelling</i> 16 Right of tenant to acquire dwelling [(1) The tenant of a dwelling in Wales has a right to acquire the dwelling if-- (a) the landlord is a registered social landlord or a [private registered provider] of social housing, (b) the tenancy is-- (i) an assured tenancy, other than an assured shorthold tenancy or a long tenancy, or (ii) a secure tenancy, (c) the dwelling was provided with public money and has remained in the social rented sector, and (d) the tenant satisfies any further qualifying conditions applicable under Part V of the Housing Act 1985 (the right to buy) as it applies in relation to the right conferred by this section. (2) For this purpose a dwelling shall be regarded as provided with public money if-- (a) it was provided or acquired wholly or in part by means of a grant under section 18 (social housing grant),	

(b) it was provided or acquired wholly or in part by applying or appropriating sums standing in the disposal proceeds fund of a registered social landlord <u>(see section 25) maintained under this Act prior to the coming into force of Section 15 of the Regulation of Registered Social Landlords (Wales) Act 2018</u>, or (c) it was acquired by a registered social landlord or a private registered provider of social housing] after the commencement of this paragraph on a disposal by a public sector landlord at a time when it was capable of being let as a separate dwelling. (3) A dwelling shall be regarded for the purposes of this section as having remained within the social rented sector if, since it was so provided or acquired-- (a) the person holding the freehold interest in the dwelling has been either a registered social landlord, a private registered provider of social housing] or a public sector landlord; and (b) any person holding an interest as lessee (otherwise than as mortgagee) in the dwelling has been-- (i) an individual holding otherwise than under a long tenancy; or (ii) a registered social landlord[, a private registered provider of social housing] or a public sector landlord. (3A) In subsection (3)(a) the reference to the freehold interest in the dwelling includes a reference to such an interest in the dwelling as is held by the landlord under a lease granted in pursuance of paragraph 3 of Schedule 9 to the Leasehold Reform, Housing and Urban Development Act 1993 (mandatory leaseback to former freeholder on collective enfranchisement). (4) A dwelling shall be regarded for the purposes of this section as provided by means of a grant under section 18 (social housing grant) if, and only if, [the Welsh Ministers] when making the grant notified the recipient that the dwelling was to be so regarded. The Welsh Ministers shall before making the grant inform the applicant that they propose to give such a notice and allow him an opportunity to withdraw his	Atodlen 2 (9)
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

application within a specified time. [(5) . . . (6) . . . (7) . . .]	
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Adrannau 24, 25 a 26 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Disposal proceeds fund</i> 24—The disposal proceeds fund (1)—A registered social landlord shall show separately in its accounts for any period ending after the coming into force of this section its net disposal proceeds. (2)—The net disposal proceeds of a registered social landlord are— (a)—the net proceeds of sale received by it in respect of any disposal of land to a tenant— (i)—in pursuance of the right conferred by section 16 above or section 180 of the Housing and Regeneration Act 2008 (right of tenant to acquire dwelling); or (ii)—in respect of which a grant was made under section 21 (purchase grant in respect of other disposals); or (iii)—in respect of which a grant was made under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on the disposal to the tenant; (b)—payments of grant received by it under section 20 or 21 (purchase grant); (ba)—payments of grant received by it under section 19 of the Housing and Regeneration Act 2008 in respect of discounts given by it on disposals of dwellings to tenants; (c)—where any grant as mentioned in paragraph (b) or (ba) has been paid to it, any repayments of	Adran 15

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

discount in respect of which the grant was given; and (d) — such other proceeds of sale or payments of grant (if any) as the Welsh Ministers may from time to time determine. (3) — The net proceeds of sale means the proceeds of sale less an amount calculated in accordance with a determination by the Welsh Ministers. (4) — The disposal proceeds shall be shown in a fund to be known as a disposal proceeds fund. (5) — The method of constituting the fund and showing it in the landlord's accounts shall be as required by determination of the Welsh Ministers under paragraph 16 of Schedule 1 (general requirements as to accounts). (6) — Interest shall be added to the fund in accordance with a determination made by the Welsh Ministers. (7) — Where this section applies in relation to the proceeds of sale arising on a disposal, section 27 below (recovery, &c of social housing grants) and section 52 of the Housing Act 1988 (recovery, &c of grants under that Act and earlier enactments) do not apply.	
25 — Application or appropriation of disposal proceeds (1) — The sums standing in the disposal proceeds account of a registered social landlord ("disposal proceeds") may only be applied or appropriated by it for such purposes and in such manner as the Welsh Ministers may determine. (2) — If any disposal proceeds are not applied or appropriated as mentioned in subsection (1) within such time as is specified by determination of the Welsh Ministers, the Welsh Ministers may direct that the whole or part of them shall be paid to them.	Adran 15
26 — Disposal proceeds: power to require information (1) — The Welsh Minsters may give notice—	Adran 15

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

(a) — to all registered social landlords, (b) — to registered social landlords of a particular description, or (c) — to particular registered social landlords, requiring them to furnish them with such information as they may reasonably require in connection with the exercise of their functions under sections 24 and 25 (treatment of disposal proceeds). (2) — A notice under subsection (1)(a) or (b) may be given by publication in such manner as the Welsh Ministers consider appropriate for bringing it to the attention of the landlords concerned.	
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Adran 36 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Housing management</i> 36 Issue of guidance by the Welsh Ministers[-- housing in England] (1) The Welsh Ministers may issue guidance with respect to the management of housing accommodation [in England] by registered social landlords. (2) Guidance under subsection (1)] may, in particular, be issued with respect to-- (a) the housing demands for which provision should be made and the means of meeting those demands; (b) the allocation of housing accommodation between individuals; (c) the terms of tenancies and the principles upon which levels of rent should be determined; (d) standards of maintenance and repair and the means of achieving those standards; (e) the services to be provided to tenants; (f) the procedures to be adopted to deal with complaints by tenants against a landlord;	

(g) consultation and communication with tenants; (h) the devolution to tenants of decisions concerning the management of housing accommodation; [(i) the policy and procedures a landlord is required under section 218A to prepare and from time to time revise in connection with anti-social behaviour. (2A) . . . (3) Before issuing any guidance under this section the Welsh Ministers shall consult such bodies appearing to the Welsh Ministers to be representative of registered social landlords as the Welsh Ministers consider appropriate; and where the Welsh Ministers issue guidance under this section it shall be issued in such manner as the Welsh Ministers consider appropriate for bringing it to the notice of the landlords concerned. (4) . . . (5) Guidance issued under this section may be revised or withdrawn; and subsection (3) applies in relation to the revision of guidance as in relation to its issue. (6) Guidance under this section may make different provision in relation to different cases and, in particular, in relation to different areas, different descriptions of housing accommodation and different descriptions of registered social landlord. (7) In considering whether action needs to be taken to secure the proper management of the affairs of a registered social landlord or whether there has been misconduct or mismanagement, the Welsh Ministers may have regard (among other matters) to the extent to which any guidance under this section is being or has been followed.	Atodlen 2 (10)
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Adran 42 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
42 Moratorium on disposal of land, &c (1) Where any of the steps mentioned in section 41 is taken in relation to a registered social landlord, there is a moratorium on the disposal of land held by the landlord. (2) During the moratorium the consent of the Welsh Ministers under this section is required (except as mentioned below) for any disposal of land held by the landlord, whether by the landlord itself or any person having a power of disposal in relation to the land. Consent under this section may be given in advance and may be given subject to conditions. (3) Consent is not required under this section for any such disposal as is mentioned in section 10(1), (2) or (3) (lettings and other disposals not requiring consent under section 9). <u>Consent is not required under this section for—</u> <u>(a) a letting of land under an assured tenancy or an assured agricultural occupancy, or what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8, or paragraph 12(1)(h), or any of paragraphs 12ZA to 12B, of Schedule 1 to the Housing Act 1988;</u> <u>(b) a letting of land under a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;</u> <u>(c) a disposal under Part V of the Housing Act 1985 (the right to buy) or under the right conferred by section 16 (the right to acquire).</u> (4) A disposal made without the consent required by this section is void. (5) Nothing in this section prevents a liquidator from disclaiming any land held by the landlord as onerous property.	Atodlen 2(11)

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

(6) The provisions of this section apply in relation to any existing or future interest of the landlord in rent or other receipts arising from land as they apply to an interest in land.	
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Adran 50C o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Enforcement notice</i> 50C Grounds for giving notice (1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that-- (a) any of the following cases applies, and (b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action). (2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A. (3) Case 2 is where there has been misconduct or mismanagement in the affairs of the registered social landlord. <u>Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment..</u> (4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice. (5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3). (6) Case 5 is where the interests of tenants of the registered social landlord require protection.	Adran 11(2)

(7) Case 6 is where the registered social landlord's assets require protection. (8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it. (9) Case 8 is where an offence under this Part has been committed by the registered social landlord. (10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005. <u>(10A) But Case 2 is not to be treated as applying if any of the other cases listed in this section applies.</u> (11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)-- (a) Case 8 applies, (b) the Welsh Ministers may give an enforcement notice to the other person, and (c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.	Adran 11(3)
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Adran 50H o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Penalty</i> 50H Grounds for imposition (1) The Welsh Ministers may require a registered social landlord to pay a penalty if they are satisfied that-- (a) any of the following cases applies, and (b) the imposition of a penalty is appropriate (whether or not as part of a response including other	

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Adran 52 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
<i>Orders and determinations</i> 52 General provisions as to orders (1) The following provisions apply to any power of the [Welsh Ministers] under [section 2, <u>7J</u>, 17, [27A,] 39, [50J,] 51 or 55 or Schedule 2] to make an order. (2) An order may make different provision for different cases or descriptions of case. This includes power to make different provision for different bodies or descriptions of body, different provision for different housing activities and different provision for different areas. (3) An order may contain such supplementary, incidental, consequential or transitional provisions and savings as the [Welsh Ministers consider] appropriate.	Atodlen 2(14)

Adran 63 o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
63 Minor definitions: Part I (1) In this Part-- "action" includes inaction, proposed action and decision; "company" means a company registered under the Companies Act 2006; "dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses	

and appurtenances belonging to it or usually enjoyed with it; "fully mutual", in relation to a housing association, and "co-operative housing association" have the same meaning as in the Housing Associations Act 1985 (see section 1(2) of that Act); "hostel" means a building in which is provided for persons generally or for a class or classes of persons-- (a) residential accommodation otherwise than in separate and self-contained premises, and (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both; "house" includes-- (a) any part of a building occupied or intended to be occupied as a separate dwelling, and (b) any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it; "housing accommodation" includes flats, lodging-houses and hostels; "housing activities" means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in or specified under section 2; "information" includes accounts, estimates and returns; "local authority" has the same meaning as in the Housing Associations Act 1985; "long tenancy" has the same meaning as in Part V of the Housing Act 1985; "misconduct" includes any failure to comply with the	
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requirements of this Part of this Act; "modifications" includes additions, alterations and omissions and cognate expressions shall be construed accordingly; "notice" means notice in writing; <u>"notify" means notify in writing</u> "public sector landlord" means any of the authorities or bodies within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies); "registrar of companies" has the same meaning as in [the Companies Acts (see section 1060 of the Companies Act 2006)]; "representations" means representations in writing; "statutory tenancy" has the same meaning as in the Housing Act 1985. (2) References in this Part to the provision of a dwelling or house include the provision of a dwelling or house-- (a) by erecting the dwelling or house, or converting a building into dwellings or a house, or (b) by altering, enlarging, repairing or improving an existing dwelling or house; and references to a dwelling or house provided by means of a grant or other financial assistance are to its being so provided directly or indirectly.	Atodlen 2(13)
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Atodlen 1 (Rhan 2) o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
Part II Constitution, Change of Rules, Amalgamation and Dissolution <i>General power to remove officer</i> 4 (1) The Welsh Ministers may, in accordance with the following provisions, by order remove an officer of a registered social landlord. . . (a) . . . (b) . . . (c) . . . (2) The Welsh Ministers may make an order removing any such person if-- (a) he has been made bankrupt or a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of him, or he has made an arrangement with his creditors; [(b) he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002; (c) he is subject to an order under <i>section 429(2) of the Insolvency Act 1986 (failure to pay under county court administration order)</i> [<u>section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order)</u>]; (d) he is disqualified under [section 178 of the Charities Act 2011] from being a charity trustee; (e) he is incapable of acting by reason of mental disorder;	Mae'r tanlinellu yma yn rhan o destun y Ddeddf fel y'i trawsosodwyd ac nid o ganlyniad i ddarpariaeth ym Mil Rheoleiddio Landlordiaid Cymdeithasol

(f) he has not acted; or (g) he cannot be found or does not act and his absence or failure to act is impeding the proper management of the registered social landlord's affairs <u>registered social landlord's compliance with a requirement imposed by or under an enactment.</u> (3) Before making an order the Welsh Ministers shall give at least 14 days' notice of [their] intention to do so to the person whom they intend to remove, and to the registered social landlord. (4) That notice may be given by post, and if so given to the person whom the Welsh Ministers intend to remove may be addressed to his last known address in the United Kingdom. (5) A person who is ordered to be removed under this paragraph may appeal against the order to the High Court. <i>Restriction on power of removal in case of registered charity</i> 5 (1) The Welsh Ministers may make an order under paragraph 4 removing an officer of a registered charity only if the charity has received public assistance. . . (a) . . . (b) . . . (c) . . . (2) . . . <i>Registered charity: power to appoint new officer</i> 6 (1) The Welsh Ministers may by order appoint a person to be an officer of a registered social landlord which is a registered charity-- (a) in place of a person removed by the Welsh Ministers, (b) where there are [no officers], or	Cofrestredig (Cymru) Adran 6(2)
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(c) where the Welsh Ministers are of the opinion that it is necessary <u>to have an additional officer in order to ensure that the charity complies with the requirement imposed by or under an enactment.</u> for the proper management of the charity's affairs to have an additional officer. The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of officers permissible under the charity's constitution to be exceeded. (2) The Welsh Ministers shall only exercise their power under sub-paragraph (1) if-- (a) the charity has, at any time before the power is exercised, received public assistance, and (b) the Welsh Ministers have consulted the Charity Commission. (3) A person may be so appointed notwithstanding any restrictions on appointment in the charity's constitution or rules. (4) A person appointed under this paragraph shall hold office for such period and on such terms as the Welsh Ministers may specify; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify. This does not prevent a person appointed under this paragraph from retiring in accordance with the charity's constitution or rules. (5) A person appointed under this paragraph as officer of a registered charity is entitled-- (a) to attend, speak and vote at any general meeting of the charity and to receive all notices of and other communications relating to any such meeting which a member is entitled to receive, (b) to move a resolution at any general meeting of the charity, and (c) to require a general meeting of the charity to be convened within 21 days of a request to that effect made in writing to the directors or trustees. <i>Company: power to appoint new officer</i>	Adran 6(3)
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(1) The Welsh Ministers may by order appoint a person to be an officer of a registered social landlord which is a company-- (a) in place of an officer removed by the Welsh Ministers, (b) where there are no officers, or (c) where the Welsh Ministers are of the opinion that it is necessary for the proper management of the company's affairs to have an additional officer to <u>have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment.</u> (2) A person may be so appointed whether or not he is a member of the company and notwithstanding anything in the company's articles of association. (3) Where a person is appointed under this paragraph-- (a) he shall hold office for such period and on such terms as the Welsh Ministers may specify, and (b) on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify. This does not prevent a person from retiring in accordance with the company's articles of association. [(4) A person appointed under this paragraph is entitled-- (a) to receive all such communications relating to a written resolution proposed to be agreed to by the company as are required to be supplied to a member of the company; (b) to receive all notices of, and other communications relating to, any general meeting which a member of the company is entitled to receive, and to attend, speak and vote at any such meeting; (c) to move a resolution at any general meeting of the company; and (d) to require a general meeting of the company to be convened within 21 days of a request to that effect made in writing to the directors of the company.	Adran 6(4)
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<i>Registered society: power to appoint officer</i> 8 (1) The Welsh Ministers may by order appoint a person to be an officer of a registered social landlord which is a registered society-- (a) in place of a person removed by the Welsh Ministers, (b) where there are no officers, or (c) where the Welsh Ministers are of the opinion that it is necessary for the proper management of the society's affairs to have an additional officer to <u>have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment.</u> The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of officers permissible under the society's constitution to be exceeded. (2) A person may be so appointed whether or not he is a member of the society and, if he is not, notwithstanding that the rules of the society restrict appointment to members. (3) A person appointed under this paragraph shall hold office for such period and on such terms as the Welsh Ministers may specify; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify. This does not prevent a person appointed under this paragraph from retiring in accordance with the rules of the society. (4) A person appointed under this paragraph is entitled-- (a) to attend, speak and vote at any general meeting of the society and to receive all notices of and other communications relating to any general meeting which a member of the society is entitled to receive, (b) to move a resolution at any general meeting of the society, and (c) to require a general meeting of the society to be convened within 21 days of a request to that	Adran 6(5)
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effect made in writing to the committee of the society. <i>Change of rules, &c by [registered society]</i> 9 (1) This paragraph applies to a registered society whose registration as a social landlord has been recorded by the Financial Conduct Authority. (2) <u>The registered society must notify the Welsh Ministers of any amendment to its rules (including a change in its registered office or name).</u> Notice shall be sent to the Welsh Ministers of any change of the society's name or of the situation of its registered office. (3) <u>The reference in sub paragraph (2) to an amendment to the rules of a society is to be interpreted in accordance with section 149 of the Co-operative and Community Benefit Societies Act 2017 (C.14)</u> Any other amendment of the society's rules is not valid without the Welsh Ministers' consent. (3A) Consent given by the Welsh Ministers under sub-paragraph (3), shall be given by order in writing. (4) A copy of that consent shall be sent with the copies of the amendment required by section 16 of the Co-operative and Community Benefit Societies Act 2014 ("the 2014 Act") to be sent to the Financial Conduct Authority. (5) The 2014 Act applies in relation to the provisions of this paragraph as if they were contained in section 16 of that Act (amendment of registered rules). <i>Change of objects by certain charities</i> 10 (1) This paragraph applies to a registered social landlord-- (a) which is a registered charity and is not a company, and (b) whose registration under this Part of this Act has been recorded by the [Charity Commission] in accordance with section 3(3).	Adran 3(2) Adran 3(2) Adran 3(2) Adran 3(2) Adran 3(2)
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(2) No power contained in the provisions establishing the registered social landlord as a charity, or regulating its purposes or administration, to vary or add to its objects may be exercised without the consent of the Charity Commission. Before giving [its] consent the Charity Commission shall consult the Welsh Ministers. <i>Change of articles of company</i> 11 (1) This paragraph applies to a company (including a company that is a registered charity) whose registration as a social landlord has been recorded by the registrar of companies. (2) <u>The company must notify the Welsh Ministers of a change to –</u> ____ (a) its name; ____ (b) the address of its registered office; ____ (c) its articles of association. Notice shall be sent to the Welsh Ministers of any change of the company's name or of the address of its registered office. (3) Any other alteration of the company's articles of which notice is required to be given to the registrar of companies is not valid without the Welsh Ministers' consent. [(3A) Consent given by the Welsh Ministers under sub-paragraph (3), shall be given by order in writing. (4) A copy of that consent shall be sent with the copy of the resolution making the alterations that is required to be sent to the registrar of companies under section 30 of the Companies Act 2006. <i>Amalgamation and dissolution &c of registered society</i> 12 (1) This paragraph applies to a registered society whose registration as a social landlord has been recorded by the Financial Conduct Authority.	Adran 3(3) Adran 3(3)
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(2) The Financial Conduct Authority shall not register a special resolution which is <u>The society must notify the Welsh Ministers of a special resolution which it has</u> passed for the purposes of-- (a) section 109 of the Co-operative and Community Benefit Societies Act 2014 ("the 2014 Act") (amalgamation of societies), (b) section 110 of that Act (transfer of engagements between societies), or (c) section 112 of that Act (conversion of society into a company etc), unless, together with the copy of the resolution, there is sent to it a copy of the Welsh Ministers' consent to the amalgamation, transfer or conversion the Financial Conduct Authority has received notification from the society which passed the resolution that it has notified the Welsh Ministers of the resolution. <u>(2A) On giving notification under sub-paragraph (2), a society must also provide the Welsh Ministers with a statement about the consultation carried out by the society with its tenants before passing the resolution to which the notification relates.</u> <u>(2B) But the requirement in sub-paragraph (2A) does not apply in respect of a resolution passed for the purpose of paragraph (a) of section 112(1) of the 2014 Act (conversion of society into a company).</u> (3) Any new body created by the amalgamation or conversion or, in the case of a transfer of engagements, the transferee, shall be deemed to be registered as a social landlord forthwith upon the amalgamation, conversion or transfer taking effect. (4) If the society resolves by special resolution that it be wound up voluntarily under the Insolvency Act 1986, the resolution has no effect unless the Financial Conduct Authority has received notification from the society that it has notified the Welsh Ministers of the resolution <u>the society must notify the Welsh Ministers of the resolution.</u> (a) before the resolution was passed the Welsh Ministers gave their consent to its passing, and (b) a copy of the consent is forwarded to the Financial Conduct Authority together with a copy of	Adran 4(2) Adran 4(2) Adran 4(3) Adran 4(4) Adran 4(5)
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the resolution required to be so forwarded in accordance with section 123(3)(a) of the 2014 Act. (5) If the society is to be dissolved by instrument of dissolution, the Financial Conduct Authority shall not-- (a) register the instrument in accordance with section 121 of the 2014 Act, or (b) cause notice of the dissolution to be advertised in accordance with section 122 of that Act, unless together with the instrument there is sent to it a copy of the Welsh Ministers' consent to its making. <u>If an instrument of dissolution is approved in accordance with section 119(3) of the 2014 Act (dissolution of society by instrument), the society to which the instrument relates must notify the Welsh Ministers of the approval.</u> (6) Consent given by the Welsh Ministers under this paragraph shall be given by order in writing].	Adran 4(6)
<i>Arrangement, reconstruction, &c of company</i> 13 (1) This paragraph applies to a company whose registration as a social landlord has been recorded by the registrar of companies. (2) An order of the court given for the purposes of section 899 of the Companies Act 2006 (compromise or arrangement with creditors or members) is not effective unless the Welsh Ministers have given their consent. A copy of the consent shall be sent to the registrar of companies along with the office copy of the order delivered to him under that section. <u>If a court makes an order under section 899 of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.</u> (3) An order of the court given for the purposes of section 900 of the Companies Act 2006 (transfer of undertaking or property for purposes of reconstruction	Adran 4(7) Adran 4(7) Adran 4(7)

(7) Consent given by the Welsh Ministers under this paragraph shall be given by order in writing. (8) Where sub-paragraph (3) or (4) applies, the transferee or, as the case may be, any new body created by the conversion shall be deemed to be registered as a social landlord forthwith upon the transfer or conversion taking effect. <u>Directions about notifications to be given to Welsh Ministers</u> <u>Directions to registered social landlords about notifications</u> <u>13A</u> (1) <u>The Welsh Ministers may give directions to registered social landlord about -</u> (a) <u>the delivery, form and content of a notification given to the Welsh Ministers under paragraph 9, 11, 12 or 13;</u> (b) <u>the deadline for giving a notification referred to in paragraph (a).</u> (2) <u>The Welsh Ministers may give directions to registered social landlords dispensing with the requirement to give a notification referred to in sub-paragraph (1)(a).</u> (3) <u>A direction under this section may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or types of social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.</u> (4) <u>A direction may vary or revoke a previous direction under this paragraph.</u> (5) <u>A registered social landlord must comply with a direction under this paragraph.</u> <u>Welsh Ministers' power to petition for winding up</u>	Adran 5 Adran 5 Adran 5 Adran 4(9) Adran 4(9)
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14 (1) The Welsh Ministers may present a petition for the winding up under the Insolvency Act 1986 of a registered social landlord which is-- [(a) a company (including a company that is a registered charity), or] (b) a registered society (to which the winding up provisions of the Insolvency Act 1986 apply in accordance with section 123 of the Co-operative and Community Benefit Societies Act 2014), on either of the following grounds. (2) The grounds are-- (a) that the landlord is failing properly to carry out its purposes or objects, or (b) that the landlord is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986. <i>Transfer of net assets on dissolution or winding up</i> 15 (1) This paragraph applies-- (a) where a registered social landlord which is a registered society is dissolved as mentioned in section 119 or 123 of the Co-operative and Community Benefit Societies Act 2014 (dissolution by instrument of dissolution or by winding up), and (b) where a registered social landlord which is a company (including a company that is a registered charity) is wound up under the Insolvency Act 1986. (2) On such a dissolution or winding-up, so much of the property of the society or company as remains after meeting the claims of its creditors and any other liabilities arising on or before the dissolution or winding-up shall be transferred to the Welsh Ministers or, if the Welsh Ministers so direct, to a specified registered social landlord. The above provision has effect notwithstanding anything in [the Co-operative and Community Benefit	Adran 4(9)
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Societies Act 2014, the Companies Act 2006 or the Insolvency Act 1986, or in the rules of the society or, as the case may be, in the articles of the company. (3) In order to avoid the necessity for the sale of land belonging to the registered social landlord and thereby secure the transfer of the land under this paragraph, the Welsh Ministers may, if it appears to them appropriate to do so, make payments to discharge such claims or liabilities as are referred to in sub- paragraph (2). (4) Where the registered social landlord which is dissolved or wound up is a charity, the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph only to another registered social landlord-- (a) which is also a charity, and (b) the objects of which appear to the Welsh Ministers to be, as nearly as practicable, akin to those of the body which is dissolved or wound up. <u>And in such a case any registered social landlord specified in a direction under sub-paragraph (2) must be one to which paragraphs (a) and (b) above apply.</u> (5) In any other case the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph to a registered social landlord. (6) Where property transferred to the Welsh Ministers by virtue of this paragraph includes land subject to an existing mortgage or charge (whether in favour of the Welsh Ministers or not), the Welsh Ministers may, in exercise of their powers under Part III of the Housing Associations Act 1985, dispose of the land either-- (a) subject to that mortgage or charge, or (b) subject to a new mortgage or charge in favour of the Welsh Ministers securing such amount as appears to the Welsh Ministers to be appropriate in the circumstances. <u>Transfer of net assets on termination of charity not within paragraph 15(1)</u> <u>15A</u> <u>(1) The Welsh Ministers may by regulations provide</u>	Mae'r tanlinellu yma yn rhan o destun y Ddeddf fel y'i trawsosodwyd ac nid o ganlyniad i ddarpariaeth yn Neddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) Mae'r tanlinellu ym mharagraff 15A yn rhan o destun y Ddeddf fel y'i trawsosodwyd ac nid o ganlyniad i ddarpariaeth yn Neddf Rheoleiddio Landlordiaid
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<u>for any provisions of paragraph 15(2) to (6) to apply in relation to a registered social landlord within sub-paragraph (2)--</u> (a) <u>in such circumstances, and</u> (b) <u>with such modifications,</u> <u>as may be specified in the regulations.</u> <u>(2) A registered social landlord is within this sub-paragraph if--</u> (a) <u>it is a registered charity, and</u> (b) <u>it does not fall within sub-paragraph (1) of paragraph 15.</u> <u>(3) Regulations under this paragraph may in particular provide that any provision of the regulations requiring the transfer of any property of the charity is to have effect notwithstanding--</u> (a) <u>anything in the terms of its trusts, or</u> (b) <u>any resolution, order or other thing done for the purposes of, or in connection with, the termination of the charity in any manner specified in the regulations.</u> <u>(4) Any regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.</u> <i>Management etc</i> <i>Management tender</i>	Cymdeithasol Cofrestredig (Cymru)
15B (1) This paragraph applies if the Welsh Ministers are satisfied that—<u>a registered social landlord has failed to comply with a requirement imposed by or under an enactment.</u> (a)—a registered social landlord has failed to meet a standard under section 33A, or (b)—there has been misconduct or mismanagement in the affairs of the registered social landlord.	Adran 7(2) Adran 7(3)

(2) But this paragraph does not apply where the misconduct or mismanagement <u>if the failure</u> relates only to the registered social landlord's provision of housing in England. (3) The Welsh Ministers may require the registered social landlord to implement a process specified by them for the purpose of-- (a) inviting persons to apply to undertake management functions of the registered social landlord, and (b) selecting from the applications and making an appointment. (4) A requirement may relate to-- (a) the registered social landlord's affairs generally, or (b) specified affairs. (5) A requirement must include-- (a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests), (b) provision for ensuring best procurement practice (and consistent with any applicable procurement law), and (c) provision about the terms and conditions on which the manager is to be appointed (including provision about-- (i) setting, monitoring and enforcing performance standards, and (ii) resources). <i>Management tender: supplemental</i> 15C (1) Before acting under paragraph 15B(3) the Welsh Ministers must give the registered social landlord a notice-- (a) specifying grounds on which action might be taken under that paragraph, (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and	
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(c) explaining the effect of this paragraph. (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers. (3) The period must-- (a) be a period of at least 28 days, and (b) begin with the date on which the registered social landlord receives the notice. (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given). (5) A notice under sub-paragraph (1) must-- (a) refer to section 6A, and (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15B(3). (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following-- (a) sections 50K and 50S, (b) paragraphs 15E and 15G. (7) In imposing a requirement the Welsh Ministers must have regard to views of-- (a) relevant tenants, (b) the registered social landlord, and (c) if they think it appropriate, any relevant local housing authority. (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15B(3). <i>Management transfer</i>	
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the power to enter into agreements and take other action on behalf of the registered social landlord).

Management transfer: supplemental

15E

(1) Before acting under paragraph 15D(3) the Welsh Ministers must give the registered social landlord a notice--

- (a) specifying grounds on which action might be taken under that paragraph,
- (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
- (c) explaining the effect of this paragraph.

(2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(3) The period must--

- (a) be a period of at least 28 days, and
- (b) begin with the date on which the registered social landlord receives the notice.

(4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).

(5) A notice under sub-paragraph (1) must--

- (a) refer to section 6A, and
- (b) indicate whether or to what extent the social landlord would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15D(3).

(6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following--

- (a) sections 50K and 50S,
- (b) paragraphs 15C and 15G.

(7) In imposing a requirement the Welsh Ministers must have regard to views of-- (a) relevant tenants, (b) the registered social landlord, and (c) if they think it appropriate, any relevant local housing authority. (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15D(3). <i>Appointment of manager of registered social landlord</i> 15F (1) This paragraph applies if the Welsh Ministers are satisfied that—<u>a registered social landlord has failed to comply with a requirement imposed by or under an enactment.</u> (a) a registered social landlord has failed to meet a standard under section 33A, or (b) there has been misconduct or mismanagement in the affairs of the registered social landlord. (2) But this paragraph does not apply where the misconduct or mismanagement <u>if the failure</u> relates only to the registered social landlord's provision of housing in England. (3) The Welsh Ministers may-- (a) appoint an individual as a manager of the registered social landlord, or (b) require the registered social landlord to appoint an individual as a manager. (4) An appointment or requirement may relate to the management of-- (a) the registered social landlord's affairs generally, or (b) specified affairs. (5) Appointment is to be on terms and conditions	Adran 8(2) Adran 8(3)
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(including as to remuneration) specified in, or determined in accordance with, the appointment or requirement. (6) A manager is to have-- (a) any power specified in the appointment or requirement, and (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment or requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord). <i>Appointment of manager: supplemental</i> 15G (1) Before acting under paragraph 15F(3) the Welsh Ministers must give the registered social landlord a notice-- (a) specifying grounds on which action might be taken under that paragraph, (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and (c) explaining the effect of this paragraph. (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers. (3) The period must-- (a) be a period of at least 28 days, and (b) begin with the date on which the registered social landlord receives the notice. (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given). (5) A notice under sub-paragraph (1) must-- (a) refer to section 6A, and (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking	
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instead of, or in mitigation of, action under paragraph 15F(3). (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following-- (a) sections 50K and 50S, (b) paragraphs 15C and 15E. (7) The Welsh Ministers may require a manager to report to them on the affairs specified in the appointment or requirement under paragraph 15F(3). (8) A registered social landlord may appeal to the High Court against an appointment or requirement under paragraph 15F(3).	
<i>Amalgamation</i> 15H (1) This paragraph applies if as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that—<u>a registered social landlord which is a registered society has failed to comply with a requirement imposed by or under an enactment.</u> (a) — there has been misconduct or mismanagement in the affairs of a registered social landlord which is [a registered society], or (b) — the management of the affairs of a registered social landlord which is a registered society would be improved if the landlord were amalgamated with another registered society. (2) <u>But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England.</u> But this paragraph does not apply where-- (a) — the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or (b) — the amalgamation would improve the management of the registered social landlord's affairs only in relation to the provision of housing in	

Adran 9(1)

Adran 9 (2)

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

England. (3) The Welsh Ministers may make and execute on behalf of the society an instrument providing for the amalgamation of the society with another registered society. (4) An instrument providing for the amalgamation of a society ("S1") with another has the same effect as a special resolution by S1 under section 109 of the Co-operative and Community Benefit Societies Act 2014 (amalgamation of societies by special resolution). (5) A copy of an instrument must be sent to and registered by the Financial Conduct Authority. (6) An instrument does not take effect until the copy is registered. (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution, but a copy registered after that period is valid. (8) Any body created by virtue of an amalgamation must be registered as a social landlord by the Welsh Ministers, and pending registration is to be treated as registered.	
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Atodlen 1 (Rhan 4) o Ddeddf Tai 1996	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
Part IV Inquiry into Affairs of Registered Social Landlords <i>Inquiry</i> 20 (1) The Welsh Ministers may direct an inquiry into the affairs of a registered social landlord if it appears to the Welsh Ministers that there may have been misconduct or mismanagement <u>the registered social landlord may have failed to comply with a requirement imposed by or under an enactment.</u>	Adran 10(2)

(2) Any such inquiry shall be conducted by one or more persons appointed by the Welsh Ministers. (3) . . . (4) If the Welsh Ministers so direct, or if during the course of the inquiry the person or persons conducting the inquiry consider it necessary, the inquiry shall extend to the affairs of any other body which at any material time is or was a subsidiary or associate of the registered social landlord. (4A) The person or persons conducting the inquiry may determine the procedure to be followed in connection with the inquiry. (5) The person or persons conducting the inquiry may, if they think fit during the course of the inquiry, make one or more interim reports on such matters as appear to them to be appropriate. (6) On completion of the inquiry the person or persons conducting the inquiry shall make a final report on such matters as the Welsh Ministers may specify. (7) An interim or final report shall be in such form as the Welsh Ministers may specify, and the Welsh Ministers may arrange for the whole or part of an interim or final report to be published in such manner as they consider appropriate. [(8) A local authority may, if they think fit, contribute to the expenses of the Welsh Ministers in connection with any inquiry under this paragraph.	
<i>Evidence</i> 20A (1) For the purposes of an inquiry the person or persons conducting it may serve a notice on an appropriate person directing him to attend at a specified time and place and do either or both of the following, namely-- (a) give evidence; (b) produce any specified documents, or documents of a specified description, which are in his custody or under his control and relate to any matter relevant to the inquiry.	

(2) The person or persons conducting such an inquiry-- (a) may take evidence on oath and for that purpose administer oaths, or (b) instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matters about which he is examined. (3) In this paragraph-- "appropriate person" means a person listed in section 30(2); "document" has the same meaning as in section 30; "inquiry" means an inquiry under paragraph 20. (4) A person may not be required under this paragraph to disclose anything that, by virtue of section 30(4), he could not be required to disclose under section 30. (5) Section 31 (enforcement of notice to provide information, &c) applies in relation to a notice given under this paragraph by the person or persons conducting an inquiry as it applies in relation to a notice given under section 30 by the Welsh Ministers, but subject to sub-paragraph (6). (6) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (5) is liable-- (a) on summary conviction, to a fine not exceeding the statutory maximum; (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both. (7) Any person who, in purported compliance with a notice given under this paragraph by the person or persons conducting an inquiry, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (6). (8) Proceedings for an offence under sub-paragraph (7) may be brought only by or with the consent of [the	
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Welsh Ministers] or the Director of Public Prosecutions.] <i>Power of appointed person to obtain information</i> 21 (1) A person appointed by [the Welsh Ministers] under paragraph 20 to conduct an inquiry (or, if more than one person is so appointed, each of those persons) has, for the purposes of the inquiry, the same powers as are conferred on the Welsh Ministers by section 30 (general power to obtain information). (2) Where by virtue of a notice under that section given by an appointed person any documents are produced to any person, the person to whom they are produced may take copies of or make extracts from them. (3) Section 31 (enforcement of notice to provide information, &c) applies in relation to a notice given under this paragraph by an appointed person as it applies in relation to a notice given under section 30 by the Welsh Ministers, but subject to sub-paragraph (4)]. [(4) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (3) is liable-- (a) on summary conviction, to a fine not exceeding the statutory maximum; (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both. (5) Any person who, in purported compliance with a notice given under this paragraph by an appointed person, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (4). (6) Proceedings for an offence under sub-paragraph (5) may be brought only by or with the consent of the Welsh Ministers or the Director of Public Prosecutions.	
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<i>Extraordinary audit for purposes of inquiry</i> 22 (1) For the purposes of an inquiry under paragraph 20 the Welsh Ministers may require the accounts and balance sheet of the registered social landlord concerned, or such of them as the Welsh Ministers may specify, to be audited by a qualified auditor appointed by the Welsh Ministers. (2) A person is a qualified auditor for this purpose if he would be eligible for appointment as auditor of the ordinary accounts of the registered social landlord. (3) On completion of the audit the appointed auditor shall make a report to [the Welsh Ministers] on such matters and in such form as the Welsh Ministers may specify. (4) The expenses of the audit, including the remuneration of the auditor, shall be paid by the registered social landlord in respect of which the inquiry is being conducted. (5) An audit under this paragraph is additional to, and does not affect, any audit made or to be made under any other enactment. <i>Powers exercisable on interim basis</i> 23 (1) The Welsh Ministers may make an order under this paragraph-- (a) where an inquiry has been directed under paragraph 20 and the Welsh Ministers have reasonable grounds to believe-- (i) that there has been misconduct or mismanagement in the affairs of the registered social landlord, that a registered social landlord has failed to comply with a requirement imposed by or under an enactment, and (ii) that immediate action is needed to protect the interests of the tenants of the registered social landlord or to protect the assets of the landlord; or (b) where an interim report has been made under paragraph 20(5) as a result of which the Welsh	Adran 10(3)
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named person to perform his functions. (6) A person who contravenes an order under sub-paragraph (2)(b) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale <i>or imprisonment for a term not exceeding three months, or both.</i> Proceedings for such an offence may be brought only by or with the consent of [the Welsh Ministers] or the Director of Public Prosecutions. <i>Powers exercisable as a result of final report or audit</i> 24 (1) Where the Welsh Ministers are satisfied, as the result of an inquiry under paragraph 20 or an audit under paragraph 22, that there has been misconduct or mismanagement in the affairs of a registered social landlord <u>a registered social landlord has failed to comply with a requirement imposed by or under an enactment</u>, they may make an order under this paragraph. (2) The orders that may be made under this paragraph are-- (a) an order removing any officer, employee or agent of the registered social landlord who appears to the Welsh Ministers to have been responsible for or privy to the misconduct or mismanagement <u>failure</u> or by his conduct to have contributed to or facilitated it; (b) an order suspending any such person for up to six months, pending determination whether he should be removed; (c) an order directing any bank or other person who holds money or securities on behalf of the registered social landlord not to part with the money or securities without the approval of the Welsh Ministers; (d) an order restricting the transactions which may be entered into, or the nature or amount of the payments which may be made, by the registered social landlord without the approval of the Welsh Ministers. (3) Before making an order under sub-paragraph	Adran 10(5) Adran 10(6)
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(2)(a) the Welsh Ministers shall give at least 14 days' notice of their intention to do so-- (a) to the person they intend to remove, and (b) to the registered social landlord concerned. Notice under this sub-paragraph may be given by post, and if so given to the person whom the Welsh Ministers intend to remove may be addressed to his last known address in the United Kingdom. (3A) Before making an order under sub-paragraph (2)(c) or (d) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(c), to the person to whom the order is directed. (4) A person who is ordered to be removed under sub-paragraph (2)(a) or suspended under sub-paragraph (2)(b) may appeal against the order to the High Court. (5) Where a person is suspended under sub-paragraph (2)(b), the Welsh Ministers may give directions with respect to the performance of his functions and otherwise as to matters arising from the suspension. The Welsh Ministers may, in particular, appoint a named person to perform his functions. (6) A person who contravenes an order under sub-paragraph (2)(c) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale <i>or imprisonment for a term not exceeding three months, or both.</i> Proceedings for such an offence may be brought only by or with the consent of [the Welsh Ministers] or the Director of Public Prosecutions. (7) An order under sub-paragraph (2)(c) or (d) has effect until revoked by the Welsh Ministers. <i>Disqualification as officer of registered social landlord</i> 25 (1) A person is disqualified from acting as an officer of a registered social landlord if the person has been	
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removed under-- (a) paragraph 24(2)(a) (removal for misconduct or mismanagement), or (b) section 260 of the Housing and Regeneration Act 2008, section 30(1)(a) of the Housing Associations Act 1985 or section 20(1)(a) of the Housing Act 1974 (other similar provisions). (2) The Welsh Ministers may, on the application of any such person, waive his disqualification either generally or in relation to a particular registered social landlord or particular class of registered social landlord. (3) Any waiver shall be notified in writing to the person concerned. (4) For the purposes of this paragraph the Welsh Ministers shall keep, in such manner as they think fit, a register of all persons who have been removed from office by the Welsh Ministers under the provisions mentioned in sub-paragraph (1). [(4A) The register must show details of any waivers. (5) The register shall be available for public inspection at all reasonable times. <i>Persons acting as officer while disqualified</i> 26 (1) A person who acts as an officer of a registered social landlord while he is disqualified under paragraph 25(1) commits an offence. A person guilty of such an offence is liable-- (a) on summary conviction, to imprisonment for a term not exceeding [12 months] or to a fine not exceeding the statutory maximum, or both; (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both. (1A) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in sub-paragraph (1)(a) to 12 months has effect as if it were a reference to 6 months.	Atodlen 2(14)
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(2) Proceedings for an offence under sub-paragraph (1) may be brought only by or with the consent of [the Welsh Ministers] or the Director of Public Prosecutions. (3) Acts done as an officer of a registered social landlord by a person who is disqualified under paragraph 25(1) are not invalid by reason only of that disqualification. (4) Where [the Welsh Ministers] [are] satisfied-- (a) that a person has acted as an officer of a registered social landlord while disqualified under paragraph 25(1), and (b) that while so acting he has received from the registered social landlord any payments or benefits in connection with his so acting, they may by order direct him to repay to the registered social landlord the whole or part of any such sums or, as the case may be, to pay to [them] the whole or part of the monetary value (as determined by [them]) of any such benefit. (5) If a person fails to comply with an order directing repayment, the registered social landlord or the Welsh Ministers (as the case may be) may recover the sum or specified amount as a debt.	
<i>Power to direct transfer of land</i>	
27 (1) Where as a result of an inquiry under paragraph 20 or an audit under paragraph 22 the Welsh Ministers are satisfied as regards a registered social landlord-- (a) that there has been misconduct or mismanagement in its administration or <u>that it has failed to comply with a requirement imposed by or under an enactment, and,</u> (b) that the management of its land would be improved if its land were transferred in accordance with the provisions of this paragraph, the Welsh Ministers may. . . direct the registered social landlord to make such a transfer.	Adran 10(7)

(2) Where the registered social landlord concerned is a charity, the Welsh Ministers may only direct a transfer to be made to another registered social landlord-- (a) which is also a charity, and (b) the objects of which appear to the Welsh Ministers to be, as nearly as practicable, akin to those of the registered social landlord concerned. (3) In any other case the Welsh Ministers may direct a transfer to be made to the Welsh Ministers or to another registered social landlord. (4) The transfer shall be on such terms as the Welsh Ministers may direct on the basis of principles determined by them. (5) The price shall not be less than the amount certified by the district valuer to be the amount the property would command if sold by a willing seller to another registered social landlord. (6) The terms shall include provision as to the payment of debts and liabilities (including debts and liabilities secured on the land). <i>Availability of powers in relation to registered charities</i>	
28 (1) The Welsh Ministers may exercise their powers under paragraphs 20 to 26 in relation to a registered charity only if the charity has received public assistance. . . (a) . . . (b) . . . (c) . . . (2) . . . (3) In relation to a registered charity paragraphs 20 to 26 have effect with the following adaptations-- (a) references to its affairs are confined to its housing activities and such other activities (if any) as are incidental to or connected with its housing activities;	

(b) references to its accounts do not include revenue accounts which do not relate to its housing activities, except so far as such accounts are necessary for the auditing of revenue accounts which do so relate or of the balance sheet; (c) a person is a qualified auditor for the purpose of paragraph 22 (extraordinary audit) only if he is an auditor qualified for the purposes of paragraph 18 (accounting and audit requirements for charities). (4) The Welsh Ministers shall notify the Charity Commission upon the exercise in relation to a registered charity of their powers under-- (a) paragraph 20(1) (inquiry into affairs of registered social landlord), (b) paragraph 23(2)(a) (interim suspension of person in connection with misconduct or mismanagement), or (c) paragraph 24(2)(a) or (b) (removal of person in connection with misconduct or mismanagement or suspension with a view to removal). 29 The Welsh Ministers may not exercise their powers under paragraph 27 in relation to a registered charity.	Atodlen 2(15) Atodlen 2(15)
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Atodiad 4b

Deddf Tai 1985 (p.68)

Y DIWYGIADAU SYDD I GAEL EU GWNEUD GAN DDEDDF RHEOLEIDDIO LANDLORDIAID CYMDEITHASOL COFRESTREDIG (CYMRU)

Bwriedir i'r ddogfen hon ddangos sut y byddai'r darpariaethau yn Neddf Tai 1985 (p.68) fel yr oeddent yn gymwys o ran Cymru ar 17 Awst 2017 yn edrych fel y'u diwygid gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

Ceir llinell drwy'r testun sydd i gael ei ddileu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru), e.e. ~~mae testun sydd wedi ei hepgor yn edrych fel hyn~~. Mae testun sydd i gael ei ychwanegu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) wedi ei danlinellu, e.e. mae testun sydd wedi ei ychwanegu yn edrych fel hyn. Rhoddir y cyfeiriadau at y darpariaethau diwygio perthnasol yn y Ddeddf yn y golofn dde ar bob tudalen.

Cynhwysir nifer o ddarpariaethau cysylltiedig yn y Ddeddf, er nad ydynt yn cael eu diwygio, er mwyn helpu i ddeall y diwygiadau arfaethedig.

Rhybudd

Mae'r testun hwn wedi ei lunio gan swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru. Er bod ymdrech wedi ei gwneud i sicrhau ei fod yn gywir, ni ddylid dibynnu arno fel testun diffiniol o Ddeddf Tai 1985 na Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

At ddiben helpu pobl i ddeall effaith Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r testun wedi ei lunio. Ni fwriedir iddo gael ei ddefnyddio mewn unrhyw gyd-destun arall.

Adran 171D o Ddeddf Tai 1985	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
171D Subsequent dealings: disposal of landlord's interest in qualifying dwelling-house (1) The disposal by the landlord of an interest in the	

qualifying dwelling-house, whether his whole interest or a lesser interest, does not affect the preserved right to buy, unless-- (a) as a result of the disposal an authority or body within section 80(1) (the landlord condition for secure tenancies) becomes the landlord of the qualifying person or persons, or (b) paragraph 6 of Schedule 9A applies (effect of failure to register entry protecting preserved right to buy), in which case the right to buy ceases to be preserved. (2) The disposal by the landlord of a qualifying dwelling-house of less than his whole interest as landlord of the dwelling-house, or in part of it, requires the consent of the [appropriate authority], unless the disposal is to the qualifying person or persons. (2ZA) Subsection (2) does not apply to a disposal of land by a private registered provider of social housing <u>or by a registered social landlord</u>. (2A) "The appropriate authority" means-- (a) . . . (b) in relation to [a] disposal of land in England, the Secretary of State, and (c) in relation to a disposal of land in Wales, the Welsh Ministers. (3) Consent may be given in relation to a particular disposal or generally in relation to disposals of a particular description and may, in either case, be given subject to conditions. (4) A disposal made without the consent required by subsection (2) is void, except in a case where, by reason of a failure to make the entries on the land register or land charges register required by Schedule 9A, the preserved right to buy does not bind the person to whom the disposal is made.	Adran 13(1)
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Atodiad 4c

Deddf Tai 1988 (p.50)

Y DIWYGIADAU SYDD I GAEL EU GWNEUD GAN DDEDDF RHEOLEIDDIO LANDLORDIAID CYMDEITHASOL COFRESTREDIG (CYMRU)

Bwriedir i'r ddogfen hon ddangos sut y byddai'r darpariaethau yn Neddf Tai 1988 (p.50) fel yr oeddent yn gymwys o ran Cymru ar 17 Awst 2017 yn edrych fel y'u diwygid gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

Ceir llinell drwy'r testun sydd i gael ei ddileu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru), e.e. ~~mae testun sydd wedi ei hepgor yn edrych fel hyn~~. Mae testun sydd i gael ei ychwanegu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) wedi ei danlinellu, e.e. mae testun sydd wedi ei ychwanegu yn edrych fel hyn. Rhoddir y cyfeiriadau at y darpariaethau diwygio perthnasol yn y Ddeddf yn y golofn dde ar bob tudalen.

Cynhwysir nifer o ddarpariaethau cysylltiedig yn y Ddeddf, er nad ydynt yn cael eu diwygio, er mwyn helpu i ddeall y diwygiadau arfaethedig.

Rhybudd

Mae'r testun hwn wedi ei lunio gan swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru. Er bod ymdrech wedi ei gwneud i sicrhau ei fod yn gywir, ni ddylid dibynnu arno fel testun diffiniol o Ddeddf Tai 1985 na Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

At ddiben helpu pobl i ddeall effaith Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r testun wedi ei lunio. Ni fwriedir iddo gael ei ddefnyddio mewn unrhyw gyd-destun arall.

Adran 81 o Ddeddf Tai 1988	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
81 Consent required for certain subsequent disposals	Adran 13(2)

(1) If, by a material disposal, a housing action trust disposes of a house which is for the time being subject to a secure tenancy [or an introductory tenancy] to such a person as is mentioned in [section 79(2)(a)] above (in this section referred to as an "approved person"), the conveyance shall contain a statement that the requirement of this section as to consent applies to a subsequent disposal of the house by the approved person. (2) For the purposes of this section a "material disposal" is-- (a) the transfer of the fee simple; (b) the transfer of an existing lease; or (c) the grant of a new lease; and "the conveyance" means the instrument by which such a disposal is effected. (3) An approved person who acquires a house on a material disposal falling within subsection (1) above shall not dispose of it except with the consent of the [appropriate authority] which may be given either unconditionally or subject to conditions; but nothing in this subsection shall apply in relation to an exempt disposal as defined in subsection (8) below. [(3A) In this section "the appropriate authority" means-- (a) ... (b) in relation to [a] disposal of land in England, the Secretary of State, and (c) in relation to a disposal of land in Wales, the Welsh Ministers.] (4) Where an estate or interest in a house acquired by an approved person as mentioned in subsection (3) above has been mortgaged or charged, the prohibition in that subsection applies also to a disposal by the mortgagee or chargee in exercise of a power of sale or leasing, whether or not the disposal is in the name of the approved person; and in any case where-- (a) by operation of law or by virtue of an order of a court, property which has been acquired by an approved person passes or is transferred to another person, and (b) that passing or transfer does not constitute a disposal for which consent is required under subsection (3) above,	
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~~this section (including, where there is more than one such passing or transfer, this subsection) shall apply as if the other person to whom the property passes or is transferred were the approved person.~~

~~(5) Before giving consent in respect of a disposal to which subsection (3) above applies, the [appropriate authority]—~~

~~(a) shall satisfy [itself] that the person who is seeking the consent has taken appropriate steps to consult every tenant of any house proposed to be disposed of; and~~

~~(b) shall have regard to the responses of any such tenants to that consultation.~~

~~(6) . . .~~

~~(7) No consent shall be required under [. . .] [section 9 or 42 of the Housing Act 1996 or section 9 of the Housing Associations Act 1985] for any disposal in respect of which consent is given [under this section].~~

~~(8) In this section an "exempt disposal" means—~~

~~(a) the disposal of a dwelling house to a person having the right to buy it under Part V of the Housing Act 1985 (whether the disposal is in fact made under that Part or otherwise);~~

~~[(ab) the disposal of a dwelling house to a person having the right to acquire it under [section 180 of the Housing and Regeneration Act 2008 or] Part I of the Housing Act 1996 (see sections 16 and 17 of that Act), whether or not the disposal is in fact made under provisions having effect by virtue of section 17 of that Act;]~~

~~(b) a compulsory disposal, within the meaning of Part V of the Housing Act 1985;~~

~~(c) the disposal of an easement or rentcharge;~~

~~(d) the disposal of an interest by way of security for a loan;~~

~~(e) the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;~~

~~(f) the grant of an assured tenancy or an assured agricultural occupancy, within the meaning of Part I of this Act, or what would be such a tenancy or occupancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act; and~~

(g) — the transfer of an interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee. (9) — Where the title of a housing action trust to a house which is disposed of by a material disposal falling within subsection (1) above is not registered— (a) — . . . (b) — the housing action trust shall give the approved person a certificate stating that it is entitled to make the disposal subject only to such encumbrances, rights and interests as are stated in the conveyance or summarised in the certificate; and (c) — for the purpose of registration of title, the Chief Land Registrar shall accept such a certificate as evidence of the facts stated in it, but if as a result he has to meet a claim against him under the [Land Registration Act 2002] the housing action trust is liable to indemnify him. [(10) — Where the Chief Land Registrar approves an application for registration of— (a) — a disposition of registered land, or (b) — the approved person's title under a disposition of unregistered land, and the instrument effecting the disposition contains the statement required by subsection (1) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal.] (11) — In this section references to disposing of a house include references to— (a) — granting or disposing of any interest in the house; (b) — entering into a contract to dispose of the house or to grant or dispose of any such interest; and (c) — granting an option to acquire the house or any such interest; and any reference to a statement or certificate is a reference to a statement or, as the case may be, certificate in a form approved by the Chief Land Registrar.	
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Adran 133 o Ddeddf Tai 1988	Adran y Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
133 Consent required for certain subsequent disposals (1) Where consent is required for a disposal (in this section referred to as "the original disposal") by virtue of section 32 or section 43 of the Housing Act 1985 and that consent does not provide otherwise, the person who acquires the land or house on the disposal shall not dispose of it except with the consent of the [appropriate authority]; but nothing in this section shall apply in relation to an exempt disposal as defined in section 81(8) above (1ZA) In this section "the appropriate authority" means-- (a) . . . (b) in relation to [a] disposal of land in England, the Secretary of State, and (c) in relation to a disposal of land in Wales, the Welsh Ministers. (1A) This section does not apply if the original disposal was made before the date on which this section comes into force.] (1B) This section does not apply if the original disposal was made to a private registered provider of social housing <u>or to a body registered as a registered social landlord under Chapter 1 of Part 1 of the Housing Act 1996.</u> (2) Where an estate or interest of the person who acquired the land or house on the original disposal has been mortgaged or charged, the prohibition in subsection (1) above applies also to a disposal by the mortgagee or chargee in exercise of a power of sale or leasing, whether or not the disposal is in the name of the person who so acquired the land or house; and in any case where-- (a) by operation of law or by virtue of an order of a court, the land or house which has been acquired passes or is transferred from the person who so	Adran 13(4) Adran 13(5)

acquired it to another person, and (b) that passing or transfer does not constitute a disposal for which consent is required under this section, this section (including, where there is more than one such passing or transfer, this subsection) shall apply as if the other person to whom the land or house passes or is transferred were the person who acquired it on the original disposal. (2A) Consent required for the purposes of this section may be given either generally to all persons who may require such consent or to any particular person or description of person who may require such consent. (3) Where subsection (1) above applies-- (a) if section 34 of the Housing Act 1985 applies to the consent given to the original disposal, subsections (2)(b)[, (3), (4) and (4A)(a) to (c) and (d)] of that section shall also apply to any consent required by virtue of this section; (b) if the consent to the original disposal was given under section 43 of that Act, subsections (2)(b), (3), (4) and (4A)(a) to (c) and (d) of that section shall also apply to any consent required by virtue of this section; (c) in the application of subsection (4A)(a) to (c) and (d) of section 34 or section 43 to any consent required by virtue of this section, [any reference to the appropriate national body shall be construed as a reference to the appropriate authority and] any reference to the local authority making the disposal shall be construed as a reference to the local authority making the original disposal; and (d) the instrument by which the original disposal is effected shall contain a statement in a form approved by the Chief Land Registrar that the requirement of this section as to consent applies to a subsequent disposal of the land or house by the person to whom the original disposal was made. (4) Subsection (4) of section 32 of the Housing Act 1985 or, as the case may be, subsection (5) of section 43 of that Act (options to purchase as disposals) applies for the purposes of this section. (5) Before giving any consent required by virtue of this section, the [appropriate authority]--	
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(a) shall satisfy itself that the person who is seeking the consent has taken appropriate steps to consult every tenant of any land or house proposed to be disposed of; and (b) shall have regard to the responses of any such tenants to that consultation. (5A) A person seeking any consent required by virtue of this section is not required to consult a tenant of the land or house proposed to be disposed of if-- (a) consent is sought for the disposal of the land or house to that tenant or to persons including that tenant; or (b) consent is sought subject to the condition that the land or house is vacant at the time of the disposal; and, accordingly, subsection (5) does not apply in either case. (6) . . . (7) No consent shall be required under [. . .] [section 9 or 42 of the Housing Act 1996 or section 9 of the Housing Associations Act 1985] for any disposal in respect of which consent is given [under this section]. (8) Where the title of the authority to the land or house which is disposed of by the original disposal is not registered, and the original disposal is a transfer or grant of a description mentioned in section 4 of the Land Registration Act 2002 (compulsory registration of title)-- (a) . . . (b) the authority shall give to the person to whom the original disposal is made a certificate in a form approved by the Chief Land Registrar stating that the authority is entitled to make the disposal subject only to such encumbrances, rights and interests as are stated in the instrument by which the original disposal is effected or summarised in the certificate; and (c) for the purpose of registration of title, the Chief Land Registrar shall accept such a certificate as evidence of the facts stated in it, but if as a result he has to meet a claim against him under the [Land Registration Act 2002] the authority by whom the original disposal was made is liable to indemnify him.	Adran 13(6)
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(9) On an application being made for registration of a disposition of registered land or, as the case may be, of the title under a disposition of unregistered land, if the instrument by which the original disposal is effected contains the statement required by subsection (3)(d) above, the Chief Land Registrar shall enter in the register a restriction stating the requirement of this section as to consent to a subsequent disposal. (9) Where the Chief Land Registrar approves an application for registration of-- (a) a disposition of registered land, or (b) a person's title under a disposition of unregistered land, and the instrument effecting the original disposal contains the statement required by subsection (3)(d) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal. (10) In every case where the consent of the Secretary of State is required for the original disposal by virtue of section 32 or section 43 of the Housing Act 1985 (whether or not consent is required under this section to a subsequent disposal), the authority by which the original disposal is made shall furnish to the person to whom it is made a copy of that consent. <u>(11) In this section "exempt disposal" means —</u> (a) <u>the disposal of a dwelling-house to a person having the right to buy it under Part 5 of the Housing Act 1985 (whether the disposal is in fact made under that Part or otherwise);</u> (b) <u>a compulsory disposal, within the meaning of Part 5 of the Housing Act 1985;</u> (c) <u>the disposal of an easement or rentcharge;</u> (d) <u>the disposal of an interest by way of security for a loan;</u> (e) <u>the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;</u> (f) <u>the grant of an assured tenancy or an assured agricultural occupancy, within the meaning of Part 1 of this Act, or what would be such a tenancy or occupancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act;</u> (g) <u>the transfer of an interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in</u>	Adran 13(7)
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

<u>connection with the discharge of any trustee.</u>	
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Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Atodiad 4d

Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p.28)

Y DIWYGIADAU SYDD I GAEL EU GWNEUD GAN DDEDDF RHEOLEIDDIO LANDLORDIAID CYMDEITHASOL COFRESTREDIG (CYMRU)

Bwriedir i'r ddogfen hon ddangos sut y byddai'r darpariaethau yn Neddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p.28) fel yr oeddent yn gymwys o ran Cymru ar 17 Awst 2017 yn edrych fel y'u diwygid gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

Ceir llinell drwy'r testun sydd i gael ei ddileu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru), e.e. ~~mae testun sydd wedi ei hepgor yn edrych fel hyn~~. Mae testun sydd i gael ei ychwanegu gan Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) wedi ei danlinellu, e.e. mae testun sydd wedi ei ychwanegu yn edrych fel hyn. Rhoddir y cyfeiriadau at y darpariaethau diwygio perthnasol yn y Ddeddf yn y golofn dde ar bob tudalen.

Cynhwysir nifer o ddarpariaethau cysylltiedig yn y Ddeddf, er nad ydynt yn cael eu diwygio, er mwyn helpu i ddeall y diwygiadau arfaethedig.

Rhybudd

Mae'r testun hwn wedi ei lunio gan swyddogion Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru. Er bod ymdrech wedi ei gwneud i sicrhau ei fod yn gywir, ni ddylid dibynnu arno fel testun diffiniol o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 na Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018.

At ddiben helpu pobl i ddeall effaith Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r testun wedi ei lunio. Ni fwriedir iddo gael ei ddefnyddio mewn unrhyw gyd-destun arall.

Sylwer: at ddiben helpu pobl i ddeall Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) yn unig y mae'r ddogfen hon wedi ei llunio. Ni ddylid dibynnu arni at unrhyw ddiben arall.

Atodlen 10 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993	Adran o'r Ddeddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig sydd i'w diwygio
SCHEDULE 10 ACQUISITION OF INTERESTS FROM LOCAL AUTHORITIES ETC Section 37 <i>Disapplication of provisions relating to disposals by local authorities etc</i> 1 (1) It is hereby declared that nothing in any of the provisions specified in sub-paragraph (2) (which impose requirements as to consent or consultation or other restrictions in relation to disposals falling within those provisions) applies to any disposal of a freehold or leasehold interest in any premises which is made in pursuance of this Chapter. (2) The provisions referred to in sub-paragraph (1) are-- (a) sections 32 and 43 of the Housing Act 1985 (disposals of land by local authorities) and section 133 of the Housing Act 1988 (certain subsequent disposals); (b) section 148 of the Housing and Regeneration Act 2008 (disposals by registered providers of social housing); (ba) sections 9 and <u>section 42</u> of the Housing Act 1996 (disposals by registered social landlords); (bb) section 9 of the Housing Associations Act 1985 (disposals by unregistered housing associations); (c) section 79(1) and (2) of the Housing Act 1988 (disposals by housing action trusts) and section 81 of that Act (certain subsequent disposals); and (d) . . .	Atodlen 2(1) Atodlen 2(1)

<i>Provisions relating to secure tenants following leaseback</i> 2 (1) This paragraph applies where a lease is granted to a public sector landlord in pursuance of paragraph 2 of Schedule 9. (2) Where-- (a) immediately before the appropriate time the public sector landlord was the immediate landlord under a secure tenancy or an introductory tenancy of a flat contained in the demised premises, and (b) that tenancy continues in force after the grant of the lease referred to in sub-paragraph (1), the tenant shall be deemed to have continued without interruption as tenant of the landlord under the secure tenancy or, as the case may be, the introductory tenancy, despite the disposal of the landlord's interest which immediately preceded the grant of the lease referred to in that sub-paragraph. (3) Where-- (a) immediately before the appropriate time a person was a successor in relation to a secure tenancy or an introductory tenancy of a flat contained in the demised premises, and (b) that person is, in connection with the grant of the lease referred to in sub-paragraph (1), granted a new secure tenancy of that flat which is a tenancy for a term certain, then for the purposes of sections 87 to 90 of the Housing Act 1985 (succession on death of tenant) that person shall also be a successor in relation to the new tenancy. (4) Where-- (a) immediately before the appropriate time a person was the tenant under a secure tenancy or an introductory tenancy of a flat contained in the demised premises, and (b) that person is, in connection with the grant of the lease referred to in sub-paragraph (1), granted a new secure tenancy [or an introductory tenancy of that flat,	
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then, for the purpose of determining whether either of the conditions referred to in sub-paragraph (5) is satisfied, the new tenancy shall not be regarded as a new letting of the flat but shall instead be regarded as a continuation of the secure tenancy or introductory tenancy referred to in paragraph (a) above. (5) Those conditions are-- (a) the condition specified in sub-paragraph (1)(b) of paragraph 5 of Schedule 5 to the Housing Act 1985 (exception to the right to buy in case of letting in connection with employment); and (b) the condition specified in sub-paragraph (1)(b) of paragraph 11 of that Schedule (exception to the right to buy in case of letting for occupation by person of pensionable age etc). (6) In this paragraph-- (a) any reference to a secure tenancy or an introductory tenancy of a flat is a reference to a secure tenancy or an introductory tenancy of a flat whether with or without any yard, garden, garage, outhouses or appurtenances belonging to or usually enjoyed with it; and (b) any reference to a flat includes a reference to a unit (other than a flat) which is used as a dwelling. (7) In this paragraph-- (a) "the appropriate time" and "the demised premises" have the same meaning as in Schedule 9; and (b) "successor" has the same meaning as in section 88 of the Housing Act 1985 in relation to a secure tenancy and as in section 132 of the Housing Act 1996 in relation to an introductory tenancy.	
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