

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 2 Mawrth 2018
Tabled on 2 March 2018

Bil Rheoleiddio Landlordiaid Cymdeithasol Cofrestredig (Cymru)

Regulation of Registered Social Landlords (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol I esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain its purpose and to aid the reader's understanding. The text does not form part of the amendment.

* David Melding

4

Section 1, page 1, line 21, after 'amendments,', insert 'provisions relating to a review of the operation of the Act,'.

An amendment to change the overview section of the Bill which is consequential to amendment 16 being agreed.

Adran 1, tudalen 1, llinell 24, ar ôl 'canlyniadol,', mewnosoder 'darpariaeth yn ymwneud ag adolygiad o weithrediad y Ddeddf hon'.

Gwelliant i newid adran drosolwg y Bil sy'n ganlyniadol i dderbyn gwelliant 16.



*** David Melding**

5

Section 4, page 2, line 32, leave out subsection (5) and insert –

‘() In paragraph 12, for sub-paragraph (6), substitute –

- “(6) (a) No resolution of the type referred to in this paragraph is valid unless the society has first carried out a consultation in which all of the society’s tenants have been invited to participate.
- (b) The Welsh Ministers must by regulations set out the method and time frame to be applied to any consultation required by sub-paragraph (6)(a).
- (c) A statutory instrument containing regulations made under sub-paragraph 12(6)(b) may not be made unless a draft of the instrument has been laid before and approved by the National Assembly for Wales.”

To provide for a formal process for tenant participation and consultation where there are amalgamations and other structural changes to a registered social landlord

Adran 4, tudalen 2, llinell 32, hepgorer is-adran (5) a mewnosoder –

‘() Ym mharagraff 12, yn lle is-baragraff (6), rhodder –

- “(6) (a) No resolution of the type referred to in this paragraph is valid unless the society has first carried out a consultation in which all of the society’s tenants have been invited to participate.
- (b) The Welsh Ministers must by regulations set out the method and time frame to be applied to any consultation required by sub-paragrpah (6)(a).
- (c) A statutory instrument containing regulations made under sub-paragraph 12(6)(b) may not be made unless a draft of the instrument has been laid before and approved by the National Assembly for Wales.”

I ddarparu proses ffurfiol ar gyfer cyfranogiad tenantiaid ac ymgynghori â thenantiaid pan fydd cyfuniadau a newidiadau strwythurol eraill yn effeithio as landlord cymdeithasol cofrestredig.



*** David Melding**

6

Section 4, page 3, after line 15, insert –

‘() In paragraph 13, after sub-paragraph (8), insert –

- “(9)
- (a) The court must not grant any court order of the type referred to in this paragraph unless the company satisfies the court that it first carried out a consultation in which all tenants of the company have been invited to participate.
 - (b) No resolution of the type referred to in this paragraph is valid unless the company has first carried out a consultation in which all tenants of the company have been invited to participate.
 - (c) No arrangement proposed under sub-paragraph (5) of this paragraph shall be valid unless the company have been invited to participate.
 - (d) The Welsh Ministers must by regulations set out the method and time frame required by sub-paragraphs (9)(a)(b) or (c) of paragraph 13.
 - (e) A statutory instrument containing regulations made under sub-paragraph 13(9)(d) may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.”

See amendment 5.

Adran 4, tudalen 3, ar ôl llinell 15, mewnosoder –

‘() Ym mharagraff 13, ar ôl is-baragraff (8), mewnosoder –

- “(9)
- (a) The court must not grant any court order of the type referred to in this paragraph unless the company satisfies the court that it first carried out a consultation in which all tenants of the company have been invited to participate.
 - (b) No resolution of the type referred to in this paragraph is valid unless the company has first carried out a consultation in which all tenants of the company have been invited to participate.
 - (c) No arrangement proposed under sub-paragraph (5) of this paragraph shall be valid unless the company have been invited to participate.
 - (d) The Welsh Ministers must by regulations set out the method and time frame required by sub-paragraphs (9)(a)(b) or (c) of paragraph 13.
 - (e) A statutory instrument containing regulations made under sub-paragraph 13(9)(d) may not be made unless a draft of the



instrument has been laid before and approved by resolution of the National Assembly for Wales.”’.

Gweler gwelliant 5.

*** David Melding**

7

Section 5, page 3, after line 37, insert—

‘(6) The Welsh Ministers must, within 14 days after a direction is given under this section, lay the text of the direction before the National Assembly for Wales.”’.

To require the Welsh Ministers to lay and directions issued under sections 5 (technical and practical aspects of notifications regarding constitutional and structural changes) and 14 (technical and practical aspects of notifications regarding certain disposals of land by RSL’s) before the Assembly within 14 days.

Adran 5, tudalen 3, ar ôl llinell 37, mewnosoder—

‘(6) The Welsh Ministers must, within 14 days after a direction is given under this section, lay the text of the direction before the National Assembly for Wales.”’.

I’w gwneud yn ofynnol i Weinidogion Cymru gyflwyno unrhyw gyfarwyddydau a ddyroddir o dan adran 5 (agweddau technegol ac ymarferol ar hysbysiadau mewn perthynas â newidiadau cyfansoddiadol a strwythurol) ac adran 14 (agweddau technegol ac ymarferol ar hysbysiadau mewn perthynas â gwarediadau tir penodol gan landlordiaid cymdeithasol cofrestredig) gerbon y Cynulliad o fewn 14 diwrnod.

*** David Melding**

8

Page 4, after line 1, insert a new section—

[] Meaning of “enactment”

- (1) Schedule 1 of the 1996 Act is amended as follows.
- (2) After paragraph 29 (availability of powers in relation to registered charities) insert a new paragraph 30—

“Interpretation

- (30) For the purpose of this Schedule 1 , the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standards, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”’.

To ensure that a failure to comply with the Regulatory Framework, and the associated performance standards, is explicitly recognised on the face of the Bill as a failure to comply with a requirement imposed under an enactment.



Tudalen 4, ar ôl llinell 1, mewnosoder adran newydd –

[] Ystyr “enactment”

- (1) Mae Atodlen 1 i Ddeddf 1996 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraff 29 (pwerau sydd ar gael mewn perthynas ag elusennau cofrestredig) mewnosoder paragraff 30 newydd –

“Interpretation

- (30) For the purpose of this Schedule 1, the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standards, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”.

I sicrhau bod methiant i gydymffurfio â'r Fframwaith Rheoleiddiol, a'r safonau perfformiad cysylltiedig, yn cael ei nodi'n benodol ar wyneb y Bil fel methiant i gydymffurfio â gofniad a osodwyd o dan ddeddfiad.

*** David Melding**

9

Section 6, page 4, line 7, leave out subsection (3) and insert –

‘() In paragraph 6 (registered charity: power to appoint new officer) –

- (a) In sub-paragraph (1)(c), for “for the proper management of the charity’s affairs to have an additional officer” substitute “to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment”.
- (b) In sub-paragraph (4) –
 - (i) for “for such period” substitute “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers”, and
 - (ii) delete “; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify.”.

To ensure that any appointments 6 and 8 end when the relevant requirement is complied with or the relevant failure is remedied.

Adran 6, tudalen 4, llinell 8, hepgorer is-adran (3) a mewnosoder –

‘() Ym mharagraff 6 (elusen gofrestrredig: pŵer i benodi swyddog newydd) –

- (a) Yn is-baragraff (1)(c), yn lle “for the proper management of the charity’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment”.
- (b) Yn is-baragraff (4) –
 - (i) yn lle “for such period” rhodder “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers”, a



- (ii) dileer “; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify.”.

I sicrhau y daw unrhyw benodiadau a wneir o dan adrannau 6 ac 8 i ben pan gydymffurfir â'r gofyniad perthnasol neu phan gaiff y methiant perthnasol ei ddatrys.

*** David Melding**

10

Section 6, page 4, line 11, leave out subsection (4) and insert –

‘() In paragraph 7 (company: power to appoint new officer) –

- (a) In sub-paragraph (1)(c), for “for the proper management of the charity’s affairs to have an additional officer” substitute “to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment”.
- (b) In sub-paragraph (3) –
- (i) in sub-paragraph 3(a), for “for such period and on such terms as the Welsh Ministers may specify” substitute “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers, and”, and
- (ii) for sub-paragraph (3)(b) substitute “on such terms as the Welsh Ministers may specify.”.

See amendment 9.

Adran 6, tudalen 4, llinell 12, hepgorer is-adran (4) a mewnosoder –

‘() Ym mharagraff 7 (cwmni: pŵer i benodi swyddog newydd) –

- (a) Yn is-baragraff (1)(c), yn lle “for the proper management of the charity’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the charity complies with a requirement imposed by or under an enactment”.
- (b) Yn is-baragraff (3) –
- (i) yn is-baragraff (3)(a), yn lle “for such period and on such terms as the Welsh Ministers may specify” rhodder “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers, and”, a
- (ii) yn lle is-baragraff (3)(b) rhodder “on such terms as the Welsh Ministers may specify.”.

Gweler gwelliant 9.



*** David Melding**

11

Section 6, page 4, line 15, leave out subsection (5) and insert –

‘() In paragraph 8 (registered society: power to appoint officer) –

(a) In sub-paragraph (1)(c), for “for the proper management of the society’s affairs to have an additional officer” substitute “to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment”.

(b) In sub-paragraph (3) –

(i) for “for such period” substitute “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers”, and

(ii) delete “; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify.”.

See amendment 9.

Adran 6, tudalen 4, llinell 16, hepgorer is-adran (5) a mewnosoder –

‘() Ym mharagraff 8 (cymdeithas gofrestredig: pŵer i benodi swyddog) –

(a) Yn is-baragraff (1)(c), yn lle “for the proper management of the society’s affairs to have an additional officer” rhodder “to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment”.

(b) Yn is-baragraff (3) –

(i) yn lle “for such period” rhodder “until such time as the requirement imposed by or under an enactment is complied with to the satisfaction of the Welsh Ministers”, a

(ii) dileer “; and on the expiry of the appointment the Welsh Ministers may renew the appointment for such period as they may specify.”.

Gweler gwelliant 9.

*** David Melding**

12

Section 8, page 5, after line 2, insert –

‘(4) After sub-paragraph (5) insert –

“(5A) The appointment is to be only for so long as is necessary to rectify to the satisfaction of the Welsh Ministers the failure which gave rise to the manager’s appointment.”.

See amendment 9.

Adran 8, tudalen 5, ar ôl llinell 2, mewnosoder –

‘(4) Ar ôl is-baragraff (5) mewnosoder –



“(5A) The appointment is to be only for so long as is necessary to rectify to the satisfaction of the Welsh Ministers the failure which gave rise to the manager’s appointment.”’.

Gweler gwelliant 9.

*** David Melding**

13

Section 11, page 6, after line 9, insert –

‘(4) After subsection (11) insert –

“() For the purpose of this section, the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standards, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”’.

See amendment 8.

Adran 11, tudalen 6, ar ôl llinell 9, mewnosoder –

‘(4) Ar ôl is-adran (11) mewnosoder –

“() For the purpose of this section, the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standrds, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”’.

Gweler gwelliant 8.



*** David Melding**

14

Section 12, page 6, after line 18, insert—

‘(4) After subsection (8) insert—

“(9) For the purpose of this section, the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standards, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”’.

See amendment 8.

Adran 12, tudalen 6, ar ôl llinell 18, mewnosoder—

‘(4) Ar ôl is-adran (8) mewnosoder—

“(9) For the purpose of this section, the Regulatory Framework for Housing Associations Registered in Wales and its associated performance standards, both issued by the Welsh Ministers and as amended from time to time, constitute a requirement imposed by or under an enactment.”’.

Gweler gwelliant 8.

*** David Melding**

15

Section 13, page 6, line 23, leave out subsection (2) and insert—

‘() Section 81 of the Housing Act 1988 is repealed insofar as it applies to Wales.’.

To amend section 13(2) to make it clear that section 81 of the Housing Act 1988 is only amended in relation to Wales.

Adran 13, tudalen 6, llinell 24, hepgorer is-adran (2) a mewnosoder—

‘() Caiff adran 81 o Ddeddf Tai 1988 ei diddymu i’r graddau y mae’n gymwys i Gymru.’.

I ddiwygio adran 13(2) i’w gwneud yn glir mai dim ond mewn perthynas â Chymru y caiff adran 81 o Ddeddf Tai 1988 ei diwygio.



*** David Melding**

16

Section 14, page 7, after line 38, insert –

‘(8) The Welsh Ministers must, within 14 days after a direction is given under this section, lay the text of the direction before the National Assembly for Wales.’.

See amendment 7.

Adran 14, tudalen 7, ar ôl llinell 38, mewnosoder –

‘(8) The Welsh Ministers must, within 14 days after a direction is given under this section, lay the text of the direction before the National Assembly for Wales.’.

Gweler gwelliant 7.

*** David Melding**

17

Section 18, page 8, line 15, leave out subsection (1) and insert –

‘() The Welsh Ministers may, by regulations, make any supplemental, incidental, consequential, transitory, transitional or saving provision they consider necessary in consequence of, or for the purpose of giving full effect to, any provision of this Act.’.

To clarify that the regulation-making powers are to make consequential amendments only.

Adran 18, tudalen 8, llinell 16, hepgorer is-adran (1) a mewnosoder –

‘() Caiff Gweinidogion Cymru, drwy reoliadau, wneud unrhyw ddarpariaeth atodol, darpariaeth gysylltiedig, darpariaeth ganlyniadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed y maent yn ystyried ei bod yn angenrheidiol o ganlyniad i unrhyw ddarpariaeth yn y Ddeddf hon, neu at ddiben rhoi effaith lawn i unrhyw ddarpariaeth yn y Ddeddf hon.’.

I nodi'n glir mai dim ond ar gyfer gwneud gwelliannau canlyniadol y mae'r pwerau i wneud rheoliadau.

*** David Melding**

18

Section 18, page 8, line 19, leave out subsection (2).

See amendment 17.

Adran 18, tudalen 8, llinell 21, hepgorer is-adran (2).

Gweler gwelliant 17.

*** David Melding**

19

Section 18, page 8, leave out line 27.

See amendment 17.

Adran 18, tudalen 8, hepgorer llinell 29.

Gweler gwelliant 17.



*** David Melding**

20

Section 18, page 8, line 28, leave out ‘which amend or repeal any provision of an Act of Parliament, or a Measure or Act of the National Assembly for Wales,’.

See amendment 17.

Adran 18, tudalen 8, llinell 30, hepgorer ‘sy’n diwygio neu’n diddymu unrhyw ddarpariaeth mewn Deddf Seneddol, neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru,’.

Gweler gwelliant 17.

*** David Melding**

21

Section 18, page 8, line 32, leave out subsection (5) and insert –

‘() The power set out in this section 18 lapses and is no longer exercisable with effect from the date upon which the Welsh Ministers receive confirmation that registered social landlords in Wales are classified as private non-financial corporations. ’.

To ensure that the regulation making powers shall lapse when the ONS confirms that RSLs have been re-classified.

Adran 18, tudalen 8, llinell 34, hepgorer is-adran (5) a mewnosoder –

‘() Bydd y pŵer a nodir yn yr adran 18 hon darfod ac ni fydd bellach yn adferadwy, a bydd hynny’n cael effaith o’r dyddiad y caiff Gweinidogion Cymru gadarnhad bod landlordiaid cymdeithasol cofrestredig yng Nghymru wedi’u dosbarth yn gorfforaethau preifat anariannol.’.

I sicrhau y bydd y pwerau gwneud rheoliadau yn darfod pan fydd y Swyddfa Ystadegau Gwladol yn cadarnhau bod landlordiaid cymdeithasol cofrestredig wedi’u hailddosbarthu.

*** David Melding**

22

Section 19, page 9, after line 9, insert a new section –

[] Review of the operation of this Act

(1) The National Assembly for Wales must make arrangements –

(a) for a committee of the Assembly to carry out a review of the operation of this Act and, if appropriate in consequence of its findings, to make recommendations for the repeal or amendment of this Act, and

(b) for the publication of the committee’s findings and recommendations (if any).

(2) Arrangements under subsection (1)(a) are to be made no earlier than two years and no later than four years after the day upon which this Act receives Royal Assent. ’.

To ensure that the Assembly conducts post-legislative scrutiny of the Bill.



Adran 19, tudalen 9, ar ôl llinell 9, mewnosoder adran newydd –

[] Adolygu gweithrediad y Ddeddf hon

(1) Rhaid i Gynulliad Cenedlaethol Cymru wneud trefniadau –

(a) bod un o bwyllgorau'r Cynulliad yn cynnal adolygiad o weithrediad y Ddeddf hon ac, os yw'n briodol o ganlyniad i'w ganfyddiadau, yn gwneud argymhellion er mwyn diddymu neu ddiwygio'r Ddeddf hon, a

(b) bod canfyddiadau ac argymhellion (os o gwbl) y pwyllgor yn cael eu cyhoeddi.

(2) Mae'r trefniadau o dan is-adran (1)(a) i'w gwneud heb fod yn gynharach na dwy flynedd ar ôl y dyddiad y bydd y Ddeddf hon yn cael Cydsyniad Brenhinol a heb fod yn hwyrach na phedair bynedd ar ôl y dyddiad hwnnw'.

I sicrhau bod y Cynulliad yn cyflawni gwaith craffu ar ôl deddfu ar y Bil.

*** David Melding**

23

Schedule 1, page 11, line 10, leave out ' , but the landlord may not remove an appointee until after the 2 month period expires'.

To delete wording from Schedule 1 which restricts a registered social landlord from removing an appointee until after a two month period.

Atodlen 1, tudalen 11, llinell 10, hepgorer ' , but the landlord may not remove an appointee until after the 2 month period expires'.

I ddileu geiriau o Atodlen 1 sy'n atal landlord cymdeithasol cofrestredig rhag diswyddo penodai hyd new y bydd cyfnod o ddeufis wedi mynd heibio.

*** David Melding**

24

Schedule 2, page 16, line 14, leave out 'in the appropriate place' and insert 'after the definition of "notice" and before the definition of "public sector landlord"'.

To make it clear where the definition of "notify" is to be inserted in section 63 of the Housing Act 1996.

Atodlen 2, tudalen 16, llinell 14, hepgorer 'yn y man priodol' a mewnosoder 'ar ôl diffiniad o "notice" a chyn y dffiniad o "public sector landlord"'.

I'w gwneud yn glir ymhle y dylid mewnosod y diffiniad o "notify" yn adran 63 o Ddeddf Tai 1996.

