



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

2018 dccc 1

Nodiadau Esboniadol

# Abolition of the Right to Buy and Associated Rights (Wales) Act 2018

2018 anaw 1

Explanatory Notes

£6.00

# DEDDF DIDDYMU'R HAWL I BRYNU A HAWLIAU CYSYLLTIEDIG (CYMRU) 2018

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## NODIADAU ESBONIADOL

### **RHAGARWEINIAD**

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018 a basiwyd gan Gynulliad Cenedlaethol Cymru ar 5 Rhagfyr 2017 ac a gafodd y Cydsyniad Brenhinol ar 24 Ionawr 2018. Fe'u lluniwyd gan Grŵp Addysg a Gwasanaethau Cyhoeddus Llywodraeth Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Ddeddf. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Ddeddf ond nid ydynt yn rhan ohoni.

### **TROSOLWG O'R DDEDDF**

#### **Gwybodaeth gefndir**

2. Cynllun a sefydlwyd gan Ran 5 o Ddeddf Tai 1985 yw'r "hawl i brynu", er mwyn galluogi tenantiaid awdurdodau lleol cymwys i brynu eu cartref am bris gostyngol. Er mwyn bod yn gymwys ar gyfer yr hawl i brynu, rhaid i denant fod yn denant diogel. Mae'r rhan fwyaf o denantiaid awdurdodau lleol yn denantiaid diogel. Mae'r meini prawf cymhwysedd eraill i'w gweld yn Rhan 5 o Ddeddf Tai 1985.
3. Parhad o'r hawl i brynu yw'r "hawl i brynu a gadwyd". Os yw awdurdod lleol wedi gwerthu eiddo i landlord arall (fel cymdeithas dai) ar adeg pan oedd tenant diogel yn byw yno, efallai y bydd gan y tenant yr hawl i brynu'r eiddo gan y landlord newydd er nad yw'n denant diogel. Gelwir yr hawl hon yr hawl i brynu a gadwyd.
4. Gall yr hawl i brynu a gadwyd hefyd fod yn gymwys os yw tenant sydd yn y sefyllfa a ddisgrifir uchod yn symud wedi hynny i eiddo arall y mae'r landlord newydd yn berchen arno. Mae darpariaethau manwl am yr hawl i brynu a gadwyd i'w gweld yn adrannau 171A i 171F o Ddeddf Tai 1985.
5. Cynllun a sefydlwyd gan adran 16 o Ddeddf Tai 1996 yw'r "hawl i gaffael". Mae'n galluogi tenantiaid landlordiaid cymdeithasol cofrestredig a darparwyr preifat cofrestredig tai cymdeithasol i brynu eu cartref am bris gostyngol. Er mwyn bod yn gymwys ar gyfer yr hawl i gaffael, rhaid i denant fod yn denant diogel neu'n denant sicr. Mae'r rhan fwyaf o denantiaid cymdeithasau tai yn denantiaid sicr.

# ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) ACT 2018

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## EXPLANATORY NOTES

### INTRODUCTION

1. These Explanatory Notes relate to the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 which was passed by the National Assembly for Wales on 5 December 2017 and received Royal Assent on 24 January 2018. They have been prepared by the Education and Public Services Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

### OVERVIEW OF THE ACT

#### **Background information**

2. The “right to buy” is a scheme established by Part 5 of the Housing Act 1985, to enable eligible local authority tenants to buy their home at a discount. To qualify for the right to buy, a tenant must be a secure tenant. Most local authority tenants will be secure tenants. Other criteria for eligibility are set out in Part 5 of the Housing Act 1985.
3. The “preserved right to buy” is a continuation of the right to buy. If a local authority has sold a property to another landlord (like a housing association) at a time when a secure tenant was living there, the tenant may have the right to buy the property from the new landlord despite not being a secure tenant. This right is known as the preserved right to buy.
4. The preserved right to buy can also apply if a tenant in the position described above subsequently moves to another property owned by the new landlord. Detailed provisions about the preserved right to buy are set out in sections 171A to 171F of the Housing Act 1985.
5. The “right to acquire” is a scheme established by section 16 of the Housing Act 1996. It enables tenants of registered social landlords and private registered providers of social housing to buy their home at a discount. To qualify for the right to acquire, a tenant must be a secure tenant or an assured tenant. Most housing association tenants will be assured tenants.

6. Mae darpariaethau eraill sy'n ymwneud â'r hawl i gaffael, gan gynnwys meini prawf cymhwysedd, i'w gweld yn adrannau 16 i 17 o Ddeddf Tai 1996, ac yn Rhan 5 o Ddeddf Tai 1985 (fel y mae'n gymwys i'r hawl i gaffael). Mae Rheoliadau Tai (Yr Hawl i Gaffael) 1997 (OS 1997/619) yn nodi sut y mae Rhan 5 o Ddeddf Tai 1985 yn gymwys i'r hawl i gaffael.

### **Y prif ddarpariaethau**

7. Mae'r Ddeddf yn gwneud y darpariaethau a ganlyn:
  - (a) Darpariaeth i ddiddymu'r hawl i brynu a'r hawl i brynu a gadwyd. Ni ellir dod â'r adran sy'n diddymu'r hawliau hyn i rym yn gynharach na blwyddyn ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol.
  - (b) Darpariaeth i ddiddymu'r hawl i gaffael. Ni ellir dod â'r adran sy'n diddymu'r hawl hon i rym yn gynharach na blwyddyn ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol.
  - (c) Darpariaeth i gyfyngu ar allu tenant i arfer yr hawl i brynu, yr hawl i brynu a gadwyd a'r hawl i gaffael nes bod yr hawliau hynny wedi eu diddymu, os yw tenant yn symud i gartref sy'n rhan o stoc tai cymdeithasol newydd. Caiff yr adrannau sy'n cyfyngu ar arfer yr hawliau hyn eu dwyn i rym ddau fis ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol ac maent yn ddarostyngedig i eithriadau penodol. Eu bwriad yw annog landlordiaid cymdeithasol i adeiladu neu gaffael cartrefi newydd ar gyfer eu rhentu hyd yn oed cyn i'r hawliau gael eu diddymu'n llwyr.

### **SYLWEBAETH AR YR ADRANNAU**

#### **Adran 1 - Trosolwg**

8. Mae adran 1 yn rhoi trosolwg o brif ddarpariaethau'r Ddeddf.

#### **Adran 2 - Cyfyngiad ar arfer yr hawl i brynu**

9. Mae'r adran hon yn diwygio Deddf Tai 1985. Mae'n mewnosod adran 121ZA newydd yn y Ddeddf honno i gyfyngu ar hawl tenantiaid diogel i arfer yr hawl i brynu cartrefi yng Nghymru mewn amgylchiadau penodol.
10. O ganlyniad i adran 2, nid oes modd arfer yr hawl i brynu mewn perthynas â chartref yng Nghymru, fel rheol, oni bai bod y cartref wedi ei osod o dan un o'r tenantiaethau cymdeithasol a restrir yn adran 121ZA(2) ar ryw adeg yn ystod y chwe mis cyn i adran 2 ddod i rym. Mae'r Ddeddf yn galw cartref sydd wedi ei osod o dan unrhyw un o'r tenantiaethau cymdeithasol a restrir yn annedd sydd o stoc tai cymdeithasol a osodwyd yn flaenorol ("*from previously let social housing stock*"). Ceir eithriadau i'r rheol gyffredinol hon, sydd i'w gweld yn adran 121ZB, a fewnosodir yn Neddf Tai 1985 gan adran 3 o'r Ddeddf hon.

6. Other provisions about the right to acquire, including criteria for eligibility, are set out in sections 16 to 17 of the Housing Act 1996, and in Part 5 of the Housing Act 1985 (as it applies to the right to acquire). The Housing (Right to Acquire) Regulations 1997 (SI 1997/619) specifies how Part 5 of the Housing Act 1985 applies to the right to acquire.

### **Main provisions**

7. The Act makes provision for the following:
  - (a) Provision to abolish the right to buy and the preserved right to buy. The section that abolishes these rights cannot be brought into force earlier than one year after the Act received Royal Assent.
  - (b) Provision to abolish the right to acquire. The section that abolishes this right cannot be brought into force earlier than one year after the Act received Royal Assent.
  - (c) Provision to restrict a tenant's ability to exercise the right to buy, the preserved right to buy and the right to acquire until those rights are abolished, if a tenant moves into a home that is new social housing stock. The sections that restrict the exercise of these rights are brought into force two months after the Act receives Royal Assent and are subject to certain exceptions. They are intended to encourage social landlords to build or to acquire new homes for rent even before complete abolition of the rights.

## **COMMENTARY ON SECTIONS**

### **Section 1 – Overview**

8. Section 1 provides an overview of the main provisions of the Act.

### **Section 2 – Restriction on exercising the right to buy**

9. This section amends the Housing Act 1985. It inserts a new section 121ZA into that Act to restrict the right of secure tenants to exercise the right to buy homes in Wales in certain circumstances.
10. As a result of section 2, as a general rule, the right to buy is not exercisable in relation to a home in Wales unless the home has been let under one of the social tenancies listed in section 121ZA(2) at some point during the six months before section 2 came into force. The Act calls a home that has been let under any of the listed social tenancies a dwelling-house that is “from previously let social housing stock”. There are exceptions to this general rule, which are set out in section 121ZB, inserted into the Housing Act 1985 by section 3 of this Act .

11. Effaith y diwygiad a wneir gan adran 2 yw nad yw tenant sy'n symud i gartref sy'n newydd i'r farchnad tai cymdeithasol yn gallu arfer yr hawl i brynu mewn cysylltiad â'r cartref hwnnw.
12. Ond bydd amser a dreuliwyd mewn cartref o'r fath yn dal yn gymwys at ddibenion yr hawl i brynu os yw'r tenant yn symud i gartref arall yn ddiweddarach, a bod modd arfer yr hawl i brynu mewn perthynas â'r cartref hwnnw (cyhyd â bod hynny wedi digwydd cyn i adran 6 ddiddymu'r hawl i brynu). Yn yr amgylchiadau hynny, ni fydd y ffaith bod y tenant wedi treulio amser mewn cartref nad oedd modd arfer yr hawl i brynu mewn perthynas ag ef yn effeithio ar ddisgownt y tenant ar gyfer yr hawl i brynu.
13. Mae is-adran (3) yn diwygio adran 171B o Ddeddf Tai 1985 i gyfyngu ar yr hawl i arfer yr hawl i brynu a gadwyd pan fo cartref yn newydd i'r farchnad tai cymdeithasol.

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

14. Mae'r adran hon yn diwygio Deddf Tai 1985. Mae'n mewnosod adran 121ZB newydd yn y Ddeddf honno, sy'n nodi'r achosion pan fo modd arfer yr hawl i brynu o hyd mewn perthynas â chartref nad yw o stoc tai cymdeithasol a osodwyd yn flaenorol, hynny yw, stoc tai cymdeithasol newydd. Os yw unrhyw achos yn gymwys, neu wedi bod yn gymwys, mewn cysylltiad â chartref, gall tenant cymwys arfer yr hawl i brynu er gwaethaf y cyfyngiad yn adran 2.
15. Mae'r achos cyntaf yn gymwys pan fo llys, ar ôl y dyddiad y daeth adran 2 i rym, wedi rhoi gorchymyn i denant sydd â'r hawl i brynu roi'r gorau i feddiannu ei gartref ar seiliau penodol, bod y tenant wedi symud i gartref newydd (sy'n stoc tai cymdeithasol newydd), a phan ystyrir bod y cartref newydd yn llety arall addas at ddibenion y gorchymyn llys (adran 121ZB(1)). Yn gyffredinol, y seiliau meddiannu sy'n gymwys at ddibenion yr achos cyntaf yw pan roddir gorchymyn i'r tenant roi'r gorau i feddiannu ei gartref heb fod unrhyw fai arno (ee mae tŷ yn cael ei ddymchwel, neu'n destun cynllun ailddatblygu).
16. Mae'r ail achos yn debyg i'r achos cyntaf, ac eithrio ei fod yn ymwneud â'r hawl i brynu a gadwyd: mae'n gymwys pan fo llys, ar ôl y dyddiad y daeth adran 2 i rym, wedi rhoi gorchymyn i denant sydd â'r hawl i brynu a gadwyd roi'r gorau i feddiannu ei gartref ar y seiliau bod llety arall addas ar gael, bod y tenant wedi symud i gartref newydd (sy'n stoc tai cymdeithasol newydd), a phan ystyrir bod y cartref newydd yn llety arall addas at ddibenion y gorchymyn llys (adran 121ZB(2)).
17. Mae'r trydydd achos yn ymdrin â sefyllfa benodol a all godi mewn perthynas â'r hawl i brynu a gadwyd o dan adran 171B(6) o Ddeddf Tai 1985.

11. The effect of the amendment made by section 2 is that a tenant who moves into a home that is new to the social housing market cannot exercise the right to buy in respect of that home.
12. But time spent in such a home will still qualify for the purposes of the right to buy if the tenant later moves into another home in relation to which the right to buy can be exercised (so long as that happened before the right to buy was abolished by section 6). In those circumstances, the tenant's right to buy discount won't be affected by the fact that the tenant has spent time in a home in relation to which the right to buy couldn't be exercised.
13. Subsection (3) amends section 171B of the Housing Act 1985 to restrict the right to exercise the preserved right to buy where a home is new to the social housing market.

### **Section 3 – Exceptions to the restriction on exercising the right to buy**

14. This section amends the Housing Act 1985. It inserts a new section 121ZB into that Act, which sets out the cases in which the right to buy can still be exercised in relation to a home which isn't from previously let social housing stock, i.e. new social housing stock. If any of the cases apply, or have applied, in respect of a home, the right to buy can be exercised by an eligible tenant despite the restriction in section 2.
15. The first case applies where, after the date on which section 2 came into force, a court has ordered a tenant with the right to buy to give up possession of their home on certain specified grounds, the tenant has moved into a new home (which is new social housing stock), and the new home is considered suitable alternative accommodation for the purposes of the court order (section 121ZB(1)). The grounds for possession that apply for the purposes of the first case are generally ones where tenants are ordered to give up possession of their home through no fault of their own (e.g. a house is being demolished, or is subject to a redevelopment scheme).
16. The second case is similar to the first case, except that it relates to the preserved right to buy: it applies where, after the date on which section 2 came into force, a court has ordered a tenant with the preserved right to buy to give up possession of their home on the grounds that there is suitable alternative accommodation available, the tenant has moved into a new home (which is new social housing stock), and the new home is considered suitable alternative accommodation for the purposes of the court order (section 121ZB(2)).
17. The third case addresses a specific scenario that can arise in relation to the preserved right to buy under section 171B(6) of the Housing Act 1985.



18. O dan adran 171B(6), mae modd i denant barhau i fod â'r hawl i brynu a gadwyd os yw'n newid aelwyd, cyhyd â bod y landlord yn aros yr un fath. Ond mae adran 2(3) o'r Ddeddf yn mewnosod is-adran (7) newydd yn adran 171B o Ddeddf Tai 1985, i gyfyngu ar allu'r tenant i arfer yr hawl i brynu a gadwyd yn yr amgylchiadau hynny. O ganlyniad i adran 2(3), os yw tenant yn symud i gartref nad yw o stoc tai a osodwyd yn flaenorol ni fydd, fel rheol, yn gallu arfer yr hawl i brynu a gadwyd hyd yn oed os yw adran 171B(6) yn gymwys.
19. Mae'r trydydd achos (yn adran 121ZB(3)) yn darparu eithriad i'r rheol gyffredinol honno pan fo'r tenant yn symud i'r cartref newydd ar ôl y dyddiad y daeth adran 2 i rym, a bod y cartref newydd wedi ei osod gan landlord cymdeithasol cofrestredig neu ddarparwr preifat cofrestredig tai cymdeithasol o dan denantiaeth sicr (ac eithrio tenantiaeth hir) ar ryw adeg yn ystod y chwe mis cyn i adran 2 ddod i rym.
20. Mae'r ddarpariaeth hon yn golygu bod tenantiaid sydd â'r hawl i brynu a gadwyd sy'n dymuno newid aelwyd mewn sefyllfa debyg i denantiaid sydd â'r hawl i brynu neu'r hawl i gaffael sy'n dymuno newid aelwyd. Gellir ychwanegu achosion pellach pan fo modd arfer yr hawl i brynu mewn perthynas â chartrefi nad ydynt o stoc tai cymdeithasol a osodwyd yn flaenorol, drwy reoliadau.

#### **Adran 4 - Cyfyngiad ar arfer yr hawl i gaffael**

21. Mae'r adran hon yn diwygio Deddf Tai 1996. Mae'n mewnosod adran 16B newydd yn y Ddeddf honno i gyfyngu ar hawl tenantiaid diogel neu denantiaid sicr i arfer yr hawl i gaffael cartrefi yng Nghymru mewn amgylchiadau penodol.
22. O ganlyniad i adran 4, ni fydd modd arfer yr hawl i gaffael yng Nghymru, fel rheol, oni bai bod y cartref wedi ei osod o dan un o'r tenantiaethau cymdeithasol a restrir yn adran 16B(2) ar ryw adeg yn ystod y chwe mis cyn i adran 4 ddod i rym (bod y cartref o stoc tai cymdeithasol a osodwyd yn flaenorol). Fel yn achos adran 121ZA yng nghyd-destun yr hawl i brynu, ceir eithriadau i'r rheol gyffredinol hon, a nodir yn adran 16C, a fewnosodir gan adran 5 o'r Ddeddf hon.
23. Effaith y diwygiad a wneir gan adran 4 yw nad yw tenant sy'n symud i gartref sy'n newydd i'r stoc tai cymdeithasol yn gallu arfer yr hawl i gaffael mewn perthynas â'r cartref hwnnw.
24. Ond bydd amser a dreuliwyd mewn cartref o'r fath yn dal yn gymwys at ddibenion yr hawl i gaffael os yw'r tenant yn symud i gartref arall, a bod modd arfer yr hawl i gaffael mewn perthynas â'r cartref hwnnw (cyhyd â bod hynny wedi digwydd cyn i adran 6 ddiddymu'r hawl i gaffael). Yn yr amgylchiadau hynny, ni fydd y ffaith bod y tenant wedi treulio amser mewn cartref nad oedd modd arfer yr hawl i gaffael mewn perthynas ag ef yn effeithio ar ddisgownt y tenant ar gyfer yr hawl i gaffael.



18. Under section 171B(6), it is possible for a tenant to continue to have the preserved right to buy if he or she moves home, so long as the landlord remains the same. But section 2(3) of the Act inserts a new subsection (7) into section 171B of the Housing Act 1985 to restrict the tenant's ability to exercise the preserved right to buy in those circumstances. As a result of section 2(3), as a general rule, if a tenant moves into a home that isn't from previously let housing stock, he or she won't be able to exercise the preserved right to buy even if section 171B(6) applies.
19. The third case (in section 121ZB(3)) provides an exception to that general rule where the tenant moves into the new home after the date on which section 2 came into force, and the new home 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) at some point during the six months before section 2 came into force.
20. This provision places tenants with the preserved right to buy who wish to move home in a similar position to tenants with the right to buy or the right to acquire who wish to move home. Further cases in which the right to buy can be exercised in relation to homes that are not from previously let social housing stock can be added by regulations.

#### **Section 4 – Restriction on exercising the right to acquire**

21. This section amends the Housing Act 1996. It inserts a new section 16B into that Act to restrict the right of secure or assured tenants to exercise the right to acquire homes in Wales in certain circumstances.
22. As a result of section 4, as a general rule, the right to acquire will not be exercisable in relation to a home in Wales unless the home has been let under one of the social tenancies listed in section 16B(2) at some point during the six months before section 4 came into force (the home is "from previously let social housing stock"). As with section 121ZA in the context of the right to buy, there are exceptions to this general rule, which are set out in section 16C, inserted by section 5 of this Act.
23. The effect of the amendment made by section 4 is that a tenant who moves into a home that is new to the social housing stock cannot exercise the right to acquire in respect of that home.
24. But time spent in such a home will still qualify for the purposes of the right to acquire if the tenant moves into another home in relation to which the right to acquire can be exercised (so long as that happened before the right to acquire was abolished by section 6). In those circumstances, the tenant's right to acquire discount won't be affected by the fact that the tenant has spent time in a home in relation to which the right to acquire couldn't be exercised.

25. Mae adran 4(4) yn diwygio adran 21 o Ddeddf Tai 1996 er mwyn ychwanegu is-adran (2A) newydd. O dan adran 21(2) o Ddeddf 1996, mae dyletswydd ar Weinidogion Cymru i roi grant i ad-dalu landlord cymdeithasol cofrestredig neu ddarparwr preifat cofrestredig tai cymdeithasol mewn amgylchiadau pan fo'r landlord wedi rhoi disgownt i denant sydd wedi prynu eiddo nad oedd yn ddarostyngedig i'r hawl i gaffael, os oedd gan y tenant hwnnw hawl i arfer yr hawl i gaffael mewn perthynas ag eiddo arall yr oedd y landlord yn berchen arno.
26. Effaith yr adran 21(2A) newydd yw nad oes dyletswydd ar Weinidogion Cymru i roi grant i ad-dalu disgownt o'r fath oni bai bod yr eiddo o stoc tai a osodwyd yn flaenorol, neu'n destun un o'r eithriadau a nodir yn adran 16C.
27. Golyga hyn, os yw landlord cymdeithasol wedi rhoi disgownt o'i wirfodd i denant mewn perthynas â chartref sydd o stoc tai cymdeithasol newydd, nid yw'n ofynnol i Weinidogion Cymru ad-dalu'r landlord hyd yn oed os oedd gan y tenant yr hawl i gaffael mewn perthynas ag eiddo arall. Mae hyn yn cysoni'r darpariaethau yn adran 21 â'r darpariaethau i gyfyngu ar arfer yr hawl i gaffael mewn perthynas â stoc tai cymdeithasol newydd.

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

28. Mae'r adran hon yn diwygio Deddf Tai 1996. Mae'n mewnosod adran 16C newydd yn y Ddeddf honno, gan nodi eithriad i'r cyfyngiad ar arfer yr hawl i gaffael. Os yw'r eithriad yn gymwys i gartref, neu wedi bod yn gymwys iddo, gall tenant cymwys arfer yr hawl i gaffael hyd yn oed os yw'r cartref yn stoc tai cymdeithasol newydd.
29. Mae'r eithriad yn gymwys pan fo'r llys, ar ôl y dyddiad y daeth adran 4 i rym, wedi rhoi gorchymyn i denant sydd â'r hawl i gaffael roi'r gorau i feddiannu ei gartref ar seiliau penodol, bod y tenant wedi symud i gartref newydd (sy'n stoc tai cymdeithasol newydd), a phan ystyrir bod y cartref newydd yn llety addas at ddibenion y gorchymyn llys.
30. Gellir ychwanegu eithriadau pellach pan fo modd arfer yr hawl i gaffael mewn perthynas â chartrefi nad ydynt o stoc tai cymdeithasol a osodwyd yn flaenorol, drwy reoliadau.

#### **Adran 6 - Diddymu'r hawl i brynu a'r hawl i gaffael**

31. Mae'r adran hon yn diddymu'r hawl i brynu (gan gynnwys yr hawl i brynu a gadwyd) a'r hawl i gaffael mewn perthynas ag anheddau yng Nghymru.
32. Mae'r adran hon hefyd yn darparu ar gyfer diddymu darpariaethau'r Ddeddf hon sy'n cyfyngu ar arfer yr hawliau hynny, ac yn dod ag Atodlen 1, sy'n gwneud diwygiadau canlyniadol, i rym.

25. Section 4(4) amends section 21 of the Housing Act 1996 to add a new subsection (2A). Under section 21(2) of the 1996 Act, the Welsh Ministers are under a duty to make a grant to reimburse a registered social landlord or a private registered provider of social housing in circumstances where the landlord has given a discount to a tenant who has purchased a property which was not subject to the right to acquire, if that tenant was entitled to exercise the right to acquire in relation to another property owned by the landlord.
26. The effect of the new section 21(2A) is that the Welsh Ministers are not under a duty to make a grant to reimburse such a discount unless the property is from previously let housing stock, or is caught by one of the exceptions set out in section 16C.
27. This means that, if a social landlord has given a tenant a discount voluntarily in relation to a home that is new social housing stock, the Welsh Ministers are not required to reimburse the landlord even if the tenant had the right to acquire with respect to another property. This brings the provisions in section 21 in line with the provisions to restrict the exercise of the right to acquire with respect to new social housing stock.

#### **Section 5 – Exception to the restriction on exercising the right to acquire**

28. This section amends the Housing Act 1996. It inserts a new section 16C into that Act, setting out an exception to the restriction on exercising the right to acquire. If the exception applies, or has applied, in respect of a home, the right to acquire can be exercised by an eligible tenant even if the home is new social housing stock.
29. The exception applies where, after the date on which section 4 came into force, the court has ordered a tenant with the right to acquire to give up possession of their home on certain specified grounds, the tenant has moved into a new home (which is new social housing stock), and the new home is considered suitable accommodation for the purposes of the court order.
30. Further exceptions in which the right to acquire can be exercised in relation to homes that are not from previously let social housing stock can be added by regulations.

#### **Section 6 – Abolition of the right to buy and the right to acquire**

31. This section abolishes the right to buy (including the preserved right to buy) and the right to acquire in respect of dwellings in Wales.
32. This section also provides for the repeal of the provisions of this Act which restrict the exercise of those rights, and brings Schedule 1 into effect, which makes consequential amendments.

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

33. Mae'r adran hon yn diddymu adran 21 o Ddeddf Tai 1996. Effaith ei diddymu yw nad oes gan Weinidogion Cymru mwyach y pŵer i roi grantiau i landlordiaid cymdeithasol cofrestredig a darparwyr preifat cofrestredig tai cymdeithasol mewn cysylltiad â disgowntiau a roddant i denantiaid sy'n prynu eu cartrefi, oni bai bod y tenant wedi arfer yr hawl i gaffael.

### **Adran 8 – Gwybodaeth i denantiaid a darpar denantiaid**

34. Mae'r adran hon yn gwneud darpariaeth ar gyfer darparu gwybodaeth i denantiaid ynglŷn ag effaith y Ddeddf hon.
35. Rhaid i Weinidogion Cymru gyhoeddi gwybodaeth a fydd, yn eu barn hwy, yn helpu tenantiaid i ddeall effaith y Ddeddf hon, o fewn mis i'r adeg y daw'r adran hon i rym. Rhaid i Weinidogion Cymru gymryd pob cam rhesymol i ddarparu copi o'r wybodaeth i bob landlord cymwys ac i gyrff perthnasol eraill. Rhaid i landlordiaid cymwys hwythau, yn eu tro, ddarparu copi o'r wybodaeth, neu unrhyw ran ohoni sy'n berthnasol i'w denantiaid ym marn y landlord, i'w holl denantiaid perthnasol. Rhaid i landlordiaid cymwys ddarparu'r wybodaeth i'r tenantiaid o fewn dau fis i'r adeg y daw adran 8 i rym, neu o fewn mis i gael yr wybodaeth a gyhoeddir gan Weinidogion Cymru, pa un bynnag sydd gynharaf.

### **Adran 9 – Diwygiadau canlyniadol etc.**

36. Mae'r adran hon yn rhoi'r pŵer i Weinidogion Cymru wneud unrhyw ddarpariaeth atodol, gysylltiedig, ganlyniadol, ddarfodol, drosiannol neu arbed yr ystyrir ei bod yn angenrheidiol neu'n hwylus o ganlyniad i ddarpariaethau'r Ddeddf hon, neu er mwyn rhoi effaith lawn iddynt. Gall rheoliadau a wneir o dan yr adran hon ddiwygio, diddymu neu ddirymu darpariaethau a wneir mewn deddfwriaeth, gan gynnwys darpariaethau'r Ddeddf hon, yn ogystal â gwneud diwygiadau yr ystyrir eu bod yn angenrheidiol o ganlyniad i'r ffaith bod Deddf Rhentu Cartrefi (Cymru) 2016 wedi ei dwyn i rym. Er enghraifft, unwaith y mae darpariaethau Deddf Rhentu Cartrefi (Cymru) 2016 wedi eu dwyn i rym, bydd tenantiaethau penodol yn peidio â bod yng Nghymru, a bydd angen diwygio cyfeiriadau mewn deddfwriaeth at denantiaethau diogel, tenantiaethau sicr ac ati, i gyfeirio at gontractau diogel.

### **Adran 10 – Rheoliadau**

37. Mae'r adran hon yn darparu bod rheoliadau a wneir o dan adran 9 i'w gwneud drwy offeryn statudol. Bydd angen i reoliadau sy'n diwygio deddfwriaeth sylfaenol gael eu gwneud drwy'r weithdrefn gadarnhaol. Gwneir rheoliadau eraill drwy'r weithdrefn negyddol (ac eithrio gorchmynion sy'n dod â darpariaethau'r Ddeddf hon i rym, nad oes gweithdrefn yn gymwys ar eu cyfer).

### **Adran 11 - Dod i rym**

38. Mae'r adran hon yn darparu bod adran 8 (gwybodaeth i denantiaid), ymysg eraill, yn dod i rym ar y diwrnod y cafodd y Ddeddf hon y Cydsyniad Brenhinol.

### **Section 7 – Removal of power to make grants in respect of discounts**

33. This section repeals section 21 of the Housing Act 1996. The effect of the repeal is that the Welsh Ministers no longer have the power to make grants to registered social landlords and private registered providers of social housing in respect of discounts given by them to tenants who purchase their homes, unless the tenant was exercising the right to acquire.

### **Section 8 – Information for tenants and prospective tenants**

34. This section makes provision for information to be provided to tenants about the effect of this Act.
35. The Welsh Ministers must publish information which they think will help tenants to understand the effect of the Act within one month of the coming into force of this section. The Welsh Ministers must take all reasonable steps to provide every qualifying landlord and other relevant bodies with a copy of the information. In turn, qualifying landlords must provide all of their relevant tenants with a copy of the information, or with any of the information they consider to be relevant to their tenants. Qualifying landlords must provide the information to tenants within two months of the coming into force of section 8, or within one month of receiving the information published by the Welsh Ministers, whichever is earlier.

### **Section 9 – Consequential amendments etc.**

36. This section gives the Welsh Ministers power to make any supplemental, incidental, consequential, transitory, transitional or saving provision considered necessary or expedient in consequence of, or for the purpose of giving full effect to the provisions of this Act. Regulations made under this section can amend, repeal or revoke provisions made in legislation, including provisions of this Act, and can make amendments that are considered necessary as a result of the Renting Homes (Wales) Act 2016 having been brought into force. For example, once the Renting Homes (Wales) Act 2016 provisions have been brought into force, certain tenancies will cease to exist in Wales, and references in legislation to secure tenancies, assured tenancies etc. will need to be amended to refer to secure contracts.

### **Section 10 – Regulations**

37. This section provides for regulations made under section 9 to be made by statutory instrument. Regulations which amend primary legislation will need to be made by the affirmative procedure. Other regulations will be made by the negative procedure (apart from orders which bring provisions of this Act into force, for which no procedure applies).

### **Section 11 – Coming into force**

38. This section provides that section 8 (information for tenants), amongst others, comes into force on the day this Act received Royal Assent.

39. Mae'r adran hon hefyd yn darparu bod adrannau 2 i 5 (sy'n cyfyngu tenantiaid rhag arfer yr hawl i brynu, yr hawl i brynu a gadwyd a'r hawl i gaffael oni bai bod yr annedd o stoc tai cymdeithasol a osodwyd yn flaenorol) yn dod i rym ddau fis ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol.
40. Caiff adran 6 (sy'n diddymu'r hawl i brynu, yr hawl i brynu a gadwyd a'r hawl i gaffael, ac yn gwneud diwygiadau canlyniadol perthnasol) ac adran 7 (sy'n diddymu pŵer Gweinidogion Cymru i roi grantiau i ad-dalu disgowntiau gwirfoddol) eu dwyn i rym drwy orchymyn. Ni ellir eu dwyn i rym yn gynharach na 12 mis ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol, fodd bynnag.

### **Adran 12 - Enw byr**

41. Enw byr y Ddeddf, pan ddaw yn Ddeddf, fydd 'Deddf Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) 2018'.

### **COFNOD Y TRAFODION YNG NGHYNULLIAD CENEDLAETHOL CYMRU**

42. Mae'r tabl a ganlyn yn nodi'r dyddiadau ar gyfer pob cyfnod o hynt y Ddeddf drwy Gynulliad Cenedlaethol Cymru. Gellir cael Cofnod y Trafodion a rhagor o wybodaeth am hynt y Ddeddf hon ar wefan Cynulliad Cenedlaethol Cymru ar:

<http://www.senedd.cynulliad.cymru/mgIssueHistoryHome.aspx?IId=17260>

| <b>Cyfnod</b>  | <b>Dyddiad</b>     |
|--|--------------------|
| Cyflwynwyd   | 13 Mawrth 2017     |
| Cyfnod 1 - Dadl  | 18 Gorffennaf 2017 |
| Cyfnod 2 Pwyllgor Craffu - ystyried y gwelliannau      | 5 Hydref 2017      |
| Cyfnod 3 Cyfarfod Llawn - ystyried y gwelliannau       | 28 Tachwedd 2017   |
| Cyfnod 4 Cymeradwywyd gan Gynulliad Cenedlaethol Cymru | 5 Rhagfyr 2017     |
| Y Cydsyniad Brenhinol                                  | 24 Ionawr 2018     |

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39. This section also provides for sections 2 to 5 (which restrict tenants from exercising the right to buy, the preserved right to buy and the right to acquire unless the dwelling is from previously let social housing stock) to come into force 2 months after the Act received Royal Assent.
40. Section 6 (which abolishes the right to buy, the preserved right to buy and the right to acquire, and makes relevant consequential amendments) and section 7 (which removes the Welsh Ministers' power to make grants to reimburse voluntary discounts) are to be brought into force by order, but they cannot be brought into force sooner than 12 months after the Act received Royal Assent.

### **Section 12 - Short title**

41. The short title of the Act on becoming an Act will be 'the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018'.

### **RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES**

42. The following table sets out the dates for each stage of the Act's passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Act can be found on the National Assembly for Wales' website at:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=17260>

| <b>Stage</b>   | <b>Date</b>      |
|--|------------------|
| Introduced   | 13 March 2017    |
| Stage 1 - Debate   | 18 July 2017     |
| Stage 2 Scrutiny Committee - consideration of amendments | 5 October 2017   |
| Stage 3 Plenary - consideration of amendments            | 28 November 2017 |
| Stage 4 Approved by the Assembly                         | 5 December 2017  |
| Royal Assent   | 24 January 2018  |

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Archebionf ffôn/ Ymholiadau cyffredinol 0333 202 5070

Archebion ffacs: 0333 202 5080

E-bost: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

Ffôn Testun: 0333 202 5077

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