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WELSH STATUTORY  
INSTRUMENTS

**2023 Rhif 1277 (Cy. 225)**

**2023 No. 1277 (W. 225)**

## **TAI, CYMRU**

## **HOUSING, WALES**

**Rheoliadau Deddf Rhentu Cartrefi  
(Cymru) 2016 a Gorchymyn  
Digartrefedd (Addasrwydd Llety)  
(Cymru) 2015 (Diwygio) 2023**

**The Renting Homes (Wales) Act  
2016 and Homelessness (Suitability  
of Accommodation) (Wales) Order  
2015 (Amendment) Regulations  
2023**

### **NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Atodlen 2 (eithriadau i adran 7) i Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) ("y Ddeddf"), yn gwneud diwygiad canlyniadol i adran 243(3) o'r Ddeddf ac yn diwygio'r diffiniad o "llety Gwely a Brechwast" yng Ngorchymyn Digartrefedd (Addasrwydd Llety) (Cymru) 2015 (O.S. 2015/1268 (Cy. 87)) ("y Gorchymyn").

Mae rheoliad 2(2) yn diwygio Atodlen 2 i'r Ddeddf. Mae rheoliad 2(2)(a)(i) yn mewnosod paragraff newydd 7(3)(l) yn Rhan 3 o'r Atodlen honno. Mae hyn yn darparu nad yw trwydded sy'n ymwneud â llety digartrefedd dros dro sector preifat (fel y'i diffinnir) byth yn gcontract meddiannaeth.

Mae rheoliad 2(2)(a)(ii) yn mewnosod paragraff newydd 10A yn Rhan 3 o Atodlen 2 i'r Ddeddf sy'n darparu diffiniad o lety digartrefedd dros dro sector preifat.

Mae rheoliad 2(2)(b) yn diwygio paragraff 12(1), yn Rhan 4 o Atodlen 2 i'r Ddeddf, i'w gwneud yn eglur nad yw paragraff 12 yn gymwys i drwydded o'r math a ddisgrifir ym mharagraff 7(3)(1) sydd newydd ei fewnosod yn Atodlen 2.

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend Schedule 2 (exceptions to section 7) to the Renting Homes (Wales) Act 2016 (anaw 1) ("the Act"), make a consequential amendment to section 243(3) of the Act and amend the definition of "B&B accommodation" in the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (S.I. 2015/1268 (W. 87)) ("the Order").

Regulation 2(2) amends Schedule 2 to the Act. Regulation 2(2)(a)(i) inserts a new paragraph 7(3)(l) into Part 3 of that Schedule. This provides that a licence relating to private sector temporary homelessness accommodation (as defined), is never an occupation contract.

Regulation 2(2)(a)(ii) inserts a new paragraph 10A into Part 3 of Schedule 2 to the Act which provides a definition of private sector temporary homelessness accommodation.

Regulation 2(2)(b) amends paragraph 12(1), in Part 4 of Schedule 2 to the Act, to make it clear that paragraph 12 does not apply to a licence of the kind described in the newly inserted paragraph 7(3)(l) of Schedule 2.

Mae rheoliad 2(3) yn diwygio adran 243(3) o'r Ddeddf i'w gwneud yn eglur nad yw'r diffiniad o "awdurdod tai lleol" a nodir yn yr adran honno yn gymwys mewn perthynas â pharagraff 7(3)(1) sydd newydd ei fewnosod yn Atodlen 2.

Cyn i'r Rheoliadau hyn ddod i rym, mae contractau meddiannaeth wedi eu hatal rhag codi mewn perthynas â llety digartrefedd dros dro sector preifat, yn rhinwedd rheoliad 16 o Reoliadau Deddf Rhentu Cartrefi (Cymru) 2016 (Darpariaethau Arbed a Darpariaethau Trosiannol) 2022 (O.S. 2022/1172 (Cy. 242)).

Mae rheoliad 3 yn diwygio'r diffiniad o "llety Gwely a Brecwast" yn erthygl 2 o'r Gorchymyn, er mwyn adlewyrchu nodweddion y llety hwnnw yn fwy eglur.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Dai, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ.

Regulation 2(3) amends section 243(3) of the Act to make it clear that the definition of "local housing authority" set out in that section does not apply in relation to the newly inserted paragraph 7(3)(1) of Schedule 2.

Prior to the coming into force of these Regulations, occupation contracts are prevented from arising in relation to private sector temporary homelessness accommodation, by virtue of regulation 16 of the Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172 (W. 242)).

Regulation 3 amends the definition of "B&B accommodation" in article 2 of the Order, to more clearly reflect the characteristics of that accommodation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

## 2023 Rhif 1277 (Cy. 225)

### TAI, CYMRU

#### Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 a Gorchymyn Digartrefedd (Addasrwydd Llety) (Cymru) 2015 (Diwygio) 2023

*Gwnaed* 28 Tachwedd 2023

*Yn dod i rym* 30 Tachwedd 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan baragraff 17 o Atodlen 2(1) i Ddeddf Rhentu Cartrefi (Cymru) 2016(2), ac adran 256(1) o'r Ddeddf honno ac adrannau 59(3) a 142(2) o Ddeddf Tai (Cymru) 2014(3).

Yn unol ag adran 256(3), (4)(h)(4) a (5) o Ddeddf Rhentu Cartrefi (Cymru) 2016 ac adran 142(3)(b)(i) o Ddeddf Tai (Cymru) 2014, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(5).

#### Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 a Gorchymyn Digartrefedd (Addasrwydd Llety) (Cymru) 2015 (Diwygio) 2023 a deuant i rym ar 30 Tachwedd 2023.

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- (1) Mae diwygiadau i Atodlen 2 ond nid yw'r un ohonynt yn berthnasol i baragraff 17.  
(2) 2016 decc 1.  
(3) 2014 decc 7.  
(4) Mae diwygiadau i adran 256(4) ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.  
(5) Mae'r cyfeiriadau yn adran 142 o Ddeddf Tai (Cymru) 2014 ac adran 256(3) o Ddeddf Rhentu Cartrefi (Cymru) 2016 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

## 2023 No. 1277 (W. 225)

### HOUSING, WALES

#### The Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023

*Made* 28 November 2023

*Coming into force* 30 November 2023

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 17 of Schedule 2(1) to, and section 256(1) of the Renting Homes (Wales) Act 2016(2) and sections 59(3) and 142(2) of the Housing (Wales) Act 2014(3).

In accordance with section 256(3), (4)(h)(4) and (5) of the Renting Homes (Wales) Act 2016 and section 142(3)(b)(i) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru(5).

#### Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 and they come into force on 30 November 2023.

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- (1) There are amendments to Schedule 2 but none are relevant to paragraph 17.  
(2) 2016 anaw 1.  
(3) 2014 anaw 7.  
(4) There are amendments to section 256(4) but none are relevant to these Regulations.  
(5) The references in sections 142 of the Housing (Wales) Act 2014 and 256(3) of the Renting Homes (Wales) Act 2016 to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(2) Yn y Rheoliadau hyn—

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Rhentu Cartrefi (Cymru) 2016;

ystyr “y Gorchymyn” (“*the Order*”) yw Gorchymyn Digartrefedd (Addaswydd Llety) (Cymru) 2015(1).

## Diwygio'r Ddeddf

2.—(1) Mae'r Ddeddf wedi ei diwygio fel a ganlyn.

(2) Yn Atodlen 2 (eithriadau i adran 7)—

(a) yn Rhan 3 (tenantiaethau a thrwyddedau nad ydynt byth yn gcontractau meddiannaeth)—

(i) ym mharagraff 7(3)(2), ar ddiwedd paragraff (k), mewnosoder—

“(1) trwydded sy'n ymwneud â llety digartrefedd dros dro sector preifat (gweler paragraff 10A).”;

(ii) ar ôl paragraff 10 mewnosoder—

“Ystyr “llety digartrefedd dros dro sector preifat”

**10A.**—(1) Llety digartrefedd dros dro sector preifat yw llety—

(a) a ddarperir gan landlord preifat o dan drefniadau a wneir gydag awdurdod tai lleol yn unol ag unrhyw un neu ragor o swyddogaethau darparu tai i'r digartref yr awdurdod hwnnw, a

(b) sydd o fewn y diffiniad o “llety Gwely a Brecwast” yn erthygl 2 (dehongli) o Orchymyn Digartrefedd (Addaswydd Llety) (Cymru) 2015 (O.S. 2015/1268 (Cy. 87)), fel y mae'n cael effaith ar 30 Tachwedd 2023, sef y dyddiad y daeth Rheoliadau Deddf Rhentu Cartrefi (Cymru) 2016 a Gorchymyn Digartrefedd (Addaswydd Llety) (Cymru) 2015 (Diwygio) 2023 (O.S. 2023/XXXX (W. XX)) i rym.

(2) Yn y paragraff hwn mae i “awdurdod tai lleol” a “swyddogaethau darparu tai i'r digartref” yr ystyron a roddir ym mharagraff 12(5).”;

(2) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Renting Homes (Wales) Act 2016;

“the Order” (“*y Gorchymyn*”) means the Homelessness (Suitability of Accommodation) (Wales) Order 2015(1).

## Amendments to the Act

2.—(1) The Act is amended as follows.

(2) In Schedule 2 (exceptions to section 7)—

(a) in Part 3 (tenancies and licences that are never occupation contracts)—

(i) in paragraph 7(3)(2), at the end of paragraph (k), insert—

“(1) a licence which relates to private sector temporary homelessness accommodation (see paragraph 10A).”;

(ii) after paragraph 10 insert—

“*Meaning of “private sector temporary homelessness accommodation”*”

**10A.**—(1) Private sector temporary homelessness accommodation is accommodation which—

(a) is provided by a private landlord under arrangements made with a local housing authority in pursuance of any of that authority's homelessness housing functions, and

(b) is within the definition of “B&B accommodation” in article 2 (interpretation) of the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (S.I. 2015/1268 (W. 87)), as it has effect on 30 November 2023, which is the date on which the Renting Homes (Wales) Act 2016 and Homelessness (Suitability of Accommodation) (Wales) Order 2015 (Amendment) Regulations 2023 (S.I. 2023/XXXX (W. XX)) came into force.

(2) In this paragraph “local housing authority” and “homelessness housing functions” have the meanings given in paragraph 12(5).”;

(1) O.S. 2015/1268 (Cy. 87).

(2) Diwygiwyd paragraff 7(3) gan adran 14 o Ddeddf Rhentu Cartrefi (Diwygio) (Cymru) 2021 (dsc 3) a pharagraffau 1 a 5(2) o Atodlen 5 iddi, adran 66 o Ddeddf Mewnffudo 2016 (p. 19) a pharagraff 2(n) o Ran 1 o Atodlen 11 iddi a rheoliad 2 o O.S. 2022/803 (Cy. 179).

(1) S.I. 2015/1268 (W. 87).

(2) Paragraph 7(3) was amended by section 14 of and paragraphs 1 and 5(2) of Schedule 5 to the Renting Homes (Amendment) (Wales) Act 2021 (asc 3), section 66 of and paragraph 2(n) of Part 1 of Schedule 11 to the Immigration Act 2016 (c. 19) and regulation 2 of S.I. 2022/803 (W. 179).

- (b) yn Rhan 4 (tenantiaethau a thrwyddedau y mae rheolau arbennig yn gymwys iddynt: digartrefedd), ym mharagraff 12(1), ar ôl “llety” mewnosoder “, ond nid yw’r paragraff hwn yn gymwys mewn perthynas â thrwydded o’r math a ddisgrifir ym mharagraff 7(3)(1)”.

(3) Yn adran 243(3) (awdurdodau lleol ac awdurdodau eraill), ar ôl “ac eithrio ym mharagraff” mewnosoder “10A a pharagraff”.

### Diwygio’r Gorchymyn

3. Yn erthygl 2 (dehongli) o’r Gorchymyn, yn lle’r diffiniad o “llety Gwely a Brechwast”, mewnosoder—

“ystyr “llety Gwely a Brechwast” (“*B&B accommodation*”) yw llety (pa un a yw brechwast wedi ei gynnwys ai peidio) sy’n bodloni’r amodau a ganlyn—

(a) yr amod cyntaf yw—

- (i) naill ai nad yw cegin ar gael i’r trwyddedai, neu mae cegin ar gael i’r trwyddedai ond y mae’n cael ei rhannu gan bobl nad ydynt yn rhan o’r un aelwyd, a
- (ii) bod y cyfleusterau a ganlyn ar gael i’r trwyddedai ond mae’n bosibl eu bod yn cael eu rhannu gan bobl nad ydynt yn rhan o’r un aelwyd—

(aa) toiled;

(bb) cyfleusterau golchi personol;

(b) yr ail amod yw nad yw’r llety ym mherchnogaeth neu’n cael ei reoli gan landlord cymunedol (o fewn ystyr adran 9 (landlordiaid cymunedol) o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)), elusen gofrestrdig neu sefydliad gwirfoddol(1).”.

- (b) in Part 4 (tenancies and licences to which special rules apply: homelessness), in paragraph 12(1), after “accommodation” insert “, but this paragraph does not apply in relation to a licence of the kind described in paragraph 7(3)(1)”.

(3) In section 243(3) (local authority and other authorities), after “other than in” insert “paragraph 10A and”.

### Amendment to the Order

3. In article 2 (interpretation) of the Order, for the definition of “B&B accommodation”, substitute—

““B&B accommodation” (“*llety Gwely a Brechwast*”) means accommodation (whether or not breakfast is included) which meets the following conditions—

(a) the first condition is that—

- (i) a kitchen is either unavailable to the licensee, or it is available to the licensee but it is shared by people who are not part of the same household, and
- (ii) the following amenities are available to the licensee but may be shared by people who are not part of the same household—

(aa) a toilet;

(bb) personal washing facilities;

(b) the second condition is that the accommodation is not owned or managed by a community landlord (within the meaning of section 9 (community landlords) of the Renting Homes (Wales) Act 2016 (anaw 1)), a registered charity or a voluntary organisation(1).”.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion Cymru  
28 Tachwedd 2023

Minister for Climate Change, one of the Welsh Ministers  
28 November 2023

(1) Gweler y diffiniad o “sefydliad gwirfoddol” (“*voluntary organisation*”) yn adran 99 o Ddeddf Tai (Cymru) 2014. Mae adran 99 wedi ei diwygio ond nid yw’r un o’r diwygiadau yn berthnasol i’r offeryn hwn.

(1) See the definition of “voluntary organisation” (“*corff gwirfoddol*”) in section 99 of the Housing (Wales) Act 2014. Section 99 has been amended but none of the amendments are relevant to this instrument.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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