



# Mesur Tai (Cymru) 2011

2011 mccc 5

## RHAN 2

LANDLORDIAID CYMDEITHASOL COFRESTREDIG

## PENNOD 3

RHEOLEIDDIO

*Gwneud arolwg ac archwilio*

### 42 Methu â rhoi hysbysiad i feddianwyr

- (1) Diwygier adran 37 o Ddeddf Tai 1996 (pŵer i fynd i mewn i fangre i wneud arolwg ac archwilio) fel a ganlyn.
- (2) Yn is-adran (3)—
  - (a) mae ail frawddeg y ddarpariaeth bresennol yn newid yn is-adran (3A),
  - (b) yn is-adran (3A), yn lle “who fails to do so” rhodder “who fails, without reasonable excuse, to give the required notice in relation to premises in Wales”, ac
  - (c) ar ôl is-adran (3A) mewnosoder—

“(3B) A landlord who fails to give the required notice in relation to premises in England commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) Yn is-adran (4), yn lle “(3)” rhodder “(3A) or (3B)”.

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### *Cynnal arolygiad*

#### **43 Cynnal arolygiad: trosolwg a chymhwys**

Ar ôl Rhan 3 o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

#### **“PART 3A**

#### **INSPECTION**

##### *Overview and application*

- 19B (1) This Part provides for the inspection of a registered social landlord’s affairs.
- (2) But this Part does not apply in relation to affairs relating only to the provision of housing in England.”

#### **44 Cynnal arolygiad**

Ar ôl paragraff 19B o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

##### *“Inspection*

- 19C (1) The Welsh Ministers—
- (a) may inspect a registered social landlord’s affairs, or
  - (b) may arrange for another person to do so.
- (2) An inspection may be general or specific.
- (3) If the Welsh Ministers arrange for a person to carry out an inspection, they may direct that person to discontinue it.
- (4) If the Welsh Ministers arrange for a person to carry out an inspection, the arrangements may include (among other things) provision about payments.”

#### **45 Cynnal arolygiad: atodol**

Ar ôl paragraff 19C o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

##### *“Inspection: supplemental*

- 19D (1) The person carrying out the inspection must produce a written report.
- (2) The Welsh Ministers—
- (a) must give the registered social landlord a copy of the report, and
  - (b) may publish the report and related information.
- (3) If the Welsh Ministers have arranged for a person to carry out the inspection, that person may publish the report and related information (whether or not the Welsh Ministers have done so).

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- (4) If a registered social landlord is inspected, the Welsh Ministers may charge a fee.
- (5) A registered social landlord must pay any fee charged to—
  - (a) the person with whom the Welsh Ministers have made an arrangement to carry out an inspection (if any), or
  - (b) the Welsh Ministers.
- (6) The Welsh Ministers may direct a registered social landlord to pay the fee to one of those persons.
- (7) If a fee is paid to a person other than the Welsh Ministers, that person must notify the Welsh Ministers about the payment.”

**46 Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu**

Ar ôl paragraff 19D o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

*“Inspector’s powers to require provision of documents or information*

- 19E (1) An inspector may by notice require a person to provide specified documents or information.
- (2) A requirement may specify—
    - (a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);
    - (b) when and where it is to be provided.
  - (3) The inspector may copy or record documents or information provided.
  - (4) Failure to comply with a requirement without reasonable excuse is an offence.
  - (5) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.
  - (6) If a person fails to comply with a requirement the High Court may, on an application by the inspector, make an order for the purpose of remedying the failure.
  - (7) In this paragraph “inspector” means—
    - (a) the Welsh Ministers, or
    - (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C.”

**47 Pwerau arolygydd i'w gwneud yn ofynnol i ddogfennau gael eu darparu neu i wybodaeth gael ei darparu: atodol**

Ar ôl paragraff 19E o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

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*“Inspector’s powers to require provision of documents or information: supplemental*

- 19F (1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the 9 9 9 High Court.
- (2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not—
- (a) the registered social landlord to whose affairs or activities the document or information relates,
  - (b) a subsidiary of that landlord, or
  - (c) an associate of that landlord.
- (3) A person guilty of an offence under paragraph 19E(4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person guilty of an offence under paragraph 19E(5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to—
    - (i) imprisonment for a term not exceeding two years,
    - (ii) a fine, or
    - (iii) both.
- (5) Proceedings for an offence under paragraph 19E(4) or (5) may be brought only by or with the consent of—
- (a) the Welsh Ministers, or
  - (b) the Director of Public Prosecutions.”

**48 Pwerau arolygydd i gael mynediad ac edrych ar ddogfennau**

Ar ôl paragraff 19F o Atodlen 1 i Ddeddf Tai 1996 mewnosoder—

*“Inspector’s powers of entry and inspection*

- 19G (1) An inspector may at any reasonable time—
- (a) enter premises occupied by the registered social landlord which is being inspected, and
  - (b) inspect, copy or take away documents found there.
- (2) But the inspector may not enter residential accommodation (whether the residential accommodation is the whole of, or only part of, premises occupied by the registered social landlord).
- (3) The reference to documents found on the premises includes (but is not limited to)—
- (a) documents stored on computers or electronic storage devices on the premises, and
  - (b) documents stored elsewhere which can be accessed by computers on the premises.

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- (4) The power to inspect documents includes (but is not limited to) the power to inspect any computer or electronic storage device on which they have been created or stored.
- (5) An inspector may require any person on the premises to provide such facilities or assistance as the inspector reasonably requests.
- (6) For the purposes of sub-paragraphs (3) and (4) an inspector may require any person having charge of a computer to provide any assistance that the inspector reasonably requests.
- (7) It is an offence for a person without reasonable excuse to obstruct an inspector exercising the powers conferred by sub-paragraphs (1) to (6).
- (8) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Proceedings for an offence may be brought only by or with the consent of—
  - (a) the Welsh Ministers, or
  - (b) the Director of Public Prosecutions.
- (10) In this paragraph—
  - “inspector” means—
    - (a) the Welsh Ministers, or
    - (b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C;
  - “residential accommodation” means accommodation of any description (including, but not limited to, a dwelling or residential accommodation in a hostel) that is occupied by one or more persons as a permanent or temporary place of residence (whether or not it is also occupied by any person for any other purpose).”

### *Ymchwiliad*

#### **49 Archwiliad anghyffredin at ddibenion ymchwiliad**

Ym mharagraff 22 o Atodlen 1 i Ddeddf Tai 1996 (archwiliad anghyffredin at ddibenion ymchwiliad), yn is-baragraff (4), yn lle “the Welsh Ministers” rhodder “the registered social landlord in respect of which the inquiry is being conducted”.