



# Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018

2018 dccc 1

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch diddymu'r hawl i brynu, yr hawl i gaffael a hawliau cysylltiedig; ac at ddibenion cysylltiedig. [24 Ionawr 2018]

**Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## **1 Trosolwg**

- (1) Mae'r adran hon yn rhoi trosolwg o brif ddarpariaethau'r Ddeddf hon.
- (2) Mae adran 2 yn cyfyngu ar arfer yr hawl i brynu hyd nes i'r hawl honno gael ei diddymu (gweler adran 6); ac mae adran 3 yn gwneud darpariaeth ar gyfer eithriadau i'r cyfyngiad hwnnw.
- (3) Mae adran 4 yn cyfyngu ar arfer yr hawl i gaffael hyd nes i'r hawl honno gael ei diddymu (gweler adran 6); ac mae adran 5 yn gwneud darpariaeth ar gyfer eithriad i'r cyfyngiad hwnnw.
- (4) Mae adran 6 yn gwneud darpariaeth i'r hawl i brynu a'r hawl i gaffael beidio â bodoli yng Nghymru.
- (5) Mae adran 7 yn dileu pŵer Gweinidogion Cymru i roi grantiau i landlordiaid cymdeithasol cofrestredig a darparwyr preifat cofrestredig tai cymdeithasol mewn cysylltiad â disgowntiau a roddir i denantiaid sy'n prynu eu hanheddau.
- (6) Mae adran 8—
  - (a) yn ei gwneud yn ofynnol i Weinidogion Cymru ddarparu gwybodaeth i landlordiaid a phersonau eraill sydd â buddiant ynglŷn â newidiadau i'r gyfraith a wneir gan y Ddeddf hon, a
  - (b) yn ei gwneud yn ofynnol i landlordiaid roi gwybod i'w tenantiaid am y newidiadau hynny.

- (7) Mae adrannau 9, 10, 11 a 12 yn cynnwys darpariaethau cyffredinol ynglŷn â'r Ddeddf; effaith adran 11 yw—
- (a) bod adran 8 (darparu gwybodaeth) yn dod i rym pan geir y Cydsyniad Brenhinol,
  - (b) bod adrannau 2 i 5 (cyfyngu ar arfer yr hawliau) yn dod i rym ddau fis ar ôl cael y Cydsyniad Brenhinol, ac
  - (c) y caniateir dod ag adrannau 6 a 7 (diddymu'r hawliau etc.) i rym drwy orchymyn a wneir drwy offeryn statudol heb fod yn gynharach na deuddeg mis ar ôl cael y Cydsyniad Brenhinol.

*Cyfyngiad ar arfer yr hawl i brynu a'r hawl i gaffael*

## 2 Cyfyngiad ar arfer yr hawl i brynu

- (1) Mae [Deddf Tai 1985 \(Housing Act 1985 \(c. 68\)\)](#) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 121 (amgylchiadau na ellir arfer yr hawl i brynu ynddynt), mewnosoder—

### “121ZA “121ZA. Restriction on exercising the right to buy in Wales

- (1) The right to buy cannot be exercised in respect of a dwelling-house in Wales unless—
  - (a) the dwelling-house is from previously let social housing stock, or
  - (b) any of the cases specified in section 121ZB applies, or has applied, in respect of the dwelling-house.
- (2) For the purposes of this Part—
  - (a) a dwelling-house is from previously let social housing stock if, at any time during the period of six months ending with the relevant date, it has been—
    - (i) let under a secure tenancy,
    - (ii) let under an introductory tenancy (within the meaning given by Chapter 1 of Part 5 of the [Housing Act 1996 \(c. 52\)](#)),
    - (iii) let under a demoted tenancy (within the meaning given by section 143A of the Housing Act 1996), or
    - (iv) a qualifying dwelling-house in relation to the preserved right to buy (see section 171B);
  - (b) “relevant date” means the day on which section 2 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
- (3) This section does not affect the computation of any period under Schedule 4.”
- (3) Yn adran 171B (rhychwant yr hawl i brynu a gadwyd), ar ôl is-adran (6), mewnosoder—
  - “(7) Nothing in subsection (6) gives a person the right to exercise the preserved right to buy in respect of a dwelling-house in Wales unless—
    - (a) the dwelling-house is from previously let social housing stock (see section 121ZA), or

- (b) any of the cases specified in section 121ZB applies, or has applied, in respect of the dwelling-house.”

### 3 Eithriadau i'r cyfyngiad ar arfer yr hawl i brynu

- (1) Mae [Deddf Tai 1985 \(Housing Act 1985 \(c. 68\)\)](#) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 121ZA (cyfyngiad ar arfer yr hawl i brynu yng Nghymru), mewnosoder—

#### “121ZB “121ZB. Exceptions to restriction on exercising the right to buy in Wales

- (1) The first case applies in respect of a dwelling-house (the “exempted dwelling”) if—
  - (a) after the relevant date, the court orders a person who has the right to buy to give up possession of a dwelling-house,
  - (b) the order is made on any of the grounds set out in Parts 2 or 3 of Schedule 2,
  - (c) the person becomes the tenant of the exempted dwelling, and
  - (d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.
- (2) The second case applies in respect of a dwelling-house (the “exempted dwelling”) if—
  - (a) after the relevant date, the court orders a person who has the preserved right to buy (see section 171B) to give up possession of a dwelling-house,
  - (b) the order is made—
    - (i) on Ground 9 in Schedule 2 to the [Housing Act 1988 \(c. 50\)](#) (possession of dwelling-house let under assured tenancy on grounds that there is suitable alternative accommodation), or
    - (ii) in pursuance of section 98(1)(a) of the [Rent Act 1977 \(c. 42\)](#) (limitation on recovery of possession of dwelling-houses let under certain tenancies),
  - (c) the person becomes the tenant of the exempted dwelling, and
  - (d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.
- (3) The third case applies in respect of a dwelling-house (the “exempted dwelling”) if—
  - (a) the exempted dwelling has, at some time during the period of six months ending with the relevant date, been let by a registered social landlord or a private registered provider of social housing under an assured tenancy (other than a long tenancy),
  - (b) after the relevant date, a person having the preserved right to buy in respect of another dwelling-house (“the relevant dwelling-house”) becomes the tenant of the exempted dwelling, and
  - (c) the exempted dwelling becomes the relevant dwelling-house for the purposes of section 171B(6).
- (4) The Welsh Ministers may, by regulations made by statutory instrument, amend this section by adding additional cases.

- (5) Regulations under subsection (4) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of the National Assembly for Wales.”

#### 4 Cyfyngiad ar arfer yr hawl i gaffael

- (1) Mae [Deddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 16A (estyn yr hawl i gaffael i anheddau a ariannwyd drwy grantiau o dan adran 27A), mewnosoder—

##### “16B “16B. Restriction on exercising the right to acquire

- (1) But the right to acquire cannot be exercised in respect of a dwelling unless—
- (a) the dwelling is from previously let social housing stock, or
  - (b) section 16C applies, or has applied, in respect of the dwelling.
- (2) For the purposes of this Part—
- (a) a dwelling is from previously let social housing stock if, at any time during the period of six months ending with the relevant date—
    - (i) it has been let by a registered social landlord or a private registered provider of social housing under an assured tenancy (other than a long tenancy), or
    - (ii) it has been let under a secure tenancy, and
  - (b) “relevant date” means the day on which section 4 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.
- (3) This section does not affect the computation of any period under Schedule 4 to the Housing Act 1985.”
- (3) Yn adran 16 (hawl tenant i gaffael annedd), yn is-adran (1), ar y dechrau, mewnosoder “Subject to section 16B,”.
- (4) Yn adran 21 (grant prynu mewn cysylltiad â gwarediadau penodol), ar ôl is-adran (2), mewnosoder—

- “(2A) But subsection (2) does not apply in respect of a discount on a disposal of a dwelling unless—
- (a) the dwelling is from previously let social housing stock, or
  - (b) section 16C applies, or has applied in respect of the dwelling.”

#### 5 Eithriad i'r cyfyngiad ar arfer yr hawl i gaffael

- (1) Mae [Deddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 16B (cyfyngiad ar arfer yr hawl i gaffael), mewnosoder—

##### “16C “16C. Exception to restriction on exercising the right to acquire

- (1) This section applies in respect of a dwelling (the “exempted dwelling”) if—

- (a) after the relevant date, the court has ordered a person to give up possession of a dwelling,
  - (b) the order is made—
    - (i) on any of the grounds set out in Parts 2 or 3 of Schedule 2 to the [Housing Act 1985 \(c. 68\)](#) (discretionary grounds for possession of dwelling let under secure tenancy), or
    - (ii) on Ground 9 in Schedule 2 to the [Housing Act 1988 \(c. 50\)](#) (possession of dwelling let under assured tenancy on grounds that there is suitable alternative accommodation),
  - (c) the person becomes the tenant of the exempted dwelling, and
  - (d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.
- (2) The Welsh Ministers may, by regulations made by statutory instrument, amend this section by making provision for further circumstances in which this section applies in respect of a dwelling.
- (3) Regulations under subsection (2) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of the National Assembly for Wales.”

*Diddymu'r hawl i brynu a'r hawl i gaffael*

## 6 Diddymu'r hawl i brynu a'r hawl i gaffael

- (1) Nid yw'r hawliau a ganlyn yn bodoli mwyach mewn perthynas ag anheddau yng Nghymru—
- (a) yr hawl i gaffael rhydd-ddaliad tŷ annedd, na'r hawl i gael les ar dŷ annedd, yn unol â Rhan 5 o [Ddeddf Tai 1985 \(Housing Act 1985 \(c. 68\)\)](#) (yr hawl i brynu);
  - (b) yr hawl i gaffael annedd yn unol ag adran 16 o [Ddeddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#) (yr hawl i gaffael).
- (2) Yn unol â hynny, diddymir y deddfiadau a ganlyn—
- (a) adrannau 2 a 3 o'r [Ddeddf hon](#) (cyfyngiad ar arfer yr hawl i brynu etc.), ac adrannau 121ZA, 121ZB a 171B(7) o [Ddeddf Tai 1985](#) (a fewnosodir gan adrannau 2 a 3 o'r [Ddeddf hon](#));
  - (b) adrannau 4 a 5 o'r [Ddeddf hon](#) (cyfyngiad ar arfer yr hawl i gaffael etc.), ac adrannau 16B, 16C ac 21(2A) o [Ddeddf Tai 1996](#) (a fewnosodir gan adrannau 4 a 5 o'r [Ddeddf hon](#));
  - (c) adran 8 o'r [Ddeddf hon](#).
- (3) Mae Atodlen 1 (sy'n gwneud diwygiadau a diddymiadau canlyniadol) yn cael effaith.

*Grantiau disgownt*

## 7 Dileu'r pŵer i roi grantiau mewn cysylltiad â disgowntiau

- (1) Mae [Deddf Tai 1996 \(Housing Act 1996 \(c. 52\)\)](#) wedi ei diwygio fel a ganlyn.
- (2) Mae adran 21 (grant prynu gan Weinidogion Cymru mewn cysylltiad â gwaredu anheddau am bris gostyngol ac eithrio yn unol â'r hawl i gaffael) wedi ei diddymu.