

OFFERYNNAU STATUDOL CYMRU

2022 No. 1166

Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygiadau Canlyniadol) 2022

Deddf Llywodraeth Leol a Thai 1989

18.—(1) Mae Deddf Llywodraeth Leol a Thai 1989(1) wedi ei diwygio fel a ganlyn.

(2) Yn adran 74(5)(b) (dyletswydd i gadw Cyfrif Refeniw Tai), ar y diwedd, mewnosoder “or which is a long tenancy within the meaning given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1).”

(3) Yn adran 173 (cydsyniad sy'n ofynnol ar gyfer gwarediadau dilynol)—

(a) yn is-adran (1)(2) ar ôl “a secure tenancy”, mewnosoder “or, in Wales, a secure contract”;

(b) yn is-adran (10)—

(i) ar ddiwedd paragraff (a), hepgorer “and”;

(ii) ar ddiwedd paragraff (b), yn lle'r atalnod llawn, rhodder “; and”;

(iii) ar ôl paragraff (b), mewnosoder—

“(c) “secure contract” has the same meaning as in section 8 of the Renting Homes Wales Act 2016 (anaw 1).”

(4) Yn adran 186 (diogelwch deiliadaeth wrth ddod â thenantiaethau preswyl hir i ben)—

(a) yn is-adran (1), ar ôl “assured periodic tenancies”, mewnosoder “or standard occupation contracts”;

(b) ar ôl is-adran (1), mewnosoder—

“(1A) In this section, “standard occupation contract” has the same meaning as in section 8 of the Renting Homes (Wales) Act 2016 (anaw 1).”

(5) Yn Atodlen 10 (sicrwydd deiliadaeth wrth ddod â thenantiaethau preswyl hir i ben)—

(a) ym mharagraff 1(3) (rhagarweiniol), yn is-baragraff (1), yn lle'r geiriau o “are such that” hyd at y diwedd, rhodder—

“are such that—

(a) in relation to a dwelling-house in England, if the tenancy were not at a low rent, it would at that time be an assured tenancy within the meaning of Part 1 of the Housing Act 1988 (c. 50);

(b) in relation to a dwelling-house in Wales, if the tenancy were not at a low rent and assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), it would at that time be an assured tenancy within the meaning of Part 1 of the Housing Act 1988.”;

(1) 1989 p. 42.

(2) Diwygiwyd adran 173(1) gan adran 191(4)(a) o Ddeddf Tai ac Adfywio 2008 (p. 17) a rheoliad 1(2) o Reoliadau Deddf Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru) 2018 (Diwygiadau Canlyniadol) 2018 (O.S. 2018/870 (Cy. 171)).

(3) Mae diwygiadau i baragraff 1 o Atodlen 10 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) ar ôl paragraff 1, mewnosoder—

(1) In relation to a dwelling-house in Wales, when a long tenancy not at a low rent—

(a) comes to an end after the appointed day,

(b) the fixed term has come to an end otherwise than by virtue of—

(i) an order of the court, or

(ii) a surrender or other action on the part of the tenant,

(c) at that time, it would have been an assured tenancy, within the meaning of Part 1 of the Housing Act 1988, if assured tenancies had not been abolished in Wales (by section 239 of the Renting Homes (Wales) Act 2016), and

(d) the tenant remains in occupation of the dwelling-house after the end of the term, the landlord and the tenant are to be treated as having made a new periodic standard contract in relation to the dwelling-house.

(2) The new contract arising under sub-paragraph (1)—

(a) has an occupation date falling immediately after the end of the fixed term,

(b) has rental periods that are the same as those for which rent was last payable under the fixed term tenancy, and

(c) incorporates the fundamental and supplementary provisions applicable to periodic standard contracts as terms of the new contract without modification.

(3) Subject to sub-paragraph (2), the new contract has the same terms as the long tenancy immediately before it ended.

(4) A new occupation contract does not arise as described in sub-paragraph (1) if the landlord and the contract-holder have made a new occupation contract in relation to the same (or substantially the same) dwelling which has an occupation date falling immediately after the long tenancy ends.

(5) If, before or on the occupation date of a new occupation contract arising as described in sub-paragraph (1) or (4)—

(a) the tenant enters into an obligation to do an act which will cause the new contract to end, or

(b) the tenant gives any notice or other document that would, but for this paragraph, cause the new contract to end,

the obligation is unenforceable or (as the case may be) the notice or document is of no effect.

(6) The requirement in section 39(1) of the 2016 Act (provision by landlord of information about the landlord) does not apply in relation to a periodic standard contract arising under sub-paragraph (1).”;

(c) ym mharagraff 2(4)—

(i) ar ôl is-baragraff (2), mewnosoder—

“(2A) The following terms have the same meaning as in the Renting Homes (Wales) Act 2016—

“appointed day” (see section 242 of that Act);

“contract-holder” (see section 7 of that Act);

(4) Diwygiwyd paragraff 2 o Atodlen 10 gan reoliad 2 o Reoliadau Cyfeiriadau at Ardrethu (Tai) 1990 (O.S. 1990/434) a pharagraffau 33 a 34 o'r Atodlen iddynt.

- “fundamental term” (see section 19 of that Act);
- “standard contract” (see section 8 of that Act);
- “written statement” (see section 31 of that Act).”;
- (ii) yn is-baragraff (3), ar y dechrau, mewnosoder “In relation to England.”;
- (iii) ar ôl is-baragraff (3), mewnosoder—
 - “(3A) In relation to Wales, “long tenancy” has the meaning given by paragraph 8 of Schedule 2 to the 2016 Act.”;
- (iv) yn is-baragraff (6), ar ôl y diffiniad o “the 1988 Act”, mewnosoder ““the 2016 Act” means the Renting Homes (Wales) Act 2016 (anaw 1).”;
- (d) ym mharagraff 4(5) (landlord yn terfynu'r denantiaeth)—
 - (i) yn is-baragraff (5)(a), ar ôl “dwelling-house”, mewnosoder “in England”;
 - (ii) ar ddiwedd is-baragraff (5)(a), hepgorer “or”;
 - (iii) ar ôl is-baragraff (5)(a), mewnosoder—
 - “(aa) it proposes a periodic standard occupation contract of the dwelling-house in Wales, the written statement of which is attached to the notice, where—
 - (i) the rent for that contract is such that it would not be at a low rent, and
 - (ii) section 173 (landlord’s notice) of the 2016 Act is not incorporated as a fundamental term of the contract; or”;
 - (iv) yn is-baragraff (6), ar ôl “assured tenancy”, mewnosoder “of the dwelling-house in England.”;
 - (v) yn is-baragraff (7)(a), ar ôl “assured tenancy”, mewnosoder “or an occupation contract”;
- (e) ym mharagraff 6(6) (rhent interim)—
 - (i) yn is-baragraff (1), ar ôl “assured tenancy”, mewnosoder “or a periodic standard contract”;
 - (ii) yn is-baragraff (3)(b), ar ôl “assured tenancy”, mewnosoder “or a periodic standard occupation contract”;
 - (iii) ar ddiwedd is-baragraff (3)(b), hepgorer “and”;
 - (iv) ar ddechrau is-baragraff (3)(c), mewnosoder “in relation to a dwelling-house in England.”;
 - (v) yn lle'r atalnod llawn ar ddiwedd is-baragraff (3)(c), rhodder—
 - “; and
 - (d) in relation to a dwelling-house in Wales, which affords the tenant security of tenure equivalent to that afforded by Part 9 of the 2016 Act to periodic standard occupation contracts and in respect of which possession may not be recovered under section 173 (landlord’s notice) of the 2016 Act.”;
- (f) ym mharagraff 9 (y denantiaeth gyfnodol sicr)—

(5) Diwygiwyd paragraff 4 o Atodlen 10 gan erthygl 6(1) o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036) a pharagraff 95 o Ran 1 o Atodlen 1 iddo.

(6) Diwygiwyd paragraff 6 o Atodlen 10 gan erthygl 2(1) o Orchymyn Cyllid Llywodraeth Leol (Tai) (Diwygiadau Canlyniadol) 1993 (O.S. 1993/651) a pharagraff 20 o Atodlen 1 iddo, ac erthygl 6(1) o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036) a pharagraff 95 o Ran 1 o Atodlen 1 iddo.

Newidiadau i ddeddfwriaeth: Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygiadau Canlyniadol)
 2022, Adran 18 yn gyfredol gyda'r holl newidiadau y gwyddys eu bod mewn grym ar neu cyn 16 Awst
 2023. Mae newidiadau a all gael eu dwyn i rym yn y dyfodol. Mae newidiadau a wnaed yn ymddangos yn
 y cynnwys a chyfeirir atynt trwy anodiadau. (See end of Document for details) View outstanding changes

- (i) yn y pennawd, ar y diwedd, mewnosoder “or periodic standard contract”;
- (ii) yn is-baragraff (1), ar ôl “assured tenancy”, mewnosoder “or a periodic standard contract”;
- (iii) yn is-baragraff (1), ar ôl “assured periodic tenancy”, mewnosoder “or a periodic standard contract”;
- (iv) yn is-baragraff (2), ar ôl “assured periodic tenancy”, mewnosoder “or periodic standard contract”;
- (v) yn is-baragraff (4), ar ôl “assured periodic tenancy” yn y ddau le, mewnosoder “or a periodic standard contract”;
- (g) ym mharagraff 10(7) (rhent cychwynnol o dan denantiaeth gyfnodol sicr a’i thelerau)—
 - (i) yn y pennawd, ar y diwedd, mewnosoder “or periodic standard contract”;
 - (ii) yn is-baragraff (1), ar ôl “assured tenancy”, mewnosoder “or periodic standard contract”;
 - (iii) yn is-baragraff (1)(a)(i), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
 - (iv) yn is-baragraff (1)(b), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
 - (v) yn is-baragraff (2)(b), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
- (h) ym mharagraff 11(8)—
 - (i) yn is-baragraff (1)(a), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
 - (ii) yn is-baragraff (3), ar ôl “dwelling-house”, mewnosoder “in England”;
 - (iii) yn is-baragraff (3), ar ôl “(not being an assured shorthold tenancy)”, mewnosoder “, or a periodic standard contract of the dwelling-house in Wales which does not incorporate section 173 (landlord’s notice) of the 2016 Act as a term of the contract”;
 - (iv) yn is-baragraff (3)(c), ar ôl “1988 Act”, mewnosoder “in relation to the dwelling-house in England or under section 173 (landlord’s notice) of the 2016 Act in relation to the dwelling-house in Wales”;
 - (v) yn is-baragraff (5), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
 - (vi) yn is-baragraff (5), ar ôl “assured tenancy”, mewnosoder “of the dwelling-house in England”;
 - (vii) yn is-baragraff (5), ar ôl “(not being an assured shorthold tenancy)”, mewnosoder “or a periodic standard contract of the dwelling-house in Wales”;
 - (viii) yn is-baragraff (5)(c), ar ôl “1988 Act”, mewnosoder “of the dwelling-house in England or under section 173 (landlord’s notice) of the 2016 Act of the dwelling-house in Wales”;
 - (ix) yn is-baragraff (8), ar ôl “assured periodic tenancy”, mewnosoder “or the periodic standard contract”;
 - (x) ar ôl is-baragraff (8), mewnosoder—

(7) Diwygiwyd paragraff 10 o Atodlen 10 gan erthygl 6(1) o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036) a pharagraff 95 o Ran 1 o Atodlen 1 iddo.

(8) Diwygiwyd paragraff 11 o Atodlen 10 gan erthygl 2(1) o Orchymyn Cyllid Llywodraeth Leol (Tai) (Diwygiadau Canlyniadol) 1993 (O.S. 1993/651) a pharagraff 20 o Atodlen 1 iddo, ac erthygl 6(1) o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2013 (O.S. 2013/1036) a pharagraff 95 o Ran 1 o Atodlen 1 iddo.

“(8A) Where the tribunal has determined the terms of the occupation (including a term relating to rent) of a dwelling-house in Wales, the tribunal may—

- (i) attach a written statement of the occupation contract to its order, or
 - (ii) order the landlord to give the contract-holder the modified written statement of the contract.”;
- (xi) yn is-baragraff (9), ar ôl “assured periodic tenancy”, mewnosoder “of a dwelling-house in England”;
- (xii) ar ôl is-baragraff (9), mewnosoder—

“(10) Nothing in this Schedule affects the right of the landlord and the contract-holder under the occupation contract of the dwelling-house in Wales to vary by agreement any term of the occupation contract (including a term relating to rent) subject to section 122 of the 2016 Act.”;

- (i) ym mharagraff 12—
 - (i) yn is-baragraff (2), yn lle “of the assured periodic tenancy (including a term relating to the rent)”, rhodder “(including a term relating to the rent) of the assured periodic tenancy of the dwelling-house in England or of the periodic standard contract of a dwelling-house in Wales subject to section 20 (incorporation and modification of fundamental provisions), section 24 (incorporation and modification of supplementary provisions) and section 28 (additional terms) of the 2016 Act.”;
 - (ii) ar ddiwedd is-baragraff (3), mewnosoder “or the periodic standard contract”;
- (j) ym mharagraff 15 (darpariaethau pan nad orchmynnwyd tenant i ildio meddiant)—
 - (i) yn is-baragraff (4) ar ôl “assured tenancy”, mewnosoder “or periodic standard contract”;
 - (ii) yn is-baragraff (7) ar ôl “assured tenancy”, mewnosoder “or an occupation contract”.

Gwybodaeth Cychwyn

II [Rhl. 18](#) mewn grym ar 1.12.2022, gweler [rhl. 1\(1\)](#)

Newidiadau i ddeddfwriaeth:

Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Diwygiadau Canlyniadol) 2022, Adran 18 yn gyfredol gyda'r holl newidiadau y gwyddys eu bod mewn grym ar neu cyn 16 Awst 2023. Mae newidiadau a all gael eu dwyn i rym yn y dyfodol. Mae newidiadau a wnaed yn ymddangos yn y cynnwys a chyfeirir atynt trwy anodiadau.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 25\(4\)\(b\)](#)[reg. 25\(4\)\(c\)\(i\)\(d\)\(5\)\(6\)\(9\)-\(11\)](#) coming into force by [S.I. 2022/1166](#)
[reg. 1\(3\)-\(9\)](#)