

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 24 Chwefror 2026
Tabled on 24 February 2026

Bil Diogelwch Adeiladau (Cymru)

Building Safety (Wales) Bill

Joel James

47

Section 31, page 20, after line 31, insert –

‘() The Welsh Ministers may by regulations amend this section to vary the period for making the first fire risk assessment for a regulated building.’

Adran 31, tudalen 20, ar ôl llinell 32, mewnosoder –

‘() Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio’r adran hon i amrywio’r cyfnod ar gyfer gwneud yr asesiad risg tân cyntaf ar gyfer adeilad rheoleiddiedig.’

[Confers power to amend the period for a first fire risk assessment in section 31.]

[Yn rhoi pŵer i ddiwygio’r cyfnod ar gyfer asesiad risg tân cyntaf yn adran 31.]

Joel James

48

Section 126, page 109, line 30, after ‘purposes’, insert ‘(including different provision for buildings of different descriptions, whether by reference to the categories set out in section 6 or any other matter)’.

Adran 126, tudalen 109, llinell 33, ar ôl ‘gwahanol’, mewnosoder ‘(gan gynnwys darpariaeth wahanol ar gyfer adeiladau o ddisgrifiadau gwahanol, pa un ai drwy gyfeirio at y categorïau a nodir yn adran 6 neu unrhyw fater arall)’.

[Inserts wording to put beyond doubt that regulations under the Bill may make different provision in relation to different descriptions of buildings, which do not need to correspond to categories 1, 2 and 3.]

[Yn mewnosod geiriad i’w gwneud yn hollol glir y caiff rheoliadau o dan y Bil wneud darpariaeth wahanol mewn perthynas â disgrifiadau gwahanol o adeiladau, nad oes angen iddynt gyfateb i gategorïau 1, 2 a 3.]

Joel James

49

Section 126, page 110, after line 14, insert –

‘() section 31([subsection to be inserted by amendment 47]);’.

Adran 126, tudalen 110, ar ôl llinell 16, mewnosoder –

'() adran 31([is-adran i'w mewnosod gan welliant 47]);'.

[Applies the Senedd approval procedure to regulations amending the period in section 31.]

[Yn cymhwyso gweithdrefn gymeradwyo'r Senedd i reoliadau sy'n diwygio'r cyfnod yn adran 31.]

Joel James

50

Section 126, page 110, after line 24, insert –

'() paragraph 1([sub-paragraph to be inserted by amendment 51]) of Schedule 4.'

Adran 126, tudalen 110, ar ôl llinell 26, mewnosoder –

'() paragraff 1([is-baragraff i'w fewnosod gan welliant 51]) o Atodlen 4.'

[Applies the Senedd approval procedure to regulations amending the period in paragraph 1 of Schedule 4.]

[Yn cymhwyso gweithdrefn gymeradwyo'r Senedd i reoliadau sy'n diwygio'r cyfnod ym mharagraff 1 o Atodlen 4.]

Joel James

51

Schedule 4, page 132, after line 20, insert –

'() The Welsh Ministers may by regulations amend this paragraph to vary the period for making a fire risk assessment for a regulated building.'

Atodlen 4, tudalen 132, ar ôl llinell 22, mewnosoder –

'() Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r paragraff hwn i amrywio'r cyfnod ar gyfer gwneud asesiad risg tân ar gyfer adeilad rheoleiddiedig.'

[Confers power to amend the period for a fire risk assessment in paragraph 1 of Schedule 4.]

[Yn rhoi pŵer i ddiwygio'r cyfnod ar gyfer asesiad risg tân ym mharagraff 1 o Atodlen 4.]

Sian Gwenllian

52

Section 48, page 35, line 15, leave out 'may by regulations' and insert –

'must by regulations make provision about the sharing of relevant information and relevant documents by accountable persons.

() The regulations may'.

Adran 48, tudalen 35, llinell 15, hepgorer 'Caiff Gweinidogion Cymru, drwy reoliadau,' a mewnosoder –

'Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch rhannu gwybodaeth berthnasol a dogfennau perthnasol gan bersonau atebol.

() Caiff y rheoliadau'.

Sian Gwenllian

53

Page 114, after line 3, insert a new section –

[] Progress reports on bringing this Act into force

- (1) The duty in subsection (2) applies if this Act is not fully in force on any of the following days –
 - (a) 31 December 2028;
 - (b) 31 December 2029;
 - (c) 31 December in every second year after 2029.
- (2) The Welsh Ministers must prepare a report –
 - (a) specifying any progress in bringing the Act into force, and
 - (b) specifying any further steps to be taken by the Welsh Ministers (or any other person) to bring the Act fully into force.
- (3) The Welsh Ministers must publish the report required by subsection (2) and lay a copy of it before Senedd Cymru as soon as reasonably practicable after the day mentioned in subsection (1) in respect of which the duty in subsection (2) applies.’.

Tudalen 114, ar ôl llinell 3, mewnosoder adran newydd –

[] Adroddiadau cynnydd ar ddwyn y Ddeddf hon i rym

- (1) Mae’r ddyletswydd yn is-adran (2) yn gymwys os nad yw’r Ddeddf hon mewn grym yn llawn ar unrhyw un neu ragor o’r diwrnodau a ganlyn –
 - (a) 31 Rhagfyr 2028;
 - (b) 31 Rhagfyr 2029;
 - (c) 31 Rhagfyr bob yn ail flwyddyn ar ôl 2029.
- (2) Rhaid i Weinidogion Cymru lunio adroddiad –
 - (a) yn pennu unrhyw gynnydd o ran dwyn y Ddeddf i rym, a
 - (b) yn pennu unrhyw gamau pellach i’w cymryd gan Weinidogion Cymru (neu unrhyw berson arall) i ddwyn y Ddeddf i rym yn llawn.
- (3) Rhaid i Weinidogion Cymru gyhoeddi’r adroddiad sy’n ofynnol gan is-adran (2) a gosod copi ohono gerbron Senedd Cymru cyn gynted ag y bo’n rhesymol ymarferol ar ôl y diwrnod a grybwyllir yn is-adran (1) y mae’r ddyletswydd yn is-adran (2) yn gymwys mewn cysylltiad ag ef.’.

Rhys ab Owen

54

Section 28, page 18, line 23, leave out ‘Act’ and insert ‘Part’.

Adran 28, tudalen 18, llinell 27, hepgorer ‘Ddeddf’ a mewnosoder ‘Rhan’.

Rhys ab Owen

55

Section 105, page 93, line 32, after ‘risk’ at the second place where it appears, insert ‘(within the meaning given by section 28)’.

Adran 105, tudalen 93, llinell 34, ar ôl ‘adeilad’, mewnosoder ‘(o fewn yr ystyr a roddir gan adran 28)’.

Rhys ab Owen

56

Page 98, after line 21, insert a new section –

‘PART []

REMEDICATION OF CERTAIN DEFECTS

[] Meaning of “relevant building”

- (1) In this Part, “relevant building” means a category 1 building or a category 2 building, but does not include –
 - (a) anything that is included in a reference to such a building by virtue of section 7 (ancillary areas);
 - (b) any building –
 - (i) in relation to which a right under Part 1 of the Landlord and Tenant Act 1987 (c. 31) (tenants’ right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord’s interest) has been exercised;
 - (ii) in relation to which the right to collective enfranchisement under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) has been exercised;
 - (iii) that is on commonhold land (within the meaning given by section 1 of the Commonhold and Leasehold Reform Act 2002 (c. 15)).
- (2) The Welsh Ministers may by regulations provide that a category 1 building or a category 2 building is not a relevant building if the freehold estate in the building is leaseholder owned (within the meaning given by the regulations).’.

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

‘RHAN []

CYWEIRIO DIFFYGIION PENODOL

[] Ystyr “adeilad perthnasol”

- (1) Yn y Rhan hon, ystyr “adeilad perthnasol” yw adeilad categori 1 neu adeilad categori 2, ond nid yw’n cynnwys –
 - (a) unrhyw beth sydd wedi ei gynnwys mewn cyfeiriad at adeilad o’r fath yn rhinwedd adran 7 (ardaloedd atodol);
 - (b) unrhyw adeilad –

- (i) y mae hawl o dan Ran 1 o Ddeddf Landlord a Tenant 1987 (p. 31) (hawl tenantiaid i gael y cynnig cyntaf) neu Ran 3 o'r Ddeddf honno (caffael gorfodol gan denantiaid o fuddiant landlord) wedi ei arfer mewn perthynas ag ef;
 - (ii) y mae'r hawl i ryddfrenio ar y cyd o dan Bennod 1 o Ran 1 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28) wedi ei arfer mewn perthynas ag ef;
 - (iii) sydd ar dir cyfunddaliad (o fewn yr ystyr a roddir gan adran 1 o Ddeddf Cyfunddaliad a Diwygio Cyfraith Lesddaliad 2002 (p. 15)).
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu nad yw adeilad categori 1 neu adeilad categori 2 yn adeilad perthnasol os yw lesddeiliad yn berchen ar yr ystad rydddaliadol yn yr adeilad (o fewn yr ystyr a roddir gan y rheoliadau).'

Rhys ab Owen

57

Page 98, after line 21, insert a new section –

[] Meaning of “relevant defect”

(1) In this Part –

“relevant defect” (*“diffyg perthnasol”*), in relation to a relevant building, means a defect as regards the building that –

- (a) arises as a result of anything done or not done (including anything done or not done in the provision of professional services), or anything used or not used, in connection with relevant works, and
- (b) creates a building safety risk or significantly increases an existing building safety risk;

“relevant step” (*“cam perthnasol”*), in relation to a relevant defect, means a step that has as its purpose –

- (a) preventing or reducing the likelihood of a fire or collapse of the building (or any part of it) occurring as a result of the relevant defect,
- (b) reducing the severity of any such incident, or
- (c) preventing or reducing harm to people in or about the building that could result from such an incident.

(2) In this section –

“building safety risk” (*“risg diogelwch adeilad”*) means a risk to the safety of people in or about the building arising from –

- (a) the spread of fire, or
- (b) the collapse of the building or any part of it;

“conversion” (*“trosi”*) means the conversion of the building for use (wholly or partly) for residential purposes;

“landlord or management company” (*“landlord neu gwmni rheoli”*) means a landlord under a lease of the building or any part of it, or any person who is a party to such a lease otherwise than as landlord or tenant;

“the relevant period” (“*y cyfnod perthnasol*”) means the period beginning with 28 June 1992 and ending with 20 February 2026;

“relevant works” (“*gwaith perthnasol*”) means any of the following –

- (a) works relating to the construction or conversion of the building, if the construction or conversion was completed in the relevant period;
- (b) works undertaken or commissioned by or on behalf of a landlord or management company, if the works were completed in the relevant period;
- (c) works undertaken after the end of the relevant period to remedy a relevant defect (including a defect that is a relevant defect by virtue of this paragraph).’.

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

[] Ystyr “diffyg perthnasol”

(1) Yn y Rhan hon –

ystyr “cam perthnasol” (“*relevant step*”), mewn perthynas â diffyg perthnasol, yw cam â’i bwrpas yw –

- (a) atal neu leihau’r tebygolrwydd o dân rhag digwydd o ganlyniad i’r diffyg perthnasol neu o’r adeilad (neu unrhyw ran ohono) yn dymchwel o ganlyniad i ddiffyg o’r fath,
- (b) lleihau difrifoldeb unrhyw ddigwyddiad o’r fath, neu
- (c) atal neu leihau niwed i bobl yn yr adeilad neu o’i amgylch a allai ddeillio o ddigwyddiad o’r fath;

ystyr “diffyg perthnasol” (“*relevant defect*”), mewn perthynas ag adeilad perthnasol, yw diffyg o ran yr adeilad sydd –

- (a) yn codi o ganlyniad i unrhyw beth sydd wedi ei wneud neu heb ei wneud (gan gynnwys unrhyw beth sydd wedi ei wneud neu heb ei wneud wrth ddarparu gwasanaethau proffesiynol), neu unrhyw beth a ddefnyddiwyd neu nas defnyddiwyd, mewn cysylltiad â gwaith perthnasol, a
- (b) yn creu risg diogelwch adeilad neu’n cynyddu’n sylweddol risg diogelwch adeilad presennol.

(2) Yn yr adran hon –

ystyr “y cyfnod perthnasol” (“*the relevant period*”) yw’r cyfnod sy’n dechrau â 28 Mehefin 1992 ac sy’n dod i ben â 20 Chwefror 2026;

ystyr “gwaith perthnasol” (“*relevant works*”) yw unrhyw un neu ragor o’r hyn a ganlyn –

- (a) gwaith sy’n ymwneud ag adeiladu neu drosi’r adeilad, os cwblhawyd y gwaith adeiladu neu’r gwaith trosi yn y cyfnod perthnasol;
- (b) gwaith a ymgwymerwyd neu a gomisiynwyd gan neu ar ran landlord neu gwmni rheoli, os cwblhawyd y gwaith yn y cyfnod perthnasol;
- (c) gwaith a ymgwymerwyd ar ôl diwedd y cyfnod perthnasol i unioni diffyg perthnasol (gan gynnwys diffyg sy’n ddiffyg perthnasol yn rhinwedd y paragraff hwn);

ystyr “landlord neu gwmni rheoli” (“*landlord or management company*”) yw landlord o dan les o’r adeilad neu unrhyw ran ohono, neu unrhyw berson sy’n barti i les o’r fath ac eithrio fel landlord neu denant;

ystyr “risg diogelwch adeilad” (“*building safety risk*”) yw risg i ddiogelwch pobl yn yr adeilad neu o’i amgylch sy’n deillio o –

- (a) lledaeniad tân, neu
- (b) yr adeilad, neu unrhyw ran ohono, yn dymchwel;

ystyr “trosi” (“*conversion*”) yw trosi’r adeilad i’w ddefnyddio (yn gyfan gwbl neu’n rhannol) at ddibenion preswyl.’.

Rhys ab Owen

58

Page 98, after line 21, insert a new section –

[] Remediation orders

- (1) The Welsh Ministers must by regulations –
 - (a) provide that a residential property tribunal may make a remediation order on the application of an interested person;
 - (b) make further provision in connection with remediation orders.
- (2) A remediation order is an order requiring a relevant landlord or management company to do one or both of the following by a specified time –
 - (a) remedy specified relevant defects in a specified relevant building;
 - (b) take specified relevant steps in relation to a specified relevant defect in a specified relevant building.
- (3) In subsections (1) and (2) –

“interested person” (“*person a chanddo fuddiant*”), in relation to a relevant building, means –

 - (a) the building safety authority for the building;
 - (b) the fire safety authority for the building;
 - (c) a person with a legal or equitable interest in the building or any part of it;
 - (d) any other person specified, or of a description specified, in regulations made by the Welsh Ministers;

“relevant landlord or management company” (“*landlord perthnasol neu gwmni rheoli perthnasol*”), in relation to a relevant defect in a relevant building, means a person who –

 - (a) is a landlord under a lease of the building or any part of it, or a party to such a lease otherwise than as landlord or tenant, and
 - (b) is required, under the lease or by virtue of an enactment, to repair or maintain anything relating to the defect;

“specified” (“*penodedig*”) means specified in the remediation order.
- (4) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing regulations under subsection (1) before Senedd Cymru before the end of the period of 9 months beginning with the day on which this Act receives Royal Assent.’.

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

[] Gorchmynion cyweirio

- (1) Rhaid i Weinidogion Cymru, drwy reoliadau –
 - (a) darparu y caiff tribiwnlys eiddo preswyl wneud gorchymyn cyweirio ar gais person a chanddo fuddiant;
 - (b) gwneud darpariaeth bellach mewn cysylltiad â gorchmynion cyweirio.
- (2) Gorchymyn cyweirio yw gorchymyn sy'n ei gwneud yn ofynnol i landlord perthnasol neu gwmni rheoli perthnasol wneud un neu'r ddau o'r hyn a ganlyn erbyn amser penodedig –
 - (a) unioni diffygion perthnasol penodedig mewn adeilad perthnasol penodedig;
 - (b) cymryd camau perthnasol penodedig mewn perthynas â diffyg perthnasol penodedig mewn adeilad perthnasol penodedig.
- (3) Yn is-adrannau (1) a (2) –

ystyr “landlord perthnasol neu gwmni rheoli perthnasol” (“*relevant landlord or management company*”), mewn perthynas â diffyg perthnasol mewn adeilad perthnasol, yw person –

 - (a) sy'n landlord o dan les o'r adeilad neu unrhyw ran ohono, neu'n barti i les o'r fath ac eithrio fel landlord neu denant, a
 - (b) y mae'n ofynnol iddo, o dan y les neu yn rhinwedd deddfiad, atgyweirio neu gynnal a chadw unrhyw beth sy'n ymwneud â'r diffyg;

ystyr “penodedig” (“*specified*”) yw wedi ei bennu yn y gorchymyn cyweirio;

ystyr “person a chanddo fuddiant” (“*interested person*”), mewn perthynas ag adeilad perthnasol, yw –

 - (a) yr awdurdod diogelwch adeiladau ar gyfer yr adeilad;
 - (b) yr awdurdod diogelwch tân ar gyfer yr adeilad;
 - (c) person a chanddo fuddiant cyfreithiol neu ecwitiol yn yr adeilad neu unrhyw ran ohono;
 - (d) unrhyw berson arall a bennir, neu o ddisgrifiad a bennir, mewn rheoliadau a wneir gan Weinidogion Cymru.
- (4) Rhaid i Weinidogion Cymru osod drafft o offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan is-adran (1) gerbron Senedd Cymru cyn diwedd y cyfnod o 9 mis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.'

Rhys ab Owen

59

Page 98, after line 21, insert a new section –

[] Remediation contribution orders

- (1) The Welsh Ministers must by regulations –
 - (a) provide that a residential property tribunal may make a remediation contribution order on the application of an interested person;
 - (b) make further provision in connection with remediation contribution orders.

- (2) A remediation contribution order is an order requiring a relevant body corporate or partnership to make payments to a specified person for the purpose of meeting costs incurred or to be incurred in remedying, or otherwise in connection with, relevant defects (or specified relevant defects) relating to a relevant building (“remediation costs”).
- (3) Regulations under subsection (1) may provide for remediation contribution orders to require the making of payments –
- of specified amounts or in relation to specified things, or both;
 - at specified times or on demand following specified events, or both.
- (4) In subsections (2) and (3) “specified” means specified in the remediation contribution order.
- (5) In this section –
- “developer” (*“datblygwr”*), in relation to a relevant building, means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;
- “interested person” (*“person a chanddo fuddiant”*), in relation to a relevant building, means –
- the Welsh Ministers;
 - the building safety authority for the building;
 - the fire safety authority for the building;
 - a person with a legal or equitable interest in the building or any part of it;
 - any other person specified, or of a description specified, in regulations made by the Welsh Ministers;
- “partnership” (*“partneriaeth”*) means –
- a partnership within the meaning of the Partnership Act 1890, or
 - a limited partnership registered under the Limited Partnerships Act 1907,
- or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom;
- “relevant body corporate or partnership” (*“corff corfforedig perthnasol neu bartneriaeth berthnasol”*) means a body corporate or partnership that is –
- a landlord under a lease of the relevant building or any part of it,
 - a person who was such a landlord at the beginning of 20 February 2026,
 - a developer in relation to the relevant building, or
 - a person associated with a person within any of paragraphs (a) to (c).
- (6) The Welsh Ministers may by regulations –
- make provision about costs that are, or are not, to be regarded as remediation costs;
 - make provision about the circumstances in which a partnership or body corporate is associated with another person;
 - provide that this section applies, with or without modifications, in relation to a building that would, but for section [section to be inserted by amendment 56](1)(b) or (2), be a relevant building.

- (7) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing regulations under subsection (1) before Senedd Cymru before the end of the period of 9 months beginning with the day on which this Act receives Royal Assent.’.

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

[1] Gorchmynion cyfraniadau cyweirio

- (1) Rhaid i Weinidogion Cymru, drwy reoliadau –
- (a) darparu y caiff tribiwnlys eiddo preswyl wneud gorchmyn cyfraniadau cyweirio ar gais person a chanddo fuddiant;
 - (b) gwneud darpariaeth bellach mewn cysylltiad â gorchmynion cyfraniadau cyweirio.
- (2) Gorchmyn cyfraniadau cyweirio yw gorchmyn sy’n ei gwneud yn ofynnol i gorff corfforedig perthnasol neu bartneriaeth berthnasol wneud taliadau i berson penodedig at y diben o dalu costau yr aed iddynt neu yr eir iddynt wrth unioni diffygion perthnasol (neu ddiffygion perthnasol penodedig) sy’n ymwneud ag adeilad perthnasol, neu mewn cysylltiad â hynny fel arall (“costau cyweirio”).
- (3) Caiff rheoliadau o dan is-adran (1) ddarparu i orchmynion cyfraniadau cyweirio ei gwneud yn ofynnol gwneud taliadau –
- (a) o symiau penodedig neu mewn perthynas â phethau penodedig, neu’r ddau;
 - (b) ar adegau penodedig neu ar alw yn dilyn digwyddiadau penodedig, neu’r ddau.
- (4) Yn is-adrannau (2) a (3) ystyr “penodedig” yw wedi ei bennu yn y gorchmyn cyfraniadau cyweirio.
- (5) Yn yr adran hon –

ystyr “corff corfforedig perthnasol neu bartneriaeth berthnasol” (“*relevant body corporate or partnership*”) yw corff corfforedig neu bartneriaeth sydd –

- (a) yn landlord o dan les o’r adeilad perthnasol neu unrhyw ran ohono,
- (b) yn berson a oedd yn landlord o’r fath ar ddechrau 20 Chwefror 2026,
- (c) yn ddatblygwr mewn perthynas â’r adeilad perthnasol, neu
- (d) yn berson sy’n gysylltiedig â pherson o fewn unrhyw un neu ragor o baragraffau (a) i (c);

ystyr “datblygwr” (“*developer*”), mewn perthynas ag adeilad perthnasol, yw person a ymgwymerodd neu a gomisiynodd waith adeiladu’r adeilad (neu ran o’r adeilad) neu waith trosi’r adeilad (neu ran o’r adeilad) gyda’r bwriad o roi neu waredu buddiannau yn yr adeilad neu rannau ohono;

ystyr “partneriaeth” (“*partnership*”) yw –

- (a) partneriaeth o fewn yr ystyr a roddir i “partnership” gan Ddeddf Partneriaeth 1890, neu
- (b) partneriaeth gyfyngedig a gofrestrwyd o dan Ddeddf Partneriaethau Cyfyngedig 1907,

neu ffyrm neu endid tebyg ei gymeriad a ffurfir o dan gyfraith gwlad neu diriogaeth y tu allan i’r Deyrnas Unedig;

ystyr “person a chanddo fuddiant” (“*interested person*”), mewn perthynas ag adeilad perthnasol, yw –

- (a) Gweinidogion Cymru;

- (b) yr awdurdod diogelwch adeiladau ar gyfer yr adeilad;
 - (c) yr awdurdod diogelwch tân ar gyfer yr adeilad;
 - (d) person a chanddo fuddiant cyfreithiol neu ecwitiol yn yr adeilad neu unrhyw ran ohono;
 - (e) unrhyw berson arall a bennir, neu o ddisgrifiad a bennir, mewn rheoliadau a wneir gan Weinidogion Cymru.
- (6) Caiff Gweinidogion Cymru, drwy reoliadau –
- (a) gwneud darpariaeth ynghylch costau sydd i'w hystyried yn gostau cyweirio, neu gostau nad ydynt i'w hystyried yn gostau o'r fath;
 - (b) gwneud darpariaeth ynghylch yr amgylchiadau y mae partneriaeth neu gorff corfforedig yn gysylltiedig â pherson arall oddi tanynt;
 - (c) darparu bod yr adran hon yn gymwys, gydag addasiadau neu hebddynt, mewn perthynas ag adeilad a fyddai, oni bai am adran [*adran i'w mewnosod gan welliant 56*](1)(b) neu (2), yn adeilad perthnasol.
- (7) Rhaid i Weinidogion Cymru osod drafft o offeryn statudol Cymreig sy'n cynnwys rheoliadau o dan is-adran (1) gerbron Senedd Cymru cyn diwedd y cyfnod o 9 mis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.'

Rhys ab Owen

60

Page 98, after line 21, insert a new section –

[] Remediation costs under qualifying leases etc.

- (1) The Welsh Ministers may by regulations make provision for and in connection with –
- (a) ensuring that no service charge is payable under a lease of premises in a relevant building in respect of a relevant measure relating to a relevant defect where a person of a specified description –
 - (i) was a developer of the building (within the meaning given by section [*section to be inserted by amendment 59*]), or
 - (ii) undertook or commissioned works relating to the defect;
 - (b) ensuring that in specified circumstances no service charge is payable under a qualifying lease in respect of –
 - (i) a relevant measure relating to a relevant defect;
 - (ii) other specified works or services;
 - (c) ensuring that a service charge is payable under a qualifying lease in respect of a relevant measure relating to a relevant defect only if (and so far as) specified conditions are met;
 - (d) requiring a tenant under a qualifying lease to give relevant information or documents to the landlord under the lease or any superior landlord;
 - (e) requiring a current or former landlord under a lease of premises in a relevant building to give relevant information or documents to a tenant under a lease of premises in the building or another person.
- (2) Regulations under this section may make provision for and in connection with –

- (a) preventing costs from being –
 - (i) taken into account in determining any service charge or other amount payable under a lease, or
 - (ii) met from a fund of a specified description;
 - (b) ensuring that the regulations do not have the effect of increasing an amount payable by a tenant under a lease;
 - (c) enabling an amount that is not recoverable under a lease as a result of the regulations to be recovered from –
 - (i) a current or former landlord or superior landlord under the lease;
 - (ii) a successor in title of such a person.
- (3) The provision that may be made by regulations under this section includes –
- (a) provision for circumstances in which the condition in subsection (1)(a) is to be treated as being met;
 - (b) provision conferring functions on any devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));
 - (c) provision for a covenant or agreement (whenever made) to be void insofar as it purports to exclude or limit any provision made by the regulations.
- (4) In this section –
- “relevant information or documents” (“*gwybodaeth neu ddogfennau perthnasol*”) means information or documents that –
- (a) relate to a relevant building, and
 - (b) are relevant to any matter in respect of which provision is made by regulations under this section;
- “relevant measure” (“*mesur perthnasol*”), in relation to a relevant defect, means –
- (a) a measure taken to remedy the relevant defect, or
 - (b) a relevant step taken in relation to the relevant defect;
- “service charge” (“*tâl gwasanaeth*”) has the meaning given by section 18 of the Landlord and Tenant Act 1985 (c. 70) (and that definition applies in relation to a lease of premises that do not include a dwelling as it applies in relation to a lease of a dwelling);
- “specified” (“*penodedig*”) means specified in the regulations.’.

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

[] Costau cyweirio o dan lesioedd cymhwysol etc.

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer yr hyn a ganlyn, ac mewn cysylltiad â'r hyn a ganlyn –
 - (a) sicrhau nad oes unrhyw dâl gwasanaeth yn daladwy o dan les mangre mewn adeilad perthnasol mewn cysylltiad â mesur perthnasol sy'n ymwneud â diffyg perthnasol os oedd person o ddisgrifiad penodedig –
 - (i) yn ddatblygwr yr adeilad (o fewn yr ystyr a roddir gan adran [*adran i'w mewnosod gan welliant 59*]), neu

- (ii) wedi ymgymryd â gwaith yn ymwneud â'r diffyg, neu wedi comisiynu gwaith o'r fath;
 - (b) sicrhau nad oes unrhyw dâl gwasanaeth yn daladwy o dan les gymhwysol (naill ai'n gyffredinol neu o dan amgylchiadau penodedig) mewn cysylltiad ag –
 - (i) mesur perthnasol sy'n ymwneud â diffyg perthnasol;
 - (ii) gwaith neu wasanaethau penodedig eraill;
 - (c) sicrhau nad yw tâl gwasanaeth yn daladwy o dan les gymhwysol mewn cysylltiad â mesur perthnasol sy'n ymwneud â diffyg perthnasol ond os (ac i'r graddau) y bodlonir amodau penodedig;
 - (d) ei gwneud yn ofynnol i denant o dan les gymhwysol roi gwybodaeth neu ddogfennau perthnasol i'r landlord o dan y les neu unrhyw uwchlandlord;
 - (e) ei gwneud yn ofynnol i landlord presennol neu flaenorol o dan les mangre mewn adeilad perthnasol roi gwybodaeth neu ddogfennau perthnasol i denant o dan les mangre yn yr adeilad, neu i berson arall.
- (2) Caiff rheoliadau o dan yr adran hon wneud darpariaeth ar gyfer yr hyn a ganlyn ac mewn cysylltiad â'r hyn a ganlyn –
- (a) atal costau rhag –
 - (i) cael eu hystyried wrth benderfynu ar unrhyw dâl gwasanaeth neu swm arall sy'n daladwy o dan les, neu
 - (ii) cael eu talu o gronfa o ddisgrifiad penodedig;
 - (b) sicrhau nad yw'r rheoliadau yn cael yr effaith o gynyddu swm sy'n daladwy gan denant o dan les;
 - (c) galluogi swm nad yw'n adenilladwy o dan les o ganlyniad i'r rheoliadau gael ei adennill oddi wrth –
 - (i) landlord presennol neu flaenorol o dan y les neu uwchlandlord presennol neu flaenorol;
 - (ii) olynydd yn nheithl lanldord o dan y les neu olynydd yn nheithl uwchlandlord.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan yr adran hon yn cynnwys –
- (a) darpariaeth ar gyfer amgylchiadau pan fo'r amod yn is-adran (1)(a) i'w drin fel pe bai wedi ei fodloni;
 - (b) darpariaeth sy'n rhoi swyddogaethau ar unrhyw awdurdod Cymreig datganoledig (o fewn yr ystyr a roddir i "devolved Welsh authority" gan adran 157A o Ddeddf Llywodraeth Cymru 2006 (p. 32));
 - (c) darpariaeth i gyfamod neu gytundeb (pa bryd bynnag y'u gwneir) fod yn annilys i'r graddau ei bod yn honni i eithrio neu gyfyngu ar unrhyw ddarpariaeth a wneir gan y rheoliadau.
- (4) Yn yr adran hon –
- ystyr "gwybodaeth neu ddogfennau perthnasol" ("*relevant information or documents*") yw gwybodaeth neu ddogfennau sydd –
- (a) yn ymwneud ag adeilad perthnasol, a
 - (b) yn berthnasol i unrhyw fater y gwneir darpariaeth mewn cysylltiad ag ef drwy reoliadau o dan yr adran hon;

ystyr “mesur perthnasol” (“*relevant measure*”), mewn perthynas â diffyg perthnasol, yw –

- (a) mesur a gymerir i unioni’r diffyg perthnasol, neu
- (b) cam perthnasol a gymerir mewn perthynas â’r diffyg perthnasol;

ystyr “penodedig” (“*specified*”) yw wedi ei bennu yn y rheoliadau;

mae i “tâl gwasanaeth” yr ystyr a roddir i “service charge” gan adran 18 o Ddeddf Landlord a Tenant 1985 (p. 70) (ac mae’r diffiniad hwnnw yn gymwys mewn perthynas â les mangre nad yw’n cynnwys annedd yn yr un modd ag y mae’n gymwys mewn perthynas â les annedd).’.

Rhys ab Owen

61

Page 98, after line 21, insert a new section –

[] Meaning of “qualifying lease”

- (1) For the purposes of section [section to be inserted by amendment 60], a lease is a “qualifying lease” if –
 - (a) it was granted before the relevant time,
 - (b) it is a long lease of a single dwelling in a relevant building,
 - (c) the tenant under the lease is liable to pay a service charge, and
 - (d) at the relevant time there was a tenant under the lease who met at least one of the following conditions –
 - (i) the dwelling was the tenant’s only or principal home,
 - (ii) the tenant did not own any other dwelling in the United Kingdom, or
 - (iii) the tenant owned no more than two dwellings in the United Kingdom apart from their interest under the lease.
- (2) But where a dwelling was at the relevant time let under two or more leases to which subsection (1)(b) and (c) apply, any of those leases which is superior to any of the other leases is not a qualifying lease.
- (3) The Welsh Ministers may by regulations make provision for circumstances in which the condition in subsection (1)(d) is to be treated as being met.
- (4) The Welsh Ministers may by regulations make provision for and in connection with treating a lease as a qualifying lease if –
 - (a) it was granted at or after the relevant time,
 - (b) it is a lease of a single dwelling in a relevant building,
 - (c) the tenant under the lease is liable to pay a service charge,
 - (d) it replaces –
 - (i) one other lease that is a qualifying lease (whether under subsection (1) or regulations made under this section), or
 - (ii) two or more leases, at least one of which is a qualifying lease (whether under subsection (1) or regulations made under this section), and
 - (e) there is continuity in the property let.

- (5) Regulations under subsection (4) may make provision about the circumstances in which paragraphs (d) and (e) of that subsection are met.
- (6) For the purposes of this section –
 - (a) “long lease” means a lease granted for a fixed term of more than 21 years from the date of the grant, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;
 - (b) a person “owns” a dwelling in Wales, England or Northern Ireland if the person has a freehold interest in it or is a tenant under a long lease of it;
 - (c) “the relevant time” means the beginning of 20 February 2026;
 - (d) “service charge” has the meaning given by section 18 of the Landlord and Tenant Act 1985 (c. 70).

Tudalen 98, ar ôl llinell 22, mewnosoder adran newydd –

[1] Ystyr “les gymhwysol”

- (1) At ddibenion adran [*adran i'w mewnosod gan welliant 60*], mae les yn “les gymhwysol” os –
 - (a) cafodd ei rhoi cyn yr adeg berthnasol,
 - (b) yw'n les hir o annedd unigol mewn adeilad perthnasol,
 - (c) yw'r tenant o dan y les yn atebol i dalu tâl gwasanaeth, a
 - (d) ar yr adeg berthnasol y bu tenant o dan y les a oedd yn bodloni o leiaf un o'r amodau a ganlyn –
 - (i) yr annedd oedd unig gartref neu prif gartref y tenant,
 - (ii) nad oedd y tenant yn berchen ar unrhyw annedd arall yn y Deyrnas Unedig, neu
 - (iii) bod y tenant yn berchen ar ddim mwy na dwy annedd yn y Deyrnas Unedig heblaw am ei fuddiant o dan y les.
- (2) Ond pan oedd annedd, ar yr adeg berthnasol, yn cael ei gosod o dan ddwy neu fwy o lesioedd y mae is-adran (1)(b) ac (c) yn gymwys iddynt, nid yw unrhyw un o'r lesioedd hynny sy'n rhagori ar unrhyw un neu ragor o'r lesioedd eraill yn les gymhwysol.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer amgylchiadau pan fo'r amod yn is-adran (1)(d) i'w drin fel pe bai wedi ei fodloni.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer trin les fel les gymhwysol, ac mewn cysylltiad â hynny, os –
 - (a) cafodd ei rhoi ar yr adeg berthnasol neu ar ôl hynny,
 - (b) yw'n les o annedd unigol mewn adeilad perthnasol,
 - (c) yw'r tenant o dan y les yn atebol i dalu tâl gwasanaeth,
 - (d) yw'n disodli –
 - (i) un les arall sy'n les gymhwysol (pa un ai o dan is-adran (1) neu reoliadau a wneir o dan yr adran hon), neu
 - (ii) dwy les neu ragor, y mae o leiaf un ohonynt yn les gymhwysol (pa un ai o dan is-adran (1) neu reoliadau a wneir o dan yr adran hon), ac
 - (e) oes parhad yn yr eiddo sy'n cael ei osod.



- (5) Caiff rheoliadau o dan is-adran (4) wneud darpariaeth ynghylch yr amgylchiadau y caiff paragraffau (d) ac (e) o'r is-adran honno eu bodloni oddi tanynt.
- (6) At ddibenion yr adran hon –
- (a) styr “les hir” yw les a roddir am gyfnod penodol o fwy nag 21 o flynyddoedd o'r dyddiad y rhoddir y les, pa un ai ei fod (neu a all ddod) yn derfynadwy ai peidio cyn diwedd y cyfnod hwnnw drwy hysbysiad a roddir gan y tenant neu iddo, neu drwy ailfyndiad, fforffediad neu fel arall;
 - (b) mae person yn “perchen” ar annedd yng Nghymru, Lloegr neu Ogledd Iwerddon os oes gan y person fuddiant rhydd-ddaliadol ynddi neu os yw'n denant o dan les hir ar ei chyfer;
 - (c) ystyr “yr adeg berthnasol” yw dechrau 14 Chwefror 2022;
 - (d) mae i “tâl gwasanaeth” yr ystyr a roddir i “service charge” gan adran 18 o Ddeddf Landlord a Tenant 1985 (p. 70).

Rhys ab Owen

62

Section 126, page 110, after line 23, insert –

‘() Part [*Part to be inserted by amendment 56*];’.

Adran 126, tudalen 110, ar ôl llinell 25, mewnosoder –

‘() Rhan [*Rhan i'w mewnosod gan welliant 56*];’.

Rhys ab Owen

63

Section 127, page 111, line 13, leave out –

“building safety risk” (“*risg diogelwch adeilad*”), in relation to a regulated building, has the meaning given by section 28;’.

Adran 127, tudalen 112, llinell 29, hepgorer –

‘mae i “risg diogelwch adeilad” (“*building safety risk*”), mewn perthynas ag adeilad rheoleiddiedig, yr ystyr a roddir gan adran 28;’.

